



**City Council Meeting
AGENDA**

Monday, October 9, 2023, 6:30 PM

Work Session/Joint Meeting with Salem School Board 5:30 P.M. Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia 24153

Regular Session 6:30 P.M. Community Room, Salem Civic Center, 1001 Roanoke Boulevard, Salem, Virginia 24153

WORK SESSION

AMENDED AGENDA

1. Call to Order
2. New Business
 - A. **Discussion Items**
Joint Work Session with the Salem School Board to include the presentation of the Salem City Schools Capital Improvement Plan
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 September 25, 2023, Work Session and Regular Meeting minutes and the September 29, 2023, Special Joint Meeting with the Planning Commission minutes.
5. Old Business

6. New Business

A. Resolution 1459 in Support of Roanoke Boulevard Downtown Streetscape Project

Consider adoption of Resolution 1459 in support of the Roanoke Boulevard Downtown Streetscape Project.

B. Parkway Brewery Performance Agreement

Consider request to approve an extension in the Performance Agreement between the City of Salem, Parkway Brewing Company, LLC, and the Economic Development Authority (EDA) of the City of Salem; and authorization to the City Manager to issue the required written approval extending the Performance Date to February 23, 2023.

C. Boards and Commissions

Consider appointments to various boards and commissions.

7. Adjournment

City Council Meeting MINUTES

Monday, September 25, 2023, 6:30 PM

Work Session 5:15 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 September 25, 2023, at 5:15 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 James E. Taliaferro, II, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Chuck Van Allman, Director of Community Development; Mary Ellen Wines, Planning and Zoning Administrator; Troy Loving, Building Official; Max Dillon, Planner; Crystal Williams, Assistant to the City Manager; 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.

2. New Business

A. Discussion Items

Follow up discussion on Land Use items from Council Retreat.

As a result of the City Council Retreat in March 2023, several short-term goals were discussed and prioritized. Mary Ellen Wines, Planning and Zoning Administrator, gave a presentation with an update on the comprehensive plan rewrite/zoning. The City is currently in discussions with a consultant to proceed with the comprehensive plan rewrite. She also presented as a follow up land use and planning items as well as residential property maintenance items that were identified at the retreat and discussion was held. This included discussion of the Current Code as well as enforcement issues. Information was shared on how other municipalities are handling property maintenance. Staffing needs in Community Development were also presented and discussed.

A follow up to this Work Session will be held at the Work Session for the 2nd October meeting of Council.

A Joint meeting of Council and the Salem City School Board will be held at the next meeting.

3. Adjournment

There being no further business, Mayor Turk adjourned the meeting at 6:21 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 James E. Taliaferro, II, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Chuck Van Allman, Director of Community Development; Mike Stevens, Director of Communications; and Jim Guynn, City Attorney.

2. Pledge of Allegiance

3. Bid Openings, Awards, Recognitions

There were none.

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.

Carolyn Fedison, 1230 Missouri Avenue, was the first citizen to address Council. She expressed concerns about the Neurorestorative Group Home that is right beside her home. She is seeking Council's assistance with a few issues involving the group home at 1234 Missouri Avenue. Ms. Fedison prefaced her comments by noting that the neighbors are not seeking to close the group home as individuals that have experienced traumatic brain injury need a safe environment but just seek to make the neighborhood safe. She cited an incident in which her home was compromised, and burglary occurred. She also spoke of other incidents in which the police had been called as well as instances in which a resident of the group home was out

wandering in the neighborhood. She outlined the escalation from vehicles to home entry and expressed concern about safety for the residents of the neighborhood. Ms. Fedison shared suggestions that she felt could be helpful such as an ankle monitor for the resident that would notify an employee that the resident had left the property, a gate across the driveway entrance and exit that could only be opened by employees, perhaps the business owner could be held accountable and liable for the actions of the residents, to remove that resident from the group home to another facility.

Lynne Price, 1231 Missouri Avenue, expressed concern about safety issues in the neighborhood rising from the Neurological Group Home on their street. She shared exhibits with Council to review. She cited a timeline of specific incidents and noted that the police had been called multiple times. Mrs. Price noted that incidences are increasing and expressed that she knew staff shortages were a challenge as well as staff turnover. She noted that it would be nice to see a gate put up at the entrance, more staff employed, or a reduction in the number of residents to enable proper supervision. She also expressed concern about the speed at which employees of this facility drive down their street.

Sara Elmore, 1222 Missouri Avenue, shared that they had lived in the neighborhood for eleven years and now feel they have to lock the doors just to go in the front yard. She also gave examples over the course of time of incidents that have happened and noted that the number of incidents has been escalating and expressed concern that adequate safety measures were not in place for the group home. She noted that she had even put up a fence as a deterrent in her yard. She expressed concern for the safety of the residents as well as the safety of the neighborhood. Ms. Elmore shared the definition of a residential rehabilitation program. She stated that her concern for the residents at the home had transitioned from supportive and friendly to distressed, fearful, and threatened. She expressed that the policies and procedures of the group home needed to be reviewed by the owner, the owner needed to be examined for compliance, and the neighbors felt that the individual in question needed to be removed from the group home.

