ROANOKE CITY COUNCIL

August 15, 2005

12:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 15, 2005, at 12:00 p.m., in the Cafetorium at the Roanoke Academy for Mathematics and Science Elementary School (RAMS), 1616 19th Street, N. W., City of Roanoke, with Vice-Mayor Beverly T. Fitzpatrick, Jr., and School Board Chair Kathy C. Stockburger 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. 37109-070505 adopted by the Council on Tuesday, July 5, 2005, and Resolution No. 37142-080185 adopted by the Council on August 1, 2005.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Vice-Mayor Beverly T. Fitzpatrick, Jr.----------6.

ABSENT: Mayor C. Nelson Harris----------1.

The Vice-Mayor declared the existence of a quorum. He advised that the purpose of the meeting was to conduct a joint meeting of Council and the Roanoke City School Board.

SCHOOL TRUSTEES PRESENT: David B. Carson, William H. Lindsey, Gloria P. Manns, Alvin L. Nash, Courtney A. Penn and Kathy G. Stockburger, Chair----------6.

ABSENT: School Trustee David B. Trinkle----------1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

OTHERS PRESENT: Representing the City of Roanoke: Rolanda B. Russell, Assistant City Manager for Community Development; and James Grigsby, Acting Assistant City Manager for Operations; and representing Roanoke City Public Schools: Marvin T. Thompson, Superintendent; Cindy H. Lee, Clerk to the School Board; Bernie Godek, Associate Superintendent for Management; August Bullock, Associate Superintendent for Instruction; Dr. Sharon Richardson, Executive Director for Student Services; Dr. Vella Wright, Executive Director for Human Resources; Vickie McCormick, Director for Communications; and Timothy R. Spencer, Assistant City Attorney and Legal Counsel to the School Board.

Chair Stockburger extended a welcome to the Vice-Mayor and Members of Council and the City Administration. She encouraged all persons in attendance to tour the new RAMS facility.

On behalf of the Council, Vice-Mayor Fitzpatrick expressed appreciation for the opportunity to meet with the School Board.

The Superintendent of Schools introduced August Bullock, Associate Superintendent for Instruction; Vickie McCormick, Director of Communications; and Dr. Vella Wright, Human Resources Director.

Mr. Thompson presented the following overview of the "No Child Left Behind" concept assessment:

No Child Left Behind Act of 2001 (NCLB)

A Federal law enacted "to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind..."

Required a single statewide accountability system to ensure that all schools and divisions meet NCLB requirements.

Since 1998, the Commonwealth of Virginia used Standards of Learning (or SOLs) to assess student achievement. After NCLB became law in 2002, the SOLS became Virginia's benchmark to measure accountability.

NCLB Performance Goals

- All students will reach high standards, at a minimum attaining proficiency or better in English and math by 2013-2014.
- All limited English proficient students will become proficient in English and reach high academic standards, at a minimum attaining proficiency or better in English and math.
- By 2005-2006, all students will be taught by highly qualified teachers.
- All students will be educated in learning environments that are safe, drug-free and conducive to learning.
- By 2013-2014, all students will graduate from high school.

Understanding Adequate Yearly Progress

Adequate Yearly Progress (AYP):

- AYP represents the minimum level of improvement that schools and school divisions must achieve each year, as determined by NCLB. AYP is the "*Federal yardstick*."

Annual Measurable Objective (AMO):

- AMOs are the minimum required percentages of students determined to be proficient in each content area.

Virginia's AYP Targets

Annual Measurable Objectives for Reading and Language Arts

2001 - 2002 Starting Point	2002 - 2003	2003 - 2004	2004 - 2005 Int. Goal	2005 - 2006	2006 - 2007	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011	2011 - 2012 Int. Goal	2012 - 2013	2013 - 2014 GOAL
60.7	61.0	61.0	65.0	69.0	73.0	77.0	81.0	85.0	89.0	93.0	97.0	100

This table shows Virginia's AMOs for English. For a school or school division to make a AYP during 2004-2005, at least 65% of students overall and in each subgroup must have demonstrated proficiency on their English SOL tests.

Annual Measurable Objectives for Mathematics

2001 - 2002 Starting Point	2002 - 2003	2003 - 2004	2004 - 2005 Int. Goal	2005 - 2006	2006 - 2007	2007 - 2008	2008 - 2009	2009 - 2010	2010 - 2011 Int. Goal	2011 - 2012	2012 - 2013	2013 - 2014 GOAL
58.4	59.0	59.0	63.0	67.0	71.0	75.0	79.0	83.0	87.0	91.0	95.0	100

This table shows Virginia AMOs for Math. For a school or school division to make AYP during 2004-2005, at least 63% of students overall and in each subgroup must have demonstrated proficiency on their Math SOL tests.

Annual Measurable Objectives for Reading and Language Arts

2001 - 2002 Starting Point	2002 - 2003	2003 - 2004	2004 - 2005 Int. Goal	2005 - 2006	2006 - 2007	2007 - 2008 Int. Goal	2008 - 2009	2009 - 2010	2010 - 2011 Int. Goal	2011 - 2012	2012 - 2013	2013 - 2014 GOAL
60.7	61.0	61.0	65.0	69.0	73.0	77.0	81.0	85.0	89.0	93.0	97.0	100

This table shows Virginia AMOs for Math. For a school or school division to make AYP during 2004-2005, at least 65% of students overall and in each subgroup must have demonstrated proficiency on their Math SOL tests.

Annual Measurable Objectives for Mathematics

2001 - 2002 Starting Point	2002 - 2003	2003 - 2004	2004 - 2005 Int. Goal	2005 - 2006	2006 - 2007	2007 - 2008 Int. Goal	2008 - 2009	2009 - 2010	2010 - 2011 Int. Goal	2011 - 2012	2012 - 2013	2013 - 2014 GOAL
58.4	59.0	59.0	63.0	67.0	71.0	75.0	79.0	83.0	87.0	91.0	95.0	100

This table shows Virginia AMOs for Math. For a school or school division to make AYP during 2004-2005, at least 63% of students overall and in each subgroup must have demonstrated proficiency on their Math SOL tests.

AMOs must be met by all students, as well as the following subgroups of students:

- Major racial/ethnic groups, which in Roanoke City includes white, black and Hispanic
- Economically disadvantaged students

- Limited English proficient students
- Students with disabilities

*AMOs are the same for all subgroups, schools and divisions.

A school or division "makes" AYP according to:

- Participation - 95% of the students in each subgroup must take the SOL tests.
- Performance - Measured one of two ways:
- The % of students passing English and math SOLs - by school and by subgroup - meets or exceeds the annual AMO targets, or ....
- The failure rate of each subgroup that did not meet the AMO targets is reduced by at least 10% in a year and the subgroup makes progress on other AYP indicators. (Termed "Safe Harbor").
- Other AYP Indicators
- Elementary and middle schools - Either attendance or science.
- High schools - Graduation rates.

"If participation overall or in one or more subgroups drops below 95%, a school or school division is <u>not</u> considered to have met AYP, regardless of the percentage of students who pass the SOLs."

<u>RCPS AYP Trend Data</u>

2003-2004.1	Did not make AYP
2004-2005	Did not make AYP

- There are gaps between the sub-groups division-wide
- Gaps impact AYP performance and state accreditation for individual schools and the division

<u>School Improvement Options</u>

YEAR 1: School Choice

YEAR 2: School Choice and Supplemental Services

YEAR 3: Corrective Action
Options may include:
- Replace school staff
- Implement new curriculum
- Decrease management authority at school level
- Extend the school day or year

- Appoint outside expert
- Reorganize the school internally

YEAR 4: Restructuring
Options may include:
- Reopen as a charter school
- Replace principal and school staff
- Contract for private management company
- State takeover
- Any other major restructuring of school governance

YEAR 5: Implementation of Restructuring
Requires: Implementation of alternative governance plan

RCPS Plan of Action

The Virginia Department of Education states that school divisions with high school achievement have:

- Aligned curriculum practices
- Consistent instructional models
- Common pacing and benchmark assessments
- The ability to monitor instruction beyond classroom observations
- Data knowledge within the school division that is shared at administrator and teacher levels
- Specific site-based management practices
- Aligned school improvement planning and a uniform method for developing school plans

Priorities for the 2005-2006 School Year:

- Implement the 8-Step Instructional Cycle to improve achievement for all students
- Implement strategic planning
- Conduct a curriculum and management audit
- Align fiscal planning practices
- Develop an aligned school planning process
- Develop an aligned site-based management program
- Improve career and technical education programs
- Develop criteria for "Five Star Schools"
- Create an Office of Accountability, Accreditation and Assessment
- Create an Office of Curriculum and Staff Development
- Institute a Leadership Academy
- Establish professional work environments

8-Step Instructional Cycle

A research-based instructional system that is designed to help schools increase student performance and close the achievement gap.

Schools and divisions across the country that use the 8-Step process experience increased student achievement.

A quality, effective school ....

- Believes they can teach all students
- Maintains a vision
- Sets high expectations
- Focuses the entire organization on their purpose
- Utilizes an aligned, strategic instructional plan
- Follows "PDSA" - Plan, Do, Study, Act
- Disaggregate Data
- Instructional Timeline
- Instructional Focus
- Frequent Assessment
- Tutorials
- Enrichment
- Maintenance
- Monitor

RCPS Plan of Action

Vision Statement: Roanoke City Public Schools will become a system of world-class schools where students acquire the knowledge and skills to be successful as they continue their education at the post-secondary level and/or enter the 21st century workforce.

Mission Statement: Roanoke City Public Schools will pursue excellence in academic knowledge, skills, and behavior for each student, resulting in measured improvement against local, national, and world-class standards.

Five Goals for the 2005-2006 School Year:

- Improve achievement for all students
- Provide safe and effective teaching environments
- Enhance the school system's management and efficiency
- Implement programs and procedures to train, promote and retain highly qualified staff

- Promote strong home, school, and community relations

*Everything we do in the upcoming year will focus on these five goals!

This year, we must continually ask ourselves one question....

"Is the action I am about to undertake designed to improve student achievement?"

Following questions and comments by Members of Council and the School Board, the presentation of Superintendent Thompson was received and filed.

The Chair referred to numerous questions and/or misunderstandings with regard to the ownership of school properties; whereupon, she called upon the Assistant City Attorney for clarification. Mr. Spencer advised that Section 56 of the City Charter states that the City of Roanoke owns all school property in fee simple, and the school system is responsible for maintaining actual structures.

The Chair highlighted the following update on current School Board issues:

Continued focus on clarifying the role of the School Board and how it can work most effectively with the Superintendent of Schools to reach mutually agreed-upon goals, specifically student achievement.

- School Board Planning Retreat scheduled for August 25, 2005
- Continued post-meeting evaluations
- Continued workshop meetings (monthly) and committee/task group meetings
- Alignment with the district's strategies for achievement

Community engagement

- Planning will take place for School Board members to hold informal community conversations
- Alignment with district communications
- RCPS Educational Foundation to intersect with business and other community stakeholders, providing a way to invest in RCPS

Board development

- Attendance at NSBA, VSBA, CUBE learning events
- Shared reading and updated information about school achievement and benchmarking

Partnering with Council

- Continued monthly meetings including Mayor Harris, City Manager Burcham, Chair, Superintendent, and Mr. Godek

- Meetings between one-two Council Members with the Board Chair and Superintendent, eventually meeting with all Council Members by late winter
- Continuing open and productive dialogue over the most important issues facing RCPS and the City of Roanoke
  - Council-Board retreat
  - Joint meeting

The update was received and filed.

The Acting Assistant City Manager for Operations presented the following update on the preparation of Victory Stadium for the 2005 high school football season:

Victory Stadium Preparations

Council approved a conceptual plan and cost estimates that would allow Victory Stadium to be reopened for the high school football season; and City staff, along with representatives from the school system, have made significant progress.

- Concrete Wall Openings
  - Four additional openings have been cut into the walls on both sides of the stadium.

