

City Council Meeting

MINUTES

Monday, May 8, 2017, 7:30 PM

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

1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia, was called to order at 7:30 PM, there being present the following members to wit: Byron Randolph Foley, Mayor, William D. Jones, Vice-Mayor, Council members: Jane W. Johnson, James A. Martin, and James L. Chisom; along with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Rosemarie B. Jordan, Director of Finance; Melinda J. Payne, Director of Economic Development; Charles E. VanAllman, Jr., Director of Community Development; Mike Stevens, Communications Director; and Stephen M. Yost, City Attorney.

2. Pledge of Allegiance

3. Bid Openings, Awards, Recognitions

4. Consent Agenda

A. Minutes

Consider acceptance of minutes from the April 24, 2017, work session and regular meeting.

Approved

5. Old Business

A. Vacation of Right of Way

Consider ordinance on second reading to permanently vacate a portion of an existing 15' public alley beginning at a point on the north side of West First Street and extending to the adjacent property owner to the north which is approximately 267.67' in the City of Salem. (Approved on first reading at the April 10, 2017, meeting.)

William Jones motioned to permanently vacate a portion of an existing 15' public alley beginning at a point on the north side of West First Street and extending to the adjacent property owner to the north which is approximately 267.67' in the City of Salem. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

B. Budget Ordinance

Consider on second reading the ordinance to appropriate funds for the fiscal year 2017 - 2018 budget.

Mayor Foley noted that the approval will include the amendments which were discussed in the work session.

James Martin motioned to approve the ordinance on second reading to appropriate funds for the fiscal year 2017-2018 budget including the amended fund budget summary. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

6. New Business

A. Taxicabs

Consider issuance of a Certificate of Public Convenience and Necessity for Salem Cab Service, LLC and Roanoke Taxi beginning on April 1, 2017. (Advertised in the April 20, & 27, 2017, issues of the *Salem Times Register*.)

Mr. Boggess noted that Mrs. Patterson with Salem Cab is present. He noted the information initially from Officer Critz was that everything was in order for Salem Cab Service LLC but then he received a notice from the insurance company that the insurance was going to expire in June, less than 30 days from today. So the question now is what Council would like to do. He further noted if the insurance were to expire during the term it would revoke the Certificate of Public Convenience and Necessity because it would no longer be valid without the insurance.

Mr. Yost noted that Mr. Boggess is correct and actually what we have received is a notice of cancellation of the insurance. The notice is effective on May 5th and the date of cancellation is June 6th so he is guessing this may be a grace period. There is certainly a requirement under the ordinance that any holder of this certificate must have insurance in place.

Mayor Foley opened the public hearing and asked if anyone would like to speak regarding the matter.

Pat Patterson, registered agent for Salem Cab Service LLC, appeared before City Council. She asked if she could address the insurance issue. She noted that their insurance runs from June to June. There was an arrears on one of the payments but then they received a rescission on that cancellation. She did not know that she

needed to bring this information or she would have provided it. She will be glad to bring a copy to the city offices.

Mayor Foley closed the public hearing.

James Martin motioned to continue the request for the issuance of a Certificate of Public Convenience and Necessity for Salem Cab Service, LLC and Roanoke Taxi beginning on April 1, 2017 to the May 22 meeting. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

B. Miscellaneous Fees - 2017

Consider the adoption of Resolution 1317 related to Miscellaneous Fees for 2017.

Mr. Taliaferro noted the fees proposed for the next fiscal year are basically unchanged from this year. There are two changes - one for Parks and Recreation, a fee for late registration and one for the Library, a charge for the replacement of a CD. He further noted that everything is the same and he would be happy to answer any questions.

James Martin motioned to adopt Resolution 1317 related to Miscellaneous Fees for 2017. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

C. Job Classes and Pay Ranges 2017 - 2018

Consider adoption of Resolution 1318, amending the schematic list of job classes, pay ranges and steps previously set forth on May 23, 2016, to be a part of the 2017 - 2018 fiscal year budget. **Audit - Finance Committee**

Vice Mayor Jones noted that the Audit Finance Committee met earlier today and discussed the job classes and pay ranges for 2017-18. The City annually approves the schematic list of job classes and the pay scale that is included in the budget. The proposed pay scale does not reflect any changes for the FY2017-2018. There are changes in the schematic job listing that are reflected in the FY2017-2018 budget. The committee reviewed the request and recommends adoption of the Resolution 1318 amending the schematic list of job classes and the pay scale for FY2017-2018.

