

Salisbury, North Carolina
May 7, 2013

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson Jr., Presiding; Council Members Mayor Pro Tem Maggie A. Blackwell, Karen Kirks Alexander, William (Pete) Kennedy, and, William Brian Miller; City Manager Doug Paris; Deputy City Clerk Kelly Baker; and City Attorney F. Rivers Lawther, Jr.

ABSENT: City Clerk Myra B. Heard

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 Alexander.

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.

ADDITION TO THE AGENDA

Mayor Woodson noted the following changes to the Agenda:

Postpone – Item 12 – Council to hold a public hearing and consider adoption of the Salisbury Historic Preservation Master Plan.

Mayor Woodson invited Mr. David Post from the Human Relations Council to speak regarding the Elizabeth Duncan Koontz Humanitarian Award. Mr. Post stated he is the Chair of the Elizabeth Duncan Koontz Humanitarian Award Banquet to be held Thursday, May 16, 2013 at 6:30 p.m. at the Train Depot. Mr. Post stated Dr. Albert Aymer, President of Hood Theological Seminary; Mr. Wilson Cherry, Special Coordinator with Rowan Vocational Opportunities; Ms. Mary Frances Edens, Human Relations Council Chair; and the Hurley Family will be honored at the banquet. He announced Ms. Linda Kelly will be the guest speaker. He invited everyone to attend.

PROCLAMATIONS

Mayor Woodson proclaimed the following observances:

COMMUNITY ACTION MONTH	May 2013
DRINKING WATER WEEK	May 5-11, 2013
RED DAY	May 9, 2013
NATIONAL POLICE WEEK	May 12-18, 2013
ARMED FORCES DAY	May 18, 2013
LETS GET CONNECTED DAY	May 18, 2013
NATIONAL SPORTSCASTERS AND SPORTSWRITERS DAYS	June 8-10, 2013

Mayor Woodson noted as part of National Police Week, Peace Officers Memorial Day will be held Wednesday, May 15, 2013 at 12:00 noon at First Presbyterian Church to honor North Carolina's fallen police officers.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of April 16, 2013.

(b) Budget Ordinance Amendment – Fire Department Donations

Adopt a Budget **ORDINANCE** Amendment to the FY2012-2013 budget in the amount of \$1,995.55 to appropriate various Fire Department donations.

ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE VARIOUS FIRE DEPARTMENT DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 19, and is known as Ordinance 2013-13)

(c) Budget Ordinance Amendment – Parks and Recreation Donations

Adopt a Budget **ORDINANCE** Amendment to the FY2012-2013 budget in the amount of \$3,600 to appropriate various Parks and Recreation donations.

ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 20, and is known as Ordinance 2013-14)

(d) Budget Ordinance Amendment – Natural Resources Grant

Adopt a Budget **ORDINANCE** Amendment to the FY2012-2013 budget in the amount of \$12,728 to appropriate a North Carolina Department of Environment and Natural Resources Grant for groundwater sampling.

ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE GRANT FOR GROUND WATER SAMPLING.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 21, and is known as Ordinance 2013-15)

(e) Budget Ordinance Amendment – Public Art Committee Receipts

Adopt a Budget **ORDINANCE** Amendment to the FY2012-2013 budget in the amount of \$28,195 to appropriate Public Art Committee receipts.

ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE PUBLIC ART COMMITTEE DONATIONS AND SCULPTURE SALES.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 22, and is known as Ordinance 2013-16)

(f) Budget Ordinance Amendment – One North Carolina Fund

Adopt a Budget **ORDINANCE** Amendment to the FY2012-2013 budget in the amount of \$51,500 to appropriate a State Grant from the One North Carolina Fund.

ORDINANCE AMENDING THE 2012-2013 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A STATE GRANT FROM THE ONE NORTH CAROLINA FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 23, and is known as Ordinance 2013-17)

(g) Pool Hall Permit – Mr. Timothy Wayne Rogers

Receive an application from Mr. Timothy Wayne Rogers, for a permit to operate a pool hall located at 723 Klumac Road and set a public hearing for May 21, 2013.

Mayor Pro Tem Blackwell noted \$97,000 has been received in grants and donations to the City.

Thereupon, Ms. Blackwell made a **motion** to adopt the Consent Agenda as presented. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-02-2013 –
SUMMERFIELD APARTMENTS

Senior Planner Trey Cleaton addressed Council regarding CD-02-2013, Summerfield Apartments. He explained the request is to:

- Rezone 12.1 Acres:
 - From Urban Residential (UR12)
 - To Residential Mixed Use (RMX)
- Establish a new Conditional District (CD) Overlay to develop an 80-unit apartment complex and clubhouse

Mr. Cleaton presented an on-site video by Planning and Development Services Manager Preston Mitchell. Mr. Mitchell noted the parcel is an undeveloped 12-acre tract with street frontage on Gold Hill Drive and Burke Street. He explained the UR-12 zoning does not allow garden-style multi-family development, so the developer is requesting a rezoning to RMX. He pointed out the developer is asking for a CD Overlay to approve the Master Plan which would allow a campus-style 80-unit multi-family development. He indicated the proposed density on the site is 6.6 units per acre. Mr. Mitchell noted a parcel fronting Gold Hill Drive will remain undeveloped. He explained there will be one point of ingress and egress to the property from Gold Hill Drive that will cross a sewer easement running perpendicular across the property towards Crown Point Apartments. He noted the bulk of the buildings will be located in the middle and back of the property. He pointed out the site fronts Gold Hill Drive, a minor thoroughfare extending from Old Concord Road to Faith Road. He explained the neighborhood extends to Jake Alexander Boulevard and the proposed development is in an existing 1940s to 1950s low density single-family residential subdivision. Mr. Mitchell stated the area is covered by the Eastern Gateway Area Plan which recommends the parcel be developed with a similar density and development of the existing area.

Mr. Cleaton displayed a map of the area and noted the parcel is south of the downtown area and Interstate 85. He indicated the site is surrounded by Urban Residential (UR-8), Highway Business (HB) and Heavy Industrial (HI) zonings.

Mr. Cleaton reviewed a site plan and noted the sole ingress and egress is on Gold Hill Drive. He explained there are no proposed connections to Dunham or Oakwood Avenues. He stated the development will consist of five buildings: one two-story building, three three-story garden-style apartment buildings, and a clubhouse. He pointed out proposed sidewalks along Gold Hill Drive and Burke Street that will interconnect with a pedestrian network on the site.

