



Amended and Supplemental AGENDA

SALEM CITY COUNCIL

August 23, 2010

Council Chambers

7:30 p.m.

AGENDA TOPICS

1. Zoning Ordinance Amendment

Hold public hearing and consider ordinance on first reading, rezoning, the property of L. Richard Jr. & Debra S. Padgett, property owners, for rezoning the property located at 521 Boulevard-Roanoke (Tax Map #146-6-10) from RMF Residential Multi-Family District to RB Residential Business District. This R-B rezoning request also includes the following properties: Sprinkle & Sprinkle, 501 Boulevard-Roanoke (Tax Map #146-6-12); Sprinkle & Ayyildiz, 511 Boulevard-Roanoke (Tax Map #146-6-11); Sprinkle & Ayyildiz, 500 blk. Boulevard-Roanoke (Tax Map #146-6-10.1); and Cynthia D. Jennings, 529 Boulevard-Roanoke (Tax Map #146-6-9). (As advertised in the August 4 and 11, 2010 editions of The Roanoke Times, Recommend Approval, see page 1, Planning Commission minutes) **STAFF REPORT**

2. Zoning Ordinance Amendment & Special Exception Permit

Hold public hearing and consider ordinance on first reading, rezoning the property of Mel Wheeler Inc., property owner, for rezoning the properties located at 1002 and 1108 Newman Drive (Tax Map #s 58-1-1 & 58-1-2) from RSF Residential Single Family District to LM Light Manufacturing District; also, consider the issuance of a Special Exception Permit to allow the construction of a new AM radio tower with proffered condition. (As advertised in the August 4 and 11, 2010 editions of The Roanoke Times, Recommend Approval, see page 9, Planning Commission minutes) **STAFF REPORT**

3. Zoning Ordinance Amendment

Hold public hearing and consider ordinance on first reading, amending Chapter 106, Article II District Regulations, Section 106-208, 106-210.2, 106-212.2, 106-214.2, and 106-216.2; Article III Use and Design Standards, Section 106-308 Office uses; and Article VI Definitions and Use Types, Section 106-602.7 of THE CODE OF THE CITY OF SALEM, VIRGINIA pertaining to Office Use Types. (As advertised in the August 4 and 11, 2010 editions of The Roanoke Times, Recommend Approval, see page 18, Planning Commission minutes) **STAFF REPORT**

4. 2010 Sewer Bond Issue

Hold public hearing and consider adopting Resolution 1166 authorizing public improvement bonds. (As advertised in the August 5 and 19, 2010 editions of the Salem Times Register) (Audit-Finance Committee)

5. 2010 Sewer Bond Issue

Consider ordinance on first reading authorizing issuance of \$4,500,000 of Public Improvement Bonds. (Audit-Finance Committee)

6. Flexible Benefits Program

Receive report and consider adoption of Resolution 1167 amending the City of Salem's Section 125 Cafeteria Plan. (Audit-Finance Committee)

7. Enterprise Fund

Receive report and consider authorizing a transfer of funds between/among the various Enterprise Funds. (Audit-Finance Committee)

8. Electric Utility Rates

Consider adopting Resolution 1168 amending electric utility rates. (Audit-Finance Committee)

9. Blue Ridge Behavioral Healthcare

Consider approval of the Blue Ridge Behavioral Healthcare's proposed fiscal year 2011 Performance Contract with the Virginia Department of Behavioral Health and Developmental Services.

10. City Code Amendment

Consider an ordinance on first reading amending Part II, Chapter 1, of THE CODE OF THE CITY OF SALEM, VIRGINIA by enacting Section 1-14, pertaining to Fee for Inmate Processing.

11. City Code Amendment

Consider an ordinance on first reading amending Part II, Chapter 86, Article IV., of THE CODE OF THE CITY OF SALEM, VIRGINIA by enacting Section 86-97, pertaining to Reimbursement of Expenses Incurred in Responding to Certain Traffic Incidents.

12. Boards and Commissions

Consider appointments to fill vacancies on various boards and commissions.

13. Cable Television Franchise Ordinance

Consider ordinance on second reading establishing the policies and procedures for granting a cable television franchise agreement. (Passed on first reading, August 9, 2010, meeting)

S1. Lewis-Gale Medical Center

Consider adopting Resolution 1169 in support of Lewis-Gale Medical Center's application to introduce Neonatal Special Care.

Please replace the original sent
with this

ITEM # 3
DATE 8-23-10

AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 106, ARTICLE II DISTRICT REGULATIONS, SECTIONS 106-208.2(A)(B), 106-210.2(A)(B), 106-212.2(A)(B), 106-214.2(A)(B), 106-216.2(A)(B), ARTICLE III USE AND DESIGN STANDARDS, SECTION 106-308, AND ARTICLE VI DEFINITIONS AND USE TYPES, SECTION 106-602.7 OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO OFFICE USE TYPES

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Sections 106-208.2(A)(B), 106-210.2(A)(B), 106-212.2(A)(B), 106-214.2(A)(B), 216.2(A)(B), Article II, Section 106-308, Article III, and Section 106-602.7, Article VI, Chapter 106, of The Code of the City of Salem, Virginia, be amended, revised, and reordained to read as follows:

CHAPTER 106
ARTICLE II DISTRICT REGULATIONS

Sec. 106-208.2 Permitted uses.

