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36776-071904

ROANOKE CITY COUNCIL
REGULAR SESSION

JULY 19, 2004
2:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

1. **Call to Order - Roll Call.**

The Invocation was delivered by Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, July 22, 2004, at 7:00 p.m., and Saturday, July 24, 2004, at 4:00 p.m. Council meetings are 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 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 ACKNOWLEDGEMENTS:

The Mayor recognized two employees from the Roanoke Valley Juvenile Detention Center who recently received awards from the National Juvenile Detention Association; i.e.: Rick Weekly who received the Bob Rader Detention Services Worker of the Year Award for helping to implement the video court system that allows juveniles to be arraigned without leaving the Juvenile Detention facility; and Kelvin Edwards who received the Bob Rader Line Staff Worker of the Year Award for his participation in

a program called Impact 180 which is a leadership based treatment alternative to State facilities for non violent offenders. File #80-305

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 special meeting of Council held on Thursday, May 13, 2004.

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

C-2 A communication from Mayor C. Nelson Harris 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.

RECOMMENDED ACTION: Concur in the request.
File #110-132

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

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

C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

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

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

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

C-6 A communication from Council Member Brenda L. McDaniel tendering her resignation as a member of the Roanoke Public Library Board, effective immediately.

RECOMMENDED ACTION: Accept resignation and receive and file communication.

File #110-132-323

C-7 A communication from S. James Sikkema tendering his resignation as a member of the Parks and Recreation Advisory Board, effective immediately.

RECOMMENDED ACTION: Accept resignation and receive and file communication.

File #67-110

C-8 A communication from Carl H. Kopitzke, Chair, Parks and Recreation Advisory Board, advising of the resignation of Geraldine LaManna as a member of the Parks and Recreation Advisory Board, effective immediately.

RECOMMENDED ACTION: Accept resignation and receive and file communication.

C-9 Qualification of Brenda L. McDaniel as a Member of the Council of the City of Roanoke to fill the unexpired term of C. Nelson Harris, ending June 30, 2006.

RECOMMENDED ACTION: Receive and file.
File #15-110-132

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

a. Request of Total Action Against Poverty in the Roanoke Valley, Inc., to address the City's support of various activities/programs. Ted Edlich, President; and Ann Fisher, Executive Director, Virginia CARES, Spokespersons. (Sponsored by Mayor Harris and Vice-Mayor Fitzpatrick.)

The City of Roanoke was requested to include funding for Virginia CARES and the Pre-Release and Post Incarceration Services (PAPIS) programs as a part of the City's Legislative Program for the 2005 Session of the General Assembly.

Vice-Mayor Fitzpatrick, Chair, Legislative Committee, requested that information be provided to the City Attorney for inclusion in the City of Roanoke's proposed 2005 Legislative Program for consideration by Council acting as the Legislative Committee.
File #137-226

b. Presentation of the 2003 Annual Report of the Fair Housing Board. Nancy F. Canova, Chair, Spokesperson. (Sponsored by the City Manager.)

Received and filed.
File #109-178

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Execution of Amendment No. 1 to the Subgrant Agreement with Roanoke Area Ministries to provide additional Community Development Block Grant funds for completion of the rehabilitation facility, in the amount of $80,000.00.

   Adopted Resolution No. 36776-071904. (7-0)
   File #236-351

2. Adoption of a measure amending Resolution No. 31301-011193 to reestablish membership of the Roanoke Interagency Council.

   Adopted Resolution No. 36777-071904. (7-0)
   File #110-364

3. Execution of a contract with the Fifth District Disability Services Board to provide continuing local administrative staff support.

   Adopted Budget Ordinance No. 36778-071904 and Resolution No. 36779-071904. (7-0)
   File #438

4. Appropriation of $25,000.00 in connection with the Trevino Drive Storm Drain, Phase I Project.

   Adopted Budget Ordinance No. 36780-071904. (7-0)
   File #27-60-468

5. Establishment of local incentives and an amendment to the City Code in connection with Enterprise Zone One A, and authorization to make rules and regulations implementing local incentives.

