

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 15, 2016**

AGENDA

Consideration of:

A. 6:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM

B. CLOSED SESSION

1. Request to Convene in 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, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as authorized by subsection 3 with regard to the following:
 - a. An offer by Michael D. Henderson to purchase the fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way known as Daleview Drive for purchase price of \$20,000.00.
 - b. An offer by Sarah A. & Henry J. Brabham, IV to gift to the Town of Vinton a 0.555 acre of an existing private road and a stormwater best management facility consisting of 2.855 acres, both located between Niagara Road and Vinyard Road in the Town of Vinton.

C. RECONVENE AND ADOPT CERTIFICATION OF CLOSED MEETING

D. MOMENT OF SILENCE

E. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG

F. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS

G. REQUESTS TO POSTPONE, ADD TO OR CHANGE THE ORDER OF AGENDA ITEMS

H. CONSENT AGENDA

1. Consider approval of minutes of:
 - a. Regular Council meeting of October 18, 2016.
 - b. Council Strategic Planning Retreat of October 24, 2016

I. AWARDS, INTRODUCTIONS, PRESENTATIONS, PROCLAMATIONS

1. Report on the Vinton Volunteer First Aid Crew for October – **Chief Wayne Guffey**

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

K. TOWN ATTORNEY

L. BRIEFING

1. Briefing on an application for a grant for a Multi-Jurisdictional Threat Assessment Project and an application for a grant through the Department of Criminal Justice Services titled "21st Century Policing" – **Chief Tom Foster**

M. ITEMS REQUIRING ACTION

1. Consider a motion to accept or reject an offer by Michael D. Henderson to purchase the fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way known as Daleview Drive for purchase price of \$20,000.00 – **Town Manager**
2. Consider a motion to accept or reject an offer by Sarah A. & Henry J. Brabham, IV to gift to the Town of Vinton a 0.555 acre of an existing private road and a stormwater best management facility consisting of 2.855 acres, both located between Niagara Road and Vinyard Road in the Town of Vinton – **Town Manager**
3. Consider adoption of an Ordinance approving the joint petition of Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners – **Anita McMillan**
4. Consider adoption of 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 and providing for an effective date – **Chief Tom Foster**
5. Consider adoption of a Resolution appropriating \$13,125.00 received from the Department of Motor Vehicles, \$8,750.00 in Federal funds and the Town's required in-kind match of \$4,375.00 for Overtime Selective Enforcement - **Chief Tom Foster**
6. Consider adoption of a Resolution appropriating \$162,235.83 received from the Department of Motor Vehicles, \$129,786.66 in Federal funds and the Town's required \$32,447.17 in-kind match, for the participation in the DUI Task Force Grant - **Chief Tom Foster**

7. Consider adoption of a Resolution appropriating funds from the General Revenue Fund to the General Expense Fund for the expenditures related to the construction of Glade Creek Greenway Phase 2, a 3,060 linear feet of a ten-foot (10') wide, paved, off-road, ADA-accessible, bicycle/pedestrian trail – **Anita McMillan**

N. TOWN MANAGER

O. MAYOR

P. COUNCIL

Q. 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 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

December 6, 2016 – 7:00 p.m. – Council Meeting – Council Chambers



Town Council Agenda Summary

Meeting Date

November 15, 2016

Department

Council

Issue

Request to Convene in 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, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body as authorized by subsection 3 with regard to the following:

- a. An offer by Michael D. Henderson to purchase the fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way known as Daleview Drive for purchase price of \$20,000.00.
- b. An offer by Sarah A. & Henry J. Brabham, IV to gift to the Town of Vinton a 0.555 acre of an existing private road and a stormwater best management facility consisting of 2.855 acres, both located between Niagara Road and Vinyard Road in the Town of Vinton.

Summary

None

Attachments

Certification of Closed Meeting

Recommendations

None

AT A CLOSED MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, NOVEMBER 15, 2016 AT 6:00 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.

Clerk of Council



Town Council Agenda Summary

Meeting Date

November 15, 2016

Department

Town Clerk

Issue

Consider approval of minutes:

- a. Regular Council meeting of October 18, 2016
- b. Council Strategic Planning Retreat of October 24, 2016

Summary

None

Attachments

October 18, 2016 minutes

October 24, 2016 minutes

Recommendations

Motion to approve minutes

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 7:00 P.M. ON TUESDAY, OCTOBER 18, 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
Keith N. Liles
Sabrina McCarty
Janet Scheid

PLANNING COMMISSION
MEMBERS PRESENT: David R. Jones
Keith N. Liles
William E. Booth
Dawn M. Michelsen
Robert A. Patterson

STAFF PRESENT: Barry W. Thompson, Town Manager
Susan N. Johnson, Executive Assistant/Town Clerk
Theresa Fontana, Town Attorney
Anne Cantrell, Interim Finance Director
Anita McMillan, Planning & Zoning Director
Joey Hiner, Public Works Director
Tom Foster, Police Chief
Pete Peters, Assistant Town Manager/Director of Economic Development
Karla Turman, Associate Planner/Code Enforcement Officer
Brandon Gann, Financial Services Analyst

The Mayor called the regular meeting to order at 7:00 p.m. The Town Clerk called the roll with Council Member Liles, Council Member Scheid and Mayor Grose present, which constituted a quorum. Council Member McCarty and Vice Mayor Hare had not yet arrived at the meeting. Anita McMillan called the roll for the Planning Commission with Chairman David Jones, Vice Chairman Keith Liles, William Booth, Dawn Michelsen and Robert A. Patterson present.

Roll call

After a Moment of Silence, Council Member Liles led the Pledge of Allegiance to the U.S. Flag.

Under upcoming community events, Council Member Scheid reminded everyone of the Roanoke Valley Greenway annual picnic on Sunday starting at 3:30 p.m. at the Farmer's Market and Twin Creeks Brewing Company. Council Member Liles announced that the Mingle at the Market originally

scheduled for the Fall Festival would be held on Saturday, November 5th at 7:00 p.m. The Mayor announced that Council would be having their annual Fall Retreat on October 24th.

Under requests to postpone, add to or change the order of agenda items, the Town Manager announced that Delegate Head would not be able to attend the meeting tonight due to a scheduling conflict. He will be in attendance at the November 1st Council meeting.

Council Member Scheid made a motion to approve the Consent Agenda as presented; the motion was seconded by Council Member Liles and carried by the following vote, with all members voting: Vote 3-0-2; Yeas (3) - Liles, Scheid, Grose; Nays (0) – None; Absent (2) – McCarty, Hare.

The next item on the agenda was recognition of the Officers of the Month for September. Chief Foster first read a Memo recognizing Sergeant Fabricio Drumond, Corporal Michael Giles and Officer Matthew Stafford. All were present at the meeting.

Vice Mayor Hare arrived at the meeting at 7:07 p.m.

Chief Foster next read a second Memo recognizing Sergeant Tim Lawless, Corporal Michael Caldwell and Officer Silas Chapman. Corporal Michael Caldwell was present at the meeting.

The next item on the agenda was a report on the Vinton Volunteer First Aid Crew for September. Chief Guffey reported the volunteer truck hours were 482 out of a possible 456 for 105%. The truck was marked up 87% for ALS and 13% for BLS. They responded to 93 out of 126 calls and handled 89. The numbers were low for this month due to 26 second emergency calls which was higher than normal. The fractile response time was 10.06 and they had 1,600 man hours for the month. He expressed thanks for the Town for the continued support of the Crew and reported that they have four new members.

Anne Cantrell introduced Brandon Gann as the new Financial Services Analyst.

Approved minutes of the Regular meeting of September 20, 2016 and Regular meeting of October 4, 2016

The next item on the agenda was a joint Public Hearing with the Vinton Planning Commission to consider public comments regarding the joint petition of Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners. They also requested that this undeveloped portion of the right-of-way never to be used as a street or road to any other property at any time in the future.

The Mayor opened the Public Hearing at 7:15 p.m.

Public Hearing opened

Anita McMillan first commented that the Planning Commission and Council were provided a Staff Report as part of the agenda package.

The process began in October of 2012 when staff was contacted by the City of Roanoke regarding a proposed subdivision of the property owned by the Overbays and staff was informed that the City was considering waiving certain requirements because the lot could only be accessed from the Town of Vinton-one from the undeveloped portion of Daleview Drive and one to the north of Olney Road.

In 2013, a request to vacate Daleview Drive was submitted by the Overbays to the Town with the stipulation that the Slighs and Quams were to deed to them a 20 feet wide access easement. At the May 2013 Planning Commission meeting, John Patterson, counsel for the Overbays, requested that the application be withdrawn due to concerns that were brought up by the Slighs and other property owners on Olney Road.

On September 11, 2013, a request was received by the Slighs and Quams for the undeveloped portion to be vacated along with a petition from the property owners along Olney Road indicating that they were in agreement for the right-of-way to be vacated. At the December 10, 2013 Planning Commission Public Hearing, the Planning Commission voted to table the request for 60 days in order for the Overbays, the

Slighs and Quams to reach an agreement regarding the use of the undeveloped right-of-way and whether or not to vacate it.

On December 13, 2013, a letter from Richard Cranwell, legal counsel retained by the Slighs and the Quams, was delivered to the Town Manager requesting a continuance of the Public Hearing on the proposed vacation. In the interim, the Overbays submitted a subdivision plat to the City of Roanoke showing the two lots (A & B) to be accessed from Olney Road. The plat also showed a right-of-way coming from Olney Road and an access easement to Lot B from Lot A. In addition to the access easement, there was shown a waterline easement for Lot B. These two lots are to be serviced by the Town of Vinton's water services, but not public sewer. All other services are to be provided by the City of Roanoke. In May of 2016 the lots were purchased by Michael Henderson.

Council Member McCarty arrived at the meeting at 7:15 p.m.

On June 24, 2016, a third petition was submitted by the Slighs and Quams requesting the right-of-way to be vacated. Council was briefed by staff on October 4th. Also, a written statement was received by Michael Henderson opposing the request which was provided to each member of Council and the Planning Commission. Ms. McMillan commented that Mr. Henderson was present at the meeting. This morning staff received a written statement from Judy Harless of 619 Olney Road indicating that she was unable to attend the meeting, but agreed with the request to vacate. The petitioners were also present and along with their legal counsel, Mr. Cranwell and Mr. Bullington. As part of Ms. McMillan's report, she shared a Power Point presentation. (A copy of the presentation is on file in the Town Clerk's Office and will be made a part of the permanent record.)

During the public comment section, the first speaker was Michael Henderson of 1832 Blenheim Road, SW, Roanoke, Virginia. He commented that he had recently purchased the property from the Overbays and was told by the attorney that closed the loan and the Overbays that he could use the access road to the first tract of land. He then read a prepared statement in opposition to the vacation of the right-of-way. He plans to build a home on the property and closing the right-of-way would prevent him from

having safe and easy access to his property in case of a life-threatening event. He then made additional comments.

Dave Jones commented that three years ago the Planning Commission heard the matter and asked the property owners to get together and come to some type of agreement and then asked what became of that. Mr. Henderson responded that he was told that the Slighs and Quams were agreeing on a joint easement through the property and told the Overbays there was not a question about closing the easement or abandoning it, but that they wanted a 20 foot right-of-way into their properties. Then, Mr. Sligh and Mr. Quam came to the Public Hearing and indicated they had changed their minds and requested not to have it vacated and closed. Ms. McMillan commented that signed letters were received; however, prior to the meeting, staff received a fax from the Overbays surveyor, but it was not signed nor notarized. At that time staff was informed by Mr. Sligh that they did not get all of the information and were opposed to the right-of-way being closed.

David Bullington, counsel for the petitioners, referred to the subdivision plat "Map of Section No. 4, Bali Hai, remaining property of Bush" from 1964, which was provided to Council and the Planning Commission. On this plat was a 150 foot paper street to connect to what was shown as the remaining property of the Bush to reserve the right to do additional subdivisions with that property. The property was never developed.

In 1972, the Quams put in their driveway and when the Slighs moved in their house in 1990, their driveway was already there. Mr. Quam had indicated that Mr. Cundiff told him that the property was not going to be developed. They have maintained and improved this property for a combined time between them of close to 70 years.

This proceeding has a somewhat complex history and Mr. Bullington commented that only a couple of key points are relevant. What initiated the proceeding in 2012 was that the former owners, the Overbays, approached the Town about developing this 25 acre tract. The 2012 subdivision plat was included in the agenda package showing there was no access for those two lots. The plat had each lot going right in the middle of Daleview Drive. The Council and Commission members at that time were trying to be

solicitous to the Overbays at that time that arguably had no other access to a road. At the 2013 hearing, Council heard from Attorney Kevin Oddo that the property owners would be irreparably harmed because they would not have access.

Mr. Bullington next commented that the Overbays did in fact obtain subdivision approval to divide the property with a right-of-way to Olney Road. It does not provide for access through Daleview Drive. A key point is that the plat states this tract will not be further subdivided. Initially the consideration was to access this property through Daleview Drive. Now the entire Daleview Drive would be on one single residential lot which already has access. In light of this, there is virtually every reason to vacate this street and no compelling reason to leave the paper street out there.

Mr. Bullington further commented that it would be improper for any access to be allowed that did not meet basic if not secondary road standards and there is no reason to have this liability for maintenance and upkeep on the Town when there is no corresponding tax basis. He respectfully requested that the vacation be granted.

Mr. Richard Cranwell spoke next and commented he served as the Town Attorney in the late 1960s. During that period of time the Cities of Salem and Roanoke were seeking annexation that would eliminate Roanoke County as a political subdivision and divide the County between the two cities. The three judges rejected the grand plan to divide Roanoke County, but did grant a very modest annexation. Unfortunately, when the judges drew their line, they placed the property in question in the City of Roanoke. It should be in Roanoke County and in the Town of Vinton.

If any road is put in, there will not be any taxes or fees paid to the Town and since Roanoke City will be providing the services, this will cause wear and tear on the road. He also commented that the Town's Fire/EMS and Police would respond to this property if they needed to and would probably be the first to respond. He requested that the property be vacated and revert back to the adjoining property owners.

