

ROANOKE CITY COUNCIL—REGULAR SESSION

March 21, 2016

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, March 21, 2016, at 2:00 p.m., in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 40280-070615 adopted by the Council on Monday, July 6, 2015, with Mayor David A. Bowers presiding.

PRESENT: Council Members Anita J. Price, Court G. Rosen (arrived late), David B. Trinkle, William D. Bestpitch, Raphael E. Ferris (arrived late), Sherman P. Lea and Mayor David A. Bowers-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Christopher P. Morrill, City Manager; Daniel J. Callaghan, City Attorney; Barbara A. Dameron, Director of Finance; and Stephanie M. Moon Reynolds, City Clerk.

The Invocation was delivered by Minister Melissa S. Kessler, Students and Missional Activities, Grandin Court Baptist Church.

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

PRESENTATIONS AND ACKNOWLEDGMENTS:

ACTS OF ACKNOWLEDGMENTS-PROCLAMATIONS: The Mayor declared Tuesday, March 29, 2016, as Welcome Home Vietnam Veteran's Day. He also recognized Robert Gravely, a Vietnam veteran in attendance.

(See Ceremonial copy of proclamation on file in the City's Clerk's Office.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that City Council sets this time as a priority for citizens to be heard. All matters would be referred to the City Manager for response, recommendation or report to Council, as he may deem appropriate.

MISCELLANEOUS: Robert Gravely, 3360 Hershberger Road, N. W., appeared before the Council to restate the importance of God's law and judgment day.

BICYCLES-AMTRAK: Barbara Duerk, 2607 Rosalind Avenue, S. W., appeared before the Council to express concern that the AMTRAK scheduled for Roanoke in 2017 may or may not have bicycle or baggage accommodations. She petitioned the Council for trains to be outfitted for bicycles coming into Roanoke in 2017.

Mayor Bowers noted he would forward emails received regarding bicycles on trains to the City Manager.

Vice-Mayor Trinkle suggested the City work with the Legislative Liaison to lobby for AMTRAK to outfit the trains; and he agreed it made sense for patrons to travel with their bicycles.

In conclusion, the City Manager agreed to review the matter with City staff for report to the Council.

At this point, Council Member Rosen entered the meeting (2:18 p.m.)

COMPLAINTS: Duane Howard, 1221 6th Street, S. E., appeared before the Council to express concern about the lack of quality of life in southeast Roanoke.

PARKS-RECREATION: Elliot Broyles, 1938 Hope Road, S. W., appeared before the Council in support of music in the Dr. Pepper Park, advising that the promoters were working with the neighbors on the noise levels during festival events. He distributed letters of support for the record.

(See copies on file in the City Clerk's Office.)

R. Brian Townsend, Assistant City Manager for Community Development, read a communication from the City Manager dated March 21, 2015 in its entirety for the record.

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

David Wertz, 430 Walnut Avenue, S. E., appeared before the Council to request that the City Attorney provide a legal opinion explaining the legal basis for how private "amphitheaters" operating within the Downtown District are exempt from the City noise ordinance since the Mill Mountain neighborhood is of the opinion that Dr. Pepper Park is operating in violation of other sections of Section 21 of the City Code.

(See remarks on file in the City Clerk's Office.)

Holly Newbold, 1261 Hamilton Terrace, S. E., appeared before the Council on behalf of the high concentration of medical personnel that live in the Riverside and Walnut Hills residential area, and stated that the current zoning of Dr. Pepper Park does nothing to protect their interests and quality of life. She asked the Council for a permanent solution to limiting excessive sound levels, believing there should be sensible, specific and enforceable provisions in the sound ordinance for Dr. Pepper Park, as well as designated methods for determining and enforcing sound violations.

(See comments on file in the City Clerk's Office.)

Mary Newbold, 2833 Avenham Avenue, S. W., appeared before the Council to express his concern regarding the Dr. Pepper Park location. He distributed a copy of a map showing the relationship of the Park to adjacent buildings and the Riverland/Walnut Hills neighborhood.

(See map on file in the City Clerk's Office.)

Nancy Barbour, 2934 Avenham Avenue, S. W., appeared before the Council to express her views and to share comments from other residents expressing concern regarding the noise from events held at Dr. Pepper Park.

