

City Council Meeting MINUTES

Monday, October 26, 2020, 6:30 PM

Community Room, Salem Civic Center, 114 North Broad Street, Salem, Virginia
24153

1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia, was called to order at 6:30 p.m., there being present all the members to wit: Renee F. Turk, Mayor, James W. Wallace, III, Vice-Mayor, Council members: Byron Randolph Foley, William D. Jones, and John E. Saunders; with Renee F. Turk, Mayor, presiding; together with James E. Taliaferro, II, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Charles E. VanAllman, Jr., Community Development Director; Mike Stevens, Communications Director; and Crystal L. Williams, Assistant to the City Manager.

Mayor Turk noted that Item 4G Administrative Calendar for 2021 is being continued to the next Council meeting on November 9, 2020.

2. Pledge of Allegiance

3. Consent Agenda

A. Minutes

Consider acceptance of the minutes from the October 12, 2020, regular meeting.

Accepted

B. Financial Report

Consider the acceptance of the Statement of Revenues and Expenditures for three months ending September 2020.

Received

4. New Business

A. Amendment to the Zoning Ordinance

Hold public hearing and consider ordinance on first reading for rezoning the property of Phyllis R. Booth McCraw, property owner, located at 527-529 Delaware Street

(Tax Map # 146-8-7) from DBD Community Business District to RB Residential Business District (Advertised in the October 8 and 15, 2020, issues of the Salem Times Register. Planning Commission has recommended approval; see Page 1 Planning Commission minutes.) **STAFF REPORT**

Mayor Turk stated notice of such hearing had been published in the October 8, and 15, 2020, issues of the Salem Times-Register, the Planning Commission had recommended approval of the rezoning request, and all property owners were notified by letter mailed September 28, 2020.

Staff noted the following regarding the rezoning request: the subject property consists of a single parcel of approximately 0.2 acres, located on the west side of Delaware Street, to the north of the intersection with 4th Street. It is occupied by a single family residence, with attached hair salon and parking area at the rear of the property. The applicant states she would like to renovate and rent the former hair salon space behind the house as a separate residence. This would require rezoning the property to allow for the issuance of a Special Exception Permit for a Two-Family Dwelling (Item 4B). Two-family dwellings are not allowed in CBD zoning.

Mr. VanAllman noted there is no additional information since the Planning Commission public hearing. The property owner would like to rezone the property to residential and proposes to renovate and rent the former hair salon space behind the house as a separate residence. This will also require a Special Exception Permit for a two-family dwelling.

Mayor Turk noted that Items 4A and 4B are related to the same property so both requests will be discussed at the same time.

Mayor Turk opened the public hearing and asked if anyone would like to speak regarding these requests.

Phyllis R. Booth McCraw, property owner, appeared before the Council explaining the rezoning and Special Exception Permit requests. She noted she used to operate a beauty salon in the space behind the house, and she would like to convert this space to a one bedroom apartment.

Mayor Turk asked if there was anyone else to speak regarding these requests. There was no response and the public hearing was closed.

William Jones motioned to approve an ordinance on first reading rezoning the property of Phyllis R. Booth McCraw, property owner, located at 527-529 Delaware Street (Tax Map #146-8-7) from CBD Community Business District to RB Residential Business District. John Saunders seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

B. Special Exception Permit

Hold public hearing to consider the request of Phyllis R. Booth McCraw, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 527-529 Delaware Street (Tax Map # 146-8-7). (Advertised in the October 8 and 15, 2020, issues of the Salem Times Register.) Planning Commission has recommended approval; see Page 2 Planning Commission minutes. **STAFF REPORT**

Mayor Turk reported that notice of said hearing had been published in the October 1 and 8, 2020, issues of the Salem Times-Register, and all property owners were notified by letter mailed September 28, 2020.

Staff noted the following regarding the request: this request is related to Item 4A, and is for the issuance of the Special Exception Permit to allow the former hair salon at the rear of the property to be renovated and rented as a separate residence.