Melvin Bennett of 709 Olney Road next spoke and commented that nothing is written in stone and what would happen if in the future someone wanted to put 200 town homes on this property and Roanoke City

agreed to it.

In rebuttal, Mr. Henderson mentioned the comments that were made concerning dollars and cents. He also commented on a time he was on his property and injured and the ambulance could not find him. He was not asking about opening up a road, all he wants is an easement down to his property. A 50 foot road with all the traffic that has been mentioned was never his desire. The Mayor commented that if the road was opened up, it would have to be built to state standards as is Olney Road. Mr. Henderson then commented that he is interested in having access to the one lot.

William Booth commented on the fact that Mr. Henderson did not want to build a street, but he just wanted access to his property. He further commented that could not be done because of the existing driveways. Mr. Henderson responded that they could give an easement across their property, but it is not their property, it is Town property.

Mr. Booth next asked Mr. Henderson how closing this right-of-way would alienate him and discriminate against him and be a liability to him and the Town. Mr. Henderson responded that if he is the only one of the three property owners to not have access to the right-of-way that was deeded to be shared among all three of them, it would be very discrimination.

Planning Commission Member Liles referred to the recorded subdivision plat dated March of 2016 and asked Mr. Henderson when he bought the property. Mr. Henderson responded in May of 2016. Mr. Liles next commented to Mr. Henderson that he bought the property knowing that his easement was from Olney Road. Mr. Henderson responded that was for the water. He was told when he bought the property that Lot A could have access through the paper right-of-way on Daleview and that the recorded plat was only showing that there was another alternative way to get to his property. There is nothing there that vacated his right to use the Daleview right-of-way.

Council Member Scheid commented to Mr. Henderson that he bought a piece of property that had been legally subdivided by the City of Roanoke that had access from Olney. For him to desire a different access is understandable, but the fact of the matter is he has access from Olney to both of his lots. No one is denying him access to his property.

Council Member Scheid asked Ms. McMillan how the subdivision plat got approved in the City of Roanoke and how much frontage is on the north end of Olney. Ms. McMillan commented that he has at least 50 feet on Olney. The City of Roanoke stated that these two properties are zoned agriculture and they waived a lot of the requirements because of being only two lots and that it can only be accessed through the Town. Council Member Scheid further commented that someone went to a great deal of trouble to get the subdivision plat approved in the City. She agreed that the critical point is that Mr. Henderson has legally granted access from another point on Olney and when he bought the property he knew that.

Vice Mayor Hare commented that Mr. Overbay misled the entire community and had them sign petitions that they did not know what they were signing. To Mr. Henderson, he commented that he was either falsely led or did not have good counsel when he was purchasing the property from the Overbays because they knew full well that Daleview Drive was in dispute in this community. His concern all along has been for this neighborhood and what could possibly be built on the property.

Vice Mayor Hare further commented that if this had been voted on four years ago, he would have voted to have it vacated. He has not seen anything new that would make him change his mind other than the line getting moved slightly. He was also pretty confident that the Vinton Fire and EMS would be able to access the property.

The Mayor commented that he had the same conclusion as he did four years ago that there is access to those properties. Also, Mr. Henderson has access to the finest Fire/EMS and Police probably in the State and does not feel that he will be in any danger. The Town would have to maintain a road that will have to be built to state standards and the citizens will have to bear the expense of accessing a Roanoke City property. The information that Mr. Henderson received or did not receive when he purchased the property unfortunately has no bearing on the legal plat that shows access to that property. His position has not changed.

Hearing no further comments, the Mayor closed the Public Hearing at 8:15 p.m.

Public Hearing closed

Planning Commission Member Michelsen made a

motion to recommend the adoption of the Ordinance as presented; the motion was seconded by Planning Commission Member Patterson and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Patterson, Michelsen, Booth, Liles, Jones; Nays (0) – None.

Planning Commission recommended adoption of Ordinance as presented

Council Member Scheid commented that she would like to have some discussion regarding the sale of this property. There is no language in the Ordinance about an assessed value of the property and the sale of the property. She personally did not believe that the Town should be in the business of giving away public property. The Town Attorney commented that the law does provide that Council can ask that the Town be reimbursed, but the Ordinance was prepared prior to this meeting. She suggested that the action can be tabled so a negotiation on the sale of the property could take place.

After comments from Mr. Cranwell, the Town Attorney commented that the Ordinance could be approved contingent upon a successful negotiation of the sale of the property. Vice Mayor Hare asked if that negotiation would be made public. Mr. Cranwell commented that once a number is arrived at that it would come back to Council for approval. Council Member Scheid asked if it had to come back to Council, why not just wait on taking any action. The Town Attorney commented that the Ordinance could also be amended properly.

Council Member Scheid made a motion to table the Ordinance as presented to the next Council meeting; the motion was seconded by Council Member Liles and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) - Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Tabled Ordinance as presented to the next Council meeting

Planning Commission Member Booth made a motion to adjourn the Planning Commission; the motion was seconded by Planning Commission Member Patterson and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Patterson, Michelsen, Booth, Liles, Jones; Nays (0) – None. The Planning Commission was adjourned from the meeting at 8:24 p.m.

Planning Commission adjourned

The next item on the agenda was a Public Hearing to consider public comments regarding the request from Audley Robinson, 222 Highland Road, to purchase the vacated and undeveloped portion, 25

feet wide by 138.52 feet long (3,463 square feet) of Glencoe Street right-of-way.

The Mayor opened the Public Hearing at 8:31 p.m.

Public Hearing opened

Karla Turman commented that Council had previously been briefed on this request. Glencoe Street was closed by Ordinance in 1993 at which time one-half went to Mr. Robinson and one-half was incorporated into 350 Highland Road, known as Gearhart Park.

Mr. Robinson has requested to purchase this portion of property to add an addition to his home along with handicapped ramps which would allow him to meet the setback requirement. This property is 3,463 square feet and he is willing to pay for the property.

Since this portion is a part of Gearhart Park, Ms. Turman commented that she did look at the distances from the softball field to the property and it appears to be approximately 225 feet at the front of the property and 160 feet at the back. Roanoke County Parks and Recreation commented that they did not have any concerns.

With regard to the assessment value of the property, staff took the land value of Gearhart Park, came up with a per square foot amount and figured a purchase price of \$1,280.00. The assessed value is 93% of a property value. However, staff was advised that a locality could add an additional seven percent, which would make the amount \$1,369.00.

Mr. Robinson was not able to attend the Public Hearing, but his brother who has been handling this on his behalf had another commitment and also could not attend.

In response to a comment by Vice Mayor Hare, Ms. Turman showed a drawing from Mr. Robinson of his plans for the addition and handicapped ramp. Vice Mayor Hare asked if there would be any danger of visitors to the Park trespassing on his property. Ms. Turman commented that once Council approves the sale of the property and he builds the addition, it would be more apparent where the property line is.

William Booth asked why there would be a charge for the purchase of this property since there was no value to it as far as the Town was concerned. The Mayor commented that Council is setting a precedent

and if we give this property away, there may be other cases where this same question would come up. We do not want to be in a position to give away property owned by the taxpayers. Our policy in the future is going to be that we have to receive some sort of compensation on behalf of the taxpayers.

Council Member Scheid commented that this property does have value and it is public property. She does not think it is Council's role to give away public property.

Hearing no further comments, the Mayor closed the Public Hearing at 8:43 p.m.

Public Hearing closed

Council Member Liles made a motion to adopt the Ordinance as presented.

Vice Mayor Hare commented that the Ordinance provides for a purchase price of 93% of the assessed value and that would be the precedent that is being set. Ms. McMillan commented that this is 100% of the assessed value. However, Roanoke County indicated that they assessed in the property at 93% of the market value. The Town could add seven percent. The 100% of the market value would be \$1,369.00. Without the seven percent addition, the amount is \$1,280.00. Mr. Thompson commented that the 93% of market value is the amount that the property is taxed on.

Adopted Ordinance No. 979 approving the request from Audley Robinson, 222 Highland Road, to purchase the vacated and undeveloped portion, 25 feet wide by 138.52 feet long (3,463 square feet) of Glencoe Street right-of-way

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

The next item on the agenda was a Public Hearing to consider public comments on the proposed ordinance to grant a fifteen (15) year Telecommunications Franchise to Lumos Networks, Inc. commencing on October 18, 2016.

The Mayor opened the Public Hearing at 8:46 p.m.

Public Hearing opened

The Town Manager commented that in October 1990, Lumos Networks, Inc., a Virginia Corporation, fka Roanoke & Botetourt Telephone Company was granted a telecommunications franchise in the Town of Vinton. This franchise has expired and they have requested that the franchise be renewed. The Franchise renewal period will be for a fifteen (15) year period from the effective date of the agreement. The

franchise is not an exclusive franchise and does not prevent the Town from granting to any other person, firm or corporation the same or similar franchise rights and privileges to be exercised in or upon its streets. It gives Lumos the right to use the streets of the Town to operate and maintain a fiber optic telecommunication system within and along the streets of the Town. Council was briefed on the franchise agreement at their October 4, 2016 meeting.

The Town Manager further commented that he heard from Robert Wallace, a project engineer with Lumos. He was not able to attend the meeting, but stated that Lumos looked forward to a continued relationship with the Town over the new franchise period.

The Town Clerk commented that the Public Hearing Notice in The Vinton Messenger did solicit other bids for this franchise and no other bids were received.

The Town Manager commented that the Town Attorney drafted this Agreement and it was reviewed by Lumos. The Town receives approximately \$260 per year on this franchise. Their service territory is very small and is in the midway area of Town. Vice Mayor Hare asked if anyone in that area had made any complaints. The Town Manager responded that he had not received any and Joey Hiner commented that they had not received any.

The Town Attorney commented that this is the essentially the same agreement, but it has been updated. Basically, the Town was able to charge franchise fees directly, but now the State regulates what can be charged.

Hearing no further comments, the Mayor closed the Public Hearing at 8:50 p.m.

Public Hearing closed

Vice Mayor Hare made a motion to adopt the Ordinance 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) - Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Adopted Ordinance No. 980 granting a fifteen (15) year Telecommunications Franchise to Lumos Networks, Inc. commencing on October 18, 2016

The next item on the agenda was a briefing on a proposed Performance Agreement with Waukeshaw Development Inc., and the Roanoke County Economic Development Authority as part of an Economic Development Incentive Package to

redevelopment of the former William Byrd High School. Pete Peters commented that recently this property was rezoned to Mixed Use Development which has cleared the way for the purchase of the property by Waukeshaw Development and the proposed conversion of the building into approximately 90 apartments.

During the early phase of the property's conception and the negotiations, Town staff in consultation with the Economic Development Committee and the Town Attorney agreed in principle to a Performance Agreement to incentivize the redevelopment project with terms similar to those offered by Roanoke County and the Roanoke County EDA.

Waukeshaw is expected to close on the property in the coming months and are currently finalizing the internal design and the site plan for the property. They have also recently received preliminary approval for designation on the State and National Register of Historic Places which is a critical step in determining the eligibility for certain tax credits. They have secured the additional financing needed for the project.

The total private investment of the project is anticipated to be in excess of \$10 million and the developer will be required to achieve various construction deadlines and will be held to design and construction standards that will maintain the historic character of the building in order to receive the incentives through the Performance Agreement.

The proposed terms of the agreement include a payment to the developer equal to all applicable Town permitting fees, all water and sewer connection fees and an annual payment equal to the property taxes paid to the Town for a period of ten years. The total financial incentive package is valued at approximately \$30,000.

Council Member Scheid commented on the draft agreement providing for \$9.2 million. Mr. Peters responded that the last presentation provided by Waukeshaw through the rezoning process indicated that the estimate had been revised to in excess of \$10 million. The agreement can be revised to reflect the more current numbers.

The next item on the agenda was to consider adoption of a Resolution to approve an application for an allocation of funds up to \$200,000 to be matched through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program. Joey Hiner commented that Council was briefed on this application at their last meeting. The pre-application has been submitted to VDOT and the deadline for the Resolution is November 1st.

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

The next item on the agenda was to consider adoption of a Resolution appropriating funds in the amount of \$3,265.09 for the receipt of an insurance claim made on a Dodge Charger (Unit 1137) of the Police Department. Chief Tom Foster made brief comments regarding the damage to the vehicle and that the other party was at fault. The Town's insurance company, VML, issued a check in the amount of \$3,265.09 which was the estimate from Buddy's Auto Body to repair said vehicle less the \$500 deductible.

Vice Mayor Hare asked why we had to pay the \$500 deductible if the Town was not at fault. The Town Manager commented that this was a misprint. The check was received from a third-party insurance carrier and there was no deductible on the Town's part. There were other funds received, but those went directly to Buddy's Auto Body as a result of other damages that they found after the initial check. That check was endorsed over to them because it was made out both to the Town and Buddy's. The check was not from VML, it was from USAA.

Vice Mayor Hare made a motion to adopt the Resolution with the language amended to state that the proper insurance filing was made with the third-party's insurance; the motion was seconded by Council Member McCarty and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) - Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None.

Adopted Resolution No. 2169 to approve an application for an allocation of funds up to \$200,000 to be matched through the Virginia Department of Transportation Fiscal Year 2017-2018 Revenue Sharing Program

Adopted Amended Resolution No. 2170 appropriating funds in the amount of \$3,265.09 for the receipt of an insurance claim made on a Dodge Charger (Unit 1137) of the Police Department

The next item on the agenda was to consider adoption of a Resolution appropriating funds in the amount of \$44,582.00 for the purchase of a replacement vehicle in the Police Department. Chief Foster commented that on July 15, 2015, a 2012 Dodge Charger that was designated as the K9 vehicle was involved in an accident. The insurance settlement payment from VML and ATF funds were used to purchase an SUV Utility vehicle to replace the Chief's vehicle at that time. The Department is down two vehicles, this vehicle and the Impala that became the Town's vehicle for administrative use. Another vehicle just recently was removed due to reaching its useful life expectancy and will be sold at public surplus

They are requesting the ability to replace Unit 1146 with ATF funds to purchase one vehicle. This would be an all-wheel drive utility vehicle that will better meet the needs of the Town.

