

## ROANOKE CITY COUNCIL-REGULAR SESSION

March 16, 2020

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, March 16, 2020 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 Mayor Sherman P. Lea, Sr., 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. 41490-070119 adopted by the Council on Monday, July 1, 2019.

**PRESENT:** Council Members Joseph L. Cobb, Michelle L. Davis, Djuna L. Osborne, Patricia White-Boyd, William D. Bestpitch, and Mayor Sherman P. Lea, Sr.-6.

**ABSENT:** Council Member Anita J. Price-1.

The Mayor declared the existence of a quorum.

**OFFICERS PRESENT:** Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia F. McCoy, City Clerk.

The Invocation was delivered by Mayor Sherman P. Lea, Sr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Sherman P. Lea, Sr.

**PRESENTATIONS AND ACKNOWLEDGEMENTS:** NONE.

**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.

**PUBLIC LIBRARY CLOSURES AND PUBLIC WI-FI ACCESS:** Brian McConnell, 32 Elm Avenue, S. W., appeared before the Council regarding public library closures and public Wi-Fi access, and noted that closures posed a problem for those seeking to use Wi-Fi and asked Council to re-evaluate the closures.

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 were desired, the item would be removed from the Consent Agenda and considered separately. Mayor Lea called attention to five requests for Closed Meetings; three requests from the City Attorney, one request from the City Manager and a walk-on request from Council Member Michelle L. Davis, Chair, City Council Personnel Committee, to discuss a personnel matter, being the annual performances of the Council-Appointed Officers.

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL: Minutes of the regular meeting of City Council held on Monday, March 2, 2020, was before the body.

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

Vice-Mayor Cobb moved that the reading of the minutes be dispensed with and approved as recorded. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

CONSULT WITH LEGAL COUNSEL AND HEAR BRIEFINGS BY STAFF MEMBERS OR CONSULTANTS PERTAINING TO ACTUAL LITIGATION: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel and hear briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

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

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Vice-Mayor Cobb moved that Council concur in the request of the City Attorney as abovementioned. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

CONSULT WITH LEGAL COUNSEL AND HEAR BRIEFINGS BY STAFF MEMBERS OR CONSULTANTS PERTAINING TO ACTUAL LITIGATION: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel and hear briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

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

Vice-Mayor Cobb moved that Council concur in the request of the City Attorney as abovementioned. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

CONSULT WITH LEGAL COUNSEL AND HEAR BRIEFINGS BY STAFF MEMBERS OR CONSULTANTS PERTAINING TO ACTUAL LITIGATION: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel and hear briefings by staff members or consultants pertaining to actual litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended, was before the body.

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

Vice-Mayor Cobb moved that Council concur in the request of the City Attorney as abovementioned. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

ACQUISITION OF REAL PROPERTY FOR PUBLIC PURPOSES: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss and consider the acquisition of real property for public purposes, where discussion in an open meeting would adversely affect the bargaining position 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 Cobb moved that Council concur in the request of the City Manager as abovementioned. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

MINUTES OF THE AUDIT COMMITTEE: Minutes of the Audit Committee held on Monday, December 16, 2019, was before the body.

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

Vice-Mayor Cobb moved that the minutes be received and filed. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

OATHS OF OFFICE-YOUTH SERVICES CITIZEN BOARD-VISIT VIRGINIA'S BLUE RIDGE, BOARD OF DIRECTORS-PARKS AND RECREATION ADVISORY BOARD: Reports of qualifications of the following individuals were before the Council:

Christion Bryant as a (Student Alternate/William Fleming High School) representative to replace Lenora Morgan for a term of office ending June 30, 2020; and Benjamin Bazak as a (Public/Schools) representative for a three-year term of office, commencing July 1, 2020 and ending June 30, 2023 on the Youth Services Citizen Board;

Jeff Todd as a member of the Mill Mountain Advisory Board to fill the unexpired term of William Sellari ending June 30, 2020;

Auraliz Quintana as a member of the Roanoke Public Library Board to fill the unexpired term of office of Erin Ashwell ending June 30, 2020;

Shaleen Powell as a City representative of the Visit Virginia's Blue Ridge, Board of Directors for a one-year term of office ending June 30, 2020; and

Lauren Hartman and Chris Bryant as members of the Parks and Recreation Advisory Board for three-year terms of office, each, commencing April 1, 2020 and ending March 31, 2023.