Randy Foley motioned to approve the request of Phyllis R. Booth McCraw, property owner, for the issuance of a Special Exception Permit to allow a two-family dwelling on the property located at 527-529 Delaware (Tax Map #146-8-7). William Jones seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

C. Amendment to the Zoning Ordinance

Hold public hearing and consider ordinance on first reading for rezoning the property of CedarHurst Properties, LLC, property owner, and JSS Holdings, LLC c/o Payal Shah, contract purchaser, located at 16 Goodwin Avenue (Tax Map #125-2-1) from RSF Residential Single Family to HBD Highway Business District. (Advertised in the October 8 and 15, 2020, issues of the Salem Times Register. Planning Commission has recommended approval; see Page 3 Planning Commission minutes.) **STAFF REPORT**

Mayor Turk reported that notice of said hearing had been published in the October 8 and 15, 2020, issues of the Salem Times-Register, and all property owners were notified by letter mailed September 28, 2020.

Staff noted the following regarding the request: the subject property consists of a single parcel of approximately 0.321 acres. It is located at the northwest corner of Goodwin Avenue and Richards Lane. The property is occupied by a two-family dwelling. The applicant states that they have been unsuccessful at renting the

property for residential uses due to the surrounding commercial activities and would like to change its use to a commercial one. They also own the two parcels to the south (1121 and 1111-1107 West Main Street) and would like to create a parking area at 16 Goodwin that will allow additional parking for those properties to make them more attractive for redevelopment.

Mr. VanAllman noted that a list of Proffered Conditions had been received from the petitioner which would be made a part of the record for this rezoning. Council noted that they had received the conditions. He further explained the rezoning and Special Exception Permit requests. He noted that there was some opposition to these requests at the Planning Commission public hearing.

Mr. Jones noted that he would be abstaining from any discussion or voting on these requests as he is the listing agent for a property adjacent to this one.

Mayor Turk opened the public hearing and asked if anyone would like to speak regarding these requests.

Ben Crew with Balzer and Associates, representing the contract purchaser, appeared before the Council explaining the rezoning and Special Exception Permit requests. He noted that the contract purchaser is also with him this evening. As previously mentioned, this is a two-part request just like the requests heard before this one. The Planning Commission staff report and minutes provided a good synopsis of the meeting and the discussions held at that meeting. It holds a positive recommendation from the Commission. As a part of being proactive with the project and in response to the discussions at the Commission meeting, they have provided two proffered conditions. He noted the first condition is the concept plan submitted is being proffered, and the second condition is a limitation of uses that are a part of this rezoning. The conditions are an effort on behalf of the petitioner to make sure that this development is suitable and sensitive to where it is located. They feel these conditions are a good balance and assurance from the petitioner's side to make sure this project will be sensitive to the area. Further if any redevelopment occurs, if the building is demolished or the parking lot gets changed or the access changes, it will have to come back before a public hearing process first.

Payal Shah of JSS Holdings, LLC, 5855 Winbrook Drive, Roanoke, appeared before the Commission. Ms. Shah noted her company wants to make Salem a beautiful and vibrant place. She further discussed the project and noted that her company is trying to bring new national tenants to Salem, and they need more parking. She noted that they currently own the properties located at 1107-1111, and 1121 West Main Street. This is why they need a rezoning for the property, and they want to make sure they are sensitive to neighbor's concerns and they will try their best to accommodate them.

Vice Mayor Wallace asked if the proposed parking lot for this property would be shared with the businesses that front on West Main Street. Mr. Crew noted that this was correct. The parking lot will serve whatever commercial uses are in this building and also with either one or both of the buildings on West Main Street owned by the petitioner.

Vice Mayor Wallace asked if there was any concern about pedestrian traffic crossing Richards Lane. Mr. Crew noted that the intent would be to have employees park in this lot. As a patron for the buildings on Main Street, he does not think they park in this lot. With the employees parking in the lot across the street, this would leave the parking for those buildings for customers.

Mr. Foley asked if they would continue to utilize the building at 1121 West Main Street. He noted the thought it was for lease currently. Ms. Shah noted if they are able to complete a lease with a national tenant with the parking in the rear, then they will demolish this building and construct a new one.

Billy Meade of 825 N. Twelfth Street, Wytheville, and 19 N. Bruffey Street, Salem appeared before the Council in opposition to the requests. He noted that he and his wife are the owners of the property at 19 N. Bruffey Street and use it not quite half of the time. His opposition to their request can be summed up as this is a single family zoned area. There are people living on N. Bruffey Street and Goodwin Avenue. Most of them are of modest needs with modest income, and he believes they have the expectation of that continual creeping in on a residential area by business is not necessary. He further discussed the proposed requests, and the condition of the property at 16 Goodwin Avenue. He believes the neighbors in this area have a reasonable expectation of this property remaining as residential, and they think it should remain as residential zoning.

