

City Council Meeting MINUTES

Monday, October 22, 2018, 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 p.m., there being present the following members to wit: Byron Randolph Foley, Mayor, Jane W. Johnson, Vice-Mayor, Council members: William D. Jones, James A. Martin, and John E. Saunders; along with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Melinda J. Payne, Director of Economic Development (absent); Mike Stevens, Communications Director (absent); Charles E. VanAllman, Jr., Director of Community Development; and Stephen M. Yost, City Attorney.

Mayor Foley recognized Senior Officer Robert Eakin and new Officer Charles Stewart of the Salem Police Department, Animal Control, who were in attendance.

2. Pledge of Allegiance

3. Consent Agenda

A. **Minutes**

Consider acceptance of the minutes from the October 8, 2018, joint work session and regular meeting.

Accepted as presented

B. **Financial Report**

Consider the acceptance of the Statement of Revenues and Expenses for the two months ending August 31, 2018.

Received

4. Old Business

5. New Business

A. **Amendment to the Zoning Ordinance**

Hold public hearing and consider ordinance on first reading the request of James H.

Stewart and Kenton N. Bohn, lessees, and Mechanical Services & Installation LLC, property owner, for rezoning the property located at 748 W. Fourth Street (Tax Map #142-3-1) from LM Light Manufacturing District to HBD Highway Business District. (Advertised in the October 4 and 11, 2018, issues of the Salem Times Register. Recommend approval; see Page 1 Planning Commission minutes.) **STAFF REPORT**

Staff noted the following regarding the rezoning request: the subject property consists of a single parcel of approximately 0.3 acres, located on the southeast corner of the intersection of Fourth Street and Spring Street, to the south of the intersection of Fourth and Main Street. The property is currently occupied by a single story office space on the 4th Street side and two connected storage/warehouse spaces which front on Spring Street. This request is to rezone the property to allow it to be used as a retail store. The proposed business buys used items such as electronics and then resells them, often online. This will be their first location in Salem, in addition to locations in Roanoke City. The new business will have 2-3 employees, and the applicant has indicated they would like to improve the property by adding landscaping.

Mayor Foley noted notice of such hearing had been published in the October 4 and 11, 2018, issues of the Salem Times Register, and the Planning Commission had recommended approval of the rezoning request.

Mr. Taliaferro noted this property is at the corner of Fourth and Spring Streets, across the street from the Lowe's store. The proposed use is a retail store, but it is more than just retail. The business owners would like to purchase items from customers and then resell those things. Some of their business will be from walk-in customers, but the entire area will not be retail. Most of the space will be warehousing for on-line sales. One of the questions Planning Commission had revolved around parking. One of the neighbors mentioned parking as a potential issue and concern for this use. Staff has followed up with Maryellen Wines, Zoning Administrator, and she has checked the parking requirements for this business where part of it is retail and the majority is warehouse. Eleven spaces are sufficient for the business, and there is potential for a couple more parking spaces if necessary.

Mr. Martin noted that he did not have any problems with the use of the building. He noted he understood that they buy used items such as electronics. Is this typically the type of inventory they would have? Mr. Taliaferro noted that this was correct. It would be used games, electronics and those types of things. He noted that it is not a pawn shop. It is a one time deal when they make a purchase, and they can re-sell the item.

Mr. Jones asked if they wanted to add a pawn shop later, would the zoning allow them to do that. Mr. VanAllman noted that a pawn shop would be a by-right use in

this zoning.

Mayor Foley asked if the petitioners or the property owner were in the audience. The petitioners were in attendance. Council noted that they did not have any additional questions as they had the Planning Commission minutes.

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

William Jones motioned to adopt an ordinance on first reading rezoning the property located at 748 W. Fourth Street (Tax Map #142-3-1) from LM Light Manufacturing District to HBD Highway Business District. Jane Johnson seconded the motion.

Ayes: Foley, Johnson, Jones, Martin, Saunders

B. Mechanical Development Company, Inc. Project

Consider setting bond for erosion and sediment control for the Mechanical Development Company, Inc. project located at 303 Apperson Drive. **Audit - Finance Committee**

Mr. Jones noted the Audit Finance Committee met earlier to discuss this request. The Committee reviewed the estimate for erosion and sediment control for Mechanical Development Co. Inc., located at 303 Apperson Drive. The Committee concurs with the City Engineer's office recommendation that bond be set in the amount of \$8,193 and a time frame for completion set at twelve (12) months.

Mr. VanAllman discussed the Mechanical Development Company Inc. project. He noted that we are requiring them to get the proper permits from DEQ and the US Army Corp of Engineers.

William Jones motioned to approve the bond for erosion and sediment control for the Mechanical Development Company, Inc. project located at 303 Apperson Drive. John Saunders seconded the motion.

Ayes: Foley, Johnson, Jones, Martin, Saunders

C. Starbucks Project

Consider setting bond for landscaping and erosion and sediment control for the Starbucks project located at 121 Electric Road. **Audit - Finance Committee**

Mr. Jones noted the Audit Finance Committee also discussed this request. The Committee reviewed the estimate for landscaping and erosion and sediment control for Starbucks located at 121 Electric Road. The Committee concurs with the City

Engineer's office recommendation that bond be set in the amount of \$15,383.50 and a time frame for completion set at twelve (12) months.

William Jones motioned to approve the bond for landscaping and erosion and sediment control for the Starbucks project located at 121 Electric Road. Jane Johnson seconded the motion.

Ayes: Foley, Johnson, Jones, Martin, Saunders

6. Adjournment

Mayor Foley noted that Council does have an additional Closed Session to add to the agenda. Mr. Boggess noted that he is requesting for Council to consider going into closed session to have a discussion regarding the performance of the City Manager.

Vice Mayor Johnson motioned to move to closed session at 7:43 p.m. in accordance with the provisions of Section 2.2-3711A(1) of the 1950 Code of Virginia, as amended, to discuss a personnel matter specifically the performance of the City Manager.

Ayes: Saunders, Martin, Jones, Johnson, Foley

Jane Johnson motioned to reconvene at 8:06 p.m. and that in accordance with Section 2.2-3712D of the Code of Virginia, 1950 as amended to date, Council hereby certifies that in Closed Session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the Closed Session was convened were heard, discussed, or considered by the Council. William Jones seconded the motion.

Ayes: Foley, Johnson, Jones, Martin, Saunders