



City Council Meeting
AGENDA
Monday, August 9, 2021, 6:30 PM

Work Session 6:00 P.M. Council Chambers Conference Room, City Hall, 114 North Broad Street, Salem, Virginia 24153:

Regular Session 6:30 P.M. Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

1. Call to Order
 - A. **Roll Call**
2. New Business
 - A. **Discussion Items**
Marijuana Legislation
3. Adjournment

REGULAR SESSION

1. Call to Order
2. Pledge of Allegiance
3. Bid Openings, Awards, Recognitions
4. Consent Agenda
 - A. **Citizen Comments**
Comments from the public, limited to five minutes, on matters not already having a public hearing component that same meeting. The following have signed up to speak at this meeting:
1) Angela Lieb, 420 Valleydale Avenue
 - B. **Minutes**
Consider acceptance of the minutes for the July 26, 2021 Work Session and Regular Meeting minutes.
5. Old Business
 - A. **Amendment to the Zoning Ordinance**

Consider ordinance on second reading for rezoning the property of the Salem Historical Society, property owner, located at 1936 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions. (Approved on first reading at the July 26, 2021 meeting).

B. Amendment to the Zoning Ordinance

Consider ordinance on second reading for rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District with removal of the preexisting proffered conditions, and adding new proffered conditions offered by the owner and applicant. (Approved on first reading at the July 26, 2021 meeting.)

C. Amendment to the Zoning Ordinance

Consider ordinance on second reading for rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District with removal of the preexisting proffered conditions and adding new proffered conditions offered by the owner and applicant. (Approved on first reading at July 26, 2021 meeting).

6. New Business

A. Fiscal Agent Agreements

Consider approval of the fiscal agent agreements with Court-Community Corrections and Cardinal Criminal Justice Academy. **Audit - Finance Committee**

B. Appropriation of Funds

Consider request to re-appropriate funding for Sewer vehicle. **Audit - Finance Committee**

C. Performance Contract - Blue Ridge Behavioral Healthcare

Consider approval of the fiscal year 2022 performance contract with Blue Ridge Behavioral Healthcare. **Audit - Finance Committee**

D. Opioid Abatement Resolution

Adopt Resolution 1405 authorizing and approving the City Manager and the City Attorney to execute the Virginia Abatement Fund Settlement Allocation Memorandum of Understanding.

E. Boards and Commissions

Consider appointments to various boards and commissions.

7. Adjournment

Audit-Finance Committee Meeting, August 5, 4:00 p.m., City Manager's Conference Room, 114 N. Broad Street, Salem

UNAPPROVED MINUTES
CITY COUNCIL WORK SESSION
July 26, 2021

A work session of the Council of the City of Salem, Virginia, was held in the Council Chambers Conference Room, 114 North Broad Street, Salem, Virginia, on July 26, 2021, at 5:30 p.m., there being present the following members of said Council, to wit: Renee F. Turk, James W. Wallace, III, (remote participation), Byron Randolph Foley, John Saunders, and William D. Jones (absent); with Renee F. Turk, Mayor, presiding; together with James E. Taliaferro, II, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Crystal Williams, Assistant to the City Manager; Laura Lea Harris, Deputy Clerk of Council; and Jim Guynn, City Attorney and the following business was transacted:

Mayor Turk reported that this date, place, and time had been set in order for the Council to hold a work session; and

WHEREAS, Mr. Light presented an overview of the American Rescue Plan Act Legislation that was signed into law March 11, 2021. The City of Salem has already received half of the full amount of \$4,914,423 of ARPA Coronavirus Local Fiscal Recovery Funds (CLFRF) with the balance to be distributed after twelve months. The City also received notification of CLFRF funds in the amount of \$26,250,208 as a non-entitlement unit of government and has received half of this amount with the balance to be distributed after twelve months. Mr. Light and Ms. Jordan highlighted some of the rules on City use of these funds and indicated that new information is being disseminated daily. Mr. Light also shared each of the categories for which funding is eligible to be utilized and gave examples. A part time position has been added to do research and help guide with the use of these funds and it is anticipated that more detailed information will be provided in the next thirty to forty-five days; and

WHEREAS, Mr. Light shared the requirements of the Code of Virginia and current City policy for public comment at Council meetings that was adopted by Resolution 1382 on June 8, 2020. Discussion was held and Mayor Turk requested that this topic be probed further before Council reconvenes to make a final decision on any potential changes to the present policy. The possibility of adding public comment periods to Planning Commission meetings was also discussed. It was decided to revisit this discussion within a month's time; and

There being no further business to come before the Council, the work session was adjourned at 6:20 p.m

Mayor

Clerk of Council

City Council Meeting MINUTES

Monday, July 26, 2021, 6:30 PM

Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia was called to order at 6:30 p.m., there being present the following members to wit: Renée F. Turk, Mayor; James W. Wallace, III, Vice-Mayor (remote participation); Council members: Byron Randolph Foley, William D. Jones (absent), and John Saunders; with Renée F. Turk, Mayor, presiding together with James E. Taliaferro, II, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Chuck Van Allman, Director of Community Development; Mike Stevens, Communications Director; and Jim Guynn, City Attorney.

Mayor Turk requested that Mr. Light read a request from Mr. Wallace to participate remotely in this Council meeting. The request from Mr. Wallace stated: "In accordance with Section 2.2-3708.2 l(B) of the Code of the Commonwealth of Virginia and the Remote Participation Policy of the City of Salem, I hereby request to participate remotely due to a personal matter, specifically that I am out of town."

Renee Turk motioned to approve remote participation of Vice-Mayor Wallace in the July 26, 2021 City Council meeting. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk

Absent: Jones

Abstain: Wallace

2. Pledge of Allegiance

3. Bid Openings, Awards, Recognitions

Mayor Turk recognized from Boy Scout Troop #39 Trena Carroll, troop leader, and Scouts D. J. Lynch, Nathan Madison, and Keegan Craighead. She stated that these young men were working on their Communications Badge and that a requirement to earn this badge is attendance at a meeting such as City Council. Mayor Turk welcomed them, wished them well in working toward their various merit badges and thanked them for attending this meeting.

4. Consent Agenda

A. **Minutes**

Consider the acceptance of the minutes for the July 12, 2021 Joint Work Session with the School Board and Regular Meeting.

The July 12, 2021 Joint Work Session with the School Board and Regular Meeting minutes were approved as written.

B. **Financial Reports**

Consider acceptance of the Statement of Revenues and Expenses for the twelve months ending June 30, 2021.

The financial reports were received.

5. Old Business

6. New Business

A. **Amendment to the Zoning Ordinance**

Hold public hearing and consider ordinance on first reading for rezoning the property of the Salem Historical Society, property owner, located at 1936 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions. (As advertised in the July 8 and 15, 2021 issues of the Salem Times-Register). Recommend approval; see page 3 of Planning Commission minutes). STAFF REPORT

Mr. Van Allman, Director of Community Development, gave details of the proposed amendment.

Mayor Turk opened the public hearing.

Lisa Bain, 2424 Fletcher Street, Salem, President of Board of Directors for Salem Historical Society, gave the history of Preston Place and stated that the former tenant, The White Oak Tea Tavern, was unable to survive the pandemic and had to move out. GLOW Healing Arts would like to move into the building; however, this business is categorized as a Personal Service business which is not permitted under the existing conditions. They request that the property be rezoned without conditions to allow GLOW Healing Arts to operate in this space. Ms. Bain stated that also attending were Meredith Novak, owner of GLOW Healing Arts; Susan Mini, past president of the Salem Museum and Historical Society; and Fran Ferguson, Executive Director of the Salem Museum and Historical Society.

Meredith Novak, 511 Tennessee Street, owner of GLOW Healing Arts, stated that

they have outgrown their space at 2800 West Main Street and would love to move to 1936 West Main Street. They love the historical nature of the house and the grounds and would like to expand their services and offerings at that location.

Mayor Turk closed the public hearing.

Randy Foley motioned to adopt the ordinance on first reading rezoning the property of the Salem Historical Society, property owner, located at 1936 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

B. Amendment to the Zoning Ordinance

Hold public hearing and consider ordinance on first reading for rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District without conditions. (As advertised in the July 8 and 15, 2021 issues of the Salem Times-Register). Recommend approval; see page 6 of Planning Commission minutes). STAFF REPORT

Mr. Taliaferro stated that items B, C, and D all apply to the same project; therefore, one public hearing can be held for all three of these items. Each item will need to be voted on separately.

Mayor Turk proceeded to read the other considerations.

Mr. Van Allman gave the details of the project that was being proposed.

Mayor Turk opened the public hearing.

Joseph Thompson, 26 Carriage Lane, Troutville, VA, appeared before Council and reinforced the details of the project as outlined by Mr. Van Allman. He emphasized the improvement that this proposal would make for this parcel of land. Mr. Foley asked if any difficulty was anticipated with VDOT approving this proposal. Mr. Thompson stated that he did not foresee any complications with this approval process.

Mayor Turk closed the public hearing.

Mr. Foley moved to rezone the property from LM with proffered conditions to HBD without conditions. Mr. Light clarified that the motion is to be with amended proffered conditions as recommended by Planning Commission.

Mr. Foley amended the motion with the following proffered conditions:

1. The property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates, Inc. entitled "Layman Candy Company" dated June 7, 2021, subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process.
2. The building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B and dated July 6, 2021.

Randy Foley motioned to amend the original motion to adopt the ordinance on first reading rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District, extinguishing the existing proffered conditions and accepting the new proffered conditions offered by the applicant and owner. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

C. Amendment to the Zoning Ordinance

Hold public hearing and consider ordinance on first reading for rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District without conditions. (As advertised in the July 8 and 15, 2021 issues of the *Salem Times-Register*). Recommend approval; see page 6 and 7 of Planning Commission minutes). STAFF REPORT

Mr. Foley moved to adopt the ordinance on first reading rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions and other conditions, to HBD Highway Business District with new proffered conditions offered by the applicant and the owner as follows:

1. The property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates, Inc. entitled "Layman Candy

Company" dated June 7, 2021, subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process.

2. The building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B and dated July 6, 2021.

Mayor Turk amended the motion to add that the preexisting proffers would be deleted. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

D. Special Exception Permit

Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant and Layman Candy Company, Inc. and George W. Givens Jr. & Susan K. Givens, property owners, for the issuance of a Special Exception Permit to allow personal storage on the properties located at 1637 & 1641-1647 East Main Street, and 11, 15, & 23 Dalewood Avenue (Tax Map #s 77-3-13, 77-3-16, 77-3-15, 77-3-14, and 77-3-12). (As advertised in the July 8 and 15, 2021 issues of the Salem Times-Register). Recommend approval; see page 7 of Planning Commission minutes). STAFF REPORT

Randy Foley motioned to approve the request of Property Catalyst Group, Inc., applicant and Layman Candy Company, Inc. and George W. Givens Jr. & Susan K. Givens, property owners, for the issuance of a Special Exception Permit to allow personal storage on the properties located at 1637 & 1641-1647 East Main Street, and 11, 15, & 23 Dalewood Avenue (Tax Map #s 77-3-13, 77-3-16, 77-3-15, 77-3-14, and 77-3-12) with the following conditions: 1. Contingent on the city vacating the right-of-way between 77-3-12 and 77-3-14. 2. Contingent on the city and VDOT allowing access from Electric Road north of East Main Street. 3. The property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates, Inc. entitled "Layman Candy Company" dated June 7, 2021, subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process. 4. The building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B and dated July 6, 2021. 5. This permit shall be subject to revocation if all required permits have not been granted within three years. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

E. Olde Salem Days 2021

Consider adoption of Resolution 1403 closing Main Street on Saturday, September 11, 2021.

Randy Foley motioned to adopt Resolution 1403 closing Main Street on Saturday, September 11, 2021. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

F. Resolution for Proposed American Rescue Plan Funding

Consider adoption of Resolution 1404 in support of the Proposed American Rescue Plan Funding for Virginia tourism destinations.

Mr. Foley clarified that we are supporting Virginia's Blue Ridge Organization which is seeking State funding. We are saying that we support them in getting additional funding to help with the money that was lost in tourism during 2020 and 2021.

John Saunders motioned to adopt Resolution 1404 in support of the Proposed American Rescue Plan Funding for Virginia tourism destinations. Randy Foley seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

G. Boards and Commissions

Consider appointments to various boards and commissions.

Randy Foley motioned to recommend Joseph Driscoll as a regular member to replace Michael "Chris" Vaught for the remainder of a five-year term ending January 1, 2023, to the Board of Appeals (USBC). John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

7. Closed Session

A. Closed Session Item A

Hold a Closed session in accordance with Section 2.2-3711 A (3) of the 1950 Code of Virginia, as amended, for the purpose of discussion or consideration of the acquisition of real property for a public purpose, or the disposition of

publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

B. Closed Session Item B

Hold a Closed session in accordance with Section 2.2-3711 A (7) of the 1950 Code of Virginia, as amended, for the purpose of consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

Randy Foley moved to move to closed session at 6:57 p.m. in accordance with Section 2.2-3711 A (3) and A (7) of the 1950 Code of Virginia, as amended, for the purpose of

(1) discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

(2) consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

Randy Foley motioned to reconvene at 7:20 p.m. in accordance with Section 2.2-3712 D. of the Code of Virginia, 1950 as amended to date, Council certifies that in closed session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the closed session was convened were heard, discussed, or considered by the Council. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

8. Adjournment

The meeting was adjourned at 7:20 p.m.

AT A REGULAR MEETING OF CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA
HELD AT CITY HALL

AGENDA ITEM:

Amendment to the Zoning Ordinance

Consider ordinance on second reading for rezoning the property of the Salem Historical Society, property owner, located at 1936 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions. Approved on first reading at the July 26, 2021 Council meeting.

SUBMITTED BY:

Benjamin W. Tripp, AICP, CEcD, City Planner

SUMMARY OF INFORMATION:

Zoning: CBD Community Business District
Future Land Use Plan Designation: Commercial
Existing Use: Vacant
Proposed Use: Personal Services

The subject property consists of a single parcel of approximately 9.4 acres, located along the south side of West Main Street, east of the intersection with Wildwood Road. It is occupied by a historically designated two-story home.

Previously, the owner of the property requested the zoning be changed to CBD with proffered conditions to allow a restaurant. They are now requesting those conditions be changed in order to allow more flexibility for the property, and to allow "Glow Healing Arts" as a tenant.

SUMMARY OF PROPOSED CHANGES:

The applicant is requesting these conditions be removed:

The use of the property will be limited to the following:

Civic Use Types

*Administrative Services
Cultural Services*

Office Use Types

General Offices

Commercial Use Types

Antique Shops

*Assembly Hall
Homestay Inn
Micro-brewery (If allowed by the underlying zoning)
Restaurant
Retail Sales
Studio, Fine Arts*

*Miscellaneous Use Types
Mixed Use (if allowed by the underlying zoning)
Outdoor Gathering*

FISCAL IMPACT:

Adjusting the conditions to allow a new tenant to use the space will produce a positive fiscal impact.

STAFF RECOMMENDATION:

Staff recommends approval.

AN ORDINANCE TO AMEND SECTION 106-110, ARTICLE I, CHAPTER 106, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, RELATING TO ZONING AND DIVIDING THE CITY INTO BUILDING DISTRICTS AND ESTABLISHING DISTRICT BOUNDARY LINES ON THE ZONING MAP OF THE CITY OF SALEM, VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Section 106-110, Article I, Chapter 106 of The Code of the City of Salem, Virginia, relating to building district boundary lines be amended in the following particular and no other, viz:

That the following described property in the City of Salem of the Salem Historical Society, property owner, being the property located at 1936 West Main Street (Tax Map # 138-2-7) be and the same is hereby changed from CBD Community Business District with proffered conditions to CBD Community Business District without conditions, and the map referred to shall be changed in this respect and no other, said property being described as follows:

Beginning at an iron pin found on the southern right of way line of West Main Street (U.S. Rte. 460), being approximately 900 feet west of the intersection with Hurt Lane; thence leaving said right of way along the western property line of the Go-Mart, Inc. property S 12°35'02" E, 832.76 feet to a pin found on the northern right of way line of the Norfolk Southern Corporation; thence along the said right of way S 71°41'23" W, 553.42 feet to a pipe found at the intersection of the eastern property line of USF Propco I, LLC; thence with said property line N 20°35'13" W, 478.26 feet to a point; thence leaving said property line along the southern boundary line of the mill race (area of unknown ownership) the following three (3) courses: N 77°42'12" E, 152.23 feet to a point; thence S 79°38'48" E, 57.00 feet to a point; thence N 82°46'12" E, 42.71' to a point; thence still with the mill race and the eastern property line of GES Properties, LLC property N 17°38'00" W, 216.41 feet to a point at the intersection with the southern property line of the White Oak Ventures II, LLC property; thence with said property's southern and eastern property lines the following two (2) courses: N 82°36'00" E, 63.90 feet to a pin found; thence N 7°24'00" W, 260.00 feet to a pin found at the intersection with the southern right of way line of West Main Street; thence with said right of way line N 82°36'00" E, passing through a pin found on line at 165.17 feet, a total of 303.17 feet to the point of beginning and being Tract 3A, containing 9.331 acres total, as shown on the plat titled "Combination Plat for the Salem Historical Society" by Parker Design Group dated December 15, 2015 and recorded in the City of Salem, Virginia Circuit Court Clerk's office in P.B. 14, PG. 55, Slide 224.

