

City Council Meeting MINUTES

Monday, June 26, 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 p.m., 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 June 12, 2017, work session and regular meeting.

Approved

5. Old Business

6. New Business

A. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Joseph M. Sullivan, property owner, for rezoning the property located at 124 Fort Lewis Boulevard, (Tax Map # 137-5-7 and 137-5-6) from HBD Highway Business District to RSF Residential Single Family. (Advertised in the June 8 and 15, 2017 issues of Salem Times Register. Recommend approval; see Page 3 Planning Commission minutes.) **STAFF REPORT**

Staff noted the following regarding the rezoning request: the subject property consists of two parcels on the west side of Fort Lewis Boulevard, north of the intersection with West Main Street. The southernmost property, 124 Fort Lewis

Boulevard (137-5- 7) is approximately 0.4 acres, and is occupied by a single family residence and an associated garage. The other property (137-5-6) is approximately 0.5 acres and is currently vacant. The owner wishes to rezone the property to RSF Residential Single Family in order to make the residential use conforming, and to allow for the construction of a 1,200 square foot garage behind the existing garage on 137-5-7. In addition, accessory structures larger than 1,000 square feet require a Special Exception Permit. Item C is the request for the issuance of this permit.

Mr. Taliaferro noted that Item 6A & 6B are related. The petitioner, Mr. Sullivan, owns property on Fort Lewis Boulevard. He has a house that is zoned commercial, and he would like to build a garage on the property. However, since the use is non-conforming, he cannot expand that use with a garage. So he would like to rezone the property with Item 6A to residential and then Item 6B, get a Special Exception Permit for a garage of 1,200 square feet. The Planning Commission recommended approval on Item 6A and also recommended approval on Item 6B with the condition that the permit be granted if the rezoning occurs.

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

Joseph M. Sullivan of 124 Fort Lewis Boulevard, property owner, appeared before City Council explaining the rezoning and Special Exception Permit requests.

Mayor Foley asked if anyone else would like to speak. There was no response, and the public hearing was closed.

William Jones motioned to approve the ordinance on first reading, the request of Joseph M. Sullivan, property owner, for rezoning the property located at 124 Fort Lewis Boulevard, (Tax Map # 137-5-7 and 137-5-6) from HBD Highway Business District to RSF Residential Single Family. Jane Johnson seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

B. Special Exception Permit

Hold public hearing to consider the request of Joseph M. Sullivan, property owner, for the issuance of a Special Exception Permit to allow a new 1,200 square foot accessory building on the property located at 124 Fort Lewis Boulevard, (Tax Map # 137-5-7). (Advertised in the June 8 and 15, 2017 issues of Salem Times Register. Recommend approval; see Page 5 Planning Commission minutes.) **STAFF REPORT**

Staff noted the following regarding the Special Exception Permit request: the subject property consists of a single parcel located on the west side of Fort Lewis

Boulevard, north of the intersection with West Main Street. It is approximately 0.4 acres, and is occupied by a single family residence and an associated garage. The owner wishes to construct a 1,200 square foot garage behind the existing garage. Accessory structures larger than 1,000 square feet require a Special Exception Permit.

Mayor Foley opened the public hearing and asked if anyone would like to speak regarding this item. He noted that it was not necessary for Mr. Sullivan to speak again. Council also noted that they had read the Planning Commission minutes regarding the request. The public hearing was then closed.

