



**City Council Meeting**  
**AGENDA**  
***Monday, February 12, 2024, 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

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**WORK SESSION**

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1. Call to Order
2. New Business
  - A. **Discussion Items**  
Review current year major general fund revenues and preliminary fiscal year 2025 projections.
3. Adjournment

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**REGULAR SESSION**

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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 at the same meeting.
  - B. **Minutes**  
Consider acceptance of the January 22, 2024, Work Session and Regular Meeting minutes.
5. Old Business
  - A. **Amendment to the Zoning Ordinance**  
Consider ordinance on second reading for the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District. (Approved on first

reading at the January 22, 2024, meeting.)

**B. Amendment to the Zoning Ordinance**

Consider ordinance on second reading for the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District. (Approved on first reading at the January 22, 2024, meeting.)

**6. New Business**

**A. Taxicabs**

Consider setting the date for a public hearing in accordance with Section 98-94 of THE CODE OF THE CITY OF SALEM, VIRGINIA, for the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months. (Suggest March 11, 2024).

**B. Water and Sewer Disposal Rates & Charges**

Consider ordinance on first reading amending Chapter 90, Article III, Division 2, Subdivision I, Sections 90-74 and 90-128 pertaining to water and sewer availability fees. - **Audit-Finance Committee**

**C. Appropriation of Funds**

Consider request to appropriate Microbusiness Marketing Leverage Program Grant funds awarded by Virginia Tourism Corporation. **Audit - Finance Committee**

**D. Appropriation of Funds**

Consider request to appropriate local funding for Upland Drive Storm Drain and Curb and Gutter. **Audit - Finance Committee**

**E. Boards and Commissions**

Consider appointments to various boards and commissions.

**7. Closed Session**

**A. Closed Session**

Hold a closed session in accordance with Section 2.2-3711 A(6) of the 1950 Code of Virginia, as amended, for discussion or consideration of the investment of public funds where competition and bargaining is involved, where, if made public, initially, the financial interest of the City would be adversely affected.

**8. Adjournment**

# City Council Meeting MINUTES

*Monday, January 22, 2024, 6:30 PM*

Work Session 6:00 P.M. Parlor A, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia 24153  
Regular Session 6:30 P.M. Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia  
24153

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## WORK SESSION

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### 1. Call to Order

A work session of the Council of the City of Salem, Virginia, was held in Parlor A, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, on January 22, 2024, at 6:00 p.m., there being present the following members of said Council to wit: Renée Ferris Turk, Mayor; James W. Wallace, III, Vice- Mayor; Council members: Byron Randolph Foley, William D. Jones, and H. Hunter Holliday; with Renée Ferris Turk, Mayor, presiding together with Chris Dorsey, 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 Jeremy Holmes, Executive Director, Roanoke Valley - Alleghany Regional Commission; 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.

### 2. New Business

#### A. Discussion Items

Roanoke Valley - Alleghany Regional Commission Update -  
Jeremy Holmes, Executive Director

Jeremy Holmes, Executive Director of the Roanoke Valley-Alleghany Regional Commission, presented an update for Council. He shared that the Commission convenes the member localities to address issues of regional significance such as transportation, community development, housing, and economic development. He noted that every \$1 invested by the localities brings in \$11 of state, federal, and other funding sources. Mr. Holmes also congratulated Mayor Turk on her position as Vice Chair of the Transportation Planning Organization and Vice Mayor Wallace on his position as Chair of the Regional Commission. Highlights were shared of projects between the Roanoke Valley-Alleghany Regional Commission and

the Commonwealth Transportation Board. Also noted was that the Commission has worked closely with the Virginia Opioid Abatement Authority during their first grant cycle and had helped to secure over \$700,000 in funding. Project highlights on regional housing, The Infrastructure Investment and Jobs Act and other federal grant writing support, and additional general technical support and data analytics were also shared. Mr. Holmes indicated that growing relations with federal agencies is a priority.

Council discussed the possibility of holding an informative joint work session with the Planning Commission and Hope Tree Administration on the rezoning request that has been continued by the Planning Commission to their February meeting. Discussion was held and four dates were selected as possible options. Staff will coordinate setting up this work session.

### 3. Adjournment

There being no further business, Mayor Turk adjourned the meeting at 6:33 p.m.

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## REGULAR SESSION

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### 1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia, was called to order at 6:35 p.m., there being present the following members to wit: Renée Ferris Turk, Mayor; James W. Wallace, III, Vice-Mayor; Councilmembers: Byron Randolph Foley, William D. Jones, and H. Hunter Holliday; with Renée Ferris Turk, Mayor, presiding together with Chris Dorsey, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Chuck Van Allman, Director of Community Development; Clark Ruhland, Communications Specialist; and Jim Guynn, City Attorney.

### 2. Pledge of Allegiance

### 3. Bid Openings, Awards, Recognitions

Mayor Turk apologized to the citizens for a late start to the meeting and explained that the Work Session had run over by a few minutes. She expressed appreciation for their attendance and their patience.

Mayor Turk recognized Senior Officer J. K. Watkins from the Salem Police Department and new officers Officer Rylee Young, Officer Trevon McGhee, and Officer Kevin Sass, which are about to finish field training at the beginning of March. Council expressed appreciation to the officers for their commitment to deliver the highest quality level of service to the citizens of Salem to protect the life, liberty, and property of everyone within the City.

#### 4. Consent Agenda

##### A. Citizen Comments

Comments from the public, limited to five minutes, on matters not already having a public hearing at the same meeting.

John Breen, 142 Bogey Lane, was the first citizen to address Council. He shared some pictures for Council's review. He expressed concern about Code enforcement in relation to blight, dilapidated structures, illegal/abandoned signs, and existing zoning or building violations. Council was requested to: (1) implement the current Comprehensive Plan with time certain mandates; (2) hire at least one additional Code enforcement person, who with existing personnel, is directed by the City Manager to strictly enforce Code; (3) require that city staff present Zoning Code applications or significant administrative requests via PowerPoint or similar for both the Planning Commission and Council review. In addition, that the presentation must include a staff report of potential and immediate impacts to the surrounding area with an emphasis on Comprehensive Plan conformity, potential negative outcomes, and neighborhood concerns; (4) adopt architectural standards for development and redevelopment; (5) restrain the use of Special Exceptions.

Diane Ribble, 2446 Tyler Way, posed questions in relation to the financial relationship between Roanoke College and the use of City of Salem sports facilities. She requested that financial statements be clearly stated and put out in full disclosure regarding this relationship for current and future allocation of funds. She welcomed the new City Manager to Salem.

Lisa Chappell Miller, 405 Apperson Drive, continued comments from the December 11, 2023, Council meeting. She spoke on housing needs in Salem and the development of the new Comprehensive Plan. She expressed the need for Council to explore updating the Code to allow for alternative styles of housing that she found buyers to be looking for where appropriate. Ms. Miller

referred to a recent Comprehensive Planning meeting and noted that the consultant expressed the view that the purpose of the Comprehensive Plan was to be the foundation upon which Zoning was built. She expressed the understanding that the Hope Tree property is private property and that they have the right to build single-family homes on it as currently zoned. She shared the concern that the Hope Tree rezoning request not be finalized prior to the completion of the new Comprehensive Plan due to many potential issues that had been shared by citizens as well as the need for the development plan to fit with the Comprehensive Plan once it is finalized. She voiced that this Planned Unit Development (PUD) type of unit may not be appropriate in this location.

## **B. Minutes**

Consider acceptance of the January 8, 2024, Work Session and Regular Meeting minutes.

The minutes were approved as written.

## **C. Financial Reports**

Consider acceptance of the Statement of Revenues and Expenditures for the six months ending December 2023.

Vice Mayor Wallace questioned the following items: for six months through the budget year, it appears that the revenues are off by 12%, expenses are up 3% for the General Fund, in the Electric Fund we are about 9% short on projected revenues and down 5% on expenses, and in the Water Fund we are off 10% on revenues and we are up for this time of year on expenses. He asked Ms. Jordan if there are any concerns in relation to these numbers.

Ms. Jordan responded that in looking at the General Fund where we are down 12% that we have to take into account the timing of when some of those taxes are collected. As all of the taxes will not have been collected until June, you will not see this money reflected at six months. There are the business licenses, Personal Property Tax, and the second half of Real Estate Tax which is due in June, so at this point she is not concerned about where we stand in the General Fund Revenues.

Vice Mayor Wallace asked Ms. Jordan if she was concerned about the Water or Electric Funds.

Ms. Jordan noted that a concern with the Electric Fund was addressed at the previous Council meeting. There was a concern that the projections were not reflective of the actual figures for six months. Action was taken by Council to bring an adjustment and raise the Power Cost Adjustment (PCA) as of February 1, to ensure that the revenues will cover the cost. This adjustment will help with what is being seen in the Electric Fund. She indicated that she needed to look further into the details of the Water fund to see if this is related to the timing of some purchases. She noted that they were aware that some of the revenues were down and that she would like to look more closely and see if there was something else that was accounting for that. She shared that she was not terribly concerned at this point because when she studies the six months data, we are still in a good position bottom line. When she compares this with the previous year's data, the City is \$1.3 million better off than we were at this point last year. She noted that she would look at the details and provide more information at the next meeting.

The Financial Reports were received.

## 5. Old Business

### A. **Amendment to the Zoning Ordinance**

Consider adoption of ordinance on second reading for the request of E2ST John, LLC, property owner, for rezoning the property located at 68 St. John Road (Tax Map # 155-2-2.1) from HBD Highway Business District to HM Heavy Manufacturing District. (Approved on first reading at the January 8, 2024, meeting.)

Mayor Turk requested that Mr. Van Allman share information for the benefit of those in attendance.

Mr. Van Allman noted that this site is located just north of the former GE property on the Mason's Creek side. He shared that the buildings going in there were more amenable to Heavy Manufacturing because they were more in tune with parts, storage, and things of that nature. He indicated that this was a better fit for what was going up there and noted that there were two other parcels that have either been through or will be coming before Council requesting a change to that. He noted again that this was more reflective of what was going on in that area.

William Jones motioned to adopt ordinance on second reading for the request of E2ST John, LLC, property owner, for rezoning the property located at 68 St. John Road (Tax Map # 155-2-2.1) from HBD Highway Business District

to HM Heavy Manufacturing District. H Hunter Holliday seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

**B. Amendment to the Zoning Ordinance**

Consider adoption of ordinance on second reading for the request of Poindexter SW Florida, LLC, property owner, for rezoning the property located at 2105– 2121 Apperson Drive (Tax Map # 281-1-2.2) from BCD Business Commerce District to HBD Highway Business District. (Approved on first reading at the January 8, 2024, meeting.)

Mayor Turk asked Mr. Van Allman to comment for the benefit of the public.

Mr. Van Allman shared that this area is near Salem's jurisdictional boundary with Roanoke City and is on Apperson Drive, located behind the Wendy's. This is a strip building with a three to five tenants. There are other restaurants in that area; however, with current zoning, a small restaurant or fast-food place cannot be located in that building with current zoning. This would allow small eating places, which he feels would be an excellent addition to the area with the additional increase in retail.

Randy Foley motioned to adopt ordinance on second reading for the request of Poindexter SW Florida, LLC, property owner, for rezoning the property located at 2105– 2121 Apperson Drive (Tax Map # 281-1-2.2) from BCD Business Commerce District to HBD Highway Business District. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

**6. New Business**

**A. Amendment to the Zoning Ordinance**

Hold public hearing and consider ordinance on first reading for the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District. (Advertised in the January 11 and January 18, 2024, issues of the *Salem*

*Times-Register.*) (Recommend approval, see page 3 of Planning Commission minutes.) **STAFF REPORT**

Mr. Van Allman shared that this location was on West Main Street almost across from McDonald's. This used to be a yellow building that appeared as a single-family house and Engineering used to be located behind this area. He noted that in the past this had been a hair salon, a bike shop, etc. He shared that they would like to be able to allow some tenant use on the second floor which requires this change of zoning.

Mayor Turk opened the public hearing.

No one came forward to speak.

Mayor Turk closed the public hearing.

Randy Foley motioned to adopt ordinance on first reading for the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District. H Hunter Holliday seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

## **B. Special Exception Permit**

Hold public hearing to consider the request of Helm Building Enterprises, LTD, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 301 Carey Avenue, (Tax Map # 74-2-6.1). (Advertised in the January 11 and January 18, 2024, issues of the *Salem Times-Register.*) (Recommend approval, 4 to 1 vote; see page 4 of Planning Commission minutes.) **STAFF REPORT**

Mayor Turk noted that discussion was held at the Planning Commission meeting that was not pertinent to zoning. She shared that Council did have all of the comments by citizens from that meeting, had reviewed them, and that they were aware of other issues that citizens had in that area.

Mayor Turk opened the public hearing.

Chelsea Dyer, representing Helm Building, 1491 Southside Drive, requested that Council approve for them to build a two-family dwelling on this property which is currently zoned for single-family dwelling. She noted that a commercial lot is to the left of this building and that the street is not all

residential and that a two-family dwelling would provide a buffer between the commercial lot and residential. She indicated that Council had the plans, and the plan was to build a single-level structure that would be fitting with the neighborhood. Ms. Dyer expressed that the pushback at the Planning Commission was very much unexpected and that the concerns were of speeding, traffic, and truck traffic on that street, water run-off, stormwater, and concern of the presence of renters. She noted that none of those concerns were applicable to whether this was a single-family or those concerns.

Mr. Jones asked if the size of the structure would be the same whether it was a single-family or two-family dwelling.

Ms. Dyer responded affirmatively. She added that this would be a 2500-foot structure that would be divided into two units, approximately 56 by 44 feet and that this was in tune with a normal single-family home.

Mayor Turk shared that she had seen the drawings and that it looked like this would fit nicely in the neighborhood.

Ms. Dyer indicated that this met all of the setback requirements and that everything would need to be submitted for approval through the Engineering and Building Departments, including any stormwater concerns that would have to be submitted and addressed as well. She also commented on the concern related to driveways that was brought up at the Planning Commission. She indicated that the current plan as submitted has two driveways but that they would have no problem if required to do a single-entrance driveway.

Dynasty McNeill, 118 Carey Avenue, expressed appreciation for the opportunity to voice her concerns this evening. She raised concerns of setting a precedent for multi-family for other properties that were currently vacant, traffic, speed, and safety. Pictures of the hill were shared for Council to clearly see the consideration of safety for people walking and children playing in the neighborhood due to the poor visibility on the hill leading up to 301 Carey Avenue. She asked that Council take into consideration these issues.

Dennis Dessureau, 108 Carey Avenue, asked if Council had received the petition that was signed by the residents.

Council responded affirmatively.

Mr. Dessureau noted that other problems can be created by allowing zoning changes. He indicated that Ms. McNeill had brought up concerns that he

planned to mention, and he requested that Council table this, go do a site check, and consider the issues voiced by the residents of this neighborhood. He voiced concerns about having rental properties in a residential neighborhood such as this.

John Breen, 142 Bogey Lane, appeared before Council and noted that rezoning by Special Exception, or Spot Zoning is detrimental to surrounding neighborhoods. He expressed the feeling that this property should remain single-family at least until the Comprehensive Plan is completed. He asked that Council not grant this Special Exception.

Philip Beland, 312 Carey Avenue, noted that the property he owns is at the Northern end of Carey Avenue at the corner of Carey Avenue and Harrison Avenue. He repeated that this was a very steep hill with a sharp left-hand turn. This is a through street from Harrison and he indicated that there was a tremendous amount of traffic on this street. He expressed safety concerns due to visibility and speed and stated that you cannot see the proposed driveway until you are quite close because you are right at the crest of the hill and the driveway is down the other side. Mr. Beland spoke of the difficulty of entering and exiting this driveway. He requested that Council postpone a decision, visit the neighborhood, and watch what goes on. He noted that they were in no way opposed to a single-family dwelling and that the previous owners had proposed a single-family dwelling. He expressed concerns about the impact on the neighborhood if it was allowed to become a multi-family dwelling.

Kenneth Griggs, 145 Carey Avenue, voiced concerns about parking at a potential multi-family dwelling. He requested that Council keep this as a single-family dwelling.

Will McNeill, 113 Carey Avenue, expressed a love for Salem and thanked Council for all they do to make it what it is. He acknowledged the difficulty of providing decent and affordable housing. He asked that Council not rush a decision at the risk of safety. He spoke of a difficult experience their family had gone through due to a renter in their backyard in the past. He repeated the issue of visibility on the hill and corner. Mr. McNeill requested to keep the street as it was designed as single-family.

Chris Sain, 311 Carey Avenue, asserted that property is purchased as an investment and he expressed concern that, if this property were allowed to be multi-family, the property values would decrease. He also noted concerns of water and drainage. He requested that this property remain single-family.

