

ROANOKE CITY COUNCIL-REGULAR SESSION

August 21, 2017

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 21, 2017, 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. 40879-070317 adopted by the Council on Monday, July 3, 2017.

PRESENT: Council Members John A. Garland, Anita J. Price, David B. Trinkle (arrived late), William D. Bestpitch, Michelle L. Dykstra, Raphael E. Ferris, and Mayor Sherman P. Lea, Sr.-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Sherman Stovall, Acting City Manager; Daniel J. Callaghan, City Attorney; Barbara A. Dameron, Director of Finance; and Stephanie M. Moon Reynolds, City Clerk.

The Invocation was delivered by The Reverend Seungsoo "RJ" Jun, Senior Pastor, Raleigh Court United Methodist Church.

The Mayor called for a Moment of Silence in memory of Heather Heyer, Pilot Lieutenant H. Jay Cullen and Trooper Pilot Berke M. M. Bates who were victims due to a white nationalist rally held in Charlottesville, Virginia on August 11 and 12, 2017.

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

PRESENTATIONS AND ACKNOWLEDGEMENTS:

SUPPORT OF THE CITY OF CHARLOTTESVILLE: Council Member Ferris offered the following resolution denouncing and rejecting the racist and bigoted ideologies of white nationalists, white supremacists, anti-Semites, and neo-Nazis, as well as any individuals or groups that espouse violence and terrorism for any reason:

(#40924-082117) A RESOLUTION supporting the City of Charlottesville and reaffirming the commitment of the City of Roanoke to the values of inclusion, diversity, and individual respect upon which a more perfect City, Commonwealth, and Country can be created.

(For full text of resolution, see Resolution Book No. 79, page 289.)

Council Member Ferris moved the adoption of Resolution No. 40924-082117. The motion was seconded by Vice-Mayor Price.

Following astounding comments by all Council Members, Resolution No. 40924-082117 was adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

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.

INNER CITY ATHLETIC ASSOCIATION: Gregory Hunt, 1311 Centre Avenue, N. W., appeared before the Council to request support of the Inner City Athletic Association (ICAA) being considered a separate region, a part from the Star City Region of the Youth Athletic Council.

MISCELLANEOUS: Robert Gravely, 3360 Hershberger Road, N. W., appeared before the Council and again expressed dissatisfaction regarding his termination as a City employee.

ROANOKE-BLACKSBURG REGIONAL AIRPORT: Geoffrey Campbell, 780 Tinker Mill Road, Daleville; and Bennett Early, 1415 Antrim Street, Salem, appeared before the Council with regard to the newly-revised Ground Transportation policy as implemented by the Roanoke Regional Airport Commission.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda are considered to be routine by the Members of Council and will be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion are desired, the item would be removed from the Consent Agenda and considered separately. Mayor Lea advised that Items C-3 and C-4 would be removed for separate discussion.

MINUTES: Minutes of the regular meeting of City Council held on Thursday, May 25, 2017; and the regular meeting of City Council held on Monday June 5, 2017, was before the body.

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

Council Member Ferris moved that the reading of the minutes be dispensed with and approved as recorded. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

ANNUAL PERFORMANCES OF COUNCIL-APPOINTED OFFICERS: A communication from Council Member David B. Trinkle, 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.)

Council Member Ferris moved that the Council concur in the request of Council Member Trinkle as abovementioned. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

OATHS OF OFFICE-ROANOKE VALLEY REGIONAL CABLE TELEVISION COMMITTEE-CITY PLANNING COMMISSION: Reports of qualification of Robert Lewis Leftwich as a City representative of the Roanoke Valley Regional Cable Television Committee for a three-year term of office ending June 30, 2020; and Sarah Glenn as a member of the City Planning Commission to fill the unexpired term of Paula Page Williams ending December 31, 2020, were before the Council.

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

Council Member Ferris moved that the reports of qualification be received and filed. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

DOWNTOWN FLOODING: A communication from the Acting City Manager in response to an inquiry from Council Member Garland at the June 5, 2017 Council meeting with regard to downtown flooding.

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

Council Member Garland commented on the information as prepared by Stormwater Utility Division staff on downtown flooding.

