

# City Council Meeting

## MINUTES

Monday, May 22, 2017, 7:30 PM

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

---

### 1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia, was called to order at 7:30 PM, there being present the following members to wit: Byron Randolph Foley, Mayor, William D. Jones, Vice-Mayor, Council members: Jane W. Johnson, James A. Martin, and James L. Chisom; along with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Melinda J. Payne, Director of Economic Development; William L. Simpson, Jr., City Engineer; Mike Stevens, Communications Director; and Stephen M. Yost, City Attorney.

### 2. Pledge of Allegiance

### 3. Bid Openings, Awards, Recognitions

### 4. Consent Agenda

#### A. Minutes

Consider acceptance of minutes from the May 8, 2017, work session and regular meeting.

Approved

### 5. Old Business

#### A. Taxicabs

Consider issuance of a Certificate of Public Convenience and Necessity for Salem Cab Service, LLC and Roanoke Taxi beginning on April 1, 2017, continued from the May 8, 2017 meeting. (Advertised in the April 20 & 27, 2017, issues of the Salem Times Register.)

Mr. Taliaferro noted at the last meeting there was a question regarding the insurance for Salem Cab Service, LLC and Roanoke Taxi. Staff has received notice that their insurance has been taken care so everything is in order.

James Martin motioned to award a Certificate of Public Convenience and Necessity for Salem Cab Service, LLC and Roanoke Taxi beginning on April 1, 2017. Jane Johnson seconded the motion.



Ayes: Chisom, Foley, Johnson, Jones, Martin

## 6. New Business

### A. Special Exception Permit

Hold public hearing to consider the request of Beckner Living Trust, property owner, and Daryl and Marlene Beckner, Trustees, for the issuance of a Special Exception Permit to allow an accessory apartment in a proposed attached garage addition on the property located at 844 Roanoke Boulevard (Tax Map # 158-5-5). Advertised in the May 4 and 11 issues of the Salem Times Register. (Recommend approval with condition; see Page 14 Planning Commission minutes.) **STAFF REPORT**

Staff noted the following regarding the request: the subject property consists of one parcel, located on the south side of Roanoke Boulevard across from the Salem Civic Center. The property is approximately .34 acres and is occupied by a single family residence. The applicants state they would like to construct a garage addition on the right side of the house. The addition will be approximately 28 feet by 40 feet (1,120 sq.ft. total) with an upstairs apartment of 16 feet by 40 feet (640 sq.ft.). The garage will be attached to the house by a breezeway structure with utilities tied to the main residence. The applicants stated that the intended use of the property is for the owners' adult daughter, and that in the event she moves out then the property will not be rented or leased. This is not stated as a voluntary proffer.

Mr. Taliaferro noted the petitioners would like to build a garage attached to the primary structure, and the City Code requires a Special Exception Permit whenever there is an accessory apartment. Planning Commission recommended approval with the condition that the proposed addition will be built in substantial conformance to the presented design.

Vice Mayor Jones asked if the proposed apartment would only be used for family, and Mr. Taliaferro noted that this is correct. He believes that they are building it for their daughter.

Mayor Foley opened the public hearing and asked if anyone would like to speak regarding the matter.

Daryl Beckner of 844 Roanoke Boulevard, property owner, appeared before City Council. He noted that the request is for a Special Exception Permit to allow an accessory apartment in the proposed attached garage addition at his residence. He and his wife would like to build the garage apartment for their adult daughter. Further, they are aware if she were to move out of the apartment that it could not be



rented or leased. He discussed the details of the garage and the upstairs apartment noting that it would be accessed from the inside of the garage.

Mrs. Johnson asked if there would be access to the apartment from the outside as well. Mr. Beckner noted that there will be a breezeway from the porch to the garage and access will be from the breezeway on the side of the garage.

Mr. Martin noted that the utilities would be tied into the primary residence, and Mr. Beckner noted that this is correct.

Mayor Foley asked if anyone else would like to come forward and speak on this request. There was no response, and the public hearing was closed.

William Jones motioned to approve the request of Beckner Living Trust, property owner, and Daryl and Marlene Beckner, Trustees, for the issuance of a Special Exception Permit to allow an accessory apartment in a proposed attached garage addition on the property located at 844 Roanoke Boulevard (Tax Map # 158-5-5). James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

#### **B. Special Exception Permit**

Hold public hearing to consider the request of Laura and Robert Owen, property owners, and Mount Regis Center, lessee, for the issuance of a Special Exception Permit to allow an outpatient mental health and substance abuse clinic on the property located at 120 Roanoke Boulevard (Tax Map # 121- 9 - 3). (Advertised in the May 4 and 11, 2017 issues of the Salem Times Register.) Recommend approval with conditions; see Page 1 Planning Commission minutes.) **STAFF REPORT**

Staff noted the following regarding the request: the subject property consists of one parcel, located on the south side of Boulevard, near the intersection with South Colorado Street. The property is approximately .34 acres, and is occupied by a single story office building. After the original facility at 405 Kimball Avenue was destroyed by fire, Mount Regis moved its outpatient administrative offices to this location temporarily. The applicant intends to rebuild at the original location but due to the time involved for reconstruction, they would like to temporarily operate the outpatient mental health and substance abuse clinic at this location. The treatment provided by the proposed facility would be limited to counseling for clients in early recovery and for their families. No medications are dispensed. This use is intended to be of a temporary nature, lasting approximately two years until the Kimball Avenue location can be rebuilt. The applicant has voluntarily proffered that if approved, after no more than two years they will request the revocation of this permit.