John Breen, 142 Bogey Lane, was the last citizen to address Council this evening. He expressed concern about Code enforcement and expressed that it was not the function of the Comprehensive Plan to address issues of blight, dilapidated structures, code enforcement, and unsightly conditions. He requested: 1) an ordinance based upon another Virginia city (proposed amendment was provided for Council) to abate cars parking in front lawns when parking is otherwise available be provided to Council. It is requested that this would be considered, modified as needed and sent to the Planning Commission for a public hearing. 2) To encourage Code enforcement and inform the public he provided an example of an existing Code violations Case Listing report and requested that these be posted on the City's website with the modifications that the name of complaining party be blocked and

the addition of listing if a complaint was found invalid with reason; 3) a special committee be created and charged with 120 days to make detailed recommendations to Council that address eyesores, blight, building maintenance, enforcement, etc. The committee's composition could be one or more persons from Council, the Planning Commission, the public, and the City Staff. The City Attorney could be an advisory member.

B. Minutes

Consider acceptance of the September 11, 2023, Work Session and Regular Meeting minutes.

The minutes were approved as written.

C. Financial Reports

Consider the acceptance of the Statement of Revenues and Expenditures for the two months ending August 2023.

The financial reports were received.

5. Old Business

There was no old business this evening.

6. New Business

A. Salem City School Board

Hold a public hearing to receive the views of citizens within the School Division regarding the School Board appointment for the expiring term ending December 31, 2023 of one member of the City of Salem School Board. (As advertised in the September 7, 2023, issue of the *Salem-Times Register*).

Mayor Turk noted that the Council is greatly appreciative to David Preston for his service to the City over the years that he has served on the Salem City School Board, both as a member and as Chairman of the Board.

Mr. Foley clarified that the applicants were not required to speak if they did not wish to do so if they had turned in their applications.

Mayor Turk requested that Mr. Light read the list of applicants that had applied to this point for the public record.

Mr. Light noted that per City Code, the list of names has to be read aloud. Mr. Light shared the applicants for the position on the Salem City School Board as: Chelsea Dyer, Tom Fame, Rachel Thompson, Ray Varney, Angel Lane, and Bill Gerrol.

Mayor Turk stated for the public record that the names that were read as well as

anyone that came forward that was interested in applying for the School Board could do so publicly during the public hearing. Mayor Turk opened the public hearing.

Rachel Thompson, 231 Baier Drive, noted that this was her second time running for the Salem City School Board and that she was a business owner in Salem, leading twenty employees as an immigration and adoption attorney. She shared that she often had to make difficult decisions and that she was a mother of four children, three of which are enrolled in the Salem City Schools. She felt that she was well qualified for this position and that she would bring variety and perspective. Ms. Thompson gave the reasons that she would like to be a part of the Salem City School Board: 1) Education is important to her as she wants to make sure that her children are getting the best education and there is no reason that Salem should not be an academic leader in the surrounding area as well as in the Commonwealth. She felt that her business acumen would fill the spot that Mr. Preston is vacating on the Board due to her experience as an attorney and business owner. 2) As a citizen in Salem and a parent of three children in the Salem school system, it is extremely important to Ms. Thompson that the school board has a vested interest in the decisions that it makes. She further added that the school board should contain members that were parents of children enrolled in the schools so that they feel the impact of the decisions that are made. Lastly, she indicated that the leadership should reflect the diversity of the student and employee population that is served. She ended by noting that not only was she qualified for the position with her business acumen, personnel experience, and overall resumé, but she is also a minority who would reflect the population well.

Natalie DiFusco-Funk, 141 Ferrum Drive, noted that she appeared before Council last year to speak on behalf of Rachel Thompson for School Board and that she wished to show her support again this year. She shared that she had been a citizen of Salem since 2019 and an employee since 2011 having just started her twenty-first year as a teacher. She also commented that she knew Rachel and her family well as friends as well as having taught one of her sons last year and having another one of Rachel's children in class this year. Ms. DiFusco-Funk stated that Ms. Thompson was needed on the School Board because of her perspective as a woman of color and her experience as an immigration lawyer. She spoke of the increasing number of students that are immigrants that are in foster care and have been adopted in the Salem School System. She felt it was important that the Board represent the population that it serves. She ended by saying that Rachel's wisdom, perspective, background, and kindness were needed on the board and that as a parent, citizen, and teacher, she requested that Council consider Rachel for the Board.

Beth Morgan, 628 Marshall Street, came forward to speak on behalf of Rachel Thompson. She noted that she is a first-grade teacher at G.W. Carver and that she met Rachel six and a half years ago when she moved to Salem, and they became neighbors. During this time, they have grown to be friends. Ms. Morgan noted that

during this time, she had seen Rachel go through both highs and lows in life and yet her character, integrity, and values have never wavered. She believes that Rachel would be a wonderful addition to the School Board as she is a woman of great moral character, and her values are part of what guide her actions and decisions. She added that she is honest, trustworthy, and reliable, and treats all people with respect and dignity. Her work as a lawyer has provided her with experience in working with all kinds of people and she sees the value of each of them as human beings. This experience, as well as her experience as a mother would lend itself to being a member of the School Board. She has shown that she has discipline and is able to balance many different areas in her life and do them all well. She indicated that Rachel displayed the ability to look at all sides of an issue in making decisions. Ms. Morgan also felt that having Board members that are parents is important in giving them perspective that is needed as decisions are made in regard to the Salem schools. She ended by emphasizing that she felt Rachel would work diligently and would be an asset to the School Board.

