



CITY COUNCIL

MINUTES

Agenda

Monday, November 25, 2024, 6:30 PM

Regular Session, 6:30 PM, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

WORK SESSION IS CANCELLED FOR NOVEMBER 25, 2024

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 PM, 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 Jim Guynn, City Attorney.

2. Pledge of Allegiance

3. Bid Opening, Awards, Recognitions

4. Consent Agenda

A. Citizen Comments

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

Jane Johnson, 615 Academy Street, was the first citizen to address Council. She congratulated the new and outgoing Council members and expressed that she felt Council had made a wise decision in hiring Mr. Dorsey. Ms. Johnson also thanked the Economic Development team for keeping them updated on all the downtown improvements. She asked Council to fully fund the police as they go into the next budget session.

Lisa Garst, 316 Sunset Road, also expressed appreciation to the members of Council for their service to the City of Salem. She spoke encouraging Council, as the City goes into the final stages of development of the Comprehensive Plan, to consider what Salem can do for the future of the children and make Salem a place where all feel included and welcomed.

Ronald Thompson, 1000 W. Riverside Drive, expressed continued concern about his problems of soil erosion and falling trees. His son, Matthew Thompson, also shared his concerns on the issues on this property. He asked for a follow-up meeting with City staff to discuss these issues and receive direction.

Joe Foley, 302 Academy Street, addressed Council, encouraging Council to strive to attain the best information available when making decisions, to discuss the information together, and then to make the best possible decision with a united front. He emphasized that the "Salem Way is to make a decision and make it the best it can be for the citizens of the community." He also expressed appreciation to Vice-Mayor Wallace and Councilman Jones for their service.

Carolyn Minix, 617 Delaware Street, was the last citizen to address Council this evening. She expressed that she wanted to focus on positive things going on in the community. She spoke of the pickleball courts, the Facade Grant Program and the positive impacts of this on the downtown area, the murals, the renovation of Salem High School, the Salem School system, the Valleydale apartments, good road maintenance, rapid power restoration when there is an outage, easy access to Interstate 81, the Greenway, wonderful support by Fire/EMS, and the current economic and business development that is happening in Salem.

Hunter Holliday made a motion to extend the public comment period for tonight and the December 9, 2024, meeting. Jim Wallace seconded the motion and noted that he felt that citizens should have the opportunity to be heard if they wished to be heard.

Mayor Turk noted that this was out of order and not currently on the agenda, but that she would allow the motion. She asked if there were any questions or comments.

Ayes: Hunter Holliday, James Wallace

Nayes: William Jones, Randy Foley, Renée Turk

The motion did not carry.

Mayor Turk noted that Council had established guidelines to be used for citizen comment and that if an adjustment needed to be made to those that this could be discussed.

B. Minutes

Consider acceptance of the November 6, 2024, Special Meeting Closed Session minutes and the November 12, 2024, Work Session and Regular Meeting minutes.

The minutes were accepted as written.

C. Financial Reports

Consider acceptance of the Statement of Revenues and Expenses for the four months ending October 2024.

The financial reports were received.

5. Old Business

6. New Business

A. Council Salary Ordinance

Hold a public hearing and consider the first reading of an ordinance increasing and establishing the annual salaries of the Mayor and Council effective July 1, 2027. (Advertised in the November 16 and 17, 2024, issues of the *Roanoke Times*.)

Mayor Turk asked City Manager Dorsey for information on this item.

Mr. Dorsey noted that the last time that salary for Council was set or changed by the General Assembly was 1996. The General Assembly passed this change during the spring session this year upon studying various populations and salaries relative to those populations. Some cities have already made this change. Council salaries for those municipalities that passed this change prior to July 1st of this year will become effective this coming year. This change being requested by Council would raise the salary of the Mayor from \$13,000 to \$24,000 and for Council from \$12,000 to \$22,000. This would not take effect until July 1, 2027. This change is being requested in light of the increased cost of living, and it was noted that this salary is a token salary for all the work that the members of Council put in, which is greatly appreciated by the administration of City Hall.

Mayor Turk opened the public hearing.

John Breen, 142 Bogey Lane, expressed support for an increase in salary for Council

and the Mayor. He noted that many cities in Virginia pay Council by the hour rather than by salary. He encouraged Council to consider using a pay-by-hour system of pay for Council.

Mayor Turk closed the public hearing.