- Seating Risers and Step Treads
  - Repairs have been made to the first nine rows on each side to eliminate tripping hazards.

- Fencing
  - Fencing has been installed on both sides of the stadium to safely guide ingress and egress. Fencing will enclose the lower nine rows on both sides.

- Protective Barriers
  - The schools will provide plastic barrels as protective barriers between the sidelines and the track which will be used by spectators.

Entrances

- Only the southwest entrance will be open for patron entry; this entrance is adjacent to the parking lot, contains a ticket booth, and is closest to the pedestrian bridge that crosses the river; directional signage will be posted around the stadium; and handicap signage will be relocated closer to the southwest entrance.

- Parking Lot and Spectator Entrance at Southwest Gate

- Parking Lot
    - The parking lot is fully accessible; potholes continue to be repaired; and the lot will be striped to guide parking usage.

- Playing Field
    - The turf has been over-seeded, fertilized, aerated, weeded, and top dressed; and Civic Center staff continues to irrigate and maintain the field.

- Portable Toilets
    - Portable toilets and wash stations have been ordered and will be supplied based on anticipated attendance.

- Concessions
    - William Fleming High School will use the services of an outside vendor (ex. pizza), and the Booster Club will sell soda, chips, etc.; final decisions are pending; and information from Patrick Henry High School is not yet available.

- Press Box
    - Design of the press box has been approved and construction is complete, including attached camera platforms; electrical service is due to be installed during the week of August 15 and will include cables patched from the existing press box to permit use of the scoreboard, play clocks, and public address system.

- National Guard Armory
    - Home and visiting teams will use the National Guard Armory for dressing, showering and meetings with coaches; buses will park in reserved spaces in front of the Armory on Reserve Avenue; should the Armory not be available due to emergency reasons, teams will use a nearby school to change and shower and meet with coaches on the field.

- Emergency Services and Police Vehicles
    - Location for EMS and police will be inside the stadium, next to the National Guard Armory.

- Equipment
    - All equipment provided by the City has been checked and is in good working order, including stadium and parking lot lighting; and the school system will furnish the same equipment that has been provided in the past.

The briefing was received and filed.

School Capital Construction Plans Update

The Assistant Superintendent for Management presented the following update on major school projects:

Patrick Henry High School

- The project is progressing on schedule and under budget
- Turnkey operations around November 1, 2005
- Moving operations to begin in mid-December 2005
- Students will enter the new building following the winter break
- No recorded injuries have been reported on the project site

Fallon Park Elementary School

- HVAC system replacements
- Parking relocation of the two main student entrances
- Replacement of the damaged carpet
- New fire alarm system and exterior fire doors will be replaced
- New ceilings and beam light replacement in the front parking lot
- Installation of new carpet in the kindergarten wings
- Painting of the exterior of the building

Westside Elementary School

- HVAC system replacement
- Window replacements
- Lighting upgrades
- New ceilings and tile flooring
- Electrical and communications upgrade
- Resurfaced and repainted several classrooms, replaced sinks in classrooms and bathroom fixtures, which were not included in the original scope of work
- Classroom additions will be complete by mid-October

Mr. Godek added that renovations will begin at Raleigh Court and Monterey Elementary Schools in the summer of 2006.

The briefing was received and filed.

Dr. Richardson presented the following progress report on school safety:

Superintendent's Goal:

Establish and maintain school climates and facilities that are orderly and support effective teaching and learning.

Human Resources (TF)

- Training in data recording
- De-escalation training
- Youth Court
- Safety Audits - all complete

Leadership Policy and Operations (TF)

No school is labeled "Persistently Dangerous" in RCPS

- Dress code
- Uniforms
- DARE and SRO Programs
- Surveillance cameras
    - Buses
    - Schools

Student Programs (TF)

- Conflict/peer mediation
- New Start Program
- Adolescent Uplift
- Beyond Anger Management
- New Beginnings
- Boys' and Girls' Club

Staffing (TF)

- Two counselors in each middle school
- Discipline Coordinator for Transportation
- Security Officers - trained and certified

Communication (TF)

- School Board Safety Advisory Committee
- Sub-committee include Crisis Plan Review and Discipline Review Team
- On-going dialogue with school-based administrators on building a culture of high expectations for all stakeholders

The report was received and filed.

The Chair presented the following update on the RCPS Education Foundation. She advised that the Education Foundation met on May 10 and August 9, 2005:

Members are:
Edwin Feinour, President (3-year term)
William White, Vice-President (1-year term)
Carolyn Coles, Secretary/Treasurer (1-year term)
Arnold Masinter (1-year term)
Nancy Ruth Patterson (2-year term)
Hugh Thornhill (2-year term)
George Steadman (2-year term)
Duke Curtis (3-year term)
Mary Ellen Goodlatte (3-year term)
Marvin Thompson (Superintendent of Schools is a standing member)
Kathy Stockburger (School Board Chair is a standing member)

Actions to Date:

- Approval of Articles of Incorporation and By-Laws
- Appointment of Directors and terms
- Initial organizational meeting conducted, election of President and Secretary/Treasurer)
- Overview of the role of a public school foundation
- Research into banking and financial issues
- Approval of inviting the Executive Director of the Chesterfield County Public Schools Foundation (a successful organization) to meet with the Board for training and consultation

Next Steps:

- Schedule workshop session with Barbara Wells, Executive Director of the CCPSF (This will be determined at the next Board meeting)
- Formulate Vision/Mission statements, strategic goals
- Formulate case statement stressing the *district*, rather than individual schools or programs
- Develop an emphasis to keep gifts unrestricted as far as possible

Best practices for Foundation development efforts include:

Before asking someone for a gift, one should be able to answer the following questions:

- How much do you want?
- What are you going to do with it?
- What benefit does the donor receive?
- Why are you asking this person for this specific amount of money?

These are all components of what is called in school foundation language the "case statement." The case is the expression of the cause, or all the reasons why the school's community should desire to give to that cause. A well developed case statement will help school foundation/fundraising personnel develop:

- Brochure(s)
- Grant writing proposals
- Appeal letters
- News releases
- Web site
- Speeches to the public
- Face to face "asks'

The update was received and filed.

The Chair announced the resignation of School Trustee Gloria P. Manns, effective at the conclusion of the Council/School Board joint meeting. She advised that Ms. Manns submitted her resignation due to professional and personal reasons, and expressed appreciation for her service to Roanoke's school system.

Ms. Manns read her formal letter of resignation and expressed appreciation to the Members of Council for giving her the opportunity to be of service to the City of Roanoke.

On behalf of the Mayor and Members of Council, Vice-Mayor Fitzpatrick expressed appreciation to Ms. Manns for her service and advised that her resignation is a great loss to not only the School system, but to the City of Roanoke.

Council Member Cutler suggested that City and School staff continue to explore ways to combine services, such as health insurance and purchasing large bulk items, etc. He inquired about projects/programs on which the City and School Administrations have worked jointly.

It was noted that actions have been taken to merge financial services and applications of the City and the School system, and as the School system moves toward performance base standards and sets additional accountability measures, opportunities will be sought to work in conjunction with City staff.

Vice-Mayor Fitzpatrick pointed out that the two gubernatorial candidates have discussed changing the structure of taxes in local government, which could affect the City of Roanoke's ability to adequately fund the School system since a majority of funds derived from the real estate tax is used to fund the School system. He concurred in the remarks of Council Member Cutler with regard to joint cooperation by City and School administrations to consolidating various City/School functions in order to save taxpayers' money.

At 1:35 p.m., the Vice-Mayor declared the meeting in recess to be reconvened at 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, Room 450, 215 Church Avenue, S. W.

At 2:00 p.m., on Monday, August 15, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler and Vice-Mayor Beverly T. Fitzpatrick, Jr.----------6.

ABSENT: Mayor C. Nelson Harris----------1.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Vice-Mayor presented a proclamation to Brian V. Wilson, Board Member, and Pat Green, Committee Chair, Roanoke Valley Hokie Club, declaring Friday, August 26, 2005, as Hokie Pride Day.

CONSENT AGENDA

The Vice-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 was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to five requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, June 20, 2005, and Tuesday, July 5, 2005, were before the body.

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

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

COMMITTEES-CITY COUNCIL: A communication from Vice-Mayor Beverly T. Fitzpatrick, Jr., requesting that Council convene in Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council convene in Closed Session as above described. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss the award of a public contract involving expenditure of public funds and discussion of the terms or scope of such contract, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

COMMITTEES-ROANOKE ARTS COMMISSION: A communication from the City Clerk advising of the resignation of Mark C. McConnel as a member of the Roanoke Arts Commission, was before Council.

Council Member Dowe moved that the resignation be accepted and that the communication be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

ANNUAL REPORTS-PENSIONS: An Annual Report of the Board of Trustees, City of Roanoke Pension Plan, for the period July 1, 2004 through June 30, 2005, was before Council.

Council Member Dowe moved that the Annual Report be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

PARKS AND RECREATION-COMMITTEES-PERSONNEL DEPARTMENT-YOUTH-LIBRARIES-ROANOKE NEIGHBORHOOD PARTNERSHIP-TOWING ADVISORY BOARD: The following report of qualification was before Council:

Anne E. Caldwell to fill the unexpired term of Samuel G. Oakey, III, ending June 30, 2006, and Susan Koch for a term ending June 30, 2008, as members of the Roanoke Public Library Board;

Martha P. Franklin as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2008;

Steven Higgs as a member of the Mill Mountain Advisory Committee, for a term ending June 30, 2008;

Robin Murphy-Kelso as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2008;

Thomas W. Ruff as a member of the Towing Advisory Board, for a term ending June 30, 2006; and

Abbi Fitzpatrick and James H. Smith as members of the Youth Services Citizen Board, for terms ending May 31, 2008.

Council Member Dowe moved that the report of qualification be received and filed. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would

adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Council Member Dowe moved that Council concur in the request of the City Manager to convene in Closed Meeting as above described. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS:

HOUSING/AUTHORITY-NEWSPAPERS: Nancy Canova, Chair, presented the 2004-2005 Annual Report of the Fair Housing Board.

Ms. Canova advised that:

"Fair Housing and Fair Lending Laws are in place to provide the protected classes with equal access to rental property, home ownership, mortgage loans and insurance policies. The Fair Housing Board is dedicated to safeguarding the options and choices of these protected classes who live in, or want to live in the City of Roanoke.

City Council has charged the Fair Housing Board with the responsibility of educating the general public and the housing industry about Fair Housing Laws. To accomplish this effectively, the Board required a more detailed picture of equal housing opportunity in the City. Since the City had no record of receipt of housing complaints, the Board proposed to collect complaints through community agencies and groups whose natural constituencies were among the protected classes. The Board provided training in Fair Housing laws to 19 community agencies and groups who agreed to

report to the Board any incidents of housing discrimination that affected their clientele. From July 1, 2004 to June 30, 2005, 36 incidents of alleged housing discrimination were reported. The protected classes affected were race (16), handicap (16), familial status (3), and religion (1).

Most of the incidents reported affected either race or handicap. Those incidents of race discrimination involved African-Americans in rental situations mostly in the northwest section of the City. Two of the incidents were in southeast Roanoke. Three incidents involving African-Americans in the southwest section of the City were referred by HUD to the U. S. Department of Justice. At least two of the race discrimination cases involved whites who wished to purchase a home in the City, but were being steered to the County. Racial steering restricts choices and is against HUD regulations.

The Fair Housing Board has monitored housing industry advertisements for display of the Fair Housing or Fair Lending logos. While display of the logo does not guarantee non-discrimination, their conspicuous presence in housing advertisements will certainly suggest the advertiser's recognition of the Federal and of the Virginia Fair Housing laws, and one's desire to be in compliance with same.