No one else came forward to speak.

Mayor Turk closed the public hearing.

Mayor Turk noted that Council had information and resumés for each of the candidates that had applied for the School Board and that they would refer to staff to set up interviews that Council could meet with the candidates.

Mr. Taliaferro confirmed that staff would set up times for interviews.

Mayor Turk thanked each of the candidates for applying and for caring and wanting to be part of the School Board and the school system.

B. Special Exception Permit

Hold public hearing to consider the request of David A. Thompson, property owner, for the issuance of a Special Exception Permit to allow a 1,500 square foot detached garage on the property located at 640 Joan Circle, (Tax Map # 243 -2 - 16). (Advertised in the September 14 and 21 issues of the *Salem Times-Register*.) Planning Commission recommended denial see pages 2-5 of the September 13, 2023, minutes. **STAFF REPORT**

Mayor Turk noted that information was included in the agenda packet with minutes from the Planning Commission meeting as well as information on the design of the building, the plot, and where it would be established.

Mayor Turk opened the public hearing.

Mike Fisher, 66 Upland Drive, addressed Council and indicated that his daughter lived next door to this address. He felt that a 1,500 square foot detached garage was excessive for the neighborhood, especially at the proposed location. His daughter bought this house in part for the fabulous views and this request is to build a fifty foot by thirty foot four-car garage adjacent to his daughter's property. He noted that he understood property rights and he understood that Mr. Thompson could build a one thousand square foot garage at that location but that if allowed to build this structure as proposed at the proposed location that this would have a substantial negative impact on the view and the view of the next-door neighbor. He continued that this would not be consistent with anything else in Karen Hills as there were no other detached structures larger than one thousand feet and that he felt with the size of the lot that Mr. Thompson could build this structure elsewhere on his property and not affect any of his neighbors because of the topography. He gave details of another car enthusiast in the neighborhood that had built an approximately 932 square foot three-car garage. He requested that Council consider the negative impact this would have on the neighborhood.

Paul Daniels, 642 Joan Circle, appeared before Council and noted that his family had moved into their house in late April and that they bought the house because of the phenomenal view. He understood that people have the right to build what they wish on their property but that this proposal would substantially block the view. He also noted that this was not consistent with detached structures in that neighborhood.

David Thompson, 640 Joan Circle, was the last citizen to appear before Council. He noted that he could attach to his house and build as large as he wished and that he did not feel that he would be obstructing the view. He noted that he had lived in Salem a long time and paid a lot of taxes to the City.

Mayor Turk asked of Community Development if this were an attached garage how this would change the location or size?

Mr. Van Allman replied that it would then become a primary structure, so the setbacks would change. The setback for the primary structure would be twenty-five feet from the front property line and either the lesser of ten percent of the average lot width or twenty feet. You have to be further in on the property, but it does have to be physically connected to the main property. That is true of at the very least the roof structure. They tend to be much closer to the main structure and tucked in behind it. You cannot really set too far back unless you want to create some kind of structure between it and the main building. This would be an accessory structure that would be located farther back in the lot, but it can be closer to the property line, and in this case, it could be within five feet of the property line. That is why typically in this type of situation, you can build it as large as you want as long as the structure meets the primary setback requirements. There is no differentiation

between the garage and your house if it is one unit.

Mayor Turk asked if there was a height restriction.

Mr. Van Allman responded that the structure cannot be any higher than the average height of the main building. That height currently as determined by the Planning Department is determined to be about fifteen to sixteen feet. That is a height that is based upon the structure, not where it sits on the property. That is an absolute height. It can be no taller than the primary building.

Mr. Jones asked if Mr. Thompson could attach a 1500 square foot garage to the house with the amount of space he has.

Mr. Van Allman confirmed that he could do so, but it would be much closer physically and integrated into the existing building.

Mr. Thompson added a clarification about the driveway.

Mr. Jones asked Mr. Thompson if the pavement itself would be fifty feet across the front and would narrow back in as it comes around.

Mr. Thompson responded with clarification that the driveway would taper.

Mayor Turk asked if Mr. Thompson had considered any other locations on the property.

Mr. Thompson responded that was not convenient for him.

No other citizens came forward to speak.

Mayor Turk closed the public hearing.

Mr. Foley stated that Council had spent an hour and fifteen minutes this evening discussing different aspects of zoning and that it seemed ironic that they were being asked to allow a special exception permit for a building that to him was excessive in a residential area.

Mr. Wallace commented that people that moved to Salem expected to have a certain amount of guardrails to keep the neighborhood as a neighborhood. Those guardrails are taken down when you grant a special exception permit and people are left with a building that does not fit the neighborhood.

Mayor Turk noted that her vote would be because she did not feel that a detached

structure that large that is almost as big as the house belongs in a neighborhood. She is hoping in good faith with the neighbors that some other consideration will be made that will suit his needs but also the needs of his neighbors.

Randy Foley motioned to deny the request of David A. Thompson, property owner, for the issuance of a Special Exception Permit to allow a 1,500 square foot detached garage on the property located at 640 Joan Circle, (Tax Map # 243 -2 - 16). James Wallace seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

C. 630 Union Street

Consider concept change for 630 Union Street.