Mr. Cleaton reviewed the building elevations, and he pointed out the apartment buildings contain a common breezeway entrance to individual units. He explained the CD Overlay:

- Floating overlay district that exempts specific Ordinance provisions
 - Encourages innovative site and building design
 - Petition and Master Plan
- Conditions may be added
 - Recommended by Planning Board
 - Adopted by City Council
 - Must be agreed-upon by petitioner

Mr. Cleaton stated the RMX-CD proposed permitted use is for a multi-family dwelling with more than four units per building. He explained the current UR-12 zoning does not allow for the apartment building type. He noted the CD Overlay will allow for campus-style inward facing buildings.

Mr. Cleaton explained the proposed prohibited uses:

- All other Permitted Uses for RMX: Permitted (P), Permitted with Standards (PS), Special Use Permit (SUP) and CD
- If adopted, a CD Amendment would be required to change the list of permitted uses

Mr. Cleaton reviewed the alternate design available to CD:

- Industrial Standards of Chapter Two
- Building orientation to street/recreational open space
- Building materials
- Building design standards
 - Campus-style development with a CD Overlay
 - Architectural changes submitted as an alternate design
- Building dimensional standard
- Street cross sections
- Street connectivity and stub standards
- Parking
- Private lighting

Mr. Cleaton reviewed the Vision 2020 Comprehensive Plan policy for the proposed neighborhoods:

- Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing

Mr. Cleaton reviewed the portions of the Eastern Gateway Area Plan applicable to the request:

- Development Goal 1: Preserve the character and atmosphere of existing residential neighborhoods
 - Sustain and encourage the diversity of people and housing
 - Maintain and extend streetscapes that are friendly to pedestrians and cyclists
 - Support well-designed recreational services within walking distance of residential areas
 - Ensure compatible design and good quality of new or renovated structures
 - Prevent the destabilizing encroachment of nonresidential or incompatible infill
- Development Goal 3: Improve community appearance in general
 - Increase the presence of, and effectiveness of, the Codes Enforcement division
 - Apply appropriate urban design principles to new development, and adjust the design standards of the Land Development Ordinance (LDO) when necessary, so any development complements and enhances existing neighborhoods

Mr. Cleaton pointed out the Eastern Gateway Area Plan contains a future land-use component. He indicated the petition area is surrounded by multi-family development, heavy industrial, a retail cluster and single-family residential. He explained for future land-use the petition area is classified as Suburban Low-Medium Density which intends for two to four units per acre.

Mr. Cleaton noted the developer has submitted an application and site plan requesting 6.6 units per acre. He pointed out the request is reasonable considering its location and close proximity to Interstate 85, existing multi-family residential, and a retail cluster.

Mr. Cleaton stated the Planning Board recommends approval of the plan.

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

Mr. Jeb Little, 4211 Chevington Road, Charlotte, stated he is the petitioner for the rezoning. He noted the proposed development will consist of 80 units on a 12-acre parcel. He pointed out the adjacent land is used as commercial storage, multi-family, and single-family residential. He indicated he has worked with staff and the Planning Board to ensure the proposed development will provide a transition between existing uses and work well with the existing neighborhood. He pointed out a public access easement in the southwest corner of the site will be developed as open space for a neighborhood play area. Mr. Little added the developer has agreed to make a contribution to improve area sidewalks. He stated the parking areas are screened from the street by the buildings. He pointed out the development will include recreation areas, picnic areas, a playground, a clubhouse with an exercise room, and a computer business center. He indicated the property manager, Winfield Properties, will be on site for normal business hours, and the company manages two similar properties that transition between residential and commercial areas.

Ms. Nancy Owens, 504 Gold Hill Drive, stated it is hard to get in and out of her driveway due to heavy traffic from Old Concord Road and Faith Road. She pointed out there are no sidewalks, and pedestrians must walk through yards or in the street. She indicated the intersection of Gold Hill Drive and Old Concord Road has a traffic signal. She stated the intersection of Faith Road and Gold Hill Drive does not have a traffic signal, and it is extremely dangerous for traffic turning onto Faith Road. She noted when she moved to Gold Hill Drive the property for the proposed development contained a pond, and it currently has a water problem. Ms. Owens added the proposed entrance and exit will be very dangerous, because traffic tops the hill at speeds higher than the posted limit. She indicated the upper part of the proposed development may have been part of the old landfill that was closed when Interstate 85 was built.

Mr. Harry Owens, 318 Gold Hill Drive, stated the proposed development will add traffic to a busy area. He pointed out adding 400 residents to the community will increase crime and the neighborhood does not support it.

Mr. Rick Carter, corner of Burke Street and Dunham Avenue, stated he does not support the project. He noted the proposed sidewalks will not go anywhere, and people will be forced to walk in the street. He pointed out a sidewalk that dead-ends behind Dunham Avenue will provide a place for crime and drug traffic. He indicated a former dump site that contains retention ponds is behind the proposed location. He noted the water flows to the proposed development site creating a potential safety hazard.

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

Mayor Woodson noted he has received comments from citizens regarding water and streams in the area. He asked Mr. Cleaton to address the issue.

Mr. Cleaton stated before funds are invested in the project, the developer must ensure the site design meets professional engineering standards. He noted any unsuitable soil will be mitigated. He stated at one time there was a pond and dump in the area; however, staff is not

aware of the history or why the pond was drained. He stated any site development will require the developer to perform due diligence and engineering.

Councilmember Alexander referenced a large area with a natural tree line. She asked if the developer plans to keep the tree line which serves as a buffer from Interstate 85. She pointed out if the trees are removed, noise will be an issue for this project and the existing neighborhood. She noted if the tree line is preserved, it will reduce the number of trees the developer is required to plant. She asked if the trees were discussed at the Planning Board meeting.

Mr. Cleaton stated the existing trees were not discussed. He added staff is not sure if the trees are located on this site or the adjacent property. Ms. Alexander asked that the trees be left as a buffer for the community if they are on the site.

Mayor Woodson recognized Mr. Jeb Little. Mr. Little pointed out the northern point of the property is adjacent to Power Curbers and is not developed. He noted the survey does not show the trees on the property line but there would be no reason to remove them. Mr. Little referenced the site plan and noted Interstate 85 is to the north and northwest of the development. He stated there is no plan to grade the northwest corner of the parcel.

Ms. Alexander asked if the holding pond could be moved. Mr. Little noted without a study of the topography he is unsure.

Mayor Pro Tem Blackwell stated Mr. Little was very complimentary of the One-Stop-Shop and indicated the Technical Review Committee (TRC) process was very clear.