- (A) 4. Office Use Types
 - Financial Institutions
 - General Offices
 - Medical Offices/Clinics**

- (B) 4. Office Use Types
 - ~~Medical Offices/Clinics~~
 - Outpatient Mental Health and Substance Abuse Clinic***

Sec. 106-210.2 Permitted uses.

- (A) 4. Office Use Types
 - Financial Institutions
 - General Offices
 - Laboratories
 - Medical Offices/Clinics**

- (B) 4. Office Use Types
 - ~~Medical Offices/Clinics~~
 - Outpatient Mental Health and Substance Abuse Clinic***

Sec. 106-212.2 Permitted uses.

- (A) 4. Office Use Types
 - Financial Institutions
 - General Offices
 - Laboratories
 - Medical Offices/Clinics**

- (B) 4. Office Use Types
 - ~~Medical Offices/Clinics~~
 - Outpatient Mental Health and Substance Abuse Clinic***

Sec. 106-214.2 Permitted uses.

- (A) 4. Office Use Types
 - Financial Institutions
 - General Offices
 - Laboratories
 - Medical Offices/Clinics**

- (B) 4. Office Use Types
 - ~~Medical Offices/Clinics~~
 - Outpatient Mental Health and Substance Abuse Clinic***

Sec. 106-216.2 Permitted uses.

- (A) 4. Office Use Types
 - Financial Institutions
 - General Offices
 - Laboratories
 - Medical Offices/Clinics**

- (B) 4. Office Use Types
 - ~~Medical Offices/Clinics~~
 - Outpatient Mental Health and Substance Abuse Clinic***

ARTICLE III USE AND DESIGN STANDARDS

Sec. 106-308.1 Outpatient Mental Health and Substance Abuse Clinics.

(A) General Standards:

1. **No outpatient mental health and substance abuse clinic may be constructed, developed or operated within one thousand (1,000) feet of any other such outpatient mental health and substance abuse clinic.**
2. **No outpatient mental health and substance abuse clinic may be constructed, developed or operated within five hundred (500) feet of a residentially zoned district, or within five hundred (500) feet of property occupied or used for an educational facility, place of religious assembly, public park and recreation area or day care center.**

3. A special exception permit, granted by City Council, shall be required prior to the construction, development, or operation of any outpatient mental health and substance abuse clinic.
4. The "establishment" of an outpatient mental health and substance abuse clinic as referred to in this section includes the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or part, of an existing business to an outpatient mental health and substance abuse clinic.

ARTICLE VI DEFINITIONS AND USE TYPES

Sec. 106-602.7 Office use types.

~~*Medical office/clinic.* Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Included in this definition shall be facilities operated for the treatment of drug addiction and substance abuse. Medical offices/clinics are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia.~~

***Medical office/clinic.* A facility used for human health care, such as medical, dental, therapeutic, chiropractic or similar consultation, diagnosis, and treatment by one or more practitioners licensed by the Commonwealth of Virginia. Medical offices/clinics provide outpatient care on a routine basis, and may offer minor surgical care, but do not provide overnight care or serve as a base for an ambulance service.**

***Outpatient mental health and substance abuse clinic.* An establishment which provides outpatient services primarily related to the diagnosis and treatment of mental health disorders, alcohol, or other drug or substance abuse disorders. Services may include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners licensed by the Commonwealth of Virginia. Examples may include but are not limited to outpatient alcohol treatment centers, outpatient detoxification centers, outpatient drug and substance abuse centers, and outpatient mental health centers.**

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

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

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

Lisa D. Garst –
William D. Jones –
Jane W. Johnson –
John C. Givens –
Byron Randolph Foley –

Passed:
Effective:

Mayor

ATTEST:

James E. Taliaferro, II
Clerk of Council
City of Salem, Virginia

AN ORDINANCE TO AMEND, REVISE, AND REORDAIN, Part II, CHAPTER 1, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, BY ENACTING SECTION 1-14, PERTAINING TO FEE FOR INMATE PROCESSING.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that the General Provisions be amended, revised, and reordained to read as follows:

PART II

Chapter 1. GENERAL PROVISIONS

Section 1-14. Fee for Inmate Processing.

Pursuant to authority granted in Section 15.2-1613.1 of the Code of Virginia, there is hereby assessed a sum of Twenty-Five Dollars (\$25.00) as a part of Court costs collected by the Clerk of any City Court from any individual admitted to the Roanoke County-Salem Jail or the Western Virginia Regional Jail following a conviction. The assessment shall be collected by the Clerk of the Court in which the case is heard, remitted to the Treasurer of the City and shall be used by the Sheriff's Office to defray the costs of processing arrested persons into the Salem-Roanoke County Jail or the Western Regional Jail.