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

Vice-Mayor Cobb moved that the reports of qualification be received and filed. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

ANNUAL PERFORMANCES OF THE COUNCIL-APPOINTED OFFICERS: A communication from Council Member Michelle L. Davis, 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, was before the body.

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

Vice-Mayor Cobb moved that Council concur in the request of Council Member Davis as abovementioned. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

#### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

WESTERN VIRGINIA WORKFORCE DEVELOPMENT BOARD PROGRAM YEAR 2018 WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) FUNDS: The City Manager submitted a written communication recommending recognition of the Western Virginia Workforce Development Board Program Year 2018 Workforce Innovation and Opportunity Act (WIOA) funds for award period February 1, 2020 to March 31, 2021.

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

Council Member Davis offered the following resolution:

(#41685-031620) A RESOLUTION acknowledging and recognizing the Workforce Innovation and Opportunity Act ("WIOA") funding from the Virginia Community College System in the amount of \$200,000.00 for the Economic Equity Initiative for the PY18 WIOA Dislocated Worker funds, for the award period of February 1, 2020, through March 31, 2021, the foregoing funding to be administered by the Western Virginia Workforce Development Board.

(For full text of resolution, see Resolution Book No. 80, page 770.)

Council Member Davis moved the adoption of Resolution No. 41685-031620. The motion seconded by Council Member White-Boyd and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

FY 2019 STATE HOMELAND SECURITY PROGRAM GRANT: The City Manager submitted a written communication recommending acceptance of the FY 2019 State Homeland Security Program Grant funds from the Virginia Department of Emergency Management in support of the City of Roanoke HAZMAT Team.

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

Council Member White-Boyd offered the following resolution:

(#41686-031620) A RESOLUTION accepting the FY 2019 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. 80, page 772.)

Council Member White-Boyd moved the adoption of Resolution No. 41686-031620. The motion seconded by Council Member Davis and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

Council Member Davis offered the following budget ordinance:

(#41687-031620) AN ORDINANCE appropriating funding from the U.S. Department of Homeland Security through the Commonwealth of Virginia Department of Emergency Management (VDEM) for hazardous materials emergency responses and training and development, amending and reordaining certain sections of the 2019 - 2020 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 80, page 773.)

Council Member Davis moved the adoption of Budget Ordinance No. 41687-031620. The motion seconded by Council Member White-Boyd and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

**WATER QUALITY-GLADE CREEK STREAM RESTORATION PROJECT:** The City Manager submitted a written communication recommending acquisition of real property rights in connection with the Water Quality-Glade Creek Stream Restoration Project.

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



Vice-Mayor Cobb offered the following ordinance:

(#41688-031620) AN ORDINANCE providing for the acquisition of real property rights needed by the City in connection with the Glade Creek at Gus Nicks Boulevard Stream Restoration Project (Project); authorizing City staff to acquire such property rights by negotiation for the City; authorizing the City Manager to execute appropriate acquisition documents; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 774.)

Vice-Mayor Cobb moved the adoption of Ordinance No. 41688-031620. The motion seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

13TH STREET BRIDGE OVER NORFOLK SOUTHERN RAILWAY REHABILITATION PROJECT: The City Manager submitted a written communication recommending acquisition of real property rights in connection with the construction of the 13th Street Bridge over Norfolk Southern Railway Rehabilitation Project.

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

Council Member Davis offered the following ordinance:

(#41689-031620) AN ORDINANCE providing for the acquisition of real property rights needed by the City in connection with the 13<sup>th</sup> Street Bridge, S. W., over Norfolk Southern Railroad Rehabilitation Project ("Project"); authorizing City staff to acquire such property rights by negotiation for the City; authorizing the City Manager to execute appropriate acquisition documents; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 775.)

Council Member Davis moved the adoption of Ordinance No. 41689-031620. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

**STORMWATER UTILITY FLOOD MITIGATION PROGRAM:** The City Manager submitted a written communication recommending acquisition of real property rights in connection with the Stormwater Utility Flood Mitigation Program.

