



City Council Meeting
AGENDA
Monday, March 25, 2024, 6:30 PM

Work Session 6:00 P.M. Council Chambers Conference Room,

Regular Session 6:30 P.M. Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

1. Call to Order
2. New Business
 - A. **Discussion Items**
FY25 Budget Development Update and Discussion
3. Adjournment

REGULAR SESSION

1. Call to Order
2. Pledge of Allegiance
3. Bid Openings, Awards, Recognitions
4. Consent Agenda
 - A. **Citizen Comments**
Comments from the public, limited to five minutes, on matters not already having a public hearing at the same meeting.
 - B. **Minutes**
Consider acceptance of the March 11, 2024, Work Session and Regular Meeting and the March 13, 2024, Special Meeting Work Session minutes.
 - C. **Financial Reports**
Consider acceptance of the Statement of Revenues and Expenditures for the eight months ending February 2024.

5. Old Business

A. **Amendment to the City Code - Chapter 106 Zoning**

Hold the public hearing and consider amending Chapter 106, Zoning, Article IV Development Standards, section 106-406 miscellaneous provisions of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to storage containers. (Continued from the November 27, 2023, meeting.) (Planning Commission continued this item until the June 12, 2024, meeting; see page 3 of Planning Commission minutes.) **Staff recommends Council cancel this item with readvertisement and scheduling at a future meeting once a recommendation is received from the Planning Commission.**

6. New Business

A. **Amendment to the Zoning Ordinance**

Hold public hearing and consider the request of E3MAG LLC, property owner, for rezoning the property located at 744 Electric Road (Tax Map # 155 - 2 - 2.2) from HBD Highway Business District to HM Heavy Manufacturing District. (Advertised in the March 14, and 21, issues of the *Salem Times-Register*.) (Planning Commission recommended approval; see page 7 of Planning Commission minutes.) **STAFF REPORT**

B. **Amendment to the Zoning Ordinance**

Hold public hearing and consider the request of Pinkesh R. Patel and Sonal P. Patel, property owners, for rezoning the property located at 1200 block Thompson Memorial Drive (Tax Map # 20 - 2 - 4) from RSF Residential Single-Family District to HBD Highway Business District. (Advertised in the March 14, and 21, issues of the *Salem Times-Register*.) (At the petitioner's request Planning Commission continued this item to the April 10, 2024, meeting; see page 8 of Planning Commission minutes.) **STAFF REPORT**
Staff recommends Council cancel this item with readvertisement and scheduling at a future meeting once a recommendation is received from the Planning Commission.

C. **Roanoke Regional Skatepark - Memorandum of Understanding**

Consider authorizing the City Manager to finalize and execute a Memorandum of Understanding (MOU) with Roanoke City for participation and contribution in a regional skate park.

D. **Adoption of Policy - Capital Reserve**

Consider request to adopt the Capital Reserve Policy.

E. **Abstract of Votes**

Receive the Abstract of Votes cast at the Presidential Primary held on March 5, 2024.

7. Adjournment

City Council Meeting MINUTES

Monday, March 11, 2024, 6:30 PM

Work Session 5:30 P.M. Council Chambers Conference Room, City Hall, 114 North Broad Street, Salem, Virginia 24153
Regular Session 6:30 P.M. Council Chambers, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

1. Call to Order

A work session of the Council of the City of Salem, Virginia, was held in the Council Chambers Conference Room, City Hall, 114 N. Broad Street, Salem, Virginia, on March 11, 2024, at 5:30 p.m., there being present the following members of said Council to wit: Renée Ferris Turk, Mayor; James W. Wallace, III, Vice-Mayor; Council members; Byron Randolph Foley, William D. Jones, and H. Hunter Holliday; with Renée Ferris Turk, Mayor, presiding; together with Chris Dorsey, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Crystal Williams, Assistant to the City Manager; Laura Lea Harris, Deputy Clerk of Council; John Shaner, Director of Parks and Recreation; John Hull, Executive Director of the Roanoke Regional Partnership; and Pete Eshelman, Senior Director of Creative Strategies; and the following business was transacted;

Mayor Turk reported that this date, place, and time had been set in order for the Council to hold a work session; and

2. New Business

A. Discussion Items

- 1) Annual Presentation - John Hull, Executive Director of the Roanoke Regional Partnership
- 2) Roanoke Regional Skatepark update
- 3) Discussion of Citizen Comment Requests

John Hull, Executive Director with the Roanoke Regional Partnership, noted that Pete Eshelman, Senior Director of Creative Strategies, was

with him this evening. He presented an overview of the Roanoke Regional Partnership's projects and accomplishments during 2023. His presentation was followed by questions from Council, which were responded to by Mr. Hull and Mr. Eshelman.

John Shaner, Director of Parks & Recreation, shared information on a proposed Memorandum of Understanding between Roanoke City, Salem, and Vinton that had been offered for consideration for a Roanoke Regional Skatepark. Construction on this would begin this fall and be complete by next summer. This agreement would require a one-time contribution and there would be no expenses required for upkeep or further costs. Vice-Mayor Wallace requested that Mr. Stevens write up a publication to share information on this proposal for the citizens on the City's website.

Mayor Turk presented requests that had been made by citizens during the Public Comment period of Council meetings from January through February. Mr. Jones shared that he had met with Mr. Thompson in reference to his request from the December 11, 2023, meeting. He requested that City Manager Dorsey and Mr. Van Allman meet with Mr. Thompson and review his information to see if anything should be done.

In response to a request from the January 22 meeting related to the Comprehensive Plan and Zoning Code, it was noted that Council would be meeting on Wednesday, March 13, to hold a Work Session with Community Development and that these items would be discussed to hear suggestions and to define what Council would like to see implemented. Vice-Mayor Wallace noted that he would like to see some action taken on the request to adopt architectural standards for development and redevelopment.

City Manager Dorsey stated that staff had responded to citizen request from the January 22, 2024, meeting for information related to the relationship between Roanoke College and the use of City of Salem sports facilities. Figures and items that had been requested have been provided. Work was currently being done to provide additional clarification on some of the items requested. Discussion was held on this item and questions by Council were responded to by staff.

Another request from January 22 expressed a desire to see Council explore updating the Code to allow for alternative styles of housing where appropriate. It was noted that this was being discussed and that the City's Zoning Code would be followed.

In response to a request from the February 12, 2024, meeting related to the posing of the annual proposed tax rates, it was noted that this information is posted according to City Code in the legal advertisement. Vice-Mayor Wallace asked if any tax relief could be offered to citizens. Mr. Light responded that the budget was still in the process of being developed and it was not possible to say at this point in the process.

An update was provided on another February 12 request in reference to the repair of a storm drain at the corner of Mulberry and Palmer. It was noted that the part has been ordered. Mr. Light stated that he has followed up with Mr. Sutphin, Director of Streets and Maintenance, and that a temporary structure was currently in place and would be taken care of in the next week. Mayor Turk also noted that she had met with Mr. Gladden and that staff had not been directed to take any pictures at his property.

Four citizens spoke at the February 26, 2024, meeting of Council in relation to the proposed Hope Tree rezoning request. It was noted by Council that this request relates to private property. Mr. Foley suggested that information be shared communicating that the City would not be purchasing this property. Mayor Turk noted that Council was not close at this point to making a decision on this request. Planning Commission has not made a decision at this point, and Council cannot make a decision until the request has passed through the Planning Commission with a recommendation. It was felt that traffic would increase, regardless of what is done at this property. It was also noted that it is the responsibility of the developer to find alternative solutions and that sufficient information is not available at this point for Council to make a decision.

3. Adjournment

There being no further business, Mayor Turk adjourned the meeting at 6:23 p.m.

REGULAR SESSION

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 Ferris Turk, Mayor; James W. Wallace, III, Vice-Mayor; Councilmembers: Byron Randolph Foley, William D. Jones, and H. Hunter Holliday; with Renée Ferris Turk, Mayor, presiding together with Chris Dorsey, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Chuck Van Allman, Director of Community Development; Mike Stevens, Director of Communications; and Mark Popovich, on behalf of City Attorney, Jim Guynn.

2. Pledge of Allegiance

3. Bid Openings, Awards, Recognitions

There were none this evening.

4. Consent Agenda

Mayor Turk noted that Council would be making a change to the agenda this evening. The information for the Hope Tree item has not yet been through the Planning Commission, and the Planning Commission has to take action prior to Council discussing the item. She stated that Council will hold a public hearing and this public hearing will be advertised so that the citizens will be informed of this.

Councilman Foley added that this public hearing will take place at the Civic Center as a large number of citizens are anticipated. He added that legally Council had to continue this item. Since the Planning Commission has not made a recommendation at this point, Council cannot hear the item yet. He suggested that item 6B be cancelled this evening because legally a date for the public hearing must be set if the item is continued.

The citizens were assured that they would have the opportunity to be heard.

City Manager confirmed Council's action.

Randy Foley motioned to cancel item 6B for Hope Tree until it has progressed through the Planning Commission and then readvertise and publish a public hearing date for this item. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

Mayor Turk reiterated that Hope Tree item 6B was cancelled so that a continuing date did not need to be stated and that the public would be notified through legal advertisement.

Mr. Foley emphasized that the public hearing would only be held after the Planning Commission has voted and made a recommendation.

A. Citizen Comments

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

Mayor Turk noted that this citizen comment period was for citizens to speak to Council on a topic that did not have a public hearing at the same meeting.

Mr. Foley stressed for clarification that citizens will not be able to speak on a Hope Tree topic the night that the public hearing is held.

Mayor Turk added that they would be able to speak on Hope Tree during the public hearing but not during citizen comment period on the night that the public hearing is held.

Judy Minahan, 125 Ferrum Drive, was the first citizen to address Council. She expressed concern about rising real estate tax bills. She requested that Council consider a 40 to 60 percent reduction in the tax bill for residents 75 years and older who have lived in Salem for a minimum of 20 years. She asked that they consider levying a tax on seniors proportionate to the services that are utilized by seniors.

Caroline Scarborough Bain, 721 Academy Street, stated that she was opposed to the PUD development proposal for the Hope Tree property. She

expressed concern for the flora and wildlife and expressed the desire to see rescue work before the work begins. She also voiced environmental and traffic concerns. She requested that City Council not vote on this rezoning until a more sensible plan had been presented. She felt that accurate traffic studies needed to be done and that the developers needed to speak to the importance of sustainable building materials and practices and plan for safe indoor air quality in all residential spaces.

Emily Paine Carter, 335 N. Broad Street, expressed concerns about potential Hope Tree rezoning and impact on quality of life in the neighborhood. She spoke of the history of the neighborhood. Mrs. Paine Carter also expressed concerns related to traffic, and environmental impact.

Barbara Bell, 523 E. Burwell Street, noted that she was a resident of North Broad Street for 47 years. She expressed concern for the future of the status of North Broad Street on the Registry of National and State Historic Places with the potential increase of residences on the Hope Tree property. She also spoke of concern for the 24 residents of Hope Tree with mental and physical disabilities and the impact that his proposed development could have on them.

Carl Hart, 720 Mount Vernon Avenue, expressed concerns about speed and traffic related to the proposed Hope Tree development. He questioned the ability of tractor trailer trucks to deliver goods to any businesses that would be in the planned PUD, the difficulty of developing such a community on the existing terrain, and the ability of residents to hook up electric vehicles for recharging in such a neighborhood. Mr. Hart also expressed concern about water drainage.

B. Minutes

Consider acceptance of the February 21, 2024, Special Meeting/Joint Work Session with the Planning Commission and the February 26, 2024, Regular Meeting minutes.

The minutes were approved as written.

5. Old Business

There was no old business this evening.

6. New Business

A. **Taxicabs**

Hold public hearing in accordance with Section 98-94 of THE CODE OF THE CITY OF SALEM, VIRGINIA, and consider issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months, beginning April 1, 2024. Date set for public hearing at February 12, 2024, meeting. (Advertised in the February 29, 2024, issue of the *Salem Times-Register*.)

Mr. Light noted that the City had received two applications for Certificates of Public Convenience. These are from B. Early Cab Service and Reid Taxi, both of which hold existing certificates.

Mayor Turk opened the public hearing.

No one came forward to speak.

Mayor Turk closed the public hearing.

Randy Foley motioned to award Certificates of Public Convenience and Necessity for the next twelve (12) months, beginning April 1, 2024, to B. Early Cab Service, LLC, and Daniel Stephen Reid, trading as Reid Taxi. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

B. **Amendment to the Zoning Ordinance**

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

District. (Continued from the January 22, 2024, meeting.)

Mayor Turk noted that this item had been cancelled at the beginning of the meeting. She reiterated that Council would be holding a public hearing when this item does come back up and that this would be advertised.

C. Signature Authority and Budgetary Commitment Resolution for VDOT

Consider the adoption of Resolution 1462 authorizing the City Manager to be signatory authority for the City of Salem for project agreements for locally administered projects with the Virginia Department of Transportation.

Mr. Dorsey explained that every four years VDOT comes to the governmental entities requesting a continuation or another authorization specifying who is authorized to sign documentation. In this case, this document is for the City of Salem to authorize the City Manager position to be authorized to sign documentation with VDOT.

William Jones motioned to adopt Resolution 1462 authorizing the City Manager to be signatory authority for the City of Salem for project agreements for locally administered projects with the Virginia Department of Transportation. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

D. Olde Salem Days 2024

Consider adoption of Resolution 1463 closing Main Street on Saturday, September 14, 2024.

Mr. Foley asked Barney Horrell if we had checked for conflicts with this date with Virginia Tech, JMU, and UVA games.

Barney Horrell, 3555 Carvins Cove Road, responded to Mr. Foley's question. He responded that he had not checked the schedule for football games, but he did note that he had met with the Street Department last week because this year street improvements will be occurring between Market and Thompson Memorial. The location of the car show and the eastern end of events have historically been placed may look different this year because of this work.

Mr. Foley asked if additional streets needed to be closed.

Mr. Horrell responded that they were not requesting any at this time. Mr. Sutphin, Director of Streets and Maintenance had assured him that the sidewalks would be graveled back or something so that they would be usable. Discussion with the City Engineering Department will be ongoing to

determine how construction will interfere with the placement of the crafters. They will have all of these details worked out. At this time, they are just requesting closure of the streets that are historically requested.

Mayor Turk asked if a request could be done at a later date if it is determined that more space is needed.

Mr. Horrell responded affirmatively. He explained that in the past, most of the crafters were kept on Main Street and some of the side streets that had been requested were not utilized. One thing the committee will be exploring is placing some of the crafters down the side streets if the additional space is needed. This will be decided based on how many crafters request a space,

Mr. Jones asked if there was a deadline for proposing this information to VDOT.

Mr. Horrell answered that the main concern of VDOT is Main Street.

Mr. Light clarified that VDOT was concerned with Main Street, Route 460/Route 11, and that other side streets could be closed administratively by the City Manager.

Mr. Horrell stated that they would go ahead and request the entire Main Street in case they are able to use it, and if they needed to spill out onto side streets they would do so.

Mr. Dorsey confirmed that Virginia Tech is away that weekend.

William Jones motioned to adopt Resolution 1463 requesting the Virginia Department of Transportation (VDOT) approve City Council's request for the temporary closure of Main Street on September 14, 2024, for the Olde Salem Days event. H. Hunter Holliday seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

E. Appropriation of Funds

Consider request to amend the School Operating Fund, School Grants Fund and School Cafeteria Fund budgets as approved by the School Board on February 13, 2024. **Audit - Finance Committee**

Vice-Mayor Wallace noticed that this is a housekeeping item for the School Division's budget.

James Wallace motioned to approve the School Board's appropriation changes of \$65,000 to the School Operating Fund, \$417,325 to the School Grants Fund, and \$137,000 to the School Cafeteria Fund, as approved by the School Board at their February 13, 2024, meeting. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

F. Appropriation of Funds

Consider request to appropriate Virginia Fire Programs funding.

Audit - Finance Committee

Each year, the City receives funding from the Virginia Fire Programs Fund, which must be spent in accordance with state guidelines. When the budget was adopted in fiscal year 2024, an estimate of Fire Program funding was included. The actual amount received is \$12,428 more than budgeted and needs to be appropriated.

James Wallace motioned to appropriate \$12,428 in Fire Program Grant revenue to Fire Program Grant account and to increase the budget for Fire Programs Grant expenditure account by \$12,428 for the purposes stated above. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

G. Appropriation of Funds

Consider request to reappropriate Four-for-Life funds. **Audit -**

Finance Committee

Each year, the City receives funding from the Virginia Department of Health for the Four-for-Life program, which must be spent in accordance with state guidelines. If funds are not spent in the fiscal year received, localities can carry over these funds. The Salem Rescue Squad has accumulated Four-for-Life funds from previous fiscal years and would like to utilize \$54,914 of the carryover balance to purchase training equipment.

Mr. Foley asked to clarify that the amount was \$54,914 for the record.

This was confirmed by Vice-Mayor Wallace.

James Wallace motioned to appropriate \$54,914 from fund balance to Four for Life expenditure account for the purchase of training equipment. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

H. Appropriation of Funds

Consider request to appropriate Transportation Alternatives federal funding for Hanging Rock Battlefield Trail Phase 2. **Audit - Finance Committee**

The City of Salem completed construction on the second phase of the Hanging Rock Battlefield Trail in summer 2023, which added a walkway connecting the existing Hanging Rock Battlefield Trail to East Main Street along Kesler Mill Road. Additional Transportation Alternatives federal funding of \$187,631 was received after the project began and results in lowering the amount of local funding necessary by \$151,637.

James Wallace motioned to appropriate additional funding of \$187,631 to the Capital Projects Fund revenue account, Federal Grants – Capital Projects, and to the Capital Projects Fund expenditure account, Hanging Rock Battlefield Phase 2. Also, to transfer \$151,637 in local funding from expenditure account, Hanging Rock Battlefield Phase 2 to Capital Projects Local Reserve account. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

I. Old Virginia Brick Site Demolition

Consider setting bond for erosion and sediment control for Old Virginia Brick Site Demolition. **Audit - Finance Committee**

Vice-Mayor Wallace noted for the benefit of the public that there was nothing new going on at this location. He explained that there is demolition of some old buildings, and they were distributing some dirt and did not have the necessary permits to do that. This is to rectify that situation.

The City Engineer's office has reviewed the estimate for erosion and sediment control for Old Virginia Brick Site Demolition located at 2500 West Main Street.

Mr. Foley asked Mr. Van Allman since this was after the fact, what would occur if something had been harmed from erosion?

Mr. Van Allman responded that they would have had to clean up whatever issues had been caused and that they would have had to come into full compliance with the permit and there are fines and fees for doing any land-disturbing activity without a plan. There could be additional fees levied by the State as well.

Mr. Foley asked to confirm that at this time there were no fines and that this was just being done retroactively.

Mr. Van Allman confirmed this information. He noted that the Community Development went out to the site and discovered this, notified them, did a site assessment to determine that no erosion left the site. No damage outside of the site was done. They will make sure that they get up to compliance.

Mayor Turk noted for the record that this was private property owned by someone not willing to sell this or discuss this option.

James Wallace motioned to bond the project in the amount of \$16,205.00 with a time frame for completion set at twelve (12) months. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

J. Boards and Commissions

Consider appointments to various boards and commissions.

