



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**FEBRUARY 21, 2012
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by The Reverend Carl T. Tinsley, Pastor, First Baptist Church Buena Vista.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor David A. Bowers.

Welcome. Mayor Bowers.

NOTICE:

Today's Council meeting will be televised live and replayed on RVTV Channel 3 on Thursday, February 23 at 7:00 p.m., and Saturday, February 25 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.

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.ROANOKEVA.GOV, CLICK ON THE GOVERNMENT ICON.

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT. SPECIAL ASSISTANCE IS AVAILABLE FOR DISABLED PERSONS ADDRESSING CITY COUNCIL. EFFORTS WILL BE MADE TO PROVIDE ADAPTATIONS OR ACCOMMODATIONS BASED ON INDIVIDUAL NEEDS OF QUALIFIED INDIVIDUALS WITH DISABILITIES, PROVIDED THAT REASONABLE ADVANCE NOTIFICATION HAS BEEN RECEIVED BY THE CITY CLERK'S OFFICE.

PERSONS WISHING TO ADDRESS COUNCIL WILL BE REQUIRED TO CONTACT THE CITY CLERK'S OFFICE PRIOR TO THE MONDAY COUNCIL MEETING, OR REGISTER WITH THE STAFF ASSISTANT AT THE ENTRANCE TO THE COUNCIL CHAMBER PRIOR TO COMMENCEMENT OF THE COUNCIL MEETING. ONCE THE COUNCIL MEETING HAS CONVENED, THERE WILL BE NO FURTHER REGISTRATION OF SPEAKERS, EXCEPT FOR PUBLIC HEARING MATTERS. 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 MAY CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE TO OBTAIN AN APPLICATION.

THE COUNCIL OF THE CITY OF ROANOKE IS SEEKING APPLICATIONS FOR THE FOLLOWING CURRENT OR UPCOMING VACANCIES:

- FAIR HOUSING BOARD - TWO VACANCIES
- HOTEL ROANOKE AND CONFERENCE CENTER COMMISSION - ONE VACANCY
- PARKS AND RECREATION ADVISORY BOARD - ONE VACANCY
- ROANOKE CITY SCHOOL BOARD - THREE VACANCIES
- TOWING ADVISORY BOARD - ONE VACANCY
(CITIZEN AT LARGE REPRESENTATIVE)

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A resolution paying tribute to the Milan Tobacconists on its 100th Anniversary.

R 6

3. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. ALL MATTERS WILL BE REFERRED TO THE CITY MANAGER FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL, AS HE MAY DEEM APPROPRIATE.

4. CONSENT AGENDA

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 regular meetings of Council held on Tuesday, January 3, and Tuesday, January 17, 2012.

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

C-2 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss the disposition of publicly-owned property consisting of approximately 8 acres located at Countryside, where discussion in an 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.

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RECOMMENDED ACTION: Concur in the request.

C-3 Reports of qualification of the following individuals:

Dan Brokaw as a member of the Local Board of Building Cope Appeals to fill the unexpired term of Peter Clapsaddle sending September 30, 2013;

Roger D. Malouf as a member of the Board of Zoning Appeals to replace William D. Poe for a term of office ending December 31, 2015;

Sunny Shah, Joshua Dietz and Archie Freeman, III, as members of the Parks and Recreation Advisory Board for three-year terms of office ending March 31, 2015; and

Braxton Naff as a City representative of the Roanoke Valley-Alleghany Regional Commission to fill the unexpired term of Robert Logan, III, ending June 30, 2012.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

5. PUBLIC HEARINGS: NONE.

6. PETITIONS AND COMMUNICATIONS:

- a. Request of the Roanoke Valley Greenway Commission to update the Council on its projects and activities. Liz Belcher, Greenway Coordinator, Spokesperson. (Sponsored by the City Manager)

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7. REPORTS OF CITY OFFICERS AND COMMENTS OF CITY MANAGER:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. Execution of additional amendments to the City's contract with Hill Studio, P.C., in connection with the Elmwood Park Improvements; and transfer of funds.

P 10;
R 12;
B/O 14

COMMENTS BY CITY MANAGER.

8. REPORTS OF COMMITTEES:

- a. A report of the Roanoke City School Board requesting appropriation of funds for various educational programs; and a report of the Director of Finance recommending that Council concur in the request. Margaret Lindsey, Director of Accounting, Spokesperson.