Vice Mayor Hare commented that this matter was discussed at the Finance Committee meeting and they support this recommendation. The fleet of four-wheel drive vehicles is rapidly aging, so this needs to be done to give the department the capacity during inclement weather.

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

Vice Mayor Hare asked if the vehicle would be marked and Chief Foster responded yes. However, they are considering a reversal of the current colors by going with a dark charcoal metallic gray with black lettering on the side. He polled the department and the unofficial results are in favor of doing this for this one vehicle to see how it looks and how the public reacts to it. The Mayor commented that he has heard from some citizens that they do not appreciate the black vehicles. Chief Foster further commented that some individuals feel that the solid black vehicles are somewhat intimidating.

The Town Manager commented that Council will be having their Retreat on Monday, October 24th. They were provided an Agenda for the Retreat and

Adopted Resolution No. 2171 appropriating funds in the amount of \$44,582.00 for the purchase of a replacement vehicle in the Police Department

he made brief comments. The homework assignment to complete the SWOT Analysis is due back to Pete Peters on Thursday. Pete Peters commented further on the SWOT Analysis.

The Town Manager next commented that Walnut Avenue is now open from the storm drain repair. The paving company did the paving today and he expressed appreciation to Public Works for their work on the repair.

The Mayor commented on the upcoming Council Retreat and two ribbon cuttings that he recently attended for small businesses that were graduates of the HIVE. He commented on the success of the Fall Festival, the Employee Recognition Event and reminded everyone of the Veteran's Recognition Event on November 6th at the War Memorial beginning at 12 Noon. He also commented on a Proclamation that had been prepared by the Town Clerk in honor of Fred Anderson that will be presented to his family.

Comments from Council: Vice Mayor Hare commented that the last time the Town sold land the proceeds were placed in a restricted fund to use for further investments in the community. He suggested that Council consider doing the same with the proceeds from the sale of the property discussed tonight. Council Member Scheid commented that perhaps it could be included in the new policy that will be developed concerning the sale of Town property. The Town Manager commented that we need a policy that outlines our procedure for the sale of Town property and the formula that we use in calculating the value. It could also include this type of restriction on the use of the funds. That way there will be no question of the intent. The current policy is vague and puts the responsibility on the Town Manager as to whether we should charge or not and it should not be the Town Manager that should make that determination. It was recommended that the Finance Committee review the policy.

Vice Mayor Hare commented on the former Flower Fund that was placed into a restricted account to buy flowers, but funds were needed to replace signs. Council Member Liles asked if that was the beautification grant that was set up by Mr. Vinyard for \$20,000 that is still used today to plant the hanging baskets. Vice Mayor Hare responded that

the fund was consumed and it was used to refurbish the signs which were falling apart.

Council Member Scheid and Council Member Liles expressed appreciation to Public Works and other members of staff who were involved in getting Walnut Avenue back open and keeping Council posted.

Council Member McCarty commented on the success of the Fall Festival. She reminded everyone of the Mingle at the Market on November 5th. She also asked about the items that have been placed on the street on Niagara Road. The Town Manager commented that he is aware of it and they will notify the property owner.

Vice Mayor Hare made a motion to adjourn the meeting; the motion was seconded by Council Member Liles and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Liles, McCarty, Scheid, Hare, Grose; Nays (0) – None. The meeting was adjourned at 9:36 p.m.

Meeting adjourned

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

MINUTES OF A STRATEGIC PLANNING RETREAT OF VINTON TOWN COUNCIL HELD ON OCTOBER 24, 2016, AT THE VINTON WAR MEMORIAL, 814 WASHINGTON AVENUE, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor
Matthew S. Hare, Vice Mayor
Keith Liles
Sabrina McCarty
Janet Scheid

STAFF PRESENT: Barry Thompson, Town Manager
Susan N. Johnson, Town Clerk
Pete Peters, Assistant Town Manager
Donna Collins, Human Resources Director
Joey Hiner, Public Works Director
Anita McMillan, Planning & Zoning Director
Anne Cantrell, Interim Finance Director
Chris Linkous, Deputy Chief, Fire & EMS
Mary Beth Layman, Special Programs Director
Tom Foster, Police Chief
Chasity Barbour, Facilities Manager
Mike Faw, Deputy Director of Public Works, Utility Division

OTHERS PRESENT: Allen Moyer
Justin Davison
Stephanie Brown-Mead
Angie Chewning

The Mayor opened the meeting and then turned the meeting over to the Town Manager. After the Town Manager commented on the purpose and expectations of the morning session, he turned the meeting over to Allen Moyer. Mr. Moyer gave a brief overview of the agenda and set the ground rules.

The next item was the Group Session led by Pete Peters. Mr. Peters asked everyone to envision what they would like for the Town to look like in 15 years. Then Mr. Peters listed items that the participants indicated they would like to keep and items they would like to change.

After a short break, the participants disbursed to another room where they were divided into groups of four at five tables. Prior to the Retreat, each participant was asked to prepare a SWOT (strengths, weaknesses, opportunities and threats) analysis. Each table was given a consolidated list of the SWOT analysis prepared by the members of their table and they were asked to rank as a group their top eight to ten in each category.

The next exercise was for each table to share their top ranked items in each category (that were not duplicates) while Mr. Peters assigned them to one of six categories—Neighborhoods & Community, Business Environment, Land-Use Development, Public Safety, Infrastructure & Facilities and Government/Administration. Then, participants were each given 12 dots and were asked to place their dots beside the items that they deemed most important.

After the items were ranked in each of the six categories, the top three were selected (Gain Sharing, Under Developed Property and the Vinton War Memorial-Hotel Development) and

participants listed tools that could be used to try and address each of these significant items in the Town.

After a break for lunch, the afternoon session began at 12:30 p.m. The first item on the afternoon agenda was a presentation by Andrew Kassoff of EEE Consulting in Blacksburg entitled "Stormwater Compliance". A copy of the presentation is on file in the Town Clerk's Office and will be made a part of the permanent record.

The next item on the agenda was a presentation by Joey Hiner of a virtual tour of the Town's utility systems followed by information on sinkhole/storm drain repairs in May, June, July, September and October of 2016 showing man-hours, equipment and material costs. A copy of the presentation is on file in the Town Clerk's Office and will be made a part of the permanent record.

The next item on the agenda was a presentation by Anne Cantrell of the Vinton-Roanoke County Gainsharing Agreement. A copy of the presentation is on file in the Town Clerk's Office and will be made a part of the permanent record.

Following discussion on the Gainsharing Agreement, Council requested that a committee to be called the "Vinton Advisory Committee" be established to begin a review of the components of the Gainsharing Agreement. The following individuals were recommended to be a part of the 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
Stephanie Brown-Meade
Barry Thompson, Town Manager
Sherri Winkler
An individual from East Roanoke County

The Town Clerk was directed to put this item on the November 1st meeting for action by Council.

Discussion was had regarding the number of rental properties in the Town. Pete Peters commented that he would investigate potential housing and home ownership grants and provide Council with an update on various options. Mr. Peters also suggested that he will request a meeting with several of the prominent rental property owners to see what steps the town might take to encourage these owners to make improvements to their properties to increase values and improve esthetics.

After closing comments, the retreat was adjourned at 5:00 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

November 15, 2016

Department

Vinton Volunteer First Aid Crew

Issue

Report on the Vinton Volunteer First Aid Crew for October

Summary

Chief Wayne Guffey will be present to give this report to Council.

Attachments

October Report

Recommendations

No action required



Vinton First Aid Crew Inc.

P.O. Box 314

Vinton VA 24179

Office of the Chief

WGuffey@vintonems.com

October 2016 Report

- Volunteer Truck hours was 536 of 492 possible hours for 109 %
- We had a unit in service 100% of the volunteer time
- Medic truck marked up 88% and a BLS Unit 12%
- Responded to 82 out of 113 calls doing volunteer hours 72%
- Handled 80 out of 113 calls doing volunteer hours 70%
 - Out of the 33 calls career handled 20 were 2nd emergency calls
- Fractile Response time was 7.33
- 1767 man hours for the month of June

Wayne Guffey

Wayne Guffey

Chief

Vinton First Aid Crew

Volunteer

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL
2016	1765	1447	1536	1813	1745	1486	1654	1519	1600	1767			16332
2015	2157	1629	1892	1636	1721	1415	1481	1715	1596	1695	1660	1445	20042
2014	1571	1585	2209	1721	1638	1675	1727	1619	1574	1946	1731	1876	20872
2013	1651	1451	1523	1943	1436	1672	1824	1501	1571	1697	1892	1623	19784
2012	1891	1999	1947	2244	1805	1824	2104	1971	1528	1526	1480	1516	21835
													98865
Average	1807	1622.2	1821.4	1871.4	1669	1614.4	1758	1665	1573.8	1726.2	1690.75	1615	19773

Volunteer

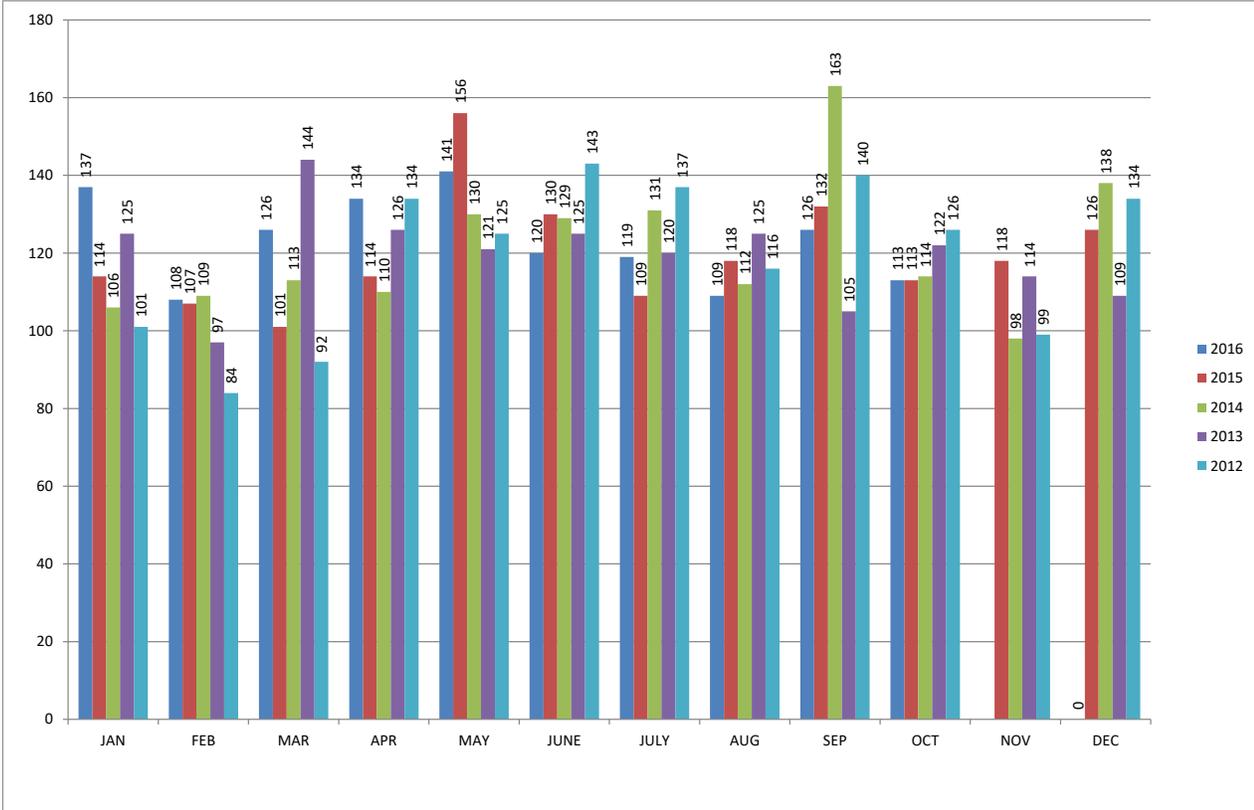
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL	Possible	Pct
2016	567	434	517	586	536	459	517	533	482	536			5167	4740	109.01%
2015	453	397	462	479	514	434	454	482	443.5	458	426	472	5474.5	5630	97.24%
2014	437	409.5	490.5	468	491	438	463	476	438	491	477	428	5507	5646	97.54%
2013	405	375	449	485	419	441	531	458	442	460	409	472	5346	5642	94.75%
2012	412	441	418	480	449	515	576	495	410	438	423	504	5561	5630	98.77%



