

## ROANOKE CITY COUNCIL-REGULAR SESSION

June 17, 2019

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, June 17, 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 William D. Bestpitch, Joseph L. Cobb, Michelle L. Davis, Djuna L. Osborne, Anita J. Price, Patricia White-Boyd and Mayor Sherman P. Lea, Sr.-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Robert S. Cowell, Jr., City Manager; Daniel J. Callaghan, City Attorney; and Stephanie M. Moon Reynolds, City Clerk.

The Invocation was delivered by The Reverend Sue Bentley, Pastor, St. James Episcopal Church.

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

ANNOUNCEMENTS:

STATE OF THE CITY ADDRESS: The Mayor's Annual State of the City Address on Thursday, August 29, 2019 at 8:00 a.m., at the Hotel Roanoke and Conference Center, 110 Shenandoah Avenue, N. E.

ALL-AMERICA CITY HALL OF FAME WINNER: The City of Roanoke selected as the first ever All-America City Hall of Fame Winner. Roanoke has a long history with the All-America City Award, receiving this recognition for a record seven times.

As part of the delegation from Roanoke, the Mayor will travel to the All-America City Awards Competition and Conference in Denver, Colorado, to accept the award.

OATHS OF OFFICE-ECONOMIC DEVELOPMENT AUTHORITY-ROANOKE VALLEY RESOURCE AUTHORITY-ROANOKE ARTS COMMISSION: Reports of qualifications of the following individuals were before the Council:

Braxton G. Naff as a Director of the Economic Development Authority of the City of Roanoke for a four-year term of office ending October 20, 2023;

Broadus Fitzpatrick as a City representative of the Roanoke Valley Resource Authority for a four-year term of office, commencing January 1, 2020 and ending December 31, 2023;

Tranay Wilson as a member of the Roanoke Arts Commission for a three-year term of office, commencing July 1, 2019 and ending June 30, 2022; and

Lora Katz as a member of the Roanoke Arts Commission for a three-year term of office ending June 30, 2022.

(See Oaths or Affirmations of Office on file in the City Clerk's Office.)

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

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

NAYS: None-0.

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

#### REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

CITY MANAGER:

BRIEFINGS: NONE.

Vice-Mayor Cobb moved the adoption of Resolution No. 41470-061719. The motion seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd and Mayor Lea-7.

NAYS: None-0.

2019 - 2020 COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIPS PROGRAM AND EMERGENCY SOLUTIONS GRANT FUNDS: The City Manager submitted a written communication recommending acceptance and appropriation of 2019 - 2020 Community Development Block Grant, HOME Investment Partnerships Program and Emergency Solutions Grant Funds.

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

Council Member Bestpitch offered the following resolution:

(#41471-061719) A RESOLUTION accepting the Fiscal Year 2019 - 2020 Community Development Block Grant, HOME Investment Partnerships Program funds, and Emergency Solutions Grant funds; and authorizing the City Manager to execute Grant Agreements, Funding Approvals and other documents required by the United States Department of Housing and Urban Development ("HUD"), and such subgrant agreements, amendments and other documents as may be required pursuant to the Annual Update to the 2019 - 2020 HUD Action Plan ("Annual Update"), under certain conditions.

(For full text of resolution, see Resolution Book No. 80, page 435.)

Council Member Bestpitch moved the adoption of Resolution No. 41471-061719. The motion seconded by Council Member Osborne and adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd and Mayor Lea-7.

NAYS: None-0.

Witness the following signature made this 17<sup>th</sup> day of June 2019.

S/Djuna L. Osborne  
Djuna L. Osborne, Member of Council"

(See Statement of Conflict of interest on file in the City Clerk's Office.)

Council Member White-Boyd offered the following resolution:

(#41473-061719) A RESOLUTION approving the recommendations of the Human Services Advisory Board ("Board") for allocation of City funds to various qualified agencies to assist such agencies in the performance of their programs for Fiscal Year 2019 - 2020, and authorizing the City Manager or his designee to execute a contract with the Council of Community Services to perform the necessary performance audits to evaluate the effectiveness and efficiency of all the funded programs by such agencies.

(For full text of resolution, see Resolution Book No. 80, page 439.)

