

UNAPPROVED MINUTES
COUNCIL MEETING
January 9, 2012

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 9, 2012, at 6:30 p.m., there being present the following members of said Council, to wit: Byron Randolph Foley, John C. Givens, William D. Jones, and Lisa D. Garst (Jane W. Johnson - absent); with Byron Randolph Foley, Mayor, presiding; together with 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; Krystal M. Coleman, Deputy Clerk of Council; and Stephen M. Yost, City Attorney, and the following business was transacted:

NOTE: DUE TO AN EQUIPMENT MALFUNCTION, THE MINUTES WERE PREPARED WITHOUT THE USE OF A RECORDING.

The meeting was held at an earlier time for the purpose of recognizing outstanding achievement by Salem High School students.

The December 12, 2011, regular meeting minutes were approved as written, and the December 12, 2011, work session minutes were approved as amended.

The report by the Director of Finance of the City's financial status for a five-month period ending November 30, 2011, was received and ordered filed.

Mayor Foley requested that Council consider adopting Resolution 1191 commending Jacob Semones for winning the 2011 State AA Wrestling Championship; and

WHEREAS, Mayor Foley read the resolution and Council presented Mr. Semones with a copy of the resolution;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, Resolution 1191 commending Jacob Semones for winning the 2011 State AA Wrestling Championship was hereby approved:

(HERE SET OUT RESOLUTION)

ITEM 1 RESOLUTION 1191 ADOPTED COMMENDING JACOB SEMONES FOR WINNING THE 2011 STATE AA WRESTLING CHAMPIONSHIP
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– 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.

ITEM 2
RESOLUTION 1192
ADOPTED
COMMENDING THE
SALEM HIGH
SCHOOL TENNIS
TEAM FOR
WINNING THE 2011
STATE AA TENNIS
CHAMPIONSHIP

Mayor Foley requested that Council consider adopting Resolution 1192 commending the Salem High School Tennis Team for winning the 2011 State AA Tennis Championship; and

WHEREAS, Mayor Foley read the resolution and Council presented the Tennis Team with copies of the resolution;

ON MOTION MADE BY COUNCILWOMAN GARST, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, Resolution 1192 commending the Salem High School Tennis Team for winning the 2011 State AA Tennis Championship was hereby approved:

(HERE SET OUT RESOLUTION)

– 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.

ITEM 3
RESOLUTION 1193
ADOPTED
COMMENDING THE
SALEM HIGH
SCHOOL FORENSICS
TEAM FOR
WINNING THE 2011
STATE AA
FORENSICS
CHAMPIONSHIP

Mayor Foley requested that Council consider adopting Resolution 1193 commending the Salem High School Forensics Team for winning the 2011 State AA Forensics Championship; and

WHEREAS, Mayor Foley read the resolution and Council presented the Forensics Team with copies of the resolution;

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, Resolution 1193 commending the Salem High School Forensics Team for winning the 2011 State AA Forensics Championship was hereby approved:

(HERE SET OUT RESOLUTION)

– 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 adopting Resolution 1194 commending the Salem High School Laconian Staff for winning the 2010 Gold Crown Award; and

WHEREAS, Mayor Foley read the resolution and Council presented the Laconian Staff with copies of the resolution;

ON MOTION MADE BY COUNCILWOMAN GARST, SECONDED BY VICE MAYOR GIVENS, AND DULY CARRIED, Resolution 1194 commending the Salem High School Laconian Staff for winning the 2010 Gold Crown Award was hereby approved:

(HERE SET OUT RESOLUTION)

– 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.

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, the meeting was hereby recessed at 6:49 p.m. for a reception to honor the championship and award winners present at the meeting -- 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.

Meeting reconvened at 7:17 p.m.

Mayor Foley reported that this date and time had been set to hold a public hearing and consider ordinance on first reading to amend, revise, and reordain Chapter 106, Article II, District Regulations, by enacting Section 106-232 of the Code of the City of Salem, Virginia, pertaining to Industrial Park Overlay District; notice of such hearing was published in the December 2 and 9, 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 held December 14, 2011, recommended approval; and

WHEREAS, staff noted the following: this request is to amend Chapter 106, Article II, pertaining to district regulations in industrial districts in the City; it is the intent of the Industrial Park Overlay District to recognize that industrial

ITEM 4
RESOLUTION 1194
ADOPTED
COMMENDING THE
SALEM HIGH
SCHOOL LACONIAN
STAFF FOR
WINNING THE 2010
GOLD CROWN
AWARD

ITEM 5
ORDINANCE
PASSED ENACTING
SECTION 106-232 OF
THE CODE OF THE
CITY OF SALEM,
VIRGINIA,
PERTAINING TO
INDUSTRIAL PARK
OVERLAY DISTRICT

land is a scarce and valuable resource within the city; and the standards contained in this district allow for land to be used with maximum intensity, while also recognizing the need to buffer surrounding areas and street frontage; the following is proposed:

Article II District Regulations

Sec. 106-232. Industrial Park Overlay District.

Sec. 106-232.1. Statement of intent.