There is inconsistency within the housing industry on the use of logos in advertising and signs. The Fair Housing Board commends the Roanoke Valley Apartment Association for actively supporting fair housing through its advertising policy. In the publications associated with the RVAA, Guide to Apartment and Retirement Communities and The Apartment Finder, all real estate advertisements display the Fair Housing logo. On the other hand, Homes Plus, published by *The Roanoke Times,* in cooperation with the Roanoke Valley Association of Realtors, is more laissez faire in its approach to advertising. The RVAR's leadership has declined to require or encourage realtors to include the Fair Housing logo in all ads, regardless of the Publisher's notice, although they asked that an article be included in the next available newsletter reminding members of the proper usage of Fair Housing logos in all advertisements. *The Roanoke Times*, the only daily newspaper in the Roanoke Valley, continues to accept advertisements from the housing industry that do not display the Equal Housing Opportunity or Equal Lending Opportunity logos.

This year, the Fair Housing Board became a visible part of the City's web site in an effort to raise awareness of Fair Housing Law. Located under Neighborhood Services, Fair Housing Board information is easy to access. The site includes the Board's activities, publications, complaint form and connections to the State Fair Housing Office web site.

First printed in April 2004, the Fair Housing Board distributed 2000 copies of its booklet, Fair Housing: What You Need to Know, through libraries, community agencies and groups, workshops, and housing and neighborhood events. A revised edition was published in April 2005 to include Housing Provider Certification requirements for those in the business of selling or renting dwellings, except those individuals who hold a valid license issued by the Virginia Real Estate Board. The Fair Housing Board especially wanted to provide information to lobby landlords or lobby real estate investors, who receive their livelihood from other sources and who, because they do not identify with the industry or belong to the trade associations, may not be aware of the Fair Housing law.

In celebration of Fair Housing Month in April, the Fair Housing Board sponsored a Housing Fair at Valley View Mall to provide information to the general public. There were 18 participants from the housing industry, including realtors, lenders, insurance agents, non-profit developers, and community agencies and groups which provided many diverse networking opportunities. The Fair Housing Board's booth displayed two HUD video spots on discrimination. Realtor trainers in attendance have asked for a copy of the videos for use in their training sessions.

The Fair Housing Board sponsored three workshops this year. Susan Scovill with Housing Opportunities Made Equal, Inc. (HOME), of Richmond presented the workshop on "Predatory Lending" which addressed the impact of these practices upon the community. The Board is grateful to Wachovia Bank for its support of the workshop. Susan Scovill of HOME, Inc., also presented a workshop on Fair Housing law to community agencies and groups. A follow-up workshop to an expanded number of community agencies was presented with the support of TAP.

The Fair Housing Board was pleased to support Total Action Against Poverty's application for a HUD grant to work with the Fair Housing Board to reach out into the community. Their application cited special interest in providing Spanish-speaking capability to the Board. Being able to reach a broader audience will help the Board begin to meet the needs of Roanoke's multicultural population.

Although the Fair Housing Board sees that housing discrimination exists in the City of Roanoke, it is hopeful about being able to address the issues through education and the relationships that it is developing with housing and community agencies."

Question was raised with regard to a statement that *The Roanoke Times* continues to accept advertisements from the housing industry that do not display Equal Housing Opportunity or Equal Lending Opportunity logos; whereupon, the Vice-Mayor suggested that the Fair Housing Board meet with the President and Publisher of *The Roanoke Times* to determine the policy of the newspaper, with a follow up report to the Council.

Council Member Dowe requested that Council be informed of responses by local radio/television stations with regard to broadcasting/televising Fair Housing Public Service Announcements.

The City Manager/City Attorney were requested to provide Council with a status report on Fair Housing cases that are currently pending in the Federal court system.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-CIRCUIT COURT-GRANTS: The City Manager submitted a communication concurring in the following request of the Clerk of the Circuit Court.

The Clerk of Circuit Court advised that the Clerk is responsible, by statute, for the recordation of legal instruments which include: Land Records, Marriage Licenses, Financing Statements, Assumed Names, Wills, and other Probate Records, and Law, Chancery and Criminal Orders; and such records must be maintained and available to the public.

She further advised that the Circuit Court Clerk's Office plans to implement a project involving the scanning of certain older legal records maintained by the Clerk of Circuit Court and incorporation of the records into the existing optical imaging scanning and retrieval system will be done by a temporary employee.

She explained that presently, documents are tri-folded and stored in metal file cabinets in the Clerk's vault; due to the nature of the documents and their relevance to title searches, they are physically handled and inspected daily; and excessive and continued manual inspections have led to damage of the originals, misfiling, unavailability and loss of information, thereby necessitating a safer, easier and more efficient approach to availability and storage of records.

It was noted that completion of the project will take a minimum of six months at a cost of $17,224.00; funding is available from the Commonwealth of Virginia Compensation Board Technology Fund; in using a temporary employee, the Compensation Board requires the local jurisdiction to manage funding and the Department of Management and Budget will manage funding in the amount of $17,224.00; and approval of the project is imperative to enable the Circuit Court Clerk's Office to provide both immediate public access for inspection of documents and to maintain the physical integrity and security of original documents as mandated.

The Clerk of Circuit Court recommended that Council adopt an ordinance establishing a revenue estimate, in the amount of $17,224.00, in the Grant Fund; and appropriate funds in the same amount to expenditure accounts to be established by the Director of Finance in Grant Funds, as follows:

Temporary Wages	035-410-9620-1004	$16,000.00
FICA	035-410-9620-1120	$ 1,224.00

Council Member Dowe offered the following budget ordinance:

(#37144-081505) AN ORDINANCE to appropriate funding for the Scanning Project for the Clerk of the Circuit Court, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 524.)

Council Member Dowe moved the adoption of Ordinance No. 37144-081505. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS: The City Manager submitted a communication concurring in the following request of the Commonwealth's Attorney.

The Commonwealth's Attorney advised that Federal funding was made available to the Commonwealth of Virginia to be used for development of several Multi-Jurisdictional Special Drug Prosecutors statewide; positions were developed to coordinate prosecutorial efforts among independent jurisdictions, to reduce fractional and duplicate prosecutions, to enhance the recovery of criminal assets, to utilize Federal, State and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort; on October 9, 1987, the Commonwealth's Attorneys of the Counties of Craig, Franklin and Roanoke, and the Cities of Roanoke and Salem applied to the Commonwealth's Attorneys' Services Council, the State agency responsible for administration of grant money, to fund a Multi-Jurisdictional Special Drug Prosecutor; Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April, 1988, and a full-time Special Drug Prosecutor was hired in July, 1988; and annual re-application for funds is required.

It was further advised that on April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board; the Compensation Board approved funding for the Drug Prosecutor in the amount of $91,494.00 on June 22, 2005, with funding to continue through June 30, 2006; local match is $27,900.00, for a total of $119,394.00; and funding for the local share is available in the General Fund - Transfer to Grant Fund, Account No. 001-250-9310-9535.

The Commonwealth's Attorney recommended that Council accept funds from the Compensation Board, in the amount of $91,494.00, with the City providing local match funding in the amount of $27,900.00; that the City Manager be authorized to execute the requisite documents to obtain funding from the Compensation Board, with all documents to be subject to approval as to form by the City Attorney; that Council appropriate $91,494.00 in State grant funds and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund; and transfer $27,900.00 from the General Fund Transfer to the Grant Fund, Account No. 001-250-9310-9535, to the Grant Fund account above referenced and appropriate funds as follows:

Program Accounts

1002	Regular Employee Salaries	$ 78,251.00
1105	ICMA - Retirement	$ 10,031.00
1115	ICMA - Match	$ 1,300.00
1120	FICA	$ 6,086.00
1125	Medical Insurance	$ 7,080.00
1126	Dental Insurance	$ 469.00
1130	Life Insurance	$ 0.00
1131	Disability Insurance	$ 20.00
2020	Telephone	$ 2,000.00
2030	Administrative Supplies	$ 3,257.00
2042	Dues & Membership	$ 400.00
2160	Postage	$ 500.00
2044	Training & Development	$ 1,000.00
3075	Other Rental	$ 9,000.00
	TOTAL	$ 119,394.00

Council Member Dowe offered the following budget ordinance:

(#37145-081505) AN ORDINANCE to appropriate funding for the Regional Drug Prosecutor Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 524.)

Council Member Dowe moved the adoption of Ordinance No. 37145-081505. The motion was seconded by Council Member McDaniel.

Council Member Lea inquired if the prosecution of drug cases in the City of Roanoke has increased since acceptance of the initial grant in April 1998. The City Manager advised that the item was placed on the agenda at the request of the Commonwealth's Attorney and she would refer Mr. Lea's question to the Commonwealth's Attorney for response.

There being no further questions/discussion by Council Members, Ordinance No. 37145-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Dowe offered the following resolution:

(#37146-081505) 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. 69, Page 526.)

Council Member Dowe moved the adoption of Resolution No. 37146-081505. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

BUDGET-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Emergency Management has announced allocation of the 2005 U. S. Department of Homeland Security (DHS), State Homeland Security Program Grant which is designed to provide equipment, training, planning and exercises for first responders to develop better preparedness to prevent, respond and recover from potential acts of terrorism.

It was further advised that the City of Roanoke has been allocated a total of $97,667.00 under the grant based upon a formula that provided $15,000.00 plus $0.87 per capita; and funds will be made available upon review of the budget detail listing and approval by the Virginia Department of Emergency Management.

It was explained that the funds, which require no local match, must be used according to requirements specified by the Department of Homeland Security; the 2004 grant allows the expenditure of grant funds in four areas of need: equipment acquisition, training, planning, and exercise; and equipment purchases must conform to the Office of Domestic Preparedness Authorized Equipment List.

The City Manager recommended that she be authorized to execute the necessary documentation to accept the grant and to furnish such additional information and to take such additional action as may be required to implement and administer grant funds and agreements, such documents to be subject to approval as to form by the City Attorney; that Council appropriate funds in the amount of $97,667.00 to an account in the Grant Fund to be established by the Director of Finance; and authorize the Director of Finance to establish a revenue estimate in the same amount in the Grant Fund.

Council Member Cutler offered the following budget ordinance:

(#37147-081505) AN ORDINANCE to establish the State Homeland Security Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 527.)

Council Member Cutler moved the adoption of Ordinance No. 37147-081505. The motion was seconded by Council Member Dowe.

Council Member Cutler inquired if Homeland Security Grants are available to the Western Virginia Water Authority, or would the City of Roanoke and Roanoke County consider sharing first responder grants with the Water Authority, or invite personnel of the Water Authority to participate in training which is funded by Homeland Security Grants.

The City Manager advised that Homeland Security Grant monies are specifically directed toward public safety agencies or organizations, therefore, funds would be required to come directly to the City of Roanoke for a public safety activity; training for personnel of the Western Virginia Water Authority could be incorporated with training activities; and immediately after the events of September 11, 2001, the City received specific direction from the State to protect water supplies, therefore, additional security measures were invoked at both

Roanoke City and Roanoke County water reservoirs. Insofar as the WVWA participating in the receipt of Homeland Security Grant funds, she stated that such would have to be worked out through appropriations to be received by the City and the County which could be addressed at the next meeting of the Water Authority.

There being no further questions/comments by Council Members, Ordinance No. 37147-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Cutler offered the following resolution:

(#37148-081505) A RESOLUTION authorizing the acceptance of the 2005 U. S. Department of Homeland Security Grant from the Virginia Department of Emergency Management to obtain Federal funds under the State Homeland Security Grant Program administered by the Office of Domestic Preparedness and authorizing the execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 69, Page 527.)

Council Member Cutler moved the adoption of Resolution No. 37148-081505. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

BUDGET-FIRE DEPARTMENT-GRANTS: The City Manager submitted a communication advising that on August 11, 2000, the Virginia Fire Services Board (VFSB) adopted a policy of providing grants known as "Mini-Grants", from interest earned by the Fire Programs Fund; the VFSB Committee on Fire Prevention and Control was charged with the responsibility of administering such programs in cooperation with the Virginia Department of Fire Programs (VDFP); a provision was adopted to restrict grant activities -projects and programs which positively impact and/or further fire service training within the Commonwealth of Virginia; maximum award for any mini-grant is $10,000.00; and in fiscal year 2001, the mini-grant's first award cycle, the Virginia Fire Services Board awarded 27 awards, totaling over $100,000.00.