Mr. Taliaferro noted that Mount Regis Center operated inpatient and outpatient services on Kimball Avenue. When they opened their new facility on Texas Street, they left the outpatient services on Kimball Avenue. The Center had a fire and cannot use that facility right now and would like to find a temporary home for the outpatient services. These services are not like a methadone clinic. This is therapy and they would not house any medications on site and would hope within the next couple of years to reopen the Kimball Avenue facility for these services. There are three proffers, which are outlined in a letter submitted to Council this evening. The proffers are: 1) the use permit will be for a period of two years or until they receive a certificate of occupancy for the property on Kimball Avenue; 2) there would be no medications stored at this facility; and 3) the hours of operation for the counseling services will be from 12 p.m. to 9:30 p.m., Monday through Friday only. He further noted that if Council had any questions he would be glad to answer them.

Mayor Foley noted that he would like to add that no medications would be stored or dispensed at this location. Mr. Taliaferro noted that this was correct.

Vice Mayor Jones asked if these are proffers or conditions. Mr. Taliaferro noted that Planning Commission placed conditions on their recommendation but since then staff has received a letter with voluntary proffers from the petitioner. Mr. Yost noted unlike a conditional rezoning, Council can unilaterally place conditions on a Special Exception permit and this is apparently what the Planning Commission did although from what Mr. Taliaferro just said the petitioners have agreed to those conditions.

Mr. Boggess noted with regards to the public hearing this evening and we expect there to be comments, he requested that Council use the timer this evening, which is a little less than 3 1/2 minutes until the red light comes on. Mayor Foley opened the public hearing and asked that they follow the lights appropriately in order to give everyone ample time to make comments.

Reverend Adrian Dowell, Senior Pastor at Shiloh Baptist Church, 201 South Market Street, appeared before the Council. He thanked Council for the opportunity to address them in regards to the request. He and the members of Shiloh Baptist Church are appreciative of the many services that Mount Regis Center provides to the community and that they have not come in protest of anything tonight. But, they have to voice their concern and to get an understanding as to what type of services will be provided by the clinic at this location and the type of clientele that they would be servicing. He noted that it is their desire to be good neighbors to all the businesses and residents of the community, especially those in the vicinity of their church. Again, they are concerned. Shiloh is a very active fellowship and many attend church all days of the week. They have a number of activities taking place in the evening hours. They do not want to appear uncooperative or insensitive to the



needs of the greater community, but they desire additional information and the assurance that the safety concerns as well as the property values will be taken into consideration by City Council when making their decision. The services that would be rendered at the clinic are no doubt needed, but the question is this particular location a good fit for this area of the City.

Heidi Taylor, Licensed Professional Counselor and Clinical Director of Outpatient Services with Mount Regis Center appeared before the Council regarding the request. She noted the services that would be offered at this location are outpatient mental health and substance abuse services. So they would be treating families and people in the early stages of identifying as having a problem with substance abuse. This would be Level 1 and Level 2 criteria of care which means this is the lowest level of care. They would be offering an afternoon and an evening intensive outpatient program which is a small group usually between 8 and 14 people at the most to address substance use disorders. Many of their referrals are self-referred and others are referred by the health professional monitoring board. These are people who usually have jobs, families and who are still functioning. One of the things that Mount Regis is committed to is helping people address the disease of addiction at whatever stage. It always is better when people can identify and get treatment early and that is what this level of care is about. The other commitment that Mount Regis has is often times family members are the first to present with symptoms. They are really concerned and worried about a loved one who may be beginning to struggle with addiction. Their hope is to be able to offer support and education for those family members so they know what the resources are and they know how to get help for their loved ones. She noted that this is what this facility will be about. At the current time, she is facilitating the IOP and a number of people in the group are health care providers, construction workers, business owners, and people just like you and I who are beginning to struggle with the disease of addiction.

Kenneth Belton of 1705 Walden Circle, Salem, appeared before the Council and noted that he had some additional comments and issues about the request. As a member of Shiloh Baptist Church and also a member of the joint board of deacons and trustees of the church, they want the City to know that they are sensitive, understand and appreciate the services that this agency has to offer to the people in our community. They also know that the truth of the matter is that as a church they have had the opportunity to refer several individuals who have come in contact with their church to certain agencies and clinics in the past and probably will do so in the future. Their church has had the privilege to have the Salem Police Department as their next door neighbor. And he must admit that down through the years they have fallen into a false sense of security assuming that there would never be any crime, breaking of laws, or display of any misconduct in or around their church. We know those days are gone and those types of things still do happen, and we still face different types of situations at the church. However, with the help of the police



department, they have had several people trained to learn how to handle such difficult people. This leads him to some of the questions and concerns. The first question is will Council exercise the necessary judgement, the wisdom, and the foreseeability as to what can potentially happen in this area with this clinic/agency. Will this clinic increase the traffic near and around the church that would propose a security threat to their women, children and seniors? These are the questions that their members have. What are the risks that will be imposed? Does City Council have the confidence to reassure their members that they will not face any additional types of threats or issues other than those they are currently dealing with? The statements have been made they are not equipped to handle an increased volume of traffic and individuals with special needs. They are doing all they can to support everybody in their community and they will continue to do this to be good neighbors.

Dr. Eugene Bane, property owner at 115 Boulevard, appeared before the Council. He noted that he and his wife are owners of the building right across the street from 120 Boulevard. He originally operated his optometry practice in this building and it is now leased to Joe's Deli and Premier Benefits. The problem they have with the request is that they know the people who come to these types of facilities are not always doctors and teachers. Often these are people who are known as street people, and this is not exactly the group that want to have in their neighborhood. He noted that he was on the Board of Trustees of an optometry medical school in Memphis, Tennessee for eight years, and they had a drug addiction center next door to the college campus with a small parking lot that separated the college campus from the center. Clearly marked on the parking lot of the college was "Student Parking Only." These customers or clients came and parked in their parking lot and then would go into the clinic and did whatever they did there. Then they would throw out their fast food wrappers, their cigarette ashtrays, and their syringes and needles into the parking lot. Then they would whistle and yell at the female students when they came to attend classes. The only way they were able to get rid of this was to purchase the building and when their lease ran out, they did not renew it. So as a result, this was the only way they were able to get rid of the clinic. He noted this was a methadone distribution center along with counseling. He fears the proposed clinic is going to create a nasty mess in the neighborhood. The proposed location does share a common entrance area to their back parking lot with the bank. This is not what they consider a comfortable arrangement and he does not feel that this is fair to all concerned because the neighborhood is concerned and very uncomfortable with the idea of having this facility. He noted that the proposed use could extend past two years, if Mount Regis decides they like this location. Also they might end up with another group moving in since there would already be a special use permit for the building. He asked City Council to take into consideration if this was located next to their home or to their business. Is it really fair to all concerned?