William Jones motioned to adopt Resolution 1318, amending the schematic list of job classes, pay ranges and steps previously set forth on May 23, 2016, to be a part of the 2017 - 2018 fiscal year budget. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

D. Tax Rates Resolution

Consider adoption of Resolution 1319, a resolution imposing taxes on real estate, tangible personal property, machinery and tools, and all legal subjects of taxation for City purposes including the property of railroad, express, telephone, telegraph, water, heat (gas) and power companies. **Audit - Finance Committee**

Vice Mayor Jones noted that Chapter 8, Section 8.3 of the City Charter requires City Council to annually lay a tax levy for the ensuing fiscal year on all property, real and personal, subject to taxation for city purposes. State law requires a public hearing be held when the assessment increase for real estate is in excess of 1 percent or a tax rate change is proposed in real estate, personal property or machinery and tools tax. The 2017 reassessment did not increase the tax rate by more than 1%. The committee reviewed the request and recommends the adoption of the resolution levying the following tax rates for the 2017-2018 fiscal year: (1) real estate tax rate of \$1.18 per \$100 assessed value; (2) personal property tax rate of \$3.25 per \$100 of assessed value; and (3) machinery and tools tax rate of \$3.20 per \$100 of assessed value.

William Jones motioned to adopt Resolution 1319, a resolution imposing taxes on real estate, tangible personal property, machinery and tools, and all legal subjects of taxation for City purposes including the property of railroad, express, telephone, telegraph, water, heat (gas) and power companies. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

E. Adoption of 2017 - 2018 Budget

Consider Resolution 1320 to adopt the fiscal year 2017 - 2018 budget. **Audit - Finance Committee**

Vice Mayor Jones noted the adoption of the FY 2017-2018 budget is being requested to fulfill our legal requirement of adopting and having a first and second reading of the appropriation ordinance prior to July 1. Approval of the City budget is for informative and fiscal planning purposes only and does not actually commit or appropriate funds for expenditure. The Commitment of funds will not occur until the approval of the second reading of the FY 2017-2018 appropriation ordinance. The Audit Finance Committee reviewed the request and recommends adoption of Resolution 1320 for the 2017-2018 fiscal year budget.

William Jones motioned to adopt Resolution 1320 for the City of Salem fiscal year

2017-2018 budget. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

F. Food Insecurity Nutrition Incentive Grant

Consider request to appropriate the Food Insecurity Nutrition Incentive (FINI) grant. **Audit - Finance Committee**

Vice Mayor Jones stated the Audit Finance Committee met to discuss this request. The Salem Farmers Market was awarded the Food Insecurity Nutrition Incentive (FINI) grant from the United States Department of Agriculture for a three-year period beginning in fiscal year 2016. The intent of this program is to support projects to increase the purchase of fruits and vegetables among low-income customers participating in the Supplemental Nutrition Assistance Program (SNAP) by providing incentives at the point of purchase. This grant award was for a three year period, allowing the City to provide assistance through October 2017. The fiscal year 2017 budget needs to be adjusted for the grant award. The committee reviewed the request and recommends appropriating \$6,602 in grant revenue to the Food Insecurity Nutrition Incentive (FINI) account and increase the budget for the Farmers Market Food Insecurity Nutrition Incentive (FINI) grant program by \$6,602.

William Jones motioned to appropriate the Food Insecurity Nutrition Incentive (FINI) grant monies. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

G. Mowles Spring Park Improvements

Consider request to appropriate funds for Mowles Spring Park Improvements. **Audit - Finance Committee**

Vice Mayor Jones noted that Mowles Spring Park has been used as an inert debris site in previous years by various City departments. The City needs to bring the facility up to MS-4 standards and has now developed an erosion and sediment control and stormwater management plan for the property. Funds need to be appropriated to cover the cost of permanent stabilization and earthwork as detailed in the plan. Because Water/Sewer and Electric Departments utilize the site, a portion of the funding will be transferred from these funds. The Audit Finance Committee reviewed the request and recommends appropriating the funding for the Mowles Spring Park improvements.

