

Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
I. Douglas Adams, Jr., Council Member  
Sabrina McCarty, Council Member  
Janet Scheid, Council Member



Vinton Municipal Building  
311 South Pollard Street  
Vinton, VA 24179  
(540) 983-0607

**Vinton Town Council  
Regular Meeting  
Council Chambers  
311 South Pollard Street  
Tuesday, March 1, 2016**

**AGENDA**

Consideration of:

**A. 6:00 p.m. - WORK SESSION**

1. Request for funding presentations:
  - a. Dogwood Festival Committee
  - b. Mountain View Humane
  - c. Vinton Area Chamber of Commerce
2. Briefing on Precision Fabrics Group (PFG), Inc. Property Dedication to the Town of Vinton for Glade Creek Greenway Construction. – **Anita McMillan**
3. Briefing on Memorandum of Understanding (MOU) for Administration of the Virginia Erosion and Sediment Control Program (VESCP) and the Virginia Stormwater Management Program (VSMP) between the County of Roanoke and the Town of Vinton and amendments to the ESC and SWM ordinances and SWM Design Manual. – **Anita McMillan**

**B. 7:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM**

**C. MOMENT OF SILENCE**

**D. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG**

**E. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS**

**F. CONSENT AGENDA**

1. Consider approval of the minutes:
  - a. Regular meeting of January 19, 2016
  - b. Special meeting of January 30, 2016
  - c. Regular meeting of February 2, 2016
  - d. Special meeting of February 17, 2016
  - e. Special meeting of February 25, 2016

**G. AWARDS, RECOGNITIONS, PRESENTATIONS**

1. Co-Officers of the Month for January 2016 – **Chief Dudley**
2. Report on the Vinton Volunteer First Aid Crew Calendar Year 2015 – **Wayne Guffey**

3. Request for funding presentations continued:
  - a. William Byrd High School PTSA After-Prom
  - b. Vinton Volunteer Fire Department
  - c. Vinton Volunteer First Aid Crew

**H. CITIZENS' COMMENTS AND PETITIONS** - This section is reserved for comments and questions for issues not listed on the agenda.

**I. TOWN ATTORNEY**

**J. TOWN MANAGER**

**ITEMS REQUIRING ACTION**

1. Consider adoption of a Resolution authorizing the Interim Town Manager and Town Clerk to execute the necessary documents, including a deed, to accept the donation of property from Precision Fabric Group. – **Anita McMillan**

**BRIEFINGS**

1. Update on real estate tax assessment for Calendar Year 2016 and request to advertise a public hearing for March 15, 2016 to set the real estate tax, personal property tax and machinery and tools tax rates. – **Town Manager**

**K. MAYOR**

**L. COUNCIL**

1. Comments from Council Members

**M. CLOSED SESSION**

1. Request to Convene in Closed Meeting, Pursuant to § 2.2-3711 A (3) of the 1950 Code of Virginia, as amended, for discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

**N. RECONVENE AND ADOPT CERTIFICATION OF CLOSED MEETING**

**O. ADJOURNMENT**

**NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.** Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council meetings. Please call (540) 983-0607 at least 48 hours prior to the meeting date so that proper arrangements may be made.

**NEXT TOWN COUNCIL MEETINGS/COMMITTEES:**

**March 2, 2016** – 7:30 p.m. – Public Works Committee meeting – TOV Conference Room

**March 7, 2016** – 3:00 p.m. – Finance Committee Meeting – Finance Conference Room

**March 15, 2016** – 6:00 p.m. – Work Session followed by Regular Council Meeting at 7:00 p.m. – Council Chambers



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Administration

### **Issue**

Request for funding presentations:

- a. Dogwood Festival Committee
- b. Mountain View Humane
- c. Vinton Area Chamber of Commerce

### **Summary**

Representatives from the Community Agencies will be present to give a 10 minute presentation to support their request for funding in the FY2017 budget.

### **Attachments**

FY2017 Request for Funding Applications

### **Recommendations**

No action required



## FY 2017 REQUEST FOR FUNDING APPLICATION

### Instructions

1. Please type or print.
2. Answer each question within the space provided. Please do not include additional attachments or supplementary pages unless they are essential to our understanding of your organization.
3. **Attach organization's most recent audit. If an audited statement is not available, a copy of the most recent tax return filed for the organization should be submitted.**
4. Sign, date and send the completed application to:

**Susan N. Johnson, Town Clerk**  
**311 South Pollard Street**  
**Vinton, VA 24179**

### Applicant Information Non-Profit

Name of Organization & Tax ID or EIN number <b>Vinton Dogwood Festival, Inc. (54-6054236)</b>		
Address <b>PO Box 384</b>		
City <b>Vinton</b>	State <b>VA</b>	Zip <b>24179</b>

### CONTACT PERSON

Name <b>R Todd Bailey</b>	
Title <b>Sponsorship Chairman</b>	Phone <b>540-597-7907</b>

### ORGANIZATION INFORMATION

Describe your organization's mission: The Vinton Dogwood Festival, now in its 61st year, is the pre-eminent annual event for the Town of Vinton and the Roanoke Valley. As a nonprofit, community-focused organization, the Vinton Dogwood Festival provides free family entertainment for the community while promoting Vinton and Roanoke Valley businesses. Since its inception in 1956, the Vinton Dogwood Festival has grown into a five-day event that celebrates the wonderful quality of life in this beautiful area.	
How many people are served by your organization? <b>More than 25,000</b>	
How many Vinton Residents are served by your organization? <b>All who choose to participate</b>	
Geographic area served by your organization: <b>Town of Vinton, Roanoke Valley and surrounding areas</b>	Year the organization was established: <b>1956</b>

**SERVICES PROVIDED**

Describe the service your organization provided to Town of Vinton citizens: (Detailed Project or Event Description – Tell us about what you want to do and when (include dates, names of co-sponsors, etc))

From April 27-May 1, 2016, the Vinton Dogwood Festival runs a five-day festival that provides citizens a family friendly atmosphere that includes a carnival, live music, food, arts and crafts, children's area, and more. The festival's signature event – The Vinton Dogwood Festival Parade – aims to attract more than 100 entries this year. Participants come from the Town of Vinton, the Roanoke Valley, and surrounding communities. As always, the all-volunteer Dogwood Festival Committee is hard at work recruiting sponsors, crafters, retailers, food vendors, entertainment, parade entries, and volunteers.

**FUNDING**

List all funding received and requested from surrounding jurisdictions: (List the Town of Vinton first)

Jurisdiction (i.e. other towns, cities, counties, companies, etc)	Received FY 2016	Requesting FY 2017
<b>TOWN OF VINTON</b>	\$2,000	\$2,000
<b>COUNTY OF ROANOKE</b>	\$900	\$1,500

**IMPACT STATEMENT**

Describe in detail the positive and negative impacts to the community in the following areas:

1. Fiscal/Economic Impact
2. Environmental Impact
3. Quality of Life Impact

Because the festival draws more than 25,000 people to the area, it serves as a boon to local businesses including restaurants, gas stations, convenience stores, and niche shops. The Carnival has an environmental impact that requires the services of Public Works in providing power, water, and refuse removal. Carnival personnel are respectful of the property they occupy for five days every year. In terms of improving quality of life, the Vinton Dogwood Festival stands as the oldest signature event in the Roanoke Valley and provides good, clean entertainment for people of all ages and brings the community together.

R Todd Bailey

Signature



02/03/2016

Date

2/3/16



## FY 2017 REQUEST FOR FUNDING APPLICATION

### Instructions

1. Please type or print.
2. Answer each question within the space provided. Please do not include additional attachments or supplementary pages unless they are essential to our understanding of your organization.
3. **Attach organization's most recent audit. If an audited statement is not available, a copy of the most recent tax return filed for the organization should be submitted.**
4. Sign, date and send the completed application to:

**Susan N. Johnson, Town Clerk**  
**311 South Pollard Street**  
**Vinton, VA 24179**

**Applicant Information**    Non-Profit    Public    Other    Private    Association    (Circle One)

Name of Organization & Tax ID or EIN number		
Mountain View Humane 27-0617942		
Address		
5363 Peters Creek Rd		
City	State	Zip
Roanoke	VA	24019

### CONTACT PERSON

Name	
Corrie Prater	
Title	Phone
Assistant Director	540-562-8440

### ORGANIZATION INFORMATION

Describe your organization's mission:	
Our mission is to end pet overpopulation by providing affordable, high quality, spay and neuter services and educating the public on the benefits of spay and neuter programs.	
How many people are served by your organization? 6,588 families (12,217 pets)	
How many Vinton Residents are served by your organization? 333 families (453 pets)	
Geographic area served by your organization:	Year the organization was established:
SW Virginia, Southern west Virginia and the Roanoke Valley	2009

**SERVICES PROVIDED**

Describe the service your organization provided to Town of Vinton citizens: (Detailed Project or Event Description – Tell us about what you want to do and when (include dates, names of co-sponsors, etc))

These particular funds will be used to subsidize the surgery of pets that reside in the Town of Vinton. 53.8% of the owners we see from the Town of Vinton need financial assistance to afford spay/neuter. Requested funds will be used to subsidize \$23 off spay/neuter of dogs and/or cats from Town of Vinton residents.

**FUNDING**

List all funding received and requested from surrounding jurisdictions: (List the Town of Vinton first)

Jurisdiction (i.e. other towns, cities, counties, companies, etc)	Received FY 2016	Requesting FY 2017
<b>TOWN OF VINTON</b>	\$ 0	\$1,000
Roanoke City	\$20,000	\$23,000
Roanoke County	\$1,000	\$10,000

**IMPACT STATEMENT**

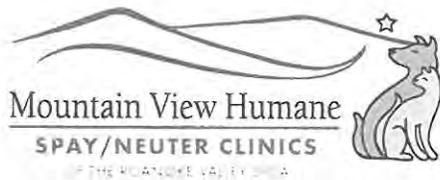
Describe in detail the positive and negative impacts to the community in the following areas:

1. Fiscal/Economic Impact
2. Environmental Impact
3. Quality of Life Impact

See attached

  
Signature

1-27-10  
Date



www.MountainViewSpayNeuter.org

53 West Main Street, Suite B  
Christiansburg, VA 24073  
540-382-0222

5363 Peters Creek Road NW  
Roanoke, VA 24019  
540-562-8440

## IMPACT STATEMENT

The Prevent Another Litter Subsidy (PALS) program is designed to assist residents who would like to have their companion animals sterilized but cannot afford even the low-cost fees charged by Mountain View Humane. Funds requested will be used to assist low to moderate income families and seniors in the Town of Vinton who need assistance in covering the surgery cost. This subsidy funding would be used only when an animal from Vinton comes into the clinic either as a free-roaming cat or owned by a low-income citizen. All free-roaming cats are eartipped so Animal Control Officers can identify them as fixed and vaccinated.

The cost of subsidizing an animal (\$23) is much cheaper than the cost of housing, feeding, and either rehoming or euthanizing an animal (with a nationwide average of \$120). A locality can subsidize four animals for less than the cost of addressing one homeless animal, and statistics tell us this will keep two to three animals from ever showing up at the shelter, which can be a huge savings. Localities assisting with this cost can be the turning point of getting the pet population under control. It is good for the community, and fiscally good for the locality.

In fiscal year 2014, The Town of Vinton funded \$500 to create the PALS-Vinton program and helped numerous residents get their companion animals spayed/neutered with it. The need is even more now. Here's Vinton resident Ashley Reeve's story: "There are four stray kittens and there older mother where I just moved to and they really need to be spayed and neutered because there's already a surplus of cats in this neighborhood. I also have two year old female stray we brought along from our former address and she needs to be spayed as well! I'd like to bring them inside before winter but cannot afford the cost for flea medication or the spray and neuter cost. If y'all could help me I'd really love to keep them and get them fixed up while looking for them a forever home! The kittens are friendly but have fleas the larger cats are only friendly towards me and skiddish around others. Please give me a call anytime I'd really love to get these babies taken care of!!"

Pet overpopulation is one of the most serious companion animal problems in our society. Millions of unwanted dogs, cats, puppies and kittens are brought to animal shelters each year. A high stray pet population portrays the image of an unhealthy and unregulated community. Nearly four million dogs and cats were euthanized in the United States last year. Thousands of those deaths were right here in our area at the Regional Center for Animal Control and Protection. Spay/neuter is a simple solution to the problem of the euthanasia epidemic as well as the **only proven method** to decrease the number of animals entering the shelter system. Lowering the number of animals entering the RCACP will, overtime, not only improve the community but benefit the Town of Vinton fiscally.



**SERVICES PROVIDED**

Describe the service your organization provided to Town of Vinton citizens: (Detailed Project or Event Description – Tell us about what you want to do and when (include dates, names of co-sponsors, etc)
4-6 Membership meetings/networking events
Senior Expo, March 22 Wine Festival, May 14
Fall Festival/5K Run Walk, October 8 Winter Concert – February 13
Mingle At the Market, June 13 through September 12 Halloween Trick or Treating, October 31
Relay for Life – May 1 Golf Tournament – September 17
Christmas Parade, December 3 New Year’s Eve Gala, December 31

**FUNDING**

List all funding received and requested from surrounding jurisdictions: (List the Town of Vinton first)		
Jurisdiction (i.e other towns , cities, counties, companies, etc)	Received FY 2016	Requesting FY 2017
<b>TOWN OF VINTON</b>	\$9,000.00	\$20,000.00
		\$12,000.00

**IMPACT STATEMENT**

Describe in detail the positive and negative impacts to the community in the following areas: 1. Fiscal/Economic Impact 2. Environmental Impact 3. Quality of Life Impact
To be effective as a Chamber we continue to work to attract people to our community to live and begin their businesses. The Chamber’s function is to provide for our business community promotions that will enhance their Business, bring people to Vinton to shop and live and attract new businesses to the Vinton area.

*Amy Chewmy*  
 \_\_\_\_\_  
 Signature

1/26/2016  
 \_\_\_\_\_  
 Date

# Details of Expenditures from TOV Grant

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1. Banner and tablecloth for special events with – Eat, Shop, Play IN Vinton logo attached
2. Fans with all Vinton events listed
3. Advertising in The Roanoker
4. 2015-16 Vinton insert in the July issue of The Roanoker Magazine
5. Advertising in Vinton Dogwood Magazine
6. Banners for each event posted at all entrances to Vinton
7. Television, radio and internet advertising throughout the year
8. Bulk mailing for town events
9. Providing ribbons and certificates for business ribbon cuttings
10. Magnets listing town events to be given at events encouraging participation
11. Printing and distribution of posters advertising all events
12. 3 Printings of menus booklets of Vinton restaurants
13. Purchasing and distributing of koozies promoting IN Vinton
14. Sponsorship of Science Museum event to promote Vinton



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Planning and Zoning

### **Issue**

Briefing on Precision Fabrics Group (PFG), Inc. Property Dedication to the Town of Vinton for Glade Creek Greenway Construction.

### **Summary**

During an update given at a community meeting on the Glade Creek Greenway Project on January 16, 2014, it was suggested that the greenway be extended under the City of Roanoke's Dale Avenue Bridge and onto a portion of Precision Fabric Group's (PFG) property. Since there is no sidewalk on the north side of the bridge on Dale Avenue, the proposed extension will provide a safer connection to the City of Roanoke's Tinker Creek Greenway. The estimated total project cost for Glade Creek Greenway, including the proposed extension, is \$256,953.00, with property surveying and appraisal cost not included. The Greenway Construction Project funds totaling \$262,000 is to be funded as follows: VDOT - \$131,000; Novozymes - \$50,000; Pathfinders - \$12,500; Roanoke County - \$ 20,000; and Vinton - \$48,500.

On July 23, 2014, representatives from the Town met with Mr. Mike Maust, PFG's Plant Manager, regarding the proposed extension of the greenway. Mr. Maust indicated that he did not foresee any problems with the greenway being located on PFG's property. On November 4, 2015, Town staff met again with Mr. Maust, and he informed them that PFG, Inc. would like to dedicate the portion of the company's property needed for the greenway to the Town. The appraisal services on the portion of the property to be dedicated were completed by Russell & Associates on February 1, 2016. As of February 12, 2016, the surveying services and the resubdivision plat were completed by Mattern & Craig.

### **Attachments**

1. Appraisal Report
2. Deed of Gift between PFG, Inc. and the Town of Vinton

### **Recommendations**

No action required

# APPRAISAL REPORT



**+/- 0.452 acres of Vacant Land**

**West Virginia Avenue (State Route 24)  
Vinton, Virginia 24179**

*Prepared For*

Ms. Anita McMillan  
Town of Vinton  
311 South Pollard Street  
Vinton, Virginia 24179

*Prepared By*

**Russell & Associates**  
Real Estate Appraisers and Consultants  
4728 Starkey Road  
Roanoke, Virginia 24018

February 1, 2016

Ms. Anita McMillan  
Town of Vinton  
311 South Pollard Street  
Vinton, Virginia 24179

**RE: Appraisal Report of +/- 0.452 acres of land along the south side of West Virginia Avenue (State Route 24) located in Vinton, Virginia 24179**

Ms. McMillan:

I have inspected the above-referenced properties and prepared an Appraisal Report addressing the "as is" market value of the fee simple interest in two tracts of vacant land, as of January 26, 2016. A more detailed description of the two tracts that are the subject of this appraisal is included in the Property Identification section of this report.

Based on an inspection and analysis of the property, it is the appraiser's opinion that the "as is" market value of the fee simple interest in the 0.452 acre tract, as of January 26, 2016, is estimated as follows:

**\$15,000**  
**(FIFTEEN THOUSAND DOLLARS)**

The appraisers certify that they have no present or contemplated future interest in the property. The appraisal is completed in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP) and the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute. It is our understanding that the appraisal will be used in conjunction with a planned donation by the owner of the identified parcel for the construction of the Glade Creek Greenway along Tinker Creek.

Thank you for the opportunity to be of service, and if any information or clarifications are needed, please do not hesitate to contact us.

Respectfully Submitted,

**RUSSELL & ASSOCIATES**

Michael A. Russell, MAI

Paul J. Kelly

4728 Starkey Road • Roanoke, Virginia 24018 • TEL: (540) 772-2778 • FAX: (540) 772-6876

## SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

<b>Property and Location</b>	+/- 0.452 Acres of Vacant Land North Side of West Virginia Avenue (State Route 24) Vinton, Virginia
<b>Property Owners</b>	Precision Fabrics Group, LLC
<b>Appraisal Valuation Dates</b>	January 26, 2016
<b>Purpose of Appraisal</b>	Estimate "as is" market value of +/- 0.452 Acres (+/- 19,670 SF) of Vacant Land.
<b>Property Rights Appraised</b>	Fee Simple Interest
<b>Zoning</b>	M2, General Industrial District (Vinton)
<b>Tax Reference</b>	See Property Identification
<b>Land Area</b>	+/- 0.452 Acres (+/- 19,670 SF)
<b>Improvements</b>	None
<b>Highest and Best Use: As Vacant</b>	Recreational
<b>Appraisal Procedures</b>	Sales Comparison Approach

**"As Is" Market Value (+/- 0.452) Acres of Vacant Land:**  
Value by the Sales Comparison Approach: **\$15,000 (R)**

**"AS IS" MARKET VALUE:**  
**\$15,000 (R)**  
**(FIFTEEN THOUSAND DOLLARS)**

## EXTRAORDINARY ASSUMPTIONS AND HYPOTHETICAL CONDITIONS

- This appraisal includes a value opinion of an unrecorded parcel. The client has provided a plat of the proposed subdivision of land for donation by the current owner to the Town of Vinton, a copy of which is included in this report on page 11. The value is based on the extraordinary assumption that the proposed site size and location is as described in this report and in accordance with the plat supplied by our client.

**The use of these assumptions might have affected the assignment results.**

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RUSSELL & ASSOCIATES

PREMISES OF THE APPRAISAL

RUSSELL & ASSOCIATES

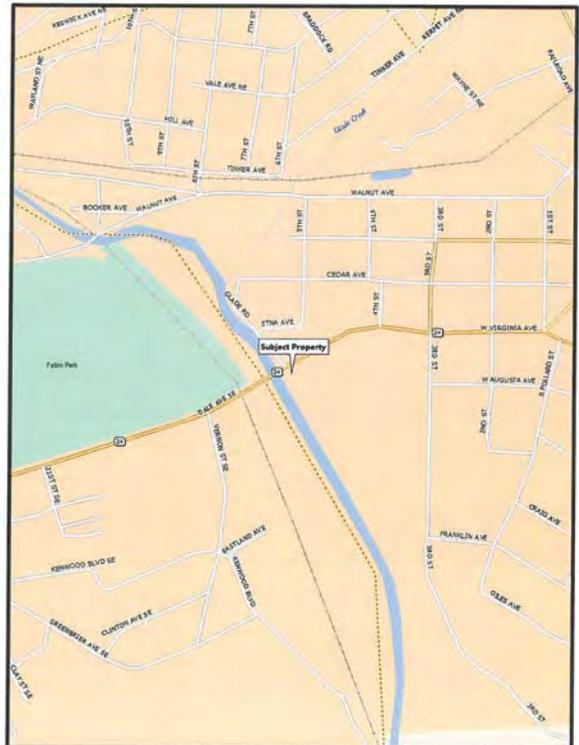
Property Identification

The property appraised in this report consists of a proposed parcel of land containing +/- 0.452 acres (+/- 19,670 SF) being subdivided from an existing 30.61 acre tract, located in Vinton, Virginia. The tract from which the parcel is being subdivided includes building and site improvements. Those improvements are not included in this analysis. The property is located along the south side of West Virginia Avenue, also known as State Route 24. The property is further identified as 323 West Virginia Avenue and is identified as a portion of Roanoke County Tax Map number 060.19-01-01.00.



VIEW OF SUBJECT PROPERTY

RUSSELL & ASSOCIATES



LOCATION MAP

RUSSELL & ASSOCIATES

Property Rights Appraised

The fee simple interest will be valued in this report as of January 26, 2016. A definition of fee simple interest is as follows:

"Absolute ownership unencumbered by any other interest or estate, subject only to the limitation imposed by the governmental powers of taxation, eminent domain, police power, and escheat."

Purpose and Intended Use of the Appraisal

The purpose of this appraisal is to communicate in written form, the premises, data, reasoning, opinions and conclusions pertaining to estimating the "as is" market value as of January 26, 2016. The function of this appraisal is to provide an opinion of the "as is" market value of the fee simple interest in the property for the Town of Vinton. The property is being donated by the owner (Precision Fabrics Group, Inc.) to the Town of Vinton for construction of the Glade Creek Greenway along Tinker Creek.

Date of Appraisal and Effective Date of Valuation

The following table illustrates the various effective date(s) used in this appraisal assignment.

Table with 2 columns: Description, Date. Rows include Date of Report (February 1, 2016), Date of Property Visit (January 26, 2016), Date of Market Value "As Is" (January 26, 2016), and Compiled by Russell & Associates.

Paul J. Kelly personally inspected the property on January 26, 2016, at which time the photographs included in this report were taken. Michael A. Russell, MAI inspected property on a subsequent date.

The Dictionary of Real Estate Appraisal, 5th Edition, Appraisal Institute, 2010, Page 78

Exposure Time

The Appraisal Institute defines exposure time as follows:

"... the estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events assuming a competitive and open market."

The information obtained from the market indicates that estimating exposure time is a subjective process that is influenced by a number of factors that are not only property related but also market driven. Conversations with brokers in the area and an analysis of the local real estate market including MLS, indicated an exposure time (for non-encumbered sites) from six months to two years. Based on this information, the appraiser estimates the exposure time for the subject at 12 to 24 months, assuming a listing price that approximates the estimated market value.

Typical Purchasers

Due to existing floodway issues associated with Tinker Creek, the site has limited functional utility; therefore, the most likely purchaser of the subject is a local government entity, such as the Town of Vinton.

Marketability

The marketability of any property depends upon several factors, including the list price, inventory of available competitive properties and exposure to a sufficient number of buyers. If a property is listed for a price that is clearly above market, the marketing period for the property can be very lengthy, and a sale may not occur at all. Also, the property needs to be exposed or marketed to a sufficient number of buyers, which means the listing broker needs to advertise the property to as many prospective buyers as possible. However, in the case of the subject, given its functional utility and flood issues, its marketability is considered very limited and the most likely (if not only) purchaser is a government entity who would fund the purchase with a government grant.

Uniform Standards of Professional Appraisal Practice, 2014-15 Edition, Appraisal Standards Board, Page 11-19

Definition of Market Value

The Appraisal Foundation's definition of market value is used in this report and is described as follows:

Market value means the most probable price, which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions where by:

- 1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market;
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Scope of Work

The scope of work of this appraisal report involves:

- 1. An inspection and analysis of the area real estate markets, the site and the subject neighborhood.
2. An analysis of the highest and best use of the property, both as vacant and as improved.
3. Estimate of the "as is" value of the subject's acreage through the Sales Comparison Approach.
4. Preparation of this report explaining my conclusions and opinions, property and analysis.

Primary data, including plat of the proposed subdivision provided by the owner, conversations with various real estate brokers, developers, appraisers and other real estate professionals familiar with the vacant land market in the Roanoke valley, as well as the appraiser's workfiles. Secondary data used in this report was obtained from sources such as the Roanoke Regional Chamber of Commerce, the Roanoke Valley-Alleghany Regional Commission, local news media and others.

URCP of the Commission of the Currency under 12 CFR, Part 34, Subpart C-Administrative, 34.42 Definitions (j)

PROPERTY DATA AND ANALYSIS

Ownership and History of the Property

According to public tax records, the subject properties are currently held in the ownership names as follows:

Precision Fabrics Group, Inc.

The subject property transferred to Precision Fabrics Group, Inc. on February 17, 1988 as indicated in Roanoke County Deed Book 1279, Page 1709. The Grantor is identified as Burlington Industries, Inc. The transfer involved 30.61 acres and improvements. The stated consideration was \$6,200,000. To the best of the appraiser's knowledge, there have not been any arms-length transfers of the property over the past three years. A copy of the Deed and legal description are included in the Addenda

Site Analysis

Location

The proposed subject parcel is located on the south side of Virginia Avenue (State Route 24) in Vinton, Virginia. The proposed western property boundary borders the City of Roanoke. The parcel offers approximately 322 feet of frontage along Virginia Avenue. This area of Vinton is characterized as an established, older, commercial and retail area. The tract from which the parcel is planned to be subdivided from includes a manufacturing facility. There is some residential presence off Virginia Avenue.

Area/Shape/Dimensions

The subject tract contains a total of 0.425 acres and is rectangular in shape. Please refer to the plat map for additional information regarding the area, shape and dimensions of the site.

Accessibility

Accessibility to the site is considered average to good. Main access to the subject is from Virginia Avenue. Virginia Avenue turns into Elm Avenue at the Roanoke City border which is adjacent to the parcel. From available tax maps and a physical inspection of the site, it appears that the site has adequate accessibility to accommodate the property owners. However, direct access to the parcel from Virginia Avenue is currently encumbered by a sidewalk and curb and gutter.

Topography

The subject site contains mostly level topography, though it does slope downward slightly from street grade. There does not appear to be any apparent adverse drainage conditions observed at the time of inspection. Tinker Creek borders the property along its western boundary.

Improvements

Currently there are no improvements on the proposed parcel. However, there is a high voltage power pole situated on the parcel.

Soil/Subsoil

This appraisal assumes there are to be no hidden, unapparent or apparent conditions, toxic materials which would render the property less valuable. The appraiser is not an expert in such matters, therefore, an appropriate engineering study may be necessary in order to determine the presence or absence of such substances. Although, no soil study was presented to the appraiser, it does not appear that there are any major detrimental soil conditions associated with the site that would adversely affect the development of the site or the capability of the soil to support residential development. It is assumed that the soil and subsoil conditions are adequate to allow construction of homes and streets. The subject may be facing some rock issues, due to outcroppings at various locations.

Utilities

Utility services to the property are provided as follows:

<b>Water/Sewer:</b>	Town of Vinton
<b>Electricity:</b>	American Electric Power
<b>Telephone:</b>	Verizon
<b>Natural Gas:</b>	Roanoke Gas Company

Hazardous Materials

Unless otherwise stated in this report, the existence of hazardous substances, including but not limited to asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, or other environmental conditions, which may or may not be present on the property, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of any existence of such materials on or in the property unless otherwise stated. The value estimate is predicated on the assumption that there is no such condition on or in the property or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them.

Easements/Rights-Of-Way/Deed Restrictions

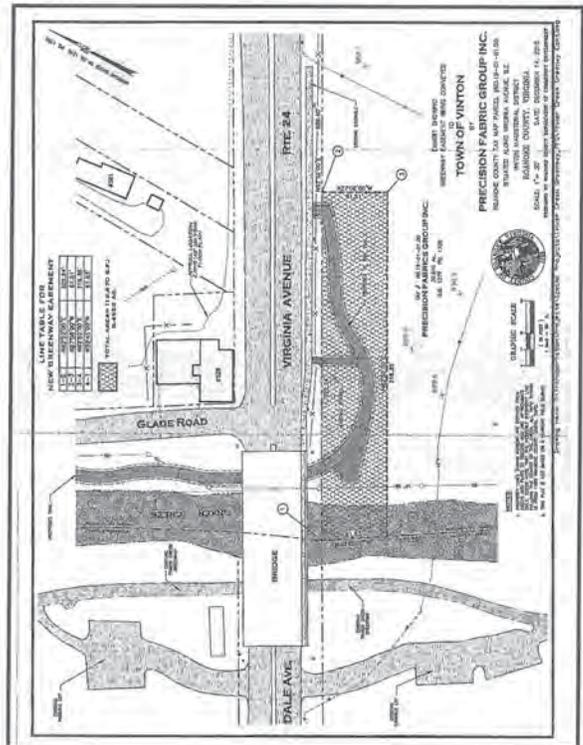
There are no easements, rights-of-way or deed restrictions that would adversely affect the development of the property. However, it is noted that a high voltage line crosses the proposed parcel along its western boundary. A utility tower servicing that line is situated on the proposed parcel. This is also considered to hamper any development potential. Aside from other typical utility easements, current fiscal taxes and building setback requirements, there are no other major restrictions imposed on the property indicated on available plats.

