REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

October 6, 2003

9:00 a.m.

The Council of the City of Roanoke met in regular session on Monday, October 6, 2003, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith 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. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

PRESENT: Council Members C. Nelson Harris, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith----------4.

ABSENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Linda F. Wyatt----------3.

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

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a 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.

Mr. Harris moved that Council concur in the request of the Mayor to convene in a 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. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Cutler and Mayor Smith----------4.

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

(Council Members Wyatt, Dowe and Fitzpatrick were out of the Conference Room when the vote was recorded.)

CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.

Mr. Harris moved that Council concur in the request of the City Attorney to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Cutler and Mayor Smith----------4.

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

(Council Members Wyatt, Dowe and Fitzpatrick were out of the Conference Room when the vote was recorded.)

CITY COUNCIL-HOUSING/AUTHORITY: A joint meeting of Council and the Roanoke Redevelopment and Housing Authority was called to order at 9:05 a.m., in Room 159, Noel C. Taylor Municipal Building, with Mayor Smith and Chairman Fink presiding, and all Members of the Council in attendance.

ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY COMMISSIONERS PRESENT: Carolyn M. Bumbry, James W. Burks, Jr., Gregory W. Feldman, Christie Meredith-Wills, Joseph F. Lynn and Chairman Ben J. Fink.

ABSENT: Commissioner H. Victor Gilchrist.

OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Rolanda B. Russell, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; John P. Baker, Executive Director, and Sue Marie Worline, Secretary, Roanoke Redevelopment and Housing Authority (RRHA); and John Grove, Attorney, representing the RRHA.

HOUSING/AUTHORITY: The Mayor welcomed Housing Authority Commissioners and staff to the meeting.

Chairman Fink reviewed the following draft Statement of Purpose and Expectations for the City of Roanoke and the Roanoke Redevelopment and Housing Authority.

"The Roanoke Redevelopment and Housing Authority is uniquely empowered by the Code of Virginia and is charged with three primary responsibilities:

(1) Maintenance of 1,328 units of public housing in nine developments to serve economically disadvantaged citizens in the City of Roanoke.

(2) Administration of 1,321 Section 8 rental housing vouchers to assist economically disadvantaged citizens in the City of Roanoke.

(3) Utilization of redevelopment and rehabilitation powers to assist the City of Roanoke in major economic development and neighborhood revitalization initiatives.

(4) As constituted by State law, the relationship between the City and the RRHA is unique among all other organizations in the community. City Council created the RRHA and appoints the Board of Commissioners for four year terms of office. For redevelopment and revitalization projects, the City sets policy and direction and the RRHA implements the programs and projects of the City. For public housing and Section 8, RRHA is heavily regulated by HUD policies and guidelines in the fulfillment of its responsibilities.

(5) A strong partnership between the City and the RRHA is essential to the success of the overall mission of both the unique powers and roles, which, combined in a working partnership, provide the greatest opportunity for addressing the challenging issues facing Roanoke today. Recognizing the importance of meaningful partnerships, the RRHA has founded Case Management Roanoke Valley Consortium (CMRV Consortium), with the mission to coordinate case management functions

among all community organizations, and to create an integrated system for intake, referral, and assessment to be used by all service providers. In addition, the RRHA is in the process of founding a consortium to coordinate all housing-related initiatives in the City in order to minimize duplication and maximize efficiency.

(6) In order to keep purposes and activities of each aligned, City Council will establish policy that can be used as guidelines by the Board of Commissioners. Recognizing a responsibility to its appointing entity, the Board of Commissioners will keep City Council fully informed on issues of mutual interest. The Executive Director of the RRHA works closely with the City Manager, and the respective staffs of the City and the RRHA form an effective team in carrying out the day-to-day operations that make the partnership effective."

Chairman Fink called attention to $23 million of unmet needs and the RRHA is facing cuts from HUD which will require the organization to focus on high priority needs.

He stated that the RRHA would like to:

- Ensure that housing units meet curb appeal.
- Look at going beyond the City limits so as not to concentrate public housing solely in the City of Roanoke.
- Review mixed financing projects, which could be market rate housing as well as low income housing.
- Improve the overall quality of public housing.
- If there are future HOPE VI funds, the RRHA would like to work with the City to use the funds in a manner that make the greatest impact on the City.
- RRHA would like to continue the philosophy of serving as a leader in working with other agencies to bring services to residents of low rent housing.

- In reference to Section 8 housing, the RRHA would like to increase services to residents through a philosophy of self-sufficiency.

- The RRHA would like to use Section 8 program funds by helping homeowners to revitalize neighborhoods through home improvements without increasing rent.

- The RRHA would like to continue to implement redevelopment programs requested by Council and to assist the City in identifying plans for new redevelopment areas in the future.

- The RRHA would like to work with Total Action Against Poverty and other area jurisdictions on Section 8 housing vouchers so that the City of Roanoke does not become concentrated with the Section 8 program.

- Council appoints the RRHA Board of Commissioners and there should be a better integration within City agencies in order to partner with the City of Roanoke on housing issues/initiatives.

- The Board and staff of the RRHA support the City's policy of targeting funds to revitalize neighborhoods and wishes to continue providing affordable financing and grants to property owners to make substantial improvements and to provide for neighborhood diversity.

- To look at market rate housing to help revitalize neighborhoods.

- To work with City staff to identify opportunities both within and outside the City.

Chairman Fink proposed that an ad hoc committee composed of two Members of City Council and two Commissioners of the Roanoke Redevelopment and Housing Authority be appointed to draft a statement of policy for consideration by Council and the Housing Authority.

Chairman Fink was requested to highlight any changes that the proposed statement of policy would represent over the present relationship between the City and the Housing Authority; whereupon, he advised that the policy would be a recognition that the Housing Authority is not like other public entities because it is

established by State law and the Board of Commissioners is appointed by City Council. He stated that there have been instances when the Housing Authority believed that it was treated like a nonprofit entity, such as Blue Ridge Housing Network, etc.; and the Housing Authority is entrusted with unique powers that should be recognized and integrated in a better way by the staff of both the City and the Housing Authority. He added that there have also been instances when the Housing Authority was not aware of City policy or programs that affect its operation, therefore, a closer working relationship would be advantageous.

Upon question, Chairman Fink advised that relocating the RRHA administrative office in the Municipal Building complex has been discussed by the Executive Director and the City Manager, and it has been suggested that a satellite office be established, which will be addressed in the City's space needs report.

Vice-Mayor Harris, Council's liaison to the RRHA, called attention to monthly breakfast meetings in which he, along with the Chair, Executive Director of the Housing Authority, the City Manager, and one Member of City Council and one Housing Authority Commissioner participate on a rotating basis. He advised that all Members of Council and all Commissioners of the Housing Authority have been rotated in on at least one occasion over the past year, and he is open to suggestions if the Council, or the Board of Commissioners would prefer to transact business in a different manner.

He advised that over a year ago, the Housing Authority Board of Commissioners expressed a desire to move beyond the traditional role that the Board has been accustomed to playing in the community which has been three-fold: (1) as managers of public housing, (2) as managers of Section 8 rental housing and (3) as the arm that acquires land for the purposes of the City, and specifically economic development. He explained that as the City and the Council became more engaged in neighborhood redevelopment and housing issues, the Housing Authority was of the opinion that it could bring to the table certain expertise, staff and knowledge and a partnership with the City; and the matter has been a specific topic of conversation at monthly breakfast meetings and in individual discussions. Therefore, as Council's liaison to the RRHA, he stated that it is important to address the matter in a joint session of the Council and the Board of Commissioners; and it has been his impression that the majority of Council has responded in a positive manner to exploring, defining and developing a new and more engaged role for the Housing Authority as it relates to the City's housing efforts beyond Section 8 or public housing. He affirmed the suggestion of Chairman Fink to move the discussion to the next level which is to explore a joint policy statement in reference to the new role of the RRHA.

Mr. Harris moved that Council appoint two Members of City Council and that the Housing Authority appoint two members of the Board of Commissioners to develop a statement of purpose and to report back to the Council and to the Board of Commissioners in the near future. The motion was seconded by Mr. Cutler.

Mr. Fitzpatrick advised that in the past the RRHA has been treated like a "step child" by the City, which is not an appropriate role, therefore, it is important to agree on a memorandum of understanding. He stated that the Housing Authority should be a full partner with the City and the two entities should explore avenues that have not been used to this point insofar as the ability of the RRHA to accomplish certain projects. He called attention to the opportunity for regionalism because most communities in southwest Virginia do not have Redevelopment and Housing Authorities and income could be created by providing those kinds of services to governments that request assistance. He stated that there is a tremendous opportunity to enhance the City of Roanoke as the center of southwestern Virginia; therefore, he encouraged Council to adopt the motion and offered to serve on the ad hoc committee.

Question was raised as to whether the RRHA has approached other jurisdictions in regard to expanding the role of the Housing Authority in a regional context; whereupon, Chairman Fink advised that the Housing Authority is working with the Roanoke Regional Housing Network, the Executive Director has discussed housing opportunities with college officials in southwestern Virginia, and avenues of cooperation are being explored with other jurisdictions.

In reporting back, Mr. Bestpitch asked that the ad hoc committee provide specific recommendations and suggestions regarding better integration and partnership between the City and the RRHA.

The motion was unanimously adopted.

At this point, Council Member Wyatt left the meeting.

