

Salisbury, North Carolina
March 19, 2013

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson Jr., Presiding; Council Members Karen Kirks Alexander, and, William Brian Miller; City Manager Doug Paris; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: Mayor Pro Tem Maggie A. Blackwell and Council Member William (Pete) Kennedy

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Woodson at 4:00 p.m. The invocation was given by Councilmember Miller.

PLEDGE OF ALLEGIANCE

Mayor Woodson led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Woodson welcomed all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Woodson noted the following changes to the Agenda:

Postpone - Item 12 - Council to receive a presentation from staff regarding the Salisbury Historic Preservation Master Plan and consider setting a public hearing for April 2, 2013 to receive public comment.

RECOGNITION - SALISBURY HIGH SCHOOL STUDENT MCKENZIE STEVENS

Mayor Woodson recognized Salisbury High School Student McKenzie Stevens for winning the North Carolina 2A Swimming Championship in the 200 freestyle event. He read a Proclamation proclaiming March 19, 2013 as McKenzie Stevens Day and presented a framed copy of the Proclamation to Ms. Stevens. He congratulated Ms. Stevens, and recognized Salisbury High School Coaches Ryan Starrett and Matt Parrish who were in the audience.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Special Meeting of February 14-15, 2013 and the Regular Meeting of March 5, 2013.

Thereupon, Ms. Alexander made a **motion** to adopt the Consent Agenda as presented. Mr. Miller seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT LDOZ-02-2013 WALLACE PROPERTIES I, LLC

Planning and Development Services Manager Preston Mitchell addressed Council regarding a request to rezone a split-zoned parcel to Corridor Mixed-Use (CMX). He explained the petition was submitted to the Planning Board February 26, 2013 by Wallace Properties I, LLC.

Mr. Mitchell displayed a map of the area and noted the property is located at 520 South Main Street. He reviewed photographs and explained the property contains a multi-tenant building situated approximately 150 feet from the street right-of-way and has parking in the front. He pointed out a loading dock behind the building that is no longer used, and he added all access to the building is from the front.

Mr. Mitchell indicated the parcel in question is a new parcel. He explained the original parcel was a through parcel with frontage on two streets, South Main and Church Streets. He noted staff was concerned the rezoning would introduce CMX zoning to Church Street which is a Historic Residential (HR) district. He pointed out the applicant voluntarily moved forward with a plat to remove the portion that fronts Church Street in order to keep the HR zoning consistent along Church Street.

Mr. Mitchell explained the property in question is split-zoned with Downtown Mixed-Use (DMX), General Residential (GR6), and HR districts. He indicated staff recommends rezoning the property to CMX to correct the split-zoning situation.

Mr. Mitchell noted the differences in the Land Development Ordinance (LDO) provisions for the CMX and DMX districts. He explained the CMX district allows up to 75-foot setbacks while DMX district allows for 10-foot setbacks. He pointed out if the property is rezoned the building will still be nonconforming because it is 150 feet from the street. He noted if the parcel is redeveloped, CMX zoning will allow the redevelopment to take place at 75-feet instead of 10-feet. He pointed out two rows of front parking are allowed in CMX while DMX requires parking in the side or rear. Mr. Mitchell reviewed the signage allowance for CMX and DMX, and he pointed out CMX signage allows for a pole or monument style sign 50 square feet and 20-feet in height. He stated CMX zoning encourages a similar development to DMX but is more relaxed because it is outside the main core of the downtown area.

Mr. Mitchell indicated during the current rezoning it was discussed that a new zoning district may be needed for the area. He stated now that the LDO has been in effect for five years, it may be time to consider creating a new district to connect CMX and DMX zoning. He reviewed the South Main Corridor Zoning Study/Area Plan:

- Must be consistent with the 2010 Downtown Master Plan
 - Encourage business growth to provide services and conveniences that meet the needs of downtown residents
 - Economic development
 - Adaptive reuse
- Needs to encourage/facilitate new infill and redevelopment
- Should compliment/expand character/patterns of downtown fabric while remaining flexible through design
- Must recognize changes/differences in streetscape, blocks, posted speeds etc.
- Official goal of Planning Board and Council

Mr. Mitchell reviewed the Vision 2020 Plan:

- Policy C-2:
 - The City shall encourage a flexible, yet compatible development environment that supports new business formation and growth in the City's older commercial areas
- Policy C-3:
 - New development in or adjoining an older commercial area should be compatible with existing desirable development within its vicinity. Compatible criteria shall include size, scale, massing, fenestration, rhythm, setback, materials, context, and landscaping
- Policy C-4:
 - The pedestrian-oriented character of older commercial areas shall be preserved and strengthened

Mr. Mitchell noted the Planning Board met February 26, 2013:

- Recommend petition is:
 - Consistent with Vision 2020 Plan
 - Both Consistent and Inconsistent with the Downtown Master Plan
 - Voted 10-1 to recommend approval of petition

Councilmember Miller stated it is his understanding the rezoning request began because of a concern regarding the sign and how it would be altered to meet DMX zoning requirements.