Council Member White-Boyd moved the adoption of Resolution No. 41473-061719. The motion seconded by Council Member Price and adopted by the following vote:

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

NAYS: None-0.

(Council Member Osborne abstaining.)

Council Member White-Boyd offered the following budget ordinance:

(#41474-061719) AN ORDINANCE to transfer funding to specific Human Services Committee agencies, 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 441.)

Council Member White-Boyd moved the adoption of Budget Ordinance No. 41474-061719. The motion seconded by Council Member Price.

Council Member Bestpitch offered the following budget ordinance:

(#41476-061719) AN ORDINANCE to appropriate funding from a donor that wishes to remain anonymous for the Parks and Recreation Department for the ongoing collaborative work of the Mill Mountain Garden club. Benefitting the Mill Mountain Wildflower garden, amending and reordaining certain sections of the 2018 - 2019 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 443.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 41476-061719. The motion seconded by Council Member White-Boyd and adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd and Mayor Lea-7.

NAYS: None-0.

**ENTERPRISE ZONE PROGRAM BUDGET ACTIVITIES: Reconsideration of a transfer of Enterprise Zone Program Budget Activities from Capital Projects to Special Revenue Funds, during the 7:00 p.m. session, due to Council Member Osborne having inadvertently acknowledged a personal conflict in connection with the abovementioned matter in error discovered following the recess of the 2:00 p.m. session. (See Page 192)**

**ANNUAL FIREWORKS SHOW AT RIVER'S EDGE SPORTS COMPLEX:** The City Manager submitted a written communication recommending execution an Agreement with Carilion Property Management, Inc., in connection with Annual Fireworks Show at River's Edge Sports Complex on July 4, 2019.

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

Council Member Osborne read into the record the following Conflict of Interest Statement in connection with the abovementioned matter:

SPECIAL CONSTRUCTION REQUIREMENTS REGARDING 29 SALEM AVENUE, S. W., AND 30 SALEM AVENUE, S. W.: The City Manager submitted a written communication recommending execution of Performance Agreement among the City of Roanoke, Economic Development Authority of the City of Roanoke, Virginia, and Hist:Re Partners, LLC, for Special Construction Requirements Regarding 29 Salem Avenue, S. W., and 30 Salem Avenue, S. W.

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

At this point, Council Member Davis called attention to a Statement of Conflict of Interest read into the record on July 16, 2018, whereby acknowledging a personal conflict in connection with the abovementioned matter.

(See copy of Statement of Conflict of Interest on file in the City Clerk's Office.)

Council Member Bestpitch offered the following ordinance:

(#41478-061719) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement Regarding Special Construction Requirements Economic Development Grant among the City of Roanoke, Virginia (the "City"), the Economic Development Authority of the City of Roanoke, Virginia (the "EDA"), and Hist:Re 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, subject to certain undertakings and obligations by the parties in connection with the development of City-owned properties located at 29 Salem 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 Performance Agreement; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 445.)

Vice-Mayor Cobb moved the adoption of Ordinance No. 41479-061719. The motion seconded by Council Member Osborne and adopted by the following vote:

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

NAYS: None-0.

(Council Member Davis abstaining.)

IMPROVEMENTS TO 29 SALEM AVENUE, S. W., AND 30 SALEM AVENUE, S. W.: The City Manager submitted a written communication recommending execution of Performance Agreement among the City of Roanoke, Economic Development Authority of the City of Roanoke, Virginia, and Hist:Re Partners, LLC, for Improvements to 29 Salem 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 once again called attention to a Statement of Conflict of Interest read into the record on July 16, 2018, whereby acknowledging a personal conflict in connection with the abovementioned matter.

(See copy of Statement of Conflict of Interest on file in the City Clerk's Office.)

Council Member Price offered the following ordinance:

(#41480-061719) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement Regarding Operation Period Economic Development Grant among the City of Roanoke, Virginia (the "City"), the Economic Development Authority of the City of Roanoke, Virginia (the "EDA"), and Hist:Re 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 Salem 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 Performance Agreement; and dispensing with the second reading of this Ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 449.)