It was further advised that the Virginia Department of Fire Programs recently announced that the City of Roanoke Fire-EMS Department was awarded a $5,772.00 Department of Fire Prevention (DFP) "Mini-Grant" which requires no local match; the award of funds will be used for support of computer services at the Roanoke Valley Regional Training Center, which will enable the Training Center to have wireless internet access across the entire training complex; and such access will provide more effective and enhanced instruction and training.

The City Manager recommended that she be authorized to accept the grant award of $5,772.00 and to execute the required grant agreement and any other related documents, subject to approval as to form by the City Attorney, and that Council establish appropriate revenue and expenditure estimates in the Grant Fund in accounts to be established by the Director of Finance.

Council Member Dowe offered the following budget ordinance:

(#37149-081505) AN ORDINANCE appropriating funds for the DFP Computer Service Grant, amending and reordaining certain sections of the 2005-2006 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 528.)

Council Member Dowe moved the adoption of Ordinance No. 37149-081505. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Dowe offered the following resolution:

(#37150-081505) A RESOLUTION authorizing the acceptance of a DFP Computer Services Grant from the Virginia Department of Fire Programs, and authorizing execution of any required documentation on behalf of the City.

(For full text of resolution, see Resolution Book No. 69, Page 529.)

Council Member Dowe moved the adoption of Resolution No. 37150-081505. The motion was seconded by Council Member McDaniel and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES: The City Manager submitted a communication advising that the City of Roanoke operates under a VPDES permit for the City's municipal separate storm sewer system (MS4); the City's permit requires numerous actions and activities that are set forth in the registration statement submitted to the Virginia Department of Environmental Quality (DEQ) in 2003; one of the City's VPDES permit requirements is development and adoption of a stormwater illicit discharge ordinance; and the goal of the ordinance is to regulate stormwater discharges to the City's storm sewer system and to prohibit the illicit connection and discharge of non-stormwater to the City's storm sewer system.

It was further advised that as mandated by the VPDES program, the City is required to control the contribution of pollutants to the storm sewer system, to prohibit illicit discharges and connections to the storm sewer system, and to provide for inspection, monitoring and enforcement of prohibitions of illicit discharges and connections to the City's storm sewer system; and elimination of illicit discharges and pollutants in the storm sewer system will have a positive impact on the water quality of waterways.

The City Manager explained that in order to maintain compliance with the City's VPDES Stormwater Permit, adoption of a stormwater discharge requirements ordinance is required which will involve amendment of the Code of the City of Roanoke (1979), as amended, in order to adopt stormwater discharge requirements.

The City Manager recommended that Council amend the Code of the City of Roanoke (1979), as amended, by the addition of a new Chapter 11.3, Stormwater Discharge Requirements, effective on and after September 1, 2005.

Council Member Cutler offered the following ordinance:

(#37151-081505) AN ORDINANCE amending and reordaining the Code of the City of Roanoke (1979), as amended, by adding a new Chapter 11.3, Stormwater Discharge Requirements, providing requirements for the discharge of stormwater to the City of Roanoke's storm sewer system, prohibiting the discharge of non-stormwater to the City's storm sewer system, with certain exceptions, prohibiting the connection of any sanitary sewer line to the City's storm sewer system, and providing penalties for violation of this chapter; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 530.)

Council Member Cutler moved the adoption of Ordinance No. 37151-081505. The motion was seconded by Council Member Dowe.

Council Member Cutler advised that the proposed ordinance, which is required by the Federal Water Act through the Environmental Protection Agency (EPA) and the State Department of Environmental Quality, requires that citizens refrain from connecting roof downspouts and basement sump pumps to the sewer system; roof drains and basement sump pump drains should be connected to the storm drainage system instead of the sewer system, and the City of Roanoke and Roanoke County, in cooperation with the Western Virginia Water Authority, will work with citizens throughout the Roanoke Valley to disconnect illegal roof and basement drain connections.

There being no further questions/comments by Council Members, Ordinance No. 37151-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

CITY ATTORNEY:

STREETS AND ALLEYS: The City Attorney submitted a written report advising that the City of Roanoke Redevelopment and Housing Authority (RRHA) is in the process of taking over from the Northwest Neighborhood Environmental Organization ("NNEO") the development of the Fifth Street Gateway project in the 500 block of Loudon Avenue, N. W; on February 3, 2003, at the request of NNEO, Council adopted Ordinance No. 36226-020303, closing two alleys in the area of the project; in accordance with the City's usual practice, the ordinance required that within one year from the date of adoption, NNEO would prepare and record a subdivision plat combining the closed alleys with the adjoining lots; and because the subdivision plat was never prepared and recorded, the ordinance by its terms becomes void.

It was further advised that in order to allow the Housing Authority to close the alleys, the RRHA has requested that Council amend and reordain Ordinance No. 36226-020303, thereby allowing the RRHA additional time to prepare and record an appropriate subdivision plat.

The City Attorney recommended that Council adopt a measure amending and reordaining Ordinance No. 36226-020303, to allow a plat of subdivision to be prepared and recorded within 36 months after February 3, 2003, which is the date of adoption of the original ordinance.

Council Member Dowe offered the following ordinance:

(#37152-081505) AN ORDINANCE amending and reordaining Ordinance No. 36226-020303; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 539.)

Council Member Dowe moved the adoption of Ordinance No. 37152-081505. The motion was seconded by Council Member McDaniel.

Council Member Lea inquired about the status of the Northwest Neighborhood Environmental Organization (NNEO).

The City Manager responded that the status of the NNEO continues to be in a state of transition; the ordinance referenced in the City Attorney's report relats to the closing of a street that was needed to plat a subdivision for development of what was known as the Fifth Street Gateway Project; a number of problems occurred that caused the NNEO to withdraw a request for tax credits; the NNEO later asked the Roanoke Redevelopment and Housing Authority to assure its role in the development of the area; and the RRHA was successful in securing tax credits, effective July 1, 2005, and is now in the process of refining and developing a proposal for the land which generated the request before the Council for an extension of time in order to prepare the necessary documents. She stated that the project that will be developed by the Housing Authority is, in large measure, similar to the project that was originally conceived for the area by the NNEO, with certain minor changes and the street closure is still necessary.

Council Member Wishneff referred to complaints regarding maintenance at McCray Court; whereupon, the City Manager advised that the NNEO continues to manage McCray Court and she would confer with the City's Code Enforcement Division to determine if any complaints have been filed.

Council Member Wishneff suggested that the assistance of the RRHA be solicited to provide management assistance, etc.; whereupon, the City Manager advised that she would bring the suggestion to the attention of the Executive Director of the RRHA, and specific complaints with regard to individual housing and/or maintenance of housing units would fall under the City's Code Enforcement Division for investigation.

Council Member Lea requested a clarification on the entity responsible for maintenance of McCray Court.

There being no further questions/comments by Council Members, Ordinance No. 37152-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

DIRECTOR OF FINANCE:

CITY CODE-CITY TREASURER-TAXES: The Director of Finance submitted a written report advising that since 1978, Section 2-238 of the Code of the City of Roanoke (1979), as amended, has provided authority for the Director of Finance to accept interest or penalty payments at a rate less than prescribed and to waive interest and penalty in certain circumstances, such as for delinquent taxes, fees, assessments, and weed, trash, demolition and boarding up liens; on occasion, such authority is beneficial to the City in order to achieve collection results; authorization is used infrequently, and when it is used, the reason for waiving penalty and interest is documented for internal control and audit purposes; and occasionally the City Treasurer encounters circumstances whereby, in order to treat customers equitably, interest and penalty may need to be waived, however, the City Code does not currently provide this authority.

It was further advised that the Director of Finance and the City Treasurer concur that authorization to reduce or waive interest and penalty should be extended to the City Treasurer; and it is anticipated that such authorization will be used infrequently and will be well documented.

The Director of Finance recommended that Council approve an amendment to the City Code providing authorization for the City Treasurer to reduce or to waive interest and penalty payments.

Council Member Cutler offered the following ordinance:

(#37153-081505) AN ORDINANCE amending Article IX, City Treasurer, of Chapter 2, Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §2-206, Authority to reduce or waive interest and penalty payments, in order to grant to the Treasurer of the City of Roanoke the power to waive certain penalties and interest when, in the Treasurer's discretion it is just and proper; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 541.)

Council Member Cutler moved the adoption of Ordinance No. 37153-081505. The motion was seconded by Council Member Lea and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

REPORTS OF COMMITTEES:

BONDS/BOND ISSUES-SCHOOLS: A report of the Roanoke City School Board advising of the adoption of resolutions to participate in the 2005 Interest Rate Subsidy Program Bond Sale - VPSA School Financing Bonds, Series 2005D, was before Council.

It was further advised that proceeds of the bond issue will be used in lieu of Literary Fund loans approved by the State for Fallon Park Elementary School and Westside Elementary School projects; and the School Board will pay the debt service on the VPSA Interest Rate Subsidy Bond Issue.

The School Board requested that Council adopt resolutions indicating that the City of Roanoke wishes to participate in the VPSA bond issue for Fallon Park and Westside Elementary Schools, and that a public hearing will be held on Monday, September 19, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber.

Council Member Dowe offered the following resolution:

(#37154-081505) A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount estimated not to exceed $1,200,000.00 to finance certain capital improvements to Fallon Park Elementary School, previously approved pursuant to Resolutions No. 36547-111703 and No. 36548-111703, adopted by the Council at its November 17, 2003, meeting.

(For full text of resolution, see Resolution Book No. 69, Page 542.)

Council Member Dowe moved the adoption of Resolution No. 37154-081505. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

Council Member Dowe offered the following resolution:

(#37155-081505) A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount estimated not to exceed $3,850,000.00 to finance certain capital improvements to Westside Elementary School, previously approved pursuant to Resolutions No. 36922-122004 and No. 36923-122004, adopted by the Council at its December 20, 2004, meeting.

(For full text of resolution, see Resolution Book No. 69, Page 543.)

Council Member Dowe moved the adoption of Resolution No. 37155-081505. The motion was seconded by Council Member Cutler and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

BUDGET-SCHOOLS: A report of the Roanoke City School Board requesting appropriation of the following funds:

- $2,143.00 for the Title I Winter Program to provide remedial reading, language arts, and mathematics instruction for students in targeted schools, said program to be 100 per cent reimbursed by Federal funds.

- $15,000.00 for the Regional Education Specialist Program to provide ancillary and support services for the Adult Literacy and Basic Education Program in the planning district, said program to be 100 per cent reimbursed by State funds.

- $9,000.00 for the Thurman Foundation Homeless Child Mentoring Project to provide mentoring services to 43 children in grades 6-12, targeting the adolescent stage of life; and a donation for the program in its entirety has been received.

A report of the Director of Finance recommending that Council concur in the request of the School Board was also before the body.

Council Member Cutler offered the following budget ordinance:

(#37156-081505) AN ORDINANCE to appropriate funding for the 2004-05 Title I Winter Program, Regional Adult Education Specialist 2005-06, and Thurman Foundation Homeless Child Mentoring Project, amending and reordaining certain sections of the 2005-2006 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 545.)

Council Member Cutler moved the adoption of Ordinance No. 37156-081505. The motion was seconded by Council Member Dowe and adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

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

ACTS OF ACKNOWLEDGEMENT-COMMITTEES-SCHOOLS: Council Member Dowe commented on the level of excitement and encouragement that prevailed at a joint meeting of Council and the School Board at 12:00 noon. He commended the new Superintendent of Schools, Marvin Thompson, who has assumed his responsibilities with a renewed vigor and a refined focus as he relates to the School administration.