Barney Horrell, 3553 Carvins Cove Road, Brushy Mountain Engineering, stated that the original concept plan showed the two buildings facing each other. A minor change to rotate the direction that the buildings are located so that they are constructed side-by-side and facing the street is being proposed. He noted that the reason this change was being made was that it made more sense from a site plan perspective, and it also would look better.

Mr. Wallace asked if this would still maintain the same architectural standards.

Mr. Horrell responded that it would and that everything else would remain the same other than the rotation of the buildings.

Randy Foley motioned to approve the amended concept plan for 630 Union Street. William Jones seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

D. Boards and Commissions

Consider appointments to various boards and commissions.

Mr. Foley questioned whether Mr. Rippee had been reached out to in order to see if he was still willing to continue serving on the Board of Zoning Appeals.

It was decided to table this item until the next regular meeting of Council in order to verify this information before voting on this item.

Mr. Foley clarified for the public that this was a motion to recommend Mr. Tony Rippee for Circuit Court reappointment to the Board of Zoning Appeals.

Mayor Turk also stated for the benefit of the public that there are other openings that are available on various boards and commissions. She noted that there was an opening on Blue Ridge Behavioral Healthcare and that a member was needed that would serve the remainder of a three-year term ending December 31, 2024. She shared that on the Board of Appeals the City needs one alternate for a five-year term. On the Economic Development Authority, a replacement is needed to complete the remainder of the four-year term of Rob Robinson that will end December 14, 2024. One member is also needed for the Roanoke River Blueway Advisory Committee and that this would be a two-year term. She encouraged citizens to take a look at the different board and commission openings that are listed on the City's website to consider possibly serving in one of those capacities.

7. Closed Session

A. Closed Session

Hold a Closed Session pursuant to Section 2.2-3711 A (6) of the 1950 Code of Virginia, as amended for discussion or consideration of the investment of public funds where competition and bargaining is involved, where, if made public, initially, the financial interest of the City would be adversely affected.

Jim Wallace motioned that in accordance with Section 2.2-3711 A(6) of the 1950 Code of Virginia, as amended, Council hereby convenes to closed session at 7:46 p.m. for the purpose of discussing the following specific matter:

Discussion or consideration of the investment of public funds where competition and bargaining is involved, where, if made public, initially, the financial interest of the City would be adversely affected.

Randy Foley seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

James Wallace motioned to reconvene at 7:47 p.m. in accordance with Section 2.2-3712 D. of the Code of Virginia, 1950 as amended to date, Council certifies that in closed session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the closed session was convened were heard, discussed, or considered by the Council. Randy Foley seconded the motion.

Ayes: Foley, Holliday, Jones, Turk, Wallace

8. Adjournment

The meeting was adjourned at 7:47 p.m.

City Council Special Meeting

MINUTES

Friday, September 29, 2023, 8:30 AM

Joint Meeting with Planning Commission of the City of Salem, Virginia
Salem Police Department, 1st Floor Conference Room, 36 East Calhoun
Street, Salem, VA 24153

1. Call to Order

A Joint Special Meeting/Work Session of the Council of the City of Salem, Virginia, along with the Planning Commission of the City of Salem was held at the Salem Police Department, 1st Floor Conference Room, 36 East Calhoun Street, Salem, Virginia, 24153, on September 29, 2023, at 8:30 a.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; James E. Taliaferro, II, City Manager and Executive Secretary; H. Robert Light, Assistant City Manager and Clerk of Council; Jim Guynn, City Attorney; and Crystal Williams, Assistant to the City Manager. Also present were Chuck Van Allman, Director of Community Development; Mary Ellen Wines, Planning and Zoning Administrator; Max Dillon, Planner I; and the following members of the Planning Commission: Vicki G. Daulton, Chair; Denise P. King, Vice-Chair; Reid Garst, Neil L. Conner, and Jackson Beamer; and the following business was transacted;

A. Roll Call

1) Renée Ferris Turk,
Mayor Salem City
Council

2) Vicki G. Daulton, Chair
Planning Commission of the City of Salem, Virginia

Mayor Turk and Chair Daulton called the meeting to order and reported that this date, place and time had been set for City Council and the Planning Commission to hold a work session.

2. New Business

A. Presentation of Proposed Code Changes- Mary Ellen Wines, Planning and Zoning Administrator

- 1) Chapter 40 Hotels and similar establishments
- 2) Chapter 66 Signs
- 3) Chapter 75 Streets, Sidewalks and other Public Places
- 4) Chapter 94 Nuisances
- 5) Chapter 106 Zoning

Council and the Planning Commission highlighted the need to engage small business for feedback on any issues and feedback on such business types being established and operating in the City. Both bodies agreed that recurring joint meetings would be appropriate every six months.

Ms. Wines presented a PowerPoint presentation that contained the following topics:

1. Chapter 40, Hotels and similar establishments:

Ms. Wines stated that as discussed in a previous work session, creating a city code chapter that is specifically dedicated to the regulation of hotels, motels, and similar establishments has become more prevalent in the last couple of years due to ongoing issues with vagrancy and crime. Over the course of the past several years, the delineation between transient occupancy and residential living has become almost non-existent. In an effort to reinstall the separation between those two concepts, the Community Development Department has worked closely with the Police Department and the Commonwealth's Attorney Office to create a new chapter for the City Code. These new guidelines will introduce measures that require hotels within the City of Salem to do things like provide a guest register to City Officials upon request and allow a maximum stay of twenty-nine (29) consecutive nights (unless a guest falls into one of the listed exceptions), and a discussion was held.