P 15;
P 16;
B/O 17

9. UNFINISHED BUSINESS: NONE.
10. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.
11. MOTIONS AND MISCELLANEOUS BUSINESS:
 - a. Inquiries and/or comments by the Mayor and Members of City Council.
 - b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

CERTIFICATION OF CLOSED MEETING

INASMUCH AS THERE ARE NO PUBLIC HEARINGS OR AGENDA ITEMS REQUIRING ACTION BY THE COUNCIL, THE 7:00 P.M. SESSION OF COUNCIL HAS BEEN CANCELLED.

12. ADJOURN.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to Milan Tobacconists for 100 years of providing its customers with fine tobacco products and accessories;

WHEREAS, in 1912 Joe H. Milan, Sr., an immigrant from Lebanon, was on his way to California to make a new life for himself when he stopped in Roanoke to visit an aunt;

WHEREAS, Mr. Milan decided to stay in the Roanoke Valley, and with a \$100.00 loan from his aunt, opened a store selling tobacco products and magazines to local residents, which became The Ideal;

WHEREAS, a hard-working entrepreneur, Mr. Milan saw The Ideal grow and prosper, necessitating the expansion of the shop, and his brother, A.H. Milan, became a business partner renaming the business Milan Brothers;

WHEREAS, following the death of his brother in 1938, Mr. Milan continued to operate Milan Brothers as a sole proprietor with the assistance of his sons, who helped out after school and on weekends;

WHEREAS, Milan Bros, Inc. focused on providing its customers with the best tobacco products and outstanding customer service and also operated a lunch counter and fountain for many years;

WHEREAS, eventually Joe H. Milan, Jr., took over the family business and with younger brothers Herbert and Ellis, who also joined the company, continued to operate Milan Bros, Inc. with the same focus on quality and service as his father and uncle had;

WHEREAS, in 1956, Milan Brothers relocated to a new 2,400 square-foot building on Jefferson Street to better accommodate its expanding business as its reputation as a purveyor of quality tobacco products grew;

WHEREAS, in 1994, the Milan family, which made numerous contributions to the local business community as owners of Milan Brothers, Inc., decided to retire from the family business;

WHEREAS, after careful consideration for their customers and an eye toward preserving the family's decades of hard work at Milan Brothers, the Milan family selected Don and Miriam Roy as the new owners in 1994;

WHEREAS, Don Roy, who previously owned a tobacco shop in Florida and had three decades of experience in retail management, expanded the selection and quality of the store's inventory, resulting in increased revenues while also maintaining Milan Brothers' reputation as a supplier of quality tobacco products and accoutrements, and thereafter became known as Milan Tobacconists;

WHEREAS, in 2000 when it came time for Mr. and Mrs. Roy to retire, they decided to keep Milan Tobacconists in the family, selecting David and Renée Meyer, their son-in-law and daughter, as the new owners;

WHEREAS, Mr. and Mrs. Meyer expanded the mail order services by adding a website to reach a customer base far beyond the Roanoke Valley and position Milan Tobacconists for continued success in a new century;

WHEREAS, with a good deal of experience under their belts and a thriving cigar and pipe shop, Mr. and Mrs. Meyer decided to purchase the historic 309 South Jefferson Building in 2008, just blocks from the tobacco shop's previous location in Downtown Roanoke. The 309 South Jefferson Building purchase allowed for more flexibility and control over the direction of the tobacco shop;

WHEREAS, the spacious new building also provided Mr. and Mrs. Meyer with the perfect opportunity to create the cigar club they had envisioned for years. They immediately began to lay plans, and the doors of the Commonwealth Cigar Club were opened to new members a year later;

WHEREAS, a proud family-owned business, Milan Tobacconists looks forward to continuing to provide its customers with the best tobacco products and services in the future.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that this Council adopts this means of recognizing and commending Milan Tobacconists on 100 years of providing fine tobacco products and accessories to its customers.

ATTEST:

City Clerk



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: February 21, 2012
Subject: Request for Closed Meeting

This is to request that City Council convene a closed meeting to discuss the disposition of publicly-owned property, approximately 8 acres located at Countryside, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to §2.2-3711.A.3, Code of Virginia (1950), as amended.

Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers



l.a.

CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: February 21, 2012
Subject: Status Report - Greenway Commission

I would like to sponsor a request from Liz Belcher and Mark McClain of the Greenway Commission to present a report to City Council on Greenway Commission activities and projects.

Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers



CITY COUNCIL AGENDA REPORT

7.a.1.

To: Honorable Mayor and Members of City Council
Meeting: February 21, 2012
Subject: Elmwood Park Improvements – Amendments to A/E Services Contract with Hill Studio, P.C.

Background:

The City entered into a contract with Hill Studio, P.C. (Hill Studio) dated September 2, 2011, to perform multiple phases of architectural and engineering services for the Elmwood Park Improvements project. This contract included work done by sub-contractors of Hill Studio such as Spectrum Design, Mattern and Craig, Stage Sound and ECS Limited. Hill Studio has recently completed the Master Plan for Elmwood Park. The initial phase of the Contract provided for surveying, a geotechnical report, various community meetings and citizens' comments, and development of a Master Plan. The fee for this initial phase was \$149,997. The City has exercised its option to have Hill Studio provide the other phases of the Contract, including preparing the preliminary and final design, construction documents, bid documents, and providing construction observation for the proposed improvements. Staff will provide periodic briefings to Council as the final design progresses.

Considerations:

The initial amendment is for the additional phases outlined above and as set forth in the Contract. City staff has negotiated an acceptable Contract Amendment with Hill Studio for an additional fee of \$375,000 for such initial amendment.

In addition to the above fee, other project expenses connected with the project's design and development may include additional surveying, environmental testing, streetscape and/or improvements to the Main Library, and related expenses of this nature. Some of these items may be requested to be performed by Hill Studio, and some may be obtained independently, in order to allow for the most efficient use of resources. Therefore, there could be additional amendments needed to the Contract with Hill Studio to perform additional services as the project develops. However, the total of such amendments is not expected to exceed an additional \$50,000 over and above the above mentioned amount of \$375,000, for a total additional amount not to exceed \$425,000.

Elmwood Park Improvements account (08-620-9667) has an available balance of approximately \$150,000. Funding in the amount of \$275,000 is available in Capital Improvement Reserve Contingency (08-530-9575-9220) to provide the

additional funds needed for this proposed Contract Amendment. Future planned debt funding for the project, in the amount of \$4,700,000 will be reduced by \$275,000.

Recommended Action:

Authorize the City Manager to execute additional amendments as mentioned above, approved as to form by the City Attorney, to the City's Contract with Hill Studio, P.C. in an amount not to exceed \$425,000 for additional professional services.

Authorize the City Manager to take such actions and to execute such documents as may be necessary to provide for the implementation, administration, and enforcement of all such amendments to the above mentioned Contract with Hill Studio, P.C., as well as the Contract itself.

Authorize the Director of Finance to transfer funding in the amount of \$275,000 from Capital Improvement Reserve Contingency (08-530-9575-9220) to Elmwood Park Improvements (08-620-9667).



Christopher P. Morrill
City Manager

Distribution: Council Appointed Officers
Brian Townsend, Assistant City Manager for Community Development
Sherman M. Stovall, Assistant City Manager for Operations
Steven C. Buschor, Director of Parks and Recreation
Philip C. Schirmer, City Engineer

P.T. 7.a.1.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the City Manager's issuance and execution of additional Amendments to the City Contract with Hill Studio, P.C., in an amount up to \$425,000.00 for additional architectural and engineering (A/E) services for the Elmwood Park Improvements Project; and authorizing the City Manager to take certain actions in connection with such Project.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is hereby authorized, for and on behalf of the City, to issue and execute such additional Amendments as may be necessary to the City's Contract with Hill Studio, P.C., in an amount not to exceed \$425,000.00 for additional A/E services for the Elmwood Park Improvements Project, all as more fully set forth in the City Council Agenda Report to this Council dated February 21, 2012.
2. The form of such Amendments shall be approved by the City Attorney.
3. Such Amendments will provide authorization for additions to the work, with an increase in the amount of the Contract and provided the total amount of such Amendments will not exceed an additional \$425,000.00, including an initial Amendment for the additional A/E services referred to above in an amount of \$375,000.00, all as set forth in the above Report.

4. The City Manager is further authorized to take such actions and execute such documents as may be necessary to provide for the implementation, administration, and enforcement of all such Amendments to the above mentioned Contract, as well as the Contract itself.