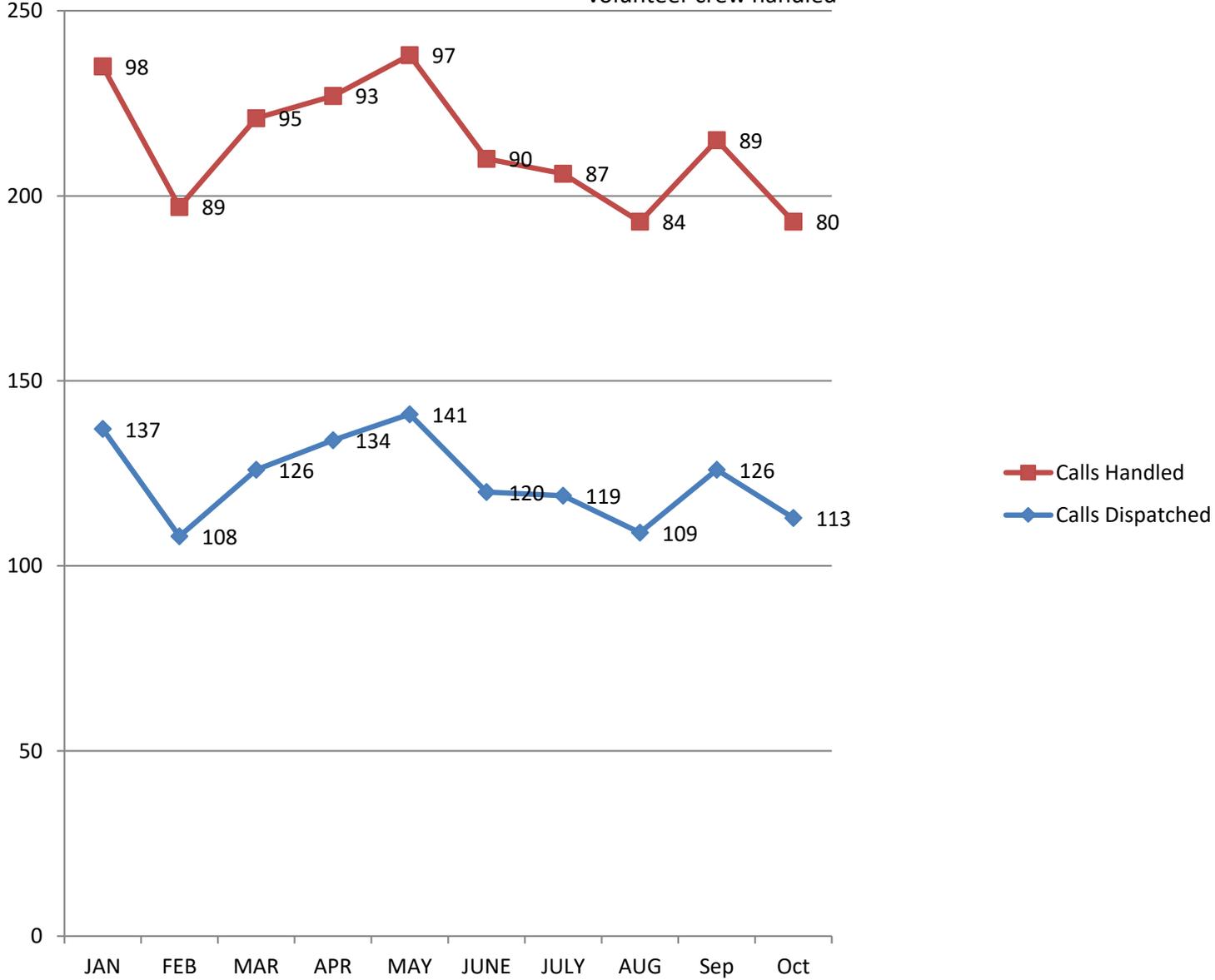
27055.5 27288 99.15%

Volunteer

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	OCT	NOV	DEC	TOTAL
2016	137	108	126	134	141	120	119	109	126	113			1233
2015	114	107	101	114	156	130	109	118	132	113	118	126	1438
2014	106	109	113	110	130	129	131	112	163	114	98	138	1453
2013	125	97	144	126	121	125	120	125	105	122	114	109	1433
2012	101	84	92	134	125	143	137	116	140	126	99	134	1431

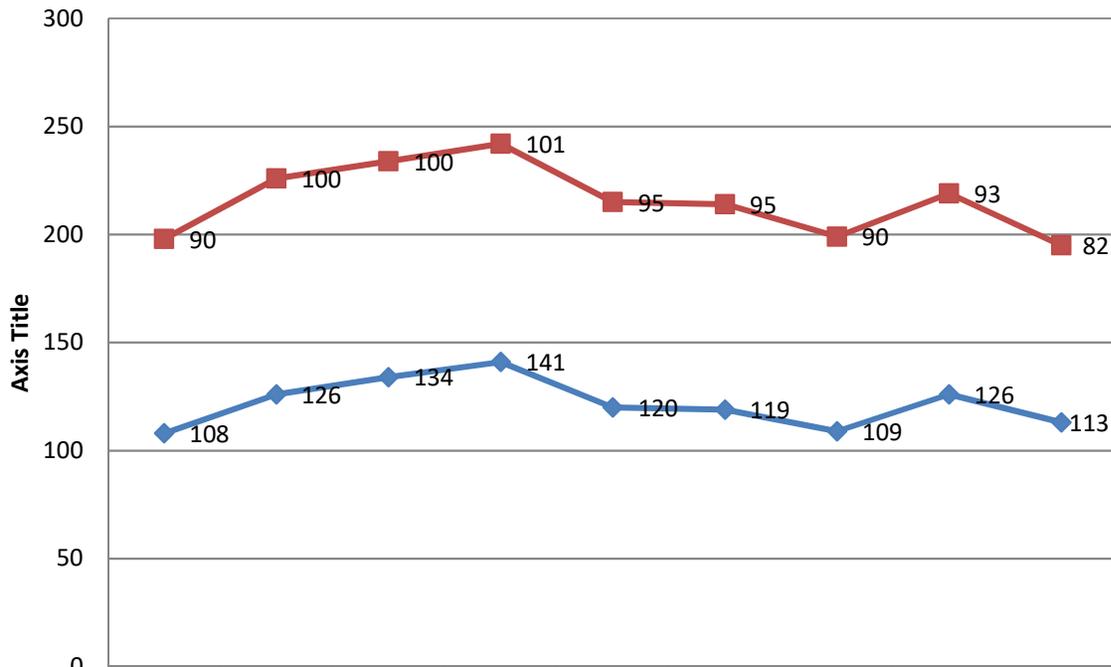


Calls that were dispatched that the volunteer crew handled



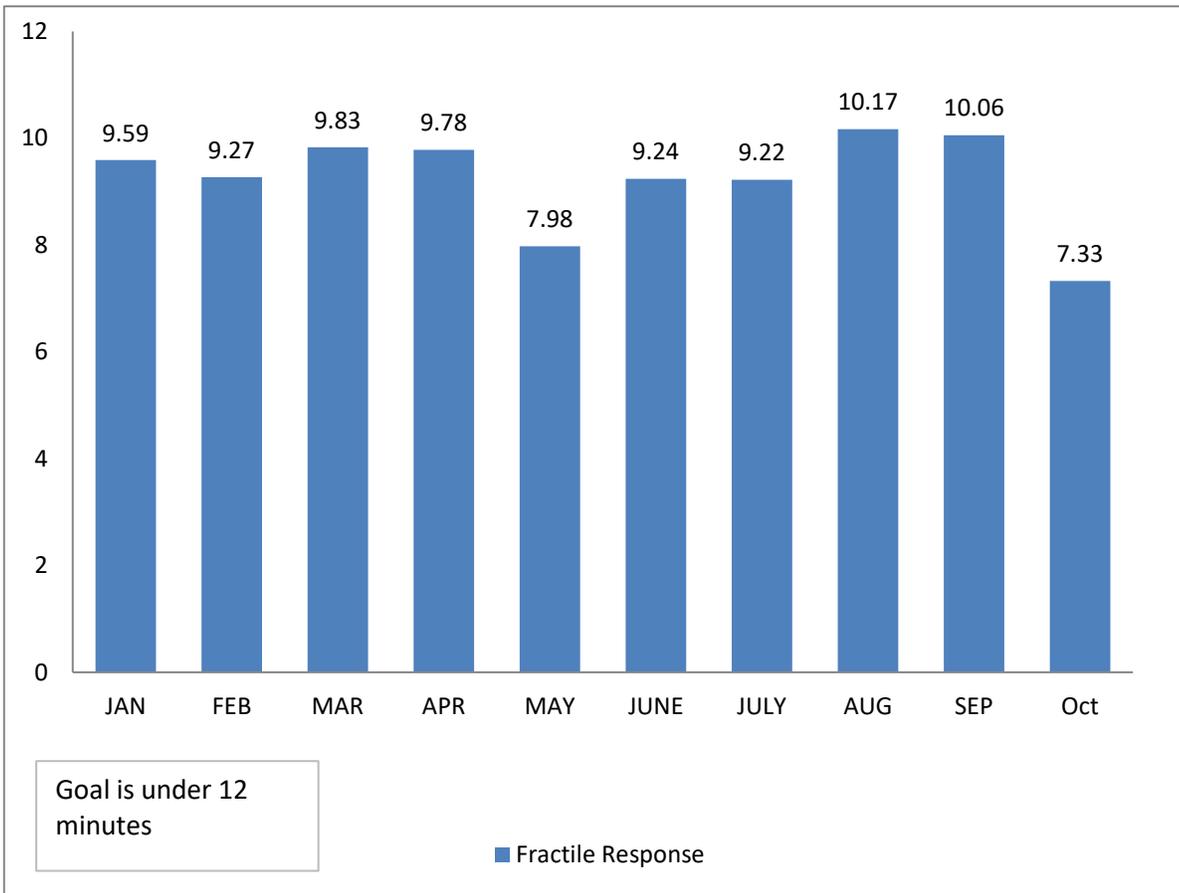
	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	Oct
Calls Dispatched	137	108	126	134	141	120	119	109	126	113
Calls Responded	104	90	100	100	101	95	95	90	93	82

Calls Dispatched that the crew responded too



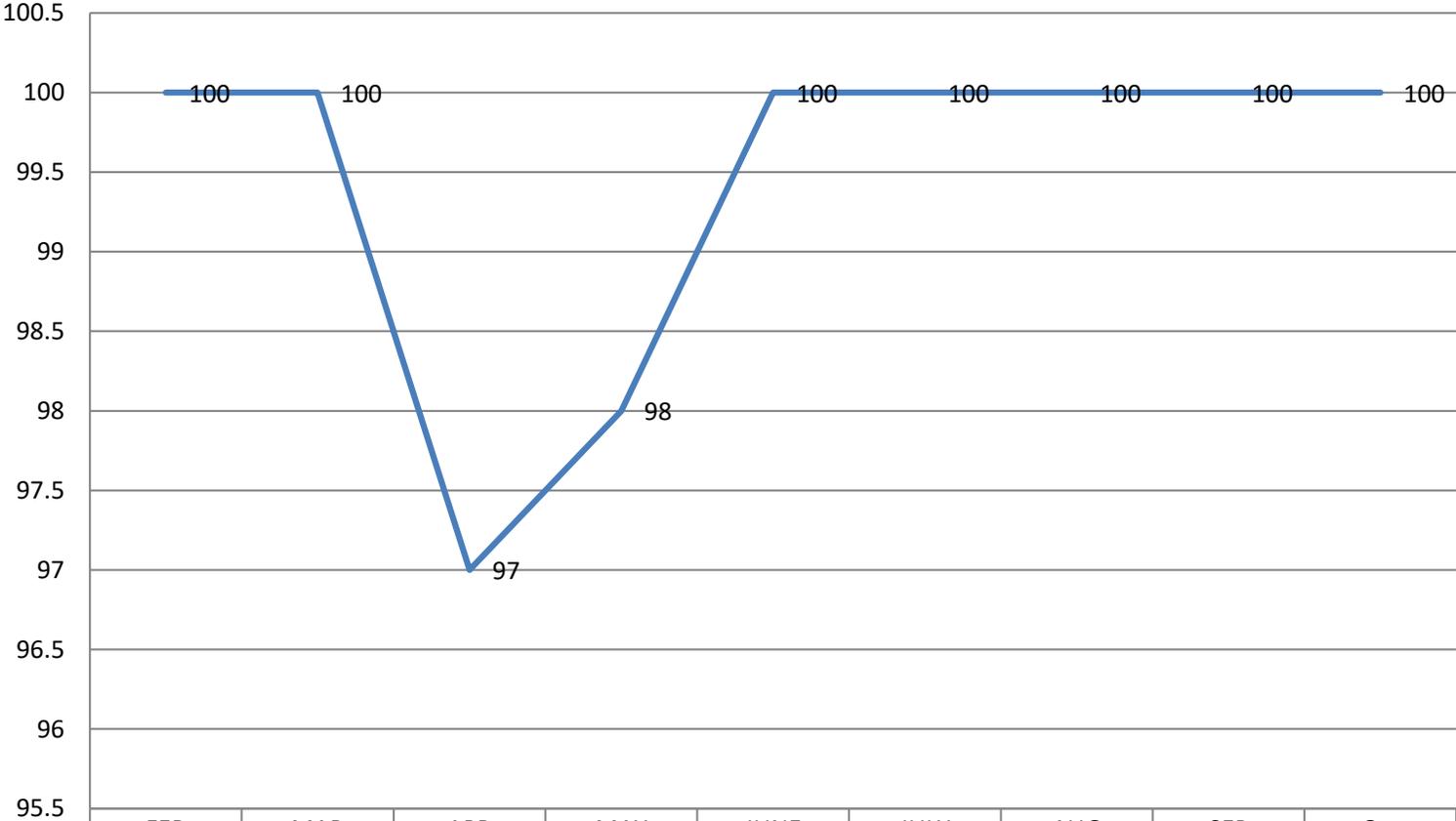
	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	Oct
Calls Responded	90	100	100	101	95	95	90	93	82
Calls Dispatched	108	126	134	141	120	119	109	126	113

Fractile Response	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEP	Oct
	9.59	9.27	9.83	9.78	7.98	9.24	9.22	10.17	10.06	7.33



