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1. 03-27-20 Special Meeting Agenda

Documents:

[03-27-20 SPECIAL MEETING.PDF](#)

2. Council Action Agenda

Documents:

[AG 03-27-20.PDF](#)

NOTICE:

The Full Agenda consists of scanned images of only those reports and communications submitted to the City Clerk before the deadline established for such agenda and will not include any matter or item brought before Council for consideration at the meeting.

The original documents are available for inspection in the Office of the City Clerk, Room 456 Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., Roanoke, Virginia 24011.

To receive the City Council agenda (without reports) automatically via e-mail, contact the Office of the City Clerk at clerk@roanokeva.gov or (540) 853-2541.

The records of City Council and City Clerk's Office will be maintained pursuant to Section 42.1-82 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia, Library of Virginia Records Management and Imaging Services Division, Records Retention and Disposition Schedules, for compliance with Guidelines provided by the Library of Virginia.



OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Suite 364
Roanoke, Virginia 24011
540.853.2333
www.roanokeva.gov

March 25, 2020

HAND DELIVERY AND ELECTRONIC DELIVERY

The Honorable Mayor Sherman P. Lea, Sr., and
Members of City Council
Noel C. Taylor Municipal Building, Room 456
215 Church Avenue, S.W.
Roanoke, Virginia

Re: Call of Special Meeting of Roanoke City Council

Dear Mayor Lea and Members of Council,

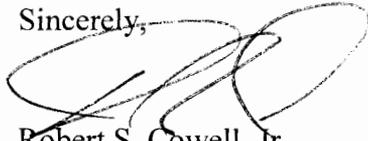
Pursuant to Section 10, Meetings of Council Generally, of the Roanoke City Charter, I call for a Special Meeting of Roanoke City Council for Friday, March 27, 2020, at 2:00 p.m. The Special Meeting will be held in the Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia. The purpose of this meeting is to address the state of emergency declared by Governor Ralph S. Northam on March 12, 2020 pursuant to Executive Order Number Fifty-One regarding the COVID-19 pandemic disaster, and supplemented by Executive Order Number Fifty-Three issued on March 23, 2020. This Special Meeting will allow City Council to consider measures in response to the COVID-19 pandemic disaster, including the continuity of City government pursuant to Virginia Code Section 15.2-1413. An agenda for this Special Meeting and the proposed measures are enclosed.

Participation by the Mayor and Members of City Council will be by electronic communications without a quorum of City Council physically assembled at one location pursuant to, and authorized by, Virginia Code Section 2.2-3708.2 (A)(3) and the City Council policy for participation through electronic communications pursuant to Resolution No. 41698-031620, adopted by City Council on March 16, 2020. Instructions to participate at this Special Meeting by electronic communication will be sent to Council Members via email. The City Clerk, the City Attorney, technical support for live broadcast and recording of the Special Meeting, and I will be present in the Council Chamber.

In accordance with State Code, the City Clerk shall provide public notice of this Special Meeting by posting this notice on My Roanoke, Civics Plus, the City website and other social media sites, and distribution via electronic mail to media within the City. The public will have access to this Special Meeting by remote access through RVTV live broadcast of the Special Meeting and live streaming of the Special Meeting through the City's Facebook page. The City Clerk's Office will post instructions of access.

Please let me know if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert S. Cowell, Jr.', written over the word 'Sincerely,'.

Robert S. Cowell, Jr.
Roanoke City Manager

Enclosure: Agenda for Special Meeting
 Measures

c: Cecelia F. McCoy, City Clerk
 Daniel J. Callaghan, City Attorney
 Troy A. Harmon, Municipal Auditor
 Sherman M. Stovall, Assistant City Manager for Operations
 R. Brian Townsend, Assistant City Manager for Community Development
 Amelia C. Merchant, Director of Finance
 R. Brent Robertson, Assistant City Manager for Community Development (Designated)