In regard to Section 8 housing vouchers, it was reported that Roanoke County holds 83 housing vouchers, 80 of which represent housing units in the City of Roanoke.

There was discussion in regard to whether there is a method for monitoring the progress of persons living in subsidized housing; whereupon, the Executive Director advised that the Housing Authority currently uses a measurement matrix that identifies the status of the family from crisis to self-sufficiency.

The Mayor requested a comparative analysis of Section 8 housing vouchers of other localities, which could be used as a benchmark in analyzing Roanoke's progress, including the status of the localities five years ago compared to the present time; whereupon, the Executive Director advised that the information will be compiled.

Council Member Cutler called attention to proposed plans to move a major portion of the operations of the Harrison Museum to the former Dumas Hotel and, as a community, Roanoke should be concerned about the Harrison School Building and the Harrison community; therefore, the matter should be on the radar screen of the appropriate entity.

Chairman Fink presented an activities report on RRHA projects dated October, 2003.

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

The City Manager advised that today's discussion is due in large measure to the City's creation of a Department of Housing and Neighborhood Services approximately two years ago; prior to that time, there was no concentrated effort to address housing and neighborhood issues in the City of Roanoke and both the Council and the City Administration recognized that housing is a key economic development tool for the community. She added that significant steps have been taken to focus attention on the issue of housing of all types and descriptions, of all economic levels and to address the key role that the private sector should play in the development of housing in the community. She added that the fact that the City made the acknowledgment of housing is one of the reasons that the current discussion is taking place, because prior to that time housing was seen as a responsibility, from the public's standpoint, of the RRHA, and certain nonprofit organizations throughout the community had varying roles in the development of housing. She noted that the community has spent exclusive time looking at the issue of low and moderate income housing and not at housing in general; currently, she is a member of the Governor's Task Force on Urban Policy and, at a recent meeting, a significant amount of time was devoted to the issue of housing in older urban communities throughout the State of Virginia. She explained that some localities will request State Code changes in regard to urban policy, i.e.: (1) to allow new construction in order for neighborhoods to receive tax abatement which is not currently allowed under the Dillon Rule, (2) to allow tax credits for market rate and upper market rate housing, as opposed to tax credits exclusively for low and moderate income housing, with the idea of mixed use development where there would be market rate and low income housing in the same project, and (3) a regional focus on housing and housing issues, because in today's world there are no incentives to promote or discuss regional housing activity. She advised that it is her

personal opinion that State law and a legislative change will be required to encourage or to incentivize a regional approach to housing. She stated that 71 per cent of housing in the City of Roanoke is valued at less than $100,000.00, the average or median price of a house in the year 2000 in the City of Roanoke was in the range of $80,000.00; the City of Roanoke has the second lowest median average of the urban areas for housing, with the City of Petersburg being the lowest; those are issues that will not be addressed through programs like Section 8, public housing, or lease/purchase, all of which are directed toward low and moderate income persons; and Roanoke will have to initiate programs, or lobby for programs, that provide the opportunity to produce market rate and above housing in the City of Roanoke. She stated that as officials embark upon either a different kind of working relationship with the RRHA, or a different working relationship generally around housing, resources will not be available at the Federal and/or State level to jump start those kinds of activities, and will most likely require General Fund appropriation. She advised that she is hopeful that the private sector will get on the band wagon when they can be convinced that market rate housing is acceptable within the City of Roanoke, because unfortunately Roanoke has earned the reputation over time that it is not a suitable location for market rate or above housing, and developers look to the City of Roanoke as the situs for low and moderate income housing. She stated that Roanoke deserves better, the community deserves and wants better, and additional resources are needed to make any and all of those things happen. She advised that the City of Roanoke has a staff that is committed to working on these issues, but with limited resource allocations, the City must be prudent with regard to future investments.

Relative to previous comments of Chairman Fink that the RRHA does not believe that it has been involved with City programs and policy, she reminded Council that the City of Roanoke is about to enter into a contractual arrangement for preparation of a housing plan in which housing stock will be identified, along with advantages and disadvantages of the City's housing stock, and actions that need to be taken from a strategic standpoint to modify housing needs and resources within the City. She explained that the study will take approximately one year to complete and the Housing Authority and others, particularly the real estate community, will be involved in the study.

There being no further business, at 10:10 a.m., the Mayor declared the Council meeting in recess, and advised that Council would convene in Closed Session in the Council's Conference Room to conduct interviews for vacancies on the Architectural Review Board and the Industrial Development Authority.

At 11:30 a.m., the Council's work session reconvened in Room 159 of the Noel C. Taylor Municipal Building.

ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:

The City Manager advised that Dr. Cutler had raised a question in regard to the Regional Wastewater Collection and Treatment Contract with area jurisdictions; whereupon, she stated that one subdivision is currently being served by Montgomery County. She stated that sludge programs cost the City of Roanoke approximately $1 million per year, and pursuant to contractual arrangements, bio-solids are spread on farmlands at the request of farmers at no charge. She advised that the Director of Utilities will provide more detailed information.

The City Manager advised that the Mayor also raised a question with regard to acceptance of Office of Domestic Preparedness Homeland Security Grant funds; whereupon, she provided a list of items on which funds totaling $246,434.00 are proposed to be spent.

Council Member Cutler referred to the Regional Wastewater Collection and Treatment Contract with area jurisdictions and inquired if the City Manager foresees a situation in the future where a comparable contract will be needed for storm water management. The City Manager advised that Roanoke City is receiving storm water at the present time and referred to general discussions among her counterparts about the need, once all of the storm water management plans are developed, to discuss implementation of a user fee and the pooling of the user fee for capital projects which would minimize the amount of storm water run off. With the support of other regional partners, she stated that storm water is a category that could be added to the Water/Waste Water Authority.

Mr. Bestpitch requested further elaboration on continuation of the position of Restricted Eligibility Worker; whereupon, the City Manager advised that any time the City accepts a grant, action by Council is required. She explained that the agreement has been in place since 1994, the item on today's agenda is an annual renewal, the $36,000.00 represents the cost of the employee plus benefits on the condition that the Eligibility Worker will be stationed at the State Health Department. She stated that the position is available only so long as funding sources are available.

Mr. Bestpitch inquired, if funding is decreased or discontinued by the State and there continues to be a need for the position, is the Restricted Eligibility Worker position one more State funded position that the City of Roanoke will be expected to fund.

The City Manager advised that persons will be required to come from the Heath Department to the City's main location to apply for service and in that process, some people will fall to the way side; and having the Eligibility Worker on site will increase the number of applications and the likelihood that those persons will be eligible for assistance. She explained that if the Eligibility Worker position is not available at the Health Department site, a portion of the work will be shifted back to the main staff, which will increase the work load for remaining staff.

With regard to acceptance of Office of Domestic Preparedness State Homeland Security grant funds, in the amount of $246,434.00, the Mayor inquired about funding for an item referred to as Reverse 911; whereupon, the City Manager advised that Reverse 911 allows for calls containing a specific message to be placed to every citizen in a certain area of the City, or potentially to the entire City, if necessary. She explained that Reverse 911 is an automated message service and the City would have to purchase the required software.

Question was raised with regard to the police command vehicle which is proposed to be purchased with Homeland Security Grant funds; whereupon, the City Manager advised that most communities maintain a command vehicle for major incidents in order to provide the necessary equipment to monitor an emergency situation. She explained that the command vehicle will be located at the scene of the incident and will be equipped with direct communication to radio and other equipment, such as fax machines, computers, etc., which means that resources can be deployed to an event on site.

Council Member Fitzpatrick presented information on the City's branding effort. He advised that a considerable amount of work has taken place, including a trip to Portland, Maine, to observe how that locality has used its branding initiatives. He explained that the initial concept was to devise a regional sense of direction, numerous meetings were held, and a Steering Committee was appointed composed of representatives of Economic Development, the Roanoke Arts Council, the Roanoke Valley Convention and Visitors Bureau, private business owners, The Regional Alliance, City Planning and Development staff, Members of Council, the City Manager's Office and Roanoke City Public Schools. He stated that Landor Associates was employed to prepare the study which involved the engagement of focus groups, and man-on-the-street interviews in an effort to compile a specific set of recommendations for Roanoke. He explained that long term, branding is not considered to be a logo, but an image and a sense of direction for persons not only in the City of Roanoke and the Roanoke Valley, but more importantly outside of the area in order to look at Roanoke and to get a sense and feel of what Roanoke is about. He advised that branding may be one of the most important business issues of the City because the City has never had a marketing sense of direction, or an image that is designed specifically to target Roanoke. He stated that the purpose of the briefing was to share with Council the initial finality of the branding process

and City staff recommends that the design be worn on a polo shirt by City staff serving as volunteers at the Virginia Municipal League Annual Conference Host City Night on Monday, October 20, in an effort to gauge the reaction of Roanoke's guests to the proposed image.

Mr. Ftizpatrick read the following positioning statement:

"In a world where cities often feel loud and overcrowded and as hard as the concrete they're built upon, the City of Roanoke offers something unique - unexpected balance. Roanoke has the amenities that you'd expect from a dynamic urban center, without losing the charming feeling of a smaller place. Roanoke is a city that encourages you to make things happen, because it's big enough to provide multiple opportunities but small enough so you can make an impact. And the natural beauty that many cities lack has not been lost in Roanoke with the beautiful Blue Ridge Mountains visible from most every city street."