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

Council Member Bestpitch offered the following ordinance:

(#41690-031620) AN ORDINANCE providing for the acquisition of real property rights needed by the City in connection with the City's Stormwater Utility Flood Mitigation Program; authorizing City staff to acquire such property rights by negotiation for the City; authorizing the City Manager to execute appropriate acquisition documents; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 776.)

Council Member Bestpitch moved the adoption of Ordinance No. 41690-031620. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

**CITY'S GO OUTSIDE FESTIVAL:** The City Manager submitted a written communication recommending appropriation of additional funding in connection with the City's GO Outside Festival.

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

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Council Member Bestpitch offered the following budget ordinance:

(#41691-031620) AN ORDINANCE appropriating additional revenues from the GO Outside Festival to be utilized for the growth of the event, amending and reordaining certain sections of the 2019 – 2020 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 80, page 778.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 41691-031620. The motion seconded by Council Member Davis and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

GENERAL OBLIGATION PUBLIC IMPROVEMENT REFUNDING BONDS: The City Manager submitted a written communication recommending authorization for issuance and sale of General Obligation Public Improvement Refunding Bonds.

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

Council Member Bestpitch offered the following resolution:

(#41692-031620) A RESOLUTION authorizing the issuance and sale of not to exceed twenty-three million dollars (\$23,000,000.00) aggregate principal amount of City of Roanoke, Virginia, General Obligation Public Improvement Refunding Bonds; fixing certain details of the bonds; 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. 80, page 779.)

Council Member Bestpitch moved the adoption of Resolution No. 41692-031620. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

DEVELOPMENT OF A DOWNTOWN PARKING FACILITY AND HOTEL AT 116 AND 120 CHURCH AVENUE, S. E.: The City Manager submitted a written communication recommending execution of Amendment No. 5 to the Agreement for Purchase and Sale of Real Property for development of a downtown parking facility and hotel at 116 and 120 Church Avenue, S. E.

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

Council Member White-Boyd offered the following ordinance:

(#41693-031620) AN ORDINANCE authorizing the City Manager to execute Amendment No. 5 to the Agreement for Purchase and Sale of Real Property for the Development of a Downtown Parking Facility and Hotel, dated September 20, 2018 (the "Agreement") between the City of Roanoke, Virginia (the "City"), Market Holdings, LLC, ("MH") and Big Lick Hospitality, LLC ("Big Lick"), which proposed Agreement provided that the City, as the owner of certain real property of approximately 0.3607 acres, together with improvements thereon, situated at 120 Church Avenue, S. E., Roanoke, Virginia, designated as Official Tax Map No. 4011413 ("City Parcel"); MH, as the owner of certain real property of approximately 0.5755 acres, together with improvements thereon, situated at 116 Church Avenue, S. E., Roanoke, Virginia, designated as Official Tax Map No. 4011412 ("MH Parcel"); and Big Lick, agreed that the City would (i) acquire the MH Parcel; (ii) consolidate the MH Parcel with the City Parcel (collectively, the "Property"); (iii) construct on the Property and own a Parking Facility, in fee simple, and (iv) convey to Big Lick condominium units, certain air rights, and appropriate nonexclusive easement rights within the Parking Facility for the construction and operation of a Hotel Facility to accommodate the operation of a Hotel on portions of the Property, to amend certain terms of the Agreement to extend the Inspection Period, as defined in the Agreement; reordaining Ordinance No. 41267-091718, adopted on September 17, 2018, Ordinance No. 41450-052019, adopted on May 20, 2019, Ordinance No. 41514-071519, adopted July 15, 2019, Ordinance No. 41595-102119 adopted October 21, 2019, and Ordinance No. 41654-012120 adopted January 21, 2020, only to the extent not inconsistent with this Ordinance; authorizing the City Manager to execute all documents necessary to perform, effectuate, administer, and enforce the proposed Amendment No. 5, Amendment No. 4, Amendment No. 3, Amendment No. 2, Amendment No. 1, and the Agreement; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 797.)

