

UNAPPROVED MINUTES
COUNCIL MEETING
January 24, 2011

A regular meeting of the Council of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, on January 24, 2011, at 7:30 p.m., there being present all the members of said Council, to wit: Byron Randolph Foley, John C. Givens, Jane W. Johnson, William D. Jones, and Lisa D. Garst; with Byron Randolph Foley, Mayor, presiding; together with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Frank P. Turk, Director of Finance; Melinda J. Payne, Director of Planning and Economic Development; Charles E. Van Allman, Jr., City Engineer; Mike Stevens, Communications Director; and Stephen M. Yost, City Attorney, and the following business was transacted:

The January 10, 2011, work session and regular meeting minutes were approved as written.

The report by the Director of Finance of the City's financial status for a six-month period ending December 31, 2010, was received and ordered filed.

Mayor Foley reported that this date and time had been set to hold a public hearing and consider an ordinance on first reading amending Chapter 106, Article II District Regulations, Section 106-220.2(B)(5) of The Code of the City of Salem, Virginia, pertaining to Commercial Use Types in HM Heavy Manufacturing District zoning; notice of such hearing was published in the January 5 and 12, 2011, issues of The Roanoke Times, a newspaper having general circulation in the City of Salem; and

WHEREAS, the Planning Commission at its regular meeting on January 12, 2011, recommends approval; and

WHEREAS, staff noted the following: this request is to amend Section 106-220.2(B)(5) pertaining to commercial use types in the HM Heavy Manufacturing District zoning; staff recently received a request to operate a recreational vehicle sales and service business in conjunction with an existing business; the proposed ordinance change in the HM Heavy Manufacturing District zoning will allow this use with the approval of a Special Exception Permit; the following change is proposed:

ITEM 1 ORDINANCE PASSED ON FIRST READING AMENDING CHAPTER 106, ARTICLE II DISTRICT REGULATIONS, SECTION 106.220.2(B)(5) OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO COMMERCIAL USE TYPES IN HEAVY MANUFACTURING DISTRICT

Article II District Regulations

Sec. 106-220.2. Permitted uses.

- (B) The following uses are permitted by special exception in the HM Heavy Manufacturing District, subject to all other applicable requirements contained in this chapter. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

5. *Commercial Use Types*

~~(None)~~ **Recreational Vehicle Sales and Service***; and

WHEREAS, the City Manager stated that City staff was approached by a business owner requesting permission to supplement its service business with sales of recreational vehicles (Tonie's RV on 9th Street); the business currently does service and maintenance on recreational vehicles in HM Heavy Manufacturing District; their request to allow the company to also sell new or used recreational vehicles on the site, which is currently not a permitted use in HM; the City Manager stated that staff recommends an amendment to the zoning ordinance in the commercial use types of HM, a use called recreational vehicle sales and service; he noted that the City would require service to continue to be a part of any approved business located in HM District zoning as the service part is the heavy industrial part of the use whereas sales is more incidental; he further stated that Tonie's RV wants to do more than incidental sales of recreational vehicles on the property—it wants to actually display recreational vehicles for sale all the time; he stated that after a lot of review and discussions with the Planning Commission and staff, the Planning Commission voted to recommend the amendment to Council and staff also supports the amendment; and

WHEREAS, Councilman Jones questioned where the recreational vehicles for sale would be placed on the lot; and

WHEREAS, the Clerk of Council stated that a site plan has not been submitted; he noted that if the amendment is approved, a Special Exception Permit would be required in order for recreational vehicles to be sold on the property and the placement of the for sale vehicles would be addressed at that time; and

WHEREAS, Councilwoman Garst questioned what vehicle types are included in recreational vehicles; and

WHEREAS, a discussion was held regarding if new or used recreational vehicles would be sold on the property; the City Manager noted that it was his understanding that the intent of Tonie’s RV is to become a small dealer for new recreational vehicles; and

WHEREAS, the Clerk of Council noted that the City Code states that retail sales of recreational vehicles and boats; therefore, the Webster’s Dictionary definition of recreational vehicles is what would be used, or a similar definition; and

WHEREAS, no other person(s) appeared;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, an ordinance entitled, “AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 106, ARTICLE II DISTRICT REGULATIONS, SECTION 106-220.2(B)(5) OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO COMMERCIAL USE TYPES IN HM HEAVY MANUFACTURING DISTRICT ZONING” was hereby passed on first reading – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – absent, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley reported that this date and time had been set to hold a public hearing and consider an ordinance on first reading amending Chapter 106, Article II District Regulations, Section 106-208.2(A)(2, 4, & 5), 208.2(B)(2, 4, & 5), and 208.3(B)(1) of The Code of the City of Salem, Virginia, pertaining to Permitted uses and Site development regulations in RB Residential Business District zoning; also consider adding Section 106-208.3(E) Other Requirements; notice of such hearing was published in the January 5 and 12, 2011, issues of The Roanoke Times, a newspaper having general circulation in the City of Salem; and

WHEREAS, the Planning Commission at its regular meeting on January 12, 2011, recommends approval; and

WHEREAS, staff noted the following: after a recent R-B rezoning request involving several properties, City Council requested staff to explore options aimed at preserving the character of neighborhoods where R-B Residential Business zoning might be utilized; the following changes are proposed:

Article II District Regulations

Sec. 106-208.2. Permitted uses.