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

Following discussion of the abovementioned matter, Council Member Ferris moved that the communication be received and filed. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

INNER-CITY ATHLETIC ASSOCIATION: A communication from R. Brian Townsend, Assistant City Manager for Community Development, in response to a request from Council Member John A. Garland that the Department of Parks and Recreation staff meet with members of the Inner-City Athletic Association (ICAA), was before the body.

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

Council Member Garland read a prepared statement encouraging the clubs to work together on a compromise for the betterment of the inner-city youth.

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

As part of the discussion, it was suggested that Inner-City Athletic Association schedule a meeting with the Northwest Recreation Club representatives to discuss matters of mutual interest and concern affecting inner-city youth; and Vice-Mayor Price offered to coordinate the scheduling of the meeting between the parties.

Following extensive dialogue regarding the matter, Council Member Bestpitch moved that the communication be received and filed. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Price, Bestpitch, Dykstra, Ferris and Mayor Lea-5.

NAYS: Council Member Garland-1.

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

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

MULTI-JURISDICTIONAL SPECIAL DRUG PROSECUTOR GRANT: The Commonwealth's Attorney submitted a written communication recommending acceptance of the Multi-Jurisdictional Special Drug Prosecutor Grant from the State Compensation Board; and the Acting City Manager submitted a written communication concurring in the request.

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

Council Member Ferris offered the following resolution:

(#40925-082117) A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution, and filing of appropriate documents to obtain such funds.

(For full text of resolution, see Resolution Book No. 79, page 290.)

Council Member Ferris moved the adoption of Resolution No. 40925-082117. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

Council Member Ferris offered the following budget ordinance:

(#40926-082117) AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for the Regional Drug Prosecutor Grant, amending and reordaining certain sections of the 2017 - 2018 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 291.)

Council Member Ferris moved the adoption of Budget Ordinance No. 40926-082117. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

ACTING CITY MANAGER:

BRIEFINGS:

Public Art Work Plan FY2018

Susan Jennings, Arts and Culture Coordinator, gave a brief overview, highlighting the following items regarding the Public Art Work Plan for FY2018:

- Overview
- Inlet Art Project
- Locations chosen by the Stormwater Division
- Art on the Bus
- Mural on First Floor of Municipal Building North
- Art at New Melrose Library
- Signature Piece to Celebrate Ten Years of Percent for Art
- Summary

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

In conclusion, Ms. Jennings requested that the Council concur in the Roanoke Arts Commission recommendations totaling \$104,500.00.

Following considerable dialogue regarding the four projects, Council Member Ferris moved that the Council concur in the recommendation of the Roanoke Arts Commission to provide funding for the Public Art Work Plan totaling \$104,500.00. The motion was seconded by Council Member Bestpitch and unanimously adopted.

ITEMS RECOMMENDED FOR ACTION:

FISCAL YEAR 2017 "FOUR-FOR-LIFE" GRANT: The Acting City Manager submitted a written communication recommending acceptance of the Fiscal Year 2017 "Four-For-Life" Grant from the Commonwealth of Virginia, Department of Health, for Emergency Medical Services (EMS) for training, supplies or other appropriate items.

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

Council Member Dykstra offered the following resolution:

(#40927-082117) A RESOLUTION authorizing acceptance of the FY2017 "Four for Life" Grant for Emergency Medical Services (EMS) made to the City of Roanoke by the Commonwealth of Virginia, Department of Health, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 79, page 292.)

Council Member Dykstra moved the adoption of Resolution No. 40927-082117. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

Council Member Dykstra offered the following budget ordinance:

(#40928-082117) AN ORDINANCE appropriating funding from the Virginia Department of Health for the purpose of purchasing emergency medical service (EMS) training and supplies, amending and reordaining certain sections of the 2017 - 2018 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 293.)

Council Member Dykstra moved the adoption of Budget Ordinance No. 40928-082117. The motion was seconded by Council Member Ferris and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

COMMENTS OF ACTING CITY MANAGER:

The Acting City Manager offered the following comments:

Public Art Program Celebrates 10-Year Anniversary:

- This year the City of Roanoke is celebrating the 10-year anniversary of its Public Art Program. To commemorate this milestone, the Roanoke Arts Commission will highlight a different work of art and continue monthly throughout the 2017-2018 fiscal year.
- To promote the anniversary, the city will host live videos from different public art pieces and hold contests each month on Facebook and Instagram to generate interest in public art.