Mr. Mitchell explained when the applicant approached staff they discussed rezoning the property, including what DMX would and would not allow. He pointed out signage was a part of the conversation, but nonconforming situations with the building and permitted uses were also discussed. He added they also discussed the fact that CMX allows limited outdoor display and DMX would not allow outdoor display.

Mr. Miller noted DMX zoning allows zero setbacks leaving little room for displays in front of the store. Mr. Mitchell stated that is correct.

Mr. Mitchell stated the signage discussion was related to the ground sign. He explained DMX requires a monument sign with a maximum height of five feet and 40 square feet. He noted the applicant wanted to maintain the existing pole sign, and if rezoned to CMX the applicant will have to reduce the pole by two feet to bring it into compliance. He noted the top cabinet of the existing sign is believed to be 50 square feet, but the bottom cabinet would have to be removed and the overall height of the sign reduced by two feet if the property is rezoned CMX. He noted the applicant prefers a sign that is 20-feet in the air as opposed to a monument sign that is five feet high.

Councilmember Alexander asked about the speed limit in the area. Mr. Mitchell stated the speed limit is 35 mph.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding LDOZ-02-2013.

Mr. Bryce Beard, 1617 Emerald Avenue, stated he is the property manager for the site. He explained the majority of existing buildings on Main Street, three blocks north or south, are not in compliance with DMX, because many are set back from the street and others have large pole signs. He pointed out the property is not in the core of downtown but in the corridor. He indicated the parcel is on a four-lane highway with a 35 mph speed limit and no on-street parking. He added the business needs a sign that can be seen at 35 mph. He noted the company is willing to reduce the sign two-feet to bring it into compliance. He thanked Council for its efforts to be business friendly.

Mr. Mark Lewis, 109 Kingsbridge Road, President of Downtown Salisbury Inc. (DSI), stated DSI cannot fully support the rezoning because it has not had time to review the request. He explained the South Main Street corridor was identified in the 2010 Downtown Master as a place to encourage downtown, zero lot line type development. He pointed out the Plan was created through the efforts of hundreds of community participants and adopted as an official Plan of the City. He noted the Land Development Ordinance Committee recommended DMX zoning on Main Street to Thomas Street. He stated DSI was notified about the proposed hearing for the Lyerly Funeral Home rezoning one day before the Planning Board meeting. He stated it did not leave enough time to study the proposal or for discussion among the DSI Board. Mr. Lewis hoped after the Lyerly rezoning, staff would bring DSI into rezoning discussions earlier in the process. He noted DSI is not the legislative body that deliberates these issues but it does support downtown. He emphasized DSI did not receive notification until the day before the Planning Board meeting, and he requested DSI be brought into the discussion earlier in the process as a stakeholder.

Mr. Randy Hemann, 314 Mitchell Avenue, gave his remaining time to Mr. Lewis. Mr. Lewis stated he and Mr. Hemann are supportive of the petitioner's request, and he encouraged Council to approve the rezoning. He noted Salisbury Power Equipment had a very successful opening and is already providing jobs and retail opportunities in the downtown area. He asked Council to keep an open mind to community input as the small area plan for South Main Street is developed.

Mayor Woodson asked Mr. Mitchell to send rezoning notices to DSI when they are sent to adjacent property owners.

Mr. Chris Biesecker, 13606 Carlene Way Drive Charlotte, owner of Salisbury Power Equipment, stated the sign and outdoor displays in front of the store are critical to the success of the business. He explained with the store front 150 feet from the street, a potential customer can drive by and not see the store. He noted the sign needs to be 20 feet tall so drivers coming down the hill will see it. He thanked staff for working with the company.

Mr. Victor Wallace, 1110 Confederate Avenue, stated the proposed parcel is not in the Municipal Service District which supports DSI. He noted it is unusual to hear from DSI about the rezoning. He explained this is a completely different area from downtown, and he pointed out there is no on-street parking. He indicated this is an interim fix to allow a new business to prosper and to allow signage needed for a building 150 feet off of the road.

There being no one else to address Council, Mayor Woodson closed the public hearing.

Ms. Alexander stated since hearing more information she agrees with Mr. Mitchell's idea to consider another zoning classification for the area. She asked if it was possible to allow the sign and zoning classification to remain until the South Main Corridor Study is completed.

Mr. Mitchell stated it is not possible since the Sign Ordinance and LDO provisions do not allow for an administrative variance. He explained the company was issued a 15-day Grand

Opening Permit, and if no action is taken today another Grand Opening Permit will need to be issued until the next Council meeting.

Mayor Woodson stated this is an important decision because of the South Main Corridor Study. He clarified the sign is two-feet taller than regulation allows. Mr. Mitchell stated that is correct, and he pointed out additional signage must be removed to bring the business into compliance.

Mr. Miller asked if Council can allow Salisbury Power Equipment to use the sign until the area can be studied and a recommendation made. He added in his opinion the right answer will come out of the small area plan, and it is not fair to the business to keep changing its zoning classification.

Mr. Mitchell stated if the zoning is changed, the company will have guaranteed rights under the CMX zoning even if the zoning is changed multiple times.