Mayor Foley asked Mr. Yost if he could address a couple of Dr. Bane's comments. Mr. Yost stated if the petition is approved subject to the conditions that were agreed to and placed on it by recommendation of the Planning Commission, one of those conditions was that the Special Exception Permit would extend for only two years or upon the issuance of certificate of occupancy for the property on Kimball Avenue, which ever occurs first. So the worst case scenario would be that it would be there for two years. If in fact, as Dr. Bane alluded to, if either Mount Regis or some subsequent entity was wishing to offer the same services at the same location, they would have to go through the same process that Mount Regis is doing now.

Jim Cowan of Cowan Perry, 710 Jefferson Street, Blacksburg, appeared before the Council. He noted that his firm represents First Citizens Bank. First Citizens Bank is the immediate neighbor to this property. He noted more importantly they share a parking lot with the proposed lease space. First Citizens has been a very active member of the business community both in this part of downtown Salem and throughout the area. He stated that he wants to echo their appreciation for the services that Mount Regis provides. But that is a different question than whether this is the right location for this particular use. He would like to step back and say why do we have by right uses versus Special Exception Uses in this area. What this does is recognize in the zoning code that some types of use have more impact on the neighbors. A big part of that code provision is to look at whether we can mitigate those impacts and not adversely impact the neighbors. We have some neighbors here who have some concerns, and the bank shares some of those concerns. In some instances there is room for a buffer yard, there is a private parking lot, there is a separate entrance, etc. We have some proffered conditions but they do not really address most of the impacts. The hours that are being requested still overlap the majority of the bank's hours. They do not address the parking issue or the congestion issue, and the people loitering in the parking lot, etc. People are especially sensitive to safety issues and comfort issues when they are coming to a bank whether it is to make a deposit, a loan or in the evening to go to the ATM to withdraw cash. Parking in this area is an issue already, and this is going to get worse if we start having large groups of people using the parking. There is not really a way to keep the two parking lots separated so they are sensitive to this. Further, is this the appropriate location? At the Planning Commission meeting Mount Regis was asked what other locations they had looked at, and they acknowledged that they had not looked at any others. They would submit to Council that while the service may be a necessary one, and the City has spent a tremendous of effort building up and improving this area of the downtown, is this a step in the right direction? Can we really mitigate what might be some adverse impacts or is there a more appropriate location for the clinic? In their view, this site is very difficult to mitigate or address some of these concerns, legitimate concerns by the neighboring business owners that have invested a lot time and effort in being in this area. He is asking that as the Council considers this request given the purpose of the Special



Exception permit, to see if at this location we can mitigate those concerns or maybe somewhere else is a better location. They should give this some consideration in their decision.

Mayor Foley asked Mr. Taliaferro how many parking spaces go with the property, and Mr. Taliaferro noted that staff said there are about 15 spaces.

Richard Smith of Spartan Silkscreen located at 107 Roanoke Boulevard appeared before City Council. He noted that he owns the business and the property. He stated that he had a few more questions that he thought the Planning Commission did not look at. As was stated by the previous speaker, he believes that Mount Regis has not looked at other properties. He mentioned a building for lease on Lynchburg Turnpike that he thought would work great for the outpatient services. When they originally leased the building, it was for business management or bookkeeping employees until they got in the business. As far as he can tell from what they told the Planning Commission, there are currently only two employees working in the building. So they are looking to grow their business through this temporary location, which he thinks is a little misrepresented on their part. As far as the fire goes at the building on Kimball Avenue, he stated that he has been there and done that. This is a tough thing to have to go through. The other thing is the renovations and building in downtown Salem. He asked if this is something we want in the downtown area even if it is only for two years. He noted that he is glad to see the restrictions on the use permit. He also discussed the kids walking up and down the streets. On any given day, especially on Fridays, there can be 100 plus kids coming from Andrew Lewis and G. W. Carver, and they come right through this area. He does not think that the parents would want their children to be subject to someone coming in and out of this building and not really be sure who they are. Mount Regis can tell us that they have been pre-qualified, etc., but all it takes is one - one person and that is it. Do we want to take that responsibility for that one person to snap? This is something we need to consider. Further, we want to bring something into the community that will build our tax base. He noted that Mount Regis offers a great support but he does not think this is the right location for this business.

Mayor Foley noted from his memory he thought Mount Regis is a for profit business, and Mr. Boggess noted this is correct.