Flood Zone/Flood Hazard

The subject site is located within a designated flood hazard area. Based on GIS calculations, the entire site is within a designated AE flood zone. More notably, approximately 70% of the proposed parcel is within a designate floodway. This is further indicated on flood insurance maps prepared by the Federal Emergency Management Agency. The subject is located on FEMA community panel number 51161C0169G, dated September 28, 2007. A copy of the FEMA map is included after this report section.

Summary

Although the parcel enjoys strong visibility along a heavily travelled thoroughfare, because of flood zone issues, it is not considered developable. The topography of the site is mostly level and borders Tinker Creek. The portion of the property being appraised in this assignment is part of excess land of an existing manufacturing facility.



PLAT SHOWING PROPOSED ACREAGE

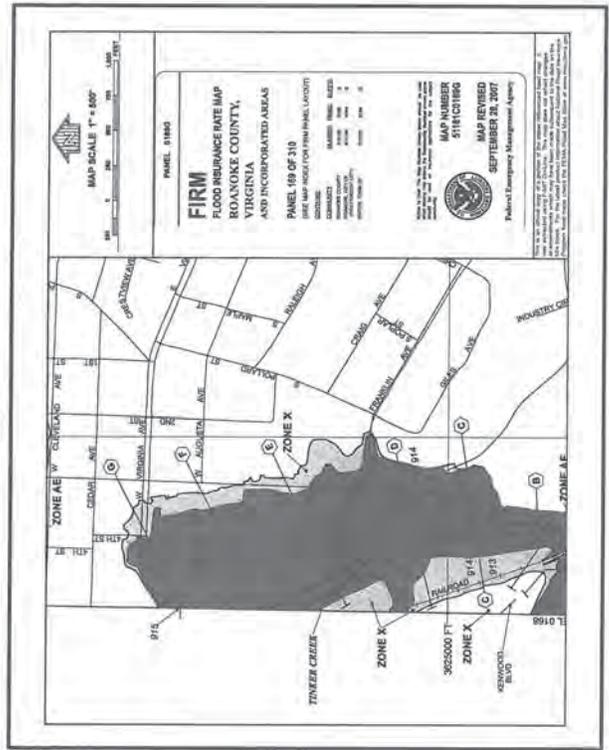


TAX MAP (Entire Parcel)



TAX MAP (Subdivided Parcel)

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FLOOD MAP

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GIS MAP WITH FLOOD ZONE OVERLAY

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PHOTOGRAPHS OF THE SUBJECT



VIEW OF SUBJECT



VIEW OF SUBJECT FACING SOUTHWEST

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VIEW OF SUBJECT FACING NORTH



VIEW OF SUBJECT FACING NORTHEAST

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VIEW OF SUBJECT FACING SOUTHEAST



VIEW OF SUBJECT ALONG TINKER CREEK

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VIEW OF SUBJECT FACING SOUTHEAST



VIEW OF SUBJECT FACING WEST DEPICTING BELOW STREET GRADE LOCATION

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VIEW ALONG WEST VIRGINIA AVENUE FACING EAST - SUBJECT ON RIGHT



VIEW ALONG WEST VIRGINIA AVENUE FACING WEST - SUBJECT ON LEFT

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**Real Estate Taxes and Assessments**

Virginia law requires that all real property in the state be assessed every four years. However, local municipalities are allowed to determine their own pattern of reassessment. In the Roanoke County, property is reassessed every year. The assessment is based on 100% of market value. The Town of Vinton also taxes property within the town limits at an additional rate of \$0.07 per \$100 of assessed value. Assessments are done by Roanoke County. According to Roanoke County, the 2016 assessment for the entire parcel owned by Precision Fabrics Group (from which the subject will be subdivided) is summarized as follows:

Real Estate Tax Taxes and Assessment						
Tax Map Number	Land	Improvements	Extra Features	Total	Tax Rate	Total Taxes
06019-01-01.00	\$312,200	\$1,795,300	\$55,100	\$2,162,600	\$1.09	\$23,572.34
06019-01-03.00	\$312,200	\$1,795,300	\$55,100	\$2,162,600	\$0.07	\$1,513.82
<b>Total</b>						<b>\$25,086.16</b>

Source: Roanoke County GIS/Town of Vinton, 2016.

Note: Since the proposed parcel will be owned by a municipality, there will be no real estate taxes.

**MARKET DATA AND ANALYSIS**

**Zoning**

According to the Town of Vinton, the subject is zoned M-2, General Industrial District. The General Industrial District is defined as follows:

*Pursuant to the general purposes of this appendix, the intent of the M-2 general industrial district is to provide appropriate locations for general industrial and manufacturing uses which may result in greater amounts of smoke, noise, odor or dust than typically associated with uses permitted in the M-1 limited district. The M-2 district is intended to accommodate those uses which, although not generally appropriate in other districts or close to residential, business or limited industrial areas, provide desirable employment opportunities, enhance economic development potential, enlarge the tax base and provide needed services or products. The setback, yard, screening, special use permit and other requirements of the district are intended to promote compatibility of development and to provide protection for other uses and for the general public.*

There are several permitted uses within the M-2 District. Examples include asphalt mixing plants, boiler shops, cotton spinning mills, feed mills and feed manufacturing, major public utilities and others.

The current zoning designation does not specifically indicate the planned use as a permitted use. However, the ordinance references that allowable uses in the M-1 district are allowed in the M-2. Again, a public park, recreation use or parking area is not specified as a permitted use. The M-1 designation however, does include a reference that allowable uses in the GB, General Business district are allowed in the M-1 district. The GB district does allow for the subject's planned use for the construction of the Glade Creek Greenway. Therefore, following this hierarchy, the planned use is considered a legal use.

**Roanoke Valley Metropolitan Profile**

**Introduction**

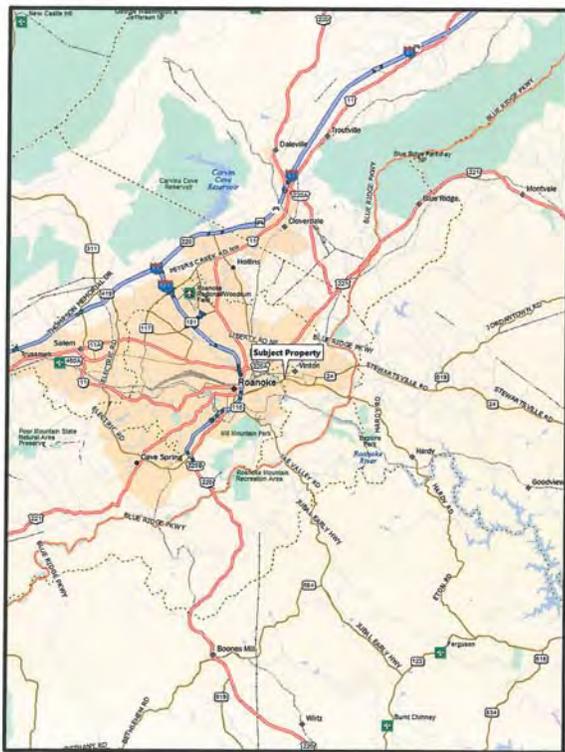
In estimating the value of a particular property, it is important to understand the general demographic, economic and fiscal characteristics of a locality. The value of a specific location is directly affected by its access to resources, labor, financing, clients, and market centers. Thus, a large part of real estate valuation is dependent upon the surrounding region.

The Roanoke Valley Metropolitan Statistical Area (MSA) consists of Roanoke City, Roanoke County, Salem, Botetourt County, Craig County and the town of Vinton. As the largest city west of Richmond, Roanoke has evolved as the healthcare, business, and cultural center for southwest Virginia. The following discussion provided is an overview of the Roanoke Valley metropolitan area.

**Geographic Location and Accessibility**

Geographically, Roanoke is located 168 miles west of Richmond, Virginia; 233 miles southwest of Washington D.C.; and 107 miles north of Greensboro, North Carolina. Major highways include Interstate 81, which provides service north to Ohio and southwest to Knoxville, Tennessee. Interchanges for Interstates 77 and 64 are within one hour driving time of Roanoke. Roanoke is also served by U.S. Highways 220, 221, 460, and 11, which bisect the area in all directions.

Roanoke's linkages are enhanced on a nationwide basis by the Roanoke-Blacksburg Regional Airport, with flights to over 150 cities across the United States. Roanoke Regional Airport is owned and operated by the Roanoke Regional Airport Commission, which includes representatives from Roanoke County and Roanoke City. Enplaned and deplaned passengers at Roanoke Regional for 2007 totaled approximately 685,000, which has reportedly dropped 15% in 2008 most likely due to current economic conditions. Major air carriers account for the majority of the total passenger volume with commuter airlines making up the balance. Several airlines serve Roanoke, including United Airlines, Delta Connection Carriers, Allegiant Air, and USAirways.



REGIONAL MAP

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A specific property's value is influenced by the various social, environmental, governmental and economic forces present in the region in which the property is located. Therefore, an analysis and discussion of each of these forces are essential in understanding the factors that can cause property values to increase, decrease or remain stable.

**Social Forces**

Relevant social considerations in a region of influence include such things as population trends, employment trends, age and financial status of persons living in an area and others. Following is a discussion of some of the relevant social forces, which influence the Roanoke area.

**Population**

Population growth in the Roanoke Valley over the past few decades has remained slow, which can be attributable to several factors. Younger adults from Roanoke are more likely to migrate to larger metropolitan areas for educational, employment and lifestyle reasons while the area tends to attract older retirees because of the natural amenities, low cost of living and good medical services. This migration pattern along with the aging existing population has resulted in a larger senior population and smaller young adult population than other larger urban centers within Virginia. The historical population of the MSA is shown in the following table.

Locality	1990	2000	2010	2020	Percent Change		
	1990-00	2000-10	2010-20	1990-00	2000-10	2010-20	
Roanoke City	96,397	94,911	97,032	99,287	-1.54%	2.23%	2.32%
Roanoke County	79,332	85,778	92,376	98,413	8.13%	7.69%	6.54%
Salem City	23,756	24,747	24,802	25,889	4.17%	0.22%	4.38%
Franklin County	NA	47,286	56,159	62,412	NA	18.76%	11.13%
Craig County	NA	5,093	5,190	5,523	NA	1.94%	6.42%
Botetourt County	24,992	30,496	33,148	35,225	22.02%	8.70%	6.30%
<b>Total</b>	<b>224,477</b>	<b>288,309</b>	<b>308,707</b>	<b>326,759</b>	<b>28.44%</b>	<b>7.08%</b>	<b>5.85%</b>

Source: Virginia Employment Commission  
 Note: In 2000, Franklin & Craig Counties were included in the MSA, which explains the high percentage increase

**Housing**

The Roanoke Valley's housing has historically kept pace with the increasing population over the past decade. This pace has remained steady over the past several years despite the economic recession. Although costs have risen considerably over the past several years, Roanoke housing is still affordable. Construction costs in Roanoke have remained about 77% of the national average for the last several years, according to R.S. Means Construction Indices.

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Locality	Average Home Value	Total Units
Roanoke City	\$134,700	47,453*
Roanoke County	\$193,700	40,588**
Salem City	\$170,300	10,832*
Franklin County	\$163,700	29,471**
Craig County	\$136,500	2,866**
Botetourt County	\$213,100	14,704**

\*Data is from 2010  
 \*\*Data is from 2014  
 Source: US Census Bureau

**Employment**

The Roanoke Valley's employment is following the national trend toward more service jobs, as the economy diversifies away from its manufacturing base. The service sector average employment has grown 32.3% over the past five years, while average employment in manufacturing and construction decreased 9.0%, according to studies by the Virginia Employment Commission (VEC). While the majority of the service jobs created are lower-paying occupations, such as receptionists, counter sales clerks and waiters, there have been a significant increase in other high paying service jobs, mainly in the health care industry. Signifying the Roanoke Valley's role as a regional health care center, employment for physicians increased 3%, physical therapists 60% and registered nurses 52% over the past five years. The VEC predicts that this trend will continue in the foreseeable future with the most job growth occurring in the professional and technical occupations, followed by service occupations and administrative and support jobs.

	2010	2011	2012	2013	2014
Roanoke MSA	7.40%	6.60%	6.10%	5.80%	5.20%
Virginia	6.90%	6.20%	5.90%	5.50%	5.20%
United States	9.60%	8.90%	8.10%	7.40%	6.20%

Source: Virginia Employment Commission

Historically, unemployment rates for the Roanoke MSA are in line with those reported in the state of Virginia and the United States as a whole. The estimated total labor force in the Roanoke MSA is 157,243, as of 2008, with the unemployment rate estimated at 4% or 6,290 persons. This compares to 151,095 (3.4% unemployed) in 2005, indicating a 3.0% increase in the labor force. Unemployment rates have slowly started to decrease over the past 12 months after increasing significantly in 2009.

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The actual unemployment rate for the Roanoke MSA in November 2015 was 3.9%, compared to 4.0% for the State of Virginia and 4.8% for the United States during the same time period. The following table illustrates the growth rate by employment sector from 2010 through 2013.

	2010	2011	2012	2013				
Agriculture	361	0.26%	346	0.25%	336	0.24%	360	0.26%
Mining	220	0.16%	188	0.14%	147	0.11%	139	0.10%
Construction	8,308	6.04%	8,091	5.92%	8,142	5.91%	8,142	5.86%
Manufacturing	13,901	10.11%	14,260	10.43%	14,748	10.70%	14,956	10.76%
Transportation	7,591	5.52%	7,727	5.65%	7,646	5.55%	7,513	5.41%
Wholesale/Retail	24,796	18.03%	25,722	18.81%	25,052	18.18%	24,483	17.62%
FIRE	7,329	5.33%	7,543	5.52%	7,676	5.57%	7,835	5.64%
Services	69,485	50.54%	67,499	49.37%	68,662	49.83%	70,087	50.44%
Government	5,506	4.00%	5,356	3.92%	5,379	3.90%	5,426	3.91%
<b>TOTAL</b>	<b>137,507</b>		<b>136,732</b>		<b>137,788</b>		<b>138,939</b>	

Source: Virginia Workforce Connection

As indicated in the table, the current recession is affecting the local workforce with reductions in employment expected in the construction industry. However, manufacturing jobs have begun to slowly increase over the last two years. Increases are expected in the service and government categories. According to information the Roanoke MSA is projected to gain a total of 699,974 new jobs as of 2020, an increase of approximately 17.84% over 2010 estimates. The number of daily net in-commuters to the Roanoke Valley in 2011 was 20,169, with an additional 99,625 people living and working in the Roanoke area.

**Effective Buying Income and Retail Sales**

Effective buying income (EBI) is defined as personal income from all sources after taxes and is an effective measure of the potential commercial activity in the area. The 2007 EBI per household for the Roanoke MSA was \$50,283. As a comparison, the 2005 EBI per household for the Roanoke MSA was \$44,498. The per capita income for the Roanoke MSA in 2007 was \$35,963, compared to \$41,561 in the State of Virginia.

Trends in retail sales are a strong measure of commercial activity, as well as, the state of the local economy. According to the Commonwealth of Virginia Department of Taxation, retail sales in the Roanoke MSA were slightly over 3.91 billion in 2007, an increase of 17% from 2003 figures. Household retail sales are estimated at \$27,201 in 2003, which is a 15% increase from 1993 figures. According to Sales and Marketing Magazine's Survey of Buying Power (2007), the Roanoke MSA draws from a primary market with a population of 297,627, a secondary market containing 160,578 persons and a

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tertiary market containing a population of 220,597, for a total of 678,802 people within one hour's driving time. The draw of the Roanoke market sparked a surge in retail development in the mid 1980's and 1990's, which included the construction of Valley View Mall and the surrounding area.

The following table is a listing of the area's major employers.

Roanoke MSA Major Employers
Roanoke Memorial Hospital
U.S. Dept. of Veterans Affairs
Kroger
HCA Virginia Health System
Wells Fargo Bank NA
City of Roanoke
Wal-Mart
Carilion Services
M.W. Manufacturers
U.P.S.
Yokohama Tire Corp.
Allstate Insurance Company
Postal Service
Advance Auto Parts
Virginia Western Community College
Friendship Manor

Source: Virginia Employment Commission

**Economic Forces**

There are several economic considerations which can affect property values in a region such as the financial capacity of occupants to lease or own property, rent levels, vacancy rates, development activity and others.

**Business and Commercial Activity**

Economic growth in the valley, along with population growth has been slow to moderate compared to other metropolitan areas of Virginia. The inability of the region to quickly adapt to shifts in employment base, from manufacturing to higher paying service related jobs are one reason for the sluggish economy. Other reasons include "no growth" attitudes and policies mandated by local citizens and government. After a decade of slow growth, the overall economic climate of the Roanoke Valley is slowly beginning to change.

The Roanoke Valley is becoming more concerned with economic development and job growth than in the past. The local Chambers of Commerce, along with the Roanoke Valley Regional Partnership is active in recruiting new business to the Roanoke Valley. Although several plant closings, there have

been a few corporate expansions and relocations that helped offset some of the negative impact on the economy. Some examples of recent expansions and corporate relocations are indicated as follows.

- The Riverside Center is a new business park built to attract high-tech healthcare-related industries to the valley. In 2004 demolition of old warehouses began to make way for new construction. It will cover approximately 23 acres along the South Jefferson Street corridor. There have been several projects completed in the new development that include the Carilion Biomedical Institute, a Carilion Clinic, the Virginia Tech/Carilion School of Medicine, a parking deck and most recently a Cambria Suites Hotel.
- A portion of the 1<sup>st</sup> phase of a mixed-use project known as The Bridges was completed in 2015. This development will eventually consist of 1,000,000 SF of apartments, restaurants, offices, and retail space throughout a 22-acre tract of land fronted along Jefferson Street, adjacent to the Riverside Centre for Research and Technology. The 1st phase consists of a restaurant/coffee house, office space, a 157-unit apartment building, public promenade along the river, kayak launch, sidewalks, and streetscapes. If the first phase is successful, the second phase will extend the project to include retail, entertainments, and housing options. The portion completed in 2015 includes 157-unit apartment complex with fitness center, parking deck, and a Starbucks coffee shop.
- Three new Wal-Mart Market Place stores were constructed in 2015 in Roanoke. These stores concentrate mostly on grocery items but will include a pharmacy and gas pumps. Each of the three stores will employ +/- 95 people.
- In January 2015 Norfolk Southern Corporation announced that it would be closing its downtown office location. The 500 affected employees were given the opportunity to relocate to Norfolk or Atlanta. To attempt to offset some of the economic damage from the closing Virginia Tech and Carilion hosted a job fair in March. There were over 250 positions available for application at this fair.

**Tourism**

Because of the natural scenic beauty of the Roanoke Valley, revenue generated from tourism is a significant boost to the local economy. The Blue Ridge Parkway, the historic downtown market area, along with other regional attractions brings many visitors to the Roanoke Valley. According to the Roanoke Times tourists generated an estimated \$784.5 million in the Blue Ridge Region (Roanoke, Salem, Roanoke County, Franklin County, and Botetourt County) in 2014, which reflects an increase of 3.9% over 2013 figures. Approximately 7,602 jobs were created in Roanoke as a result of travelers, which are up from 7,450 jobs in 2013. Important economic development projects that are geared towards attracting tourism dollars are indicated as follows:

- In the fall of 2008 the new Art Museum of Western Virginia opened in downtown Roanoke. The new facility includes +/- 81,000 SF that was designed by emerging Los Angeles architect Randall Stout. The construction was estimated at +/- \$66 million. The building includes a multi-purpose auditorium, book and gift shop, library, art studio. A dramatic, spacious atrium will provide a meeting place for the community and a premiere venue for special events and receptions. In 2009 the museum was awarded the 2009 International Architecture Award and the American Architecture Award.

**Real Estate Trends**

Major office markets include the Central Business District of Roanoke containing a total of 1,500,000 SF of net leasable square footage. There has not been any new office buildings constructed in the Central Business District of Roanoke since the 1990's; however, several older buildings in this area have been renovated into residential mixed-use developments over the past several years. Other areas of office development include the Route 419 corridor in southwest Roanoke County and north Roanoke County. Roanoke's retail market has experienced much change over the past several years, with the construction of several strip shopping centers, free-standing restaurants, and free-standing retail buildings. Major retail corridors include Hershberger Road, Route 419 and Williamson Road with each experiencing continued expansion and development. There are currently two regional malls in the market with the newest being Valley View, which is over 900,000 square feet in size.

Roanoke's lodging industry has expanded steadily over the past several years. The number of rooms has grown to over 7,500. A large segment of hotel supply is located along the Interstate 581, near the airport, although a significant growth has occurred in southwest Roanoke County, along Route 419. Over the past several years, there have been several new motels constructed in the Roanoke Valley.

Industrial development has grown at a steady rate, with the recent relocation and expansion of several manufacturing companies. The Roanoke Center for Industry and Technology and Valley Tech Park in western Roanoke County should continue to draw new business in the near future. Botetourt County purchased 875 acres north of Daleville, which has been developed as a multi-use park called Botetourt Center at Greenfield.

**Governmental Forces**

Governmental considerations include laws, regulations, taxes and general attitude of local governing agencies toward growth, infrastructure, construction and protection of quality of life. In Virginia, cities and counties operate as separate governmental units. A discussion of each of the governmental jurisdictions is as follows:

**Roanoke**

The City of Roanoke, which was chartered as a town in 1882 and then as a city in 1884, is governed by a mayor and 6 elected council members, along with a city manager. Each of the council members is elected on an at-large basis, to four-year terms. Other elected officials include the City Treasurer, Commissioner of Revenue, Circuit Court Clerk, Commonwealth's Attorney and City Sheriff. All of these officials serve four-year terms. Appointed officials who serve two-year terms include the City Attorney, City Clerk, Municipal Auditor and Finance Director. The City Manager, Director of Real Estate Assessment and the City Police Chief are appointed by city council for non-specific terms.

**Roanoke County**

The County of Roanoke was officially chartered in 1838 and operates separately from the City of Roanoke. Roanoke County is governed by a five-member board of supervisors who are elected to four-year terms. The Board appoints several county officials, including the County Administrator, County Attorney and Clerk to the Board of Supervisors.

**Vinton**

Vinton, located east in Roanoke County, became a chartered town in 1884 and is governed by a town council consisting of five elected members, including the Mayor. Each member of council serves a four-year term. The Town Manager, Town Attorney, Town Treasurer and Chief of Police are appointed by council for two-year terms.

**Salem**

The City of Salem was officially chartered in 1968 and is governed by a five-member council, including the Mayor, who is elected by Salem voters. The Mayor and Vice-Mayor serve two-year terms and the remaining three members serving four-year terms. Salem City Council appoints the City Manager and Assistant City Manager to open-ended terms.

**Environmental Forces**

Environmental considerations include natural features, such as lakes, mountains and rivers and other items including utility services, nuisances and hazards, street patterns and others. One of the main geographical features of the Roanoke area are the mountains which surround the valley on all sides. While providing much of the area's natural beauty, the mountains also provide a barrier to growth by limiting the supply of developable vacant land. Unlike cities, such as Charlotte and Richmond, whose geographical terrain allow continued growth and expansion, the Roanoke Valley is enclosed by mountains that make it very cost prohibitive for new development to take place.

**Conclusion**

The Roanoke Valley is slowly evolving into a more diversified business community and has become the healthcare, business and cultural center for southwest Virginia. Local governments realize that the area is steadily losing its high paying manufacturing jobs and they need to be replaced with "clean" technology jobs, such as fiber optics, etc. It is expected that the Roanoke Valley governments will forge stronger ties with Virginia Tech in order to attract better paying jobs outside of the traditional manufacturing sector. In conclusion, growth in the Roanoke area has been steady in the past and should continue at a steady rate in the near future.

**Access**

Regional access to the neighborhood is considered good due its location along Virginia Avenue, which turns into Dale Avenue, west of the subject. Dale Avenue changes to Bullitt Avenue and intersects with Interstate 581, which connects with Interstate 81 approximately seven miles north of the subject. Interstate 581 changes to Route 220 as it travels south from the Central Business District of Roanoke. The subject is located approximately two miles east of the Central Business District of Roanoke.

**Utilities**

The availability, cost and adequacy of public utilities, within this neighborhood, are considered adequate and similar to other neighborhoods throughout the Town of Vinton and Roanoke County. Public water and sewer services, as well as, natural gas and electricity are adequate and available to most properties in the area, especially those located along major thoroughfares.

**Externalities**

Based on conversations with local brokers, there are no negative externalities, such as high crime rates, that would adversely affect property values in the area.

**Summary**

The subject neighborhood is characterized mainly by commercial and retail uses. There is good accessibility, due to a well-established transportation network, which enhances convenience to shopping, employment centers and schools. Property values should continue to increase in the future as growth moves out from downtown Roanoke.

**Neighborhood Analysis**

**Introduction**

A neighborhood is described as "a portion of a larger community, or an entire community, in which there is a homogeneous grouping of inhabitants, buildings, or business enterprises. Inhabitants of a neighborhood usually have a more than casual community of interests and a similarity of economic levels or cultural backgrounds. Neighborhood boundaries may consist of well-defined natural or man-made barriers or they may be more or less well-defined by a district change in land use or in the character of the inhabitants." (From *Real Estate Appraisal Terminology*, Byrl N. Boyce, Ph.D., copyright, 1975).

**Land Uses and Development Trends**

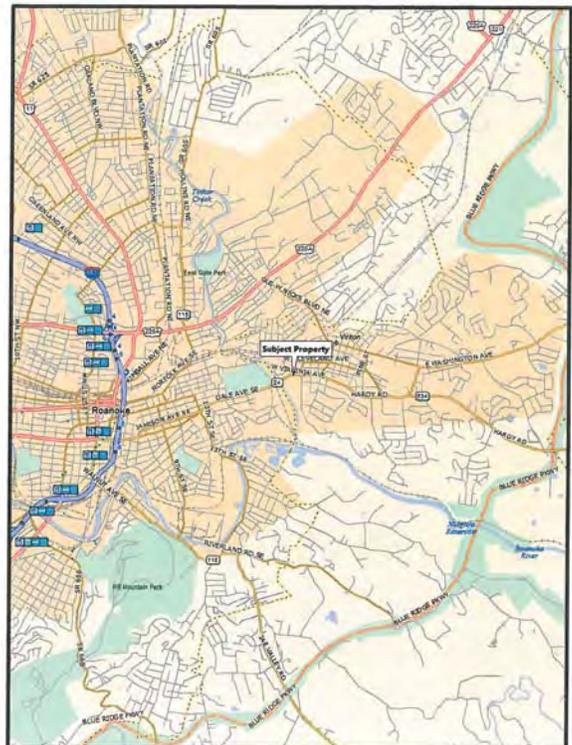
The subject neighborhood is approximately 90% developed and contains a mixture of residential, multi-family, commercial, industrial and retail uses. The subject is located on the south side of West Virginia Avenue within proximity to the central business district of the Town of Vinton. The subject is also located approximately two miles southwest of a neighborhood shopping center known as East Vinton Plaza. Virginia Avenue extends from downtown Roanoke (where it is known as Dale Avenue), turning into Hardy Road (VA Route 634) and eventually leading to Smith Mountain Lake and includes much of the retail, industrial and commercial developments in the area.

Examples of commercial/retail uses along VA Route 24 include a Walmart neighborhood market, a neighborhood shopping center anchored by Food Lion (East Vinton Plaza), Honeytree Early Learning Center, Winter's Mini Storage, Country Crossing convenience store, Taco Bell, and several others.

Gus Nicks Boulevard/East Washington Avenue turns into VA Route 24 at the intersection of Bypass Road approximately 1 mile east of the subject. Examples of uses along Bypass Road include O'Reillys, Member One, and a neighborhood shopping center known as River Park Shopping Center, which includes Super Dollar, Dollar General, Pizza Hut, Modern Design, and 1st Choice Cash Advance.

Bypass Road connects with Hardy Road approximately 1.2 miles northeast of the subject. Examples of uses along Hardy Road within proximity to the subject include Bojangles, KFC, McDonalds, First Citizens Bank, Midas, CVS, Burger King, KFC, New York Pizza, Woods, Shell, Union Market, Valley Bank, and a neighborhood shopping center known as Lake Drive Plaza, which includes Kroger, Goodwill, Kroger Gas, Dollar Tree, GNC, China Wall, Big Lots, Subway, Cash Advance, Nails-N-Rays, and Roanoke County Federal Credit Union.

There are several residential neighborhoods near the subject property, with home prices ranging from \$140,000 to \$220,000.



**NEIGHBORHOOD MAP**

### Highest and Best Use Analysis

#### Introduction

Highest and best use may be defined as:

*"The reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible and that results in the highest value."*

The highest and best use analysis is essential to the appraisal process because it establishes a use for the property based on market behavior as of the date of valuation. Establishing the highest and best use allows the appraiser to choose appropriate comparables in the valuation section of the appraisal. When estimating market value, highest and best use analysis identifies the most profitable use for the property. This could include demolition, demolition and reconstruction, renovation, addition or construction of a new use.

The appraiser must consider the highest and best use of land as though vacant and the highest and best use of property as improved. In each case, there are four criteria which must be met. The highest and best use may be: 1) legally permissible, 2) physically possible, 3) financially feasible and 4) maximally productive.