ITEM 2
ORDINANCE
PASSED
AMENDING
CHAPTER 106,
ARTICLE II DISTRICT
REGULATIONS,
SECTION 106-208.2
(A)(2,4, & 5),
208.2(B)(2,4, & 5),
AND 208.3(B)(1) OF
THE CODE OF THE
CITY OF SALEM,
VIRGINIA,
PERTAINING TO
PERMITTED USES
AND SITE
DEVELOPMENT
REGULATIONS IN
RB DISTRICT
ZONING; ALSO
ADDING SECTION
106-208.3(E)
OTHER
REQUIREMENTS

(A) 2. *Residential Use Types*

Accessory Apartment*
~~Family Day Care Home*~~
 Home Occupation*
 Manufactured Home, Emergency*
~~Multi-Family Dwelling*~~
 Residential Human Care Facility
 Single Family Dwelling, Detached
 Townhouse*

4. *Office Use Types*

~~Financial Institutions~~
 General Offices

5. *Commercial Use Types*

~~Antique Shops~~
~~Day Care Center*~~
 Homestay Inn*
~~Personal Services~~
 Studio, Fine Arts

- (B) The following uses are permitted by special exception in the RB Residential District, subject to all other applicable requirements contained in this chapter. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

2. *Residential Use Types*

Family Day Care Home*
Multi-Family Dwelling*
 Single Family Dwelling, Attached
 Two Family Dwelling

4. *Office Use Types*

Financial Institutions
 Medical Offices/Clinics

5. *Commercial Use Types*

Antique Shops

Day Care Center***Personal Services**

Retail Sales

Sec. 106-208.3. Site development regulations.*(B) Minimum Setback Requirements.*

1. Principal Structure:

Front Yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

No front yard shall be used for any parking area or otherwise designed or devoted to any vehicle use unless a Special Exception permit has been approved specifically allowing such parking. Notwithstanding the foregoing, nothing herein shall prohibit a driveway in the front yard that leads to a parking area in the side yard or rear yard.

(E) Other Requirements

Drive through facilities in which a person, who remains in a motor vehicle, conducts business or exchanges through a window or exterior opening in a structure are prohibited; and

WHEREAS, the City Manager stated that there has been quite a bit of discussion regarding RB zoning and by-right permitted uses allowed in RB zoning; he stated that at the direction of City Council, city staff and the Planning Commission reviewed the Residential Business District zoning classification; in light of the fact there are residential business zoning classifications in many different areas throughout the City; he noted that there is a section along Main Street near downtown that is zoned RB, and there are other areas that are zoned RB (i.e. Union Street and Roanoke-Boulevard) where the character is more residential than in the business area of Main Street; he stated that in viewing the different areas with RB zoning and in the interest of trying to protect the neighborhood character of certain areas in the City, the City reviewed the permitted uses as well as the uses allowed by Special Exception Permit and

recommends making some changes in the RB district zoning classification; the City Manager reviewed the recommended changes; he stated that the City is in the process of reviewing its Comprehensive Plan, and that the recommended changes to RB zoning will address some concerns related to RB zoning districts; he further stated that the recommended changes are not the “perfect” solution to address the concerns in RB but the changes create the smallest amount of additional issues in terms of non-conforming lots; he stated that the RB zoning district will continue to be looked at through the Comprehensive Plan process to see if a better solution can be found to better deal with protecting the neighborhood and address the transitional nature of some areas where both residential and commercial uses will be in the same area; and

WHEREAS, Frank Munley, 425 Boulevard, appeared before the Council and stated that he was surprised when five properties went before Council to be rezoned to RB zoning in August 2010, which were approved in September; he stated that the needs could have been met with a lower zoning category with the exception provisions in Residential Multi-family District zoning; he noted that the proposed revisions require a Special Exception Permit for a number of uses as the City Manager explained; he stated that the changes are very welcome and bring him a sense of relief; he stated that he is still concerned with the inclusion of retail sales in the RB zoning even though it will require a Special Exception Permit; he further stated that residential business is a bit of an oxymoron and should be “cut cleaner” than that; he is in favor of further consideration being given to RB zoning and has some suggestions; he understands the City Manager’s explanation, but feels further relief could be provided by eliminating RB zoning completely to be replaced by two separate zoning categories; he further stated that he is not a planning or zoning expert, but modestly proposes that one of the categories be very close to the current residential multi-family category allowing professional office use, law or medical, by special exception; he noted that he recommends professional office use, not general office use as general office allows retail sales as an accessory use; he stated that he would like for the other new category to be called Retail Business which would allow retail sales and fully meet the needs of the retailers along West Main Street; he questioned if the current RB zoning category were replaced by two new/different zoning categories if the City had the right without going through a hearing process; he stated that he appreciates the proposed changes to the RB zoning district; and