Councilmember Miller stated Ms. Alexander's comments on the tree line were well received, although he is not sure it can be required without a Tree Ordinance in place. He noted the site has 30 to 40 foot changes in its elevation. He pointed out there is an area in the back of the parcel where existing vegetation can be left if the developer so chooses. He added the developer has been sensitive to the scale of the buildings and adjacent neighbors, and the landscape improvements will benefit the community. Mr. Miller stated a sidewalk to nowhere is not practical, but the City may be able to put it with other sections for the betterment of the community. He pointed out Gold Hill Drive is a narrow road with deep ditches and dangerous for pedestrians.

Mayor Woodson recognized Ms. Nancy Owens. She stated she lives at the top of the hill and traveling from Old Concord Road there is a dip where drivers can lose sight of speeding traffic. She noted if the proposed development is approved, residents of the apartment complex will be trying to turn onto Gold Hill Drive at another dangerous dip in the road. She noted the additional traffic will make it more dangerous for school buses and pedestrians.

Mr. Miller stated in his opinion this will be a good development because tax credit projects are held to higher standards for a minimum of 15 years. He indicated the City needs affordable residential opportunities. He pointed out it is not the ideal site but a decent site for the community.

Ms. Alexander stated she also supports the project and is pleased Mr. Little will work to maintain the tree buffer. She applauded the Planning Board for sending the issue to Committee and thanked Mr. Little and the Committee for addressing issues brought up by the community. She stated she appreciates the grading of the site and its use of the natural topography by placing the taller buildings on the western side. She noted she is pleased Mr. Little was willing to pay in lieu since the sidewalks could be used to mitigate the problem of pedestrian traffic on Gold Hill Drive.

Councilmember Kennedy stated he has empathy for the neighbors. He pointed out the highest and best use is not residential, because the parcel has been vacant for years. He added he thinks the best use for the land is a multi-family development. He noted there is a need for affordable housing in the community. He pointed out the developer is looking for State credit and will have to prove the project's worth. He stated he supports the rezoning.

Ms. Blackwell agreed with Mr. Kennedy and noted sometimes neighbors are leery of low-income housing. She pointed out the salary range is that of firefighters, teachers, and police officers. She stated the campus-style construction will help the development feel like a community.

Mayor Woodson stated he walked the property and appreciates the green space and open space. He pointed out the property is 12-acres and will be well manicured. He added he toured a similar project in High Point, and he was very impressed.

Ms. Blackwell stated Salisbury has a deficit in rental properties, and she noted the rental properties in the City remain 97 percent occupied. She added there are people who want to rent and cannot find quality housing.

Ms. Blackwell stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein and to establish a Conditional District Overlay is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and is inconsistent to the extent of density with the Eastern Gateway Area Plan, and that adoption of the Ordinance is reasonable and in the public interest. Therefore, Ms. Blackwell made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 12.1 acres from Urban Residential District to Residential Mixed-Use District and to establish a conditional district overlay to permit the development of an 80-unit multi-family apartment complex; identifying permitted uses; identifying the development conditions; providing an effective date; and for other purposes. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 12.1 ACRES FROM URBAN RESIDENTIAL DISTRICT (UR 12) TO RESIDENTIAL MIXED-USE (RMX) DISTRICT AND TO ESTABLISH A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF AN 80-UNIT MULTI-FAMILY APARTMENT COMPLEX; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; IDENTIFYING THE DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 24-27, and is known as Ordinance 2013-18)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-03-2013 – COLONIAL VILLAGE APARTMENTS

Planning and Development Services Manager Preston Mitchell addressed Council regarding CD-03-2013, Colonial Village Apartments. He noted the complex is located between Jake Alexander Boulevard, South Main Street and Mooresville Road. He explained it is an existing multi-family development located at the end of Second Street. He displayed photographs of the existing development and the surrounding location. He noted there is only one point of ingress and egress to the property through a low density development. He pointed out the project pre-dates the Vision 2020 Comprehensive Plan.

Mr. Mitchell presented an on-site video report for Colonial Village Apartments. He noted the request is to rezone approximately 10 acres from Urban Residential (UR-12) to Residential Mixed-Use (RMX) and apply a Conditional District (CD) Overlay to allow for approval of a Master Plan establishing the existing development. He stated the project was originally constructed in 1972 and the current zoning is nonconforming. He noted the developer is petitioning to change the base zoning to bring the multi-family development into compliance and apply the CD Overlay and its Master Plan to establish the development pattern, buildings, location of the recreation open space, sidewalks, and parking. Mr. Mitchell indicated the Master Plan will identify the existing buildings and a proposed new community building. He pointed out the developer is seeking North Carolina Housing Finance funds, and he explained if funded the rehabilitation project will replace the flat roofs with gabled roofs. He noted there will be upgrades to the recreation areas, landscape improvements, and possibly minor asphalt and parking improvements. He stated the building rehabilitation will focus on the roofs and interior upgrades. He indicated the Planning Board unanimously recommends approval. Mr. Mitchell indicated the applicable Land Use Plan for this rezoning request is the Vision 2020 Comprehensive Plan. He stated staff and the Planning Board believe it is partially inconsistent with the Vision 2020 Comprehensive Plan, because there is a goal that states multi-family development should not be accessed through a low density residential area. He explained since development occurred in 1972 it predates the Vision 2020 Comprehensive Plan. He noted the only ingress and egress to the site is on Second Avenue through a lower density area.

Mr. Mitchell explained the parcel received UR-12 zoning in 2008 when the Land Development Ordinance (LDO) was adopted. He noted UR-12 does not allow for garden-style apartments or multi-family developments. He indicated RMX zoning will remove the nonconforming situation.

Mr. Mitchell reviewed the Master Plan and pointed out it is a re-submittal of the 1972 plan. He reviewed the building elevations for the existing buildings and the new Community Building. He pointed out the Community Building will provide management office space, laundry, and recreation facilities.

Mr. Mitchell stated the proposed permitted use for the RMX-CD is for a multi-family dwelling with more than four units per building. He noted the 1970s policy regarding access through lower density creates a nonconforming situation with the Vision 2020 Comprehensive Plan. He pointed out at its meeting on April 23, 2013, the Planning Board found it is partially inconsistent with the Vision 2020 Comprehensive Plan but recommends approval of the rezoning and the CD Overlay and Master Plan unanimously with one abstention.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding CD-03-2013.

Mr. Thomas Urquhart, 309 North Bloodworth Street, Raleigh stated he is the petitioner, and the rezoning will correct a mistake that was made in 2008 when the LDO was adopted. He stated the property should have been zoned RMX but was zoned UR-12 which allows for townhouse apartments with four units per building. He noted the development has two buildings with garden-style apartments, and all of the other buildings have at least nine units. He stated his company plans to do a thorough renovation and change the siding and roof line. He noted the vast majority of the money will be spent on renovations to the interiors. He explained this will be the fifth renovation he has completed under the tax credit program.