Randy Foley motioned to appoint Steve Poff for the remainder of the current five-year term of John R. Hildebrand as a regular member ending January 1, 2026, to the Board of Appeals (USBC Building Code) and to reappoint Janie Whitlow to the Fair Housing Board for a three-year term ending April 9, 2027. H. Hunter Holliday seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

7. Adjournment

Mr. Foley noted for the record that he felt compelled to clarify that the City will not be purchasing the Hope Tree property and that this was not an option. The choice will be between RSF Residential Single-Family zoning or the PUD Planned Unit Development.

The meeting was adjourned at 7:17 p.m.

City Council Special Meeting

MINUTES

Wednesday, March 13, 2024, 9:00 AM

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

1. Call to Order

A Special Meeting/Work Session of the Council of the City of Salem, Virginia was held in the Council Chambers Conference Room, City Hall, 114 North Broad Street, Salem, Virginia, on March 13, 2024, at 9:00 a.m., there being present the following members of said Council, to wit: Renée Ferris Turk, Mayor; James W. Wallace, III, Vice-Mayor (absent); Council members: Byron Randolph Foley, William D. Jones, and H. Hunter Holliday; with Renée Ferris Turk, Mayor, presiding; together with Chris Dorsey, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Crystal Williams, Assistant to the City Manager; Chuck Van Allman, Director of Community Development; Mary Ellen Wines, Planning and Zoning Administrator; and Max Dillon, Planner I.

Mayor Turk reported that this date, place, and time had been set in order for the Council to hold a work session and called the meeting to order; and

2. New Business

A. Discussion of Property Maintenance

Staff reviewed and discussed multiple categories related to property maintenance with Council as a follow-up to previous work sessions.

3. Adjournment

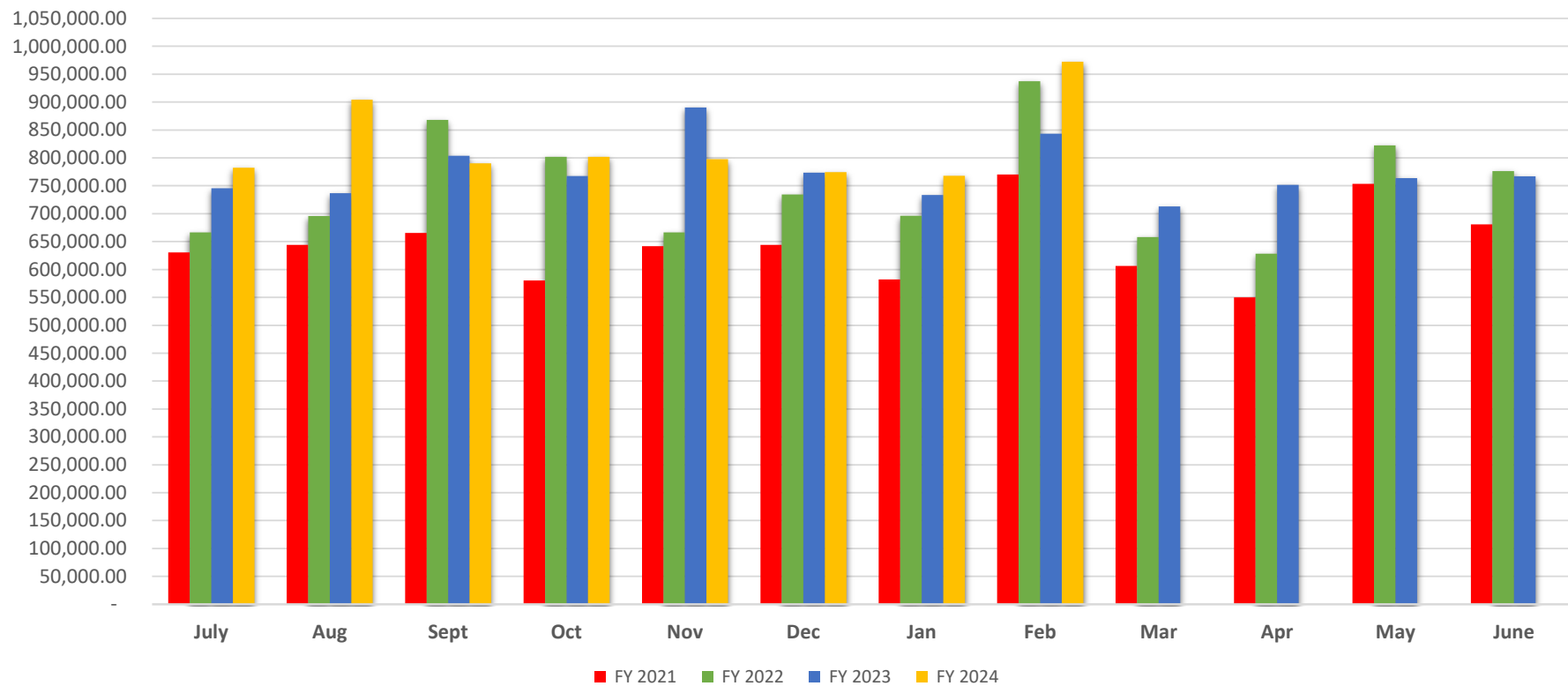
The meeting was adjourned at 10:45 a.m.

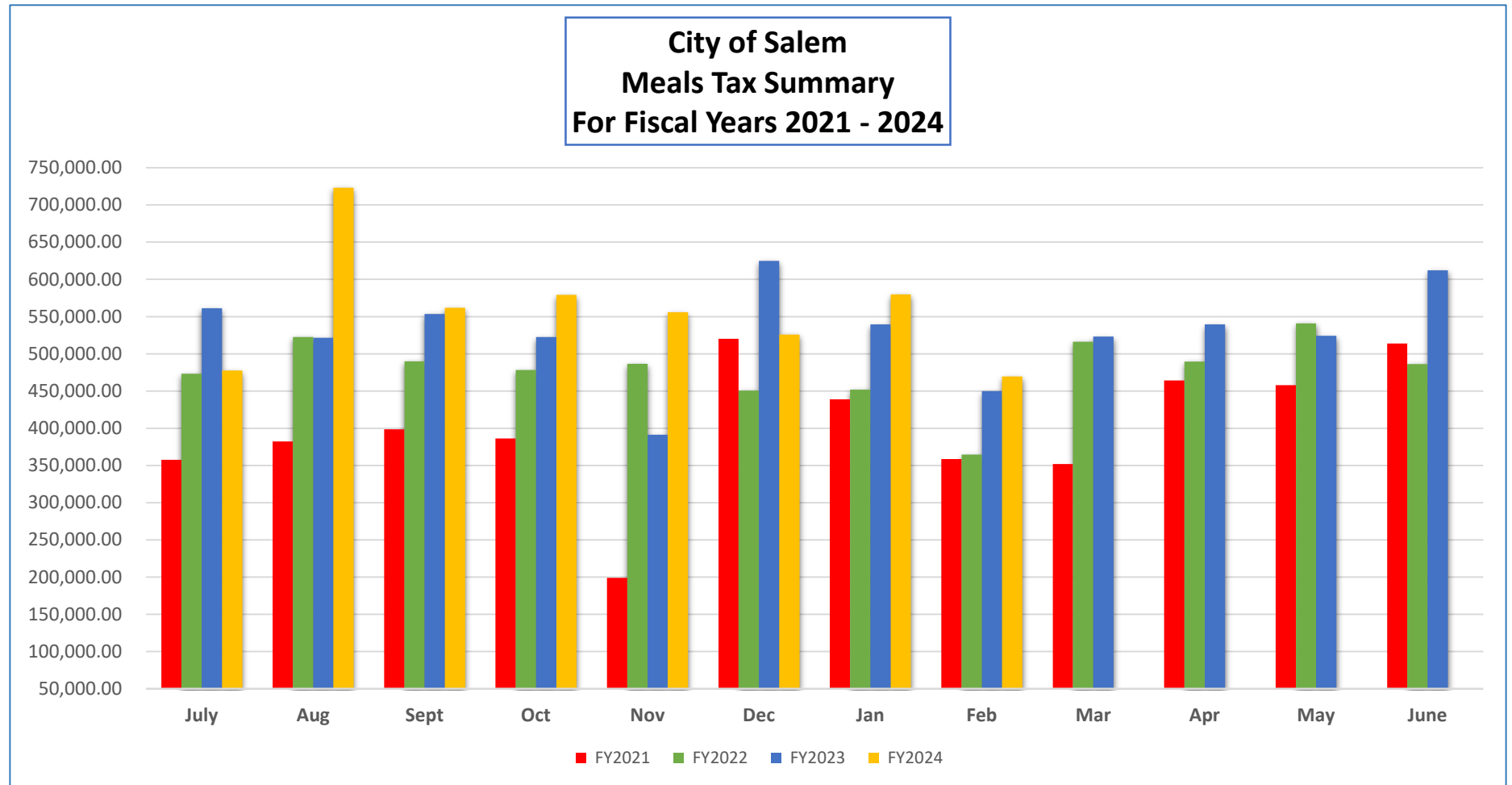
Schedule A

City of Salem, Virginia
General Fund
Statement of Revenues and Expenditures
For Eight Months Ending February 29, 2024

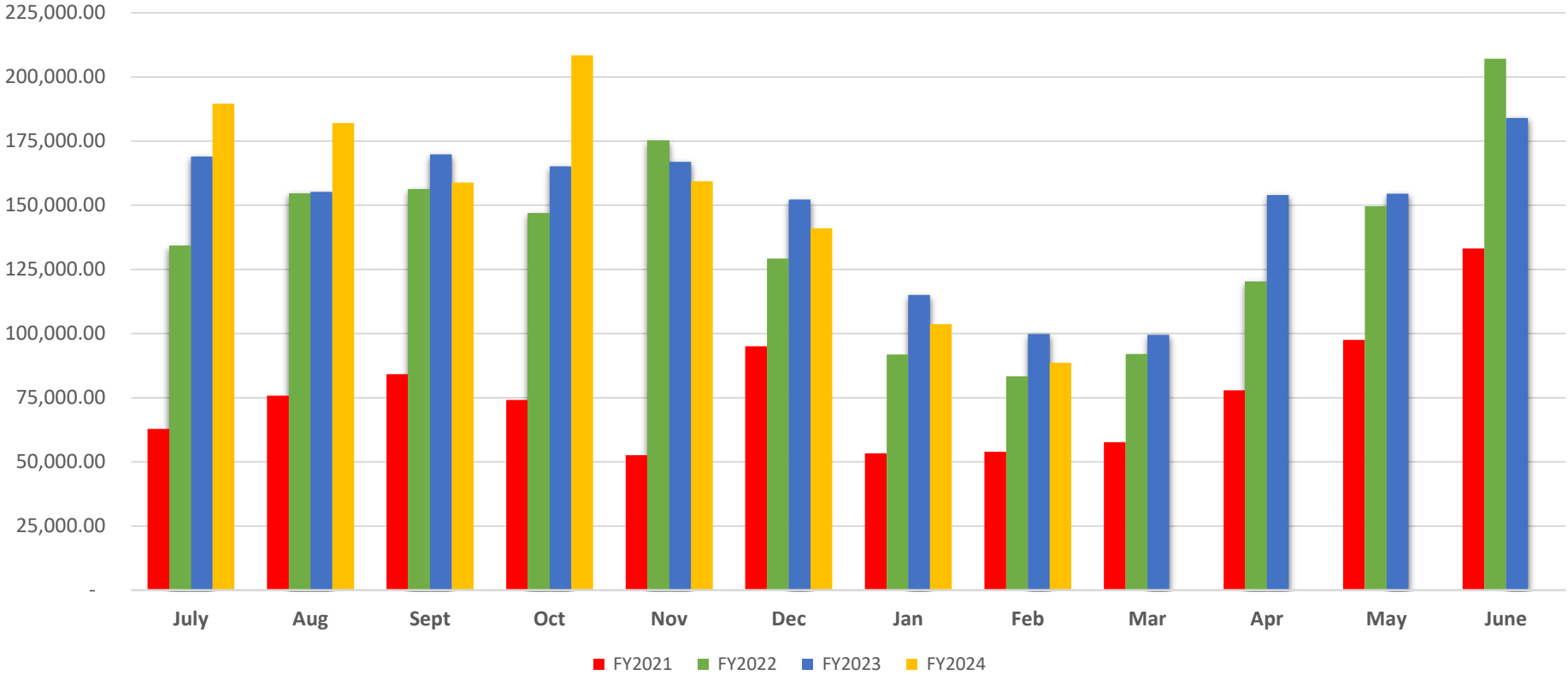
	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
Revenues:					
Beginning Balance 7-1-23	\$ 9,805,439	\$ -	0%	\$ -	\$ -
General Property Taxes	47,435,126	18,655,524	39%	17,185,918	1,469,606
Other Local Taxes	27,410,800	16,919,759	62%	15,909,688	1,010,071
Permits and Licenses	356,740	211,635	59%	240,266	(28,631)
Fines and Forfeitures	119,000	67,796	57%	76,002	(8,206)
Revenue from Use of Money and Property	5,332,180	5,454,264	102%	2,660,290	2,793,974
Charges for Services	3,680,126	2,251,708	61%	2,105,696	146,012
Payment in Lieu of Taxes from Electric Fund	3,160,000	2,106,667	67%	3,160,000	(1,053,333)
Payment in Lieu of Taxes from Water Fund	145,395	97,614	67%	107,448	(9,834)
Miscellaneous Revenue	613,758	473,987	77%	426,872	47,115
Non-Categorical Aid	3,690,450	638,545	17%	686,441	(47,896)
Shared Expenses	1,711,395	972,832	57%	873,813	99,019
Categorical Aid	9,318,353	5,247,295	56%	3,977,615	1,269,680
Non-Revenue Receipts	34,180	34,177	100%	76,280	(42,103)
Transfer From Other Funds	5,396,700	5,319,145	99%	16,664,857	(11,345,712)
Total Revenues	118,209,642	58,450,948	49%	64,151,186	(5,700,238)
Expenditures:					
General Government	10,437,204	6,861,318	66%	6,287,257	574,061
Judicial Administration	3,163,592	1,974,007	62%	1,704,131	269,876
Public Safety	25,926,912	15,569,500	60%	13,380,299	2,189,201
Public Works	14,012,046	7,696,617	55%	6,288,380	1,408,237
Health and Welfare	6,492,410	3,929,324	61%	3,158,313	771,011
Education	25,651,617	18,662,489	73%	17,913,003	749,486
Parks, Recreation and Cultural	8,943,231	4,953,841	55%	4,580,807	373,034
Community Development	3,644,234	2,387,890	66%	3,057,952	(670,062)
Non-Departmental	1,271,995	1,255,770	99%	1,240,468	15,302
Transfers Out	17,706,356	14,153,692	80%	19,194,642	(5,040,950)
Contingency	960,045	-	0%	-	-
Total Expenditures	118,209,642	77,444,448	66%	76,805,252	639,196
Revenues Over/(Under) Expenditures	\$ -	\$ (18,993,500)		\$ (12,654,066)	\$ (6,339,434)

**City of Salem
Sales Tax Summary
For Fiscal Years 2021 - 2024**





**City of Salem
Lodging Tax Summary
For Fiscal Years 2021 - 2024**



Schedule E

[illegible]

City of Salem, Virginia
Debt Outstanding
For Period Ending February 29, 2024

Schedule F

	Balance 7/1/2023	Issuances	Principal Payments	Balance 2/29/2024
City Debt Outstanding				
2011 Union First Market Refunding Bonds	\$ 379,962	\$ -	\$ (379,962)	\$ -
2013 Public Improvement Bonds	977,550	-	(89,425)	888,125
2016B Public Improvement Bonds	441,146	-	-	441,146
2019 Public Improvement Bonds	4,273,000	-	-	4,273,000
2020 Public Improvement Bonds	1,935,000	-	-	1,935,000
2020 Public Improvement Refunding Bonds	4,703,652	-	-	4,703,652
2021 Public Improvement Refunding Bonds	1,166,000	-	(361,000)	805,000
2022B Public Improvement Bonds	14,491,000	-	-	14,491,000
Total City Debt Outstanding	28,367,310	-	(830,387)	27,536,923
School Debt Outstanding				
2011 Union First Market Refunding Bonds	665,038	-	(665,038)	-
2012A Public Improvement Bonds	4,772,500	-	(477,250)	4,295,250
2013 Public Improvement Bonds	3,012,450	-	(275,575)	2,736,875
2020 Public Improvement Bonds	23,565,000	-	-	23,565,000
Total School Debt Outstanding	32,014,988	-	(1,417,863)	30,597,125
Total Debt Outstanding	<u>\$ 60,382,298</u>	<u>\$ -</u>	<u>\$ (2,248,250)</u>	<u>\$ 58,134,048</u>

City of Salem, Virginia
Capital Projects Fund
Statement of Revenues and Expenditures
For Period Ending February 29, 2024

Schedule G

	Budget	Project To Date	Encumbrances	Total Project	Available Balance	Year To Date	
Fund Balance, July 1, 2023							\$ 21,420,610
<u>Revenues:</u>							
Federal Grants	\$ 13,372,728	\$ 1,815,795	\$ -	\$ 1,815,795	\$ 11,556,933	\$ 222,716	
State Grants	17,515,640	2,353,273	-	2,353,273	15,162,367	728,770	
Proceeds From Debt Issuance	42,015,146	42,015,145	-	42,015,145	1	-	
Interest Income	813,126	813,125	-	813,125	1	129,935	
Transfer From General Fund	28,644,299	28,339,325	-	28,339,325	304,974	8,484,062	
Total Revenues	102,360,939	75,336,663	-	75,336,663	27,024,276		9,565,483
<u>Expenditures:</u>							
Next Generation 911	378,493	187,161	30,609	217,770	160,723	-	
Fire Station #2 Renovations	432,000	79,056	-	79,056	352,944	72,824	
Fire Station #2 Storage Building	515,000	-	-	-	515,000	-	
Fire Station #1 Renovations	654,000	3,323	-	3,323	650,677	3,323	
Fire Station #3 Renovations	454,000	6,619	-	6,619	447,381	6,619	
Colorado St Bridge Replacement	11,778,826	1,876,984	4,582,275	6,459,259	5,319,567	1,079,378	
Apperson Drive Bridge Replacement	9,784,451	763,628	30,814	794,442	8,990,009	15,625	
Jury Room Expansion	400,000	41,768	-	41,768	358,232	9,535	
Apperson Drive Bridge Repairs #1800	682,432	69,800	54,332	124,132	558,300	69,800	
Valleydale Streetscape Improvements	1,500,000	-	-	-	1,500,000	-	
Upland Drive Storm Drain and Curb & Gutter	125,000	-	-	-	125,000	-	
Hanging Rock Battlefield Phase 2	1,420,310	1,456,303	-	1,456,303	(35,993)	25,159	
Western Roanoke River Greenway	50,000	1,500	-	1,500	48,500	-	
Elizabeth Campus Greenway	2,252,578	158,378	39,970	198,348	2,054,230	-	
Moyer Sports Complex Renovation	27,903,295	19,512,505	6,747,683	26,260,188	1,643,107	7,138,962	
Mason Creek Greenway Phase 3	2,610,681	201,761	275,373	477,134	2,133,547	28,495	
Library Flooring Replacement	190,000	-	-	-	190,000	-	
Library Co-working Space	155,000	-	-	-	155,000	-	
Civic Center East/West Fields Restroom	220,000	-	221,070	221,070	(1,070)	-	
Longwood Park Restroom Replacement #2	180,000	-	129,261	129,261	50,739	-	
Civic Center West Field Lighting Upgrades	250,000	109,207	137,266	246,473	3,527	109,207	
Kiwanis Park Wall Pads	110,000	-	-	-	110,000	-	
Library Lawn Special Events Space	500,000	-	-	-	500,000	-	
Flood Mitigation-CFPF	78,962	74,520	4,442	78,962	-	65,245	
Downtown Impr - E Main St/Union St	2,504,140	2,324,417	-	2,324,417	179,723	313,400	
Downtown Impr - E Main St/Market St	5,440,677	215,332	3,957,295	4,172,627	1,268,050	9,269	
Downtown Impr - E Main St/White Oak	2,311,825	20,643	41,288	61,931	2,249,894	4,363	
Capital Projects Local Reserve	67,811	-	-	-	67,811	-	
Downtown Improvements Reserve	90,350	-	-	-	90,350	-	