Mr. Miller noted he has no intent of keeping Salisbury Power Equipment from opening. He referred to outdoor storage and noted Lowes keeps tractor trailers with pine straw on its premises. He stated in his opinion that was not the intent when outdoor storage was allowed. He asked if it is possible to identify where outdoor storage can occur on a site.

Mr. Mitchell clarified the difference between outdoor storage and outdoor display. He explained outdoor storage is storage of goods that are a surplus of inventory or used for general maintenance and upkeep of the building. He stated storage is different from display, and he pointed out display areas must be identified as designated outdoor display areas. He noted outdoor storage is not permitted in the front yard.

Mr. Miller asked if outdoor displays can be located anywhere on the site if the property is rezoned to CMX. Mr. Mitchell stated outdoor displays can only be located in a specified area.

Ms. Alexander asked if there is a limit to how much product can be displayed. Mr. Mitchell stated a business cannot use more space for outdoor display than space required for parking.

Mr. Miller stated he would prefer having a completed a small area plan, but he pointed out the site is much improved. He suggested Council proceed with the rezoning request but stated he does not want to consider other rezoning requests for this area until the small area plan is complete. He asked if a moratorium on rezoning would be appropriate. He suggested staff begin work on the small area study plan.

Mr. Mitchell explained staff has been in conversation with the University of North Carolina at Chapel Hill School of Government and will look into adopting a moratorium on rezoning the South Main corridor for a specified period of time. He stated he is working on the details and would like to present it to the City Manager for Council's consideration at its April 2, 2013 meeting.

Ms. Alexander pointed out if the property is zoned CMX the building will still be nonconforming. Mr. Mitchell stated the use is satisfactory, but the sign is nonconforming. He explained anytime there is a change of business the Sign Ordinance requires the sign face to change in order to bring the sign into compliance.

Mayor Woodson stated he does not want to hinder new development. He recognized the study is needed but pointed out he is concerned about the amount of time the study will take.

Mr. Miller suggested approval of this request to allow the new business to proceed but to postpone any further rezoning in the area until the study is underway.

Ms. Alexander asked if the rezoning request can wait until the other Council members are present. Mr. Miller suggested Council vote on the issue unless it requires four members present for approval.

Mr. Mitchell stated a second reading will be required. He noted the rezoning will not be effective tomorrow so an additional Grand Opening Permit will be issued for 15 days.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and finds it both consistent and inconsistent with the 2010 Downtown Master Plan, and that adoption of the Ordinance is reasonable and in the public interest. Therefore, Mr. Miller made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, by rezoning one parcel, 520 South Main Street, from Downtown Mixed-Use (DMX), General Residential (GR6), and Historic Residential (HR) Districts to Corridor Mixed-Use (CMX) District. Ms. Alexander seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING ONE PARCEL, 520 SOUTH MAIN STREET, FROM DOWNTOWN MIXED-USE (DMX), GENERAL RESIDENTIAL (GR6), AND STRONG HISTORIC RESIDENTIAL (HR) DISTRICTS TO CORRIDOR MIXED-USE (CMX) DISTRICT.

*(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 6, and is known as Ordinance 2013-06)

** It will be necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council required to pass an ordinance at its first reading*

BOARDED-UP RESIDENTIAL PROPERTIES

Code Services Manager Chris Branham stated at its March 5, 2013 meeting, Council received a detailed presentation regarding an amendment to Chapter 10 of the City Code

regarding regulation of boarded-up residential properties. He emphasized the amendment involves boarded-up residential properties only and does not include vacant property.

Mr. Branham noted the:

- Housing Advocacy Commission (HAC) voted unanimously in favor of the amendments to City Code February 7, 2013
- Presented to Historic Preservation Commission (HPC) February 21, 2013 and received approval from the members present
- Presented to City Council on March 5, 2013 requesting a public hearing for today

Mr. Branham reviewed the proposed amendment changes:

- Section 10-62 Regulation of Boarded-Up Residential Structures
 - (a) Purpose and Authority
 - (b) Definitions
 - (c) Requirements; Time Limit
 - Allowed six months to be boarded-up, may not be renewed
 - (d) Grace Period
 - 90 days from adoption
 - (e) Registration
 - Register within 48 hours of boarding up an opening, form available online,
 - No fee for registration
 - (f) Violations
 - Failure to register the property
 - Failure to follow guidelines
 - Boarded-up past the six month time limit
 - (g) Guidelines for Boarding up a Structure
 - Use plywood material or better, secure to opening with screws, paint board black with white cross hair
 - (h) Notice of Violation Penalties
 - 15 days to comply once notice is sent
 - First violation is \$500, and \$50 each day after
 - (i) Notices
 - Sent to owner on file at tax office by first class mail
 - (j) Appeal and Hearing
 - Allowed to appeal during 15-day notice of violation period

Mr. Branham noted property owners will be able to register their property online. He reviewed the time frame and fees of other municipalities in the area with similar Ordinances:

<u>Location</u>	<u>Grace Period</u>	<u>Time Limit</u>	<u>Fine Amount</u>	<u>Enacted</u>
Charlotte	6 months	6 months no renewal	\$500, \$50 per day	2007
Weldon	6 months	6 months no renewal	\$500, \$50 per day	Not adopted yet
Durham	--	6 months	\$300, \$300 per month, maximum \$5,000	2010
Fayetteville	6 months	3 years	\$100	2012
Greensboro	--	Not allowed	--	2011