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Council Member White-Boyd moved the adoption of Ordinance No. 41693-031620. The motion seconded by Council Member Davis and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

**FIRST REINSTATED PERFORMANCE AGREEMENT FOR IMPROVEMENTS: Reconsideration of the execution of a First Reinstated Performance Agreement among the City of Roanoke, Economic Development Authority of the City of Roanoke, Virginia, and Rutherford Partners, LLC, for improvements to be made to 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W., at the 7:00 p.m. session, due to the City Attorney detecting an error in the original ordinance in connection with the abovementioned matter discovered following the recess of the 2:00 p.m. session. (See page 619.)**

FIRST REINSTATED PERFORMANCE AGREEMENT FOR PUBLIC INFRASTRUCTURE IMPROVEMENTS: The City Manager submitted a written communication recommending execution of a First Reinstated Performance Agreement among the City of Roanoke, Economic Development Authority of the City of Roanoke, Virginia, and Rutherford Partners, LLC, for public infrastructure improvements to be made adjacent to 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W.

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

Council Member Davis offered the following ordinance:

(#41694-031620) AN ORDINANCE authorizing the proper City officials to execute a First Reinstated Performance Agreement Regarding Special Construction Requirements Economic Development Grant Agreement among the City of Roanoke, Virginia (the "City"), the Economic Development Authority of the City of Roanoke, Virginia (the "EDA"), and Rutherford Partners, LLC (the "Developer"), a Virginia limited liability company, that provides for a grant equal to the lesser of (a) \$2,000,000.00, or (b) Developer's actual costs incurred for all Special Construction Requirements (the "Reinstated Performance Agreement") subject to certain undertakings and obligations by the parties in connection with the development of City-owned properties located at 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W., Roanoke, Virginia, as shown on Official Tax Map Nos. 1011105, 1011106, 1011107, 1011108, 1011109, 1011110, 1011116, 1011117, 1011118, 1011119, 1011120, 1011122, and 1011129 (the "Property") that the Developer will acquire for the construction of a redevelopment project that will consist of approximately 110,000 square feet of constructed area, including residences and office/retail space, as well as street trees, crosswalks, and more than 300 feet of linear sidewalk (the "Project"); 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 Reinstated Performance Agreement; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 800.)

Council Member Davis moved the adoption of Ordinance No. 41694-031620. The motion seconded by Council Member White-Boyd and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

FIRST REINSTATED PERFORMANCE AGREEMENT FOR SPECIAL CONSTRUCTION REQUIREMENTS: The City Manager submitted a written communication recommending execution of a First Reinstated Performance Agreement among the City of Roanoke, Economic Development Authority of the City of Roanoke, Virginia, and Rutherford Partners, LLC, for special construction requirements to be made to 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W.

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

Council Member White-Boyd offered the following ordinance:

(#41695-031620) AN ORDINANCE authorizing the proper City officials to execute a First Reinstated Performance Agreement Regarding Special Construction Requirements Economic Development Grant Agreement among the City of Roanoke, Virginia (the "City"), the Economic Development Authority of the City of Roanoke, Virginia (the "EDA"), and Rutherford Partners, LLC (the "Developer"), a Virginia limited liability company, that provides for a grant equal to the lesser of (a) \$2,000,000.00, or (b) Developer's actual costs incurred for all Special Construction Requirements (the "Reinstated Performance Agreement") subject to certain undertakings and obligations by the parties in connection with the development of City-owned properties located at 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W., Roanoke, Virginia, as shown on Official Tax Map Nos. 1011105, 1011106, 1011107, 1011108, 1011109, 1011110, 1011116, 1011117, 1011118, 1011119, 1011120, 1011122, and 1011129 (the "Property") that the Developer will acquire for the construction of a redevelopment project that will consist of approximately 110,000 square feet of constructed area, including residences and office/retail space, as well as street trees, crosswalks, and more than 300 feet of linear sidewalk (the "Project"); 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 Reinstated Performance Agreement; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 803.)