(See petition on file in the City Clerk's Office.)

Fran Davis, 1308 Hamilton Terrace, S. E., appeared before the Council to request a lasting solution to the problem that has occurred in Dr. Pepper Park.

Paige Kauffman, 2406 Richelieu Avenue, S. W., appeared before the Council in support of the venue.

Tyler Godsey, 1323 Hamilton Terrace, S. E., appeared before the Council in support of the venue and would like to see a compromise between the promoters and the neighborhood.

At this point, Council Member Ferris entered the meeting (2:55 p.m.)

Following in-depth discussion of the matter, Council members supported ongoing dialogue and hoped the operational changes outlined in the City Manager's report will reduce decibel levels on-site significantly from levels that may have been experienced at any given event last season, which should also reduce levels perceived by residents in the Walnut Hills/Riverland area last season; and the City Attorney was asked to report his findings to the Council regarding the explanation of the City Code section.

CONSENT AGENDA

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

CITY-OWNED PROPERTY: A communication from the City Manager requesting that the Council convene in a Closed Meeting to discuss the disposition of City-owned property located at 2750 Hoover Street, N. W., where discussion in an open meeting would adversely affect the bargaining or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that the Council concur in the request of the City Manager as or abovementioned. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

CITY-OWNED PROPERTY: A communication from the City Manager requesting that the Council convene in a Closed Meeting to discuss the disposition of City-owned property located at 0 Blue Hills Circle, N. E., where discussion in an open meeting would adversely affect the bargaining or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

(See communication on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that the Council concur in the request of the City Manager as or abovementioned. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

AUDIT COMMITTEE MINUTES: Minutes of the Audit Committee held on Monday, December 21, 2015, were before the Council.

(See Minutes on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that the Audit Committee minutes be received and filed. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

OATHS OF OFFICE-VIRGINIA'S BLUE RIDGE CONVENTION AND VISITORS BUREAU (FORMERLY ROANOKE VALLEY CONVENTION AND VISITORS BUREAU): Report of qualification of Renee "Butch" Craft as a City representative of the Roanoke Valley Convention and Visitors Bureau Board of Directors for a one-year term of office ending June 30, 2016.

(See Oath or Affirmation of Office on file in the City Clerk's Office.)

Vice-Mayor Trinkle moved that the report of qualification be received and filed. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

SHERIFF'S DEPARTMENT: The Honorable Tim Allen, City Sheriff, presented the Annual Report of the Roanoke City Sheriff's Department for the 2014 - 2015 Fiscal Year.

(See copy of annual report and presentation on file in the City Clerk's Office.)

In closing, Sheriff Allen also expressed sincerest condolences at the loss of Master Deputy Tim McCoy who passed on Sunday, March 20 following a battle with cancer.

Following comments by the Council, the presentation was received and filed.

Since the Sheriff was in attendance in connection with the abovementioned item, Mayor Bowers advised that the following item listed under the Director of Finance would be taken out of order since it related to the Sheriff's Office.

CITY SHERIFF-BUDGET: The Director of Finance submitted a written report recommending a repeal of Budget Ordinance No. 40444-021616 in connection with appropriating funds to provide medical services for inmates housed in the City Jail.

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

Vice- Mayor Trinkle offered the following budget ordinance:

(#40461-032116) AN ORDINANCE repealing the increase of the medical services expenditure for Roanoke Jail Inmates budget Ordinance No. 40444-021616, adopted February 16, 2016; amending and repealing certain sections of the 2015 - 2016 General Fund Appropriations; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 78, page 177.)

Vice-Mayor Trinkle moved the adoption of Budget Ordinance No. 40461-032116. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-GRANTS-EMERGENCY MANAGEMENT: The City Manager submitted a written communication recommending acceptance of the State Homeland Security FY15 Grant funds from the Virginia Department of Emergency Management to upgrade the City's hazardous materials monitoring equipment in support of the City of Roanoke HAZMAT Team.

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

Council Member Ferris offered the following resolution:

(#40456-032116) A RESOLUTION accepting the Virginia Department of Emergency Management HAZMAT Grant to the City from the Virginia Department of Emergency Management, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 78, page 173.)