City of Salem, Virginia
Capital Projects Fund
Statement of Revenues and Expenditures
For Period Ending February 29, 2024

Schedule G

	<u>Budget</u>	<u>Project To Date</u>	<u>Encumbrances</u>	<u>Total Project</u>	<u>Available Balance</u>	<u>Year To Date</u>	
Excess Local Funding Reserve	2,171,800	-	-	-	2,171,800	-	
Arbitrage	149,308	149,307	-	149,307	1	149,307	
Transfer to Schools-2020 Bonds	27,000,000	27,000,000	-	27,000,000	-	801,131	
Total Expenditures	\$ 102,360,939	\$ 54,252,212	\$ 16,251,678	\$ 70,503,890	\$ 31,857,049		<u>9,901,642</u>
Fund Balance, February 29, 2024							<u><u>\$ 21,084,451</u></u>

**City of Salem, Virginia
Electric Fund
Statement of Operations
For Eight Months Ending February 29, 2024**

	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
Operating Revenues					
Sale of Power	\$ 46,790,745	\$ 29,264,264	63%	\$ 28,080,695	\$ 1,183,569
Other Electric Revenue	654,799	535,489	82%	464,853	70,636
Reserve for Encumbrances	1,707,820	-	0%	-	-
Appropriated from Net Position	3,300,000	-	0%	-	-
Total Operating Revenues	52,453,364	29,799,753	57%	28,545,548	1,254,205
Operating Expenses					
Other Power Generation - Operation	150,000	40,054	27%	63,452	(23,398)
Other Power Generation - Maintenance	73,846	49,529	67%	18,763	30,766
Purchased Power	28,030,000	17,423,434	62%	16,164,320	1,259,114
Transmission - Operation	9,736,000	6,651,574	68%	6,202,746	448,828
Transmission - Maintenance	41,339	4,645	11%	9,236	(4,591)
Distribution - Operations	1,142,527	772,462	68%	699,098	73,364
Distribution - Maintenance	1,541,782	1,085,033	70%	1,054,996	30,037
Customer Service	662,562	433,903	65%	402,125	31,778
Administration & General - Operation	2,641,681	493,264	19%	927,893	(434,629)
Administration & General - Maintenance	239,359	185,861	78%	137,739	48,122
Depreciation	-	1,114,661	0%	941,185	173,476
Capital	4,858,117	994,883	20%	1,063,365	(68,482)
Contingency	176,151	-	0%	-	-
Total Operating Expenses	49,293,364	29,249,303	59%	27,684,918	1,564,385
Income (loss) Before Transfers	3,160,000	550,450		860,630	(310,180)
Transfers (Payment in Lieu of Taxes)	(3,160,000)	(2,106,667)	67%	(3,160,000)	1,053,333
Income (loss)	\$ -	\$ (1,556,217)		\$ (2,299,370)	\$ 743,153

City of Salem, Virginia
Water Fund
Statement of Operations
For Eight Months Ending February 29, 2024

Operating Revenues	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
Services	\$ 7,400,000	\$ 5,000,171	68%	\$ 4,842,689	\$ 157,482
Other Revenue	459,899	269,261	59%	237,005	32,256
Water Federal Grants Revenue	-	-	0%	800	(800)
Gain On Sale Of Assets	1,040	1,040	100%	-	1,040
Reserve for Encumbrances	761,826	-	0%	-	-
Appropriated from Net Position	1,320,000	-	0%	-	-
Total Operating Revenues	9,942,765	5,270,472	53%	5,080,494	189,978
Operating Expenses					
<i>Production</i>					
Salaries of Personnel	986,455	666,743	68%	645,600	21,143
Fringe Benefits	465,075	306,608	66%	289,348	17,260
Contractual Services	676,273	376,622	56%	392,806	(16,184)
Printing and Binding	2,500	170	7%	565	(395)
Advertising	1,000	-	0%	-	-
Utilities	421,200	288,231	68%	271,904	16,327
Communications	5,800	2,673	46%	3,268	(595)
Insurance	38,000	30,854	81%	32,318	(1,464)
Travel and Training	9,800	4,788	49%	5,212	(424)
Miscellaneous	65,730	48,979	75%	53,117	(4,138)
Materials and Supplies	317,076	162,747	51%	132,820	29,927
Depreciation	-	568,399	0%	569,974	(1,575)
Capital	516,451	98,818	19%	840,538	(741,720)
Contingency	155,423	-	0%	-	-
Total Production Expenses	3,660,783	2,555,632	70%	3,237,470	(681,838)
<i>Distribution</i>					
Salaries of Personnel	750,853	448,932	60%	375,959	72,973
Fringe Benefits	361,704	205,700	57%	170,448	35,252
Contractual Services	888,188	635,651	72%	557,995	77,656
Printing and Binding	-	136	0%	-	136
Communications	4,950	3,320	67%	3,575	(255)
Insurance	32,000	34,275	107%	29,734	4,541
Lease/Rent of Equipment	2,000	876	44%	1,054	(178)
Travel and Training	8,300	1,098	13%	2,698	(1,600)
Miscellaneous	35,530	21,869	62%	19,180	2,689
Miscellaneous Credits	(255,000)	(264,533)	104%	(223,338)	(41,195)
Materials and Supplies	182,374	117,416	64%	103,087	14,329
Depreciation	-	132,194	0%	72,579	59,615
Capital	2,531,668	223,703	9%	1,056,774	(833,071)
Interest Obligations	1,594,020	81,220	5%	99,362	(18,142)
Total Distribution Expenses	6,136,587	1,641,857	27%	2,269,107	(627,250)
Income (loss) Before Transfers	145,395	1,072,983		(426,083)	1,499,066
Transfers (Payment in Lieu of taxes)	(145,395)	(97,614)	67%	(107,448)	9,834
Income (loss)	\$ -	\$ 975,369		\$ (533,531)	\$ 1,508,900

City of Salem, Virginia
Sewer Fund
Statement of Operations
For Eight Months Ending February 29, 2024

Operating Revenues	<u>Current Year Budget</u>	<u>Current Year Year to Date</u>	<u>% of Budget</u>	<u>Prior Year Year to Date</u>	<u>Variance</u>
Services	\$ 6,997,000	\$ 4,707,415	67%	\$ 4,607,149	\$ 100,266
Other Revenue	149,896	95,357	64%	129,100	(33,743)
Reserve for Encumbrances	797,365	-	0%	-	-
Total Operating Revenues	<u>7,944,261</u>	<u>4,802,772</u>	<u>60%</u>	<u>4,736,249</u>	<u>66,523</u>
Operating Expenses					
Salaries of Personnel	853,377	524,734	61%	515,179	9,555
Fringe Benefits	402,342	243,450	61%	225,211	18,239
Contractual Services	3,661,280	1,640,845	45%	1,588,460	52,385
Printing and Binding	1,500	633	42%	144	489
Advertising	1,500	-	0%	-	-
Utilities	4,500	2,906	65%	2,646	260
Communications	14,850	9,148	62%	11,974	(2,826)
Insurance	18,500	13,362	72%	12,918	444
Lease/Rent of Equipment	3,000	876	29%	1,055	(179)
Travel and Training	12,000	2,550	21%	5,574	(3,024)
Miscellaneous	39,030	26,680	68%	22,675	4,005
Miscellaneous Credits	(325,000)	(107,110)	33%	(111,743)	4,633
Materials and Supplies	86,289	35,647	41%	37,706	(2,059)
Depreciation	-	950,935	0%	914,040	36,895
Capital	1,359,778	123,688	9%	105,424	18,264
Interest Obligations	1,666,581	28,303	2%	31,200	(2,897)
Contingency	144,734	-	0%	-	-
Total Operating Expenses	<u>7,944,261</u>	<u>3,496,647</u>	<u>44%</u>	<u>3,362,463</u>	<u>134,184</u>
Income (loss) before Transfers	<u>-</u>	<u>1,306,125</u>		<u>1,373,786</u>	<u>(67,661)</u>
Income (loss)	<u>\$ -</u>	<u>\$ 1,306,125</u>		<u>\$ 1,373,786</u>	<u>\$ (67,661)</u>

**City of Salem, Virginia
Salem Civic Center
Statement of Operations
For Eight Months Ending February 29, 2024**

Operating Revenues	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
Shows/rentals	\$ 359,850	\$ 270,576	75%	\$ 289,111	\$ (18,535)
Box office shows	1,500,000	1,021,734	68%	1,237,618	(215,884)
Catering and concessions	-	-	0%	137,537	(137,537)
Merchandise and commissions	177,500	239,535	135%	144,430	95,105
Static advertising	55,000	23,625	43%	24,125	(500)
Miscellaneous income	15,000	18,294	122%	21,044	(2,750)
Interest Income	-	1,086	0%	439	647
Salem Fair	603,000	609,818	101%	536,021	73,797
Reserve for encumbrances	309,197	-	0%	-	-
Gain on Sale of Assets	834	834	100%	-	834
Appropriated from Net Position	100,500	-	0%	-	-
Total Operating Revenues	3,120,881	2,185,502	70%	2,390,325	(204,823)
Operating Expenses					
Salaries of personnel	1,421,099	913,526	64%	866,405	47,121
Fringe benefits	571,127	335,818	59%	304,726	31,092
Maintenance and contractual services	287,968	152,346	53%	186,945	(34,599)
Printing and binding	500	-	0%	1,000	(1,000)
Advertising	23,000	17,507	76%	20,729	(3,222)
Utilities	295,000	206,511	70%	224,557	(18,046)
Communications	13,900	6,867	49%	8,670	(1,803)
Insurance	28,500	29,351	103%	30,924	(1,573)
Leases and Rentals	3,200	127	4%	275	(148)
Travel and training	8,150	6,447	79%	6,682	(235)
Miscellaneous	99,268	75,767	76%	65,816	9,951
Show expense	1,296,992	1,142,673	88%	1,318,927	(176,254)
Fair expense	546,100	624,734	114%	556,940	67,794
Materials and supplies	81,500	44,755	55%	19,223	25,532
Capital	1,093,563	361,942	33%	60,408	301,534
Depreciation	-	182,058	0%	182,963	(905)
Total Operating Expenses	5,769,867	4,100,429	71%	3,855,190	245,239
Income (loss) Before Transfers	(2,648,986)	(1,914,927)		(1,464,865)	(450,062)
Transfers	2,648,986	1,233,991	47%	1,072,779	161,212
Income (loss)	\$ -	\$ (680,936)		\$ (392,086)	\$ (288,850)

City of Salem, Virginia
Salem Catering and Concessions
Statement of Operations
For Eight Months Ending February 29, 2024

Operating Revenues:	Current Year Budget	Current Year Year to Date	% of Budget	Prior Year Year to Date	Variance
Catering	\$ 516,682	\$ 562,791	109%	\$ 514,391	\$ 48,400
Concessions	137,833	138,058	100%	130,981	7,077
Moyer Concessions	25,000	-	0%	-	-
Salem High Concessions	6,606	4,310	65%	468	3,842
Total Operating Revenues	686,121	705,159	103%	645,840	59,319
Operating Expenses:					
<u>Catering</u>					
Salaries of personnel	289,671	185,283	64%	156,737	28,546
Fringe benefits	111,668	63,738	57%	47,422	16,316
Contractual services	9,465	5,624	59%	7,774	(2,150)
Printing and binding	300	-	0%	300	(300)
Laundry and Cleaning	2,500	-	0%	-	-
Communications	200	119	60%	106	13
Insurance	1,800	1,877	104%	1,521	356
Travel and training	-	179	0%	30	149
Miscellaneous	19,216	18,489	96%	137,193	(118,704)
Materials and supplies	203,081	179,310	88%	167,857	11,453
Capital	60,000	5,084	8%	-	5,084
Depreciation	-	2,393	0%	2,922	(529)
Total Catering Expenses	697,901	462,096	66%	521,862	(59,766)
<u>Concessions</u>					
Salaries of Personnel	53,832	38,658	72%	28,432	10,226
Fringe Benefits	18,808	8,753	47%	7,665	1,088
Contractual services	4,000	16,712	418%	9,996	6,716
Miscellaneous	150	332	221%	49,915	(49,583)
Materials and Supplies	27,500	46,190	168%	39,242	6,948
Total Concessions Expenses	104,290	110,645	106%	135,250	(24,605)
<u>Moyer Concessions</u>					
Salaries of Personnel	9,745	-	0%	-	-
Fringe Benefits	4,484	-	0%	-	-
Contractual services	2,500	-	0%	-	-
Materials and Supplies	13,329	-	0%	-	-
Total Moyer Expenses	30,058	-	0%	-	-
<u>Salem High Concessions</u>					
Salaries of Personnel	2,272	702	31%	-	702
Fringe Benefits	209	305	146%	-	305
Contractual	-	1,005	0%	-	1,005
Materials and Supplies	1,807	1,570	87%	-	1,570
Total Salem High Expenses	4,288	3,582	84%	-	3,582
Income (loss) Before Transfers	(150,416)	128,836		(11,272)	140,108
Transfers	150,416	-	0%	-	-
Income (loss)	\$ -	\$ 128,836		\$ (11,272)	\$ 140,108

**City of Salem, Virginia
Health Insurance Fund
Statement of Revenues and Expenses
For Seven Months Ending January 31, 2024**

	Budget	Current Year Year to Date	Percent to Date	Prior Year Year to Date	Variance
Beginning Net Position	\$ -	\$ 7,846,412		\$ 6,036,231	\$ 1,810,181
Revenue					
Premiums Paid - City	6,060,000	3,380,277	56%	3,181,893	198,384
Premiums Paid - School	5,240,000	2,909,175	56%	2,703,324	205,851
Premiums Paid - Retirees	765,000	446,361	58%	482,982	(36,621)
Dental Premiums Paid	591,050	348,290	59%	345,635	2,655
Interest Earnings	90,000	252,967	281%	87,954	165,013
Miscellaneous	5,000	16,249	325%	4,467	11,782
Total Year to Date Revenues	12,751,050	7,353,319	58%	6,806,255	547,064
Expenses					
Health Claims	11,545,772	6,197,534	54%	5,339,428	858,106
Dental Claims	591,050	302,773	51%	288,429	14,344
Employee Health Clinic	511,332	268,504	53%	260,408	8,096
Consulting Services	96,896	51,191	53%	46,556	4,635
Miscellaneous	6,000	4,170	70%	3,889	281
Total Year to Date Expenses	12,751,050	6,824,172	54%	5,938,710	885,462
Ending Net Position	<u>\$ -</u>	<u>\$ 8,375,559</u>		<u>\$ 6,903,776</u>	<u>\$ 1,471,783</u>

City of Salem, Virginia
Schedule of Deposits and Investments
For Period Ending February 29, 2024

Schedule O

	Cash Value 2/29/2024	Net Change in Fair Value	Fair Value 2/29/2024	FV as a % of Portfolio
Demand & Time Deposits				
Concentration Account	\$ 51,701,501	\$ -	\$ 51,701,501	32.0%
Payroll Account	10,133	-	10,133	0.0%
Revenue Recovery Account	15,787	-	15,787	0.0%
Utility Billing Account	66,090	-	66,090	0.0%
Box Office Account	957,745	-	957,745	0.6%
Held as Fiscal Agent of:				
Cardinal Academy	888,740	-	888,740	0.5%
Court Community Corrections	1,476,434	-	1,476,434	0.9%
Held on Behalf of:				
Economic Development Authority	498,949	-	498,949	0.3%
Total Demand & Time Deposits	<u>55,615,379</u>	<u>-</u>	<u>55,615,379</u>	<u>34.3%</u>
Investments				
Local Government Investment Pool (LGIP)	105,958,030	-	105,958,030	65.6%
Held on Behalf of:				
Economic Development Authority LGIP	146,082	-	146,082	0.1%
Total Investments	<u>106,104,112</u>	<u>-</u>	<u>106,104,112</u>	<u>65.7%</u>
Total Deposits and Investments	<u><u>\$ 161,719,491</u></u>	<u><u>\$ -</u></u>	<u><u>\$ 161,719,491</u></u>	<u><u>100.0%</u></u>

Item # 5A
Date: 3/25/2024

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

MEETING DATE: March 25, 2024

AGENDA ITEM: Hold the public hearing and consider amending Chapter 106, Zoning, Article IV Development Standards, section 106-406 miscellaneous provisions of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to storage containers. (Planning Commission continued from the November 27, 2023, meeting.)

SUBMITTED BY: Mary Ellen Wines, Planning & Zoning Administrator

SUMMARY OF INFORMATION:

The Planning Commission has continued this item until their June 12, 2024 meeting.

STAFF RECOMMENDATION:

Staff recommends Council cancel the public hearing and first reading of an Ordinance for this item. Once the Planning Commission makes a recommendation, the public hearing and consideration will be scheduled for the appropriate Council meeting date and the public hearing will be readvertised.

Planning Commission Meeting
MINUTES
Wednesday, March 13, 2024, 7:00 PM

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

WORK SESSION

1. Call to Order

A work session of the Planning Commission of the City of Salem, Virginia, was held in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, at 6:00 p.m. on March 13, 2024; there being the members of said Commission, to wit: Vicki G. Daulton, Chair; Denise P. King, Vice Chair; Reid Garst, Neil L. Conner, and Jackson Beamer; together with H. Robert Light, Assistant City Manager; Mary Ellen Wines, Planning & Zoning Administrator; Charles E. Van Allman, Jr., Director of Community Development; Maxwell S. Dillon, Planner; and Christopher Dadak, on behalf of Jim Guynn, City Attorney; and the following business was transacted: Chair Daulton called the meeting to order at 6:02 p.m. and reported that this, date, place, and time had been set for the Commission to hold a work session.

2. Old Business

A. Discussion of items on the March agenda

1. 860 Mount Vernon Lane rezoning from RSF to PUD

A discussion was held regarding 860 Mount Vernon Lane on the March agenda.

3. New Business

A. Discussion of items on the March agenda

1. 744 Electric Rd rezoning from HBD to HM
2. 1200 block Thompson Memorial Dr rezoning from RSF to HBD
3. Code Change Storage Containers

A discussion was held regarding items on the March agenda.

B. Discussion of items on the April agenda

1. Home Occupation Amendment - Oak & Bloom - 275 Fort Lewis Blvd
2. Use Not Provided For Amendment - 125 Knotbreak Rd

Items for the April agenda were introduced, and a discussion was held.

4. Adjournment

Chair Daulton inquired if there were any other items for discussion and hearing none, adjourned the work session at 6:34 p.m.