Council Member White-Boyd moved the adoption of Ordinance No. 41695-031620. The motion seconded by Vice-Mayor Cobb and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

**COMMENTS OF CITY MANAGER.**

The City Manager offered the following comments:

**Response to Coronavirus**

The City is taking steps to decrease the chances of our citizens being exposed to Coronavirus:

- Non-essential events have been cancelled for the next 30 days, including:
  - Library Events and Library Community Room Events (Libraries will remain open at this time)
  - Parks and Recreation Events and Rentals (Preston Park and Eureka Recreation Centers will remain open at this time; the Fishburn Mansion will cancel all events).
  - Roanoke Fire-EMS tours/events/public visitors
  - Roanoke Police tours/events
  - Roanoke City Jail Visits (virtual visits are available)
  - No new Assembly Permits will be accepted for the next 30 days.
- Leadership College has been postponed, with the intent of rescheduling it for a future time this year.
- Berglund Center has announced:
  - It is actively working with promoters and clients to reschedule as many events as possible. Events are rescheduling, canceling, or happening as planned on a case-by-case basis.
  - If a promoter or client decides to cancel or postpone events, they will communicate those changes to customers via direct e-mail, their website, and social media. Updates will be posted as soon as possible. If an event is canceled, refunds will be offered at the point-of-purchase.
  - To ensure the safest environment possible, their staff is proactively cleaning all common areas and making every effort to disinfect throughout our facilities, particularly in high traffic areas.
- A website has been established at [www.roanokeva.gov/coronavirus](http://www.roanokeva.gov/coronavirus), where you can find links to the most up-to-date information regarding the virus.

I want to thank our citizens for their patience and cooperation as the City makes all these adjustments in an abundance of caution to reduce the risk of exposure to the Coronavirus.



## REPORTS OF COMMITTEES:

**VARIOUS EDUCATIONAL PROGRAMS:** The Roanoke City School Board submitted a written report requesting appropriation of funds for various educational programs; and the City Manager 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 White-Boyd offered the following budget ordinance:

(#41696-031620) AN ORDINANCE to appropriate funding from Federal and Commonwealth Grants for various educational programs, amending and reordaining certain sections of the 2019 – 2020 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 80, page 806.)

Council Member White-Boyd moved the adoption of Budget Ordinance No. 41696-031620. The motion seconded by Council Member Bestpitch and adopted by the following vote:

**AYES:** Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

**NAYS:** None-0.

(Council Member Price was absent.)

**UNFINISHED BUSINESS: NONE.**

## INTRODUCTION AND CONSIDERATION OR ORDINANCES AND RESOLUTIONS:

**REDUCE GUN VIOLENCE IN THE COMMUNITY:** Vice-Mayor Cobb offered the following resolution to establish an ad hoc committee focused on the effort to reduce gun violence in the community:

(#41697-031620) A RESOLUTION creating an ad hoc committee to study, develop, and recommend strategies to address gun violence within the City of Roanoke, and establishing an effective date.

(For full text of resolution, see Resolution Book No. 80, page 807.)

Vice-Mayor Cobb moved the adoption of Resolution No. 41697-031620. The motion seconded by Council Member White-Boyd.

Vice-Mayor Cobb expressed gratitude to the members of the taskforce, stakeholders and community partners for their commitment to addressing gun violence and creating quality recommendations for action.

Council Member White-Boyd inquired if interested individuals could join the committee; whereupon, Vice-Mayor Cobb replied that interested persons could participate in the working groups.

There being no additional questions and/or comments by the Council Members, Resolution No. 41697-031620 was adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

**CITY COUNCIL MEETINGS THROUGH ELECTRONIC COMMUNICATION:**  
Council Member Davis offered the following resolution to establish a written policy for participation in City Council meetings through electronic communication:

(#41698-031620) A RESOLUTION establishing a written policy for participation in City Council meetings through electronic communication.

(For full text of resolution, see Resolution Book No. 80, page 810.)

Council Member Davis moved to Resolution No. 41698-031620. The motion seconded by Council Member Osborne.

Council Member Davis asked for clarification as to the purpose of the proposed resolution; whereupon, the City Attorney advised that the General Assembly amended electronic meetings to eliminate the core requirement for participation through electronic communications for members not present when the body was meeting can only occur when a quorum was in the room and noted that if four could not be together, the meeting would have to be cancelled and determined how to address the needs of the Charter.