Mr. Harry Miller, 401 D Avenue, asked if the renovation will take property away from homeowners. He explained there is a trench from D Avenue to Second Avenue, and it appears to cross the property line to his home.

Mr. Mitchell clarified the developer is not requesting additional property for the development.

Mr. Cho Wen, 407 D Avenue, stated he has lived in his home since 1982. He noted traffic does not stop at the stop sign. He asked Council to consider traffic planning if the rezoning is approved.

Mayor Woodson stated the renovations should not affect traffic.

Mr. Ken Owens, 1931 Sherwood Street, stated D Avenue slopes down to Sherwood Street and the rain water runs into his yard. He presented Council with photographs of his yard and the water damage from heavy rains. He indicated he understands the apartment complex was built prior to the Ordinance, but worries new development will cause additional water to flow down Sherwood Street.

Mr. Mitchell referenced the Master Plan from 1972 and pointed out the current Stormwater requirements were not in place. He noted the requirement to capture a certain percentage of Stormwater before it exits into the stream system slows the volume of water, but does not reduce the quantity. He stated there is no new development as part of this Master Plan that will affect or improve the Stormwater situation. He pointed out the developer is adding a clubhouse and a small impervious area but is not proposing any new apartments or parking areas.

Mayor Woodson asked if the pictures were taken recently. Mr. Owens stated they were taken in the last six months, but the problem occurs every time there is a heavy rain. He indicated before the apartments were built the area contained scrub trees, and he did not have this problem.

Mr. Mitchell stated the Stormwater Utility is aware of Mr. Owens' situation.

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

Councilmember Alexander asked if applying the CD with the building addition will trigger Stormwater requirements on the site.

Mr. Mitchell noted, based on preliminary review, the amount of impervious area being added did not trigger National Pollutant Discharge Elimination System (NPDES) standards. He explained an impervious baseline has not been established for the community, but the threshold is one acre. He added since the complex was developed in 1972 it does not prompt the new standards.

Ms. Alexander stated the parcel is a 10-acre site. Mr. Mitchell explained the 10-acre site is already developed. Ms. Alexander pointed out an addition is being made to the site.

Ms. Alexander stated the original building has a flat roof and the water goes into drain scuppers to slow it. She noted the change in the slope of the roof will drain rainwater into gutters at a higher rate. She asked where the water goes now. Mr. Mitchell stated it sheets off of the site. He explained the NPDES standards now in place regulate Stormwater quality, not quantity.

Mr. Mitchell referenced the Summerfield Apartments and noted it will require a retention pond on the north side of the property to control quality not quantity of water. He noted the retention pond has to hold 85 percent of all suspended solids before releasing it into the stream system. He pointed out other states mandate quality and quantity but North Carolina does not have a law in place to control quantity. He indicated the gable roofs may speed up the flow of water, but the volume will be the same.

Engineer Patrick Ritchie stated the Ordinance states a developer should maintain the pre-development runoff to the greatest extent possible.

Ms. Alexander asked where the water is being directed. Mr. Ritchie explained the system empties into an open ditch at the edge of the property and flows directly into Sherwood Street. Mr. Ritchie stated the City's Ordinance is activated when more than one acre is disturbed. Ms. Alexander asked if Council can specify a requirement for the site in order to protect the community. She questioned allowing the developer to improve the property causing slightly more water to drain into the neighborhood downstream.

Mr. Mitchell explained the General Statutes allow adoption of a CD Ordinance and a Master Plan. He pointed out conditions can be added to the Ordinance, but must be reasonable, directly attached to the requested development, and must be agreed upon by the petitioner. He noted how much Stormwater Council wants to capture must be clarified.

Ms. Alexander stated the Stormwater for the development should be captured as it would for any other development. She pointed out the developer is stripping the buildings down to their frames and essentially building a new project on the existing foot print.

Mr. Mitchell pointed out retro-fitting a multi-family development with Stormwater requirements for new developments would put a heavy burden on the developer. He stated it is ultimately a Council decision, but Mr. Urquhart would have to agree.

Mr. Urquhart stated the difference in rate of flow disappears with a heavy rain. He noted the flat roofs only hold a certain amount of water, and scuppers take it out as fast as it falls. He indicated in mild rains the gutters will remove the water faster, but in problem rains there will be no difference in speed or volume of the water. He pointed out there is not enough land to build a Stormwater system.

Ms. Alexander noted there is a possibility for a Stormwater system under the asphalt. Mr. Urquhart stated the North Carolina Housing Financing Agency will not approve credits for something that expensive. He added the renovation will not change the water problem.

Mayor Pro Tem Blackwell asked if a Council Committee could be appointed to work toward a creative solution.

Mayor Woodson asked Mr. Urquhart about his time-frame for approval. Mr. Urquhart responded he needs a letter of approval one week from Friday.

Mayor Pro Tem Blackwell suggested sending the issue to a Council Committee and having a called meeting to meet the deadline.

Mayor Woodson stated the renovations need to take place for the sake of the residents.

Councilmember Miller pointed out Council is trying to fix a 40-year old problem. He stated he is sympathetic to the residents of Sherwood Street but water runs downhill. He noted if

there was enough land for a Stormwater system it would make it easier, but there is not enough land, and the condition already exists. He suggested allowing the rezoning and referring the issue to the Stormwater Utility.

Ms. Blackwell stated Council wants the project to happen. She pointed out the Stormwater experts may be able to find a solution that will allow the renovations to take place and also protect the quality of life in the neighborhood.

Mr. Miller pointed out the CD Overlay requires the petitioner agree to the solution.

Ms. Alexander asked if Mr. Urquhart would be willing to partner with the City and seek grant funding. She pointed out this is a real problem for the residents on Sherwood Street.

Councilmember Kennedy stated when the City adopted the LDO conversion it did not zone this parcel properly. He pointed out if the parcel had been zoned correctly, Mr. Urquhart would not be before Council, and the water problem would still exist. He added he will not penalize Mr. Urquhart to do this. He asked Mr. Urquhart to work with the City, but noted he will vote to approve the rezoning.

Mr. Urquhart stated the North Carolina Housing Finance Agency has applications for 225 percent more rehabilitations than available funding. He noted the Agency will not be willing to spend its valuable resources on an existing Stormwater problem.

Mayor Woodson agreed with Mr. Kennedy and noted the parcel was not zoned properly when it was converted. He then called for the vote.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein and to establish a Conditional District Overlay is partially inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan, yet 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 Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning property located at 231 D Avenue, approximately 10 acres, from Urban Residential to Residential Mixed-Use and to establish a conditional district overlay to permit the rehabilitation of a 98-unit multi-family apartment complex; identifying the development documents; identifying permitted uses; identifying the development conditions; providing an effective date; and for other purposes. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. Ms. Alexander voted NO. (4-1)

Mayor Woodson thanked Ms. Alexander for her comments. He asked Mr. Paris to address the Stormwater issue on Sherwood Street.

