

## ROANOKE CITY COUNCIL—REGULAR SESSION

May 16, 2016

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 16, 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, with Vice-Mayor David B. Trinkle presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 40280-070615 adopted by the Council on Monday, July 6, 2015.

**PRESENT:** Council Members Sherman P. Lea (arrived late), Anita J. Price, Court G. Rosen (arrived late), William D. Bestpitch, Raphael E. Ferris, and Vice-Mayor David B. Trinkle-6.

**ABSENT:** Mayor David A. Bowers-1.

The Vice-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 The Reverend Stephen R. Lamb, Pastor, Grace and Truth Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor David B. Trinkle.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**PROCLAMATIONS-ACTS OF ACKNOWLEDGEMENTS-ARMED FORCES:**  
Vice-Mayor Trinkle proclaimed May 16-21, 2016 as Navy Week.

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

He recognized Rear Admiral Mark J. Fung of the Civil Engineering Corp, United States Navy, Deputy for Naval Construction Force, Navy Expeditionary Combat Command; along with Commander Morgan Murphy, Public Affairs Officer; Lieutenant Commander Kirby Baker; and Chief Commander Jonathan Hooper of the Roanoke Navy Reserve Center.

The Vice-Mayor presented the ceremonial copy of the proclamation to Lieutenant Commander Baker.

**ACTS OF ACKNOWLEDGEMENTS-PROCLAMATIONS-DIVERSITY:** Vice-Mayor declared the month of May 2016 as Diversity and Inclusion Awareness Month.

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

Vice-Mayor Trinkle presented the ceremonial copy of the proclamation to Michele Vineyard, Director of Human Resources, and Members of the Diversity Advisory Council.

**ACTS OF ACKNOWLEDGEMENTS-MANAGEMENT AND BUDGET:** Vice-Mayor Trinkle presented the Government Finance Officers Association Distinguished Budget Award Plaque to Amelia Merchant, Director of Management and Budget; and staff, noting that the Distinguished Budget Presentation Award, which is the highest form of recognition in governmental budgeting. .

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Vice-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 and spoke about the need for diversity in the City.

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

**MISCELLANEOUS:** April Medeiros, 659 Albemarle Avenue, S. E., appeared before Council and spoke about Silver Street Paint Company project - rebuilding homes and relationships within the City's communities.

## CONSENT AGENDA

The Vice-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. Vice-Mayor Trinkle noted that Item C-1 was withdrawn at the request of Council Member Lea, and called attention to a communication from the City Manager regarding funding for the Roanoke Community Garden Association.

**CITY COUNCIL:** A communication from Council Member Sherman P. Lea, Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss a personnel matter, being the annual performances of the Council-Appointed Officers, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. **WITHDRAWN.**

**ROANOKE VALLEY RESOURCE AUTHORITY:** A communication from the City Manager requesting that Council schedule a public hearing for Monday, June 20, 2016, at 2:00 p.m., or at such time thereafter as the matter may be reached, or at such later date and time as deemed appropriate by the City Manager, on the proposed joinder of the City of Salem to the Roanoke Valley Resource Authority and revisions of the Amended and Restated Articles of Incorporation, was before the body.

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

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

**AYES:** Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

**NAYS:** None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

**CAPITAL IMPROVEMENTS-BONDS:** A communication from the Director of Finance requesting that Council schedule a public hearing for Monday, June 20, 2016, at 2:00 p.m., or as soon thereafter as the matter may be heard, or at such later date and time as the City Manager may determine, on the issuance of General Obligation Bonds, not to exceed \$28 million, for qualifying Capital Improvement Projects, was before the body.

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

Council Member Bestpitch moved that the Council concur in the request of the Director of Finance as abovementioned. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

**HUMAN SERVICES:** A communication from the Assistant City Manager for Community Development transmitting the 2016 Annual Homeless Winter Point-in-Time Street and Shelter Survey Report, was before the Council.

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

Council Member Bestpitch moved that the report be received and filed. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

**ELECTORAL BOARD:** An Abstract of Votes cast in the 2016 May General Election held in the City of Roanoke on Tuesday, May 3, 2016, was before the Council.

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

Council Member Bestpitch moved that the Abstract of Votes be received and filed. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

COMMUNITY GARDENS-BUDGET: A communication from the City Manager with regard to the Roanoke Community Garden Association recommending funding in the amount of \$10,000.00 for FY 2017, was before the Council.

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

Council Member Bestpitch moved that the communication be received and file. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

OATHS OF OFFICE-PARKS AND RECREATION ADVISORY BOARD: A report of qualification of Geoffrey W. L. Manning as a member of the Parks and Recreation Advisory Board to fill the unexpired term of office of Erin M. Dudley ending March 31, 2017, was before the Council.

