

Bradley E. Grose, Mayor
Matthew S. Hare, Vice Mayor
Keith N. Liles, 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, November 1, 2016**

AGENDA

Consideration of:

- A. 7:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM**
- B. MOMENT OF SILENCE**
- C. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG**
- D. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS**
- E. REQUESTS TO POSTPONE, ADD TO OR CHANGE THE ORDER OF AGENDA ITEMS**
- F. CONSENT AGENDA**
- G. AWARDS, INTRODUCTIONS, PRESENTATIONS, PROCLAMATIONS**
 - 1. Preview of the upcoming General Assembly Session – **Delegate Christopher T. Head**
 - 2. Presentation of Certificate of Distinguished Budget Presentation Award for the Fiscal Year beginning July 1, 2016 awarded to the Treasurer/Finance Department – **Anne Cantrell**
 - 3. Presentation of 2016 Small Business of the Year Nominee awarded to the Vinton War Memorial – **Pete Peters**
- H. CITIZENS' COMMENTS AND PETITIONS** - This section is reserved for comments and questions for issues not listed on the agenda.
- I. TOWN ATTORNEY**
- J. BRIEFINGS**
 - 1. Briefing on Glade Creek Greenway Phase 2 funding and the need for funds to be appropriated from the general revenue fund to the general expense fund for the expenditures related to the construction of 3,060 linear feet of a ten-foot wide multi-use greenway trails – **Anita McMillan**

2. Briefing on a proposed Ordinance amending Chapter 74, "Secondhand Goods" of the Vinton Town Code by adopting Article III, "Precious Metals Dealers," for the purpose of regulating precious metals dealers conducting business within the Town of Vinton and providing for an effective date – **Chief Tom Foster**

K. ITEMS REQUIRING ACTION

1. Consideration of a Resolution authorizing the Town Manager to execute a Performance Agreement with Waukeshaw Development Inc., and the Roanoke County Economic Development Authority as part of the redevelopment of the former William Byrd High School – **Pete Peters**

L. TOWN MANAGER

M. MAYOR

N. COUNCIL

1. Appointments to Boards/Commissions/Committees

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/COMMITTEE MEETINGS:

November 15, 2016 – 7:00 p.m. – Council Meeting – Council Chambers

November 17, 2016 – 8:00 a.m. – State of the Town/Vinton Area Chamber of Commerce Membership Meeting – Vinton War Memorial – 814 Washington Avenue

November 22, 2016 – 9:00 a.m. – Finance Committee Meeting – Administrative Conference Room



Town Council Agenda Summary

Meeting Date

November 1, 2016

Department

Administration

Issue

Preview of the upcoming General Assembly Session

Summary

Delegate Chris Head will attend the meeting to give this preview.

Attachments

None

Recommendations

No action required



Town Council Agenda Summary

Meeting Date

November 1, 2016

Department

Finance/Treasurer

Issue

Presentation of Certificate of Distinguished Budget Presentation Award for the Fiscal Year beginning July 1, 2016 awarded to the Treasurer/Finance Department

Summary

The Town of Vinton Budget for Fiscal Year 2016-2017 was submitted for the first time to the Government Financial Officer's Association (GFOA) for the Distinguished Budget Presentation Award. With support from the Mayor, Town Council, Town Management, and several Departmental Staff, the Finance Department is pleased to announce that the reviewers for the GFOA Award have presented the Town of Vinton the award on the first submission. Localities who have been awarded are displayed on the GFOA website, along with the reviewed budget document. The Finance Department staff is looking forward to continuing to submit the budget to the GFOA award program, and focusing on the comments provided to improve our budget document.

Attachments

None

Recommendations

Present the Award



Town Council Agenda Summary

Meeting Date

November 1, 2016

Department

War Memorial

Issue

Presentation of 2016 Small Business of the Year Nominee awarded to the Vinton War Memorial

Summary

The Roanoke Regional Chamber recently held their 30th Annual Small Business Awards Banquet at the Hotel Roanoke on October 6th. Over 600 attended the program as 90 small businesses, not for profits and other small business advocates were featured this year by highlighting their uniqueness, contributions to the valley's economy and the personal stories behind the staff that makes each of them successful.

Our very own Vinton War Memorial was nominated for the Best Small Business this year under the Nonprofit, Arts & Culture division. While the War Memorial did not take home the top prize, it was an honor for the facility to be nominated by a private citizen and the staff to be recognized alongside others in the category such as Blue Ridge Land Conservancy, Local Colors of SWVA, Mill Mountain Theater, Virginia Western Community College Education Foundation and the West End Center for Youth.