William Jones motioned to adopt the ordinance on first reading increasing and establishing the annual salaries of the Mayor and Council effective July 1, 2027. Randy Foley seconded the motion.

Vice-Mayor Wallace noted that he felt just because the legislature granted the ability to make this salary increase did not mean that they should take this action. He noted that he felt they would attract people that were wanting to serve the City with a more modest salary, and that a larger salary would attract people that were drawn by the salary.

Ayes: William Jones, Randy Foley, Renee Turk

Nays: Hunter Holliday, James Wallace

Abstaining: None

B. Amendment to the City Code - Chapter 106, Zoning

Hold public hearing and consider ordinance on first reading 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. (Advertised in the November 16 and 17, 2024, issues of the *Roanoke Times*.) (Planning Commission Public hearing was held September 11, 2024 and item was continued to the November 13, 2024, meeting. (Planning Commission recommended approval with a unanimous vote.)

Mary Ellen Wines, Planning & Zoning Administrator, 21 S. Bruffey Street, provided the following background information. Prior to 2017, storage containers were not regulated. In 2017, Council adopted an ordinance that allowed storage containers on a temporary basis, but not on a permanent basis. Through the COVID crisis, it became apparent that storage containers were an economical and easy way for businesses to add additional storage. While they are an economical choice, their appearance can also distract from the character of corridors should they not be maintained. In order to maintain Salem's business-friendly atmosphere, staff was directed to propose a code amendment that would be beneficial to our businesses while not creating a negative impact on our major corridors. Staff met with Planning Commission and toured the city to discuss the usage and appearance of containers. Although the proposed amendment is not a perfect fix, staff feels it is an acceptable compromise. The proposed storage container ordinance excludes storage containers utilized for temporary purposes, located in the right-of-way, used for occupancy as approved by the Uniform Statewide Building Code, or utilized in conjunction with an active building permit. Ms. Wines summarized the details of the proposed ordinance for Council and for the public.

Mayor Turk opened the public hearing.

Lisa Garst, 316 Sunset Road, thanked Ms. Wines for the focus on those using storage containers as signage and advertising and noted that had been a concern of hers. She asked if anything was included in the placement of the storage containers so that they were not allowed in the floodway or floodplain.

Mayor Turk requested that Ms. Wines address this question.

Ms. Wines responded that this was a consideration, but that Community Development did not have a concern with placing these in the floodway or floodplain as they could be moved if necessary as they were not permanent structures. She added that they were allowed as with other storage sheds.

Vice-Mayor Wallace asked Ms. Wines if she had seen what happened in Asheville, North Carolina with the storage containers.

Ms. Wines responded affirmatively and agreed that this would be something to take into consideration. She emphasized that staff realized this was not a 100% fix and this was something that could be looked at in the future in verifying that these storage containers were placed in proper places.

Mr. Foley noted that he would like to see this addressed in the near future.

Mayor Turk closed the public hearing.

Vice-Mayor Wallace motioned to adopt the Chapter 106 Zoning amendment as stated in Item 6B and to also include the fact that mobile containers should not be in the flood plain or floodway. Hunter Holliday seconded the motion.

Ms. Wines requested to speak again and was asked to come forward. She noted that she did understand the concerns that were being addressed and that recent evidence proves that. However, most of Salem's industrial property is located in the flood plain. Most of the usage of storage containers is by industrial properties. She noted that she agreed that this needed to be reviewed, and she requested that Community Development be given time to study this to determine what would be impacted and what could be done to protect the channels in the flood event before putting that specification into place. Currently, storage containers are not allowed on a permanent basis at all. Ms. Wines emphasized the importance of balancing whatever action is taken as this would affect a number of properties that utilize storage containers.

Mr. Van Allman noted that they could also look at aspects of what the Virginia Statewide Building Code requires for anchoring if the main concern is to stay on site. He asked to address the fact that during a hurricane houses, cars, and other large objects become mobile. He also noted that the floodplain is defined by one hundred years and that the hurricane that went through Asheville was in some estimates 1,000

years. Mr. Van Allman noted that there were many factors to take into consideration. He also noted distinctions in definitions for the flood fringe, the floodplain, and the floodway, and that part of the definition related to the velocity of the water. He stressed the importance of studying this prior to making changes to this.

Vice-Mayor Wallace amended his motion and moved to adopt on first reading the ordinance amending Chapter 106, Zoning Codes as written and presented in Item 6D this evening pertaining to Chapter 106 Zoning Codes.