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

Council Member Bestpitch 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, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

CITY CODE-PARKS-ALCOHOL: Council Member Bestpitch submitting a communication requesting consideration of amendments to the City Code to increase the number of designated park facilities within the City at which an alcohol permit may be issued.

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

Council Member Bestpitch offered the following ordinance:

(#40502-051616) AN ORDINANCE amending and reordaining Section 24-97, Possession or consumption of alcoholic beverages, of Article IV, Parks, of Chapter 24, Public Buildings and Property Generally, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 243.)

Council Member Bestpitch moved the adoption of Ordinance No. 40502-051616. The motion was seconded by Council Member Ferris.

Mr. Terry Huxhold, 1125 16<sup>th</sup> Street, S. E., appeared before Council and voiced his disapproval of the sale, possession, and consumption of alcoholic beverages at Fallon Park, adding he supports proactive uses such as food trucks, carnivals, etc. But do not believe southeast needs to be expanded for alcohol uses, which increases DUI's.

There being no comments by the Council Members, Ordinance No.40502-051616 was adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

**BUDGET-GRANTS-EQUIPMENT-FIRE/EMS:** The City Manager submitted a written communication recommending acceptance of the FY2017 Regional Fire Service Training Facilities Grant from the Virginia Department of Fire Programs for purchase of a trailer and training equipment for the City's Regional Fire-EMS Training Center.

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

Council Member Ferris offered the following resolution:

(#40503-051616) A RESOLUTION accepting the Regional Fire Service Training Facilities Grant to the City from the Virginia Department of Fire Programs, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 78, page246.)

Council Member Ferris moved the adoption of Resolution No. 40503-051616. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

Council Member Ferris offered the following budget ordinance:

(#40504-051616) AN ORDINANCE appropriating funding from the Commonwealth of Virginia Department of Fire Programs for a mobile training center and training equipment, amending and reordaining certain sections of the 2015 - 2016 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 78, page 247.)

Council Member Ferris moved the adoption of Budget Ordinance No. 40504-051616. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

GRANTS-EMERGENCY MANAGEMENT: The City Manager submitted a written communication recommending acceptance of the FY2016 - 2017 Local Emergency Management Performance Grant from the Virginia Department of Emergency Management to support the emergency management activity.

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

Council Member Price offered the following resolution:

(#40505-051616) A RESOLUTION accepting the FY2016 - 2017 Local Emergency Management Performance Grant (LEMPG) to the City from the Virginia Department of Emergency Management (VDEM), and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 78, page 247.)

Council Member Price moved the adoption of Resolution No. 40505-051616. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

CIVIC CENTER-BUDGET-GRANTS-EMERGENCY MANAGEMENT: The City Manager submitted a written communication recommending acceptance of the FY2015 State Homeland Security Grant from the Virginia Department of Emergency Management to install a quick connect device at the Berglund Center.

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

Council Member Bestpitch offered the following resolution:

(#40506-051616) A RESOLUTION accepting the FY 2015 State Homeland Security Program 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 248.)

Council Member Bestpitch moved the adoption of Resolution No. 40506-051616. The motion was seconded by Council Member Rosen and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

Council Member Bestpitch offered the following budget ordinance:

(#40507-051616) AN ORDINANCE appropriating funding from the United States Department of Homeland Security (DHS) through the Commonwealth of Virginia Department of Emergency Management (VDEM) for the electrical equipment necessary for a quick connect device, amending and reordaining certain sections of the 2015 - 2016 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 78, page 249.)

Council Member Bestpitch moved the adoption of Budget Ordinance No.40507-051616. The motion was seconded by Council Member Rosen.

The City Manager explained that the grant funding will be used to install a quick connect device at the Berglund Center to allow emergency responders to easily connect a generator in the event of a power failure during emergency sheltering.

Following City Manager's explanation, Budget Ordinance No. 40507-051616 was adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

**GREENWAY COMMISSION-CITY GOVERNMENT:** The City Manager submitted a written communication recommending execution of an amendment of the Intergovernmental Agreement establishing the Roanoke Valley Greenway Commission to add Botetourt County as a member.

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

Council Member Ferris offered the following ordinance:

(#40508-051616) AN ORDINANCE authorizing execution of a First Amended Intergovernmental Agreement Establishing the Roanoke Valley Greenway Commission; expanding such Agreement to include Botetourt County as a member; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 250.)

Council Member Ferris moved the adoption of Ordinance No. 40508-051616. The motion was seconded by Council Member Price.

Liz Belcher, Greenway Coordinator; and several Commission Members were recognized for being in attendance and in support of the Intergovernmental Agreement to include Botetourt County as a member.