Chelsea Dyer approached Council and was informed that the guidelines did not allow a citizen to address Council a second time in the same public hearing.

Fawn Robbins, 311 Carey Avenue, indicated that she was not opposed to a single-family dwelling but conveyed concerns of a negative impact on property values as well as potential negative impacts on the neighborhood. She stated that she felt the best choice was for this to remain single-family.

Lynn Irby, of Quality Homes of Roanoke, spoke on behalf of herself and business partner Taylor Stone, previous owners of the property in question. She shared that they had subdivided the property being discussed and had every intention of keeping this a single-family street. They sold the property but spoke this evening on behalf of the residents of this street and requested that Council would do as the citizens were requesting and drive up and down on this road to see the situation. She noted concerns with multi-family as already voiced. Ms. Irby specifically noted the burden of more cars and safety due to blind curves and visibility. She requested that Council hear and consider the comments of the citizens.

Teddy Dyer, of Helm Building, 1491 Southside Drive, conveyed that the intent is not to look at the problems that the rest of the street is facing. He noted that whether this was a single-family versus multi-family dwelling does not guarantee that there will be more or less cars on the street. It is their feeling that this is a valuable property to turn into a dual-family residence because it would be a buffer between a commercial property. They would be keeping the same square footage as if this were a single-family dwelling and the water runoff would be the same. He asked that they trust the Building Department in Community Development because this would be built within the same standards they require and would go through all of the proper channels if this Special Exception was permitted. He stated that there was no guarantee of how many cars would be around any dwelling. He did share the concern about tractor-trailer trucks using that street. He expressed that this fit well as a buffer between businesses and single-family dwelling.

Mayor Turk closed the public hearing.

Mayor Turk asked Mr. Van Allman to comment about sight lines. He noted two main concerns with this area as it relates to engineering: stormwater and traffic. He noted that Carey was an old street. The number of driveway entrances is an issue, and this would be required to have one entrance. if

passed. This is not a dense subdivision. Zoning determines certain size lots for Residential Single-Family Zoning. That is how density is determined. He also noted that there is an issue with stormwater caused by the hills. It is difficult getting the water out. He has brought this to the attention of the Public Works Committee and also let the Planning Commission know that this is an issue that may need to be looked at to see if there is any possibility of alleviating any stormwater issues. He feels that the traffic issue is more of an enforcement issue.

Mr. Foley noted that he did not feel that whether this was single-or multi-family affected any of these issues. He did express appreciation for the fact that this was a single-family neighborhood, and he has opposed most instances of spot zoning during his time on Council. Although he does appreciate this business and their business in Salem, he did not feel that this was the appropriate thing to do in this neighborhood.

Mr. Wallace commented that looking at the map, it appeared that Council had heard from more than half of the neighbors on that street. Those residents had an expectation of zoning when they purchased their lot, and he did not feel that it was fair to disrupt their neighborhood even though this was a quality developer.

Mr. Foley noted that a vacant single-family dwelling could still have renters, but he still felt this was best for this neighborhood.

Mr. Holliday noted that he agreed with all of the comments that had been made. He indicated that he would want his neighborhood to remain residential, and he understood their concerns.

Randy Foley motioned to deny the request of Helm Building Enterprises, LTD, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 301 Carey Avenue, (Tax Map # 74-2-6.1. H Hunter Holliday seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

### **C. Amendment to the Zoning Ordinance**

Hold public hearing and consider ordinance on first reading for the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District. (Advertised in the January 11 and January 18, 2024, issues of

the *Salem Times-Register*.) (Recommend approval, see page 9 of Planning Commission minutes.) **STAFF REPORT**

Mr. Van Allman noted that this was the same area as the earlier rezoning that was heard earlier this evening for a second hearing. This is just north of the GE plant in that area and is being requested for the same reasons.

Mayor Turk opened the public hearing.

Barney Horrell, Brushy Mountain Engineering, 3553 Carvins Cove Road, on behalf of Helm Building, noted that this was another lot in the St. Johns development area. The Heavy Manufacturing Zoning better suits the needs of the future development for the property. At this time, there is no proposed building for this property. After this property becomes HM there is one other parcel that is still zoned Highway Business District (HBD); the last parcel that adjoins the GE property and the GE property is zoned HM. He noted that in the last week he has submitted the rezoning application for that property. They are taking that entire development and over time it has changed from HBD to HM to better suit the tenants. This is a continuation of that process.

Mayor Turk closed the public hearing.

William Jones motioned to adopt ordinance on first reading for the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

#### **D. Amendment to the Zoning Ordinance**

Hold public hearing to consider the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Ln and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-from RSF Residential Single Family to PUD Planned Unit District. **Petitioners have requested a continuance until the February 14, 2024, meeting.** (Continued until the February 14, 2024, meeting. See page 3 of Planning Commission minutes.) **STAFF REPORT**

Mayor Turk noted that at this point Council will need to continue the public hearing to another date. It is possible that consideration of this item will be a March date for Council. They want to allow ample time for Council's

examination of the proposal and there remains information that the Planning Commission is waiting on. Council is hoping to meet with the Planning Commission on this as well. Mayor Turk noted that Council would keep the citizens informed.

Mr. Light clarified that March 11th is the date under consideration for the Public Hearing to be continued to and that in order to continue this a specific date must be named in order to take action on this item.

Councilman Foley noted that the item could then be continued again from that date if appropriate.

Randy Foley motioned to continue to the March 11, 2024, Council meeting, and follow procedurally if needed to move from that date, the Public Hearing for the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Ln and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family to PUD Planned Unit District. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

**E. Graham White Manufacturing Company Performance Agreement**

Consider a request of approval and authorizing the City Manager to finalize and execute a Performance Agreement between the City of Salem, Graham White Manufacturing Company, a subsidiary of Wabtec, and the Economic Development Authority of the City of Salem.

Mr. Light noted that Graham White was a long-time manufacturing company in the City of Salem that was run by Wabtec. They have the opportunity to bring some business to Salem and are working with the Economic Development Authority (EDA), the Economic Development Office, and the State of Virginia. The Performance Agreement being presented has already been approved by the EDA. They will bring a minimum of \$2 million in investments in the new facility and thirty-eight new jobs. The City, through the EDA, will provide a grant of \$25,000 in two successive years for a total of \$50,000 for Machinery and Tools tax payments.

Randy Foley motioned to approve and authorize the City Manager to finalize and execute a Performance Agreement between Graham White Manufacturing Company, a subsidiary of Wabtec, the City of Salem, and the Economic

Development Authority of the City of Salem. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

**F. Railroad Crossings**

Consider authorizing the City Manager to enter into an agreement with Norfolk Southern related to the removal of railroad track crossings at three locations in the City for a line that is no longer in service.

Mr. Light shared that there are three crossings included in the line that is no longer in service. These are East Main Street at the intersection of Kessler Mill Road, Texas Street, and Roanoke Boulevard. The Railroad does not deem that line as active, so they are willing to remove the tracks and the City will repave it. If it were ever financially sustainable in the future that this section be put back into service by the Railroad, the City would mill the pavement and Norfolk and Southern would be responsible for reinstalling the tracks. Removing the tracks at these crossings will improve the condition of the streets for motorists.

Randy Foley motioned to authorize the City Manager to enter into an agreement with Norfolk Southern related to the removal of railroad track crossings at three locations in the City for a line that is no longer in service. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

**G. Memorandum of Understanding - McAfee Knob Trailhead Shuttle**

Consider authorizing the City Manager or his designee to execute a Memorandum of Understanding (MOU) with Roanoke County to provide transportation services to citizens and visitors in Salem to utilize the McAfee Knob Trailhead Shuttle.

Mr. Light explained that Roanoke County operates the trailhead shuttle at the Park & Ride at Exit 140. In communicating with them, City staff saw an opportunity to provide access for the City of Salem as people come to eat, shop, and make use of recreational amenities. There is no cost to the City. This will be an on-demand service with pickup locations at Longwood Park and South Broad Street.

Randy Foley motioned to authorize the City Manager or his designee to execute a Memorandum of Understanding (MOU) with Roanoke County to

provide transportation services to citizens and visitors in Salem to utilize the McAfee Knob Trailhead Shuttle. H Hunter Holliday seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

## H. **Boards and Commissions**

Consider appointments to various boards and commissions.

Randy Foley motioned to appoint Denise King to replace Ann Tripp for the remainder of a three-year term ending December 31, 2024 to the Blue Ridge Behavioral Healthcare Board, to re-appoint Daniel Hart for a three-year term ending February 14, 2027, to the Real Estate Tax Relief Review Board, and to appoint Chris Dorsey to replace H. Robert Light as a full member for a four-year term ending February 3, 2028, and appoint H. Robert Light as an alternate for a four-year term ending February 3, 2028 to the Western Virginia Regional Industrial Facility Authority. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

## 7. Adjournment

Mayor Turk shared for the benefit of the citizens that there are several positions that are currently available. She encouraged them to go online and see if any of these appealed to them.

Vice-Mayor Wallace noted that recently property tax evaluations were sent out to citizens, and many had increased by 10%. He indicated that this was cumulative over the past three years for an increase of 30%. He asked Council to be thinking so they could give consideration to lowering the real estate tax rate to offset some of these increases for the citizens. He asked that they think about considering this and taking action over the next couple of months. He did not wish to take action this evening.

Mr. Foley agreed that he thought this was a great consideration.

Mayor Turk commented that this was the trend across the Nation because there was less supply and a great demand for housing, causing prices to skyrocket. She expressed that Council understood and would look at this to see if anything could be done. She asked that citizens bear in mind that everything had gone up and that adjustments were being made.

Mayor Turk announced that on February 5th at 6:00 p.m. at East Salem Elementary School a Comprehensive Plan Study would be held at which citizens could give input on what was going on in the City as it is determined how we will move ahead in the future.

Mayor Turk was asked if this would include discussion on Hope Tree or zoning regulations.

Mr. Van Allman responded that these meetings were generally more structured and that specific projects were not discussed but that general trends were discussed. He shared that zoning discussion would be more general as well, so the specific details were not the point of that meeting.

Councilman Foley added that the consultant was leading this session was not involved with Hope Tree or that potential project. His focus was on the Comprehensive Plan.

The meeting was adjourned at 8:03 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 the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District. (Approved on first reading at the January 22, 2024, meeting.)

SUBMITTED BY: Max Dillon, Planner

SUMMARY OF INFORMATION:

SITE CHARACTERISTICS:

Zoning: HBD Highway Business District  
Land Use Plan Designation: Commercial  
Existing Use: Commercial – personal services (nail salon)  
Proposed Use: Mixed Use

The subject property (1236 West Main Street) consists of a 0.348 acre tract of land which currently sits within the HBD Highway Business District designation. The applicant is requesting to rezone the property from HBD Highway Business District to CBD Community Business District in order to complement the existing commercial use with a residential unit on the second floor of the structure.

Damaged by a fire in 2023, the structure which currently houses a nail salon on its bottom floor (TJ Nails & Spa) also possessed an upper level unit that was not permitted for residential living. Because the applicant desires to allow employees of the downstairs commercial operation to live on-site in the upstairs unit, a rezoning from HBD Highway Business District to CBD Community Business District to allow for mixed use is required.

Section 106-602.13. of the City of Salem Zoning Ordinance defines "Mixed use" as "a single building or parcel wherein multiple uses such as residential and commercial share space."

The Future Land Use Map (FLUM) identifies this area as commercial.

REQUIREMENTS:

The proposal meets the requirements of Section 106-213.3. Site development regulations for CBD.

**Pre-application Meeting (optional)**

- Meetings with the Community Development Staff are recommended prior to submittal of a rezoning application. Please bring a plat to the meeting with a sketch of your proposal.

**Application Submittal**

- The application deadline is the first of the month for inclusion on the following month's agenda. If the first falls on a weekend or holiday, the application deadline will be the following business day.
- When submitting an application be sure to include the following: a complete application, plat of the subject property, legal description that includes metes and bounds, and supplementary information to support the request (such as conceptual plans and building elevations). Please note: incomplete applications will not be accepted and will be returned to the applicant.
- The application fee is due at time of submittal. (See Page 4)
- PLEASE NOTE: As per 106-520(C) of the City of Salem Zoning Ordinance no application shall be accepted for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. A variance from the Board of Zoning Appeals must be obtained prior to the submission of a rezoning application.

**Application Distribution for City Review**

- Complete applications may be routed to City departments for review.

**Staff/Applicant Meeting**

- The staff may contact the applicant to schedule a meeting to discuss comments provided by reviewing agencies, to request additional information or plan revisions, and to negotiate proffers.

**Planning Commission**

- Revised conceptual plans and draft proffers must be submitted prior to the Planning Commission meeting. Proffers and conceptual plans may be revised in accordance with Staff's recommendations, and revisions incorporating the staff's recommendations must be submitted prior to the Planning Commission meeting.
- A staff report and recommendation is included in the Planning Commission packet. The packet is distributed approximately 1 week prior to the Planning Commission meeting.
- The Planning Commission meets on the 1<sup>st</sup> Wednesday after the 1<sup>st</sup> City Council meeting of the month.
- Following a public hearing on the rezoning case, the Planning Commission may recommend approval, approval with revisions to the proffers, denial, or deferral of the application.

**City Council**

- Signed and notarized final proffers must be submitted prior to the City Council meeting.
- A staff report containing the recommendation of the Planning Commission and Staff is sent to the City Council prior to the meeting.
- The City Council typically hears rezoning cases on the 4th Monday of every month. Cases are usually heard by Council at the meeting following the Planning Commission meeting.
- Following a public hearing on the case, the City Council may vote to approve, approve with proffered conditions, deny, defer the application to another meeting, or remand the application back to the Planning Commission for further consideration.

**City of Salem Community Development Application**

**Request for REZONING or CONDITIONAL REZONING**

Case #: \_\_\_\_\_

APPLICANT INFORMATION	
Owner: <u>T.J. Real Property LLC</u> Contact Name: <u>Jitendrakumar D. Patel</u> Address: <u>1236 W main St</u> <u>Salem VA 24153</u>	Telephone No. <u>845-381-2220</u> Fax No. _____ Email Address: <u>Jitendrakumar2668@yahoo.com</u>
Applicant/Contract Purchaser: <u>Angelina Tran</u> Contact Name: <u>Angelina Tran</u> Address: <u>1236 W Main St Salem, VA</u> <u>24153</u>	Telephone No. <u>540-676-</u> Fax No. <u>0236</u> Email Address _____

PARCEL INFORMATION	For multiple parcels, please attach a page <input type="checkbox"/>
(Tax ID #'s) <u>141-1-4</u> Deed Book _____ Page _____ Subdivision _____ Location Description (Street Address, if applicable) _____ <u>1236 West Main Street</u>	Total Area (acres/square feet) <u>0.348 ac</u> Current Zoning <u>HBD</u> Requested Zoning <u>CBD</u> Requested Use <u>mixed use structure</u> Current Use <u>personal service</u> <input type="checkbox"/> Conditional Zoning Request: See Attached Proffer sheets

SIGNATURE OF OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER <input type="checkbox"/> (attach contract) <input type="checkbox"/>
<p>As owner or authorized agent of this property, I hereby certify that this application is complete and accurate to the best of my knowledge, and I hereby grant permission to the agents and employees of the City of Salem to enter the property for the purposes of processing and reviewing this request.</p> Signature <u>J.D. Patel</u> Date <u>11/13/23</u> Print Name <u>Jitendrakumar2668@yahoo.com</u> Signature <u>Angelina Tran</u> Date <u>11/13/23</u> Print Name <u>Angelina Tran</u>

QUESTIONS/ LETTERS/ SHOULD BE FORWARDED TO THE FOLLOWING**:	
Name <u>Jitendrakumar D. Patel</u> Address: <u>1236 W main St, Salem, VA 24153</u>	Telephone No. <u>845-381-2220</u> Fax No. _____ Email Address: <u>Jitendrakumar2668@yahoo.com</u>
**It is the responsibility of the contact person to provide copies of all correspondence to other interested parties to the application.	

**ATTACHMENTS - For ALL REQUESTS you must submit the following electronically:**

- a. **A fully completed signed application.**
- b. **Acknowledgement of Application Fee Payment Procedure (Page 4)**
- c. **Signed Proffer Statement if applicable (Pages 6 & 7)**
- d. **A plat of the subject property**, which accurately reflects the current property boundaries, is drawn to scale, and shows existing structures. (Typically, available from the City Clerk's Office.)
- e. **Responses to questions on Page 5**
- f. **Historic Impact Information (if any)**
- g. **For applications requiring plans**, please submit electronically only. No hard copies will be accepted.
- h. **Check here** if the conceptual plan will serve as the preliminary plat.