Council Member Ferris moved the adoption of Resolution No. 40456-032116. The motion was seconded by Council Member Rosen and adopted by the following vote:

AYES: Council Members Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-6.

NAYS: None-0.

(Council Member Price was not present when the vote was recorded.)

Council Member Rosen moved the adoption of Ordinance No. 40463-032116. The motion was seconded by Vice-Mayor Trinkle.

Maryellen Goodlatte, Attorney, appeared before the Council in support of the petitioner.

Karen Mason, Executive Director, Habitat for Humanity in the Roanoke Valley, Inc., appeared before the Council in support of the request.

The Mayor inquired if there were person wishing to be heard regarding the matter. There being none, he declared the public hearing closed.

There being no comments by the Council Members, Ordinance No. 40463-032116 was adopted by the following vote:

AYES: Council Members Price, Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 21, 2016, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of LSW-HMW Family Limited Partnership to rezone property located at 622 Huntington Boulevard, N.E., Official Tax Map No. 3280102, by repealing conditions as part of a previous rezoning adopted by Roanoke City Council, pursuant to Ordinance No. 36625-021704 on February 17, 2004, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, March 1, 2016 and Tuesday, March 8, 2016.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the rezoning request, finding that the Amended Application No. 1 is consistent with the City's Comprehensive Plan, Williamson Road Area Plan, and Zoning Ordinance as it amends conditions for the property to allow more uses in a manner respective of the surrounding neighborhood.

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

Vice-Mayor Trinkle offered the following ordinance:

(#40464-032116) AN ORDINANCE to rezone certain property located at 622 Huntington Boulevard, N. E., by repealing proffered conditions presently binding upon such property and proffering new conditions; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 180.)

Vice-Mayor Trinkle moved the adoption of Ordinance No. 40464-032116. The motion was seconded by Council Member Rosen.

Daniel F. Layman, Attorney, appeared before the Council in support of the petitioner.

The Mayor inquired if there were person wishing to be heard regarding the matter. There being none, he declared the public hearing closed.

There being no comments by the Council Members, Ordinance No. 40464-032116 was adopted by the following vote:

AYES: Council Members Price, Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

STREETS AND ALLEYS-NORFOLK SOUTHERN CORPORATON: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, March 21, 2016, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of the City of Roanoke to vacate a portion of right-of-way along the northern edge of Norfolk Avenue, S. W., approximately 985 feet in length and varying from 3.5 feet to 27 feet in width between 2nd Street, S. W. and S. Jefferson Street, S. E., and a portion of right-of-way along Norfolk Avenue, S. E., approximately 445 feet in length and approximately 6.5 feet in width between S. Jefferson Street and Williamson Road, S. E., with ownership being transferred to Norfolk Southern Corporation for development of a passenger train platform, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, March 1, 2016, and Tuesday, March 8, 2016.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Planning Commission submitted a written report recommending approval of the vacation of right-of-way, finding the Amended Application No.1 is consistent with the City's Comprehensive Plan as it supports the development of passenger rail service, subject to certain conditions.

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

Council Member Ferris offered the following ordinance:

(#40465-032116) AN ORDINANCE permanently vacating, discontinuing and closing two (2) segments of public right-of-way along the northern edge of Norfolk Avenue, S. W., and Norfolk Avenue, S. E., as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 182.)

Council Member Ferris moved the adoption of Ordinance No. 40465-032116. The motion was seconded by Vice-Mayor Trinkle.

The Mayor inquired if there were person wishing to be heard regarding the matter.

Barbara N. Duerk, 2607 Rosalind Avenue, S. W., appeared before the Council in support of the vacation of the two segments of public right-of-way along the northern edge of Norfolk Avenue, S. W., and Norfolk Avenue, S. E., for development of passenger rail platform.

There being no further speakers, Mayor Bowers declared the public hearing closed.

Council Member Lea commended Ms. Duerk on her enthusiasm and advocacy for strong communities on greenways.

Council Member Bestpitch suggested that a resolution be prepared authorizing a the Mayor to send a letter to the Virginia Department of Rail and Public Transportation to work with Amtrak to facilitate the implementation of roll on/roll off bicycle accommodations when passenger rail service is extended to Roanoke.