Attachments

None

Recommendations

Present the Award



Town Council Agenda Summary

Meeting Date

November 1, 2016

Department

Planning and Zoning

Issue

Briefing on Glade Creek Greenway Phase 2 funding and the need for funds to be appropriated from the general revenue fund to the general expense fund for the expenditures related to the construction of 3,060 linear feet of a ten-foot wide multi-use greenway trail.

Summary

On October 20, 2015, Vinton Town Council adopted a resolution, authorizing the Town Manager to submit an application in the amount of \$417,710 for VDOT MAP-21 Transportation Alternatives (TA) funds allocation, for the construction of Glade Creek Greenway Phase 2 from Walnut Avenue to Gus Nicks Boulevard. The total estimated cost for this greenway is \$526,210.

In April 2016, the County of Roanoke donated an eighty-foot (80') wide greenway easement along Glade Creek on the former William Byrd High School property to the Town.

In July 2016, the CTB approved allocations for the FY 2017 TA Programs Projects and Glade Creek Greenway Phase 2 Project is one of the approved projects. On August 30, 2016, and September 12, 2016, the Project Administrative Agreement and Appendix A for the Project were fully executed by both the Town Manager and authorized VDOT Officials. In accordance with CTB Policy, the Project must be completed and the TA allocation expended by October 1, 2020.

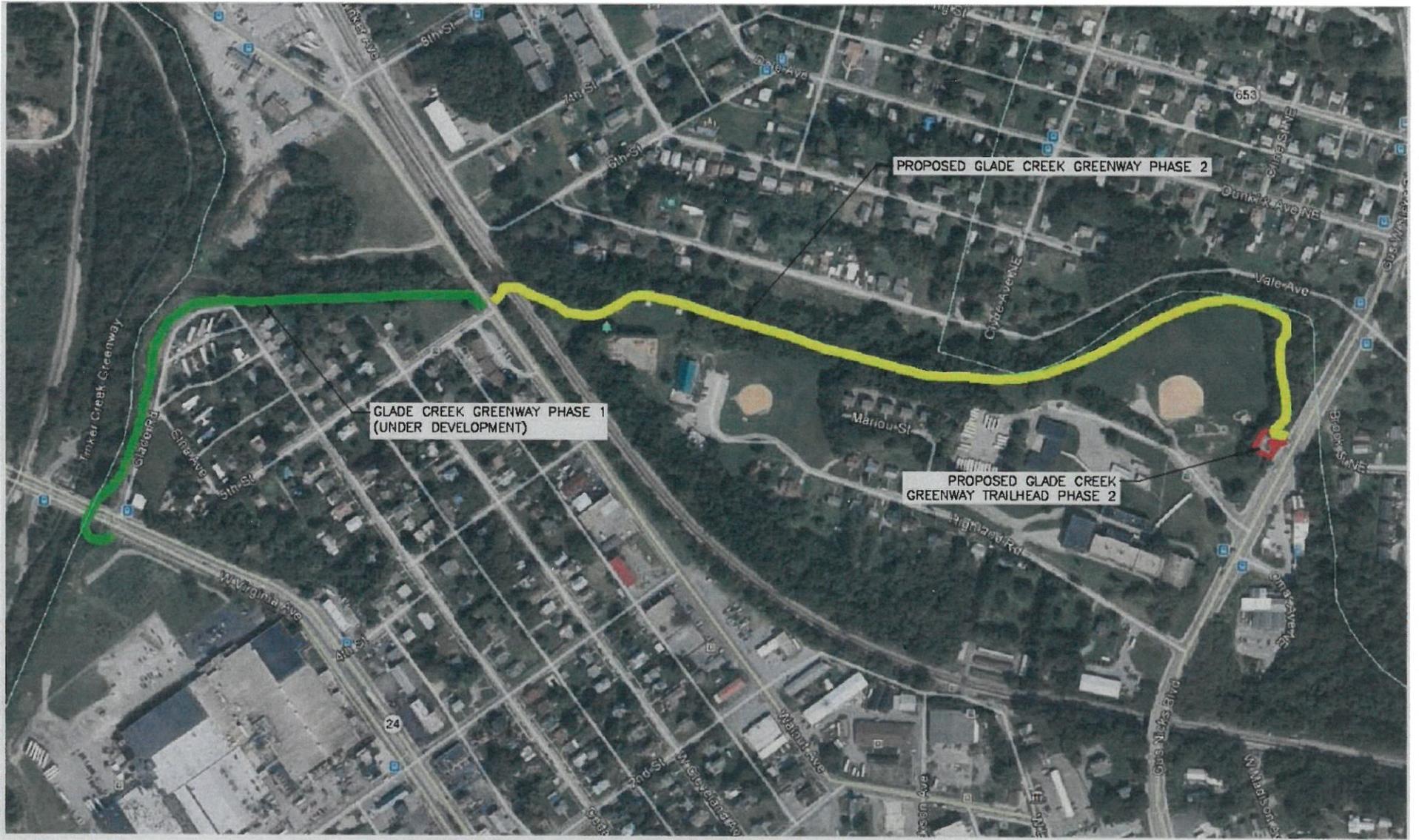
The grant requires a minimum of twenty percent (20%) local match, which is to be funded by the Town of Vinton and Pathfinders for the Greenways: Grant administrative costs including FEMA coordination, environmental document, grant administration, and contract bidding (\$50,000); Roanoke County greenway easement donation (\$5,000); Pathfinders for Greenways labor and materials (\$34,000); town's general funds for the purchase and installation of drainage pipe (\$19,500).