WHEREAS, Stella Reinhard, 213 North Broad Street, appeared before the Council and stated that the proposed changes are a move in the right direction, but does not feel the changes are a whole solution; she stated that in several meetings there has been an on-going reference to the upcoming changes to the comprehensive plan; she understands that multiple tasks are being worked on

over time but if the changes that are being made are based upon the upcoming changes to the comprehensive plan, there has not been an invitation to the public to have input; she stated that if changes are being made without input from the public, as a citizen she feels she has less chance of being listened to as many other residents would if the changes are being made before citizens are asked for input; she stated that she is still concerned about residential business zoning in a residential neighborhood; she stated she would not want RB zoning on North Broad Street; she stated that she still has concerns about the zoning changes that occurred on Union Street and on the Boulevard; she stated that the appearance of the Boulevard is residential with the exception of the two dentists offices and that the five properties that were switched to RB zoning all look residential, with the exception of Dr. Sprinkle's office; she is concerned that if entire blocks of neighborhoods are "flipped" to something that allows more, then there will be more; she stated that within days of the properties being rezoned, there was another swath of asphalt from the sidewalk to the back alley between Dr. Sprinkle's office and Mr. Padgett's building; she stated that the more you flip residential areas to business, the less character of the neighborhood will be kept because residential homes would be torn down and businesses will be built in their place; she stated that Roanoke College purchased a property across the street and one lot up from her residence where the zoning has been switched to institutional, not RB, from residential single-family; she stated that her neighbors were not aware of any signs being placed regarding the rezoning; she further stated that in a short amount of time after Roanoke College purchased the property, the home (a pre-Civil War structure) was taken down; she stated that she feels the proposed changes are a step in the right direction, but she would also like to see the word "business" taken out of a zoning that is in a residential neighborhood; it is not fair to people who have invested their life savings into homes in a neighborhood where businesses are allowed; she asked Council to ask the citizens to become involved in the update to the comprehensive plan; she questioned if the consultant hired to update the comprehensive plan actually looked at some of the neighborhoods (i.e. Boulevard); she further stated that she has been told several times that certain things were mistakes from the last comprehensive plan review and they were changed back and questioned if the mistakes that were changed had to go through the entire process; and

WHEREAS, the City Manager stated that once the zoning map is approved by City Council it becomes the official document and if there were errors on the map, the changes would still have to go through the process even if an error was found on the document that had been approved by Council; and

WHEREAS, Mrs. Reinhard questioned if signs would have to be placed on the property and the adjacent property owners; and

WHEREAS, the City Manager stated that the adjacent property owners would be notified; and

WHEREAS, Mrs. Reinhard stated that she feels that the procedures have not always been followed when a mistake was made; she requested that if a mistake was made, that the process still be followed; and

WHEREAS, Councilwoman Garst questioned if the Roanoke College property Mrs. Reinhard referred to is the property located on Broad Street; and

WHEREAS, Mrs. Reinhard stated that she is talking about a property located on Broad Street; and

WHEREAS, Councilwoman Garst noted that the property in question is located beside the Webster property; she stated that a rezoning request came before Council last year and Council denied the request for the property to be rezoned to College University District (CUD) zoning; and

WHEREAS, Mrs. Reinhard stated that it is her understanding that the matter came before Council and the discussion has been that if the college could not do certain things with the property—put an entrance to a parking lot—that something else could be done with the property; she questioned if the property is still zoned Residential Single Family District; and

WHEREAS, Councilwoman Garst affirmed that the property is still zoned RSF, the rezoning request was not approved; she further stated that the references to the comprehensive plan, she can't speak for the rest of Council, but the mentions were made in an effort to try to get up to speed for what it takes to go through a comprehensive plan review; she stated that City Council has been working in public, joint work sessions with the Planning Commission as part of the comprehensive plan review and public hearing dates have been set; and

WHEREAS, the Clerk of Council stated that the Civic Center has been reserved on March 5 and 8, 2011, to hold public meetings; and

WHEREAS, Mrs. Reinhard questioned if any changes have been made to the zoning code or the comprehensive plan since the previous update; and