REGULAR SESSION

1. Call to Order

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held after due and proper notice in the Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia, at 7:00 p.m., on March 13, 2024. Notice of such hearing was published in the February 29, and March 7, 2024, issues of the "Salem Times-Register," a newspaper published and having general circulation in the City of Salem. All adjacent property owners were notified via the U.S. Postal Service.

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

A. **Pledge of Allegiance**

2. Consent Agenda

A. **Minutes**

Consider acceptance of the minutes from the February 14, 2024, regular meeting, and February 21, 2024, joint work session.

Jackson Beamer motioned approve February 14, 2024, meeting and February 21, 2024, work session minutes. Neil Conner seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

3. Old Business

A. Amendment to the Zoning Ordinance

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

Jon Morris, President, and CEO of HopeTree, appeared before the Commission and thanked everyone for being at the meeting. He also thanked the Commission for the last public hearing and the public work session. We appreciated all the feedback we received, the dialogue in the public work session. We have had several other meetings since then to talk about some of the changes that we could possibly make, and we have made several changes to the application. He then asked Chris Burns from Balzer and Associates to speak about the changes.

Chris Burns, Balzer and Associates, 1208 Corporate Circle, Roanoke, appeared before the Commission and stated that we have been working with Tom Lowe and the development team on some of the changes that have been made to the document. He feels like some pretty significant changes have been made in response to the feedback received and the additional discussions that the developers have had. He believes the Commission received a markup version of the document with the changes clouded as well as a detailed list of what those changes were. So, I'm not going to hit on every little change, but I am going to hit on some of the some of the more major ones, so the document was clarified, to add the maximum residential unit count at 340, which we have talked about previously; there was a maximum for hotel rooms on the site set at 34, which is consistent with what the discussions have been as far as what that type of hotel use that they see on the property. There was a maximum square footage of restaurant use set at 15,000 square feet, and then there was just a clarification really this was something that we talked to planning staff about clarification that home occupations would not count towards these maximum densities and that is consistent with the Salem zoning ordinance and how that is handled currently in all zoning districts. In addition to that on the land use plan, there were four areas at the northern end of the site that were revised from the T5 zone to the less intense T4 zone that covers the area that is across from North Oaks that fronts Red Lane, as well as some other areas south of that. There was a clarification added to the document regarding the sidewalk in the on -street parking along Red Lane that would be provided as part of the development. We have talked a lot about that but it was not specifically called out in the document so that's been added. In addition to that there were several revisions made to the use table. We removed several of the agricultural uses based on feedback that we got. The flea market use was removed, hospital use was removed, veterinary hospital was removed, and then there were several commercial uses that were removed from T4. This is not applicable to that specific zone. In addition to that we have continued to receive feedback and work with planning staff. There are some additional changes that we are willing to commit to that are not reflected in the current document—there were some commercial uses that were left in the T4 zone use table, which will be removed. I believe that there were a couple of boxes that were checked inadvertently in the use table. I just wanted to clarify that the intent is not to add any uses to

the document, and we will get that corrected. In addition to that, we are willing to commit to a maximum of 340 total residential units to include any accessory dwelling units. So those would be included in the total. That was a question that we had received. And then a couple other uses that we are willing to remove from all zones within the development. And this is just contingent on assurance that this will not impact any of HopeTree's current operations. But we are willing to remove outpatient mental health and substance abuse as well as personal storage. The final change is we had a question about height of accessory structures and whether those could exceed the primary structure on the lot, and we are willing to change that language to limit the height of those accessory structures to the height of the primary structure. Thank you. With that, we would be happy to answer any questions that you all have.

Vice Chair King stated she thinks she misunderstood what was said at the end of the work session, accessory residential structures are not allowed in the current zoning, they must be attached to the main residence. My concern is that accessory residential buildings will increase when you have at least one vulnerable car. I fully understand that the thought process there is to have something where a mom-in-law moves in or the child moves in who now wants to go to grad school needs a place to live, but when that need is no longer there, does it become rental property? And so, what happens here is it increases that overall number of 340. So, can I have some comments on that?

Mr. Burns stated that is one of the changes that we're committing to is that the 340 would include any accessory dwelling units on the property, which is not what the language in the current version that you have says; but that's one of the things that we're committing to tonight so that the maximum would not exceed 340 and in truth those accessory dwelling units will actually generate less traffic than a typical residential unit would.

Chair Daulton stated that staff has some concerns that have not been addressed: the difference between civic buildings and historic buildings and asked for clarification.

Mr. Burns stated that is something that we need additional discussion on and is not 100 % sure exactly what that comment means. We just got that today, so we are certainly willing to discuss that and address it.

Mary Ellen Wines, Planning and Zoning Administrator, clarified that on the use table where it says historic existing and civic buildings, it is not clear what the future use of those buildings will be and why they are differentiated between one or the other. She stated that more clarification is needed.

Mr. Burns questioned if there were any differences in the use table as far as between the two uses. He apologized for not knowing the answer.

Ms. Wines stated that there are a few differences, and we are trying to understand why there is a difference and how they are going to be used in the future.

Mr. Burns stated that there is very little on the land use plan that is shown as a civic building; that of the buildings are shown as the historic core buildings in the middle of the site.

Vice Chair King questioned if the 15,000 s.f. commercial includes the existing buildings because we keep seeing retail and restaurant space so if it does not, how much more commercial space is there.

Mr. Burns stated that 15,000 s.f. is the maximum amount of retail and restaurant space including the existing buildings.

Member Conner questioned if there would be other commercial uses--would there be office uses or other business uses that are anticipated. The only thing we are addressing is the commercial use, but there could be other business uses, correct?

Mr. Burns stated that there could be office space. Retail and restaurant are two of the more intense, and so through the conversations those ones were identified as being critical ones to limit.

Member Conner stated that he wants to make sure that it is not limiting the amount of other business space in any way, except as the plan is written.

Chair Daulton questioned if the on-street parking and sidewalks on Red Lane were part of the proffers because there currently is no indication of what the improvements will look like.

Mr. Burns stated that they are part of the document but are not shown in the graphics as we have not gotten down to that level of detail. That is something that would be submitted with a site plan for approval through the typical site plan process—site distance, widths of the parking spaces, etc. would be addressed to the satisfaction of the city during that process.

Chair Daulton inquired about the placement of trees throughout the development.

Todd Robertson of Stateson Homes appeared before the Commission and stated that the graphics in the document were not supposed to represent the distancing of the trees as it has to do with the species of the trees and other things, but they want to form a canopy and a visual break along Red Lane.

Vice Chair King inquired about the commercial part of the concept—the concept shows miscellaneous, commercial, office, and civic—and wants to make sure that everything combined is to be 15,000 s.f. or less.

Mr. Robertson stated that is not what is proposed at this time. Currently, much of the campus at HopeTree is used for office space—approximately 103,000 s.f. HopeTree will continue to house its offices in the existing buildings on the property, which will be over 15,000 s.f. Several of the buildings are vacant, but there are offices in multiple buildings as well. He

believes HopeTree is planning to focus on two buildings—one for a smaller school and the other for offices that are handicap accessible and a better facility.

Vice Chair King clarified that the 15,000 s.f. commercial use does not include HopeTree's offices.

Mr. Robertson stated that it does not, but the to place the offices in one of the buildings that are currently underutilized.

Ms. Wines clarified that the maximum 15,000 s.f. is for retail and restaurant use only, not other nonresidential uses.

A discussion was held regarding 15,000 s.f. and comparable building sizes, use of HopeTree's cafeteria as a restaurant, etc. It was noted that each commercial space in the project will not be larger than 5,000 s.f.

Chair Daulton inquired about cemetery use on the project.

Mr. Robertson, stated that there are not plans to create a new cemetery on the property and they will remove that use from the proposal, but will have to protect any existing cemetery.

Member Garst questioned if removing the outpatient mental health services will affect HopeTree's mission.

Mr. Morris stated that HopeTree currently does outpatient mental health counseling, but not substance abuse counseling.

A discussion was held regarding the uses at HopeTree and the difference between outpatient mental health services and outpatient substance abuse services. It was noted that HopeTree wants to continue outpatient mental health counseling but does not and will not offer substance abuse outpatient therapy. It was noted that HopeTree's use needs to be specifically noted within the existing use table.

Chair Daulton noted that it would be beneficial for HopeTree to meet with Planning Commission members one or two at a time to go over the commercial uses line by line to remove any unneeded uses. There has been so much information given and more time is needed to go over the documents and suggested the item be continued until the April meeting.

Jackson Beamer motioned to approve to continue the item until the April 10, 2024, meeting. Vice Chair King seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

B. Amendment to the City Code - Chapter 106 Zoning

Hold public hearing to consider amending Chapter 106, Zoning, Article IV Development Standards, section 106-406 miscellaneous provisions of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to storage containers. (Continued from the November 15, 2023, meeting.) (Staff has requested to continue item)

Jackson Beamer motioned to approve to continue the item until the June 12, 2024, meeting. Vice Chair King seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

4. New Business

A. Amendment to the Zoning Ordinance

Hold public hearing and consider the request of E3MAG LLC, property owner, for rezoning the property located at 744 Electric Road (Tax Map # 155 - 2 - 2.2) from HBD Highway Business District to HM Heavy Manufacturing District.

Staff noted the following:

The subject property (744 Electric Road) consists of a 2.036 acre tract of land which currently sits within the HBD Highway Business District designation. To provide a bit of history, this parcel was formerly zoned HM Heavy Manufacturing until a 2007 rezoning reverted its designation to HBD Highway Business District. Since then, the St. John Place Commerce Center has developed in an industrial nature, and correspondingly, this request seeks to return 744 Electric Road to the HM Heavy Manufacturing classification. This request mimics several successful rezoning applications in recent months to revert the undeveloped land within the St. John Place Commerce Center to an industrial setting. This parcel is currently vacant, but a concept plan has been submitted to prepare it for future development.

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

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

Barney Horrell, Brushy Mountain Engineering, 3553 Carvins Cove Road, appeared before the Commission and stated that this is the last tract of land in the St. John

Place development that is still zoned HBD, and the request is to rezone the parcel to HM, which is consistent with the other parcels in the development.

Neil Conner motioned to approve the request of E3MAG LLC, property owner, for rezoning the property located at 744 Electric Road (Tax Map # 155 - 2 - 2.2) from HBD Highway Business District to HM Heavy Manufacturing District. Vice Chair King seconded the motion.

Ayes: Beamer, Conner, Daulton, Garst, King

B. Amendment to the Zoning Ordinance

Hold public hearing and consider the request of Pinkesh R. Patel and Sonal P. Patel, property owners, for rezoning the property located at 1200 block Thompson Memorial Drive (Tax Map # 20 - 2 - 4) from RSF Residential Single-Family District to HBD Highway Business District.

Staff noted the following:

The subject property (1200 blk Thompson Memorial Drive) consists of a 2.674-acre tract of land which currently sits within the RSF Residential Single Family zoning designation. The applicant is requesting a rezoning of the property from RSF to HBD to facilitate the construction of a gas station, convenience store, and drive through restaurant development. Situated adjacent to Interstate 81, this property is uniquely positioned to potentially serve the commercial needs of both travelers and local residents alike as there are no other commercial establishments currently located in this portion of Salem. Furthermore, the approved Edgebrook Development to the north of this site in Roanoke County may catalyze the evolution of its surrounding corridor. Still, the subject property is currently bounded (within Salem) by residentially zoned parcels, many of which serve single family homes.

A conceptual site plan has been included with the submittal that displays a proposed convenience store and restaurant positioned behind the gas pump structures (located closer to Thompson Memorial Drive). The exhibit indicates two separate access points – one which intersects Penguin Lane and the other with Thompson Memorial Drive. If this rezoning application is approved, this development project is subject to site plan review and corresponding compliance with Salem's ordinances.

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

Compton Biddle, attorney with OPN Law, 110 East First Street, Salem, appeared before the Commission on behalf of the property owners. He stated that they have owned the property since 2007 and during the course of their ownership, they have realized that the property is not developable as residential land and would like the

parcel rezoned to HBD Highway Business District in order to build a gas station, neighborhood store, and fast-food restaurant. He clarified that it will not be a truck stop and is not intended to serve 18-wheelers or accommodate them overnight—there is no room and no plans for it. It is designed to be a neighborhood store more along the lines of you get off the highway to go to your home and you need to get gas, you can get gas, get a cup of coffee in the morning, or if there is an urgent need like cold medicine or something, you don't have to get on the highway or go into town to get it—you can just go to the neighborhood store with the idea there also would be a fast food restaurant with a drive-thru next to it. He stated that the applicants have been residents in the community for 25 years and want to be good neighbors. This is not something an out-of-town business is trying to shove upon the community. The owners would like to have one of the gas pumps dedicated to a donation per gallon to Salem High School sports. They also have an extensive landscaping plan to try to keep the neighborhood feel that it's intended to be and to be consistent with the Thompson Memorial corridor. He stated that Ben Crew with Balzer and Associates is also present to further answer questions regarding the project.

Member Conner noted that a gas station is one of the more intensive uses in the Highway Business District.

A discussion was held regarding the traffic associated with a convenience store, if VDOT will need to be contacted; underground stormwater retention; the amount of rock on the site, etc.

Mr. Biddle gave the Commission the landscaping plans proposed for the site. He noted that the proposed plan is similar to the store located off of Exit 132 at Dixie Caverns and will have an EV charging station.

Chair Daulton noted that the speakers will have three minutes to speak during the public hearing and opened the public hearing at 7:48 p.m.

Jim Williams, Winston Estates, appeared before the Commission and asked for a show of hands of the people present who live in the area near the project. He then asked for a show of hands from those people who raised their hands who want the project. Case closed.

Archie Pugh, 1416 Evergreen Court, appeared before the Commission and stated that he is a lifelong resident of the City of Salem and has been a resident in Salem Woods for 28 years. He stated that he is vice president of a utility that covers 13 states, is a registered professional engineer in the states of Virginia and West Virginia. He further stated that he is not representing the utility, but feels it is important to know his background as he has a career in engineering, structural analysis, foundation design, and geotechnical engineering to enhance our transmission grid. He is opposed to the rezoning due to the high cost of site

development. The presence of extensive rock will result in a high cost of grading and foundation design, which is often underestimated and results in extensive foundation costs. When foundation and grading is over budget, it is usually the result for the developer to save those costs in the above ground structure, and he expects that to happen with this project. The significant drainage pattern that runs through the center of the property will result in an extensive cost of underground culvert system. There is currently a stream that flows on the property and has running water in it regularly. There is currently a four-foot culvert that takes the water away from the property and will incur additional subsurface costs in order to take the drainage away from the property. Due to this, he feels the developer will overshoot their foundation budget and developments costs and will save those on the above-ground structure. Very often there are suspicious out-of-state vehicles that come off Interstate 81 and park on Penguin Lane. He has called the police numerous times to come by to let them know they are being watched. If there is a commercial business on the parcel, it is going to give an avenue for people to come off the interstate and use the property for what he feels are suspicious activities. Finally, this exit is the gateway to the City of Salem. Currently there is a welcome sign, plantings, trees, and the beautiful boulevard of Thompson Memorial Drive. Roanoke College has made extensive enhancements to their campus entrance. This is the entrance to Salem, it's the entrance to Roanoke College. What do you want the traveler to see when they exit Interstate 81 and approach our beautiful city—a four-pump gas station sends the wrong message to travelers.

Carrie Pugh, 1416 Evergreen Court, appeared before the Commission and stated that she has been a resident of Salem Woods for 28 years. In her professional life, she was the assistant real estate manager for the Kroger company for over 21 years, handling new store development, but specifically the fuel center program in a six-state region. She personally led the development and installation of over 35 fuel centers and three of which are in Salem. From this experience in not only commercial real estate, but specifically gas stations, she is opposed to the rezoning of the property for the following reasons: she has spoken with VDOT, and it is not desirable for the egress of the site. According to discussions with VDOT and the Salem District P.E. Mr. Blevins, the standards of VDOT and the Federal Highway Administration, this site would not meet the spacing standards for commercial entrances, signals, intersections, and crossovers. The limited access right-of-way that is shown on the plan onto Thompson Memorial Drive does not meet the minimum traffic standards per VDOT. The code notes spacing for a commercial entrance in a 45 MPH zone to be 305 feet from the entrance ramp. Penguin Lane is currently in that 300-ish feet setback so that you have an idea of reference. Based on the survey in the proposal, it appears that the right-in, right-out is about 175 feet, which creates a dangerous situation from a traffic standpoint and would not be permissible. To have the only access point off Penguin Lane does not create a very desirable real estate site. In addition, the intersection at Penguin Lane and Thompson Memorial Drive would not ever meet VDOT's requirements for a traffic light. She also stated that there is almost 100 percent residential single family from

the 140 exit down to Roanoke College and highway business district is a big jump from that. Unless this use is proffered, the rezoning will open about 60-plus additional uses that could be on the property.

Blair Burns, 1204 Mountainview Drive, appeared before the Commission and stated that she has lived at that address since 1996, which is located at the end of Penguin Lane. She has similar concerns as the previous speakers. Thompson Memorial is our prettiest access to Salem. The other two exits that enter Salem are fully developed—hotels, restaurants, fast food places. Thompson Memorial is the only one that is memorable, and she would like to see it left as it is. She opposes the rezoning. The parcel in question is divided by Penguin Lane and if the property is rezoned, the other side of Penguin Lane could be developed as well. If this were to happen, she feels it would negatively affect the property values and negatively affect the viewshed when you come into Salem. Traffic is also a concern with gas tanker trucks coming into the property, beverage and other food delivery trucks coming onto the property at all hours of the night. Plus, it is already hard to find the right shot to get across the intersection at Thompson Memorial Drive from Penguin Lane, or to access the interstate from Penguin Lane.

Lawrence Kessman, 353 Penguin Lane, and has lived there since 2021 when they moved from Lake Wise in South Carolina, but he grew up in Salem and loves Salem. While he shares the other concerns addressed, he is also concerned about our children. Common sense tells him that if you build something right off the interstate, you are going to draw those travelers not from this area to stop there and wonder “what’s up this road” and then travel into the neighborhood and possibly bring predators into the neighborhood. The children need to be protected. He asked the Commission to listen to his constituents because their concerns are valid.

Don Thomas, 1304 Panarama Circle, appeared before the Commission and stated that like many of his neighbors, he is here to voice his concerns about the rezoning request. His perspective on the matter comes from both a practical and a professional standpoint. In addition to being a resident of Salem Wood Subdivision, he is a certified general real estate appraiser licensed by the State of Virginia and has been licensed since 1992. He stated that one of the criteria for a property achieving its highest and best use is for it to be financially feasible. He questioned if the finished site that the proposed rezoning provides a large enough footprint to achieve the necessary economies of a scale for an economically viable convenience store and asked if a feasibility study of the project has been given to the Commission. He also asked if a traffic study has been done to show the number of cars and trucks that must come to the site for it to be a financial win for the developer. He further stated that he can state with certainty that high value properties are without exception more negatively affected by undesirable external influences and are affected at a higher rate than lower value properties. According to the city’s most recent reassessment, the average market value for the 86 homes

in the neighborhood is approximately \$460,000. The Virginia Association of Realtors published in January that the median home sale price in Salem is about \$250,000.