Mr. Fitzpatrick read the following definition:

"The Roanoke logo visually expresses the soaring spirit of optimism that defines the city. The colors are a balance between urban sophistication and friendly charm.

The mountain, made up of three individual and unique shapes, illustrates the balance and stability of the city. The gray portion represents the dynamic urban culture while the green is reminiscent of the charming neighborhoods and surrounding natural beauty. The cap of blue symbolizes the Blue Ridge Mountains that can be seen from almost every street in the city.

The central star is derived from the well-loved icon atop Mill Mountain. The star embodies the heritage spirit of the city. The dynamic rays of light illustrate the energy of exciting new ideas and the ability to make things happen."

Council Member Fitzpatrick displayed a poster board of the proposed image and advised that there are many ways in which it can be implemented; and the image is not intended to replace the City Seal, or to be a logo, but the design is intended to be a sense or image of what Roanoke is about.

On a regional basis, the City Manager advised that the Roanoke region is not working on an image, but a name for the region, and two images are currently being tested on businesses and residents. She stated that concentration is on identifying a name for the region that does not include "Roanoke".

Discussion centered around the fact that when Council appropriated $300,000.00 for the branding effort, there was to be a visual component and a marketing component that would address Roanoke's assets and strengths and how to market those components, in addition to economic development marketing, tourism marketing and marketing Roanoke as a community, etc.

Mr. Fitzpatrick explained that his presentation is the initial piece of the presentation and more information is yet to come; however, the visual piece becomes the cornerstone of the entire program.

It was the consensus of Council to authorize the image to be worn on a polo shirt during the Virginia Municipal League Annual Conference Host City Night on Monday, October 20, 2003.

The City Manager advised that information will be provided to Council with regard to locations where Roanoke's proposed branding image has already been tested.

At 12:35 p.m., the meeting was declared in recess until 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, October 6, 2003, 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 Mayor Smith presiding.

PRESENT: Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith----------6.

ABSENT: Council Member Beverly T. Fitzpatrick, Jr.----------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 meeting was opened with a prayer by The Reverend Ken Atkins, Pastor, West End Presbyterian Church.

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

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-ARTS COUNCIL OF THE BLUE RIDGE: The Mayor presented a proclamation declaring the month of October 2003 as National Arts and Humanities Month.

PROCLAMATIONS-POLICE DEPARTMENT: The Mayor presented a proclamation declaring the month of October 2003 as Crime Prevention Month.

PROCLAMATIONS-LIBRARIES: The Mayor presented a proclamation declaring the month of October 2003 as Family History Month, and Saturday, October 18, 2003, as Family History Celebration Day.

PROCLAMATIONS-FIRE DEPARTMENT: The Mayor presented a proclamation declaring October 5 - 11, 2003, as Fire Prevention Week.

PROCLAMATIONS-HEALTH DEPARTMENT: The Mayor presented a proclamation declaring October 5 - 11, 2003, as Mental Illness Awareness Week.

PROCLAMATIONS: The Mayor presented a proclamation declaring October 19 - 25, 2003, as Building Character Week.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

Item C-4, a communication from the Honorable David C. Anderson, Treasurer, advising of his retirement, effective December 31, 2003, was removed from the Consent Agenda for separate discussion.

MINUTES: Minutes of the regular meetings of Council held on Monday, August 4, 2003; Monday, August 18, 2003, and recessed until Friday, August 22, 2003, were before the body.

Mr. Harris moved that Council dispense with the reading of the minutes and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

NAYS:----------0.

(Council Member Fitzpatrick was absent.)

EASEMENTS-PARKS AND RECREATION-CITY PROPERTY: A communication from the City Manager requesting that Council schedule a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to conveyance of an easement on City-owned property located in Jackson Park, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

CITY PROPERTY: A communication from the City Manager requesting that Council schedule a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to leasing 7.05 acres of City-owned property located near Back Creek in Roanoke County for agricultural purposes, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

PARKS AND RECREATION-COMMITTEES: A communication from Steven C. Buschor, Director, Parks and Recreation, advising of the resignation of The Reverend David Walton as a member of the Parks and Recreation Advisory Board, was before the body.

Mr. Harris moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

PARKS AND RECREATION-COMMITTEES: A communication from Steven C. Buschor, Director, Parks and Recreation, advising of the resignation of Onzlee Ware as a member of the Parks and Recreation Advisory Board, was before the body.

Mr. Harris moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

COMMITTEES-PERSONNEL DEPARTMENT-SCHOOLS-YOUTH: A report of qualification of the following persons was before Council.

Edward C. Bradley as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2006;

Michael F. Urbanski and Joseph B. Wright as members of the Virginia Western Community College, Board of Directors, for terms ending June 30, 2007; and

Cheryl D. Evans as a member of the Youth Services Citizen Board, for a term ending March 31, 2006.

Mr. Harris moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

REGULAR AGENDA

CITY TREASURER: A communication from the Honorable David C. Anderson, City Treasurer, advising of his retirement effective December 31, 2003, was before Council.

Vice-Mayor Harris commended Mr. Anderson for his service to the City of Roanoke and moved that the notice of retirement be received and filed. The motion was seconded by Mr. Cutler and adopted.

PUBLIC HEARINGS:

BONDS/BOND ISSUES-SCHOOLS: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, in connection with approval by the City of Roanoke of general obligation bond, or bonds, in an amount estimated not to exceed $5 million, for the purpose of financing replacement of the existing school building at the Roanoke Academy for Mathematics and Science, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Thursday, September 18, 2003 and Thursday, September 25, 2003; and in *The Roanoke Tribune* on Thursday, September 25, 2003.

Mr. Dowe offered the following resolution:

(#36502-100603) A RESOLUTION authorizing the issuance of not to exceed $5,000,000 General Obligation School Bonds, Series 2003-A, of the City of Roanoke Virginia, to be sold to the Virginia Public School Authority and providing for the form and details thereof.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36502-100603. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36502-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

FRANCHISES-CABLE TELEVISION: Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, on the adoption of a revised Cable Television Franchise Ordinance, and an ordinance approving and authorizing execution of a 15 year renewal of the Cable Television Franchise Agreement held by CoxCom, Inc., d/b/a Cox Communications Roanoke, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, September 21, 2003 and Sunday, September 28, 2003; and in *The Roanoke Tribune* on Thursday, September 25, 2003.

Mr. Dowe offered the following ordinance:

(#36503-100603) AN ORDINANCE providing for one or more non-exclusive franchises to construct, operate, and maintain one or more cable television systems within the City of Roanoke, Virginia, and dispensing with the second reading by title paragraph of this Ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36503-100603. The motion was seconded by Mr. Cutler.

A communication from the City Manager advising that pursuant to Ordinance No. 30479-42291, the City entered into a Cable Television Franchise Agreement, dated May 1, 1991, for a term of 12 years with Cox Cable Roanoke, Inc., predecessor in interest to CoxCom, Inc., d/b/a Cox Communications Roanoke; at about the same time, Roanoke County and the Town of Vinton also entered into similar Franchise Agreements; and such agreements arose out of the three jurisdictions negotiating jointly with Cox Cable Roanoke, Inc.

It was further advised that CoxCom, Inc., has requested a renewal franchise with the City of Roanoke, Roanoke County, and the Town of Vinton and representatives of the three jurisdictions have been negotiating with Cox Communications for a renewal agreement; on April 21, 2003, pursuant to Ordinance No. 36290-042103, Council extended the 1991 Cable Television agreement for six months, until October 31, 2003, to allow renewal negotiating to be completed; such negotiations have been completed and a Cable Television Franchise Agreement acceptable to the City of Roanoke, Roanoke County, the Town of Vinton and Cox has been reached among the parties, subject to their respective agreements; in connection with the negotiation, the City retained an outside consultant familiar with cable television franchising matters; during the negotiation process, it was also recommended that the City's prior Cable Television Franchise Ordinance adopted on April 22, 1991, pursuant to Ordinance No. 30478-42291, be replaced with a revised Cable Television Franchise Ordinance; such revised Cable Television Franchise Ordinance has been drafted by the consultant and reviewed by representatives of the three jurisdictions and by Cox; representatives of the City and the consultant for the City recommend adoption of a revised Cable Television Franchise Ordinance, to which Cox has no objections; and the purpose of such action is to update the prior ordinance and to incorporate current legal requirements.

Certain terms of the Agreement include:

1. The Agreement will be for a term of 15 years, from November 1, 2003 through October 31, 2018.

2. Cox will provide a capital grant for educational and governmental access capital equipment and facilities, in the total amount of $1,150,000.00 to be paid as follows:

   $575,000.00 to be paid on or before May 1, 2004;
   $345,000.00 to be paid on or before November 1, 2006 and
   $230,000.00 to be paid on or before November 1, 2008.

Payment of the above funds will be made to the fiscal agent for the Roanoke Valley Regional Cable Television Committee.

3. Cox will continue to carry RVTV on Channel 3 on Cox's system, and will also continue to provide a public access channel. Cox will provide up to five additional governmental or educational access channels based on a showing of need for such channels.
4. Cox will pay to the City a franchise fee in the amount of five per cent of gross revenues, in accordance with Section 17 of the revised Television Franchise Ordinance. (The amount of franchisee fee payments that the City received from Cox in fiscal year 2003 was approximately $984,000.00.) The amount budgeted to be received in fiscal year 2004 is approximately $1,049,000.00.