**ROANOKE CITY COUNCIL
SPECIAL MEETING OF COUNCIL**

**MARCH 27, 2020
2:00 P.M.**

**COUNCIL CHAMBER
215 CHURCH AVENUE, S. W.**

AGENDA

**PARTICIPATION BY ELECTRONIC COMMUNICATIONS PURSUANT TO
SECTION 2.2-3708.2 (A)(3),
CODE OF VIRGINIA (1950), AS AMENDED, AND
RESOLUTION NO. 41698-031620.**

1. Call to Order – Roll Call.
2. Purpose of Special Meeting.

The purpose of this meeting is to address the state of emergency declared by Governor Ralph S. Northam on March 12, 2020 pursuant to Executive Order Number Fifty-One regarding the COVID-19 pandemic disaster, and supplemented by Executive Order Number Fifty-Three issued on March 23, 2020. This Special Meeting will allow City Council to consider measures in response to the COVID-19 pandemic disaster, including the continuity of City government pursuant to Virginia Code Section 15.2-1413.

3.
 - a. Consideration of the adoption of an emergency ordinance effectuating temporary changes in certain deadlines, modifying public meeting practices and procedures to address continuity of operations associated with the pandemic disaster, authorizing the City Manager to set the dates and times of public hearings for the FY 2021 Budget and other matters, establishing an effective date, and dispensing with the second reading of this emergency ordinance by title.
 - b. Consideration of a Resolution repealing Resolution No. 41698-031620, adopted on March 16, 2020; and adopting a restated written policy for participation in City Council agenda meetings through electronic communication.
 - c. Consideration of an ordinance ratifying and approving the suspension of fares for transit services provided by Greater Roanoke Transit Company d/b/a Valley Metro; authorizing the City Manager to take certain actions; and dispensing with the second reading of this ordinance by title.
4. Adjournment.

M. Collins

3.a.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN EMERGENCY ORDINANCE effectuating temporary changes in certain deadlines; modifying public meeting and public hearing practices and procedures to address continuity of operations associated with pandemic disaster; authorizing the city manager to set the dates and time of public hearings for the FY 2021 budget and other matters; establishing an effective date; and dispensing with the second reading of this emergency ordinance by title.

WHEREAS, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic;

WHEREAS, Executive Order Fifty-One acknowledged the existence of a public health emergency which constitutes a disaster as defined by Virginia Code § 44-146.16 arising from the public health threat presented by a communicable disease anticipated to spread;

WHEREAS, Executive Order Fifty-One ordered implementation of the Commonwealth of Virginia Emergency Operations Plan, activation of the Virginia Emergency Operations Center to provide assistance to local governments, and authorization for executive branch agencies to waive “any state requirement or regulation” as appropriate;

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic;

WHEREAS, on March 16, 2020, the Roanoke City Council adopted Resolution No. 41699-031620 and confirmed the declaration of local emergency made by Robert S. Cowell, Jr., the City Manager and the local director of emergency management on March 16, 2020;

WHEREAS, on March 16, 2020, City Council adopted Resolution No. 41698-031620 to establish a policy for conducting meetings by electronic communications, including meetings by electronic communications without a quorum of City Council physically present in one location pursuant to Virginia Code § 2.2-3708.2 (A)(3);

WHEREAS, on March 17, 2020, the City Manager directed that all municipal buildings be closed to the general public through March 31, 2020;

WHEREAS, City Council finds that COVID-19 constitutes a real and substantial threat to public health and safety and constitutes a “disaster” as defined by Virginia Code §44-146.16 being a “communicable disease of public health threat;”

WHEREAS, Virginia Code § 15.2-1413 provides that, notwithstanding any contrary provision of law, a locality may, by ordinance, provide a method to assure continuity of government in the event of a disaster for a period not to exceed six months from the cessation of the disaster;

WHEREAS, Virginia Code § 44-146.21(C) further provides that a local director of emergency management or any member of a governing body in his absence may upon the declaration of a local emergency “proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to performance of public work;”

WHEREAS, Virginia Code § 2.2-3708.2(A)(3) allows, under certain procedural requirements including public notice and access, that members of City Council may convene solely by electronic means “to address the emergency;”