#### Highest and Best Use, As Vacant

In the "as vacant" scenario, it is assumed that a parcel of land is vacant or can be made vacant through demolition of existing improvements. This analysis answers the question: If the land were vacant, what use should be made of it?

##### Legally Permissible

These uses are typically defined by the zoning ordinance and/or deed restrictions. The current zoning allows a variety of commercial/manufacturing developments; however, 100% of the site is located within the designated floodway with approximately 70% within a designated floodway. Development is restricted within the floodway according to the Roanoke County for health and safety reasons.

##### Physically Possible

The second criteria for analyzing the highest and best use concerns what use is physically adaptable to the site? Some potential permitted uses may be inappropriate due to certain physical characteristics of the site. These considerations are usually related to size, shape, ingress/egress, utility availability, soil conditions and topography. Site characteristics were previously discussed in the Site Analysis section of the report. Overall, the various physical features associated with the subject land do not restrict the functional utility of the site.

<sup>4</sup> Appraisal Institute, The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition (Chicago: Appraisal Institute, 2010), Page 93.

## VALUATION

#### Financially Feasible

The third criterion in determining the highest and best use for a site, as vacant, concerns "what use would bring a positive cash flow or positive return to the owner?" In other words, which uses are financially feasible?

In order to determine the financially feasible uses for the subject site, an examination of the surrounding land use patterns, development trends and history of neighborhood is necessary. Most of the surrounding land uses are commercial or retail in nature, including neighborhood shopping centers, free standing retail buildings, fast food restaurants, family restaurants, convenience stores, offices, churches, bank branches, and several others. The site from which the proposed parcel will be subdivided includes a manufacturing facility. However, 100% of the site is located within a flood zone and approximately 70% of the site is located within the designated floodway.

Assuming the property owner obtained approval from the Roanoke County, the Town of Vinton, U.S. Corps of Engineers, the State Water Control Board, and the State Marine Resources Commission to redirecting Tinker Creek and elevated the site out of the designated floodway, the costs associated with these alterations would most likely outweigh any benefits from development on the site. It is our opinion that it would be more feasible to purchase vacant land without floodway issues for development at this time. Based on this information, no permitted uses under the current zoning regulations would be financially feasible except a parking facility or some type of public recreational use such as a park.

#### Maximally Productive

The fourth criterion for determining highest and best use of a site, as vacant, analyzes which use would bring the greatest return to the owner. Due to the limited development allowed on the subject site and infeasibility due floodway issues, the maximally productive use as surplus land or park area.

Based on this information, the highest and best use of the site, as vacant, is for a non-profit recreational use such as a public park or its proposed use for the Glade Creek Greenway.

### Valuation Methodology

The appraisal process typically involves three approaches in estimating value, which consists of the Cost Approach, Income Approach and Sales Comparison Approach. A brief description of each technique is as follows:

#### Description of the Three Approaches

##### Cost Approach

This appraisal procedure uses depreciated replacement or reproduction costs of improvements plus land value as a basis for estimating value. The underlying assumption is that an informed purchaser will pay no more than the cost of producing a substitute property with the same utility as the subject.

##### Income Approach

This approach uses capitalization of expected future income as basis for estimating value. The underlying assumption is that an informed purchaser will pay no more for the subject than would have to be paid for another property with an income of comparable amount, duration and quality.

##### Sales Comparison Approach

This appraisal procedure uses sales prices of properties similar to the subject as a basis for estimating value. The underlying assumption is that an informed purchaser will pay no more for a property than would have to be paid for similar property of comparable utility.

#### Applicability to the subject

Since the appraiser is estimating the value of the land only, the most meaningful method of valuation is the Sales Comparison Approach.

Sales Comparison Approach

Introduction

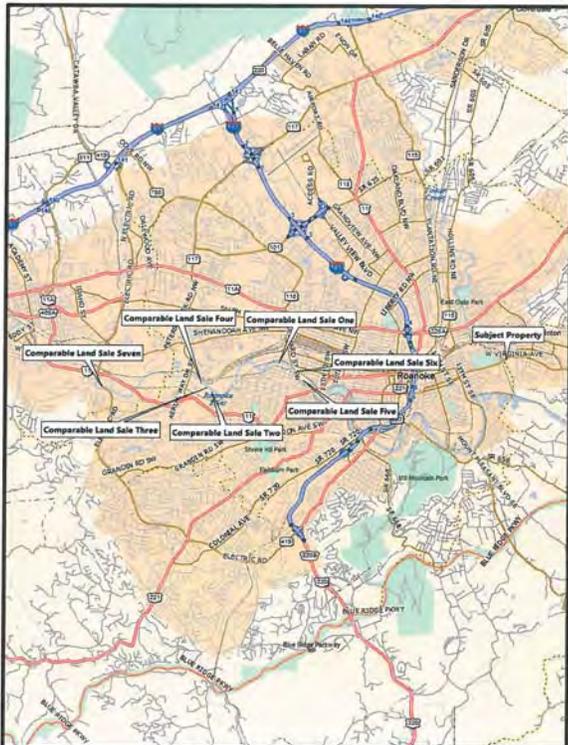
The Sales Comparison Approach is a valuation method that analyzes recent sales of similar properties and compares these sales to the subject. We can include in the analysis sales of recently sold properties, properties listed for sale or properties that are under contract. A key premise inherent to the Sales Comparison Approach is that the market value of a property is directly related to the prices paid for comparable or competitive properties in the area. Adjustments for dissimilarities between the sales and the subject are made based on market perception of certain physical and non-physical characteristics of properties in a region. Elements of comparison can include property rights transferred, conditions of sale, market conditions at the time of sale, financing terms, location, size and others.

The principle of substitution is fundamental to the Sales Comparison Approach. This principle states that a prudent buyer would pay no more for a property than could be paid to acquire a property of similar utility and desirability within a reasonable time period. Thus, the reliability of this approach is diminished if competitive or comparable substitute properties are not available. Other economic principles, which are basic to the Sales Comparison Approach, are supply and demand, balance and externalities.

The unit of comparison is important in the Sales Comparison Approach and usually depends on the type of property being appraised. The most common unit of comparison is the sales price per acre, although property types can often be analyzed with several units of comparison.

Criteria for Selection of Comparables

As indicated, the highest and best use of the site, as vacant, is for a non-profit recreational use. We researched the market for sales of land with little to no functional utility due to floodway issues similar to the subject. There have been several recent sales similar to the subject. A summary of each of the most comparable sales is provided on the following page.



COMPARABLE LAND SALES LOCATION MAP

COMPARABLE LAND SALES SUMMARY										
Sale	Tax Map	Size (SF)	Sale Date	Deed Ref.	Price	Price/SF	Buyer	Seller	Comments	
1	1420101H to 1420104H & 1258101H	289,638	5/23/2008	8007450	\$187,000	\$0.62	City of Roanoke, Virginia	Luckie Properties, LLC	Site is zoned S-1, Light Industrial District, included a level topography below street grade, and is 100% in floodway. Purchased for an extension of the Greenway Plan.	
2	5210708R	75,811	8/16/2010	100009851	\$36,411	\$0.52	City of Roanoke, Virginia	Hyde Truck Rental, Inc.	Site is zoned I-1, Light Industrial District, included a level topography below street grade, and is 100% in floodway. Purchased for an extension of the Greenway Plan.	
2	5210709R	46,009	8/24/2010	100008413	\$52,128	\$1.12	City of Roanoke, Virginia	Stephen H. Bankos, et al.	Site is zoned S-1, Light Industrial District, included a level topography below street grade, and is 100% in floodway. Purchased for an extension of the Greenway Plan.	
4	5210711R	35,881	3/2/2010	100000074	\$48,158	\$1.34	City of Roanoke, Virginia	Single A Associated New Jersey LP	Site is zoned S-1, Light Industrial District, included a level topography below street grade, and is 100% in floodway. Purchased for an extension of the Greenway Plan.	
4	13210301	94,773	2/1/2010	100000093	\$162,381	\$1.68	City of Roanoke, Virginia	Aditive Two, LLC	Site is zoned I-1, Light Industrial District, included a level topography below street grade, and is 100% in floodway. Purchased for an extension of the Greenway Plan.	
4	13207439	98,721	2/1/2010	100000944	\$101,807	\$1.03	City of Roanoke, Virginia	TJS, LLC	Site is zoned I-1, Light Industrial District, included a level topography below street grade, and is 100% in floodway. Purchased for an extension of the Greenway Plan.	
7	2544-1 & 2544-2	117,177	12/9/2013	150003596	\$26,000	\$0.22	City of Salem	Cl Wayne Foster	This sale involved two adjoining lots zoned TGD, Transitional Business District. The parcels are below street grade and approximately 87% in floodway. The parcels were purchased for the expansion of a city park.	
					Minimum	\$0.261	\$20,000	\$0.17		
					Maximum	\$289,638	\$147,005	\$1.54		
					Average	188,858	\$74,685	\$0.81		

Summary

The prices for the comparable sales range from \$0.17 to \$1.14 per square foot, with an average of \$0.81 per square foot. The sales used in this analysis are the best available in terms of location, size, zoning, topography, visibility/exposure, and accessibility. All comparable sales were acts of condemnation by the local municipality for public use; however, according to Mr. Luke Pugh with the Roanoke City Engineering Department, the sellers were approached directly to negotiate the sales prices; however, the City of Roanoke hired independent appraisers to establish market values as a starting point for negotiations.

In the case of the recent sale in Salem, the purchase was for continuation of Salem Park and the City of Salem was the most likely purchaser of the property as a result of the floodway issues. Conversations with Mr. Benjamin Tripp indicated the City of Salem based their offer largely upon the tax assessed value of the property, unlike the City of Roanoke.

Based on the available sales data, the subject's physical characteristics, and the non-traditional conditions of sale with Comparable Seven, we allotted most weight to the Roanoke City sales. While the sales support a wide range in indicated values, consideration was also given to the size of the subject recognizing that smaller parcels tend to sell at a higher unit basis. Thus, a value towards the upper end of the range is considered reasonable and correlated to a value near the average of \$0.80 per square foot. Applying \$0.80 per square foot to the 19,670 square feet (0.452 Acres) associated with the subject property is calculated as follows.

$$\$0.80/SF \times 19,670 SF = \$15,736$$

**MARKET VALUE BY SALES COMPARISON APPROACH:  
\$15,000 (R)**

**Final Value Estimate**

In estimating the final market value for the subject, we relied solely upon the Sales Comparison Approach. Based on the analyses, facts and information presented in this report, the market value of the fee simple interest in the subject land, as of January 26, 2016, is **\$15,000**.

**FINAL "AS IS" MARKET VALUE ESTIMATE:  
\$15,000  
(FIFTEEN THOUSAND DOLLARS)**

Michael A. Russell, MAI

Paul J. Kelly

RUSSELL & ASSOCIATES

**Certification**

RUSSELL & ASSOCIATES

**ADDENDA**

RUSSELL & ASSOCIATES

**CERTIFICATION OF THE APPRAISER**

The undersigned do hereby certify to the best of their knowledge and belief:

1. The statements of fact contained in this report are true and correct
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is my personal, impartial, unbiased professional analyses, opinions and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. I have made a personal inspection of the property that is the subject of this report.
10. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
11. No one provided significant real property appraisal assistance to the person signing this certification. I have relied upon surveys, construction drawings, etc., provided by other professional persons who have been identified in this report.
12. As of the date of this report, Michael A. Russell, MAI, has completed the continuing education program for Designated members of the Appraisal Institute.

RUSSELL & ASSOCIATES

13. As of the date of this report, Michael A. Russell, MAI is licensed by the Commonwealth of Virginia as a Certified General Real Estate Appraiser and has completed the requirements of Continuing Education Program of the Department of Professional and Occupational Regulation and the Appraisal Institute.

14. The "as is" market value of the fee simple interest in the subject property, as of January 26, 2016:

Value by Sales Comparison Approach (+/- 0.452 acres): \$15,000 (R)

Michael A. Russell, MAI  
Certified General Real Estate Appraiser  
Virginia License #4001 002508

RUSSELL & ASSOCIATES

CERTIFICATION OF THE APPRAISER

The undersigned do hereby certify to the best of their knowledge and belief:

1. The statements of fact contained in this report are true and correct
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and is my personal, impartial, unbiased professional analyses, opinions and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
8. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
9. I have made a personal inspection of the property that is the subject of this report.
10. I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
11. No one provided significant real property appraisal assistance to the person signing this certification. I have relied upon surveys, construction drawings, etc., provided by other professional persons who have been identified in this report. Mr. Paul J. Kelly inspected the property and assisted in data collection and analysis.

RUSSELL & ASSOCIATES

12. As of the date of this report, Paul J. Kelly is licensed by the Commonwealth of Virginia as a Licensed Residential Real Estate Appraiser and has completed the requirements of Continuing Education Program of the Department of Professional and Occupational Regulation.

13. The "as is" market value of the fee simple interest in the subject property, as of January 26, 2016:

Value by Sales Comparison Approach (+/- 0.452 acres): \$15,000 (R)

Paul J. Kelly  
Licensed Residential Real Estate Appraiser  
Virginia License #4001 005822

RUSSELL & ASSOCIATES

Assumptions and Limiting Conditions

RUSSELL & ASSOCIATES

**ASSUMPTIONS AND LIMITING CONDITIONS**

This appraisal report has been made with the following general assumptions:

1. This is an appraisal report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(a) of the Uniform Standards of Professional Appraisal Practice for an appraisal report. As such, it includes full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraiser is not responsible for unauthorized use of this report.
2. No responsibility is assumed for the legal description provided or for matters pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated. The opinion of value is provided without regard to any questions of title, boundaries, encumbrances or encroachments.
3. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
4. Responsible ownership and competent property management are assumed.
5. The information furnished by others is believed to be reliable, but no warranty is given for its accuracy. It is assumed that information supplied by various individuals identified in the report is accurate. The appraiser assumes no responsibility for independently verifying information received from these individuals. If the client has a question regarding this information, it is the client's responsibility to seek whatever independent verification is deemed necessary.
6. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
7. It is assumed that there are no structural defects hidden by floor or wall coverings or any other hidden or unapparent conditions of the property; that all mechanical equipment and appliances are in good working condition; and that all electrical components and the roofing are in good condition. If the client has any questions regarding these items, it is the client's responsibility to order the appropriate inspections. The appraiser does not have the skill or expertise needed to make such inspections. The appraiser assumes no responsibility for these items.
8. It is assumed that the property is in full compliance with all applicable federal, state, and local environmental regulations and laws unless the lack of compliance is stated, described, and considered in the appraisal report.
9. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless a nonconformity has been identified, described, and considered in the appraisal report. Information and analysis shown in this report concerning these items is based on a rudimentary investigation. Any significant questions should be addressed to local zoning or land use officials and/or an attorney.

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17. The American with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of ADA could reveal that the property together with a detailed analysis of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to the issue, we did not consider possible noncompliance with the requirements of ADA in estimating the value of the property.
18. Any value estimates provided in the report apply to the entire property, and any proration or division or the total into fractional interests will invalidate the value estimate, unless such proration or division or interests have been set forth in the report.
19. The projections and estimates included in this report are to assist in the valuation process. The estimated values, which are defined in this report, are subject to changes in market conditions over time, which cannot be accurately predicted by the appraiser. These changes could alter future income and/or value estimates.
20. The estimated value reported in this appraisal assumes that the proposed construction is completed in accordance with all applicable building codes and zoning ordinance. The value assumes that the proposed construction will be completed in a workmanlike manner.
21. This report prepared by Russell & Associates consists of "trade secrets and commercial or financial information" which is privileged and confidential and exempted from disclosure under 5 U.S.C. 552 (b) (4) of the Uniform Commercial Code. Russell & Associates shall be notified of any request to reproduce this report in whole or in part.
22. This report is to be used only in its entirety and no part is to be used without the whole report. All conclusions and opinions concerning the analysis as set forth in the report were prepared by Russell & Associates whose signature appears on the report. No change of any item in the report shall be made by anyone other than Russell & Associates. Russell & Associates shall have no responsibility if any such unauthorized change is made.
23. It is assumed that there are no hidden or unapparent conditions of the property, subsoil or physical characteristics which would render it more or less valuable. Unless noted in this report, historical significance or potential restrictions are not known and not considered. The current flood maps provided in this report identifies few streets and does not show individual properties. As a result, the boundaries are not clearly identified. The appraiser can only make an initial assessment of flood zones affecting the subject property. Final verification should be performed by an expert in this field, if desired.
24. The age of any improvements which are a part of the subject property mentioned in this report should be considered a rough estimate, based upon data available at the time of the appraisal.

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10. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
11. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in the report.
12. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge or the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, and other potentially hazardous materials may affect the value of the property. The value estimated is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
13. Any allocations of the total value estimated in this report between the land and the improvements applies only under the stated program of utilization. The separate value allocated to the land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
14. Possession of this report or any copy of this report does not carry with it the right of publication, nor may it be used for other than its intended use. The physical report remains the property of Russell & Associates, for the use of the client, the fee being for the analytical services only. The bylaws and regulations of the Appraisal Institute require each member and candidate to control the use and distribution of each report signed by such member or candidate. Neither all nor any part of the report (especially any conclusions as to value, the identity of the appraiser, or the firm with which the appraiser is connected) shall be disseminated to the general public by the use of advertising media, public relations, news, sales, or other media for public communication without the prior written consent and approval of the appraiser and Russell & Associates.
15. The appraiser, by reason of this appraisal, is not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.
16. We do not have the required expertise for determining the presence or absence of hazardous substances; defined as all hazardous or toxic materials, wastes, pollutants, contaminants (including, but not limited to, asbestos, PCB, UFFL, Radon), lead-based paints, or other raw materials, chemicals, or gases) used in construction, or otherwise present on the property. We assume no responsibility for the studies or analysis which would be required to determine the presence or absence of such substances. We do not assume responsibility for loss as a result of the presence of such substances.

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25. The comparable sales data relied upon in the appraisal is believed to be from reliable sources. Though the local comparable properties were viewed from the exterior, it was not possible to inspect them in detail. The value conclusions are subject to the accuracy of the said data.
26. The description of the site is based on a personal inspection of the property and public records. The building sizes are based on tax assessment records and the land sizes are also based on information provided through the tax assessor's office. While these records are believed to be reliable and based on substantiated data, the appraiser makes no warranties regarding their accuracy. If an official survey is provided that concludes a different land area, then the value included in this report is subject to change. Likewise, the appraiser was not provided any detailed construction drawings depicting building sizes. If these drawings are prepared or presented to the appraiser and the building sizes are significantly different than those presented in this report, then the opinion of value is subject to change without notice.
27. The appraisal is based on data provided the appraiser from outside sources that is assumed to be accurate. This includes financial statements showing income and expenses, rent rolls, zoning information, market studies and others, as referenced throughout the report. If the data in these reports is proved inaccurate, then the value estimate contained herein is invalid and subject to change pending the appraiser obtaining accurate information.
28. This appraisal is for the intended use by our client, Town of Vinton, for internal planning purposes. The report is not intended to be used by other persons or entities for any purpose.
29. Market rental rates, terms and conditions are estimated based on interpretation of available information as of the date of this appraisal. The subject rents are approaching the top of the local market activity range. The high rental rates impose potential increase in risks. Market conditions could change.
30. Accurate predictions of future events are very difficult to forecast. The appraiser has made every effort to support his assumptions based on knowledge of the local market and as supported through conversations with credible market participants. Actual events could differ significantly from the scenarios presented in this appraisal report and value could be significantly affected. The appraiser assumes no responsibility for any difference in value based on unforeseen circumstances or events other than those described in this analysis.
31. All values shown in the appraisal report are based on analysis as of the date of the appraisal. These values may not be valid in other time periods or as conditions change. Any projected mathematical models or future value estimates are based on estimates and assumptions which are inherently subject to uncertainty and variation depending upon evolving events. They are not represented as results that will actually be achieved.

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TOWN OF VINTON  
NOTICE TO PROCEED

TO: Michael A. Russell DATE: 12/16/15  
DBA Russell & Associates PROJECT: Appraisal Services for  
4728 Starkey Road Precision Fabric Group, Inc.  
Roanoke, VA 24018 323 W Virginia, Vinton, VA 24179  
Tax Map # 060.19-01-01-00-0000

You are hereby notified that the effective date for commencement of work shall be 12/21/2015 and you are to complete within forty (40) days consecutive calendar days thereafter. The estimated cost for the requested service to provide appraisal services is \$3,200.00 as stated in the Request for Quote dated December 15, 2015. The date of completion for the appraisal services is, therefore, Friday, January 29, 2016.

Town of Vinton, Virginia  
Authorized Agent

By: Christopher S. Lawrence  
Christopher S. Lawrence

Title: Town Manager

Letter of Engagement

ACCEPTANCE OF NOTICE

Receipt of the above Notice to Proceed is hereby acknowledged by:

Michael A. Russell

This the 16th day of DECEMBER, 2015.

By: MICHAEL RUSSELL

Title: APPRAISER

NOTICE TO PROCEED

RUSSELL & ASSOCIATES

RUSSELL & ASSOCIATES

QUALIFICATIONS OF THE APPRAISER

MICHAEL A. RUSSELL, MAI  
Russell & Associates  
4728 Starkey Road  
Roanoke, Virginia 24018

RELATED EXPERIENCE

Russell & Associates (May 1994 - Present) Roanoke, Virginia  
Real Estate Appraiser and Consultant

Formed company on May 1, 1994, for the purpose of providing professional real estate appraisal and consulting services throughout Virginia. Commercial real estate appraiser and consultant specializing in appraisals for commercial/investment properties including hotels/motels, apartments, student housing, condominiums, industrial properties, shopping centers, retail, offices and medical offices, vacant land, restaurants, churches, mixed-use properties, special use properties, existing and proposed residential subdivisions and planned unit developments. Other services include consultation, market studies, market rent analysis, highest and best use studies, tax appeals and real estate valuation for commercial real estate developers, owners, governmental, educational institutions and financial clients.

T. B. Harris, Jr. & Associates (November 1987 - November 1993) Charlotte, North Carolina  
Real Estate Appraiser and Consultant

Commercial real estate appraiser and consultant specializing in commercial appraisals for hotel, retail, office, industrial, single and multifamily projects.

Expert Witness Testimony

Qualified as an expert witness in Federal Bankruptcy Court and condemnation hearings.

EDUCATION

Virginia Polytechnic Institute and State University Blacksburg, Virginia  
School of Architecture  
Bachelor of Science, Building Construction, 1985

Relevant Course Work Completed

Appraisal Institute  
Appraising Distressed Commercial Real Estate, 2009  
Analyzing Operating Expenses, 2008  
Apartment Appraisal, 2008  
Introduction to GIS Applications for Real Estate Appraisal, 2006  
National USPAP Equivalent Course, 2008, 2010, 2012, 2013  
Highest and Best Use and Market Analysis, 2004  
Business Practices and Ethics, 2004, 2013  
Standards of Professional Practice A & B, 1996

Qualifications of the Appraiser

RUSSELL & ASSOCIATES

RUSSELL & ASSOCIATES

- Report Writing and Valuation Analysis, 1991
- Case Studies in Real Estate Valuation, 1990
- Capitalization Theory and Techniques, Part B, 1989
- Capitalization Theory and Techniques, Part A, 1989
- Standards of Professional Practice, 1988
- Real Estate Appraisal Principles, 1987
- Basic Valuation Procedures, 1987

**Seminars Attended**

- Highest and Best Use in Transitional and Mixed Use Properties, 2014
- Litigation Skills for the Appraiser, 2013, 2015
- Business Practices and Ethics, 2013
- Forecasting Revenue, 2012
- Eminent Domain and Condemnation, 2012
- Local Cost Seminar, 2009, 2012, 2015
- Analyzing Operating Expenses, 2006
- Valuation of Detrimental Conditions in Real Estate, 2006
- Feasibility, Market Value, Investment Timing: Option Value, 2004
- Analyzing Distressed Real Estate, 2004
- Market Analysis for Commercial Investment Real Estate, 2002
- Financial Analysis for Commercial Investment Real Estate, 1998
- New Industrial Valuation, 1998
- Appraisal of Nursing Home Facilities, 1997
- Emerging Trends in Real Estate, 1996
- Appraisal of Retail Properties, 1995
- Commercial Real Estate Management, 1994

**LICENSES & CERTIFICATIONS**

**Appraisal Institute**

MAI Designation # 9993

**Commercial Investment Real Estate Institute**

CCIM Candidate

**State Certified General Real Estate Appraiser**

Virginia - Certificate No. 4001002508

**AFFILIATIONS & ACTIVITIES**

- Roanoke Catholic School Board Chair (2010-2012)
- Roanoke Cosmopolitan Club (2000 - Present)
- Young Advisory Council - Appraisal Institute (1999-2000)
- Transportation Committee - Roanoke Regional Chamber of Commerce (1997-1998)
- Treasurer - Blue Ridge Chapter of the Appraisal Institute (1996-1998)

RUSSELL & ASSOCIATES

**QUALIFICATIONS OF THE APPRAISER**

**PAUL J. KELLY**  
**Russell & Associates**  
**4728 Starkey Road**  
**Roanoke, Virginia 24018**

**RELATED EXPERIENCE**

**Russell & Associates (January 1999 - present)** Roanoke, Virginia  
 Real Estate Appraiser and Consultant

**The Branch Group, Inc. (1990-1999)** Roanoke, Virginia

Developed and implemented management and skill specific training programs for all divisions of this construction organization.

**EDUCATION**

**Virginia Polytechnic Institute and State University** Blacksburg, Virginia  
 Bachelor of Arts, International Studies, 1987

**Relevant Course Work Completed**

- Virginia Forest Landowner Education Program, 2013
- Understanding the Uniform Appraisal Dataset, 2011
- Land and Site Valuation, 2009
- Current Issues in Appraising, 2009
- Testifying as an Expert Witness, 2009
- Real Estate Investments, 2007, 2008
- Appraisal Institute, USPAP, 2005, 2007, 2009, 2010 Update, 2011 Update, 2014 Update, 2016 Update
- Appraisal Institute, Local Cost Seminar, 2003, 2004, 2005, 2007, 2009, 2013, 2015
- Investment Property Analysis, 2003
- Small Residential Income Appraisal, 2000
- Appraisal Standard and Ethics, 2000
- Advanced Residential Appraisal, 1999
- Appraisal Institute, Local Cost Seminar, 1999
- Fundamentals of Appraisal, 1999

**LICENSES & CERTIFICATIONS**

**State Licensed Residential Real Estate Appraiser**

Virginia - Certificate No. 4001005822, 2001

RUSSELL & ASSOCIATES

**Prepared by and return to:**  
Theresa J. Fontana (VSB#79597)  
GUYNN & WADDELL, P.C.  
415 S. College Ave.  
Salem, Virginia 24153  
Tel. (540) 387-2320  
Fax. (540) 389-2350

**THIS CONVEYANCE IS EXEMPT FROM RECORDATION TAXES AND FEES PURSUANT TO §§ 58.1-811(A)(3), 58.1-811(D), 17.1-266, AND 17.1-279(E) OF THE CODE OF VIRGINIA (1950), AS AMENDED.**

**Consideration: \$0**  
**Appraised Value: \$15,000.00**  
**Title Insurance: None**  
**Tax Map No.: portion of 060.19-01-01.00-0000**

**DEED OF GIFT**

**THIS DEED OF GIFT**, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between **PRECISION FABRICS GROUP, INC.**, a North Carolina corporation, hereinafter referred to as "Grantor," and the **TOWN OF VINTON, VIRGINIA**, a municipal corporation of the Commonwealth of Virginia, its successors and assigns, hereinafter referred to as "Grantee," whose address is 311 South Pollard Street, Vinton, Virginia 24179.

**WITNESSETH:**

NOW, THEREFORE, IN CONSIDERATION of the sum of One Dollar (\$1.00) and other good and valuable consideration, including the gift of the hereinafter described property, the receipt of which is hereby acknowledged, the GRANTOR does hereby GIVE, GRANT and CONVEY in fee simple absolute and with General Warranty and Modern English Covenants of Title unto the Grantee, its successors and assigns, the following described property, to-wit:

**A parcel of land, lying and being in the Town of Vinton, Roanoke County, Virginia, Beginning at a point in Tinker Creek and on the southerly right-of-way line of West Virginia Avenue; thence with the southerly right-of-way line of West Virginia Avenue N 62° 52' 00" E passing an iron pin on line at 89.90 feet in all 322.24 feet to an iron pin set; thence leaving the aforesaid right-of-way S 27° 08' 00" E 61.51 feet to an iron pin set; thence S 62° 52' 00" W passing an iron pin set on line at 235.81 feet in all 318.35**

**feet to a point in Tinker Creek; thence with Tinker Creek N 30° 45' 07" W 61.63 feet to the point of BEGINNING and containing 0.452 acre; and identified as "Right-of-Way Dedication" on the plat titled "Resubdivision Plat From a Partial Field Survey and From Records Showing the Dedication of Public Right-of-Way (0.452 Acre) to the Town of Vinton," dated January 26, 2016, prepared by Timothy W. Caldwell, L.S., and recorded in the Clerk's Office of the Circuit Court of Roanoke County, Virginia contemporaneously herewith ("Property");**

**AND BEING a portion of the property conveyed to Grantor by Burlington Industries, Inc., by deed dated February 17<sup>th</sup>, 1988 of record in the Clerk's Office of the Circuit Court of Roanoke County, Virginia in Deed Book 1279, at Page 1709.**

Grantee agrees that the use of the Property by the public shall be subject to the following conditions:

1. Members of the general public shall have free access to and use of the Public Access Trail to be constructed by Grantee on the Property subject to the laws and ordinances of the Town of Vinton or its assigns, for the purposes allowed under the *2007 Update to the Roanoke Valley Conceptual Greenway Plan*, including but not limited to: walking, jogging, hiking, bicycle riding, and nature study. There shall be no access by the Town of Vinton or the public at large to any other property of the Grantor other than that described and conveyed herein.