The City can regulate rates within limits for the cable operator's basic tier under current Federal law, the City cannot regulate any rates for any tiers above the basic tier, nor can the City regulate the programming that Cox carries on its system (other than the access channels) which are matters left to the discretion of the cable television operator under current Federal law.

The City Manager recommended Council adopt the revised Cable Television Franchise Ordinance, effective October 31, 2003; approve terms of the Cable Television Franchise Agreement and authorize the City Manager to execute such Agreement between the City of Roanoke and CoxCom, Inc., in a form to be approved by the City Attorney, with the Agreement to provide for the items above mentioned and such other terms and conditions as are deemed to be in the best interest of the City; and authorize the City Manager to take such further actions and to execute such additional documents as may be necessary to implement and administer the Cable Television Franchise Agreement.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that while he is not opposed to the franchise agreement with Cox Communications, he requested that Council discuss cable rate increases, overall rate structure and the billing system with representatives of Cox Communications.

Mr. Robert Gravely, 729 Loudon Avenue, N. W., reiterated the remarks of Mr. Craft and advised that if cable rates continue to increase, the average Roanoke citizen will be unable to afford the service. He advised that he was not in disagreement with renewal of the franchise, but requested that the rate structure be reviewed by the City.

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

There being no questions or comments by Council Members, Ordinance No. 36503-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following ordinance:

(#36504-100603) AN ORDINANCE approving and authorizing the execution of a Cable Television Franchise Agreement by and between the City of Roanoke, Virginia and CoxCom, Inc., d/b/a Cox Communications Roanoke; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36504-100603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

PETITIONS AND COMMUNICATIONS:

ELECTIONS: The General Registrar submitted a communication advising that due to construction/renovation, it is necessary to move Highland No. 1 Precinct currently located at the Jefferson Hall Gym to The Jefferson Center, 541 Luck Avenue, S. W., on a temporary basis, and requested approval by Council.

Mr. Dowe offered the following ordinance.

(#36505-100603) AN ORDINANCE temporarily changing the polling place for Highland Precinct No. 1 from the Jefferson Hall Gym at 540 Church Avenue, S. W., to Room 105, Jefferson Center, at 541 Luck Avenue, S. W.; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36505-100603. The motion was seconded by Mr. Harris.

Mr. Charles Harlow, representing Blue Ridge Independent Living Center, inquired if the change of polling place will be indefinite; whereupon, the Registrar advised that a temporary change is proposed at this time; however, the Jefferson Gym has been sold and will no longer be available for voting purposes; therefore, a permanent location will be requested following the November 2003 election.

Mr. Harlow advised that as a former City employee who worked at The Jefferson Center for a number of years, he could attest to the fact that The Jefferson Center is not one of the easiest locations for persons with disabilities to enter and to exit. He stated that if The Jefferson Center is to be used as a polling place indefinitely, ramps should be installed and better parking facilities should be provided. He added that parking for handicapped persons in the "U shaped" area at the entrance to The Jefferson Center is not properly identified.

Council Member Bestpitch advised that he previously occupied office space at The Jefferson Center and a concern was that visitors to the facility would often park in the handicapped spaces outside the main entrance to The Jefferson Center. He stated that the space should be more clearly marked for handicapped usage and asked that the record reflect that there is a problem, spaces located immediately in front of the building should be more clearly identified as handicapped parking only. Therefore, he requested that the matter be referred to the City Manager for review.

Ordinance No. 36505-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

REPORTS OF OFFICERS:

CITY MANAGER:

ITEMS RECOMMENDED FOR ACTION:

WATER RESOURCES: The City Manager submitted a communication advising that the existing 1994 Wastewater Agreement among the City of Roanoke and Roanoke County, the City of Salem, the Town of Vinton, and Botetourt County has been substantially updated and revised to reflect an agreed upon cost sharing formula for the 2003 Wet Weather Improvements at the Water Pollution Control Plant; the revision was necessary since existing contract terms require separate negotiation of cost sharing of each major capital improvement; and following discussion, costs for the project were determined based upon existing capacity allocations.

It was further advised that other changes were desired by all parties, including a different method of metering the City's flow contribution to the Water Pollution Control Plant and revised rate calculations for monthly flow charges; and to address ongoing maintenance needs, all parties will make payments, based upon flow allocation, into a capital fund, which fund will allow plant staff to plan improvements over multiple years while relieving budget uncertainty for partner jurisdictions.

The City Manager recommended that the Mayor be authorized to execute the 2003 Regional Wastewater Collection and Treatment Contract on behalf of the City of Roanoke; and authorize the City Manager to take such further action and to execute such other documents as may be necessary to implement and to administer such contract, such documents to be approved as to form by the City Attorney.

Mr. Dowe offered the following ordinance:

(#36506-100603) AN ORDINANCE endorsing the 2003 Regional Wastewater Collection and Treatment Contract among the City of Roanoke, Roanoke County, the City of Salem, the Town of Vinton, and Botetourt County and authorizing the Mayor to execute such Contract on behalf of the City; authorizing the City Manager to take such further actions and to execute such documents as may be necessary to implement and administer such Contract; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36506-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

POLICE DEPARTMENT-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the U. S. Marshals Service has proposed the formation of a "Joint Fugitive Task Force" (JFTF) to improve cooperative efforts among local jurisdictions in locating wanted persons; the mission of the Task Force will be to conduct, in a coordinated manner, investigations and to arrest local, State and Federal fugitives with outstanding warrants for crimes of violence; members of the Task Force will include the United States Attorney's Office, United States Marshals Service, Virginia Department of Game and Inland Fisheries, the Franklin County Sheriff's Office, Roanoke Police, Bedford County Sheriff's Office, and the Wytheville Police Department; membership of the Task Force will be limited to one investigator and one alternate from each agency, with the exception of the State agencies which may assign additional investigators due to their large geographical coverage areas; all local and State law enforcement officers will be required to be deputized as Special Deputy U. S. Marshals; the deputations will remain in effect throughout the tenure of the officer's assignment on the Task Force; supervision of personnel assigned to the Task Force will be the mutual responsibility of participating agencies, however, day-to-day operations and administrative control of the Task Force will be the responsibility the U. S. Marshals Joint Fugitive Task Force Coordinator; the Coordinator will oversee prioritization and assignment of targeted cases and related investigative activities in accordance with stated objectives of the Task Force; the Memorandum of Understanding with the Task

Force provides that the City will hold harmless the United States from any claim, cause of action or judgment resulting solely from the negligent acts of its employees and that the City will assume liability for the negligence of its employees and for any property damage to Federal vehicles resulting from the use of such vehicles by City police officers; and this assumption of liability by agreement is not a waiver of sovereign immunity.

It was further advised that the Police Department currently has a similar function with the Drug Enforcement Administration and with the Bureau of Alcohol, Tobacco and Firearms; participating in the Task Force will allow police officers to access the U. S. Marshal's on-line search mechanisms in an attempt to locate fugitives; and participating officers will learn new skills from interaction with officers from other agencies.

The City Manager recommended that she be authorized to execute the Memorandum of Understanding for the U. S. Marshals Service Blue Ridge Fugitive Apprehension Strike Team Joint Fugitive Task Force of the Western District of Virginia.

Mr. Dowe offered the following resolution:

(#36507-100603) AN RESOLUTION authorizing the execution of a Memorandum of Understanding with the U. S. Marshal's Service and other law enforcement agencies regarding the Blue Ridge Fugitive Apprehension Strike Team Joint Fugitive Task Force of the Western District of Virginia.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36507-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Wyatt, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

POLICE DEPARTMENT-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Emergency Management has announced allocation of the 2003-II, Office of Domestic Preparedness State Homeland Security Grant Program, which is designed to allow local governments in Virginia to supplement funding received from the 2003-1 Equipment Grant Program; the 2003-II Grant is intended for first responders to have better preparedness to combat and deal with terrorist acts involving weapons of mass destruction and to mitigate the costs of enhanced security at critical infrastructure facilities during periods of hostilities with Iraq, and, if enough funding remains, to help with costs in future periods of heightened threat.

It was further advised that the City of Roanoke has been allocated a total of $246,434.00 under the grant, which amount is based upon a formula that provided $50,000.00, plus $2.07 per capita to the City of Roanoke; and funding will be made available upon review of the budget detail listing and approval by the Virginia Department of Emergency Management and the Office of Domestic Preparedness.

It was explained that funding, which requires no local match, must be used according to requirements specified by the Office of Domestic Preparedness; the 2003-II Grant allows localities to spend funds in four areas of need in First Responder Preparedness, including specialized emergency response equipment and terrorism incident prevention equipment; design, development, conduct and evaluation of exercises for the combating of terrorism; institutionalizing awareness and performance level training; and for planning and administrative costs associated with updating and implementing the State's Homeland Security strategy; the grant requires that the City participate in and complete an assessment of its abilities to handle a terrorist attack; and it is anticipated that the assessment will take a sizeable amount of time on the part of key responders and management personnel.