Percentage of Unit in Service

Axis Title



Volunteer unit in service

FEB

MAR

APR

MAY

JUNE

JULY

AUG

SEP

Oct

100

100

97

98

100

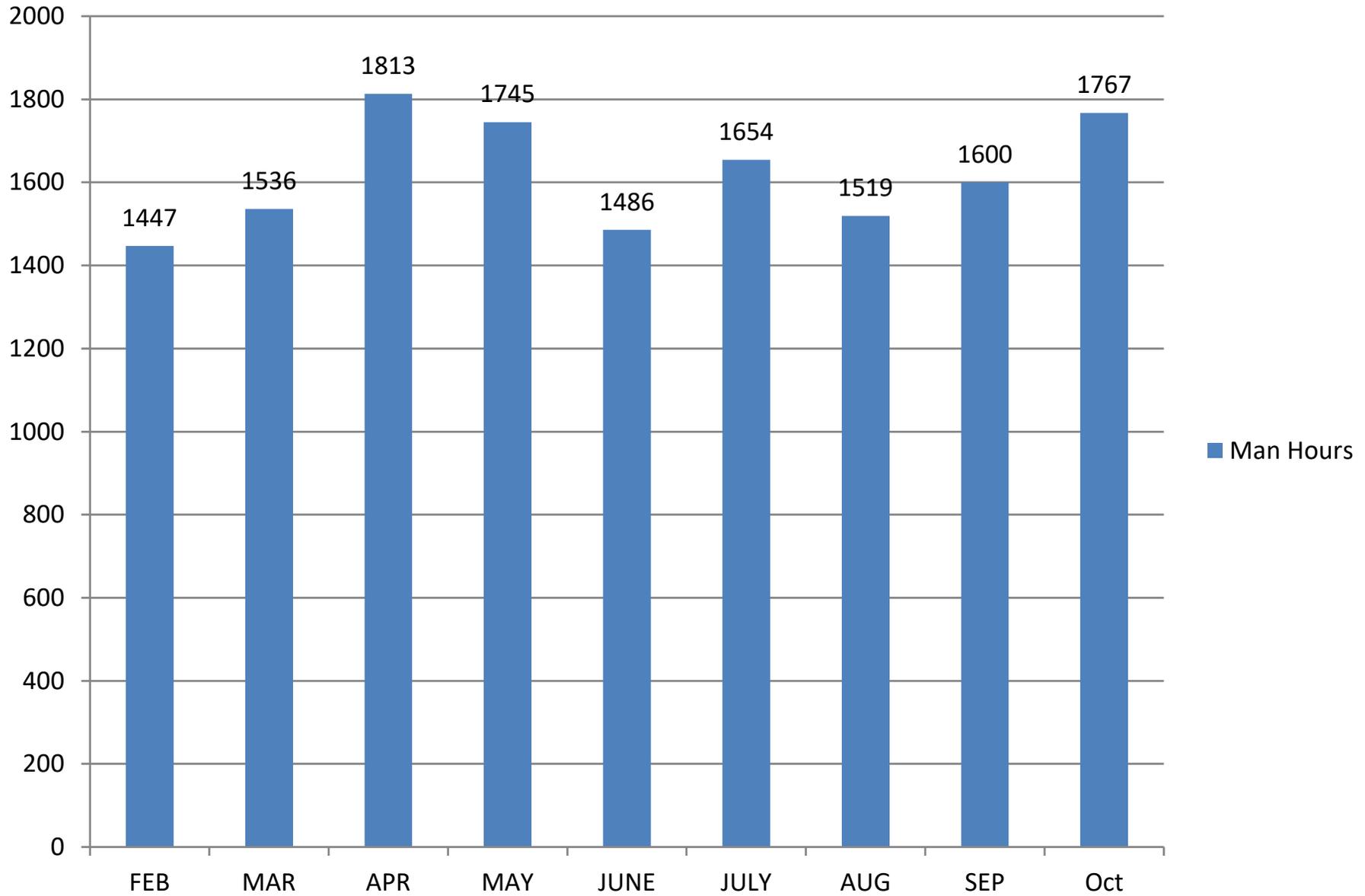
100

100

100

100

Man Hours





Town Council Agenda Summary

Meeting Date

November 15, 2016

Department

Police

Issue

Briefing on an application for a grant for a Multi-Jurisdictional Threat Assessment Project and an application for a grant through the Department of Criminal Justice Services titled “21st Century Policing”.

Summary

The Vinton Police Department will partner with Roanoke County Police, Roanoke City Police, and Salem City Police, in a Multi-Jurisdictional Threat Assessment Project. The grant amount is \$20,000.00 with a match of 10% that will be split 4 ways, with the Towns match being \$500.00.

The Department has also applied for a grant through the Department of Criminal Justice Services titled “21st Century Policing”. They have titled the project “Mobile Community Services Unit” (MCSU). This grant will provide a Mobile Community Services Unit (MCSU) to promote outreach and education, community engagement, and crime prevention while enhancing the relationship between our agency and our community. The total for this grant is \$20,000.00 with an in-kind match of 10% to equal \$2,000.00. The in-kind match will be paid out of the Department’s Training and Fuel budget.

Attachments

None

Recommendations

No action required



Town Council Agenda Summary

Meeting Date

November 15, 2016

Department

Council

Issue

Consider a motion to accept or reject an offer by Michael D. Henderson to purchase the fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way known as Daleview Drive for purchase price of \$20,000.00.

Summary

None

Attachments

None

Recommendations

Motion to accept or reject offer



Town Council Agenda Summary

Meeting Date

November 15, 2016

Department

Council

Issue

Consider a motion to accept or reject an offer by Sarah A. & Henry J. Brabham, IV to gift to the Town of Vinton a 0.555 acre of an existing private road and a stormwater best management facility consisting of 2.855 acres, both located between Niagara Road and Vinyard Road in the Town of Vinton.

Summary

None

Attachments

None

Recommendations

Motion to accept or reject offer



Town Council Agenda Summary

Meeting Date

November 15, 2016

Department

Planning and Zoning

Issue

Consider adoption of an Ordinance approving the joint petition of Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W.E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, to abandon, vacate and deed a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the adjoining property owners

Summary

A joint public hearing of the Planning Commission and Town Council was held on October 18, 2016, to consider public comments regarding the joint petition of Robert O. and Linda M. Quam and Sherman E. and Barbara B. Sligh to abandon, vacate and deed a fifty (50) foot wide approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, to the above named adjoining property owners. They also requested that this undeveloped portion of the right-of-way never to be used as a street or road to any other property at any time in the future.

The Planning Commission voted unanimously to recommend that the joint petition be approved by Town Council.

Town Council tabled the request in order to have time to establish the fair market value for the undeveloped Daleview Drive right-of-way. The legal counsel for the Petitioners agreed to hire an appraiser to determine the value of the property. On October 28, 2016, an appraisal was submitted, and based on the appraisal, the Quams and the Slighs have agreed to pay \$3,000 each to the Town for their shares of the undeveloped Daleview Drive right-of-way once it is vacated.

Attachments

Appraisal
Ordinance

Alternatives

1. Approve the request.
2. Deny the request.

Recommendation

Motion to adopt Ordinance

CRANWELL & MOORE

Attorneys at Law

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111 Virginia Avenue, West
Vinton, Virginia 24179

P.O. Box 11804
Roanoke, Virginia 24022-1804
www.cranwellmoorelaw.com

Telephone: 540-344-1000
Facsimile: 540-344-7073
Toll Free: 877-632-FELA
(3352)

October 28, 2016

Barry W. Thompson, Town Manager
Town of Vinton
311 S. Pollard Street
Vinton, VA 24179

Re: Daleville Drive

Dear Barry:

Please find enclosed the Appraisal on the vacated portion of Daleville Drive. Both Mr. Sligh and Mr. Quam have agreed to pay \$3,000 cash for their share of the vacated street. We are working on a joint driveway agreement and will get it to you when it is complete.

Thank you.

Sincerely,



C. Richard Cranwell

CRC/bm
Enclosure

L. Steven (Steve) Noble, CRE, MAI, AI-GRS, SRA, AI-RRS, ASA-AR&M, ABAR
 Business and Real Estate Consultant
 www.noblevaluations.com
 steve@noblevaluations.com

October 27, 2016

Richard Cranwell
 Cranwell & Moore, P.L.C.
 111 W. Virginia Avenue
 Vinton, VA 24719

Mr. Barry Thompson
 Town Manager, Vinton
 311 S. Pollard Street
 Vinton, VA 24179

Re: 647 and 701 Olney Road, Vinton, Closed Street Assemblage Valuations

Dear Messrs. Cranwell and Thompson:

As requested, I have investigated and formed an opinion of the Assemblage Valuations of the land known as the Undeveloped Portion of Daleview Drive, which is proposed to be transferred to the adjoining property owners of 647 and 701 Olney Road.

This is a limited scope assignment, whereby the property rights are fee simple, the highest and best use as vacant is assemblage, and as improved is single family residential. Definitions are included in the addenda.

The opinion of an equitable market value transfer price is \$3,000 per lot for 647 and 701 Olney Road.

The Town of Vinton has placed a "bid" pricing of between \$6,425 and \$7,938 per lot based on application of the assessment per square foot of land for the two tax parcels, Lots 8 and 9, respectively. The assessment is adjusted by the market value ratio of 7% (the assessment represents 93% of market value per the Commonwealth's analysis).

Attached are exhibits of the analysis of the two properties assessments. The use of the two lots per square foot assessment disadvantages the properties in that their assessment per square foot was the highest and the sixth highest of fourteen lots along the north side of Olney Road. The assessment of the 14 sample Olney Road lots (including the subjects) is \$31,500 each. The assessment represents that the market value is the price per a "developable" lot, and is not based strictly on its size, or street frontage.

Furthermore, when adding the 3,925 square feet to 647 and 701 Olney Roads lots the new size will essentially be within the range of gross size and road frontage of the 14 sample lots. The future assessment should remain at \$31,500 based on the analysis of the 14 sample lots, including the subjects.

2715 Brambleton Avenue SW Suite B Roanoke, VA 24015 - Phone/FAX: 540.772.7268

Messrs. Cranwell and Thompson
 October 27, 2016
 Page 3

Following is the analysis of the current assessment of the 14 sample lots:

Tax Map	061.0501.0X.00-0000	Assessments Per						
		#	Olney Rd	Tax Lot	Frontage	SF	Lot	FF
1	619	2	120	23,654	31500	\$262.50	\$1.33	
2	623	3	100	19,785	31500	\$315.00	\$1.59	
3	627	4	95.52	19,921	31500	\$329.77	\$1.58	
4	635	5	94.92	21,317	31500	\$331.86	\$1.48	
5	639	6	94.92	21,638	31500	\$331.86	\$1.46	
6	643	7	92.65	19,453	31500	\$339.99	\$1.62	
7	647	8	87.29	19,853	31500	\$360.87	\$1.59	
8	701	9	66.49	16,972	31500	\$473.76	\$1.86	
9	705	10	92.65	19,263	31500	\$339.99	\$1.64	
10	707	11	105.31	21,830	31500	\$299.12	\$1.44	
11	715	12	112.12	18,435	31500	\$280.95	\$1.71	
12	719	13	121.24	20,478	31500	\$259.82	\$1.54	
13	725	14	118	19,965	31500	\$266.95	\$1.58	
14	733	15	108	20,159	31500	\$291.67	\$1.56	

The subject lots are at or near the highest assessment lots on both square footage and street frontage:

	Current Ranking	
	FF	SF
# 647	2	6
# 701	1	1

After the assemblage of the 3,925 square feet of land, the two tax lots will be in the top of the range and in the middle of the range. Both larger lots are not materially different from other sites along Olney Road:

Messrs. Cranwell and Thompson
 October 27, 2016
 Page 2

Thus, the addition of the 3,925 square feet to 647 and 701 Olney Roads will not change the market value of the enlarged sites. This is due to the additional land being "surplus" land, in that the additional land does not allow the site to be further subdivided into two lots, or materially change the sites in relationship to other properties along Olney Road.

Currently, the two properties have encroachment within Undeveloped Daleview Road, being asphalt and concrete driveways accessing Olney Road. When platted in the 1960s, the lots may have had driveway access to Undeveloped Daleview Road, leading to Olney Road. Over the decades, the two property owners turned their driveways south, across the Undeveloped Daleview Drive, thus creating direct access onto Olney Road. This encroachment may be decades old.

Currently, a substantial portion of the driveways of Tax Lots 8 and 9 are within the public land, and not assessed to the homesteads. Although the assessment for the larger assemblage sites should not change, based on market value, the site improvements should be now attributed to the Tax Lots 8 and 9. Thus, after the assemblage the assessment for the land should remain the same, while the site's driveway improvements can now be charged to the tax lots. Vinton will collect higher taxes from the properties after the assemblage.

State law for transferring public right of ways in § 15.2-2008 states "The price shall be no greater than the property's fair market value or its contributory value of the abutting property, which every is greater, or the amount agreed to by the parties." The Undeveloped Daleview Road, independently, has nominal market value, as it's a non-conforming lot that is undevelopable given the neighborhood plat and current town zoning.

The contributing value to the abutting properties, by analysis of the assessment's market value indicates the plottage land itself will not increase the value of the assemblage lots.

The value of removing the encroachments is the utility the abutting properties will gain. Although the two properties earlier paid for the driveways' construction, the pavement encroaches on the public right of way. Discussions with one landowner and the attorney representing the other landowner, as part of the transfer of the unopened street, Tax Lots 8 and 9 will record a joint access and maintenance agreement for that portion of the driveways that abut and adjoin the new lot lines.

The opinion of the market value for the two 3,925 square foot assemblage parcels considers that the assessment of the "sites" is 7% below market and the driveway encroachments will add value to the assemblage lots. That analysis follows:

647 and 701 Olney Rd Lot Assemblage (Each Parcel)	
Assessment Per Lot	\$31,500
Under Market Valuation	7%
Upside	\$2,205
Site Improvements	\$750
Sum	\$2,955
Rounded	\$3,000

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Messrs. Cranwell and Thompson
 October 27, 2016
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#	Olney Rd	Tax Lot	@ Current Assmts		Assessments Per		
			Frontage	SF	Lot	FF	SF
1	619	2	120	23,654	31500	\$262.50	\$1.33
2	623	3	100	19,785	31500	\$315.00	\$1.59
3	627	4	95.52	19,921	31500	\$329.77	\$1.58
4	635	5	94.92	21,317	31500	\$331.86	\$1.48
5	639	6	94.92	21,638	31500	\$331.86	\$1.46
6	643	7	92.65	19,453	31500	\$339.99	\$1.62
7	647	8	139.91	23,778	31500	\$225.14	\$1.32
8	701	9	119.12	20,897	31500	\$264.44	\$1.51
9	705	10	92.65	19,263	31500	\$339.99	\$1.64
10	707	11	105.31	21,830	31500	\$299.12	\$1.44
11	715	12	112.12	18,435	31500	\$280.95	\$1.71
12	719	13	121.24	20,478	31500	\$259.82	\$1.54
13	725	14	118	19,965	31500	\$266.95	\$1.58
14	733	15	108	20,159	31500	\$291.67	\$1.56

After assemblage, Tax Lot 9 is about middle of the 14-lot sample while Tax Lot 8 moves towards the top of the range:

	Future Ranking	
	FF	SF
# 647	14	14
# 701	11	9

Compared to the second ranked lot of the 14-site sample, Tax Lot 8 is only marginally larger than the sample, and not materially superior to warrant a market value difference:

Tax Lot 8		
Exceeds 2nd Rank Lot	FF	% Delta
18.67	FF	15.4%
124	SF	0.5%

The Town of Vinton's pricing bid is based on assessment data that places the two subject lots at a distinctive disadvantage. The bid penalizes the two lots because they are smaller than the average sites on the north side of Olney Road.