The public is encouraged to visit art around the city and post photos to social media using #ArtInRoanoke. Prizes include tickets, passes, and memberships to many of the arts and cultural attractions around the city, as well as \$50.00 gift cards to Downtown Roanoke.

State of the City Address this Thursday:

- Citizens are invited to attend the State of the City Address on Thursday, August 24, at Hotel Roanoke. While this event begins with a breakfast for the Roanoke Regional Chamber of Commerce business community at 7:30 a.m., the Mayor's Address, which begins at 8 a.m., is a free public event. Seating will be provided for citizens who wish to attend.

The address will be recorded and replayed on Roanoke Valley Television Cox Channel 3 on Thursday, August 31, at 4:00 p.m. and 8:00 p.m., and on Saturday, September 2, at 4:00 p.m. and 8:00 p.m.

Upcoming Elmwood Park Concerts:

- Symphony Under The Stars: At The Movies!
Saturday, August 26, Elmwood Park, 7:30 p.m., Roanoke Symphony Orchestra and Chorus
- Budweiser Summer Series "Third Eye Blind"
Friday, Sept. 15, Elmwood Park Amphitheater, Gates Open: 7:30 p.m., Show Starts: 9:00 p.m.

Reminder: City Offices will be closed on Monday, September 4, for the Labor Day holiday, with City Council meeting being held on Tuesday, September 5, 2017, commencing at 9:00 a.m.

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 Director of Finance submitted a written report recommending that Council concur in the request.

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

Council Member Bestpitch offered the following budget ordinance:

(#40929-082117) AN ORDINANCE to appropriate funding from the Commonwealth, as well as private grants, for various educational programs, amending and reordaining certain sections of the 2017 - 2018 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 79, page 294.)

Council Member Bestpitch moved the adoption of Budget Ordinance No. 40929-082117. The motion was seconded by Council Member Dykstra and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OR ORDINANCES AND RESOLUTIONS:

NEWLY-ELECTED CITY MANAGER: Council Member Ferris offered the following resolution correcting the name of the newly-elected City Manager:

(#40930-082117) A RESOLUTION amending and ratifying Resolution No. 40923-080717, adopted on August 7, 2017, to correct the name of the newly elected and appointed City Manager from Robert S. Cowell to Robert S. Cowell, Jr., and ratifying his election as City Manager for the City of Roanoke, under the same terms and conditions of employment.

(For full text of resolution, see Resolution Book No. 79, page 295.)

Council Member Ferris moved the adoption of Resolution No. 40930-082117. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

MOTION AND MISCELLANEOUS BUSINESS:

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

GREATER ROANOKE TRANSIT COMPANY: Council Member Bestpitch offered the following resolution authorizing waiver of notice requirements for the Special Meeting of the Stockholder of Greater Roanoke Transit Company (GRTC) set for Monday, August 21, 2017, at 4:00 p.m., pursuant Section 4(a), Article II of the By-Laws of GRTC:

(#40931-082117) A RESOLUTION authorizing waiver of notice requirements for a special meeting of the stockholder of Greater Roanoke Transit Company (GRTC) on behalf of the City as the sole stockholder of GRTC, and authorizing the Mayor or Acting City Manager to execute and deliver a waiver of notice to GRTC.

(For full text of resolution, see Resolution Book No. 79, page 296.)

Council Member Bestpitch moved the adoption of Resolution No. 40931-082117. The motion was seconded by Vice-Mayor Price and adopted by the following vote:

AYES: Council Members Garland, Price, Bestpitch, Dykstra, Ferris and Mayor Lea-6.

NAYS: None-0.

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

RESIGNATION OF THE DIRECTOR OF FINANCE: Council Member Bestpitch called attention to the resignation tendered by Barbara A. Dameron, as the Director of Finance, in order to pursue other opportunities.

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

At this point, Council Member Trinkle entered the meeting (4:31 p.m.)