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Following extensive discussion with regard to the resolution, Council Member White-Boyd inquired if the resolution would allow for the entire Council to meet remotely at one time; whereupon, the City Attorney advised that the Council could meet remotely solely for matters dealing with a state of emergency according to State Code.

There being no additional questions and/or comments by the Council Members, Resolution No. 41698-031620 was adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

## MOTION AND MISCELLANEOUS BUSINESS:

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

VIRGINIA WOMEN'S VETERANS WEEK: Council Member Bestpitch brought attention to commentary in *The Roanoke Times* on March 15 regarding the Virginia Women's Veterans Week; honoring women in uniform and who are currently serving in the military. He also honored the memory of Messrs. Daniel Hale and Sigmund Davidson who recently passed away.

COURSE OF ACTION FOR STUDENTS DUE TO CORONAVIRUS: Council Member Davis expressed regret to the Hale and Davidson families for not attending the funeral services; and commented due to the Coronavirus pandemic, Roanoke City Schools were delivering breakfast and lunch to students via bus stops, taking orders for breakfast and lunch for the next day; students will be able to pick up homework and other educational materials at the bus stops and/or at their school; Boys and Girls Club will offer free snacks and dinner to those under the age of 19, a site will also be set up at Belmont Library.

FEEDING SOUTHWEST VIRGINIA: Council Member Davis also advised that Feeding Southwest Virginia planned to activate their summer food program early and is seeking permission from the USDA to provide food boxes to families in need. She urged citizens to contact United Way and Council of Community Services for resources, if so desired, to offer assistance to the community.

ROANOKE VALLEY GIVES DAY: Council Member Davis acknowledged the Roanoke Valley Gives Day on Wednesday, March 18, 2020; and noted that information with regard to the all-day event would be posted on her Facebook page.

**NON-PROFIT AGENCIES:** Mayor Lea thanked City Council and commended the non-profit agencies caring for the vulnerable in the community and all citizens for serving the community by providing food and medicine during this time.

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

At 3:39 p.m., Mayor Lea declared the Council meeting in recess and thereafter to reconvene at 7:00 p.m., in the 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 Sherman P. Lea, Sr., presiding.

**PRESENT:** Council Members Joseph L. Cobb, Michelle L. Davis, Djuna L. Osborne (arrived late), Patricia White-Boyd, William D. Bestpitch and Mayor Sherman P. Lea, Sr.-6.

**ABSENT:** Council Member Anita J. Price-1.

The Mayor declared the existence of a quorum.

**OFFICERS PRESENT:** Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia F. McCoy, City Clerk.

The Invocation was delivered by The Reverend Milton Hardy, Jr., Pastor, Paradise Cathedral.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Sherman P. Lea, Sr.

At this point, Council Member Osborne entered the meeting. (7:05 p.m.)

**CERTIFICATION OF CLOSED MEETING:** With respect to the Closed Meeting just concluded, Council Member White-Boyd moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion seconded by Vice-Mayor Cobb and adopted by the following vote:

**AYES:** Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

# 618

NAYS: None-0.

(Council Member Price was absent.)

## PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-PROCLAMATIONS: Mayor Lea declared March 2020 as Girl Scouts Month, read the proclamation in its entirety and advised that it would be forwarded to the Girl Scouts of Virginia Skyline.

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

## NEW BUSINESS:

DIRECTOR OF EMERGENCY MANAGEMENT: The City Manager submitted a written communication recommending the confirmation of the City Manager's declaration of a local emergency; conferring emergency powers in the City Manager as Director of Emergency Management; authorizing the City Manager to make application for Federal and State public assistance to deal with such emergency; designating a fiscal agent and an agent for submission of financial information for the City; and calling upon the Federal and State governments for assistance.

(#41699-031620) A RESOLUTION confirming the City Manager's declaration of a local emergency; conferring emergency powers in the City Manager as Director of Emergency Management; authorizing the City Manager to make application for Federal and State public assistance to deal with such emergency; designating a fiscal agent and an agent for submission of financial information for the City; and calling upon the Federal and State governments for assistance.

(For full text of ordinance, see Ordinance Book No. 80, page 811.)