2. Chapter 66, Signs:

Ms. Wines stated that Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public; however, signs also obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. As a result, it is incredibly important to ensure that signs are properly managed, maintained, and even improved (when necessary) - especially those which do not meet current standards and those that advertise businesses no longer in operation. The following guidelines are mechanisms by which nonconforming signs and signs no longer advertising a bona fide business will be regulated moving forward. Regarding nonconforming signs: The City shall give the owner twelve (12) months to utilize the sign, make it conform with the requirements of this chapter, or remove the sign and all parts of the sign structure. During this time, no other sign permits will be issued for the parcel on which the nonconforming sign is located. Failure to meet the required 10' setback will not be enforced as a nonconforming sign due to historic right of way expansion. For signs no longer advertising an existing bona fide business: A sign no longer advertising an existing business shall have the sign face replaced with a white blank face a maximum of sixty (60) days after the closing or moving of the business, and a discussion was held.

3. Chapter 74, Streets, and 106, Zoning, Addressing properties:

Ms. Wines explained that historically in the City of Salem, a property could be addressed to any street frontage available to that particular parcel regardless of access or to which street the primary structure was oriented. For example, corner lots or lots with two street frontages could "choose" which street to be addressed. This, in turn, can affect the zoning setback requirements for front yards, side yards, and rear yards. Moving forward, this proposed code change verifies that all buildings shall be addressed according to the street to which the lot (and corresponding primary structure) faces. This is further defined in the zoning ordinance by Building, front which is defined as that portion of a building facing the street of address. The goal of this change is to ensure the front door shall be provided with

orientation to the street on which it is addressed. She further explained that updating section 74-103 of the city code to match the corresponding state code would be included, and a discussion was held.

4. Chapter 94, Nuisances:

Ms. Wines stated that since the introduction of trees into the nuisance ordinance in June of 2021, there have been numerous complaints regarding trees, their limbs, and their potential to possibly impact another property. From the inception of the nuisance ordinance, the incorporation of trees was ultimately intended to assist property owners when a danger to life and property was either probable or had already occurred due to the falling of trees and/or branches. She further explained that throughout the implementation of the nuisance ordinance, the code enforcement team has learned and concluded that once the damage has occurred, it is simply a private property issue that should be handled between property owners. As a result, the phrase "have fallen" should be removed from the nuisance ordinance. Furthermore, in addition to the removal of damage which has already occurred, it is proposed that the term "imminent" be added to the "trees or parts thereof in danger of falling" phrase to mitigate the flooding of calls received for what are actually benign organisms. Certainly, an act of God can render any tree a significant danger, but these changes are crafted in a way which establishes a credible threat to life/property under normal circumstances must be present for the City to get involved, and a discussion was held.

5. Chapter 106, Zoning

a. Allowed Uses

- i. Ms. Wines stated that administrative services is defined as governmental offices providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state, county, and city offices. She further explained that currently, administrative services are not allowed by right in any zoning district. As it is appropriate to have such offices in certain districts, it is proposed to add the use by right

in the following districts: RB – Residential Business District, HBD – Highway Business District, LM – Light Manufacturing District

- ii. Ms. Wines explained that BCD, Business Commerce District was designed as a flexible zoning district to include commercial and industrial uses. Development standards would be established during the rezoning process. However, several parcels have been rezoned to BCD without the establishment of site development regulations. The included map delineated multiple locations within the city. She further explained that it is appropriate that retail and restaurant be added, and development regulations be the same as HBD if not already established, and a discussion was held.

b. Short-term rentals

Ms. Wines detailed that for the last two years, legislation was introduced to, but not passed by, the Virginia General Assembly which would authorize the state to regulate short term rentals in localities that had not already adopted corresponding regulations. Many leaders expect that the bill will be re-introduced and passed at some point in the near future. At this point, it is proposed to install the regulations for short term rentals (along with the use and design standards) without actually permitting the use in any zoning district. This will shield the City of Salem from being forced to adopt the state's standards, while also providing the flexibility to permit short term rentals if it is deemed appropriate at some point in the future. She continued by detailing the specific regulations that could be considered, and a discussion was held.

c. Parking

Ms. Wines explained that over the last several years it has been discussed to revise the parking requirements. As the comprehensive plan revision moves forward and subsequently the zoning ordinance update will follow then there will be time to test the effectiveness of these changes. She further explained that removing a section of the code that was added in the wrong location and adding a graphic to code would be included in these

changes. She continued by stating that changes to the criteria for determining required parking spaces is suggested in an effort to reduce the minimum required parking and introduce maximum allowed parking. The changes would be as follows: change the basis from gross square feet to net square feet. Net square fee is 75% of the gross floor area. Where the number of parking spaces is based on the square footage of the building this will reduce the minimum requirements by 25%. Maximum allowed parking shall be 140% of the minimum. There will be allowances added for reductions regarding alternative transportation modes and green infrastructure, and a discussion was held.

d. Storage Containers

Ms. Wines stated that the Planning and Zoning Division was directed at a previous work session to count the number of storage containers being utilized in the city. As the counting began it became very evident very quickly that the numbers would be in the thousands. The containers are a very economical way for businesses to store merchandise and materials so instead of recommending to not allow their use, staff recommends the following:

- i. Containers on residential property must be temporary, require a permit, and cannot be any longer than 20; in length.
- ii. Commercial and industrial property may use containers on a permanent basis as long as they are in suitable condition, do not take up existing parking spaces, are placed in the rear of property and shielded from public view, and cannot be seen from the public way of the following streets, screening is not allowed:
 - a. Main Street
 - b. Wildwood Road
 - c. 4th Street
 - d. Thompson Memorial Drive
 - e. College Avenue
 - f. Electric Road
 - g. Texas Street
 - h. Roanoke Boulevard
 - i. Apperson Drive

j. South Colorado Street
And a discussion was held.