Jane Johnson motioned to approve the request of Joseph M. Sullivan, property owner, for the issuance of a Special Exception Permit to allow a new 1,200 square foot accessory building on the property located at 124 Fort Lewis Boulevard, (Tax Map # 137-5-7) subject to the approval of the rezoning request. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

C. Amendment to the Zoning Ordinance

Hold public hearing to consider the request of Lance B. & Debra M. Duncan, Tarpley Graham, LLC, Justin I. & Andrea N. Boles, Darrell R. & Kirsten K. Printz, Kendall S. & Renae A. Keffer, BGGT, LLC, Daniel I. & Helene M. Shain, David B. & Carolyn F. Bullington, Bradley M. & Elizabeth T. Graham, property owners, for rezoning 13 parcels located at 693, 700, 701, 705, 709, 713, 717, 721, 725, 729 and 733 Ambler Lane (Tax Map #s 271-1-1.1, 271-1-1.2, 271-1-1.3, 271-1-1.4, 271-1-1.5, 271-1-1.6, 271-1-2.1, 271-1-2.2, 271-1-2.3, 271-1-2.4, 271-1-2.5, 271-1-3, 271-1-1, and 290-1-1) from PUD Planned Unit District with conditions to PUD Planned Unit District with amended conditions. (Advertised in the June 8 and 15 issues of Salem Times Register. **Planning Commission continued to the July 12, 2017 meeting**; see Page 5 Planning Commission minutes.) **STAFF REPORT**

Mr. Taliaferro noted that the Planning Commission heard the petitioner at their last meeting, and the petitioner requested the Commission continue the request until their July meeting. If Council chooses to continue the public hearing, the matter would be heard at the July 24th meeting following the Planning Commission meeting.

James Martin motioned to continue the request of Lance B. & Debra M. Duncan, Tarpley Graham, LLC, Justin I. & Andrea N. Boles, Darrell R. & Kirsten K. Printz, Kendall S. & Renae A. Keffer, BGGT, LLC, Daniel I. & Helene M. Shain,

David B. & Carolyn F. Bullington, Bradley M. & Elizabeth T. Graham, property owners, for rezoning 13 parcels located at 693, 700, 701, 705, 709, 713, 717, 721, 725, 729 and 733 Ambler Lane (Tax Map #s 271-1-1.1, 271-1-1.2, 271-1-1.3, 271-1-1.4, 271-1-1.5, 271-1-1.6, 271-1-2.1, 271-1-2.2, 271-1-2.3, 271-1-2.4, 271-1-2.5, 271-1-3, 271-1-1, and 290-1-1) from PUD Planned Unit District with conditions to PUD Planned Unit District with amended conditions to the July 24, 2017, City Council meeting. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

D. Amendment to the City Code

Hold public hearing to consider amending Chapter 106 Zoning, Article II District Regulations, Section 106-218(B)(5) Light Manufacturing District, Commercial Uses and Section 106-220(B)(5) Heavy Manufacturing District, Commercial Uses, and Article III Use and Design Standards, Section 106-310.19 Commercial Uses, pertaining to microbreweries. (Advertised in the June 8 and 15, 2017 issues of Salem Times Register. Recommend approval; see Page 1 Planning Commission minutes.) **STAFF REPORT**

Mr. Taliaferro noted that Council recently added microbreweries to the definitions and uses in the Zoning Ordinance. This proposal would allow microbreweries by Special Exception Permit in industrial districts, Light and Heavy Industrial. This also changes the use and design standards for microbreweries to accommodate this.

Mr. Martin asked if this would be adding just microbreweries as part of the uses in Article II and Article III. Mr. Taliaferro noted that Article II is the district regulations, which would change the industrial use types and Article III refers to the use and design standards for the microbreweries.

Mayor Foley noted that a microbrewery is essentially just a tasting room. Mr. Taliaferro noted that a microbrewery is kind of a commercial version of a brewery. A brewery by our definition is mainly manufacturing. They sell their product to other places and they can have some commercial on site. The microbrewery is kind of the opposite of this. It is mainly a commercial operation selling on site with a small brewery to supply it.

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

William Jones motioned to approve the ordinance on first reading amending Chapter 106 Zoning, Article II District Regulations, Section 106-218(B)(5) Light Manufacturing District, Commercial Uses and Section 106-220(B)(5) Heavy

Manufacturing District, Commercial Uses, and Article III Use and Design Standards, Section 106-310.19 Commercial Uses, pertaining to microbreweries. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

E. Extra Territorial Arrest Agreement

Consider approval and authorize the City Manager to execute the Amendment to the Extra-Territorial Arrest Agreement between the City of Roanoke, Roanoke County and the City of Salem.