The City Manager recommended that she be authorized to execute any agreements or documentation required in connection with obtaining and accepting the allocation of funds, and to furnish such additional information and to take such additional action as may be needed to implement and to administer such funds and agreements, said documents to be approved as to form by the City Attorney; and that Council appropriate funding of $246,434.00 and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following budget ordinance:

(#36508-100603) AN ORDINANCE appropriating funds for the Office of Domestic Preparedness State Homeland Security Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36508-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following resolution:

(#36509-100603) AN RESOLUTION authorizing the application to and acceptance of the 2003-II Office of Domestic Preparedness State Homeland Security Grant from the Virginia Department of Emergency Management to obtain federal funds under the federal Office of Justice Programs (OJP), National Domestic Preparedness Office Grant Programs and authorizing the execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36509-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

EMERGENCY SERVICES: The City Manager submitted a communication advising that since July 1, 1986, the City has been under contract with the Virginia Department of Emergency Management to respond to Level III hazardous materials incidents in a regional concept involving firefighters/EMTS from the Cities of Roanoke and Salem; and on November 18, 2002, Council authorized the City Manager to renew the agreement to participate in a Level III Regional Response Team, with the agreement to be renegotiated biannually in order to keep funding and reimbursement needs current.

It was further advised that the City of Roanoke benefits in several ways from the contract; the City receives reimbursement for training, team member physical examinations and purchase of related equipment; and without the State contract, the City would still have a need for a hazardous materials response team, but would not have the corresponding benefit of being a reimbursed regional provider.

It was explained that the present VDEM hazardous materials team contract expires on June 30, 2004; VDEM agreed to furnish $15,000.00 per year in "pass-through" funds in order to assist with the purchase of equipment, physicals, and to attend training programs needed to comply with Federal and State response criteria mandates; and pass-through funding totaling $15,000.00 has been received from VDEM.

The City Manager recommended that Council accept "pass-through" funding which honors the two-year Virginia Department of Emergency Management hazardous materials team contract for the period July 1, 2002 until June 30, 2004; that Council appropriate $15,000.00 as follows: $10,000.00 to Expendable Equipment and $5,000.00 to Training and Development under the Hazardous Materials Response Team Grant; and establish a revenue estimate of $15,000.00 in Account No. 035-520-3226-3226.

Mr. Harris offered the following budget ordinance:

(#36510-100603) AN ORDINANCE appropriating funds for the FY04 Hazardous Materials Response Team Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36510-100603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following resolution:

(#36511-100603) A RESOLUTION authorizing the City Manager to accept, on behalf of the City of Roanoke, "pass-through" funding from a two-year contract with the Commonwealth of Virginia, Department of Emergency Management, to participate in a Regional Hazardous Materials Response Team.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36511-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

PURCHASE/SALE OF PROPERTY-PARKS AND RECREATION-LANDMARKS/HISTORIC PRESERVATION-ENVIRONMENTAL POLICY: The City Manager submitted a communication advising that as a part of the multi-regional Blue Ridge Parkway viewshed planning process, the most recent Virginia Outdoors Plan states the necessity for local governments to acquire private land in order to preserve and to protect the view shed of the Blue Ridge Parkway; the City's Vision Plan articulates the benefit to the entire community of preserving trees in the Roanoke Valley; currently, there are approximately 55 acres of heavily forested land identified as Official Tax Nos. 4470101 and 4480101 that lay contiguous to the Blue Ridge Parkway and Mill Mountain Park, which are privately owned; and the property owner is interested in preserving the land as a pristine open public space rather than seeing the land developed.

It was further advised that in order to keep the property as a natural reserve, the property owner has agreed to sell both parcels of land to the City of Roanoke for $140,000.00, which is slightly under the assessed value; before purchase can be made, a Phase I Environmental Site Assessment and a metes and bounds survey will be conducted for both parcels of land; partial funding of $57,185.00 is available in an undesignated capital fund balance and the remaining funds of $89,365.00 are available in capital fund interest earnings; and total cost of $146,550.00 includes the cost of assessment, survey and property purchase.

The City Manager recommended that Council approve purchase of properties described as Official Tax Nos. 4470101 and 4480101, contingent upon return of an acceptable title search and environmental assessment; and appropriate funds in an account to be established by the Director of Finance in the Capital Projects Fund.

Mr. Cutler offered the following budget ordinance:

(#36512-100603) AN ORDINANCE appropriating funds for land acquisition at Mill Mountain, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36512-100603. The motion was seconded by Mr. Dowe.

Elizabeth Belcher, Coordinator, Roanoke Valley Greenways, expressed appreciation to the City for taking this initiative to not only protect the Blue Ridge Parkway, but to enlarge Mill Mountain Park. She advised that Mill Mountain is a unique resource to the citizens of the City of Roanoke and to the Roanoke Valley as a region because few localities have a natural park that runs through their city. She further advised that a general agreement was signed with the Blue Ridge Parkway several years ago to facilitate connecting Roanoke's greenway network to Blue Ridge Parkway trails, which includes the Chestnut Ridge Trail around the campground and the horse trail that parallels the Blue Ridge Parkway almost to Explore Park. She stated that the Blue Ridge Parkway completed its environmental assessment last month which allows for rehabilitation and relocation of some portion of the trail in preparation for connection of the Roanoke Valley's greenway network to the trails, the objective of which is to ensure that Blue Ridge Parkway trails are in a condition to support the use they will receive when greenways are connected. She noted that Blue Ridge Parkway officials have authorized the Roanoke Valley Greenway Commission to begin work on rehabilitation and maintenance of the trails; and it is hoped that there will be a connection in the near future from the Mill Mountain Greenway to the Chestnut Ridge Trail and the Roanoke

Valley Greenways Commission will work with the City's Department of Parks and Recreation and the Mill Mountain Advisory Committee with regard to how the connection will be made which will allow the trail to go all the way to Explore Park.

Mr. Robert B. Manetta, 2821 Stephenson Avenue, S. W., advised that the Blue Ridge Parkway is a major tourist attraction that brings many thousands of persons to the Roanoke Valley on a regular basis. He stated that Council's action says that the City of Roanoke is doing its share to protect the Blue Ridge Parkway viewshed and expressed appreciation to the City of Roanoke.

Ordinance No. 36512-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

Mr. Cutler offered the following ordinance:

(#36516-100603) AN ORDINANCE providing for the acquisition of property located contiguous to the Blue Ridge Parkway and Mill Mountain Park in order to preserve the viewshed of the Blue Ridge Parkway; authorizing the proper City officials to execute and attest any necessary documents for this acquisition; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36516-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke Department of Social Services and the State Health Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be placed at the Roanoke Health Department to assure that all citizens have an opportunity to apply for Medicaid; the agreement remains in effect until modified by mutual consent or operation of law; and there is no local cost for the position, with approximately 50 per cent of the cost to be reimbursed from Federal Medicaid administrative funds and the Health Department will reimburse the remaining cost.

It was further advised that the Health Department is satisfied with the results of having the position on location and wishes to continue the services; whereupon, the City Manager recommended that she be authorized to continue the services of the Eligibility Worker stationed at the Health Department, in accordance with the original agreement; and that Council adopt revenues of $36,369.00 from State and Federal sources and appropriate expenditures to accounts to be established by the Director of Finance.

Mr. Dowe offered the following budget ordinance:

(#36513-100603) AN ORDINANCE appropriating funds for the Restricted Eligibility Worker, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36513-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following resolution:

(#36514-100603) A RESOLUTION authorizing the City Manager to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original Agreement between the Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36514-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick was absent.)

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of August 2003.

The Director of Finance advised that the format of the August Financial Report was streamlined to include a report on the General Fund, Enterprise Funds and Pension Plan. He stated that additional information, which has traditionally been provided to the Council and an expanded review, will be presented at the Council's quarterly Budget and Planning Committee meetings.

There being no questions or comments, without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES:

ARCHITECTURAL REVIEW BOARD: The City Planning Commission submitted a written report advising that the Architectural Review Board (ARB) reviewed and approved amendments to the H-2, Neighborhood Preservation Overlay District Architectural Design Guidelines pertaining to installation of replacement and substitute siding on buildings in the historic district; the guidelines are instrumental

in guiding the review, consideration and decisions made by the ARB for requests that are submitted to the Board; and guidelines, unlike provisions of the City Code, such as the Zoning Ordinance, provide both the ARB and Council, upon appeal, with the flexibility to consider any situation or context that warrants special consideration.

It was further advised that revised sections of the guidelines focus on replacing the terms "vinyl or aluminum" and "substitute" as they pertain to siding with the word "synthetic"; the word "synthetic" encompasses a growing number of replacement materials that are now available in the marketplace, and also includes various stucco and/or Exterior Finish and Insulation and System materials; revisions also make the installation of synthetic siding as a replacement material 'inappropriate' in the Historic District unless the ARB finds that the use of a synthetic material is necessary to save a building due to the condition of the structure and its original exterior cladding; a reference to color of the material has been removed since color is not under the purview of the ARB in the H-2 District; and the Board has purview over color only in the H-1 District which covers portions of downtown Roanoke.

It was explained that the Architectural Review Board requests that Council endorse guideline amendments; endorsement by Council of overall guidelines in January 2001demonstrated the support of Council of the guidelines; therefore, it is appropriate that any amendments to the same guidelines also receive Council's endorsement; and because decisions of the ARB may be appealed to Council, it is important that Council use the guidelines in its decision-making process.

The City Planning Commission recommended that Council adopt a resolution endorsing amendments to Architectural Review Guidelines as such guidelines pertain to installation of replacement or substitute siding.