Council's appreciation was expressed for the Commission's service and the addition of Botetourt County to connect the greenway at Tinker Creek/Carvins Cove, which will allow new trail opportunities; and also recognizing regional cooperation within Virginia's Blue Ridge.

There being no additional comment by Council Members, Ordinance No. 40508-051616 was adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

**LEASES SALE/PURCHASE OF PROPERTY-ROANOKE HIGHER EDUCATION:** The City Manager submitted a written communication recommending execution of Amendment No. 1 to the Contract for Purchase and Sale of Real Property between the City of Roanoke and Roanoke Higher Education Center regarding real property located at 209 Henry Street, N. W.

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

Council Member Price offered the following ordinance:

(#40509-051616) AN ORDINANCE authorizing the City Manager to execute Amendment No. 1 to the Contract for the Purchase and Sale of Real Property, dated January 21, 2015 ("Contract"), by and between the City of Roanoke, Virginia ("City"), and Roanoke Higher Education Authority ("RHEA"), for real property situated at 209 Henry Street, N. W., Roanoke, Virginia, designated as Official Tax Map No. 2013001, to extend the new construction commencement date to December 21, 2016 and to extend the completion date of the new construction to January 22, 2018, upon certain conditions; authorizing the City Manager to execute such further documents and take such further actions as may be necessary to accomplish the above matters; reordaining Ordinance No. 40160-012015, adopted on January 20, 2015, only to the extent not inconsistent with this Ordinance; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 251.)

Council Member Price moved the adoption of Ordinance No. 40509-051616. The motion was seconded by Council Member Ferris.

Following a brief overview regarding the amendment, Ordinance No. 40509-051616 was adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

#### COMMENTS BY THE CITY MANAGER.

The City Manager shared the following comments:

##### **Navy Week Begins**

- The week of May 16 is Navy Week in Roanoke
- A kickoff ceremony was held at noon today in Market Square where a proclamation recognizing Navy Week was presented Activities planned for the week:
  - Navy display at the Virginia Museum of Transportation.
  - U.S. Navy Interaction and Band Performance at Center in the Square.
  - Navy EOD and diver demonstration ay Hunting Hills Country Club.
  - U.S. Navy representatives at the Local Colors Festival.
  - Salem Red Sox Navy Night.
  - Navy Band Concert at Mill Mountain Theatre.
  - The U.S. Navy will hold a memorial ceremony and wreath-laying for D-Day participants and especially those that lost their lives during the D-Day invasion.
  - Also, Roanoke City Public Schools has several activities planned as part of Navy Week involving school bands and ROTC.

##### **Leadership College Graduation on Tonight**

- Council is invited to attend a special reception for the graduates in Municipal North Lobby at 6:15 p.m.
- Graduates will be presented prior at Council's 7:00 p.m. meeting, prior to the Public Hearings.

## **Neighborhood Month Activities Continue**

- Each year, neighborhood organizations host special events in May to celebrate neighborhood pride
- Remaining events include:
  - Grandin Court Neighborhood Association's "Plant Exchange and Give-A-Way" on May 17.
  - Old Southwest's "Neighborhood Safety for Kids Event & Picnic" on May 18.
  - Gainsborough SW Community Organization's "Third Annual Neighborhood Celebration and Block Party" on May 21.
  - Hurt Park Neighborhood Alliance's "Annual Fund-Raiser Cookout" on May 21.
  - Roanoke Role Modelz Organization's "Hope Changes Everything" on May 28.
  - Goodwill Industries Good Guides Program's "Good Guides Community Garden for the 'Come Grow with Us' Harvest and Festival" on June 4.

## **Upcoming Events in Elmwood Park**

- Local Colors Festival  
Saturday, May 21 at 11:00 a.m. - 5:00 p.m.
- Festival in the Park from May 27 - 29
- Recent concerts include Huey Lewis and the News and Blondie, and Brian Wilson is coming to Elmwood Park on August 20.
- Budweiser Summer Concert Series begins with Blackstreet in Elmwood Park on June 24.

## **DIRECTOR OF FINANCE:**

**BONDS-CAPITAL IMPROVEMENTS:** The Director of Finance submitted a report recommending authorization to issue General Obligation Public Improvement Refunding Boards, not to exceed \$35 million principal amount in refunding bonds on or before June 30, 2017.