Mayor Turk asked if there was anyone else to speak regarding these requests. There was no response and the public hearing was closed.

Mr. Foley noted he does not believe that this is the best location for a business, and he recommends denial of the request.

Randy Foley motioned to deny the request for rezoning the property of CedarHurst Properties, LLC, property owner, and JSS Holdings, LLC c/o Payal Shah, contract purchaser, located at 16 Goodwin Avenue (Tax Map #125-2-1) from RSF Residential Single Family District to HBD Highway Business District. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Abstain: Jones

D. Special Exception Permit

Hold public hearing to consider the request of JSS Holdings, LLC, contract purchaser and CedarHurst Properties, LLC, property owner to remove existing Special Exception Permit allowing a two-family dwelling on the property located at 16 Goodwin Avenue (Tax Map # 125-2-1). (Advertised in the October 8 and 15, 2020, issues of the Salem Times Register.) Planning Commission has recommended approval; see Page 8 Planning Commission minutes. **STAFF REPORT**

Staff noted the following regarding the request: this request is related to item 4C, and is to remove the Special Exception Permit allowing a two-family dwelling that was issued for this property since the intent is that it be used for commercial in the future.

Mr. Foley noted he did not think this item would need to be discussed since the first request was denied.

Mayor Turk noted that this item will not be discussed because the Amendment of the Zoning Ordinance was denied.

Mr. Taliaferro noted that if the petitioner would like the condition removed for the two-family dwelling then Council could still take action on this item.

Ben Crew with Balzer & Associates, Inc., representing the contract purchaser, appeared before the Council noting based on what occurred on the previous request they request to remove their request for Item 4D to remove the existing Special Exception Permit allowing a two-family dwelling on the property located at 16 Goodwin Avenue.

E. Amendment to the Zoning Ordinance

Hold public hearing and consider ordinance on first reading for rezoning the property of Premier Investments LLC, property owner, and Dominion Service & Parts LLC, lessee, located at 224 West 4th Street (Tax Map # 161-7-1) from HM Heavy Manufacturing District to HBD Highway Business District. (Advertised in the October 8 and 15, 2020, issues of the Salem Times Register. Planning Commission has recommended approval; see Page 8 Planning Commission minutes.) **STAFF REPORT**

Mayor Turk stated notice of such hearing had been published in the October 8, and 15, 2020, issues of the Salem Times-Register, and the Planning Commission had recommended approval of the rezoning request.

Staff noted the following regarding the rezoning request: the subject property

consists of a single parcel of approximately 1.097 acres, located on the south side of Fourth Street, directly across from the intersection with Cypress Street. The property is occupied by single story industrial-style building. This request is to rezone the property from HM to HBD. The applicant would like to use the property as a used automobile dealership, and to perform major automobile repairs. This necessitates changing the zoning from HM to HBD. A second request (Item 4F) would allow the used car dealership and major automotive repairs to be done on the site. The following issues were identified by staff: 1. In accordance with Section 106-310.3 (A)1: All outdoor display areas (parking areas) in conjunction with sales shall be constructed of the same materials required for off-street parking areas as required by section 106-404. 2. In accordance with Section 106-310.3 (A)2: A perimeter landscaping strip and landscaping shall be provided as required by Section 106-402. 3. In accordance with Section 106-310.3 (A)5 and 106-310.5 (A)1, vehicles undergoing major work or which will be stored for more than 72 hours must be located in a fully screened area; and 4. This property is located within the 100 year floodzone.

Mr. VanAllman noted there is no additional information since the Planning Commission public hearing. He further explained the rezoning and Special Exception Permit requests and the screening for the stored vehicles.

Mayor Turk opened the public hearing and asked if anyone would like to speak regarding this request.

Daniel Austin, 1238 Red Lane, Salem, owner of Dominion Service and Parts, LLC, appeared before the Council. He noted with regards to the fencing or screening they have chosen to put up wood fencing, and they will be working with city staff with regards to the location. They are proposing to move the current car sales from 1206 West Main Street to this location due to a noncompete at the West Main Street location.