Mr. Bestpitch offered the following resolution:

(#36515-100603) A RESOLUTION endorsing an amendment to the Architectural Design Guidelines for the H-2, Neighborhood Preservation District.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Bestpitch moved the adoption of Resolution No. 36515-100603. The motion was seconded by Mr. Dowe.

The Mayor advised that he would support the proposed amendment, but expressed concern that the City may be placing too many restrictions on those persons who wish to make improvements to their property in the old southwest area, and those same persons may be discouraged by the proposed guidelines and abandon plans to rehabilitate homes that are in dire need of repair.

Resolution No. 36515-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------6.

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

(Council Member Fitzpatrick 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 COUNCIL:

COMPLAINTS-CITY MANAGER-CITY EMPLOYEES-PERSONNEL DEPARTMENT: Council Member Wyatt advised that it was her understanding that the City's grievance procedure provides that a grievance filed by a City employee proceeds through the chain of command to the City Manager and if the grievance is deemed grievable by the City Manager, it is heard by a grievance panel and the decision of the panel is binding on both parties. She inquired as to when the panel was deemed to the advisory in nature, with the City Manager making the ultimate decision.

The City Manager responded that Ms. Wyatt could be referring to an instance where it was deemed, in consultation with the legal department, that the grievance panel had gone beyond the bounds of its authority in a determination which did not fit within the grievance procedure decision making authority of the panel. She explained that the only change that has been made in the grievance procedure, which was effective July 2, 2003, following proper notification of all City employees, was to clarify certain language to provide that five days following the meeting, a decision will be rendered by whatever level of management that hears the grievance.

The City Manager advised there have been two instances in the past year where the decision rendered by the grievance panel was determined to go beyond the bounds of the panel's authority and in those two instances, no change was made following the decision and the grievance panel was so advised.

Ms. Wyatt advised that City employees believe that there is no need to go through the grievance panel and prefer to take their grievance directly to the courts, rather than proceed through the grievance procedure. She expressed concern when citizens are asked to serve on a grievance panel, to cite grievance procedures, and to render decisions, only to have their decisions overturned by the City Manager.

The City Manager agreed with Council Member Wyatt and advised that an orientation program will be offered to new members of the grievance panel in a effort to avoid these kinds of situations in the future. She called attention to only two occasions in the past 12 - 18 months that the grievance panel has gone beyond the bounds of its authority as it relates to the total number of decisions rendered by the grievance panel.

The City Manager advised that Council will be provided with a communication in response to the issues raised by Council Member Wyatt.

COMMITTEES-LIBRARIES: Council Member Bestpitch expressed appreciation to Michael Ramsey, outgoing Chair, Roanoke Public Library Board, for his service to the City of Roanoke and for a recent Commentary which appeared in *The Roanoke Times*, the purpose of which was to direct attention to the library process. He encouraged citizens of Roanoke to participate in a discussion over the next several months on what library services of the future will be like, since the library system is changing from the concept of a building containing books, to a system that provides numerous resources in a variety of formats. He called attention to the need to hear from citizens with regard to those resources that are the most beneficial and how services can be delivered in the most efficient manner.

PROCLAMATIONS-NEWSPAPERS-WATER RESOURCES-ENVIRONMENTAL POLICY-HOUSING/AUTHORITY/-CODE ENFORCEMENT: Council Member Cutler referred to a proclamation that was issued by the Mayor earlier in the meeting proclaiming the month of October, 2003 as Family History Month. He advised that fellow members of the Fincastle Chapter, Sons of the American Revolution, were invited to attend the Council meeting inasmuch as the organization views the Virginia Room of the Roanoke Public Library as a priceless resource, and has expressed an interest in the planning process for improvements to the City's library system, including access to and support/protection of genealogical and historical collections in the Virginia Room.

Council Member Cutler commended the City's Department of Neighborhood Services upon publication of the newsletter, "Around the Block with Roanoke's Neighborhoods", which includes an article describing initial appointees to the Roanoke Neighborhood Advocates (RNA) and states that the RNA will accept applications from neighborhood leaders to serve on its policy body.

Council Member Cutler encouraged Roanoke Valley residents to attend the Annual Virginia Environmental Assembly to be held in the City of Roanoke on Saturday, October 26, 2003, 10:00 a.m. - 5:00 p.m., at Center in the Square, Mill Mountain Theater, which will provide an opportunity to learn about and contribute to discussions on a variety of environmental issues from water management to transportation.

ARMORY/STADIUM-TOTAL ACTION AGAINST POVERTY-ROANOKE SYMPHONY ORCHESTRA-SCHOOLS: Council Member Dowe commended the Roanoke Symphony Orchestra on the success of the Polo Cup activity which was held in Green Hill Park in the City of Salem on Saturday, October 4, 2003; and This Valley Works, under the auspices of Total Action Against Poverty, for hosting the Western Virginia Classic football game between St. Augustine College and Virginia Union which was also held on Saturday, October 4, at Victory Stadium. He congratulated both organizations on their efforts to bring these types of events to the Roanoke Valley.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The 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.

TRAFFIC-STATE HIGHWAYS-BRIDGES-PERSONNEL DEPARTMENT-TRANSPORTATION SAFETY: Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that:

- In view of State budget cuts, the Virginia Department of Transportation has eliminated plans for a bridge at Hollins Road, and inquired as to how the City can allow this to happen, but still find the necessary funds to construct a new stadium/amphitheater at Orange Avenue and Williamson Road. He asked that the City work with VDOT to identify funds for construction of the bridge at Hollins Road.

- The City of Roanoke should honor its commitments to the Gainsboro community; i.e.: sidewalks, revitalization, improved streets, etc.

- The median configuration on Williamson Road adversely impacts some Williamson Road businesses.

- The City should investigate traffic congestion at Masons Mill Road/Hollins Road.

- Council should investigate the hiring practices of the City of Roanoke.

ARMORY/STADIUM-CITY COUNCIL: Mr. John Kepley, 2909 Morrison Street, S. E., requested that Council reconsider its vote to demolish Victory Stadium in view of the wishes of thousands of citizens who signed petitions that were previously filed with the Council, and that citizens be given the opportunity to vote on the issue at a public referendum. He advised that Council Member Wyatt recently stated that she did not appreciate his attacking her on her decision to support a new stadium/amphitheater at the Orange Avenue/Williamson Road site; whereupon, he stated that on numerous occasions he did not appreciate Ms. Wyatt's voting record on certain issues, and at future City Council meetings he would present his concerns in more detail. He stated that the four Members of Council who voted for a new stadium/amphitheater are stealing a part of his heritage as a Roanoker, the City has been insensitive to the pleads, requests and direct approaches of its citizens; and with the exception of Council Member Dowe, those Council Members who voted to build the new stadium/amphitheater are not native Roanokers, therefore, Victory Stadium does not hold any special significance for them.

Council Member Wyatt asked that the record reflect that she voted to construct a new stadium/amphitheater, but at no time has she ever voted to tear down Victory Stadium.

ARMORY/STADIUM-ROANOKE CIVIC CENTER: Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that Victory Stadium should be creatively marketed in lieu of constructing a new stadium; the average citizen of the City of Roanoke cannot afford the price of a ticket to an event at the Roanoke Civic Center; more jobs are needed to attract young people to the Roanoke Valley; and there is a need for improved maintenance of the City of Roanoke and its infrastructure.

ARMORY/STADIUM-CITY COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., commended those Members of Council who support the renovation of Victory Stadium, in lieu of construction of a new stadium/amphitheater; and expressed disappointment in those Council Members who voted to construct the new stadium/amphitheater on Orange Avenue and Williamson Road. She also expressed disappointment in the vote of Council Member Wyatt because heretofore she has been the voice of the people and has represented the citizens of Roanoke on numerous occasions, and although Ms. Wyatt's vote was sometimes in the minority, she continued to speak on behalf of the citizens of Roanoke.

ARMORY/STADIUM-CITY COUNCIL: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., referred to proclamations which were issued by the Mayor earlier in the meeting, one of which pertained to Family History Month, and was intended to preserve the heritage that has shaped Roanoker's as a people and to renew the commitment to the concept of home and family. She advised that over 7000 persons who signed a petition in support of saving Victory Stadium consider the Stadium to be a part of their home and a part of their heritage, yet Council saw fit not to honor their wishes; therefore, what is the purpose of the Mayor's proclamation. She called attention to another proclamation which declared October 19 - 25, 2003, as Building Character Week and advised that children are taught that Americans live in a democracy, Americans vote and the majority vote wins, but in this case the petitions signed by over 7000 citizens were votes that the City chose to ignore. She inquired if the City of Roanoke is becoming a dictatorship where a few people rule to the detriment of the majority, and asked that Council seriously consider what kind of example it is setting for the young people of Roanoke.

CITY MARKET-COMPLAINTS-TAXES: Mr. Robert Craig, 701 12th Street, S. E., expressed concern with regard to the City's utility tax on cellular telephone service; an increase in his real property assessment by 33 per cent; wasteful spending of taxpayers' money; and lack of dissemination of appropriate information by Council and the City Administration to the citizens of Roanoke. He referred specifically to certain unknowns regarding the Farmer's Market and the Subway restaurant and the perception by some persons that the "mom and pop" operations in the City Market Building will be replaced by national chain restaurants. He also called attention to poor maintenance of the City Market building.

CITY MANAGER COMMENTS: NONE.

The Mayor declared the Council meeting in recess for two briefings and continuation of a closed session on boards and commissions.

