

ROANOKE CITY COUNCIL-REGULAR SESSION

May 20, 2019

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, May 20, 2019 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. 41181-070218 adopted by the Council on Monday, July 2, 2018.

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

ABSENT: Vice-Mayor Joseph L. Cobb-1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia T. Webb, Assistant Deputy City Clerk.

The Invocation was delivered by The Reverend Alexander McPhail, Pastor, Christ Episcopal Church.

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 (2:04 p.m.).

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.

COMMUNITY ISSUES: Martin Jeffrey, 421 Fairfax Avenue, N. W., representing Southwest Virginia Civil Rights Action Center, appeared before the Council in opposition of the proposed plaza honoring Oliver White Hill; and he commented on remarks from the City Attorney and the Assistant City Manager for Community Development with regard to the 10th Street Improvement Project.

The City Attorney agreed to address Mr. Jeffrey's concerns in writing.

CHIEF OF POLICE: Brenda Hale, President, Roanoke Chapter of the NAACP, appeared before the Council regarding violence in the City and previous insensitive comments by the Chief of Police.

Regarding the Chief of Police's remarks at a previous Council Meeting, Council Member Bestpitch commented it is incumbent upon everyone to do his or her part. He pointed out that questions had not been raised about law enforcement presence in the downtown area, such as are citizens aware of police officers in the area, and should officers be in plain clothes or in uniform.

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.

MINUTES OF THE MEETINGS OF CITY COUNCIL: Minutes of the regular meetings of City Council held on Monday, April 1, 2019, and Monday, April 15, with a recessed meeting of Council held on Thursday, April 25, 2019; and a Special Meeting of Council held on Monday, April 15, 2019, were before the body.

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

Following the City Manager's comments about receiving needles, and that citizens must go through the intake process prior to going to the mobile unit, Resolution No. 41447-052019 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Cobb was absent.)

ENCROACHMENT IN CITY'S RIGHT-OF-WAY LOCATED AT 3024 MAYWOOD ROAD, S. W.: The City Manager submitted a written communication recommending authorization of an encroachment in City's right-of-way located at 3024 Maywood Road, S. W.

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

Council Member White-Boyd offered the following ordinance:

(#41448-052019) AN ORDINANCE allowing the encroachment of three retaining walls into the public right of way, at the request of Anthony James McNeeny and Elin Rohani a/k/a Elin McNeeny (collectively "Owner"), the owner of certain real estate located at 3024 Maywood Road, S. W., Roanoke, Virginia, bearing Roanoke Official Tax Map No. 1070805 ("Property"), for the placement and construction of three retaining walls on and within a portion of the public right of way located along Maywood Avenue, S. W., and adjacent to the Property; 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. 80, page 381.)

Council Member White-Boyd moved the adoption of Ordinance No. 41448-052019. The motion seconded by Council Member Price and adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Cobb was absent.)

VIRGINIA DEPARTMENT OF TRANSPORTATION PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT EXTENSION ADDENDUM: The City Manager submitted a written communication recommending execution of the Virginia Department of Transportation Programmatic Project Administration Agreement Extension Addendum for revenue sharing funds.

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

Council Member Davis offered the following resolution:

(#41449-052019) A RESOLUTION authorizing the City Manager to execute a Virginia Department of Transportation ("VDOT") Programmatic Project Administration Agreement ("PPAA") for Revenue Sharing Funds; and authorizing the City Manager to provide any additional information, execute any necessary additional documents, and to take certain other actions to accept, receive, implement, use, and administer the PPAA.

(For full text of resolution, see Resolution Book No. 80, page 386.)

Council Member Davis moved the adoption of Resolution No. 41449-052019. The motion seconded by Council Member Osborne.

Martin Jeffrey, 421 Fairfax Avenue, N. W., appeared before the Council and expressed concern about misrepresentation regarding City projects. He apologized to the City Attorney and Assistant City Manager for Community Development about his previous comments.