Mr. Boggess noted this is an agreement that has been in existence for some time between Roanoke City, Roanoke County, Salem and the Town of Vinton. Essentially the agreement allows on duty officers who are passing through one of the four jurisdictions, if they witness or see a violation of state code, they have the authority or ability to arrest or enforce the code. The amendment is primarily with regards to the old Paragraph 3 which had some references to an old database, which used to be a regional database for sharing information, and this database has been replaced with a new database. He noted there were a few other changes as well. He further noted with the Roanoke County Courthouse, Vinton and Roanoke County officers are through our city quite often. If they should see someone who is exceeding the speed limit by 20 or 30 miles an hour or appears intoxicated or something similar, it gives them the ability to go ahead and make the stop and proceed as if he was in his own locality. This does not give them the ability to patrol or set up radar in our community. In addition what it does allow is a regional DUI Taskforce in our community.

Mr. Yost noted that Mr. Boggess is correct. This is basically housekeeping. There was further discussion regarding the proposed changes to the agreement.

James Chisom motioned to approve and authorize the City Manager to execute the Amendment to the Extra-Territorial Arrest Agreement between the City of Roanoke, Roanoke County, the Town of Vinton, and City of Salem. William Jones seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

F. Abstract of Votes

Receive Abstract of Votes for the Dual Primary Election held on June 13, 2017.

Received

G. Pizza Pasta Pit

Consider setting the bond for physical improvements and erosion and sediment control for Pizza Pasta Pit. **Audit-Finance Committee**

Vice Mayor Jones noted the Audit Finance Committee met and reviewed the estimate for physical improvements and erosion and sediment control for the Pizza Pasta Pit. The Committee concurs with the Engineering Department's recommendation that bond be set in the amount of \$2,035 and a time frame for completion set at twelve (12) months. He asked Mr. VanAllman to explain the request.

Mr. VanAllman noted that basically the Pizza Pasta Pit is planning to add approximately 500 square feet of additional building and seating area and four employee parking spaces. In order to add the parking, they will have to comply with storm water management laws and the required compost remediation. In addition to this, they will have to do some minor landscaping.

There was further discussion regarding the proposed project.

William Jones motioned to approve the bond for physical improvements and erosion and sediment control for Pizza Pasta Pit. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

H. Fiscal Agent Contracts for Fiscal Year 2018

Consider approval for City officials to execute contracts authorizing the City to continue to act as fiscal agent for Court-Community Corrections Regional Alcohol Safety Action Program and Cardinal Criminal Justice Academy. **Audit - Finance Committee**

Vice Mayor Jones noted that contracts for the City to act as fiscal agent for the Court-Community Corrections Regional Alcohol Safety Action Program Board and Cardinal Criminal Justice Academy were attached in Council's packet. The Committee reviewed the request and recommended approval for City officials to execute contracts authorizing the City to continue to act as fiscal agent. He noted if there were any questions that Mrs. Jordan could answer those.

William Jones motioned to approve for City officials to execute contracts authorizing the City to continue to act as fiscal agent for Court-Community Corrections Regional Alcohol Safety Action Program and Cardinal Criminal Justice Academy. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

I. Appropriation of Funds

Consider request to accept and appropriate Byrne Justice Assistance Grant from the Department of Criminal Justice Services. **Audit - Finance Committee**

Vice Mayor Jones noted the Byrne Justice Assistance Grant Program makes federal funds available to localities to help support efforts to reduce crime and improve public safety. This grant will be used to purchase a ballistic shield. The Committee reviewed the request and recommended accepting and appropriating \$1,333 in grant funds.