Mr. Branham reviewed the ownership for boarded-up properties in the City:

<u>Owner Location Address</u>	<u>Number of Properties</u>
Salisbury	67
Rowan County	10
Other counties in North Carolina	19
Other States	17
Total	113

Mr. Branham reviewed questions that came up at the last Council meeting:

- What happens at the end of six months
 - Property will have gone through the minimum housing compliance process, the next step would be to ask Council to adopt a repair or demolition Ordinance or to pursue an Order from the court system directing the owner to comply
- What properties would fall under this Ordinance
 - A property that is currently boarded-up or is going to be boarded-up in order to secure the property
- Are we encouraging owners to board-up their properties
 - No, this Ordinance establishes guidelines if a property is to be boarded-up
- What are the costs involved
 - \$25 per sheet of plywood
 - \$40 paint supplies
 - \$10 for hardware
 - For a dwelling with 10 openings, the cost would be approximately \$300

Mayor Woodson stated after the six month time frame the fines will begin. Mr. Branham stated that is correct. He explained the \$500 fine will be for the first day after the six month period is up. He added the property owner will be given 15 days to bring the property into compliance with the minimum housing code and then the \$50 per day fine would begin.

Mayor Woodson indicated he agreed with the concept, but he thinks the fines are high.

Councilmember Alexander asked if there was a limit to the fine. Mr. Branham stated if Council thought a maximum fee was needed, it could be added to the Ordinance.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding boarded-up residential properties.

Ms. Barbara Perry, 131 West Bank Street, member of the HAC, stated in 2005 the Community Appearance Commission (CAC) formed the Neighborhood Leaders Alliance. She noted the number one problem at that time was boarded-up properties and the second problem was entrance signs into neighborhoods. She explained the CAC was able to place entrance signs into neighborhood through grants, but eight years later boarded-up houses have not been addressed. She stated what is in place is not working, and she pointed out there are properties in the City that have been boarded-up for years and continue to deteriorate.

Mr. Brian Davis, 429 Park Avenue, urged Council to allow the six month period to be extended if the property owner is otherwise in compliance. He noted many structures, including City Hall, have been vacant and by establishing a set period it forces the issue. He added important structures in the community may be lost. He noted many times a property owner will board-up a property to protect it.

Councilmember Miller asked Mr. Davis if he supports the regulation of boarded-up residential property. Mr. Davis stated he is in favor but has concerns.

Mr. Garth Birdsey, 422 Martin Luther King, Jr. Avenue, stated he owns a house that was boarded-up for 30 years. He noted the home is in the 600 Block of Park Avenue and is pivotal to the neighborhood. He explained when he purchased the home he was advised to leave the boards on the property to protect it, but he took them off and installed windows. He noted many boarded-up homes are investment properties that have been abandoned. He stated this Ordinance would force property owners to take action. He added he supports the Ordinance, and he believes the fines need to be stiff.

Mr. William Peoples, 522 North Fulton Street, stated he serves on the HAC. He noted before the HAC was formed, the City became proliferated with boarded-up housing. He indicated many of the boarded-up properties are in the poor neighborhoods, and one property has been boarded-up for 15 years. He added by bringing attention to the problem, citizens know the City is concerned about the blight. He stated he supports the Ordinance and the higher fees. He indicated property owners must take responsibility and should not be allowed to keep their property boarded-up.

Mr. Nathan Chambers, 419 Princeton Drive, stated he serves on the HAC, but is here to represent the many landlords he serves at Chambers Realty. He explained many times property owners have tenants who trash a house and the property owner cannot afford the needed repairs. He noted the time period is sufficient to determine if a house is to be sold or repaired. He added the fines are appropriate and will encourage property owners to get rid of the property or make the needed repairs. He noted citizens, including potential renters, are concerned with boarded-up properties in their neighborhoods. He thanked Council for considering this issue.

Clyde, East Bank Street, suggested property owners replace the windows instead of boarding up the property. He noted he does not support painting the plywood black, and he thinks the fines are too high. He suggested the next Blockwork focus on boarded-up properties, replacing the plywood with glass. He offered to cut the glass, free of charge, to replace any window in the City that needs replacing.

Mr. Rodney Queen, 101 Ferncliffe Drive, stated he supports the Ordinance. He explained Code Service Manager Chris Branham should be allowed to extend the grace period beyond six months. He displayed photographs of boarded-up properties and noted they are difficult to police and put a hardship on other homeowners in the area. He stated the objective is to bring the boarded-up properties into compliance and to protect the citizens that live next to them. He encouraged Council to support the Ordinance and suggested sending it to a committee to extend the six-month grace period if home owners are following the plan for compliance.

Ms. Dodie Le Fevre-King, 631 North Martin Luther King, Jr. Avenue, stated she recently moved into a historic home. She asked Council to approve the Ordinance which will support homeowners in historic districts and reduce crime in the area.

There being no one else present to address Council, Mayor Woodson closed the public hearing.