Council Member Bestpitch moved the adoption of Ordinance No. 41699-031620. The motion seconded by Council Member Davis and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

## UNFINISHED BUSINESS:

The Mayor called attention to the following agenda item that had been before the body at 2:00 p.m.

**FIRST REINSTATED PERFORMANCE AGREEMENT FOR IMPROVEMENTS:**  
The City Attorney having advised of an error in the Ordinance in connection with Agenda Item 7.a.9. regarding the execution of a First Reinstated Performance Agreement among the City of Roanoke, Economic Development Authority of the City of Roanoke, Virginia, and Rutherford Partners, LLC, for improvements to be made to 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W., Vice-Mayor Cobb moved that the abovementioned matter be reconsidered for action by the Council. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

Council Member White-Boyd moved to amend the ordinance in connection with the First Reinstated Performance Agreement among the City of Roanoke, Economic Development Authority of the City of Roanoke, Virginia, and Rutherford Partners, LLC, for improvements to be made to 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

# 620

Council Member White-Boyd offered the following ordinance:

(#41700-031620) AN ORDINANCE authorizing the proper City officials to execute a First Reinstated Performance Agreement Regarding Operation Period Economic Development Grant ("Reinstated Performance Agreement") among the City of Roanoke, Virginia (the "City"), the Economic Development Authority of the City of Roanoke, Virginia (the "EDA"), and Rutherford Partners, LLC (the "Developer"), a Virginia limited liability company, that provides for a grant estimated to not exceed \$1,500,000.00 subject to certain undertakings and obligations by the parties in connection with the development of City-owned properties located at 29 Campbell Avenue, S. W., and 30 Salem Avenue, S. W., Roanoke, Virginia, as shown on Official Tax Map Nos. 1011105, 1011106, 1011107, 1011108, 1011109, 1011110, 1011116, 1011117, 1011118, 1011119, 1011120, 1011122, and 1011129 ("Property") that the Developer will acquire for the construction of a redevelopment project that will consist of approximately 110,000 square feet of constructed area, including residences and office/retail space, as well as street trees, crosswalks, and more than 300 feet of linear sidewalk (the "Project"); 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 Reinstated Performance Agreement; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 813.)

Council Member White-Boyd moved the adoption of Amended Ordinance No. 41700-031620. The motion seconded by Council Member Davis and adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

## PUBLIC HEARINGS:

VACATION OF TWO ADJOINING ALLEYS: 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 16, 2020, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Hamlar Properties, LLC, to vacate two adjoining alleys that run from Fairfax Avenue, N. W., to Moorman Avenue, N. W., and from 10th Street, N. W., to Fairfax Avenue, N. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, December 31, 2019 and Tuesday, January 7, 2020.

(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 the two adjoining alleys as requested, contingent upon the following conditions:

1. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Such plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of and all existing utilities that may be located within the right-of-way, including the right of ingress and egress. The final plat shall include details as to the agreed-upon deeded access and be signed by all adjoining property owners who are receiving said easements.
2. Prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall, as consideration pursuant to §15.2-2008, Code of Virginia (1950), as amended, for the vacated right-of-way, either give to the Treasurer for the City of Roanoke a certified check or cash in the amount of \$7,120.00 or offset the valuation with improvements made within the public right of way that are approved by the Agent for the Planning Commission.
3. Upon meeting all conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
4. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
5. If the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance will be null and void with no further action by City Council being necessary, unless extended by the Agent for the Planning Commission for an additional six (6) months prior to the end of the twelve (12) month period.



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

Council Member White-Boyd offered the following ordinance:

(#41701-031620) AN ORDINANCE permanently vacating, discontinuing and closing a public right-of-way in the City of Roanoke located at Fairfax Avenue, N. W., and Moorman Avenue, N. W., and adjacent to Official Tax Map Nos. 2110209, 21102213, 2110214, 2110215, 2110216, and 2110217, 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. 80, page 816.)

Council Member White-Boyd moved the adoption of Ordinance No. 41701-031620. The motion seconded by Council Member Davis.

The Mayor inquired if there were persons present who wished to speak on the matter; whereupon, the following individual appeared before the Council.