## COMMENTS OF CITY MANAGER.

The City Manager offered the following comments:

**Budget Document is Available**

- The Fiscal Year 2020 Adopted Budget document will be available this afternoon, June 17. Staff will provide Council members with a link to the document on the city's website.
- In addition, staff will distribute hard copies to the City Clerk's Office and to the Main Library, as well as maintain a copy in our Management and Budget office for the public to view.

**2nd Annual Clean Valley Riverfest**

- Clean Valley Council will hold this event in Smith Park on June 29, 11:00 a.m. to 4:00 p.m.
- Features the Recycled Regatta and Duck Race, with 10,000 rubber duckies that will race through the course. There will also be music, food trucks, and workshops to educate attendees about pollution prevention and environmental conservation.
- More information is available at [cleanvalley.org](http://cleanvalley.org)

**Roanoke's "Fireworks on the Fourth"**

- The fun will take place at River's Edge Sports Complex South on Thursday, July 4 at 7:00 p.m.
- Bring your family and some lawn chairs or blankets, and enjoy food trucks, bouncy castles, face painting, and live patriotic music performed by Winds of the Blue Ridge. Fireworks begin at 9:15 p.m.
- If it rains, the fireworks rescheduled for following day, Friday, July 5, at same time.
- Information about specific street closings and other details available at [roanokeplay.com](http://roanokeplay.com).

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OR ORDINANCES AND RESOLUTIONS: NONE.

MOTION AND MISCELLANEOUS BUSINESS:



The Invocation was delivered by The Reverend Russ Merritt, Pastor, Northminster Presbyterian Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Boy Scout Michael Rocz.

At this point, Mayor Lea entered the Council Chamber. (7:04 p.m.)

**UNFINISHED BUSINESS:**

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

**ROANOKE INNOVATES MARKETING EFFORTS:** Council Member Osborne having to acknowledge a personal conflict of interest in connection with Agenda Item 7.a.5. regarding the acceptance of a Grant from the Economic Development Authority of the City of Roanoke for expenses related to Roanoke Innovates Marketing Efforts, Council Member Bestpitch moved that the abovementioned matter be reconsidered for action by the Council. The motion was seconded by Vice-Mayor Cobb and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd and Mayor Lea-7.

**NAYS:** None-0.

At this point, Council Member Osborne read into the record the following Conflict of Interest Statement in connection with the abovementioned matter:

**“STATEMENT OF CONFLICT OF INTEREST”**

I, Djuna L. Osborne, state that I have a personal interest in Agenda Section 7, Item 7.a.5, of the 2:00 p.m. Session of City Council on June 17, 2019, Regarding the acceptance of a Grant from the Economic Development Authority of the City of Roanoke for the Expenses Related to Roanoke Innovates Marketing Efforts, and reconsidered by City Council during its 7:00 p.m. session on June 17, 2019, because Carilion Clinic is involved in the Innovation Corridor, is an affiliate of Carilion Roanoke Hospital, and my husband is a physician with Carilion Roanoke Hospital. My husband has no interest in the Innovation Corridor and does not participate in any processes with respect to the role of Carilion Clinic in the Innovation Corridor.

Pursuant to Section 2.2-3112 of the Code of Virginia, I will not participate in this matter and I ask that the City Clerk accept this statement and ask that it be made part of the minutes of this meeting.

Council Member White-Boyd moved the adoption of Budget Ordinance No. 41483-061719. The motion seconded by Council Member Price and adopted by the following vote:

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

NAYS: None-0.

(Council Member Osborne abstaining.)

ENTERPRISE ZONE PROGRAM BUDGET ACTIVITIES: Council Member Osborne having inadvertently acknowledged a personal conflict of interest in connection with Agenda Item 7.a.7. regarding the transfer of Enterprise Zone Program Budget Activities from Capital Projects to Special Revenue Funds, Council Member Bestpitch moved that the abovementioned matter be reconsidered for action by the Council. The motion was seconded by Vice-Mayor Cobb and adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd and Mayor Lea-7.

NAYS: None-0.

Council Member Bestpitch offered the following budget ordinance:

(#41484-061719) AN ORDINANCE to transfer funding from the Enterprise Zone loan program, 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 455.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 41484-061719. The motion seconded by Council Member White-Boyd and adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd and Mayor Lea-7.

NAYS: None-0.