**NOTE:** Elevations will be required with new development.

**TO THE APPLICANT:**

It is the policy of the City of Salem City Council, the City of Salem Planning Commission, and City of Salem Board of Zoning Appeals to require a property to be posted when a zoning action is being considered. Such a posting notifies the general public of an impending action and the location being considered.

It is incumbent on you, the applicant, to ensure the sign is in the proper location and remains there until an action has taken place. Consequently, the procedure for posting is as follows:

1. The Community Development Staff will post the sign on your property.
2. You should check the location of the sign to make certain it is in the right place on your property. If it is not, notify the Community Development Office as soon as possible.
3. You should check periodically to ensure the safety of the sign. If it is stolen or otherwise harmed, notify the Community Development Office as soon as possible.

In submitting this rezoning application, you hereby grant permission to the agents and employees of the City of Salem to enter the referenced property for the purposes of processing and reviewing the above application.

Should you have any questions regarding this policy, please contact a member of Community Development.

Acceptance:

The Proffers herein have been accepted as follows: ("All" or list specific proffers accepted)

I want to make the buididing  
doing in the bottom level  
and on the top level to rent  
it out as tenant to living  
in there.

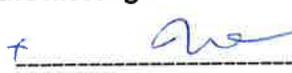
by action of the Council of the City of Salem on \_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Clerk of Council  
Salem, Virginia

**ACKNOWLEDGEMENT OF APPLICATION FEE PAYMENT PROCEDURE**

Application fees must be submitted at the time of submittal. I hereby acknowledge that this application is not complete until the payment for all applicable fees has been received by the City of Salem Community Development Department. I acknowledge that I am responsible for ensuring that such fees are received by the City of Salem. I further acknowledge that any application fee submitted after the deadline shall result in the application being considered filed for the next month's meetings.

Signature of applicant/authorized agent  Date: 11/15/2023

Print Name: Angelina Tran

Signature of applicant/authorized agent  Date: 11/15/2023

Print Name: Angelina Tran

If you would like your correspondence emailed and/or faxed, please make selections, and provide the information below:

Email \_\_\_\_\_  Fax: \_\_\_\_\_

FEES:	
All application fees must be paid at the time of submittal. Please make checks payable to the City of Salem:	
Rezoning application fee	\$1,000

**FOR STAFF USE ONLY**

Staff Reviewer: \_\_\_\_\_ Application Complete?  YES  NO

Date: \_\_\_\_\_

**PLEASE RESPOND FOR ALL REZONING APPLICATIONS:**

1. What is the Future Land Use Designation for the subject property? Commercial Zone
2. Describe in detail the proposed use of the property. Building for business and rent on the top level for tenant to live
3. List any sensitive environmental or unique features on the property. Are there any high voltage transmission lines, public utility lines, or others? N/A
4. Is the subject property located within the Floodplain District?  YES  NO If yes, describe the proposed measures for meeting the standards of the Floodplain Ordinance. \_\_\_\_\_
5. Is the subject property listed as a historic structure or located within a historic district?  YES  NO If yes, describe the proposed measures for meeting the standards of the Department of Historic Resources. \_\_\_\_\_
6. Have you provided a conceptual plan of the proposed development, including general lot configurations and road locations? Are the proposed lot sizes compatible with existing parcel sizes in the area? \_\_\_\_\_

**PLEASE RESPOND FOR COMMERCIAL REZONING APPLICATIONS**

1. What provisions will be made to ensure safe and adequate access to the subject property? Commercial Building.
2. How will the traffic impact of this development be addressed? N/A.
3. Describe why the proposed use is desirable and appropriate for the area. What measure will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity? No
4. What type of signage is proposed for the site? no.
5. Have architectural/building elevations been submitted with this application? remodel No just

**PAYMENT DATE**  
11/15/2023  
**COLLECTION STATION**  
Engineering/Inspections  
**RECEIVED FROM**  
Nishi Jacob LLC  
**DESCRIPTION**

**City of Salem**  
**P.O. Box 869**  
**Salem, VA 24153**

**BATCH NO.**  
2024-00002661  
**RECEIPT NO.**  
2024-00052316  
**CASHIER**  
Krystal Graves

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
PLAN FILING FEE	Planning Rezoning/Site Plan Rev 1236 W Main St TJ Nails & Spa  <div style="text-align: right;">             Total Cash \$0.00              Total Check \$1,000.00              Total Charge \$0.00              Total Wire \$0.00              Total Other \$0.00              Total Remitted <u>\$1,000.00</u>              Change <u>\$0.00</u>              Total Received \$1,000.00           </div>	\$1,000.00
<b>Total Amount:</b>		<b>\$1,000.00</b>

Customer Copy

# SCHEDULE A

All that certain lot or parcel of land, lying and being in the City of Salem, Commonwealth of Virginia, and being more particularly described as follows, to-wit:

BEGINNING at a point on the south side of West Main Street, said point being 180 feet west of the intersection of West Main Street with the westerly right-of-way line of Wells Street, said point being corner to the 0.348 acre parcel herein described and the property of R.H.C. Associates; thence leaving said point of BEGINNING and following line between the 0.348 acre parcel herein described and the R.H.C. Associates property, S. 05° 26' E., passing an iron pin at 145 feet, in all 148.80 feet to a point, corner to Tract "A" of the E. F. Blankenship Co. Map, property of Thomas J. Clayton, et ux; thence with Tract "A" of the E. F. Blankenship Co. Map, S. 82° 01' W., 101.2 feet to a point; thence continuing between the Clayton property and the property herein described, N. 06° 05' W., passing an iron pin on line at 3.49 feet, in all a total distance of 148.49 feet to an iron pin on the south side of West Main Street; thence with the south side of West Main Street, N. 81° 53' E., 102.90 feet to the point of BEGINNING and being a parcel of land containing 0.348 acre as shown on map for Chalmer C. Cooper of 0.348 acre tract, prepared by T. P. Parker & Son, Engineers & Surveyors, dated February 3, 1992, and recorded in the Circuit Court Clerk's Office of the City of Salem, Virginia, in Deed Book 180, page 192.

AFFIDAVIT OF MAILING PURSUANT TO S15.2-2204  
CODE OF VIRGINIA

PLANNING COMMISSION  
JANUARY 10, 2024

ITEM #

This is to certify that I mailed letters in reference to the rezoning request of T J Real Properties, LLC, property owner for rezoning the property located at 1236 West Main Street (Tax Map # 141-1-4), from HBD Highway Business District to CBD Commercial Business District, to the following property owners and adjacent property owners on December 22, 2023, in the 2:00 p.m. mail:

T J REAL PROPERTIES LLC  
1236 W MAIN ST  
SALEM VA 24153

BCT LLC  
6341 CHRISTIE LN  
ROANOKE VA 24018

ROCKY MOUNT REALTY LLC  
C/O PROPERTY MANAGER  
310 FIRST ST SUITE 300  
ROANOKE VA 24011

D & S DEVELOPMENT LLC  
P O BOX 1724  
SALEM VA 24153

TKC CCXXXIX LLC  
4500 CAMERON VALLEY PKWY  
SUITE 400  
CHARLOTTE NC 28211

SALEM BANK AND TRUST  
4355 INNSLAKE DR SUITE 325  
GLEN ALLEN VA 23060

SVS HOSPITALITY INC  
8110 PLANTATION RD  
ROANOKE VA 24019-1616

EYE VIEW LLC  
3365 SOUTHWEST VILLAGE CT  
ROANOKE VA 24014

TKC CCXXXIX LLC  
5200 BUFFINGTON RD  
ATLANTA GA 30349

D & S DEVELOPMENT LLC  
P O BOX 1724  
SALEM VA 24153

BCT LLC  
6341 CHRISTIE LN  
ROANOKE VA 24018

LINDA T IVES  
P O BOX 711  
SALEM VA 24153

TARAIN N THOMASSON  
1811 WALLACE AVE  
ROANOKE VA 24012

ELAINE GRAY  
701 MONROE ST  
SALEM VA 24153

ALICIA R JONES  
CONNIE R CYCKOWSKI  
1210 W MAIN ST  
SALEM VA 24153

Signed Coretta L. Prillaman Date 12/22/2023

City of Salem  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of December, 2023, by

Coretta L. Prillaman

Krystal M. Graves  
Notary Public  
My commission expires: March 31, 2027





December 22, 2023

T J Real Properties, LLC  
1236 W Main St  
Salem, VA 24153

RE: Petition For Zoning Amendment (Rezoning)  
1236 West Main Street  
Tax Map # 141-1-4

To Whom It May Concern:

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

**Wednesday, January 10, 2024**  
**at 7:00 p.m.** in the

**Community Room, Salem Civic Center**  
**1001 Roanoke Boulevard**

**AND**

Salem City Council on:

**Monday, January 22, 2024**  
**at 6:30 p.m.** in the

**Community Room, Salem Civic Center**  
**1001 Roanoke Boulevard, Salem, Virginia**

for consideration of your request for rezoning the above referenced property.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Ellen H. Wines".

Mary Ellen H. Wines, CZA CFM  
Planning and Zoning Administrator



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

Notice is hereby given that a request has been filed with the City of Salem by the property owner/petitioner of the property described below. 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:**  
T J Real Properties, LLC

**Location of Property:**  
1236 West Main St (Tax Map # 141-1-4)

**Purpose of Request:**  
To rezone the property located at 1236 West Main St (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District.

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

**WEDNESDAY, JANUARY 10, 2024 – 7 P.M.  
COMMUNITY ROOM, SALEM CIVIC CENTER  
1001 ROANOKE BOULEVARD, SALEM, VIRGINIA**

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

**MONDAY, JANUARY 22, 2024 – 6:30PM  
COMMUNITY ROOM, SALEM CIVIC CENTER  
1001 ROANOKE BOULEVARD, 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.

H. Robert Light  
Deputy Executive Secretary  
Planning Commission

# Planning Commission Meeting MINUTES

Wednesday, January 10, 2024, 7:00 PM

Work Session 6:00PM Regular Session 7:00PM Community Room, Salem Civic Center,  
1001 Roanoke Boulevard:

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## WORK SESSION

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### 1. Call to Order

A work session of the Planning Commission of the City of Salem, Virginia, was held in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, at 6:00 p.m. on January 10, 2024; there being the members of said Commission, to wit: Vicki G. Daulton, Chair; Dee King, Vice Chair; Reid Garst, Neil L. Conner, and Jackson Beamer; together with Christopher J. Dorsey, City Manager; H. Robert Light, Assistant City Manager; Mary Ellen Wines, Planning & Zoning Administrator; Charles E. Van Allman, Jr., Director of Community Development; Maxwell S. Dillon, Planner; and Jim Guynn, City Attorney; and the following business was transacted: Chair Daulton called the meeting to order at 6:00 p.m. and reported that this date, place and time had been set for the Commission to hold a work session

### 2. New Business

#### A. Discussion of items on the January agenda

1. 1236 West Main Street rezoning from HBD to CBD
2. 301 Carey Avenue SEP two-family dwelling
3. 416 Electric Road rezoning from HBD to HM
4. 860 Mount Vernon Lane rezoning from RSF to PUD

A discussion was held regarding the items on the January agenda.

### 3. Adjournment

Chair Daulton inquired if there were any other items for discussion and hearing none, adjourned the work session at 6:55 p.m.

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## REGULAR SESSION

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### 1. Call to Order

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held after due and proper notice in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, at 7:00 p.m., on January 10, 2024. Notice of such hearing was published in the December 28, 2023, and January 4, 2024, issues of the "Salem Times Register," a newspaper published and having general circulation in the City of Salem. All adjacent property owners were notified via the U. S. Postal Service.

The Commission, constituting a legal quorum, presided together with Christopher J. Dorsey, City Manager; H. Robert Light, Assistant City Manager; Jim Guynn, City Attorney; Mary Ellen Wines, Planning & Zoning Administrator; Maxwell S. Dillon, City Planner; and Charles E. Van Allman, Jr., Director of Community Development, and the following business was transacted:

**A. Pledge of Allegiance**

**2. Election of Officers**

On motion by Dee King, seconded by Jackson Beamer, and duly carried Vicki Daulton was appointed Chair of the Commission. Roll call vote: all – aye.

On motion by Reid Garst, seconded by Neil Conner, and duly carried Dee King was appointed Vice Chair of the Commission. Roll call vote: all – aye.

On motion by Neil Conner, seconded by Dee King, and duly carried Christopher J. Dorsey was appointed Executive Secretary of the Commission. Roll call vote: all – aye.

On motion by Neil Conner, seconded by Jackson Beamer, and duly carried H. Robert Light was appointed Deputy Executive Secretary of the Commission. Roll call vote: all – aye.

On motion by Jackson Beamer, seconded by Dee King, and duly carried Chris Dadak and Charles E. Van Allman, Jr., were appointed designated agents of the Commission. Roll call vote: all – aye.

**3. Consent Agenda**

**A. Minutes**

Consider acceptance of the minutes from the December 13, 2023, work session and regular meeting.

On motion by Vice Chair King, seconded by Member Conner, and duly carried the minutes were continued until the February 14, 2024, meeting. Roll call vote: all – aye.

#### 4. New Business

On motion by Member Beamer, seconded by Member Conner, and duly carried, Item 4 was moved to Item 1. Roll call vote: - all aye.

##### D. **Amendment to the Zoning Ordinance**

Hold public hearing to consider the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Ln and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family to PUD Planned Unit District. **Petitioners have requested a continuance until the February 14, 2024, meeting.**

Jon Morris, President and CEO of HopeTree Family Services, appeared before the Commission and requested a continuance of the request until the February 14, 2024, meeting.

On motion by Member Garst, seconded by Member Conner, and duly carried, the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Ln and a portion of 860 Mount Vernon Lane (Tax Map #'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family to PUD Planned Unit District was continued until the February 14, 2024, meeting. Roll call vote: all – aye.

##### A. **Amendment to the Zoning Ordinance**

Hold public hearing to consider the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District.

Staff noted the following:

The subject property (1236 West Main Street) consists of a 0.348-acre tract of land which currently sits within the HBD Highway Business District designation. The applicant is requesting to rezone the property from HBD Highway Business District to CBD Community Business District in order to complement the existing commercial use with a residential unit on the second floor of the structure.

Damaged by a fire in 2023, the structure which currently houses a nail salon on its bottom floor (TJ Nails & Spa) also possessed an upper-level unit that was not permitted for residential living. Because the applicant desires to allow employees of the downstairs commercial operation to live on-site in the upstairs unit, a rezoning from HBD Highway Business

District to CBD Community Business District to allow for mixed use is required.

Section 106-602.13. of the City of Salem Zoning Ordinance defines "Mixed use" as "a single building or parcel wherein multiple uses such as residential and commercial share space."

The Future Land Use Map (FLUM) identifies this area as commercial.

Hoa Nguyen, 1236 West Main Street, Salem, property owner, appeared before the Commission and stated that there are three rooms upstairs that they would like to rent the space to someone.

Member Garst questioned if it would be one apartment.

Mr. Nguyen stated that it would be one apartment with three rooms.

Chair Daulton questioned if there would be three people renting and asked if there was a kitchen upstairs.

Mr. Nguyen stated that three people could rent. There was not a kitchen upstairs, but there is a kitchen area downstairs the renters can use.

Chair Daulton questioned if employees would be renting the rooms.

Mr. Nguyen stated that he was not sure who would be renting the space.

A discussion was held regarding parking spaces, and access to the lower-level kitchen. It was noted that there is an internal staircase that allows access between the upstairs units and the downstairs kitchen. It was also noted that the owner will need to go to the Building Official for the firewall to be placed between the living space and business.

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

On motion by Member Reid, seconded by Member Jackson and duly carried, the request T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street, (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District was approved. The roll call vote: all – aye.

**B. Special Exception Permit**

Hold public hearing to consider the request of Helm Building Enterprises, LTD, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 301 Carey Avenue, (Tax Map # 74-2-6.1).

Staff noted the following:

The subject property (301 Carey Avenue) consists of a 0.363acre tract of land which currently sits within the RSF Residential Single-Family designation. The applicant is seeking a Special Exception Permit to allow a two-family dwelling on the property.

Currently vacant, the subject property is situated in a neighborhood of primarily single-family homes; however, there is a mix of uses in the surrounding area bounded by Carey and Brand Avenue, along with several multi-family units along Hale Avenue. If approved, the applicant intends to build an approximately 2,500 square foot (~56x44) two family dwelling (side-by-side) comprised of board and batten siding on the exterior. The proposed site plan satisfies the RSF Residential Single Family setback regulations.

The Future Land Use Map (FLUM) identifies this area as residential, still consistent with the proposed utilization of the property should the Special Exception Permit be granted.