Attachment

1. Map of the Glade Creek Greenway – Phase 1 (under construction) and Phase 2
2. FY TA Program Projects Approval and Glade Creek Greenway Phase 2 Project Budget

Recommendations

No action required



PROPOSED GLADE CREEK GREENWAY PHASE 2

GLADE CREEK GREENWAY PHASE 1
(UNDER DEVELOPMENT)

PROPOSED GLADE CREEK
GREENWAY TRAILHEAD PHASE 2

FY17 Surface Transportation Block Grant Set-Aside for Transportation Alternatives Program Projects Approval

Project Number	Sponsor	Applicant	Allocation Information	
Salem				
16011	Henry County	Henry County	project cost	\$1,556,157
	Construction of a multi-use trail connecting the existing Dick & Willie Trail to the Henry County Soccer Complex.		request amount	\$400,000
			allocation	\$400,000
16052	Montgomery County	Montgomery County	project cost	\$801,000
	Construction of a trail extension that will connect the Huckleberry Trail to the North Franklin Street sidewalk at Independence Boulevard.		request amount	\$250,000
			allocation	\$250,000
16045	City of Roanoke	Virginia Western Community College	project cost	\$573,518
	Construction of inroad buffered bike lanes, sidewalks, pedestrian crosswalks, and intersection improvements at Overland Road, McNeil Road, and Winding Way Road.		request amount	\$458,814
			allocation	\$458,814
16074	City of Salem	City of Salem	project cost	\$600,000
	Reconstruction of sidewalks on Main Street from the intersection of Broad Street to InterWhite Oak Alley.		request amount	\$480,000
			allocation	\$240,000
16075	Town of Vinton	Town of Vinton	project cost	\$526,210
	Construction of the Glade Creek Greenway from Walnut Avenue to Gus Nicks Boulevard.		request amount	\$417,710
			allocation	\$417,710
16051	Town of Christiansburg	Town of Christiansburg	project cost	\$1,406,000
	Construction of streetscaping improvements in the Downtown Central Business District.		request amount	\$250,000
			allocation	\$125,000
16084	Town of Rich Creek	Town of Rich Creek	project cost	\$816,117
	Sidewalk replacement and other improvements in downtown Rich Creek.		request amount	\$225,000
			allocation	\$225,000

Glade Creek Greenway Phase 2 (~3060 lf)