Dr. Carl Bentley, 3409 Overview Drive, appeared before the Council in opposition of the alley closure noting that with a zero lot line between the Hamlar-Curtis Funeral Home property and his property, anytime someone stepped outside of his gate they would immediately trespass on Hamlar-Curtis property. He asked the Council to consider granting an easement to allow him permission to use the area in the event of an emergency.

Council Member Bestpitch inquired as to the timeline in which Mr. Bentley contacted Mr. Hamlar with regard to the alley closure; whereupon Dr. Bentley advised that he received a letter from Byron Hamlar in December 2018 requesting support of the closure by signature. He explained that he responded to Mr. Hamlar by letter requesting that an easement to enter and exit on the property be granted, which received no response.

The Assistant City Manager for Community Development advised of a condition in the proposed ordinance requiring Dr. Bentley's signature and advised that the City Planning Commission report stated that Mr. Hamlar had spoken with his neighbors and was going to give deeded access to Dr. Bentley and that Hamlar Properties, LLC, would take care of any necessary fees to do so.

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

There being no additional comments and/or questions by the Council Members, Ordinance No. 41701-031620 was adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and

Mayor Lea-6.

NAYS: None-0.

(Council Member Price was absent.)

**ALLEY CLOSURE:** 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 16, 2020, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Eric Ferris for alley closure by barricade between 16th Street, N. W., and 17th Street, N. W., parallel to Shenandoah Avenue, N. W., the matter was before the body.

Inasmuch as the City Planning Commission continued the abovementioned matter to Monday, April 13, 2020, the Mayor advised that the item was withdrawn since City Council had no jurisdiction to hear the matter at this time.

**COOPER CROUSE-HINDS, LLC:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, March 16, 2020 at 7:00 p.m., or as soon thereafter as the matter may be heard, to receive citizen comments with regard to the proposal of the City of Roanoke to ratify, confirm and authorize the sale of City-owned property situated within the Roanoke Centre for Industry and Technology located at 1700 Blue Hills Drive, N. E., consisting of approximately 48.26 acres designated as Official Tax Map No. 7210103; and 0 Orange Avenue, N. E., consisting of approximately 9.997 acres of City-owned property, designated as Official Tax Map No. 7200106; to Cooper Crouse-Hinds, LLC, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, March 9, 2020.

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

The City Manager submitted a written report recommending the ratification and confirmation of the Lease and Option Agreement and execution of a Deed to convey the Property and the Adjoining Property to Cooper Crouse-Hinds, LLC, and such other documents subject to approval as to form by the City Attorney.

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

Council Member Bestpitch offered the following ordinance:

(#41702-031620) AN ORDINANCE authorizing the City Manager to execute a Deed from the City of Roanoke, Virginia ("City"), to Cooper Crouse-Hinds LLC, a Delaware limited liability company qualified to transact business in the Commonwealth of Virginia, to convey to Cooper Crouse-Hinds LLC certain real property located at

1700 Blue Hills Drive, N. E., Roanoke, Virginia 24012, designated as Official Tax Map No. 7210103, consisting of approximately 48.26 acres, more or less (Property) as well as adjoining property located at 0 Orange Avenue, N. E., Roanoke, Virginia 24012, designated as Official Tax Map No. 7200106, consisting of approximately 9.997 acres, more or less, together with all improvements thereon, pursuant to terms and conditions of a Lease and Option Purchase Agreement dated July 7, 1983; authorizing the City Manager to execute such further documents and take such further actions as may be necessary to accomplish the above matters; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 819.)

Council Member Bestpitch moved the adoption of Ordinance No. 41702-031620. The motion seconded by Council Member White-Boyd.

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. 41702-031620 was adopted by the following vote:

AYES: Council Members Cobb, Davis, Osborne, White-Boyd, Bestpitch and Mayor Lea-6.

NAYS: None-0.


(Council Member Price was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: NONE.


There being no further business to come before the Council, Mayor Lea declared the regular meeting adjourned at 7:47 p.m.

A P P R O V E D

ATTEST:



Cecelia F. McCoy, CMC  
City Clerk



Sherman P. Lea, Sr.  
Mayor

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