After the Assistant City Manager for Operations explained that the revenue sharing agreement was for locally administered projects, adding the Virginia Department of Transportation was the responsible party in connection with the 10th Street Improvement Project, Resolution No. 41449-052019 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Cobb was absent.)

EXECUTION OF AMENDMENT NO. 1 TO THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY: The City Manager submitted a written communication recommending execution of Amendment No. 1 to the Agreement for Purchase and Sale of Real Property for the development of a downtown parking facility and hotel.

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

Council Member Osborne offered the following ordinance:

(#41450-052019) AN ORDINANCE authorizing the City Manager to execute Amendment No. 1 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, upon certain terms and conditions; authorizing the City Manager to execute all documents necessary to perform, effectuate, administer, and enforce the proposed Amendment No. 1 and Agreement; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 387.)

Council Member Osborne moved the adoption of Ordinance No. 41450-052019. The motion seconded by Council Member Price and adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Cobb was absent.)

COMMENTS OF CITY MANAGER.

The City Manager offered the following comments:

Roanoke's festival season has begun. This past weekend, the Annual Local Colors Festival was held in Elmwood Park.

51st Roanoke Festival in the Park

- May 24 - 26
- This event began its run in 1968 and has continued annually over the Memorial Day weekend since then in Roanoke's Elmwood Park.
- Includes arts, crafts, children's activities, and musical concerts.

The kick-off to music for Festival in the Park will be the first concert for the Bud "Light Up the Night" Concert Series

- Sunday, May 24
- Performers will be the band "Styx"
- Gates open at 5:00 p.m., music starts at 7:00 p.m.

21st Annual Lebanese Festival

- The event will be held May 31 to June 2 at St. Elias Maronite Catholic Church, located at 4730 Cove Road, N. W.
- Friday and Saturday 11:00 a.m. – 9:00 p.m.; Sunday 11:00 a.m. – 8:00 p.m.
- Offers delicious Lebanese food, Lebanese music, folk dances, kid's activities, and more.
- Admission is free.
- This is a community-wide event.
More information at <http://lebanesefestival.steliaschurch.org>

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OR ORDINANCES AND RESOLUTIONS:

ECONOMIC DEVELOPMENT AUTHORITY: Council Member Bestpitch offered the following resolution reappointing Braxton G. Naff as a Director of the City of Roanoke Economic Development Authority, commencing October 21, 2019, and ending October 20, 2023:

(#41451-052019) A RESOLUTION appointing a Director of the Economic Development Authority of the City of Roanoke.

(For full text of resolution, see Resolution Book No. 80, page 389.)

Council Member Bestpitch moved the adoption of Resolution No. 41451-052019. The motion seconded by Council Member Price and adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Cobb was absent.)

MOTION AND MISCELLANEOUS BUSINESS:

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

CHURCH AVENUE WAR MEMORIAL PLAZA: Council Member Bestpitch thanked the City Manager for his efforts regarding the renaming process for the Church Avenue War Memorial Plaza.

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

At 3:38 p.m., Mayor Lea declared the Council meeting in recess until 7:00 p.m., in the Council Chamber, Room 450, Noel C. Taylor Municipal Building.

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 Anita J. Price, Patricia White-Boyd, William D. Bestpitch, Michelle L. Davis, Djuna L. Osborne and Mayor Sherman P. Lea, Sr.-6.

ABSENT: Vice-Mayor Joseph L. Cobb-1.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Cecelia T. Webb, Assistant Deputy City Clerk.

The Invocation was delivered by The Reverend Cecil Scott, Pastor, The Vine Church.

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

PRESENTATIONS AND ACKNOWLEDGEMENTS:

COMMUNITY SERVICE PROJECTS IN THE ROANOKE VALLEY: Mayor Lea recognized four members of the Phi Beta Sigma Fraternity, Incorporated with regard to community service projects in the Roanoke Valley; and presented each with a Certificate of Appreciation.

LEADERSHIP COLLEGE: Mayor Lea recognized the City of Roanoke 2019 Leadership College Graduates; and presented each with a Certificate of Achievement.