Said area to be rezoned contains approximately 9.331 acres.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John E. Saunders –
William D. Jones –
Byron Randolph Foley –
James W. Wallace, III –
Renee F. Turk –

Passed:
Effective:

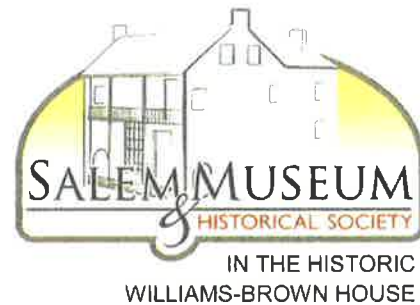
/s/
Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia

June 11, 2021

Mr. James E. Taliaferro, II
Executive Secretary
City of Salem Planning Commission
114 North Broad Street
Salem, VA 24153



Dear Mr. Taliaferro:

On behalf of the Board of Directors of the Salem Historical Society, which owns the property located at 1936 West Main Street, I respectfully request the rezoning of that property, commonly known as the Preston Place. The Board voted unanimously to request this rezoning at our recent meeting on June 7, 2021.

The Preston Place was built in 1821 and is one of the oldest surviving structures in Salem. It was a private residence until 2014 when it was donated to the Salem Historical Society by the family of the last resident, Dr. Esther Brown. To return the structure to productive use, the Society requested a rezoning in 2016 from Residential Single Family/Highway Business District to Highway Business District with conditions. As a rent-paying tenant is essential to the sustainability of the property, the change in zoning permitted occupancy by a restaurant: the White Oak Tea Tavern. The Tea Tavern, formerly located in Botetourt County, brought new vibrancy and a destination attraction to West Main Street.

Unfortunately, the White Oak Tea Tavern fell victim to the pandemic and is no longer operating. We have found a new tenant in GLOW Healing Arts, currently located in Roanoke County. The business describes its use as "gentle," and therefore more compatible with the needs of our old house.

GLOW Healing Arts is categorized as a Personal Service business, which is permitted under the current zoning, Commercial Business District, but which was not included in the list voluntarily proffered by the Society in 2016. Therefore, we request the property be rezoned to eliminate the list of conditions currently in place, and allow the property to be utilized by any business use permitted by right in the Commercial Business District.

We thank you for your consideration of this matter. Please let us know if we can answer any questions.

Sincerely,

A handwritten signature in cursive script, reading "Lisa Bain", is positioned above the printed name.

Lisa Bain
President, Board of Directors
Salem Historical Society

PETITION FOR ZONING AMENDMENT (REZONING)

City of Salem Community Development Department

Benjamin W. Tripp, AICP - City Planner

Email: btripp@salemva.gov

Telephone: 540-375-3032

1. Applicant(s): Salem Historical Society
2. Legal Owner(s) of property requested to be rezoned: Salem Historical Society
3. Location of Property:
 - Address: 1936 W. Main Street, Salem, VA 24153
 - Subdivision:
 - Official Tax Map Number: 138-2-7
4. Characteristics of Property:
 - Size (Acreage): 9.331 acres
 - Deed Restrictions: Historic easement held by the VA Dept. of Historic Resources
 - Present Use: Most recently a restaurant; currently vacant
5. Zoning Classification:
 - Present Zoning: CBD with conditions
 - Proposed Zoning: CBD without conditions
 - Land Use Designation: Commercial
6. Reason(s) for Rezoning Request (Including proposed use):

Request rezoning to remove conditions proffered during the 2016 rezoning of the property.
The sustainability of the property relies on having a tenant. Such a tenant has been identified whose business category is personal services, which is permitted under the current CBD zoning but is not in the list previously proffered.
7. Agent(s) or representative(s) of property owner(s): (Specify interest)

Lisa Bain, President of the Board of Directors, Salem Historical Society

 - Mailing Address: 801 E Main Street, Salem, VA 24153
 - Telephone Number: 540-521-4666

**PETITION FOR ZONING AMENDMENT (REZONING),
continued**

8. Affidavit:

A. The undersigned person certifies that this petition and the foregoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. Also, the petitioner understands that a "Notice of Zoning Request" sign will be posted on the property by the City.

Applicant Signature: Lisa Bain Date: June 11, 2021

Applicant Interest in Property: Lisa Bain, President of the Board of Directors,
Salem Historical Society

Applicant Mailing Address: 801 E Main Street, Salem, VA 24153

Applicant Phone Number: 540-521-4666

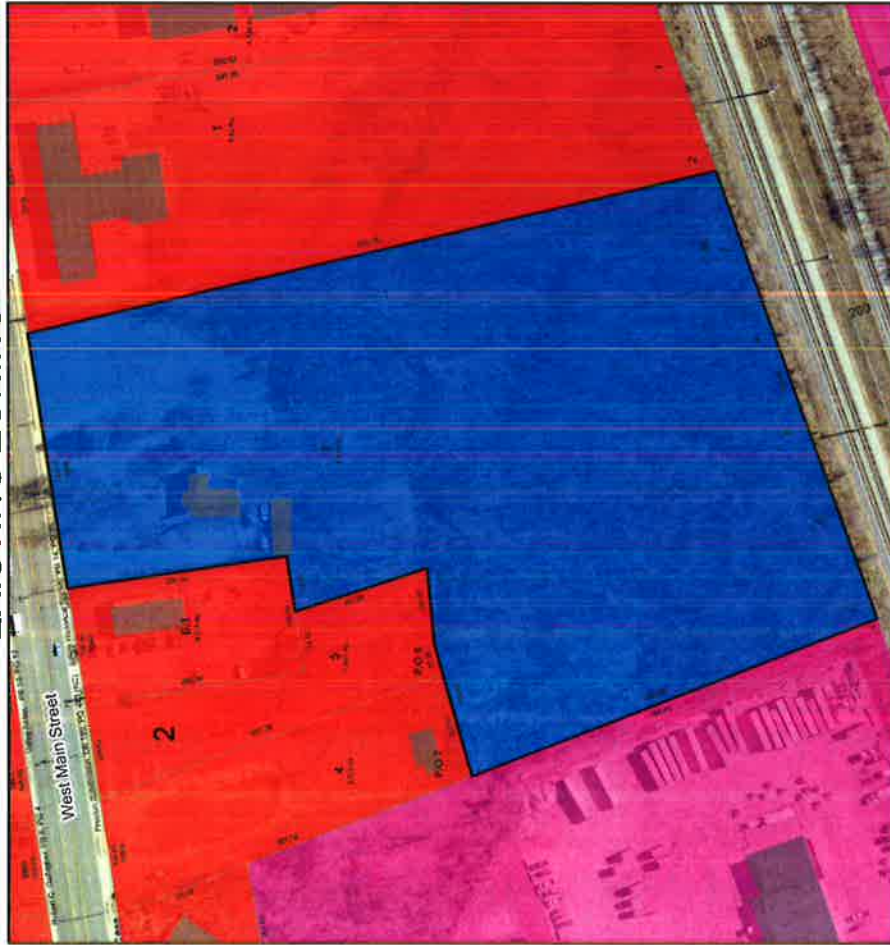
Owner Signature: Lisa Bain Date: June 11, 2021

Owner Interest in Property: Lisa Bain, President of the Board of Directors,
Salem Historical Society

Owner Mailing Address: 801 E Main Street, Salem, VA 24153

Owner Telephone Number: 540-521-4666

EXISTING ZONING



- Legend:**
- Tax Parcel 138-2-7
 - Buildings
 - Parcels
 - City Limits
 - AG - Agriculture District
 - BCD - Business Commerce District
 - CBD - Community Business District
 - CUD - College/University District
 - DBD - Downtown Business District
 - HBD - Highway Business District
 - HBD/HM - Highway Business/Heavy Manufacturing District
 - HBD/LM - Highway Business/Light Manufacturing District
 - HM - Heavy Manufacturing District
 - LM - Light Manufacturing District
 - LW/HM - Light Manufacturing/Heavy Manufacturing District
 - MHP - Manufactured Home Park District
 - PUD - Planned Unit District
 - RB - Residential Business District
 - RMF - Residential Multi-Family District
 - RMF/RB - Residential Multi-Family/Residential Business District
 - RS - Residential Single-Family District
 - RS/HBD - Residential Single-Family/Highway Business District
 - RS/LM - Residential Single-Family/Light Manufacturing District
 - RS/RB - Residential Single-Family/Residential Business District
 - RS/RMF - Residential Single-Family/Residential Multi-Family District
 - RS/TBD - Residential Single-Family/Transitional Business District
 - TBD - Transitional Business District

FUTURE LAND USE



- Legend:**
- Tax Parcel 138-2-7
 - Buildings
 - Parcels
 - City Limits
 - Commercial
 - Downtown
 - Economic Development Area
 - Industrial
 - Institutional
 - Mixed Use
 - Public Parks and Recreational
 - Residential
 - Transitional



**IMPORTANT NOTICE OF PUBLIC HEARINGS
PROPOSAL TO CHANGE USE**

Notice is hereby given that a request of the property owner/petitioner of the property described below has been filed with the City of Salem. The Planning Commission of the City of Salem will consider this request at its meeting listed below and make a recommendation to the City Council. The City Council of the City of Salem will also consider this request and the recommendation of the Planning Commission at its meeting listed below. City Council will make the final decision in this matter.

Property Owner/Petitioner:

Salem Historical Society

Location of Property:

1936 West Main Street (Tax Map # 138-2-7)

Purpose of Request:

For rezoning the property located at 1936 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions.

The date, time, and place of the public hearing scheduled by the Planning Commission on this request are as follows:

**WEDNESDAY, JULY 14, 2021 – 7 P.M.
COUNCIL CHAMBERS OF CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

The date, time, and place of the public hearing scheduled by City Council on this request are as follows:

**MONDAY, JULY 26, 2021 – 6:30 P.M.
COUNCIL CHAMBERS OF CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

Additional information on this request may be obtained in the Community Development Department, 21 South Bruffey Street, Salem, Virginia or at (540) 375-3032.

James E. Taliaferro, II
Executive Secretary
Planning Commission



June 24, 2021

Salem Historical Society
Attn: Lisa Bain
801 East Main Street
Salem, Virginia 24153

RE: Rezoning Request
1936 West Main Street
Tax Map # 138-2-7

Dear Mrs. Bain:

You and/or your agent shall appear before the Planning Commission on:

**Wednesday, July 14, 2021
at 7:00 p.m. in**

**Council Chambers, City Hall,
114 North Broad Street**

AND

Salem City Council on:

Monday, July 26, 2021, at 6:30 p.m. in

**Council Chambers, City Hall,
114 North Broad Street**

for consideration of your request for rezoning the property located at 1936 West Main Street (Tax Map # 138-2-7).

If you have any questions regarding this matter, please contact our office at (540) 375-3032.

Sincerely,

Mary Ellen H. Wines, CZA CFM
Zoning Administrator

Legal Description for Tract 3A – Tax #138-2-7 City of Salem, Virginia

Beginning at an iron pin found on the southern right of way line of West Main Street (U.S. Rte. 460), being approximately 900 feet west of the intersection with Hurt Lane; thence leaving said right of way along the western property line of the Go-Mart, Inc. property S 12°35'02" E, 832.76 feet to a pin found on the northern right of way line of the Norfolk Southern Corporation; thence along the said right of way S 71°41'23" W, 553.42 feet to a pipe found at the intersection of the eastern property line of USF Propco I, LLC; thence with said property line N 20°35'13" W, 478.26 feet to a point; thence leaving said property line along the southern boundary line of the mill race (area of unknown ownership) the following three (3) courses: N 77°42'12" E, 152.23 feet to a point; thence S 79°38'48" E, 57.00 feet to a point; thence N 82°46'12" E, 42.71' to a point; thence still with the mill race and the eastern property line of GES Properties, LLC property N 17°38'00" W, 216.41 feet to a point at the intersection with the southern property line of the White Oak Ventures II, LLC property; thence with said property's southern and eastern property lines the following two (2) courses: N 82°36'00" E, 63.90 feet to a pin found; thence N 7°24'00" W, 260.00 feet to a pin found at the intersection with the southern right of way line of West Main Street; thence with said right of way line N 82°36'00" E, passing through a pin found on line at 165.17 feet, a total of 303.17 feet to the point of beginning and being Tract 3A, containing 9.331 acres total, as shown on the plat titled "Combination Plat for the Salem Historical Society" by Parker Design Group dated December 15, 2015 and recorded in the City of Salem, Virginia Circuit Court Clerk's office in P.B. 14, PG. 55, Slide 224.

Said area to be rezoned contains approximately 9.331 acres.

PAYMENT DATE

06/22/2021

COLLECTION STATION

Engineering/Inspections

RECEIVED FROMThe Salem Museum Salem
Historical Society**DESCRIPTION****City of Salem**P.O. Box 869
Salem, VA 24153**BATCH NO.**

2021-00006126

RECEIPT NO.

2021-00139355

CASHIER

Loretta Prillaman

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
ENG LAND USE	Land Use Application Fees Rezoning Application fee - 1936 W Main Street - Planning Commission Meeting - July 14, 2021 Total Cash \$0.00 Total Check \$425.00 Total Charge \$0.00 Total Wire \$0.00 Total Other \$0.00 Total Remitted \$425.00 Change \$0.00 Total Received \$425.00	\$425.00
Total Amount:		\$425.00

Customer Copy



Legals - City of Salem

Notice is hereby given to

all interested persons that the Council of the City of Salem, at its regular meeting on Monday, July 26, 2021, at 6:30 p.m., in the Council Chambers of City Hall, 114 N. Broad Street, in the City of Salem, Virginia, will hold a public hearing, pursuant to Sections 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, to consider approval of the following requests relative to the CODE OF THE CITY OF SALEM, VIRGINIA:

1. Hold public hearing to consider the request of the Salem Historical Society, property owner, for rezoning the property located at 1836 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions.

2. Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the property located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District without conditions.

3. Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the property located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District without conditions.

4. Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant and Layman Candy Company, Inc. and George W. Givens Jr. & Susan K. Givens, property owners, for the issuance of a Special Exception Permit to allow personal storage on the properties located at 1637 & 1641-1647 East Main Street, and 11, 15, &

Legals - City of Salem

Map #s 77-3-13, 77-3-16, 77-3-15, 77-3-14, and 77-3-12).

Copies of the proposed plans, ordinances or amendments may be examined in the Office of the City Planner, Community Development, 21 South Bruffey Street, Salem, Virginia.

At said hearing, parties in interest and citizens shall have an opportunity to be heard relative to the said requests.

THE COUNCIL OF THE CITY OF SALEM, VIRGINIA
BY
H. Robert Light
Clerk of Council

Marketplace



ourvalley.org

Legals - City of Salem

Notice is hereby given to:

all interested persons that the Council of the City of Salem, at its regular meeting on Monday, July 26, 2021, at 6:30 p.m., in the Council Chambers of City Hall, 114 N. Broad Street, in the City of Salem, Virginia, will hold a public hearing, pursuant to Sections 15.2-2204 and 15.2-2205 of the Code of Virginia, as amended, to consider approval of the following requests relative to the CODE OF THE CITY OF SALEM, VIRGINIA:

1. Hold public hearing to consider the request of the Salem Historical Society, property owner, for rezoning the property located at 1935 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions.

2. Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the property located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District without conditions.

3. Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the property located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District without conditions.

4. Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant and Layman Candy Company, Inc. and George W. Givens Jr. & Susan K. Givens, property owners, for the issuance of a Special Exception Permit to allow personal storage on the properties located at 1637 & 1641-1647 East Main Street, and 11, 15, & 23 Dalewood Avenue (Tax Map #s 77-3-13, 77-3-16, 77-3-15, 77-3-14, and 77-3-12).

Copies of the proposed plans, ordinances or amendments may be examined in the Office of the City Planner, Community Development, 21 South Bruffey Street, Salem, Virginia.

At said hearing, parties in interest and citizens shall have an opportunity to be heard relative to the said requests.

THE COUNCIL OF THE
CITY OF SALEM, VIRGINIA
BY
H. Robert Light
Clerk of Council

Planning Commission Meeting MINUTES

Wednesday, July 14, 2021, 7:00 PM

Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia

1. Call to Order

2. Pledge of Allegiance

3. Consent Agenda

A. Minutes

Consider acceptance of the minutes from the June 16, 2021, work session and regular meeting.

Reid Garst motioned Consider acceptance of the minutes from the June 16, 2021, work session and regular meetnig.. Jackson Beamer seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

4. New Business

A. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of the Salem Historical Society, property owner, for rezoning the property located at 1936 West Main Street (Tax Map # 138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions.

Staff noted the following:

The subject property consists of a single parcel of approximately 9.4 acres, located along the south side of West Main Street, east of the intersection with Wildwood Road. It is occupied by a historically designated two-story home.

Previously, the owner of the property requested the zoning be changed to CBD with proffered conditions to allow a restaurant. They are now requesting those conditions be changed in order to allow more flexibility for the property, and to allow "Glow Healing Arts" as a tenant.

Lisa Bain, President of the Board for Salem Museum and Historical Society, appeared before the Commission; she stated that the Salem Museum and Historical

Society owns Preston Place that used to be the White Oak Tea Tavern, but due to the pandemic the business went out of business. The Historical Society has been working to get a new tenant for the property, and has a new tenant, Glow Healing Arts. The property currently isn't zoned for personal services, which is why the request to remove the conditions, which would allow personal services to be an acceptable tenant for the property.

Susan Mence, 2127 Laurel Woods Drive, Salem, past president of the Salem Museum and Historical Society, appeared before Commission and stated that they are excited and hopeful that the change can be made; and feel that Glow Healing will be a much more beautiful and appropriate and more gentler use of the space; it will also allow them to preserve the historical use of the property.

Jessee Cantelope, Meredith Novack's partner who is the current tenant of the property, who resides at 511 Tennessee Avenue, appeared before the Commission. He stated that Ms. Novack is a little under the weather and could not attend the meeting. He further stated that Glow Healing provides spa-type services--massage, reiki, chiropractic and need to make sure they have approval to operate that type of business there.

Vice Chair King questioned if only the first floor would be occupied, or would the second floor be occupied as well, and the office hours of the business.

Mr. Novack stated that the second floor would be occupied as well as the first floor. The office hours are standardly 9 a.m. to 5 p.m., but will sometimes vary depending on the practitioners. The chiropractor will be the only practitioner on the first floor, and the second floor will be the majority of the practitioners. He stated that community services are offered to art classes and groups, etc. The three rooms downstairs will be primarily gift and sales, and functions.