3. Adjournment

Mayor Turk inquired if there were any other items for discussion and hearing none, adjourned the joint session at 10:05 a.m.

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

MEETING DATE: October 9, 2023

AGENDA ITEM: Consider adoption of Resolution 1459 in support of the Roanoke Boulevard Downtown Streetscape Project.

SUBMITTED BY: William L. Simpson, Jr., City Engineer

SUMMARY OF INFORMATION:

The City of Salem currently has \$1,000,000 funded through Revenue Sharing for the continuation of the downtown streetscape project along Roanoke Boulevard from Main Street to College Avenue. This project currently has an estimate of over \$3,000,000 to construct. As a result of this, the City is seeking additional revenue sharing funds up to \$2,500,000 in the fiscal year 2027-2028 cycle. Revenue sharing funds require a 50% match from the locality. The City is not obligated to utilize the full amount if not needed but the application for additional funds allows the City to leverage these State funds for the project if approved.

FISCAL IMPACT:

Additional revenue sharing funds awarded would be available to supplement the completion of this downtown project phase.

STAFF RECOMMENDATION:

Staff recommends that the Council approve this resolution of support.

IN THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, OCTOBER 9, 2023:

RESOLUTION #1459

A RESOLUTION FOR THE COUNCIL OF THE CITY OF SALEM, VIRGINIA

AS AN ENDORSEMENT OF ROANOKE BOULEVARD STREETSCAPE

PROJECT UPC 113142

WHEREAS, the City of Salem has an established project for the ROANOKE BOULEVARD STREETSCAPE PROJECT, in which \$500,000 of funds are through Virginia Department of Transportation Revenue Sharing Program and \$500,000 are through local City funds, and,

WHEREAS, the City of Salem Council desires to submit an application for an allocation of additional funds of up to \$1,250,000 through the Virginia Department of Transportation Fiscal Year 2027-28, Revenue Sharing Program; and,

WHEREAS, \$1,250,000 of these funds are requested as additional funds for the existing streetscape project along Roanoke Boulevard and Market Street between College Avenue and Main Street (UPC 113142), including, but not limited to, addition of brick sidewalks, landscaping, lighting, improving pedestrian access; and,

WHEREAS: The City of Salem Council hereby supports this application for an allocation of \$1,250,000 through the Virginia Department of Transportation Fiscal Year 2027-28 Revenue Sharing Program.

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Salem hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s).

BE IT FURTHER RESOLVED THAT: The Council of the City of Salem hereby grants authority for the City Manager to apply for funds and execute project administration agreements, as well as other documents necessary for approved projects.

Adopted: _____

Attest:

Clerk

Mayor

In my capacity as the duly appointed Clerk of the City of Salem, I hereby certify that Resolution #1459 which is hereto attached, was adopted at a duly called and constituted meeting of the City of Salem held at Salem City Hall Council Chambers on October 9, 2023. Said meeting was called to order by Mayor Turk at 6:30 p.m. with the following members present who remained in attendance throughout and constituted a quorum:

H. Hunter Holiday

James W. Wallace, III, Vice-Mayor

William D. Jones

Renée Ferris Turk, Mayor

Byron Randolph Foley

The Council of the City of Salem, voted unanimously to adopt attached Resolution #1459

Given under my hand this 9th day of October, 2023.

Clerk

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

MEETING DATE: October 9, 2023

AGENDA ITEM: Request to approve an extension in the Performance Agreement between the City of Salem, Parkway Brewing Company, LLC, and the Economic Development Authority (EDA) of the City of Salem; and authorization to the City Manager to issue the required written approval extending the Performance Date to February 23, 2023.

SUBMITTED BY: Thomas Miller, Director of Economic Development

SUMMARY OF INFORMATION:

In 2017, the City, EDA, and Parkway Brewing entered into a Performance Agreement related to a grant received from the Virginia Governor's Agriculture & Forestry Industries Development Fund (AFID Grant) in the amount of \$150,000. The grant stipulated that the funding be provided to the City, with the expectation that the City provide these funds to the EDA to utilize for Parkway Brewing.

The grant required that the City provide matching funds in the amount of \$150,000. A separate Performance Agreement was required for the matching funds that incorporates the same targets and repayment obligations as the Governor's Grant and Performance Agreement for the AFID funding.

The AFID grant stipulated that Parkway Brewing meet certain targets related to facility expansion and machinery/equipment investment, additional full-time equivalent jobs, and investment in Virginia-grown agricultural and forestall products. The AFID grant is administered by and target compliance is determined by the Virginia Department of Agriculture and Consumer Services (VDACS).