Joe Baba, owner of Joe's Deli, appeared before the Council. He noted that he owns and operates the business Monday through Friday as well as Saturday and Sunday. He moved into the City in 2001, and he has been in four different locations. At this point in his life with his business, he has found his home at 115 Roanoke Boulevard. He has been through different changes with the different locations. When he was located near Mount Regis at one point, he had plenty of loiters coming toward his shop and his customers. He does not think this use is a good fit for the area at all and he is not speaking just for himself. He has put everything he has into his



business and he would hate to see it diminish because of an outpatient clinic that wants to locate across the street. Dr. Bane's property to him is the heart of Salem - it is the best location in town. He noted that Mount Regis has said that the people attending the counseling are just like the rest of us but they are not speaking about the people who aren't like him coming into the counseling. He is a realistic person and he understands exactly what is going on and he knows exactly what is going to be coming through in the months to come. His business is really growing and he further discussed his business and noted that he would hate to see it go away. He has a feeling that a drug and mental illness rehab center in downtown is not a perfect fit for what Salem has planned for the downtown area. The administrative office is something we can deal with, but having people loitering around properties is another thing. He deals with a lot of cash in his business and he has to walk out to his vehicle. He thinks if the City allows this to go on then his business is really going to get hurt from it. Basically he goes with his gut feeling as he has gone with his gut feeling for the whole time in his career, and he will continue going with it. He does not think this use is going to be a great fit at all for Salem. He also referred to the children walking through this area and sees them walking past his shop. He has talked to a lot of people who cannot understand why the City is going to allow this to happen right across the street from his business. He has a lot of loyal customers and he does not want to see them get turned away by someone loitering. He stated that there are plenty of other places we can put this facility. He noted that he hopes City Council will take all of this into consideration.

Lisa Hatcher of Mount Regis Center, Regional Business Development Director, appeared before the Council. She noted that she is actually one of the only two employees who has been working the last few months at 120 Roanoke Boulevard. It breaks her heart to be standing here seeing once again as we did just over a year ago that the stigma of addiction continues to persist. Mount Regis has been an extremely good, conscientious neighbor for over 70 years. They have had kids walking past their facility on Kimball Avenue and actually when they were before City Council the last time, they had members of the community who lived near the facility sign a petition in support of their request. Many of people who signed said they had played on the property when they were children. Unfortunately the stigma in today's world continues to paint addiction with a broad paint brush that makes everyone imagine the images that Phil Donahue painted in the 1980s, that people who are struggling with addiction are laying in the back alleys shooting up, that they do not work, and they do not have any ambition. But, this is not the people they are dealing with in addiction today. Addiction is rampant and it continues to grow beyond leaps and bounds, and the problem will be worse for Salem if we do not continue to provide their services and to reach them at all levels. As her co-worker Heidi mentioned earlier, the services at this location will be for the people who need the least level of service, the ones who are truly still functioning such as doctors, lawyers, teachers, stockbrokers, mechanics, school bus drivers. These are everyday normal people who want to keep their jobs and in order to keep their jobs, they must



go through counseling. It is not always mandated. Quite often they must go through counseling because they know if they do not get ahold of their problem that it is going to get worse for them. They know they are going to lose their family, children, jobs and livelihood. She asked that City Council keep in mind that Mount Regis has been good business providers, good neighbors, and they wish to continue providing this basic level one and level two service for their community so the problem does not grow in Salem. They can continue to work together with the police, churches and business owners to eradicate addiction in our area.

Anthony Cummings of 130 Rutledge Drive, Salem, appeared before the Council noting that he is going to come from a different angle. He brought his daughter with him this evening. He noted that it was mentioned before about the children who come to the downtown area in the afternoons. On any given afternoon we have a ton of children who flood this area heading to downtown. He moved to Salem for one reason and that is to ensure his children's safety. It is a comfort knowing that his child can call him and say she is heading downtown and he knows that everything is okay. He works with people who deal with addiction every single day as a probation officer. There is one thing that we failed to miss in this entire thing - there is anger that comes along with addiction. If the medication is not provided for these individuals, there could be danger in dealing with certain individuals. He is sorry but he does not want to risk his child's safety at all. He has been sitting here listening, and he is not against any help that the individuals need. But when we look at the location and where this is, we have a lot of our children traveling down this road. He asked Council to envision their children as being one of those kids walking from Andrew Lewis. He noted the children will be exposed to the people coming to the clinic. What if one of those individuals is having a bad day and they may not have had their medication? Then our babies are at risk and this is not anything that he is willing to gamble. He is totally not against the treatment part but he is sure that there is another place that we can find to render the people the help and assistance that they need but not at the risk of our children.

We also need to consider the people who are walking downtown at night around the hours of 8 and 9 p.m. Safety is a huge issue for a lot of people within this community, and we like the fact that we feel safe and our children feel safe enough to walk down the street. He does not want to ever receive that call, and he is sure that Council does not want to either. He hopes that Council will take this into consideration.

Bill Loope of Mount Regis Center, 125 Knotbreak Road, Salem, appeared before the Council. He noted that he is currently working at 120 Roanoke Boulevard, the temporary location for their administrative offices while they were without a home until they opened the new center. About a year ago, he was asked to come to work to help Mount Regis prepare for their new center, which they now have open as of March 1st. They are very proud of the new center. But being a guy who has been around the world many times and had a lot of wonderful career opportunities and



also to be from Salem, he was uniquely interested in what Mount Regis did, what it does, who they serve and how they do it. He has never been around this industry before as he made his living in wholesale and retail, and he shares the concerns that have been spoken tonight by some of the people who are neighbors on the Boulevard. So he came to Mount Regis and he listened and he asked. He talked to the patients, the doctors, the nurses, the counselors, etc. at the Kimball Avenue facility and he came away with the feeling that the service they are offering with Mount Regis is critical to the future of our community, Salem, and beyond. Mount Regis does not have people who just hang around. They do not have people who are looking for a fast dollar on the street. If we knew how much some of the people pay for the inpatient and outpatient services, we would say, "wow, I'm a retailer and I want that person in my business because they have money, and I want to serve that person." He noted that we cannot tell their customers from the customers in the other businesses around including the banks, because there is no difference. The kids have walked by Mount Regis Center on Kimball Avenue for years, and as someone mentioned earlier, some have even played on the grounds. Most of the people that they serve are solid citizens that have a problem and a lot of times it is through no fault of their own. The people who will be receiving outpatient services are not drunk, high or under the influence. They will drug test everyone who comes through the door everyday and if there are any drugs or alcohol, they are not allowed in the building period - this is their standard. They provide a critical service, they are responsible citizens, and they cannot guarantee that an incident will not occur no more than the bank can guarantee that an incident will not occur at their property. This also includes Joe's Deli, Spartan Silkscreen, etc., and they are all great businesses and he loves them. And, yes, Mount Regis does need a place to provide these services, and yes, they have looked elsewhere for a location, but they have not found anywhere that has been suitable for them on a short term lease. They have this location, and he believes that it will be encumbant on all of us to say let's help our citizens at this location.