Member Beamer questioned if the hours were Monday through Friday, or weekends as well.

Mr. Novack stated that the hours are standardly Monday through Friday, but often things are done on the weekend. Weekends will vary depending on the event or sometimes practitioners' schedules. Often yoga and massage are done on weekends.

Member Garst questioned if there will be any outdoor use on the property.

Mr. Novack stated that some things will be done outside. They had a picnic recently and invited members of the Historical Society. No major functions will be done outside. Yoga practice might be done outside on the lawn or something similar.

Chair Daulton questioned the number of people who would be on the property at one time.

Mr. Novack stated that there typically isn't that many people present. If every practitioner had someone, there would possibly be 10 people; the nights with groups or yoga, there would be 10-15 people at the most.

No other person(s) appeared before the Commission.

Neil Conner motioned to recommend the request of the Salem Historical Society, property owner, for rezoning the property located at 1936 West Main Street (Tax Map #138-2-7) from CBD Community Business District with proffered conditions to CBD Community Business District without conditions.. Jackson Beamer seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

B. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the property located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District without conditions.

It was noted that one public hearing will be held for Items 4B, 4C, and 4D.

Staff noted the following:

The subject property consists of five parcels totaling approximately two acres, located at the northeast corner of Electric Road and East Main Street. They are occupied by a large L-shaped warehouse, parking areas, two single family homes, and a two story commercial structure.

Tax Map 77-3-12 and 77-3-13 have the following conditions:

The following conditions voluntarily proffered shall apply in addition to the regulations contained in Chapter 32 of The Code of the city of Salem:

1. A fifty-foot setback will be observed from the centerline of Dalewood Avenue should the rental property be moved for future building expansion.
2. Proper screening will be provided on the north side of the property.

SUMMARY OF PROPOSED CHANGES;

The applicant is requesting the LM zoned property be rezoned to HBD without conditions (Item B), that the HBD property with conditions have its conditions removed (Item C), and that a Special Exception Permit be granted in order to allow the Personal Storage use on all of the properties (Item D). The existing buildings would be demolished, and a new 99,000 sq ft three story self-storage building would be constructed on the site.

Note that though there is only one staff report, there are three separate requests which must be voted on.

Joseph Thompson, 26 Carriage Lane, Troutville, VA, appeared before the Commission and stated that the project has three items--the rezoning is to cleanup the overall corner and to have everything on the same page to move forward with the Special Exception Permit. He further stated that he has done three projects similar to this in the valley--off Plantation Road, a K-Mart conversion on Franklin Road, as well as, their first project which has been expanded once, located on Dale Avenue in Southeast Roanoke. The projects are extremely well done; the facades are similar to the facade that was presented with the rendering in the packet. High-quality materials are used like what is used for office buildings and apartment buildings that have been recently constructed. It is not the old metal buildings of the past. The project will change what is there today, which has gone way beyond its useful life, and take it to a more modern look. The corner has been a challenge corner and there is only so much intensity of traffic allowed. He is requesting that the conditions be removed as they aren't relevant; the manufacturing facility will be removed, which could be used for a much more intensive use than personal storage; the dilapidated commercial structures will be removed, as well as the billboard that sits atop of the distribution/manufacturing facility. He also stated that a buffer is currently non-existent to the residential area. He plans to place a new, modern evergreen Type B 15-foot buffer and have a drive aisle, and then have a building. The site will also have adequate landscaping as required in modern construction and will be a part of their marketing strategy.

A discussion was held regarding the type of storage facility--more like a room to store things in rather than a building; will have an elevator, security codes to access facility, security cameras, lighting inside 24/7 that is sensed throughout, but not 24/7 access. Individual as well as some smaller commercial (i.e. pharmaceutical representatives) are expected to use the facility.

Vice Chair King questioned if the canopy would be the only entrance to the building.

Mr. Thompson stated there would also be an office at the front corner with a separate entrance.

Member Beamer questioned what hours the facility would be open.

Mr. Thompson stated the hours would be 6:00 a.m. to 9:00 p.m. He noted that insurance is required for commercial-type people to use the facility, and typically 10-foot trucks and personal vehicles is what is used to bring the items to the facility. No food will be stored in the rooms.

A discussion was held regarding lighting on the grounds. The lighting pointed toward the residential area will be LED with shields.

A discussion was held regarding the buffer to be placed on the property to separate it from the residential area.

Member Garst questioned if all access points will have a gate.

Mr. Thompson stated that Access Points 1 and 3 will have a gate to separate them and there will be a no thru traffic sign placed on the property to help prevent a cut-thru from Dalewood Avenue to Electric Road.

Vice Chair King questioned if there would be an on-site manager on the property at all times.

Mr. Thompson stated that there would be an on-site manager at the facility during hours, and the facility will be heavily-cameraed for security purposes.

A discussion was held regarding the size of the rental space and number of units available for rent. There will be approximately 73,000 s.f. of rental space with approximately 600 units available to rent. There will be a manager and two part-time managers, plus maintenance will be shared among facilities. The units will range in size from 5'x5' to 10'x30'. The structure will be approximately 36' high.

Mr. Thompson stated that he is the contract purchaser of the property.

Member Conner questioned if the project will work if VDOT does not grant the ingress/egress from Electric Road.

Mr. Thompson stated that he feels there will be good success with the request based upon initial conversations, and the fact that the City of Salem owns and maintains

the right-of-way and has expressed its support. If VDOT says to do it differently, then he would have to go back to the drawing board.

A discussion was held regarding the access to the site from Electric Road.

Member Beamer noted that the alley would have to be vacated and questioned if it had to go through the viewer process.

The Director of Community Development confirmed that it would have to go through the process in order to be vacated.

No other person(s) appeared related to the item.

Mr. Tripp, City Planner, noted that the applicant has agreed to proffer the following conditions as they apply to the rezoning requests for Tax Map #s 77-3-13, 77-3-12, 77-3-14, 77-3-15, and 77-3-16: 1.) the property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates entitled, "Layman Candy Company" dated June 7, 2021, subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process; and 2.) the building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B dated July 6, 2021.

Reid Garst motioned to recommend the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the property located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District with conditions.. Neil Conner seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

C. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the property located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District without conditions.

Reid Garst motioned to recommend the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, for rezoning the proeprty located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District with conditions.. Neil Conner seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

D. Special Exception Permit

Hold public hearing to consider the request of Property Catalyst Group, Inc., applicant and Layman Candy Company, Inc. and George W. Givens Jr. & Susan K. Givens, property owners, for the issuance of a Special Exception Permit to allow personal storage on the properties located at 1637 & 1641-1647 East Main Street, and 11, 15, & 23 Dalewood Avenue (Tax Map #s 77-3-13, 77-3-16, 77-3-15, 77-3-14, and 77-3-12).

The conditions for the Special Exception Permit are as follows: 1.) contingent on the City vacating the right-of-way between Tax Parcel 77-3-12 and 77-3-14; 2.) contingent on the City and VDOT allowing access to the site from Electric Road north of East Main Street; 3.) the property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates entitled, "Layman Candy Company" dated June 7, 2021, subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process; 4.) the building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B dated July 6, 2021; and 5.) the Special Exception Permit is subject to revocation if the project does not have all permits within three (3) years.

Reid Garst motioned to recommend the request of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc. and George W. Givens, Jr & Susan K. Givens, property owners, for the issuance of a Special Exception permit to allow personal storage on the properties located at 1637 & 1641-1647 East Main Street, and 11, 15, & 23 Dalewood Avenue (Tax Map #s 77-3-13, 77-3-16, 77-3-15, 77-3-14, and 77-3-12) with conditions.. Neil Conner seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

5. Adjournment

Neil Conner motioned Meeting adjourned at 7:41 p.m.. Jackson Beamer seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

AGENDA ITEMS:

B. Amendment to the Zoning Ordinance

Consider ordinance on second reading for rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District with removal of the preexisting proffered conditions, and adding new proffered conditions offered by the owner and applicant. (Approved on first reading at the July 26, 2021 meeting.)

C. Amendment to the Zoning Ordinance

Consider ordinance on second reading for rezoning the property of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District with removal of the preexisting proffered conditions and adding new proffered conditions offered by the owner and applicant. (Approved on first reading at July 26, 2021 meeting).

SUBMITTED BY:

Benjamin W. Tripp, AICP, CECd, City Planner

SUMMARY OF INFORMATION:

Zoning: LM Light Manufacturing (77-3-13), and HBD Highway Business District
Future Land Use Plan Designation: Commercial (77-3-13 and 77-3-16) and Residential (77-3-12, 77-3-14, and 77-3-15)
Existing Use: Warehouse, residential, retail.
Proposed Use: Personal Storage

The subject property consists of five parcel totaling approximately two acres, located at the northeast corner of Electric Road and East Main Street. They are occupied by a large L

shaped warehouse, parking areas, two single family homes, and a two story commercial structure.

SUMMARY OF PROPOSED CHANGES;

The applicant is requesting the property be rezoned, and a Special Exception Permit granted in order to allow a new 99,000 sq ft three story self-storage building to be constructed on the site. All the existing buildings will be demolished.

FISCAL IMPACT:

Replacing dilapidated vacant structures with a new structure, containing an active use, will produce a positive fiscal impact.

STAFF RECOMMENDATION:

Staff recommends approval.

AN ORDINANCE TO AMEND SECTION 106-110, ARTICLE I, CHAPTER 106, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, RELATING TO ZONING AND DIVIDING THE CITY INTO BUILDING DISTRICTS AND ESTABLISHING DISTRICT BOUNDARY LINES ON THE ZONING MAP OF THE CITY OF SALEM, VIRGINIA.

WHEREAS, Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, has heretofore petitioned to have the property located at 1637 East Main Street (Tax Map #77-3-13) rezoned from LM Light Manufacturing with proffered conditions, to HBD Highway Business District with the removal of the preexisting proffered conditions, and adding new proffered conditions offered by the owner and applicant; and

WHEREAS, Council has reviewed the proposed conditions and is of the opinion that the requested rezoning without the proposed amended conditions would not be in the best interests of the City and that the amended conditions proffered will more closely comply with the intent of the Land Use Plan heretofore adopted; and

WHEREAS, Council has adopted the provisions of Chapter 320 of the 1978 Acts of the General Assembly of Virginia, Sections 15.2-2296 through 15.2-2302, relating to conditional zoning; and

WHEREAS, the Planning Commission at its regular meeting held on July 14, 2021, did recommend to Council after holding a public hearing that such rezoning be approved with removal of the preexisting proffered conditions and adding the new proffered conditions offered by the owner and applicant; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Section 106-110, Article I, Chapter 106 of The Code of the City of Salem, Virginia, relating to building district boundary lines be amended in the following particular and no other, viz:

Section 1. That the following described property in the City of Salem of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, being the property located at 1637 East Main Street (Tax Map #77-3-13) be and the same is hereby changed from LM Light Manufacturing with proffered conditions, to HBD Highway Business District with the removal of the preexisting proffered conditions, and adding new proffered conditions offered by the owner and applicant, and the map referred to shall be changed in this respect and no other, said property being described as follows:

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF DALEWOOD AVENUE, SAID POINT BEING 330' MORE OR LESS TO THE INTERSECTION OF DALEWOOD AVENUE AND EAST MAIN STREET; THENCE LEAVING DALEWOOD AVENUE AND WITH THE NORTHERLY LINE OF CITY OF SALEM T.M.#77-3-12 S 89°46'52" W A DISTANCE OF 148.00' TO A POINT; THENCE WITH THE SAME S 03°47'38" E A DISTANCE OF 103.30' TO A POINT; THENCE ALONG AN ALLEY AND THEN WITH T.M.#77-3-14 S 07°13'08" E A DISTANCE OF 248.45' TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF EAST MAIN STREET; THENCE WITH THE SAME S 74°43'08" W A DISTANCE OF 86.75' TO POINT AT THE INTERSECTION OF EAST MAIN STREET AND ELECTRIC ROAD; THENCE WITH ELECTRIC ROAD N 06°29'21" W A DISTANCE OF 202.22' TO A POINT; THENCE N 00°30'05" W A DISTANCE OF 176.62' TO A POINT; THENCE N 04°41'59" W A DISTANCE OF 74.68' TO A POINT; THENCE LEAVING ELECTRIC ROAD AND WITH THE SOUTHERLY LINE OF T.M.#77-3-9 N 89°46'52" E A DISTANCE OF 220.78' TO POINT ON THE EASTERLY RIGHT OF WAY OF DALEWOOD AVENUE; THENCE WITH THE SAME S 02°25'13" E A DISTANCE OF 79.90' TO THE POINT AND PLACE OF BEGINNING; BEING SALEM TAX MAP #77-3-13, HAVING AN AREA OF 46,626.66 SQUARE FEET, 1.070 ACRES LYING AND BEING IN THE CITY OF SALEM, VIRGINIA

Section 2. The following conditions voluntarily proffered shall apply in addition to the regulations contained in Chapter 106 of The Code of the City of Salem:

- 1) The property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates, Inc. entitled "Layman Candy Company" dated June 7, 2021 subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process.
- 2) The building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B and dated July 6, 2021.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John E. Saunders –
William D. Jones –
Byron Randolph Foley –
James W. Wallace, III –
Renee F. Turk –

Passed:
Effective:

/s/
Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia

PETITION FOR ZONING AMENDMENT (REZONING)

City of Salem Community Development Department

Benjamin W. Tripp, AICP - City Planner

Email: btripp@salemva.gov

Telephone: 540-375-3032

1. Applicant(s):

Property Catalyst Group, Inc.

2. Legal Owner(s) of property requested to be rezoned:

Layman Candy Company, Inc.

3. Location of Property:

Address: 1637 East Main Street & 23 Dalewood Avenue

Subdivision: LAKEVIEW

Official Tax Map Number: 77-3-12 and 77-3-13

4. Characteristics of Property:

Size (Acreage): 1.33 Acres

Deed Restrictions: None

Present Use: Various Warehouse & Recreational Temporary Uses

5. Zoning Classification:

Present Zoning: LM, Light Manufacturing District & HBD, Highway Business District with Conditions

Proposed Zoning: HBD, Highway Business District

Land Use Designation: Current - Industrial / Future - Commercial

6. Reason(s) for Rezoning Request (Including proposed use):

See Narrative

7. Agent(s) or representative(s) of property owner(s): (Specify interest)

Benjamin Crew - Balzer & Associates

Mailing Address: 1208 Corporate Circle, Roanoke, VA 24018

Telephone Number: 540-772-9580

8. Affidavit:

- A. The undersigned person certifies that this petition and the foregoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. Also, the petitioner understands that a "Notice of Zoning Request" sign will be posted on the property by the City.

Applicant Signature:  Date: June 1, 2021

Applicant Interest in Property: Property Catalyst Group, Inc., Developer

Applicant Mailing Address: 133 Kirk Avenue SW, Roanoke, VA 24011

Applicant Phone Number: 540-491-9988

Owner Signature: _____ Date: June 1, 2021

Owner Interest in Property: Layman Candy Company, Inc., Owner of Record

Owner Mailing Address: 1630 West Main Street, Salem, VA 24153

Owner Telephone Number: 540-389-2000

PETITION FOR ZONING AMENDMENT (REZONING)

City of Salem Community Development Department

Benjamin W. Tripp, AICP - City Planner
Email: btripp@salemva.gov

Telephone: 540-375-3032

1. Applicant(s):

Property Catalyst Group, Inc.

2. Legal Owner(s) of property requested to be rezoned:

Layman Candy Company, Inc.

3. Location of Property:

Address: 1637 East Main Street & 23 Dalewood Avenue

Subdivision: LAKEVIEW

Official Tax Map Number: 77-3 - 13 and 77-3-12

4. Characteristics of Property:

Size (Acreage): 1.33 Acres

Deed Restrictions: None

Present Use: Various Warehouse & Recreational Temporary Uses

5. Zoning Classification:

Present Zoning: LM, Light Manufacturing District & HBD, Highway Business District with Conditions

Proposed Zoning: HBD, Highway Business District

Land Use Designation: Current - Industrial / Future - Commercial

6. Reason(s) for Rezoning Request (Including proposed use):

See Narrative

7. Agent(s) or representative(s) of property owner(s): (Specify interest)

Benjamin Crew - Balzer & Associates

Mailing Address: 1208 Corporate Circle, Roanoke, VA 24018

Telephone Number: 540-72-9580

8. Affidavit:

- A. The undersigned person certifies that this petition and the foregoing answers, statements, and other information herewith submitted are in all respects true and correct to the best of their knowledge and belief. Also, the petitioner understands that a "Notice of Zoning Request" sign will be posted on the property by the City.

Applicant Signature: _____

Date: June 1, 2021

Applicant Interest in Property: Property Catalyst Group, Inc., Developer

Applicant Mailing Address: 133 Kirk Avenue SW, Roanoke, VA 24011

Applicant Phone Number: 540-491-9988

Owner Signature: _____

Date: June 1, 2021

Owner Interest in Property: Layman Candy Company, Inc., Owner of Record

Owner Mailing Address: 1630 West Main Street, Salem, VA 24153

Owner Telephone Number: 540-389-2000



133 Kirk Avenue SW
Roanoke, VA 24011
Phone: 540.491.9988
info@pcgva.com

June 1, 2021

Mr. Jay Taliaferro
City Manager
City of Salem Community Developer
21 South Bruffey Street
Salem, VA 25153

Re: 1637 & 1641 East Main Street
11, 15 & 23 Dalewood Avenue
Tax Parcels 77-3-12, 77-3-13, 77-3-14, 77-3-15, & 77-3-16
Rezoning & Special Exception Applications

Dear Mr. Taliaferro:

Property Catalyst Group is the developer of the above-mentioned parcels and now submits the attached official applications, supporting documents and associated fees required for the Rezoning of 77-3-13 and Special Exception Permit. These applications will allow for the redevelopment of this neglected property into a modern high-quality storage facility that will transform the challenged corner into a stately and functional property.