PRELIMINARY ENGINEERING PHASE				
Preliminary Engineering				
	Engineering/Design			\$35,000
	FEMA Coordination			\$20,000
	Surveying			\$10,000
	Environmental Document			\$10,000
	VDOT Review Fees			\$5,000
	Grant Administrative Costs			\$10,000
PE Phase Total Cost				\$90,000
RIGHT OF WAY PHASE				
	Right of Way			\$5,000
	Railroad Coordination			\$5,000
RW Phase Total Cost				\$10,000
CONSTRUCTION PHASE				
Construction Cost				
Item	Phase 6a Quantities	Units	Engineers Estimate	
			Unit Price	Cost
MOBILIZATION	1	LS	\$ 27,837.00	\$ 27,837
CONSTRUCTION SURVEY	1	LS	\$10,000.00	\$ 10,000
CLEARING & GRUBBING	1	AC	\$5,000.00	\$ 5,000
EARTHWORK	2500	CY	\$15.00	\$ 37,500
18" PIPE	100	LF	\$75.00	\$ 7,500
18" ENDSECTIONS ES-1	10	EA	\$1,200.00	\$ 12,000
AGGR. BASE MATL. TYPE 1 NO. 21B	1600	TON	\$30.00	\$ 48,000
CURB RAMP with Truncated Domes	1	EA	\$2,500.00	\$ 2,500
BOLLARD	6	EA	\$750.00	\$ 4,500
ASPHALT CONCRETE TY. SM-9.5A	450	TON	\$125.00	\$ 56,250
DRY RIPRAP CL. A1	50	TON	\$60.00	\$ 3,000
DRY RIPRAP CL. 1	60	TON	\$70.00	\$ 4,200
PERMANENT SEEDING	1	AC	\$5,000.00	\$ 4,000
PRE-EMERGENT HERBICIDE	3800	SY	\$0.30	\$ 1,140
CULVERT INLET PROTECTION	5	EA	\$250.00	\$ 1,250
CHECK DAM, ROCK TY. 1	20	EA	\$300.00	\$ 6,000
CONSTRUCTION ENTRANCE	2	EA	\$2,500.00	\$ 5,000
TEMP. SUPER SILT FENCE	3000	LF	\$8.00	\$ 24,000
TEMP. SILT FENCE	100	LF	\$3.50	\$ 350
SIGNAGE	1	LS	\$1,200.00	\$ 1,200
CROSSWALK	1	EA	\$2,500.00	\$ 2,500
SPLIT RAIL WOOD FENCE	200	LF	\$18.00	\$ 3,600
TRAILHEAD KIOSK	1	EA	\$1,500.00	\$ 1,500
LANDSCAPING	1	LS	\$5,000.00	\$ 5,000
NS BRIDGE UNDERPASS	1	EA	\$20,000.00	\$ 20,000
NS OVERHEAD PROTECTION SHELTER	1	EA	\$30,000.00	\$ 30,000
Sub-Total Construction Costs				\$323,827
Construction Implementation				
	Construction Contract Administration & Bidding			\$20,000
	Inspection Fees			\$35,000
	Materials Testing			\$10,000
	Contingency (10%)			\$32,383
	Construction VDOT Oversight Charges			\$5,000
Sub-Total Construction Implementation				\$102,383
CN PHASE TOTAL COST				\$426,210
TOTAL COST (PE, RW, & CN)				
TOTAL ESTIMATED PROJECT COST				\$526,210



Town Council Agenda Summary

Meeting Date

November 1, 2016

Department

Police

Issue

Briefing on a proposed Ordinance amending Chapter 74, “Secondhand Goods” of the Vinton Town Code by adopting Article III, “Precious Metals Dealers,” for the purpose of regulating precious metals dealers conducting business within the Town of Vinton and providing for an effective date.

Summary

This ordinance is being prepared so as to bring the Code of the Town of Vinton in line with the codes of other jurisdictions within the Roanoke Valley, and the Code of Virginia. Prior to the drafting of this ordinance, Chapter 74 of the Code of the Town of Vinton, entitled “Secondhand Goods,” dealt solely with the registration of “secondhand” purchases (such as gold, silver, and coins), the examination of records by law enforcement of records related to such purchases, and the prohibition of secondhand dealers from buying items from juveniles.

The new ordinance clearly defines the terms “Coins,” “Dealer,” “Gems,” and “Precious Metals.” The ordinance also enumerates the records that precious metal dealers must maintain and establishes a records retention period of 24 months for all licensed dealers. Also established in the ordinance is the provision that licensed dealers must open their records for inspection to the chief of police, or his/her designated representative, during normal business hours. Licensed dealers must also obtain government issued credentials, and a statement of ownership from any person wishing to sell coins, gems, and/or precious metals to the licensed dealer. Purchases of the aforementioned items from persons under the age of 18 are prohibited.

The ordinance also requires all licensed dealers to provide a corporate surety bond, or a letter of credit from a bank authorized to do business in the Commonwealth, in the amount of \$10,000. Additionally, the ordinance requires secondhand precious metals dealers, pursuant to section 54.1-4108 of the Code of Virginia, to obtain a permit from the chief of police. The fee assessed by this ordinance for such permit shall be \$200. The permit is non-transferable and shall be renewed annually. Subsequent to this permitting requirement, all “weighing devices” to be used

by the dealer shall be inspected and approved by “local or state weights and measures officials,” and the dealer shall present written evidence of such inspection to the chief of police prior to the permit being issued. The ordinance also allows the chief of police to waive the permit fee for retail merchants that are not required to be licensed as “pawnbrokers” under Chapter 40, section 54.1-4000 of the Code of Virginia.

Lastly, the new ordinance establishes penalties for violations of the ordinance. A first offense of violating the provisions of the article are punishable as a Class 2 Misdemeanor (confinement in jail for not more than six months and a fine of not more than \$ 1,000, either or both). A conviction of any subsequent offenses shall be punishable as a Class 1 Misdemeanor (confinement in jail for not more than twelve months and a fine of not more than \$ 2,500, either or both).