Teddy Dyer, 357 Penguin Lane, property owner, appeared before the Commission and stated that he plans to build a one-story, decorated two-family dwelling on the parcel. He feels that it would fit well in the neighborhood and would be a buffer between single-family and a commercial property next door. There are also other apartments within two blocks of the property, other two-family dwellings within a couple blocks, as well as the former Elizabeth Arden building and VDOT within a block of the property; therefore, he does not feel that a single-family dwelling is the only use of the property.

Vice Chair King questioned if the drawings/plans submitted are what he is proposing the dwelling to look like and if the plans could be a condition of approval.

Mr. Dyer confirmed.

Member Garst questioned if there any use on the second floor.

Mr. Dyer stated that there was not a second floor--it was a "dead" gable. He stated that there would be firewall down the middle, a decorative front, nice sides. The elevations were submitted with the plans to show that he does not plan to build a "rinky dink" shed on the property.

Member Conner questioned what the projected rent would be on the units.

Mr. Dyer stated that he does not have a projected rent at this time. He stated that there is a need for rental property in Salem—each unit would have three bedrooms and he does not plan to rent to college students.

Phillip Beland, 312 Carey Avenue, appeared before the Commission and stated that he lives diagonally across the street from the property. He questioned the requirements necessary for the property to be built on and gave a background on his property. He discussed site distance requirements,

speeding issues, and addressed his concerns regarding the safety of children playing. He stated that just below the side of the road the property is to build on is flooded from surface water runoff for most of the summer every summer. He stated that there are no provisions for surface water runoff, and the proposed development will compound the current issues. He stated that the street has been in place since the 1700s with very few improvements. He further stated that Carey Avenue is a very narrow street and has not been widened—more often than not, vehicles will have to pull over to let an oncoming vehicle pass. Carey Avenue is not a very accessible street.

Member Reid questioned if Mr. Beland's concerns were primarily traffic and stormwater issues.

Mr. Beland confirmed, as well as who will rent the property.

Chair Daulton stated that a single-family residence can be built on the property by-right.

Mr. Beland questioned the subdivision of the property.

Charles E. Van Allman, Jr., Director of Community Development addressed the issue of why it is a lot-- the standards Mr. Beland spoke of are today's requirements and were not necessarily required 10 years or 15 years ago. Carey Avenue is an old road and so is the land along the road. If there is a lot by record that is zoned Residential Single Family and if the City does not allow you to build when it is allowed by-right by zoning, that is a taking of property.

Mr. Beland stated that the parcel just became an individual lot last year. The parcel was originally part of the lot located at 311 Carey Avenue—the Price residence. He stated that the original parcel was subdivided, and 301 Carey Avenue was created.

Chair Daulton stated that the lot was sold as a lot and the buyer has a right by law in the State of Virginia if it is zoned, in this case Residential Single Family, to build a single-family house by right.

Mr. Van Allman noted that the lot meets the zoning requirements. The 10-mph limit Mr. Beland spoke about is not a law, it is a "rule of thumb" and is not an absolute. He further noted that the city works with developers for the safety and betterment of residents.

Member Conner noted that the Commission will only be voting on the use of the property, and that other requirements will be dealt with through the site plan process. He asked Mr. Beland if he had concerns other than the traffic and stormwater specific to this proposal.

Mr. Beland stated that he is concerned with who will be renting the property. There is a single-family residence currently being rented to college students that cause issues in the neighborhood.

Chair Daulton stated that the concerns Mr. Beland has are police matters and other issues. She asked that he speak with the Zoning Administrator or other members of the Community Development in an attempt to address the issues.

Dennis Dessureau, 108 Carey Avenue, appeared before the Commission and requested that the Commission listen to the concerns. He stated that there are a lot of issues on Carey Avenue—50-foot trailers use Carey Avenue to service the businesses that are not located on Carey Avenue. There are young children who live on the street, and he has concerns about the safety of the children due to speeding, partying, etc. He also stated that there are stormwater issues, and that the water pressure is depleting over time. He further stated that is a busy corner where the proposed dwelling is to be built. He asked that the Commission have compassion and understanding for the current residents on the street. He presented the Commission with a petition signed by the residents of Carey Avenue.

Member Garst asked the Director of Community Development if the water runoff would be less if a single-family dwelling was built on the parcel.

Mr. Van Allman, stated that it is based on square footage and if the builder wanted to construct a single-family home the same square-footage as the proposed two-family dwelling, it would be the same either way.

Member Beamer questioned how long Mr. Dessureau has lived on Carey Avenue.

Mr. Dessureau stated that he has lived there since 2014.

Member Conner questioned if Mr. Beland was met with the same resistance when he developed his lot in 2017.

Mr. Dessureau stated that no, he was not.

Member Conner stated that the issues being brought up are not what the Commission can address with the decision the Commission is being asked to make. He stated that the issues need to be addressed in a different venue.

Chair Daulton noted that the Planning Commission is a recommending body only, and that City Council ultimately makes the decision. She asked that the residents address the concerns being raised with the Community Development Department.

Mr. Van Allman stated that he is aware of the storm water issues on Carey Avenue.

Kenneth Griggs, 145 Carey Avenue, appeared before the Commission and stated that he lives where all the water come to. His backyard is over halfway flooded right now from all of the runoff. He stated that he has argued with

the city multiple times and has been told that nothing can be done. He has lived there since 1993 and he is tired of the standing water—his grandchildren cannot even go outside. He showed the Commission photos of the standing water currently in his backyard.

Mr. Dyer reappeared before the Commission and stated that he would not have to appear before the Commission to build a single-family dwelling and there would not be any checks and balances other than the building department. He further stated that he lives in Salem, he grew up in Salem, he graduated from Salem High School, he played football, he gives back for the community. He cares about the community and is a part of the community and asked that the current residents trust him when he tells them that they will not find anyone nicer who will care about the neighborhood and will make sure there will not be college students living in the proposed development. He further noted that he realizes this is a place to vent, but it is also a place where he lets the residents know that he will try to the right thing, he will follow the rules, he builds in Salem already—he owns multiple properties in Salem, his business is in Salem, and he can be found at Helm Building. There is no reason that he ever wants to come into a community and disrupt it.

Fawn Robbins, 311 Carey Avenue, appeared before the Commission and stated that she lives right next to the proposed development. She requested to see the plan for what will be build.

Chelsea Dyer, 357 Penguin Lane, appeared before the Commission and stated that the total square footage will be between 2600 and 2800 square feet—two 1300 to 1400 square feet per unit. She noted that the building plan meets all the required setbacks with room to spare. The structure will be single level, not a two-story dwelling, which will suit senior living or a family. She reiterated that she does not anticipate renting to anyone that will be a problem.

Ms. Robbins stated that she struggles with college students and the ramifications of having them live in the neighborhood.

Mrs. Dyer reappeared before the Commission and stated that the issues being brought up are issues with existing residents and are not related to the proposed development of the property. The issues need to be addressed with the police department or another department of the city as building or not building on the property will not fix the behaviors of current residents, tractor trailers on the street, etc. She stated that building or not building on the property also will not cause any of the issues. She stated that she understands the neighbors' concerns and will try to be a good neighbor, but the concerns being raised are not related to what the Commission will recommend.

Member Conner stated that one thing the Commission cannot do is preclude someone from legal activity because someone else not related to them is doing something illegal. The Commission has to look at the request and

assume the petition will act legally. The Commission is only considering the use of the property. Behind that is the hope is that the development does not “go south” and cause harm or detriment to the community. He realizes that there are issues on Carey Avenue, but the Commission cannot use that there is a “party house” as a reason to deny development of a parcel.

Tim Skime, 130 Carey Avenue, appeared before the Commission and stated he is concerned about the potential development having an adverse effect on property values.

Member Conner stated that in his opinion, the presence of the two-family dwelling will increase neighboring property values. He further stated that he realizes the neighbors’ concerns but feels there is a need for denser housing and feels this is the best use of the property.

Greg Linkous, 300 Carey Avenue, appeared before the Commission and stated that he has lived there for 10 years and is not in favor of a multi-family dwelling primarily due to the prospect of devaluation of neighboring homes. He does not feel that renters will not value and take care of the property and feels that renters devalue the surrounding single-family owned properties.

Phillip Beland reappeared before the Commission and stated that some of the neighbors were interested in purchasing the property.

Phil Hall, 937 Harrison Avenue, appeared before the Commission and stated that he is absolutely against a multi-family development of the property.

No other persons(s) appeared related to the request.

On motion by Member Conner, seconded by Member Beamer and duly carried, the request of Helm Building Enterprises, LTD, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 301 Carey Avenue, (Tax Map # 74-2-6.1) was approved. The roll call vote: Conner – aye, Beamer – aye, Garst – nay, King – aye, Daulton – aye.

**C. Amendment to the Zoning Ordinance**

Hold public hearing to consider the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District.

The subject property (416 Electric Road) consists of a 4.001acre tract of land which currently sits within the HBD Highway Business District designation. To provide a bit of history, this large parcel was formerly zoned HM Heavy Manufacturing, and at that time, it encompassed the parcels now recognized as 71 St. John Road and 105 St. John Road. A 2007 subdivision resulted in the

formation of 71 St. John (retaining its HM Heavy Manufacturing designation), and a subsequent rezoning adjusted 416 Electric Road (which included the yet to be formed 105 St. John Road) from HM Heavy Manufacturing to HBD Highway Business District in anticipation of future commercial development. Since then, the St. John Place Commerce Center has developed in an industrial nature, and correspondingly, this request seeks to return 416 Electric Road to the HM Heavy Manufacturing classification. This parcel is currently vacant, but a grading plan has been submitted to prepare it for future development.

While there is no concrete site plan for the future development of the property, the uses specified in the HM Heavy Manufacturing District are consistent with existing development in the adjacent St. John Place Commerce Center. Although some of the site sits within the floodplain, any future development will be elevated above the 100-year floodplain to meet the necessary requirements.

The Future Land Use Map (FLUM) identifies this area as industrial which is consistent with the proposed future utilization of the property

Barney Horrell, Brushy Mountain Engineering, appeared before the Commission on behalf of the property owner. He complimented the city for maintaining its GIS information. He stated that this is the vacant parcel across from the fire department on Electric Road. It is currently an undeveloped, overgrown hayfield previously used by General Electric that leads down to the soccer fields maintained by the Sabres Soccer Club. He stated that there is currently not a concrete plan for the future development of the property—he has done concept plans on the best way to develop the property. Long-term he feels the development will be similar to the current developments being done on neighboring properties. He further stated that a bond was approved at the previous City Council meeting to do site work on the lot. In anticipation of future development, the request is to rezone the property from HBD to HM, which is consistent with the other two buildings currently being built, as well as the properties going toward the former GE property and the GE property. He thinks there is only one more lot currently zoned HBD and he anticipates being before the Commission requesting that parcel to be rezoned to HM as well.

Vice Chair King asked if the “tail” of the property has plans for future development given its narrow feature.

Mr. Horrell stated that this is a “remanent” property that extends all the way to Lynchburg Turnpike and gets very narrow at that point. In his concept plans, the growth will likely be from the current buildings being constructed toward Lynchburg Turnpike.

Ted Dyer, Helm Building, 1491 Southside Drive, property owner, appeared before the Commission and stated that he will build something like what has been constructed on the corner. He plans to dress up the area and bring new businesses to the area. He announced that Sunbelt Flooring will be moving into

the corner lot—a five-year lease with up to 15-years has been signed. He is looking at another medical center to go into the second building. He is trying to grow jobs and hopes to build five to six new buildings constructed for new businesses in Salem.

Mr. Van Allman noted that Mr. Dyer and Mr. Horrell have already acquired a common plan of development for the development, and he thanked them for doing the right thing. He further noted that the state required stormwater requirements are being met.

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

On motion made by Member Beamer, seconded by Vice Chair King, and duly carried the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District was approved. The roll call vote: all – aye.

## 5. Adjournment

On motion by Member Conner, seconded by Vice Chair, the meeting was adjourned at 8:41 pm.

City Council meeting, January 22, 2024, 6:30 p.m.  
Community Room, Salem Civic Center, 1001 Roanoke Boulevard



# Marketplace



The Fincastle Herald    Vinton Messenger    The New Castle Record    SALEM TIMES-REGISTER    News Messenger    RADFORD News Journal

### Auctions

**PUBLIC AUCTION**  
January 18, 2024 at 4:00pm  
by Bank of Botetourt  
At 5462 Lee Hwy.  
Troutville  
In Branch parking lot  
2017 GMC Acadia  
Mileage: 94,034  
For information contact:  
Bank of Botetourt  
Danielle at 540-591-5035  
Maria at 540-591-5056  
Vehicle Sold As Is  
Other vehicles also  
may be  
sold if repossession  
occur prior to sale. All  
announcements made  
date of sale  
supersede printed  
advertisement. Bank of  
Botetourt reserves the  
right to accept or decline  
any offer.  
Not responsible for injury.

### For Sale - Firewood

**FIREWOOD**  
Mixed Hardwood.  
Call 540-784-3436 or 540-581-4183. Delivery in Botetourt only.

### Help Wanted - Clerical

**Help Wanted Part-time Administrative Assistant**

Buchanan Presbyterian Church is searching for a part time Administrative Assistant.  
Duties include working with the minister and music team to prepare weekly Sunday bulletin and monthly newsletter, prepare PowerPoint for Sunday worship and be there to operate it and be there to record and uploading services to YouTube, performance of other administrative jobs to assist the minister.  
To apply or obtain complete job description please contact Tricia at 540-589-3107 or send resume to the church at P.O. Box 517, Buchanan, VA 24066

### Help Wanted - General

### WANTED Models

Models needed for life drawing class, male and female, \$65 for 3 hour session. Call David 540-473-3713

### Intuitive Surgical Operations seeks a Software Engineer (SE-MTT) in Blacksburg, VA.

Work on a cross-functional team to design, implement, document & qualify software to be used in medical robots. Telecommuting permitted. Reqs MS. \$96,900 - \$131,100/yr. Email resumes to Hien.Nguyen@intusurg.com. Must ref job title & code in subj line.

### Help Wanted - Health Care

**Wanted: Caregiver for adult male with special needs in Christiansburg.**  
Adult male is non-verbal and must have assistance with all aspects of daily living. We are looking for a long term person with a good employment record who has experience with a non-verbal adult. Safety is a priority. Candidates must be reliable, have kindness and patience, and show creativity (Music ability a plus). Hours will vary according to the needs of the gentlemen and his family. Pay is \$13.34 through Medicaid and CDCN. Candidates must pass a criminal background check and must have recent references (at least 3). No cellphone use while working except for emergencies. If interested, please call (540)838-5037 for an interview.

### Legals - Botetourt County

### NOTICE OF SPECIAL COMMISSIONER SALE OF 101 DRY BRANCH ROAD, BUCHANAN, VIRGINIA, 24066

Pursuant to a Decree of the Circuit Court of Botetourt County, Virginia, made and entered into November 29, 2023 in Case No. 23CL23-0036100, styled Barrett (Plaintiff) v. Cherokee rose Eubank (Defendant), a Will, on Friday 26, 2024 at 10:00 a.m. at the front door of the Courthouse of Botetourt County, Virginia, located in its new temporary quarters, offer for sale to the highest bidder for cash, the following described real estate: 101 Dry Branch Road, Buchanan, Virginia, 24066, being 2.56 acres in the Buchanan Magisterial District, Tax Map #53-4, property ID#99013634. A more accurate description can be procured as shown on a plat attached to Deed on the Book 128 at page 123 in the Clerk's Office of the Circuit Court of Botetourt County, Virginia.

Terms of Sale: Cash (10% on the day of sale with the remainder at closing within 60 days).

For further information, apply to:  
Tommy Joe Williams, Special Commissioner, 2721 Brambleton Avenue, S.W., Roanoke, Virginia, 24015, office telephone number: (540)772-7848, cell phone number: (540) 797-4065.

I, Tommy Joe Williams, hereby certify that I have bond, with surety, as required by the decree.

Tommy Joe Williams  
Special Commissioner

I, Tommy Moore, Clerk of the Circuit Court of Botetourt County, Virginia, hereby certify the Tommy Joe Williams, Special Commissioner, has given bond, as required by the Decree with Surety approved by the Court.