Heidi Taylor of Mount Regis appeared before the Council again. She noted that she has been a licensed professional counselor for 30 years and prior to coming to Mount Regis Center three years ago, her career was at West Virginia University in Behavioral Health and also in private practice as a child and family therapist specializing in the treatment of addicted families. She also worked with children who had a parent who suffered from the disease. She is most concerned about two things that she has heard tonight, loitering and the risk to children. She noted that she would be the person primarily responsible for insuring that this did not happen. These are small groups and they are highly structured groups. So, the person has to be there on time, they are involved for the whole time, and when the group ends, there is no loitering. Further, she would see to this, and her team would see to this. In terms of child safety, people who come into their programs have to be assessed and one of the questions that they ask is about the history and about legal issues, etc. The people who come into intensive outpatient treatment, the majority of them



do not have legal issues, and if they have had any legal issues, it might be driving under the influence, a charge 1. This is the lowest level of care. Loitering is not going to be an option as this is a highly structured program and with regards to child safety, as Mr. Loope suggested, children are not going to be at any higher risk walking by their facility than any other facility.

Reverend Todd Hester of 360 Fort Lewis Boulevard appeared before City Council. He noted that if he is reading the agenda correctly the Planning Commission has sent the request to City Council with a recommendation that they approve it with said conditions. He asked if he was reading it correctly, and Vice Mayor Jones noted that he was correct. Given the commentary we have heard this evening with some of the questions on the part of the citizenry, he wonders if we have someone from the Planning Commission here at the meeting who can speak to why they recommending approval in view of the things we have heard from the citizens. Mayor Foley noted that staff members would have been at that meeting, perhaps Mr. Taliaferro at a minimum, would have been there. Reverend Hester asked if it would be appropriate to have city staff speak to these issues. Mayor Foley noted that he is not going to question Mr. Taliaferro, but he would assume that the Planning Commission felt with these conditions or proffers that this satisfied their requirements and answered the concerns that were identified that evening. Mr. Boggess noted that City Council received a copy of the Planning Commission minutes. Reverend Hester noted this would be his assumption as well that they felt satisfied that all of those questions had been answered. He thought it might be interesting if we had someone from the Commission, but he is satisfied with Mayor Foley's response.

Joe Baba appeared again before the Council. His concern also is the parking. It was noted earlier there are 15 parking spaces in the parking lot for the property at 120 Boulevard. He knows the parking in front of his shop is city owned. There are three parking spaces and one handicapped space, and they are sharing it with Spartan Silkscreen and Premier Benefits, the bank, etc. Further, Shiloh Baptist Church gets really packed on Wednesday nights. Where are all the people going to park when they come for the outpatient services, if there are 5 people working in the building? He is thinking maybe he needs to put up security cameras so we can have everything understood on tape. He keeps speaking out of turn because he is sort of disappointed at this point. He has been in business in Salem for 16 years and this is only the second time he has spoken in front of city officials. He believes that Mount Regis is sugar coating everything we have heard tonight. He is having a hard time understanding this. He has nothing against the administrative people who are working there now. However, we need to consider that dozens and dozens of people come and go throughout the day and he serves alcohol and he has evenings when he has bands that play. He would hate to see any encounter with his customers and people coming from the clinic. Further, the people from Mount Regis cannot even acknowledge and say the word "crack addict" or "mental health" patient. They have



to say they are judges, lawyers, teachers, etc. He has dozens of teachers who eat at this restaurant and he has spoken to them for the past two weeks since the Planning Commission meeting and they have let him know they do not understand why. As he said earlier, he is realistic about things and he knows what is going on and he is not going to sugar coat it for Council. He knows what is going to happen if we allow this permit to go forward. He wants everyone to understand that this is going to hurt him as a business owner.

Peter Pennington, Admissions Director, Mount Regis Center, appeared before City Council. He noted that he is the one who handles the department who takes all the calls for insurance verification and for assessments to see how things go. They have recently developed a new assessment tool, with Heidi Taylor in Outpatient Services, to further make sure the clients are appropriate for this level of care. This is to further insure that the people placed at this level are going to get the appropriate treatment and that they do not need further inpatient treatment. So they have three different assessment tools that they use including a nursing assessment to determine if the patient is appropriate for this level of care. He further noted that they do not consider them crack addicts, heroin addicts, or alcoholics or any other term, they are referred to as substance users. Mount Regis is now CARF accredited, and they have surpassed the Jayco accreditation, where they are actually able to handle multi-cultural competencies at the inpatient and the outpatient level of care. He said they do not have people who loiter in their lobby. If there is anyone who is loitering, one of the staff members is the first to go out and say something to them. Due to HIPPA and confidentiality issues, they legally cannot have loiters. Once the patient has been in their counseling session and it is over, they are to leave the building and this is why they have structured days for them. In addition, he really does not understand the safety issue. He has heard both sides of this. He does not understand this when the Salem Police Department is just up the street from this building. He noted that he is an actual graduate of the center. Back in 2008 he was in both the inpatient and outpatient programs. So, he is one of "those people" as he is an alumni and now he happens to work at Mount Regis. No, they are not all doctors, lawyers, and teachers. Some of them are children or college students, Roanoke College students, etc.