The analysis of market value contribution of the assemblage and the contributing value of "clearing" the driveway encroachments represents a market value that is reasonable given the contributing value to the abutters.

Sincerely,

L. Steven Noble

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CERTIFICATION

The undersigned certifies that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- This report sets forth all the limiting conditions affecting my personal, unbiased, professional analyses, opinions, and conclusions.
- 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 the parties involved.
- My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- L. Steven Noble visited the subject property.
- No one provided significant professional assistance to the undersigned.
- My analyses, opinions, and conclusions were developed and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) of The Appraisal Foundation. The appraiser complies with the Competency Provision of USPAP.
- The reported analyses, opinions, and conclusions were developed and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this assignment, I have completed the requirements under the continuing education program of The Appraisal Institute, the National Association of Certified Valuers and Analysts, the State of North Carolina and of the Commonwealth of Virginia.
- This report has been made in conformity with and is subject to the requirements of the Code of Professional Ethics and Standards of Professional Practice of The Appraisal Institute, American Society of Appraisers, and the National Association of Certified Valuers and Analysts. This report is also subject to the requirements of the respective appraisal/valuation organizations relating to review by their duly authorized representatives.
- I have not performed an appraisal or offered other services involving the property that is the subject of the appraisal within the three years prior to this assignment.
- The Commonwealth of Virginia requires the value to be stated in the Certification: the fee simple market value as of October 27, 2016 is \$3,000 per assemblage lot.

L. Steven Noble

October 27, 2016

L. Steven Noble, CRE, MAI, AI-GRS, SRA, AI-RRS, ASA-AR&M, ABAR
Virginia Certified General Real Estate Appraiser #1209

Noble Valuation Consulting, LLC

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ADDENDA

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PROFESSIONAL QUALIFICATIONS

L. STEVEN NOBLE

Steve Noble, CRE, MAI, AI-GRS, SRA, AI-RRS, ASA-AR&M, ABAR

**Designated Real Property, Personal Property and Business Valuation Reviewer
Certified Real Property Appraiser
Business Enterprises and Intangible Assets Valuer**

President of Noble Valuation Consulting, LLC
2715 Brambleton Avenue, SW, Suite B, Roanoke, VA 24015
Office/Fax (540) 772-7268
www.noblevaluations.com steve@noblevaluations.com

PROFESSIONAL QUALIFICATIONS

Steve Noble has experience in multiple real estate specialties. These include real property appraisal and review, feasibility and market studies, industrial development, and selling and leasing various types of properties. Mr. Noble provides appraisal review and consulting services for banks, government agencies, and real estate management and service companies. Currently, Mr. Noble specializes in industrial, commercial, and special use properties. He has been qualified as an expert in real property valuation in federal bankruptcy and criminal courts, and for eminent domain just compensation in numerous Virginia courts.

EXPERIENCE

- 20 Years Appraiser and Consultant
- 3 Years Chief Appraiser, Dominion Bankshares (National Bank)
- 3 Years Manager, Legg Mason Realty Group Appraisals
- 3 Years Sales Operations Manager, Frito-Lay
- 1 Year Uniform Standards of Professional Appraisal Practice Education Instructor

EDUCATION

- BS Agriculture Economics - North Carolina State University
- MBA Finance - Wake Forest University
- Various Appraisal Theory Courses - Appraisal Institute, American Society of Appraisers, National Association of Certified Valuers and Analyst (formerly the Institute of Business Appraisers)

PROFESSIONAL AFFILIATIONS, DESIGNATION AND STATE LICENSES

- National Association of Realtors, Counselor of Real Estate, CRE
- Appraisal Institute, MAI and General Review Specialist, AI-GRS
- Appraisal Institute, SRA and Residential Review Specialist, AI-RRS
- American Society of Appraisers, Accredited Senior Appraiser, ASA, specialty in Appraisal Review & Management, AR&M
- National Association of Certified Valuers and Analysts (via The Institute of Business Appraisers merger), Accredited in Business Appraisal Review, ABAR
- Virginia Certified General Real Estate Appraiser No. 4001001209
- North Carolina Certified General Real Estate Appraiser No. A4256 (inactive)
- West Virginia Certified General Appraiser No. CG464

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SPECIFIC ASSUMPTIONS AND LIMITING CONDITIONS

Extraordinary Assumptions None

Hypothetical Conditions None

Appraisal Report This is an Appraisal Report that is intended to comply with the reporting requirements set forth in Standards Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for an Appraisal Report. As such, it does not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop our opinion of value. Supporting documentation concerning the data, reasoning, and analyses are retained in our file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. Noble Valuation Consulting, LLC is not responsible for the unauthorized use of this report.

Title to Real Estate No investigation of legal title was made and I render no opinion as to ownership of the property or condition of the title. I assume the following:

1. The title to the property is marketable.
2. Unless otherwise indicated in this report, the property is free and clear of all liens, encumbrances, easements, and restrictions.
3. The property does not exist in violation of any applicable codes, ordinances, statutes, or other government regulations.
4. The property is under responsible ownership and competent management and is available for its Highest and Best Use.

Information and Data Information supplied by others, which is considered in this valuation, came from sources believed to be reliable and I assume no further responsibility for its accuracy. I reserve the right to adjust the valuation herein reported as required by consideration of additional or more reliable data that may become available.

It is assumed that the survey information supplied by the source outlined within this report, if any, is accurate. The appraiser assumes no responsibility for independently verifying this information. If the client has any questions regarding this information, it is the client's responsibility to seek whatever independent verification is deemed necessary.

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SPECIFIC ASSUMPTIONS AND LIMITING CONDITIONS
(Continued)

Sketches and Maps Sketches and maps in this report are presented to aid the reader in visualizing the property and are based on field investigations made by the appraiser. Dimensions and descriptions are based on public records and information furnished by others and is not meant for use as references in matters of survey.

Unexpected Conditions I assume no hidden or unexpected conditions of the property exist which would adversely affect value.

Distribution of Value The distribution of total value between land and improvements applies only under the stated program of utilization. The separate values for land and improvements shall not be used with any other appraisal, and such use shall invalidate them.

Date of Value The date of value to which the conclusions and opinions expressed in this report apply is set forth in the letter of transmittal. The dollar amount of any value reported is based on the purchasing power of the U.S. dollar as of that date.

I assume no responsibility for economic or physical factors occurring after the date of value estimate, which may affect the opinions reported.

Noble Valuation Consulting, LLC's personnel, observed property Observation the property appraised. When the date of observation differs from the Effective Date of Appraised Value, I have assumed no material change in the condition of the property, unless otherwise noted in the report.

Legal or Specialized Expertise No opinion is intended to be expressed for matters that require legal or specialized expertise, investigation, or knowledge beyond that customarily employed by appraisers. This report addresses no issues of law, engineering, code conformance, insect or rodent infestation, or toxic contamination or discharge, inter alia, unless specifically identified in the body of the report.

Sale or Purchase Our opinion of value presented herein reflects Noble Valuation Consulting, LLC's considered opinion based on the facts and data in the report. I assume no responsibility for changes in market conditions or for the inability of the owner to locate a purchaser at the appraised value.

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SPECIFIC ASSUMPTIONS AND LIMITING CONDITIONS
(Continued)

Court Testimony Testimony or attendance in court by reason of this appraisal shall not be required unless arrangements for such services have previously been made.

Compensation The professional fee paid to Noble Valuation Consulting, LLC in connection with the rendering of this report was not contingent upon the conclusions reached or the substance of the report presented. Any subsequent services related to this appraisal assignment (e.g., testimony, updates, conferences, and reprint or copy services) would require special arrangements in advance.

Mineral Rights The value of mineral rights, if any, was not considered in this appraisal unless otherwise noted.

Structural Deficiencies I found no obvious evidence of structural deficiencies unless otherwise stated. No responsibility for structural soundness or conformity to city, county, or state building and safety codes can be assumed without an independent structural engineering report.

It is assumed that there are no structural defects hidden by floor or wall coverings or any hidden or unapparent conditions on the property, that all mechanical equipment and appliances are in reasonable working condition, and that all electrical components and the roofing are in reasonable condition.

Soil Conditions Detailed soil studies of the subject property were unavailable to us. Therefore, statements herein on soil qualities shall not be considered conclusive, although they were considered consistent with information available to us.

I presume that there are no hidden or unexpected conditions of the property that would adversely affect the value. Specifically, an investigation of the property's underlying geological make-up of the existing substrata relative to their susceptibility towards present or future sudden collapse or gradual subsidence resulting in what is commonly referred to as "sinkhole catastrophe" or sudden settlement of filled areas has not been conducted unless statements to the contrary are clearly outlined in this report.

Confidentiality/Advertising This report and supporting notes are confidential. Neither any part nor the whole of this appraisal shall be copied or disclosed to any party or conveyed to the public in spoken or written form through advertising, public relations, news, sales, or any other means without the prior written consent and approval of both Noble Valuation Consulting, LLC and its client.

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SPECIFIC ASSUMPTIONS AND LIMITING CONDITIONS
(Continued)

Possession of this report, or a copy thereof, does not carry with it the right of publication. A person other than the party to whom it is addressed may not use the report for any purpose without the written consent of Noble Valuation Consulting, LLC. The report must also appear in its entirety, and in any event, if granted specific references only with proper written approval with qualification.

This appraisal has been prepared for the exclusive right of the client shown in this report. It may not be used or relied upon by any other party. Any party who uses or relies upon any information in this report without the preparer's written consent does so at his (her) own risk and without any recourse or liability to the appraiser.

Hazardous Substances Hazardous substances, if present in a facility, can introduce an actual or potential liability that will adversely affect the marketability and value of the facility. Such liability may take the form of immediate recognition of existing hazardous conditions; future liability could stem from the release of currently non-hazardous contaminants, such as asbestos fibers or toxic vapors from urea formaldehyde foam insulation through aging or building renovations. In the development of our opinion of value, no consideration has been given to such liability or its impact on value.

The professional staff of Noble Valuation Consulting, LLC is not qualified to make any investigation to determine the possible presence of toxic materials requiring either immediate or future correction. There are experts in this field who can conduct such investigations and provide guidance regarding the impact of toxic materials that may be present in the subject property.

The client is encouraged to retain an environmental expert to conduct an environmental investigation of the property.

On our inspection, I observed no item which may constitute an environmental hazard.

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GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to the following:

No responsibility is assumed for legal or title considerations. Title to the property is assumed good and marketable unless otherwise stated in this report.

All existing liens and encumbrances have been disregarded unless otherwise stated, and the property is appraised as though free and clear under responsible ownership and competent management.

Although the appraiser has made, as far as is practical, every effort to certify as factual and true all data in this report, no responsibility is assumed for the accuracy of any information furnished the appraiser either by the client or others. If for any reason future investigations should prove any data to be in substantial variance with that in this report, the appraiser reserves the right to alter or change any or all conclusions and/or estimates of value.

Possession of this report, or a copy thereof, does not carry with it the right of publication or scanning. It may not be used for any purpose by any person except the party to whom it is addressed without the written consent of the appraiser and, in any event, only with proper written qualification and only its entirety.

Neither all nor any part of the contents of this 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 public through advertising, public relations, news sales, or other media without prior written consent and approval of the appraiser.

The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of use. The separate allocations for land and buildings must not be used with any other appraisal and are invalid if so used.

This report may not be used for any purpose except as stated in the report, by any except the client(s) without earlier consent of the appraiser and his client(s), and then only with proper qualification.

All engineering is assumed correct. Any plot plans, illustrative material, sketches with dimensions, maps, and exhibits found in this report are included only to help the reader in visualizing the property or for reference purposes only. No guarantee as to accuracy is expressed or implied unless otherwise stated in this report.

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GENERAL ASSUMPTIONS AND LIMITING CONDITIONS
(Continued)

It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.

It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless nonconformity has been stated, defined, and considered in this appraisal report.

It is assumed that all required licenses, certificates of occupancy or other legislative or administrative authority from any local, state, or national governmental or private entity or organization have been or can be obtained or renewed for any use on which the value opinions contained in this report are based.

As an appraiser, I cannot endorse, sanction, or initiate an environmental audit without the permission of the client. Unless otherwise stated in this report, the existence of hazardous materials, which may be present on the property, was not observed by the appraiser. The presence of substances such as asbestos, urea-formaldehyde foam insulation, and other potentially hazardous materials may affect the value of the property. As stated earlier, I am unaware of and was unable to detect from inspection any hazardous or toxic materials that might be a detriment to Market Value. Therefore, I have not made a deduction from value due to the presence of hazardous or toxic materials. The value opinion 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 or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired. Upon discovery of any such hazardous materials or substances, the appraisers retain the right to change the estimated value. Further, it is assumed that there is full compliance with all applicable federal, state, and local environmental regulations and laws, unless otherwise stated in this report.

It is assumed that the utilization of the land and improvements is within the boundaries of property lines of the property described and that there is no encroachment of trespass unless otherwise stated in this report.

It is our recommendation that the client obtain a qualified engineer, architect, or other Americans With Disabilities Act (ADA) expert to inspect the subject, determine the level of ADA compliance/non-compliance, and estimate the cost to bring the property into compliance. Any nonconformity could affect the Market Value conclusion. Unless otherwise stated, the value conclusion of this appraisal is based on the assumption the property is in ADA compliance.

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APPRAISAL TERMINOLOGY

Assessed Value Assessed value applies in ad valorem taxation and refers to the value of a property according to the tax rolls. Assessed value may not conform to market value, but it is usually calculated in relation to a market value base.

Base Rent The minimum rent stipulated in a lease. See also rent.

Below-The-Line Expense An expense that is recorded "below" the net operating income line in a reconstructed operating statement and therefore is not considered part of the total operating expenses for the property. Tenant improvements, other non-reimbursable capital improvements, leasing concessions, and leasing commissions are the most common line items recorded below the net operating income line.

Base Year The year on which escalation clauses in a lease are based.

Capitalization Rate (R) Any rate used to convert income into value.

Capital Expenditure Investments of cash or the creation of liability to acquire or improve an asset, e.g., land, buildings, building additions, site improvements, machinery, equipment; as distinguished from cash outflows for expense items that are normally considered part of the current period's operations.

Cash Equivalency The procedure in which the sale prices of comparable properties sold with atypical financing are adjusted to reflect typical market terms.

Cost Approach This approach is based on the premise that an informed purchaser would pay no more than the cost of producing a substitute property with the same utility as the subject property. The analysis involves estimating the current cost (including both direct and indirect costs) to construct a replacement for the existing structure and related site improvements, deducting for evidence of accrued depreciation, and adding the estimated land value.

Deferred Maintenance Curable, physical deterioration that should be corrected immediately, although work has not commenced; denotes the need for immediate expenditures, but does not necessarily suggest inadequate maintenance in the past.

Economic Life The period of time over which improvements to real estate contribute to property value.

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APPRAISAL TERMINOLOGY
(Continued)

Effective Date of the Appraisal The date at which the value opinion in an appraisal applies, which may or may not be the date of inspection; the date of the market conditions that provide the context for the value opinion.

Effective Gross Revenue Multiplier (EGRM) A factor that reflects the relationship between the gross annual revenue of the real estate and its sale price or value.

Effective Rent 1) The rental rate net of financial concessions such as periods of no rent during a lease term; may be calculated on a discounted basis, reflecting the time value of money, or on a simple, straight-line basis. 2) The economic rent paid by the lessee when normalized to account for financial concessions, such as escalation clauses, and other factors. Contract, or normal, rents must be converted to effective rents to form a consistent basis of comparison between comparable[s] rentals.

Exposure Time is 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.

Extraordinary Assumptions An assumption, directly related to a specific assignment, as of the effective date of the assignment, which, if found to be false, could alter the appraiser's opinions or conclusions. Their use might have affected the assignment results.

Fair Market Share The ratio of the submarket inventory over the fair market share.

Fee Simple Estate Absolute ownership unencumbered by any other interest or estate subject only to the four powers of government. Is defined as an ownership interest held by a landlord with the right of occupancy conveyed by lease to others, and usually consists of the right to receive rent and the right to repossession at the termination of the lease.

Floor Area Ratio (FAR) The relationship between the above-ground floor area of a building, as described by the building code, and the area of the plot on which it stands; in planning and zoning, often expressed as a decimal, e.g., a ratio of 2.0 indicates that the permissible floor area of a building is twice the total land area; also called building-to-land ratio.

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APPRAISAL TERMINOLOGY
(Continued)

Going Concern Value Going concern value is the value of a proven property operation. It includes the incremental value associated with the business concern, which is distinct from the value of the real estate only. Going concern value includes an intangible enhancement of the value of an operating business enterprise that is produced by the assemblage of the land, building, labor, equipment, and marketing operation. This process creates an economically viable business that is expected to continue. Going concern value refers to the total value of a property, including both real property and intangible personal property attributed to the business value.

Going-In Capitalization Rate The overall capitalization rate obtained by dividing a property's net operating income for the first year after purchase by the present value of the property. See also terminal capitalization rate.

Ground Lease A lease that grants the right to use and occupy land. Improvements made by the ground lessee typically revert to the ground lessor. See also master lease.

Gross Building Area (GBA) The sum of all areas at each floor as measured to the exterior walls.

Highest and Best Use 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 specific items to be addressed in determining the highest and best use are the physically possible, legally permissible, financially feasible, and maximally productive uses. (The Appraisal of Real Estate, 12th Edition, The Appraisal Institute, Chicago, 2001)

Hypothetical Condition That which is contrary to what exists but is supposed true for the purpose of analysis. A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Its use might have affected assignment results.

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APPRAISAL TERMINOLOGY
(Continued)

Income Capitalization Approach This approach derives a value indication for income-producing property by converting anticipated monetary benefits into a property value. This conversion is typically accomplished in two ways: A direct capitalization analysis where one year's income expectancy or an annual average of several years' income expectancies may be capitalized at a market-derived capitalization rate or a capitalization rate that reflects a specified income pattern, return on investment, and change in the value of the investment; secondly, a discounted cash flow analysis where the annual cash flows for the holding period and the reversion may be discounted at a specified yield rate.

Insurable Value Insurable Value is based on the replacement and/or reproduction cost of physical items that are subject to loss from hazards. Insurable value is that portion of the value of an asset or asset group that is acknowledged or recognized under the provisions of an applicable loss insurance policy. This value is often controlled by state law and varies from state to state.

Intended Use The use or uses of an appraiser's reported appraisal, appraisal review, or appraisal consulting assignment opinions and conclusions, as identified by the appraiser based on communication with the client at the time of the assignment.

Intended User The client and any other party as identified, by name or type, as users of the appraisal, appraisal review, or appraisal consulting report by the appraiser on the basis of communications with the client at the time of the assignment.

Internal Rate of Return ("IRR") The yield rate to the ownership position realized over the term of an investment.

Interim Use The temporary use to which a site or improved property is put until it is ready to be put to its future highest and best use.

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APPRAISAL TERMINOLOGY
(Continued)

Investment Value Investment value is the value of an investment to a particular investor based on his or her investment requirements. In contrast to market value, investment value is value to an individual, not value in the marketplace. Investment value reflects the subjective relationship between a particular investor and a given investment. When measured in dollars, investment value is the price an investor would pay for an investment in light of its perceived capacity to satisfy his or her desires, needs, or investment goals. To estimate investment value, specific investment criteria must be known. Criteria to evaluate a real estate investment are not necessarily set down by the individual investor; they may be established by an expert on real estate and its value, that is, an appraiser.

Leasehold Estate The right to use and occupy real estate for a stated term and under certain conditions; conveyed by a lease.

Leased Fee Estate An ownership interest held by a landlord with the rights of use and occupancy conveyed by lease to others. The rights of the Lessor (the leased fee owner) and the leased fee are specified by contract terms contained within the lease.

Load Factor The amount added to usable area to calculate the rentable area. It is also referred to as a "rentable add-on factor" which, according to BOMA, "is computed by dividing the difference between the usable square footage and rentable square footage by the amount of the usable area. Convert the figure into a percentage by multiplying by 100".

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APPRAISAL TERMINOLOGY
(Continued)

Market Value 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 specific date and the passing of title from seller to buyer under conditions whereby:

- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- 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.

FIRREA Codified to 12 C.F.R. § 323.2 Source: Section 323.2 amended at 57 Fed. Reg. 9049, March 16, 1992; 59 Fed. Reg. 29501, June 7, 1994

Market Value The price which one, under no compulsion, is willing to take for property which he has for sale, and for which another, under no compulsion being desirous and able to buy, is willing to pay for the article. (Talbot vs. Norfolk 185 Va. 387, 163 S.E. 100: 1932)

Market Value "As If Complete" On The Appraisal Date Market value as if complete on the appraisal date is an estimate of the market value of a property with all construction, conversion, or rehabilitation hypothetically completed, or under other specified hypothetical conditions as of the date of the appraisal. With regard to properties wherein anticipated market conditions indicate that stabilized occupancy is not likely as of the date of completion, this estimate of value should reflect the market value of the property as if complete and prepared for occupancy by tenants.

Noble Valuation Consulting, LLC

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APPRAISAL TERMINOLOGY
(Continued)

Market Value "As Is" On The Appraisal Date Market value "as is" on the appraisal date is an estimate of the market value of a property in the condition observed upon inspection and as it physically and legally exists without hypothetical conditions, assumptions, or qualifications as of the date of appraisal.

Marketing Period The time it takes an interest in real property to sell on the market subsequent to the date of an appraisal.

Net Lease A lease in which all or some of the operating expenses are paid directly by the tenant. The landlord never takes possession of the expense payment. In a Triple Net Lease all operating expenses are the responsibility of the tenant, including property taxes, insurance, interior maintenance, and other miscellaneous expenses. Management fees and exterior maintenance are often the responsibility of the Lessor in a triple net lease. A modified net lease is one in which some expenses are paid separately by the tenant and some are included in the rent.

Net Rentable Area (NRA) 1. The area on which rent is computed. 2. The Rentable Area of a floor shall be computed by measuring to the inside finished surface of the dominant portion of the permanent outer building walls, excluding any major vertical penetrations of the floor. No deductions shall be made for columns and projections necessary to the building. Include space such as mechanical room, janitorial room, restrooms, and lobby of the floor.

Penetration Rate The ratio of the actual market share of a submarket over the fair market share of a submarket.

Principle of Substitution This principle affirms that no prudent buyer would pay more for a property than the cost to acquire a similar site and construct improvements of equal desirability and utility without undue delay.

Price The amount a particular purchaser agrees to pay and a particular seller agrees to accept under the circumstances surrounding their transaction.

Reconciliation The strengths and weaknesses of the individual approaches to value may vary based on the quality and quantity of data available in each instance. The final value conclusion is based on the appraisers' judgment with respect to the appropriateness of each approach as it applies to the property being appraised.

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APPRAISAL TERMINOLOGY
(Continued)

Replacement Cost The estimated cost to construct, at current prices as of the effective appraisal date, a building with utility equivalent to the building being appraised, using modern materials and current standards, design, and layout.

Reproduction Cost The estimated cost to construct, at current prices as of the effective date of the appraisal, an exact duplicate or replica of the building being appraised, using the same materials, construction standards, design, layout, and quality of workmanship and embodying all the deficiencies, superadequacies, and obsolescence of the subject building.

Sales Comparison Approach This approach derives a value indication by comparing the subject property to similar properties that have recently sold, applying appropriate units of comparison and making adjustments, based on the elements of comparison, to the sale prices of the comparable sales. Analysis of properties currently listed for sale is also useful in setting the upper limit of value. The overriding premise of this approach is that an informed purchaser would pay no more than the cost of acquiring an equally desirable substitute.

Uniform Standards of Professional Appraisal Practice (USPAP) Current standards of the appraisal profession, developed for appraisers and the users of appraisal services by the Appraisal Standards Board of The Appraisal Foundation. The Uniform Standards set forth the procedures to be followed in developing an appraisal, analysis, or opinion and the manner in which an appraisal, analysis, or opinion is communicated. They are endorsed by the Appraisal Institute and by other professional appraisal organizations.

Use Value 1. In economics, the attribution of value to goods and services based upon their usefulness to those who consume them. 2. In real estate appraisal, the value a specific property has for a specific use; may be the highest and best use of the property or some other use specified as a condition of the appraisal; may be used where legislation has been enacted to preserve farmland, timberland, or other open space land on urban fringes. See also exchange value; value in use.

Value As Is The value of specific ownership rights to an identified parcel of real estate as of the effective date of the appraisal; relates to what physically exists and is legally permissible and excludes all assumptions concerning hypothetical market conditions or possible rezoning. See also effective date; prospective value opinion.

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APPRAISAL TERMINOLOGY
(Continued)

Value In Use The value a specific property has to a specific person or specific firm as opposed to the value to persons or the market in general. Special-purpose properties such as churches, schools, and public buildings, which are seldom bought and sold in the open market, can be valued on the basis of value in use. The value in use to a specific person may include a sentimental value component. The value in use to a specific firm may be the value of the plant as part of an integrated multi-plant operation. See also use value.

Working Capital 1. The readily convertible capital that a business uses to conduct operations working capital; in accounting, current assets minus current liabilities as of a certain date. 2. Working capital or "net" working capital is the amount by which current assets exceed current liabilities. "Gross" working capital refers to a firm's total current assets. (USPAP, 2002 ed.) 3. In accounting, current assets minus current liabilities as of a certain date.

Yield Capitalization The capitalization method used to convert future benefits into present value by discounting each future benefit at an appropriate yield rate or by developing an overall rate that explicitly reflects the investment's income pattern, value change, and yield rate.

Yield Rate (Y) A rate of return on capital, usually expressed as a compound annual percentage rate. A yield rate considers all expected property benefits, including the proceeds from sale at the termination of the investment. See also current yield; yield to maturity. See also current yield; yield to maturity.

Zoning The public regulation of the character and extent of real estate use through police power; accomplished by establishing districts or areas with uniform restrictions relating to improvements; structural height, area, and bulk; density of population; and other aspects of the use and development of private property.

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ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, NOVEMBER 15, 2016, AT 6:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE permanently abandoning, vacating, and deeding a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped public right-of-way, known as Daleview Drive, to the adjoining property owners.