PROJECT NARRATIVE

After a long history of operating on this prominent corner, Layman Candy Company and Givens Books ceased operations at this location in 2008 and 2017, respectively. Since 2008, the property has been listed for sale with minimal activity due to various challenges presented as potential buyers contemplate higher traffic uses.

Existing Conditions

The existing structures were constructed from 1939 to 1952 and have no useful life remaining. With this fact clearly apparent to current ownership, tenants have been interim in nature and repairs have not been regularly conducted. The result of the past 13 years of minimal maintenance is multiple dilapidated and unattractive improvements. All improvements will be demolished as part of the development process. Replacement with a prominent modern structure as shown in Exhibit A will cure this long-term hindrance on the surrounding community.

Rezoning Application

The provided Rezoning application has been submitted to combine the existing split zoning designations (LM and HBD) into a single HBD designation. Personal Storage is an allowed use with a Special Exception Permit under each of these zoning designations. Therefore, this rezoning request is effectively for administrative convenience through the development process.

Proposed Site Plan & Elevations

As shown, the proposed civil concept site plan and architectural elevation concept rendering greatly enhance the aesthetics and functionality of the property. In addition to the condition of the improvements, the placement of industrial structures immediately adjacent to residential property boundaries is cause for concern. This issue will be improved by adherence to the Use and Design Standards imposed on Personal Storage in the City of Salem, which are above and beyond standard development regulations. In addition, placement of the access drive will provide additional buffer, as shown within Exhibit B.

Traffic & Safety

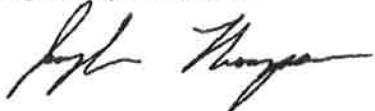
As Personal Storage is one of the lower traffic generating uses allowed within the HBD zoning designation, the proposed development is considered to enhance the safety and functionality of this historically challenged corner.

Considering the amount of rentable area in the proposed facility, ITE estimates 120 trips per day for this project. It should be noted that this figure is substantially higher than other very similar projects we have operated over the last five years. We expect to see an average of 25 customers per day equating to 50 trips per day.

Summary

The Special Exception Permit process's focus is on site specific items and how they relate to public health, safety, and welfare of the surrounding neighborhood and community. Considering the horrendous state of this prominent corner in the City of Salem, the proposed development will have no adverse impact, but will in fact enhance the overall aesthetics of the high traffic corridor.

Respectfully Submitted,



Joseph E. Thompson

June 1, 2021

Mr. Jay Taliaferro - City Manager
City of Salem Community Development
21 South Bruffey Street
Salem, VA 24153

RE: 23 & 31 Dalewood Avenue – Salem, VA 24153
Balzer and Associates, Inc. Job # 04210024.00
Removal of Existing Proffered Conditions

The owner hereby requests the removal of two existing proffered conditions enacted by Ordinance #90 which was passed by City Council on May 14, 1984 and effective May 24, 1984. The two existing conditions to be removed are listed below.

1. A fifty-foot setback will be observed from the centerline of Dalewood Avenue should the rental property be moved for future building expansion.
2. Proper screening will be provided on the north side of the property

Owner

Print *Layman Candy Co., Inc. By Judy N. Ross*

Sign *Judy N. Ross, President*

Date *June 1, 2021*

EXISTING CONDITIONS





AN ORDINANCE TO AMEND SECTION 12-9, ARTICLE II, CHAPTER 12, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, RELATING TO ZONING AND DIVIDING THE CITY INTO BUILDING DISTRICTS AND ESTABLISHING DISTRICT BOUNDARY LINES ON THE ZONING MAP OF THE CITY OF SALEM, VIRGINIA.

WHEREAS, Layman Candy Co., Inc., has heretofore petitioned to have property at 23 and 31 Dalewood Avenue rezoned from Residential District R-2 to Business District B-3; and

WHEREAS, in said petition, Layman Candy Co., Inc., did voluntarily proffer written conditions in addition to the regulations provided for in Business District B-3 into which this property is requested to be rezoned; and

WHEREAS, Council has reviewed the proposed conditions and is of the opinion that the requested rezoning without the proposed conditions would not be in the best interests of the City and that the conditions proffered will more closely comply with the intent of the Land Use Plan heretofore adopted; and

WHEREAS, Council has adopted the provisions of Chapter 120 of the 1978 Acts of the General Assembly of Virginia, Sections 15.1-491.1 through 15.1-491.6, relating to conditional zoning; and

WHEREAS, the Planning Commission at its regular meeting held on April 11, 1984, did recommend to Council after holding a public hearing that such rezoning be done with the conditions as proffered; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Section 12-9, Article II, Chapter 12 of The Code of the City of Salem, be amended, revised, and reordained to read as follows and the map referred to shall be changed in this respect and no other:

That the following described property, presently zoned Residential District R-2 in the City of Salem, be and the same is hereby changed from Residential District R-2 to Business District B-3 and the map referred to shall be changed in this respect and no other. However, in addition to the regulations for such zoning district as contained in Chapter 12 of The Code of the City of Salem, Virginia, there is hereby incorporated the conditions set forth in Section 2 of this ordinance to the same extent and purpose as though such conditions were herein fully set out at length:

BEGINNING at an old bolt on the westerly side of Dalewood Avenue at the southeast corner of property owned by Fred C. Wright (Deed Book 21, page 744) and corner also to property owned by Layman Candy Co.; thence with the westerly side of Dalewood Avenue, S. 1° 28' 18" W. 80.73 feet to an old pipe; thence still with Dalewood Avenue, S. 3° 15' E. 78.0 feet to a point of curve; thence along the arc of a circle to the right, whose radius is 10.1 feet, whose tangent is 10.0 feet, an arc distance of 15.7 feet to a point on the

northerly side of an alley; thence with the line of said alley, S. 85° 48' W. 134.1 feet to a point; thence leaving the alley and with the line between the original 0.33 acre tract and the 1.06 acre tract now owned by Layman Candy Co., N. 5° 00' W. 102.8 feet to an old iron; thence with the southerly line of the 0.40 acre tract N. 88° 19' 56" W. 67.0 feet to a concrete highway monument on the easterly side of Virginia Secondary Route 419; thence with the line of Route 419, N. 5° 03' 12" W. 81.54 feet to an iron pin at the southwesterly corner of property owned by Fred C. Wright; thence with the line of Fred C. Wright, S. 88° 33' 57" E. 222.94 feet to the place of BEGINNING and containing 0.73 acres.

Section 2. The following conditions voluntarily proffered shall apply in addition to the regulations contained in Chapter 32 of The Code of the City of Salem:

1. A fifty-foot setback will be observed from the centerline of Dalewood Avenue should the rental property be moved for future building expansion.
2. Proper screening will be provided on the north side of the property.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

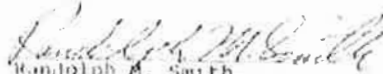
Alexander M. Brown - Aye
Jane L. Hough - Absent
Carl E. Tarpley, Jr. - Aye
W. Mac Green - Absent
James E. Taliaferro - Aye

Passed: May 14, 1984

Effective: May 24, 1984

/s/ James E. Taliaferro
Mayor

ATTEST:


Randolph A. Smith
Clerk of Council
City of Salem, Virginia





PRELIMINARY

CONCEPTUAL SITE PLAN
LAYMAN CANDY COMPANY

EX-A

SITE & ZONING SUMMARY:

SITE ADDRESS: 11-15 DALEWOOD AVE, SALEM, VA 24153

OWNER: LAYMAN CANDY COMPANY, INC.
1637 E MAIN ST, SALEM, VA 24153
500 W. MAIN ST, SALEM, VA 24153

EXISTING LOT SIZE AND ZONING:
77-3-12, 77-3-13, 77-3-14, 77-3-15
77-3-12 - 1.80 AC - HIGHWAY BUSINESS DISTRICT
77-3-13 - 1.80 AC - HIGHWAY BUSINESS DISTRICT
77-3-14 - 1.80 AC - HIGHWAY BUSINESS DISTRICT
77-3-15 - 1.80 AC - HIGHWAY BUSINESS DISTRICT

EXISTING DIMENSIONS PFC:
PASS: MAY 14, 1984
EFFECTIVE: MAY 24, 1984

EXISTING CONDITIONS TO BE REMOVED WITH REZONING REQUEST:
IMPROVED ZONING: 77-3-12, 77-3-13, 77-3-14, 77-3-15
77-3-12 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP
77-3-13 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP
77-3-14 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP
77-3-15 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP

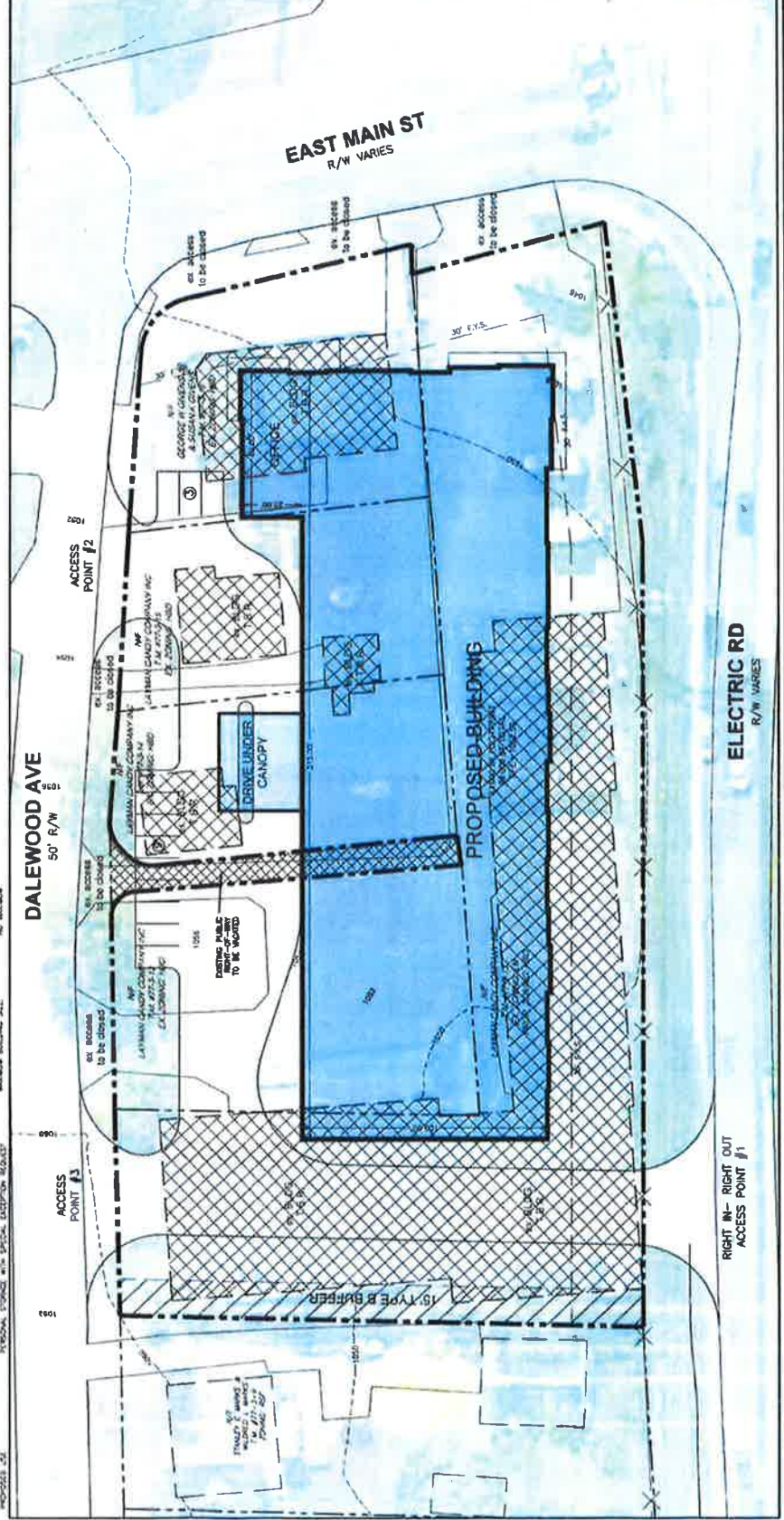
PROPOSED LOT SIZE AND ZONING:
PROPOSED LOT SIZE: 7.20 AC
PROPOSED ZONING: 77-3-12, 77-3-13, 77-3-14, 77-3-15
77-3-12 - 1.80 AC - HIGHWAY BUSINESS DISTRICT
77-3-13 - 1.80 AC - HIGHWAY BUSINESS DISTRICT
77-3-14 - 1.80 AC - HIGHWAY BUSINESS DISTRICT
77-3-15 - 1.80 AC - HIGHWAY BUSINESS DISTRICT

PROPOSED DIMENSIONS PFC:
PASS: MAY 14, 1984
EFFECTIVE: MAY 24, 1984

PROPOSED CONDITIONS TO BE REMOVED WITH SPECIAL EXCEPTION REQUEST:
IMPROVED ZONING: 77-3-12, 77-3-13, 77-3-14, 77-3-15
77-3-12 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP
77-3-13 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP
77-3-14 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP
77-3-15 - 1.80 AC - HIGHWAY BUSINESS DISTRICT WITH SEP

8' BUFFER YARD:
TYPE B BUFFERED BUFFER FOR 480 ADDITIONAL R/W
OPTION 1: 8' BUFFER YARD ONE ROW OF SMALL EVERGREEN TREES, ONE ROW OF EVERGREEN SHRUBS
OPTION 2: 15' BUFFER YARD ONE ROW OF SMALL EVERGREEN TREES
PARKING SUMMARY:
PARKING REQUIRED: 2 SPACES PER 100 UNITS
PARKING PROVIDED: 12 SPACES

SITE ADDRESS:
DALEWOOD AVE, SALEM, VA 24153
OWNER: LAYMAN CANDY COMPANY, INC.
OWNER ADDRESS: 1637 E MAIN ST, SALEM, VA 24153
TAX MAP NUMBER: 77-3-12, 77-3-13, 77-3-14, 77-3-15
EXISTING LOT SIZE: 7.20 AC
EXISTING ZONING: 77-3-12, 77-3-13, 77-3-14, 77-3-15
ZONING SUMMARY: 77-3-12, 77-3-13, 77-3-14, 77-3-15
MINIMUM LOT AREA: 7,200 SF
MINIMUM FRONTAGE: 80' ON A PUBLIC STREET
MINIMUM SETBACK REQUIREMENTS:
FRONT YARD: 30' FROM STREET CENTERLINE
SIDE YARD: 10' MINIMUM
REAR YARD: 10' MINIMUM
BACK ZONING REGULATIONS:
GUT MAIN ST: 35' FROM CENTERLINE
ELECTRIC RD: 35' FROM CENTERLINE
PER SUPPLEMENTAL REGULATIONS FOR PERSONAL STORAGE:
FRONT YARD: 30' FROM R.O.W. LINE
MINIMUM HEIGHT OF STRUCTURES: 10'
MINIMUM BUILDING SIZE: 10' MINIMUM

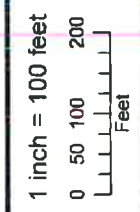


CONCEPTUAL SITE PLAN
LAYMAN CANDY COMPANY



CITY OF SALEM
Community Development
Department
P.O. Box 369
Salem, Virginia 24153-0369
Phone: (540) 375-3032

JULY 2021 PLANNING COMMISSION ITEM 4C 1637 E. MAIN ST.



EXISTING ZONING



- Legend for Existing Zoning:
- AG - Agriculture District
 - BCD - Business Commerce District
 - CBD - Community Business District
 - CUD - College/University District
 - DBD - Downtown Business District
 - HBD - Highway Business District
 - HBD/HM - Highway Business/Heavy Manufacturing District
 - HBD/M - Highway Business/Light Manufacturing District
 - HM - Heavy Manufacturing District
 - LM - Light Manufacturing District
 - LM/HM - Light Manufacturing/Heavy Manufacturing District
 - MHP - Manufactured Home Park District
 - PUD - Planned Unit District
 - RB - Residential Business District
 - RMF - Residential Multi-Family District
 - RMFRB - Residential Multi-Family/Residential Business District
 - RSF - Residential Single Family District
 - RSF/HBD - Residential Single Family/Highway Business District
 - RSF/LM - Residential Single Family/Light Manufacturing
 - RSFRB - Residential Single Family/Residential Business District
 - RSFRMF - Residential Single Family/Residential Multi-Family District
 - RSFTBD - Residential Single Family/Transitional Business District
 - TSD - Transitional Business District

FUTURE LAND USE



- Legend for Future Land Use:
- Commercial
 - Downtown
 - Economic Development Area
 - Industrial
 - Institutional
 - Mixed Use
 - Public Parks and Recreation
 - Residential
 - Transitional



**IMPORTANT NOTICE OF PUBLIC HEARINGS
PROPOSAL TO CHANGE USE**

Notice is hereby given that a request of the property owner/petitioner of the property described below has been filed with the City of Salem. The Planning Commission of the City of Salem will consider this request at its meeting listed below and make a recommendation to the City Council. The City Council of the City of Salem will also consider this request and the recommendation of the Planning Commission at its meeting listed below. City Council will make the final decision in this matter.

Property Owner/Petitioner:

Property Catalyst Group, Inc., applicant
Layman Candy Company, Inc., property owner

Location of Property:

1637 East Main Street (Tax Map #77-3-13)

Purpose of Request:

For rezoning the property located at 1637 East Main Street (Tax Map #77-3-13) from LM Light Manufacturing with proffered conditions, to HBD Highway Business District.

The date, time, and place of the public hearing scheduled by the Planning Commission on this request are as follows:

**WEDNESDAY, JULY 14, 2021 – 7 P.M.
COUNCIL CHAMBERS OF CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

The date, time, and place of the public hearing scheduled by City Council on this request are as follows:

**MONDAY, JULY 26, 2021 – 6:30 P.M.
COUNCIL CHAMBERS OF CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

Additional information on this request may be obtained in the Community Development Department, 21 South Bruffey Street, Salem, Virginia or at (540) 375-3032.