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING PROPERTY LOCATED AT 231 D AVENUE, APPROXIMATELY 10 ACRES FROM URBAN RESIDENTIAL (UR 12) TO RESIDENTIAL MIXED-USE (RMX)

DISTRICT AND TO ESTABLISH A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE REHABILITATION OF A 98-UNIT MULTI-FAMILY APARTMENT COMPLEX; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; IDENTIFYING THE DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 28-29, and is known as Ordinance 2013-19)

ECONOMIC INCENTIVE GRANT – HYDRAULIC DEPOT

Salisbury-Rowan Economic Development Commission (EDC) Executive Director Robert Van Geons and Mr. Phil Butler, owner Hydraulic Depot, addressed Council regarding an economic incentive grant for Hydraulic Depot. Mr. Van Geons explained Hydraulic Depot is a:

- Family run, locally owned and operated company seeking assistance to expand and diversify operations
- Currently operating three industrial/enterprise service companies seeking to add a fourth, additional operation
- Proposed expansion site has been vacant for approximately 14 years
- Company owner – Butler Family

Mr. Van Geons referenced the Industrial Building Revitalization (IBR) Program Goals:

- Attract appropriate Light Industrial and Industrial redevelopment in designated Community and Economic Development Project Areas
 - Urban Progress Zones (UPZ) and UPZ eligible areas of the City
- Encourage projects that will help improve underutilized corridors
- Encourage new and existing businesses to locate in older and less functional, vacant buildings
- Enhance, upgrade, and stabilize vacant properties
- Support improvements to the adjacent community

Mr. Van Geons reviewed the qualifications for the grant:

- Building or tenant space has been vacant for more than six months
- The property must be located in a designated Community and Economic Development Project Area, UPZ, or UPZ eligible area of the City
- Applicants shall provide a detailed estimate outlining the proposed improvements and their estimated costs
- Total improvements to the property must exceed \$20,000, including the requested grant
- Eligible buildings will have been built prior to 1990
- Proposed operation must employ one person per \$5,000 of grant funds approved

Mr. Van Geons displayed before and after photographs of previous IBR grant recipients, The Driveshaft Shop and Turnkey Technologies. He noted if Council approves the request for Hydraulic Depot the \$60,000 invested by the City in these three projects will leverage \$500,000 in renovations, generate \$2 million of real estate activity, occupy more than 100,000 square feet of vacant space, and add 53 recruited, relocated and new jobs.

Mr. Van Geons noted the Butler Group:

- Currently owns and operates three service-oriented companies under one roof
 - Custom Design – a custom steel fabricating facility which specializes in supplying metals for water and waste water treatment plants in the Southeast, supplying materials for structural building, mezzanines, ladders, stairs, pipe supports, grating and handrails, using steel, aluminum and stainless steel
 - Hydraulic Depot - sales and services of hydraulic cylinders, pumps, hoses, fitting, nut and bolts, hardware supplies, hydraulic oils, tools, etc
 - Salisbury Equipment Repair - service and repair all types of construction equipment such as concrete saws, pressure washers, ground compacting equipment, aerial lifts, aerial lift annual lift inspection and much more

Mr. Van Geons explained the Butler Group began its operation at 2001 South Main Street in 2004. He indicated the company would like to expand and open a new business division, The Tool Rental Depot. He pointed out with this addition, the company will add four employees to their current staff of 12. He reviewed the proposed expansion:

- 70,000 square foot building was built in 1927 by W. A. Brown and housed their operations until 1999
- Proposed expansion space has been vacant for 14 years
- Expansion would utilize 6,000 square feet of vacant space

Mr. Van Geons note the renovation will include:

- New flooring
- Accessibility ramps
- Replacement of windows and doors
- Roof Repairs
- Addition of a steel canopy for crane (un)loading
- Paint for the walls and ceiling
- Construction of a sales counter
- Re-routing HVAC system
- Supports for the roof and new roof drains
- New T8 lights for show room and equipment storage room
- Rewiring of electrical receptacles, switches, emergency lights and flood lights
- Estimated Costs - \$43,404
- Requested Grant - \$10,825

Mr. Van Geons pointed out the IBR program guidelines allow for a maximum grant of 25 percent of the qualifying renovations or \$25,000.

Mr. Butler stated the company plans to add at least four employees, and the building desperately needs an upgrade.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding an Economic Incentive Grant for Hydraulic Depot.

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

Thereupon, Ms. Alexander made a **motion** to award an Industrial Revitalization Program Grant in the amount of \$10,825 for Hydraulic Depot. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

SUP-01-13 – LEE STREET THEATER

SUP-01-13 Lee Street Theater, 329 North Lee Street

(a) Swearing In

Mayor Woodson indicated anyone who wished to speak for or against this item must be sworn in, and he asked those who would like to speak to come forward. Mayor Woodson administered the oath to the following:

Mr. Trey Cleaton
Mr. Bill Green
Mr. David Post

(b) Ex Parte Disclosure

Mayor Woodson asked Council members if anyone had knowledge of this case they wished to disclose. There were no ex parte disclosures.

(c) Mayor Woodson convened a public hearing, after due notice thereof, to receive testimony regarding SUP-01-13.

Mr. Trey Cleaton, Senior Planner, indicated the request before Council is to serve beer and wine during regular theater programming at the Lee Street Performing Arts Theater now under construction. He stated the Land Development Ordinance (LDO) requires a Special Use Permit (SUP) for this use in the Downtown Mixed Use (DMX) district. He indicated the bar/lounge use is ancillary to the theater's live performance use.

Mr. Cleaton noted the case is quasi-judicial and requires the production of evidence. He reviewed the process for Production of Evidence:

- The burden is on the applicant to present sufficient evidence to allow the board(s) to make findings that the required standards will be met
- The burden is on an opponent to present sufficient evidence that a standard will not be met
- If insufficient evidence is presented that the required standards will be met, then the SUP must be denied
- If uncontradicted evidence is presented that all of the standards will be met, then the SUP must be issued
- If uncontradicted evidence is presented that even one of the general or specific standards will not be met, then the SUP must be denied
- If there is conflicting evidence, the board(s) decides what the facts are and decides accordingly

Mr. Cleaton then reviewed the four Standards for Decision according to the LDO:

- The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
- The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
- The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed

Mr. Cleaton reviewed a site and vicinity map and pointed out the location of the Lee Street Theater under construction at 329 North Lee Street. He noted it is located one block from North Main Street at the corner of East Kerr Street and one block from East Liberty Street. He stated the current zoning is DMX, and the site is located in a local historic overlay.