Councilmember Miller stated the issue is not about painting the plywood, but about not allowing the plywood to exist beyond a certain length of time. He indicated homeowners must develop a plan during the specified time frame to improve the conditions. He added a property owner can choose to lose the asset or repair it. Mr. Miller noted the goal is not to tear down houses but to limit the time a property owner can board-up their property. He stated he supports the Ordinance.

Ms. Alexander stated she is in favor of the concept but asked if staff has studied the cost of fixing the broken glass rather than installing plywood. She asked if an option is to require property owners to replace the plywood with glass. Mr. Branham stated the option is possible, as part of a repair Ordinance, after the six-month grace period.

Mr. Branham stated the Ordinance is not meant to encourage property to be boarded-up, but to deal with property that is already boarded-up. He added the Ordinance requires property owners to submit a plan of action to address the boarded-up property.

Mayor Woodson stated he is supportive of the Ordinance. He noted it is difficult to keep people out of vacant properties, and vagrants will break windows to gain entrance. He indicated he thinks the fines are too heavy, and he asked Council for its opinion.

Mr. Miller stated he can support the fines. Ms. Alexander stated she can support the fines if the idea is to use the Ordinance as a deterrent to reduce boarded-up properties.

Council discussed postponing any action until all Council Members were present.

Thereupon, Mr. Miller made a **motion** to table the discussion regarding boarded-up residential property until April 2, 2013 at Council's regular meeting. Ms. Alexander seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

DOWNTOWN SALISBURY INC. 2013-2014 CITY BUDGET REQUEST

Downtown Salisbury Incorporated (DSI) President Mark Lewis and DSI Executive Director Randy Hemann presented the DSI FY2013-2014 budget request. Mr. Lewis reviewed the FY2011-2012 statistics for DSI:

- Net gain of 10 new jobs
- Net gain of four businesses (12 openings and 8 closings)
- \$1,019,315 million in investment
- 1,725 volunteer hours from the Board and Committees
- Restructure the organization
- Loss of Municipal Service District/Innes Street Grants last year
- Key projects
 - Go Burrito
 - A Perfect Smoke
 - Lee Street Theater
 - Potential restaurant next door to A Perfect Smoke
 - Integro Technologies
 - Rowan-Salisbury Schools Central Office

Mr. Lewis reviewed the cumulative statistics for DSI from 1980 through 2012:

- Over \$119 million in investment
- \$57 million since 2001 when the Master Plan was adopted
- Over 1,000 jobs net gain since 1980

Mr. Lewis explained DSI has restructured and:

- Downtown promotions and events are carried out by the Tourism Development Authority (TDA)
- DSI serves as leasing agent for the Plaza
- DSI continues to work through the following committees:
 - Design/Master Plan
 - Economic Restructuring
 - Parking and Traffic
 - Empire Hotel Task Force (and subcommittees)
 - Organizational Committee
- DSI mission continues to be the same
 - DSI will promote, enhance and manage the development of the central business district in a manner which will make the district the economic, governmental, social and cultural center of Rowan County

- Overall goals have not fundamentally changed

Mr. Lewis reviewed DSI's Goals:

- Develop a revolving fund from the Municipal Service District (MSD) funds
- Work with Chamber of Commerce, TDA and Economic Development Commission (EDC) to promote collective agenda and partnership
- Promotions/merchant support-quarterly with merchants
- Form a Task Force/Partnership to focus on developing area neighborhoods
- Explore all development options for the Empire Hotel and continue to solicit developers
- Assist the City with plans for new Farmers Market
- Continue support of central office for Rowan-Salisbury School System
- Assist the City in its creation of a Small Area Plan for Lee Street/Farmer's market development/arts development
- Create a Small Area Plan for the South Main area (from the 300 block south)
- Create attractive/additional parking in areas of high demand
- Assist Promotions Committee at TDA as needed
- Work on slowing traffic and creating a more pedestrian friendly environment
- Left Turns at the Square

Mr. Lewis noted DSI has experienced a paradigm shift:

- Promotions shifted to TDA
- DSI focus on economic development
- Move toward a model where
 - Municipal Service District taxes used for economic development
 - City apportionment funds for overhead

Mr. Lewis explained the changes will allow DSI to be a part of future growth in Salisbury. He reviewed DSI's Economic Development focus:

- Municipal Service District Grant Program
- Façade Grants
- Start Up Rental Assistance
- Finder's Fee (lead generation)
- Business Plan Competition/Assistance
- Extended Hours
- Main Street Conference Session
- Streetscape Improvements/Amenities
 - Benches
 - Trash Cans
 - Creature Comforts

Mr. Lewis explained in the past the Innes Street and Main Street Façade grants have returned \$14 of private investment for every dollar the City invested into the program. He indicated future grants could include revolving loans for new and existing businesses, a retail incentive program, and low interest relending to promote new business investment in the Municipal Service District. He explained DSI would like to serve as the administrator of the grants and to allocate the funds at its discretion.