Council Member Dowe called attention to the resignation of Dr. Gloria P. Manns as a Trustee of the Roanoke City School Board, effective at the close of the August 15, 2005, joint meeting of Council and the School Board, and expressed appreciation to Dr. Manns for her years of service to the City of Roanoke and the School System.

CITY EMPLOYEES: Council Member Cutler advised that the City of Roanoke's multicultural initiative is making progress and commended City employees who volunteered to serve in language resource capacities in order to meet the needs of the City's growing multicultural population.

CITY COUNCIL-SCHOOLS: Council Member Wishneff concurred in the remarks of Council Member Dowe with regard to the tone of the joint meeting of Council and the School Board which was held earlier in the day and commended the zeal and focus of the new Superintendent of Schools with regard to school achievement. He encouraged those parents who have taken their children out of Roanoke City Public Schools to reconsider Roanoke's school system.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL-HOUSING/AUTHORITY: Mr. Les Stennett, 3531 Peters Creek Road, N. W., addressed the growing problem of government assisted housing, public housing and low income housing. He expressed concern that approximately 27 government assisted housing communities currently exist within the boundaries of the City of Roanoke and it is proposed to construct additional low income housing in northwest Roanoke City on the Countryside Golf Course property.

Mr. Stennett advised that millions of dollars of taxpayers' money will be spent on the new art museum in downtown Roanoke, and suggested that funds would be more wisely spent to train citizens for better paying jobs, thereby decreasing their dependency on subsidized housing.

The Vice-Mayor clarified that the City of Roanoke does not intend to construct additional low income housing on the Countryside Golf Course property, and although a precise use of the property has not been determined, the Members of Council have unanimously stated that the property will not be used for low income housing.

POLICE DEPARTMENT-PAY PLAN-COMPLAINTS-FIRE DEPARTMENT: Ms. Zoe Stennett, 3531 Peters Creek Road, N. W., spoke in support of the services provided to Roanoke's citizens by the Fire/EMS and Police Departments, and the need for an adequate pay scale for public safety employees. She called attention to low morale in the Fire Department, with promotions that are based on the "buddy system" and not on the basis of qualifications, and unfair treatment of employees by supervisory staff. She stated that the Chief of Police should be placed on administrative leave until an alleged domestic violence incident has been resolved through the legal system.

FIRE DEPARTMENT: Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that closing or razing fire stations is a serious and potentially dangerous matter; therefore, many citizens do not have faith in the proposed Fire/Emergency Medical Services Plan advocated by the City Manager and the Fire Chief. She presented

copy of a communication from Adam K. Thiel, Executive Director, Virginia Department of Fire Programs, with regard to the proposed closure of five Roanoke fire stations. She requested a written definition of Roanoke's Central Business District and its boundaries.

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

PAY PLAN-CITY PROPERTY-PUBLIC WORKS-CITY EMPLOYEES: Mr. Robert E. Gravely, 727 29th Street, N. W., expressed concern with regard to the pay scale for the average City employee which is below the poverty level. He stated that wages should be increased so that the average City employee can afford to purchase a home. He advised that in addition to public safety employees, other City employees work under certain unsafe and undesirable conditions in order to maintain City property.

CITY MANAGER COMMENTS:

CITY COUNCIL-CITY GOVERNMENT-CITY EMPLOYEES-STATE OF THE CITY REPORTS: The City Manager advised that many public service employees work in undesirable situations, and the City of Roanoke has a dedicated group of employees whose lives are sometimes at risk while fulfilling their responsibilities.

The City Manager encouraged the citizens of Roanoke to attend the Mayor's State of the City Address which will be held on Thursday, August 25, 2005, at 7:30 a.m., in the Cafetorium at the Roanoke Academy for Mathematics and Science Elementary School, 1616 9th Street, N. W.

The City Manager commended the Members of Council on their efforts to address housing disparities in the City of Roanoke. She advised that the City of Roanoke is ranked as one of the most segregated communities in the Commonwealth of Virginia and the City is constantly looking for ways to decrease segregation, to deconcentrate poverty, to increase home ownership, and to increase the amount of market rate housing. She stated that the Countryside Golf Course property offers an unique opportunity to construct additional housing choices; and even though it is not known at this time what will be constructed on the site, the City has no plans to construct additional low income housing, whether it be at the Countryside location or any other location. She stated that the City of Roanoke has more than an adequate supply of low income housing and bears a disproportionate share of low income housing when compared to other jurisdictions in the Roanoke Valley.

At 3:20 p.m., the Vice-Mayor declared the Council meeting in recess for five Closed Sessions.

At 5:10 p.m., the Council meeting reconvened in the City Council Chamber, with all Members of the Council in attendance, except Mayor Harris and Council Member Lea, Vice-Mayor Fitzpatrick presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Council Member Dowe 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 Cutler and adopted by the following vote:

AYES: Council Members Dowe, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick----------5.

NAYS: None----------0.

(Mayor Harris was absent.) (Council Member Lea left the meeting at the conclusion of the Closed Session.)

OATHS OF OFFICE-COMMITTEES-HUMAN DEVELOPMENT COMMITTEE: The Vice-Mayor advised that there is a vacancy on the Human Services Advisory Board created by the resignation of H. Clarke Curtis; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member Dowe placed in nomination the name of Angela Holland.

There being no further nominations, Ms. Holland was appointed as a member of the Human Services Advisory Board, to fill the unexpired term of H. Clarke Curtis, resigned, ending November 30, 2007, by the following vote:

FOR MS. HOLLAND: Council Members Dowe, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick ----------5.

(Mayor Harris and Council Member Lea were absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE ARTS COMMISSION: The Vice-Mayor advised that the term of office of Anna Wentworth as a member of the Roanoke Arts Commission expired on June 30, 2005; whereupon, he opened the floor for nominations to fill the vacancy.

Council Member McDaniel placed in nomination the name of Wyona Lynch-McWhite.

There being no further nominations, Ms. Lynch-McWhite was appointed as a member of the Roanoke Arts Commission, for a term ending June 30, 2008, by the following vote:

FOR MS. LYNCH-MCWHITE: Council Members Dowe, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick ----------5.

(Mayor Harris and Council Member Lea were absent.)

Council Member McDaniel moved that the City residency requirement be waived in this instance. The motion was seconded by Council Member Dowe and adopted.

At 5:15 p.m., the Vice-Mayor declared the Council meeting in recess to be reconvened at 7:00 p.m., in the City Council Chamber, Room 450, Noel C. Taylor Municipal Building.

At 7:00 p.m., on Monday, August 15, 2005, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding.

PRESENT: Council Members Alfred T. Dowe, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler and Vice-Mayor Beverly T. Fitzpatrick, Jr.---------- ----------6.

ABSENT: Mayor C. Nelson Harris----------1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney, Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Vice-Mayor Fitzpatrick.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

BID OPENINGS:

CITY PROPERTY-COMMONWEALTH OF VIRGINIA BUILDING: Pursuant to notice of advertisement for bids for lease of space in the Virginia Commonwealth Building, said bids to be received by the City Clerk until 12:00 p.m., on Monday, August 15, 2005, and to be held, unopened, until 7:00 p.m., on that date, the Vice-Mayor inquired if anyone had any questions with regard to the opening of the bids. No representative present raising any question, the Vice-Mayor instructed the City Clerk to proceed with the opening of the bids.

The City Clerk advised that one bid was submitted at 1:48 p.m., however, the deadline for receipt of bids was 12:00 p.m., in the City Clerk's Office.

The City Attorney advised that the bid was not a legitimate bid inasmuch as it was received after the 12:00 p.m. deadline; whereupon, the City Clerk was instructed to return the bid, unopened, to the bidder.

PUBLIC HEARINGS:

CITY PROPERTY-COMMONWEALTH OF VIRGINIA BUILDING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, on the lease of certain City-owned property located in the Commonwealth Building to be used for office space for a term of up to ten years, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 29 and Friday, August 5, 2005.

Inasmuch as one bid was submitted after the 12:00 p.m., August 14, 2005 deadline for receipt of bids, the Vice-Mayor advised that the matter would be readvertised for bids and public hearing at a later date.

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, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Roanoke Investments Associated, Inc., that proffered conditions presently binding upon a 2.615-acre parcel of land located at 3361 Melrose Avenue, N. W., be amended, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 29, 2005 and Friday, August 5, 2005.

The City Planning Commission submitted a written report advising that the petition requests that the following proffer be <u>repealed</u>:

> The property shall be used only for one or more of the following purposes:
>
> Manufacturing establishments primarily engaged in the assembly of electrical appliances and telephonic, electronic or small mechanical equipment, instruments or devices; the manufacture of parts of use in any such appliances, equipment, instruments, or devices; or the assembly and/or packaging of textile materials.
>
> No outside storage will be permitted on the property in connection with any use.

It was further advised that the petition requests that the following proffers be adopted:

1. The following uses shall not be permitted on the property:
   a. Outdoor advertising;
   b. Tractor trailer depots and repair facilities;
   c. General service establishments engaged in the repair or maintenance of motor vehicles or trailers;
   d. New commercial vehicle sales and service establishments;
   e. Towing services;
   f. Mobile home sales;
   g. Motor vehicle or trailer painting and body repair establishments;
   h. Wrecker services;
   i. Used commercial motor vehicle sales and service.

2. There shall be no outdoor storage permitted on the property.

3. Landscaping shall be installed and maintained in accordance with a landscape plan prepared by Country Charm Landscape and dated July 21, 2005.

It was explained that the petitioner indicates that the proposed use of the property will be for "production and storage of marketing materials, and as software design, production and maintenance"; the concept plan indicates use of the existing building; and the proposed use and concept plan are not being proffered.

The City Planning Commission recommended that Council approve the second amended petition to amend proffered conditions which will allow flexible, adaptive reuse of the building, and is consistent with the economic development policies of *Vision 2001-2020* and the *Villa Heights/Fairland Neighborhood Plan.*

Council Member McDaniel offered the following ordinance:

(#37157-081505) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 266, Sectional 1976 Zone Map, City of Roanoke, by amending certain conditions presently binding upon certain property previously conditionally zoned LM, Light Manufacturing District; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 546.)

Council Member McDaniel moved the adoption of Ordinance No. 37157-081505. The motion was seconded by Council Member Wishneff.

Eugene M. Elliott, Jr., Attorney, appeared before Council in support of the request of his client.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request to amend proffered conditions. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37157-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

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, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Boone Homes, Inc., of Roanoke that proffered conditions presently binding upon a 10.224 acre tract of land located on Franklin Road, S. W., identified as Official Tax No. 1290175, be repealed and replaced with new proffered conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 29, 2005, and Friday, August 5, 2005.

The City Planning Commission submitted a written report advising that the petition requests that the following proffers be repealed:

1. The property will be developed in substantial conformity with the site plan entitled, "Development Concept for Section No. 3, Southwood, Prepared for Boone, Boone and Loeb, Inc." prepared by Lumsden and Associates, dated August 31, 2000, a copy of which is attached as Exhibit 3 [reference to former petition], subject to any changes required by the City during site plan review.

2. No parallel on-street parking will be permitted on streets less than 30 feet in width serving residential units.

3. That portion of the 23.571-acre parcel not being developed with the erection of structures or sidewalks as shown on the site plan identified in Paragraph 1 shall be retained as open space.

4. The residences constructed on the property shall not exceed 1-1/2 stories, but in no case be higher than 31 feet from top of the floor of the first floor. Exposed basement and sub-footing heights would not be included in the 31-foot height limitation.

5. The grading of the property shall substantially conform with the approximate limits shown on the grading plan entitled "Proposed Grading Plan for Section No. 3, Southwood," prepared by Lumsden Associates, P.C. under date of October 13, 2000, submitted as Exhibit 5 [reference to former petition].

6. Landscaping shall be in accordance with the plan submitted as Exhibit 4 [reference to former petition] and shall include street trees, evergreen trees and hedges. In addition, any existing tree cover on the permanent open space which is disturbed during development of the property shall be replanted with one-half white pines and one-half deciduous trees which, at the time of planting, shall be a minimum of three to four feet in height and planted on a maximum of 30-foot on center. Replanted material shall be maintained by the property owner.