Tommy Moore, Clerk  
Botetourt County Circuit Court

### Legals - Botetourt County

### Order of Publication

Commonwealth of Virginia  
VA Code§§ 1-211.1; 8.01-316.20-104  
Case No. CWF220000276  
BOTETOURT COUNTY  
Circuit Court, 5 W. MAIN STREET, FINCASTLE, VA 24090 Commonwealth of Virginia, in re ESTATE OF WILMA C. TODD, DECEASED

The object of this suit is to: SHOW CAUSE AGAINST PAYMENT AND DELIVERY OF ESTATE TO PARTIES ENTITLED. It is ORDERED that Upon the motion of Atlantic Union Bank, Executor of the Estate of Wilma C. Todd, deceased, (the "Estate") pursuant to Va. Code Section 64.2-556, for an order to show cause against distribution of the Estate. It appearing to the court that the necessary reports of the accounts of the Estate and of the debts and demands against the Estate have been filed with the Court, and at least six months have elapsed since the qualification of the Executor, it is accordingly ORDERED that the creditors of, and all others interested in, the Estate of Wilma C. Todd, deceased, do appear at 11:00 A.M. on the 31st day of January, 2024 in the Office of the Clerk of the Circuit Court for Botetourt County, 1 West Main Street #120, Fincastle, Virginia 24090 and show cause, if any the can, against payment and delivery of the Estate to the parties entitled thereto, without requirement of refunding bonds.

1-5-2024  
Joel R. Branscom,  
Circuit Court Judge.

JANUARY 8, 2024  
Leslianne Smith,  
Deputy Clerk

### 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, January 22, 2024, at 6:30 p.m., in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, 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. Consider the request of T J Real Properties, LLC, property owner, for rezoning the property located at 1236 West Main Street (Tax Map # 141-1-4) from HBD Highway Business District to CBD Community Business District.
2. Consider the request of Helm Building Enterprises, LTD, property owner, for the issuance of a Special Exception Permit to allow a two family dwelling on the property located at 301 Carey Avenue, (Tax Map # 74-2-6.1).
3. Consider the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District.
4. Consider the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Lane and a portion of 860 Mount Vernon Lane (Tax Map #s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family to PUD Planned Unit District.

If approved, Salem City Council intends to adopt the ordinance(s) associated with the above item(s) on first reading, with a second reading of those ordinance(s) at a subsequent meeting.

Copies of the proposed plans, ordinances or amendments may be examined in the Office of 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

**MAKE AN "A" IN ADVERTISING!**  
To place your ad, call 389-9355

### Legals - City of Salem

### LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Board of Appeals (Building) of the City of Salem, Virginia will hold a public hearing, in accordance with the provisions of Section 18-38 Code of City of Salem, Virginia, on January 24, 2024, at 4:00pm in the Council Chambers at City Hall, 114 North Broad Street, in the City of Salem, Virginia. The purpose of the meeting and hearing shall be to determine if certain structures are dangerous to the inhabitants of the City and whether such structures should be ordered to be repaired or demolished. The structures are located as follows:

- (1) Dilapidated structure located at 602 Goodwin Avenue, Salem, Virginia (Tax Map#201-10-2); and
- (2) Dilapidated structure located at 336 Schrader Street, Salem, Virginia (Tax Map #115-1-4).

All parties in interest at the public hearing will be given an opportunity to be heard, present evidence, and show cause why action by the City and Board to remedy a potentially dangerous situation should or should not be granted. For additional information, contact the Building Official's Office, 21 South Bruffey Street, Salem, Virginia (Phone 375-3036) THE BOARD OF BUILDING APPEALS OF THE CITY OF SALEM  
BY Troy D. Loving,  
Building Official

### STATEWIDE ADS

The Bath or Shower You've Always Wanted IN AS LITTLE AS A DAY

**\$1000 OFF**  
AND  
No Payments & No Interest For 18 Months\*  
OFFER EXPIRES 3/31/24

**BCI BATH & SHOWER**  
CALL NOW (844) 945-1631

\*Include product and labor, behind shower or tub is not included. The promotion cannot be combined with any other offer. Offer restrictions may apply. This offer expires 3/31/24. Cash liability is independently owned and operated. \*\*Best party financing is available for those customers who qualify for your dealer for details. ©2024 BCI Inc. VA

### STATEWIDE ADS

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With purchase of a new Safe Step Walk-In Tub. Not applicable with any previous walk-in tub purchase. Offer available while supplies last. No cash value. Must present offer at time of purchase. CSLB 1082165 NSCB 0082999 0083445

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FINANCING AVAILABLE WITH APPROVED CREDIT

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- APARTMENTS FOR RENT
- GARAGE SALES
- SITUATIONS WANTED
- HOMES FOR SALE

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**SOLD.**

**SAVED.**

**THE CLASSIFIEDS DELIVER!**



# Marketplace



THE PINNACLES HERALD

The Vinton Messenger

THE NEW CASTLE RECORD

SALEM TIMES-REGISTER

Newspapers

RADFORD News Journal

### Auctions

#### PUBLIC AUCTION

January 19, 2024 at 4:00pm  
by Bank of Botetourt  
At 5462 Lee Hwy, Troutville  
In Branch parking lot 2017 GMC Acadia Mileage 94 034  
For information contact Bank of Botetourt Danielle at 540-591-5035  
Maria at 540-591-5056  
Vehicle Sold As Is Other vehicles also may be sold if repossessions occur prior to sale. All announcements made date of sale supersede printed advertisement. Bank of Botetourt reserves the right to accept or decline any offer.  
Not responsible for injury

#### For Sale - Firewood

**FIREWOOD**  
Mixed Hardwood  
Call 540-784-3436 or 540-581-4183 Delivery in Botetourt only

#### Help Wanted - General

#### WANTED Models

Models needed for life drawing class, male and female. \$65 for 3 hour session. Call David 540-473-3713

### Legals - Botetourt County

#### Order of Publication

Commonwealth of Virginia VA Code §§ 1-211.1; 8.01-316.20-104  
Case No. CWF220000276  
**BOTETOURT COUNTY**  
Circuit Court, 5 W MAIN STREET, FINCASTLE, VA 24090  
Commonwealth of Virginia, in re ESTATE OF WILMA C. TODD.  
The object of this suit is to SHOW CAUSE AGAINST PAYMENT AND DELIVERY OF ESTATE TO PARTIES ENTITLED. It is ORDERED that Upon the motion of Atlantic Union Bank, Executor of the Estate of Wilma C. Todd, deceased, (the "Estate") pursuant to Va. Code Section 64-2-556, for an order to show cause against distribution of the Estate. It appearing to the court that the necessary reports of the accounts of the Estate and of the debts and demands against the Estate have been filed with the Court, and at least six months have elapsed since the qualification of the Executor, it is accordingly ORDERED that the creditors of, and all others interested in, the Estate of Wilma C. Todd, deceased, do appear at 11:00 A.M. on the 31st day of January, 2024 in the Office of the Clerk of the Circuit Court for Botetourt County, 1 West Main Street #120, Fincastle, Virginia 24090 and show cause, if any the can, against payment and delivery of the Estate to the parties entitled thereto, without requirement of refunding bonds.  
1-5-2024  
Joel R. Branscom, Circuit Court Judge.

JANUARY 8, 2024  
Leslianne Smith, Deputy Clerk

#### NOTICE OF SPECIAL COMMISSIONER SALE OF 101 DRY BRANCH ROAD, BUCHANAN, VIRGINIA, 24066

Pursuant to a Decree of the Circuit Court of Botetourt County, Virginia, made and entered into November 29, 2023 in Case No. 23CL23-00036100, styled Janis P. Barrett (Plaintiff) v. Cherokee Rose Eubank (Defendant), I will, on Friday, January 26, 2024 at 10:00 a.m. at the front door of the Courthouse of Botetourt County Virginia, located in its new temporary quarters, offer for sale to the highest bidder for cash, the following described real estate: 101 Dry Branch Road, Buchanan, Virginia, 24066, being 2.56 acres in the Buchanan Magisterial District, Tax Map #53-4, property ID#99013634. A more accurate description can be procured as shown on a plat attached to Deed Book 128 at page 123 in the Clerk's Office of the Circuit Court of Botetourt County, Virginia.

### Legals - Botetourt County

Terms of Sale Cash (10% on the day of sale with the remainder at closing within 60 days)  
For further information, apply to Tommy Joe Williams, Special Commissioner, 2721 Brambleton Avenue S.W., Roanoke, Virginia 24018, office telephone number (540)772-7848, cell phone number (540) 797-4065

I, Tommy Joe Williams, hereby certify that I have given bond, with surety, as required by the Decree.

Tommy Joe Williams, Special Commissioner

I, Tommy Moore, Clerk of the Circuit Court of Botetourt County, Virginia, hereby certify that Tommy Joe Williams, Special Commissioner, has given bond, as required by the Decree with Surety approved by the Court.

Tommy Moore, Clerk Botetourt County Circuit Court

### Legals - City of Radford

#### NOTICE OF PUBLIC HEARING

The Council of the City of Radford will hold a public hearing at a regularly scheduled meeting of Council on Monday, January 22, 2024 at 7:00 pm, in the City Council Chambers located in the City Administration Building, at 10 Robertson Street, Radford, Virginia to receive citizen comment and input regarding the Radford Transit application for FTA F.Y.25 Operating Funds, in the amount not to exceed \$2,550,000 and Capital not to exceed \$175,000. Interested persons may appear at the aforementioned time and place to present their views and comments. Comments may also be sent to Melissa Skelton, Transit Coordinator at 10 Robertson Street, Radford VA 24141 or Melissa.Skelton@radfordva.gov

Authorized by Radford City Council

### 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, January 22, 2024, at 6:30 p.m., in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, 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:

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If approved, Salem City Council intends to adopt the ordinance(s) associated with the above item(s) on first reading, with a second reading of those ordinance(s) at a subsequent meeting.

Copies of the proposed

### Legals - City of Salem

plans, ordinances or amendments may be examined in the Office of 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

#### LEGAL NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Board of Appeals (Building) of the City of Salem, Virginia will hold a public hearing, in accordance with the provisions of Section 18-38 Code of City of Salem, Virginia, on January 24, 2024, at 4:00pm in the Council Chambers at City Hall, 114 North Broad Street, in the City of Salem, Virginia. The purpose of the meeting and hearing shall be to determine if certain structures are dangerous to the inhabitants of the City and whether such structures should be ordered to be repaired or demolished. The structures are located as follows:

- (1) Dilapidated structure located at 602 Goodwin Avenue, Salem, Virginia (Tax Map#201-10-2); and
- (2) Dilapidated structure located at 336 Schrader Street, Salem, Virginia (Tax Map #115-1-4).

All parties in interest at the public hearing will be given an opportunity to be heard, present evidence, and show cause why action by the City and Board to remedy a potentially dangerous situation should or should not be granted. For additional information, contact the Building Official's Office, 21 South Bruffey Street, Salem, Virginia (Phone 375-3036) THE BOARD OF BUILDING APPEALS OF THE CITY OF SALEM BY Troy D. Loving, Building Official

#### Notice is hereby given to all interested persons that the City of Salem Planning Commission, at its regular meeting on January 10, 2024, at 7:00 p.m., in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, in the City of Salem, Virginia, voted to continue the public hearing of the following item.

Consider the request of Virginia Baptist Children's Home (dba HopeTree Family Services), property owner, for rezoning the properties located at 1000 block Red Lane and a portion of 860 Mount Vernon Lane (Tax Map#'s 41-1-1, 41-1-2, 41-1-3, 41-1-4, 41-1-5, 41-1-6, and a portion of 44-3-10) from RSF Residential Single Family to PUD Planned Unit District.

This item will be heard at the February 14, 2024, 7:00 P.M. meeting of the Planning Commission. This meeting will also be held at the Salem Civic Center.

Copies of the proposed plans, ordinances or amendments may be examined in the Office of 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 PLANNING COMMISSION OF THE CITY OF SALEM, VIRGINIA BY: H. Robert Light Deputy Executive Secretary

### Legals - Craig County

#### Public Notice - Environmental Permit

PURPOSE OF NOTICE: To seek public comment on a draft permit from the Department of Environmental Quality that allows the continued release of treated wastewater into a water body in Craig County, Virginia.

### Legals - Craig County

PUBLIC COMMENT PERIOD January 17 to February 19, 2024

PERMIT NAME Virginia Pollutant Discharge Elimination System Permit - Wastewater issued by DEQ pursuant to applicable water laws and regulations

APPLICANT NAME, ADDRESS AND PERMIT NUMBER Craig New Castle Public Service Authority (PSA), PO Box 128, New Castle, VA 24127 VA0064599

FACILITY NAME AND ADDRESS Craig - New Castle Wastewater Treatment Plant (WWTP), 370 Commerce Ave., New Castle

PROJECT DESCRIPTION The PSA has applied for reissuance of a permit for the WWTP in Craig County, Virginia. The applicant proposes to continue to release treated sewage wastewater at a rate of 175,000 gallons per day into a water body. Sludge from the treatment process will be stabilized, dewatered, and transported to Roanoke Valley Resource Authority for ultimate disposal in a sanitary landfill. The facility proposes to release the treated wastewaters into Craig Creek in Craig County in the James River watershed. A watershed is the land area drained by a river and its incoming streams. The permit will limit the following pollutants to amounts that protect water quality: organic matter, solids, physical and chemical properties, nutrients, inorganics, and bacteria

HOW TO COMMENT: DEQ accepts comments and requests for public hearing on the draft permit by hand-delivery, e-mail, or postal mail. All comments and requests must be in writing and be received by DEQ during the comment period. DEQ must receive hand-delivery and postal mail by close of business and email and fax comments by 11:59 p.m. on the last day of the comment period. Submittals must include the names, mailing addresses or email addresses of the commenter/requester and of all persons represented by the commenter/requester. A request for public hearing must also include: 1) The reason why a public hearing is requested; 2) A brief, informal statement regarding the nature and extent of the interest of the requester or of those represented by the requester; and 3) Specific references, where possible, to terms and conditions of the permit with suggested revisions. A public hearing may be held, including another comment period, if public response is significant, based on individual requests for a public hearing, and there are substantial, disputed issues relevant to the permit.

CONTACT FOR PUBLIC COMMENTS, DOCUMENT REQUESTS AND ADDITIONAL INFORMATION Susan Edwards, Blue Ridge Regional Office, 901 Russell Drive, Salem, VA 24153. E-mail: Susan.Edwards@deq.virginia.gov; Phone: 540-562-6700.

### Legals - Montgomery County

#### BWW# VA-360283-2 TRUSTEE'S SALE OF 105 ASTER LANE, CHRISTIANSBURG, VA 24073

In execution of a certain Deed of Trust dated August 27, 2007, in the original principal amount of \$190,000.00 recorded in the Clerk's Office, Circuit Court for Montgomery County, Virginia as Instrument No. 2007011289

The undersigned Substitute Trustee will offer for sale at public auction in the front of the Circuit Court building for Montgomery County, 55 East Main Street, Christiansburg, Virginia, or any such temporary alternative Circuit Court location designated by the Judges of the Circuit Court, on February 23, 2024, at 3:15 PM, the property described in said Deed of Trust, located at the above address, and more particularly described as follows ALL THAT CERTAIN PARCEL OF LAND IN, MONTGOMERY COUNTY, COMMONWEALTH OF VA, AS MORE FULLY DESCRIBED IN BOOK 973 PAGE 241 ID# 59-A-6-5, BEING KNOWN AND DESIGNATED AS LOT 5, MINOR SUBDIVISION FOR E AND V ENTERPRISE, FILED IN PLAT BOOK 973 AT PAGE 243, RECORDED 08/29/1997. TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject Deed of Trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise Purchaser's

### Legals - Montgomery County

more particularly described as follows ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN THE TOWN OF CHRISTIANSBURG, RIVER MAGISTERIAL DISTRICT OF MONTGOMERY COUNTY, VIRGINIA BEING DESCRIBED AS LOT 99, PHASE V, NEW RIVER VILLAGE, AS SHOWN ON A PLAT OF SURVEY ENTITLED "PLAT FOR MICHAEL W AND SHANNON M HARDWICK OF LOT NO 99, PHASE V, NEW RIVER VILLAGE, IN THE TOWN OF CHRISTIANSBURG, MONTGOMERY COUNTY, VIRGINIA" TERMS OF SALE: ALL CASH. A bidder's deposit of ten percent (10%) of the sale price or ten percent (10%) of the original principal balance of the subject Deed of Trust, whichever is lower, in the form of cash or certified funds payable to the Substitute Trustee must be present at the time of the sale. The balance of the purchase price will be due within fifteen (15) days of sale, otherwise Purchaser's deposit may be forfeited to Trustee. Time is of the essence. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled to a return of the deposit paid. The Purchaser may, if provided by the terms of the Trustee's Memorandum of Foreclosure Sale, be entitled to a \$50 cancellation fee from the Substitute Trustee, but shall have no further recourse against the Mortgagee or the Mortgagee's attorney. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at [www.bwvsales.com](http://www.bwvsales.com). Additional terms, if any, to be announced at the sale and the Purchaser may be given the option to execute the contract of sale electronically. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229. For more information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 6003 Executive Blvd, Suite 101, Rockville, MD 20852, 301-961-6555, website: [www.bwvsales.com](http://www.bwvsales.com) VA-362029-1

deposited with the Trustee. Time is of the essence. If the sale is set aside for any reason, the Purchaser at the sale shall be entitled to a return of the deposit paid. The Purchaser may, if provided by the terms of the Trustee's Memorandum of Foreclosure Sale, be entitled to a \$50 cancellation fee from the Substitute Trustee, but shall have no further recourse against the Mortgagee or the Mortgagee's attorney. A form copy of the Trustee's memorandum of foreclosure sale and contract to purchase real property is available for viewing at [www.bwvsales.com](http://www.bwvsales.com). Additional terms, if any, to be announced at the sale and the Purchaser may be given the option to execute the contract of sale electronically. This is a communication from a debt collector and any information obtained will be used for that purpose. The sale is subject to seller confirmation. Substitute Trustee: Equity Trustees, LLC, 8100 Three Chopt Road, Suite 240, Richmond, VA 23229. For more information contact: BWW Law Group, LLC, attorneys for Equity Trustees, LLC, 6003 Executive Blvd, Suite 101, Rockville, MD 20852, 301-961-6555, website: [www.bwvsales.com](http://www.bwvsales.com) VA-362029-1