Mr. Lewis reviewed the DSI FY 2013-2014 Budget request:

South Main Plan	\$10,000
MSD Grant Program	\$35,000
Streetscape Improvement	\$10,000
Rent (Gateway)	<u>\$6,000</u>
Total	\$61,000

Mr. Lewis pointed out the current budget request includes a \$6,000 increase. He noted in an effort to bring economic development agencies together, DSI agreed to move to the Gateway Building creating an addition rent expense. He pointed out DSI will rent its current location for more than it will pay in rent which will create revenue.

Mayor Woodson thanked Mr. Hemann and Mr. Lewis for all they do to improve the downtown.

SPECIAL COMMUNITY EFFORT GROUPS 2013-2014 CITY BUDGET REQUEST

Mayor Woodson opened the floor to receive presentations from “special community efforts groups” 2013-2014 City Budget requests.

There being no one to address Council, Mayor Woodson closed the floor.

CDBG AND HOME PROGRAM FUNDS

Interim Community Planning Services Director Janet Gapen presented the 2013-2014 Budget for Community Development Block Grant (CDBG) and HOME Program Funds. She stated the budget reflects a five percent decrease from last year as advised by United States Department of Housing and Urban Development (HUD), and it is possible the funding may be reduced an additional five percent. She stated she had been advised by Assistant City Manager of Finance John Sofley to consider the five percent reduction so when final numbers are received it will not have to return to Council. She reviewed the proposed budget with the five percent reduction:

CDBG	\$241,258
HOME	\$87,957
<u>Program Income</u>	<u>\$35,000</u>
Total	\$364,215

Ms. Gapen reviewed the CDBG funding reductions from 2004 through 2013:

<u>Year</u>	<u>CDBG Allocation</u>	<u>Difference</u>	<u>% Change</u>
2004-2005	\$397,000		
2005-2006	\$375,798	-\$21,202	-5.3%
2006-2007	\$341,450	-\$34,348	-9.1%
2007-2008	\$327,526	-\$13,924	-4.1%
2008-2009	\$305,040	-\$22,486	-6.9%
2009-2010	\$309,654	\$4,614	1.5%
2010-2011	\$335,518	\$25,864	8.4%
2011-2012	\$258,212	-\$77,312	-23%
2012-2013	\$253,956	-\$4,256	-1.6%
2013-2014	\$241,258	-\$12,698	-50%

Ms. Gapen noted the CDBG and HOME Programs use a five-year Consolidated Plan. She reviewed the Consolidated Plan priorities:

<u>Category</u>	<u>Priority Level</u>	<u>Geographic Distribution</u>
Housing	High	Focus in revitalized areas
Infrastructure and public facilities	High	Revitalization areas
Public Service	High	City-wide
Homeless and Special Needs	Medium	City-wide
Other Neighborhood Revitalization	Medium	Revitalization Areas

Ms. Gapen explained housing activities funds are available for low to moderate income families throughout the City limits. She noted when funds are invested in area-wide benefits such as park improvements or sidewalks, they must be designated to one of the four revitalization areas in the City: the West End Neighborhood, the Jersey City Neighborhood the Park Avenue Neighborhood, or the East End.

Ms. Gapen reviewed the CDBG proposed budget:

• Housing Activities		
○ Purchase/Rehab/Resale	\$92,933.20	
○ Owner-occupied Rehab	\$30,000.00	
○ Emergency Rehab	\$10,000.00	
		\$132,933.20
• Public Services (15 percent cap)		
○ Rowan Helping Ministries	\$17,000.00	
○ Family Crisis Council	\$10,500.00	
○ Community Care Clinic	\$7,400.00	
○ Salisbury Youth Employment	\$4,900.00	
○ SHA Family Self-sufficiency	\$800.00	
		\$40,600.00
• Program Administration (20 percent cap)		\$55,250.00
• Debt Service-Park Avenue Center		\$47,474.80
		<u>\$276,258.00</u>
	Total CDBG Funds	

Ms. Gapen reviewed the HOME Investment Partnership Program proposed Budget:

Ms. Gapen indicated staff will publish the CDBG and HOME Program budget April 1, 2013 for a 30-day public review and comment period. She noted it will then be submitted to HUD May 4, 2013.

Mayor Woodson asked if there could be any additional cuts from the \$364,215. Ms. Gapen indicated HUD has advised a possible additional five percent reduction.

Thereupon, Mr. Miller made a **motion** to approve the FY2013-2014 budget for CDBG and HOME program funds. Ms. Alexander seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

SALISBURY HISTORIC PRESERVATION MASTER PLAN

This item was postponed until April 2, 2013.

CABARRUS ROWAN METROPOLITAN PLANNING ORGANIZATION ORGANIZATIONAL STRUCTURE

City Engineer Dan Mikkelson addressed Council regarding the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) organizational structure. He stated the City is a member of the CRMPO which is composed of 15 municipalities, two counties, and the North Carolina Department of Transportation (NCDOT). He explained the CRMPO operates under a Memorandum of Understanding that is 10 years old, and needs to be updated to reflect current membership and voting rights. He pointed out all eighteen entities must approve the document. He noted staff reviewed the Memorandum of Understanding and recommends approval.

Councilmember Miller asked Mr. Mikkelson to describe the changes to the agreement. Mr. Mikkelson stated the changes identify all active members and clarifies NDOT voting rights.