Paul Scolneck, 1309 Winson Drive, appeared before the Commission and stated that he shares the concerns previously shared and emphasized the traffic issues. He stated that if you're going south on Penguin Lane and turn left to go east on Thompson Memorial Drive, it is a very difficult turn as there is traffic all day, but at certain times it is almost impossible to make the turn due to the traffic. Likewise, if you are going east on Thompson Memorial Drive and try to turn north onto Penguin Lane, it is also difficult to make that turn. He feels that if a traffic study were done, this project would be "dead in the water." He asked the Commission to consider all the concerns that have been mentioned.

Chair Daulton paused the hearing at 8:06 for a brief break. The meeting was reconvened at 8:11 p.m.

Gary Saunders, 367 Penguin Lane, appeared before the Commission and stated that he has lived in the neighborhood twice. He stated that a commercial establishment is being proposed but half of the traffic coming into the site is channeled back out into a residential neighborhood. Unless you live on Penguin Lane, you don't realize how many people go onto Penguin Lane and think they're on the ramp to I-81. He and his neighbor had the fun of repairing our yards last winter after a tractor trailer came on Penguin Lane and used our front yards as the cul-de-sac to turn around in. He opposes the rezoning.

Buster Mowles, 342 Academy Street, appeared before the Commission and stated that he does not live near the parcel, but lives in Salem and has his entire life. He stated that curb appeal is a big deal, and that exit is our curb appeal to Salem. He travels to see his grandchildren in Maryland and Florida and uses that exit to get back home and feels that the gas station will end up looking terrible and we don't need something like this for the entrance into our city. He opposes the rezoning.

Virginia Frame, 1412 Evergreen Court, appeared before the Commission and stated that she has walked the neighborhood with a petition to be presented to City Council that nearly everyone has signed saying they are against this project.

Curtis Ellwanger, 150 Freedman Lane, appeared before the Commission and stated that he lives in the house that you cannot see and has lived there for 24 years. The drive-thru being shown in the proposal will be 17 yards from his front door. He stated that when his water system was installed, it had to be blasted to place the water line and he could not connect to city sewer because it would be too expensive blasting to install it; therefore, he has a septic tank which is right near the property line of the parcel. He is concerned the affects the blasting to clear the site will have on the foundation of his house. He further stated that even though this is not proposed to be a truck stop, trucks will stop there. Trucks currently stop along the

entrance ramp to Interstate 81 and he has the Virginia State Police on speed dial for tractor trailers using the entrance ramp as a truck stop. He is opposed to the rezoning as he feels it will cause damage to his house and he doesn't feel it is for the well-being of the rest of the neighborhood.

Tracy Patton, 318 Penguin Lane, appeared before the Commission and stated that she and her husband have lived there approximately 17 years. They love their home, and this is the most beautiful entrance to Salem. She feels the development—blasting will cause damage to other homes and will decrease the property value of the homes in the neighborhood.

Susan Robertson, 1400 Evergreen Court, appeared before the Commission and stated that she feels the truck traffic parked along the entrance ramp to Interstate 81 will get worse once there is a convenience store. It is a safety hazard and a fire hazard. There are woods all around and it is a haven for wildlife that will be affected. She opposes the rezoning.

Bill Robertson, 1400 Evergreen Court, appeared before the Commission and stated that everyone has had a lot of important points—traffic safety, traffic merging off the interstate to get to a ramp here to get fuel is going to increase the risk and accidents. The City of Salem Emergency Services is going to bear the cost of that so any tax revenue that might be gained from this project is going to be quickly offset by servicing. He stated that fuel will be leaked into water and wildlife will suffer. He purchased his residence due to the secluded entrance and the proposed development will destroy that. He opposes the rezoning.

Russell Deyerle, 620 Red Lane, appeared before the Commission and stated that he was originally present due to the other major item, but decided to stay for this item. He stated that he has an uncle who owned a gas station in South Carolina that was near an exit ramp but closed it down due to the number of times it was robbed being that close to the entrance of the interstate. He further stated that I-81 is like I-95 and is considered corridors for trafficking children, sex trafficking, as well as gun trafficking. He feels that adding something like this could add problems, crime, to the neighborhood. He is also concerned about the traffic issues. He opposes the rezoning.

Ted Dyer, 357 Penguin Lane, appeared before the Commission and stated that he also owns 15 other properties in Salem. He stated that the "bunny trail" is not an adequate second way to get out of the neighborhood and has been overlooked by the city for years. If a fuel trailer or tractor trailer can get on this property, so can any other tractor trailer coming down the interstate and they are not going to change the way they service this. Second, the extra property on the side can now allow for the Ferrell's property and the Winston's property that is for sale right now for about \$875,000 to be resold. He stated he would buy it tomorrow and put five hotels on the property. This development will change the entire gateway of how

our city looks by allowing this to happen. You can have several different businesses on the property if it is rezoned and this is the one chance to veto changing a residential single-family parcel to highway business. There are other EVs in Salem—they are at all the Sheetz stores. He also has a petition of over 140 people and counting who are neighbors in the community of this city opposing the rezoning. The Penguin Lane neighborhood is a great community, it is a high-function, highly involved members of the Salem community—business owners, car dealers, schoolteachers, principals, lawyers, doctors, clerks of this city, public workers, employees of the city, construction workers, retirees, etc. It is simple, we as a neighborhood and taxpayers do not want a gas station and do not want a zoning for highway business into our residential single-family neighborhood and will do little for our neighborhood. We have managed without a gas station for years and can live many years to come without another gas station. He feels that this store will mainly cater to interstate traffic, and he will not stop at this store if it affects the way I drive to Salem.

Gary Sovine, 1229 Forest Lawn Drive, appeared before the Commission and yielded his time to Mr. Dyer.

Mr. Deyer stated that we are here to look at the possibility of the land use, and not what could possibly go on the parcel. If the rezoning is approved, he will purchase 27 acres for sale and will change the way the gateway to our city works. Our city is pretty, our city is elegant, and we should not change the major gateway. As this moves forward to City Council, we will petition, and our petitions will continue to add over 200 names to show that the community of Salem does not wish for this to be a high business district and to remain a residential single family.

Mr. Sovine, reappeared before the Commission and stated that he has a concern for safety. He knows what safety is like on the highways as he had a daughter killed in 1995 because of an intersection that is not even quite as bad as this one. He opposes the rezoning.

John Byrd, 1803 Winston Drive, appeared before the Commission and stated that he is concerned about the crime, litter, light pollution, and the Gish branch which is the name of the little stream on the property. He does not feel this is an environmental win or a win for the City of Salem. He opposes the rezoning.

Stella Reinhardt, 213 North Broad Street, appeared before the commission and stated that he agrees with all the previous comments. She stated there are other gas stations at the other exits to Salem. This is the pretty entrance to Salem. She opposes the rezoning.

Dennis Twine, 349 Penguin Lane, appeared before the Commission and stated that he is the next closest to the development and has lived there 20 years. He has multiple items stolen and feels this development is not a good idea.

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

Chair Daulton closed the public hearing at 8:43 p.m.

Mr. Biddle reappeared before the Commission and asked that the Commission continue the item so that the issues brought forward in the meeting can be addressed with a neighborhood meeting.

Neil Conner motioned to continue the request of Pinkesh R. Patel and Sonal P. Patel, property owners, for rezoning the property located at 1200 block Thompson Memorial Drive (Tax Map # 20 - 2 - 4) from RSF Residential Single-Family District to HBD Highway Business District to the April 10, 2024, meeting.

Ayes: Beamer, Conner, Daulton, Garst, King

5. Adjournment

Neil Conner motioned to adjourn at 8:46 p.m. Jackson Beamer seconded.

City Council meeting, March 25, 2024, 6:30 p.m.

Council Chambers, City Hall, 114 North Broad Street

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

AGENDA ITEM: Amendment to the Zoning Ordinance

Hold public hearing and consider the request of E3MAG, LLC, property owner, for rezoning the property located at 744 Electric Road (Tax Map # 155-2-2.2) from HBD Highway Business District to HM Heavy Manufacturing District. (Advertised in the March 14, and 21, issues of the *Salem Times-Register*.) (Planning Commission recommended approval; see page 7 of Planning Commission minutes.)

SUBMITTED BY: Max Dillon, Planner

SUMMARY OF INFORMATION:

SITE CHARACTERISTICS:

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

The subject property (744 Electric Road) consists of a 2.036 acre tract of land which currently sits within the HBD Highway Business District designation. To provide a bit of history, this parcel was formerly zoned HM Heavy Manufacturing until a 2007 rezoning reverted its designation to HBD Highway Business District. Since then, the St. John Place Commerce Center has developed in an industrial nature, and correspondingly, this request seeks to return 744 Electric Road to the HM Heavy Manufacturing classification. This request mimics several successful rezoning applications in recent months to revert the undeveloped land within the St. John Place Commerce Center to an industrial setting. This parcel is currently vacant, but a concept plan has been submitted to prepare it for future development.

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

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

REQUIREMENTS:

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

City of Salem Community Development Application

Request for REZONING or CONDITIONAL REZONING

Case #: _____

APPLICANT INFORMATION 744 Electric Road	
Owner: <u>E3MAG LLC</u>	Telephone No. <u>540-520-4681</u>
Contact Name: <u>Stephen Magenbauer (Acting Manager)</u>	Fax No. _____
Address: <u>1819 Electric Rd Suite E, Roanoke, VA 24018</u>	Email Address <u>e3bus@outlook.com</u>
Applicant/Contract Purchaser: <u>Same as Owner</u>	Telephone No. _____
Contact Name: _____	Fax No. _____
Address: _____	Email Address _____

PARCEL INFORMATION		For <u>multiple</u> parcels, please attach a page <input type="checkbox"/>
(Tax ID #'s) <u>155-2-2.2</u>	Total Area (acres/square feet) <u>2.0356 acres</u>	
Deed Book <u>Inst 230001821</u> Page _____	Current Zoning <u>HBD</u>	
Subdivision _____	Requested Zoning <u>HM</u>	
Location Description (Street Address, if applicable) <u>744 Electric Road</u>	Requested Use <u>Future Commercial Lease Building(s)</u>	
	Current Use <u>Undeveloped lot</u>	
	<input type="checkbox"/> Conditional Zoning Request: See Attached Proffer sheets	

SIGNATURE OF OWNER <input checked="" type="checkbox"/> CONTRACT PURCHASER <input type="checkbox"/> (attach contract) <input type="checkbox"/>	
As owner or authorized agent of this property, I hereby certify that this application is complete and accurate to the best of my knowledge, and I hereby grant permission to the agents and employees of the City of Salem to enter the property for the purposes of processing and reviewing this request.	
Signature <u>[Signature]</u>	Date <u>1/18/2024</u>
Print Name <u>Mr. Stephen Magenbauer (Acting Manager)</u>	
Signature _____	Date _____
Print Name _____	

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

ACKNOWLEDGEMENT OF APPLICATION FEE PAYMENT PROCEDURE

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

Signature of applicant/authorized agent



Date:

1/18/2024

Print Name: Stephen Magenbauer (Acting Manager)

Signature of applicant/authorized agent

Date:

Print Name:

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

☒ Email

e3bus@outlook.com

☐ Fax:

FEES:

All application fees must be paid at the time of submittal. Please make checks payable to the City of Salem:

Rezoning application fee

\$1,000

FOR STAFF USE ONLY

Staff Reviewer:

Application Complete?

☐ YES

☐ NO

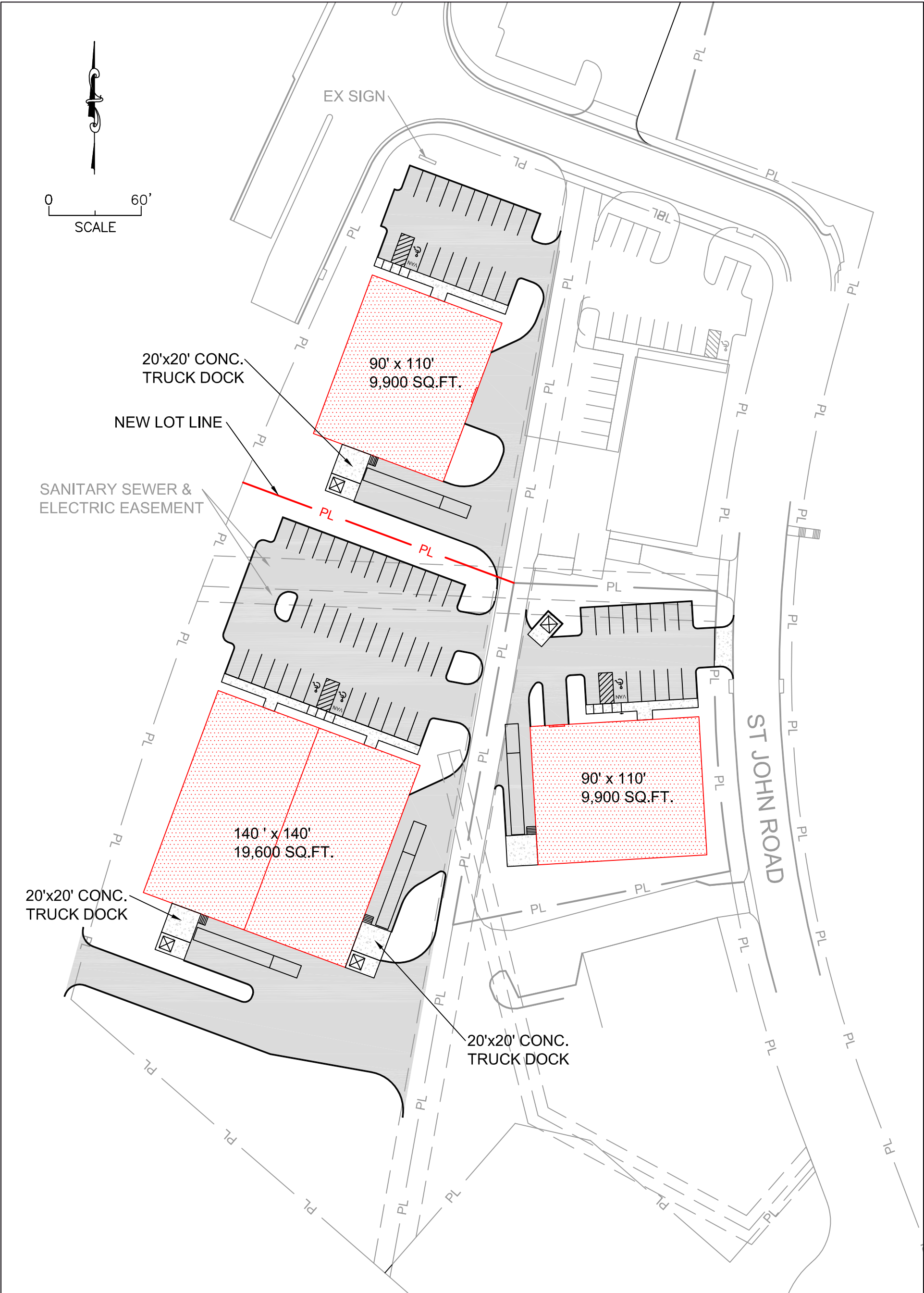
Date:

PLEASE RESPOND FOR ALL REZONING APPLICATIONS:

1. What is the Future Land Use Designation for the subject property? Commercial
2. Describe in detail the proposed use of the property. Exact development layout is not yet known. The intended use will be commercial lease space. Likely one large building or two separate buildings depending on market demand.
3. List any sensitive environmental or unique features on the property. Are there any high voltage transmission lines, public utility lines, or others? No unique features.
4. Is the subject property located within the Floodplain District? ☒ YES ☐ NO If yes, describe the proposed measures for meeting the standards of the Floodplain Ordinance. The eastern portion of the site is located within the 100-yr flood plain. Future building(s) will be elevated to be well above the 100-year flood level.
5. Is the subject property listed as a historic structure or located within a historic district? ☐ YES ☒ NO If yes, describe the proposed measures for meeting the standards of the Department of Historic Resources.
6. Have you provided a conceptual plan of the proposed development, including general lot configurations and road locations? Are the proposed lot sizes compatible with existing parcel sizes in the area? A concept plan for showing possible one large building configuration is attached. Building(s) appearance will be similar to the existing buildings along St John Road.

PLEASE RESPOND FOR COMMERCIAL REZONING APPLICATIONS

1. What provisions will be made to ensure safe and adequate access to the subject property? The site will be primarily accessed via private shared drive off of St John Road. There is an existing curb cut from Electric Road into the southwest corner of lot which may be right in, right out.
2. How will the traffic impact of this development be addressed? The impact of new traffic will be minimal as the majority of site traffic will exit onto St John Road which is a feeder road onto Electric Road.
3. Describe why the proposed use is desirable and appropriate for the area. What measure will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity? The planned use is consistent with the existing and planned buildings on St John Road. Future development will comply with landscaping and screening requirements.
4. What type of signage is proposed for the site? Future ground sign similar to existing signs along St John Road.
5. Have architectural/building elevations been submitted with this application? Similar facade to 68 St John Rd



<div>PLAN DATE</div> <div>AUG 02, 2023</div>	<div>CONCEPTUAL DEVELOPMENT PLAN</div> <div>ST JOHN PLACE</div> <div>TAX PARCEL ID: 155-3-2CITY OF SALEM, VIRGINIA</div>	<div>CONCEPT PLAN PREPARED BY:</div> <div><div><div>BRME</div></div><div>BRUSHY MOUNTAIN ENGINEERING, PLLC</div><div>3553 Carvins Cove Road Salem, VA 24153 (540) 526-6800 www.brushymtnengr.com</div></div>
--	--	--

Tax Parcel 155-2-2.2 (744 Electric Road)

BEGINNING at a point on the east side of the Electric Road right-of-way at the northwest corner of Tax Parcel 189-2-1; thence following the Electric Road right-of-way line along a curve to the right with a Radius of 2825.29 feet, Arc Length 354.39 feet, Chord Bearing of N 18° 25' 02" E, and Chord Length of 354.16 feet to a point; thence departing said right-of-way and following the southern property line of Tax Parcel 155-2-2.1 a bearing of S 69° 39' 28" E for a distance of 187.89 feet to a point on the centerline of a 24' cross-access easement (as recorded in P.B. 11, PG. 48-50, Slide 193); thence following said easement centerline a bearing of S 10° 07' 00" W for a distance of 449.97 feet to a point; thence departing the centerline of said cross-access easement a bearing of S 41° 03' 47" W for a distance of 7.41 feet to a point on the northern property line of Tax Parcel 189-2-1; thence following said property line a bearing of N 48° 56' 13" W for a distance of 270.76 feet to the point of BEGINNING, and being known as Lot 13-A-2, containing 2.0356 acres, as shown on "Resubdivision Plat for Wiley Development, LLC, Showing Lot 13-A, Resubdivision Plat for the St. John Place Commerce Center (P.B. 12 PG. 5-6, Slide 199)", dated August 04, 2023, by Caldwell White Associates, recorded in the Clerk's Office of the Circuit Court of the City of Salem, Virginia in Plat Book 16, Pages 82-83, Slide 246.