James E. Taliaferro, II
Executive Secretary
Planning Commission



June 24, 2021

Property Catalyst Group, Inc.
133 Kirk Avenue S.W.
Roanoke, Virginia 24011

Layman Candy Company, Inc.
P. O. Box 1015
Salem, Virginia 24153

RE: Rezoning Request
1637 East Main Street, Tax Map # 77-3-13
23 Dalewood Avenue, Tax Map # 77-3-12

Dear Mr. Thompson and Ms. Ross:

You and/or your agent shall appear before the Planning Commission on:

**Wednesday, July 14, 2021
at 7:00 p.m. in**

**Council Chambers, City Hall,
114 North Broad Street**

AND

Salem City Council on:

Monday, July 26, 2021, at 6:30 p.m. in

**Council Chambers, City Hall,
114 North Broad Street**

for consideration of your request to rezone the properties located at 1637 East Main Street, Tax Map # 77-3-13, and 23 Dalewood Avenue, Tax Map # 77-3-12.

If you have any questions regarding this matter, please contact our office at (540) 375-3032.

Sincerely,

Mary Ellen H. Wines, CZA CFM
Zoning Administrator

Mary Ellen H. Wines, Zoning Administrator
Community Development 21 South Bruffey Street, Salem, Virginia 24153, (540) 375-3032, mewines@salemva.gov

ALLEY TO BE VACATED

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF DALEWOOD AVENUE, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT OF WAY OF THE ALLEY HEREIN DESCRIBED; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 25.54', WITH A RADIUS OF 15.00', WITH A CHORD BEARING OF N 48°31'08" W, AND A CHORD LENGTH OF 22.56' TO A POINT; THENCE S 82°43'52" W A DISTANCE OF 119.37' TO A POINT ON THE EASTERLY LINE OF SALEM T.M. #77-3-13; THENCE WITH THE SAME N 07°13'08" W A DISTANCE OF 14.02'; THENCE LEAVING SAID PARCEL AND WITH THE LINE OF T.M.#77-3-12 N 83°31'52" E A DISTANCE OF 135.87' TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 2.28', WITH A RADIUS OF 10.10', WITH A CHORD BEARING OF N 80°00'54" E, AND A CHORD LENGTH OF 2.27' TO A POINT ON THE WESTERLY RIGHT OF WAY OF DALEWOOD AVENUE; THENCE WITH THE SAME S 00°19'52" W A DISTANCE OF 29.46' TO THE POINT AND PLACE OF BEGINNING; HAVING AN AREA OF 1859.58 SQUARE FEET, 0.043 ACRES AND LYING AND BEING IN THE CITY OF SALEM, VIRGINIA.

ENTIRE PROPERTY BOUNDARY – T.M.#77-3-12,13,14,15,16, & VACATED ALLEY

BEGINNING AT A POINT AT THE NORTHEASTERLY INTERSECTION OF EAST MAINT STREET AND ELECTRIC ROAD, THENCE WITH ELECTRIC ROAD N 06°29'21" W A DISTANCE OF 202.22'; THENCE N 00°30'05" W A DISTANCE OF 176.62'; THENCE N 04°41'59" W A DISTANCE OF 74.68'; THENCE LEAVING ELECTRIC ROAD AND WITH THE SOUTHERLY LINE OF T.M.#77-3-9 N 89°46'52" E A DISTANCE OF 220.78' TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF DALEWOOD AVENUE; THENCE WITH THE SAME S 02°25'13" E A DISTANCE OF 158.52'; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 12.67', WITH A RADIUS OF 10.10', WITH A CHORD BEARING OF S 37°37'22" W, AND A CHORD LENGTH OF 11.85' TO A POINT; THENCE S 00°19'29" W A DISTANCE OF 219.91' TO POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 37.97', WITH A RADIUS OF 30.00', WITH A CHORD BEARING OF S 36°32'52" W, AND A CHORD LENGTH OF 35.48' TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF EAST MAIN STREET; THENCE WITH THE SAME S 72°45'52" W A DISTANCE OF 86.03'; THENCE N 07°13'08" W A DISTANCE OF 11.82' TO A POINT; THENCE S 74°43'08" W A DISTANCE OF 86.75' TO THE POINT AND PLACE OF BEGINNING; HAVING AN AREA OF 90,917.20 SQUARE FEET, 2.087 ACRES LYING AND BEING IN THE CITY OF SALEM, VIRGINIA.

T.M.#77-3-13 (CURRENTLY ZONED LM)

BEGINNING AT A POINT ON THE WESTERLY RIGHT OF WAY LINE OF DALEWOOD AVENUE, SAID POINT BEING 330' MORE OR LESS TO THE INTERSECTION OF DALEWOOD AVENUE AND EAST MAIN STREET; THENCE LEAVING DALEWOOD AVENUE AND WITH THE NORTHERLY LINE OF CITY OF SALEM T.M.#77-3-12 S 89°46'52" W A DISTANCE OF 148.00' TO A POINT; THENCE WITH THE SAME S 03°47'38" E A DISTANCE OF 103.30' TO A POINT; THENCE ALONG AN ALLEY AND THEN WITH T.M.#77-3-14 S 07°13'08" E A DISTANCE OF 248.45' TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF EAST MAIN STREET; THENCE WITH THE SAME S 74°43'08" W A DISTANCE OF 86.75' TO POINT AT THE INTERSECTION OF EAST MAIN STREET AND ELECTRIC ROAD; THENCE WITH ELECTRIC ROAD N 06°29'21" W A DISTANCE OF 202.22' TO A POINT; THENCE N 00°30'05" W A DISTANCE OF 176.62' TO A POINT; THENCE N 04°41'59" W A DISTANCE OF 74.68' TO A POINT; THENCE LEAVING ELECTRIC ROAD AND WITH THE SOUTHERLY LINE OF T.M.#77-3-9 N 89°46'52" E A DISTANCE OF 220.78' TO POINT ON THE EASTERLY RIGHT OF WAY OF DALEWOOD AVENUE; THENCE WITH THE SAME S 02°25'13" E A DISTANCE OF 79.90' TO THE POINT AND PLACE OF BEGINNING; BEING SALEM TAX MAP #77-3-13, HAVING AN AREA OF 46,626.66 SQUARE FEET, 1.070 ACRES LYING AND BEING IN THE CITY OF SALEM, VIRGINIA.

T.M.#77-3-12

BEGINNING AT A POINT ON THE NORTH SIDE OF AN ALLEY, SAID POINT BEING 146' WEST OF THE INTERSECTION OF SAID ALLEY WITH THE WESTERLY RIGHT OF WAY LINE OF DALEWOOD AVENUE; THENCE LEAVING THE ALLEY AND WITH THE EASTERLY LINE OF T.M.#77-3-13 N 03°47'38" W A DISTANCE OF 103.30' TO A POINT; THENCE WITH THE SOUTHERLY LINE OF THE SAME N 89°46'52" E A DISTANCE OF 148.00' TO A POINT ON THE WESTERLY RIGHT OF WAY OF DALEWOOD AVENUE; THENCE WITH DALEWOOD AVENUE S 02°25'13" E A DISTANCE OF 78.62' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 14.95', WITH A RADIUS OF 10.10', WITH A CHORD BEARING OF S 44°04'55" W, AND A CHORD LENGTH OF 13.62' TO A POINT ON THE NORTHERLY SIDE OF THE AFOREMENTIONED ALLEY; THENCE WITH THE SAME S 83°31'52" W A DISTANCE OF 135.87' TO THE POINT AND PLACE OF BEGINNING; HAVING AN AREA OF 13958 SQUARE FEET, 0.320 ACRES AND LYING AND BEING IN THE CITY OF SALEM, VIRGINIA.

PROFFERED CONDITIONS:

The applicant hereby agrees to proffer the following conditions as they apply to the subject rezoning request for the following Official City of Salem, Virginia
Tax Numbers 77-3-12 and 77-3-13

1. The property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates, Inc. entitled "Layman Candy Company" dated June 7, 2021 subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process.
2. The building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B and dated July 6, 2021.

Owner:

Print:

Judy N Ross

Sign:

Judy N Ross, President

Date:

7/14/21

Applicant:

Print:

Joseph Thompson

Sign:

[Signature]

Date:

7/14/21

AN ORDINANCE TO AMEND SECTION 106-110, ARTICLE I, CHAPTER 106, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, RELATING TO ZONING AND DIVIDING THE CITY INTO BUILDING DISTRICTS AND ESTABLISHING DISTRICT BOUNDARY LINES ON THE ZONING MAP OF THE CITY OF SALEM, VIRGINIA.

WHEREAS, Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, have heretofore petitioned to have the property located at 23 Dalewood Avenue (Tax Map #77-3-12) rezoned from HBD Highway Business District with proffered conditions, to HBD Highway Business District with the removal of the preexisting proffered conditions, and adding new proffered conditions offered by the owner and applicant; and

WHEREAS, Council has reviewed the proposed conditions and is of the opinion that the requested rezoning without the proposed amended conditions would not be in the best interests of the City and that the amended conditions proffered will more closely comply with the intent of the Land Use Plan heretofore adopted; and

WHEREAS, Council has adopted the provisions of Chapter 320 of the 1978 Acts of the General Assembly of Virginia, Sections 15.2-2296 through 15.2-2302, relating to conditional zoning; and

WHEREAS, the Planning Commission at its regular meeting held on July 14, 2021, did recommend to Council after holding a public hearing that such rezoning be approved with removal of the preexisting proffered conditions and adding the new proffered conditions offered by the owner and applicant; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Section 106-110, Article I, Chapter 106 of The Code of the City of Salem, Virginia, relating to building district boundary lines be amended in the following particular and no other, viz:

Section 1. That the following described property in the City of Salem of Property Catalyst Group, Inc., applicant, and Layman Candy Company, Inc., property owner, being the property located at 23 Dalewood Avenue (Tax Map #77-3-12) be and the same is hereby changed from HBD Highway Business District with proffered conditions, to HBD Highway Business District with the removal of the preexisting proffered conditions, and adding new proffered conditions offered by the owner and applicant, and the map referred to shall be changed in this respect and no other, said property being described as follows:

BEGINNING AT A POINT ON THE NORTH SIDE OF AN ALLEY, SAID POINT BEING 146' WEST OF THE INTERSECTION OF SAID ALLEY WITH THE WESTERLY RIGHT OF WAY LINE OF DALEWOOD AVENUE; THENCE LEAVING THE ALLEY AND WITH THE EASTERLY LINE OF T.M.#77-3-13 N 03°47'38" W A DISTANCE OF 103.30' TO A POINT; THENCE WITH THE SOUTHERLY LINE OF THE SAME N 89°46'52" E A DISTANCE OF 148.00' TO A POINT ON THE WESTERLY RIGHT OF WAY OF DALEWOOD AVENUE; THENCE WITH DALEWOOD AVENUE S 02°25'13" E A DISTANCE OF 78.62' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 14.95', WITH A RADIUS OF 10.10', WITH A CHORD

DISTANCE OF 148.00' TO A POINT ON THE WESTERLY RIGHT OF WAY OF DALEWOOD AVENUE; THENCE WITH DALEWOOD AVENUE S 02°25'13" E A DISTANCE OF 78.62' TO A POINT; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 14.95', WITH A RADIUS OF 10.10', WITH A CHORD BEARING OF S 44°04'55" W, AND A CHORD LENGTH OF 13.62' TO A POINT ON THE NORTHERLY SIDE OF THE AFOREMENTIONED ALLEY; THENCE WITH THE SAME S 83°31'52" W A DISTANCE OF 135.87' TO THE POINT AND PLACE OF BEGINNING; HAVING AN AREA OF 13958 SQUARE FEET, 0.320 ACRES AND LYING AND BEING IN THE CITY OF SALEM, VIRGINIA.

Section 2. The following conditions voluntarily proffered shall apply in addition to the regulations contained in Chapter 106 of The Code of the City of Salem:

- 1) The property will be developed in substantial conformance with the conceptual site plan prepared by Balzer and Associates, Inc. entitled "Layman Candy Company" dated June 7, 2021 subject to any changes to access that may be required by the City of Salem and the Virginia Department of Transportation during the site plan review process.
- 2) The building will be developed in substantial conformance with the provided architectural perspective rendering indicated as Exhibit B and dated July 6, 2021.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John E. Saunders –
William D. Jones –
Byron Randolph Foley –
James W. Wallace, III –
Renee F. Turk –

Passed:
Effective:

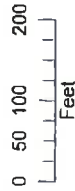
/s/
Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia



1 inch = 100 feet



JULY 2021 PLANNING COMMISSION ITEM 4D

23 Dalewood Ave.

CITY OF SALEM
Community Development
Department
P.O. Box 869
Salem, Virginia 24153-0869
Phone: (940) 375-3032



EXISTING ZONING

FUTURE LAND USE



- AG - Agriculture District
- BCD - Business Commerce District
- CBD - Community Business District
- CUD - College/University District
- DBD - Downtown Business District
- HBD - Highway Business District
- HBD/HM - Highway Business/Heavy Manufacturing District
- HBD/LM - Highway Business/Light Manufacturing District
- HM - Heavy Manufacturing District
- LM - Light Manufacturing District
- LM/HM - Light Manufacturing/Heavy Manufacturing District
- MHP - Manufactured Home Park District



- Mixed Use
- Public Parks and Recreational
- Residential
- Transitional
- Commercial
- Downtown
- Economic Development Area
- Industrial
- Institutional



**IMPORTANT NOTICE OF PUBLIC HEARINGS
PROPOSAL TO CHANGE USE**

Notice is hereby given that a request of the property owner/petitioner of the property described below has been filed with the City of Salem. The Planning Commission of the City of Salem will consider this request at its meeting listed below and make a recommendation to the City Council. The City Council of the City of Salem will also consider this request and the recommendation of the Planning Commission at its meeting listed below. City Council will make the final decision in this matter.

Property Owner/Petitioner:

Property Catalyst Group, Inc., applicant
Layman Candy Company, Inc., property owner

Location of Property:

23 Dalewood Avenue (Tax Map #77-3-12)

Purpose of Request:

For rezoning the property located at 23 Dalewood Avenue (Tax Map #77-3-12) from HBD Highway Business District with proffered conditions, to HBD Highway Business District.

The date, time, and place of the public hearing scheduled by the Planning Commission on this request are as follows:

**WEDNESDAY, JULY 14, 2021 – 7 P.M.
COUNCIL CHAMBERS OF CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

The date, time, and place of the public hearing scheduled by City Council on this request are as follows:

**MONDAY, JULY 26, 2021 – 6:30 P.M.
COUNCIL CHAMBERS OF CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

Additional information on this request may be obtained in the Community Development Department, 21 South Bruffey Street, Salem, Virginia or at (540) 375-3032.

James E. Taliaferro, II
Executive Secretary
Planning Commission

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA
HELD AT CITY HALL

MEETING DATE: August 9, 2021

AGENDA ITEM: Fiscal Agent Contracts for Fiscal Year 2021-2022

SUBMITTED BY: Rosemarie Jordan, Director of Finance

SUMMARY OF INFORMATION:

Attached are contracts for the City to act as fiscal agent for Court-Community Corrections Program, Regional Alcohol Safety Action Program Board and Cardinal Criminal Justice Academy. The City of Salem has acted as fiscal agent for these entities for a number of years and has experienced no difficulty in acting in this capacity.

FISCAL IMPACT:

Each of these agencies reimburses the City for out-of-pocket expenses, such as audit fees, materials and supplies, and all other contractual related items. They also reimburse a portion of salaries and fringe benefits for all departments involved in providing services to their agency.

STAFF RECOMMENDATION:

Staff recommends the City Council authorizes the proper City officials to execute these contracts authorizing the City to continue to act as fiscal agent for these agencies for fiscal year 2021-2022.

CITY OF SALEM, VIRGINIA
FISCAL AGENT CONTRACT FOR
CARDINAL CRIMINAL JUSTICE ACADEMY

THIS CONTRACT, made and entered into this the **1st day of July 2021** by and between the CITY OF SALEM, VIRGINIA hereinafter referred to as the "City", and the Cardinal Criminal Justice Academy Governing Council, hereinafter referred to as the "Council".

WHEREAS, the City has been informed by the Council of the need for promoting a law enforcement/corrections training program in relation to public safety in the Roanoke Valley and surrounding jurisdictions; and

WHEREAS, the City has applied for and has been approved as grantee and fiscal agent of various State grants pursuant to the appropriate provisions of the 1950 Code of Virginia, as amended, hereinafter referred to as "Grant" and

WHEREAS, the City contracts hereby with the Council to provide for the administration of the Cardinal Criminal Justice Academy as provided by statute and the terms of the prospective grants.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES herein contained; witnesseth:

(1) The Council agrees as follows:

(a) to accept the responsibility for providing a law enforcement/corrections training program, and other like programs, as provided by Virginia law, to the Roanoke Valley area and surrounding jurisdictions in the manner and to the extent set out in the provisions of the said Grants.

(b) to accept sole responsibility for the administration and operation of all law enforcement and corrections training programs through the Cardinal Criminal Justice Academy.

(c) that all purchases made with funds from said Grants shall be in compliance with State laws and purchasing regulations of the City.

(d) that the Council will abide by all the rules, regulations, guidelines, and general and special conditions of the Grants.