Thereupon, Mr. Miller made a **motion** to authorize the Mayor and City Clerk to execute a Memorandum of Understanding with the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) regarding the organizational structure of the CRMPO. Ms. Alexander seconded the

motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

CONTRACT – NORTH CAROLINA DEPARTMENT OF TRANSPORTATION – REPAIRS TO FISHER AND ELLIS (SHOBER) BRIDGES

Street Division Manager Craig Powers addressed Council regarding repairs to Fisher and Ellis (Shober) Street Bridges. He explained the North Carolina Department of Transportation (NCDOT) has agreed to act as contractor for the bridge repairs providing labor and resources. He stated the City will buy materials and is responsible for flagging costs. He pointed out the project estimate is under the approved budget figure. He noted the projected start date is Tuesday, March 26, 2013 with an estimated six-week timeframe.

Thereupon, Ms. Alexander made a **motion** to authorize the City Manager to execute a contract with the North Carolina Department of Transportation in the amount of \$143,640 for repairs to Fisher and Ellis (Shober) Street Bridges. Mr. Miller seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

CONTRACT – NORTH CAROLINA DEPARTMENT OF TRANSPORTATION – PROJECT P-5206A

Salisbury-Rowan Utilities Director Jim Behmer addressed Council regarding North Carolina Department of Transportation (NCDOT) project P-5206A. Mr. Behmer explained the Peeler Road and Peach Orchard Rail Corridor Project will close two at-grade separations, and adjustments and relocation of water and sanitary sewer lines need to be made at an estimated cost of \$24,538.75.

Mayor Woodson asked if the project will take several years to complete. Mr. Behmer stated that is correct.

Councilmember Miller asked to clarify who is being reimbursed. Mr. Behmer stated the City is reimbursing NCDOT because City facilities are in NCDOT encroachments.

Thereupon, Mr. Miller made a **motion** to authorize the City Manager to approve a Utility Agreement with the North Carolina Department of Transportation (NCDOT) for reimbursement by Salisbury-Rowan Utilities for the estimated cost of \$24,538.75 for adjusting and relocating water and sanitary sewer lines in conjunction with NCDOT Project P-5206A. Ms. Alexander seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

PARKING RESTRICTIONS – LAKE DRIVE

Traffic Engineer Wendy Brindle addressed Council regarding parking restrictions on Lake Drive. She displayed a map of the area and explained there is one home on the block of Lake Drive between Annandale and Confederate Avenues. She noted the property owner has

requested parking at all times be allowed on the east side of the street. She stated parking is currently restricted from 10:00 p.m. until 7:00 a.m.

Ms. Brindle stated she has visited the site and has spoken with the Police Department and Parks and Recreation. She indicated staff recommends the parking restriction be lifted to allow parking at all times on the east side of Lake Drive between Annandale and Confederate Avenues.

Thereupon, Ms. Alexander made a **motion** to adopt an Ordinance amending Section 13-345, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited from 10:00 p.m. until 7:00 a.m, Mr. Miller. seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

ORDINANCE AMENDING SECTION 13-345, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED 10 P.M. TO 7 A.M.

* (The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 5, and is known as Ordinance 2013-05*)

** It will be necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council required to pass an ordinance at its first reading*

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Historic District Design Guidelines Committee

Councilmember Alexander nominated Mr. Jon Cerny to serve on the Historic District Design Guidelines Committee. She explained Mr. Cerny attended the Committee's first meeting and she pointed out the project must be completed by August 2013.

Thereupon, Ms. Alexander made a **motion** to appoint Jon Cerny to the Advisory Committee to update the Historic Design Guidelines. Mr. Miller seconded the motion. Messrs. Miller, and Woodson, and Ms. Alexander voted AYE. (3-0)

PUBLIC COMMENTS

Mayor Woodson opened the floor to receive public comment.

There being no one to speak, Mayor Woodson closed the public comment session.

CITY MANAGER'S COMMENTS

(a) Sleepy Hollow in Salisbury

City Manager Doug Paris stated last night was the first night of filming for the Sleepy Hollow television pilot in the downtown area. He commended the Communications Team, the Police Department, and the Street Department for their work on the project. He explained the street closures are being fine-tuned, and he added shooting will take place for the rest of the week. He emphasized this production is from 20th Century Fox, and it is exciting to see the City being showcased and the opportunity it brings to community.

Councilmember Alexander stated she has seen a lot of people in the downtown area, and it is very exciting.

Mayor Woodson stated the filming will bring promotion to the City.

Mr. Paris stated it is very important to maintain a good relationship with the filming company because they have made a substantial investment in the production and the community.

(b) Joint Meeting with Local Delegation and County Commissioners

City Manager Doug Paris stated last Friday the City held a joint meeting with Rowan County Commissioners and the local delegation. He asked Council if it wanted staff to continue to oppose deannexation of the Airport.