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

**PLANNING COMMISSION
MARCH 13, 2024**

ITEM #

This is to certify that I mailed letters in reference to the rezoning request of E3MAG, LLC, property owner for rezoning the property located at 744 Electric Road (Tax Map # 155-2-2.2), from HBD Highway Business District to HM Heavy Manufacturing District, to the following property owners and adjacent property owners on February 20, 2024, in the 2:00 p.m. mail:

E3MAG LLC
1819 ELECTRIC RD STE E
ROANOKE VA 24018

E2STJOHN LLC
1819 ELECTRIC RD STE E
ROANOKE VA 24018

ST JOHN PLACE LLC
1819 ELECTRIC RD STE E
ROANOKE VA 24018

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

THE ENTERPRISE CENTER
PROPERTY OWNERS ASSOC INC
1819 ELECTRIC RD STE E
ROANOKE VA 24018

DCKM PROPERTIES LLC
14018 SULLYFIELD CIR STE E
CHANTILLY VA 20151

SOUTHERN OAK INVESTMENTS LLC
3051 GLENMONT DR
ROANOKE VA 24018

BROWN-BOLLING PROPERTIES LLC
940 CAMNEY LN
VINTON VA 24179

LWC LLC
110 ST JOHN RD LOT 15C
SALEM VA 24153

PHOENIX SALEM INUSTIAL
INVESTORS LLC
401 E KILBOURN AVE STE 201
MILWAUKEE WI 53202

HAROLD L HUGHES
REBECCA D HUGHES
616 CATAWBA DR
SALEM VA 24153

WILLIAM A MAIO
TAMMY QUESENBERRY MAIO
596 CATAWBA DR
SALEM VA 24153

ANN L ANDREWS
594 CATAWBA DR
SALEM VA 24153

LORI M FADORICK
590 CATAWBA DR
SALEM VA 24153

MOUNT SINAI PROPERTIES -
ELECTRIC ROAD LLC
P O BOX 3096
SALEM VA 24153

BRUSHY MOUNTAIN ENG PLLC
3553 CARVINS COVE RD
SALEM VA 24153

STEPHANIE K GORDON
622 CATAWBA DR
SALEM VA 24153

Signed *Loretta Prillaman* Date *2/23/2024*

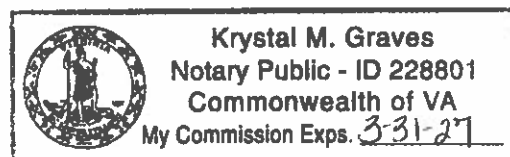
City of Salem

Commonwealth of Virginia

The foregoing instrument was acknowledged before me this *23rd* day of *February*, 20*24* by

Loretta Prillaman

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



IBLU	Location	Owner Name	Co-Owner Name	Address 1	Address 2	City, State, Zip
155-2-2.2	744 ELECTRIC RD	E3MAG LLC		1819 ELECTRIC RD SUITE E		ROANOKE VA 24018
155-2-2.1	88 ST JOHN RD	E2ST JOHN LLC		1819 ELECTRIC RD SUITE E		ROANOKE VA 24018
155-2-1	72 ST JOHN RD	ST JOHN PLACE LLC		1819 ELECTRIC RD SUITE E		ROANOKE VA 24018
155-2-2	84 ST JOHN RD	E2STJOHN LLC		1819 ELECTRIC RD SUITE E		ROANOKE VA 24018
155-2-3	151 ST JOHN RD	DANNY R & SONJA S KANE	C/O KELLY JONES	P O BOX 914		SALEM VA 24153
188-3-4	88 ST JOHN RD	ST JOHN PLACE LLC		1819 ELECTRIC RD SUITE E		ROANOKE VA 24018
188-3-3	126 ST JOHN RD	THE ENTERPRISE CENTER PROPERTY	OWNERS ASSOCIATION INC	1819 ELECTRIC RD SUITE E		ROANOKE VA 24018
189-3-7	94 ST JOHN RD	DCXM PROPERTIES LLC		14018 SULLYFIELD CIR SUITE E		CHANTILLY VA 20151
189-3-3.6	98 ST JOHN RD	SOUTHERN OAK INVESTMENTS LLC		3051 GLENMONT DR		ROANOKE VA 24018
189-3-3.5	102 ST JOHN RD	ST JOHN PLACE LLC		1819 ELECTRIC RD SUITE E		ROANOKE VA 24018
189-3-3.4	106 ST JOHN RD	BROWN-BOLLING PROPERTIES LLC		940 CAMNEY LN		ROANOKE VA 24179
189-3-3.5	110 ST JOHN RD	LWC LLC		110 ST JOHN RD LOT 15C		SALEM VA 24153
189-3-3.2	114 ST JOHN RD	BROWN-BOLLING PROPERTIES LLC		940 CAMNEY LN		VINTON VA 24179
189-3-3.1	118 ST JOHN RD	BROWN-BOLLING PROPERTIES LLC		940 CAMNEY LN		VINTON VA 24179
189-2-1	1501 ROANOKE BLVD	PHOENIX SALEM INDUSTRIAL INVESTORS LLC		401 E KILBOURN AVE STE 201		MILWAUKEE WI 53202
189-1-3	622 CATAWBA DR	STEPHANIE K GORDON		622 CATAWBA DR		SALEM VA 24153
189-1-2	616 CATAWBA DR	HAROLD L HUGHES	REBECCA D HUGHES	616 CATAWBA DR		SALEM VA 24153
189-1-1	596 CATAWBA DR	WILLIAM A MAIO	TAMMY QUESENBERY MAIO	596 CATAWBA DR		SALEM VA 24153
155-1-4	594 CATAWBA DR	ANN L ANDREWS		584 CATAWBA DR		SALEM VA 24153
155-1-3	590 CATAWBA DR	LORI M FADORICK		590 CATAWBA DR		SALEM VA 24153
155-1-2	565 ELECTRIC RD	MOUNT SINAI PROPERTIES	ELECTRIC ROAD LLC	P O BOX 3096		SALEM VA 24153



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

Notice is hereby given that a request has been filed with the City of Salem by the property owner/petitioner of the property described below. The Planning Commission of the City of Salem will consider this request at its meeting listed below and make a recommendation to the City Council. The City Council of the City of Salem will also consider this request, and the recommendation of the Planning Commission at its meeting listed below. City Council will make the final decision in this matter.

Property Owner/Petitioner:
E3MAG, LLC

Location of Property:
744 Electric Road (Tax Map # 155-2-2.2)

Purpose of Request:
To rezone the property located at 744 Electric Road (Tax Map # 155-2-2.2) from HBD Highway Business District to HM Heavy Manufacturing District.

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

**WEDNESDAY, MARCH 13, 2024 – 7 P.M.
COMMUNITY ROOM, SALEM CIVIC CENTER
1001 ROANOKE BOULEVARD, SALEM, VIRGINIA**

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

**MONDAY, MARCH 25, 2024 – 6:30PM
COUNCIL CHAMBERS, FIRST FLOOR, SALEM CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

Additional information on this request may be obtained in the Community Development Department, 21 South Bruffey Street, Salem, Virginia or at (540) 375-3032.

H. Robert Light
Deputy Executive Secretary
Planning Commission

PAYMENT DATE
01/17/2024
COLLECTION STATION
Engineering/Inspections
RECEIVED FROM
E3MAG LLC
DESCRIPTION

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

BATCH NO.
2024-00003815
RECEIPT NO.
2024-00075819
CASHIER
Krystal Graves

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
PLAN FILING FEE	Planning Rezoning/Site Plan Rev rezoning fee for 744 Electric Rd	\$1,000.00
	<div>Total Cash\$0.00 Total Check\$1,000.00 Total Charge\$0.00 Total Wire\$0.00 Total Other\$0.00 Total Remitted\$1,000.00 Change\$0.00 Total Received\$1,000.00</div>	
Total Amount:		\$1,000.00
Customer Copy		



Marketplace

ourvalley.org

Yard Sales - Vinton

Cornerstone Antiques
Going out of Business
YARD SALE
Selling contents of utility building back of antique shop
Saturday, March 16 & Possibly Sunday March 17
Rain date following weekend
123 West Lee Avenue
Vinton VA
Across from the Farmers Market

Legals - Botetourt County

ABC NOTICE

Sunset Grille at Ashley Plantation Inc. trading as Sunset Grille and Catering, 2414 Country Club Rd., Troutville, VA 24175-3920

The above establishment is applying to the VIRGINIA ALCOHOLIC BEVERAGE CONTROL (ABC) AUTHORITY for a Retail On and Office Premise Wine, Beer, and Mixed Beverage license to sell or manufacture alcoholic beverages.

Donald Sulliff, Owner

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

Legals - City of Radford

TRUSTEES SALE

PARCEL OF LAND LOCATED IN: West Ward of the City of Radford, Virginia Containing 0.2479 acres, more or less

Commonly Known as: 1002 West Main Street, Radford, Virginia

IN EXECUTION OF A CERTAIN DEED OF TRUST OF RECORD IN THE CLERKS' OFFICE OF THE CIRCUIT COURT OF RADFORD CITY, VIRGINIA, AS INSTRUMENT NO. 201100838, DATED AUGUST 29, 2011, WHEREAS, BY DEED OF BARGAIN AND SALE AND ASSUMPTION DATED SEPTEMBER 1, 2016, RECORDED IN THE AFORESAID CLERK'S OFFICE AS INSTRUMENT NO. 201600804 THE DEED OF TRUST WAS ASSUMED BY MARK BROOKNER, DEFAULT HAVING BEEN MADE IN THE PAYMENT OF THE DEBT THEREIN SECURED AND BEING REQUIRED TO DO SO BY THE NOTEHOLDER, THE UNDERSIGNED SUBSTITUTION TRUSTEE, AFTER GIVING FOURTEEN (14) DAYS DUE NOTICE TO THE OWNERS OF THE REAL ESTATE OF THE DATE, TIME, PLACE AND TERMS OF SALE, WILL OFFER FOR SALE AT PUBLIC AUCTION, IN FRONT OF THE RADFORD CITY COURTHOUSE LOCATED AT 619 SECOND STREET, RADFORD, VIRGINIA, ON THE 29th DAY OF MARCH, 2024, AT 10:00

Legals - City of Radford

A.M., THE REAL ESTATE WITH IMPROVEMENTS THEREON KNOWN AND DESCRIBED AS FOLLOWS:

All that certain tracts or parcels of land, with the improvements thereon and the appurtenances thereunto belonging, situate, lying and being in the City of Radford, Virginia, and described as follows: BEING all of Lots 28 and 29, part of Lots 27, 30, 34, 35, Section 1, Plan C, Radford Land and Improvement Company Lots, containing 0.2479 acres (10,800 sq. ft.), as designated and described on a plat of survey entitled, Physical Survey Lots 28, 29 and Part of Lots 27, 30, 34, 35 Section 1, Plan C, Radford Land and Improvement Co. West Ward City of Radford, Virginia for Ronald R. Sowers, dated August 23, 2011, Job No. 565811, by James Conrad Groseclose, II, Land Surveyor, Mathews and Henegar Inc., professional engineers and land surveyors, a copy of which is attached hereto and made a part hereof and reference is hereby made to said plat of survey for a more accurate description of the property herein conveyed.

Tax Map Number: 13-(5)-SEC 1-27A-28-29-30A-34A+

Account Number: 020000684

Commonly Known As: 1002 West Main Street, Radford, Virginia

SALE WILL BE MADE SUBJECT TO ALL

Legals - City of Radford

EXISTING EASEMENTS AND RESTRICTIVE COVENANTS AS THE SAME MAY LAWFULLY AFFECT THE REAL ESTATE. TERMS OF SALE: CASH, SETTLEMENT WITHIN FIFTEEN (15) DAYS OF SALE. A BIDDERS DEPOSIT OF TEN PERCENT (10%) MAY BE REQUIRED.

PLACE OF SALE: FRONT OF RADFORD CITY COURTHOUSE, AT 619 SECOND STREET, RADFORD, VIRGINIA

DATE OF SALE: MARCH 29, 2024
TIME OF SALE: 10:00 A.M.

Daniel D. Hamrick, PC
Substitute Trustee

By: Daniel D. Hamrick, Agent
For Daniel D. Hamrick, PC

FOR INFORMATION CONTACT: Daniel D. Hamrick, Agent
Daniel D. Hamrick, P.C.
104 South Franklin Street
Christiansburg, VA 24073
(540) 382-0131

Legals - City of Salem

Notice is hereby given

to all interested persons that the Council of the City of Salem, at its regular meeting on Monday, March 25, 2024, at 6:30 p.m., in the Council Chambers, City Hall, 114 North Broad Street, in the City of Salem, Virginia, will hold a public

Legals - City of Salem

hearing, pursuant to Sections 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, to consider approval of the following requests relative to the CODE OF THE CITY OF SALEM, VIRGINIA:

1. Consider the request of E3MAG LLC, property owner, for rezoning the property located at 744 Electric Road (Tax Map # 155-2-2.2) from HBD Highway Business District to HM Heavy Manufacturing District.

2. Consider the request of Pinkesh R. Patel and Sonal P. Patel, property owners, for rezoning the property located at 1200 block Thompson Memorial Drive (Tax Map # 20-2-4) from RSF Residential Single-Family District to HBD Highway Business District.

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

Copies of the proposed plans, ordinances or amendments may be examined in the Office of Community Development, 21 South Bruffey Street, Salem, Virginia.

At said hearing, parties in interest and citizens shall have an opportunity to be heard relative to the said requests.

THE COUNCIL OF THE CITY OF SALEM, VIRGINIA

Legals - City of Salem

BY:
H. Robert Light
Clerk of Council

NOTICE OF PUBLIC HEARING

Notice is hereby given to all interested persons that the Board of Zoning Appeals of the City of Salem, Virginia will hold a public hearing, in accordance with the provisions of Sections 15.2-2204 and 15.2-2309 of the 1950 Code of Virginia, as amended, on March 27, 2024, at 4:00 p.m. in the Council Chambers of City Hall, 114 North Broad Street, in the City of Salem, Virginia, to consider the following applications.

The request of Carol Grimes, property owner, for a variance from Section 106-202.3(B)(1) of the City of Salem Zoning Ordinance pertaining to site development regulations, for the property located at 2933 Phillips Brook Lane, Tax Map # 290-1-3.9. The petitioner is requesting a 4 foot rear yard setback variance to allow the construction of a 12 x 16 sunroom addition. Section 106-202.3(B)(1) states that the rear yard setback for the principal structure in the RSF Residential Single Family zoning district is 25 feet.

At this hearing, all parties in interest will be given an opportunity to be heard, present evidence, and show cause why such requests should or should not be granted. For additional information, contact the Office of the Zoning Administrator, 21 South Bruffey Street, Salem.

Employment

Intuitive Surgical Operations, Inc.
seeks a Quality Engineer (QE-SS) in Blacksburg, VA to coordinate quality initiatives in product quality, data quality & process quality. Telecommuting permitted w/ the area of intended emp. Reqs MS+2. \$78,400-\$106,000/yr. Email resumes to Hien.Nguyen@intusurg.com. Must ref job title & code in subj line.

miscellaneous



When veterinary care is unavailable or unaffordable, ask for Happy Jack® animal health care products for horses, dogs, & cats. H&H Outdoors 254-2420

Legals - Botetourt County

ABC NOTICE

15 PEAKS LLC, trading as 15 PEAKS, 5053 GLADE CREEK RD. ROANOKE VA 24012.

The above establishment is applying to the VIRGINIA ALCOHOLIC BEVERAGE CONTROL (ABC) AUTHORITY for a FARM WINERY license to sell or manufacture alcoholic beverages.

MEGAN SEIBEL, MANAGER

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



STATEWIDE ADS

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SERVICES

DIVORCE-Uncontested, \$475+\$86 court cost. WILLS-\$295.00. No court appearance. Estimated completion time twenty-one days. Hilton Oliver, Attorney (Facebook). 757-490-0126. Se Habla Espanol. BBB Member. <https://hiltonoliverattorneyva.com>.

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FINANCING AVAILABLE WITH APPROVED CREDIT

AN ORDINANCE TO AMEND SECTION 106-110, ARTICLE I, CHAPTER 106, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, RELATING TO ZONING AND DIVIDING THE CITY INTO BUILDING DISTRICTS AND ESTABLISHING DISTRICT BOUNDARY LINES ON THE ZONING MAP OF THE CITY OF SALEM, VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Section 106-110, Article I, Chapter 106 of The Code of the City of Salem, Virginia, relating to building district boundary lines be amended in the following particular and no other, viz:

That the following described property in the City of Salem of E3MAG, LLC, property owner, located at 744 Electric Road (Tax Map # 155-2-2.2) be and the same is hereby changed from HBD Highway Business District to HM Heavy Manufacturing District, and the map referred to shall be changed in this respect and no other, said property being described as follows:

BEGINNING at a point on the east side of the Electric Road right-of-way at the northwest corner of Tax Parcel 189-2-1; thence following the Electric Road right-of-way line along a curve to the right with a Radius of 2825.29 feet, Arc Length 354.39 feet, Chord Bearing of N 18° 25' 02" E, and Chord Length of 354.16 feet to a point; thence departing said right-of-way and following the southern property line of Tax Parcel 155-2-2.1 a bearing of S 69° 39' 28" E for a distance of 187.89 feet to a point on the centerline of a 24' cross-access easement (as recorded in P.B. 11, PG. 48-50, Slide 193); thence following said easement centerline a bearing of S 10° 07' 00" W for a distance of 449.97 feet to a point; thence departing the centerline of said cross-access easement a bearing of S 41° 03' 47" W for a distance of 7.41 feet to a point on the northern property line of Tax Parcel 189-2-1; thence following said property line a bearing of N 48° 56' 13" W for a distance of 270.76 feet to the point of BEGINNING, and being known as Lot 13-A-2, containing 2.0356 acres, as shown on "Resubdivision Plat for Wiley Development, LLC, Showing Lot 13-A, Resubdivision Plat for the St. John Place Commerce Center (P.B. 12 PG. 5-6, Slide 199)", dated August 04, 2023, by Caldwell White Associates, recorded in the Clerk's Office of the Circuit Court of the City of Salem, Virginia in Plat Book 16, Pages 82-83, Slide 246.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

H. Hunter Holliday –
William D. Jones –
Byron Randolph Foley –
James W. Wallace, III –
Renee F. Turk –

Passed:
Effective:

 /s/
Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia

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

AGENDA ITEM: Amendment to the Zoning Ordinance

Hold public hearing and consider the request of Pinkesh R. Patel and Sonal P. Patel, property owners, for rezoning the property located at 1200 Blk Thompson Memorial Drive (Tax Map # 20-2-4) from RSF Residential Single Family to HBD Highway Business District. (Advertised in the March 14, and 21, issues of the *Salem Times-Register*.) (At the petitioner's request Planning Commission continued this item to the April 10, 2024, meeting; see page 8 of Planning Commission minutes.)

SUBMITTED BY: Max Dillon, Planner

SUMMARY OF INFORMATION:

SITE CHARACTERISTICS:

Zoning: RSF Residential Single Family

Land Use Plan Designation: Residential

Existing Use: Vacant

Proposed Use: Commercial – gas station, convenience store, drive thru restaurant

The subject property (1200 blk Thompson Memorial Drive) consists of a 2.674 acre tract of land which currently sits within the RSF Residential Single Family zoning designation. The applicant is requesting a rezoning of the property from RSF to HBD in order to facilitate the construction of a gas station, convenience store, and drive thru restaurant development. Situated adjacent to Interstate 81, this property is uniquely positioned to potentially serve the commercial needs of both travelers and local residents alike as there are no other commercial establishments currently located in this portion of Salem. Furthermore, the approved Edgebrook Development to the north of this site in Roanoke County may catalyze the evolution of its surrounding corridor. Still, the subject property is currently bounded (within Salem) by residentially zoned parcels, many of which serve single family homes.