At 4:31 p.m., Mayor Lea declared the Council meeting in recess for a Closed Meeting in the Council's Conference Room, Room 451, fourth floor, Noel C. Taylor Municipal Building; and thereafter to be reconvened 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 Lea presiding.

PRESENT: Council Members John A. Garland, Anita J. Price, David B. Trinkle, William D. Bestpitch, Michelle L. Dykstra, Raphael E. Ferris, and Mayor Sherman P. Lea, Sr.-7.

ABSENT: None-0.

The Mayor declared the existence of a quorum.

OFFICERS PRESENT: Sherman Stovall, Acting City Manager; Daniel J. Callaghan, City Attorney; Barbara A. Dameron, Director of Finance; and Stephanie M. Moon Reynolds, City Clerk.

The Invocation was delivered by The Reverend Charles E. Wilson, Jr., Lead Pastor/Founder, The Hill Church.

The Mayor called for a Moment of Silence in memory of Heather Heyer, Pilot Lieutenant H. Jay Cullen and Trooper Pilot Berke M. M. Bates who were victims due to a white nationalist rally held in Charlottesville, Virginia on August 11 and 12, 2017.

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

CERTIFICATION OF CLOSED MEETING: With respect to the Closed Meeting just concluded, Council Member Dykstra 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 was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

HONORED ATHLETES FROM WILLIAM FLEMING AND PATRICK HENRY HIGH SCHOOLS FOR THE 2017 SPRING SPORTS SEASON: Council Member Bestpitch offered the following resolution as a means of recognizing, congratulating, and honoring the 2017 Patrick Henry High School Boys Lacrosse Team and their coaches for winning the 2017 Group 5A State Championship:

(#40932-082117) A RESOLUTION recognizing, congratulating, and honoring the 2017 Patrick Henry High School Boys Lacrosse Team for winning the 2017 Virginia High School League Group 5A State Championship.

(For full text of resolution, see Resolution Book No. 79, page 297.)

Council Member Bestpitch moved the adoption of Resolution No. 40932-082117. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

Council Member Dykstra offered the following resolution as a means of recognizing, congratulating, and honoring the 2017 William Fleming Boys Soccer Team and their coaches for winning the 2017 Conference 24 Championship:

(#40933-082117) A RESOLUTION recognizing, congratulating, and honoring the 2017 William Fleming Boys Soccer Team for winning the 2017 Conference 24 Championship.

(For full text of resolution, see Resolution Book No. 79, page 299.)

Council Member Dykstra moved the adoption of Resolution No. 40933-082117. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

Council Member Ferris offered the following resolution as a means of recognizing, congratulating, and honoring the 2017 Patrick Henry High School Boys Soccer Team and its coaches for all of the team's accomplishments, including winning the 2017 Conference 16 Championship:

(#40934-082117) A RESOLUTION recognizing, congratulating, and honoring the 2017 Patrick Henry High School Boys Soccer Team in winning the 2017 Conference 16 Championship.

(For full text of resolution, see Resolution Book No. 79, page 300.)

Council Member Ferris moved the adoption of Resolution No. 40934-082117. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

Council Member Dykstra offered the following resolution as a means of recognizing, congratulating, and honoring the 2017 William Fleming Indoor/Outdoor Boys Track & Field Team and their coaches for their achievements and successes throughout the 2017 season:

(#40935-082117) A RESOLUTION recognizing, congratulating, and honoring the 2017 William Fleming Indoor/Outdoor Boys Track & Field Team for its achievements in the Virginia High School League Outdoor Championship Meets for State, Region West, and Conference, and in the Indoor Meets for the Colonel Classic, Cosmopolitan Invitational, and Virginia High School League Region and Conference Championships.

(For full text of resolution, see Resolution Book No. 79, page 301.)

Council Member Dykstra moved the adoption of Resolution No. 40935-082117. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

Council Member Trinkle offered the following resolution as a means of recognizing, congratulating, and honoring the 2017 Patrick Henry High School Boys Outdoor Track Team and the 2017 Patrick Henry High School Girls Outdoor Track Team, their individual athletes, and their coaches for their achievements in the 2017 VHSL State Championship, Conference 16 Competition:

(#40936-082117) A RESOLUTION recognizing, congratulating, and honoring the accomplishments of members of the 2017 Patrick Henry High School Boys Outdoor Track Team and 2017 Patrick Henry High School Girls Outdoor Track Team for their individual wins in the 2017 VHSL State Championship, Conference 16 Competition.