Attachments

Draft Ordinance

Recommendations

No action required

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, NOVEMBER 15, 2016 AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE amending Chapter 74, "Secondhand Goods" of the Vinton Town Code by adopting Article III, "Precious Metals Dealers," for the purpose of regulating precious metals dealers conducting business within the Town of Vinton; providing for an effective date.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Vinton that Article III, "Precious Metals Dealers" of Chapter 74, "Secondhand Goods," of the Vinton Town Code, is hereby adopted and enacted as follows:

ARTICLE III. – PRECIOUS METALS DEALERS

Sec. 74-30. - Definitions.

For the purposes of this article, unless the context requires a different meaning:

"Coin" means any piece of gold, silver, or other metal fashioned into a prescribed shape, weight, and degree of fineness, stamped by authority of a government with certain marks and devices, and having a certain fixed value as money.

"Dealer" means any person, firm, partnership, or corporation engaged in the business of (i) purchasing secondhand precious metals or gems; (ii) removing in any manner precious metals or gems from manufactured articles not then owned by the person, firm, partnership, or corporation; or (iii) buying, acquiring, or selling precious metals or gems removed from manufactured articles. "Dealer" includes all employers and principals on whose behalf a purchase is made, and any employee or agent who makes any purchase for or on behalf of his employer or principal.

The definition of "dealer" shall not include persons engaged in the following:

- A. Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories, provided that the selling dealer has complied with the provisions of this article.
- B. Purchases of precious metals or gems from a qualified fiduciary who is disposing of the assets of an estate being administered by the fiduciary.
- C. Acceptance by a retail merchant of trade-in merchandise previously sold by the retail merchant to the person presenting that merchandise for trade-in.
- D. Repairing, restoring or designing jewelry by a retail merchant, if such activities are within his normal course of business.

E. Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, dealers, or by mail originating outside the Commonwealth.

F. Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.

"Gems" means any item containing precious or semiprecious stones customarily used in jewelry.

"Precious metals" means any item except coins composed in whole or in part of gold, silver, platinum, or platinum alloys.

Sec. 74-31 - Records to be kept; copy furnished to local authorities.

A. Every dealer shall keep at his place of business an accurate and legible record of each purchase of precious metals or gems. The record of each purchase shall be retained by the dealer for at least 24 months and shall set forth the following:

1. A complete description of all precious metals or gems purchased from each seller. The description shall include all names, initials, serial numbers, or other identifying marks or monograms on each item purchased, the true weight or carat of any gem, and the price paid for each item;

2. The date, time, and place of receiving the items purchased;

3. The full name, residence address, work place, home and work telephone numbers, date of birth, sex, race, height, weight, hair and eye color, and other identifying marks of the person selling the precious metals or gems;

4. Verification of the identification by the exhibition of a government-issued identification card bearing a photograph of the person selling the precious metals or gems, such as a driver's license or military identification card. The record shall contain the type of identification exhibited, the issuing agency, and the number thereon;

5. A statement of ownership from the seller; and

6. A digital image of the form of identification used by the person involved in the transaction.

B. The information required by subdivisions A 1 through A 3 shall appear on each bill of sale for all precious metals and gems purchased by a dealer, and a copy shall be mailed or delivered within 24 hours of the time of purchase to the chief law-enforcement officer of the locality in which the purchase was made.

Sec. 74-32. - Officers may examine records or property; warrantless search and seizure authorized.

Every dealer or his employee shall admit to his place of business during regular business hours the town chief of police or his designee or any law-enforcement officer of the state or federal government. The dealer or his employee shall permit the officer to (i) examine all records required by this article and any article listed in a record which is believed by the officer to be missing or stolen and (ii) search for and take into possession any article known to him to be missing, or known or believed by him to have been stolen.

Sec. 74-33. - Credentials and statement of ownership required from seller.

No dealer shall purchase precious metals or gems without first (i) ascertaining the identity of the seller by requiring an identification issued by a governmental agency with a photograph of the seller thereon, and at least one other corroborating means of identification, and (ii) obtaining a statement of ownership from the seller.

The town council may determine the contents of the statement of ownership.

Sec. 74-34. - Prohibited purchases.

- A. No dealer shall purchase precious metals or gems from any seller who is under the age of eighteen.
- B. No dealer shall purchase precious metals or gems from any seller who the dealer believes or has reason to believe is not the owner of such items, unless the seller has written and duly authenticated authorization from the owner permitting and directing such sale.

Sec. 74-35. - Dealer to retain purchases.

- A. The dealer shall retain all precious metals or gems purchased for a minimum of 15 calendar days from the date on which a copy of the bill of sale is received by the chief of police. Until the expiration of this period, the dealer shall not sell, alter, or dispose of a purchased item in whole or in part, or remove it from the town.
- B. If a dealer performs the service of removing precious metals or gems, he shall retain the metals or gems removed and the article from which the removal was made for a period of 15 calendar days after receiving such article and precious metals or gems.