WHEREAS, Mayor Foley stated that no changes have been made; and

WHEREAS, Mrs. Reinhard questioned if recommendations have been made for changes to be made to the comprehensive plan such as attitudes toward different kinds of rezoning and areas of the city, etc.; and

WHEREAS, Mayor Foley stated that he has not been advised about any plans to address particular areas or staff recommendations for any areas; he stated that discussions have been held regarding meetings and getting everything together, but no discussions have been held regarding specific neighborhoods or zoning ordinances; and

WHEREAS, Mrs. Reinhard stated that she would like to know when the citizens give their input so that it will be timely; and

WHEREAS, Cynthia Munley, 425 Boulevard, appeared before the Council and stated that she received a notice from the City regarding the block rezoning that took place on the half of the 500 block of the Boulevard in August 2010; she stated that her comments are an attempt to recap the history of events and how Council's actions have affected her life, and ways to maybe proceed with more communication in the future on issues regarding zoning and changes in planning for the City that may arise; she commended Council on its efforts to make RB more restrictive and feels it is a start toward restoring protection to Boulevard and Union Street residential properties after what felt like an aggressive zoning assault last summer; she stated that she views the proposed revision to RB as a stop-gap measure to alleviate acute concerns of Union Street and Boulevard residents who wish to maintain and improve their downtown neighborhoods as a quaint, residential street and as a historic boulevard; she said there is a need to preserve these streets' qualities; passing the proposed changes to RB is a first step, which she hopes will be followed by deeper protection in the form of a new residential, professional zoning category for Boulevard and Union Street or some category that would be a unique, new category for a fresh start; she stated that what is good about the proposed changes is that Council heard the concerns of residents and are on the right path to restoring even stronger protections; she stated that retail needs to be removed, even by Special Exception Permit, because the residents who live in the neighborhood want long-term stability; she stated that perhaps this Council would be diligent in refusing to grant exceptions for retail operations on the Boulevard or encouraging further, more intensive uses; but what about future Councils; she further stated that the current Council can extend protection into the future by removing retail sales from any possibility that could occur under the Part B Special Exception; getting retail out of Part B gives long-term assurance to residents that Council cares about long-

term stability, historic value, and residential investments of residents well into the future; she stated that she feels that the proposed changes are an attempt by Council to remedy an error that occurred due to moving too fast during the summer and going “gang busters” to rezone the entire half of the long 500 block of the Boulevard to business where Council essentially spelled out conditions that the initial petitioner should use to get his rezoning; she stated that it was discovered through a Freedom of Information Act (FOIA) request that Mr. Padgett originally requested a Special Exception Permit under multi-family for his law office; instead he was strongly encouraged to move his request to a more intensive level of zoning and get his neighbors to join him so that the entire block flipped, many properties unnecessarily; she further stated that it appears that the City Manager’s office pushed Mr. Padgett toward getting his neighbors to join him and go up a level of intensity from RMF to RB zoning; she stated that she was perplexed about the unorthodox approach to zoning and upon discussing this with the Planning Department, a staff member responded, “the City Manager asked us to do this;” she stated that when the question was asked by a citizen at a September 27, 2010, Council meeting rezoning request for downtown First Street why this was done, the City Manager cited the owner’s request for an RB zoning as the rationale to grant the rezoning; she stated this was disingenuous; she further stated that Mayor Foley also claimed that Mr. Padgett had to have RB to have his law office; she stated that both claims proved to be untrue when she checked with the City Attorney; she further stated that again, for the record, Mr. Padgett’s original request was for a Special Exception Permit under RMF zoning; she questioned what a petitioner is to do when given suggestions by a city upon request for a rezoning when the city itself is going to be the decider on whether he gets the rezoning in the end; she stated that it is not a fair exercise of power; she stated that a Special Exception Permit under RMF would have fulfilled Mr. Padgett’s need for an uninhabited law office and she and her husband would not have opposed such a request; she questioned if this has been much ado about nothing to get back to where we were to begin with; she stated that if Council had tapped the stakeholders for solutions, a solution would have been found if there had been a chance for the stakeholders to work with Council on it; she feels the solution is the reason concerned citizens have been given for Council’s rezoning half of the 500 block of the Boulevard is to avoid spot zoning; Council swallowed this argument; she stated citizens should have been tapped for their ideas because the City could have down-zoned the former craft shop, which is next to Spruce Street, it could have granted Mr. Padgett a Special Exception Permit under RMF zoning, made an exception for the current use of Dr. Sprinkle’s office as a professional office with the idea that his property would eventually revert to residential, thus bringing the Boulevard back in-line with its historic residential character and avoiding spot zoning all together; she stated that the type of block zoning done last