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

This ordinance shall be in full force and effect on October 1, 2010.

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

- Lisa D. Garst -
- William D. Jones -
- Jane W. Johnson -
- John C. Givens -
- Byron Randolph Foley -

Passed:

Effective:

Mayor

ATTEST:

James E. Taliaferro, II
Clerk of Council
City of Salem, Virginia

AN ORDINANCE TO AMEND, REVISE, AND REORDAIN, Part II, CHAPTER 86, ARTICLE IV., DIVISION 1, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, BY ENACTING SECTION 86-97, PERTAINING TO REIMBURSEMENT OF EXPENSES INCURRED IN RESPONDING TO CERTAIN TRAFFIC INCIDENTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that the Operation of Vehicles be amended, revised, and reordained to read as follows:

PART II

Chapter 86. TRAFFIC AND VEHICLES

Article IV. Operation of Vehicles

Division 1. Generally

Section 86-97. Reimbursement of Expenses Incurred in Responding to Certain Traffic Incidents.

A person convicted of violating any of the following provisions shall be liable for restitution at the time of sentencing, or in a separate civil action, to the City or to any responding rescue squad for reasonable expenses incurred by the City for responding law-enforcement, fire-fighting, rescue and emergency services, or by any volunteer rescue squad, or by any combination of the foregoing, when providing an appropriate emergency response to an accident or incident related to a violation of the following:

- (a) the provisions of Virginia Code Sections 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, 46.2-341.24 or similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident;
- (b) the provisions of Article 7 (Virginia Code Section 46.2-852 et seq.) of Chapter 8 of Title 46.2 of the Code of Virginia relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
- (c) the provisions of Article 1 (Virginia Code Section 46.2-300 et seq.) of Chapter 3 of Title 46.2 of the Code of Virginia relating to driving without a license or driving with a suspended or revoked license; and
- (d) the provisions of Virginia Code Section 46.2-894 relating to improperly leaving the scene of an accident.

Personal liability under this Section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000.00 in the aggregate for a particular accident, arrest or

incident occurring in the City. In determining the "reasonable expenses" the City may bill a flat fee of \$350.00 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The Court may order as restitution the reasonable expenses incurred by the City for responding law-enforcement, fire-fighting, rescue and emergency medical services. The provisions of this Section shall not pre-empt or limit any remedy available to the Commonwealth, to the locality or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.

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

This ordinance shall be in full force and effect on October 1, 2010.

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

Lisa D. Garst -
William D. Jones -
Jane W. Johnson -
John C. Givens -
Byron Randolph Foley -

Passed:

Effective:

Mayor

ATTEST:

James E. Taliaferro, II
Clerk of Council
City of Salem, Virginia

IN THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, AUGUST 23, 2010

RESOLUTION 1169

RESOLUTION IN SUPPORT OF LEWIS-GALE MEDICAL CENTER'S
APPLICATION TO ESTABLISH A NEONATAL SPECIAL CARE UNIT

WHEREAS, Lewis-Gale Medical Center operates a general acute care hospital in Salem, Virginia that provides the residents of the City and surrounding localities with access to high-quality hospital services necessary to any vibrant and growing community; and

WHEREAS, Lewis-Gale Medical Center offers an array of essential services, but is not approved to provide neonatal special care services; and

WHEREAS, neonatal special care services are an important service for any hospital seeking to provide care for all members of its community; and

WHEREAS, Lewis-Gale Medical Center's ability to provide neonatal special care services is essential to continuity of care for its maternity patients and newborns, whose care is disrupted when they must obtain neonatal special care services from other providers; and

WHEREAS, expectant mothers treated at Lewis-Gale Medical Center who find that their newborns could need neonatal special care services must choose new care teams in mid-pregnancy after developing important patient-caregiver relationships with their current care teams; and

WHEREAS, newborns at Lewis-Gale Medical Center in need of neonatal special care services must be transferred to another facility; and

WHEREAS, transferring newborns for neonatal special care services takes a tremendous toll on patients and their families, because such transfers can split families apart within hours of birth because mother and child can be treated at different hospitals; and

WHEREAS, in addition to these emotional costs, clinical outcomes are usually better for families that stay together; and

WHEREAS, the introduction of neonatal special care services at Lewis-Gale Medical Center will reduce emotional costs and improve clinical outcomes; and

WHEREAS, Lewis-Gale Medical Center has generous charity and uninsured discount policies and is accessible to all patients regardless of their ability to pay or payment source.

NOW, THEREFORE LET IT BE RESOLVED, that the City Council of the City of Salem supports Lewis-Gale Medical Center's application to establish a neonatal special care unit at the hospital,

AND BE IT FURTHER RESOLVED, that the City Council of the City of Salem respectfully urges the Virginia Commissioner of Health to grant approval for this much-needed project.

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

Lisa D. Garst -
William D. Jones -
Jane W. Johnson -
John C. Givens -
Byron Randolph Foley -

ATTEST:

James E. Taliaferro, II
Clerk of Council
City of Salem, Virginia