Ricardo Stovall, property owner of 329 S. Colorado Street, appeared before the Council. He noted that he resided at this location for 34 years, and he still owns the property. After listening to everything this evening and as large as the City of Salem is, his concern is are there no other buildings that will work for this facility? Why does it have to be in this location with all the concerns and issues mentioned this evening?

Mayor Foley asked if there was anyone else to speak regarding this matter. There was no response, and the public hearing was closed.



Vice Mayor Jones noted that he lived next to Mount Regis Center for 15 years and his parents have lived there now for 50 years. They had one incident during the whole time he lived there and his parents have lived there. They had a person get in their car one night who had just been admitted for alcohol. The gentleman did not tear anything up or cause any damage. He was beeping the horn and thought he was beeping for his wife to come and take him somewhere else. This is the only problem they have ever had in the 50 years that the facility has been up next to their house. For the biggest number of years, they were right in front of the center as in the last 10 or so years patio homes were built behind them on Kimball Avenue. Further, the value of those patio homes have not changed since they were built. He used to go over there as he carried newspapers, and he rode his bicycle past the facility. He was never approached by a resident of the facility. Can things happen? Sure, anything can happen anywhere at any time. At a local company, he was the safety and health manager and part of his responsibility was taking care of rehab for employees, both hourly and salary. Mount Regis is where the company sent most of them. People ask why they chose Mount Regis when we have Lewis Gale and Carilion, as well. He noted that they had a 80% or better success rate with Mount Regis. He stated that they stayed on top of the problems, and the employees knew they could be tested, and they would have to go through the classes, etc. He attends the church which is right below Mount Regis; he has attended all his life except for four years. When the tragedy happened with the fire, the church helped them out and allowed them to have meetings there. Further, they have never had an incident with Mount Regis as it relates to the daycare center at the church. He noted that most people who are not educated about drug and alcohol abuse have a fear because it is the unknown, because they have not been through this. He has had three of his family members to go through problems with alcohol and drugs. Two of them survived and the other one died because of alcohol, and they could not get it. He understands people's fear, but at the end of the day when we are on this earth, what is our job? Our job is to help one another. Joe Baba is one his best friends, who he has helped him since he has been in business in Salem. Further, Richard Smith and Reverend Dowe are friends, too. All these people who spoke this evening are his friends, and he hopes they will stay his friends. Everyone has talked about facts and he is talking about facts. This is tough and he knows that it is tough. It is real tough to say "not in my back yard" but he lived next to Mount Regis. When he left home, he moved next to a trash dump and a shooting range. So he has had it all and lived next to everything that is bad. Yes, it is irritating sometimes, but he will tell everyone he has never worried about his Mother's well being the whole time he has not lived at home and his Dad has not been there. Council understands the fear and this is part of what makes Salem good; that we they care about people, and they do the right thing. The good thing about this request is hopefully two years or less this facility will be relocated back to the property on Kimball Avenue. He hopes that it is sooner than that because he does not like that burnt facility up next to his mother, and he wants to see it torn down and rebuilt. But we have to work together, he knows that people have this fear, and he is aware as he has lived the fear.



Mayor Foley asked if we have any information about the number of police or emergency calls to the facility historically. Mr. Boggess noted that we did have some information from the police when Mount Regis applied to locate on the Elizabeth Campus. He apologized he did not have that information this evening. Mayor Foley noted his memory was that it was not a significant number of calls. Mr. Boggess noted they had the number of calls and approximately 95 or 98% of the calls were EMS related and maybe one or two police calls because someone failed their drug screening and did not immediately leave the premises. He further noted that there have been very few calls to Mount Regis on Kimball Avenue.

Mrs. Johnson noted that she understands fear too, but she has not had a family member who had to have treatment. She noted that she owns a high-end jewelry store in Salem and she worries more about the people who come through her door that are not getting treatment. It is obvious to her that they are on something and they come in her shop and want to know if they buy gold or if they sell gold. This is very unnerving to her and it happens more often that she would like to admit that it happens in Salem. She is more worried about the people who are not spending the money to get the help they need. She stated that this is heavy on her heart as she also has a lot of friends who have spoken tonight. She understands their concerns but she does not think we can turn a blind eye to the people who are trying to get the help that they need to turn their lives around. This is why she fully supported Mount Regis building their new facility at the Commerce Park. She noted the discussion on the parking and stated she wanted to have a better understanding of this.

Heidi Taylor came before Council noting they would be operating two groups, one in the afternoon. The highest number would be 12 in each group. Mayor Foley asked about the number of staff members. Ms. Taylor noted that there would be two staff members. She also noted that the number of people can fluctuate between 8 and 12 as people come in and out.

Mr. Martin noted that it had been discussed about Mount Regis looking at other locations in the City. He asked if there was a short list of other places that were considered or how did they arrive at this specific location. Bill Loope with Mount Regis came before Council. He noted that after the fire he was tasked with finding a location. After the fire, they set about to determine what they needed and what they could get by with until the new center opened. He searched in Roanoke City, Roanoke County and Salem, and they did find some other buildings as long as they were willing to purchase, which they were not in a position to do, or they were being required to sign a long term lease. Commercial leases normally run anywhere from 10, 15, 18 up to 25 years. They were not in the position to do that either since they need to rebuild on Kimball Avenue. They needed something that was convenient to their existing facility on Knotbreak Road. He further discussed the process in looking for a temporary location. This was the only location that was adequate and



the owners were willing to entertain a short term lease.

Vice Mayor Jones asked with regards to the rebuilding the facility on Kimball Avenue, how far away are they on the process? Mr. Loope noted that they have submitted their desires to corporate offices in Nashville, and they currently are in negotiations with the insurance carrier. They thought they had it worked out, but the minute they give them the go ahead to demolish the existing building, then they have a plan to begin construction as soon as they can get the proper approvals. Hopefully they can finish the building before the two year deadline. Mr. Jones asked if their plans originally were to use the existing building for outpatient services, and Mr. Loope noted that this was correct.