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. 41485-061719 was adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd and Mayor Lea-7.

NAYS: None-0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 17, 2019 at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Assisi Animal Clinics of Virginia, Inc., to rezone property located at 0 Elm Avenue, S. W., 0 Elm Avenue, S. W., 0 Elm Avenue, S. W., 0 Elm Avenue, S. W., 725 Franklin Road, S. W., 719 Franklin Road, S. W., and 717 Franklin Road, S. W., bearing Official Tax Map Nos. 1020226, 1020227, 1020228, 1020229, 1020230, 1020231, and 1020232, respectively, from MX, Mixed Use District, to D, Downtown District, with conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, May 28, 2019 and Tuesday, June 4, 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, Old Southwest 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 Davis offered the following ordinance:

(#41486-061719) AN ORDINANCE to rezone certain property located at 0 (zero) Elm Avenue, S. W., 0 (zero) Elm Avenue, S. W., 0 (zero) Elm Avenue, S. W., 0 (zero) Elm Avenue, S. W., 725 Franklin Road, S. W., 719 Franklin Road, S. W., and 717 Franklin Road, S. W., from MX, Mixed Use District, to D, Downtown District, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 80, page 459.)

Vice-Mayor Cobb offered the following resolution:

(#41487-061719) A RESOLUTION authorizing the issuance and sale of not to exceed eighteen million eight hundred ninety thousand dollars (\$18,890,000.00) aggregate principal amount of general obligations of the City of Roanoke, Virginia, in the form of General Obligation Public Improvement Bonds of the City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various public improvement projects of and for the City (including related design and architectural and engineering services); fixing the form, denomination and certain other details of such bonds; and otherwise providing with respect to the issuance, sale and delivery of such bonds; and authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds.

(For full text of resolution, see Resolution Book No. 80, page 460.)

Vice-Mayor Cobb moved the adoption of Resolution No. 41487-061719. The motion seconded by Council Member Davis.

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. 41487-061719 was adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd, and Mayor Lea-7.

NAYS: None-0.

Council Member White-Boyd offered the following budget ordinance:

(#41488-061719) AN ORDINANCE to appropriate funding to be provided by the issuance of General Obligation Bonds to the Stormwater Improvements, Civic Center, City-wide Curb/Gutter/Sidewalk, Street Improvements, Melrose Library Renovations, Parks and Recreation Master Plan, Fire Facility Master Plan, Fire – EMS Airpacks, RCIT Project Improvements, Fleet Capital Replacements, Revenue System Upgrade, Telephone System Upgrade, Digital Radio Conversion, Fallon Park School Replacement, Crystal Spring HVAC Replacement, and various school maintenance upgrade projects, amending and reordaining certain sections of the 2019 - 2020 Stormwater Utility, Civic Center, Capital Projects, Technology, and School Capital Projects Funds, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 80, page 479.)

Vice-Mayor Cobb moved the adoption of Budget Ordinance No. 41489-061719. The motion seconded by Council Member Osborne.

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

Following comments by Council Member Bestpitch recognizing the significant 40 percent appropriation provided to the Roanoke City Public Schools and any additional shared revenue, Budget Ordinance No. 41489-061719 was adopted by the following vote:

AYES: Council Members Bestpitch, Cobb, Davis, Osborne, Price, White-Boyd, and Mayor Lea-7.

NAYS: None-0.

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.

PROPOSED EVANS SPRING DEVELOPMENT PROJECT: Tiffany Jordan, 2023 Top Hill Drive, N. W., and Jordan Bell, 3303 Christian Avenue, N. W., appeared before the Council to speak on the proposed Evans Spring development project.

SAFETY OF WALKERS AND CHILDREN SHARING ROANOKE RIVER GREENWAY WITH BICYCLISTS: Jennifer Alston, 5252 Dresden Circle, N. W., Stephanie Jones, 3334 Hidden Oak Road, S. W., and Judy Repass, 202 Park Crest Road, N. W., appeared before the Council to express concern regarding safety of walkers and children sharing Roanoke River Greenway with bicyclists.

PRIVATIZATION OF VALLEY METRO: Barbara Elmore, 129 Hershberger Road, N. W., appeared before the Council regarding privatization of Valley Metro.