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

Vice Mayor Wallace asked if Items 4E and 4F would be voted on separately, and Mayor Turk noted that they would vote on them separately.

Randy Foley motioned to approve an ordinance on first reading rezoning the property of Premier Investments LLC, property owner, and Dominion Service & Parts, LLC, lessee, located at 224 West Fourth Street (Tax Map #161-7-1) from HM Heavy Manufacturing District to HBD Highway Business District. James Wallace seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

F. Special Exception Permits

Hold public hearing to consider the request of Dominion Service & Parts LLC, lessee, and Premier Investments LLC, property owner, for the issuance of Special Exception Permits to allow an automobile dealership, used, and an automobile repair service, major, on the property located at 224 West 4th Street (Tax Map #161- 7- 1). (Advertised in the October 8 and 15, 2020, issues of the Salem Times Register. Planning Commission has recommended approval; see Page 11 Planning Commission minutes.) **STAFF REPORT**

Mayor Turk reported that notice of said hearing had been published in the October 1 and 8, 2020, issues of the Salem Times-Register, and all property owners were notified by letter mailed September 28, 2020.

Staff noted the following regarding the request: this request is related to item 4E, and is to allow used car sales and major automotive repairs to occur on the site. Issues: 1. In accordance with Section 106-310.3 (A)1: All outdoor display areas (parking areas) in conjunction with sales shall be constructed of the same materials required for off-street parking areas as required by section 106-404. 2. In accordance with Section 106-310.3 (A)2: A perimeter landscaping strip and landscaping shall be provided as required by Section 106- 402. 3. In accordance with Section 106-310.3 (A)5 and 106-310.5 (A)1, vehicles undergoing major work or which will be stored for more than 72 hours must be located in a fully screened area. 4. This property is located within the 100 year floodzone.

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

Vice Mayor Wallace moved that Council postpone voting on this request until the applicant shows a rendering of what the proposed parking lot fence will look like. He is not sure this is really in the spirit of the City's long term Comprehensive Plan for Fourth Street so he would like to see what it is going to look like before he votes. John Saunders seconded the motion.

Mr. Taliaferro asked if Council would consider continuing this request to a specific date, such as the first or second November meeting.

Vice Mayor Wallace amended the motion to continue this request to the first November meeting.

James Wallace motioned to continue the Special Exception Permit requests of Dominion Service & Parts LLC, lessee, and Premier Investments LLC, property owner, for the property located at 224 West Fourth Street (Tax Map #167-7-1) to

the November 9, 2020, meeting. John Saunders seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

G. Administrative Calendar for 2021

Consider adoption of the administrative calendar for 2021.

This item was continued to the November 9, 2020, meeting.

H. TKC CCXXXIX, LLC, Performance Agreement

Consider the approval and authorize the City Manager to execute the Performance Agreement between TKC CCXXXIX, LLC, Developer; the Economic Development Authority of the City of Salem, Virginia; and the City of Salem (This is for redevelopment of the shopping center at 1355 West Main Street. Location of the new Tractor Supply Company.)

Mr. Taliaferro noted the EDA of the City recently approved a Performance Agreement with TKC CCXXXIX, LLC, developer. The actual terms of the agreement were discussed some time ago, but we are just now bringing the agreement to Council for their consideration. This performance agreement is very similar to other performance agreements in the past. He further discussed the Performance Agreement for the property located at 1355 West Main Street.

William Jones motioned to approve and authorize the City Manager to execute the Performance Agreement between TKC CCXXXIX, LLC, Developer; the Economic Development Authority of the City of Salem, Virginia; and the City of Salem. Randy Foley seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

I. Appropriation of Funds

Consider request to amend School Capital Projects Fund budget as approved by the School Board on October 13, 2020. **Audit - Finance Committee**

Vice Mayor Wallace noted the Audit Finance Committee met this morning to discuss this request. The School Capital Projects Fund budget was amended for fiscal year 2020-2021 by the School Board at their meeting on October 13, 2020. The Board amended the Capital Projects Fund to appropriate \$1,905,293 from the unallocated capital reserve funds, appropriate \$529,805 from the unallocated meals tax and appropriate \$81,000 from unallocated cafeteria reserves funding for a variety of projects. Also included with the request is the CIP document for the six-year period of fiscal years 2022 – 2027. The Committee reviewed the request and

recommends approving the School Board's appropriation changes of \$ \$2,516,298 to the School Capital Projects Fund budget and also, the six-year CIP document for fiscal years 2022- 2027.