ORDER OF PUBLICATION Commonwealth of Virginia VA Code §§ 1-211.1; 8.01-316.20-104 Case No. CL23002118-00 MONTGOMERY COUNTY Circuit Court, 55 EAST MAIN STREET, SUITE 1, CHRISTIANSBURG, VA 24073 Commonwealth of Virginia, in re MELISSA JANE MCPHERSON v. JACOB ANDRE MCPHERSON A/K/A KOBBI MAZUR

#### Order of Publication

Commonwealth of Virginia VA Code §§ 1-211.1; 8.01-316.20-104  
Case No. CL23002118-00  
MONTGOMERY COUNTY  
Circuit Court, 55 EAST MAIN STREET, SUITE 1, CHRISTIANSBURG, VA 24073  
Commonwealth of Virginia, in re MELISSA JANE MCPHERSON v. JACOB ANDRE MCPHERSON  
A/K/A KOBBI MAZUR

The object of this suit is to DIVORCE. It is ORDERED that JACOB ANDRE MCPHERSON A/K/A KOBBI MAZUR appear at the above-named court and protect his/her interests on or before MARCH 8, 2024

JANUARY 5, 2024  
K MIKE FLEENOR, JR. JUDGE  
TIFFANY M COUCH, CLERK

### Legals - Montgomery County

#### ABC NOTICE

DHRUVIN DESAI JAPAN DESAI ARCHANA PATEL, trading as GLENVAR MINUTE MARKET, 4145 WEST MAIN STREET, SALEM, ROANOKE COUNTY, VA, 24153.

The above establishment is applying to the VIRGINIA ALCOHOLIC BEVERAGE CONTROL (ABC) AUTHORITY for a Wine and Beer, Off Premises license to sell or manufacture alcoholic beverages.

DHRUVIN DESAI, OWNER

NOTE: Objections to the issuance of this license must be submitted to ABC no later than 30 days from the publishing date of the first of two required newspaper legal notices. Objections should be registered at [www.abc.virginia.gov](http://www.abc.virginia.gov) or 800-552-3200

### Legals - Montgomery County

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GENERAC

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 T J Real Properties, LLC, property owner, located at 1236 West Main Street (Tax Map # 141-1-4) be and the same is hereby changed from HBD Highway Business District to CBD Community Business District, 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 south side of West Main Street, said point being 180 feet west of the intersection of West Main Street with westerly right-of-way line of Wells Street, said point being corner to the 0.348 acre parcel herein described and the property of R.H.C. Associates; thence leaving said point of BEGINNING and following line between the 0.348 acre parcel herein described and the R.H.C. Associates property, S. 05° 26' E., passing an iron pin at 145 feet, in all 148.80 feet to a point, corner to Tract. "A" of the E. F. Blankenship Co. Map, property of Thomas J. Clayton, et ux; thence with Tract "A" of the E. F. Blankenship Co. Map. S, 82° 01' W., 101.2 feet to a point: thence continuing between the Clayton property and the property herein described, N. 06° 05' W., passing an iron pin on line at 3.49 feet, In all a total distance of 148.49 feet to an iron pin on the south side of West Main Street; thence with the south side of West Main Street, N. 81° 53' E., 102. 90 feet to the point of BEGINNING and being a parcel of land containing 0.348 acre as shown on map for Chalmer C. Cooper of 0.348 acre tract, prepared by T. P. Parker & Son, Engineers & Surveyors, dated February 3, 1992, and recorded in the Circuit Court Clerk's Office of the City of Salem, Virginia. In Deed Book 180, page 192.

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:

H. Hunter Holliday –  
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

Item #5B  
Date: 2/12/2024

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 the request of Helm Building Enterprises, LTD, property owner, for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District. (Approved on first reading at the January 22, 2024, meeting.)

SUBMITTED BY: Max Dillon, Planner

SUMMARY OF INFORMATION:

SITE CHARACTERISTICS:

Zoning: HBD Highway Business District  
Land Use Plan Designation: Industrial  
Existing Use: Vacant  
Proposed Use: Future Development (commercial, office, industrial)

The subject property (416 Electric Road) consists of a 4.001 acre tract of land which currently sits within the HBD Highway Business District designation. To provide a bit of history, this large parcel was formerly zoned HM Heavy Manufacturing, and at that time, it encompassed the parcels now recognized as 71 St. John Road and 105 St. John Road. A 2007 subdivision resulted in the formation of 71 St. John (retaining its HM Heavy Manufacturing designation), and a subsequent rezoning adjusted 416 Electric Road (which included the yet to be formed 105 St. John Road) from HM Heavy Manufacturing to HBD Highway Business District in anticipation of future commercial development. Since then, the St. John Place Commerce Center has developed in an industrial nature, and correspondingly, this request seeks to return 416 Electric Road to the HM Heavy Manufacturing classification. This parcel is currently vacant, but a grading plan has been submitted to prepare it for future development.

While there is no concrete site plan for the future development of the property, the uses specified in the HM Heavy Manufacturing District are consistent with existing development in the adjacent St. John Place Commerce Center. Although some of the site sits within the floodplain, any future development will be elevated above the 100-year floodplain to meet the necessary requirements.

The Future Land Use Map (FLUM) identifies this area as industrial which is consistent with the proposed future utilization of the property.

REQUIREMENTS:

The proposal meets the requirements of Section 106-220.3. Site development regulations for HM.

**City of Salem Community Development Application**

**Request for REZONING or CONDITIONAL REZONING**

Case #: \_\_\_\_\_

APPLICANT INFORMATION 416 Electric Road	
Owner: <u>Helm Building Enterprises LTD</u> Contact Name: <u>Edward "Ted" Dyer</u> Address: <u>1491 Southside Drive, Salem, VA 24153</u>	Telephone No. <u>540-589-1900</u> Fax No. _____ Email Address _____ edyer.helmbldg@gmail.com
Applicant/Contract Purchaser: <u>Same as Owner</u> Contact Name: _____ Address: _____	Telephone No. _____ Fax No. _____ Email Address _____

PARCEL INFORMATION	For <u>multiple</u> parcels, please attach a page <input type="checkbox"/>
(Tax ID #'s) <u>150-3-1</u> Deed Book <u>Inst. 230002110</u> Page _____ Subdivision _____ Location Description (Street Address, if applicable) _____ <u>416 Electric Road</u>	Total Area (acres/square feet) <u>4.0008 acres</u> Current Zoning <u>HBD</u> Requested Zoning <u>HM</u> Requested Use <u>Future development (commercial, office, industrial)</u> Current Use <u>Undeveloped lot</u> <input type="checkbox"/> Conditional Zoning Request: See Attached Proffer sheets

<b>SIGNATURE OF OWNER</b> <input checked="" type="checkbox"/>	<b>CONTRACT PURCHASER</b> <input type="checkbox"/>	<i>(attach contract)</i> <input type="checkbox"/>
As owner or authorized agent of this property, I hereby certify that this application is complete and accurate to the best of my knowledge, and I hereby grant permission to the agents and employees of the City of Salem to enter the property for the purposes of processing and reviewing this request.		
Signature _____	Date <u>11/30/2023</u>	
Print Name <u>Mr. Edward "Ted" Dyer</u>		
Signature _____	Date _____	
Print Name _____		

QUESTIONS/ LETTERS/ SHOULD BE FORWARDED TO THE FOLLOWING**:	
Name <u>Brushy Mountain Engineering, PLLC</u> Address: <u>3553 Carvins Cove Road</u> <u>Salem, VA 24153</u>	Telephone No. <u>540-526-6800</u> Fax No. _____ Email Address _____ barney@brushymtnengr.com
**It is the responsibility of the contact person to provide copies of all correspondence to other interested parties to the application.	

**PAID**  
11-30-23

**ACKNOWLEDGEMENT OF APPLICATION FEE PAYMENT PROCEDURE**

Application fees must be submitted at the time of submittal. I hereby acknowledge that this application is not complete until the payment for all applicable fees has been received by the City of Salem Community Development Department. I acknowledge that I am responsible for ensuring that such fees are received by the City of Salem. I further acknowledge that any application fee submitted after the deadline shall result in the application being considered filed for the next month's meetings.

Signature of applicant/authorized agent  Date: 11-30-23

Print Name: Edward "Ted" Dyer

Signature of applicant/authorized agent \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

If you would like your correspondence emailed and/or faxed, please make selections, and provide the information below:

Email edyer.helmbldg@gmail.com  Fax: \_\_\_\_\_

FEES:	
All application fees must be paid at the time of submittal. Please make checks payable to the City of Salem:	
Rezoning application fee	\$1,000

FOR STAFF USE ONLY	
Staff Reviewer: _____	Application Complete? <input type="checkbox"/> YES <input type="checkbox"/> NO
Date: _____	

**PLEASE RESPOND FOR ALL REZONING APPLICATIONS:**

1. What is the Future Land Use Designation for the subject property? Industrial
2. Describe in detail the proposed use of the property. At this time no new buildings are proposed. But the Owner hopes to build lease space in the near future as demand develops. This rezoning will allow for development consistent with buildings on St John Rd.
3. List any sensitive environmental or unique features on the property. Are there any high voltage transmission lines, public utility lines, or others? Storm sewer from Electric Rd will be routed around southern side of lot and fill material brought in to create a flat building pad.
4. Is the subject property located within the Floodplain District?  YES  NO If yes, describe the proposed measures for meeting the standards of the Floodplain Ordinance. A portion of the property is in the 100-year flood plain. The proposed building pad will be elevated so that it is well above the 100-year flood elevation.
5. Is the subject property listed as a historic structure or located within a historic district?  YES  NO If yes, describe the proposed measures for meeting the standards of the Department of Historic Resources.
6. Have you provided a conceptual plan of the proposed development, including general lot configurations and road locations? Are the proposed lot sizes compatible with existing parcel sizes in the area? This lot has over 1000 feet of road frontage along Electric Road which allows for a great deal of flexibility on how the property can be developed. The size and shape of future building(s) will be built to suit.

**PLEASE RESPOND FOR COMMERCIAL REZONING APPLICATIONS**

1. What provisions will be made to ensure safe and adequate access to the subject property? A construction entrance will be installed driveway directly from Electric at a location with an existing cross over in the median. The future driveway will utilize this location.
2. How will the traffic impact of this development be addressed? The lot will remain vacant for now so no traffic impact. The future development will have to consider impact on Electric Road.
3. Describe why the proposed use is desirable and appropriate for the area. What measure will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity? The planned use is consistent with the existing and planned buildings on St John Road. New development will comply with landscaping and screening requirements.
4. What type of signage is proposed for the site? No signs planned now. Future signage will be consistent with development along St John Road.
5. Have architectural/building elevations been submitted with this application? No building at this time.

**PAYMENT DATE**  
11/30/2023

**COLLECTION STATION**  
Engineering/Inspections

**RECEIVED FROM**  
Helm Building Enterprises  
LTD

**DESCRIPTION**

**City of Salem**  
P.O. Box 869  
Salem, VA 24153

**BATCH NO.**  
2024-00002913

**RECEIPT NO.**  
2024-00057482

**CASHIER**  
Krystal Graves

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																
CD LAND USE	Land Use Application Fees re-zoning for 416 Electric Road	\$1,000.00																
<table border="0"> <tr><td>Total Cash</td><td style="text-align: right;">\$0.00</td></tr> <tr><td>Total Check</td><td style="text-align: right;">\$1,000.00</td></tr> <tr><td>Total Charge</td><td style="text-align: right;">\$0.00</td></tr> <tr><td>Total Wire</td><td style="text-align: right;">\$0.00</td></tr> <tr><td>Total Other</td><td style="text-align: right;">\$0.00</td></tr> <tr><td>Total Remitted</td><td style="text-align: right; border-top: 1px solid black;">\$1,000.00</td></tr> <tr><td>Change</td><td style="text-align: right; border-top: 1px solid black;">\$0.00</td></tr> <tr><td>Total Received</td><td style="text-align: right; border-top: 1px solid black;">\$1,000.00</td></tr> </table>		Total Cash	\$0.00	Total Check	\$1,000.00	Total Charge	\$0.00	Total Wire	\$0.00	Total Other	\$0.00	Total Remitted	\$1,000.00	Change	\$0.00	Total Received	\$1,000.00	
Total Cash	\$0.00																	
Total Check	\$1,000.00																	
Total Charge	\$0.00																	
Total Wire	\$0.00																	
Total Other	\$0.00																	
Total Remitted	\$1,000.00																	
Change	\$0.00																	
Total Received	\$1,000.00																	
<b>Total Amount:</b>		<b>\$1,000.00</b>																

Customer Copy

KNOW ALL MEN BY THESE PRESENTS TO WIT:

THAT WILEY DEVELOPMENT, LLC IS THE FEE SIMPLE OWNER OF THE LAND SHOWN HEREON TO BE SUBDIVIDED, BOUNDED BY OUTSIDE CORNERS 1 THROUGH 16 TO 1, INCLUSIVE, AND IS A PORTION OF THE LAND CONVEYED BY DEED, AS RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF SALEM, VIRGINIA, IN INSTRUMENT #050005006.

THE SAID OWNER HEREBY CERTIFIES THAT HE HAS SUBDIVIDED THE LAND AS SHOWN HEREON, AS REQUIRED BY SECTION 15.2-2240 THROUGH 15.2-2279 OF THE CODE OF VIRGINIA, 1950 AS AMENDED TO DATE AND FURTHER PURSUANT TO AND IN COMPLIANCE WITH CHAPTER 26 "SUBDIVISIONS" AS AMENDED TO DATE OF THE GENERAL ORDINANCE OF THE CITY OF SALEM, VIRGINIA AND SECTION 8A OF THE CITY OF SALEM EROSION AND SEDIMENT CONTROL ORDINANCE; ENTIRELY WITH HIS FREE WILL AND CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNER OR PROPRIETORS OF THE LAND AND THE TRUSTEES IN ANY DEED OF TRUST, OR OTHER INSTRUMENT IMPOSING A LIEN UPON SUCH LAND, IF ANY THERE BE.

IN WITNESS WHEREON ARE HEREBY PLACED THE FOLLOWING SIGNATURES AND SEALS:

WILEY DEVELOPMENT, LLC  
 BY: Darlene C. Wiley ITS: Owner

STATE OF VIRGINIA  
 City of Roanoke

I, Katherine Noel Mawmard, A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE DO HEREBY CERTIFY THAT Darlene C. Wiley, WHOSE NAME IS SIGNED TO THE FOREGOING INSTRUMENT, HAS PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME ON THIS 31st DAY OF May, 2023.  
Katherine Noel Mawmard REG. # 7664950  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES May 31, 2024



EXCEPT AS PROVIDED FOR IN SECTION §15.2-2265 OF THE VIRGINIA STATE CODE THE RECORDATION OF THIS PLAT OF SUBDIVISION DOES NOT CONSTITUTE A CONVEYANCE OF LAND. ANY LOTS, PARCEL OR TRACT OF LAND SHOWN HEREON THAT IS INTENDED FOR SALE AND/OR CONVEYANCE MUST BE CONVEYED BY DEED AND SAID DEED MUST BE RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF THE CITY OF SALEM.