2. Public access with any type of motor vehicles, including but not limited to motorcycles, 4-wheel drives, motor bikes, mopeds, ATVs, and snowmobiles, shall be prohibited, except to the extent vehicles are necessary for construction, inspection, emergency calls, maintenance, or reconstruction of the greenway or trail by the Grantee or its agents.

3. The Grantee may erect such trail markers, litter receptacles, vehicle control barriers, benches, bridges, fences, and gates as necessary for preservation of the greenway, use of the trail, and safety of trail users.

4. There shall be no dumping of ashes, garbage, waste, or other unsightly or offensive material on the Property.

This conveyance is subject to all covenants, conditions, restrictions, and other easements of record insofar as they may affect the Property.

**NOTE:** Title to the property being conveyed herein has not been examined or certified

for this transaction by the attorney who prepared this deed.

Barry W. Thompson, Interim Town Manager of the Town of Vinton, Virginia, hereby joins in the execution of this instrument to signify acceptance by the Vinton Town Council of Vinton, Virginia, of the real estate conveyed herein pursuant to Virginia Code § 15.2-1803 (1950), as amended, which acceptance was approved by Town Council by action on the \_\_\_\_ day of \_\_\_\_\_, 2016.

WITNESS the following signatures and seals:

PRECISION FABRICS GROUP, INC.

By \_\_\_\_\_(SEAL)  
Its \_\_\_\_\_

COMMONWEALTH OF VIRGINIA        )  
\_\_\_\_\_ OF \_\_\_\_\_        ) to-wit

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2016, by \_\_\_\_\_, on behalf of PRECISION FABRICS GROUP, INC., Grantor.

\_\_\_\_\_  
Notary Public  
Commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

TOWN OF VINTON, VIRGINIA

By \_\_\_\_\_(SEAL)  
Barry W. Thompson, Interim Town Manager

COMMONWEALTH OF VIRGINIA )  
\_\_\_\_\_ OF \_\_\_\_\_ ) to-wit

The foregoing instrument was acknowledged before me this \_\_ day of \_\_\_\_\_, 2016,  
by Barry W. Thompson, Interim Town Manager, on behalf of the TOWN OF VINTON, Grantee.

\_\_\_\_\_  
Notary Public  
Commission expires: \_\_\_\_\_  
Registration No.: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Theresa J. Fontana, Town Attorney



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Planning and Zoning

### **Issue**

Briefing on a Memorandum of Understanding (MOU) agreement between the Town of Vinton and Roanoke County for the County to act at the Virginia Stormwater Management Program (VSMP) Authority for the Town; and amendments to the Stormwater Management (SWM) and Erosion Sediment Control (ESC) ordinances as proposed by the County, including the SWM Design Manual.

### **Summary**

On August 31, 2015, a formal request was sent to Thomas Gates, Roanoke County Administrator, for the County to administer and become the authority for the Town of Vinton's Virginia Stormwater Management Program (VSMP). This includes, but is not limited to, administering and enforcing the VSMP regulations. The VSMP program requires the County to collect permit fees and remit the State's portion of the fee to the State; review stormwater plan submittals; submit project information and coordinate with the Department of Environmental Quality (DEQ) on issuance of permit coverage; perform periodic inspections of construction sites; perform enforcement activities when required; and maintain records and report to DEQ annually.

Roanoke County has been the authority in the Town of Vinton for Erosion and Sediment Control (ESC) since February 14, 1984. As of July 1, 2014, through MOU agreements, our development and construction plans are being reviewed and approved by County personnel for Stormwater Management (SWM) and ESC requirements; and building code compliance including fire protection requirements.

Additionally, in order to stay in compliance with DEQ requirements, Roanoke County/Vinton must amend the ESC and the SWM Ordinances including the SWM Design Manuals. Town Staff has been working with Roanoke County personnel since August 2015 on the proposed changes to the ESC and SWM Ordinances; Design Manual; and the VSMP MOU agreement.

County staff presented the proposed amendments to the Board of Supervisors (BOS) at a work session on August 25, 2015. The item was scheduled to be heard at the September 22, 2015 BOS

meeting, but was deferred because of information present to the Board by representatives of the Roanoke Regional Home Builders Association (RRHBA).

Several meetings were held between County staff and RRHBA representatives from September 2015 through December 2015, to resolve the issues raised by RRHBA. At the BOS work session held on January 26, 2016, County staff presented an overview of the proposed amendments to the SWM and ESC ordinances.

The specific SWM ordinance changes include:

- Definitions and minor word changes requested by Department of Environmental Quality (DEQ).
- Extension of the County's VSMP authority to include the Town of Vinton.
- Provides civil penalties alternatives for violations of the ordinance.

The proposed changes to the SWM ordinance will:

- Comply with DEQ's request to be fully compliant with the latest State SWM regulations.
- Relieve the Town of Vinton of the burden of having State certified employees to run their VSMP program.
- Provide additional information to assist the County/Town in implementing its post-construction responsibilities (periodic inspections).
- Reduce the amount of the surety contingency from twenty-five percent to ten percent.

The proposed changes to the ESC ordinance:

- Expands the possible use of an Agreement in Lieu of, beyond a single-family residence to all land-disturbance activities that disturb less than 10,000 square feet.
- Simplifies the fees section of the ESC chapter.
- Maintain the current construction surety contingency amount set at ten percent.
- Language was added to clarify that the County is adopting state ESC regulations, with the exception that land disturbing that disturb less than the state regulated threshold (10,000 square feet) are not required to meet state ESC regulation requirements to verify the adequacy of downstream channels and that no SWM measures are required.

The BOS first reading of the ESC and SWM ordinances was held on February 9, 2016, and at the BOS meeting held on February 23, 2016, the MOU Resolution and the ordinances amending the SWM and ESC codes were adopted.

### **Attachments**

1. Town Manager Letter of Request to Roanoke County Administrator.
2. Roanoke County Resolution Authorizing the County to Enter a MOU with the Town for the County to Act as the VSMP Authority for the Town.
3. MOU agreement between the County and Town for the administration of the VESCP and VSMP by the County.
4. Roanoke County Stormwater Management Ordinance.
5. Roanoke County Erosion and Sediment Control (ESC) Ordinance.

### **Recommendations**

No action required.



# TOWN OF VINTON

311 S. POLLARD STREET  
VINTON, VIRGINIA 24179

PHONE: (540) 983-0607

FAX: (540) 983-0626

EMAIL: [clawrence@vintonva.gov](mailto:clawrence@vintonva.gov)

**CHRISTOPHER S. LAWRENCE**  
TOWN MANAGER

August 31, 2015

Mr. Thomas Gates, Administrator  
County of Roanoke  
5204 Bernard Drive  
P.O. Box 29800  
Roanoke, VA 24018

Dear Tom:

This letter is written to serve as a formal request for Roanoke County to administer and become the authority for the Town of Vinton's Virginia Stormwater Management Program (VSMP). This includes, but is not limited to, administering and enforcing the VSMP regulations. The VSMP program requires the County to collect permit fees and remit the State's portion of the fee to the State; review stormwater plan submittals; submit project information and coordinate with the Department of Environmental Quality (DEQ) on issuance of permit coverage; perform periodic inspections of construction sites; perform enforcement activities when required; and maintain records and report to DEQ annually.

Currently, through agreements between Roanoke County and Town of Vinton, our development and construction plans are being reviewed and approved by County personnel for stormwater management requirements, erosion and sediment control, and building code compliance. The Town recognizes the importance of working cooperatively with other jurisdictions in the Roanoke Valley to develop ordinances and regulations pertaining land use activities. Beginning in 2003, the Town of Vinton has worked cooperatively with staff from both Roanoke County and the City of Roanoke on the implementation of the stormwater management program. Mrs. Anita McMillan, the Town's Planning and Zoning Director, is currently in charge of the Town's VSMP and Municipal Separate Storm Sewers System (MS4) permit compliance and continues to actively participate on the regional stormwater committee.

I greatly appreciate your consideration of this request, and Town staff is looking forward to continuing to work cooperatively with your staff.

Sincerely,

Christopher S. Lawrence  
Town Manager

c: Anita J. McMillan, Planning and Zoning Director

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, FEBRUARY 23, 2016

**RESOLUTION AUTHORIZING THE COUNTY OF ROANOKE TO ENTER A MEMORANDUM OF UNDERSTANDING WITH THE TOWN OF VINTON, FOR THE COUNTY OF ROANOKE TO ACT AS THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) AUTHORITY FOR THE TOWN OF VINTON**

WHEREAS, on this day of February 23, 2016, the Board of Supervisors of Roanoke County adopted Ordinance #\_\_\_\_\_, amending Chapter 23 of the Code of Roanoke County, wherein the County of Roanoke (the "County") is authorized to establish a Virginia Stormwater Management Program (VSMP) and a Virginia Erosion and Sediment Control Program (VESCP) within the County of Roanoke and within the Town of Vinton (the "Town"); and

WHEREAS, the VESCP and the VSMP are becoming increasingly more interrelated and complex to administer; and

WHEREAS, the Town of Vinton has determined that it would be beneficial for Roanoke County to operate as the local VSMP Authority in the Town; and

WHEREAS, the County is willing to serve in this capacity; and

WHEREAS, the County currently reviews and inspects new land disturbing activities for conformance with the Stormwater Management Design Standards, Hydrologic Design, and Best Management Practices (BMPs) of the Town; and

WHEREAS, Roanoke County is also currently recognized as the local VESCP Authority within the County and the Town to regulate stormwater runoff from construction sites; and

WHEREAS, on August 13, 2013, the County executed two Memorandum of Understanding agreements with the Town for the County to provide inspections for stormwater management facilities and post-construction inspection services; and

WHEREAS, on August 31, 2015, Christopher S. Lawrence, the Town Manager of the Town, submitted a letter to the County, requesting the County to become the VSMP authority for the Town; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

2. That the County Administrator is hereby authorized to enter a Memorandum of Understanding, on behalf of the County, with the Town of Vinton, upon a form approved by the office of the County Attorney, for the County to become the Virginia Stormwater Management Program Authority for the Town of Vinton.

**MEMORANDUM OF UNDERSTANDING (MOU) FOR ADMINISTRATION OF THE VIRGINIA EROSION AND SEDIMENT CONTROL PROGRAM (VЕСP) AND THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) BETWEEN THE COUNTY OF ROANOKE, VIRGINIA AND THE TOWN OF VINTON, VIRGINIA**

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made and entered this \_\_\_\_\_ day of \_\_\_\_\_ 2016, by and between the County of Roanoke, Virginia, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the “County”, and the Town of Vinton, a political subdivision of the Commonwealth of Virginia, hereinafter referred to as the “Town”.

**Purpose of the Memorandum**

**WHEREAS**, clean water is crucial to the quality of life of both County and Town residents as well as the economic vitality of the region and the Commonwealth of Virginia; and,

**WHEREAS**, the County is currently recognized as the local “Virginia Erosion and Sediment Control Program (VЕСP) Authority” within the County and the Town to regulate stormwater runoff from construction sites; and,

**WHEREAS**, the County currently reviews and inspects new land disturbing activities on behalf of the Town for conformance with the Stormwater Management Design Standards, Hydrologic Design, and Best Management Practices (BMPs); and

**WHEREAS**, the VЕСP and the Virginia Stormwater Management Program (VSMP) are becoming increasingly more inter-related and complex to administer; and

**WHEREAS**, the Town has determined that it would be beneficial for the County to operate as the local VSMP Authority in the Town; and the County is willing to serve in this capacity.

**NOW THEREFORE**, the County and the Town agree that their respective responsibilities are as follows:

**A. Responsibilities of the County:**

1. The County shall continue to be the local “VЕСP Authority” for the Town.
2. Upon approval of the revised Stormwater Management Ordinance by the Roanoke County Board of Supervisors, approval of this Memorandum of Understanding by the parties, and upon approval by the Virginia State Water Control Board, The County shall become the local “Virginia Stormwater Management Program (VSMP) Authority” in the Town.
3. Roanoke County shall possess the authority and perform the duties of the local “VЕСP Authority” as set forth in Chapter 8.1 of the Code of the County of Roanoke; Title 62.1,

Chapter 3.1, Article 2.3 of the Code of Virginia; and 9VAC25-840, as amended, or as set forth in such ordinances, statutes, and regulations that are enacted to succeed the above.

**B. Responsibilities of the Town:**

1. The Town shall adopt a Stormwater Management Ordinance that recognizes Roanoke County as the local VESCP authority.
2. The Town shall not issue any permits for activities that require VESCP and/or VSMP permits, until the VESCP and/or VSMP permits are issued.

**C. Previous Agreements**

1. Previous agreements between the Town and the County concerning the VESP and the VSMP are void and superseded by this agreement.

**D. Fees**

1. Roanoke County shall collect fees from regulated land-disturbing activities occurring within the Town, in accordance with the fee schedule adopted by the Roanoke County Board of Supervisors.
2. The fees for regulated land-disturbing activities within the Town shall be the same as those for regulated land-disturbing activities in other parts of the County.

**D. Amendments and Modifications**

This Memorandum of Understanding may be amended at any time by mutual consent of the parties, in writing.

**E. Termination**

This agreement may be terminated by either party upon giving 90 days written notice. If this agreement is terminated, the Town understands that it would need to obtain Virginia State Water Control Board approval to become the local VESCP and VSMP authority within the Town.

**F. Effective Date**

This Memorandum of Understanding shall become effective upon the endorsement of the parties as well as adoption of applicable ordinances; and approval by the Virginia State Water Control Board for transfer of the local VSMP from the Town to the County; and it shall remain in effect unless terminated by one of the parties as noted above.

In Witness Whereof, the parties herein have caused this document to be executed as the date of the last signature shown below.

**FOR ROANOKE COUNTY:**

Approved as to Form:

BOARD OF SUPERVISORS OF  
COUNTY OF ROANOKE, VIRGINIA

\_\_\_\_\_  
Peter S. Lubeck  
Senior Assistant County Attorney

By \_\_\_\_\_  
Thomas C. Gates  
County Administrator

STATE OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Thomas Gates, County Administrator on behalf of the County of Roanoke, Virginia.

\_\_\_\_\_  
Notary Public

Registration Number: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

(SEAL)

**FOR TOWN OF VINTON:**

Approved as to Form:

TOWN COUNCIL OF  
TOWN OF VINTON, VIRGINIA

\_\_\_\_\_  
Theresa Fontana  
Town Attorney

By \_\_\_\_\_  
Barry Thompson  
Interim Town Manager

STATE OF VIRGINIA,  
CITY/COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Barry Thompson, Interim Town Manager on behalf of the Town of Vinton, Virginia.

\_\_\_\_\_  
Notary Public

Registration Number: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

(SEAL)

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, FEBRUARY 23, 2016

**ORDINANCE AMENDING CHAPTER 23. STORMWATER MANAGEMENT**

WHEREAS, on April 22, 2014, the Board of Supervisors of Roanoke County adopted Ordinance 042214-12 which adopted a new Chapter 23. – Stormwater Management Ordinance for Roanoke County; and

WHEREAS, the Department of Environmental Quality (DEQ) has reviewed this Ordinance, and in consideration of recent legislative and regulatory changes, and is recommending that the Board consider adopting minor modifications to this Ordinance; and

WHEREAS, the Federal Clean Water Act requires the U. S. Environmental Protection Agency (EPA) to enact regulations to permit and eliminate pollutants discharged into the nation's waterways; and

WHEREAS, the EPA has required the states and in the Commonwealth of Virginia, the Department of Environmental Quality (DEQ) to enforce these regulations; and

WHEREAS, Roanoke County through the state-mandated programs is required to lessen the adverse impacts from stormwater runoff from land disturbing activities and from previous development through the local erosion and sediment control ordinance, the Virginia Stormwater Management Program (VSMP), Municipal Separate Storm Sewer System (MS4) Permit, and Total Maximum Daily Load (TMDL) Program; and

WHEREAS, the Commonwealth of Virginia has determined that to increase the effectiveness of these programs, the administration of the VSMP stormwater management requirements are being transferred to the localities; and

WHEREAS, Roanoke County is the local VSMP authority, which will result in additional plan reviews, field inspections, educational activities, enforcement actions, and coordination with DEQ; and

WHEREAS, this ordinance satisfies the DEQ current requirements effective July 1, 2015; and

WHEREAS, staff presented proposed changes to the Board of Supervisors on September 22, 2015; and

WHEREAS, the Board and public requested staff to review and explore additional information regarding the proposed changes which results are included herein;

WHEREAS, the first reading of this ordinance was held on February 9, 2016, and the second reading and public hearing was held on February 23, 2016.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That Chapter 23. Stormwater Management be, and hereby is, amended and readopted to read and provide as attached.
2. That the effective date of this ordinance is February 23, 2016.

Stormwater Management Ordinance from Chapter 23 of the County of Roanoke Code

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REVISED FEBRUARY 12, 2016

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23-6.3 Final Inspection and Record Documentation.....

DRAFT

**REVISED FEBRUARY 12, 2016**

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**Section 23-7 Post Construction Inspection, Maintenance and Repair  
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**Chapter 23**  
**Stormwater Management Ordinance**  
**County of Roanoke, Virginia**

**INTRODUCTION**

The County of Roanoke is home to a vast array of scenic natural resources, from the mountains that span our landscape to the streams that flow through our valleys. This picturesque environment has embraced generations of citizens while drawing in more newcomers every year. The continual increase in population aids in the growth and development of this area, improving jobs and enhancing economic stability. Yet, intensive development can degrade the beautiful natural resources that make the County so special.

Inadequate management of stormwater runoff from land-disturbing activities and development in watersheds increases flood flows and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public safety. More specifically, surface water runoff can carry pollutants into receiving waters.

The Roanoke River and many of its tributaries inside the County are listed as impaired waters by the Virginia Department of Environmental Quality (DEQ).

Many future problems can be avoided through proper stormwater management, and the County is dedicated to preventing the damaging effects that uncontrolled stormwater may present. The lands and waters of Roanoke County are valuable natural resources that need to be protected. The County finds that it is in the public interest to establish a stormwater management program.

Pursuant to Code § 62.1-44.15:27, this ordinance is part of an initiative to integrate the County of Roanoke's stormwater management requirements with the County of Roanoke's erosion and sediment control (Chapter 8.1) and floodplain management (Section 30-74) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the County of Roanoke and those responsible for compliance with these programs.

## SECTION 23-1

### GENERAL PROVISIONS

#### Section 23-1.1 TITLE AND AUTHORITY

- A. This ordinance shall be known as the "Stormwater Management Ordinance of the County of Roanoke, Virginia."
- B. Pursuant to § 62.1-44.15:27 of the Code of Virginia, the County of Roanoke hereby establishes a Virginia Stormwater Management Program (VSMP) for land-disturbing activities within Roanoke County and within the Town of Vinton, and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Water Control Board (State Board) for the purposes set out in Section 23-1.2 of this ordinance. The County of Roanoke hereby designates the Director of Community Development as the Administrator of its Virginia Stormwater Management Program.

**Commented [DMH1]:** Extending applicability of Ordinance to include the Town of Vinton.

#### Section 23-1.2 PURPOSE

The purpose of this ordinance is to promote and protect the general health, safety, and welfare of the citizens of the County and to protect property, state waters, stream channels, and other natural resources from the potential harm of unmanaged stormwater, and to establish requirements whereby stormwater is managed to protect water quality and downstream property owners.

This ordinance provides the framework for the administration, implementation, and enforcement of the provisions of the Virginia Stormwater Management Act (VSMA) and delineates the procedures and requirements to be followed in connection with the permits issued by the Administrator.

#### Section 23-1.3 APPLICABILITY

- A. Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by the Administrator in accordance with the provisions of this ordinance.
- B. A stormwater management plan, or an agreement in lieu of a stormwater management plan, shall be reviewed and approved by the Administrator prior to permit issuance.
- C. Notwithstanding any other provisions of this ordinance, the following activities are exempt, unless otherwise required by federal law:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1;
2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Water Control Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use, as described in subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family residential structures;
4. Other land disturbing activities that disturb less than one acre of land area, except land disturbing activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
5. Discharges to a sanitary sewer or a combined sewer system;
6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance performed in accordance with this subsection; and
8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity.

~~D. The provisions of this Chapter shall not be applicable within the limits of the Town of Vinton.~~

#### **Section 23-1.4 COMPATABILITY WITH OTHER REQUIREMENTS**

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall apply.

#### **Section 23-1.5 SEVERABILITY**

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

#### **Section 23-1.6 STORMWATER MANAGEMENT TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES**

The County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II.B of the Regulations, as amended, expressly to include 9VAC25-870-62 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development projects]; 9VAC25-870-85 [stormwater management impoundment structures or facilities]; and 9VAC25-870-92 [comprehensive stormwater management plans], which shall apply to all land disturbing activities regulated pursuant to this ordinance, except as expressly set forth in section 23-1.7 of this ordinance.

#### **Section 23-1.7 STORMWATER MANAGEMENT TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES: GRANDFATHERED PROJECTS AND PROJECTS SUBJECT TO THE PROVISIONS OF 9VAC25-870-47B**

A. The County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II.C of the Regulations, as amended, expressly to include 9VAC25-870-93 [definitions]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional (watershed-wide) stormwater management plans], which shall only apply to all land disturbing activities regulated pursuant to this section.

- B. Any land-disturbing activity shall be considered grandfathered and shall be subject to the Part II C technical criteria of the Regulations, provided:
1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by ~~Roanoke County~~ ~~the locality~~ to be equivalent thereto (i) was approved by ~~Roanoke County~~ ~~the locality~~ prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10 and section 23-2, (iii) will comply with the Part II C technical criteria of the VSMP Regulation, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
  2. A state permit has not been issued prior to July 1, 2014; and
  3. Land disturbance did not commence prior to July 1, 2014.
- C. County, state, and federal projects shall be considered grandfathered and shall be subject to the Part II C technical requirements of the Regulations, provided:
1. There has been an obligation of county, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department has approved a stormwater management plan prior to July 1, 2012;
  2. A state permit has not been issued prior to July 1, 2014; and
  3. Land disturbance did not commence prior to July 1, 2014.
- D. Land disturbing activities grandfathered under subsections B and C of this section shall remain subject to the Part II C technical criteria of the Regulations for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to the technical criteria in effect at that time.
- E. In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements of the Part II C technical criteria of the Regulations.
- F. Land disturbing activities that obtain general permit coverage or commence land disturbance prior to July 1, 2014, shall be conducted in accordance with the Part II C technical criteria of the Regulations and Roanoke County's local stormwater management requirements that were in effect at the time of receiving general permit coverage or commencing land disturbance. Such projects shall remain subject to these requirements for an additional two general permit cycles, if general permit coverage is maintained. After that time, portions of the project,

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not under construction, shall become subject to the technical criteria in effect at that time.

- G. An operator may choose to decline grandfather status and to instead comply with the technical requirements of section 23-1.6 of this ordinance. Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.

**Section 23-1.8 STORMWATER MANAGEMENT DESIGN MANUAL**

- A. The County will utilize the policies, criteria, and information contained within the County Stormwater Management Design Manual for proper implementation of the requirements of this ordinance.
- B. The County Stormwater Management Design Manual may be updated and revised from time to time. The Administrator shall recommend any updates, supplements, or modifications of the County Stormwater Management Design Manual subject to the authorization and approval by the Board of Supervisors by resolution.

**Section 23-1.9 COUNTY RIGHT OF ENTRY**

- A. The Administrator and/or duly authorized employees, agents, or representatives of the County, bearing proper credentials and identification, may, at any reasonable times and under reasonable circumstance, enter any establishment or upon any property, public or private, which has a VSMP permit or a maintenance agreement, for the purpose of enforcing this ordinance, including, but not limited to:
  - 1. Obtaining information or conducting surveys or investigations;
  - 2. Taking samples of discharges;
  - 3. Inspecting monitoring equipment;
  - 4. Inspecting and copying documents relevant to the enforcement of this ordinance;
  - 5. Initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified;
  - 6. Inspecting stormwater management facilities or other [Best Management Practices](#) (BMPs) or to initiate or maintain appropriate actions which are required to restore proper [functioning of a](#) -stormwater management facility or other BMP operation when a land

owner, after proper notice, has failed to take acceptable action within the time specified;

7. And such other items as may be deemed necessary for the enforcement of this ordinance.
- B. If the Administrator has cause to believe an activity regulated under this ordinance is occurring without a VSMP permit, or if the person in charge of the property refuses to allow the Administrator to enter in accordance with subsection A, then the Administrator may present sworn testimony to a magistrate or court of competent jurisdiction and request the issuance of an inspection warrant to enter the property for the purpose of making such inspection and investigation. The Administrator shall make a reasonable effort to obtain consent from the owner or person in charge of the property prior to seeking the issuance of an inspection warrant under this section.

## SECTION 23-2

### DEFINITIONS

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this ordinance have the following meanings, unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

**"Administrator"** means the VSMP authority responsible for administering the VSMP on behalf of the County of Roanoke. The Administrator shall be the Director of Community Development and any duly authorized agent of the Director of Community Development, or the person designated by the County Administrator to administer this ordinance on behalf of the County.

**"Agreement in lieu of a Stormwater Management Plan"** means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

**"Applicant"** means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

**"Best Management Practice or BMP"** means schedules of activities, prohibitions of practices, including both structural or nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

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**“Clean Water Act or CWA”** means the federal Clean Water Act (33 United States Code 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

**“Common plan of development or sale”** means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

**“Control measure”** means any best management practice or other method used to prevent or reduce the discharge of pollutants to statesurface waters.

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**“County”** means the County of Roanoke, Virginia.

**“Department”** means the Department of Environmental Quality.

**“Development”** means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures, or the clearing of land for non-agricultural or non-silvicultural purposes.

**“Executed Development Agreements”** means documents that are executed by the applicant and County that implements the various sureties.

**“Fee in lieu”** means a payment of money to the County for the use of a regional stormwater management facility in place of meeting all or part of the stormwater performance standards required by this Ordinance on the site.

**“General permit”** means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9VAC25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

**“Illicit discharge”** means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a VPDES or VSMP permit (other than the VSMP permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and discharges identified by and in compliance with 9VAC25-870-400 D 2 c (3).

**“Land disturbance”** or **“Land-disturbing activity”** means a manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, or excavation, except that the term shall not include those exemptions specified in Section 23-1.3 of this Ordinance.

**“Layout”** means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

**“Minor modification”** means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

**“Municipal separate storm sewer”** means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or “MS4,” including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by Roanoke County;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

**“Municipal separate storm sewer system”** or **“MS4”** means all municipal separate storm sewers that are located within the portion of the County that is identified as “urbanized” by the U.S. Bureau of the Census in the latest Decennial Census.

**“Municipal Separate Storm Sewer System Management Program”** or **“MS4 Program”** means a management program covering the duration of a permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations and the Act and attendant regulations, using management practices, control techniques, and system design and engineering methods, and such other provisions that are appropriate.

**“Off-site facility”** means a stormwater management measure located outside the subject property boundary described in the permit application for land-disturbing activity.

**“Operator”** means the owner or operator of any facility or activity subject to regulation under this Ordinance.

**“Permit or VSMP Authority Permit”** means an approval to conduct a land disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, which may only be issued after evidence of general permit coverage has been provided by the Department.

**“Permittee”** means the person to whom the VSMP Authority permit is issued.

**“Person”** means any individual, corporation, partnership, firm, association, joint venture, public or private or municipal corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate or governmental body, or any other legal entity, or any agent or employee of any such person.

**“Regional stormwater management facility”** or **“Regional facility”** means a facility or series of facilities designed to control some or all of the adverse impacts from stormwater runoff from two or more parcels or lots, located in the same watershed, although only portions of the area may experience development.

**“Regulations”** means the Virginia Stormwater Management Program (VSMP) [Permit Regulations](#), 9VAC25-870-10 et seq., as amended.

**“Site”** means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

**“State”** means the Commonwealth of Virginia.

**“State Board”** means the State Water Control Board.

**“State Permit”** means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

**“State Water Control Law”** means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia (1950), as amended.

**“State waters”** means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

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

**“Stormwater facility maintenance agreement”** means a legally binding agreement between the owner of a property and the County regarding long-term maintenance of stormwater management facilities.

**“Stormwater Management Facility” or “SWMF”** means a device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the volume, rate of flow, quality, the period of release, or the velocity of flow.

**“Stormwater management plan”** means a document(s) containing material ~~for~~ describing methods for complying with the requirements of Section 23-3.5 of this Ordinance.

**“Stormwater Pollution Prevention Plan” or “SWPPP”** means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition, the document shall identify and require the implementation of control measures, and shall include, but not be limited to, the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

**“Subdivision”** means the division of a parcel of land into two (2) or more parcels of any size by the establishment of new ~~boundaries~~boundary lines or by the adjustment, relocation, or vacation of existing boundary lines, for the purpose, whether immediate or future, of transfer of ownership or building development. A subdivision includes all changes in street or lot lines, and any portion of any such subdivision previously recorded in which building development or street creation occurs, or is required, subsequent to such recordation. The transfer of ownership of land to the Commonwealth of Virginia or a political subdivision thereof and the division of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

**“Total Maximum Daily Load” or “TMDL”** means the sum of the individual waste load allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measures. The TMDL process provides for point versus nonpoint source trade-offs.