Mr. Martin asked for clarification, so this building was one of the only or was it the only choice that would offer them a short term lease. Mr. Loope noted that it was not the only place that was willing to entertain a short term lease, but it was the only one that did not want to collect ten years rent in a short period of time. This building was affordable and reasonable, and the other one was not.

Mr. Chisom asked Ms. Taylor about the patients being mostly Level 1 and Level 2. He noted he would like a little more information. Ms. Taylor noted that Level 1 may be someone struggling with anxiety and depression or maybe someone who has gone through the death of a loved one or an experience where they are having a period of stress, and in response they are abusing alcohol. She further discussed the differences between the Level 1 and Level 2 patients. In addition, they will be offering education and family support and individual therapy for families and really trying to link families to resources in the community. Further, she has heard the concerns and she takes them seriously and understands the level of responsibility that they have in needing to assure they are good neighbors.

Vice Mayor asked how long the session usually last. Ms. Taylor noted that they run from 6 p.m. to 9 p.m.. Further, there is no loitering or hanging out allowed. In addition she discussed the screening process, interview, etc.

Mayor Foley noted for clarification are there two sessions? Ms. Taylor noted that yes, it would be two sessions, one from 1 p.m. to 4 p.m. and the other from 6 p.m. to 9 p.m.

Mr. Martin asked if the patients are mostly coming from the region or are we talking about a significant population coming from Salem and the local jurisdictions? Ms. Taylor noted that they are within the local jurisdictions as it is an outpatient program so they live and work in the community - Roanoke and Salem.

Becky Bane, co-owner of the building at 115 Boulevard, appeared before Council. She asked when someone is turned away from the building if they failed the breath



analyzer test or for whatever reason, what happens to these people? Are they escorted out? Mayor Foley noted that he had asked this earlier. If they are drunk or intoxicated, then he believes the police are called. Ms. Taylor noted that they would be kept in the building until someone comes to get them.

Mr. Martin noting obviously the original building on Kimball Avenue has been down for awhile. He is just wondering if there is a backlog of patients who need their services at this time. Mayor Foley noted that he thought the services were being provided at a church. Ms. Taylor noted that they are currently using their staff conference room at the new facility to provide limited services at this time so they are only providing an evening group. Also, Mr. Martin asked if there were any issues with the organization of the activities or participants in any way or any need for law enforcement to help, etc. Ms. Taylor noted that there had been none or zero. He asked if there was a time frame before the fire that there were no issues, like 5 years or 10 years, etc. Ms. Taylor noted that she was not aware of any issues since she has been there which is three years now. Through the execution of the services, if there are disturbances with participants, is there an escalation path to quickly call law enforcement to exclude patients from the services.

Ms. Taylor noted that they are trained in de-escalation however she has never had to use it. She further discussed the de-escalation process, etc. And to Mrs. Bane's point, so if there is an issue with someone who shows up intoxicated, is there is a containment or some sort of holding until enforcement can be summoned? Ms. Taylor noted that he was correct.

William Jones motioned to approve the request of Laura and Robert Owen, property owners, and Mount Regis Center, lessee, for the issuance of a Special Exception Permit to allow an outpatient mental health and substance abuse clinic on the property located at 120 Roanoke Boulevard (Tax Map # 121- 9 - 3) with the following voluntarily proffered conditions: 1) the permit will be for a period of two years or until the issuance of a certificate of occupancy for the property located at 405 Kimball Avenue, whichever comes first; 2) the request is limited for the purposes of business offices, outpatient counseling, family counseling, and public education. In particular, this means no medications will be stored, dispensed or associated in any way with these services at this location; and 3) the hours of operation for the counseling services will be from 12 p.m. to 9:30 p.m., Monday through Friday only. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

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

Hold public hearing and consider Ordinance on first reading, the request of Jasbir S. Mavi, property owner, for rezoning the property located at 1656 Woodhill Lane (Tax Map # 239-1-8) from AG Agricultural District to RSF Residential Single



Family District. Advertised in the May 4 and 11 issues of the Salem Times Register. (Recommend approval; see Page 15 Planning Commission minutes.)

### **STAFF REPORT**

Staff noted the following regarding the request: the subject property consists of one parcel, located at the end of Woodshill Lane, a private road, and abutting the municipal boundary. The property is approximately 1.7 acres and is occupied by a single family residence. The applicant is requesting to rezone this lot to Single Family District so that a lot line adjustment can be made with a property behind it located on Gratton Street. Woodshill Lane is a private road. The city does not allow subdivision of land on private roads, however, this request will not result in any additional lots or houses on Woodshill Lane.

Mr. Taliaferro noted that the petitioner would like to rezone the property on Woodshill Lane from Agricultural District to Residential Single Family zone. The petitioner owns two properties, one on Woodshill Lane and one on Gratton Street. He noted in the Council packet there is a plat of the properties. The properties are currently separated by the dotted line. The petitioner would like to combine the two properties and do a boundary adjustment and create a new subdivision. Since one of the properties is zoned Agricultural and they cannot subdivide this parcel. So they want to rezone the one property on Woodshill and then both properties will be zoned Residential Single Family. He further discussed the proposed request.

Vice Mayor Jones asked if only one house could be built. Mr. Taliaferro noted that both properties currently have a house, and the way the code is currently written neither property could be subdivided further.

Mayor Foley opened the public hearing and asked if anyone would like to speak regarding the matter. There was no response and the public hearing was closed.

Jane Johnson motioned to approve the ordinance on first reading, the request of Jasbir S. Mavi, property owner, for rezoning the property located at 1656 Woodshill Lane (Tax Map # 239-1-8) from AG Agricultural District to RSF Residential Single Family District. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

#### **D. Roanoke Valley Resource Authority (RVRA)**

Receive presentation from Roanoke Valley Resource Authority (RVRA).