Mayor Woodson stated Council does not want the Airport to be deannexed. He noted the City can offer many good things to the Airport, and Council would like to work with the County Commissioners. He stated a comment was made that the City cherry-picked the airport for annexation. He noted the City followed every rule of the North Carolina General Statutes. He explained of the 218 parcels annexed, 157, or 72 percent, were residential. He stated the City ran proper notifications, and he pointed out the City annexed an area larger than just the Airport.

Councilmember Alexander noted the City ran water and sewer lines to serve the annexation area and help the citizens. She pointed out the area included housing and mobile homes that needed water service and the lines are available if the Airport expands. She noted the County has partnered with the City regarding water and sewer extensions, and the lines were turned over to the City. She added the City began to extend the lines to support the Airport long before annexation. She noted in 1997 the City approved water and sewer extensions for Rack Room Shoes, the National Guard Flight Center, and the Standard Aero Hangar, at a cost of \$372,912. She stated the water and sewer lines are valuable when they are connected to a usable system with participating customers. She pointed out after the annexation, the City extended water and sewer lines that benefited the entire area at a cost of \$4,125,000 for 27,500 feet of sewer lines and \$120,000 for 1,200 feet of water lines. She noted it is clearly demonstrated in numbers that although the City received tax revenue, it has expended more than it has received.

Councilmember Miller stated the future of airport and the tax base that can be created is at stake. He noted the City offered to help, and the County declined the offer. He indicated he does not want to stop advocating for a different outcome. He explained the City no longer has the ability to expand its boundaries, and he does not want to give up what is inside the City limits. Mr. Miller indicated the City needs to make it clear to its delegation that it opposes deannexation. He stated regardless of the outcome in Raleigh, there are two litmus tests for deannexation: one the annexation was pursued or happened in close proximity to the moratorium that occurred through legislation. He indicated the second litmus test is if the annexation occurred but no services have been extended to the area that was annexed. He explained in both cases the City passed the litmus test because the annexation was not a recent event, and the City has extended municipal services. He explained by the North Carolina State Legislature litmus test, the area should not qualify for deannexation and this will create problems for other municipalities. He indicated he cannot see this as productive, and regardless of the outcome the offer of cooperation still exists. He noted it is important to extend the runway and benefit from the tax base it will create.

Mayor Woodson agreed with Mr. Miller and added Council still hopes a partnership with County Commissioners can work.

Mr. Paris stated it appears the consensus of Council is to continue opposition of the deannexation. He pointed out the City did not cherry-pick the Airport, and a sizable infrastructure investment was made at the Airport in terms of water and sewer. He noted Council is concerned about the precedent deannexation would set State-wide because if it is good for the Rowan County Airport it is good for other airports across the State. He added one of the main arguments from the County was the City had not made capital investments at the airport in the last decade since annexation. He stated citizens also want to know if the County has made any capital investments in the last decade. He noted he will be meeting with County Manger Gary Page, and everyone should be held to the same standards.

Mr. Miller indicated the benefit of the partnership would be in the capital improvements. He noted the County indicated it made operational contributions which means they have an operation that costs more than it generates in revenue.

Mayor Woodson stated the citizens of the City pay County taxes and if County money is invested, then part of that money comes from the City.

Ms. Alexander noted it is important to partner with the County to advance economic development. She pointed out a collaborative relationship be developed, and she hopes working together on the Airport will be the beginning of a new trend with the County and its municipalities.

MAYOR'S ANNOUNCEMENTS

(a) Boards and Commissions

Mayor Woodson announced the City of Salisbury is seeking citizens who have an interest in serving on one of the City's Boards and Commissions. Information regarding the Boards and Commissions and applications are available online at www.salisburync.gov under the Boards and Commissions tab. Applications are also available at the City Clerk's Office located at 217 South Main Street, or by calling 704-638-5224.

(b) 3rd Annual Spring Craft Fair

Mayor Woodson announced Salisbury Parks and Recreation will host the 3rd annual Spring Craft Fair Saturday, March 23, 2013 from 9:00 a.m. until 3:00 p.m. The event is free and open to the public. For more information contact the Civic Center at (704) 638-5275.

(c) Interchange in Southern Rowan County

Councilmember Miller stated he read a memo regarding an interchange in southern Rowan County on Old Beatty Ford Road. He asked if there is any benefit to the Cabarrus Rowan Metropolitan Planning Organization (CRMPO) if Council lends its support.

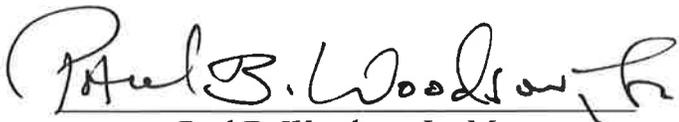
City Engineer Dan Mikkelson stated the CRMPO supports the interchange. He added at this time he does not think staff needs to do anything regarding support of the interchange.

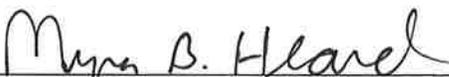
Mr. Paris stated this could be a suggested topic of conversation at the next Rowan Municipal Association meeting.

Councilmember Alexander stated she is an alternate to the CRMPO and will bring up the issue.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Miller seconded by Ms. Alexander. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:54 p.m.


Paul B. Woodson, Jr., Mayor


Myra B. Heard, City Clerk