Adopted Budget Ordinance No. 36781-071904 and Ordinance Nos. 36782-071904 and 36783-071904. (7-0)
File #60-266

6. Acceptance of a $5,000.00 Local Government Challenge Grant from the Virginia Commission for the Arts.

Adopted Budget Ordinance No. 36784-071904 and Resolution No. 36785-071904. (7-0)
File #60-236

7. Acceptance of a $314,433.00 State Homeland Security Grant from the Virginia Department of Emergency Management.

Adopted Budget Ordinance No. 36786-071904 and Resolution No. 36787-071904. (7-0)
File #5-60-188-236

8. Acceptance of the donation of $11,732.00 from First Team, Inc., to be used by the Roanoke City Sheriff's Office for lease payments for a new DARE vehicle.

Adopted Budget Ordinance No. 36788-071904 and Resolution No. 36789-071904. (7-0)
File #60-68-121

9. Authorization to allow the taking of deer over bait as part of the City's Deer Management Program; and execution of a revised Memorandum of Understanding with the Department of Game and Inland Fisheries.

Adopted Resolution No. 36790-071904. (5-2, Mayor Harris and Council Member Wishneff voted no.)
File #54-212

b. DIRECTOR OF FINANCE:

1. Establishment of compensation for the Clerk of Circuit Court, Commonwealth's Attorney, Commissioner of the Revenue, City Sheriff, and City Treasurer.

Adopted Ordinance No. 36791-071904. (7-0)
File #34-103-121-133

7. REPORTS OF COMMITTEES:

a. Request of the Roanoke City School Board for appropriation and transfer 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. 36792-071904. (7-0)
File #60-467

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

a. An Ordinance amending the City Code to eliminate the Budget and Planning Committee.

Adopted Ordinance No. 36793-071904. (7-0)
File #24-60-110

b. An Ordinance amending the City Code to eliminate Council liaison representation on the Roanoke Civic Center Commission.

Adopted Ordinance No. 36794-071904. (7-0)
File #24-110-192

10. MOTIONS AND MISCELLANEOUS BUSINESS:

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

Council Member Dowe commended staff and volunteers of the 15th Annual Virginia Commonwealth Games which was held in the City of Roanoke on July 16 - 18, 2004.
File #80-334

Council Member Dowe requested that the matter of installing air conditioning in the gymnasium at Eureka Park Recreation Center be referred to the City Manager for report to Council
File #67

At the request of Council Member Wishneff, a letter from the City Attorney under date of July 2, 2004, with regard to advisory referenda was referred to the Legislative Committee for discussion prior to October 11, 2004, when the matter will be considered by the Senate Local Government Committee.
File #53-137

b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

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.

Mr. William Bryant, 124 Fleming Avenue, N. E., spoke with regard to preserving/renovating Victory Stadium as a historic landmark.
File #122

Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the work session which was held earlier in the day regarding Victory Stadium should have been televised for viewing by the general public. If the study includes constructing a stadium/ amphitheater at the Orange Avenue/Williamson Road site, she asked that citizens of Gainsboro and Lincoln Terrace be taken into consideration inasmuch as the area currently bears the burden of noise, traffic and littering from events at the Roanoke Civic Center.
File #20-66-122-192

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., commended Council on the Victory Stadium workshop, and asked that future studies include activities for youth such as gravity sports and their economic impact on the Roanoke Valley.
File #122-192-304

Ms. Pat Lawson, 1618 Riverside Terrace, S. E., spoke in support of preserving Victory Stadium for its historic value.
File #122

Mr. Robert Gravely, 729 Loudon Avenue, N. W., spoke with regard to the need for more affordable housing in the City of Roanoke, improved wages for City employees, the need to market Victory Stadium, and infrastructure improvements in the inner City.
File #122-178-184

12. CITY MANAGER COMMENTS:

The City Manager advised that she spoke at the 20th William Fleming High School Reunion on Saturday, July 17, 2004, which was attended by approximately 150 graduates, many of whom no longer reside in the City of Roanoke. She stated that these are the kinds of young people that Roanoker's would like to welcome back to the City of Roanoke.