Mr. Dan D. Miles PE, Chief Executive Officer, with the Roanoke Valley Resource Authority (RVRA) appeared before City Council. He presented the FY 2017/2018 annual budget for Council's consideration.



He further discussed the Executive Summary of the RVRA FY 2017/2018 annual budget.

Mr. Martin noted that the information he discussed sounded good. He asked if there were any surprises as far as the condition of the equipment or any additional expenses that were uncovered since the RVRA took over ownership and management of the facility. Mr. Miles noted he would not call it surprises, they knew that the compactors being used in the facility were not really conducive to the type of waste streams that were flowing through it. Particularly if they were looking to set this up in the most efficient way to transport the waste, they knew all along getting the compactors out and setting it up for top loading in tractor trailers would be the way to go. And this is exactly how they are earmarked. In fact at their board meeting coming up this week, they are looking to approve the first phase of construction, which will be adding on a 40' addition for two top load hoppers, in order to be able to route the tractor trailers into the facility.

Mr. Martin asked if it is their intention to continually improve the facility over time through building improvements, etc. Mr. Miles noted that he was correct. One of the big factors that they see at this specific facility is the lack of queuing space for incoming traffic. He further discussed Phase II of proposed construction for the facility. Mr. Martin noted that this was great news.

Mayor Foley noted some of the commercial waste was being sent elsewhere while there were some changes being made to the facility. He asked if this is still ongoing, and if so, does he know approximately when this might change. Mayor Foley noted specifically he is talking about construction debris, etc. Mr. Miles noted that this goes back to the compactor issue because this particular type of material, the large bulky types, really do not mesh very well with the compactors. In fact, this has been part of the reason for the demise on these particular pieces of equipment. They instructed the commercial haulers who use roll-off trucks that bring in construction and demolition types of material to haul it directly to the Tinker Creek Transfer Station in Roanoke, and he believes this has been working very well for them. He further discussed the construction plans for Phase I of the facility and noted the plans call for completion by the end of January 2018. They believe that by the end of this calendar year the construction work will be complete due to incentives for the contractor, and then they will be able to open it back up for the demolition materials.

Mrs. Johnson asked about the hazardous waste disposal days for the citizens. Is there a set schedule for these types of materials? Mr. Miles noted that it is the 3rd Saturday of every month. It was noted that the information is available on the City's website. Mr. Miles noted that residents can sign up online to drop off materials.



City Council noted that they are doing a great job, and they are very happy with RVRA.

Mr. Yost asked Mr. Miles if they are requesting on behalf of the Authority approval of the 2017-18 budget by City Council this evening. Mr. Miles noted that this is correct. In accordance with the agreement, they are obligated to present the budget to City Council by April 1 each year and in turn they are asking for approval of the budget by end of the present fiscal year.

Mr. Martin asked if there is an onsite environmental type of manager at each of the facilities that they manage. Mr. Miles noted that they have one environmental and safety manager that oversees all of the facilities, but at each of the facilities, they have licensed operators and they take great pride in this.

Mr. Boggess noted that Mike Tyler, Director of Street and General Maintenance, is the City's board representative on the RVRA Board. City Council thanked Mr. Tyler for his service.

The budget was received as presented.

James Martin motioned to approve the Roanoke Valley Resource Authority's FY 2017/2018 Annual Budget as presented. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

**E. West Salem Body Shop**

Consider approval and authorize the City Manager to execute the Performance Agreement between Salem Body Shop, LLC, the Economic Development Authority of the City of Salem, Virginia, and the City of Salem.

Mr. Boggess noted that City Council received a copy of the proposed performance agreement in their packet for the meeting. This evening at the work session they were given a revised copy of the agreement, and he discussed the revisions to the agreement.

Mr. Yost also discussed changes to the proposed agreement.

Mr. Martin noted we are starting with a five-year term for real estate tax relief and then an additional three years due to the location and the downtown business district and the floodway. Is this correct? Mr. Boggess noted that this was correct. Staff looked at it in comparison with other agreements that we have done and the five years is sort of established as the baseline. The additional three years was because they are redeveloping in the flood zone and in our downtown business district.



Further, they are redeveloping in a way that was encouraged and identified in our downtown redevelopment plan as favorable to the City. Because of those considerations staff is recommending an additional three years of tax rebate or a total of eight years. Also, should they put a restaurant in as part of the development, then there is an opportunity for them to earn up to an additional five years based on there being an operating restaurant doing at least \$500,000 in gross receipts a year, which would generate in the neighborhood of \$20,000-25,000 in meals tax annually.

James Chisom motioned to approve and authorize the City Manager to execute the Performance Agreement between Salem Body Shop, LLC, the Economic Development Authority of the City of Salem, Virginia, and the City of Salem as presented and amended. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

**F. School Grant Fund**

Consider request to amend School Grant Fund budget as approved by the School Board on May 9, 2017. **Audit-Finance**

Vice Mayor Jones noted the School Grant Fund was amended for fiscal year 2016-2017 by the School Board at their meeting on May 9, 2017. Budget amendments totaling \$15,196 were presented to increase the revenue and expenditure budgets in the Grant Fund. The School Division was awarded a grant to implement Positive Behavioral Interventions and Support (PBIS) The Committee reviewed the request and recommended approval of the School Board's appropriation changes totaling \$15,196.

William Jones motioned to amend the School Grant Fund budget as approved by the School Board on May 9, 2017. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

**7. Closed Session**

**8. Adjournment**

The meeting was adjourned at 9:24 p.m.

**Footnote**

**Audit Finance Committee, Monday, May 22, 2017, 8:00 a.m., City Manager's Conference Room**

**Work Session, Monday, May 22, 2017, 6:30 p.m., City Manager's Conference Room**



