BESTPITCH
36261-031703

ROANOKE CITY COUNCIL
REGULAR SESSION

MARCH 17, 2003
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call. **(Mayor Smith and Council Member Wyatt arrived late.)**

The Invocation was delivered by The Reverend Carl T. Tinsley, Sr., Pastor, First Baptist Church, Buena Vista, Virginia.

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

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, March 20, 2003, at 7:00 p.m., and Saturday, March 22, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

Proclamation declaring March 16 - 22, 2003, as DeMolay Week.
File #3

3. CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the Regional Leadership Summit held on Friday, January 17, 2003; and the regular meeting of Council held on Tuesday, January 21, 2003.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

C-2 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.
File #2-132-166

C-3 A communication from Willard N. Claytor tendering his resignation as Director of Real Estate Valuation, effective July 31, 2003.

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

File #162-184

C-4 A communication from Anita L. Lee tendering her resignation as a member of the Parks and Recreation Advisory Board.

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

File #15-67-110

C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.
File #132-166

C-6 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in request.
File #2-132-166

C-7 Qualification of the following persons:

Raymond Debose, Jr., as a member of the Fair Housing Board, for a term ending March 31, 2006;

James M. Turner, Jr., as a member of the Roanoke Regional Airport Commission, for a term ending March 9, 2007;

Carl H. Kopitzke and Mary F. Monk as members of the Parks and Recreation Advisory Board, for terms ending March 31, 2006;

Shirley M. Bethel as a member of the Roanoke Neighborhood Partnership Steering Committee, for a term ending November 30, 2005;

Delvis O. McCadden as a member of the Roanoke Valley Regional Cable Television Committee, for a term ending June 30, 2005; and

George F. Taylor as a member of the Board of Trustees, City of Roanoke Pension Plan, to fill the unexpired term of William E. Skeen, resigned, ending June 30, 2005.

RECOMMENDED ACTION: Receive and file.
File #9-15-67-110-178-429-448-488

C-8 A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss disposition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.
File #132-166

REGULAR AGENDA

Review of the following applications for appointment to the Roanoke City School Board for terms commencing July 1, 2003, and ending June 30, 2006. (Three vacancies.)

Dennis M. Binns
Rhonda M. Chattin
Chris H. Craft
Robert R. Craig
F. B. Webster Day
Tiffany M. Johnson
Gloria P. Manns
Kathy G. Stockburger
David B. Trinkle

Received and filed.
File #467

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

a. A request of the Roanoke Valley Economic Development Partnership to address Council with regard to yearly activities. Phillip F. Sparks, Executive Director. (10 minutes) (Sponsored by the City Manager.)

No action.
File #109-450

b.(1) A request of STAR Solution to address Council regarding Virginia Interstate 81. Steven J. Chapin, Spokesperson. (10 minutes) (Sponsored by Mayor Smith and Council Member Cutler.)

No action.
File #20-77-316

(2) A request of FLUOR to address Council regarding Virginia Interstate 81. Jim Carroll, Executive Director, Sales Transportation, Spokesperson. (10 minutes) (Sponsored by Mayor Smith and Council Member Cutler.)

No action.
File #20-77-316

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

1. Water Pollution Control Plant. (20 minutes)

Received and filed.
File #468

ITEMS RECOMMENDED FOR ACTION:

2. A communication with regard to project management services for the construction phase of wet weather improvements at the Regional Water Pollution Control Plant.

Adopted Budget Ordinance No. 36261-031703 and Resolution No. 36262-031703. (7-0)
File #60-468

7. REPORTS OF COMMITTEES:

a. A communication from the Roanoke City School Board requesting appropriation of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

Adopted Budget Ordinance No. 36263-031703. (7-0)
File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

Adopted Resolution No. 36264-031703 eliminating the provision for fifth Monday Council meetings.
File #132

10. MOTIONS AND MISCELLANEOUS BUSINESS:

a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Bestpitch called attention to concerns expressed by drivers regarding speeding citations on Towne Square Boulevard, N. W., between Valley View Boulevard and Airport Road. He advised that there is a 25 miles per hour speed limit sign on one side of the road, but not on the other side, and referred the matter to the City Manager for report to Council.
File #20-316

Council Member Bestpitch requested a review of the City's procedure for removing equipment from flood prone areas.
File #237-472

Council Member Carder expressed concern with regard to speeding vehicles in Roanoke's residential neighborhoods. He requested that the City Manager appoint a committee composed of law enforcement representatives, City Planning staff, neighborhood representatives and citizens to review actions taken by other localities to slow traffic down and to make neighborhoods safer.
File #5-110-165-200-316

The Mayor and Council Member Wyatt congratulated all persons involved in the St. Patrick's Day Parade on Saturday, March 15.
File #80-317

b. Vacancies on certain Council-Appointed authorities, boards, commissions and committees.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

The City Manager commended all persons involved in the St. Patrick's Day Parade on Saturday, March 15.
File #80-317

The City Manager responded to the remarks of Council Member Bestpitch in regard to the City's procedure for removal of equipment in flood prone areas.
File #237-472

The meeting was declared in recess for four closed sessions.