**“Town”** means the incorporated Town of Vinton.

**“Virginia Stormwater Management Act” or “Act”** means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

**“Virginia Stormwater BMP Clearinghouse website”** means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

**“Virginia Stormwater Management Program” or “VSMP”** means ~~a~~the program approved by the State Board after September 13, 2011, that has been established by ~~a~~

localityRoanoke County to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local County ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement, where authorized in this Ordinance, and evaluation consistent with the requirements of this Ordinance and associated regulations.

“Virginia Stormwater Management Program authority” or VSMP authority” means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program. For the purpose of this Ordinance, Roanoke County is the VSMP Authority for Roanoke County, including the Town of Vinton.

### SECTION 23-3

#### PROGRAM PERMIT PROCEDURES AND REQUIREMENTS

##### Section 23-3.1 PERMIT REQUIRED

- A. No grading, building, or other local permit will be issued for a property until a VSMP authority permit has been issued by the Administrator, unless the activity is specifically exempted from VSMP permitting by this Ordinance.
- B. No VSMP authority permit will be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the requirements of this Ordinance, including an approved erosion and sediment control plan; and an approved stormwater management plan or an executed agreement in lieu of a stormwater management plan.
- C. No VSMP authority permit will be issued without the general permit registration statement except that construction activity involving a single-family detached residential structure, within or outside of a common plan of development or sale does not require a permit registration statement. Construction activities involving a single-family detached residential structure, within or outside of a common plan of development or sale, shall comply with the requirements of the General Permit.

##### Section 23-3.2 PERMIT APPLICATION CONTENTS

- A. Unless specifically exempted by this Ordinance, any land-owner or operator desiring a permit for a land disturbance activity shall submit to the County a permit application on a form provided by the County for that purpose. Permit applications shall comply with the requirements contained within the County Stormwater Management Design Manual that is available from the Department of Community Development.

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- B. No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein.
  - 1. A permit application that includes a fully-executed general permit registration statement, except that construction activity involving a single-family detached residential structure, within or outside of a common plan of development or sale does not require a permit registration statement;
  - 2. An erosion and sediment control plan approved in accordance with the County Erosion and Sediment Control Ordinance [Chapter 8.1];
  - 3. A stormwater management plan, or agreement in lieu of a stormwater management plan, that meets the requirements of Section 23-3.5;
  - 4. Maintenance agreement in accordance with Section 23-3.7;
  - 5. Performance bonds in accordance with Section 23-3.8;
  - 6. Fees in accordance with Section 23-3.9; and,
  - 7. Executed Development Agreements.
- C. Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish, when requested, such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of the permittee's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.

**Section 23-3.3 STORMWATER POLLUTION PREVENTION PLANS**

- A. The Stormwater Pollution Prevention Plan (SWPPP) required by the general permit, shall comply with the requirements set forth in 9VAC25-870-54 and shall also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.

The SWPPP shall include:

- 1. An approved erosion and sediment control plan;
- 2. An approved stormwater management plan, or agreement in lieu of a stormwater management plan;
- 3. A pollution prevention plan for regulated land disturbing activities;

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4. Description of any additional control measures necessary to address a TMDL.

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- B. The SWPPP shall be amended, by the operator, whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters, which is not addressed by the existing SWPPP.
- C. The SWPPP shall be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public and County review in accordance with Section II of the general permit, either electronically or in hard copy.

**Section 23-3.4 POLLUTION PREVENTION PLANS**

- A. A Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants.
- B. At a minimum, such measures must be designed, installed, implemented, and maintained to:
  - 1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
  - 2. Minimize the exposure of all materials, including, but not limited to building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
  - 3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- C. The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
  - 1. Wastewater from washout of concrete, unless managed by an appropriate control;
  - 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
  - 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
  - 4. Soaps or solvents used in vehicle and equipment washing.

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~~E.~~ The pollution prevention plan shall prohibit discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls.

#### **Section 23-3.5 STORMWATER MANAGEMENT PLANS**

- A. No application for land-disturbing activity will be approved unless it includes a stormwater management plan or agreement in lieu of a stormwater management plan, as required by this Ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.
- B. Submittal, review, approval, and resubmittal of stormwater management plans, and agreements in lieu of stormwater management plans shall comply with the requirements set forth in this Ordinance and the County Stormwater Management Design Manual.
- C. The stormwater management plan shall apply the stormwater management technical criteria set forth in Section 23-1.6 of this Ordinance to the entire ~~common plan of development or sale~~~~land-disturbing activity~~. Individual lots in new residential, commercial, or industrial developments, including those developed by subsequent owners, shall not be considered to be separate land-disturbing activities.
- D. A stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners
- E. The stormwater management plan must consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
- F. If an operator intends to meet the water quality and/or quantity requirements set forth in 9VAC25-870-63 or 9VAC25-870-66 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by §62.1-44.15:35 of the Code of Virginia.
- G. Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- ~~H.~~ Where a stormwater management plan is required, a construction record drawing for permanent stormwater management facilities shall be submitted to the

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Administrator and approved prior to the release of bonds. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth, certifying that the stormwater management

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facilities have been constructed in compliance with the approved plan.

Stormwater management facilities include all storm drain structures, storm drain pipes, culverts, open channels, BMPs, and all other facilities used to convey, control, or treat stormwater runoff.

I.H. The stormwater management plan shall include the following information:

1. Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the pre-development and post-development drainage areas;
2. Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
3. A narrative that includes a description of current site conditions and final site conditions or if allowed by Roanoke County, the information provided and documented during the review process that addresses the current and final site conditions;
4. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;
5. Information on the proposed stormwater management facilities, including:
  - (i) The type of facilities;
  - (ii) Location, including geographic coordinates;
  - (iii) Acres treated; and
  - (iv) Surface area, volume, depth, and width of facilities, if applicable;
  - (v) The surface waters or karst features, if present, into which the facility will discharge ;and
  - (vi) The Hydrologic Unit Code (HUC) into which the facilities drain.
6. Hydrologic and hydraulic computations, including runoff characteristics;
7. Documentation and calculations verifying compliance with the water quality and quantity requirements of the regulations.
8. A map or maps of the site that depicts the topography of the site and includes:
  - (i) All contributing drainage areas;
  - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

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- (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
- (iv) Current land use, including existing structures, roads, and locations of known utilities and easements;
- (v) Sufficient information (such as grades, structures and pavements, and other appropriate information) on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
- (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
- (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
- (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

d.i. An agreement in lieu of stormwater management plan shall conform to the Regulations and the County Stormwater Management Design Manual.

**Section 23-3.6 COMPREHENSIVE STORMWATER MANAGEMENT PLANS AND REGIONAL STORMWATER MANAGEMENT FACILITIES**

- A. The County may develop comprehensive stormwater management plans in accordance with 9VAC25-870-92 as a means to more effectively and efficiently address water quality objectives, quantity objectives, or both; through the implementation of regional stormwater management facilities.
- B. Once a comprehensive stormwater management plan is adopted by the County and approved by the Director of the Virginia Department of Environmental Quality, it is enforceable under this Ordinance.
- C. Stormwater management plans for land disturbing activities located in areas that have a comprehensive stormwater management plan, adopted by the County, and approved by the Director of the Virginia Department of Environmental Quality, shall comply with the requirements of the comprehensive stormwater management plan.

If a proposed regulated land-disturbing activity is located in a watershed that has a regional stormwater management facility currently constructed, and if the regional stormwater management facility is in accordance with a comprehensive stormwater management plan, the County shall have the option to require the payment of a fee-in-lieu of providing a portion or all of the proposed regulated land-disturbing activities stormwater management requirements. The fee-in-lieu shall be based on the reasonable proportion of stormwater impacts from the proposed regulated land-disturbing activity compared to the total stormwater impacts that the regional stormwater management facility is designed to mitigate, multiplied by the total estimated project costs. The reasonable proportion of project costs shall be solely determined by the County. Project costs include, but

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are not limited to, the costs of land, professional services for investigations, studies, design, environmental permitting, surveying, construction phase

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\_services, legal services, and construction. Project costs may also include County staff costs for project development, design, construction, permitting, oversight, or other project activities; and other direct costs. Project costs shall also include the present value of the estimated operation and maintenance costs for the next 20 years, if the County is responsible for the regional stormwater management facility's operation and maintenance.

- D. The County and any other party (ies) may mutually agree to share the costs of a regional stormwater management facility, in the absence of a comprehensive stormwater management plan. The fee-in-lieu shall be based on project costs apportioned to each party in reasonable proportion of each party's contribution to the total stormwater impacts that the regional stormwater management facility is designed to mitigate, as mutually negotiated.

#### **Section 23-3.7 STORMWATER MANAGEMENT FACILITY MAINTENANCE AGREEMENTS**

- A. Maintenance of ~~all~~ stormwater management facilities shall be ensured through the creation of a formal maintenance agreement that is executed by the property owner and submitted prior to plan approval and recorded by the County in the County land records prior to permit termination. The maintenance agreement shall be binding on all subsequent property owners.
- B. The property owner of the site shall execute an access easement agreement, prior to plan approval, to provide for access to stormwater management facilities at reasonable times for periodic inspection by the County, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Ordinance. The easement agreement shall be recorded in the County land records by the County and it shall be binding on all subsequent property owners.
- C. A stormwater management facility that serves more than one parcel shall be located on its own, separate parcel. The land owners of each parcel served by the stormwater management facility shall be jointly and severally responsible for the maintenance of the stormwater management facility through a formal maintenance agreement with the County.
- D. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements, acceptable to the County, shall be made to pass the responsibility to successors in title. These arrangements shall designate for each land owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.

- E. As part of the maintenance agreement, a schedule shall be developed identifying anticipated routine maintenance, to be performed by the property owner, needed for proper function of the stormwater management facility. The maintenance agreement shall also include a schedule for periodic inspections, to be performed by the property owner, to ensure proper performance of the facility between scheduled routine maintenance activities, and it shall require repairs when needed for proper function of the SWMF. The maintenance agreement shall require that the property owner document routine maintenance, repair, and periodic inspection activities, maintain said documentation for five (5) years, and submit said documentation to the County, if requested.
  
- F. The maintenance agreement shall also include "failure to maintain" provisions. In the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health, safety, or the environment, the County reserves the authority to perform the necessary maintenance or repair work and to recover the costs from the property owner. Nothing in this Ordinance shall be construed to mean that the County has the responsibility to maintain privately-owned SWMFs.
  
- G. Prior to the release of the performance security or bond, the developer shall either (1) transfer the maintenance responsibilities of the stormwater management facilities to a Home Owners Association or (2) provide the County with a maintenance security.
  - 1. Requirements for Transfer of Maintenance Responsibilities to the Home Owners Association (HOA)
    - i. Submission of acceptable record drawings.
    - ii. Acceptable final inspection of the stormwater management facility by the County.
    - iii. Transfer of the necessary property to the HOA.
    - iv. Organize and hold a meeting attended by the developer, the County and members of the HOA. Provide evidence to the County that each member of the HOA was provided prior notice of the meeting. The meeting shall be held at a place and time convenient for members of the HOA.
    - v. Provide a copy of the recorded documents establishing the Home Owners Association to the County.
    - vi. Provide the County with evidence that the Home Owners Association is funded. Minimum funding shall be based on the following schedule:

1-20 lots = \$1,000  
21-50 lots = \$1,500  
51 and over = \$1500 + \$30 per lot over 50

2. Requirements for Posting Maintenance Security.

- i. The County shall require a maintenance guaranty in the amount of twenty (20%) percent of the construction costs of the stormwater management facility.
- ii. The maintenance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
- iii. If the County takes such action upon such failure by the permittee, the County may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
- iv. The maintenance agreement and security will be the responsibility of the permittee or owner until such time as the permittee or owner provides the County with the necessary requirements for Transfer of Maintenance Responsibilities to the Home Owners Association as outlined above in (1).

H. At the discretion of the Administrator, a formal maintenance agreement and access easement agreement may need not be required for stormwater management facilities designed to treat stormwater runoff primarily from an individual single-family residential lot on which they are located, provided it is demonstrated to the satisfaction of the Administrator that future maintenance of such facilities will be addressed through an enforceable mechanism at the discretion of the Administrator.

**Commented [DMH7]:** Required to address use of agreements in lieu of SWM Plans for single family residential construction.

I. If a formal maintenance agreement and access easement agreement is not required as described in paragraph H above, the Administrator shall develop a strategy for addressing maintenance of stormwater management facilities designed to treat stormwater runoff primarily from an individual single-family residential lot on which they are located. Such a strategy may include periodic inspections, homeowner outreach and education, or other method targeted at promoting the long-term maintenance of such facilities. Such facilities shall not be subject to the requirement for an inspection to be conducted by the Administrator.

**Section 23-3.8 PERFORMANCE SECURITIES**

- A. The County may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit, or other acceptable legal arrangement, all of which shall be in a form approved by the County, prior to plan approval, in order to ensure that the stormwater practices are installed by the permittee, as required by the approved stormwater management plan.
- B. ~~Until July 1, 2017, t~~The amount of the performance security shall be the

**Commented [DMH8]:** Revised to match bond contingency amount in ESC Ordinance.

total estimated construction cost of the storm drainage systems and stormwater management facilities approved under the permit, plus 10% contingency. ~~After July 1, 2017, the amount of the performance security shall be the total estimated construction cost of the storm drainage systems and stormwater management facilities approved under the permit, plus 25% contingency. The amount of contingency is in accordance with Title 15.2, Chapter 22, Article 41 (§ 15.2-2241 et seq.) of the Code of Virginia (1950), as amended.~~

- C. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
- D. If the County takes such action upon such failure by the permittee, the County may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
- E. Within 60 days of the completion of the requirements of the permit conditions, including request for permit termination by the operator, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, will be refunded to the permittee or terminated.

#### **Section 23-3.9 FEES**

- A. Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with the appropriate fee schedule established, updated and revised from time to time by the County Board of Supervisors by resolution. VSMP costs include County costs associated with stormwater management plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities, as well as state program oversight costs.
- B. Fees for providing coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be imposed in accordance with the appropriate fee schedule established, updated and revised from time to time by the County Board of Supervisors by resolution. Fifty percent (50%) of the total fee shall be paid by the applicant at the time that a stormwater management plan, or agreement in lieu of a stormwater management plan, is submitted for review. The remaining total fee is to be paid by the applicant prior to issuance of coverage under the General Permit for Discharges of Stormwater from Construction Activities.
- C. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to

the fee schedule established, revised and updated from time to time by the County Board of Supervisors by resolution.

- D. Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with the fee schedule established, revised and updated from time to time by the County Board of Supervisors by resolution. If the permit modifications result in changes to stormwater management plans that require additional review by the County, such reviews shall be subject to the fee schedule established by the County Board of Supervisors, as amended. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in accordance with the fee schedule established, revised and updated from time to time by the County Board of Supervisors by resolution.
- E. General permit maintenance fees: Annual permit maintenance fees required by 9VAC25-870-830 shall be imposed in accordance with the fee schedule established, revised and updated from time to time by the County Board of Supervisors by resolution, including fees imposed on expired general permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. General permit coverage maintenance fees, for permits issued in a previous calendar year, shall be paid by April 1st of each year that it is in effect. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.
- F. Persons whose coverage under the general permit has been revoked shall apply to the Virginia Department of Environmental Quality for an Individual Permit for Discharges of Stormwater from Construction Activities.
- G. No permit application fees will be assessed to:
- 1) Permittees who request minor modifications to permits as defined in Section 23-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this section.
  - 2) Permittees whose permits are modified or amended at the initiative of the Department or Administrator, excluding errors in the registration statement identified by the Administrator or errors related to the acreage of the site.
- H. All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late

payment fee shall be charged to any delinquent (over 90 days past due) account. The County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

- I. In addition to the fees contained on the fee schedule established, revised and updated by the County Board of Supervisors by resolution the County may collect convenience fees associated with processing credit card payments.

**Section 23-3.10 PERMIT APPLICATION PROCEDURE**

- A. Permit applications and the stormwater management plan, or agreement in lieu of a stormwater management plan, shall include all of the information required by this Ordinance and the County Stormwater Management Design Manual.
- B. No VSMP authority permit shall be issued until the maintenance agreement required in section 23-3.7 is approved, performance securities required in section 23-3.8 have been submitted and accepted, and fees required to be paid, pursuant to section 23-3.9, are received.
- C. All applications will be processed in accordance with procedures set forth below and in the County Stormwater Management Design Manual.
  1. The Administrator shall determine the completeness of a plan in accordance with section 23-3.2 of this Ordinance and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification will contain the reasons the plan is deemed incomplete.
  2. The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed above, then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
  3. The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.
  4. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the applicant or his/her designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.
  5. If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above, the plan shall be deemed approved.

- D. Approved stormwater management plans may be modified, as follows:
  - 1. Modification to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
  - 2. The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- E. The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities.

#### SECTION 23-4

#### EXCEPTIONS TO STORMWATER MANAGEMENT REQUIREMENTS

- A. The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
  - 1. Exceptions to the requirement that the land-disturbing activity obtain the required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, unless it is duly approved by the Department Director of Environmental Quality.
  - 2. Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
  - 3. Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.
- B. The Administrator may grant an exception from provisions contained in the County Stormwater Management Design Manual when not reasonably achievable, provided that acceptable mitigation measures are provided.
- C. Requests for an exception to the stormwater technical requirements shall be submitted in writing to the Administrator.

Commented [DMH9]: Correction per DEQ request.

## **SECTION 23-5**

### **PROPERTY OWNER RESPONSIBILITIES FOR DRAINAGE WAYS**

- A. Drainage ways consist of natural watercourses, storm sewers, gutters, manmade channels, and other natural or manmade drainage paths.
- B. Every person owning property through which a drainage way passes, or such person's lessee, shall keep and maintain that part of the drainage way within the property free of trash, debris, yard wastes, and other obstacles that could pollute, contaminate, or significantly retard the flow of water.
- C. No person shall sweep, wash, or otherwise place dirt, trash, debris, yard wastes, or other materials in drainage ways where they could be picked up and carried off the person's property by stormwater runoff.
- D. The property owner or such person's lessee shall maintain healthy vegetation to protect the drainage way from excessive erosion during storm events. Particular care shall be taken to maintain healthy bank vegetation along watercourses.

## **SECTION 23-6**

### **CONSTRUCTION INSPECTION**

#### **Section 23-6.1 NOTICE OF CONSTRUCTION COMMENCEMENT**

The permittee shall notify the County in advance before the commencement of land disturbing activities. In addition, the permittee shall notify the County in advance of construction of critical components of a stormwater management facility.

#### **Section 23-6.2 PERIODIC CONSTRUCTION INSPECTION**

- A. The Administrator shall periodically inspect the land-disturbing activity during construction for:
  - 1. Compliance with the approved erosion and sediment control plan;
  - 2. Compliance with the approved stormwater management plan, or executed agreement in lieu of a stormwater management plan;
  - 3. Development, updating, implementation with the pollution prevention plan;
  - 4. Development and implementation of any additional control measures necessary to address a TMDL.
- B. If the County inspections find any violations, the permittee shall be notified in writing of the nature of the violation and the required corrective actions. No additional construction or land-disturbing activity in the area of the violation shall

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proceed until any violations are corrected and all work previously completed has received approval from the County. The permittee is responsible for maintenance and repair for all stormwater management facilities during construction.

- C. The person responsible for implementing the approved plan is required to provide adequate inspection monitoring and reports to ensure compliance with the approved plan, to determine whether the measures required in the plan provide effective stormwater management and to allow the registered professional to certify the record documents in accordance with Section 23-3.5. All permittee inspections shall be documented and written reports prepared that contain the following information:

1. The date and location of the permittee inspection;
2. Whether construction is in compliance with the approved stormwater management plan;
2. 3. Variations from the approved construction specifications;
- 3- 4. Corrective actions that have been taken to correct previous violations;
- 4- 5. Any violations that exist; and
- 5- 6. The name and signature of the person who performed the inspection.

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Permittee inspection documentation shall be organized chronologically and be stored with the SWPPP.

- D. If the County determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance with Section 23-9 of this Ordinance.

### Section 23-6.3 FINAL INSPECTION AND RECORD DOCUMENTATION

- A. The permittee shall submit record drawings and supporting documentation for all stormwater management facilities and storm drainage systems associated with the project before final County inspection. Record drawings and supporting documents shall comply with the requirements contained in the County Stormwater Management Design Manual. Record drawings shall not be required where the Administrator does not require a formal maintenance agreement and access easement agreement for stormwater management facilities designed to treat stormwater runoff primarily from an individual single-family residential lot on which they are located.
- B. Receipt of record drawings and supporting documentation, final inspection and approval by the County, execution and recordation of maintenance agreement,

Commented [DMH10]: Coordinated with special requirements for individual residential lot conditions.

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and permit termination is required before the final release of performance securities.

C. If it is determined from the record drawings, or inspections, that the storm drainage systems and the stormwater management facilities have not been constructed in accordance with the approved stormwater management plan, then corrective action will be taken to comply with the approved Plan or the permittee shall provide studies and information required by the County to demonstrate that the constructed system will function equivalent to the approved Stormwater Management Plan, and that all regulatory requirements are met.

D. A supplemental digital file of the record drawings shall be submitted to the County for its use in maintaining public records. The supplemental digital file shall comply with the requirements contained in the Roanoke County Stormwater Management Design Manual.

Commented [DMH11]: We need this information to aid in staff efficiency with maintaining GIS system.

## SECTION 23-7

### POST CONSTRUCTION INSPECTION, MAINTENANCE AND REPAIR OF STORMWATER MANAGEMENT FACILITIES

#### Section 23-7.1 MAINTENANCE INSPECTIONS OF STORMWATER MANAGEMENT FACILITIES

- A. Following the completion and acceptance of construction, the property owner is responsible for the maintenance and repair of stormwater structures and stormwater management facilities. The property owner shall ensure that proper maintenance and repair of stormwater structures and stormwater management facilities occur and that periodic inspection, maintenance, and repair are performed so that the structures and facilities operate properly. All inspection, maintenance, and repair activities, performed by the property owner shall be documented. Documentation shall be submitted to the County, if requested.
- B. Stormwater structures and stormwater management facilities that have recorded stormwater facility maintenance agreements shall be operated, inspected, maintained and repaired, by the property owner, in conformance with the applicable performance requirements contained in the approved stormwater facility maintenance agreement.
- C. Existing sstormwater structures and stormwater management facilities were required as a condition for parcel development. Therefore, they shall be operated, inspected, maintained and repaired, by the property owner, as necessary for proper operation of the structures and facilities even if there is not that do not have a recorded stormwater facility maintenance agreement shall be operated, inspected, maintained and repaired, by the property owner, as required for proper operation of the structures and facilities. Following are the minimum maintenance requirements for stormwater structures

Commented [DMH12]: Added language to make clear that SWM facilities without agreements still require maintenance under this ordinance.

and stormwater management facilities that do not have a recorded stormwater facility maintenance agreement:

1. Stormwater structures and stormwater management facilities shall be inspected and maintained or repaired as needed, by the property owner, after significant rainfall events that cause localized flooding, and at least annually.
2. All structures and slopes shall be kept in a safe condition. Stormwater sheet flow shall not be converted to concentrated flow by extending downspouts or other drains toward streets or property lines. Rain gardens, pervious pavement, and other stormwater management facilities shall not be removed or rendered inoperable.
3. The sStormwater management facilitiesy and stormwater conveyance systems shall be kept clear of grass clippings, cut brush, and other debris.
4. All pipes and structures shall be kept clean and clear of debris that could decrease flow capacity.
5. Sediment and silt that washes into stormwater management facilities shall be removed and properly disposed of when the sediment and silt builds up to the point that they adversely impact the facility's proper operation.
6. Trees and other woody plants shall be cut and removed from embankment slopes annually.
7. Trees and woody plants shall be cut and removed from non-embankment areas of a stormwater management facility as needed to avoid buildup of debris in the facility and to avoid a nuisance. Periodic cutting and brush removal shall occur at a frequency of at least once in three years.
8. Landscaping and grass cover shall be maintained for proper operation and erosion control. Replace landscaping as required. Repair erosion and replace grass cover as required.
9. Manufactured stormwater management facilities shall be maintained as recommended by the manufacturer.
- 8-10. Additional maintenance activities shall be performed, as needed, to maintain proper operation.

- D. In addition to the inspections performed by the property owner, the County will periodically inspect stormwater management facilities. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety, public health, or the environment, the County shall notify the property owner by registered or certified mail. The notice shall specify the measures needed to comply and shall specify the time within which such

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measures shall be completed. If the responsible party fails or refuses to correct the violation, the County, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the property owner.

- E. If stormwater management facility inspection requires entry into a confined space, or special equipment or training, then the County may hire licensed professionals to perform the inspection, or it may require the property owner to hire a licensed professional to perform the inspection. The cost for any licensed professionals to perform the required inspection shall be paid by or recovered from the owner.
- F. The County will conduct post-construction inspections of stormwater management facilities pursuant to the County's developed, and State Board's approved inspection program and will inspect each stormwater management facility at least once every five (5) years; except that periodic post-construction inspection, by the County, is not required where a formal maintenance agreement and access easement agreement is not required by the Administrator for stormwater management facilities designed to treat stormwater runoff primarily from an individual single-family residential lot on which they are located.

Commented [DMH13]: Coordinated special requirement for individual single family development.

#### **Section 23-7.2 RECORDS OF INSPECTION, MAINTENANCE AND REPAIR**

- A. Property owners responsible for the operation and maintenance of stormwater management facilities shall make records of all inspections, maintenance, and repairs, and shall retain the records for at least five (5) years.
- B. Upon request from the County, property owners shall provide copies of records documenting property owner inspections, maintenance, and repairs.

#### **SECTION 23-8**

#### **HEARINGS AND APPEALS**

#### **Section 23-8.1 HEARINGS**

- A. Any permit applicant or permittee, or person subject to the requirements of this Ordinance, who is aggrieved by any action, of the County in approving or disapproving any plans required by this Ordinance, or by any enforcement action taken pursuant to Sec. 23-9, shall have the right to request, in writing, a hearing; to the County Administrator or his/her designee provided, that a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.

A.B. The hearing shall be heard by the County Administrator, or his/her designee.

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B.C. The hearing shall be held provided that the County Administrator and the

aggrieved party has at least thirty (30) days prior notice.

C.D. A verbatim record of the proceedings of such hearings shall be taken and filed with the Board of Supervisors. Depositions may be taken and read as in actions at law.

D.E. The County Administrator, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of any witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the County Administrator whose actions may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

E.F. During its review, the County Administrator shall consider evidence presented by all parties. After considering the evidence, the County Administrator's decision shall be final.

#### **Section 23-8.2 APPEALS**

Final decisions of the County Administrator, under this Ordinance, shall be subject to judicial review by the Roanoke County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of any permit applicant, permittee, or person subject to any enforcement action under this Ordinance.

### **SECTION 23-9**

#### **ENFORCEMENT AND PENALTIES**

##### **Section 23-9.1 VIOLATIONS**

Any land-disturbance activity that is commenced or is conducted contrary to this Ordinance or the approved plans or agreements and permit, may be subject to the enforcement actions outlined in this section and the Virginia Stormwater Management Act.

##### **Section 23-9.2 NOTICE TO COMPLY OF VIOLATION**

Commented [DMH14]: Revised terminology to better coordinate with E&SC Ordinance

- A. If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply.
- B. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

- C. If there is no permittee, the notices shall be issued to the property owner.
- D. The Notice to Comply of violation shall contain:
  - 1. The name and address of the permittee, or if there is no permittee, the property owner;
  - 2. The address when available or a description of the building, structure, or land upon which the violation is occurring;
  - 3. A statement specifying the nature of the violation;
  - 4. A description of the ~~remedial~~ remedial measures necessary measures necessary to ~~bring to bring~~ the ~~land~~ land-disturbing activity into compliance with this Ordinance and a time schedule for the completion of such remedial action.
- E. Upon failure to comply within the specified time, the permit may be revoked and the permittee shall be deemed to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by this chapter.;
  - 4. ~~A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed;~~
  - 5. ~~A statement that the determination of violation may be appealed by filing a written notice of appeal within 30 days of service of notice of violation.~~

### **Section 23-9.3 STOP WORK ORDERS**

- A. If a permittee fails to comply with a notice issued in accordance with Section 23-9.2 within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all construction land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed. Such Stop Work Orders shall become effective upon service on the person by certified mail, return receipt requested, sent to the address specified in the land records of the locality, or by personal delivery by an agent of the Administrator.
- B. However, if the Administrator finds that any such violation presents an imminent and substantial danger of causing harmful stormwater runoff impacts to its MS4 system or waters within the watersheds of the Commonwealth, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency

order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may request the County Attorney to institute a proceeding for an injunction, mandamus, or other appropriate remedy.

- C. This "~~S~~top ~~W~~ork ~~O~~rders" shall be in effect until the County confirms that the land-disturbing activity is in compliance with the requirements of this Ordinance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this Ordinance.

#### **Section 23-9.4 CIVIL AND CRIMINAL PENALTIES**

- A. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in the Roanoke County Circuit Court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.
- B. Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
- C. Violations for which a penalty may be imposed under this Subsection include, but are not limited to the following:
1. No state permit registration;
  2. No SWPPP;
  3. Incomplete SWPPP;
  4. SWPPP not available for review;
  5. No approved erosion and sediment control plan;
  6. Failure to install stormwater BMPs or erosion and sediment controls;
  7. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
  8. Operational deficiencies;
  9. Failure to conduct required inspections;
  10. Incomplete, improper, or missed inspections; and

11. Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.

- D. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
- E. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
- F. Any civil penalties assessed by a court as a result of a summons issued by the County shall be paid into the County treasury to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the County and abating environmental pollution therein in such manner as the court may, by order, direct.