Mr. Cleaton reviewed street view photographs of the property and the surrounding area. He indicated the case is now up to Council in regards to the Standards for Decision, and he noted Council had been briefed with the Planning Board's evidence and findings. He stated Council should now gather evidence from the public hearing and review each Standard in order to make a decision.

Mayor Woodson opened the floor to receive testimony.

Mr. Bill Green, 201 Coventry Lane, stated he is a board member of the Lee Street Theater and owns a development company, Green Rock, LLC, which is serving as developer for the project. He indicated he appreciates the professionalism of the Development staff and the experience has been positive. He stated Lee Street Theater is currently planning a \$1.5 million theater/arts/music event center. He noted the Lee Street Theater is currently housed in the Looking Glass Artist Center and has the ability to sell beer and wine. Mr. Green stated the

Theater, in coordination with Looking Glass Artist Center, has a similar set-up and they are requesting to allow the same type of operation in the new and improved venue. He noted the Theater is very compatible with the art and commercial district that many people have invested great time and effort. Mr. Green stated the Theater has done a good job and has been good stewards with historic preservation aspects and to make sure it is a project everyone can be proud of. He stated the Theater also wants to join a thriving community that is already selling beer and wine at the Depot, F&M Trolley Barn, Looking Glass Artist Center and the other venues that have similar use. He commented the Theater likes the idea of being located behind the Police Station because patrons will enjoy the extra safety. Mr. Green clarified the Theater is not opening a bar. He thanked Council for their time and the professionalism of the Planning staff in helping with this request.

Mr. David Post, 121 East Corriher Avenue, stated in the early 1960s the property was used as a warehouse for wine and beer. He commented what goes around, comes around.

There being no one else present to provide testimony, Mayor Woodson closed the public hearing.

Mayor Woodson asked if a member of Council would provide the Findings of Fact.

Thereupon, Ms. Blackwell made a **motion** for the following Findings of Fact:

A. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit as evidenced by the following testimony:

- The site characteristics currently fit within the surrounding uses. The construction of the Lee Street Theater meets all applicable codes and permitting.

B. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area as evidenced by the following testimony:

- The use will be located in an existing mixed-use building in the downtown that is visually and functionally compatible to the surrounding area, and alcohol will be served only during theater programming events

C. The public health, safety and welfare will be assured, and the proposed development will not substantially injure the value of adjoining property and associated uses if located where purposed as evidenced by the following testimony:

- The close proximity of the Salisbury Police Department could provide a greater sense of security by acting as a deterrent to criminal activity in the surrounding area.
- No evidence has been submitted by a qualified, licensed property appraiser indicating that this, or other uses with alcohol sales, has been injurious to surrounding property values

D. The proposed establishment is not located within 500 feet of any lot containing a school.

Ms. Alexander seconded the motion. Councilmember Miller noted the venue will host live music events and clarified the concept of “theater program events” encompassed the different events. Mr. Green indicated it did. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

Thereupon Ms. Blackwell made a **motion** that the suggested Findings support the general standards as required by the Salisbury Land Development Ordinance. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

Thereupon, Ms. Blackwell made a **motion** to issue Special Use Permit SUP-01-13 allowing for a bar/lounge use at 329 North Lee Street, Salisbury, North Carolina based on all general standards of the Salisbury Land Development Ordinance having been met. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

SUP-02-13 – J & J TIRE AND AUTO CENTER

SUP-02-13 J&J Tire and Auto Center, 401 Bringle Ferry Road

(a) Swearing In

Mayor Woodson indicated anyone who wished to speak for or against this item must be sworn in, and he asked those who would like to speak to come forward. Mayor Woodson administered the oath to the following:

Mr. David Phillips
Ms. Ericka Cordero
Mr. Joel Flores

(b) Ex Parte Disclosure

Mayor Woodson asked Council members if anyone had knowledge of this case they wished to disclose. There were no ex parte disclosures.

(c) Mayor Woodson convened a public hearing, after due notice thereof, to receive testimony regarding SUP-02-13.

Mr. David Phillips, Zoning Administrator, indicated this request is an application for a Special Use Permit (SUP) from J&J Tire and Auto Center, 401 Bringle Ferry Road. He noted the property is currently zoned Corridor Mixed-Use (CMX). He referred to the process for Production of Evidence:

- The burden is on the applicant to present sufficient evidence to allow the board(s) to make findings that the required standards will be met

- The burden is on an opponent to present sufficient evidence that a standard will not be met
- If insufficient evidence is presented that the required standards will be met, then the SUP must be denied
- If uncontradicted evidence is presented that all of the standards will be met, then the SUP must be issued
- If uncontradicted evidence is presented that even one of the general or specific standards will not be met, then the SUP must be denied
- If there is conflicting evidence, the board(s) decides what the facts are and decides accordingly

Mr. Phillips noted the same Standards for Decision for the the previous case, with the exception of the standards regarding the location of any school, also applies to this case:

- The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
- The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
- The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed

Mr. Phillips reviewed photographs of the site and indicated it is located at the corner of Bringle Ferry Road and North Long Street. He stated the site is zoned CMX with Heavy Industrial located across the street from the site, and Residential to the east of it. He displayed photographs of the current facility and stated it had been in this location for many years. Mr. Phillips noted the property was zoned Light Industrial prior to the adoption of the Land Development Ordinance (LDO), and the property was down-zoned based on the industrial districts being set aside for industrial uses in the adoption of the LDO. He pointed out the use at the facility is automotive uses, and the zoning was reduced to something more appropriate. He then reviewed photographs of properties surrounding the site.

Mr. Phillips stated the facility is currently being used as Vehicle Services with minor repairs, which allows tune-ups, belt changes, oil changes, etc. He noted the request is to change the use to Vehicle Service – Major, which will allow body work, overhaul of engines and more extensive repair of cars. He stated as part of the Planning Board Findings of Fact, it recommended a condition that all work be done inside the existing facility. He indicated the applicant was receptive to the condition as all work is currently being done inside the building now.

Mr. Phillips indicated the request involves no changes to the building, only the use inside of the building.

Mayor Woodson opened the floor to receive testimony.

Ms. Ericka Cordero stated she requests the Special Use Permit so the business can buy cars, reconstruct them and sell them to the public. She indicated they would like to perform engine repairs, transmission repairs and possibly body painting in the future. She stated all work will be performed inside, and the only cars that will be outside are those that are for sale. Ms. Cordero noted all of the business's machinery and tools are located inside. She informed Council the building is to remain as is with no changes. She noted they installed a backflow for the safety of the City, and they recycle all oil and anti-freeze. She requested Council's approval to expand to major auto service.