summer is illegal in many states because it brings fast change and destabilization, dynamics that are contrary to Salem's values especially in historic areas; she stated that Salem likes to tout its historic qualities, therefore, the historic areas need to be vigilantly protected at every turn; she noted that an example of fast change is the stand-alone parking driveway devoid of any landscaping, which suddenly "popped up" on the newly zoned vacant lot between Mr. Padgett's new law office and Dr. Sprinkle's office building only two weeks after the zoning went into effect; Mrs. Munley showed Council photos of the property; she stated that she remembers Councilwoman Garst asking at the rezoning public hearing in August whether parking lots were allowed and the answer was no, so this is an issue she would like to see addressed; she noted that there is also a new business sign that looks like an advertising sign that remains permanently in front of Mr. Padgett's law office; she stated that if the initiative for this summer's destabilizing zoning action came from the City Manager, who has taken responsibility for it, then she is confounded as to why the highly unusual zoning action was not questioned and stopped by Council, who are elected to oversee the actions of the hired management in representing Salem citizens; she asked Council to imagine a city suddenly zoning an entire block as business next to their home; she stated that it is hard for her to imagine and any member of Council would not feel that their neighborhood was threatened by such an action, especially when elected officials voted in favor of a petitioner, the Padgetts, who after living in the neighborhood for over 30 years, used as their argument for getting RB zoning that it was no longer a neighborhood; she stated that she experienced quite a shock from all of this because in the 2003 revision of the Comprehensive Plan residents of her neighborhood were assured by then Councilman Alex Brown, who was in charge of redoing the Comprehensive Plan, that there would be no further rezonings (up-zonings) on the Boulevard; she noted that in the Comprehensive Plan the Boulevard is designated as residential; therefore, she feels the current RB zoning category is contrary to Salem's own Comprehensive Plan under which it is currently operating; for this reason, she views Council's August rezoning as a radical action and the current proposed revision before Council as a first step remedy in the right direction; she stated that rezoning an entire block of a historical street unnecessarily is unquestionably a bad idea; she stated that elected Council members are here as citizens' first line of defense against bad ideas being perpetrated on our residential neighborhoods and questioned what happened and where was one Council member at least willing to make a motion to grant a citizen's request for, at the very least, a 90-day delay in this extremely dynamic situation surrounding RB zoning; she further stated that the RB block zoning suggested by the City Manager threatened the stability of the mixed-use, but predominately residential character of the Boulevard which has held for the last three decades; she stated that she moved into a mixed neighborhood 24

years ago but it has been stabilized since then; she stated that Council appeared to be playing a proactive role in instigating and introducing instability into a historic Salem street by going along with the City Manager's idea of rezoning the entire block RB and swallowing the crazy, avoiding spot zoning rationale, for doing so; she stated that in a meeting she and her husband held with the City Manager and the Assistant City Manager, the City Manager claimed authorship of the block zoning concept; surprisingly after expressing all their concerns about the concept in the meeting, the City Manager responded by asking them if they didn't see the RB zoning of the entire block next to their property as a way to save their neighborhood; she stated to Council that she and her husband do not see any of these kind of radical, destabilizing actions of rezoning an entire block next to their residence as a way to save and/or stabilize her neighborhood; she further stated that she views the following as a way to save her neighborhood: pass the proposed revision for RB then take additional steps to remove the Boulevard from any of the by exception retail uses; after all it is the residential in the Boulevard that creates its beauty, not the businesses that take the place of the manicured, residential front yards; she then referred to the photographs of a parking lot on the Boulevard she previously presented to Council; put together a draft comprehensive plan that demonstrates a clear vision to vigilantly protect the residential character of all neighborhoods, be disciplined in future zoning decisions and take no further actions which make residents think that Council views the Boulevard as "low hanging fruit" for rapidly flipping of blocks for gaining any city revenue or any other additional commercial purposes; she stated that it is a planning, not a business decision; she asked Council to instead work on areas sorely needing redevelopment such as East Main Street, which she feels is an appropriate place for higher intensity development where commercial development would add assets to the city; she further stated that since the 2003 City commitment to keep the Boulevard residential she and her husband have easily invested over \$130,000 in their home as a residence; therefore, this is not a side issue, it is money that was available while they were in the workforce that is no longer available for another similar investment to renovate another house the way they want it; she stated that they also would not be able to recover their investment if the Boulevard goes commercial and do not view their property for a future commercial sales price at the expense of their neighbors; she would like for Council to live up to what citizens expect from its new (some younger, some more female, and some experienced) members; she would like to feel welcome in participating in local issues and would like others who take the time out of their lives to come to also feel similarly welcomed; she stated that she would like to know that Council's minds are open when she comes to meetings, that Council can think and pivot in the course of a Council meeting, that Council has a meaningful vision for Salem that is reflected in all votes by Council, and that Council gives push back to the hired staff when