ATTEST:

City Clerk

JB

T.a.l.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to transfer funding from the Capital Improvement Reserve Contingency to the Elmwood Park Improvements Project, amending and reordaining certain sections of the 2012 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2012 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Contingency	08-530-9575-9220	\$ (275,000)
Appropriated from General Revenue	08-530-9667-9003	\$ 275,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

B.A.



**ROANOKE CITY
PUBLIC SCHOOLS**

Strong Students. Strong Schools. Strong City.

February 21, 2012

The Honorable David Bowers, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As a result of official School Board action on Tuesday, February 14, 2012,
the Board respectfully requests City Council approve the following
appropriation requests:

New Appropriation

Total New Award

Project Graduation Academic Year 2011-12
Lowe's Toolbox for Education - Fallon Park
2011-12

\$25,272

\$ 4,900

Revised Appropriation

Additional Award

Child Development Clinics Program 2011-12

\$ 2,887

The School Board thanks you for your approval of the appropriation requests as
submitted.

Sincerely,

Cindy H. Poulton, Clerk

pc: Timothy Spencer
Chris Morrill
Ann Shawver
David B. Carson

Rita D. Bishop
Curt Baker
Margaret Lindsey
Acquenatta Harris (w/details)

School Board

David B. Carson
Chairman

Todd A. Putney
Vice Chairman

Mae G. Huff
Annette Lewis
Suzanne P. Moore
Lori E. Vaught
Richard Willis

Dr. Rita D. Bishop
Superintendent

Cindy H. Poulton
Clerk of the Board

B.A.



CITY COUNCIL AGENDA REPORT

To: Honorable Mayor and Members of City Council
Meeting: February 21, 2012
Subject: School Board Appropriation Request

Background:

As the result of official School Board action at its February 14th meeting, the Board respectfully requested that City Council appropriate funding as outlined in this report.

The 2011-12 Project Graduation Academic Year Academy grant of \$25,272 provides funding for remedial high school instruction for seniors needing verified credits to graduate and for sophomores and juniors who passed a class but failed the associated Standards of Learning (SOL) exam. The program will be reimbursed by state funds and will end May 25, 2012. This is a continuing program.

The 2011-12 Lowe's Toolbox for Education grant of \$4,900 will be used to support the Garden Court Connections to Learning (GCCL) project at Fallon Park Elementary. Funding will be used to renovate and refresh the large open courtyard that is at the center of Fallon Park's school building. The space, not significantly utilized currently, will be established as an outdoor learning lab where teachers and students can connect outdoor gardening experiences with core subject concepts. Specifically, funding will be used for patio tables with attached seating, a greenhouse, planting materials for use in the five existing raised flower beds, and gardening tools and gloves for teachers and students. This program will be fully paid by grant funds. This is a new program.

The 2011-12 Child Development Clinics program increase of \$2,887 will be used to fund the salary and expenses of the Educational Coordinator at the Care Connection and Carilion Child Development Clinics operated by the Virginia Department of Health. The increase is a result of additional funding awarded by the Virginia Department of Education. The program will be reimbursed in full by state funds and will end June 30, 2012. This is a continuing program.

Recommended Action:

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined.

ANN H. SHAWVER
 Director of Finance

Distribution: Council Appointed Officers
 Rita D. Bishop, Superintendent, RCPS
 Curtis Baker, Deputy Superintendent for Operations, RCPS

JB

E.a.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the state government and private grants for various educational programs, amending and reordaining certain sections of the 2011-2012 School Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2011-2012 School Grant Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations		
Materials and Supplies	302-110-0000-0050-768F-61100-46614-2-01	\$ 4,900
Teacher Stipends - Patrick Henry	302-110-0000-0390-322F-61100-41129-3-10	8,424
Teacher Stipends - William Fleming	302-110-0000-0400-322F-61100-41129-3-10	8,424
Education Coordinators	302-110-0000-1000-305F-61100-41138-9-09	240
Instructional Supplies	302-110-0000-1000-305F-61100-46614-9-09	2,647
Teacher Stipends - Forest Park Academy	302-110-0000-1304-322F-61100-41129-3-10	8,424
Revenues		
State Grant Receipts	302-000-0000-0000-305F-00000-32220-0-00	2,887
State Grant Receipts	302-000-0000-0000-322F-00000-32415-0-00	25,272
Private Foundation Receipts	302-110-0000-0000-768F-00000-33808-0-00	4,900

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.