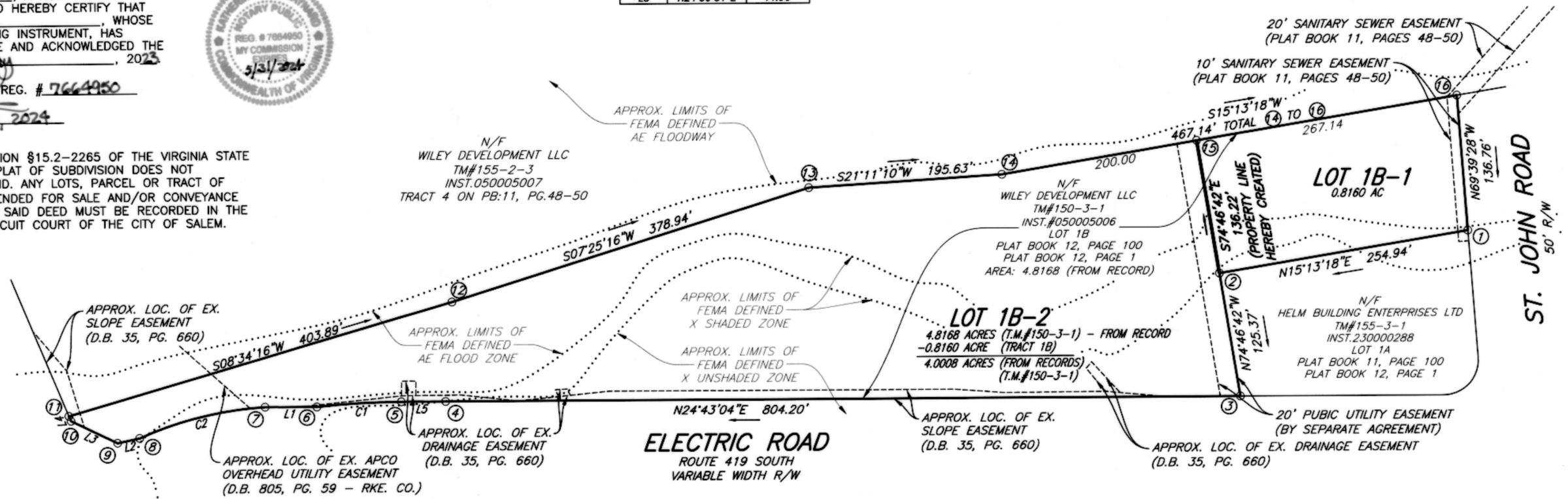
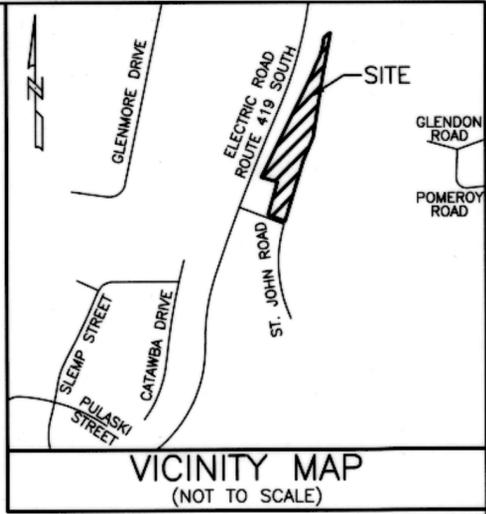
NOTES:

- OWNERS OF RECORD: WILEY DEVELOPMENT, LLC
- LEGAL REFERENCE: INST.#050005006
- PROPERTY IS CURRENTLY ZONED HBD
- THE CURRENT TAX MAP NUMBER: 150-3-1
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THERE MAY EXIST ENCUMBRANCES WHICH AFFECT THE PROPERTY NOT SHOWN HEREON.
- PROPERTY IS IN F.E.M.A. DEFINED ZONE X UNSHADED, X SHADED, & AE SEE FEMA MAP #51161CQ142G (REVISED DATE: SEPTEMBER 28, 2007)
- PROPERTY MAY CONTAIN UNDERGROUND UTILITY SERVICE LINES.

CURVE	RADIUS	LENGTH	CHD BEARING	CHD LENGTH	DELTA
C1	756.20'	85.70'	N21°36'02"E	85.66'	6°29'37"
C2	367.55'	131.44'	N11°10'23"E	130.74'	20°29'23"

LINE	BEARING	DISTANCE
L1	N25°01'30"E	52.20'
L2	N12°39'05"E	22.83'
L3	N50°27'35"E	52.20'
L4	S88°05'51"E	5.38'
L5	N24°50'51"E	44.96'

LEGEND	
○	DEEDED CORNER



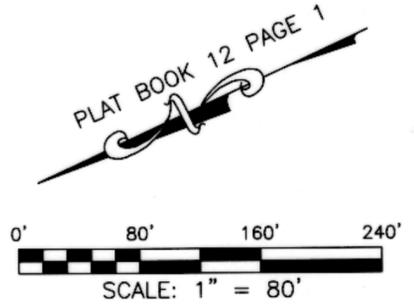
LINE 15 TO 2 HEREBY CREATED

I HEREBY CERTIFY THAT THIS PLAT IS FROM RECORDS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE & BELIEF.  
Donald S. Haddon III  
 DONALD S. HADDON, III 003405

APPROVED:  
Charles E. Van Allman Jr. 6/1/2023  
 CHARLES E. VAN ALLMAN, JR., P.E., L.S. DATE  
 DIRECTOR OF COMMUNITY DEVELOPMENT, CITY OF SALEM

James E. Taliaferro II 6/1/2023  
 JAMES E. TALIAFERRO, II, P.E. LS DATE  
 EXECUTIVE SECRETARY, CITY OF SALEM PLANNING COMMISSION

COORDINATE LIST(ASSUMED)		
CORNER	NORTHING	EASTING
1	5065.764	5131.389
2	5311.757	5198.324
3	5344.673	5077.352
4	6075.194	5413.628
5	6115.989	5432.520
6	6195.636	5464.055
7	6242.936	5486.136
8	6371.195	5511.470
9	6393.471	5516.470
10	6426.705	5556.726
11	6426.527	5562.103
12	6027.147	5501.909
13	5651.379	5452.963
14	5468.975	5382.273
15	5275.995	5329.764
16	5018.224	5259.624



RESUBDIVISION PLAT FROM RECORDS FOR  
**WILEY DEVELOPMENT, LLC**  
 BEING THE RESUBDIVISION OF  
 LOT 1B (4.8168 ACRES)  
 AS SHOWN ON  
 RESUBDIVISION PLAT FOR  
 THE ST. JOHN PLACE COMMERCE CENTER  
 PLAT BOOK 11 PAGE 100  
 &  
 PLAT BOOK 12 PAGE 1  
 CREATING HEREON  
**LOT 1B-1 (0.8160 AC)**  
 &  
**LOT 1B-2 (4.0008 AC)**  
 101 ST. JOHN ROAD  
 CITY OF SALEM, VIRGINIA  
 DATED MAY 25, 2023  
 JOB #05230147.HS  
 SCALE: 1" = 40'  
 SHEET 1 OF 1



IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF SALEM, VIRGINIA, THIS PLAT WAS PRESENTED AND WITH THE CERTIFICATE OF ACKNOWLEDGMENT THERETO ANNEXED IS ADMITTED TO RECORD AT 10:00 O'CLOCK A.M. ON THIS DAY OF JUNE, 2023 IN PLAT BOOK 16, PAGE 73.

TESTE: GARY CHANCE CRAWFORD  
 CLERK  
B. Haddock  
 DEPUTY CLERK



Tax Parcel 150-3-1 (416 Electric Road)

BEGINNING at a point on the east side of the Electric Road right-of-way at the northwest corner of Tax Parcel 155-3-1; thence following the Electric Road right-of-way line N 24° 43' 04" E a distance of 804.20 feet to a point; thence N 24° 50' 51" E a distance of 44.96 feet to a point; thence along a curve to the left with a Radius of 756.20 feet, Arc Length 85.70 feet, Chord Bearing of N 21° 36' 02" E, and Chord Length of 85.66 feet to a point; thence N 25° 01' 30" E a distance of 52.20 feet to a point; thence along a curve to the left with a Radius of 367.55 feet, Arc Length 131.44 feet, Chord Bearing of N 11° 10' 23" E, and Chord Length of 130.74 feet to a point; thence N 12° 39' 05" E a distance of 22.83 feet to a point; thence following south Lynchburg Turnpike right-of-way line N 50° 27' 35" E a distance of 52.20 feet to a point; thence S 88° 05' 51" E a distance of 5.38 feet to a point; thence departing said right-of-way and following the west line of Tax Parcel 155-2-3 S 08° 34' 16" W a distance of 403.89 feet to a point; thence S 07° 25' 16" W a distance of 378.94 feet to a point; thence S 21° 11' 10" W a distance of 195.63 feet to a point; thence S 15° 13' 18" W a distance of 200.00 feet to a point at the northeast corner of Tax Parcel 155-3-2; thence following the north line of Tax Parcels 155-3-2 and 155-3-1 N 74° 46' 42" W a distance of 261.59 feet to the place of BEGINNING, and being known as New Lot 1B-2, containing 4.0008 acres, as shown on Resubdivision Plat from Records for Wiley Development, LLC, being the resubdivision of Lot 1B (4.8168 acres) as shown on Resubdivision Plat for the St. John Place Commerce Center Plat Book 11 Page 100 & Plat Book 12 Page 1, dated May 25, 2023, by Balzer & Associates, recorded in the Clerk's Office of the Circuit Court of the City of Salem, Virginia in Plat Book 16, Page 73.

AFFADAVIT OF MAILING PURSUANT TO S15.2-2204  
CODE OF VIRGINIA

PLANNING COMMISSION  
JANUARY 10, 2024

ITEM #

This is to certify that I mailed letters in reference to the rezoning request of Helm Building Enterprises, LTD, property owner for rezoning the property located at 416 Electric Road (Tax Map # 150-3-1), from HBD Highway Business District to HM Heavy Manufacturing District, to the following property owners and adjacent property owners on December 22, 2023, in the 2:00 p.m. mail:

HELM BUILDING ENTERPRISES LTD  
1491 SOUTHSIDE DR  
SALEM VA 24153

E2STJOHN LLC  
1819 ELECTRIC RD SUITE E  
ROANOKE VA 24018

DANNY R & SONYA S KANE  
C/O KELLY JONES  
P O BOX 914  
SALEM VA 24153

MOUNT SINAI PROPERTIES –  
ELECTRIC RD LLC  
P O BOX 3096  
SALEM VA 24153

BROWN PROPERTIES LLC  
300 E 9<sup>TH</sup> ST  
SALEM VA 24153

CARTHY CORPORATION  
P O BOX 3096  
SALEM VA 24153

MIKE LEO TRENOR  
1392 TEXAS ST  
SALEM VA 24153

P & J 1 LLC  
940 CAMNEY LN  
VINTON VA 24179

BRUSHY MOUNTAIN ENG PLLC  
3553 CARVINS COVE RD  
SALEM VA 24153

Signed

Loretta L. Pullaman

Date

12/22/2023

City of Salem  
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of December, 2023 by

Loretta L. Pullaman

Krystal M. Graves

Notary Public

My commission expires: March 31, 2027



Krystal M. Graves  
Notary Public - ID 228801  
Commonwealth of VA  
My Commission Exps. 3-31-27



December 22, 2023

Helm Building Enterprises, LTD  
1491 Southside Drive  
Salem, VA 24153

RE: Petition For Zoning Amendment (Rezoning)  
416 Electric Road  
Tax Map # 150-3-1

To Whom It May Concern:

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

**Wednesday, January 10, 2024**  
**at 7:00 p.m.** in the

**Community Room, Salem Civic Center**  
**1001 Roanoke Boulevard**

**AND**

Salem City Council on:

**Monday, January 22, 2024**  
**at 6:30 p.m.** in the

**Community Room, Salem Civic Center**  
**1001 Roanoke Boulevard, Salem, Virginia**

for consideration of your request for rezoning the above referenced property.

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

Sincerely,

Mary Ellen H. Wines, CZA CFM  
Planning and Zoning Administrator

Brushy Mountain Engineering, PLLC



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

Notice is hereby given that a request has been filed with the City of Salem by the property owner/petitioner of the property described below. 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:**  
Helm Building Enterprises LTD

**Location of Property:**  
416 Electric Road (Tax Map # 150-3-1)

**Purpose of Request:**  
To rezone the property located at 416 Electric Road (Tax Map # 150-3-1) from HBD Highway Business District to HM Heavy Manufacturing District.

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

**WEDNESDAY, JANUARY 10, 2024 – 7 P.M.  
COMMUNITY ROOM, SALEM CIVIC CENTER  
1001 ROANOKE BOULEVARD, SALEM, VIRGINIA**

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

**MONDAY, JANUARY 22, 2024 – 6:30PM  
COMMUNITY ROOM, SALEM CIVIC CENTER  
1001 ROANOKE BOULEVARD, 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.

H. Robert Light  
Deputy Executive Secretary  
Planning Commission

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 Helm Building Enterprises, LTD, property owner, located at 416 Electric Road (Tax Map # 150-3-1) be and the same is hereby changed from HBD Highway Business District to HM Heavy Manufacturing District, 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 east side of the Electric Road right-of-way at the northwest corner of Tax Parcel 155-3-1; thence following the Electric Road right-of-way line N 24° 43' 04" E a distance of 804.20 feet to a point; thence N 24° 50' 51" E a distance of 44.96 feet to a point; thence along a curve to the left with a Radius of 756.20 feet, Arc Length 85.70 feet, Chord Bearing of N 21° 36' 02" E, and Chord Length of 85.66 feet to a point; thence N 25° 01' 30" E a distance of 52.20 feet to a point; thence along a curve to the left with a Radius of 367.55 feet, Arc Length 131.44 feet, Chord Bearing of N 11° 10' 23" E, and Chord Length of 130.74 feet to a point; thence N 12° 39' 05" E a distance of 22.83 feet to a point; thence following south Lynchburg Turnpike right-of-way line N 50° 27' 35" E a distance of 52.20 feet to a point; thence S 88° 05' 51" E a distance of 5.38 feet to a point; thence departing said right-of-way and following the west line of Tax Parcel 155-2-3 S 08° 34' 16" W a distance of 403.89 feet to a point; thence S 07° 25' 16" W a distance of 378.94 feet to a point; thence S 21° 11' 10" W a distance of 195.63 feet to a point; thence S 15° 13' 18" W a distance of 200.00 feet to a point at the northeast corner of Tax Parcel 155-3-2; thence following the north line of Tax Parcels 155-3-2 and 155-3-1 N 74° 46' 42" W a distance of 261.59 feet to the place of BEGINNING, and being known as New Lot 1B-2, containing 4.0008 acres, as shown on Resubdivision Plat from Records for Wiley Development, LLC, being the resubdivision of Lot 1B (4.8168 acres) as shown on Resubdivision Plat for the St. John Place Commerce Center Plat Book 11 Page 100 & Plat Book 12 Page 1, dated May 25, 2023, by Balzer & Associates, recorded in the Clerk's Office of the Circuit Court of the City of Salem, Virginia in Plat Book 16, Page 73.

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:

H. Hunter Holliday –  
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

Item # 6A  
Date: 2/12/2024

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

**MEETING DATE:** February 12, 2024

**AGENDA ITEM:** Consider setting the date for a public hearing in accordance with Section 98-94 of THE CODE OF THE CITY OF SALEM, VIRGINIA, for the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months. (Suggest March 11, 2024).

**SUBMITTED BY:** Rob Light, Assistant City Manager

**SUMMARY OF INFORMATION:**

As prescribed in section 98-94 of the Code of the City of Salem: The council shall conduct a hearing each year between January 1 and March 31 for the purpose of determining the number of taxicabs for which certificates shall be issued during the next year and for the purpose of determining to which persons such certificates shall be issued, after a consideration of the factors prescribed in section 98-87. No certificate shall be renewable as a matter of right, but the council shall decide in the exercise of its sound discretion and after consideration of the factors prescribed in section 98-87 to which persons such certificates shall be issued for the next certificate year. Such hearing shall be public, after notice thereof has been given by mail to all holders of certificates and applicants for certificates, at the address shown on such certificates and applications and after notice thereof by publication at least once and not less than ten days prior to the hearing in some newspaper published or having a general circulation in the city. Any such hearing may be continued from time to time without further notice.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Staff recommends Council set a public hearing date of March 11, 2024.

Sec. 98-94. - Council's annual hearing.

The council shall conduct a hearing each year between January 1 and March 31 for the purpose of determining the number of taxicabs for which certificates shall be issued during the next year and for the purpose of determining to which persons such certificates shall be issued, after a consideration of the factors prescribed in section 98-87. No certificate shall be renewable as a matter of right, but the council shall decide in the exercise of its sound discretion and after consideration of the factors prescribed in section 98-87 to which persons such certificates shall be issued for the next certificate year. Such hearing shall be public, after notice thereof has been given by mail to all holders of certificates and applicants for certificates, at the address shown on such certificates and applications and after notice thereof by publication at least once and not less than ten days prior to the hearing in some newspaper published or having a general circulation in the city. Any such hearing may be continued from time to time without further notice.