A conceptual site plan has been included with the submittal that displays a proposed convenience store and restaurant positioned behind the gas pump structures (located closer to Thompson Memorial Drive). The exhibit indicates two separate access points – one which intersects Penguin Lane and the other with Thompson Memorial Drive. If this rezoning application is approved, this development project is subject to site plan review and corresponding compliance with Salem's ordinances.

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

REQUIREMENTS:

The proposal meets the requirements of Section 106-214.3. Site development regulations for HBD.

SUMMARY OF INFORMATION:

At the petitioner's request, the Planning Commission has continued this item to the April 10, 2024, meeting.

STAFF RECOMMENDATION:

Staff recommends Council cancel the public hearing and first reading of an Ordinance for this item. Once the Planning Commission makes a recommendation, the public hearing and consideration will be scheduled for the appropriate Council meeting date and the public hearing will be readvertised.

OPNLAW

Osterhoudt • Prillaman • Natt • Helscher • Yost • Maxwell • Ferguson

PLEASE REPLY TO:
ANDREW R. STOVER, ESQ.
P.O. BOX 279
SALEM, VIRGINIA 24153
PHONE: (540) 725-8183
E-MAIL: ASTOVER@OPNLAW.COM

3140 CHAPARRAL DRIVE, SUITE 200-C
ROANOKE, VIRGINIA 24018
(540) 775-0300 • FAX (540) 775-0918
WWW.OPNLAW.COM

110 EAST FIRST STREET
SALEM, VIRGINIA 24153
(540) 369-2345 • FAX (540) 337-9560
WWW.OPNLAW.COM

February 1, 2024

City of Salem Planning Commission
Attn: James E. Taliaferro, II, Executive Secretary
City of Salem Planning Commission
114 North Broad Street
Salem, Virginia 24153

**Re: Request to Amend the Zoning Ordinance of the City of Salem
1200 BLK Thompson Memorial Drive (Tax Map. No. 20-2-4)**

Dear Mr. Taliaferro:

I hope this letter finds you well. My name is Andrew Stover, and my law firm represents Mr. and Mrs. Pinkesh and Sonal Patel, the owners of that certain real property located in the City of Salem on the 1200 Block of Thompson Memorial Drive and more particularly identified as Tax Map No. 20-2-4 (the "Property"). On behalf of Mr. and Mrs. Patel, I write to officially request that the Property be rezoned from the Residential Single-Family District ("RSF") to the Highway Business District ("HBD").

As mentioned, the Property is currently zoned RSF. Mr. and Mrs. Patel would like to construct a convenience store, gasoline station, and restaurant with a drive-through on the Property, which are uses not permitted in the RSF District. As such, Mr. and Mrs. Patel seek to rezone the Property to HBD, a district that permits such uses by right.

The Property is located immediately adjacent to and southeast of the junction of Interstate 81 and Thompson Memorial Drive. Given its proximity to the interstate, as well as the fact that no gasoline stations, convenience stores, or restaurants exist along the Thompson Memorial Drive corridor, the Property is particularly amendable to the

construction of such a convenience store, gasoline station, and restaurant with a drive-through. I have included herewith a concept plan and elevations depicting the proposed project.

Thank you in advance for your assistance with this matter. Please reach out to me at the email address or telephone number provided above should you have any further questions or need any additional materials.

Very Truly Yours,

OPN LAW, PLLC.



Andrew R. Stover, Esq.



**City of Salem
Rezoning Application**

Pre-application Meeting (optional)

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

Application Submittal

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

Application Distribution for City Review

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

Staff/Applicant Meeting

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

Planning Commission

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

City Council

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

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

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

NOTE: Elevations will be required with new development.

TO THE APPLICANT:

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

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

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

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

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

City of Salem Community Development Application

Request for REZONING or CONDITIONAL REZONING

Case #: _____

APPLICANT INFORMATION

Owner: Pinkesh R. Patel and Sonal P. Patel
 Contact Name: Andrew R. Stover, Esq.
 Address: 110 E. First Street, Salem, Virginia 24153

Telephone No. (540) 725-8183
 Fax No. (540) 772-0216
 Email Address astover@opnlaw.com

Applicant/Contract Purchaser: Pinkesh R. Patel and Sonal P. Patel
 Contact Name: Andrew R. Stover, Esq.
 Address: 110 E. First Street, Salem, Virginia 24153

Telephone No. (540) 725-8183
 Fax No. (540) 772-0216
 Email Address astover@opnlaw.com

PARCEL INFORMATION

For multiple parcels, please attach a page ☐

(Tax ID #'s) 20-2-4
 Deed Book 292 Page 693
 Subdivision _____
 Location Description (Street Address, if applicable) _____
1200 BLK Thompson Memorial Drive

Total Area (acres/square feet) 2.674 acres
 Current Zoning RSF
 Requested Zoning HBD
 Requested Use Convenience Store; gasoline station; restaurant with drive-through
 Current Use Vacant

☐ Conditional Zoning Request: See Attached Proffer sheetsSIGNATURE OF OWNER ☒ CONTRACT PURCHASER ☐ (attach contract) ☐

As owner or authorized agent of this property, I hereby certify that this application is complete and accurate to the best of my knowledge, and I hereby grant permission to the agents and employees of the City of Salem to enter the property for the purposes of processing and reviewing this request.

Signature PINKESH PATEL Date 1/31/2024

Print Name Pinkesh R. Patel

Signature SONAL P. PATEL Date 1/31/2024

Print Name Sonal P. Patel

QUESTIONS/ LETTERS/ SHOULD BE FORWARDED TO THE FOLLOWING**:


Name Andrew R. Stover, Esq.
 Address: 110 E. First Street, Salem, Virginia 24153

Telephone No. (540) 725-8183
 Fax No. (540) 772-0216
 Email Address astover@opnlaw.com

**It is the responsibility of the contact person to provide copies of all correspondence to other interested parties to the application.

ACKNOWLEDGEMENT OF APPLICATION FEE PAYMENT PROCEDURE

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

Signature of applicant/authorized agent  Date: 1/31/2024

Print Name: Pinkesh R. Patel

Signature of applicant/authorized agent  Date: 1/31/2024

Print Name: Sonal P. Patel

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

☒ Email astover@opnlaw.com ☐ Fax: _____

FEES:

All application fees must be paid at the time of submittal. Please make checks payable to the City of Salem:

Rezoning application fee \$1,000

FOR STAFF USE ONLY

Staff Reviewer: _____

Application Complete? ☐ YES ☐ NO

Date: _____

PLEASE RESPOND FOR ALL REZONING APPLICATIONS:

1. What is the Future Land Use Designation for the subject property? RSF
2. Describe in detail the proposed use of the property. The proposed use of the Property is as a convenience store, gasoline station, and restaurant with drive-through.
3. List any sensitive environmental or unique features on the property. Are there any high voltage transmission lines, public utility lines, or others? There is a very small creek/stream running from the northwestern-most corner of the Property through the southeastern-most corner of the Property. Utilities exist as depicted on that certain plat dated 11/30/2007 included herewith.
4. Is the subject property located within the Floodplain District? ☐ YES ☒ NO If yes, describe the proposed measures for meeting the standards of the Floodplain Ordinance. _____
5. Is the subject property listed as a historic structure or located within a historic district? ☐ YES ☒ NO If yes, describe the proposed measures for meeting the standards of the Department of Historic Resources. _____
6. Have you provided a conceptual plan of the proposed development, including general lot configurations and road locations? Are the proposed lot sizes compatible with existing parcel sizes in the area? Yes, a conceptual plan including lot configurations and road locations has been provided, and yes, the lot size is compatible with existing parcel sizes in the area.

PLEASE RESPOND FOR COMMERCIAL REZONING APPLICATIONS

1. What provisions will be made to ensure safe and adequate access to the subject property? Safe and adequate access to the Property will be ensured through the locations for ingress and egress to the Property as shown on the Concept Plan.
2. How will the traffic impact of this development be addressed? Any potential traffic impact of this development will be addressed via the locations for ingress and egress to the Property as shown on the Concept Plan.
3. Describe why the proposed use is desirable and appropriate for the area. What measure will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity? The proposed use is desirable and appropriate for the area because the Property abuts Interstate 81 and there are no gasoline stations, convenience stores, or restaurants on the Thompson Memorial corridor in Salem. Measures to mitigate negative impacts include landscaping buffers and ingress/egress locations.
4. What type of signage is proposed for the site? Any signage proposed for the site will be in conformance with any and all applicable Code sections, ordinances, rules, or regulations regarding the same.
5. Have architectural/building elevations been submitted with this application? Yes.

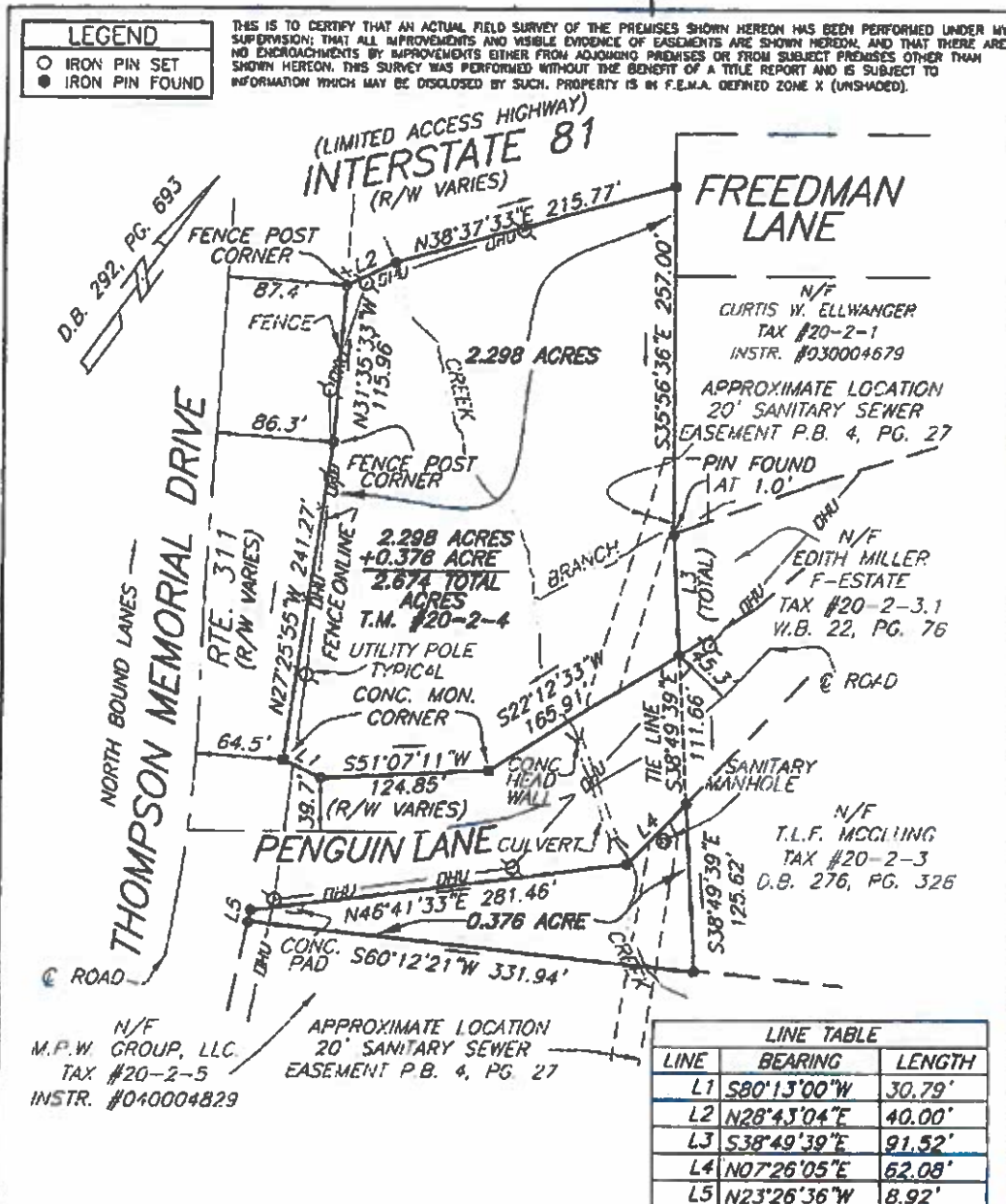
Legal Description

All that certain lot or parcel of land, with all improvements thereon and appurtenances thereunto belonging, lying and being in the **CITY OF SALEM**, State of Virginia, and being more particularly described as being **2.674 ACRES** as shown on plat of survey for Pinkesh R. Patel and Sonal P. Patel prepared by Balzer and Associates, Inc., dated 11/30/2007, Job No. R0720399.00; and,

BEING the same property conveyed to the grantor herein from Elmer M. Thompson by deed dated August 31, 1998 and recorded in the Clerk's Office of the Circuit Court for the City of Salem, Virginia in Deed Book 292, page 693, and from L. Richard Padgett, Jr., Special Commissioner, by deed dated October 7, 2003, recorded in the aforesaid Clerk's Office in Instrument No. 030005491.

20-2-4

000045 DEC-66



NOTES:

1. OWNER OF RECORD: JAMES B. BELVINS
2. LEGAL REFERENCE: DEED BOOK 292, PAGE 693
3. TAX MAP NUMBER: 20-2-4
4. PROPERTY MAY CONTAIN UNDERGROUND UTILITY SERVICE LINES.

OK

PHYSICAL IMPROVEMENT SURVEY FOR
PINKESH R. PATEL
SONAL P. PATEL

2.674 ACRES
 SITUATED ON PENGUIN LANE
 DEED BOOK 292, PAGE 693
 CITY OF SALEM, VIRGINIA
 SURVEYED NOVEMBER 30, 2007
 JOB #R0720399.00
 SCALE: 1" = 100'

TEL: 540-772-9580 FAX: 540-772-8050

PLANNERS ARCHITECTS ENGINEERS SURVEYORS

Balzer & Associates, Inc. 1208 Corporate Circle Roanoke Va. 24018

DRN:EWM
 CHK:SCB

BALZER
 AND ASSOCIATES, INC.
BALZER
 REFLECTING TOMORROW

• PLANNERS • ARCHITECTS
 • ENGINEERS • SURVEYORS

20-2-4



BALZER & ASSOCIATES
PLANNERS & ARCHITECTS
10000 Highway 100, Suite 100
Houston, Texas 77036
www.balzer.com
713.865.1000
713.865.1001

PRELIMINARY

THOMPSON MEMORIAL C-STORE
ZONING EXHIBIT
10000 Highway 100, Suite 100
Houston, Texas 77036
www.balzer.com
713.865.1000
713.865.1001

EX-A



SITE SUMMARY:

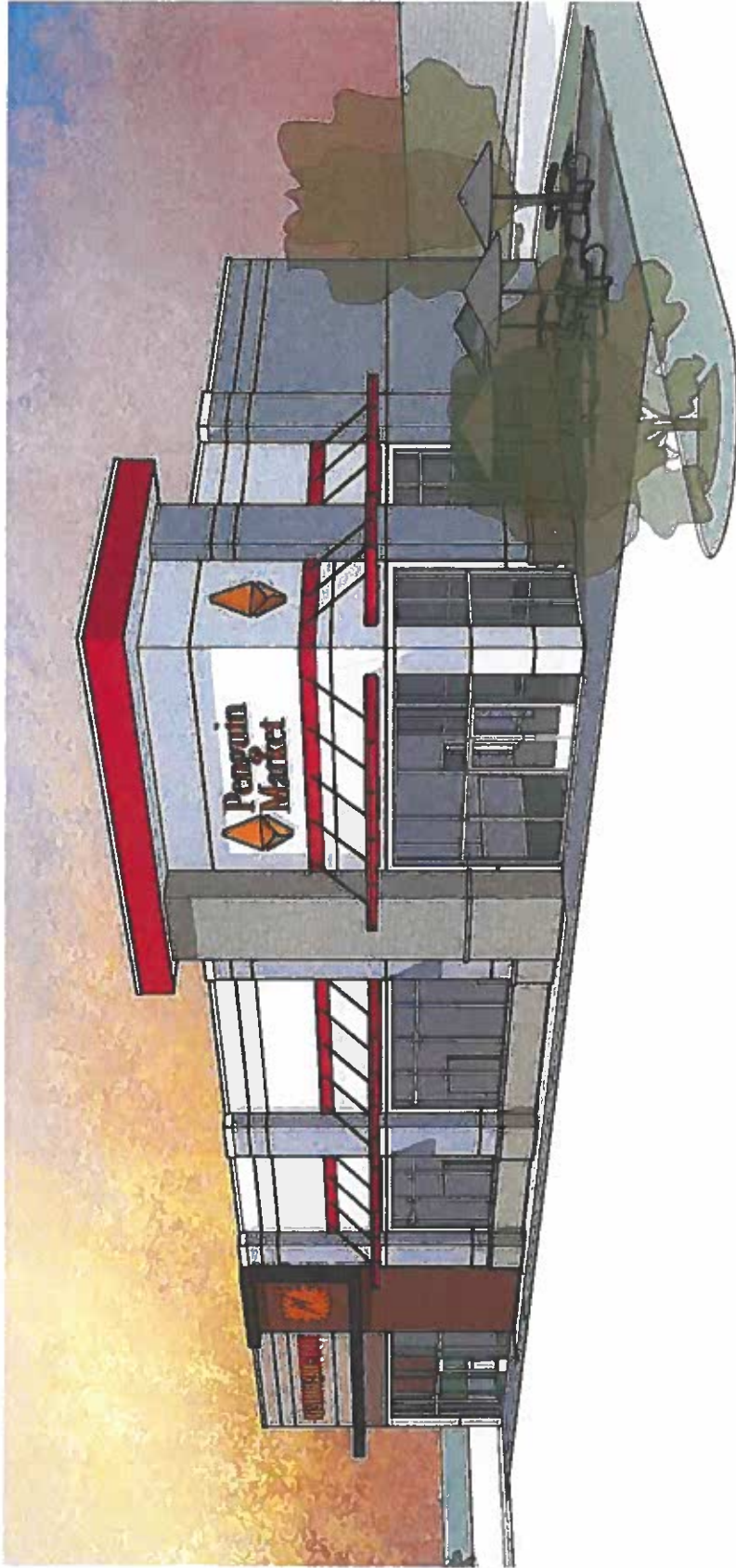
10000 Highway 100, Suite 100
Houston, Texas 77036
10000 Highway 100, Suite 100
Houston, Texas 77036
10000 Highway 100, Suite 100
Houston, Texas 77036

ZONING REQUIREMENTS (1980)

10000 Highway 100, Suite 100
Houston, Texas 77036
10000 Highway 100, Suite 100
Houston, Texas 77036
10000 Highway 100, Suite 100
Houston, Texas 77036

CONCEPT PLAN SHEET

1. This plan is a conceptual plan and is not intended to be used for construction purposes. It is intended to show the general layout of the site and the proposed building and parking areas. It is not intended to show the exact location of the building and parking areas. It is not intended to show the exact location of the building and parking areas.



PENGUIN MARKET

THOMPSON MEMORIAL DRIVE
SALEM, VIRGINIA

Colors representation have been selected by the City and are subject to change. They are intended to be used as the method of conveying the information and are not intended to be a final color of the materials. All colors are subject to change without notice.