Sec. 74-36. - Record of disposition.

Each dealer shall maintain for at least twenty-four months an accurate and legible record of the name and address of the person, firm, or corporation to which he sells any precious metal or gem in its original form after the waiting period required in Sec. 74-35 herein. This record shall also show the name and address of the seller from whom the dealer purchased the item.

Sec. 74-37. - Bond or letter of credit required of dealers when permit obtained.

- A. Every dealer shall secure a permit from the town as required in Sec. 74-39 and each dealer at the time of obtaining such permit shall enter into a recognizance to the town secured by a corporate surety authorized to do business in this Commonwealth, in the penal sum of \$10,000, conditioned upon due observance of the terms of this article. In

lieu of a bond, a dealer may cause to be issued by a bank authorized to do business in the Commonwealth a letter of credit in favor of the town for \$10,000.

B. A single bond upon an employer or principal may be written or a single letter of credit issued to cover all employees and all transactions occurring at a single location.

Sec. 74-38. - Private action on bond or letter of credit.

Any person aggrieved by the misconduct of any dealer which violated the provisions of this article may maintain an action for recovery in any court of proper jurisdiction against the dealer and his surety. Recovery against the surety shall be only for that amount of the judgment which is unsatisfied by the dealer.

Sec. 74-39 - Permit required; method of obtaining permit; no convictions of certain crimes; approval of weighing devices; renewal; permanent location required.

A. No person shall engage in the activities of a dealer as defined herein within the Town of Vinton without first obtaining a permit from the Vinton chief of police.

B. Pursuant to Virginia Code § 54.1-4108, the dealer shall file a permit application form with the chief of police which includes the dealer's full name, any aliases, address, age, date of birth, sex, and fingerprints; the name, address, and telephone number of the applicant's employer, if any; and the location of the dealer's place of business. Upon filing this application and the payment of a \$200 application fee, the dealer shall be issued a permit by the chief of police or his designee, provided that the applicant has not been convicted of a felony or crime of moral turpitude within seven years prior to the date of application. The permit shall be denied if the applicant has been denied a permit or has had a permit revoked under any ordinance similar in substance to the provisions of this article.

C. Before a permit may be issued, the dealer must have all weighing devices used in his business inspected and approved by local or state weights and measures officials and present written evidence of such approval to the chief of police or his designee.

D. This permit shall be valid for one year from the date issued and may be renewed in the same manner as such permit was initially obtained with an annual permit fee of \$200. No permit shall be transferable.

E. If the business of the dealer is not operated without interruption, with Saturdays, Sundays, and recognized holidays excepted, the dealer shall notify the chief of police of all closings and reopenings of such business. The business of a dealer shall be conducted only from the fixed and permanent location specified in his application for a permit.

F. The chief of police may waive the permit fee for retail merchants that are not required to be licensed as pawnbrokers under Chapter 40 (§ 54.1-4000 et seq.), provided the retail merchant has a permanent place of business and purchases of precious metals and gems do not exceed five percent of the retail merchant's annual business.

Sec. 74.40. - Exemptions from chapter.

- A. The chief of police may waive by written notice implementation of any one or more of the provisions of this article, except Sec. 74-34, for particular numismatic, gem, or antique exhibitions or craft shows sponsored by nonprofit organizations, provided that the purpose of the exhibitions is nonprofit in nature, notwithstanding the fact that there may be casual purchases and trades made at such exhibitions.
- B. The provisions of this article shall not apply to the sale or purchase of coins.
- C. The provisions of this article shall not apply to any bank, branch thereof, trust company or bank holding company, or any wholly owned subsidiary thereof, engaged in buying and selling gold and silver bullion.

Sec. 74-41. - Penalties; first and subsequent offenses.

- A. Any person convicted of violating any of the provisions of this article shall be guilty of a Class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense he shall be guilty of a Class 1 misdemeanor.
- B. Upon the first conviction of a dealer for violation of any provision of this article, the chief of police may revoke the dealer's permit for one full year from the date the conviction becomes final. Such revocation shall be mandatory for two full years from the date the conviction becomes final upon a second conviction.

Secs. 74-42-74-50. – Reserved.

* * *

This ordinance shall take effect on November 15, 2016.

This Ordinance adopted on motion made by Council Member _____, 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

November 1, 2016

Department

Administration

Issue

Consideration of a Resolution authorizing the Town Manager to execute a Performance Agreement with Waukeshaw Development Inc., and the Roanoke County Economic Development Authority as part of the redevelopment of the former William Byrd High School.