The Performance Date for achieving these targets was November 30, 2021. However, due to pandemic-related impacts, VDACS has retroactively approved an extension of the Performance Date for such projects to February 23, 2023. VDACS requires the locality to approve this extension for their final approval. The EDA approved the extension at their September 19, 2023 meeting pending Council's subsequent consideration and approval.

FISCAL IMPACT:

The extension does not change the repayment terms to the State or City and EDA, only the date by which the targets must be met as determined by VDACS.

STAFF RECOMMENDATION:

Staff recommends approval of the extension of the Performance Date to February 28, 2023; and authorization to the City Manager for issuance of written notification to all parties of this extension as required.

Item #6C
Date: 10/9/2023

October 9, 2023

Council of the City of Salem
Salem, Virginia 24153

Dear Council Members:

For your information, I am listing appointments and vacancies on various boards and commissions:

<u>Board or Commission</u>	<u>Recommendation</u>
Board of Equalization of Real Estate Assessments	Recommend Janie Whitlow for Circuit Court re-appointment for a three-year term expiring November 30, 2026.
Board of Zoning Appeals	Recommend Tony Rippee for Circuit Court re-appointment as an alternate for a full five-year term expiring October 12, 2028 and Steve Belanger for Circuit Court re-appointment for a full five-year term as an alternate expiring November 13, 2028.
Community Policy Management Team (CPMT)	Upon CPMT approval, recommend appointing Joshua Vaught from Court Services as additional alternate.
<u>Vacancies</u>	
Blue Ridge Behavioral Healthcare	Need one member to complete remainder of three-year term ending December 31, 2024.
Board of Appeals (USBC)	Need one alternate, five-year term
Economic Development Authority	Need replacement for Rob Robinson, to complete remainder of four-year term ending December 14, 2024.
Roanoke River Blueway Advisory Committee	Need one member, two-year term

Sincerely,

Laura Lea Harris

Laura Lea Harris
Deputy Clerk of Council

**CITY OF SALEM, VIRGINIA
BOARDS AND COMMISSIONS
October 9, 2023**

MEMBER EXPIRATION OF TERM

BLUE RIDGE BEHAVIORAL HEALTHCARE

Term of Office: 3 years (3 terms only)

Vacant (replace Ann Tripp) 12-31-24

Rev. C. Todd Hester 12-31-25

Dr. Forest Jones 12-31-23

AT LARGE MEMBERS:

Patrick Kenney 12-31-25

Helen Ferguson 12-31-23

Bobby Russell 12-31-24

BOARD OF APPEALS (USBC BUILDING CODE)

Term of Office: 5 years

John R. Hildebrand 1-01-26

Robert S. Fry, III 1-01-28

David A. Botts 1-01-25

Nathan Routt 5-11-25

Joseph Driscoll 1-01-28

ALTERNATES:

David Hodges 12-12-26

Chelsea Dyer 8-09-25

Vacant

BOARD OF EQUALIZATION OF REAL ESTATE

ASSESSMENTS

Term of Office: 3 years (**appointed by Circuit Court**)

Wendel Ingram 11-30-24

N. Jackson Beamer, III 11-30-24

David A. Prosser 11-30-25

Janie Whitlow 11-30-23

Kathy Fitzgerald 11-30-24

BOARD OF ZONING APPEALS

Term of Office: 5 years (**appointed by Circuit Court**)

F. Van Gresham 3-20-27

Frank Sellers 3-30-28

Winston J. DuBois 6-05-24

Gary Lynn Eanes 3-20-25

Tom Copenhagen 3-20-27

ALTERNATES:

Tony Rippee 10-12-23

Jeff Zoller 3-1-28

Steve Belanger 11-13-23

CHIEF LOCAL ELECTED OFFICIALS (CLEO)

CONSORTIUM

No Term Limit

H, Hunter Holliday

Alternate: James E. Taliaferro, II

MEMBER

EXPIRATION OF TERM

CONVENTION & VISITORS BUREAU

John Shaner No term limit

COMMUNITY POLICY AND MANAGEMENT TEAM

No term limit except for Private Provider

(Names) (Alternates)

Rosie Jordan Tammy Todd

Laura Lea Harris Crystal Williams

Kevin Meeks Amy Cole Jasmin Lawson

Cathy Brown Sarah Watkins Howard Shumate

Leigh Frazier Courtenay Alleyne

Heather Gunn Chris Park

Mark Chadwick

Parent Rep-Vacant Vacant

Sue Goad Chrissy Brake

Randy Jennings Deborah Coker

Darryl Helems Mandy Hall

Derek Weeks Danny Crouse

Health Dept. - Vacant Vacant

Wendel Cook Jessica Cook

*Note: Rosie Jordan will serve as Fiscal Agent

For the City of Salem

ECONOMIC DEVELOPMENT AUTHORITY

Term of Office: 4 years (**Requires Oath of Office**)

William Q. Mongan 3-09-27

Paul C. Kuhnel 3-09-24

J. David Robbins 3-09-24

Cindy Shelor 4-10-25

Macel Janoschka 3-09-25

Sean B. Kosmann 12-14-24

Vacancy 12-14-24

FAIR HOUSING BOARD

Term of Office: 3 years

Betty Waldron 7-01-25

Melton Johnson 7-01-26

Cole Keister 8-09-24

Pat Dew 3-01-24

Janie Whitlow 4-09-24

<u>MEMBER</u>	<u>EXPIRATION OF TERM</u>
---------------	---------------------------

FINE ARTS COMMISSION (INACTIVE)