Councilman Foley noted that, unrelated to the motion, he would like to strongly encourage that the City being this process.

Mr. Van Allman stated that he would have a discussion with the building official to see how this could be done. He indicated that he did not believe this would be a difficult matter to determine what would be proper anchoring and to apply this.

Councilman Holliday asked about studying past precedents such as the flood of 1985 to determine how that was handled in the past and if any of that information would be relevant now.

Mr. Van Allman explained that they would go back and check velocities versus the weight of these structures and utilize that information.

Randy Foley seconded Vice-Mayor Wallace's amended motion.

Ayes: Hunter Holliday, William Jones, Randy Foley, James Wallace, Renée Turk
Nays: None

C. Amendment to City Code - Chapter 18

Consider adoption of ordinance on first reading amending Chapter 18, Buildings and Building Regulations, Article VII, Historic Structures be renamed and by adopting additional sections 18-701 through 18-805 of the Code of the City of Salem, Virginia, pertaining to the Maintenance of Structures, Spot Blight Abatement, and Vacant Building Registration.

Ms. Wines came forward at Mayor Turk's request to inform the public and Council on information relating to this item. She noted that following Council's retreat in 2023, goals were established to guide the city's initiatives and priorities for the future. It was determined that staff should focus on current property conditions, cleanup, and maintenance. Work sessions were held in September and November of 2023 to discuss possible options. In March 2024, during another Council work session, the options were prioritized, which resulted in the following three proposed code sections of Chapter 18, Buildings.

1) Exterior property maintenance code, which requires the repair of maintenance, building facades, roofing, windows, doors, and other visible structural and decorative elements. This ensures that properties do not fall or continue to fall into disrepair or become eyesores.

2)Spotlight abatement, which provides a mechanism to address isolated properties that have been neglected or are deteriorating so that they cause a negative impact on the surrounding neighborhood. Should owners fail to respond to staff's request to comply, City Council may intervene with a public hearing concerning the repair and other disposition of the property.

3) The vacant building registry, which requires property owners to register their vacant properties and pay a registration fee. Vacant means unoccupied for 12 months or longer and has been boarded up or secured and not lawfully connected to one utility service for six months or longer. This registry will enable the city to track properties, engage with owners, and facilitate rehabilitation to reduce the risk of crime, vandalism, and deterioration.

These code sections are an important step towards maintaining quality of life and encouraging responsible property ownership, resulting in a cleaner, safer, and more attractive community.

James Wallace motioned to adopt on first reading the ordinance amending Chapter 18, Buildings and Building Regulations, Article VII, Historic Structures as presented in the agenda packet. Hunter Holliday seconded the motion.

Councilman Jones asked to instruct Mr. Van Allman through the City Manager to educate the citizens and businesses on this new policy the best the City has ever done so that they were not caught off guard.

Mr. Van Allman affirmed that was his intention and the way he functions. He noted that the desired result is compliance.

Ayes: Hunter Holliday, William Jones, Randy Foley, James Wallace, Renee Turk

Nays: None

Abstaining: None

D. Amendment to the Zoning Ordinance

Consider ordinance on first reading regarding the request of Virginia Baptist Children's Home and Family Services d/b/a Hopetree Family Services (Salem CI) f/k/a The Virginia Baptist Children's Home f/k/a Baptist Orphanage of Virginia, property owner, for rezoning the properties located at 1000 block Red Lane 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 District to PUD Planned Unit District with proffered conditions. (The Planning Commission and City Council held a joint public hearing during the Planning Commissions regular meeting on November 13, 2024 as advertised in the November 1 and 4, 2024, issues of *The Roanoke Times*. The Planning Commission recommended approval by a 4 to 1 vote).

Randy Foley motioned to rezone this property to Planned Unit Development (PUD) as stated in the agenda packet. Bill Jones seconded the motion.

Hunter Holliday motioned to table the vote on this amendment. There was a discussion of procedure and Mr. Guynn noted that a motion could be on the record and a motion could be made to table that motion. Councilman Holliday distributed for the other Council members' review a copy of his written reasons and a list of seven limitations to be included in the plan if it were passed on first reading this evening. He expressed that he felt there were many questions that remained unanswered, and that his vote would be against the amendment for this rezoning. He shared his reasons and spoke of stormwater runoff, traffic, tax impacts, and potential impact on City utilities. Vice-Mayor Wallace seconded the motion.