7. On-site signage will be limited to identification signage at the main entrance and identification and direction signage within the development.

8. The exterior of the residences shall be predominantly brick on all facades.

9. Driveways shall be blacktopped.

10. Sidewalks shall be installed as shown on Exhibit 4 [reference to former petition].

11. A homeowner's association shall be established to maintain the exterior of constructed residences and the grounds. Documentation of the establishment of the Association shall be provided to the City prior to the issuance of a Certificate of Occupancy.

It was further advised that the petition requests that the following proffers be adopted:

1. The property will be developed in substantial conformity with the site plan entitled, "Development Concept for Section No. 3, Southwood, Prepared for Boone, Boone and Loeb, Inc." prepared by Lumsden and Associates, dated August 31, 2000, subject to any changes required by the City during site plan review.

2. That portion of the 23.571-acre parcel not being developed with the erection of structures or sidewalks as shown on the site plan identified in Paragraph 1 shall be retained as open space.

3. The residences constructed on the property shall not exceed 1-1/2 stories, but in no case be higher than 31 feet from top of the floor of the first floor; and exposed basement and sub-footing heights would not be included in the 31-foot height limitation.

4. The grading of the property shall substantially conform with the limits shown on the grading plan entitled, "Southwood Amended Grading Limits, Section No. 5, The Coach Homes of Southwood," prepared by Lumsden Associates, P.C. under date of May 5, 2005.

5. Landscaping shall be in accordance with the plan submitted as Exhibit 4 enacted as part of Ordinance No. 35152-120400, and shall include street trees, evergreen trees and hedges; in addition, any existing tree cover on the permanent open space which is disturbed during development of the property shall be replanted with one-half white pines which, at the time of planting, shall be a minimum of three to four feet in height, and one-half deciduous trees which, at the time of planting, shall be two and one-half inches in caliper; all trees shall be planted so as not to exceed a spacing of 30 feet on center; and replanted material shall be maintained by the property owner.

6. On-site signage will be limited to identification signage at the main entrance and identification and direction signage within the development.

7. The exterior of the residences shall be 90 per cent brick excluding siding on dormers and siding on rear gables.

8. Driveways shall be blacktopped.

9. Sidewalks shall be installed as shown on the original submittal.

10. A homeowner's association shall be established to maintain the exterior of constructed residences and the grounds. Documentation of the establishment of the Association shall be provided to the City prior to the issuance of a Certificate of Occupancy.

It was explained that the proposed revision to the plan substantially increases the area to be graded in the reserved open space; the area is a wooded, steep hillside that ranges in grade from 28-35 per cent slope; the revised grading plan extends the area to be graded an average of 28 feet farther down the hillside than shown in the original plan; the hillside abuts the Roy Webber Expressway; proposed mitigation is through reforestation by planting a 50/50 mixture of deciduous and coniferous trees on 30-foot centers; and the Zoning Administrator will require that the reforestation take place prior to issuance of any Certificates of Occupancy for this section of the development.

It was noted that the original grading plan resulted in less disturbed area, but required an artificial structure to retain the hillside; notes on the plan indicate that the reason for the request is to avoid the need to construct a retaining wall which would range from five to ten feet in height; the proposed amendment extends the graded area, but will eventually result in natural contours; and with both proposals, there is an effort toward mitigation through reforestation.

The City Planning Commission recommended that Council approve the amendment of proffered conditions as set forth in the petition; the revised grading plan, while it removes more forested area, will result in natural topography over the long term; and removal of the prohibition with regard to on-street parking, designating a minimum caliper for deciduous trees, and designating a minimum amount of brick exterior are appropriate.

Council Member Cutler offered the following ordinance:

(#37158-081505) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 129, Sectional 1976 Zone Map, City of Roanoke, by amending certain conditions presently binding upon certain property previously conditionally rezoned RPUD, Residential Planned Unit Development District; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 547.)

Council Member Cutler moved the adoption of Ordinance No. 37158-081505. The motion was seconded by Council Member Dowe.

Edward A. Natt, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the amendment of proffered conditions. There being none, he declared the public hearing closed.

Mr. Lloyd Sawyer, 3336 Summer Croft Court, S. W., advised that property owners on the south side of Summer Croft Court were not notified of the proposed amendments; whereupon, R. Brian Townsend, Agent to the City Planning Commission, advised that pursuant to State law, the City is required to notify only those property owners whose property immediately abuts subject property properties to be rezoned.

Mr. Sawyer called attention to a rumor that Boone and Company previously offered a portion of the property to the City of Roanoke, however, the City does not wish to accept the property and plans to donate it to adjoining land owners who will be required to pay taxes and will be held liable for flooding that could occur as a result of property development. He stated that he does not wish to pay taxes or to be held liable for property that he does not plan to use.

Mr. Bob Bohon, 3341 Summer Croft Court, S. W., inquired if the land is signed over to the homeowners association will be subject to taxation. He expressed concern with regard to liability issues that could be incurred by the homeowners association due to any flooding that might occur as a result of property development.

Ms. Karen Lits, 3329 Summer Croft Court, S. W., expressed concern with regard to liability issues as a result of flooding if the land is donated by Boone and Company to the homeowners association. She stated that proffered conditions have been revised to eliminate the need for construction of a retaining wall and to increase grading and forestry, and property owners should be provided with more information in order to address their concerns, or Council should postpone a vote on the request for amendment of proffers until the homeowners association is more knowledgeable about the terms and conditions of the donation.

Mr. Natt advised that the property was originally zoned in its entirety in 1995; proffered conditions were placed on the property in December 2000, one of which addressed a grading plan for the rear of the property between the houses going down the hill toward I-581 that included construction of a retaining wall; the developers are now requesting that the grading plan be revised to eliminate the retaining wall which will allow grading to be done 28 feet farther down the hill than was included in the 2000 plan, and to require the establishment of a minimum caliper of 2 ½ inches for deciduous trees on the property, as well as other factors including a 50-50 mix of deciduous and coniferous trees on 30 foot centers to establish reforestation of the property; and to ensure that reforestation takes place, before the issuance of any Certificates of Occupancy, the reforestation portion must be complete, and maintenance will be required for a period of time by the developer.

With reference to comments made by previous speakers, Mr. Natt advised that the area was common area in the year 2000 plan, and will continue to be common area which means that at some point during development, the developer will convey that portion of the property to the homeowners association. With regard to the payment of taxes, he stated that the incorporated homeowners

association will be taxed depending on the value of the land; the 2005 plan eliminates the requirement for construction of a retaining wall and provides that the area will be reforested and ensured by the developer for a period of time, therefore, the liability issue would be reduced.

There was discussion with regard to the requirement for notifying affected property owners of rezonings/amendments of proffered conditions; whereupon, Mr. Townsend advised that the Code of Virginia does not require notification of property owners whose circumstances are affected. He explained that property owners could state that their circumstances are affected by a rezoning that could be as much as one-half mile to three miles away from the area in question and absent any other legislative direction, City staff would be placed in a difficult position in terms of estimating the area of influence, which could be different on each side depending on the nature of the development or the context of the request. He stated that the appropriate neighborhood is notified and public hearings by the City Planning Commission and City Council are advertised in local newspapers in accordance with provisions of the State Code.

Council Member Cutler inquired as to how much fill material will be used in lieu of a retaining wall and what types of vegetation will be planted to keep the fill material in place. He also inquired about how a structural retaining wall can be substituted with a soil and vegetative alternative that is just as good or better than a retaining wall.

Mr. Natt referred to a site plan prepared by Lumsden Associates showing amended grading limits/elevations and a proffer that provides that any existing tree cover on permanent open space that is disturbed during development will be replanted in one half white pines and one half deciduous trees, and trees shall be planted apart in order to mix the trees as much as possible and to return the area to natural vegetation, with the idea in mind that the hardwood trees would eventually take over. He stated that the proffer also provides that replanted material shall be maintained by the property owner, and the property owner will not be issued any Certificates of Occupancy for units that are constructed in the development until such time as the reforestation project is complete.

In response to a question as to whether the City Planning Commission agreed that fill material would be a preferable alternative to a retaining wall, Mr. Townsend advised that the Planning Commission was of the opinion that a retaining wall would not be the best alternative in terms of screening I-581 because vegetation below the wall would never grow to the point of covering it, thus there would be a barren area of retaining wall with vegetation below and on top; and from an aesthetic and ecological standpoint, the alternative plan involving fill material would be preferable. He added that assuming the retaining wall held up structurally, it would need a certain amount of maintenance over a period of time.

Question was raised as to how a potential homeowner will be apprised of the proposed homeowners association; whereupon, Mr. Townsend advised that when potential homeowners execute deeds for their property, it is acknowledged that they are entering into a homeowners association. Mr. Natt also advised that potential homeowners will be provided with a disclosure package which includes a declaration of all of the issues that are addressed by the homeowners association and a prospective purchaser has a certain period of time in which to void the contract if they are dissatisfied with the declaration.

The City Manager called attention to a number of existing homeowners associations that are active in the City of Roanoke that currently hold title to properties that are not registered with the City for the purpose of any type of interaction such as that which occurs with neighborhood organizations/associations. She stated that homeowners associations might be a topic for discussion at a future Council work session.

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

There being no further questions/comments by Council Members, Ordinance No. 37158-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

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, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Faison-Southern Lane, LLC, and Save-X-2, LLC, to amend and substitute proffered conditions presently binding on ten tracts of land, described as Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701 and 5480704, located on Southern Lane, Southern Hills Drive, and Griffin Road, S. W, and apply proffered conditions to five tracts of land located on Franklin Road, identified as Official Tax Nos. 5470103, 5470102, 5480717, 5480718 and 5470104, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, August 2, 2005 and Tuesday, August 9, 2005.

The City Planning Commission submitted a written report advising that the petition requests that existing proffers on Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701, and 5480704 be repealed:

1. The property will be developed in substantial conformity with the Development Plan prepared by Lumsden Associates, dated June 17, 1997, and revised August 7, 1997, a copy of which is attached to the Petition for Rezoning as Exhibit 6, subject to any changes required by the City as part of Comprehensive Development Plan review.

2. The exterior treatment of all buildings on the property shall be architecturally finished and shall be consistent in the use of architectural details and materials on all sides of the building.

3. All lighting on the property shall consist of fixtures designed with shields that direct illumination away from the adjoining residential neighborhood along the easterly side of Griffin Road.

4. All dumpsters, loading docks and heating/air conditioning handling units shall be screened from view by landscaping, masonry or metal screen walk.

5. There shall be no building wall signs facing the residentially zoned neighborhoods along the easterly side of Griffin Road.

6. Outdoor advertising, as defined in the Roanoke City Code, shall not be permitted.

7. The combined surface area of all signs on the commercial lots, including signs erected in a required yard, shall not exceed 2.5 square feet for each foot of lot frontage for the first 100 feet of lot frontage, an additional 1.O square feet for each foot of lot frontage remaining; and all freestanding sign structures shall be limited to one per lot with a signage area no greater than 100 square feet.

8. Tract E shall not be used as a restaurant; any restaurants located on Tracts D, G & F shall not be fast food restaurants; and, any restaurants constructed on Tracts D, C & F shall contain odor abatement equipment to abate the disbursement of cooking odors to the outdoors.

9. Any structure constructed on Tract E, including a motel or hotel, will be no more than three stories high or a maximum of 45 feet measured from ground level.

10. A sidewalk shall be included along the northern side of the relocated Southern Hills Drive, and continue along the eastern side of Southern Lane, such sidewalk shall run the length of the relocated Southern Hills Drive on the site and that portion of Southern Lane shown on the Development Plan.