appropriate; she further stated that the City Manager did express appreciation for her and her husband's involvement and she would like to feel that from all of her elected leaders; she noted that she and her husband's efforts on this issue have swallowed entire days of their lives since August 2010; she stated that she has been accused by one elected leader of distributing an anonymous leaflet, although it contained a phone number; she stated that the Council member cancelled a scheduled meeting with the comment that the elected leader knew all that was necessary to make a decision; she stated that was not the treatment she expected from an elected official to a home owner trying to protect the zoning of her neighborhood after spending years working to upgrade her home; she thanked Councilman Jones for communicating with her and her husband from the Outer Banks during the summer, Councilwoman Johnson for meeting with her husband, Vice Mayor Givens for speaking to them over the phone, Mayor Foley for his e-mail communications, and the City Manager for meeting with them several times in his office; she stated that communication with citizens could be taken to a higher level and suggested that two sessions or more a year which begin with an open, public hearing where citizens can freely ask questions to Council Members on a number of subjects; she also suggested televising Council meetings; and

WHEREAS, Mayor Foley stated that he appreciates Mrs. Munley's comments but asked that she contain her comments to the issue at hand; he stated that public meetings will be held related to the Comprehensive Plan, which are not pertinent to the issue at hand; and

WHEREAS, Mrs. Munley stated that the previous speaker spoke about issues on Broad Street; and

WHEREAS, Mayor Foley again asked Mrs. Munley to address her comments to the issue at hand; and

WHEREAS, Mrs. Munley stated that many days of her life have been spent dealing with this issue and she feels that Council can afford to give her a couple of minutes to finish her comments; and

WHEREAS, Mayor Foley stated that he appreciates her comments when they address the topic at hand; and

WHEREAS, Mrs. Munley stated that she does not feel her comments are appreciated; and

WHEREAS, Mayor Foley stated that publicizing Council meetings is not related to the topic at hand; and

WHEREAS, Mrs. Munley stated that she has written her comments out so that she can be as concise as possible; she further stated that in conclusion she sees acceptance of the proposed revisions to RB as a positive, first step to restoring the City's 2003 commitment to protect the residential character of the Boulevard; she stated that a new category Residential Professional District, which is close to the current Residential Multi-Family District and which corresponds to Part A of the proposed RB revision would be a satisfactory compromise for the residents; continuing to move toward higher protection, Council will reassure Salem residents of its commitment to protect the residential neighborhoods; she thanked Council for patiently listening to her comments and for the good things Council is doing for Salem; she stated that she looks forward to the realization of the Salem Greenway, hooking Salem up to the rest of the Roanoke Valley by a fabulous linear park; she realizes the difficulty in making it a reality from attending a City Council work session and she is in awe of all the details that must be mastered and carried out to bring the plan to fruition; she again thanked Council for their good work on the greenway and for their other good work; and

WHEREAS, David Robbins, 620 High Street, appeared before the Council to commend Council for a good job moving as quickly as it has in order to try to bridge a gap; he stated that he is concerned about protecting Salem's historic neighborhoods; he stated that he feels the proposed revisions are a first good step and encouraged Council to consider more in-depth changes; he stated that the Comprehensive Plan is purely that; he stated that the city is required by the state to have a comprehensive plan but it is not law and does not have to be followed; he stated that as he has seen from his time on the Planning Commission to now, is that when the Comprehensive Plan is adopted it is not always followed; he noted that when he spoke against the rezoning on Union Street he asked what was the use for Union Street in the Comprehensive Plan and it was not known; he stated that time needs to be taken to review the Comprehensive Plan and decide that a certain area should be this way and make sure it stays that way moving forward; he stated that it cannot happen overnight; he questioned what category a bed and breakfast falls; and

WHEREAS, Councilwoman Garst stated that it is a Homestay Inn; and

WHEREAS, Mr. Robbins questioned if a Homestay Inn would be a Special Exception Permit under the proposed changes to RB; and

WHEREAS, the City Manager stated that a Homestay Inn in RB is in Section A, which is a use by-right; and

WHEREAS, Mr. Robbins questioned if he purchased a residence that was zoned RB if he could set up a bed and breakfast without coming before Council; and

WHEREAS, the City Manager stated that appropriate permits would need to be obtained, but he would not have to go through the Special Exception Permit procedures; and

WHEREAS, Councilman Jones questioned if a manager had to be on staff at a bed and breakfast or was that only a condition for the one located on Union Street; and

WHEREAS, the City Manager stated that was a condition for the bed and breakfast on Union Street; and

WHEREAS, Councilman Jones noted that the owner/manager would need to be on the premises; and

WHEREAS, Mr. Robbins further questioned if a Special Exception Permit is granted, does the permit stay with the property or does it stay with the individual property owner; and

WHEREAS, the City Manager stated that it stays with the property, not the individual; and