WHEREAS, the open public meeting requirements of the Virginia Freedom of Information Act (“FOIA”) are limited only by a properly claimed exemption provided under that Act or “any other statute;”

WHEREAS, the Governor and Health Commissioner of the Commonwealth of Virginia and the President of the United States have recommended suspension of public gatherings of more than ten (10) attendees;

WHEREAS, the Attorney General of Virginia issued an opinion dated March 20, 2020, which stated localities have the authority during disasters to adopt ordinances to ensure the continuity of government;

WHEREAS, pursuant to Section 10 of the Charter of the City of Roanoke and Virginia City Code § 2-15, Rule 2 and Rule 3, the Mayor, City Manager, or any Member of City Council may call a special meeting of City Council with at least 12 hours’ notice and, on March 25, 2020, Robert S. Cowell, Jr., City Manager, called a special meeting of City Council for March 27, 2020, at 2:00 p.m., to be held in the Council Chamber, Room 450, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., Roanoke, Virginia, with participation by Members of City Council by electronic communications as permitted and authorized by Virginia Code § 2.2-3708.2(A)(3); and

WHEREAS, this emergency ordinance in response to the disaster caused by the COVID-19 pandemic promotes public health, safety, and welfare and is consistent with the law of the Commonwealth of Virginia, the Constitution of Virginia, and the Constitution of the United States of America.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Roanoke, Virginia as follows:

1. That the COVID-19 pandemic makes it unsafe to assemble in one location a quorum for public bodies including the City Council, the Roanoke City School Board, the Planning Commission, the Board of Zoning Appeals, the Board of Equalization, and all local and regional boards, commissions, committees and authorities created by the City Council or to which the City Council appoints all or a portion of its members (collectively “Public Entities” and individually “Public Entity”), or for such Public Entities to conduct meetings in accordance with normal practices and procedures.

2. That in accordance with Virginia Code § 15.2-1413, and notwithstanding any contrary provision of law, general or special, the following emergency procedures are adopted to ensure the continuity of government during this emergency and disaster:

- a. Any meeting or activities which require the physical presence of members of the Public Entities may be held through real time electronic means (including audio, telephonic, video or other practical electronic medium) without a quorum physically present in one location;
- b. Prior to holding any such electronic meeting, the Public Entity, and except for special meetings of City Council as permitted under the City Charter or the organizational documents of a Public Entity, shall provide public notice of at least three (3) working days in advance of the electronic meeting identifying how the public may participate or otherwise offer comment;

- c. Any such electronic meeting of Public Entities shall state on its agenda and at the beginning of such meeting that it is being held pursuant to and in compliance with this Emergency Ordinance; identify Public Entity members physically and/or electronically present; identify the persons responsible for receiving public comment; and identify notice of the opportunities for the public to access and participate in such electronic meeting;
- d. Any such electronic meeting of the Public Entities shall be open to electronic participation by the public and closed to in-person participation by the public;
- e. For any matters requiring a public hearing, public comment may be solicited by electronic means in advance and shall also be solicited through telephonic or other electronic means during the course of the electronic meeting. All such public comments will be provided to members of the Public Entity at or before the electronic meeting and made part of the record for such meeting; and
- f. The minutes of all electronic meetings shall conform to the requirements of law, identify how the meeting was conducted, members participating, and specify what actions were taken at the meeting. The Public Entities may approve minutes of an electronic meeting at a subsequent electronic meeting and shall later approve all such minutes at a regular or special meeting after the emergency and disaster has ended.

3. That notwithstanding any provision of law, regulation or policy to the contrary, any deadlines requiring action by a Public Entity (including Constitutional Officers) shall be suspended during this emergency and disaster, however, the Public Entities and all staff thereof are encouraged to take such action as is practical and appropriate to meet those deadlines. Failure to meet any such deadlines shall not constitute a default, violation, approval, recommendation or otherwise.

4. That non-emergency public hearings and action items of Public Entities may be postponed to a date certain provided that public notice is given so that the public are aware of how and when to present their views.