11. The following C-2 uses as designated in the Code of the City of Roanoke shall not be permitted on Tracts D, E, F or G:
36.1-206(11) Police stations.
36.1-206(14) Military reserve and National Guard centers.
36.1-206(15) Training facilities related to police, fire, rescue and ambulance uses.
36.1-206(19) Coliseums, stadiums, exhibition halls, and similar facilities.
36.1-206(21) Parks and playgrounds.
36.1-206(22) Drive-in movie theaters.
36.1-206(34) Neighborhood and highway convenience stores.
36.1-206(35) Outdoor advertising subject to the requirements of Section 36.1-440 et seq.
36.1-206(36) Gas stations.
36.1-206(39) Automobile cleaning facilities.
36.1-206(40) Automobile repair establishments except painting and body shops.
36.1-206(42) Public parking structures.
36.1-206(44) Bus terminals for the loading and unloading of passengers.
36.1-206(45) Veterinary clinics with no outside corrals or pens.
36.1-206(46) Kennels with no outside pens or "runs".
36.1-206(47) Plant nurseries and greenhouses including those with retail sales. (Ord. No. 28611, §2, 4-27-87; Ord. No. 29932, 2-20-90; Ord. No. 30648A, 8-26-91).
36.1-207(1) Group care facilities subject to the requirements of Section 36.1-560 et seq.
36.1-207(4) Establishments primarily engaged in the sale or rental of automobiles, trucks and construction equipment including the incidental repair and maintenance of vehicles where the lot area is less than 20,000 square feet.
36.1-207(5) Automobile painting and body shops provided that there shall be no outdoor storage of damaged automobiles, equipment, auto parts or other materials.
36.1-207(9) Utility substations, transmission lines and towers, booster stations, relay stations and transformers, and similar uses provided that light, fumes, noise, unsightliness, or other associated activities or emissions are adequately screened from the surrounding neighborhood.
36.1-207(10) Medical laboratories.

Additionally, open air markets selling second hand merchandise and other miscellaneous items shall not be permitted on Tracts D, E, F or G.

12. Signage approved by the petitioner and the City of Roanoke, and identifying the Southern Hills Neighborhood shall be placed on both sides of Southern Hills Drive at its intersection with Griffin Road.

13. Petitioner's landscape buffering/screening along Griffin Road shall be designed so that a row of evergreen trees still face the residential neighborhood located on the easterly side of Griffin Road, followed by a second and interior row of deciduous trees, subject to any changes required by the City as part of Comprehensive Development Plan review.

It was further advised that the third amended petition requests that the following proffers be adopted for all 15 parcels:

1. The property will be developed in substantial conformity with the "Concept Site Plan, The Home Depot, Franklin Road and Valley Avenue, City of Roanoke, Virginia," prepared by Mattern & Craig, dated July 8, 2005, subject to any changes required by the Virginia Department of Transportation or the City as part of Comprehensive Development Plan review.

2. The 105,000 ±s.f. commercial building shall be architecturally finished in substantial conformity with the July 25, 2005, rendering of The Home Depot, City of Roanoke, Franklin Road & Valley Avenue, by Architectural Group International.

3. Any outdoor light fixture shall be a full cutoff fixture or a decorative fixture with full cutoff optics; a "full cutoff fixture" shall mean an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane; and a "decorative fixture with full cutoff optics" shall mean an outdoor light fixture with manufacturer-provided or manufacturer-installed full cut-off optics.

4. The spillover of lighting from any parking area on the subject property onto public rights-of-way or abutting property in residentially zoned districts shall not exceed one-half foot candle at the property line.

5. Any outdoor lighting in parking areas shall not exceed 40 feet in height; and maximum height shall apply to the height of the poles or other standards to which the fixtures are attached or the top most point of the fixture itself, whichever is higher.

6. Outdoor lighting information for the subject property shall be submitted during comprehensive development plan review. Such information shall include the following:
   a. Location of all outdoor lighting fixtures including the manufacturer's specifications of the area to be lighted with such fixtures;
   b. Plans indicating the location on the property, and the type, of illuminating devices, fixtures, lamps, supports, reflectors and other devices;
   c. Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices;
   d. Photometric data, such as that furnished by manufacturers, showing the angle of cut off of light emissions; and
   e. Other information as may be deemed necessary by the Zoning Administrator to determine compliance with the lighting proffers.

7. All dumpsters, loading docks, heating/air conditioning handling units and ground mounted electrical transformer boxes shall be screened from view from public rights-of-way adjacent to the subject property by landscaping, masonry or metal screen walls.

8. There shall be no building wall signs facing the residentially zoned property along the easterly side of Griffin Road.

9. Signage provided by the petitioner and approved by the City of Roanoke, and identifying the Southern Hills Neighborhood shall be placed on the side of Griffin Road near its intersection with Roy Drive.

10. Landscaping shall be as shown on the Concept Landscape Plan, The Home Depot, Franklin Road and Valley Avenue, City of Roanoke, Virginia, dated July 8, 2005, prepared by Mattern & Craig, subject to any changes required by the City as part of Comprehensive Development Plan Review.

11. The following C-2 uses as designated in the Code of the City of Roanoke shall be permitted on the subject properties:
    36.1-206(1) Dwellings located above ground floor nonresidential uses.
    36.1-206(3) Trade, business and art schools of a nonindustrial nature.

36.1-206(4) Trade and vocational schools of an industrial nature.
36.1-206(6) Day care centers with unlimited capacity subject to the requirements of Section 36.1-510 et seq.
36.1-206(7) Churches, synagogues and other places of worship including accessory columbariums.
36.1-206(8) Libraries, museums, art galleries and art studios and other similar uses including associated educational and instructional activities.
36.1-206(16) Post offices.
36.1-206(17) Indoor recreational uses including bowling alleys, indoor tennis courts, squash courts, fitness centers and other similar uses.
36.1-206 (18) Theaters with unlimited seating capacity.
36.1-206 (20) Outdoor recreational facilities including swimming clubs, tennis courts, athletic facilities and other similar uses.
36.1-206(23) General and professional offices including financial institutions.
36.1-206(24) Medical clinics.
36.1-206(25) Medical offices.
36.1-206(26) General service establishments, except for repair or maintenance of motor vehicles or trailers, provided that all repair or maintenance activities shall occur in a wholly enclosed building.
36.1-206(27) Funeral homes.
36.1-206(28) Restaurants.
36.1-206(29) Hotels, motels, and inns.
36.1-206(30) Bed and breakfast establishments subject to the requirements of Section 36.1-520 et seq.
36.1-206(31) General retail establishments primarily engaged in the retail sale or rental of merchandise, goods, or products except automobiles, trucks, or construction equipment; and including the incidental repair and assembly of merchandise, goods or products to be sold on the premises.
36.1-206(32) Open air markets selling farm produce, crafts, plants, secondhand merchandise and other miscellaneous items.
36.1-206(33) Food stores with unlimited gross floor area.
36.1-206(34) Neighborhood and highway convenience stores, provided that no motor vehicle service station canopy over a gas pump island shall be allowed, unless:

a. Such canopy shall have a maximum clear, unobstructed height to its underside not to exceed 14 feet 6 inches and a maximum overall height not to exceed 16 feet 6 inches;

b. There shall be no illumination of any portion of the fascia of the canopy;
c. Any lighting fixtures or sources of light that are a part of the underside of the canopy shall be recessed into the underside of the canopy so as not to protrude below the canopy ceiling; and all such lighting associated with the canopy shall be directed downward toward the pump islands and shall not be directed outward or away from the site;
d. The vertical dimension of the fascia of such canopy shall be no more than two feet; and
e. Signs attached to or on such canopy shall not be illuminated and shall not extend beyond the ends or extremities of the fascia of the canopy to which or on which they are attached.

36.1-206(37) New motor vehicle sales and service establishments, provided the lot area for this use is no less than 40,000 square feet.

36.1-206(38) Auto accessory sales with related installation.

36.1-206(43) Storage and warehouse activities which are accessory to a retail use where all storage activities are wholly enclosed in a building which is located on the same lot as the retail use and where the gross floor area of buildings used for storage activities does not exceed 50 per cent of the gross floor area of the retail use.

36.1-206(47) Plant nurseries and greenhouses including those with retail sales.

36.1-206(48) Commercial printing establishments which print newspapers, publications, and other materials.

36.1-206(49) Personal service establishments.

36.1-206(50) Business service establishments.

12. The following C-2 uses as designated in the Code of the City of Roanoke shall be permitted on the subject properties by Special Exception granted by the Board of Zoning Appeals:

36.1-207(2) Fast food restaurants.

36.1-207(3) Establishments engaged in the retail sale of building supplies where all or a portion of related storage and display activities are not wholly enclosed in a building provided the outdoor storage or display area is accessory to a building and has a maximum area no greater than ten per cent of the gross floor area of the building.

36.1-207(7) Establishments primarily engaged in the wholesale distribution of goods where all related activities are wholly enclosed in a building provided that:

a. The total gross floor area of buildings on a lot shall not exceed 12,000 square feet.
b. The use is located on a major arterial road or highway.

36.1-207(8) Manufacturing, assembly, mixing, processing or other processes which are accessory to a retail use, where all such activities are wholly enclosed in the same building as the retail use and where no more than five people are involved in such processes on the premises.

13. As any development on Tracts B and C, as identified on the Concept Site Plan, will be visible from public roads from multiple directions, the architectural treatment and palette of exterior materials utilized for any structure built on either of these tracts shall be applied to all facades of such structure in a consistent and uniform manner.

14. The seasonal sales area designated on the Concept Site Plan will be used solely for the seasonal sale of plants, shrubs, trees and assorted potted nursery products together with associated bag products such as mulch, top soil and potting soil; the seasonal sales area will be in use, intermittently, for approximately six months per year for the sale of plants and plant related items appropriate to the time of the year, such as spring and summer live plants and Christmas trees and related greenery; and no buildings, sheds, trailers, lawn mowers, gas grills, tractors or similar items will be displayed, stored or sold in the seasonal sales area.

15. If requested by the City as part of the Comprehensive Development Plan review, a natural non-handicapped accessible pedestrian access will be located between the Home Depot parking lot and Griffin Road near its intersection with Southern Hills Drive.

16. The finished grade of Griffin Road between its intersection with Southern Lane and its intersection with Southern Hills Drive as shown on the Concept Site Plan will not exceed 12 1/2 per cent.

17. There will be no outdoor storage of goods, materials or merchandise other than as proffered for the seasonal sales area designated on the Concept Site Plan and the areas surrounded by ornamental fence shown on the Concept Site Plan and the Rendering of the Home Depot building.

It was noted that the proposed change in conditions will permit new development of the site with a Home Depot store in conjunction with the development of a new street between the intersection of Griffin Road and Southern Hills Drive to the existing traffic signal at Franklin Road; the amended conditions will also permit development of two parcels of land (Tracts B and C) to the north of the new street with unspecified commercial uses which will be limited to those uses being proffered; and no site development plan for the two parcels of land is being proffered with the site plan.

It was also noted that the proffered amendment is requested in conjunction with the vacation of portions of Southern Hills Drive and Southern Lane and the simultaneous dedication of a new street.

The City Planning Commission recommended that Council approve the third amended petition; and proposed uses of the property are consistent with Vision 2001-2020 and the Southern Hills Neighborhood Plan.

Council Member Cutler offered the following ordinance:

(#37159-081505) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet Nos. 547 and 548, Sectional 1976 Zone Map, City of Roanoke, by amending certain conditions presently binding upon certain property previously conditionally zoned C-2, General Commercial District, by Ordinance No. 33759-040698, and placing such proffers on certain other property zoned C-2, General Commercial District; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 548.)

Council Member Cutler moved the adoption of Ordinance No. 37159-081505. The motion was seconded by Council Member McDaniel.

James F. Douthat, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request to amend proffered conditions. There being none, he declared the public hearing closed.

Council Member Dowe inquired if the increased grade of the roadway is intended to deter communication; whereupon, Mr. Douthat advised that a major thoroughfare is not desired for the area, a 50 foot right-of-way will be provided and a 24 foot pavement will be installed with sidewalk and planted trees so that the area will be residential in character.