G. With the consent of any person who has violated or failed, neglected or refused to obey this Ordinance or any condition of a permit, the County may provide, in an order issued by the ~~Administrator~~ County against such person, for the payment of civil charges for violations in specific sums, as indicated in the following schedule: ~~not to exceed the limit specified in subdivision B of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision B.~~

**Commented [DMH15]:** Change provided to allow assessment of civil charges. Amounts coordinate with those in E&SC Ordinance.

1. Commencement of land disturbing activity without receiving coverage under the General Permit from the Department shall be one thousand five hundred dollars (\$1,0500.00) per day.
2. Commencement of land disturbing activity without preparation of a SWPPP shall be five hundred ~~five hundred~~ dollars (\$5005.00) per day.
3. Commencement of land disturbing activity with an incomplete SWPPP, or failure to properly amend a SWPPP to reflect changes in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to surface waters and has not been previously addressed in the SWPPP shall be threeseven hundred fifty dollars (\$37050.00) per day;
4. State permit registration statement not posted, or SWPPP not available for review shall be three hundred dollars (\$300.00) per day.
5. Failure to comply with SWPPP requirements shall be three hundred dollars (\$300.00) per day;
6. Failure to conduct and document required inspections shall be three hundred~~ene thousand de~~ dollars (\$34000.00) per day.
7. Incomplete, improper, or missed inspections, including lack of proper

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signature shall be three hundred dollars (\$300.00) per day.

8. Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit shall be three hundred dollars (\$300.00) per day.

9. Failure to obey a stop work order shall be one thousand dollars (\$1,000.00) per day.

10. Failure to stop work when a permit is revoked shall be one thousand dollars (\$1,000.00) per day.

H. The total civil charges are not to exceed the limit specified in subdivision B of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision B.

G-I. Any civil charge shall be paid into the County treasury to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the County and abating environmental pollution.

H-J. Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of the Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not more than \$2,500, or both.

#### **Section 23-9.5 RESTORATION OF LANDS**

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- A. Any violator may be required to restore land to its undisturbed condition or in accordance with a notice of violation, stop work order, or permit requirements.
- B. In the event that restoration is not undertaken within a reasonable time after notice, the County may take necessary corrective action, the cost of which shall be covered by the performance security, or become a lien upon the property until paid, or both.

#### **Section 23-9.6 HOLDS ON CERTIFICATE OF OCCUPANCY**

Final certificates of occupancy may not be granted at the discretion of the Administrator, until corrections have been made in accordance with the approved plans, notices of violation, stop work order, or permit requirements, and accepted by the County.

Commented [DMH16]: Added language to make sure that it was clear that this was discretionary.

~END~

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, February 23, 2016

**ORDINANCE AMENDING CHAPTER 8.1. – EROSION AND SEDIMENT CONTROL OF THE ROANOKE COUNTY CODE**

WHEREAS, Chapter 8.1. – Erosion and Sediment Control of the Roanoke County Code was last amended by Ordinance #052708-19 on May 27, 2008; and

WHEREAS, the General Assembly for the Commonwealth of Virginia has adopted legislative changes to the enabling legislation, Article 2.4, Chapter 3.1 of Title 62.1 of the Code of Virginia, and these changes must be incorporated into the ordinances of its local governments; and

WHEREAS, the administration of the Erosion and Sediment Control Program was transferred to the Department of Environmental Quality (DEQ) by Acts 2013, Chapters 756 and 793; and

WHEREAS, DEQ has adopted regulations to administer the Erosion and Sediment Control Program; and

WHEREAS, DEQ has identified various County streams as being impaired due to excessive sediment, has assigned Roanoke County a waste load allocation for sediment based on regional Total Maximum Daily Load studies, and requires Roanoke County in its Municipal Separate Storm Sewer System permit to provide additional stormwater controls; and

WHEREAS, it is necessary for Roanoke County to amend Chapter 8.1 of the Roanoke County Code to incorporate the recent legislative and regulatory changes adopted by the Commonwealth of Virginia; and

WHEREAS, these amendments revise various definitions and require compliance with water quantity of the Virginia Stormwater Management Program; and

WHEREAS, the first reading of this ordinance was held on February 9, 2016 and the second reading and public hearing was held on February 23, 2016.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That Chapter 8.1. – Erosion and Sediment Control be amended to read and provide as follows:

#### Chapter 8.1 - EROSION AND SEDIMENT CONTROL

Sec. 8.1-1. - Title, purpose and authority.

This chapter shall be known as the "Erosion and Sediment Control and Steep Slope Development Ordinance of the County of Roanoke, Virginia." The purpose of this chapter is to ~~prevent degradation of properties, stream channels, waters and other natural resources of Roanoke County conserve the land, water, air and other natural resources of the county~~ by establishing requirements for the control of soil erosion, ~~sediment deposition and non-agricultural runoff and sedimentation~~, and by establishing requirements for development of steep slopes, and by establishing procedures whereby these requirements shall be administered and enforced.

This chapter is authorized by the Code of Virginia, Title ~~62.140-1~~, Chapter ~~3.15~~, Article ~~2.4 (Sec. 10.1-560 et seq.)~~, known as the Virginia Erosion and Sediment Control Law.

Sec. 8.1-2. - Applicability of chapter in Town of Vinton.

The provisions of this chapter shall be applicable within the corporate limits of the Town of Vinton. Administrative procedures and review fees may be established to accommodate the review of plans for development located within the town.

Sec. 8.1-3. - Definitions.

As used in this chapter, unless the context requires a different meaning:

*Agreement in lieu of a plan* means a contract between the plan-approving authority and the owner ~~that~~which specifies conservation measures ~~that~~which must be implemented in the construction of a single-family residence~~all construction disturbing between two thousand five hundred (2,500) square feet and five thousand (5,000) square feet and/or two hundred fifty (250) to five hundred (500) cubic yards~~; this contract may be executed by the plan-approving authority in lieu of a formal site plan. Agreement in lieu of a plan also means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of any land disturbing activity, other than a single-family residence, that disturbs between two thousand five hundred (2,500) square feet and nine thousand nine hundred and ninety nine (9,999) square feet; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

*Applicant* means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

*Board* means the ~~state soil and water conservation board~~Virginia State Water Control Board.

*Certified inspector* means an employee or agent of a VESCPprogram authority who (i) holds a certificate of competence from the Bboard in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

*Certified plan reviewer* means an employee or agent of a VESCPprogram authority who: (i)

(1) — Holds a certificate of competence from the Bboard in the area of plan review.

(2) — (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Code of Virginia, §Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in Sec. 54.1-2200 of the Code of Virginia.

*Certified program administrator* means an employee or agent of a VESCP program authority who (i) holds a certificate of competence from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

*Clearing* means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

~~*Conservation plan, erosion and sediment control plan or plan* means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.~~

*County* means the County of Roanoke.

~~*Denuded* means a term applied to land that has been physically disturbed and no longer supports vegetative cover.~~

*Department* means the Department of Environmental Quality conservation and recreation.

*Development* means a tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units.

*Director* means the Director of community development or his assignee the Department of Environmental Quality.

*District* or Soil and Water Conservation District refers to the Blue Ridge Soil and Water Conservation District.

~~*Dormant* refers to denuded land that is not actively being brought to a desired grade or condition. Conservation plan, Erosion and Sediment Control Plan or Plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions and all information deemed necessary by the County to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. An Erosion and Sediment Control Plan must be prepared by a Virginia Professional Engineer, Land Surveyor, Landscape Architect, Architect, or Professional Soil Scientist.~~

*Erosion impact area* means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes.

*Excavating* means any digging, scooping or other methods of removing earth materials.

*Filling* means any depositing or stockpiling of earth materials.

*Geotechnical report* means a report provided at the applicant's expense, prepared and stamped by a professional engineer, that communicates site conditions, and recommends design and construction methods.

- (1) The geotechnical report shall include any or all of the following basic information, as determined by the professional engineer:
  - a. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information;
  - b. Interpretation and analysis of the subsurface data;
  - c. Specific engineering recommendations for design;
  - d. Discussion of conditions for solution of anticipated problems; and
  - e. Recommended geotechnical special provisions.
- (2) For guidance in investigating site conditions and preparing geotechnical reports, the professional engineer may refer to all applicable sections of: "Checklist and Guidelines for Review of Geotechnical Reports and Preliminary Plans and Specifications", US Department of Transportation, Federal Highway Administration Publication No. FHWA ED-88-053, as amended.
- (3) The geotechnical report shall be submitted to the plan-approving authority and included in site development files prior to issuance of a land disturbing permit.

*Grading* means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

*Land-disturbing activity* means any man-made land change to the land surface that ~~which~~ may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;

- (3) Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk ~~that~~which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Permitted sSurface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1 of the Code of Virginia;
- (6) ~~Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;~~
- ~~(7)~~ Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of ~~C~~chapter 11 (~~Code of Virginia §~~Sec. 10.1-1100 et seq.) of ~~T~~this title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in ~~S~~ubsection B of ~~Sec. Code of Virginia §~~ 10.1-1163;
- ~~(78)~~ Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- ~~(89)~~ Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, ~~article 2~~ (Va. Code § 10.1-604 et seq.) ~~of chapter 6 of the Code of Virginia,~~ ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
- ~~(940)~~ Disturbed land areas ~~for all uses~~ of less than two thousand five hundred (2,500) square feet ~~and/or less than two hundred fifty (250) cubic yards~~ in size; except as herein described for residential development in Section 8.1-6(e).
- ~~(104)~~ Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
- ~~(112)~~ Emergency work to protect life, limb or property, and emergency repairs; ~~however provided, that~~ if the land- disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in

accordance with the requirements of ~~the plan-approving authority~~this Ordinance.

~~Land-disturbing P~~permit or approval means a permit or other form of approval issued by the ~~Ce~~county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any other land disturbing activity~~purpose~~ set forth herein.

~~Local erosion and sediment control program or program~~ means an outline of the various methods employed by the county to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation. Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

**Owner** means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

**Permittee** means the person to whom the ~~permit authorizing~~ land-disturbing approval~~activities~~ is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

**Person** means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

~~Plan-approving authority~~ means the department of community development which is responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

~~Post-development~~ refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

~~Pre-development~~ refers to conditions at the time the erosion and sediment control plan is submitted to the plan-approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control plan for the initial phase is submitted for approval shall establish pre-development conditions.

~~*Program authority* means the county which has adopted a soil erosion and sediment control program approved by the board.~~

~~*Responsible Land disturber*~~ *Disturber or RLD* means an individual holding a certificate issued by the Department who is responsible for carrying out the land-disturbing activity in accordance with the approved ESC plan. In addition, the RLD may be a Virginia Professional Engineer, Land Surveyor, Landscape Architect, Architect, or Professional Soil Scientist, provided that it is the same licensed professional who sealed and signed the ESC plan. The RLD may be the owner, applicant, permittee, designer, superintendent, project manager, contractor, or any other project or development team member. The RLD must be designated on the ESC plan or permit as a prerequisite for engaging in land disturbance from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who:

- ~~(1) — Holds a responsible land disturber certificate of competence;~~
- ~~(2) — Holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection or plan review;~~
- ~~(3) — Holds a current contractor certificate of competence for erosion and sediment control; or~~
- ~~(4) — Is licensed in state as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (§ 54.1-400 et seq.) of chapter 4 of title 54.1.~~

~~*Runoff volume* means the volume of water that runs off the land development project from a prescribed storm event.~~

~~*Single-family residence* means a noncommercial dwelling that is occupied exclusively by one (1) family.~~

~~*Steep slope* means a slope greater than 3:1, or thirty-three and one-third (33.3) percent.~~

~~*Stabilized* means an area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.~~ *State permit* means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit.

~~*State waters* means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdictions.~~

~~*Town* means the incorporated Town of Vinton.~~

~~*Transporting* means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth~~

materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Virginia Erosion and Sediment Control Program or VESCP means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and non-agricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement where authorized in this article, and evaluation consistent with the requirements of this article and its associated regulations.

VESCP plan-approving authority means the Director of Community Development or his assignee, department of community development which is responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

VESCP Program authority or program authority means Roanoke County which has adopted a soil erosion and sediment control program that has been approved by the Board.

Water Quality Volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

Sec. 8.1-4. - Administration of chapter in conjunction with subdivision and zoning ordinances.

This chapter shall be administered, where applicable, in conjunction with the county's subdivision and zoning ordinances wherein such apply to the development and subdivision of land within the county or where such apply to development on previously subdivided land within the county.

Sec. 8.1-5. - Local erosion and sediment control program.

- (a) Pursuant to section 62.1-44.15:54 of the Code of Virginia~~Code of Virginia § 10.1-562~~, the ~~Ce~~county hereby establishes a VESCP program and adopts the regulations promulgated by the Board; with the exception that the requirements contained in 9VAC25-840-40.19 do not apply to the regulated land-disturbing activities that meet the requirements of 8.1-7 of this Ordinance; (for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources) and the Virginia Erosion and Sediment Control Handbook, as amended, ~~references, guidelines, standards and~~

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~~specifications promulgated by the state soil and water conservation board and those more stringent local stormwater management criteria which the County Board of Supervisors, may adopt by resolution and incorporate into the manual of regulations and policies entitled "Stormwater Management Design Manual" and "Design and Construction Standards Manual".~~

~~(b) In accordance with § 62.1-44.15:52 of the Code of Virginia, any plan approved prior to July 1, 2014 that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels~~

~~for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.~~

~~(c) For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements for natural and man-made channels shall be satisfied by compliance with water quantity requirements specified in § 62.1-44.15:28 of the Stormwater Management Act and 9VAC25-870-66 of the Virginia Stormwater Management Program (VSMP) regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Stormwater Management Program (VSMP) Regulations.~~

~~(d) The County hereby designates the Director of Community Development or his assignee as the plan-approving authority.~~

~~(e) The program and regulations provided for in this chapter shall be made available for public inspection at the office of the Department of Community Development.~~

~~(f) Pursuant to Sec. 62.1-44.15:53 of the Code of Virginia § 10.1-561.1, an erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The erosion control program of the County shall contain a certified~~

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program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

Sec. 8.1-6. - Regulated land-disturbing activities; submission and approval of plans; contents of plans.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the ~~D~~department of ~~C~~community ~~D~~development an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the ~~VESCP-plan-approving~~ authority. ~~No approval to begin a land-disturbing activity will be issued unless evidence of state permit coverage is obtained where it is required.~~ Where land-disturbing activities involve lands under the jurisdiction of more than one ~~VESCP(1)-local-control-program~~, an erosion and sediment control plan, at the option of the applicant, may be submitted to the ~~Departmentboard~~ for review and approval rather than to each jurisdiction concerned. ~~The Department may charge the applicantCounty a fee sufficient to cover the cost associated with conducting the review.~~
- (b) ~~Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may, at the discretion of the County, be substituted for an erosion and sediment control plan if executed by the plan-approving authority. Additional requirements are given below:~~
- (1) ~~Where the land-disturbing activity, from the construction of a single-family residence, results in between two thousand five hundred (2,500) square feet and less than five thousand (5,000) square feet and/or two hundred fifty (250) to five hundred (500) cubic yards of disturbed area, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority. shall be accompanied by a plot plan that meets the County Building Permit Plot PlanVirginia Uniform Statewide Building Code for building permit plot plan requirements.~~
  - (2) ~~Where the land-disturbing activity, from the construction of a single-family residence, results in between five thousand (5,000) square feet or more and nineteen thousand nine hundred ninety nine (9,999)10,000) square feet and/or five hundred (500) to seven hundred fifty (750) cubic yards of disturbed area, an "agreement in lieu of a plan" shall be accompanied by either a plot plan that meets the County Building Permit Plot PlanVirginia Uniform Statewide Building Code for building permit plot plan requirements, prepared by a certified responsible land disturber, ; or an engineered plan prepared by a Virginia Professional Engineer, Land Surveyor, Landscape Architect, Architect, or Professional Soil Scientist professional-engineer or a certified landscape architect showing the erosion and sediment control measures, must be~~

submitted and executed by the plan-approving authority. A certified responsible land disturber must also be provided and identified named.

- (3) ~~Where the land-disturbing activity, from the construction of a single family residence, results in ten thousand (10,000) square feet or more and/or seven hundred fifty (750) cubic yards or more of disturbed area, an erosion and sediment control plan shall must be submitted. The County may require additional information, or may decline to execute an agreement in lieu of a plan and may require an erosion and sediment control plan in instances where, in the County's opinion, it is necessary appropriate an erosion and sediment control plan is needed in order to properly protect downstream properties or the environment, which has been prepared by a professional engineer or a certified landscape architect. For disturbed areas of less than ten thousand (10,000) square feet, refer to the chart below to determine requirements for the site.~~

	And/Or	Cubic Yards	Requirements
Square Feet			
<2,500		0	Exempt from E&S Plan; *building permit plot plan required
2,500— 5,000		250— 500	"Agreement in Lieu" of a plan; permit fee; *building permit plot plan required
5,000— 10,000		500— 750	Certified RLD, *building permit plot plan by a certified RLD, certified landscape architect or a P.E.; permit fee

>10,000		>750	Erosion and sediment control plan prepared by a P.E. or certified landscape architect; agreement; surety; a *building permit plot plan, if required by the building commissioner
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- (b) ~~\*Refer to the Virginia Uniform Statewide Building Code for building permit plot plan requirements.~~
- (c) An erosion and sediment control plan shall be filed for a development and the buildings constructed within, regardless of the phasing of construction.
- (d) If individual lots or sections in a residential development are being developed by different property owners, all land-disturbing activities related to the building construction shall be covered by an erosion and sediment control plan or an "Agreement in Lieu of a Plan" signed by the property owner. The property owner is responsible for complying with the provisions of (a) or (b) above for each lot to obtain an erosion and sediment control permit.
- (e) Land-disturbing activity of less than two thousand five hundred (2,500) square feet on individual lots in a residential development shall not be considered exempt from the provisions of this ordinance, if the total land-disturbing activity in the development is equal to or greater than two thousand five hundred (2,500) square feet.
- ~~If lots in a subdivision are sold to another owner, that person is responsible for obtaining a certified responsible land disturber and submitting a plot plan for each lot to obtain an erosion and sediment control permit.~~
- (fd) The standards contained with the "Virginia Erosion and Sediment Control Regulations," and The Virginia Erosion and Sediment Control Handbook, as amended and those more stringent local ~~stormwater management~~ criteria which the ~~B~~board of ~~S~~supervisors of the ~~county~~County, may adopt by resolution and incorporate into the manual of regulations and policies entitled "Stormwater Management Design Manual" and "Design and Construction Standards Manual" are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. In cases where one standard conflicts with another, the more stringent applies. The VESCP plan approving plan approving authority, in considering the adequacy of a

submitted plan, shall be guided by the same standards, regulations and guidelines. ~~The plan approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions by granting a variance under the conditions noted in 4VAC50-30-50 of the state erosion and sediment control regulations.~~

~~(g) The VESCP plan-approving authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of the Erosion and Sediment Control Law and the Board's regulations, and if the person responsible for carrying out the plan certifies that he will properly perform the measures included in the plan and will conform to the provisions of this ordinance. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of the responsible land disturber, to the program authority, as provided by § 62.1-44.15:52, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of the responsible land disturber, prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance. However, the VESCP plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of the responsible land disturber, as provided by § 62.1-44.15:52 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of the responsible land disturber shall be a violation of this chapter.~~

~~The plan approving authority shall grant written approval within forty five (45) days of the receipt of the plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this chapter.~~

~~(h) When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within forty-five (45) days. The notice shall specify the modifications, terms and conditions that will permit approval of the plan. If no action is taken by the plan-approving authority within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.~~

~~(i) Responsible land disturber requirement. As a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by section 10.1-561, of the state~~

~~erosion and sediment control law, who will be in charge of and responsible for carrying out the land-disturbing activity (the responsible land disturber). Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this chapter. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.~~

~~However, the plan-approving authority may waive the certificate of competence for an "Agreement in Lieu of a Plan" for construction of a single-family residence meeting the requirements in 8.1-3(t)(10) of this chapter. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the "Agreement in Lieu of a Plan" shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by section 10.1-561 of the state erosion and sediment control law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this chapter and may result in penalties provided in this chapter.~~

~~(ig) The VESCP authority may require changes to an approved plan may be changed by the plan-approving authority when:~~

- ~~(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or~~
- ~~(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan approving authority and the person responsible for carrying out the plan.~~

~~(kh) Variances: The VESCP plan-approving authority may waive or modify any of the standards that are deemed to be inappropriate or too restrictive for site conditions, by granting a variance. A variance may be granted under these conditions:~~

- ~~(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.~~
- ~~(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the~~

request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

(3) The VESCP authority shall consider variance requests judiciously, keeping in mind both the need of the applicant to maximize cost effectiveness and the need to protect off-site properties and resources from damage.

(l) In order to prevent further erosion, the County may require approval of a conservation plan for any land identified in the local program as an erosion impact area. the property owner of land identified by the County as an erosion impact area to immediately take actions to minimize the delivery of sediment onto neighboring properties or into state waters, and to prepare and submit to the County an Erosion and Sediment Control Plan that details how the erosion impact area will be permanently stabilized. Failure by the property owner to comply with County directions to immediately take actions to minimize the delivery of sediment onto neighboring properties or into state waters; or failure to submit an Erosion and Sediment Control Plan within a reasonable time period set by the County; or failure to implement the Erosion and Sediment Control Plan after approval by the County within a reasonable time period set by the County shall be a violation of this ordinance. Such violation shall be subject to all of the penalties and other legal actions contained in Section 8.1-10.

(m) When a land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion control plan shall be the responsibility of the property owner.

(n) In accordance with the procedure set forth in §62.1-44.15:55 (E) of the Code of Virginia, any person engaging, in more than one jurisdiction, in the creation and operation of wetland mitigation or stream restoration banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetland mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Virginia Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation or stream restoration banks annually with the Board for review and approval consistent with guidelines established by the Board. Approval of general erosion and sediment control specifications does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.

Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and

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sediment control specifications annually with the board for review and written comments. The specifications shall apply to:

- (1) Construction, installation or maintenance of electric transmission, natural gas and telephone utility lines, and pipelines; and
- (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual approval of separate projects within subdivisions (1) and (2) of this subsection is not necessary when board approved specifications are followed, however, projects included in subdivisions (1) and (2) must comply with board approved specifications. Projects not included in subdivisions (1) and (2) of this subsection shall comply with the requirements of the county erosion and sediment control ordinance.

The board shall have sixty (60) days in which to approve the specifications. If no action is taken by the board within 60 days, the specifications shall be deemed approved. The board shall have the authority to enforce approved specifications.

- (ok) State agency projects are exempt from the provisions of this chapter, except as provided for in the Code of Virginia, Sec. 62.1-44.15:56§ 10.1-564.
- (pl) If the grade of a site is more than thirty-three and one-third (33.3) percent, refer to the International Building Code, Chapter 18, as amended, for foundation clearances from slopes for steep slope development requirements.
- (qm) Cut slopes or fill slopes shall not be greater than 2:1 (horizontal:vertical), unless a geotechnical report is provided for the proposed slopes.
- (ra) Cut slopes or fill slopes shall not be greater than twenty-five vertical feet in height, unless a geotechnical report is provided for the proposed slopes. Cut slopes or fill slopes less than or equal to 3:1 (horizontal:vertical) may exceed twenty-five (25) vertical feet in height and shall not require a geotechnical report.
- (se) For any cut slopes or fill slopes greater than or equal to 2:1 (horizontal:vertical) ~~and~~ greater than or equal to twenty-five (25) vertical feet in height with a slope greater than 3:1 (horizontal:vertical), as-built plans showing that the finished geometry, based on a field survey performed by a licensed surveyor, is in substantial conformity with the design shall be provided to the plan-approving authority.
- (tp) Fill materials, compaction methods and density specifications shall be indicated on the site development plans. Fill areas intended to support structures shall also be indicated on the site development plans. ~~Compaction test results (per VDOT standards) shall be submitted to the plan approving authority.~~
- (uq) Development plans for all new subdivisions shall show proposed lot grades to ensure positive drainage.

Sec. 8.1-7. – Special provisions for land-disturbing activities that disturb less than ten thousand (10,000) square feet

(a) This section applies to all land-disturbing activities that disturb less than ten thousand (10,000) square feet, except that these special provisions shall not apply to any land-disturbing activity of less than ten thousand (10,000) square feet on individual lots in a residential development, if the total land-disturbing activity in the development is equal to or greater than ten thousand (10,000) square feet.

as herein described for residential development in Section 8.1-6(e).

(b) Land-disturbing activities shall meet all of the requirements of this ordinance, except for the following:

(1) The technical provisions contained in 9VAC25-840-40.19 shall not apply to land disturbing activities that meet the requirements of this section. These include:

(a) The adequacy of downstream channels and pipes are not required to be analyzed and verified.

(b2) No stormwater management measures to address any flow rate capacity or velocity requirements for downstream natural or man-made channels shall be required.

(23) An agreement in lieu of a plan may, at the discretion of the County, be substituted for an erosion and sediment control plan if executed by the plan-approving authority. All of the requirements of Section 8.1-6(b) shall apply. This provision expands the use of an agreement in lieu of, beyond a single-family residence, to all land-disturbing activities that disturb less than ten thousand (10,000) square feet.

(c) Nothing in this section shall be construed to negate any requirements of the Stormwater Management Ordinance of the County of Roanoke, where applicable.

Sec. 8.1-8. – Permits; fees; surety bonding; etc.

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan, ~~and~~ certification that the plan will be followed and evidence of state permit coverage where it is required.

(b) No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt

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from the provisions of this chapter, and has paid the fees and posted the required surety bond.

- (c) Fees. An applicant requesting permission to begin land-disturbing activity pursuant to this article shall pay the following fees to cover the administrative expense of review, permitting, and inspection.

<u>Disturbed Area (Square Feet)</u>	<u>Fee</u>
<u>Less than 5,000</u>	<u>\$25.00</u>
<u>5,000 – 9,999</u>	<u>\$50.00</u>
<u>10,000 – or greater</u>	<u>\$100.00 + \$100.00 per disturbed acre, or portion of an acre</u>

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<u>Square Feet</u>	<u>And/Or</u>	<u>Cubic Yards</u>	<u>Fee</u>	<u>Cap</u>	<u>Requirement</u>
<u>&lt;= 500</u>		<u>&lt;= 250</u>	<u>\$0.00</u>		<u>None</u>
<u>500 – 5,000</u>		<u>250 – 500</u>	<u>\$25.00</u>		<u>In lieu of agreement</u>
<u>5,000 – 10,000</u>		<u>500 – 750</u>	<u>\$50.00</u>		<u>Responsible land disturbed</u>
<u>&gt; 10,000</u>		<u>&gt; 750</u>	<u>\$100.00 + \$100/disturbed acre or portion</u>	<u>\$500.00</u>	<u>Certified inspector for project</u>
<u>&gt; 10,000</u>		<u>&gt; 750</u>	<u>\$100.00 + \$100/disturbed acre or portion</u>		<u>No certified inspector for project</u>

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- (ed) No land-disturbing permit shall be issued until the applicant submits with the application an approved erosion and sediment control plan or agreement in lieu of an approved erosion and sediment control plan and certification that the plan will be followed.

(f) ~~Surety Bond.~~ All applicants for permits shall provide to the County a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the Director of Community Development or his assignee, to ensure that measures could be taken by the County at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality plus a contingency for estimated the County's administrative costs and inflation. The contingency shall be 10% of the total estimated cost to initiate and maintain the appropriate conservation action, until July 1, 2017. On July 1, 2017 and thereafter, the contingency shall be 25%. The amount of contingency is in accordance with Title 15.2, Chapter 22, Article 41 (Section 15.2-2241, et seq.) of the Code of Virginia (1950) as amended. Should it be necessary for the County to take such conservation action, the County may collect from the applicant any costs in excess of the amount of the surety held.

Commented [DMH1]: Revised to maintain 10% bond contingency.

(g) Within 60 days of adequate stabilization and completion of all other site requirements, as determined by the Director of Community Development or his assignee, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated.

(h) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

Sec. 8.1-98. - Monitoring, reports, and inspections.

(a) The responsible land disturber, as provided in § 62.1-44.15:52, shall be in charge of and responsible for carrying out the land-disturbing activity and provide for periodic inspections of the land-disturbing activity. The County may require the person responsible for carrying out the plan ~~and/or the responsible land disturber~~ to monitor ~~and maintain~~ the land-disturbing activity. The person responsible for carrying out the plan~~land disturber~~ will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The Department of Community Development shall periodically inspect the land-disturbing activity in accordance with 9VAC25-840-60 of the Virginia Erosion and Sediment Control Regulations as required under the state program to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The

owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. If the ~~D~~irector of ~~C~~ommunity ~~D~~evelopment, or his assignee, determines that there is a failure to comply with the plan or if the plan is determined to be inadequate, notice shall be served upon the permittee ~~or~~, person responsible for carrying out the plan ~~or the responsible land disturber~~ by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee shall be deemed to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by this chapter.

- (c) Upon issuance of an inspection report denoting a violation of Va. Code §§ 62.1-44.15:55, -44.15:56, the Director of Community Development, or his assignee, may, in conjunction with or subsequent to a Notice to Comply as specified in this chapter, issue an Stop Work Order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

~~Upon determination of a violation of this chapter, the director of community development or his assignee may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.~~

If land-disturbing activities have commenced without an approved plan or proper permits, the ~~D~~irector of ~~C~~ommunity ~~development~~ ~~Development~~ or his assignee may, in conjunction with or subsequent to a ~~N~~otice to ~~C~~omply as specified in this chapter, issue a ~~Stop Work O~~rder requiring that all of the land-disturbing and/or construction activities be stopped until an approved plan or any required permits are obtained. Failure to comply will result in civil ~~charges or~~ penalties as outlined in section 8.1-~~109~~ of this chapter.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the ~~C~~ommonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such a ~~Stop Work O~~rder may be issued without regard to whether the permittee has been issued a ~~N~~otice to ~~C~~omply as specified in this chapter. Otherwise, such a ~~Stop Work O~~rder may be issued only after the permittee has failed to comply with such ~~aa~~ ~~N~~otice to ~~C~~omply.~~T~~

The Stop Work Order shall be served in the same manner as a Notice to Comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the County enforcing authority or permit holder for appropriate relief to the Circuit Court. The County shall serve such Stop Work Order for disturbance without an approved plan or permits upon the owner by mailing with confirmation of delivery to the address specified in the land records. Said Stop Work Order shall be posted on the site where the disturbance is occurring, and shall remain in effect until permits and plan approvals are secured, except in such situations where an agricultural exemption applies.