CERTIFICATION OF CLOSED MEETING. (7-0)

AT 5:20 P.M., THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.

ROANOKE CITY COUNCIL
REGULAR SESSION

MARCH 17, 2003
7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. **(All present)**

The Invocation was delivered by Mayor Ralph K. Smith.

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

Welcome. Mayor Smith.

NOTICE:

The meeting was televised live by RVTV Channel 3 to be replayed on Thursday, March 20, 2003, at 7:00 p.m., and Saturday, March 22, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

A. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Recognition of the 2002 Youth Award recipient -- Roanoke Police Explorer Scout Post 616.

B. PUBLIC HEARINGS:

1. Amendment to Vision 2001-2020, the City's Comprehensive Plan, to add the Gainsboro Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

   Adopted Ordinance No. 36265-031703. (7-0)
   File #165

2. Proposal of the City of Roanoke to grant a revocable license permitting the encroachment of parking spaces eight feet into the public right-of-way at 3308 Franklin Road, S. W. Darlene L. Burcham, City Manager.

   Adopted Ordinance No. 36266-031703. (7-0)
   File #169

3. Proposal of the City of Roanoke to grant a revocable license to the Roanoke Regional Airport Commission authorizing encroachment of an overhead directional sign approximately 58 feet into the public right-of-way of Aviation Drive, N. W., approaching the main entrance of the Airport Terminal Building. Darlene L. Burcham, City Manager.

   Adopted Ordinance No. 36267-031703. (7-0)
   File #9-107-169

4. Proposal of the City of Roanoke to convey approximately 800 square feet of property bearing Official Tax No. 6640123 to the Federal Aviation Administration, conditioned upon an agreement with the Hertz Corp. to amend the Lease Agreement removing the 800 square foot area from the lease. Darlene L. Burcham, City Manager.

   Adopted Ordinance No. 36268-031703. (7-0)
   File #9-373

5. Proposal to convey five acres of City-owned property to Blue Ridge Public Television (BRPT), being a portion of Fishburn Park currently used by BRPT for its station and located off Colonial Avenue, S. W., and to impose a restriction on a 6.8-acre portion of Fishburn Park that such property will be used for park purposes. William M. Hackworth, City Attorney.

   Adopted Ordinance No. 36269-031703. (7-0)
   File #67-166-401

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

The following persons addressed Council with regard to adopting a proposed measure opposing military action against Iraq by the United States of America:

Ms. Audette Fulbright, 1326 Belleview Avenue, S. E.
Mr. Bob Fetter, 2923 Carolina Avenue, S. W.
Ms. Elizabeth Keyser, 714 White Oak Road, S. W.
The Reverend Rusty Dinkins-Curling, 2817 Cumberland Street, N. W.
File #132

The following persons addressed Council in connection with alleged discriminatory practices by the City; i.e.: the dismissal of Ms. Nandini Assar:

Ms. Angela Norman, 1731 Michael Street, N. W.
Ms. Nandini Assar, 311 Buckingham Place, Blacksburg, Virginia
Ms. Peggy Blankenship, 2316 Russell Avenue, S. W.
Ms. Sandra Eanes, 1616 Stewart Avenue, S. E.
Mr. Lewis Grogan, 528 Chestnut Avenue, N. W.
Ms. Kathy Hill, 509 Arbor Avenue, S. E.
Ms. Adrian Brown, 813 Gilmer Avenue, N. W.
Mr. Robert Gravely, 3360 Hershberger Road, N. W.
File #66-184-488

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern in regard to Council's lack of response relative to the request of previous speakers that the City adopt a measure opposing military action against Iraq by the United States of America; concern regarding the request of an individual to delay his remarks before Council, who was later permitted to present his statement in order to address comments made by a previous speaker, with little reference to the item that was the topic of discussion; and concern regarding the lack of response by Council to the remarks of a former City employee who alleged discriminatory practices by the City.
File #66-184-132