The City Manager advised that the Roanoke Valley Economic Development Partnership and the Roanoke County Economic Development Department received National Accreditation from the International Economic Development Council at a ceremony which was held on Monday, July 19, 2004, at the Jefferson Center. She stated that this was a significant occasion inasmuch as the City of Roanoke and Roanoke County are the first city, county and regional organization in the nation to receive this distinction.
File #450-467

CERTIFICATION OF CLOSED SESSION. (7-0)

The following persons were appointed/reappointed to certain Council appointed boards and commissions:

Court Community Corrections Program Regional Community Criminal Justice Board File #15-110-242	A. L. Gaskins, George A. McMillan and William H. Cleaveland for terms ending June 30, 2007.
Roanoke Neighborhood Advocates File #15-110-488	Richard J. Nichols for a term ending June 30, 2007.
Regional Virginia Alcohol Safety Action Program Policy Board File #110-536	A. L. Gaskins for a term ending June 30, 2006.
Flood Plain Committee File #110-237	E. L. Noell for a term ending June 30, 2005.
Roanoke Valley Allegheny Regional Commission 15-110-326	William D. Bestpitch to fill the unexpired term of R. Brian Townsend, resigned, ending June 30, 2006.

Roanoke Valley Area Metropolitan Planning Organization
File #15-110-407

M. Rupert Cutler to fill the unexpired term of William D. Bestpitch, ending June 30, 2005.

ROANOKE CITY COUNCIL
REGULAR SESSION

JULY 19, 2004
7:00 P.M.

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

The Council meeting will be televised live on RVTV Channel 3 to be replayed on Thursday, July 22, 2004, at 7:00 p.m., and Saturday, July 24, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

A. PUBLIC HEARINGS:

1. Proposed lease with regard to a portion of City-owned property located at the Roanoke Civic Center to Triton PCS, Inc., d/b/a SunCom, for construction and operation of a 110-foot flagpole communication facility and related equipment. G. Michael Pace, Jr., Attorney. (Withdrawn by the petitioner.)

   Withdrawn
   File #192-373

2. Request of the City of Roanoke to rezone a certain tract of land located at 2102 Grandin Road, S. W., Official Tax No. 1460101, from RS-1, Residential Single-Family District, to INPUD, Institutional Planned Unit Development District, subject to certain conditions proffered by the petitioner. Darlene L. Burcham, City Manager.

   Adopted Ordinance No. 36795-071904. (7-0)
   File #51

3. Request of the League of Older Americans, Inc., for exemption from local real estate taxation of real property located at 706 Campbell Avenue, S. W. Rae Campbell, President, Spokesperson.

   Adopted Ordinance No. 36796-071904. (7-0)
   File #79-162

4. Amendment of Vision 2001-2020, the City's Comprehensive Plan, to include the Riverland/Walnut Hill Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission.

   Adopted Ordinance No. 36797-071904. (7-0)
   File #200-424

B. OTHER BUSINESS:

1.(a) Petition for appeal from a decision of the Architectural Review Board, filed by Stephanie Brown, d/b/a/ Southern Property Investments, Inc., with regard to property located at 422/424 Woods Avenue, S. W.

(b) Recommendation of the Architectural Review Board that Council affirm a decision of the Board to deny issuance of a Certificate of Appropriateness, in connection with the above-referenced property. Robert N. Richert, Chair, Architectural Review Board; and R. Brian Townsend, Director, Planning, Building and Development, Spokespersons.

Based upon evidence presented to Council at its meeting on Monday, July 19, 2004, Council affirmed the decision of the City of Roanoke Architectural Review Board on May 13, 2004, that no Certificate of Appropriateness be issued for the installation of vinyl siding at 422/424 Woods Avenue, S. W., as set forth in the Petition for Appeal, on the grounds that the proposed installation would not be compatible with the architectural defining features of the building. (5-2, Council Members Lea and Wishneff voted no)
File #249

C. HEARING OF CITIZENS UPON PUBLIC MATTERS:

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Mr. Leon Slate, 4611 Edgelawn Avenue, N. W., expressed concern with regard to unsafe living conditions in his neighborhood; i.e.: unsolved murders, prostitution and drugs.
File #5-66-76

Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in support of renovating Victory Stadium. Instead of constructing a new stadium/amphitheater, he stated that the funds should be used for a salary increase for teachers and to decrease the number of students in school classrooms.
File #122-467