Council Member Cutler inquired as to how criteria contained in the City's Urban Forestry Plan will be met and how will storm water issues be addressed.

Mr. Douthat advised that the landscape plan provides for street yard trees to be planted along the length of the new street and storm water storage will be addressed by underground pipes.

Mr. Townsend advised that tree canopy coverage of the area on site is about ten percent of the parking lot area.

Question was raised with regard to input by residents of the Southern Hills neighborhood; whereupon, Mr. Douthat advised that property owners were engaged in the project, and meetings were held with neighborhood representatives.

Question was raised with regard to the number of jobs that will be generated as a result of the project; whereupon, Mr. Douthat advised that approximately 175 jobs will be created, not all of which will be full time positions, with a payroll in excess of $3 million, plus fringe benefits.

There being no further questions or comments by Council Members, Ordinance No. 37159-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

STREETS AND 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, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Faison-Southern Lane, LLC, and Save-X-2, LLC, that a portion of Southern Lane and Southern Hills Drive, S. W., be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Tuesday, August 2, 2005, and Tuesday, August 9, 2005.

The City Planning Commission submitted a written report advising that the petition is in conjunction with a petition to amend proffers on Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, 5470110, 5480701, and 5480704, and proffer the same conditions on Official Tax Nos. 5470103, 5470102, 5480717, 5480718, and 5470104.

It was further advised that the petitioner plans to develop Official Tax Nos. 5470115, 5470113, 5470114, 5470112, 5470111, 5470108, 5470109, and a portion of 5480704 with a Home Depot store.

The City Planning Commission recommended that Council approve vacation of the portions of rights-of-way and the portion of drainage easement at no charge to the petitioner; and the portions of rights-of-way to be vacated are approximately equivalent to the right-of-way to be dedicated.

Council Member Dowe offered the following ordinance:

(#37160-081505) AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 551.)

Council Member Dowe moved the adoption of Ordinance No. 37160-081505. The motion was seconded by Council Member Cutler.

James F. Douthat, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request for closure of streets. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37160-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

TAXES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Star City Gospel Café, Inc., for exemption from local real estate taxation of real property located at 926 Indiana Avenue, N. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 5, 2005.

The City Manager submitted a written report advising that Star City Gospel Café, Inc., owns property described as Official Tax No. 3060505, located at 926 Indiana Avenue, N. E.; the primary purpose of the Star City Gospel Café is to encourage and support local gospel artists, musicians, and singers by providing free gospel services to the public, including free food and drink; the Star City

Gospel Café acts as a meeting and clearing house for gospel groups to practice their craft, and find new members, players or singers; the Star City Gospel Café also hosts a radio show on WKBA on Saturdays; and proposed annual taxes due for fiscal year 2005-2006 on the above referenced parcel of land are $761.08 on an assessed value of $62,900.00.

It was further advised that on May 19, 2003, Council adopted a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City, pursuant to Resolution No. 36331-051903, adopting the revised Process for Determination of Property Tax Exemption dated May 19, 2003, effective January 1, 2003; the Star City Gospel Café has provided the required information as a result of adjustments made to the City's revised local policy prior to the deadline of October 15, 2005, which is the deadline for applications for exemptions that would take effect on January 1, 2006.

It was explained that according to the Commissioner of the Revenue's Office, the loss of revenue to the City will be $608.88 after a 20 per cent service charge is levied by the City in lieu of real estate taxes; the service charge will be $152.20; the Commissioner of the Revenue has determined that the organization is currently not exempt from paying real estate taxes on the property known as Official Tax No. 3060505 by classification or designation under the Code of Virginia; and the IRS recognizes Star City Gospel Café as a 501(c) 3 tax-exempt organization.

The City Manager recommended that Council authorize the Star City Gospel Café, Inc., exemption from real estate property taxation, pursuant to Article X, Section 6(a)6 of the Constitution of Virginia, effective January 1, 2006, for property known as Official Tax No. 3060505, located at 926 Indiana Avenue, N. E., if the Star City Gospel Café, Inc., agrees to pay the subject service charge by that date.

Council Member Dowe offered the following ordinance:

(#37161-081505) AN ORDINANCE exempting from real estate and personal property taxation certain property located in the City of Roanoke of the Star City Gospel Café, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 554.)

Council Member Dowe moved the adoption of Ordinance No. 37161-081505. The motion was seconded by Council Member Lea.

Thomas C. Driver, President, Star City Gospel Café, Inc., appeared before Council in support of the request.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request for tax exemption. There being none, he declared the public hearing closed.

Question was raised with regard to whether any person would be denied use of the facilities; whereupon, Mr. Driver advised that Star City Gospel Café has operated for approximately six years, first at 501 Melrose Avenue, N. W., prior to moving to the current location, an open mike is offered for gospel music, as well as an open food table, and all services are open to the public.

There being no further questions or comments by Council Members, Ordinance No. 37161-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

STREETS AND 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, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that a portion of Salem Avenue, S. W., adjacent to Official Tax No. 1010106, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 29, 2005, and Friday, August 5, 2005.

The City Planning Commission submitted a written report advising that the petitioner has a pending agreement with the owner of Official Tax No. 1010829 to exchange that parcel of land for Official Tax No. 1010106 and a portion of Official Tax No. 1010107; and the petitioner plans to construct a parking garage on Official Tax No. 1010829.

The City Planning Commission recommended vacation of the right-of-way at no charge to the petitioner, subject to certain conditions as more fully described in the report.

Council Member Dowe offered the following ordinance:

(#37162-081505) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 556.)

Council Member Dowe moved the adoption of Ordinance No. 37162-081505. The motion was seconded by Council Member McDaniel.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request to close a portion of Salem Avenue. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37162-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

PURCHASE/SALE OF PROPERTY-PARKING FACILITIES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed conveyance of certain City-owned property located on Salem Avenue, S. W., to the Times World Corporation, in exchange for certain property owned by the Times World Corporation located on Campbell Avenue, S. W., in connection with future development of a downtown parking garage, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 5, 2005.

The City Manager submitted a communication advising that the City owns property located on Salem Avenue, S. W., which is currently used for parking of official vehicles; the City wishes to convey a portion of the parcel of land to *The Roanoke Times* in exchange for a parcel of land located on Campbell Avenue, S. W., containing approximately 0.422 acre, identified as Official Tax No. 1010829; the parcel of land will be used for future development of a downtown parking garage; to create a comparable parcel of land, the City of Roanoke property has been subdivided into two parcels designated as Parcel 1-A and Parcel 1-B as shown on a plat prepared by ACS Design; and the City of Roanoke wishes to convey Parcel 1-A, containing approximately 0.449 acre to *The Roanoke Times* and to retain Parcel 1-B.

The City Manager recommended that she be authorized to execute a deed of exchange to convey property designated as Parcel 1-A to *The Roanoke Times*, in exchange for a parcel of land identified as Official Tax No. 1010829, subject to approval as to form by the City Attorney.

Council Member Dowe offered the following ordinance:

(#37163-081505) AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of a 0.449 acre parcel of City-owned property known as Parcel 1-A, bearing Official Tax No. 1010107, located on Salem Avenue, S. W. to the Times World Corporation in exchange for a 0.422 acre parcel bearing Official Tax No.1010829, located on Campbell Avenue, S. W., for development of a downtown parking garage, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 559.)

Council Member Dowe moved the adoption of Ordinance No. 37163-081505. The motion was seconded by Council Member Cutler.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the request for conveyance of land. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37163-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

CITY PROPERTY-HOSPITALS-CARILION BIOMEDICAL INSTITUTE: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed lease of City-owned property located at 111 -117 Church Avenue, S. W., to Carilion Biomedical Institute for office space for a period of one year, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday August 5, 2005.

The City Manager submitted a communication advising that Ordinance No. 35041-090500 adopted by Council on September 5, 2000, authorized Carilion Biomedical Institute (CBI) to lease 6,800 square feet of office space in the Church Avenue Garage located at 111 to 117 Church Avenue, S. W.; and CBI has leased the location since September 2000 and the current lease agreement will expire on August 31, 2005.

It was further advised that CBI has requested a new lease agreement with similar terms and conditions; the previous lease contained a one year term with an option for four annual renewals at an annual lease rate of $1.00; the proposed lease agreement is for a one year period, beginning September 1, 2005 through August 31, 2006, at $7.50 per square foot; parking permits for CBI employees will be at $29.00 per permit per month for up to 30 permits, provided that vacancies are available; there are no renewal options for the lease; and it is anticipated that at the end of the one-year term, CBI will be in a position to move to its new location in the first phase of the Riverside Center for Research and Technology to the South Jefferson Redevelopment Area.

The City Manager recommended that she be authorized to execute a lease agreement with Carilion Biomedical Institute (CBI) for approximately 6,800 square feet of space in the Church Avenue Parking Garage located at 111 to 117 Church Avenue, S. W., for a period of one year, beginning September 1, 2005, and expiring August 31, 2006, subject to approval as to form by the City Attorney.

Council Member Dowe offered the following ordinance:

(#37164-081505) AN ORDINANCE authorizing the City Manager to enter into an agreement with Carilion Biomedical Institute for the lease of approximately 6,800 square feet of office space located at the Church Avenue Parking Garage, 111-117 Church Avenue, for a period of one year, beginning September 1, 2005, through August 31, 2006, 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. 69, Page 560.)

Council Member Dowe moved the adoption of Ordinance No. 37164-081505. The motion was seconded by Council Member McDaniel.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the proposed lease. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37164-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

EASEMENTS-APPALACHIAN POWER COMPANY: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 15, 2005, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposal to convey an easement across City-owned property located adjacent to Riverland Road, S. E., to Appalachian Power Company for relocation of an existing overhead power line and related facilities, in connection with the Roanoke River Flood Reduction Project, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 5, 2005.

The City Manager submitted a communication advising that Appalachian Power Company has requested a 40' x 310' easement across City owned property identified as Official Tax Nos. 4250102R and 42501O5R, which are located along the Roanoke River near the intersection of Bennington Street and Riverland Road, S. E.; and the easement is needed to relocate an existing overhead power line and related facilities in connection with the Roanoke River Flood Reduction Project.

The City Manager recommended that she be authorized to execute the appropriate documents granting an above-ground utility easement to Appalachian Power Company, subject to approval as to form by the City Attorney.

Council Member Cutler offered the following ordinance:

(#37165-081505) AN ORDINANCE authorizing the granting of an above-ground forty-foot (40') wide by three hundred ten foot (310') long easement on City-owned property, identified by Official Tax Nos. 4250102R and 4250105R, to Appalachian Power Company d/b/a American Electric Power ("AEP"), for the purpose of relocating existing overhead power lines and related facilities in connection with the Roanoke River Flood Reduction Project, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 561.)

Council Member Cutler moved the adoption of Ordinance No. 37165-081505. The motion was seconded by Council Member Dowe.

The Vice-Mayor inquired if there were persons present who would like to speak in connection with the easement request. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 37165-081505 was adopted by the following vote:

AYES: Council Members Dowe, Lea, McDaniel, Wishneff, Cutler and Vice-Mayor Fitzpatrick----------6.

NAYS: None----------0.

(Mayor Harris was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLAINTS-PUBLIC WORKS: Mr. Obediah Overstreet, 3203 King Street, N. E., expressed concern with regard to lack of maintenance by the City of Roanoke of a bridge/guard rail located in the vicinity of his home. He stated that he was advised by the City that it is the responsibility of the property owner to maintain property to the curb line. He referred to the deteriorating condition of pine trees that were planted by Virginia Transformer, 220 Glade View Drive, N. E., as a part of the site plan for rezoning that have not been replaced.

The Vice-Mayor advised that Mr. Overstreet's concerns would be referred to the City Manager for response.

There being no further business, the Vice-Mayor declared the meeting adjourned at 8:15 p.m.

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Beverly T. Fitzpatrick, Jr.
Vice-Mayor

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