(e) to provide information required by the City to the extent that the City will be able to meet its obligations to file accurate and timely financial and narrative reports as may be required by the said Grants, and to furnish a fidelity bond with corporate surety in an amount not less than the full amount of the largest of said Grants during the term of this agreement or the sum of \$200,000.00 whichever is greater, to save harmless the City, its officials, agents, or employees, from loss or liability by reason of any determination that the City, its officials, agents, or employees, are liable to the Commonwealth of Virginia for funds received by the City pursuant to the terms of the said Grants, or because of any default, malfeasance in relation to the provisions of this agreement, or the terms, conditions or provisions of the said Grants on the part of the Council, its officers or agents in administering said Grants, said bond to remain in full force and effect until such time as the Commonwealth of Virginia has from time to time approved all disbursements in writing or has in writing or otherwise absolved the City, its officials, agents or employees from responsibility for funds theretofore received pursuant to the said Grants.

(f) to make all reports, other than financial, to State agencies, as required by the Grants, and a copy of these reports shall be sent to the City.

(g) to reimburse the City of all expenses incurred in its capacity as fiscal agent, to include, but not limited to (cost of personnel, fringe benefits, office supplies, printing, accounting, auditing, processing of payroll, postage and technology); amount to be billed on a monthly basis by the City.

(2) The City will maintain a separate agency fund in the accounting system of the City in which will be recorded the financial transaction of the Council. The City will keep all records of the receipts and disbursements of Grants received by the Council.

(3) All receipts from the State of Virginia, the Federal Government, and fees collected in each of the participating localities will be deposited in this agency fund.

(4) The Director of the Academy shall have printed pre-numbered receipts on which all fees shall be recorded as collected. These fees shall be deposited daily in the account set up for this purpose, including all gifts, donations, or other funds received.

(5) In addition to maintaining an agency fund, the City shall maintain a complete payroll accounting system for the employees of the Council. Included in the payroll records will be a complete reporting of all deductions from the employees' earnings (FWT, FICA, and State Withholding Taxes, Virginia Retirement System Pension and Life Insurance Plans, Health Insurance, Credit Union and other applicable deductions).

(6) The City's finance department shall maintain adequate records disclosing the details of all receipts and all disbursements. The accounting system shall contain the following minimum requirements:

(a) A general ledger showing an up-to-date balance of all accounts, budget appropriations, and unexpended balance.

(b) A complete set of journals showing all receipts, disbursements and adjustments. These journals shall clearly identify each transaction.

(c) All disbursements shall be by check and approved for payment by the Council, or its Director, and by the Finance Director of the City.

(7) Rental of Property, the Council agrees to a monthly rental fee of \$1.00 for use of the facility currently in place at 917 Central Avenue for fiscal year 2021-22, and an annual lease payment of \$14,500 for the use of the facility located at 912 Central Avenue for fiscal year 2021-22. The Council may at its option, prepay any of the required installments. The City will provide insurance protecting the Academy from liability and property loss.

(8) As payment for services provided by the City as Fiscal Agent, and outlined above, the Academy agrees to reimburse the City the sum of \$1,010.31 per month.

(9) Employees of the Grant shall be considered employees of the City and as such shall have the same benefits as other City employees. Should any grievance arise between an employee of the Cardinal Criminal Justice Academy and its Director, or the Council, the Council shall act as the personnel board for the City, and its decision as to any grievance shall be final.

(10) The parties hereto agree that this contract shall commence on July 1, 2021, and shall end on June 30, 2022, subject to the City's right to declare this contract void if the Council violates any of the provisions of this agreement.

Entered into this the day and year first hereinabove written.

CITY OF SALEM, VIRGINIA

By: _____

Mayor – Renee F. Turk

CARDINAL CRIMINAL JUSTICE ACADEMY

By: _____

Chairman – Chief, Michael D. Crawley

By: _____

Vice-Chairman – Chief, Anthony S. Wilson

ATTEST:

Kip Vickers, Director
Cardinal Criminal Justice Academy
July 1, 2021

CITY OF SALEM, VIRGINIA

FISCAL AGENT CONTRACT

with the
REGIONAL COMMUNITY CRIMINAL JUSTICE BOARD
and the
REGIONAL ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD

THIS CONTRACT, made and entered into this 1st day of July, 2021 by and between the **CITY OF SALEM, VIRGINIA**, hereinafter referred to as “the City,” and **THE REGIONAL COMMUNITY CRIMINAL JUSTICE BOARD** and **THE REGIONAL ALCOHOL SAFETY ACTION PROGRAM POLICY BOARD**, hereinafter collectively referred to as “the Board,” provides as follows:

1. To promote the common good and enhance public safety the governing bodies of the counties and cities that make up the 23rd and 25th Judicial Circuits and Districts of Virginia, acting in accordance with enactments of the General Assembly of Virginia, created the Regional Alcohol Safety Action Program Policy Board and the Regional Community Criminal Justice Board and selected the members of those boards.
2. All necessary governmental units and agencies have authorized the City to serve the Board as its Fiscal Agent and as the Grantee of funds that may be allocated or directed to the Board (or either of its constituent boards) by governmental or private bodies, including but not limited to the Virginia Commission on VASAP and the Virginia Department of Criminal Justice Services, which funds are for convenience hereinafter referred to as “Grant” or “Grants.”
3. The City hereby contracts, covenants, and agrees:
 - a. to serve the Board as its Fiscal Agent and the Grantee of Grants;
 - b. to provide fiscal administration and management for Grants; and
 - c. to do so consistently with all requirements of law and of any particular Grant.
4. The Board hereby contracts, covenants, and agrees:

- a. Consistently with the provisions of Grants, the laws of Virginia, and the directives of the appropriate Executive and Judicial Branch officials, to provide Alcohol Safety Action Programs and Community Corrections Programs provided by the Grants in the area served by the programs.
- b. To have sole responsibility for the administration and operation of all Policy Board programs.
- c. That all purchases made with the funds from said Grants will comply with federal and state laws and the City's purchasing regulations.
- d. To abide by all the rules, regulations, guidelines, and general and special conditions of any Grant.
- e. To provide all information that the City needs to file, accurately and timely, any financial and narrative reports that may be required by the any Grant, or by generally accepted accounting practices.
- f. To furnish a fidelity bond with corporate surety in an amount not less than either (a) the full amount of the largest Grant during the term of this agreement, or (b) \$250,000 whichever is greater, which bond will indemnify and to save harmless the City, its officials, agents, and employees, from loss or liability to the Commonwealth of Virginia for funds received by the City pursuant to the terms of a Grant, or because of any default, malfeasance, misfeasance on the part of the Board, or on the part of any officers, agents, or employees of any Alcohol Safety Action Program or Community Criminal Justice or Community Diversion Incentive Program, said bond to remain in effect until such time as the Commonwealth of Virginia has approved all disbursements in writing or has in writing otherwise absolved the City, its officials, agents and employees from the responsibility for funds received pursuant to any Grant.
- g. To make all non-financial reports required by any Grant and furnish a copy of all reports to the City.

- h. To reimburse the City for all expenses incurred in its capacity as fiscal agent, to include, but not limited to the cost of personnel, fringe benefits, office supplies, accounting/auditing services, printing, processing of payroll, postage and technology charges. The parties agree that, during the term of this contract, this amount is \$1,430.94 per month, which sum will be billed and paid on a monthly basis.
- 5. The City's Director of Finance will serve as Program Administrator and will maintain a separate agency fund in the City's accounting system in which will be recorded all financial transactions of the Board. The City will keep complete and accurate records of the receipts and disbursements of Grants received by the Boards.
- 6. All receipts from the State of Virginia, the federal government, local governments, and all fees collected will be deposited in this agency fund.
- 7. The Director of the Program shall have printed pre-numbered receipts on which all fees shall be recorded as collected. These fees, along with all gifts, donations or other funds received, shall be deposited daily in the agency account.
- 8. The City shall maintain a complete payroll accounting system for employees of the Boards. Included in the payroll records will be a complete reporting of all deductions from the employees' earnings (FWT, FICA, W2(s) and State Withholding Taxes, Virginia Retirement System Pension and Life Insurance Plans, Health and Dental Plans, Credit Union deductions, and any other deductions).
- 9. The City shall maintain accurate records showing the details of all receipts and disbursements. The accounting system shall meet at least the following minimum requirements:
 - a. A general ledger showing an up-to-date balance of all accounts, budget appropriations, and an unexpended balance.
 - b. A complete set of journals showing all receipts, disbursements and adjustments. These journals shall clearly identify each transaction.

- c. All disbursements shall be by check and approved for payment by the Board, or their Program Director, and by the Finance Director of the City.
10. Employees of the Board and its Alcohol Safety Action Program, Community Criminal Justice and Pretrial Services program shall be considered employees of the City and as such shall have the same benefits as other City employees.
11. In case any grievance under the City's grievance system is filed by an employee of **Regional Community Criminal Justice Board** or the **Regional Alcohol Safety Action Program Policy Board**, the Board shall act as the Personnel Board for the City, and its decision as to any grievance shall be final.
12. This contract shall commence on July 1, 2021 and shall end on June 30, 2022. To the extent allowed by federal and state law, either party shall have the right to declare this contract void if the other party materially violates any provision of this agreement.

**IN WITNESS WHEREOF, AND WITH INTENT LEGALLY TO BE BOUND, THE PARTIES, BY
THEIR AUTHORIZED REPRESENTATIVES, AFFIX THEIR SIGNATURES:**

CITY OF SALEM, VIRGINIA

By: _____
Renee F. Turk, Mayor

By: _____
Rosemarie B. Jordan
Regional Community Criminal Justice Board

By: _____
Howard B. Hall
Regional Alcohol Safety Action Program Policy Board

ATTEST:

H. Robert Light
City Clerk of Council
July 1, 2021

Krystal Hulette, Director
July 1, 2021

Item #6B
Date: 8/09/2021

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA
HELD AT CITY HALL

MEETING DATE: August 9, 2021

AGENDA ITEM: Request to re-appropriate funding for Sewer vehicle

SUBMITTED BY: Rosemarie B. Jordan, Director of Finance

SUMMARY OF INFORMATION:

In fiscal year 2021, \$40,000 was included in the Sewer fund adopted budget to purchase a ¾ ton crew truck. Due to chip issues in the auto industry, the vehicle could not be purchased in fiscal year 2021. Staff requests that funds be reappropriated in fiscal year 2022 to purchase the truck.

FISCAL IMPACT:

Re-appropriated funds will be used to cover the cost of equipment.

STAFF RECOMMENDATION:

Staff recommends re-appropriating \$40,000 to increase the appropriated from net position account budget, 52-052-0030-44696 by \$40,000 and increase the motor vehicles and equipment account budget, 52-052-0031-58004 by \$40,000 for the purpose stated above.

Budget Entry

Date	GL Account	Account Name	Increase/ (Decrease)	Description
8/9/2021	52-052-0030-44696	Appropriated from net position	40,000	Re-appropriate funding for crew truck
8/9/2021	52-052-0031-58004	Motor vehicles and equipment	40,000	Re-appropriate funding for crew truck

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA
HELD AT CITY HALL

MEETING DATE: August 9, 2021

AGENDA ITEM: Performance Contract – Blue Ridge Behavioral Healthcare

SUBMITTED BY: Rosemarie Jordan, Director of Finance

SUMMARY OF INFORMATION:

The City of Salem participates with Blue Ridge Behavioral Healthcare in providing Mental Health, Developmental and Substance Abuse Disorder Services to the citizens of Salem and the Roanoke Region. Each year, Blue Ridge Behavioral Healthcare enters into a “Performance Contract” with the Commonwealth of Virginia Department of Behavioral Health and Developmental Services in its service area. The *Code of Virginia*, Section 37.2-508 as amended, requires the local governing body be given the option to review and concur in the plan to be submitted. For fiscal year 2021-22, Salem will contribute \$155,104 to Blue Ridge Behavioral Healthcare.

Blue Ridge Behavioral Healthcare has forwarded a copy of their FY 2022 Community Services Performance Contract to the City for Council approval.

STAFF RECOMMENDATION:

It is my recommendation that the FY 2022 Performance Contract be approved as submitted. A copy of the Community Services Performance Contract is attached for your review.



**Blue Ridge
Behavioral
Healthcare**



Office of the CEO

July 13, 2021

Mr. Jay Taliaferro
City Manager
City of Salem
114 North Broad Street
Salem, VA 24153

Dear Taliaferro:

In compliance with §37.2-508 1B of the Code of Virginia as amended, I am enclosing a copy of Blue Ridge Behavioral Healthcare's proposed FY 2022 Performance Contract with the Virginia Department of Behavioral Health and Developmental Services. The complete Performance Contract can be found by visiting the BRBH website at <https://www.brbh.org/wp-content/uploads/2021/07/2021-07-08-Public-Notice-FY-2022-DBHDS-Performance-Contract.pdf> and the attached Exhibit A lists specific resources and services information for the FY 2022 Community Services Performance Contract.

According to the referenced Code section, the community services board, "...shall make its proposed performance contract available for public review and solicit public comment for a period of 30 days." Should you or a representative of the City of Salem have any questions or comments about these documents, please reach out to Mark Chadwick, Chief Financial Officer by emailing mchadwick@brbh.org. As noted in the referenced Code section, if the governing body of each city or county does not approve the proposed performance contract by September 30 of each year, the performance contract shall be deemed approved or renewed.

We are pleased to provide the FY 2022 Performance Contract information for your review. As always, we appreciate the collaboration and support of the City of Salem.

Sincerely,

Debbie Bonniwell
Chief Executive Officer

Mark Chadwick
Chief Financial Officer

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM, VIRGINIA
HELD AT CITY HALL

MEETING DATE: August 9, 2021

AGENDA ITEM: Resolution authorizing and approving the City Manager and the City Attorney to execute the Virginia Abatement Fund Settlement Allocation Memorandum of Understanding

SUBMITTED BY: Jim Guynn, City Attorney

SUMMARY OF INFORMATION:

The City (through outside opioid litigation counsel) and the Commonwealth of Virginia are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities. The City and the Commonwealth, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries.

The City's outside opioid litigation counsel has recommended that the City approve the proposed memorandum of understanding. Some of the key provisions of the agreement regarding the allocation and distribution of funds are set forth below.

- All opioid funds received will be initially divided as follows:
 - 15% going to participating political subdivisions (including the City); there will be no restrictions on the use of these funds,
 - 70% going to the "Virginia Opioid Abatement Share," and
 - 15% going to the Commonwealth of VA
- The 70% going to the Virginia Opioid Abatement Share will then be further divided as follows:
 - 15% shall be allocated to the participating political subdivisions and shall be used for approved abatement purposes, and
 - 55% shall be allocated to the Virginia Opioid Abatement Fund (that was established by the General Assembly in 2021, pursuant to Section 2.2-2365 *et. seq.* of the Code of Virginia).

FISCAL IMPACT:

There is no cost incurred in the approval of the memorandum of understanding.

STAFF RECOMMENDATION:

Staff recommends approval and authorization to the City Manager and City Attorney to execute the memorandum of understanding.

IN THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, AUGUST 9, 2021

RESOLUTION 1405

WHEREAS, the City of Salem, through their elected representatives and counsel, and the Commonwealth of Virginia, through the Office of the Attorney General, are separately engaged in litigation seeking to recover costs incurred and to be incurred in abating the opioid addiction epidemic that plagues Virginia communities;

WHEREAS, the City of Salem and the Commonwealth of Virginia share a common desire to abate and alleviate the impacts of the opioid addiction epidemic and to maximize litigation recoveries from those third parties responsible for same;

WHEREAS, in order to advance their common interests, the City of Salem and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of such litigation recoveries;

WHEREAS, the City's outside opioid litigation counsel has recommended that the City approve the proposed memorandum of understanding; and

WHEREAS, the City Attorney has reviewed the available information about the proposed memorandum of understanding and concurs with the recommendation of outside counsel;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salem, assembled on this day at which a quorum is present, that the City of Salem hereby authorizes and approves, or confirms authorization and approval, of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding attached hereto and incorporated herein by reference thereto as Exhibit "A", and directs the City Manager or the City Attorney to execute and enter into such Memorandum of Understanding on behalf of the City of Salem.

Upon a call for an aye and a nay vote, the same stood as follows:

John E. Saunders -
William D. Jones -
Byron Randolph Foley -
James W. Wallace, III -
Renée F. Turk -

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia

**VIRGINIA OPIOID ABATEMENT FUND AND
SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING**

WHEREAS, the people of the Commonwealth of Virginia and its communities have been harmed through the national and statewide epidemic caused by licit and illicit opioid use and distribution within the Commonwealth of Virginia;

WHEREAS, the Commonwealth of Virginia, through the Office of Attorney General Mark R. Herring, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the Pharmaceutical Supply Chain accountable for the damage caused;

WHEREAS, the Commonwealth of Virginia and its Political Subdivisions share a common desire to abate and alleviate the impacts of the opioid epidemic throughout Virginia; and now

THEREFORE, the Commonwealth of Virginia and certain of its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding ("MOU") relating to the allocation and use of the proceeds of any Settlements as described herein.

A. Definitions

As used in this Virginia Term Sheet:

1. "The Commonwealth" shall mean the Commonwealth of Virginia acting through its Attorney General.
2. "Political Subdivision(s)" shall mean the Virginia counties and independent cities represented by Counsel.
3. "Participating Political Subdivisions" shall mean the Political Subdivisions, along with all Virginia counties and independent cities who agree to become signatories to this MOU and to be bound by the terms of future Settlements.