Summary

Waukeshaw Development Inc., has agreed on a purchase contract and has successfully received a rezoning to Mixed-use Development (MUD) for the former William Byrd High School property. The developer has also received a preliminary designation on the State and National Register of Historic Places. Old School Partners is expected to invest \$10 million towards redeveloping the property into 80 +/- apartments while also maintaining the historic character of the property.

The terms of Vinton's Economic Development Incentive Grant include the reimbursement of all applicable permitting fees, water and sewer connection fees and the property taxes collected on the property over a ten year period not to exceed \$30,000.

Attachments

Performance Agreement
Resolution

Recommendations

Motion to adopt Resolution

PERFORMANCE AGREEMENT

THIS PERFORMANCE AGREEMENT (the "Agreement") is made as of this ____ day of _____, 2016, by and between the **TOWN OF VINTON**, a political subdivision of the Commonwealth of Virginia, (hereafter, the "Town"), the **ECONOMIC DEVELOPMENT AUTHORITY OF ROANOKE COUNTY, VIRGINIA** (hereafter, the "Authority"), and **WAUKESHAW DEVELOPMENT, INC.**, a Virginia limited liability company (hereafter, the "Company").

WITNESSETH

WHEREAS, the Town Council of the Town of Vinton and the Economic Development Authority of Roanoke County, Virginia, desire to promote and encourage the economic development and vitality of the Town of Vinton and Roanoke County through the redevelopment and preservation of historic property in order to provide for retained and increased employment and corporate investment in the Town of Vinton; and

WHEREAS, the Company desires to acquire the old William Byrd High School, located in the Town of Vinton, that will be redeveloped, restored, and converted into seventy (80+/-) apartments, while maintaining the historic character of the building and incorporating modern conveniences (the "Project") located at 100 Highland Ave, Vinton, VA (Tax Map #060.11-0420.00-0000) (the "Property"), and

WHEREAS, the Town and the Authority expect that the Project will promote economic development and generate new local tax revenues for the Town of Vinton; and

WHEREAS, this increased investment constitutes a valid public purpose for the expenditure of public funds.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties agree to the following:

1. **Company's Performance Requirements.**

- a. The Company will cause this new Project in the Town of Vinton to be constructed and developed, subject to obtaining a rezoning of the Property by the Town, obtaining ordinary and necessary governmental approvals from the Town, obtaining the approval of historic tax credits, and meeting the applicable requirements of any other governmental agency.
- b. The Company shall cause the Property to be renovated, restored, and constructed into approximately eighty (+/-) apartments while maintaining the historic character of the building and incorporating modern conveniences. The estimated project cost (including but not limited to construction and related soft costs) is \$10 million. The renovation of the Property is scheduled to be completed by June 30, 2018.
- c. The Company agrees to provide the Town and the Authority with any and all documentation (provided that any personally identifiable, private, confidential, or other information that Company is required by law to keep private, shall be redacted) that

may be required to verify the Company's investment figures, during the period in which the Economic Development Incentive Grant ("Grant") payments are to be made pursuant to this Agreement.

- d. The Company agrees to acquire the property from Roanoke County for \$10.00, subject to the terms and conditions set out in a Purchase Agreement, which is available from Roanoke County and referenced in this Performance Agreement. The Company also agrees, at its cost and expense, to:
 - i. prepare a Historic Preservation Certification Application, and to prepare such other documents as may be necessary to seek the listing of the Property on the National Register of Historic Places for both Part 1-Evaluation of Significance and Part 2-Description of Rehabilitation;
 - ii. complete the steps required to rezone the property compatible for the proposed uses of this Project;
 - iii. complete an architectural review of the Property;
 - iv. prepare preliminary construction cost estimates;
 - v. explore financing opportunities;
 - vi. prepare monthly progress reports;
 - vii. provide copies of these documents to the Town.

2. **Economic Development Incentive Grant.**

- a. The Town shall appropriate annually to the Authority the funding for an Economic Development Incentive Grant for the benefit of the Company. The annual amount of the funding provided by the Town will be equal to the annual Town real estate taxes generated by the Project. The Town's funding of the Grant shall be provided for a total of ten (10) years or until the Town's total contribution reaches a maximum amount of Thirty Thousand Dollars (\$30,000). The Town's ten-year Grant funding period will commence on January 1, 2018.
- b. The Town also agrees to remit to the Authority an amount equal to all associated Town permitting fees and water and sewer connection fees ("Fees") paid by the Company to the Town for costs associated with the Project. Upon receipt of Company's proof of payment of the Fees to the Town, the Authority shall reimburse the Company for the Fees.
- c. The Town also agrees to only hold the Company responsible for improvements that fall within Project's limits by way of upgrading, repairing or replacing the existing infrastructure that is required by existing building codes, zoning requirements and those required to achieve and maintain the historic designation. The Town will not hold the Company responsible for new infrastructure that results as of the Project although that falls outside of the Project limits, to include but not limited to new sidewalks, streetlamps, curb and gutter, etc.
- d. Within sixty (60) days of the end of each calendar year beginning January 1, 2018 and until December 31, 2027, the Company shall provide such financial and tax data relating to the Project (provided that any personally identifiable, private, confidential, or other information Company is required by law to keep private, shall be redacted) as may be