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

Council Member Ferris offered the following resolution:

(#40510-051616) A RESOLUTION authorizing the issuance and sale of not to exceed thirty-five million dollars (\$35,000,000.00) aggregate principal amount of city of Roanoke, Virginia, General Obligation Public Improvement Refunding Bonds; authorizing the sale of such Bonds at competitive or negotiated sale; fixing the form, denomination and certain other details of such bonds; delegating to the City Manager and the Director of Finance certain powers with respect thereto, including the power to select the underwriters if such Bonds are sold at negotiated sale; authorizing the city to

enter into one or more Bond purchase contracts by and between the city and such underwriters relating to such Bonds; authorizing the City Manager and the Director of Finance to execute and deliver such Bond purchase contracts; authorizing the preparation of a preliminary official statement and an official statement and the delivery thereof to the purchasers of such bonds; authorizing the execution and delivery of a continuing disclosure certificate relating to such Bonds; authorizing the City Manager and the Director of Finance to appoint an escrow agent; authorizing the execution and delivery of an escrow deposit agreement by and between the city and such escrow agent relating to the refunded Bonds; authorizing the City Manager and the Director of Finance to appoint a verification agent; authorizing the City Manager and the Director of Finance to designate the refunded Bonds for redemption; and otherwise providing with respect to the issuance, sale and delivery of such bonds and the refunding of the refunded bonds

(For full text of resolution, see Resolution Book No. 78, page 253.)

Council Member Ferris moved the adoption of Resolution No. 40510-051616. The motion was seconded by Council Member Rosen.

After positive comments by Council Member Rosen regarding the City's financial position and proactive efforts, Resolution No. 40510-051616 was adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

#### REPORTS OF COMMITTEES:

**SCHOOLS-GRANTS-BUDGET:** The Roanoke City School Board submitted a written report requesting appropriation of funds for various educational grant programs; and the Director of Finance submitted a written report recommending that Council concur in the request.

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

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Council Member Price offered the following budget ordinance:

(#40511-051616) AN ORDINANCE to appropriate funding from the Federal Government and the Commonwealth grants for various educational programs, amending and reordaining certain sections of the 2015 - 2016 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 78, page 267.)

Council Member Price moved the adoption of Budget Ordinance No. 40511-051616. The motion was seconded by Council Member Rosen and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

BUDGET-SCHOOLS: The Roanoke City School Board submitted a written report requesting amendment to the 2015 – 2016 Categorical Budget in order to align with the City of Roanoke's budget, which was adopted on Monday, May 9, 2016; and the Director of Finance submitted a written report recommending that Council concur in the request.

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

Council Member Rosen offered the following budget ordinance:

(#40512-051616) AN ORDINANCE to adopt an amendment to the 2015 - 2016 School Board Categorical Budget, amending and reordaining certain sections of the School General, School Food Service and School Athletics Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 78, page 269.)

Council Member Rosen moved the adoption of Budget Ordinance No. 40512-051616. The motion was seconded by Council Member Price and adopted by the following vote:

AYES: Council Members Price, Rosen, Bestpitch, Ferris, and Vice-Mayor Trinkle-5.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

UNFINISHED BUSINESS: NONE.

#### INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

PASSENGER RAIL SERVICE-AMTRAK: Council Member Bestpitch offered the following resolution supporting roll on/roll off accommodations for bicycles and encouraging the Commonwealth of Virginia Department of Rail and Public Transportation to work with Amtrak to facilitate the implementation of roll on/roll off of bicycle accommodations when passenger rail service is extended to Roanoke:

(#40513-051616) A RESOLUTION supporting roll on/roll off accommodations for bicycles on Amtrak passenger rail service to Roanoke.

(For full text of resolution, see Resolution Book No. 78, page 270.)

Council Member Bestpitch moved the adoption of Resolution No. 40513-051616. The motion was seconded by Council Member Ferris.

Due to serving as a member of the Virginia Transportation Board, Council Member Rosen advised of his abstention.

AYES: Council Members Price, Bestpitch, Ferris, and Vice-Mayor Trinkle-4.

NAYS: None-0.

(Mayor Bowers and Council Member Lea were not present when vote was recorded.)

(Council Member Rosen abstained from voting.)

## MOTIONS AND MISCELLANEOUS BUSINESS:

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

**FESTIVALS-CELEBRATION:** Council Member Ferris announced the 18<sup>th</sup> Annual Lebanese Festival at St. Elias Maronite Catholic Church, 4730 Cove Road, N. W., June 3 - June 5 from 11:00 a.m. – 10:00 p.m.

**FESTIVALS-CELEBRATION:** Council Member Price announced the 26<sup>th</sup> Annual Local Colors Festival being held on Saturday, May 21 at Elmwood Park from 11:00 a.m. - 5:00 p.m.

**DOWNTOWN ROANOKE-CELEBRATIONS-CITY COUNCIL:** Council Member Bestpitch encouraged participation in downtown Roanoke activities noting additional information at [www.downtownroanoke.org/events](http://www.downtownroanoke.org/events) regarding upcoming events. He called attention to Parking in the Park on May 19 in Elmwood Park, with gates opening at 5:30 p.m.