WHEREAS, Mr. Robbins again thanked Council and feels that Council is moving in the right direction; he stated that he feels a lot of time needs to be spent on the Comprehensive Plan and there are several areas under "threat" (i.e. properties near Roanoke College); and

WHEREAS, Councilman Jones stated that he feels that Council has shown its support by doing what it is able to do within the law; and

WHEREAS, Mr. Robbins stated that he realizes that Roanoke College is going to try to expand its borders whenever possible, which is natural, but he feels that when property is rezoned and taken down, tax space is lost in the city which is a grave concern and the character of communities are changed; he stated that he supports moving forward with revisions to the Comprehensive Plan and looks forward to the public meetings; he restated that he is in favor of

the proposed changes to RB zoning; and

WHEREAS, Councilwoman Garst stated that she has heard from Mr. Robbins, Mrs. Reinhard, and other citizens how they would like Council to consider how the College University District zoning is used, what uses are included in CUD zoning, and whether there are other options available; she asked that Council keep that in mind as the Comprehensive Plan review moves forward; and

WHEREAS, Councilman Jones stated that a large part of the discussions held regarding the Comprehensive Plan includes retail uses as related to RB zoning; and

WHEREAS, Councilwoman Garst stated that all issues related to commercial use (lighting, signage, etc.) need to be addressed also; and

WHEREAS, no other person(s) appeared related to said request;

ON MOTION MADE BY COUNCILWOMAN GARST, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, an ordinance entitled, "AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 106, ARTICLE II, SECTIONS 106-208.2, AND 106-208.3, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, PERTAINING TO RESIDENTIAL BUSINESS, PERMITTED USES AND SITE DEVELOPMENT REGULATIONS, AND DEFINITIONS," was hereby passed on first reading – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – absent, John C. Givens – aye, and Byron Randolph Foley – aye.

WHEREAS, the Clerk of Council stated that he may have misspoken earlier when he stated the dates of the public meetings for the Comprehensive Plan; he stated that he said March 5 and 8 were the meeting dates, but the meetings are scheduled for March 3 and March 8, 2011; and

WHEREAS, Councilman Jones restated that the public meetings are scheduled for March 3 and March 8, 2011, at the Salem Civic Center; and

WHEREAS, Councilwoman Garst questioned how the meetings will be publicized; and

WHEREAS, the Clerk of Council stated that notices would be placed on Channel 18, the City's website, and hopefully the local newspapers will print articles on the meetings as well; and

WHEREAS, Councilman Jones again restated the dates of the public meetings; and

WHEREAS, the Clerk of Council stated that the meetings will be held from 5 - 7 p.m. each day.

Mayor Foley requested that Council receive a presentation from Tim Steller, Executive Director, Blue Ridge Behavioral Healthcare, regarding the Fiscal Year 2010 Performance Report; and

WHEREAS, Tim Steller, Executive Director, Blue Ridge Behavioral Healthcare, appeared before the Council to present a report on the work done at Blue Ridge Behavioral Healthcare (BRBH); he stated that BRBH is a community services board established under 37.2-500 of the Code of Virginia by the cities of Salem and Roanoke, and the counties of Botetourt, Craig, and Roanoke; he noted that the law specifies that the community service boards are to serve as the single point of entry into the publicly funded behavioral health system; often the first contact a person may have with this system is in an emergency situation; BRBH provides a 24-hour/7-day a week emergency service which includes pre-screenings before any involuntary hospitalization; he stated that not too long ago BRBH opened a new crisis stabilization facility at 3003 Hollins Road in Roanoke, which provides an alternative for those persons who do not require the level of service provided by a hospital; he further stated that in FY 2010, 285 people were served in this way and another 264 people received medically supervised detoxification services at the facility; he stated that other services provided to those with severe mental illness or a severe emotional disorder include outpatient, day treatment, assertive community treatment, mental health support, intensive in-home, and case management services; in addition to detoxification, a range of services is available to adults who have substance abuse disorders—day treatment is available to those who need an intensive level of services, treatment groups meet daily for three to four hours for as many as ten weeks; most participants in day treatment continue treatment in intensive outpatient groups, which meet three times weekly for sixteen weeks with the treatment continuum concluding with continuing care groups, which meet once or twice weekly for an additional sixteen weeks with individual counseling provided according to individual need; he stated that jail-based therapeutic communities are provided in the Roanoke City and Roanoke County-Salem jails to inmates who have received a sentence of less than one year, which means they will be released to the community rather than serving a sentence in a state correctional facility; upon release from jail, participants immediately begin intensive outpatient treatment; he further stated that BRBH