Term of Office: 4 years

Cameron Vest	5-01-15
Julie E. Bailey Hamilton	5-01-15
Brenda B. Bower	7-26-12
Vicki Daulton	10-26-12
Hamp Maxwell	10-26-12
Fred Campbell	5-01-13
Rosemary A. Saul	10-26-13
Rhonda M. Hale	10-12-14
Brandi B. Bailey	10-12-14

STUDENT REPRESENTATIVESLOCAL OFFICE ON AGING

Term of Office: 3 years

John P. Shaner	3-01-24
----------------	---------

Partnership for a Livable Roanoke Valley

Term of Office: Unlimited

James E. Taliaferro, II

PERSONNEL BOARD

Term of Office: 2 years

William R. Shepherd	6-09-25
J. Chris Conner	8-12-25
Margaret Humphrey	8-12-25
Garry Lautenschlager	11-23-24
Teresa Sizemore-Hernandez	4-26-25

PLANNING COMMISSION AND
NPDES CITIZENS' COMMITTEE

Term of Office: 4 years

Neil Conner	7-31-26
Denise "Dee" King	7-31-26
Vicki Daulton	7-26-27
Reid Garst	7-31-26
N. Jackson Beamer	8-28-27

REAL ESTATE TAX RELIEF REVIEW BOARD

Term of Office: 3 years

David G. Brittain	2-14-25
Wendel Ingram	6-11-24
Daniel L. Hart	2-14-24

ROANOKE REGIONAL AIRPORT COMMISSION

Term of Office: 4 years

Dale T. Guidry	7-1-24
----------------	--------

ROANOKE RIVER BLUEWAY ADVISORY COMMITTEE

Term of Office: 2 years

Jeff Ceasar	6-30-24
Vacant	6-30-25

<u>MEMBER</u>	<u>EXPIRATION OF TERM</u>
---------------	---------------------------

ROANOKE VALLEY-ALLEGHANY REGIONAL
COMMISSION

Term of Office: 3 years

H. Hunter Holliday	6-30-24
Dee King	6-30-26
James W. Wallace, III	6-30-24

ROANOKE VALLEY BROADBAND AUTHORITY

Term of Office: 4 years

James E. Taliaferro, II	12-14-23
Mike McEvoy (Citizen At-large)	12-13-25

ROANOKE VALLEY DETENTION COMMISSION

No Terms

Member	Alternate
James Taliaferro	Rosemarie Jordan

ROANOKE VALLEY GREENWAY COMMISSION

Term of Office: 3 years

Dr. Steven L. Powers	11-08-24
Russ Craighead	7-25-25
Skip Lautenschlager	9-26-26

ROANOKE VALLEY RESOURCE AUTHORITY

Term of Office: 4 years

Rob Light	12-31-23
-----------	----------

ROANOKE VALLEY TRANSPORTATION PLANNING
ORGANIZATION (TPO) POLICY BOARD

Term of Office: 3 years

Renee F. Turk	6-30-26
H. Hunter Holliday	6-30-26
Alternate: Byron R. Foley	6-30-26

SCHOOL BOARD OF THE CITY OF SALEM

Term of Office: 3 years

Nancy Bradley	12-31-24
Teresa Sizemore-Hernandez	12-31-24
Andy Raines	12-31-25
Stacey Danstrom	12-31-25
David Preston	12-31-23

SOCIAL SERVICES ADVISORY BOARD

Term of Office: 4 years, 2 term limit

Heath Rickmond	12-01-26
----------------	----------

TOTAL ACTION FOR PROGRESS

Term of Office: 2 years

Byron Randolph Foley	11-13-23
(vacant - full-time alternate)	11-13-21

MEMBEREXPIRATION OF TERMTRANSPORTATION TECHNICAL COMMITTEE (TTC)

Term of office: 3 years

Crystal Williams	6-30-26
Josh Pratt	6-30-26
Alternate: James E. Taliaferro, II	6-30-26
Alternate: Max Dillon	6-30-26

VIRGINIA WESTERN COMMUNITY COLLEGE LOCAL
ADVISORY

Term of Office: 4 years (2 terms only)

Dr. Forest I. Jones, Jr.	6-30-26
--------------------------	---------

VIRGINIA'S BLUE RIDGE BOARD

Term of Office:

James E. Taliaferro, II

WESTERN VIRGINIA EMERGENCY MEDICAL
SERVICES COUNCIL

Term of office: 3 years

Deputy Chief Matt Rickman	12-31-25
---------------------------	----------

WESTERN VIRGINIA REGIONAL INDUSTRIAL
FACILITY AUTHORITY

Term of Office: 4 years **(Requires Oath of Office)**

James E. Taliaferro, II	2-3-26
H. Robert Light	2-3-24
Crystal Williams(Alternate for Taliaferro)	2-3-26
vacant (Alternate for Light)	2-3-24

WESTERN VIRGINIA REGIONAL JAIL AUTHORITY

Term of Office: 1 year – Expires 12-31-23

(Requires Oath of Office)

William D. Jones

Alternate: Byron R. Foley

James E. Taliaferro, II

Alternate: Rosemarie Jordan

April M. Staton

Alternate: Chief Deputy-Major Steve Garber