He congratulated Council Member Price on being elected Vice-Mayor, Council Member Lea as Mayor-Elect, and Michelle Dykstra and John Garland as Newly-Elected Members of Council, effective July 1, respectively.

### VACANCIES ON CERTAIN AUTHORITIES, BOARDS, COMMISSIONS AND COMMITTEES APPOINTED BY COUNCIL: NONE.

At 3:15 p.m., Vice- Mayor Trinkle declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., the Council meeting reconvened in the Council Chamber, Room 450, fourth floor, Noel C. Taylor Municipal Building, with Mayor David A. Bowers presiding.

**PRESENT:** Council Members Sherman P. Lea, Anita J. Price (arrived late), Court G. Rosen, William D. Bestpitch, Raphael E. Ferris, and Mayor David A. Bowers-6.

**ABSENT:** Vice-Mayor David B.Trinkle-1.

He decalred a quorum was in existence.

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-HEALTH PROGRAM: Mayor Bowers recognized the Spring 2016. Community Health Promoter 2016 participants; and present each with a Certificate of Completion.

ACTS OF ACKNOWLEDGEMENT-LEADERSHIP: Mayor Bowers recognized the City of Roanoke 2016 Leadership College Graduates; and presented each with a Certificate of Achievement.

## PUBLIC HEARINGS:

SCHOOLS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 16, 2016 at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive the views of citizens regarding appointment of two Roanoke City School Board Trustees for three-year terms, each, commencing July 1, 2016. The candidates being Wilton C. Kennedy, Annette Lewis, Susan R. Reese and Lutheria H. Smith, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, May 2, 2016.

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

The Mayor inquired if there were persons present who wished to speak in support of the applicants.

Joelle Miller, 3419 Westridge Circle, appeared before the Council and spoke in support of Wilton Kennedy.

Chris Craft, 1501 Eastgate, N. E., appeared before the Council I and spoke in support of Annette Lewis.

Luanna Meredith, 366 Highland Avenue, S. W., appeared before Council and spoke in support of Susan Reese.

Debbie Williams, 2541 Oregon Avenue, S. W., appeared before Council and spoke in support of Susan Reese.

Meredith Bunger, 384 Airport Trail, N. E. appeared before Council and spoke in support of Susan Reese.

Jim Weber, 3359 Brymoor Road, S. W., appeared before Council and spoke in support of Susan Reese.

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Adrian Lewis, 2538 Belle Avenue, N. E., appeared before Council and spoke in support of Lutheria Smith.

Bradley Smith, 3547 Penarth Road, S. W., speared before the Council and spoke in support of Lutheria Smith.

John Duke Baldrige, 307 Darwin Road, S. W., appeared before the Council and spoke in support of Lutheria Smith.

There being no additional speakers, Mayor Bowers declared the public hearing closed, and remarked that all comments would be received and filed.

He further announced that the City Council would elect two School Board Trustees for three-year terms of office, commencing July 1, 2016, at its regular meeting on Monday, June 6, 2016, at 2:00 p.m.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for May 16, 2016, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Viamac, Inc., and 3675 Orange Avenue, LLC, to repeal conditions proffered as part of rezonings at 3659 Orange Avenue, N. E., and 3675 Orange Avenue, N. E., bearing Official Tax Map Nos. 7110122 and 7110106, respectively, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, April 28, 2016, and Tuesday, May 3, 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, *Hollins/Wildwood Area Plan*, and Zoning Ordinance as it amends conditions on the properties to allow for continued development of the site in manner appropriate to the surrounding area.

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

Council Member Lea offered the following ordinance:

(#40514-051616) AN ORDINANCE to rezone certain properties located at 3659 and 3675 Orange Avenue, N. E., by repealing proffered conditions presently binding upon such properties 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 271.)

Council Member Lea moved the adoption of Ordinance No. 40514-051616. The motion was seconded by Council Member Bestpitch.

C. Cooper Youell, IV, Attorney, representing the petitioner, appeared in support of the rezoning.

The Mayor inquired if there were persons present who wished to speak on the matter.

Chris Craft, President, Wildwood Civic League, appeared before the Council in support of the rezoning and new proffers.

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

There being no questions and/or comments by the Council Members, Ordinance No. 40514-051616 was adopted by the following vote:

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

NAYS: None-0.

(Vice- Mayor Trinkle was absent.)

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 16, 2016 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Local Environment Agriculture Project, Inc. (LEAP) for a designation and classification of its personal property, located at 1327 Grandin Road, S. W., Roanoke, Virginia, as exempt from taxation, and such after acquired personal property, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Thursday, May 5, 2016.