Ayes: Hunter Holliday, James Wallace

Nayes: William Jones, Randy Foley, Renée Turk

The motion to table the vote did not carry.

Mayor Turk noted that the first motion was still on the table and had been seconded. She asked if there was any further discussion.

Councilman Holliday motioned to amend the original motion to include the seven conditions. There was discussion of procedure.

Mr. Guynn asked Mr. Holliday, as a matter of procedure, if he was requesting that Mr. Foley accept an amendment to his motion.

Mr. Holliday confirmed that this was correct and stated the seven limitations as follows:

- 1) Transport of heavy equipment is permitted Monday through Friday between 9 a.m. and 5 p.m.
- 2) Construction may only take place on Monday through Friday from 8 a.m. to 5 p.m.
- 3) A covenant to run with the land that sets forth a fee for providing City services on the HopeTree PUD's private streets such as snow plowing to be overseen by the City Manager
- 4) A covenant to run with the land that permits the Salem Police, Fire, and Emergency Medical Personnel, and vehicles access to HopeTree private roadways to perform services necessary to their functions for the residents of the City of Salem
- 5) A covenant that runs with the land requiring periodic written approval from the Salem Fire Department and the Development conforms with the Virginia and Salem Fire Codes to be overseen by the City Manager
- 6) Posting signs on all streets that provide access to the HopeTree property which prohibit commercially licensed vehicles with over two axles or a combination with one trailer over 40 feet in length, with the exception of moving vans, and publicly licensed vehicles. Other vehicles exceeding these prohibitions must obtain a special permit from the City Manager.
- 7) A requirement that before the final vote is taken to approve the HopeTree PUD, the City Manager will either certify to City Council that Salem's existing water, sewer, and

stormwater lines are adequate to serve the HopeTree PUD or that a finding cannot be made and provide the estimated cost for necessary studies to identify any water, sewer, and stormwater lines that will need to be repaired, upgraded, and estimated cost for those upgrades.

Councilman Holliday emphasized again his feeling that more study was required.

Councilman Foley noted that he would not allow the amendment to his motion.

Mayor Turk noted the motion was on the floor and asked for a roll call vote.

Mr. Guynn clarified that the motion now on the floor was to approve the rezoning.

Mayor Turk noted that a decision on this rezoning had been made on June 24, 2024, and that the action tonight was to correct procedure.

Vice-Mayor Wallace asked for clarification as to whether the schedule had changed as well.

Mayor Turk asked Mr. Van Allman or Ms. Wines for confirmation as to whether the only thing that was changed besides the legal name, the procedure that was needed was a phasing in that gave more detail.

Ms. Wines responded that the only changes were the name change, and they removed the general phasing plan and put in a two-page, more detailed phasing plan which gives more information. Those pages were replaced in the document and there were no other changes throughout the document.

Mayor Turk asked if it was correct that these items that were being discussed were items that were normally involved in the site plan.

Ms. Wines confirmed that this was correct. She noted that a PUD is designed to be general in nature and that the specifics are dealt with on the site plan level.

Mayor Turk asked if it was true that the site plans for a development of this size would take months and if the development were not approved, then there would be no reason to move forward with the site plan.

Ms. Wines confirmed this statement.

Mr. Holliday noted again his concerns for the citizens in regard to water and sewer issues and his desire to see the issues he had spoken of, and potential unknown costs dealt with up-front.

Mayor Turk called for a vote to be taken.

Ayes: William Jones, Randy Foley, Renée Turk

Nays: Hunter Holliday, James Wallace

E. Special Exception Permit

Consider for approval the request of Jason N. and Jennifer C. Fountain, property owners, for the issuance of a Special Exception Permit to allow an accessory apartment on the property located at 621 North Broad Street, (Tax Map # 70-2-1). (The Planning Commission and City Council held a joint public hearing during the Planning Commissions regular meeting on November 13, 2024 as advertised in the November 1 and 4, 2024, issues of *The Roanoke Times*. The Planning Commission recommended approval by a unanimous vote).

Mayor Turk noted that, as previously explained, this is going to be used for the care of an elderly parent and asked Ms. Wines for confirmation of this and for details on the requirements that are part of this request for the benefit of the public.