The Council immediately reconvened in the Council's Conference Room for two staff briefings.

STATE HIGHWAYS: The City Manager introduced a briefing on the work of staff and a committee of citizens charged with the responsibility of reviewing Long Range Transportation recommendations.

Mr. Bestpitch, Vice Chair, Roanoke Metropolitan Planning Organization, expressed appreciation to City Planning Commission Members Henry Sholz, Kent Chrisman and Rick Williams who participated in the study.

Kenneth King, Jr., Manager, Streets and Traffic, reviewed the following Roanoke Valley Area Metropolitan Planning Organization 2025 Long Range Transportation Plan Recommendations:

> "The City of Roanoke is pleased to submit recommendations for consideration and inclusion in the Roanoke Valley Area 2025 Long-Range Transportation Plan. The City of Roanoke values and recognizes the planning process as being the primary building block for effective transportation improvements. To be effective, plans must be based upon projections of the transportation system's future conditions, needs and opportunities, to effectively guide decision making today and in the future. Through intergovernmental cooperation, coordination, and public involvement, plans should shape local, regional and state strategies for addressing economic growth, safety, congestion, air quality and public mobility. All parties are encouraged to be involved in the transportation planning and improvement process to be proactive in integrating and utilizing all modes of transportation. The City's recently completed Comprehensive Plan emphasizes the need for sustainability; therefore, local and regional plans should support compact urban development, discourage sprawl and emphasize multi-modal forms of transportation that prioritize facilities for bicycles, pedestrians, rail and transit as well as accommodate automobiles.
>
> The City of Roanoke Urban System - Financial Constrained List (on file in the City Clerk's Office) contains both the financially constrained and future vision list of urban projects for the City of Roanoke. One notable project is the I-581 and Elm Avenue improvement project. This is one of the most congested areas within the regional transportation system

and has been a known problem for many years. The urban, primary, and interstate systems converge in this single interchange and improvements may require funding from each of these systems to solve this complex problem. Traditionally, an interchange project of this type would be funded solely from interstate funding sources; however, because of the major importance of this project, the City of Roanoke is prepared to have $8 million of the City's urban allocation dedicated for this purpose. The willingness to have these urban funds dedicated demonstrates the City's commitment to this improvement. The MPO and VDOT should likewise make this project a high priority by allocating the needed funds from all available sources (primary and/or interstate systems) to support this improvement. Together with Interstate 81, the I-581 and Elm Avenue interchange is a top interstate need that must be addressed in this long Range Transportation Plan.

The transportation system is dynamic in nature and these plans should be continuously revised and officially updated every three to five years to provide a comprehensive and accurate strategy for addressing the ever changing needs of Virginia's citizens and businesses. The City of Roanoke is committed to being a proactive leader and partner in these very important endeavors."

Mr. King advised that the matter will be brought to Council at a public hearing on Thursday, October 23, 2003; the MPO is currently in a 30 day public comment period and staff will share with Council any public comments that were received with regard to the Roanoke community, as well as the region as a whole, and will seek Council's endorsement and approval to submit the document to the Metropolitan Planning Organization, which is scheduled to address the matter at its meeting on November 7, 2003.

POLICE DEPARTMENT: The City Manager introduced a briefing on certain cooperative efforts between Roanoke City and Roanoke County in regard to facilities for training police officers of both localities.

Keith L. Sidwell, Lieutenant, Roanoke City Police Academy, advised that comprehensive, cost effective training for law enforcement personnel is a necessity that impacts employees and citizens; Roanoke City and Roanoke County have a history of collaboration for mutual benefit and the two localities combined resources in August 1998 to build a regional firearms training range on a 14.9 acre tract of land owned by Roanoke County; the two localities are currently working together to

develop a regional driver training facility on the same tract of land; the facility would be under joint direction/supervision of a driver training facility-governing committee; and the localities are working together to determine cost parameters and development costs would be shared equally by the localities. He advised that they are also in the discussion stage with Roanoke County concerning participation in the development of a new Police Academy to be located within the City of Roanoke.

It was advised that the Roanoke Police Academy is currently housed at The Jefferson Center, the Academy is certified by the Virginia Department of Criminal Justice Services as an Independent Criminal Justice Academy, charged with providing training for 240+ sworn personnel from the City of Roanoke, 114 from Roanoke County and Dispatcher personnel; and fee-based training for other jurisdictions/agencies and co-host regional training with ISS International is also provided.

He noted that there is limited available space, inability to expand, and having only two classrooms makes it necessary to conduct some classes off campus:

- Booker T. Washington Gym - Defensive Tactics for Basic Training
- Roanoke County EOC - Background Investigator Training
- Jefferson Center Training Theater - OSHA/VPCI In-Service Training
- PD Community Room and Patrol Conference Room - Chemical Suite/Gas Mask Training
- Calvary Baptist Church - Reed School for Youth Investigators and School Personnel

Due to limited space, areas within the facility have been converted to accommodate multiple functions.

Lieutenant Sidwell advised that relocation to more suitable space is essential for continued success in providing necessary training in a timely manner; Police Department staff continue to work with Economic Development to explore alternatives; Roanoke County has expressed continued interest in participating in the City's program; and an actual site/funding source will need to be identified.

A possible funding source includes:

Section 9.1-106 of the Code of Virginia (1950) as amended, which was amended and reenacted on April 2, 2003 (HB 2511, SB 1345) addresses fees for criminal justice training academies and provides that upon conviction for certain traffic and criminal charges, certain fees will be assessed as court costs, effective July 1, 2003, and the State set its current fee at $1.00.

Section 9.1-106 provides that a locality may charge a similar in nature fee if the locality does not participate in a regional criminal justice training academy and the locality was operating a certified independent criminal justice academy as of January 1, 2003; stipulates that any and all funds from such local fee shall support the local criminal justice academy, and existing funds shall not be reduced as a result of enacting the fee.

Other localities surveyed indicate that of those qualifying localities that have enacted a fee, Chesapeake, Chesterfield County and Richmond enacted a $1.00 fee and Virginia Beach enacted a $5.00 fee.

The Police Department staff will continue to explore available alternatives for a suitable site; the City Administration will submit a report/ordinance to Council for review and approval recommending amendment of the Code of the City of Roanoke, (1979), as amended, to provide for a court assessment fee of $3.00, pursuant to Section 9-106 of the Code of Virginia, effective November 1, 2003, with funds collected to be used solely to support relocation/additional operating expenses of the City's Police Academy.

The Clerks of General and Circuit Courts would charge and collect the assessment as a part of the fees taxed as court costs, funds collected would be submitted to the City Treasurer; funds posted as General Fund revenue and held would be subject to appropriation by Council; projected revenue from the $3.00 assessment is estimated at approximately $54,000.00 annually, and would be used solely to support the City's criminal justice academy as mandated and provide for the relocation/additional operating expenses of the Police Academy.

At 5:00 p.m., the Council reconvened in Closed Session in the Council's Conference Room.

At 5:20 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Vice-Mayor Harris and Council Member Fitzpatrick, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch 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 Mr. Dowe and adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Wyatt and Mayor Smith-----5.

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

(Vice-Mayor Harris left the meeting during the City Manager's briefing on police training facilities.)

(Council Member Fitzpatrick was absent.)

OATHS OF OFFICE-COMMITTEES-ARCHITECTURAL REVIEW BOARD: The Mayor advised that the term of office of Donald C. Harwood as a member of the Architectural Review Board expired on October 1, 2003, and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Donald C. Harwood.

There being no further nominations, Mr. Harwood was reappointed as a member of the Architectural Review Board, for a term ending October 1, 2007, by the following vote:

FOR MR. HARWOOD: Council Members Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------5.

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

(Vice-Mayor Harris and Council Member Fitzpatrick were absent.)

OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER: The Mayor advised that the terms of office of Calvin H. Johnson and Thomas G. Powers as members of the Roanoke Civic Center Commission expired on September 30, 2003, and called for nominations to fill the vacancies.

Mr. Cutler placed in nomination the names of Calvin H. Johnson and Thomas G. Powers.

There being no further nominations, Messrs. Johnson and Powers were reappointed as members of the Roanoke Civic Center Commission, for terms ending September 30, 2006, by the following vote:

FOR MESSRS. JOHNSON AND POWERS: Council Members Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------5.

(Vice-Mayor Harris and Council Member Fitzpatrick were absent.)

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: The Mayor advised that the term of office of Lynn D. Avis as a Commissioner of the Industrial Development Authority will expire on October 20, 2003, and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of F. Gordon Hancock.

There being no further nominations, Mr. Hancock was appointed as a Commissioner of the Industrial Development Authority, for a term ending October 20, 2007, by the following vote:

FOR MR. HANCOCK: Council Members Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith----------5.

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

(Vice-Mayor Harris and Council Member Fitzpatrick were absent.)

COUNCIL-HOUSING/AUTHORITY: Mr. Cutler moved that Vice-Mayor C. Nelson Harris and Council Member Beverly T. Fitzpatrick, Jr., be appointed as the Council's representatives to a Joint Council/Housing Authority Ad Hoc Committee to Study the Role of the Roanoke Redevelopment and Housing Authority. The motion was seconded by Mr. Dowe and adopted.