If the alleged violator has not obtained an approved plan or any required permits within seven (7) days from the date of service of the Stop Work Order, the Director of Community Development or his assignee may issue a Stop Work Order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the County.

The owner may appeal the issuance of a Stop Work Order to the Circuit Court of the County. Any person violating or failing, neglecting or refusing to obey a Stop Work Order issued by the Director of Community Development or his assignee may be compelled in a proceeding instituted in the Circuit Court of the County to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the Stop Work Order shall immediately be lifted. Nothing in this section shall prevent the Director of Community Development or his assignee from taking any other action authorized by this chapter.

Sec. 8.1-109. - Penalties, injunctions, and other legal actions.

(a) Violators of this chapter shall be guilty of a Class I misdemeanor.

(b) Civil penalties:

- (1) A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:
  - a. Commencement of land disturbing activity without an approved plan as provided in section 8.1-6 shall be one thousand dollars (\$1,000.00) per day.
  - b. Vegetative measures. Failure to comply with items 1, 2 and 3, or 5 of the minimum standards shall be three hundred dollars (\$300.00) per violation per day.

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- c. Structural measures. Failure to comply with items ~~2, 4, 6, 7, 8,~~ 9, 10, 11, 15, ~~and 17, or 18~~ of the minimum standards shall be three hundred dollars (\$300.00) per violation per day.
  - d. Watercourse measures. Failure to comply with items 12, 13 and 15 of the minimum standards shall be three hundred dollars (\$300.00) per violation per day.
  - e. Underground utility measures. Failure to comply with item 16(a) and/or (c) shall be three hundred dollars (\$300.00) per violation per day.
  - f. Failure to obey a stop work order shall be one thousand dollars (\$1,000) per day.
  - g. Failure to stop work when permit revoked shall be one thousand dollars (\$1,000) per day.
- (2) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00), except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.
- (c) The Director of Community Development or his assignee, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of the County to enjoin a violation or a threatened violation of Va. Code §§ 62.1-44.15:55, 62.1-44.15:56 ~~this chapter,~~ without the necessity of showing that an adequate remedy at law does not exist.
- However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.
- (d) In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the County in a civil action for damages.

- (e) Civil penalty enumerated. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the Court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. A civil action for such violation or failure may be brought by the County. Any civil penalties assessed by a Court shall be paid into the Treasury of the County, except that where the violator is the locality itself, or its agent, the Court shall direct the penalty to be paid into the state treasury.
- (f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the County may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (b)(2) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (b) or (e).
- (g) The County's Attorney shall, upon request of the County ~~or the permit issuing authority,~~ take legal action to enforce the provisions of this chapter.
- (h) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

Sec. 8.1-119. — ~~Hearings and Appeals~~ Appeals and judicial review.

(a) Hearings

- (1) Any permit applicant or permittee, or person subject to the requirements of this Ordinance, who is aggrieved by any action, of the County in approving or disapproving any plans required by this Ordinance, or by any enforcement action taken pursuant to Sec. 8.1-10, shall have the right to request, in writing, a hearing to the County Administrator or his/her designee provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.
- (2) The hearing shall be held provided that the County Administrator and the aggrieved party has at least thirty (30) days prior notice.
- (3) A verbatim record of the proceedings of such hearings shall be taken and filed with the Board of Supervisors. Depositions may be taken and read as in actions at law.

(4) The County Administrator, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of any witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the County Administrator whose actions may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.

(5) During its review, the County Administrator shall consider evidence presented by all parties. After considering the evidence, the County Administrator's decision shall be final.

(b) Appeals

Final decisions of the County Administrator, under this Ordinance, shall be subject to judicial review by the Roanoke County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of any permit applicant, permittee, or person subject to any enforcement action under this Ordinance.

~~Any applicant under the provision of this chapter who is aggrieved by any action of the County or its agent in disapproving plans submitted pursuant to this chapter shall have the right to apply for and receive a review of such action by the County Board of Supervisors. In reviewing the agent's actions, the Board of Supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the Board of Supervisors decision shall be final, subject only to review by the Circuit Court of the County. Any applicant who seeks an appeal hearing before the Board of Supervisors shall be heard at the next regularly scheduled Board of Supervisors public hearing provided that the Board of Supervisors and other involved parties have at least thirty (30) days prior notice.~~

~~Final decisions of the County under this chapter shall be subject to review by the County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.~~

Sec. 8-1.124. - Civil violations, summons, generally.

(a) The Director of Community Development, or his assignee, shall prepare an appropriate erosion and sediment control civil violation summons for use in enforcing the provisions of this chapter.

- (b) Any ~~person~~~~inspector~~ of the VESCP plan approving authority charged with enforcing this chapter shall serve upon any owner or permittee in violation of this chapter, a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the ~~County~~~~inspector~~ may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt requested mail, of the infraction. The ~~County~~ ~~S~~heriff's office may also deliver the summons. The summons shall contain the following information:
- (1) The name and address of the person charged.
  - (2) The nature of the violation and chapter provision(s) being violated.
  - (3) The location, date, and time that the violation occurred, or was observed.
  - (4) The amount of the civil penalty assessed for the violation.
  - (5) The manner, location, and time that the civil penalty may be paid to the ~~C~~ounty.
  - (6) The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.
- (c) The summons shall provide that any person summoned for a violation may, within five (5) days of actual receipt of the summons or, within ten (10) days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to the ~~C~~ounty ~~T~~reasurer's office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.
- (d) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the ~~C~~ounty shall cause the ~~S~~heriff of ~~the~~ ~~C~~ounty to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in ~~G~~eneral ~~D~~istrict ~~C~~ourt in the same manner and with the same right of appeal as provided for in Title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the ~~C~~ounty to show the liability of the violator by the preponderance of the evidence. Any admission of liability, or finding of liability shall not be a criminal conviction for any purpose.
- (e) The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.
- (f) The owner or permittee may pay the civil penalty to the ~~T~~reasurer prior to the trial date, provided he also pays necessary court costs in addition to the civil penalty.
- (g) Within the time period prescribed in (c), above, the owner or permittee, may contest the violation by presenting it to the ~~D~~irector of Community Development, who shall

certify the contest in writing, on an appropriate form, to the General District Ccourt.

(h) Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in (c), above, shall result in the immediate issuance of a Stop Work Orders and the revocation of the permit, if any.

2. That this ordinance shall be in full force and effect from and after its adoption.



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Town Clerk

### **Issue**

1. Consider approval of the minutes:
  - a. Regular meeting of January 19, 2016
  - b. Special meeting of January 30, 2016
  - c. Regular meeting of February 2, 2016
  - d. Special meeting of February 17, 2016
  - e. Special meeting of February 25, 2016

### **Summary**

None

### **Attachments**

January 19, 2016 minutes  
January 30, 2016 minutes  
February 2, 2016 minutes  
February 17, 2016 minutes  
February 25, 2016 minutes

### **Recommendations**

Motion to approve minutes

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, JANUARY 19, 2016, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

MEMBERS PRESENT: Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
I. Douglas Adams, Jr.  
Sabrina McCarty  
Janet Scheid

STAFF PRESENT: Barry W. Thompson, Interim Town Manager  
Susan N. Johnson, Executive Assistant/Town Clerk  
Theresa Fontana, Town Attorney  
Pete Peters, Assistant Town Manager/Director of Economic Development  
Donna Collins, Human Resources Director  
Gary Woodson, Public Works Director  
Joey Hiner, Assistant Public Works Director  
Chris Linkous, Deputy Chief  
Chad Helms, Captain  
David Rodgers, Lieutenant-EMS  
Larry Whiting, Lieutenant-Fire

**The Mayor called the regular meeting to order at 7:00 p.m.** The Town Clerk called the roll with Council Member Adams, Council Member McCarty, Council Member Scheid, Vice Mayor Hare and Mayor Grose present. After a Moment of Silence, Council Member Scheid led the Pledge of Allegiance to the U.S. Flag.

Roll call

**Under upcoming community events, Council Member McCarty** announced the event on February 13<sup>th</sup> at The Woodland Place with Tru Sol. Pete Peters announced that a Transit Vision Plan Public Workshop will be held this Thursday evening at the Vinton Library between 5:00 and 7:00 p.m.

**Council Member Adams** made a motion to approve the Consent Agenda as presented; the motion was seconded by Council Member McCarty and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Approved minutes for the regular meeting of January 5, 2016

**The next item on the agenda was the recognition** of promotions in the Fire/EMS Department. Deputy Chief Linkous introduced

Lieutenant Larry Whiting, Lieutenant David Rodgers and Captain Chad Helms. After the Mayor administered the oaths of office, Deputy Chief Linkous pinned their badges.

**Barry Thompson, Interim Town Manager,** commented that the Public Works Department had begun clean-up efforts at the Gish Mill property. The carport has been removed and the parking lot has been cleaned. Signs have been posted on the creek in compliance with the request of our insurance carrier. Also, a contractor has been hired to paint the coverings on the windows.

Council Member Scheid asked what would be done to secure the site with regard to fencing. Gary Woodson commented that a chain-link fence will be installed and Ms. Scheid expressed concerns about how the fence would look. Mr. Thompson commented that the insurance company had requested that the property be fenced. It will not be a perimeter fence, but will be on the corner of the building along the creek bank. Mr. Peters also commented that the grant request to VML has been submitted. Council Member Scheid asked what the total cost would be and Mr. Peters responded approximately \$5,400 and we have requested the total \$4,000 grant from VML.

Mr. Thompson next commented on the impending weather and that staff had already started meeting in preparation for the event and Public Works is already getting the snow equipment ready. Deputy Chief Linkous, who is also our Emergency Services Coordinator, has been in contact with the Police and Public Works Department and is pulling staff together.

**The next item on the agenda was a briefing on costs to add additional sidewalks and striping to complete the Walnut Avenue Sidewalk Improvement Project.** After brief comments by Mr. Thompson, he turned the meeting over to Mr. Woodson for a Power Point presentation.

Mr. Woodson first commented that at the last Council meeting there were some questions regarding the scope of the project. The total allocation for the project was \$100,000. The contract that was awarded for the sidewalks, striping and the curbs totaled \$78,501. VDOT had

a ten percent (10%) administrative cost of \$10,000 and the engineering fee was around \$8,900. That brings the project, without any change orders, a total of \$2,599 under budget.

With regard to the addition of a four foot sidewalk, which is 85 feet long, along Jackson to Walnut at the Fire Station, that would cost approximately \$3,570 based on the costs received from the bid. This was discussed with VDOT and they will approve this extra work at a net cost to the Town of \$971.

The crosswalk striping at 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> streets at a cost of approximately \$1,000 cannot be paid out of the grant money. Also, the double yellow median striping cannot be part of the grant money. The approximate cost to paint the striping would be \$1,000, which would have about 1/7<sup>th</sup> of the life of thermal. At some point there needs to be some discussion on doing some improvements on this stretch of road and perhaps we would want to hold off on the striping until we re-surface it. Vice Mayor Hare asked about the reference to thermal. Mr. Woodson said there are two techniques to striping, either painting or putting thermal which is a plastic material and lasts longer, but it twice the costs.

Mr. Woodson's next slide had an aerial view of the area showing the project as bid, the proposed crosswalks and the proposed additional sidewalk. The next several slides showed the scope of the project beginning at the intersection of West Jackson and continuing down Walnut Avenue. Mr. Woodson pointed out where the new sidewalks would be installed. Mr. Woodson commented that at the intersection of 1<sup>st</sup> Street and Walnut Avenue, there is not a really good place for striping of that section. He also commented that the area at 2<sup>nd</sup> Street will be striped as part of the scope of the project. The area at 3<sup>rd</sup> Street will not be striped because it does not meet ADA requirements. The Town can stripe this area, but we cannot use grant funds because VDOT will not approve it. That is also true of the crosswalks at 4<sup>th</sup> and 5<sup>th</sup> Streets.

Mr. Peters commented that in his observation the locations that do not meet ADA requirements is due to the fact that both sides of the sidewalks do not have ramps and therefore VDOT will not pay for those crosswalks.

After further discussion, Mr. Woodson commented that the project is going to be done in the Spring and they will submit a change order for the additional sidewalk. If Council desires to do the striping of the crosswalks at 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Streets, they would have to go out to their contractor to get that work done and pay for it with Town funds. He would recommend that the handicapped ramps be done before any striping. Mr. Woodson recommended that the matter be brought back later when the construction is started so we have real numbers. Council gave their consensus.

**The next item on the agenda was a review of the proposed format and delivery frequency for the Town of Vinton Project Management Report.** Mr. Thompson first commented that staff has prepared an extensive project listing. Tonight staff is looking for Council's input on the format with the intent to make any changes suggested by Council and then make it available to Council on the first meeting of the month. The current monthly reports will continue to be provided to Council on the second meeting of the month.

Pete Peters commented that the report presented was created with the management team. He had a similar project management list at his last job and had found it to be a tool for him to learn the projects that are going on in Town. The idea of the report is not to give fine-tuned details, but a snapshot glance of items that may be important to Council as they interact with the community. Also, his experience had been that this type of reporting had encouraged staff to move projects along knowing that updates are forthcoming.

Vice Mayor Hare asked how projects would come off of the list. Mr. Peters commented that the report would have a tab for each month. Projects that are updated will be highlighted in yellow each month and completed projects will be highlighted in green. The history of each project will be maintained in the prior months. Vice Mayor Hare asked if there would be a red highlight for projects that fall behind and Mr. Peters responded that could be done if it is the desire of Council. Council Member Adams suggested that when a project is within a month of the deadline, it could be highlighted a different color to bring attention to it.

After further discussion regarding the report, Vice Mayor Hare asked if this report would replace the monthly reports that are being provided by staff. Mr. Thompson responded that this was not intended to replace those reports and wanted to know Council's desire in that regard. Council Member Adams commented that some of the monthly reports contain information that goes back several years. He is interested in more comprehensive information. After further comments from Council, Mr. Thompson stated that he understood that more statistical information is wanted and less operational information. He would work with staff to come up a more standard format.

**Mr. Thompson next commented that a staff economic development committee will be created consisting of the Assistant Town Manager, Deputy Fire Chief, Police Chief, Planning & Zoning Director, Public Works Director and himself to focus strictly on economic development. This committee will work also with the Chamber and business groups downtown.**

The Mayor commented that he supported the idea because he was not sure a committee had ever been pulled together to look at everything the Town can do towards economic development. Council Member McCarty commented that she agreed with the Mayor because she had asked on several occasions to be provided documentation from agencies that request funding from the Town so Council would know where the funds are going. This would also keep them better informed of what was being done for economic development instead of activities that may not be doing what they were intended to do. Council Member Adams commented that we need to take the initiative and follow through to make sure we get some good results.

Council Member Scheid asked what would be the next step with the project management report. Mr. Peters responded that he will send it back out to staff for their updates and it will be placed in Drop Box on February 2<sup>nd</sup> as an updated report. It will continue monthly thereafter. She next commented that she assumed any projects that Council felt needed to be included on the list could be passed along.

With regard to the economic development committee, the Mayor further commented that he would assume that the committee would want a couple of the Council members to also serve on that committee. Mr. Thompson next commented that they would like to have input from members of Council and it was discussed that there would also be a Council Economic Development Committee if Council so desired. The Mayor commented that he would be willing to serve and suggested Council Member Scheid. In response to a question from Vice Mayor Hare regarding any sensitive information that might be discussed by this committee, the Town Attorney responded that they would be able to have a closed session just like any other public meeting. Mr. Thompson commented that the meeting would be advertised just like the other Council committee meetings.

Council Member McCarty made a motion to create a Council Economic Development Committee; the motion was seconded by Council Member Adams; and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

Approved creation of a Council Economic Development Committee

Council Member Adams nominated the Mayor and Council Member McCarty nominated Council Member Scheid. Vice Mayor Hare asked what the charter would be for this committee so it does not overlap with the functions of other committees. The Mayor responded that he thought the mission of this committee would be to search for economic development opportunities, call on prospects and make presentations of complete and accurate information. Council Member McCarty commented that she was nominated to serve on a similar committee, but they never met. The Town Clerk responded that committee was formed to meet with the Chamber for the extra funding they were given for economic development. Ms. McCarty next commented that her understanding at that time was that group would be the one to work with the Chamber and would go out to meet with business owners to show statistics of the Town and what we had to offer. She was in support of stating that committee no longer needed to exist because this committee is going to take the reins. She still felt like a report needed to be made to Council of where the funding is going. Mr. Thompson commented that we do not currently have any type of incentive

package together and this committee will need to concentrate on that as well as other information that the Town can offer any prospective businesses that we might talk with.

Council had further discussion regarding the purpose of the committee and having one person as the point of contact. Mr. Thompson commented that Mr. Peters would be the Town's point of contact. Mr. Peters commented that he initially sees the committee developing a vision and a strategic focus on what we want to target as economic development and providing the tool box of what items he can have at his disposal to work with a prospect. Vice Mayor Hare commented that there was such a tool box in place five years ago. Mr. Peters responded that if it has been that long since the process was refined, it needs to be revisited.

After further discussion, the nominations were seconded by Vice Mayor Hare and were carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

The Town Clerk recommended that the term of the members on the Committee run through June 30, 2016 to be on the same schedule with the other Council committees.

**Vice Mayor Hare commented that the Finance Committee met and reviewed the November report.** From the General Fund standpoint, revenues on an adjusted basis were over the projection and expenditures were under. The same held true on the Utility Fund side, which was all rate-increased driven and not so much as volumes.

They did review the War Memorial at the meeting. The revenues are up year over year at about \$25,000 to date. However, they are losing more money this year due to several items related to decisions that were made prior to this fiscal year under different leadership. The contracted items for re-sale, year-to-date, show revenue of \$7,500 and but expenditures of almost \$23,000. Staff is working very hard and from a customer service standpoint they are doing a phenomenal job with what they have been given and what they have been left with. Mr. Hare further commented that during the budget cycle there will be a more in-

Appointed Mayor Grose and Council Member Scheid to serve on the Council Economic Development Committee, said terms to expire June 30, 2016

depth review and look at the business plan.

With regard to cash, we are down from the beginning of the year, which is what was expected. Mr. Thompson was able to move money where it was needed in compliance with our policy. Mr. Thompson responded that it has been moved back as of today.

The budget timeline was discussed. The employee committee is being formed for the budget process and that committee will work with the Finance Committee.

Vice Mayor Hare made a motion to approve the October 2015 and November 2015 financial reports; the motion was seconded by Council Member Adams and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

Approved the October 2015 and November 2015 Financial Reports

**The Mayor commented that he appreciated the** sense of excitement from staff and the desire to get things done. He also commented on Public Works crew that he passed on the way to the meeting that was working on a water break on Almond Drive. He further commented that he had received a letter from a recent customer expressing appreciation to the current staff at the War Memorial for what a great job they are doing which he will pass on to the other members of Council.

**Comments from Council Members:** Council Member Adams commented on the pictures that have been placed on the wall in Municipal Building lobby and expressed appreciation to Susan Johnson and Julie Tucei who spearheaded the project at the suggestion of Mr. Thompson. He also expressed appreciation for the project management report that has been created.

Council Member McCarty also expressed thanks for the project management report and the current change of pace. She also expressed thanks to Mr. Woodson for getting his report regarding the Walnut Avenue sidewalk project back to Council in two weeks.

Council Member Scheid read a statement and announced that she will be running for a Council seat in the May election.

**With regard to the update on the process to fill** the Police Chief position, Vice Mayor Hare first commented that he, Council Member Adams, Chief Dudley and Donna Collins met that afternoon. They have selected five candidates to interview. There was a larger applicant pool than the first time. Ms. Collins has been able to contact four of the five and they are all still interested.

The interviews will follow the same process as last time with an interview panel during the day made up of staff and citizens and each candidate will be given a tour of the Town. Council interviews will be during the evening in closed session. There is one repeat applicant from the first time who we will not interview again. Council Member Scheid asked about any additional questions that Council might have for that candidate. Vice Mayor Hare responded that once the pool was narrowed down it would be up to Council's discretion as to who they might want to interview again.

After a review of their calendars, Council decided on the following available dates to schedule the interviews: January 29<sup>th</sup>, January 30<sup>th</sup>, February 1<sup>st</sup> and February 3<sup>rd</sup>. The night meetings would begin at 6:30 p.m. Vice Mayor Hare commented that he will ask Ms. Collins to put together packets and have them delivered. Council also selected February 17<sup>th</sup> for second interviews, if needed.

**Council Member McCarty made a motion that** Council go into a Closed Meeting pursuant to § 2.2-3711 (A) of the 1950 Code of Virginia, as amended, for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as authorized by subsection 3. The motion was seconded by Council Member Scheid and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. Council went into Closed Meeting at 9:15 p.m.

At 10:05 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Vice Mayor Hare; seconded by Council Member Adams and carried by the following roll call vote, with all members voting:

Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Certification of Closed Meeting

**Following the closed session, Council had public** discussion regarding a brewery that is interested in locating in the Town. Mr. Thompson commented that they are looking at a specific location, but he would not disclose it at this time. It appears that the location would come available in the next 60-90 days. Once they take possession of the property, they will apply for all necessary licenses and permits to begin their business.

Town staff is working with the property owner to make sure the property is zoned properly. This will probably be an opportunity to use the Change of Use grant for the first time. The property owner will probably be looking at the façade grant program and the revolving loan program as part of our CDBG grant.

Mr. Thompson further commented that the property owner has asked staff to look at what incentives the Town can offer. We do not have a lot we can offer the brewery, but we have directed them to contact Annette Patterson from a new business start-up to see how she might be able to assist them.

Council Member Scheid asked what is the property currently zoned and Mr. Thompson responded it is commercial. This business will be manufacturing and it is a permitted use within that zone. They do not have plans right now to do any bottling, but they would have the retail side. They are also talking about getting a keg license so they can do business with the local restaurants.

Council Member Scheid commented that the ABC law has changed for breweries and they do not have to serve food. Mr. Thompson commented that some breweries are using food trucks. Council Member Scheid asked if Roanoke County would play a role in a business like this as far as incentives. The County does not have a micro-brewery yet and this would be the first one. Mr. Thompson commented that he and Mr. Peters have made contact with the County Economic Development Office. Our next step is to schedule a meeting with the property owner, the brewery and Town staff. In response to a question, Mr. Thompson commented that they have been brewing

for some time in a Vinton garage and they are all business people.

Council Member Adams asked about the old library property and Mr. Thompson commented that Roanoke County will be placing a "for sale" sign on the property with Poe and Cronk.

**Vice Mayor Hare made a motion to adjourn the meeting;** the motion was seconded by Council Member Scheid and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. The meeting was adjourned at 10:20 p.m.

Meeting was adjourned

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Susan N. Johnson, Town Clerk

MINUTES OF A SPECIAL MEETING OF VINTON TOWN COUNCIL HELD AT 8:30 A.M. ON SATURDAY, JANUARY 30, 2016 IN THE TOWN MANAGER CONFERENCE ROOM OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
I. Douglas Adams, Jr.  
Sabrina McCarty  
Janet Scheid

STAFF PRESENT: Barry W. Thompson, Interim Town Manager  
Jeff Dudley, Interim Police Chief  
Susan Johnson, Town Clerk  
Donna Collins, Human Resources Director

The Mayor called the meeting to order at 8:30 a.m. The Town Clerk called the roll with Council Member Adams, Council Member McCarty, Council Member Scheid, Vice Mayor Hare and Mayor Grose present.

Vice Mayor Hare made a motion that Council go into a Closed Meeting pursuant to § 2.2-3711 A (1) of the 1950 Code of Virginia, as amended, for discussion and interviews of prospective candidates for Chief of Police. The motion was seconded by Council Member Scheid and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. Council went into Closed Meeting at 8:35 a.m.

At 7:26 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Vice Mayor Hare, seconded by Council Member McCarty and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Vice Mayor Hare made a motion to adjourn the meeting; the motion was seconded by Council Member Adams and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. The meeting was adjourned at 7:27 p.m.

APPROVED:

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Bradley E. Grose, Mayor

ATTEST:

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Susan N. Johnson, Town Clerk

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, FEBRUARY 2, 2016, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

MEMBERS PRESENT: Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
I. Douglas Adams, Jr.  
Sabrina McCarty  
Janet Scheid

STAFF PRESENT: Barry W. Thompson, Interim Town Manager  
Susan N. Johnson, Executive Assistant/Town Clerk  
Susan Waddell, Town Attorney  
Pete Peters, Assistant Town Manager/Director of Economic Development  
Donna Collins, Human Resources Director  
Jeff Dudley, Interim Police Chief  
Gary Woodson, Public Works Director  
Joey Hiner, Assistant Public Works Director  
Chris Linkous, Deputy Fire Chief  
Mark Vaught, Lieutenant-Police  
Glenn Austin, Lieutenant-Police  
Valerie Cummings, Sergeant-Police

**The Mayor called the regular meeting to order at 7:00 p.m.** The Town Clerk called the roll with Council Member Adams, Council Member McCarty, Council Member Scheid, Vice Mayor Hare and Mayor Grose present. After a Moment of Silence, Vice Mayor Hare led the Pledge of Allegiance to the U.S. Flag.

Roll call

**Under upcoming community events, Council Member McCarty** announced that tickets are still available for the event on February 13<sup>th</sup> at The Woodland Place with Tru Sol. There will also be paint nights at Teaberry's on February 18<sup>th</sup> and 25<sup>th</sup>. Council Member Scheid announced the Roanoke River Trail Ribbon Cutting & Centennial Hike on February 5<sup>th</sup> at 2:00 p.m. at the Roanoke River Parking Area on the Blue Ridge Parkway, Milepost 114.9.

**The next item on the agenda was the presentation of Police Department Awards and announcement of promotions.** Chief Dudley made comments and presented the following awards: Traffic Safety Award-Sergeant Tim Lawless; Drug

Award-Corporal Michael Caldwell; D.U.I. Award-Sergeant Greg Quesinberry; Leadership Award-Sergeant Fabricio Drumond and Officer of the Year-Corporal Michael Caldwell. Sergeant Quesinberry, who was no longer with the department, and Sergeant Drumond, who was on vacation, were not present at the meeting, but were given their awards prior to the meeting.

Chief Dudley next announced the promotions of Michael Caldwell and James Spence to Corporals.

**Chief Dudley introduced Matthew Stafford, a new Officer** in the Police Department.

**Barry Thompson introduced Anne Whitehurst, the new Accounting Manager** in the Finance Department.

**Under citizens' comments and petitions, Chris McCarty** with Grand Storage of Vinton, made comments regarding the detention pond off of Niagara Road. Last year after the pond was inspected by Roanoke County, he and Henry Brabham hired Summit Contracting to correct the issues and covered the cost of \$19,000. Now, less than a year later, there are additional problems that need to be corrected at an estimated cost of \$5,310 plus there will be future maintenance costs estimated to be \$1,800 twice a year. He requested that Council consider taking over the responsibility of the pond. Mr. McCarty next commented about the draining ditch that is adjacent to the pond that has an eroded area which needs to be repaired by the Town.

Council Member Scheid asked what happened between the time the first repairs were made and the next time it was inspected. Mr. McCarty responded that because there is so much water that feeds into the pond, it eroded again. Mr. Combs of Summit Contracting further commented that it is taking in more water today than when it was originally built. He went above and beyond what was required and put down stone in the ditch from the beginning of it to where it opens into a flat area. After further discussion, Mr. Thompson commented that the matter will be evaluated by staff and a report will be made back to Council.

**The next item on the agenda was to consider**

public comments concerning the proposed granting of a lease to Southern States Cooperative, Inc. for those certain three (3) lots lying on the south side of 11th Street identified as 60.14-2-24, 60.14-2-25 and 60.14-2-26 and those five (5) lots lying on Railroad Avenue identified as 60.14-2-1, 60.14-2-2, 60.14-2-3, 60.14-2-4 and 60.14-2-5, all of which are located in the Town of Vinton, Virginia, said lease to be for a one-year period with no more than four additional one-year renewal terms.

The Mayor opened the Public Hearing at 7:50 p.m.

Public Hearing opened

Mr. Peters briefly commented that Southern States had approached staff to lease three additional lots from the Town. Staff is recommending that these three lots along with the five lots that are already being leased be combined into one lease agreement for a one-year period with four additional one-year renewals. The revenue associated with the lease of \$800 per year will be donated to the Vinton Needy Family Program.

Dave Jones, Manager of Southern States, commented that the company's business is good. With the growth that they have had, they have run out of parking places. They supply to 60 retail stores and have 40 employees in Vinton and another 15 truckers. He further commented that they have had an agreement with Alvaro's Market for 15 parking spaces for a number of years. If tomorrow the new operator of Alvaro's would tell him the employees can no longer park there, he would have to ask those employees to move.

They will grade the piece of property they want to lease from the town to provide more parking places, which will reduce the number of employees that will have to walk across the street and the amount of grass that the town has been cutting for years. Due to the FEMA regulations, a fence cannot be put on the property, it cannot be paved and everything has to be moveable in the event of a flood event. They will be spending \$10,000 to make the improvements.

