

City Council Meeting MINUTES

Monday, July 26, 2021, 6:30 PM

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

1. Call to Order

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

Mayor Turk requested that Mr. Light read a request from Mr. Wallace to participate remotely in this Council meeting. The request from Mr. Wallace stated:

"In accordance with Section 2.2-3708.2 l(B) of the Code of the Commonwealth of Virginia and the Remote Participation Policy of the City of Salem, I hereby request to participate remotely due to a personal matter, specifically that I am out of town."

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

Ayes: Foley, Saunders, Turk

Absent: Jones

Abstain: Wallace

2. Pledge of Allegiance

3. Bid Openings, Awards, Recognitions

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

4. Consent Agenda

A. Minutes

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

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

B. Financial Reports

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

The financial reports were received.

5. Old Business

6. New Business

A. Amendment to the Zoning Ordinance

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

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

Mayor Turk opened the public hearing.

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

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

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

Mayor Turk closed the public hearing.

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

B. Amendment to the Zoning Ordinance

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

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

Mayor Turk proceeded to read the other considerations.

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

Mayor Turk opened the public hearing.

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

Mayor Turk closed the public hearing.

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

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

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

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

C. **Amendment to the Zoning Ordinance**

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

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

1. The property will be developed in substantial conformance with the conceptual

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

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

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

D. Special Exception Permit

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

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

E. Olde Salem Days 2021

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

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

F. Resolution for Proposed American Rescue Plan Funding

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

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

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

G. Boards and Commissions

Consider appointments to various boards and commissions.

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

7. Closed Session

A. Closed Session Item A

Hold a Closed session in accordance with Section 2.2-3711 A(3) of the 1950

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

B. Closed Session Item B

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

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

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

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

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

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

by which the closed session was convened were heard, discussed, or considered by the Council. John Saunders seconded the motion.

Ayes: Foley, Saunders, Turk, Wallace

Absent: Jones

8. Adjournment

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

Audit-Finance Committee Meeting is cancelled.

Work Session, 5:30 p.m., Council Chambers Conference Room