4. "Counsel" shall mean the undersigned private attorneys representing the Political Subdivisions.
5. "The Parties" shall mean the Commonwealth of Virginia, the Political Subdivisions, and Counsel.
6. "Negotiating Committee" shall mean a three-member representative group of the Parties. The Commonwealth shall be represented by the Virginia Attorney General or his designees. The Political Subdivisions and Counsel shall be represented by W. Edgar Spivey of Kaufman & Canoles, P.C. or his designee, and J. Burton LeBlanc of Baron & Budd, P.C. or his designee.
7. "Settlement" shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant named in Complaints filed by all the Political Subdivisions in court on or before April 30, 2020 when that resolution has been jointly entered into by the Commonwealth, the Political Subdivisions, and Counsel. "Settlement" also shall include the approval by a United States Bankruptcy Court of a plan of reorganization or liquidation of a Pharmaceutical Supply Chain Participant, or any other determination, ruling, or decision by a United States Bankruptcy Court, in which legal or equitable claims against the Pharmaceutical Supply Chain Participant by the Commonwealth and the Political Subdivisions are settled, adjudicated, released, or otherwise resolved.
8. "Opioid Funds" shall mean monetary amounts obtained through a Settlement as defined in this MOU.
9. "Approved Abatement Purposes" shall mean efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or to otherwise abate or remediate the

opioid epidemic, including but not limited to those efforts described in Section C(4)(a) through (j) of this MOU. In addition, “Approved Abatement Purposes” shall include the types of efforts approved for funding by the Authority that is defined in Section C(1). “Approved Abatement Purposes” also shall include any other abatement or remediation purposes to the extent such purposes are described in a Settlement.

10. “Pharmaceutical Supply Chain” shall mean the process and channels through which opioids or opioid products are manufactured, marketed, promoted, distributed or dispensed.
11. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.

B. Allocation of Settlement Proceeds

1. All Opioid Funds shall be initially divided with fifteen percent (15%) going to the Participating Political Subdivisions (“Subdivision Share”), seventy percent (70%) going to the Virginia Opioid Abatement Fund and to other Approved Abatement Purposes as further described herein (“Opioid Abatement Share”), and fifteen percent (15%) going to the Commonwealth of Virginia (“Commonwealth Share”).
2. The Subdivision Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

3. In the event a Participating Political Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Participating Political Subdivision shall be redistributed equitably based on the composition of the successor subdivision.
4. The Commonwealth Share shall be deposited to the Attorney General's Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund with moneys transferred to the Commonwealth's General Fund as provided by law. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Commonwealth Share shall be deposited and distributed accordingly.
5. The Opioid Abatement Share of 70% of the Opioid Funds shall be allocated and paid as follows:
 - a. Fifty-five percent (55%) of the Opioid Funds shall be allocated and paid to the Virginia Opioid Abatement Fund ("Fund").
 - b. Fifteen percent (15%) of the Opioid Funds shall be allocated and paid to the Participating Political Subdivisions and shall be used for Approved Abatement Purposes ("Direct Subdivision Abatement Share"). Upon request, a Participating Political Subdivision shall make publicly available information showing the purposes for which the Participating Political Subdivision used Direct Subdivision Abatement Share funds. The Direct Subdivision Abatement Share shall be allocated and paid to the Participating Political Subdivisions in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who

elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.

6. To the extent a Settlement requires that all Opioid Funds be used only for abatement or similar purposes, then the Subdivision Share and the Commonwealth Share shall be used for Approved Abatement Purposes.
7. To receive funds allocated under this MOU from any Settlement, the Commonwealth and the Participating Political Subdivisions will comply with the terms of any such Settlement, including, among other things, any reporting requirements or restrictions on the use of funds for administrative purposes.

C. Virginia Opioid Abatement Fund and Virginia Opioid Abatement Authority

1. The Parties have sought creation of a Virginia Opioid Abatement Authority (“Authority”) through legislation submitted to the Virginia General Assembly, which passed in the form attached hereto as Exhibit B. The Authority shall administer the Fund, which also shall be created through the legislation. The Authority shall seek to abate and remediate the opioid epidemic in Virginia through financial support from the Fund in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in Virginia.
2. The Authority shall be governed by a Board of Directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources, or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a Participating Political Subdivision, to

be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority of an urban or suburban region containing Participating Political Subdivisions and one representative of a community services board or behavioral health authority of a rural region containing Participating Political Subdivisions, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a Participating Political Subdivision, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing City or County Attorney of a Participating Political Subdivision, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

- a. The members appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor.
- b. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms. Ex officio members shall serve terms coincident with their terms of office.

- c. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business. The Board shall meet annually or more frequently at the call of the chairman.
- 3. The Authority shall establish specific criteria and procedures for awards from the Fund; establish requirements for the submission of funding requests; evaluate funding requests in accordance with the criteria established by the Authority; make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of minimum percentages of funds that must be awarded to each Participating Political Subdivision; and evaluate the implementation and results of all efforts receiving support from the Authority.
- 4. The Authority may make grants and disbursements from the Fund that support efforts to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic. Such efforts may include but shall not be limited to the following:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies.
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;

- c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
- d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved, or are at risk of becoming involved, in the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
- e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
- f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions, and the needs of their families, including babies with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
- g. Support efforts to prevent over-prescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
- h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;

- i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services.
- 5. The Authority shall provide financial support only for efforts that satisfy the following conditions:
 - a. The efforts shall be conducted or managed by a Virginia state agency or Participating Political Subdivision;
 - b. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
 - c. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and
 - d. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.
- 6. The Authority shall give priority to applications for financial support for efforts that:

- a. Collaborate with an existing program or organization that has an established record of success treating, preventing or reducing opioid use disorder or the misuse of opioids;
 - b. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate relative to population;
 - c. Treat, prevent or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community, as that term is defined in Va. Code § 56-576; or
 - d. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.
7. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:
- a. Fifteen percent (15%) shall be restricted for use by state agencies;
 - b. Fifteen percent (15%) shall be restricted for use by Participating Political Subdivisions with these funds distributed in accordance with the division of proceeds referenced in the schedule attached hereto as Exhibit A. The shares of Virginia counties and independent cities who elect not to become Participating Political Subdivisions, if any, shall be reallocated ratably to the Participating Political Subdivisions.
 - c. Thirty-five percent (35%) shall be restricted for use for regional efforts (a partnership of at least two Participating Political Subdivisions within a community services board region); and

- d. Thirty-five percent (35%) shall be unrestricted and may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by the Participating Political Subdivisions, or for regional efforts in addition to the amounts set forth in subparagraphs 7(a)-(c), provided that the Authority shall ensure that such funds are used to accomplish the purposes described above or invested as described immediately below.
8. In distributing money from the Fund, the Authority shall balance immediate and anticipated needs with projected receipts of funds in order to best accomplish the purposes for which the Authority is established.
9. The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System.

D. Payment of Counsel and Litigation Expenses

1. The Parties anticipate that any national Settlement will provide for payment of all or a portion of the attorneys' fees and litigation expenses of named plaintiff Participating Political Subdivisions. Counsel for any named plaintiff Participating Political Subdivision that seeks to recover attorneys' fees and litigation expenses from Settlement funds shall first seek to recover such fees and expenses from any national Settlement fund established to pay such fees and expenses. For such purposes, the Parties agree that the monetary recoveries obtained via Settlement are attributable to the Commonwealth and the Political Subdivisions 50% each.
2. In addition, the Parties agree that a supplemental attorneys' fees and costs fund (the "Deficiency Fund") will be created; provided, however, that such Deficiency Fund may not violate the terms of any national Settlement. In such event, the Parties

agree to exert diligent efforts to accomplish an alternate arrangement that preserves the payment of counsel and litigation expenses outlined hereunder. Administration of the Deficiency Fund shall be the responsibility of the Political Subdivisions, and the costs of administration may be paid out of the Deficiency Fund.

3. The Deficiency Fund is to be used to compensate counsel for the Participating Political Subdivisions that filed suit on or prior to April 30, 2020. Eligible contingent fee contracts shall have been executed on or before April 30, 2020.
4. The Deficiency Fund shall be funded as follows: from any national Settlement, the funds deposited in the Deficiency Fund shall be 25% of the Subdivision Share and 25% of the Direct Subdivision Abatement Share of each payment (annual or otherwise) that is allocated to the Commonwealth of Virginia (including its political subdivisions) for that Settlement. These funds shall be deposited to the Deficiency Fund prior to distribution to the Participating Political Subdivisions. No portion of the Deficiency Fund shall be drawn from the Commonwealth Share or the Fund.
5. The maximum percentage of any contingency fee agreement permitted for compensation shall be 25% of the portion of the Subdivision Share and the Direct Subdivision Abatement Share attributable to the named plaintiff Participating Political Subdivision that is a party to the contingency fee agreement, plus expenses attributable to that named plaintiff Participating Political Subdivision. Under no circumstances may counsel collect more for its work on behalf of a named plaintiff Participating Political Subdivision than it would under its contingency agreement with that named plaintiff Participating Political Subdivision.

6. To the extent that funds available in the designated amounts or percentages set forth in this Section D are inadequate to fully pay amounts due under contingent fee contracts, funds shall be distributed to private counsel for named plaintiff Participating Political Subdivisions who filed suit and entered into contingent fee contracts prior to April 30, 2020 on a pro rata basis based on the percentage of the total population of named plaintiff Participating Political Subdivisions contained in the named plaintiff Participating Political Subdivision that private counsel represents.
7. Any funds remaining in the Deficiency Fund in excess of the amounts needed to cover private counsel's representation agreements shall revert to the Participating Political Subdivisions and be allocated to the sources from which they derived.
8. Any attorneys' fees related to representation of the Commonwealth of Virginia shall not be paid from the Subdivision Share, the Direct Subdivision Abatement Share, or the Fund but shall be drawn directly from the Commonwealth Share or through other sources. Any payments of attorneys' fees related to representation of the Commonwealth of Virginia from such other sources shall not be deemed Opioid Funds subject to allocation under this MOU.

E. Settlement Negotiations

1. The Negotiating Committee members agree to inform each other in advance of any negotiations relating to any Virginia-only Settlement with a Pharmaceutical Supply Chain Participant that includes both the Commonwealth and its Political Subdivisions and shall provide each other the opportunity to participate in such negotiations.

2. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants. Neither this provision, nor any other, shall be construed to state or imply that the Commonwealth or the Political Subdivisions are unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the Commonwealth's and the Political Subdivisions' efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.
3. As this is a Virginia-specific effort, the Negotiating Committee shall be chaired by the Attorney General or his designee.
4. The Commonwealth of Virginia, the Political Subdivisions, or Counsel may withdraw from coordinated Settlement discussions detailed in this Section upon 5 days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section E.
5. The obligations in this Section E shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case-specific resolution with that particular Pharmaceutical Supply Chain Participant.

6. Nothing in this MOU alters or changes the right of the Commonwealth or any Political Subdivision to pursue its own claim. The intent of this MOU is to join the Parties to reach a Settlement or Settlements.

Acknowledgment of Agreement

We, the undersigned, have participated in the drafting of the above MOU, including comments solicited from client Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the Commonwealth and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require acceptance by the Commonwealth of Virginia and the Participating Political Subdivisions.

We, the undersigned, hereby accept the VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING. We understand that the purpose of this MOU is to permit collaboration between the Commonwealth of Virginia and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential Settlement funds obtained under this MOU between the Commonwealth of Virginia and the Participating Political Subdivisions in a manner that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Virginia.

Executed this _____ day of _____, 2021.

FOR THE COMMONWEALTH OF VIRGINIA:

MARK R. HERRING
ATTORNEY GENERAL

FOR POLITICAL SUBDIVISIONS AND COUNSEL (list firms)

EXHIBIT A

Table 1: Opioid Settlement Allocations to Counties and Independent Cities

Location	%	Location	%	Location	%
Accomack	0.348%	Franklin City	0.079%	Norton City	0.110%
Albemarle	0.863%	Frederick	1.277%	Nottoway	0.133%
Alexandria City	1.162%	Fredericksburg City	0.524%	Orange	0.638%
Alleghany	0.213%	Galax City	0.139%	Page	0.410%
Amelia	0.100%	Giles	0.409%	Patrick	0.329%
Amherst	0.299%	Gloucester	0.424%	Petersburg City	0.395%
Appomattox	0.133%	Goochland	0.225%	Pittsylvania	0.750%
Arlington	1.378%	Grayson	0.224%	Poquoson City	0.186%
Augusta	0.835%	Greene	0.178%	Portsmouth City	1.937%
Bath	0.037%	Greensville	0.124%	Powhatan	0.262%
Bedford	0.777%	Halifax	0.353%	Prince Edward	0.190%
Bland	0.147%	Hampton City	1.538%	Prince George	0.351%
Botetourt	0.362%	Hanover	1.079%	Prince William	3.556%
Bristol City	0.434%	Harrisonburg City	0.523%	Pulaski	1.061%
Brunswick	0.107%	Henrico	4.473%	Radford City	0.247%
Buchanan	0.929%	Henry	1.220%	Rappahannock	0.091%
Buckingham	0.127%	Highland	0.023%	Richmond	0.084%
Buena Vista City	0.078%	Hopewell City	0.344%	Richmond City	4.225%
Campbell	0.456%	Isle of Wight	0.356%	Roanoke	1.498%
Caroline	0.318%	James City	0.612%	Roanoke City	1.859%
Carroll	0.440%	King George	0.306%	Rockbridge	0.235%
Charles City	0.073%	King William	0.178%	Rockingham	0.614%
Charlotte	0.138%	King and Queen	0.072%	Russell	1.064%
Charlottesville City	0.463%	Lancaster	0.135%	Salem City	0.786%
Chesapeake City	2.912%	Lee	0.556%	Scott	0.421%
Chesterfield	4.088%	Lexington City	0.093%	Shenandoah	0.660%
Clarke	0.125%	Loudoun	2.567%	Smyth	0.592%
Colonial Heights City	0.283%	Louisa	0.449%	Southampton	0.137%
Covington City	0.100%	Lunenburg	0.088%	Spotsylvania	1.417%
Craig	0.070%	Lynchburg City	0.816%	Stafford	1.443%
Culpeper	0.790%	Madison	0.163%	Staunton City	0.440%
Cumberland	0.100%	Manassas City	0.452%	Suffolk City	0.710%
Danville City	0.637%	Manassas Park City	0.095%	Surry	0.058%
Dickenson	0.948%	Martinsville City	0.494%	Sussex	0.081%
Dinwiddie	0.196%	Mathews	0.088%	Tazewell	1.606%
Emporia City	0.050%	Mecklenburg	0.344%	Virginia Beach City	4.859%
Essex	0.101%	Middlesex	0.108%	Warren	0.766%
Fairfax	8.672%	Montgomery	1.205%	Washington	0.996%

Fairfax City	0.269%	Nelson	0.147%	Waynesboro City	0.363%
Falls Church City	0.102%	New Kent	0.156%	Westmoreland	0.223%
Fauquier	1.210%	Newport News City	2.047%	Williamsburg City	0.086%
Floyd	0.182%	Norfolk City	3.388%	Winchester City	0.649%
Fluvanna	0.194%	Northampton	0.122%	Wise	1.756%
Franklin	0.954%	Northumberland	0.129%	Wythe	0.642%
				York	0.561%

EXHIBIT B

Va. Code Ann. § 2.2-2365

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2365. Definitions

As used in this article, unless the context requires a different meaning:

"Authority" means the Opioid Abatement Authority.

"Board" means the board of directors of the Authority.

"Community services board region" means a region as determined by the Department of Behavioral Health and Developmental Services for purposes of administering Chapter 5 (§ 37.2-500 et seq.) of Title 37.2.

"Fund" means the Opioid Abatement Fund.

"Historically economically disadvantaged community" means the same as such term is defined in § 56-576.

"Local apportionment formula" means any formula submitted to the Attorney General by participating localities pursuant to the provisions of subsection B of § 2.2-507.3.

"Participating locality" means any county or independent city that agrees to be bound by the terms of a settlement agreement entered into by the Attorney General relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and that releases its own such claims.

"Regional effort" means any effort involving a partnership of at least two participating localities within a community services board region.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

This section is effective July 1, 2021.

End of Document

Va. Code Ann. § 2.2-2366

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2366. Opioid Abatement Authority established

The Opioid Abatement Authority is established as an independent body. The purpose of the Authority is to abate and remediate the opioid epidemic in the Commonwealth through financial support from the Fund, in the form of grants, donations, or other assistance, for efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids in the Commonwealth. The Authority's exercise of powers conferred by this article shall be deemed to be the performance of an essential governmental function and matters of public necessity for which public moneys may be spent and private property acquired.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2367

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2367. Board of directors; members

A. The Authority shall be governed by a board of directors consisting of 11 members as follows: (i) the Secretary of Health and Human Resources or his designee; (ii) the Chair of the Senate Committee on Finance and Appropriations or his designee and the Chair of the House Committee on Appropriations or his designee; (iii) an elected member of the governing body of a participating locality, to be selected from a list of three submitted jointly by the Virginia Association of Counties and the Virginia Municipal League; (iv) one representative of a community services board or behavioral health authority serving an urban or suburban region containing participating localities and one representative of a community services board or behavioral health authority serving a rural region containing participating localities, each to be selected from lists of three submitted by the Virginia Association of Community Services Boards; (v) one sheriff of a participating locality, to be selected from a list of three submitted by the Virginia Sheriffs' Association; (vi) one licensed, practicing county or city attorney of a participating locality, to be selected from a list of three submitted by the Local Government Attorneys of Virginia; (vii) two medical professionals with expertise in public and behavioral health administration or opioid use disorders and their treatment; and (viii) one representative of the addiction and recovery community.

The member appointed pursuant to clause (i) shall serve ex officio, and the members appointed pursuant to clauses (iii) through (viii) shall be appointed by the Governor. If the term of the office to which a member appointed pursuant to clause (iii) or (v) was elected expires prior to the expiration of his term as a member of the board, the Governor may authorize such member to complete the remainder of his term as a member or may appoint a new member who satisfies the criteria of clause (iii) or (v), as applicable, to complete the remainder of the term.

B.1. After an initial staggering of terms, members of the Board shall serve terms of four years. No member shall be eligible to serve more than two terms. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

2. Ex officio members shall serve terms coincident with their terms of office.

C. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

D. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

E. The Board shall meet annually or more frequently at the call of the chairman.

History

2021, Sp. Sess. I, cc. 306, 307.