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

The City Manager submitted a written report recommending an exemption be granted to Local Environmental Agriculture Project, Inc. (LEAP) from personal property taxation, effective July 1, 2016, for its current personal property and its after-acquired personal property to the extent that such property is used for the charitable purpose of LEAP.

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

# 548

Council Member Rosen offered the following ordinance:

(#40515-051616) AN ORDINANCE exempting from personal property taxation certain personal property located in the City of Roanoke and owned by Local Environmental Agriculture Project, Inc., (LEAP), an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; 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 273.)

Council Member Rosen moved the adoption of Ordinance No. 40515-051616. The motion was seconded by Council Member Price.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no questions and/or comments by the Council Members, Ordinance No. 40515-051616 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Trinkle was absent.)

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 16, 2016 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Blue Ridge Land Conservancy for designation and classification of its personal property located at 722 First Street, S. W., Suite L, Roanoke, Virginia, as exempt from taxation, and such after acquired personal property, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Thursday, May 5, 2016.

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

The City Manager submitted a written report recommending an exemption be granted to Blue Ridge Land Conservancy from personal property taxation, effective July 1, 2016, for its current personal property and its after acquired personal property to the extent that such property is used for the charitable purposes of the Blue Ridge Land Conservancy.

Council Member Bestpitch offered the following ordinance:

(#40516-051616) AN ORDINANCE exempting from personal property taxation certain personal property located in the City of Roanoke and owned by Blue Ridge Land Conservancy, an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; 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 274.)

Council Member Bestpitch moved the adoption of Ordinance No. 40516-051616. The motion was seconded by Council Member Lea.

The Mayor inquired if there were persons present who wished to speak on the matter.

Linda Pharis, President, Blue Ridge Land Conservancy, appeared before the Council in support of the tax exemption.

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

There being no questions and/or comments by the Council Members, Ordinance No. 40516-051616 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Trinkle was absent.)

**CITY-OWNED PROPERTY-LEASES:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 16, 2016 at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to lease approximately 3.6 acres of City-owned property, being a portion of Roanoke City Official Tax Map No. 6610101, located adjacent to 5401 Barns Avenue, N. W., in the City of Roanoke, Virginia, to Jared Green and Donna Green, for an initial term of one year, commencing June 1, 2016, and ending May 31, 2017, subject to four one-year renewal terms, at an annual rent of \$100.00, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Thursday, May 5, 2016.

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

# 550

The City Manager submitted a written report recommending execution of a lease agreement with Jared Green and Donna Green for approximately 3.6 acres of City-owned land located at 5401 Barns Avenue, N. W., Roanoke, Virginia, commencing retroactive to May 1, 2016, subject to approval as to form by the City Attorney.

Council Member Bestpitch offered the following ordinance:

(#40517-051616) AN ORDINANCE authorizing the City Manager to execute a lease agreement with Jared Green and Donna Green ("Green"), for the lease of approximately 3.6 acres of City-owned property being a portion of City-owned property located at 5401 Barns Avenue, N. W., Roanoke, Virginia, designated as Roanoke City Official Tax Map No. 6610101; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 276.)

Council Member Bestpitch moved the adoption of Ordinance No. 40517-051616. The motion was seconded by Council Member Price.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no comments and/or questions by the Council Members, Ordinance No. 40517-051616 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Trinkle was absent.)

**EASEMENTS-SEWERS AND STORM DRAINS:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 16, 2016 at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal of the City of Roanoke to grant a permanent sewer line easement and a temporary construction easement, both with an approximate width of 20 feet and collectively encumbering approximately 15,600 square feet, over, across, and under City-owned property, identified by Official Tax Map No. 1040202, located along Reserve Avenue, S. W., Roanoke, Virginia, to the Western Virginia Water Authority, at the Authority's request, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Thursday, May 5, 2016.

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

The City Manager submitted a written report recommending authorization to execute a Deed of Easement, conveying the sewer line easement and temporary construction easement across City-owned property, designated as Official Tax Map No. 1040202, to the Western Virginia Water Authority, subject to approval as to form by the City Attorney.

Council Member Lea offered the following ordinance:

(#40518-051616) AN ORDINANCE authorizing the conveyance of a permanent sewer line easement and a temporary construction easement, both with an approximate width of twenty (20) feet and collectively encumbering approximately 15,600 square feet, over, across, and under City-owned property, located along Reserve Avenue, S. W., Roanoke, Virginia, designated as Roanoke Official Tax Map No. 1040202, to the Western Virginia Water Authority ("Authority"), upon certain terms and conditions; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 78, page 277.)

Council Member Lea moved the adoption of Ordinance No. 40518-051616. The motion was seconded by Council Member Price.

The Mayor inquired if there were persons present who wished to speak on the matter. There being none, he declared the public hearing closed.