There being no additional comments by the Council Members, Ordinance No. 40465-032116 was adopted by the following vote:

AYES: Council Members Price, Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

CITY-OWNED PROPERTY-STRAIGHT STREET-COYNER SPRINGS:
Pursuant to the instructions of the Council, the City Clerk having advertised a public hearing for Monday, March 21, 2016, or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to convey to Street Straight Roanoke Valley, Inc., City-owned property situated at 108 Coyner Springs Road, Botetourt County, Virginia, containing approximately 6.928-acres of land, together with any buildings and improvements thereon; and a parcel of property situated on Coyner Springs Road, Botetourt County, Virginia, containing approximately 23.48-acres of land, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, March 14, 2016.

(See publisher's affidavit on file in the City Clerk's Office.)

The City Manager submitted a written report recommending execution of a contract with Straight Street Roanoke Valley, Inc., for the sale of City-owned property located in Coyner Springs area of Botetourt County, bearing Parcel ID No. 108 (9) 1B and 108 (9) A, subject to approval as to form by the City Attorney.

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

Vice-Mayor Trinkle offered the following ordinance:

(#40466-032116) AN ORDINANCE authorizing the proper City officials to execute a contract for the sale of real property with Straight Street Roanoke Valley, Inc., and the necessary documents to sell to Straight Street Roanoke Valley, Inc., two (2) parcels of real estate, together with buildings and improvements thereon, being more particularly described as (i) a parcel of real property, together with buildings and improvements thereon, situated at 108 Coyner Springs Road, Botetourt County, Virginia, containing 6.928 acres of land, more or less, and bearing Official Tax Map No. 108(9)1B (Parcel 1B), and (ii) a parcel of real estate together with buildings and improvements thereon, situated at Coyner Springs Road, Botetourt County, Virginia,

containing 23.48 acres of land, more or less, and bearing Official Tax Map No. 108(9)1A (Parcel 1A), upon certain terms and conditions set forth in a proposed contract; authorizing the City Manager to execute such further documents and take such further action as may be necessary to accomplish the above matters; providing for an effective date; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 184.)

Vice-Mayor Trinkle moved the adoption of Ordinance No. 40466-032116. The motion was seconded by Council Member Price.

Keith Farmer, Executive Director, Straight Street Roanoke Valley, Inc., appeared in support of the sale of real property at 108 Coyner Springs Road, Botetourt County.

The Mayor inquired if there were person wishing to be heard regarding the matter. There being none, he declared the public hearing closed.

Council Member Price expressed her sentiments to the representatives of Straight Street; noting that the project was an important project, and trusted that the City would continue to support this great endeavor.

Council Member Lea commended Keith Farmer on his commitment to the project and to the Assistant City Manager for Community Development on working with Straight Street through the process and appreciated the efforts by all parties.

There being no additional comments by the Council Members, Ordinance No. 40466-032116 was adopted by the following vote:

AYES: Council Members Price, Rosen, Trinkle, Bestpitch, Ferris, Lea and Mayor Bowers-7.

NAYS: None-0.

HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

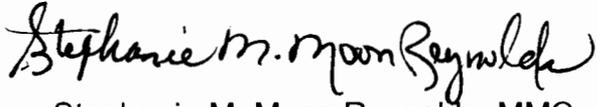
RECREATION-YOUTH: Mayor Bowers, along with Council Members Lea and Price, recognized the Williamson Road Recreation Club Lady Warriors Girls Basketball Team for successful back to back undefeated seasons.

The Team was presented Certificates of Recognition from the City; and Williamson Road Championship medallions and trophies in recognition of their outstanding achievements.

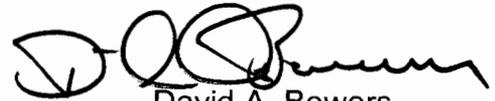
There being no further business to come before the Council, Mayor Bowers declared the meeting adjourned at 7:32 p.m.

APPROVED

ATTEST:



Stephanie M. Moon Reynolds, MMC
City Clerk



David A. Bowers
Mayor