(For full text of resolution, see Resolution Book No. 79, page 303.)

Council Member Trinkle moved the adoption of Resolution No. 40936-082117. The motion was seconded by Council Member Bestpitch and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

Council Member Bestpitch offered the following resolution as a means of recognizing, congratulating, and honoring the 2017 William Fleming High School Girls Track Team, its individual members, and its coaches for their accomplishments throughout the 2017 season, including their successes in the Virginia High School League Group 4A Conference 24 Track and Field Championship Meet and the Colonel Classic:

(#40937-082117) A RESOLUTION recognizing, congratulating, and honoring the 2017 William Fleming High School Girls Track Team for individual wins in the Virginia High School League Group 4A Conference 24 Track and Field Championship Meet, and for tying with the Salem High School Girls Track Team in the Colonel Classic.

(For full text of resolution, see Resolution Book No. 79, page 304.)

Council Member Bestpitch moved the adoption of Resolution No. 40937-082117. The motion was seconded by Council Member Trinkle and adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

PUBLIC HEARINGS:

VACATION OF AN ALLEYWAY PERPENDICULAR TO 20TH STREET, S.W.; AND BETWEEN CHAPMAN AVENUE AND PATTERSON AVENUE, S. W.: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 21, 2017 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Roy Main to vacate, a 100 foot portion of alleyway perpendicular to 20th Street, S. W., and between Chapman Avenue, S. W., and Patterson Avenue, S. W., with the portion to be vacated between and adjacent to the entire southern side of Official Tax Map No. 1313501 and the entire northern side of official Tax Map No. 1313510, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, August 1, 2017, and Tuesday, August 8, 2017.

(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 right-of-way 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 any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress. In coordination with the vacation, the applicant will pay \$1,397.00 for the vacation of the public's right to use the portion of the subject right-of-way.
2. 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.
3. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the application shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
4. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

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

Council Member Ferris offered the following ordinance:

(#40938-082117) AN ORDINANCE permanently vacating, discontinuing and closing a public right-of-way in the City of Roanoke running perpendicular to 20th Street, S. W., and between Chapman Avenue, S. W., and Patterson Avenue, S. W., 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. 79, page 305.)

Council Member Ferris moved the adoption of Ordinance No. 40938-082117. The motion was seconded by Council Member Trinkle.

Roy Main appeared before the Council in support of the vacation of the alleyway.

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 discussion warranted by the Council Members, Ordinance No. 40938-082117 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

REZONING OF PROPRTY LOCATED AT 642 WALNUT AVENUE, S. E.: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 21, 2017, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Bradley and Angela Yarbrough to rezone property located at 642 Walnut Avenue, S. E., bearing Official Tax Map No. 4041134, from R-5, Residential Single-Family District, to R-12, Residential Single-Family District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, August 1, 2017, and Tuesday, August 8, 2017.

(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, *Riverland/Walnut Hill Neighborhood Plan*, and Zoning Ordinance as the parcel will be developed for an active use 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:

(#40939-082117) AN ORDINANCE to rezone certain property located at 642 Walnut Avenue, S. E., from R-5, Residential Single-Family District to R-12, Residential Single-Family District; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 308.)

Council Member Bestpitch moved the adoption of Ordinance No. 40939-082117. The motion was seconded by Council Member Trinkle.

Bradley and Angela Yarbrough appeared in support of the rezoning request.

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

Following brief remarks by Council Member Bestpitch, Ordinance No. 40939-082117 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

FEE SIMPLE INTEREST FOR THE "BRIDGE THE GAP PROJECT": Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 21, 2017 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the of the City of Roanoke to authorize eminent domain condemnation proceedings in connection with acquisition of certain property interests and up to and including the fee simple interest for the "Bridge the Gap Project", such property interests to be across, on, and under located at 0 Railroad Avenue, S. W.; and for acquisition of the fee simple interest in certain privately-owned real property for the "Bridge the Gap Project" located at 0 Roanoke Avenue, S. W., as part of the operation, maintenance, and expansion of the Roanoke River Greenway, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, August 7, 2017 and on Monday, August 14, 2017.