There being no comments and/or questions by the Council Members, Ordinance No. 40518-051616 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Trinkle was absent.)

## OTHER BUSINESS:

**DOWNTOWN ROANOKE–SERVICE DISTRICTS:** The City Manager submitted a written report recommending authorization to execute a Downtown Service District Services Agreement with Downtown Roanoke, Inc., for continued administration of the Downtown Service District.

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

Council Member Bestpitch offered the following resolution:

(#40519-051616) A RESOLUTION authorizing the City Manager's issuance and execution of a Downtown Service District Services Agreement ("Agreement") between the City of Roanoke ("City") and Downtown Roanoke, Incorporated ("DRI") to continue to provide services within the Downtown Service District; and authorizing the City Manager to take such actions and execute such documents as may be necessary to provide for the implementation, administration, and enforcement of such Agreement.

(For full text of resolution, see Resolution Book No. 78, page 278.)

Council Member Bestpitch moved the adoption of Resolution No. 40519- 051616. The motion was seconded by Council Member Lea.

Tina Workman, President, Downtown Roanoke Inc., (DRI), appeared before the Council in support of the request and advised that the mission DRI was to make downtown Roanoke the preferred place to work and play and for businesses, merchants, non-profits and the City to identify needs, develop strategies and implement programs to strengthen the economic vitality of downtown. She further advised that DRI was involved in various clean, safe, initiatives including the completion of the trash compactor system, hired a goodwill ambassador to keep the area clean, and produced ten major downtown events per year drawing over 100,000 in attendance; and she thanked Council for its support and the working relationship with the City of Roanoke.

Tony Pearman, Chair, Downtown Roanoke, Inc., Board of Directors, appeared before the Council in support of the request and advised DRI worked hard to support all organizations and ensured the success of other events as a quiet workhorse for the citizens; and he urged continued support of the organization.

Mike Sutton, representing Blue Eagle Companies; Steve Musselwhite, former Board Member and investor in downtown Roanoke; and Melissa Palmer, Board Member and owner of Chocolate Paper, appeared before the Council in support of the contract renewal.

Although Council Member Ferris fully supported the City renewing the agreement with DRI, he inquired if the agreement could be renewable every year, with termination by either party without cause, and if either party was bound to the agreement; whereupon, the City Attorney opined that if one of the terms of the agreement was breached during the term, either party could terminate the agreement.

Council Member Rosen asked if DRI served as the keeper of the downtown calendar; whereupon, the City Attorney replied in the affirmative, adding a separate contract existed for events.

The City Attorney corrected his earlier comment in that the agreement was automatically renewable, terminable only for cause during the ten-year period. In connection with ongoing dialogue, he advised that the agreement had several provisions that set forth performance obligations of DRI, and if not performed, the City Manager would have the right to terminate the agreement.

Following extensive discussion, Council Member Rosen further inquired if cause could include a request or directive by the City Manager to terminate the agreement or if DRI cannot, could not or might potentially refuse to perform, could that be defined as being cause. The City Attorney advised that it may apply under Section 3.13, "activities to be undertaken by DRI", that are set forth for the revitalization of the downtown area, and, if the City manager requested a specific activity and DRI refused, without justification, that would be a cause to allow the City Manager to terminate the agreement.

Following response by the City Attorney, Council Member Rosen elaborated that most of the City's agreements that were reviewed were almost unilateral on the side of the City, with a 60 day notice to cancel, and the DRI agreement was not written similar. He wanted to ensure the City was protected in the future, mainly, because the ten years as set forth bound future City Councils by contract; and therefore, he was uncomfortable with such a long term on the agreement.

In response to Council Member Rosen's concern, the City Attorney pointed out that the City controlled funding, which were not paid directly to DRI, as well as the City Manager or his designee currently serve on the Board of Directors as a safeguard.

City Council being satisfied with overall comments by the City Attorney, Resolution No. 40519-051616 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Trinkle was absent.)

**SERVICE DISTRICTS-WILLIAMSON ROAD AREA BUSINESS ASSOCIATION:**  
The City Manager submitted a written report recommending authorization to execute a Williamson Road Area Service District Services Agreement with the Williamson Road Area Business Association, Inc., for continued administration of the Williamson Road Area Service District.

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

Council Member Bestpitch offered the following resolution:

(#40520-051616) A RESOLUTION authorizing the City Manager's issuance and execution of a Williamson Road Area Service District Services Agreement ("Agreement") between the City of Roanoke ("City") and Williamson Road Area Business Association, Inc. ("WRABA"), to continue to provide services within the Williamson Road Area Service District; and authorizing the City Manager to take such actions and execute such documents as may be necessary to provide for the implementation, administration, and enforcement of such Agreement.