James Wallace motioned to approve the School Board's appropriation changes of \$2,516,298 to the School Capital Projects Fund budget and also, the six-year CIP document for fiscal years 2022- 2027. John Saunders seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

J. Adjustment to Civic Center Budget

Consider adjustments to the Civic Center budget due to cancellation of the Salem Fair and an additional appropriation for the boiler project. **Audit - Finance Committee**

Vice Mayor Wallace noted the Audit Finance Committee also discussed this request. When the fiscal year 2021 budget for the Salem Civic Center was adopted, staff was hoping to schedule a shorter version of the Fair in the fall and budgeted revenue and expenses based on this plan. However, the event could not be held. The operating budget needs to be adjusted for this cancellation. In addition, additional funding of \$41,000 is needed for the Civic Center boiler replacement project. Funding has been transferred from the General Fund to cover the additional cost. The Committee reviewed the request and recommends adjusting the Civic Center budget for the cancellation of the Fair and for the additional transfer from the General Fund.

James Wallace motioned to approve adjusting the Civic Center budget for the cancellation of the Fair and for the additional transfer from the General Fund for Civic Center building improvements. Randy Foley seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

K. Sheetz Store #333 - West Main Street

Consider setting bond for physical improvements and erosion and sediment control for Sheetz Store #333 located at 1340 West Main Street. **Audit - Finance Committee**

Vice Mayor Wallace noted this request was also discussed by the Audit Finance Committee. The Committee reviewed the estimate for erosion and sediment control and physical improvements for the Sheetz Store #333 – West Main Street project located at 1340 West Main Street. The Committee concurs with the City Engineer's office recommendation that bond be set in the amount of \$160,400.72 and a time frame for completion set at twelve (12) months.

James Wallace motioned to approve an erosion and sediment control and physical improvements bond in the amount of \$160,400.72 and a completion time of twelve (12) months for the Sheetz Store #333 project located at 1340 West Main Street. Randy Foley seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

5. Closed Session

A. Closed Session

Hold a Closed Session pursuant to Section 2.2-3711A(1) of the 1950 Code of Virginia, as amended, to discuss a personnel matter pertaining to a School Board appointment. **Supplemental Item**

James Wallace motioned to move to closed session at 7:09 p.m. in accordance with the provisions of Section 2.2-3711A(3) of the 1950 Code of Virginia, as amended, to discuss a personnel matter pertaining to a School Board appointment.

Ayes: Saunders, Jones, Foley, Wallace, Turk

James Wallace motioned to reconvene at 7:37 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. Randy Foley seconded the motion.

Ayes: Foley, Jones, Saunders, Turk, Wallace

6. Adjournment

Mayor Turk noted that the floor was open for nominations for the appointment of the School Board seat which will become vacant at the end of December.

Randy Foley moved to reappoint David Preston to the Salem City School Board. William Jones seconded the motion.

James Wallace moved to appoint Robin Ott to the Salem City School Board. Renee Turk seconded the motion.

Vice Mayor Wallace stated that he has heard from too many citizens that there needs to be a change on the School Board. He stated that he cannot support the status quo,

and he feels that 15 years is too long for one individual to serve. Further, we need to give other citizens the opportunity to serve and bring a fresh perspective.

Mayor Turk stated that Mr. Preston is a wonderful, faith-filled family person who has committed an unbelievable number of hours to the Salem City School system. Further, she appreciates his hard work and dedication to the school system. Her vote reflects that there is a need for change.

Mr. Jones noted that he felt all four candidates did an excellent job. He feels that they have been the best applicants since he has been on City Council, but he thinks at this point his choice is Mr. Preston because he has done an excellent job with all the things that have been going on.

The roll call vote being as follows: Saunders - David Preston; Jones - David Preston; Foley - David Preston; Wallace - Robin Ott; and Renee Turk - Robin Ott.

Mayor Turk congratulated David Preston and welcomed him to the Salem City School Board once again. She thanked him for his commitment to the Salem City Schools.

The meeting was adjourned at 7:40 p.m.