Mary Ellen Wines, Planning & Zoning Administrator, 21 S. Bruffey Street, Community Development, shared that an accessory apartment is an apartment that cannot be rented for financial gain and can only be used for a family member. It has to be part of the single-family dwelling, whether it be within that dwelling or attached to that dwelling with a full roof structure. It can be only 40% of the finished floor area of the principal dwelling. The Fountains meet this requirement at 625 square feet. No accessory apartment shall contain less than 300 and not more than 1,000 square feet, and they meet this requirement. Only one accessory apartment is allowed per lot, and this is the only one they will have. The owner shall reside on the property, which they do. No separate utility services will be allowed.

Councilman Foley asked to clarify if all of these conditions would remain with the property even if they were to sell the property.

Ms. Wines responded that this was correct. She noted that this is a Special Exception Permit and attaches to the property.

James Wallace motioned to approve the request of Jason N. and Jennifer C. Fountain, property owners, for the issuance of a Special Exception Permit to allow an accessory apartment on the property located at 621 North Broad Street, (Tax Map # 70-2-1). Randy Foley seconded the motion.

Ayes: Hunter Holliday, William Jones, Randy Foley, James Wallace, Renee Turk

Nays: None

Abstaining: None

F. 2025 Legislative Package

Consider the adoption of Resolution 1489 adopting a Legislative Program for the 2025 session of the Virginia General Assembly and petitioning the General Assembly to favorably consider the issues and topics addressed herein.

Mayor Turk asked Mr. Light for background on this item.

Mr. Light explained that each year Council adopts a Legislative Agenda for lobbying related to certain items with the Virginia General Assembly. He noted that Council has a limited number of items this year, to include runway safety improvements and expansion at the Roanoke-Blacksburg Regional Airport. Second, commitment to transportation projects in the region included innovative funding strategies for I-81 which will sustain investment beyond 2023 and account for inflation-related shortfalls and additional funding necessary to adequately maintain and repair roads in the city of Salem. The third one is to consider those recommendations as set forth by the Virginia Municipal League in its 2025 legislative program. He also noted that, based on some feedback from council members, they are going to accelerate our timeline next year and will start this process earlier in the effort to engage our legislators sooner in the process.

Councilman Foley noted that Mr. Holliday had suggested perhaps inviting our representatives to meet with Council in the spring or summer next year in an effort to gain their full attention versus sending this information via mail. He thought this was a great idea.

Mayor Turk also noted that some of the Councilmembers would be going for Legislative Day in January during which there would be the opportunity to meet with the legislators and talk with them about some of the priorities that were specific needs of our locality.

Randy Foley motioned to adopt Resolution 1489 adopting a Legislative Program for the 2025 session of the Virginia General Assembly and petitioning the General Assembly to favorably consider the issues and topics addressed herein. Hunter Holliday seconded the motion.

Vice-Mayor Wallace noted that he felt if the priority list was not together and submitted by August, it would be too late. If this information had not been presented, it would not be incorporated into any bills that someone might be carrying.

Councilman Foley noted that he had been doing this a long time, and this was not something that had been done previously.

Mayor Turk shared that it was good that we had tried to unite our efforts regionally so that we were on the same page with other localities in the encouragement of approval of certain things and that the legislators would be receiving duplicate requests.

Ayes: Hunter Holliday, William Jones, Randy Foley, James Wallace, Renee Turk

Nays: None

Abstaining: None

7. Adjournment

Mayor Turk noted the death of Ms. Byington's husband, and that as a pillar in the community, she had the sympathy of Council.

Mayor Turk also noted that this Saturday, November 30th, was Local Business Day and encouraged everyone to support the local businesses. She also noted that next week the NCAA Volleyball Tournament, Division III, would be going on in Salem. She shared that they would begin arriving in Salem on December 3rd, and that the women's Championship game would be at 4:00 on Saturday, the 7th of December. She also shared that the Christmas parade and lighting of the tree would be held on Friday, December 6th, and that the Gingerbread Festival, by the Chamber of Commerce, would be taking place as well.

It was noted by Mr. Guynn that the Washington and Lee Generals would be playing in the Volleyball Tournament.

Councilman Holliday noted that Salem would be playing Sherando on Friday. He also shared that two Salem High School graduates, Peyton Lewis, freshman at University of Tennessee; and Chris Cole, a freshman at University of Georgia; were doing a great job of representing Salem as Freshmen.

The meeting was adjourned at 7:40 p.m.