(A) It is the intent of the Industrial Park Overlay District to recognize that industrial land is a scarce and valuable resource within the City of Salem. The standards contained in this district allow for land to be used with maximum intensity, while also recognizing the need to buffer surrounding areas and street frontage.

Sec. 106-232.3. Establishment of Industrial Park Overlay Districts.

(A) Industrial Park Overlay Districts shall include all parcels with frontage on one or more of the following streets:

1. The portion of Salem Industrial Drive south of the railroad right-of-way.

Sec. 106-232.5. Site development regulations.

(A) Notwithstanding the requirements of Article IV, herein, the development regulations within the Industrial Park Overlay District shall be as specified in the underlying zoning districts, with the following exceptions:

1. The Front Yard Setback shall be a minimum of 8 feet from the street right-of-way. For parcels adjacent to the Roanoke River, the Rear Yard Setback shall be a minimum of 8 feet from normal high water elevation.

2. For parcels adjacent to the Roanoke River, an 8 foot landscape buffer yard from normal high water elevation shall be established and reserved for natural vegetation.

3. When parcels abut a different zoning classification, a 15 foot buffer yard with two rows of large evergreen trees shall be planted within the buffer.

4. No perimeter landscaping as required under Section 106-402.7 between

parking areas and adjacent properties is required for parking lots with fewer than 100 parking spaces.

5. Planting islands at the ends of parking rows are not required for parking lots with fewer than 100 parking spaces.

6. Regardless of the number of parking spaces, rows of more than 20 parking spaces shall be broken up with an island containing at least one tree.

7. Front yard setbacks shall be professionally designed and landscaped with a combination of evergreen shrubs and deciduous trees. The required number of shrubs shall be a minimum of one shrub per 25 linear feet of frontage. The required number of deciduous trees shall be a minimum of one tree per 100 linear feet of frontage. These plantings may be grouped with the approval of the administrator.

8. Each parcel shall have a minimum of one canopy tree, as defined in Section 106-230.9 per 100 parking spaces. For parcels containing fewer than 100 parking spaces, a minimum of one such tree shall be provided. These trees shall be located within large planting areas so as to shade parking areas or buildings.

9. Stormwater areas may be landscaped with bog plants, or as rain gardens, in conjunction with City stormwater regulations. Stormwater areas may include appropriately adapted trees or plants, which may count towards the overall landscaping requirements.

10. Structures that encroach into the front setback at the time of the adoption of this ordinance are exempt from the provisions of Section 106-402.23 (4). However all other requirements of Section 106-402.23 are in full force and effect, as well as the requirements in Section 106-526.

Sec. 106-232.7. Administration.

(A) The owner shall be responsible for the perpetual maintenance and protection of all landscaped areas required by this ordinance.

(B) Replacement of trees is permitted and shall be in accordance with the applicable provisions of this ordinance. Dead, unhealthy, or misshapen trees shall be replaced immediately by the owner.

(C) Maintenance includes actions necessary to keep trees neat and orderly in appearance and free of litter and debris. Pruning of trees shall be done in a

manner that preserves the character of the tree and is not detrimental to the health of the tree.

(D) The administrator shall have the authority to enforce the requirements of this ordinance; and

WHEREAS, Benjamin W. Tripp, Planner, appeared before the Council explaining the proposed ordinance amendment; he noted the purpose of the ordinance is to allow businesses in this area to use the land as efficiently as possible; this will permit them to locate required landscaping more in the front and rear and less on the sides; also, landscaping may be incorporated in the storm water ponds and further, a front setback is being proposed where there currently is not one; he stated that the current landscaping is grandfathered; he further stated that staff met with the property owners in the area and the owners support the proposed changes; and

WHEREAS, a discussion was held regarding the proposed changes: the discussion focused on whether enough changes were made and do the changes sufficiently address concerns from property owners, etc.; and

WHEREAS, staff noted that the changes were sufficient and business owners were supportive of the changes.

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

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, an ordinance to amend, revise, and reordain Chapter 106, Article II, District Regulations, by enacting Section 106-232 of the Code of the City of Salem, Virginia, pertaining to Industrial Park Overlay District 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 requested that Council consider setting a public hearing in accordance with Section 98-94 of the Code of the City of Salem, Virginia, for issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months;

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY VICE MAYOR GIVENS, AND DULY CARRIED, a public hearing was hereby set for February 27, 2012, in accordance with Section 98-94 of the Code of the City of Salem, Virginia,

ITEM 6
PUBLIC HEARING
SET FOR FEBRUARY
27, 2012, FOR
ISSUANCE OF
CERTIFICATES OF
PUBLIC
CONVENIENCE AND
NECESSITY FOR THE
NEXT TWELVE
MONTHS

for issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months – 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;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, John R. Hildebrand was hereby reappointed to the Board of Appeals (USBC) for a five-year term, said term will expire January 1, 2017 – 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.

There being no further business to come before the Council, the same on motion adjourned at 7:26 p.m.

<p><u>ITEM 7</u> JOHN R. HILDEBRAND REAPPOINTED TO BOARD OF APPEALS (USBC)</p>
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