WHEREAS, on June 24, 2016, Robert O. and Linda M. Quam, owners of Lot 1, Block 12; and Sherman E. and Barbara B. Sligh; owners of Lot 7, Block 9, of Plat Book 6, Page 30 showing Map of Section Number 4, Bali Hai Subdivision, property of W. E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son and dated August 31, 1964, recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, on January 5, 1965, filed an application with the Council of the Town of Vinton, Virginia, in accordance with the law, requesting that the Council permanently abandon, vacate, discontinue and deed to them as the adjoining property owners, the undeveloped public right-of-way, known as Daleview Drive, described hereinafter; and

WHEREAS, on April 15, 2013, a notification letter was sent by the Town Planning and Zoning Department to American Electric Power (AEP), Cox Communications, Roanoke Gas Company, Verizon, and Vinton Public Works Department inquiring if said companies have utilities in the said undeveloped public right-of-way; and

WHEREAS, on September 22, 2016, a notification letter was mailed by the Town of Vinton to the adjoining property owners of said undeveloped public right-of-way; and

WHEREAS, on October 4, 2016, at the Town Council's regularly scheduled meeting, members of Town Council were briefed by Staff on the request; and

WHEREAS, a joint public hearing was held on said application by the Planning Commission and Town Council on October 18, 2016, respectively, after due and timely notice pursuant to the provisions of Sections 15.2-2272 and 15.2-2204 of the 1950 Code of Virginia, as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application; and

WHEREAS, it appears from the foregoing that all interested parties have been properly notified; and

WHEREAS, at the meeting on October 18, 2016, members of the Town Council requested that a purchase price be established for the Petitioners for the vacated undeveloped Daleview Drive; and

WHEREAS, on October 28, 2016, C. Richard Cranwell, legal counsel for the Petitioners, submitted an appraisal value of Daleview Drive that was completed by Noble Valuation Consulting, LLC; and

WHEREAS, the appraiser, L. Steven Noble, has investigated and formed an opinion of the value of the land known as Daleview Drive, and proposed to be transferred to the adjoining property owners of 647 and 701 Olney Road. The appraiser's opinion of value of the land is \$3,000.00 per lot for 647 and 701 Olney Road, respectively; and

WHEREAS, both of the Petitioners, the Quams and the Slighs, have agreed to pay \$3,000.00 cash each for their shares of the vacated undeveloped Daleview Drive right-of-way; and

WHEREAS, the Council has carefully considered the request and finds that no inconvenience will result to any individual or to the public from permanently abandoning, vacating, and deeding such undeveloped public right-of-way to the adjoining property owners.

THEREFORE, BE IT ORDAINED by the Council of the Town of Vinton, Virginia that the undeveloped public right-of-way situated in the Town of Vinton, Virginia; more particularly described as:

That certain undeveloped 50 feet wide by 150.01 feet long platted street known as Daleview Drive, lying between Lot 1, Block 12, and Lot 7, Block 9, as shown on the Map of Section Number 4, Bali Hai Subdivision, property of W. E. and Olney G. Cundiff, prepared by C. B. Malcolm & Son, dated August 31, 1964, and recorded in the Clerk's Office of the Circuit Court for the County of Roanoke, Virginia, in Plat Book 6, Page 30, on January 5, 1965;

be, and is hereby permanently abandoned, vacated, and deeded to the adjoining property owners in exchange for \$3,000.00 cash each, and that all rights and interests of the public in and to the same be, and hereby are released insofar as the Council of the Town of Vinton is empowered so to do with respect to the closed the right-of-way.

BE IT FURTHER ORDAINED that the applicants shall, upon meeting all other conditions of the granting of the application, deliver to the Clerk of the Circuit Court of the County of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the Town of Vinton, Virginia, as Grantor, and in the name of the Petitioners, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the County of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the Town Manager of the Town of Vinton, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

This ordinance shall be in full force and effect upon passage.

This ordinance 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

November 15, 2016

Department

Police

Issue

Consider adoption of 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

Council was briefed on the proposed Ordinance at their November 1, 2016 meeting. This ordinance will 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.

Attachments

Ordinance

Recommendations

Motion to adopt Ordinance

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 15, 2016

Department

Police

Issue

Consider adoption of a Resolution appropriating \$13,125.00 received from the Department of Motor Vehicles, \$8,750.00 in Federal funds and the Town's required in-kind match of \$4,375.00 for Overtime Selective Enforcement.

Summary

The Department of Criminal Justice Services has approved a grant for the Police Department in the amount of \$13,125.00 to include an in-kind match of \$4,375.00, to be paid by the Vinton Police Department out of the Fuel and Maintenance and Repair line items. This funding, if approved by Council, will be used to pay officers the overtime rate to work Selective Enforcement in the town and to fund \$800.00 in DMV approved training.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD AT 6:00 PM ON TUESDAY, NOVEMBER 15, 2016, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant for Selective Enforcement-Overtime in the amount of \$13,125.00, to include an in-kind match from the Town in the amount of \$4,375.00, to be paid from the current Police Budget under Fuel and Maintenance/Repair budget expenditure accounts; and

WHEREAS, the Police Department would use these grant funds for overtime selective enforcement hours and to participate in checkpoints with surrounding jurisdiction, as well as sending one officer to a DMV approved training; and

WHEREAS, the budget for the DMV portion of the grant in the amount of \$8,750.00 needs to be appropriated to the following account numbers for financial tracking purposes; and

NOW THEREFORE, BE IT RESOLVED, that the Vinton Town Council does hereby approve the following:

APPROPRIATE

FROM:	200.2404.015	DMV Overtime Grant Revenue fund	\$8,750.00
TO:	200.3101.102	Police Overtime budget line item	\$7,950.00
	200.3101.560	Police Travel/Training budget line item	<u>\$ 800.00</u>
		TOTAL	\$8,750.00

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 15, 2016

Department

Police

Issue

Consider adoption of a Resolution appropriating \$162,235.83 received from the Department of Motor Vehicles, \$129,786.66 in federal funds and the Town's required \$32,447.17 in-kind match, for the participation in the DUI Task Force Grant.

Summary

The Department of Motor Vehicles has approved a grant for the Police Department in the amount of \$162,235.83 to include an in-kind match of \$32,447.17, to be paid by the Vinton Police Department from the Fuel and Maintenance and Repair line items. This funding, if approved by Council, will be used to fund one person in the DUI Task Force, to pay the salary and benefits, all uniform equipment, vehicle and vehicle equipment, etc. for up to 5 years.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD AT 6:00 PM ON TUESDAY, NOVEMBER 15, 2016, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

WHEREAS, the Department of Motor Vehicles (DMV) has approved a grant for our participation in the DUI Task Force for the total amount of \$162,235.83, to include an in-kind match from the Town in the amount of \$32,447.00, to be paid from the current Police Budget under Fuel and Maintenance/Repair expenditure accounts; and

WHEREAS, the Police Department would use these grant funds to pay one police officer's salary and benefits, all uniform needs, rifle and gun needs, cell phone and MDT Connectivity, a vehicle and all vehicle needs, and for this officer to participate in checkpoints with surrounding jurisdiction, and saturation patrol efforts in the DUI Task Force, for up to 5 years; and

WHEREAS, the budget for the DMV portion of the grant in the amount of \$129,788.66 needs to be appropriated to the following account numbers for financial tracking purposes; and

NOW THEREFORE, BE IT RESOLVED, that the Vinton Town Council does hereby approve the following:

FROM:	200.2404.026	DMV DUI Task Force Grant	\$129,788.66
TO:	200.3401.101	DMV DUI Task Force Grant. Salaries	\$ 49,494.00
	200.3401.102	DMV DUI Task Force Grant. Overtime	\$ 3,600.00
	200.3401.201	DMV DUI Task Force Grant. FICA	\$ 2,869.00
	200.3401.202	DMV DUI Task Force Grant. VRS	\$ 4,076.00
	200.3401.203	DMV DUI Task Force Grant. VRS GL	\$ 489.00
	200.3401.304	DMV DUI Task Force Grant. Maint/Repair	\$ 120.00
	200.3401.310	DMV DUI Task Force Grant. Uniforms	\$ 5,140.66
	200.3401.521	DMV DUI Task Force Grant. Telephone	\$ 1,020.00
	200.3401.553	DMV DUI Task Force Grant. Materials	\$ 1,520.00
	200.3401.554	DMV DUI Task Force Grant. Firearms	\$ 3,710.00
	200.3401.560	DMV DUI Task Force Grant. Training	\$ 1,250.00
	200.3401.705	DMV DUI Task Force Grant. Vehicle	<u>\$ 56,500.00</u>
		TOTAL	\$129,788.66

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 15, 2016

Department

Planning and Zoning

Issue

Consider adoption of a Resolution appropriating funds from the General Revenue Fund to the General Expense Fund for the expenditures related to the construction of Glade Creek Greenway Phase 2, a 3,060 linear feet of a ten-foot (10') wide, paved, off-road, ADA-accessible, bicycle/pedestrian 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 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.

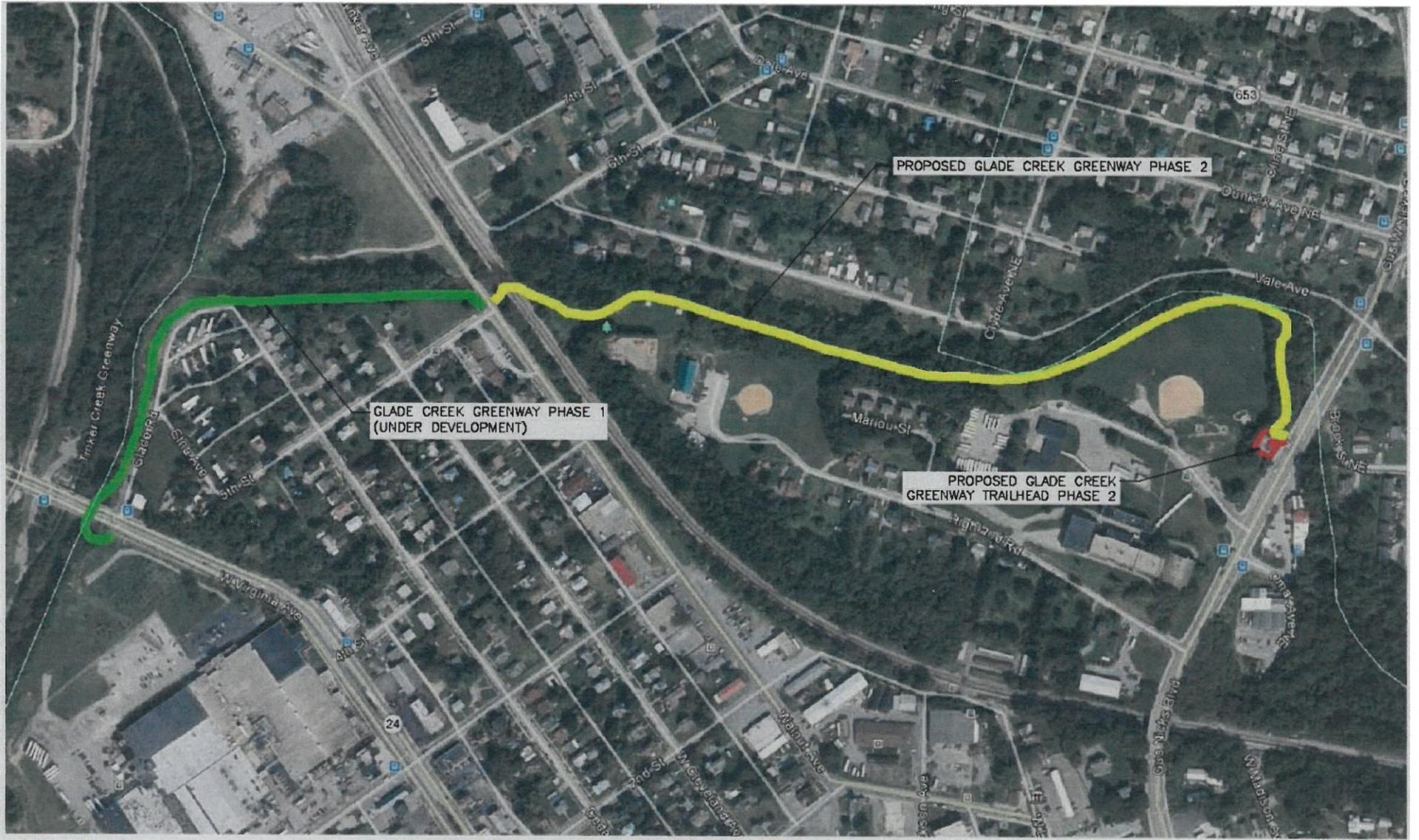
The grant requires a minimum of twenty percent (20%) local match, which is to be funded by the Town of Vinton and Pathfinders for the Greenways: Grant administrative costs by staff including FEMA coordination, environmental document, grant administration, and contract bidding (\$50,000); Roanoke County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

Attachments

1. Map of the Glade Creek Greenway – Phase 1 (under construction) and Phase 2
2. Glade Creek Greenway Phase 2 Project Budget
3. Resolution

Recommendation

Motion to adopt Resolution



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

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, NOVEMBER 15, 2016, AT 6:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA

GLADE CREEK GREENWAY PHASE 2

WHEREAS, on October 20, 2015, Resolution No. 2118 was adopted by Vinton Town Council authorizing the Town Manager to file an application for allocation of Virginia Department of Transportation (VDOT) MAP-21 Transportation Alternatives Fiscal Year 2017 Program funds; establishing the Project title; setting the amount of funds requested and setting forth the amount of in-kind matching costs that are part of the total Project cost; and

WHEREAS, the Commonwealth Transportation Board (CTB), at their June 14, 2016, meeting approved and obligated the grant funds requested in the amount of \$417,710.00 for the aforementioned Project with an estimated total cost of \$526,210.00; and

WHEREAS, on August 30, 2016, the Town Manager executed the Standard Project Administration Agreement Federal-aid Projects and Appendix A for the Project; and

WHEREAS, the Standard Project Administration Agreement Federal-aid Projects and Appendix A for the Project were executed by VDOT authorized officials on September 12, 2016; and

WHEREAS, the Town agrees to provide the administrative services to manage the grant through the completion of the Project; and

WHEREAS, the said grant requires a minimum local match of twenty percent (20%); and

WHEREAS, said match is to be funded by \$19,500.00 from the Town's general fund; \$50,000 in grant administration by Town staff; and \$34,000 donation in labor and materials from Pathfinders for the Greenways; \$5,000 greenway easement donation from the County of Roanoke.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council does hereby authorize the monies to be appropriated from the general revenue fund to the general expense fund, for the construction and related expenses of the Glade Creek Greenway.

General Revenue Fund

200.2404.057 VDOT Transportation Alternatives (TA) Funds (Reimbursement Fund)
\$526,210.00

General Expense Fund

200.8101.741 VDOT Transportation (TA) Glade Creek Greenway Phase 2 Project
\$526,210.00

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