<p>ITEM 3 PRESENTATION RECEIVED FROM TIM STELLER, EXECUTIVE DIRECTOR, BLUE RIDGE BEHAVIORAL HEALTHCARE, REGARDING THE FISCAL YEAR 2010 PERFORMANCE REPORT</p>

has provided substance abuse treatment services to participants in our local drug court since 1996 and approximately 200 drug court participants are served each year; he discussed Project LINK, BRBH’s case management responsibilities for persons with an intellectual disability, BRBH’s responsibilities to facilitate prevention efforts to reduce the incidence of mental health and substance disorders, and the activities and projects BRBH worked on to help prevent underage drinking; he provided Council with a detailed report that showed specific services provided to Salem residents in FY 2010; he stated that 372 persons with a mental illness, 111 with an intellectual disability (mental retardation), 147 with substance abuse disorder, and 382 others with services not related to a specific disability were served; he noted that in FY 2010 a total of 6,847 persons were served from BRBH’s entire service area; he recognized and thanked the Salem appointees currently serving on the BRBH Board of Directors—Bruce Thomasson, Vice-Chair this year, Linda Franke, and Barbara Gresham; he thanked Council and the City of Salem for their continued support for the work of BRBH; and

WHEREAS, Mayor Foley questioned if he expects additional funding to be allocated for BRBH; and

WHEREAS, Mr. Steller stated that he has just seen the Governor’s proposal for the next fiscal year state budget and the best he can say is that he is thankful the Governor did not propose additional cuts;

THEREUPON, presentation was received.

Mayor Foley requested that Council receive the Abstract of Votes cast at the January 11, 2011, Special Election:

(HERE SET OUT ABSTRACT OF VOTES)

THEREUPON, said Abstract of Votes was received.

ITEM 4
ABSTRACT OF
VOTES CAST AT
THE JANUARY 11,
2011, SPECIAL
ELECTION
RECEIVED

Mayor Foley requested that Council consider setting bond for physical improvements and erosion and sediment control for the site located at 2720 West Main Street; and

WHEREAS, Vice Mayor Givens, Chair of Council’s Audit-Finance Committed, stated that the Committee met and reviewed the bond for physical improvements and erosion and sediment control for the site located at 2720

ITEM 5
BOND AND TIME
LIMIT SET FOR
PHYSICAL
IMPROVEMENTS
AND EROSION
AND SEDIMENT
CONTROL FOR SITE
LOCATED AT 2720
W. MAIN STREET

West Main Street and asked that the City Engineer speak regarding the project; and

WHEREAS, the City Engineer stated that the bond for 2720 West Main Street is a security bond to cover erosion and sediment control, storm water management, and pavement for construction of three buildings on the property; he stated that the property has a small frontage on West Main Street but is 300 to 400 feet in depth; he stated that the property is zoned Highway Business District and will have a parking lot and three buildings on the property; he stated that the property owner has not stated exactly what is planned for the property, but it will have to conform to HBD uses; and

WHEREAS, Vice Mayor Givens questioned what the bond amount will be set at; and

WHEREAS, the City Engineer stated that the bond will be set not to exceed \$62,000; and

WHEREAS, Councilwoman Garst stated that even though the plans are not available, the required setbacks, etc. would have to be followed; and

WHEREAS, the City Engineer stated that the plans have been submitted and reviewed by the Site Plan Review Committee and have been approved; he stated that this process is to obtain Council's approval for the security bond; he noted that if the property owner for some reason does not build the buildings and leaves the property in shambles, the City can use proceeds from the bond to repair the property;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, the bond for physical improvements and erosion and sediment control for the site located at 2720 West Main Street was hereby set to not exceed \$62,000 with a time limit of twelve (12) months for completion – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – absent, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider setting a public hearing in accordance with Section 98-94 of The Code of the City of Salem, Virginia, for the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months (April 1, 2011, to March 31, 2012);

<p>ITEM 6 PUBLIC HEARING SET FOR FEBRUARY 28, 2011, FOR THE ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE NEXT TWELVE MONTHS</p>

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY VICE MAYOR GIVENS, AND DULY CARRIED, February 28, 2011, was hereby set to hold a public hearing in accordance with Section 98-94 of The Code of the City of Salem, Virginia, for the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months (April 1, 2011, to March 31, 2012) -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – absent, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider appointments to fill vacancies on various boards and commissions;

ITEM 7
JIMMY W.
ROBERTSON
REAPPOINTED TO
REAL ESTATE TAX
RELIEF REVIEW
BOARD

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY VICE MAYOR GIVENS, AND DULY CARRIED, Jimmy W. Robertson was hereby reappointed to the Real Estate Tax Relief Review Board for a three-year term, said term will expire February 14, 2014 – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – absent, John C. Givens – aye, and Byron Randolph Foley – aye.

Councilman Jones commended Chief Jeff Dudley, Mike Tyler, and Albert Crowder for providing safe transportation for the poll workers on the January 11 Special Election due to the inclement weather.

There being no further business to come before the Council, the same on motion adjourned at 8:41 p.m.