(Code 1969, § 28-37)

Item # 6B  
Date: 2/12/2024

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

**MEETING DATE:** February 12, 2024

**AGENDA ITEM:** Consider ordinance on first reading amending Chapter 90, Article III, Division 2, Subdivision I, Sections 90-74 and 90-128 pertaining to water and sewer availability fees.

**SUBMITTED BY:** Larado Robinson, PE, Director of Water/Sewer Department

**SUMMARY OF INFORMATION:**

Applies to Sec. 90-74(a)(1) and Sec. 90-128(a)(1)

The Availability Fees for both water and sewer states the fees are based on “**Meter Size or Tap Size (Whichever is greater).**” The addition of “**or Tap Size (Whichever is greater)**” was only intended for Connection Fees related to connections installed by the City, not Availability Fees. Availability Fees should only be based on the **Meter Size, not the Tap Size.**

Availability Fees are intended to recover a portion of the cost of the available water and sewer system capacity. The portion of a user’s capacity (the amount of water they use) is determined by their water meter and its size rather than the tap size. Therefore, for all Availability Fees listed, replace “**Meter Size or Tap Size (Whichever is greater)**” with “**Meter Size.**”

**STAFF RECOMMENDATION:**

Staff recommends Council approve first reading of this ordinance.

AN ORDINANCE TO AMEND, REVISE AND REORDAIN CHAPTER 90, ARTICLE III, DIVISION 2, SUBDIVISION I, SECTION 90-74 AND 90-128 PERTAINING TO WATER AND SEWER DISPOSAL AND RATES AND CHARGES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, THAT SECTIONS 90-74 AND 90-128, ARTICLE III, CHAPTER 90, of The Code of the City of Salem, Virginia, be amended, revised and reordained to read as follows:

Chapter 90 - UTILITIES  
ARTICLE III. - WATER AND SEWAGE DISPOSAL  
DIVISION 2. - WATERWORKS SYSTEM AND WATER SUPPLY  
Subdivision I. - In General

Sec. 90-74. - Same—Charges.

- (a) *Generally.* Before a service connection to a city water main is made for a consumer of water, the person desiring such connection shall comply with City connection policy and pay to the city treasurer the following charges:

(1) *Availability fees:* The following charges are hereby established and effective January 1, as noted:

<b>Meter Size or Tap Size (Whichever is greater)</b>	Jan. 2024	Jan. 2025
5/8" or 3/4"	\$3,000.00	\$4,000.00
1"	\$6,000.00	\$8,000.00
1-1/2"	\$10,500.00	\$14,000.00
2"	\$19,500.00	\$26,000.00
3"	\$37,500.00	\$50,000.00
4"	\$60,000.00	\$80,000.00
6"	\$120,000.00	\$160,000.00
8"	\$232,500.00	\$310,000.00

(2) *Connection fees:* The following charges are hereby established and effective January 1, as noted:

Meter Size or Tap Size (Whichever is greater)	Jan. 2024
5/8" or 3/4"	\$2,000.00 or actual cost plus 29%, whichever is greater
1"	\$2,300.00 or actual cost plus 29%, whichever is greater
1-1/2"	\$3,200.00 or actual cost plus 29%, whichever is greater
2"	\$3,800.00 or actual cost plus 29%, whichever is greater
Larger than 2"	Actual Cost plus 29%

(b) *Subdivisions.* In a duly approved subdivision where the subdivider or property owner has installed water service laterals, as required under the provisions of chapter 78 of this Code as a part of the physical improvements within the subdivision, the amounts specified in subsection (a) of this section to be made shall be reduced by 40 percent.

Connection fee for water service laterals installed by subdivider are hereby established and effective January 1, as noted:

Water Meter Size	Jan. 2024
5/8" or 3/4	\$1,200.00
1"	\$1,380.00
1-1/2"	\$1,920.00
2"	\$2,280.00
Larger than 2" Water Meter Size	Actual cost plus 29%

DIVISION 3. - SEWAGE DISPOSAL

Subdivision I. - In General

Sec. 90-128. - Sewer connection charges generally.

- (a) Before a sewer service connection is made to a city public sewer, the applicant therefor shall comply with City connection policy and pay to the city treasurer the following charges:

(1) *Availability fees:* The following charges are hereby established and effective January 1, as noted:

<b>Meter Size or Tap Size (Whichever is greater)</b>	Jan. 2024	Jan. 2025
5/8" or 3/4"	\$1,500.00	\$2,000.00
1"	\$3,000.00	\$4,000.00
1-1/2"	\$4,500.00	\$6,000.00
2"	\$9,000.00	\$12,000.00
3"	\$18,000.00	\$24,000.00
4"	\$30,000.00	\$40,000.00
6"	\$60,000.00	\$80,000.00
8"	\$112,500.00	\$150,000.00

(2) *Connection fees:*

6" Sewer Connection or smaller - based on lateral diameter	The greater of \$2,200.00 or actual cost plus 29%
Larger than 6" Sewer Connection - based on lateral diameter	The greater of \$2,200.00 or actual cost plus 29%

- (b) This section shall be subject to sections 90-129 and 90-130

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:

H. Hunter Holliday -  
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

Item #6C  
Date: 2/12/2024

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

**MEETING DATE:** February 12, 2024

**AGENDA ITEM:** Appropriate Microbusiness Marketing Leverage Program  
Grant funds awarded by Virginia Tourism Corporation

**SUBMITTED BY:** Rosemarie B. Jordan, Director of Finance

**SUMMARY OF INFORMATION:**

The City of Salem was awarded \$10,000 in grant funds through the Virginia Tourism Corporation to promote Downtown Salem lodging, dining and shopping. Efforts will be focused in the central Virginia area from Lynchburg to Richmond. A local match of \$10,000 is required and will be covered through the Tourism operating budget.

**FISCAL IMPACT:**

Proceeds from the grant will cover the cost of services not included in the FY24 operating budget.

**STAFF RECOMMENDATION:**

Appropriate \$10,000 in state grant revenue to account 10-053-0100-48398 and increase the budget for state grant expenditures, 10-053-8170-55859, by \$10,000.

Budget Entry

Date	GL Account	Account Name	Increase/ (Decrease)	Description
2/12/2024	10-053-0100-48398	State Grants - Tourism	10,000	Appropriate VTC grant for Downtown Salem per 2/12 council action
2/12/2024	10-053-8170-55859	State Grants	10,000	Appropriate VTC grant for Downtown Salem per 2/12 council action

Item #6D  
Date: 2/12/2024

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

**MEETING DATE:** February 12, 2024

**AGENDA ITEM:** Request to appropriate local funding for Upland Drive Storm Drain and Curb and Gutter

**SUBMITTED BY:** Rosemarie B. Jordan, Director of Finance

**SUMMARY OF INFORMATION:**

As part of the Capital Improvement Plan, \$125,000 was allocated to the Upland Drive storm drain and curb and gutter improvements project in fiscal year 2024. This project is projected to be funded over six years for a total of \$750,000 in funding and a project completion date in fiscal year 2029. Fiscal year 2024 is the first year of local funding, with \$125,000 included in the General Fund adopted budget. Funding needs to be appropriated in the Capital Projects Fund and transferred.

**FISCAL IMPACT:**

Local funding of \$125,000 in fiscal year 2024, when combined with funding projected over six years, will fund storm drain and curb and gutter improvements on Upland Drive in fiscal year 2029.

**STAFF RECOMMENDATION:**

Staff recommends appropriating \$125,000 to the Capital Projects Fund revenue account 20-012-0200-49905, Transfer From General Fund, and to the Capital Projects Fund expenditure account 20-042-0205-54421, Upland Drive Storm Drain and Curb and Gutter.

Budget Entry

Date	GL Account	Account Name	Increase/ (Decrease)	Description
2/12/2024	20-012-0200-49905	Transfer from General Fund	125,000	Appropriate funding for Upland Drive Storm Drain Project
2/12/2024	20-042-0205-54421	Upland Drive Storm Drain and Curb and Gutter	125,000	Appropriate funding for Upland Drive Storm Drain Project

Item #6E  
Date: 2/12/2024

February 12, 2024

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:

<b><u>Board or Commission</u></b>	<b><u>Recommendation</u></b>
<b>Board of Zoning Appeals</b>	Recommend Steve Belanger for Circuit Court appointment as a full member to replace Winston J. DuBois for the remainder of a five-year term ending June 5, 2024.
<b>Economic Development Authority</b>	Recommend that Council re-appoint Paul C. Kuhnel and J. David Robbins for four-year terms ending March 9, 2028.
<b>Fair Housing</b>	Recommend re-appointing Pat Dew for a three-year term ending March 1, 2027.
<b>Local Office on Aging (LOA)</b>	Recommend re-appointing John Shaner for a three-year term ending March 1, 2027.
<b><u>Vacancies</u></b>	
<b>Roanoke River Blueway Advisory Committee</b>	Need one member, two-year term

Sincerely,

*Laura Lea Harris*

Laura Lea Harris  
Deputy Clerk of Council

**CITY OF SALEM, VIRGINIA  
BOARDS AND COMMISSIONS  
February 12, 2024**

MEMBER                      EXPIRATION OF TERM

BLUE RIDGE BEHAVIORAL HEALTHCARE

Term of Office: 3 years (3 terms only)  
Denise P. King                      12-31-24  
Rev. C. Todd Hester                12-31-25  
Dr. Forest Jones                    12-31-26  
AT LARGE MEMBERS:  
Patrick Kenney                      12-31-25  
Helen Ferguson                    12-31-26  
Bobby Russell                      12-31-24

BOARD OF APPEALS (USBC BUILDING CODE)

Term of Office: 5 years  
John R. Hildebrand                1-01-26  
Robert S. Fry, III                    1-01-28  
Patrick Snead                      1-01-25  
Nathan Routt                      5-11-25  
Joseph Driscoll                    1-01-28  
ALTERNATES:  
David Hodges                      12-12-26  
Chelsea Dyer                      8-09-25  
David Botts                      1-01-29

BOARD OF EQUALIZATION OF REAL ESTATE  
ASSESSMENTS

Term of Office: 3 years (**appointed by Circuit Court**)  
Wendel Ingram                      11-30-24  
N. Jackson Beamer, III            11-30-24  
David A. Prosser                    11-30-25  
Janie Whitlow                      11-30-26  
Kathy Fitzgerald                    11-30-24

BOARD OF ZONING APPEALS

Term of Office: 5 years (**appointed by Circuit Court**)  
F. Van Gresham                    3-20-27  
Frank Sellers                      3-30-28  
Winston J. DuBois                6-05-24  
Gary Lynn Eanes                    3-20-25  
Tom Copenhaver                    3-20-27  
ALTERNATES:  
Tony Rippee                      10-12-28  
Jeff Zoller                      3-1-28  
Steve Belanger                    11-13-28

CHIEF LOCAL ELECTED OFFICIALS (CLEO)  
CONSORTIUM

No Term Limit  
H, Hunter Holliday  
Alternate: Vacant

MEMBER                      EXPIRATION OF TERM

CONVENTION & VISITORS BUREAU

John Shaner                      No term limit

COMMUNITY POLICY AND MANAGEMENT TEAM

No term limit except for Private Provider  
(Names)                      (Alternates)  
Rosie Jordan                      Tammy Todd  
Laura Lea Harris                Crystal Williams  
Kevin Meeks                      Joshua Vaught Amy Cole  
Jasmin Lawson  
Cathy Brown                      Sarah Watkins Howard Shumate  
Leigh Frazier                    Courtenay Alleyne  
Heather Gunn                    Chris Park  
Mark Chadwick  
Parent Rep-Vacant                Vacant  
Sue Goad                      Chrissy Brake  
Randy Jennings                Deborah Coker  
Darryl Helems                    Mandy Hall  
Derek Weeks                      Danny Crouse  
Health Dept. - Vacant            Vacant  
Wendel Cook                      Jessica Cook  
\*Note: Rosie Jordan will serve as Fiscal Agent  
For the City of Salem

ECONOMIC DEVELOPMENT AUTHORITY

Term of Office: 4 years (**Requires Oath of Office**)  
William Q. Mongan                3-09-27  
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  
Joe Curran                      12-14-24

FAIR HOUSING BOARD

Term of Office: 3 years  
Betty Waldron                      7-01-25  
Melton Johnson                    7-01-26  
Cole Keister                      8-09-24  
Pat Dew                      3-01-24  
Janie Whitlow                      4-09-24

MEMBER                      EXPIRATION OF TERM

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(INACTIVE)

Term of Office: Unlimited

PERSONNEL BOARD

Term of Office: 2 years

William R. Shepherd	6-09-25
J. Chris Conner	8-12-25
Margaret Humphrey	8-12-25
Garry Lautenschlager	11-23-24
Teresa Sizemore-Hernandez	4-26-25

PLANNING COMMISSION AND  
NPDES CITIZENS' COMMITTEE

Term of Office: 4 years

Neil Conner	7-31-26
Denise "Dee" King	7-31-26
Vicki Daulton	7-26-27
Reid Garst	7-31-26
N. Jackson Beamer	8-28-27

REAL ESTATE TAX RELIEF REVIEW BOARD

Term of Office: 3 years

David G. Brittain	2-14-25
Wendel Ingram	6-11-24
Daniel L. Hart	2-14-27

ROANOKE REGIONAL AIRPORT COMMISSION

Term of Office: 4 years

Dale T. Guidry	7-1-24
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ROANOKE RIVER BLUEWAY ADVISORY COMMITTEE

Term of Office: 2 years

Jeff Ceasar	6-30-24
Vacant	6-30-25

MEMBER                      EXPIRATION OF TERM

ROANOKE VALLEY-ALLEGHANY REGIONAL  
COMMISSION

Term of Office: 3 years

H. Hunter Holliday	6-30-24
Dee King	6-30-26
James W. Wallace, III	6-30-24

ROANOKE VALLEY BROADBAND AUTHORITY

Term of Office: 4 years

H. Robert Light	12-14-27
Mike McEvoy (Citizen At-large)	12-13-25

ROANOKE VALLEY DETENTION COMMISSION

No Terms

Member	Alternate
Vacant	Rosemarie Jordan

ROANOKE VALLEY GREENWAY COMMISSION

Term of Office: 3 years

Dr. Steven L. Powers	11-08-24
Russ Craighead	7-25-25
Skip Lautenschlager	9-26-26

ROANOKE VALLEY RESOURCE AUTHORITY

Term of Office: 4 years

Rob Light	12-31-27
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ROANOKE VALLEY TRANSPORTATION PLANNING  
ORGANIZATION (TPO) POLICY BOARD

Term of Office: 3 years

Renee F. Turk	6-30-26
H. Hunter Holliday	6-30-26
Alternate: Byron R. Foley	6-30-26

SCHOOL BOARD OF THE CITY OF SALEM

Term of Office: 3 years

Nancy Bradley	12-31-24
Teresa Sizemore-Hernandez	12-31-24
Andy Raines	12-31-25
Stacey Danstrom	12-31-25
Rachel Thompson	12-31-26

SOCIAL SERVICES ADVISORY BOARD

Term of Office: 4 years, 2 term limit

Heath Rickmond	12-01-26
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TOTAL ACTION FOR PROGRESS

Term of Office: 2 years

Byron Randolph Foley	11-13-25
(vacant - full-time alternate)	

MEMBER

EXPIRATION OF TERM

TRANSPORTATION TECHNICAL COMMITTEE (TTC)

Term of office: 3 years

Crystal Williams	6-30-26
Josh Pratt	6-30-26
Alternate: Vacant	6-30-26
Alternate: Max Dillon	6-30-26

VIRGINIA WESTERN COMMUNITY COLLEGE LOCAL  
ADVISORY

Term of Office: 4 years (2 terms only)

Dr. Forest I. Jones, Jr.	6-30-26
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VIRGINIA'S BLUE RIDGE BOARD

Term of Office:

H. Robert Light

WESTERN VIRGINIA EMERGENCY MEDICAL  
SERVICES COUNCIL

Term of office: 3 years

Deputy Chief Matt Rickman	12-31-25
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WESTERN VIRGINIA REGIONAL INDUSTRIAL  
FACILITY AUTHORITY

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

Tommy Miller	2-3-26
Chris Dorsey	2-3-28

Crystal Williams (Alternate)	2-3-26
H. Robert Light (Alternate)	2-3-28

WESTERN VIRGINIA REGIONAL JAIL AUTHORITY

Term of Office: 1 year – Expires 12-31-24

**(Requires Oath of Office)**

William D. Jones

Alternate: Byron R. Foley

Vacant

Alternate: Rosemarie Jordan

April M. Staton

Alternate: Chief Deputy-Major Steve Garber