reasonably required by the Authority so that the Authority may calculate the actual Grant payment. The Company hereby authorizes the Treasurer for the Town to release to the Authority the Company's tax information and data so that the Authority may calculate the actual reimbursement amounts. The Authority shall pay the annual Grant payment to the Company at an address designated by the Company within thirty (30) days after receipt by the Authority of the data.

- e. If the Company terminates this project or fails to complete the construction of this development by June 30, 2018, then the Authority and Town shall be relieved of any obligation to the Company for any Economic Development Incentive Grant.

- 3. The Company shall have the right to assign this Agreement provided that any such assignment shall not relieve the Company of its obligations herein.

- 4. If any party is unable to perform its commitments under this Agreement by reason of force majeure, then that party shall not be deemed to be in default of its obligations under this Agreement, and any deadlines for the performance of its obligations and, if applicable, the deadlines for the performance of the other party's obligations shall be extended for a time equal to the time period of the force majeure event, plus ten days. The term "force majeure" as used herein, shall include without limitation acts of God: hurricanes, floods, fire, tornadoes, earthquakes, storm; strikes or other industrial disturbances; acts of public enemy's; orders of governmental authorities; insurrections; riots; epidemics.

- 5. This agreement shall be governed by and all disputes related hereto shall be determined in accordance with the laws of the Commonwealth of Virginia.

- 6. This Agreement and any payments of public funds are subject to future appropriations by the Vinton Town Council to the Authority.

IN WITNESS WHEREOF, the undersigned have executed this Agreement the day and year first written.

TOWN OF VINTON, VIRGINIA

**ECONOMIC DEVELOPMENT AUTHORITY OF
ROANOKE COUNTY, VIRGINIA**

By: _____
Barry W. Thompson
Town Manager

By: _____
Title: _____

APPROVED AS TO FORM:

WAUKESHAW DEVELOPMENT, INC.

Town Attorney

By: _____
Title: _____

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, NOVEMBER 1, 2016, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, LOCATED AT 311 S. POLLARD STREET, VINTON, VIRGINIA.

WHEREAS, Waukeshaw Development Inc., has reached terms with Roanoke County to purchase the former William Byrd High School located in the Town of Vinton and has submitted plans to redevelop the property into 80 +/- apartments; and

WHEREAS, Waukeshaw Development Inc., recently applied for and received preliminary designation for the property on the State and National Register of Historic Places; and

WHEREAS, during the negotiations and discussions between Town staff, representatives of Roanoke County Economic Development Authority and the Town Attorney, a Performance Agreement was negotiated to provide Waukeshaw Development Inc., with an Economic Development Incentive Grant to encourage the project development; and

WHEREAS, Town staff recommends that said Performance Agreement between the Town, Roanoke County Economic Development Authority and Waukeshaw Development Inc., be executed to formalize said agreement between the parties.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE TOWN OF VINTON, VIRGINIA, AS FOLLOWS:

1. The Performance Agreement is hereby approved in a form substantially similar to the one presented to Council and approved by the Town Attorney.
2. The Town Manager is hereby authorized, for and on behalf of the Town, to execute and then to deliver the Performance Agreement and any other necessary documents in furtherance of the same.

This Resolution adopted on motion made by Council Member _____, 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

November 1, 2016

Department

Council

Issue

Appointments to Boards/Commissions/Committees

Summary

At the Council Strategic Planning Retreat on October 24, 2016, Council discussed the creation of a new Advisory Committee to be called the "Vinton Advisory Committee". The Committee, once approved by Council, will hold an organization meeting at which time they will set a regular meeting schedule and establish their mission and purpose.

Council needs to nominate and appoint the following individuals to said Committee:

Bradley Grose, Mayor
Janet Scheid, Council Member
Anne Cantrell, Interim Finance Director
Justin Davison
Theresa Fontana, Town Attorney
Tom Foster, Police Chief
Joey Hiner, Public Works Director
Chris Linkous, Deputy Chief, Fire/EMS
Bruce Mayer
Stephanie Brown-Meade
Gary Myers
Barry Thompson, Town Manager
Sherri Winkler

Attachments

None

Recommendations

Nominate individuals and motion to approve