At 5:30 p.m., the Council meeting was declared in recess until Friday, October 17, 2003, at 9:00 a.m., at the Roanoke County Administration Center, fourth floor Conference Room, 5204 Bernard Drive, S. W., for a joint meeting of City Council and the Roanoke County Board of Supervisors, with regard to formation of a regional water/waste water authority.

A joint meeting of Roanoke City Council and the Roanoke County Board of Supervisors was called to order on Friday, October 17, 2003, at 9:30 a.m., at the Roanoke County Administration Center, Fourth Floor Conference Room, 5204 Bernard Drive, Roanoke, Virginia, with Mayor Ralph K. Smith and Chairman Joseph P. McNamara presiding, for the purpose of discussing issues in connection with the purposed regional water and waste water authority.

ROANOKE CITY COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, C. Nelson Harris (arrived late) Linda F Wyatt (arrived late) and Mayor Ralph K. Smith----------5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Beverly T. Fitzpatrick-----2.

ROANOKE COUNTY BOARD OF SUPERVISORS PRESENT: Michael W. Altizer, Joseph B. Church, Richard C. Flora, H. Odell Minnix, and Chair Joseph P. McNamara----------5.

ABSENT: None----------0.

STAFF PRESENT:

Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Rolanda B. Russell, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; and Mike McEvoy, Director of Utilities.

Representing Roanoke County: Elmer C. Hodge, County Administrator; Paul M. Mahoney, County Attorney; Diane Hyatt, Director of Finance; Diane Childers, Clerk to the Board of Supervisors; John M. Chambliss, Assistant County Administrator; and Gary Robertson, Utilities Director.

The meeting was opened with a prayer by Mr. Chambliss.

WATER/AUTHORITY:

Mr. Hodge advised that at the last meeting on Friday, August 22, 2003, it was reported that the Articles of Incorporation would be the topic of the next joint session of the two governing bodies. He commended the two staffs for their ongoing efforts on behalf of the formulation of the proposed regional water and waste water authority and called upon Mr. Mahoney, County Attorney, for a discussion of the proposed Articles of Incorporation.

Mr. Mahoney advised that some time ago, City Council and the Board of Supervisors indicated that they would like to hold a joint work session to review several issues regarding the Articles of Incorporation; therefore, the topics of authority board composition, terms of office of board members, name of the authority and other special provisions have been identified for discussion. He stated that one of the guiding principles set forth by the two governing bodies provides for equal representation which could result in tie votes that could cause an impass to successful conclusion of public business. He called attention to discussion with regard to appointing an odd number of members to the Authority Board to serve as a tie breaker, who would participate in all deliberations and activities of the authority; and a seven member authority appears to be the consensus of the two governing bodies.

The Mayor advised that it is the consensus of Roanoke City Council that total Authority Board membership will consist of seven.

Mr. Mahoney advised that City Council would appoint three members and the Board of Supervisors would appoint three members to the Authority Board, and inquired as to the consensus of the two governing bodies as to how the seventh member would be appointed.

The Mayor advised that it is the consensus of Roanoke City Council that three members will be appointed from each locality, upon appointment of the six members they will decide on the seventh member, and at least two Roanoke City members and two Roanoke County members would recommend the seventh member, who would be ratified by the City Council and the Board of Supervisors.

Mr. Mahoney inquired, in the event that the six Authority Board members cannot agree on the seventh member, should the matter then go to the Circuit Court Judges to appoint the seventh person, or would the six members make a recommendation to the governing bodies on the seventh member, with the two governing bodies confirming or ratifying the seventh member.

There was discussion as to the timeframe for acting on the matter; whereupon, Mr. Mahoney advised that the attorneys are requesting input from the two governing bodies in order to prepare the final draft of the Articles of Incorporation, which will be presented to the two governing bodies at their meeting on November 19, 2003. He stated that on November 19, it is requested that the attorneys be authorized to advertise a legal notice for a public hearing in January 2004, and advised that another draft of the Articles of Incorporation will be prepared for review by the two governing bodies prior to the time that the matter is advertised for public hearing.

At 9:55 a.m., Council Member Wyatt entered the meeting and the Mayor declared the existence of a quorum of the Roanoke City Council.

It was the consensus of the Council and the Board of Supervisors that three members will be appointed by Roanoke City Council and three members will be appointed by the Roanoke County Board of Supervisors, the six members of the Authority Board will select the seventh member which will require ratification/confirmation by the City Council and the Board of Supervisors; and if the seventh member is not appointed in a timely manner, the seventh member will be appointed by the Circuit Court Judges.

There was discussion in regard to composition of the Authority Board; whereupon, Mr. Cutler advised that Roanoke City Council has tentatively agreed to appoint one Member of the Council, one member of the City's Executive Staff, one citizen with expertise in the subject area, and the seventh member would be a person well known to both City and County officials, who has either legal or engineering expertise.

The City Attorney advised that according to the time line previously presented to the Council and to the Board of Supervisors, it was proposed that both the Council and the Board of Supervisors would select their initial representatives by the November 19 meeting and the name of the seventh person would be submitted with the initial Articles of Incorporation to the State Corporation Commission on January 15, 2004; a public hearing will be held to adopt concurrent resolutions creating the Authority, which must be submitted to the State Corporation Commission, and within 30 - 60 days the Authority should be chartered and operational.

At 10:15 a.m., Vice-Mayor Harris entered the meeting.

It was the consensus that the City Council and the Board of Supervisors will share a short list of names of persons to be appointed by both localities to the Authority Board prior to the November 19, 2003, joint meeting of the two governing bodies.

Mr. Mahoney advised that once the State Corporation Commission grants a charter to the Authority in February-March, 2004, the Authority will be operational, the Authority will meet in April - May to establish water rates, effective July 1, 2004, and to adopt a budget and by-laws, etc.

The legal staff advised that by no later than mid to late December, the six members of the Authority Board should be appointed.

Questions were raised in regard to issues such as how often the Authority Board will meet, reimbursement to members for Authority-related expenses, conferences, orientation of members, etc.; whereupon, Mr. Mahoney advised that many of the issues are not addressed in the Articles of Incorporation, but are tasks that will occur in the November - January timeframe, and some of the issues will be addressed when the Authority Board adopts its by-laws which are required to be ratified, confirmed or approved by the State Corporation Commission.

Upon question, Mr. Mahoney advised that the initial draft of the Articles of Incorporation does not specify one elected official, one appointed person, or one citizen, which are appointment decisions that must be made by each governing body; and there is no intent to debate the process of making appointments.

There was discussion in regard to terms of office; whereupon, Mr. Hackworth advised that initial appointments in the proposed by-laws provide that one representative will be appointed from each locality for a four year term, one representative for a three year term, and one representative for a two year term, with the term of office of the seventh member to be taken into consideration when considering composition and rotation of members.

It was summarized that the intent of the discussion is to provide that initial elected officials will serve two year terms of office and will not be eligible for reappointment; staff persons will serve three year terms of office and will not be eligible for reappointment; and citizens will serve four year terms of office and will be eligible for reappointment, with a limit of two consecutive four year terms of office.

Following discussion and so as not to tie the hands of a future Board of Supervisors or City Council, Mr. Mahoney suggested that it be the consensus of the two governing bodies that the above referenced terms of office will be approved, but such will not be set forth in the Articles of Incorporation, and that such be recorded in the official minutes of the meeting.

With regard to the draft Articles of Incorporation, Mr. Mahoney advised that the super majority vote applies to: (1) adding new jurisdictions, (2) any kind of contract or agreement for the bulk sale of surplus water, or the acceptance or treatment of waste water; and (3) a recommendation by the six initial members of the Authority to appoint a seventh member. He inquired if there are other issues that would require a super majority vote.

No additional issues were mentioned.

The following names were suggested for the proposed regional water and waste water authority:

Regional Water Authority
Aqua Source
Western Virginia Water Authority

By consensus of the two governing bodies, Western Virginia Water Authority was selected as the name of the proposed regional water and waste water authority.

Mr. Robertson presented copy of the Water and Waste Water Authority Team Activity Report dated October 17, 2003.

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

The City Manager advised that a tremendous amount of work has been done and continues to be done by not only the management team, but employees in both the water and sewer operations of the City and the County who are committed to making the Authority a success. She stated that a number of issues still need to be addressed and will begin to come together over the next several months.

Mr. Hodge reported on regional meetings that were held in Roanoke City and Roanoke County, all of which were well planned, even though attendance could have been better. He stated that citizens who attended the meetings were supportive, they asked questions and listened to the presentations made by financial and engineering staff and they left the meetings with a better understanding of how the proposed arrangement will make both the City and the County systems stronger. He advised that additional meetings can be held in the spring of 2004 if that is the desire of the Council and the Board of Supervisors, and asked for guidance by the two governing bodies. He stated that additional information will be presented at the November 19, 2003 meeting on the rate study and schedule.

It was suggested that another round of public meetings be held with citizens prior to establishment of water rates.

Mr. Mahoney advised that a draft of the proposed Articles of Incorporation will be provided to the Council and to the Board of Supervisors at last two weeks prior to the November 19, 2003 meeting.

It was suggested that prior to adjourning the meeting, there should be a sense of understanding as to when the two governing bodies will exchange names of the six initial appointees to the Authority Board.

There being no further business, the Mayor declared the meeting adjourned at 10:55 a.m.

(The next joint meeting of the Council and the Board of Supervisors will be held on Wednesday, November 19, 2003, at 9:30 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.)

APPROVED

ATTEST

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor

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