Vice Mayor Hare asked if there were any requirements to notify any nearby residents. Mr. Peters responded that he had worked with the Town Attorney in preparing the lease and we have met all

of the required notifications regarding the Public Hearing.

Hearing no further public comments, the Mayor closed the Public Hearing at 8:00 p.m.

Vice Mayor Hare made a motion to adopt the Resolution as presented; the motion was seconded by Council Member Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None.

**The next item on the agenda was to consider** adoption of a Resolution allowing the Town Treasurer/Finance Director to remove outstanding Personal Property delinquent taxes and Vehicle License Fees over five years old from the active records to a permanent file. Anne Whitehurst commented that the amount to be written off is \$16,723.92 which represents 2.53% of the total amount billed of \$659,760.99. The amount broken down is \$6,493.22 of personal property taxes and \$10,230.70 of vehicle license fees. The Finance Department has made all efforts to collect these balances and has turned them over to the State Debt Set-Off Program. Mr. Thompson commented that the vehicle license fees portion did start going up as of last year due to the fact that 2009 was the first year after they did away with the decal.

Vice Mayor Hare made a motion to adopt the Resolution as presented; the motion was seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

**The next item on the agenda was to consider** adoption of a Resolution allowing the Town Treasurer/Finance Director to remove outstanding Water and Sewer delinquent bills over five years old from the active records to a permanent file. Anne

Public Hearing closed

Adopted Resolution No. 2128 granting a lease to Southern States Cooperative, Inc. for those certain three (3) lots lying on the south side of 11th Street identified as 60.14-2-24, 60.14-2-25 and 60.14-2-26 and those five (5) lots lying on Railroad Avenue identified as 60.14-2-1, 60.14-2-2, 60.14-2-3, 60.14-2-4 and 60.14-2-5, all of which are located in the Town of Vinton, Virginia, said lease to be for a one-year period with no more than four additional one-year renewal terms

Adopted Resolution No. 2128 allowing the Town Treasurer/Finance Director to remove outstanding Personal Property delinquent taxes and Vehicle License Fees over five years old from the active records to a permanent file

Whitehurst commented that as of December 31, 2015, these accounts are over five years old and have been deemed uncollectible. The amount to be written off is \$9,820.41 which is 0.59% of the total billed for this year of \$1,674,765.49. Vice Mayor Hare commented that this was before we instituted the deposit policy, so this number should decrease as we move forward.

Council Member Scheid made a motion to adopt the Resolution as presented; the motion was seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

**The next item on the agenda was to consider** adoption of a Resolution appropriating \$7,833.00 received from the Department of Criminal Justice Services and the Town's required \$412.00 match for the purchase of two (2) Radar Speed Limit signs. Chief Dudley commented that the signs to be purchased are similar in size to speed limit signs and have radar units built in them. They would be attached to a utility pole or some other pole and would flash as a car goes by and let them know their speed. It is a speed reduction device that can be used in some of the problem areas. The signs would also record the speeds so they can download the information and track the times that there was a speed problem on particular roads which would also help schedule enforcement in those areas. This would replace the old speed trailer that the department has that is in need of some repair and is getting expensive to maintain.

Vice Mayor Hare asked about the possibility of theft. Chief Dudley responded that they would come up with some mechanisms such as the location on the pole and use of some mounting straps that require special tools to remove them.

Vice Mayor Hare next asked if the \$412 could come from asset forfeiture funds instead of Town funds. Chief Dudley responded that he would have to research to see if this is permissible expense for the asset forfeiture funds. He would check tomorrow and advise Mr. Thompson. Mr. Thompson commented that if the funds were determined to be eligible for AFT, it could be handled administratively.

Adopted Resolution 2129 allowing the Town Treasurer/Finance Director to remove outstanding Water and Sewer delinquent bills over five years old from the active records to a permanent file

Council Member Adams made a motion to adopt the Resolution as presented; the motion was seconded by Vice Mayor Hare and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

**The next item on the agenda was an update on** the recent snow event. Deputy Chief Linkous, who also serves as the Emergency Services Coordinator, first commented on the communications with VDEM and the protocol that the Town followed in preparation for Winter Storm Jonas. Two major concerns were the snow fall and the high winds toward the end of the storm.

Wayne Guffey assisted with arranging for Vinton Baptist Church to be on standby as an emergency shelter in the event of a power outage. A contingency was to use the portable generator from Public Works at the War Memorial which would have involved getting an electrician to hook it up. Also, a decision was made to close the Town offices on Friday because of the magnitude of the storm.

Deputy Chief Linkous next reported that Public Works crews were working to plow the primary roads during the event, but they were covered back again within 30 minutes. After some breaks in the snow fall on Friday afternoon, Public Works was able to get back on the primary roads. The snow event continued until Saturday evening. Because the snow was a dry and powdery snow, the wind blew the snow off the trees and power lines and there were no power outages reported on our end of the State. At the end of the day, the total accumulations for the Town were around 14 inches. The City and the County did not have to declare a local emergency, open an emergency shelter or officially open their EOC's. According to VDEM the Roanoke Valley would not qualify for reimbursement from for the event.

The estimated costs for the event were \$14,000 by Public Works for overtime, \$6,000 for equipment and materials, \$1,600 work of repairs to equipment and over \$7,500 on salt. He also commented on the number of citizen calls to Public Works as well as the number of EMS calls during the event.

Adopted Resolution No. 2130 appropriating \$7,833.00 received from the Department of Criminal Justice Services and the Town's required \$412.00 match for the purchase of two (2) Radar Speed Limit signs

Deputy Chief Linkous next commented that a post-storm meeting was held and several items were discussed that need to be considered for the future. Those items were tarps for the spreaders, a Skid steer loader or Bob Cat for downtown snow removal, replacement of Police Department SUV vehicles, an employee to man the phones to handle citizen concerns, hook-up for the portable generator to the War Memorial and stocking food at the War Memorial for the Public Works employees and Public Safety who are working during the storm.

Council Member Scheid asked who is responsible for clearing the sidewalks when it snows. Joey Hiner responded that the adjacent property owner is responsible which is stated in the Town Code. Council Member Scheid then asked if we could send out a reminder before the next snow event of this Town Code requirement. Mr. Thompson commented that we can use our social media more for any future snow event to get information out to our citizens. Further discussion was then had regarding the hook-up of the portable generator at the War Memorial.

Deputy Chief Linkous further commented that he was working on updating the Emergency Operations Plan and the Mayor commented on the importance of having the Plan.

Dave Jones, who was in the audience, commented that the Town has a lot of elderly citizens and what could be done to assist them in getting their driveways cleared. The Mayor commented that perhaps we would need to coordinate with some of our volunteers from different churches. Mr. Woodson commented that when Public Works gets calls from elderly citizens, they do send a truck out and assist with clearing the ends of driveways or around mailboxes.

The next item on the agenda was the Financial Report for December 2015. Vice Mayor Hare commented that the Finance Committee met prior to the Council meeting to review the report. The General Fund revenues are up \$725,382 adjusted for some accruals. This includes the over \$500,000 of gain-sharing that was received one month earlier than built into the budget. The meals tax is up by about \$40,000 and sales tax is up by about another \$50,000. The cigarette tax continues to fall behind.

The cash balance is up from November in the amount of \$600,000. The War Memorial from a revenue standpoint continues to be strong, definitely up over this time last year. We are at \$87,000 and this time last year we were at \$54,000. Unfortunately the loss is more. Last year it was at \$47,000 and this year it is at \$71,000. This relates to some commitments that were made prior to the management changes.

Vice Mayor Hare made a motion to approve the Financial Report for December 2015; the motion was seconded by Council Member Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) - None.

Approved the Financial Report for December 2015

**The Mayor expressed appreciation to all employees for their work during the recent snow event.**

**Comments from Council Members:** Council Member Adams commented on the project management report that was placed on Drop Box. He asked Deputy Chief Linkous to follow up on the matter of replacing Medic Truck 23 and he would like to see a date put on the report. He added the Emergency Operations Plan to his copy of the list.

Council Member McCarty also expressed thanks to Public Works for the snow removal. She also expressed appreciation to Barry Thompson, Susan Johnson and Donna Collins for all the preparation for the Special Council meeting on Saturday, January 30<sup>th</sup>. Council Member Scheid commented on the project management report and how much she appreciated it. Vice Mayor Hare asked about making the project management report available during the meeting for those who are in attendance at the meeting. Mr. Thompson responded that staff will discuss and come up with a way to make the report available for the public at Council meetings.

**The next item on the agenda was a request to go into Closed Session.** The Mayor commented that the first request was pursuant to § 2.2-3711 (A) (1) of the 1950 Code of Virginia, as amended, for discussion of prospective candidates for the Chief of Police. He asked that a second request be added pursuant to § 2.2-3711 (A) (3) of the 1950 Code of Virginia, as

amended, for discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. Council Member Scheid made a motion that Council go into Closed Session; the motion was seconded by Council Member McCarty and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. Council went into Closed Meeting at 9:03 p.m.

At 10:54 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Council Member Adams; seconded by Vice Mayor Hare and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Certification of Closed Meeting

**Following the Closed Session, Mr. Thompson gave** Council an update in open session on the brewery that is interested in locating in the Town.

**Council Member Adams made a motion to** adjourn the meeting; the motion was seconded by Vice Mayor Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. The meeting was adjourned at 11:14 p.m.

Meeting adjourned

APPROVED:

\_\_\_\_\_  
Bradley E. Grose, Mayor

ATTEST:

\_\_\_\_\_  
Susan N. Johnson, Town Clerk

MINUTES OF A SPECIAL MEETING OF VINTON TOWN COUNCIL HELD AT 6:30 P.M. ON WEDNESDAY, FEBRUARY 17, 2016 IN THE TOWN MANAGER CONFERENCE ROOM OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
I. Douglas Adams, Jr.  
Sabrina McCarty  
Janet Scheid

STAFF PRESENT: Barry W. Thompson, Interim Town Manager  
Jeff Dudley, Interim Police Chief  
Donna Collins, Human Resources Director

The Mayor called the meeting to order at 6:30 p.m. Mr. Thompson called the roll with Council Member Adams, Council Member McCarty, Council Member Scheid, Vice Mayor Hare and Mayor Grose present.

Vice Mayor Hare made a motion that Council go into a Closed Meeting pursuant to § 2.2-3711 A (1) of the 1950 Code of Virginia, as amended, for discussion and interviews of prospective candidates for Chief of Police. The motion was seconded by Council Member Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. Council went into Closed Meeting at 6:35 p.m.

At 9:01 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Vice Mayor Hare, seconded by Council Member Adams and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Vice Mayor Hare made a motion to adjourn the meeting; the motion was seconded by Council Member Scheid and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, McCarty, Scheid, Hare, Grose; Nays (0) – None. The meeting was adjourned at 9:02 p.m.

APPROVED:

\_\_\_\_\_  
Bradley E. Grose, Mayor

ATTEST:

\_\_\_\_\_  
Susan N. Johnson, Town Clerk

MINUTES OF A SPECIAL MEETING OF VINTON TOWN COUNCIL HELD AT 6:30 P.M. ON THURSDAY, FEBRUARY 25, 2016 IN THE COUNCIL CHAMBERS LOCATED OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor  
Matthew S. Hare, Vice Mayor  
I. Douglas Adams, Jr.  
Janet Scheid

MEMBERS ABSENT: Sabrina McCarty

STAFF PRESENT: Barry W. Thompson, Interim Town Manager  
Susan N. Johnson, Town Clerk  
Pete Peters, Assistant Town Manager/Director of Economic Development  
Jeff Dudley, Interim Police Chief

The Mayor called the meeting to order at 6:30 p.m. The Town Clerk called the roll with Council Member Adams, Council Member Scheid, Vice Mayor Hare and Mayor Grose present. Council Member McCarty was absent.

After a moment of silence, the Mayor commented that the last candidate had declined to accept the position. There are several options to continue the process—to review the list of candidates that was sent out this week, to start over and hire a headhunter, to start over and do our process again or to talk with the applicants that we already have. Vice Mayor Hare commented that the candidates in the pool are all very qualified and he supports looking into the current pool that we have. Council gave their consensus to consider the pool of candidates that we currently have.

The Town Clerk commented that she has received a request from the family of a former employee to have the Town seal etched into a headstone at Mountain View Cemetery. There is no language in the Town Code and we do not have a policy on the use of the Town Seal. She did contact the Town Attorney and she has responded that she has not found any law or ordinance that prohibits the Town Council from granting permission to use the Town seal. She recommended that the matter be brought to Town Council for their decision and consider adopting a policy or ordinance establishing the use of the Town seal. After further discussion, Council asked the Town Clerk to poll some other localities to see if they have a policy and report back to Council.

Council Member Adams made a motion that Council go into a Closed Meeting pursuant to § 2.2-3711 A (1) of the 1950 Code of Virginia, as amended, for discussion and interviews of prospective candidates for Chief of Police. The motion was seconded by Council Member Scheid and carried by the following roll call vote, with all members voting: Vote 4-0; Yeas (4) – Adams, Scheid, Hare, Grose; Nays (0) – None; Absent (1) – McCarty. Council went into Closed Meeting at 6:50 p.m.

At 9:30 p.m., the regular meeting reconvened and the Certification that the Closed Meeting was held in accordance with State Code requirements was approved on motion by Vice Mayor Hare, seconded by Council Member Adams and carried by the following roll call vote, with all members voting: Vote 4-0; Yeas (4) – Adams, Scheid, Hare, Grose; Nays (0) – None; Absent (1) – McCarty.

Following the Closed Session, Council directed Mr. Thompson to research the language “if no damages are assessed by Town of Vinton” on the Dogwood Festival Vendor Application. There was also discussion regarding the snow removal process during the Winter Storm event in January and the paving and curbing to be repaired on Blandford where a sewer repair was recently

completed. Council Member Adams advised Council that the Medic 23 unit is no longer in service.

Council Member Adams made a motion to adjourn the meeting; the motion was seconded by Vice Mayor Hare and carried by the following vote, with all members voting: Vote 4-0; Yeas (4) – Adams, Scheid, Hare, Grose; Nays (0) – None; Absent (1) - McCarty. The meeting was adjourned at 9:52 p.m.

APPROVED:

\_\_\_\_\_  
Bradley E. Grose, Mayor

ATTEST:

\_\_\_\_\_  
Susan N. Johnson, Town Clerk



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Police

### **Issue**

Co-Officers of the Month for January 2016

### **Summary**

Lieutenant Austin, Corporal Spence and Officer Keith were selected as Officers of the month for January and will be recognized at the meeting

### **Attachments**

Memo from Chief Dudley

### **Recommendations**

Read Memo



## Vinton Police Department

311 SOUTH POLLARD STREET  
VINTON, VIRGINIA 24179

PHONE (540) 983-0617  
FAX (540) 983-0624

**Jeff Dudley**  
**CHIEF OF POLICE**

**A State Accredited Agency**

To: Glenn Austin, Lieutenant  
James Spence, Corporal  
Jordan Keith, Police Officer

From: Jeff Dudley, Chief of Police

Date: February 8, 2016

Subject: Co-Officers of the Month – January 2016

Congratulations! You have been nominated and selected as Officers of the Month for January 2016.

On January 20, 2016 Lieutenant Austin and Officer Keith arrived on the scene of an EMS call and found a victim collapsed and laying outside his vehicle, the victim wasn't breathing. The two officers were able to lay the victim down on the ground and clear his airway, to begin CPR. Corporal Spence arrived on scene and began performing chest compressions until rescue arrived. Rescue was able to stabilize and transport the victim to the hospital, where he received the care that was needed.

Unfortunately, the victim later passed away, but the actions of the officers allowed for him to spend some precious time with his loved ones.



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Vinton Volunteer First Aid Crew

### **Issue**

Report on the Vinton Volunteer First Aid Crew Calendar Year 2015

### **Summary**

Assistant Chief Wayne Guffey will be present to give this report to Council.

### **Attachments**

None

### **Recommendations**

No action required



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Administration

### **Issue**

Request for funding presentations continued:

- a. William Byrd High School PTSA After-Prom
- b. Vinton Volunteer Fire Department
- c. Vinton Volunteer First Aid Crew

### **Summary**

Representatives from the William Byrd High School PTSA and the two Volunteer Departments will be present to give a 10 minute presentation.

### **Attachments**

FY2017 Request for Funding Applications

### **Recommendations**

No action required



## FY 2017 REQUEST FOR FUNDING APPLICATION

### Instructions

1. Please type or print.
2. Answer each question within the space provided. Please do not include additional attachments or supplementary pages unless they are essential to our understanding of your organization.
3. **Attach organization's most recent audit. If an audited statement is not available, a copy of the most recent tax return filed for the organization should be submitted.**
4. Sign, date and send the completed application to:

**Susan N. Johnson, Town Clerk**  
**311 South Pollard Street**  
**Vinton, VA 24179**

**Applicant Information** Non-Profit    Public    Other    Private    Association    (Circle One)

Name of Organization & Tax ID or EIN number		
William Byrd High School PTSA    54-1470866		
Address		
2902 Washington Ave		
City	State	Zip
Vinton	VA	24179

### CONTACT PERSON

Name	
Lisa Kornegay	
Title	Phone
A/P Chairperson	540-589-9150

### ORGANIZATION INFORMATION

Describe your organization's mission:	
WBSHS PTSA Provides the After Prom Party as an avenue for the students to enjoy their prom evening in a safe, alcohol and drug free environment. Our goal is to raise enough money to continue to make this event available to them free of charge, therefore enabling all to attend.	
How many people are served by your organization?	Approx 1100 students, their families & faculty
How many Vinton Residents are served by your organization?	
Geographic area served by your organization:	Year the organization was established:

**SERVICES PROVIDED**

Describe the service your organization provided to Town of Vinton citizens: (Detailed Project or Event Description – Tell us about what you want to do and when (include dates, names of co-sponsors, etc))

After Prom event at WBHS Spring 2017. Sponsored by WBHS PTSA. To provide a drug and alcohol free environment. Food, games, prizes and T-shirts are provided to attendees free of charge so all may attend and benefit.

**FUNDING**

List all funding received and requested from surrounding jurisdictions: (List the Town of Vinton first)

Jurisdiction (i.e. other towns, cities, counties, companies, etc)	Received FY 2016	Requesting FY 2017
<b>TOWN OF VINTON</b>	250.00	\$500
Local Businesses		
\$10000 Budget Goal / year		

**IMPACT STATEMENT**

Describe in detail the positive and negative impacts to the community in the following areas:

1. Fiscal/Economic Impact
2. Environmental Impact
3. Quality of Life Impact

Keely S. Olsen WBHS PTSA  
Signature Treasurer

2-10-16  
Date



## FY 2017 REQUEST FOR FUNDING APPLICATION

### Instructions

1. Please type or print.
2. Answer each question within the space provided. Please do not include additional attachments or supplementary pages unless they are essential to our understanding of your organization.
3. **Attach organization's most recent audit. If an audited statement is not available, a copy of the most recent tax return filed for the organization should be submitted.**
4. Sign, date and send the completed application to:

**Susan N. Johnson, Town Clerk**  
**311 South Pollard Street**  
**Vinton, VA 24179**

**Applicant Information**    Non-Profit    Public    Other    Private    Association    (Circle One)

Name of Organization & Tax ID or EIN number <b>VINTON VOLUNTEER FIRE DEPARTMENT</b>		
Address <b>P.O. BOX 426</b>		
City <b>VINTON</b>	State <b>VA.</b>	Zip <b>24179</b>

### CONTACT PERSON

Name <b>RICHARD OAKES</b>	
Title <b>CHIEF</b>	Phone <b>540-983-0629 / 540-312-8942</b>

### ORGANIZATION INFORMATION

Describe your organization's mission:	
<b>THE MISSION OF THE VINTON VOL. FIRE DEPT. IS TO PROTECT THE CITIZENS OF TOWN OF VINTON AND EAST ROANOKE COUNTY FROM FIRE OR OTHER EMERGENCY'S THAT MAY OCCUR.</b>	
How many people are served by your organization? <b>8,000 PLUS ALL OF EAST ROANOKE CO.</b>	
How many Vinton Residents are served by your organization? <b>8,000</b>	
Geographic area served by your organization:	Year the organization was established:
<b>TOWN OF VINTON, ROANOKE COUNTY, ROANOKE CITY, BERFORD COUNTY, AND ANY OTHER LOCATION THAT REQUEST AID.</b>	<b>1925</b>

**SERVICES PROVIDED**

Describe the service your organization provided to Town of Vinton citizens: (Detailed Project or Event Description - Tell us about what you want to do and when (include dates, names of co-sponsors, etc))

PROTECT LIFE AND PROPERTY FOR THE CITIZENS AND MERCHANTS THAT LIVE AND WORK IN THE TOWN OF VINTON.

**FUNDING**

List all funding received and requested from surrounding jurisdictions: (List the Town of Vinton first)

Jurisdiction (i.e. other towns, cities, counties, companies, etc)	Received FY 2016	Requesting FY 2017
TOWN OF VINTON	\$ 16,300	\$ 19,000
ROANOKE COUNTY ALLOCATED FUND	\$ 4,888.44	\$ 4,888.44

**IMPACT STATEMENT**

Describe in detail the positive and negative impacts to the community in the following areas:

1. Fiscal/Economic Impact
2. Environmental Impact
3. Quality of Life Impact

1- SAVES MONEY IN SALARIES & BENEFITS BY VOLUNTEER STAFFING, PROTECTION OF LIFE & PROPERTY LOSS TO LOCAL BUSINESSES AND RESIDENTS.  
 2- RESPOND AND MITIGATE ANY HAZARDOUS MATERIAL INCIDENTS  
 3- PROTECTION IMPROVES QUALITY OF LIFE.

Richard Oaker  
 Signature

2/2/2016  
 Date



## FY 2017 REQUEST FOR FUNDING APPLICATION

### Instructions

1. Please type or print.
2. Answer each question within the space provided. Please do not include additional attachments or supplementary pages unless they are essential to our understanding of your organization.
3. **Attach organization's most recent audit. If an audited statement is not available, a copy of the most recent tax return filed for the organization should be submitted.**
4. Sign, date and send the completed application to:

**Susan N. Johnson, Town Clerk**  
**311 South Pollard Street**  
**Vinton, VA 24179**

**Applicant Information**    Non-Profit    Public    Other    Private    Association    (Circle One)

Name of Organization & Tax ID or EIN number <i>Vinton First AED Crew</i>		
Address <i>110 W. Jackson ave</i>		
City <i>Vinton</i>	State <i>VA</i>	Zip <i>24179</i>

### CONTACT PERSON

Name <i>Wayne Guffey</i>	
Title <i>Assistant Chief</i>	Phone <i>540-525-1996</i>

### ORGANIZATION INFORMATION

Describe your organization's mission:	
<i>Provide emergency medical services to the town of Vinton and East Roanoke County</i>	
How many people are served by your organization?	
How many Vinton Residents are served by your organization? <i>100%</i>	
Geographic area served by your organization:	Year the organization was established: <i>1959</i>
<i>Vinton - East Roanoke co.</i>	

**SERVICES PROVIDED**

Describe the service your organization provided to Town of Vinton citizens: (Detailed Project or Event Description - Tell us about what you want to do and when (include dates, names of co-sponsors, etc))

We provide emergency medical services as well as public service assistance to the Town of Vinton and Roanoke County citizens, as well as provide stand by assistance for large public, municipal and private events

**FUNDING**

List all funding received and requested from surrounding jurisdictions: (List the Town of Vinton first)

Jurisdiction (i.e. other towns, cities, counties, companies, etc)	Received FY 2016	Requesting FY 2017
<b>TOWN OF VINTON</b>		17,000
Roanoke County	5,088	5,088
Virginia 4 for Life	2,440	2,440

**IMPACT STATEMENT**

Describe in detail the positive and negative impacts to the community in the following areas:

1. Fiscal/Economic Impact
2. Environmental Impact
3. Quality of Life Impact

Emergency medical services has a profound impact on our citizens. Our volunteers provide treatment and transportation to over 1,400 calls for help and over 20,000 man hours.

Signature Wyn Goff  
R. Tom Anhalt

Date 1/30/16  
1-31-16



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Planning and Zoning

### **Issue**

Consider adoption of a Resolution authorizing the Interim Town Manager and the Town Clerk to execute the necessary documents, including a deed, to accept the donation of property from Precision Fabrics Group (PFG), Inc. for Glade Creek Greenway Construction.

### **Summary**

During the earlier work session, the Vinton Town Council was briefed by staff on the PFG's dedication of the portion of the company's property needed for the construction of Glade Creek Greenway.

### **Attachment**

Resolution

### **Recommendations**

Motion to adopt Resolution

**RESOLUTION NO.**

**AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, MARCH 1, 2016, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.**

**WHEREAS**, during an update given at a community meeting on the Glade Creek Greenway Project on January 16, 2014, it was suggested that the greenway be extended under the City of Roanoke's Dale Avenue Bridge onto property owned by Precision Fabric Group (PFG), Inc.; and

**WHEREAS**, there is no sidewalk on the north side of the bridge on Dale Avenue, the proposed extension will provide a safer connection to the City of Roanoke's Tinker Creek Greenway; and

**WHEREAS**, on July 23, 2014, representatives from the Town contacted and met with Mr. Michael Maust, PFG's Plant Manager, regarding the proposed extension of the greenway, and Mr. Maust indicated that PFG did not foresee any problems with the greenway being located on PFG's property; and

**WHEREAS**, on October 21, 2014, Town Council authorized staff to apply for grant funding from the Virginia Department of Transportation Revenue Sharing Program for the extension of the Glade Creek Greenway and was awarded said grant on December 3, 2015; and

**WHEREAS**, on November 4, 2015, Staff had a meeting with Mr. Maust at which time he informed them that PFG would like to dedicate the portion of the company's property needed for the greenway trail, and which said property is shown as the 0.452 acre rectangular portion of Tax Map # 060.19-01-01.00-000 on the partial plat survey for PFG and Town of Vinton; and

**WHEREAS**, the necessary surveying and resubdivision plat have been completed by Mattern & Craig on January 26, 2016; and

**WHEREAS**, an appraisal on the portion of the property to be dedicated was completed by Russell & Associates on February 1, 2016; and

**WHEREAS**, Town Council finds it to be in the best interest of the Town of Vinton to accept the donation of said Property from PFG.

**NOW THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE TOWN OF VINTON, VIRGINIA**, as follows:

1. The Interim Town Manager and the Town Clerk are hereby authorized, for and on behalf of the Town, to execute and attest, respectively, the necessary documents, including a deed, accepting the donation of the Property described herein.

2. All documents necessary to accomplish this acceptance shall be in a form approved by the Town Attorney.

3. This resolution shall be effective from and after the date of its adoption.

This Resolution adopted on motion made by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, with the following votes recorded:

AYES:

NAYS:

APPROVED:

\_\_\_\_\_  
Bradley E. Grose, Mayor

ATTEST:

\_\_\_\_\_  
Susan N. Johnson, Town Clerk



## Town Council Agenda Summary

### Meeting Date

March 1, 2016

### Department

Finance/Treasurer

### Issue

Update on real estate tax assessment for Calendar Year 2016 and request to advertise a public hearing for March 15, 2016 to set the real estate tax, personal property tax and machinery and tools tax rates.

### Summary

Section 58.1-3321 of the 1950 Code of Virginia, as amended, requires that certain notices be published and a public hearing be held when the annual real estate assessment results in an increase of 1% or more of the total real estate tax levy. The Town of Vinton's real estate tax levy has increased by approximately .62% for the calendar year 2016. A summary of the preliminary assessed values and corresponding tax levies are shown below:

<b>Assessed Values:</b>		
Year 2016		\$ 461,668,500
Year 2015		<u>- 458,804,800</u>
<b>Total Increase</b>		<b>\$ 2,863,700</b>
Year 2016		\$ 461,668,500
<b>Less New Construction</b>		<u>- 1,223,500</u>
Net Assessed Value		460,445,000
Year 2015		<u>- 458,804,800</u>
<b>Net Increase</b>		<b>\$ 1,640,200</b>
<b>Tax Levy:</b>		
Year 2016		\$ 323,167
Year 2015		<u>321,163</u>
<b>Increase</b>		<b>\$ 2,004</b>

**Assessment Increase - .62 or .62%**

Even though the Town's Assessment increased by .62% an advertisement will be placed in the Vinton Messenger for a public hearing at the March 15, 2016 Council Meeting in order to set the tax rates.

**Attachments**

None

**Recommendations**

Authorize the advertisement for Public Hearing on March 15, 2016



## **Town Council Agenda Summary**

### **Meeting Date**

March 1, 2016

### **Department**

Council

### **Issue**

Request to Convene in Closed Meeting, Pursuant to § 2.2-3711 A (3) of the 1950 Code of Virginia, as amended, for discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

### **Summary**

None

### **Attachments**

Certification of Closed Meeting

### **Recommendations**

Reconvene and adopt Certification of Closed Meeting

**AT A CLOSED MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, MARCH 1, 2016 AT 7:00 P.M. IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.**

**CERTIFICATION THAT A CLOSED MEETING WAS HELD  
IN CONFORMITY WITH THE CODE OF VIRGINIA**

**WHEREAS,** the Town Council of the Town of Vinton, Virginia has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and,

**WHEREAS,** Section 2.2-3712 of the Code of Virginia requires a certification by the Vinton Town Council that such closed meeting was conducted in conformity with Virginia Law.

**NOW, THEREFORE, BE IT RESOLVED** that the Vinton Town Council hereby certifies that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from opening meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies; and
2. Only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

Motion made by \_\_\_\_\_, and seconded by \_\_\_\_\_ with all in favor.

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Clerk of Council