5. That the separate public hearings to receive comments regarding (i) the recommended budget for the City for Fiscal Year 2020-2021, (ii) the increase in the real property tax rate pursuant to Virginia Code § 58.1-3321, and (iii) the proposed Fiscal Year 2020-2021 HUD Funds Budget and the Fiscal Year 2020-2021 Annual Update to the 5 Year Consolidated Plan, authorized by City Council for April 30, 2020, are hereby extended to dates and times in May 2020 to be determined and set by the City Manager.

6. That the provisions of this Emergency Ordinance shall remain in full force and effect for a period of 60 days, unless amended, rescinded or readopted by the City Council in conformity with the provisions set forth in Virginia Code §15.2-1427, as applicable, but in no event shall such ordinance be effective for more than six months from the cessation of the disaster.

7. Nothing in this Emergency Ordinance shall prohibit Public Entities from holding in-person public meetings provided that public health and safety measures as well as social distancing are taken into consideration.

8. Pursuant to City Charter § 12, the second reading of this Emergency Ordinance by title is hereby dispensed with.

9. An emergency is deemed to exist, and this Emergency Ordinance shall be effective upon its adoption.

ATTEST:

City Clerk.

Handwritten signature

3.b.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION repealing Resolution No. 41698-031620, adopted on March 16, 2020; and adopting a restated written policy for participation in City Council agenda meetings through electronic communication.

WHEREAS, Virginia Code § 2.2-3708.2 allows members of local governing bodies to participate in a meeting through electronic communication means from a remote location in certain situations;

WHEREAS, on March 16, 2020, City Council adopted Resolution No. 41698-031620 that established the City Council's written policy to allow members of City Council to meet through electronic communication means from a remote location;

WHEREAS, Virginia Code § 2.2-3708.2 (A)(1)(b) limits the number of meetings at which a member of the governing body may participate by electronic communication means to two (2) in each calendar year;

WHEREAS, on March 12, 2020, Governor Ralph S. Northam declared a state of emergency throughout the Commonwealth of Virginia with respect to the COVID-19 pandemic disaster; and

WHEREAS, City Council desires to clarify its written policy as set forth in Resolution No. 41698-031620 with respect to the number of meetings that a Member of Council may participate at a meeting by electronic communication means.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. Resolution No. 41698-031620 adopted March 16, 2020, is hereby REPEALED.
2. The following policy is established for Council members' remote electronic participation in City Council meetings:
 1. On or before the day of a meeting, the member shall notify the Mayor that the member is unable to attend the meeting due to an emergency or a personal matter. The member must identify with specificity the nature of the emergency or personal matter. A member may also notify the Mayor that the member is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
 2. Except as provided in Section 2.2-3708.2 (A)(3), a quorum of the Council must be physically assembled at the primary or central meeting location. The Council members present must approve the participation; however, the decision shall be based solely on the criteria in this resolution, without regard to the identity of the member or matters that will be considered or voted on during the meeting. The Clerk or Deputy Clerk shall record in the Council's minutes the specific nature of the emergency, personal matter or disability and the remote location from which the absent member participated. If the absent member's remote participation is disapproved because such participation would violate this policy, such disapproval shall be recorded in the Council's minutes.
 3. Participation by the absent member shall be limited in each calendar year to two (2) meetings of Council based on a specified personal reason as set

forth in Virginia Code § 2.2-3708.2 (A)(1)(b). Members shall not otherwise be limited except as set forth expressly in State Code.

4. The Council shall make arrangements for the voice of the absent member to be heard by all persons in attendance at the meeting location.
 5. With respect to meetings by electronic communications without a quorum of Council present when the Governor has declared a state of emergency, Council shall comply with the provisions of Section 2.2-3708.2(A)(3).
3. This resolution shall take effect upon adoption.

ATTEST:

City Clerk.

[Handwritten signature]

3.c.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE ratifying and approving the suspension of fares for transit services provided by Greater Roanoke Transit Company (GRTC) d/b/a Valley Metro; authorizing the City Manager to take certain actions; and dispensing with the second reading of this ordinance by title.

WHEREAS, on March 12, 2020, Governor Ralph S. Northam declared a state of emergency throughout the Commonwealth of Virginia as a result of the disaster created by the COVID-19 pandemic;

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national state of emergency as a result of the COVID-19 pandemic;

WHEREAS, on March 16, 2020, Robert S. Cowell, Jr., City Manager, as the Director of Emergency Management, declared a state of emergency within the City, and City Council confirmed this declaration with the adoption of Resolution No. 41699-031620;

WHEREAS, federal, state, and local health officials urge implementation of measures to eliminate gatherings and establish social distancing to address the COVID-19 pandemic;

WHEREAS, GRTC has considered plans to maintain social distancing and has, effective March 27, 2020 through and including April 24, 2020, suspended all fares for all transit services provided by GRTC, and has requested City Council to approve this emergency action; and

WHEREAS, pursuant to City Code § 34-22, City Council shall, from time to time, establish fares to be charged by GRTC.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. City Council ratifies and approves the suspension of all fares for transit services provided by GRTC for the period commencing March 27, 2020 through and including April 24, 2020.

2. The City Manager is authorized to take any actions necessary to implement, accomplish, and effectuate the suspension of all fares for transit services provided by GRTC for the period commencing March 27, 2020 through and including April 24, 2020.

3. Pursuant to City Charter § 12, the second reading of this ordinance by title is hereby dispensed with.

4. This ordinance shall be effective upon passage.

ATTEST:

City Clerk.



**ROANOKE CITY COUNCIL
SPECIAL MEETING OF COUNCIL**

**MARCH 27, 2020
2:00 P.M.**

**COUNCIL CHAMBER
215 CHURCH AVENUE, S. W.**

AGENDA

**PARTICIPATION BY ELECTRONIC COMMUNICATIONS PURSUANT TO
SECTION 2.2-3708.2 (A)(3),
CODE OF VIRGINIA (1950), AS AMENDED, AND
RESOLUTION NO. 41698-031620.**

NOTICE:

This afternoon's Council meeting will be replayed on RVTV Channel 3 on Sunday, March 29 at 4:00 p.m., and Monday, March 30 at 4:00 p.m.; and video streamed through Facebook Live at [facebook.com/RoanokeVa](https://www.facebook.com/RoanokeVa). Council meetings are offered with closed captioning for the hearing impaired.

1. Call to Order – Roll Call. **All Present.**
2. Purpose of Special Meeting. **Mayor Sherman Lea, Sr.**

The purpose of this meeting is to address the state of emergency declared by Governor Ralph S. Northam on March 12, 2020 pursuant to Executive Order Number Fifty-One regarding the COVID-19 pandemic disaster, and supplemented by Executive Order Number Fifty-Three issued on March 23, 2020. This Special Meeting will allow City Council to consider measures in response to the COVID-19 pandemic disaster, including the continuity of City government pursuant to Virginia Code Section 15.2-1413.

3. a. Consideration of the adoption of an emergency ordinance effectuating temporary changes in certain deadlines, modifying public meeting practices and procedures to address continuity of operations associated with the pandemic disaster, authorizing the City Manager to set the dates and times of public hearings for the FY 2021 Budget and other matters, establishing an effective date, and dispensing with the second reading of this emergency ordinance by title.
Adopted Ordinance No. 41703-032720. (7-0)
- b. Consideration of a Resolution repealing Resolution No. 41698-031620, adopted on March 16, 2020; and adopting a restated written policy for participation in City Council agenda meetings through electronic communication.
Adopted Resolution No. 41704-032720. (7-0)
- c. Consideration of an ordinance ratifying and approving the suspension of fares for transit services provided by Greater Roanoke Transit Company d/b/a Valley Metro; authorizing the City Manager to take certain actions; and dispensing with the second reading of this ordinance by title.
Adopted Ordinance No. 41705-032720. (7-0)
4. **Adjourned – 2:26 p.m.**