PUBLIC HEARINGS:

CARMAX AUTO SUPERSTORES: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, May 20, 2019 at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of CarMax Auto Superstores to repeal all conditions proffered as part of a previous rezoning and establish new conditions on property located at 2903 and 0 (zero) Peters Creek Road, N. W.; bearing Official Tax Map Nos. 6410105 and 6410106, and to rezone 2839 Peters Creek Road, N. W., bearing Official Tax Map No. 6410104, from CG, Commercial-General District, to CLS, Commercial-Large Site District, with conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, April 30, 2019 and Tuesday, May 7, 2019.

(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, Peters Creek North Neighborhood Plan, and Zoning Ordinance as the subject property will be redeveloped and used in a manner appropriate to the surrounding area.

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

Council Member Bestpitch offered the following ordinance:

(#41452-052019) AN ORDINANCE repealing all conditions proffered as part of Ordinance No. 36747-062104, adopted June 21, 2004, to the extent that it placed certain conditions on property located at 2903 and 0 (zero) Peters Creek Road, N. W., and establishing a new condition on such property; and rezoning certain property located at 2839 Peters Creek Road, N. W., from CG, Commercial-General District, to CLS, Commercial-Large Site District, with that same new condition; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 390.)

Council Member Bestpitch moved the adoption of Ordinance No. 41452-052019. The motion seconded by Council Member Osborne and adopted by the following vote:

Maryellen F. Goodlatte, Esquire, representing the petitioner, appeared before the Council in support of the request.

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. 41452-052019 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Cobb was absent.)

SALE OF PROPERTY LOCATED AT 5550 AND 5540 PRECISION CIRCLE, N. W.: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, May 20, 2019 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to consider the sale of approximately 3.02 acres of land located at 5550 Precision Circle, N. W., Official Tax Map No. 6640123 and 5540 Precision Circle, N. W., Official Tax Map No. 6640124 to the Roanoke Regional Airport Commission for the sum of \$380,000.00, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, May 13, 2019.

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

The City Manager submitted a written report recommending execution of contract, 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:

(#41453-052019) AN ORDINANCE authorizing the proper City officials to execute a Contract for Purchase and Sale of Real Property ("Contract") between the City of Roanoke, Virginia ("City"), and Roanoke Regional Airport Commission ("Commission"), to sell to Commission approximately 3.02 acres of City-owned property, together with improvements thereon, located at 5550 and 5540 Precision Circle, N. W, Roanoke, Virginia, which parcels consist of City-owned property designated as Official Tax Map Nos. 6640123 and 6640124, upon certain terms and conditions; 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 392.)

Council Member Bestpitch moved the adoption of Ordinance No. 41453-052019. 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. 41453-052019 was adopted by the following vote:

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

NAYS: None-0.

(Vice-Mayor Cobb was absent.)

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

LEA YOUTH OUTDOOR BASKETBALL SUMMER LEAGUE: Chris Craft, an ambassador for the Lea Youth Outdoor Basketball Summer League, appeared before the Council to extend an invitation to the summer games in Melrose Park.

CHIEF OF POLICE: Catherine Koebel, representing Roanoke Indivisible, Barbara Andes, 2803 Rosalind Avenue, S. W., and Patricia Suppes, 2139 Broadway Avenue, S. W., appeared before the Council regarding recent comments made by the Chief of Police


Council Member Davis commented unfortunately society has grown so far apart and all human beings should refer and/or speak to one another with respect.

Council Member White-Boyd commented that she felt the passion behind the words spoken by the citizens and encouraged all to continue to work with the Council to address violence in the City.

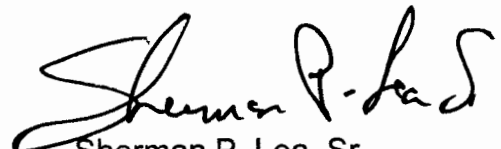
There being no further business to come before the Council, Mayor Lea declared the regular meeting adjourned at 7:51 p.m.

APPROVED

ATTEST:



Cecelia T. Webb, CMC
Assistant Deputy City Clerk



Sherman P. Lea, Sr.
Mayor