Notes

EDITOR'S NOTE. --

Acts 2021, Sp. Sess. I, cc. 306 and 307, cl. 2 provides: "That the initial appointments of nonlegislative citizen members to the board of directors of the Opioid Abatement Authority shall be staggered as follows: (i) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of one year, (ii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of two years, (iii) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of three years, and (iv) two nonlegislative citizen members appointed by the Governor shall be appointed for a term of four years. For purposes of this enactment, "nonlegislative citizen member" means any member identified in clauses (iii) through (viii) of § 2.2-2367 of the Code of Virginia, as created by this act. Any nonlegislative citizen member appointed to an initial term of less than four years shall be eligible to serve two additional full four-year terms."

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2368

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2368. Duties of the Authority

The Authority shall:

1. Establish specific criteria and procedures for awards from the Fund;
2. Establish requirements for the submission of funding requests;
3. Evaluate funding requests in accordance with the criteria established by the Authority and the provisions of this article;
4. Make awards from the Fund in a manner that distributes funds equitably among all community services board regions of the Commonwealth, including the establishment of mandatory minimum percentages of funds to be awarded from the Commonwealth to each participating locality;
5. Evaluate the implementation and results of all efforts receiving support from the Authority; and
6. Administer the Fund in accordance with the provisions of this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

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Va. Code Ann. § 2.2-2369

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2369. Powers of the Authority

In order to carry out its purposes, the Authority may:

1. Make grants and disbursements from the Fund that support efforts to treat, prevent, and reduce opioid use disorder and the misuse of opioids or otherwise abate or remediate the opioid epidemic;
2. Pay expenditures from the Fund that are necessary to carry out the purposes of this article;
3. Contract for the services of consultants to assist in the evaluation of the efforts funded by the Authority;
4. Contract for other professional services to assist the Authority in the performance of its duties and responsibilities;
5. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this article;
6. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Authority or otherwise in furtherance of the purposes of this article;
7. Perform any lawful acts necessary or appropriate to carry out the purposes of the Authority; and
8. Employ such staff as is necessary to perform the Authority's duties. The Authority may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Staff of the Authority shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees. Staff of the Authority shall not be subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2370

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2370. Conditions and restrictions on financial assistance

A. The Authority shall provide financial support only for efforts that satisfy the following conditions:

1. The efforts shall be designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids or otherwise abate or remediate the opioid epidemic, which may include efforts to:
 - a. Support treatment of opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
 - b. Support people in recovery from opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
 - c. Provide connections to care for people who have, or are at risk of developing, opioid use disorder and any co-occurring substance use disorder or mental health conditions through evidence-based or evidence-informed methods, programs, or strategies;
 - d. Support efforts, including law-enforcement programs, to address the needs of persons with opioid use disorder and any co-occurring substance use disorder or mental health conditions who are involved in, or are at risk of becoming involved in, the criminal justice system through evidence-based or evidence-informed methods, programs, or strategies;
 - e. Support drug treatment and recovery courts that provide evidence-based or evidence-informed options for people with opioid use disorder and any co-occurring substance use disorder or mental health conditions;
 - f. Support efforts to address the needs of pregnant or parenting women with opioid use disorder and any co-occurring substance use disorder or mental health conditions and the needs of their families, including infants with neonatal abstinence syndrome, through evidence-based or evidence-informed methods, programs, or strategies;
 - g. Support efforts to prevent overprescribing and ensure appropriate prescribing and dispensing of opioids through evidence-based or evidence-informed methods, programs, or strategies;
 - h. Support efforts to discourage or prevent misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;
 - i. Support efforts to prevent or reduce overdose deaths or other opioid-related harms through evidence-based or evidence-informed methods, programs, or strategies; and
 - j. Support efforts to provide comprehensive resources for patients seeking opioid detoxification, including detoxification services;
2. The efforts shall be conducted or managed by any agency of the Commonwealth or participating locality;
3. No support provided by the Authority shall be used by the recipient to supplant funding for an existing program or continue funding an existing program at its current amount of funding;
4. No support provided by the Authority shall be used by the recipient for indirect costs incurred in the administration of the financial support or for any other purpose proscribed by the Authority; and

5. Recipients of support provided by the Authority shall agree to provide the Authority with such information regarding the implementation of the effort and allow such monitoring and review of the effort as may be required by the Authority to ensure compliance with the terms under which the support is provided.

B. The Authority shall give priority to applications for financial support for efforts that:

1. Collaborate with an existing program or organization that has an established record of success treating, preventing, or reducing opioid use disorder or the misuse of opioids;
2. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a community with a high incidence of opioid use disorder or opioid death rate, relative to population;
3. Treat, prevent, or reduce opioid use disorder or the misuse of opioids in a historically economically disadvantaged community; or
4. Include a monetary match from or on behalf of the applicant, with higher priority given to an effort with a larger matching amount.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2371

Current through the 2021 Regular Session and Special Session I of the General Assembly

VA - Code of Virginia (Annotated) > TITLE 2.2. ADMINISTRATION OF GOVERNMENT > SUBTITLE I. ORGANIZATION OF STATE GOVERNMENT > PART D. STATE AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS, FOUNDATIONS AND OTHER COLLEGIAL BODIES > CHAPTER 22. AUTHORITIES > ARTICLE 12. OPIOID ABATEMENT AUTHORITY

§ 2.2-2371. Cooperation with other agencies

All agencies of the Commonwealth shall cooperate with the Authority and, upon request, assist the Authority in the performance of its duties and responsibilities.

History

2021, Sp. Sess. I, cc. 306, 307.

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2372

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2372. Form and audit of accounts and records

A.The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B.The accounts and records of the Authority are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2373

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2373. Annual report

The Authority shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Authority no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding efforts supported by the Authority and expenditures from the Fund.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2374

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§ 2.2-2374. Opioid Abatement Fund

A. There is hereby created in the state treasury a special, nonreverting fund to be known as the Opioid Abatement Fund, referred to in this section as "the Fund," to be administered by the Authority. All funds appropriated to the Fund, all funds designated by the Attorney General under § 2.2-507.3 from settlements, judgments, verdicts, and other court orders relating to claims regarding the manufacturing, marketing, distribution, or sale of opioids, and any gifts, donations, grants, bequests, and other funds received on the Fund's behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be authorized by majority vote of the Board.

B. Moneys in the Fund shall be used to provide grants and loans to any agency of the Commonwealth or participating locality for the purposes determined by the Authority in accordance with this article and in consultation with the Office of the Attorney General. The Authority shall develop guidelines, procedures, and criteria for the application for and award of grants or loans in consultation with the Office of the Attorney General. Such guidelines, procedures, and criteria shall comply with the terms of any applicable settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities.

C. The Authority shall fund all staffing and administrative costs from the Fund. Its expenditures for staffing and administration shall be limited to those that are reasonable for carrying out the purposes of this article.

D. For every deposit to the Fund, the Authority shall allocate a portion to the following purposes:

1. Fifteen percent shall be restricted for use by state agencies;
2. Fifteen percent shall be restricted for use by participating localities, provided that if the terms of a settlement, judgment, verdict, or other court order, or any agreement related thereto between the Attorney General and participating localities, require this portion to be distributed according to a local apportionment formula, this portion shall be distributed in accordance with such formula;
3. Thirty-five percent shall be restricted for use for regional efforts; and
4. Thirty-five percent shall be unrestricted. Unrestricted funds may be used to fund the Authority's staffing and administrative costs and may be distributed for use by state agencies, by participating localities, or for regional efforts in addition to the amounts set forth in subdivisions 1, 2, and 3, provided that the Authority shall ensure that such funds are used to accomplish the purposes of this article or invested under subsection F.

E. In distributing money from the Fund under subsection D, the Authority shall balance immediate and anticipated needs with projected receipts of funds to best accomplish the purposes for which the Authority is established.

F.The Board may designate any amount from the Fund to be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.40. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2375

Current through the 2021 Regular Session and Special Session I of the General Assembly

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§ 2.2-2375. Exemption from taxes or assessments

The exercise of the powers granted by this article shall be in all respects for the benefit of the people of the Commonwealth, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and as the operation and maintenance of projects by the Authority and the undertaking of activities in furtherance of the purpose of the Authority constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon any project or any property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operations of the Authority, and shall at all times be free from state and local taxation. The exemption granted in this section shall not be construed to extend to persons conducting on the premises of a facility businesses for which local or state taxes would otherwise be required.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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Va. Code Ann. § 2.2-2376

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§ 2.2-2376. Exemption of Authority from personnel and procurement procedures

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.) and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the Authority in the exercise of any power conferred under this article.

History

2021, Sp. Sess. I, cc. 306 , 307 .

Annotations

Notes

EFFECTIVE DATE. --

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August 9, 2021

Council of the City of Salem
Salem, Virginia 24153

Dear Council Members:

For your information, I am listing appointments and vacancies on various boards and commissions:

<u>Board or Commission</u>	<u>Recommendation</u>
<u>Vacancies with Candidates</u>	
Board of Zoning Appeals	Recommend Steve Belanger for Circuit Court appointment as alternate member to fill the unexpired term of Channing Mason for the remainder of a five-year term ending November 13, 2023.
Fair Housing	Recommend appointing Cole Keister for a three-year term ending August 9, 2024.
<u>Vacancies</u>	
Board of Appeals (USBC)	Need two alternates, five-year terms
Board of Zoning Appeals	Need one alternate, five-year term
Fair Housing Board	Need a replacement for Sharyn McCullough
Roanoke Valley Greenway Commission	Need a replacement for Mac Johnson

Sincerely,

Laura Lea Harris

Laura Lea Harris
Deputy Clerk of Council

**CITY OF SALEM, VIRGINIA
BOARDS AND COMMISSIONS
August 9, 2021**

MEMBER EXPIRATION OF TERM

BLUE RIDGE BEHAVIORAL HEALTHCARE

Term of Office: 3 years (3 terms only)

Ann Tripp	12-31-21
Rev. C. Todd Hester	12-31-22
Dr. Forest Jones	12-31-23

AT LARGE MEMBERS:

Patrick Kenney	12-31-22
Helen Ferguson	12-31-23
Bobby Russell	12-31-21

BOARD OF APPEALS (USBC BUILDING CODE)

Term of Office: 5 years

John R. Hildebrand	1-01-26
Robert S. Fry, III	1-01-23
David A. Botts	1-01-25
Nathan Routt	5-11-25
Joseph Driscoll	1-01-23

ALTERNATES:

Vacant	
Vacant	
Chelsea Dyer	8-09-25

BOARD OF EQUALIZATION OF REAL ESTATE
ASSESSMENTS

Term of Office: 3 years (**appointed by Circuit Court**)

Wendel Ingram	11-30-21
N. Jackson Beamer, III	11-30-21
David A. Prosser	11-30-22
Nancy Duffy	11-30-23
Kathy Fitzgerald	11-30-24

BOARD OF ZONING APPEALS

Term of Office: 5 years (**appointed by Circuit Court**)

F. Van Gresham	3-20-22
David E. Derr	3-30-23
Winston J. DuBois	6-05-24
Gary Lynn Eanes	3-20-25
Tom Copenhaver	4-10-22

ALTERNATES:

Frank Sellers	10-12-23
Jessica Cox	3-1-23
Channing Mason	Resignation 11-13-23

CHIEF LOCAL ELECTED OFFICIALS (CLEO)

CONSORTIUM

No Term Limit
John E. Saunders
Alternate: James E. Taliaferro, II

MEMBER EXPIRATION OF TERM

CONVENTION & VISITORS BUREAU

John Shaner	No term limit
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COMMUNITY POLICY AND MANAGEMENT TEAM

No term limit except for Private Provider

(Names)	(Alternates)
Rosie Jordan	Tammy Todd
Benjamin W. Tripp	James E. Taliaferro, II
Carolyn Minix	Rosemary Walker
Cheryl Wilkinson	Tamara Starnes
Vacant Parent Rep	Frank Turk
Shannon Brabham	Joyce Earl
Randy Jennings	Deborah Coker
Darryl Helems	Amanda Hall
Derek Weeks	Danny Crouse
Vacant – Health Dept.	Vacant
Parent Rep –Inez Farrell	
Vacant (Both terms exp.)	Kristy Ayers

ECONOMIC DEVELOPMENT AUTHORITY

Term of Office: 4 years (**Requires Oath of Office**)

William Q. Mongan	3-09-23
Paul C. Kuhnel	3-09-24
J. David Robbins	3-09-24
Cindy Shelor	4-10-25
Macel Janoschka	3-09-25
Sean B. Kosmann	12-14-24
Clark "Rob" Robinson Jr.	12-14-24

ECONOMIC DEVELOPMENT COMMITTEE

No Terms, no alternates

Jane Johnson	John Saunders
James Taliaferro	Rob Light
Melinda Payne	Benjamin Tripp
Mary Ellen Wines	Judy Hough

FAIR HOUSING BOARD

Term of Office: 3 years

Betty Waldron	7-01-22
Melton Johnson	7-01-23
Sharyn McCullough	no longer in Salem 7-01-20
Pat Dew	3-01-24
Janie Whitlow	4-09-24

<u>MEMBER</u>	<u>EXPIRATION OF TERM</u>
---------------	---------------------------

FINE ARTS COMMISSION (INACTIVE)

Term of Office: 4 years

Cameron Vest	5-01-15
Julie E. Bailey Hamilton	5-01-15
Brenda B. Bower	7-26-12
Vicki Daulton	10-26-12
Hamp Maxwell	10-26-12
Fred Campbell	5-01-13
Rosemary A. Saul	10-26-13
Rhonda M. Hale	10-12-14
Brandi B. Bailey	10-12-14

STUDENT REPRESENTATIVES

LOCAL OFFICE ON AGING

Term of Office: 3 years

John P. Shaner	3-01-24
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Partnership for a Livable Roanoke Valley

Term of Office: Unlimited

James E. Taliaferro, II

PERSONNEL BOARD

Term of Office: 2 years

William R. Shepherd	6-09-23
J. Chris Conner	8-12-23
Margaret Humphrey	8-12-23
Garry Lautenschlager	11-23-22
Teresa Hernandez	4-26-23

PLANNING COMMISSION AND
NPDES CITIZENS' COMMITTEE

Term of Office: 4 years

Neil Conner	7-31-22
Dee King	7-31-22
Vicki Daulton	7-26-23
Reid Garst	7-31-22
N. Jackson Beamer	8-28-23

REAL ESTATE TAX RELIEF REVIEW BOARD

Term of Office: 3 years

David G. Brittain	2-14-22
Wendel Ingram	6-11-24
Daniel L. Hart	2-14-24

ROANOKE REGIONAL AIRPORT COMMISSION

Term of Office: 4 years

Dale T. Guidry	7-1-24
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ROANOKE VALLEY-ALLEGHANY REGIONAL
COMMISSION

Term of Office: 3 years

John E. Saunders	6-30-24
Dee King	6-30-23
James W. Wallace III	6-30-24

*Losing one seat on this Board due to RVARC reorganization

<u>MEMBER</u>	<u>EXPIRATION OF TERM</u>
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ROANOKE VALLEY BROADBAND AUTHORITY

Term of Office: 4 years

James E. Taliaferro, II	12-14-2023
Citizen-At-Large	
Mike McEvoy	12-13-2021

ROANOKE VALLEY DETENTION COMMISSION

No Terms

Member	Alternate
James Taliaferro	Rosemarie Jordan

ROANOKE VALLEY GREENWAY COMMISSION

Term of Office: 3 years

McMillan H. Johnson, IV	6-30-21
Jessica P. Preston	6-30-22
Skip Lautenschlager	9-26-23

ROANOKE VALLEY RESOURCE AUTHORITY

Term of Office: 4 years

Mike Tyler	12-31-23
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ROANOKE VALLEY TRANSPORTATION PLANNING
ORGANIZATION (TPO) POLICY BOARD

Term of Office: 3 years

Renee F. Turk	6-30-2023
William "Bill" Jones	6-30-2023
Alternate: Byron R. Foley	6-30-2023
Alternate: John Saunders	6-30-2023

SCHOOL BOARD OF THE CITY OF SALEM

Term of Office: 3 years

Nancy Bradley	12-31-21
Teresa-Sizemore Hernandez	12-31-21
Andy Raines	12-31-22
Artice Ledbetter	12-31-22
David Preston	12-31-23

SOCIAL SERVICES ADVISORY BOARD

Term of Office: 4 years, 2 term limit

Betty McCrary	12-1-22
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TOTAL ACTION FOR PROGRESS

Term of Office: 2 years

Byron Randolph Foley	
(Melinda Payne appointed	11-13-21
as full-time alternate)	11-13-21

TRANSPORTATION TECHNICAL COMMITTEE (TTC)

Term of office: 3 years

Melinda Payne	6-30-23
Benjamin Tripp	6-30-23
Alternate: James E. Taliaferro, II	6-30-23
Alternate: Charles E. VanAllman, Jr.	6-30-23

MEMBER

EXPIRATION OF TERM

VIRGINIA WESTERN COMMUNITY COLLEGE LOCAL
ADVISORY

Term of Office: 4 years (2 terms only)

Dr. Forest I. Jones 6-30-22

VIRGINIA'S BLUE RIDGE BOARD

Term of Office:

James E. Taliaferro, II

WESTERN VIRGINIA EMERGENCY MEDICAL
SERVICES COUNCIL

Term of office: 3 years

Deputy Chief Matt Rickman 12-31-22

WESTERN VIRGINIA REGIONAL INDUSTRIAL
FACILITY AUTHORITY

Term of Office: 4 years **(Requires Oath of Office)**

James E. Taliaferro, II 2-3-2022

H. Robert Light 2-3-2024

Crystal Williams(Alternate for Taliaferro) 2-3-2022

Ben Tripp (alternate for Payne) 2-3-2024

WESTERN VIRGINIA REGIONAL JAIL AUTHORITY

Term of Office: 1 year – Expires 12-31-2021

(Requires Oath of Office)

William D. Jones

Alternate: Byron R. Foley

James E. Taliaferro, II

Alternate: Rosemarie Jordan

April M. Staton

Alternate: Chief Deputy-Major B. Todd Clingenpeel