William Jones motioned to accept and appropriate Byrne Justice Assistance Grant from the Department of Criminal Justice Services. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

J. Appropriation of Funds

Consider request to appropriate supplemental Children's Services Act (CSA) revenue and expenditures. **Audit - Finance Committee**

Vice Mayor noted the state provides funding to the City under the Children's Services Act (CSA) for various services for families. Supplemental requests have been approved by the state that need to be appropriated. The Committee reviewed the request and recommended appropriation of the supplemental Children's Services Act (CSA) revenue and expenditures funds.

Mayor Foley asked how much money is the request. Mrs. Jordan noted that we are appropriating \$462,205 in revenue, and there is an appropriation of expenditures increasing by \$582,955, so the difference of \$120,750 is coming out of contingency. She further noted that there is always a local match of about 35% depending on the type of service. This is the difference in the numbers. It was noted that this is mandated by the State.

William Jones motioned to appropriate supplemental Children's Services Act (CSA) revenue and expenditures. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

K. School Grant Fund

Consider request to amend School Grant Fund budget as approved by the School Board on June 20, 2017. **Audit - Finance Committee**

Vice Mayor Jones noted the School Grant Fund budget was amended for fiscal year

2016-2017 by the school board on June 20, 2017, and budget amendments totaling \$8,250 were presented to increase the revenue and expenditure budgets in the Grant Fund. The Committee reviewed the request and recommended approval to amend the School Grant Fund Budget.

William Jones motioned to amend the School Grant Fund budget as approved by the School Board on June 20, 2017. James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

L. Appropriation of Funds

Consider request to accept and appropriate the Rescue Squad Assistance Fund (RSAF) Grant. **Audit - Finance Committee**

Vice Mayor Jones noted the City has been awarded \$106,652 in Rescue Squad Assistance Fund (RSAF) grant funds from the Virginia Office of Emergency Medical Services to purchase a new ambulance. This is a 50/50 grant. The rest of the funding for the ambulance was included in the fiscal year 2017 budget. The Committee reviewed the request and recommended accepting and appropriating of the Rescue Squad Assistance Fund grant.

William Jones motioned to accept and appropriate the Rescue Squad Assistance Fund (RSAF) Grant. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

M. Appropriation of Funds

Request to appropriate the Governor's Agriculture & Forestry Industries Development Fund Grant (AFID). **Audit - Finance Committee**

Vice Mayor Jones state the City has been awarded a grant of \$150,000 from the Virginia Department of Agriculture and Consumer Services (VDACS) for operation and expansion of Parkway Brewing, LLC. The grant required a match from the City of Salem for \$150,000. The Committee reviewed the request and recommended appropriation of the \$150,000 in matching funds.

William Jones motioned to appropriate the Governor's Agriculture & Forestry Industries Development Fund Grant (AFID). James Chisom seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

N. Appropriation of Funds

Request to appropriate additional funds for the renovations at Salem Memorial Park. **Audit - Finance Committee**

Vice Mayor Jones noted the City borrowed funds on June 21, 2016, to finance a variety of City projects, including renovations and upgrades at Salem Memorial Park. This borrowing included \$1,350,000 for the projects at the ballfield. Additional funds in the amount of \$120,831 are needed to cover cost overruns for the various projects. The Committee reviewed the request and recommended appropriation of the additional funds for the project at Salem Memorial Ballpark.

Mr. Martin noted the ballpark looks great. Allstar weekend turned out to be a nice success and he believes all the repairs were well received and everything looks good.

William Jones motioned to appropriate additional funds for the renovations at Salem Memorial Park. James Martin seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

O. Boards and Commissions

Consider appointments to fill vacancies on various boards and commissions.

Jane Johnson motioned to appoint Michelle Wright as the private provider representative to the Community Policy and Management team with a term ending on June 30, 2020. William Jones seconded the motion.

Ayes: Chisom, Foley, Johnson, Jones, Martin

7. Closed Session

8. Adjournment

The meeting was adjourned at 7:57 p.m.

Audit - Finance Committee Meeting, 8:00 a.m., City Manager's Conference Room

Work Session Meeting, 6:30 p.m., City Manager's Conference Room