(For full text of resolution, see Resolution Book No. 78, page 279.)

Council Member Bestpitch moved the adoption of Resolution No. 40520-051616. The motion was seconded by Council Member Ferris.

Wendy Jones, Executive Director, Williamson Road Area Business Association, appeared before the Council and spoke in support of a Williamson Road Area Service District, noting a special event in Preston Park, with an ABC license having been granted for June 23, 2016.

Council Member Bestpitch called attention to the abovementioned event – Star City Sock Hop scheduled on Thursday, June 23 at the tennis courts in Preston Park.

There being no additional comments by the Council Members, Resolution No. 40520-051616 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Trinkle was absent.)

**ARCHITECTURAL REVIEW BOARD:** A Petition for Appeal filed by Tammy Britt appealing a decision of the Architectural Review Board to deny issuance for a Certificate of Appropriateness to approve replacement of existing pressed metal roof shingles with architectural shingles at 418 Washington Avenue, S. W., was before the Council.

(See Petition for Appeal on file in the City Clerk's Office.)

Ms. Britt shared photos depicting the shingle materials selected, which in her opinion, better matched the original aesthetic than any metal product available on the market today.

She explained that she had gone before the Board in 2008, and had gotten approval to replace the metal roof at 502 King George Avenue; that the roof material she was proposing was an architectural metal, and she wanted to replace the roof with the same look as the property on King George Avenue.

In summary, Ms. Britt urged the Council to overrule the decision of the Architectural Review Board and issue a Certificate of Appropriateness as previously approved.

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

Katherine Gutshall, Chair, Architectural Review Board, gave a brief overview regarding the request of Ms. Brit, noting that the applicant requested approval of replacing the existing metal shingle roof with an architectural shingle roof, due to a consistent roof leaking issues.

Staff report to the Architectural Review Board commented that the applicant must provide documentation that warrants replacement of the existing roof; and in addition, replacement material of the existing roof is inconsistent with the H-2 Design Guidelines. An Oakridge architectural shingle is not an appropriate replacement material for the existing metal shingle roof. Therefore, staff does not support the applicant and recommends denial of the Certificate of Appropriateness application as proposed.

It was further reported that City Council established the ARB to protect designated historic properties against destruction or architecturally incompatible buildings and structures; and the ARB's review criteria are based on the standards set forth in the Zoning Ordinance, and, where applicable, the H-2 Architectural Design Guidelines, of which follow to the Secretary of the Interior's Standards for Rehabilitation, which are generally recognized criteria for appropriate treatment of historic buildings and contexts; and the following roofs are relevant to consideration of the abovementioned application:

"Avoid replacing roofs with a substitute material that does not convey the same visual appearance of the historic roof."

"When it is not feasible to replace standing-seam and pressed-metal roofs with the same materials, first explore the use of pre-fabricated metal roof systems."

"use substitute materials or replacement parts that retain the visual appearance of the original roof and that are physically and chemically compatible. Substitute materials should match the original in:

- Scale,
- Pattern,
- Texture, and
- Color"

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

The Chair stated that the Board recommends that the Council affirm its decision to deny the issuance of a Certificate of Appropriateness allowing replacement of the existing pressed metal shingle roof with architectural shingles at 418 Washington Avenue, S. W., inasmuch as the existing roof is a character-defining feature of the existing historic building; and is inconsistent with the H-2 Architectural Design Guidelines as set forth in the report.

Following extensive dialogue regarding the matter and the 2 – 2 vote of the Board, Council Member Price moved that based on the evidence (testimony and documents) presented to the Council, the decision of the Architectural Review Board on February 11, 2016, be reversed and that a Certificate of Appropriateness be issued to allow the replacement of an architectural metal roof with architectural shingles at 418

Washington Avenue, S. W., as set forth in the Application for Certificate of Appropriateness on the grounds that the proposed installation and location are architecturally compatible with the structures or historic landmarks in the H-2 District. The motion was seconded by Council Member Rosen and adopted by the following vote:

AYES: Council Members Lea, Price, Rosen, Ferris and Mayor Bowers-5.

NAYS: Council Member Bestpitch-1.

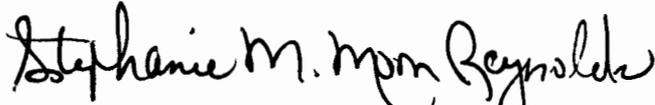
(Vice-Mayor Trinkle was absent.)

HEARING OF CITIZEN UPON PUBLIC MATTER: NONE.

There being no further business, Mayor Bowers declared the regular meeting adjourned at 9:45 p.m.

A P P R O V E D

ATTEST:



Stephanie M. Moon Reynolds, MMC  
City Clerk



David A. Bowers  
Mayor