NOT TO SCALE
NOT FOR CONSTRUCTION
2024-01-29

Roanoke Office
© 2024 Balzer & Associates, Inc. 04230013.00



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

**PLANNING COMMISSION
MARCH 13, 2024**

ITEM #

This is to certify that I mailed letters in reference to the rezoning request of Pinkish R. Patel and Sonal P. Patel, property owners for rezoning the property located at 1200 Blk Thompson Memorial Drive (Tax Map # 20-2-4), from RSF Residential Single Family District to HBD Highway Business District, to the following property owners and adjacent property owners on February 20, 2024, in the 2:00 p.m. mail:

PINKESH R PATEL
SONAL P PATEL
1785 MILLBRIDGE RD
SALEM VA 24153

MPW GROUP LLC
P O BOX 18
SALEM VA 24153

TLF MCCLUNG
C/O FRANCES FERGUSON
1917 MAYLIN DR
SALEM VA 2415

EDITH F MILLER ESTATE
C/O CALVIN LEON LEWIS
1231 THOMPSON MEMORIAL DR
SALEM VA 24153

W CURTIS ELLWANGER
150 FREEDMAN LN
SALEM VA 24153

EDITH FREEMAN MILLER ESTATE
C/O CALVIN LEON LEWIS
1231 THOMPSON MEMORIAL DR
SALEM VA 24153

BARBARA JEAN FULLER BOYDEN
LIFE EST C/O CALVIN LEON LEWIS
1231 THOMPSON MEMORIAL DR
SALEM VA 24153

COVENANT COMMUNITY CHURCH
INC
PO BOX 1214
SALEM VA 24153

COUNTY OF ROANOKE
ZONING DIVISION
5204 BERNARD DR 2ND FLOOR
ROANOKE VA 24018

Signed

Aputta Prillaman

Date

2/23/2024

City of Salem

Commonwealth of Virginia

The foregoing instrument was acknowledged before me this *23rd* day of *February*, 20*24*, by

Loretta Prillaman

Krystal M. Graves

Notary Public

My commission expires:

March 31, 2027



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

MBLU	Location	Owner Name	Co-Owner Name	Address 1	Address 2	City, State, Zip
20-2-4	1200 BLK THOMPSON MEMORIAL DR	PINKESH R PATEL	SONAL P PATEL	1785 MILL BRIDGE RD		SALEM VA 24153
20-2-5	1220 THOMPSON MEMORIAL DR	MPW GROUP LLC		P O BOX 18		SALEM VA 24153
20-2-3	120 PENGUIN LN	TLF MCCLUNG		1917 MAYLIN DR		SALEM VA 24153
20-2-3.1	121 PENGUIN LN	EDITH F MILLER ESTATE	C/O FRANCES FERGUSON	1231 THOMPSON MEMORIAL DR		SALEM VA 24153
20-2-1	150 FREEDMAN LN	W CURTIS ELLWANGER	C/O CALVIN LEON LEWIS	150 FREEDMAN LN		SALEM VA 24153
9-1-1	100 BLK PENGUIN LN	EDITH FREEMAN MILLER ESTATE	C/O CALVIN LEON LEWIS	1231 THOMPSON MEMORIAL DR		SALEM VA 24153
21-1-4	1247 THOMPSON MEMORIAL DR	EDITH F MILLER ESTATE	C/O CALVIN LEON LEWIS	1231 THOMPSON MEMORIAL DR		SALEM VA 24153
20-1-1	1231-1239 THOMPSON MEMORIAL DR	BARBARA JEAN FULLER BOYDEN LIFE	C/O CALVIN LEON LEWIS	1231 THOMPSON MEMORIAL DR		SALEM VA 24153
26-1-1	955 BIRD LN	COVENANT COMMUNITY CHURCH INC		P O BOX 1214		SALEM VA 24153
		COUNTY OF ROANOKE	ZONING DIVISION	5204 BERNARD DR 2ND FLOOR		ROANOKE VA 24018



February 23, 2024

Pinkesh R. Patel
Sonal P. Patel
1785 Millbridge Road
Salem, VA 24153

RE: Petition For Zoning Amendment (Rezoning)
1200 Blk Thompson Memorial Drive
Tax Map # 20-2-4

To Whom It May Concern:

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

**Wednesday, March 13, 2024
at 7:00 p.m. in the**

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

AND

Salem City Council on:

**Monday, March 25, 2024
at 6:30 p.m. in the**

**Council Chambers, First Floor, Salem City Hall
114 North Broad Street, Salem, Virginia**

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

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

Sincerely,

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



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

Notice is hereby given that a request has been filed with the City of Salem by the property owner/petitioner of the property described below. The Planning Commission of the City of Salem will consider this request at its meeting listed below and make a recommendation to the City Council. The City Council of the City of Salem will also consider this request, and the recommendation of the Planning Commission at its meeting listed below. City Council will make the final decision in this matter.

Property Owner/Petitioner:

Pinkesh R. Patel and Sonal P. Patel

Location of Property:

1200 Blk Thompson Memorial Drive (Tax Map # 20-2-4)

Purpose of Request:

To rezone the property located at 1200 Blk Thompson Memorial Drive (Tax Map # 20-2-4) from RSF Residential Single Family to HBD Highway Business District.

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

**WEDNESDAY, MARCH 13, 2024 – 7 P.M.
COMMUNITY ROOM, SALEM CIVIC CENTER
1001 ROANOKE BOULEVARD, SALEM, VIRGINIA**

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

**MONDAY, MARCH 25, 2024 – 6:30PM
COUNCIL CHAMBERS, FIRST FLOOR, SALEM CITY HALL
114 NORTH BROAD STREET, SALEM, VIRGINIA**

Additional information on this request may be obtained in the Community Development Department, 21 South Bruffey Street, Salem, Virginia or at (540) 375-3032.

H. Robert Light
Deputy Executive Secretary
Planning Commission

PAYMENT DATE
01/04/2024

COLLECTION STATION
Engineering/Inspections

RECEIVED FROM
Pinkesh Patel

DESCRIPTION
rezone 1200 Thompson Memorial Drive 20-2-4

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

BATCH NO.
2024-00003588

RECEIPT NO.
2024-00070721

CASHIER
Krystal Graves

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
PLAN FILING FEE	Planning Rezoning/Site Plan Rev	\$1,000.00
	<div>Total Cash\$0.00</div> <div>Total Check\$1,000.00</div> <div>Total Charge\$0.00</div> <div>Total Wire\$0.00</div> <div>Total Other\$0.00</div> <div>Total Remitted\$1,000.00</div> <div>Change\$0.00</div> <div>Total Received\$1,000.00</div>	
Total Amount:		\$1,000.00

Customer Copy

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

MEETING DATE: March 25, 2024

AGENDA ITEM: Consider authorizing the City Manager to finalize and execute a Memorandum of Understanding (MOU) with Roanoke City for participation and contribution in a regional skate park.

SUBMITTED BY: Chris Dorsey, City Manager

SUMMARY OF INFORMATION:

The City has an opportunity to participate in a collaborative regional initiative for a skate and mountain bike facility with Roanoke City in the Wasena area. Salem's partnership in this endeavor will provide for enhancements to the park that will result in a large, modern facility for the region. The City of Salem's contribution is a one-time amount of \$200,000 due to the City of Roanoke in fiscal year 2025. There will be no ongoing maintenance contributions required of the City.

Pending approval by Salem City Council, Roanoke City plans to execute the contract and begin architectural and engineering design this spring with construction currently anticipated for completion in late spring/early summer of 2025.

The draft MOU has been reviewed and approved to form by the City Attorney.

STAFF RECOMMENDATION:

Staff recommends Council authorize the City Manager to finalize and execute this agreement.

MEMORANDUM OF UNDERSTANDING
CITY OF ROANOKE
AND
CITY OF SALEM

THIS MEMORANDUM OF UNDERSTANDING (“Memorandum”) is dated the ____ day of March, 2024, by and between the **CITY OF ROANOKE**, (“City”) and the **CITY OF SALEM** (“Salem”).

RECITALS

WHEREAS, the City owns property, known as Wasena Park, (“Wasena Park”) located within the City of Roanoke and depicted as Official Tax Map No. 1222301; and

WHEREAS, the City intends to construct a permanent skate park (“Skate Park”) within Wasena Park for the residents of Roanoke City, Vinton, and Salem. The Skate Park being a regional amenity that can be positioned for both general public use and large scale events; and

WHEREAS, Salem is willing to provide the City with a one-time distribution of \$200,000 (“Funding”) for costs related to the construction of the Skate Park, and for no other use or purpose, in accordance with this Memorandum.

For and in consideration of the mutual promises and obligations set forth in this Memorandum, including the recitals set forth above which are a material part of this Memorandum, the sufficiency of which is hereby acknowledged, the parties agree as follows:

ARTICLE I
PURPOSE

The purpose of this Memorandum is to define the one-time contribution of Salem to the City for the construction of the Skate Park in Wasena Park. The Skate Park is intended to provide recreational opportunities for residents and visitors to Roanoke City, Vinton, and Salem, as well as a regional amenity that can be positioned for both general public use and large scale events.

ARTICLE II
GOALS AND OBJECTIVES

The City will use the Funding as general purpose funds for the costs to construct the Skate Park within Wasena Park for the promotion of the Purposes. As the construction of the Skate Park nears completion, the City will request the funds from Salem, and Salem will provide the Funding to the City for the programs set forth in the Purposes.

ARTICLE III

OBLIGATIONS OF THE PARTIES

The parties to this Memorandum agree that the following represents their respective obligations:

A. Salem's obligations under this Memorandum:

1. Salem will provide the Funding, a one-time distribution of \$200,000, to the City as the Skate Park construction nears completion.
2. Salem is under no obligation for future maintenance costs related to the Skate Park.

B. The City's obligations under this Memorandum:

1. The City will expend the Funding in accordance with this Memorandum of Understanding for costs incurred after the date of execution of same;
2. The City agrees to detailed records regarding all expenditures of the Funding ;
3. As the project nears completion, the City will request the one-time distribution of \$200,000 from Salem, said request to include a written report indicating what the City has expended the funding for, including a narrative explaining how and on what expenses the Funding was spent.
4. As the project nears completion, the City will provide Salem with a draft layout of the gateway entrance sign, to be located near the Roanoke River greenway connection, recognizing the regional partners with their respective logos.
5. The City shall maintain all books, records, and other documents relating to Memorandum for five years after the date the Funding has been completely spent.

ARTICLE IV

TERMINATION

This Memorandum may be terminated by either party at any time, for any cause, or no cause, by giving thirty (30) days written notice signed by the party terminating the Memorandum and being sent to the other party.

This agreement shall be effective for a period of one year from the date of the final signature. Modifications shall be made by mutual consent and in writing. In the event that one party provides the other party with notice of its intention to terminate, the parties will meet promptly to discuss the reasons for the notice and try to resolve any issues.

ARTICLE V

NOTICE

Any notice, request, or demand given or required to be given under this Memorandum shall, except as otherwise expressly provided herein, be in writing and shall be deemed duly given only

if delivered personally or sent by certified mail, return receipt requested to the addresses stated below.

To the City: Luke Pugh
City Engineer
City of Roanoke, Virginia
215 Church Avenue, S.W. – Room 350
Roanoke, VA 24011

To Salem: Rob Light, Assistant City Manager
City of Salem
114 N. Broad Street
Salem, Virginia 24153

ARTICLE VI MISCELLANEOUS

Assignment. The provisions of this Memorandum may not be assigned and are for the exclusive benefit of the parties hereto and not for the benefit of any third person, nor shall this Memorandum be deemed to have conferred any rights, express or implied, upon any third person unless otherwise expressly provided for herein.

Captions and Headings. The section captions and headings are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Memorandum.

Severability. The invalidity, illegality or unenforceability of any provision of this Memorandum as determined by a court of competent jurisdiction shall in no way affect the validity, legality or enforceability of any other provision hereof.

Waiver. No failure of any party to insist on strict observance of any provision of this Memorandum, and no custom or practice of the parties at variance with the terms hereof, shall be deemed a waiver of any provision of this Memorandum in any instance.

Governing Law. This Memorandum shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

Entire Agreement: This Memorandum represents the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, either written or oral. This Memorandum shall not be amended or modified except by written instrument signed by the parties.

Responsibility of the Parties. To the extent permitted by applicable law, each party to this Memorandum of Agreement will be responsible for the actions, inactions or violations of its officers, employees, and agents in connection with scope of duties described herein, but nothing contained herein shall be construed as a waiver of the City's sovereign immunity.

| IN WITNESS WHEREOF, the parties hereto have executed this Memorandum dated this
_____ day of March, 2024.

City of Roanoke, Virginia

BY: _____
Robert S. Cowell, Jr., City Manager

The City of Salem, Virginia

| BY: _____
Rob Light, Assistant City Manager

Approved as to Form:

Approved as to Execution:

Item #6D
Date: 3/25/2024

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

MEETING DATE: March 25, 2024

AGENDA ITEM: Request to adopt Capital Reserve Policy

SUBMITTED BY: Rosemarie B. Jordan, Director of Finance

SUMMARY OF INFORMATION:

Formal written financial policies promote good financial management, define boundaries, support good bond ratings and promote long-term and strategic thinking. Adopting financial policies is a recommended best practice by the Government Finance Officers Association (GFOA). The Finance Department has drafted a Capital Reserve Policy. We request that this policy become effective as of the date of its adoption.

FISCAL IMPACT:

STAFF RECOMMENDATION:

City staff requests Council approve the Capital Reserve Policy.



CAPITAL PLANNING AND RESERVE POLICY

CITY OF SALEM, VIRGINIA

FINANCE DEPARTMENT

Purpose

To establish a capital reserve within the Capital Projects Fund and define guidelines and goals for capital planning and capital asset renewal and replacement reserves. By establishing and maintaining a capital reserve, the City ensures proactive financial management of capital improvements and asset replacement. The City will utilize a six-year Capital Improvement Plan (CIP) as a tool for capital planning and use of the capital reserve.

Capital Improvement Plan (CIP)

The Capital Improvement Plan (CIP) is the process for evaluating, planning, scheduling, and implementing capital expenditures through departmental capital requests. For inclusion in this plan, a capital request must have a total cost of at least \$5,000 and a minimum useful life of five years.

The CIP is a six-year flexible plan used to schedule anticipated capital improvement projects and coordinate how they will be funded. The CIP includes a summary of the projects, estimated costs, schedule and recommended source of funding for each request as appropriate. The costs of capital requests in the first year of the CIP become the capital budget requests for the upcoming fiscal year. If the CIP requests are approved and funded by City Council, they become the adopted Capital Year Budget for the upcoming fiscal year. The remaining years of the CIP provide an estimated cost of the proposed projects and reflect their anticipated funding sources.

Capital Reserve

The capital reserve is to be established within the Capital Projects Fund for the specific use of providing funding for mid-level capital expenditures from General Fund revenues and reserves as defined under Use of Funds below.

Contributions

Contributions to the capital reserve are made from the following sources:

- Annual Contribution – After completion of the annual audit, the following calculation is completed using amounts as shown in Exhibit 3, Balance Sheet for Governmental Funds, and Exhibit 5, Statement of Revenues, Expenditures and Changes in Fund Balances for Governmental Funds, in the audited Annual Comprehensive Financial Report (ACFR) from the previous fiscal year:

General Fund unassigned fund balance per Exhibit 3
Less: (General Fund total expenditures + Debt Service Fund total expenditures per Exhibit 5) divided by 2
Less: Appropriation(s) of General Fund unassigned fund balance subsequent to the date of the previous fiscal year ACFR
<u>= Capital Reserve Contribution</u>

A positive result equals the annual contribution to the capital reserve for the current fiscal year.

A negative result indicates that no annual contribution will be made to the capital reserve in the current fiscal year.

Annual contributions are primarily the result of year-end expenditure savings and revenue surplus balances. If at any point the fund balance of the General Fund falls below the minimum acceptable level as defined in the City's fund balance policy, the annual contribution is suspended until the minimum accepted level of fund balance is replenished.

Use of Funds

Appropriations from the capital reserve within the Capital Projects Fund include:

- CIP "Capital Reserve" funding source – Projects included in the first year of the CIP with a funding source of "Capital Reserve" are appropriated from the capital reserve within the Capital Projects Fund as part of the annual budget process. This is intended to fund projects with mid-level funding needs between \$200,000 and \$3,000,000 that are not large enough to justify a debt issuance. Examples include building improvements, bridge improvements, storm water infrastructure improvements, streetscape improvements, park improvements, and major equipment purchases.
- Project Overages – Current projects in the Capital Projects Fund that exceed previously approved and appropriated funding sources will be analyzed and recommended for action to City Council. Projects that are approved may receive additional funding from the capital reserve.
- One-Time Appropriations – At the discretion of the City Manager and with approval from City Council, appropriations of the capital reserve can be made for emergency capital needs or other capital expenditures not already included in the Capital Year Budget.

Minimum Acceptable Level

It is the intent of the City to maintain a minimum acceptable level of capital reserve equal to \$4,000,000. This minimum acceptable level ensures that the City is able to meet unexpected capital needs. At the discretion of the City Manager and with approval from City Council, appropriations of capital reserve can be made that result in the balance falling below the minimum acceptable level. In the event that the balance drops below the acceptable minimum level, further appropriations will be limited to emergencies, as deemed by the City Manager, until the capital reserve minimum acceptable level is replenished through annual contributions.

Item # 6E
Date: 3/25/2024

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

MEETING DATE: March 25, 2024

AGENDA ITEM: Receive the Abstract of Votes cast at the Presidential Primary held on March 5, 2024.

SUBMITTED BY: Dana M. Oliver, General Registrar/Director of Elections

SUMMARY OF INFORMATION:

Per the Code of Virginia, a certified copy of the abstract of votes from each election must be received and formally recorded.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Staff recommends that Council receive the Abstract of Votes for the Presidential Primary held on March 5, 2024.

CITY OF SALEM, VIRGINIA
OFFICE OF GENERAL REGISTRAR
ELECTORAL BOARD
P. O. BOX 203
SALEM, VIRGINIA 24153



DANA M. OLIVER, GENERAL REGISTRAR
SHARON E. PRATT, DEPUTY REGISTRAR

ZACHARY S. AGEE, CHAIRMAN
ELIZABETH BOWLES, VICE CHAIRMAN
KATHERIN A. ELAM, SECRETARY

March 15, 2024

The Honorable Christopher Dorsey
City Manager of Salem City
114 North Broad Street
Salem, VA 24153

Dear Mr. Dorsey:

Pursuant to provisions of §24.2-675 of the Code of Virginia, as amended, I hereby deliver to you one certified copy of the Abstract of Votes cast at the Presidential Primary held on March 5, 2024.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dana M. Oliver". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Dana M. Oliver
General Registrar / Director of Elections

Cast in SALEM CITY, VIRGINIA
at the 2024 March Republican Primary held on March 05, 2024 for,

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED
(IN FIGURES)

Chris Christie - Republican	7
Ryan L. Binkley - Republican	2
Vivek Ramaswamy - Republican	4
Donald J. Trump - Republican	1368
Ron D. DeSantis - Republican	26
Nikki R. Haley - Republican	588
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on March 05, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President.



Given under our hands this 11th day of March, 2024

Paul R., Chairman

Eliz. Gomez, Vice Chairman

Katherine R. Elam, Secretary

_____, Acting Secretary