Mr. Joel Flores stated he is the business owner and has run the business for eight years. He noted the business has started to grow, and he wants to be able to perform more services.

Mayor Woodson commented Salisbury is a business-friendly town, and he is glad Mr. Flores' business is doing better.

Thereupon, Mr. Miller made a **motion** for the following Findings of Fact:

A. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit as evidenced by the following testimony:

- The site must meet all applicable regulations of the City of Salisbury and Rowan County.
- The use is only changing the complexity of the business and no work is to be done outside of the building

B. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area as evidenced by the following testimony:

- The use is located in an existing building that is visually and functionally compatible to the surrounding area and no exterior changes are being made to the building.

C. The public health, safety and welfare will be assured, and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed as evidenced by the following testimony:

- The business owner assures all work will be conducted inside the building

D. The condition that all work is to be conducted within the building.

Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

Thereupon, Mr. Miller made a **motion** to issue SUP-02-13 to J&J Tire and Auto Center, LLC allowing for Vehicle Services – Major Repair/Body Work at 401 Bringle Ferry Road, Salisbury, NC based on all general standards of the Salisbury Land Development Ordinance and added conditions having been met. Mr. Kennedy seconded the motion and noted he travels past this business on a regular basis, and he has never seen work taking place outside of the building.

He stated the business seems to be well taken care of and is compatible to the area. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

SALISBURY HISTORIC PRESERVATION MASTER PLAN

This item was postponed until the May 21, 2013 City Council meeting.

ROWAN COUNTY SOLID WASTE PLAN

Mr. Tony Cinquemani, Public Services Director, and Mr. Caleb Sinclair, Rowan County Recycling Operations Supervisor, presented the Rowan County Solid Waste Management Plan for Council's consideration.

Mr. Sinclair stated each unit of local government is required by North Carolina Statutes to have a Solid Waste Management Plan. He noted the plan must be updated every three years and adopted through a formal Resolution. He indicated the plan has been updated with the most significant change addressing how electronic waste is handled.

Mayor Woodson stated the City's recycling participation has increased, and he feels the rollout bins provided to citizens has contributed to this increase.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution accepting and endorsing the Solid Waste Management Plan of 2012 for Rowan County. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

RESOLUTION ACCEPTING AND ENDORSING THE SOLID WASTE MANAGEMENT PLAN OF 2012 FOR ROWAN COUNTY.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 10, and is known as Resolution 2013-05.)

SPEED LIMIT MOCKSVILLE AVENUE

City Engineer Wendy Brindle stated the City received a petition from Rowan Regional Medical Center requesting the speed limit be reduced to 25 miles per hour on Mocksville Avenue between Grove Street and Mahaley Avenue. She pointed out this section of Mocksville Avenue runs through the hospital complex. She noted the petition was signed by 100 percent of the area property owners, and she stated staff feels the petition will improve pedestrian access through the area. Ms. Brindle noted staff recommends Council adopt the Ordinance to lower the speed limit.

Mayor Woodson recognized Mr. Ken Mowery who was in attendance.

Mr. Ken Mowery, 401 Wake Drive, Manager of Plant Engineering at Rowan Regional Medical Center, stated he has received numerous complaints from hospital staff members who park in the parking lot to the west of the hospital building. He noted the area contains several physician practices whose physicians cross Mocksville Avenue for access to the hospital. He explained the current speed limit is 35 miles per hour, and typically traffic travels at between 40 and 45 miles per hour.

Mr. Mowery indicated Ms. Brindle and City staff have been helpful and installed traffic calming devices, pedestrian crosswalks, and signs in the middle of the street. He indicated these efforts helped, but not quite enough.

Councilmember Kennedy stated he brought this situation to the attention of Council in the past and feels it is important to reduce the speed limit to insure the safety of the citizens crossing the street from the hospital to the parking lot.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13, of the Code of the City of Salisbury, relating to speed limits – generally. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS – GENERALLY.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 30, and is known as Ordinance 2013-20)

LEASE PURCHASE RESOLUTION – TELECOMMUNICATIONS CAPITAL IMPROVEMENTS

Assistant City Manager for Finance John Sofley presented a Resolution to allow financing for a contract with Motorola to renovate the headend and 800 trunking system. He added the Resolution will allow the City the authority to apply to the Local Government Commission (LGC) for financing, to seek bids and provide the authorization to execute the required documents. He indicated if Council approves the Resolution, he will return with the contract to purchase the radios at the June 18, 2013 City Council meeting.

Thereupon, Ms. Karen Alexander made a **motion** to adopt a Lease Purchase Resolution for financing of acquisition, construction, and equipping of certain telecommunications capital improvement and to set a public hearing for May 21, 2013 to receive public comments. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

LEASE PURCHASE RESOLUTION FOR FINANCING AND ACQUISITION, CONSTRUCTION, AND EQUIPPING OF CERTAIN TELECOMMUNICATIONS CAPITAL IMPROVEMENTS.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 11, and is known as Resolution 2013-06.)

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Human Relations Council

Upon a **motion** by Mayor Pro Tem Blackwell, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Messes. Alexander and Blackwell voting AYE, the following appointment was made to fulfill an unexpired term on the Human Relations Council:

Mr. Tony Fleming

Term expires 3-31-15

Salisbury Tourism and Cultural Development Commission

Upon a **motion** by Mr. Miller, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Messes. Alexander and Blackwell voting AYE, the following appointment was made to fulfill an unexpired term on the Salisbury Tourism and Cultural Development Commission:

Mr. John Ketner

Term expires 6-30-16

Mayor Woodson encouraged citizens to apply and serve on the City's Boards and Commissions. He noted applications can be obtained by contacting the City Clerk's office at 704-638-5224.

CITY MANAGER'S COMMENTS

(a) **Chestnut Hill Neighborhood**

City Manager Doug Paris stated there is a new movement in the Chestnut Hill Neighborhood to have the neighborhood placed on the National Historic Register. He noted this item will be presented to the Historic Preservation Commission to obtain their expertise. He indicated he is proud of City staff that have attended the neighborhood meetings and are working with the Historic Salisbury Foundation.

(b) **Recycling Program Update**

City Manager Doug Paris stated the City has received updated data regarding the City's Recycling Program.

Mr. Tony Cinquemani, Public Services Director, noted the past program started in 1991 with a contractor conducting weekly pickup of 14-gallon bins. He stated citizens carried the bins to the curb each week, but that program ended June 2012.