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

The City Manager submitted a written report recommending authorization to take certain actions in order for the property interests as set forth in the report be acquired from Walker Machine and Foundry Corporation.

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

Council Member Ferris offered the following ordinance:

(#40940-082117) AN ORDINANCE authorizing the acquisition of certain real property interests on, over, under, and across certain parcels of privately owned real property, in connection with Phase II of the Roanoke River "Bridge the Gap" Greenway Project ("Project"); authorizing the acquisition of such privately owned real property interests by negotiation; authorizing the use of eminent domain proceedings by the City of Roanoke ("City") to acquire such privately owned real property interests, including temporary easements, permanent easements, and up to and including the fee simple interests, if negotiations are ineffectual, with respect to certain parcels of real property, pursuant to Section 15.2-1901 and Sections 25.1-200, et seq., Code of Virginia (1950) as amended, Section 2(8) of the City of Roanoke Charter, and other applicable laws; authorizing the City, in its discretion, to make a motion for the award of a right of entry on the property described herein for the purpose of commencing the Project; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 79, page 309.)

Council Member Ferris moved the adoption of Ordinance No. 40940-082117. The motion was seconded by Council Member Trinkle.

The Acting City Manager offered remarks regarding the request to authorize acquisition of real property interests by eminent domain for the Roanoke River Greenway "Bridge the Gap" project.

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

Mayor Lea inquired if there were persons present who wished to speak on the matter; whereupon, the following individuals appeared before the Council:

Winfred Noell, 2743 Northview Drive, S. W.
Suzanne Osborne, 1702 Blair Road, S. W.
Guy Byrd, 2415 Jefferson Street, S. W.
Andrew Downs, 1609 Hampton Avenue, S. W.
Gordon Ewald, 243 Saddleback Trail, Hardy
Jim Lee, 515 Darwin Road, S. W.
James Settle, 929 Winona Avenue, S. W.
Robert Egbert, 2367 Idavere Road, S. W.
Liz Belcher, 1206 Kessler Mill Road, Salem
Malcolm Wade Thompson, 2301 Lincoln Avenue, S. W.
Dr. William George, 3130 Evergreen Lane, S. W.
James Breakell, 525 Clydesdale Street, S. W.
The Reverend James Revercomb, 3011 Rosalind Avenue, S. W.

Kemper Fant, 919 Winona Avenue, S. W.
 Karl Miller, 6544 Tallwood Drive, Roanoke County
 Kristine McCormick, 2037 Sherwood Avenue, S. W.

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

After having extensive dialogue regarding the matter, Ordinance No. 40940-082117 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

LEASE CITY-OWNED PROPERTY TO THE HERTZ CORPORATION: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 21, 2017 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to lease approximately 86,501 square feet of City-owned property, commonly known as 5550 Precision Circle, N. W., and formerly known as 1302 Municipal Road, N. W., to The Hertz Corporation to be used as a maintenance, storage and servicing operation for a term of four years and three months, beginning October 1, 2017, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 11, 2017.

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

The Acting City Manager submitted a written report recommending authorization to execute a lease agreement, 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 Ferris offered the following ordinance:

(#40941-082117) AN ORDINANCE authorizing the City Manager to execute a lease agreement between the City and The Hertz Corporation ("Hertz") for use of an 86,501 square foot parcel of City-owned property at 5550 Precision Circle, N. W., Roanoke, Virginia, for the operation of a maintenance, storage and servicing facility in connection with Hertz's automobile renting and leasing business, for a term of five (5) years, 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. 79, page 314.)

Council Member Ferris moved the adoption of Ordinance No. 40941-082117. The motion was seconded by Council Member Bestpitch.

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

There being no questions and/or comments by the Council Members, Ordinance No. 40941-082117 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

PROPOSAL TO SELL LAND TO SHENANDOAH TELECOMMUNICATIONS COMPANY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 21, 2017 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to sell approximately 0.1546 acres of land located on Carver Avenue, N. E., to Shenandoah Telecommunications Company, a Virginia Corporation, in order to construct a communications equipment building as part of its telecommunications network, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, August 14, 2017.

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

The Acting City Manager submitted a written report recommending authorization to execute a contract, subject to the 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:

(#40942-082117) 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 Shenandoah Telecommunications Company, a Virginia corporation, and its subsidiaries or affiliates that may be created to own and/or operate the Property described herein ("Buyer"), to sell to Buyer an approximately 0.1546 acre parcel of City-owned property located at Carver Avenue, N. E., Roanoke, Virginia, which parcel consists of City-owned property designated as Official Tax Map No. 2041816, 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. 79, page 314.)

Council Member Bestpitch moved the adoption of Ordinance No. 40942-082117. The motion was seconded by Council Member Trinkle.

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

There being no questions and/or comments by the Council Members, Ordinance No. 40942-082117 was adopted by the following vote:

AYES: Council Members Garland, Price, Trinkle, Bestpitch, Dykstra, Ferris and Mayor Lea-7.

NAYS: None-0.

At this point, Council Member Garland left the Council Chamber (9:17 p.m.).

PROPOSAL TO SELL CITY-OWNED PROPERTY KNOWN AS THE FISHBURN PARK CARETAKER'S COTTAGE: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 21, 2017 at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposal of the City of Roanoke to sell approximately 1.4 acres of land and improvements, known as the former Fishburn Park Caretaker's Cottage, located at 2424 Brambleton Avenue, S. W., to Lora J. Katz, in order to restore the building and use it for a single family residence. R. Brian Townsend, Assistant City Manager for Community Development, the matter was before the body.

The Acting City Manager submitted a written report recommending authorization to execute a contract, subject to approval as to form by the City Attorney.

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

For the record, the City Attorney reminded the Council that Council Member Garland previously acknowledged a personal conflict during the 2:00 p.m. session regarding the abovementioned matter, and has since left the Council Chamber.

R. Brian Townsend, Assistant City Manager for Community Development, gave a brief summary of the disposition of the property, noting the property has no restrictions and has been vacant for approximately 15 years; and Lora J. Katz has submitted a proposal to purchase an approximate 1.4-acre portion of the Parcel, which includes the Cottage for \$10.00 in order to restore the building and use it for a single family residence.

The Mayor inquired if there were persons present who wished to speak on the matter; whereupon, the following persons appeared regarding the proposal:

- Mike Pulice, 1715 Bluemont Avenue, S. W.
- William Sweet, 1375 Lakewood Drive, S. W.
- Ryan Blackwell, 2709 Fawn Road, Roanoke County
- Mark Clark, 1423 Narcissus Street, Salem
- Freeda Cathcart, 2516 Sweetbrier Avenue, S. W.
- Andrew Norton, 825 Park Lane, S. W.
- Velda Leffel, 2501 Sweetbrier Avenue, S. W.
- Barbara Duerk, 2607 Rosalind Avenue, S. W.
- John Hagen, 3718 London Circle, S. W.

There being several questions and concerns noted by the Council in connection with the proposed contract between the City of Roanoke and Lora J. Katz, Council Member Trinkle offered a motion to continue the public hearing until the regular meeting of Council scheduled to be held on Monday, September 18, 2017, at 7:00 p.m. The motion was seconded by Council Member Dykstra.

As discussion ensued, Council Members Bestpitch and Ferris expressed their views regarding the matter, and were of the opinion that the public hearing should be closed and Council could take appropriate action regarding the matter.

Following a comprehensive discussion regarding the matter, the motion offered by Council Member Trinkle, seconded by Council Member Dykstra to continue the public hearing until September 18 at 7:00 p.m., or as soon thereafter as the matter may be heard, was adopted by the following vote:

AYES: Council Members Dykstra, Price, Trinkle, and Mayor Lea-4.

NAYS: Council Members Bestpitch and Ferris-2.

(Council Member Garland was not present when the vote was taken.)

HEARING OF CITIZEN UPON PUBLIC MATTER: NONE.

There being no further business, Mayor Lea declared the regular meeting adjourned at 10:28 p.m.

A P P R O V E D

ATTEST:

Stephanie M. Moon Reynolds, MMC
City Clerk

Sherman P. Lea, Sr.
Mayor