Mr. Martin asked if these activities are related to stormwater management issues that have come up at the facility. Mr. VanAllman noted that this is correct. This is

basically making sure that we have the entire site in compliance with the MS-4 and VSMP requirements and will allow us to continue to use the facility for inert debris.

William Jones motioned to appropriate funds for Mowles Spring Park Improvements. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

H. **West Main Auto Spa**

Consider setting the bond for physical improvements and erosion and sediment control for West Main Auto Spa. **Audit - Finance Committee**

Vice Mayor Jones noted the Audit Finance Committee reviewed the estimate for physical improvements and erosion and sediment control for the West Main Auto Spa. The committee concurs with the City Engineer's office recommendation that the bond be set in the amount of \$28,402 and a period of completion be set at twelve (12) months.

Mayor Foley asked Mr. VanAllman for the location of the proposed project. Mr. VanAllman noted that it is at the intersection of West Main Street and Fort Lewis Boulevard.

William Jones motioned to approve the bond for physical improvements and erosion and sediment control for West Main Auto Spa. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

I. **El Rodeo - Salem**

Consider setting the bond for erosion and sediment control for El Rodeo - Salem. **Audit - Finance Committee**

Vice Mayor Jones note the Audit Finance Committee reviewed the estimate for erosion and sediment control for El Rodeo - Salem. The committee concurs with the Community Development Department's recommendation that the bond be set in the amount of \$9,548 and a period of completion be set at twelve (12) months.

Mr. Martin asked if this is for the grading for this project. Mr. VanAllman noted that this is correct. This is only to bring in fill material and raise the site up four to five feet to basically improve visibility and for drainage. He noted that the actual building plans and the layout for the parking lot, etc. have not been approved by his office yet. This is just to put dirt on the site, get it stabilized and plant grass.

William Jones motioned to approve the bond for erosion and sediment control for El

Rodeo - Salem. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

J. Mason Creek Greenway Project Budget

Consider request to amend Mason Creek Greenway Project Budget. **Audit - Finance Committee**

Vice Mayor Jones stated the second phase of Mason Creek Greenway will complete a walkway connecting the existing Hanging Rock Battlefield Trail to East Main Street along Kesler Mill Road. Construction of Phase 2 is anticipated to begin in the spring or summer of 2018. The City completed the first phase of the Mason Creek Greenway in October 2013 from Lynchburg Turnpike to Roanoke Boulevard. Unused Demonstration funding from this phase of the project was transferred to the second phase. An adjustment is needed to the remaining appropriation recorded by the City to agree with the VDOT allocation. In addition to the transferred Demonstration funds, the City was awarded \$57,392 in Transportation Alternative funding to complete Phase 2 of the Mason Creek Greenway. The Audit Finance Committee reviewed the request and recommends adjusting the federal Demonstration funds allocated to Mason Creek Phase 2 and accepting and appropriating the additional Transportation Alternatives funding.

Mr. VanAllman further discussed the time frame for the completion of the Mason Creek Greenway Phase 2.

William Jones motioned to adjust the appropriation for Mason Creek Greenway Phase 2 Demonstration funding and to accept and appropriate the additional Transportation Alternative funding. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

7. Closed Session

A. Closed Session

Hold a Closed Session in accordance with for discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

William Jones motioned to move to closed session in accordance with Section 2.2-3711A(29) of the 1950 Code of Virginia, as amended for the purposes of a discussion of the award of a public contract involving the expenditure of public

funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

8. Adjournment

Vice Mayor Jones motioned to reconvene at 8:10 p.m. and that in accordance with Section 2.2-3712D. of the Code of Virginia, 1950 as amended to date, Council hereby certifies that in Closed Session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the Closed Session was convened were heard, discussed, or considered by the Council. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

The meeting was adjourned at 8:11 p.m.

Audit Finance Committee, Monday, May 8, 2017, 8:00 a.m., City Manager's Conference Room

Work Session, Monday, May 8, 2017, 5:30 p.m., City Manager's Conference Room