Mr. Cinquemani indicated the present program provides for bi-weekly pickup with 96-gallon rollout carts. He noted the new schedule puts less work on citizens, and the new bins provide 70 percent more capacity.

Mr. Cinquemani reviewed the participation to date:

- The participation rate in the past using 14 gallon recycling bins and every week pickup was 37 percent
- The participation rate using 96 gallon rollouts every other week is 57 percent over seven months

Mr. Cinquemani summarized:

- Recycled material volume is up by 37 percent
- Participation rate is up by 54 percent

Mayor Woodson commented the new rollout bins are much better.

Councilmember Karen Alexander stated the recycling program is a great program.

(c) Brick Street Summer Concert Series

City Manager Doug Paris stated during the filming of "Sleepy Hollow," City staff researched street closures and realized it has been a courtesy and tradition for City Council to formally vote on street closures. He indicated the City Clerk's office and the Police Department are developing a new process to present requested street closures to City Council for informational purposes instead of weighing down the agenda with smaller closures that can be properly administered by the Police Department. He noted this process will be presented to Council at a later date.

Police Chief Rory Collins stated Miller-Davis Productions has moved the day of the Brick Street Live Concert series from Thursday evenings to Friday evenings in order to coincide with Friday Night Out events in Downtown Salisbury. He added the location of the concerts has been moved to the corner of Kerr Street and North Lee Street in the parking lot behind the Police Department.

Chief Collins indicated Miller-Davis Productions has requested a street closure for the 300 block of North Lee Street. He noted Miller-Davis has talked with the companies within this block of North Lee Street, and there are no conflicts with respect to the timing of the concerts. He noted the closure will have minimal impact on traffic.

Chief Collins indicated the City has learned through the North Carolina School of Government (SOG) that the City is unable to close sidewalks unless there is legitimate construction. He pointed out the new location of the concerts is private property giving Miller-Davis Productions the ability to enforce an admission charge.

Councilmember Kennedy stated these changes are an improvement, and he noted there have been concerns in the past from business owners who could not access their businesses.

(d) Sleepy Hollow Film Production

City Manager Doug Paris stated citizens have inquired about the status of the television series "Sleepy Hollow," which filmed portions of its pilot show in Salisbury.

Public Information and Communications Manager Elaney Hasselmann stated the film studio told the City and the Charlotte Regional Film Commission that the production documents would be presented to the studio in early May. She indicated trade journals are reporting the "Sleepy Hollow" television series is in the top running for production pickup by Fox Network, and the decision would be finalized by mid-May. Ms. Hasselmann noted even if "Sleepy Hollow" is picked up by Fox, it does not necessarily mean Salisbury will be selected as a filming location.

MAYOR'S ANNOUNCEMENTS

(a) 7th Annual Middle School Prom

Mayor Woodson announced the Salisbury Parks and Recreation Department will host the 7th Annual Middle School Prom Saturday, May 18, 2013 from 6:00 p.m. until 10:00 p.m. at the Salisbury Civic Center located at 315 South Martin Luther King Jr. Avenue. Tickets are available at the Civic Center. For more information call 704-638-5275.

(b) 10th Annual Let's Get Connected Day

Mayor Woodson announced the Covenant Community Connection will host the 10th Annual Let's Get Connected Day Saturday, May 18, 2013 from 11:00 a.m. until 1:00 p.m. at the Frank B. Tadlock South Rowan Public Library. This year's event "One Planet. One Human Family. One Community" marks the dedication of the 7th Peace Pole in Rowan County.

(c) "Movies in the Park"

Mayor Woodson announced the Salisbury Parks and Recreation Department will host "Movies in the Park" at City Park Friday, May 31, 2013. Pre-movie activities begin at 8:00 p.m. The movie will begin at approximately 8:45 p.m. Bring a blanket or chair to watch the featured movie "Brave." The free event is sponsored by Fibrant and is open to the public.

(d) Brenner Avenue

Councilmember Kennedy stated a citizen contacted him and reported he was traveling south on Brenner Avenue when a child ran into the street to chase a basketball. Mr. Kennedy stated he rode out to the site near Zion Hills Apartments and found the basketball court is close to the street. He pointed out the basketball court is on private property, but he feels it important to bring this concern to the attention of Council. He noted he does not want to see a child hurt running out into Brenner Avenue. He suggested erecting a “Child At Play” road sign, or moving the basketball court to another area on the property.

City Manager Doug Paris stated City Engineer Wendy Brindle will investigate the roadway and develop recommendations regarding the situation.

(e) Film Production Best Practices

Councilmember Brian Miller stated downtown businesses had hoped the local filming of “Sleepy Hollow” would be a positive benefit to their business and were disappointed that they did not see much benefit. He noted the City of Wilmington, North Carolina has dealt with this sort of issue a great deal and there must be best practices instituted by the City of Wilmington from which the City of Salisbury could benefit. Mr. Miller indicated the City should take advantage of what other communities have learned in dealing with this sort of issue. He pointed out it is important the City protect its jobs and investments.

City Manager Doug Paris stated the City has heard from networks that they do not want to be restrained by too many regulations. He pointed out the “Sleepy Hollow” network approached a Salisbury business and provided compensation to them. He indicated the network also asked for receipts from other businesses, but the receipts were not provided, and they were unable to compensate these businesses. He indicated the City will study best practices in case “Sleepy Hollow” or other film productions should come to Salisbury in the future.

(f) Gold Hill Drive

Councilmember Alexander stated that in view of Ms. Nancy Owens comments regarding the traffic on Gold Hill Drive, she would like to ask City Engineer Wendy Brindle to investigate to determine if it would benefit the neighborhood to reduce the speed on Gold Hill Drive. She asked Ms. Brindle to also consider a stop light at Faith Road.

City Manager Doug Paris stated the City will investigate the traffic concerns.

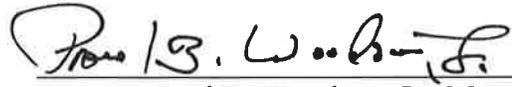
(g) Mini Funk Factory Band

Mayor Pro Tem Blackwell stated one of the City Council Goals is to partner with Rowan-Salisbury School in support of students. She stated the Mini Funk Factory Band from Overton School did not have facilities to practice, and she noted the City has allowed them use of the City Park Recreation Center. Ms. Blackwell pointed out the band is taking applications from students in grades four through eight, and no experience is required. She noted applications can be

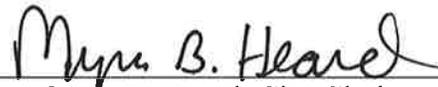
submitted at City Park Recreation Center, 316 Lake Drive between 4:00 p.m. and 6:00 p.m. on May 14, 2013 and May 16, 2013.

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 6:38 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk