

Salisbury, North Carolina  
July 2, 2013

## **REGULAR MEETING**

**PRESENT:** Mayor Paul B. Woodson Jr., Presiding; Council Members Karen Kirks Alexander, William (Pete) Kennedy, 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

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 Kennedy.

## **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. He recognized *Salisbury Post* Reporter Mark Wineka in the audience.

## **PROCLAMATION**

Mayor to proclaim the following observance:

CHICKWEED DAY

July 13, 2013

## CONSENT AGENDA

### (a) Approval of Minutes

Approve Minutes of the Recessed Meeting of June 11, 2013 and the Regular Meeting of June 18, 2013.

Thereupon, Ms. Alexander made a **motion** to adopt the Consent Agenda as presented. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

## SUP-04-2013 – 612 WEST INNES STREET

SUP-04-2013 – 612 West Innes 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. David Phillips

### (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.

Zoning Administrator David Phillips indicated the request is for a Special Use Permit (SUP) for property located at 612 West Innes Street. He explained any type of general retail within a Residential Mixed-Use (RMX) district requires a SUP.

Mr. Phillips reviewed the production of evidence:

- The burden is on the applicant to present sufficient evidence to allow the board 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 decides what the facts are and decides accordingly

Mr. Phillips presented the standards for decision:

1. 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
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. 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 displayed a map and photographs of the area. He noted the site is surrounded by Residential Mixed-Use (RMX) and Urban Residential (UR-8) zonings. He pointed out the location is across from the former Brightmoor Nursing Home site, adjacent to Salisbury Motors, and the former home of an insurance company. He referenced a shared driveway from West Innes Street with parking in the rear. He indicated the building will have cosmetic changes, but the structure will not change.

Mr. Phillips stated at its June 25, 2013 meeting the Planning Board approved the recommendation with one condition; the use be limited to a book store rather than general retail.

(c) Mayor Woodson convened a public hearing, after due notice thereof, to receive testimony regarding SUP-04-2013. He administered the oath to Ms. Elizabeth Pope, applicant.

Ms. Elizabeth Pope, 2116 Old Stage Road, Yadkinville, North Carolina, stated the proposed book store will be family owned and operated. She added the store will specialize in used books and include space to sit and read. She pointed out the book store will be neighborhood friendly and offer affordable books, programs for teachers, a student report card, and summer reading programs. She noted the building and signage, except for the name, will not be changed. She stated refreshments may be served. She explained she owns another book store in Charlotte and a computer system will link the two stores and their inventory.

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

Councilmember Kennedy asked why the Planning Board limited the use on this particular property to a book store rather than the by right for general retail.

Mr. Phillips stated he was not at the Planning Board meeting, but rather than allowing general retail the Planning Board prefers to review uses individually and amend the SUP if another type of general retail is required. He explained a Planning Board member noted if the property is open to general retail it should be rezoned, so to protect the neighborhood the Planning Board recommends limiting the use.

Mr. Kennedy noted Ms. Pope will be selling items other than books and he did not want her to encounter problems. Mr. Phillips explained selling snacks will be permitted, but retail items such as clothing will not be allowed. He noted refreshments are not considered retail sales.

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

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 of general retail will allow for the sale of general merchandise limited to only the sale of books

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
- Signage will be in accordance with the City of Salisbury Ordinances

C. The public health, safety and welfare will be assured, and the purposed 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 is handicap accessible and parking is located to the rear of the building

D. The condition be added that the only permitted General Retail use be that of a Book Store.

Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

Thereupon, Mr. Miller made a **motion** to issue a Special Use Permit SUP-04-2013 allowing general retail – 3,500 square feet or less for the property located at 612 West Innes Street, Salisbury, North Carolina based on all general standards of the Salisbury Land Development Ordinance being met and the condition that the use of Book Store be the only general retail uses permitted. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

**2013 JUSTICE ASSISTANCE GRANT**

Police Chief Rory Collins indicated the Salisbury Police Department has an opportunity to receive a Justice Assistance Grant (JAG) to be used for the purchase of needed equipment. He stated the total of the grant is \$32,917, and it is to be shared with the Rowan County Sheriff's Office. He noted the allocation to the Salisbury Police Department will be \$21,092, and \$11,825 will be allocated to the Rowan County Sheriff's Office. He pointed out this is a non-competitive grant and does not require a match. He indicated the Police Department is required to present to Council how it plans to use the funds and hold a public hearing to receive public comment.

Chief Collins stated the Police Department plans to use the funds to acquire:

<u>Equipment</u>	<u>Cost</u>
Training for Crime Scene Technician	\$6,430
Honor Guard uniforms and equipment	\$2,951
Motorola radio earpieces	\$2,916
Police Officer recruiting efforts	\$2,000
Tactical Vest for Special Response Team (SRT)	\$1,900
Personal exercise and conditioning equipment	\$1,500
Tourniquets and storage cases	\$1,435
Polygraph chair	\$880
Equipment cabinet for uniforms and accoutrements	\$550
Three drawer lateral file	\$530

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding an application for a 2013 Justice Assistance Grant (JAG) in the amount of \$32,917.

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

Thereupon, Mr. Kennedy made a **motion** to approve an application for a Justice Assistance Grant (JAG) in the amount of \$32,917. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

## **PROPOSED LEASE – ROWAN-SALISBURY SCHOOL SYSTEM**

Assistant City Manager for Finance John Sofley addressed Council regarding the redevelopment of the 300 block of South Main Street. He explained North Carolina General Statutes allow municipalities to participate in economic development by:

- Purchasing land
- Constructing facilities
  - Buildings, parking, and utility lines
- Economic incentive grants
- Issuance of debt

Mr. Sofley explained the City has a history of leading public/private partnerships for economic development. He indicated the City has redeveloped land, constructed parking lots, renovated buildings, and provided economic development grants for:

- The Plaza
- Towne Mall (adjacent to Interstate 85)
- Flowers Bakery
- Gateway Building and parking
- Easy Street
- Fisher Street entertainment district
- Railwalk
- Integro Technologies

Mr. Sofley indicated redevelopment of the 300 block of South Main Street will:

- Enhance development in blighted areas
- Promote private development
- Provide for a vibrant community
- Improve the quality of life in the area

Mr. Sofley pointed out it was a goal of past Councils to increase development in the 300 block of South Main Street. He stated the City purchased the majority of this block to provide future economic development. He noted the block was considered for a convention center and parking, but a feasibility study determined the community was too small for a competitive convention center.

Mr. Sofley indicated the economy has improved and economic projects are being developed. He noted the City received inquiries regarding development in this block by:

- Rowan-Salisbury School System
- Integro Technologies
- Others

Mr. Sofley stated Integro Technologies:

- Needed additional space and sought a downtown location
- Selected this site due to its ideal location
- Purchased approximately .8 acres
- Corporate headquarters is under construction
- Placed property and new building on the tax books at an estimated \$3.5 million
- Project is currently employing construction professionals
- Will lead to the retention of existing jobs
- Adds eight additional jobs in the next 24 months
- Average wage in excess of \$70,000 (double median household income)
- Brings Fortune 500 companies to our community on a regular basis
- Places the City on the map within automation and technology industries

Mr. Sofley explained the Rowan-Salisbury School System:

- Discussed locating their proposed central administrative offices downtown
- City agreed to provide land at no cost
  - Additional jobs and economic investment downtown
- Chose 329 South Main Street as its preferred location

Mr. Sofley pointed out the City has a working partnership with the Rowan-Salisbury School System:

- Council offered to assist with funding for the proposed central administrative office
- Conducted a joint meeting with the Rowan County School Board
- Agreed to evaluate options after Rowan County Commissioners declined funding
- Directed staff to develop agreements which:
  - Allow the City to finance and build a facility
  - Permit Rowan-Salisbury School System to occupy the facility
  - Passes all cost to the Rowan-Salisbury School System

Mr. Sofley explained the City has developed a proposed lease that:

- Allows Rowan-Salisbury School System to lease the facility
- Will allow debt service by the City to be passed to Rowan-Salisbury School System
- Will require all operational costs be paid by Rowan-Salisbury School System

Mr. Sofley reviewed Council's vision for the 300 block of South Main Street:

- Opportunity for redevelopment of an entire downtown block
- Three components
  - Integro Technologies is under construction
  - A new parking lot will be constructed
  - Opportunity to redevelop 329 South Main Street

Mr. Sofley reviewed the Economic Impact Update in the 300 block of South Main Street completed by Salisbury-Rowan Economic Development Commission (EDC) Executive Director Robert Van Geons:

- Creates approximately 123 temporary jobs
- Supports approximately 260 jobs in the local economy
- Generates approximately \$1.25 million in additional retail sales
- Increase the City and County tax base
- Provide increased sales and property tax revenue
- Create opportunities for entrepreneurial development and public/private partnerships
- Positively showcases the City as a vibrant, progressive community

Mr. Sofley noted:

- The City is permitted to engage in economic development projects including
  - Construction of new buildings and to issue debt
- The Rowan-Salisbury School System is permitted to enter into a lease agreement without approval from Rowan County
- Proposed lease agreement will allow the City to proceed within established guidelines
  - Would pass debt cost to Rowan-Salisbury School System
  - Would pass facility costs to Rowan-Salisbury School System
- Would promote additional development in the downtown area
- Staff is available to answer questions

Mr. Sofley stated no action is required at this time. He indicated the presentation is for Council's information. He explained the next Agenda item requests Council consider soliciting financing bids and consider making an application to the Local Government Commission regarding financing the proposed office building. He indicated staff recommends combining the two items into one public hearing to be held at Council's July 16, 2013 meeting.

Councilmember Miller thanked Mr. Sofley and staff for its work on the project. He noted Council supports the project and looks forward to receiving public comment.

Councilmember Alexander stated this is an exciting example of cooperation and collaboration between non-profits, government agencies, and the private sector. She noted \$11 million in redevelopment is very impressive in a city with 33,000 citizens and a budget of \$36 million. She thanked everyone who worked on the project.

Councilmember Kennedy stated he is excited to be a member of a Council that thinks outside of the box. He pointed out he was a member of Council when it purchased the Old Town Mall, ran water and sewer lines through the property, and sold it to a developer who brought it to its present state. He noted he was a member of Council when Flowers Bakery closed and he remembers the impact of the job loss to the community. He explained Council bought the property and encouraged the developer and owners to relocate downtown to keep the tax base in the City. He referenced the Plaza and noted Council has played an important role in the redevelopment of many projects. He pointed out as a former educator he was part of the merger of the Salisbury and Rowan County Schools. He stated Council has an opportunity to give back to education and help the School System by supporting the central office building. He stated he supports the project.

Mayor Woodson stated Council has discussed a central office building for many years and is excited it may take place. He pointed out North Main Street is developed, and this is a good start to the redevelopment of South Main Street. He stated he hopes citizens will let Council know their feeling regarding the proposed project.

### **OFFICE BUILDING – FINANCING CONSTRUCTING AND EQUIPPING**

Assistant City Manager for Finance John Sofley presented Council with a lease purchase Resolution for financing of construction and equipping of an office building. He explained the lease purchase Resolution will allow staff to solicit bids, communicate with a financial institution to solicit bids, and apply for financing from the Local Government Commission. He stated staff recommends Council set a public hearing for July 16, 2013 to receive comments regarding the financing.

Thereupon, Mr. Kennedy made a **motion** to adopt a lease purchase Resolution for financing of construction and equipping of an office building and set a public hearing for July 16, 2013 to receive comments regarding the financing. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

### **LEASE PURCHASE RESOLUTION FOR FINANCING OF CONSTRUCTION AND EQUIPPING OF AN OFFICE BUILDING**

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 17, and is known as Resolution 2013-11.)

Mayor Woodson stated many positive things have taken place in the City. He referenced Fisher Street and noted some were upset when the project began, but when the work was complete everyone could see the difference it made.

Councilmember Kennedy stated he did not know what would have happened if the City had not stepped in on past development projects.

## **STEERING COMMITTEE – EAST INNES AND LONG COMPLETE STREETS STUDY**

City Engineer Wendy Brindle explained North Carolina Department of Transportation (NCDOT) approached the City regarding pedestrian concerns at Innes Street near Shaver Street identified through its Spot Safety Program. She stated Innes Street is not as pedestrian-friendly as it could be, and concerns were brought up by neighbors regarding the Long Street corridor. She noted staff saw an opportunity to examine the area and complete a comprehensive study. She indicated the study will be funded:

- 80 percent from the Cabarrus-Rowan Metropolitan Planning Organization (MPO)
- 10 percent from NCDOT
- 10 percent from the City

Ms. Brindle stated the total cost of the study is \$120,000, and the City's portion will be approximately \$12,000. She noted the City entered into a contract with Design Workshop, Inc. May 2013. She indicated the next step is to appoint a steering committee to work on the study.

Mayor Woodson asked Ms. Brindle if she will coordinate the meetings. Ms. Brindle said she would.

Councilmember Alexander stated there is an impressive list of individuals who have agreed to serve on the Steering Committee:

- Mr. Chris Bradshaw – Bradshaw Construction, Long/Innes Street business owner, and President Rowan Helping Ministries
- Mr. Bill Burgin – Chair Tourism Development Authority and local architect
- Mr. Jon Cerny – Chair Community Appearance Commission (CAC) and architectural designer
- Mr. Brian Davis – Director Historic Salisbury Foundation, CAC, Park Avenue resident and local architect
- Mr. Seamus Donaldson – President Vantage South Bank
- Mr. Fred Evans – Chair Dixonville Cemetery Task Force
- Ms. Cheryl Goins – Downtown retail, Pottery 101
- Mr. Bill Greene – Downtown Salisbury Inc. (DSI) Traffic Committee Chair, and Wells Fargo Bank Executive
- Ms. Kyna Grubb – Director Rowan Helping Ministries
- Mr. John Ketner – Innes Street at Long Street property owner and member of DSI Board
- Mr. Mark Lewis – President DSI, Fidelity Bank Executive
- Mr. James Meacham – Executive Director Tourism Development Authority (TDA)
- Mr. William Peoples – First Calvary Church
- Mr. Karl Sale – Brooklyn South Square resident and CAC
- Mr. Robert Van Geons – Executive Director Economic Development Commission (EDC)
- Mr. Ken Weaver – Park Avenue resident and local contractor

Ms. Alexander noted the staff liaisons:

- Ms. Wendy Brindle – City Engineer
- Ms. Lynn Raker – Urban Design Planner
- Mr. Steven Brown – Parks and Recreation Maintenance Manager
- Mr. Craig Powers – Street Division Manager
- Mr. Bob Parnell – Fire Chief
- Mr. Rory Collins – Police Chief
- Mr. Keith Storm – Infrastructure
- Mr. Jim Behmer – Salisbury-Rowan Utilities (SRU) Utilities Director

Ms. Alexander stated Executive Director Community Development Commission (CDC) Chanaka Yatawara will represent the CDC. She nominated Councilmember Kennedy, who owns a business in the Brooklyn South Square neighborhood, and Mayor Woodson, who owns a business on Long Street, to serve on the committee. Mayor Woodson and Mr. Kennedy agreed to serve. She noted Mr. J.P. Couch will serve as State Engineer for the project.

Thereupon, Ms. Alexander made a **motion** to approve committee members, staff and Council as read. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

Mayor Woodson noted the group is very strong and diverse. He thanked everyone who has committed to work on the study.

### **INSTALLATION TELECOMMUNICATION FIBER**

City Engineer Wendy Brindle stated the Engineering Department received a request to install telecommunication fiber in a public right of way in accordance with Section 11-24(27) of the City Code. She displayed a map of the area and pointed out the portion that will be in the public right-of-way is in the 200, 300, and 400 blocks of Lee Street. She explained staff met on site with the petitioner and established several guidelines to make sure the infrastructure is not damaged. She noted the petitioner has agreed to the conditions, and staff recommends approval of the request.

Councilmember Miller asked what the remedy will be if South Lee Street is damaged. Ms. Brindle stated the petitioner is not allowed to cut the new asphalt. She explained most of the work will be done on the shoulder of the street on the brick area. She noted the block is under warranty until January 2014, so the petitioner is required to use the contractor that holds the warranty.

Thereupon, Mr. Miller made a **motion** to approve a request to install telecommunication fiber in the public right-of-way in the 200, 300, and 400 blocks of North Lee Street in accordance with Section 11-24(27) of the City Code subject to conditions. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

**UPDATE – SECOND CREEK WASTE WATER TREATMENT PLANT ELIMINATION PROJECT**

Engineering Manager Jason Wilson updated Council regarding the Second Creek Waste water Treatment Plant Elimination Project. He noted on January 15, 2013 Council awarded a contract to Buckeye Construction Company in the amount of \$1,130,420.92 for the project. He reviewed the project budget and funding sources:

Clean Water Management Trust Fund	\$600,000.00
Rowan-Salisbury School System	\$200,000.00
<u>Salisbury-Rowan Utilities</u>	<u>\$696,920.92</u>
Total Project Cost	\$1,496,920.92

Mr. Wilson noted the Second Creek Wastewater Treatment plant services Magna Composites and West Rowan Middle School. He displayed photographs of the construction and noted the proposed lift station and force main will tie into the Athens West Lift Station.

Mr. Wilson explained a Notice to Proceed was issued on March 18, 2013. He pointed out the substantial completion date is September 13, 2013 with a final completion date on or before October 13, 2013. He stated the project is on schedule and within budget, but has experienced delays due to weather.

Councilmember Miller commended everyone who worked on the project for staying within the budget.

Councilmember Alexander recognized the project was on schedule despite the rainfall. She pointed out project partners are funding \$800,000 while the City is funding \$697,000 or 46 percent of the total cost. She stated this is a powerful example of cooperation and collaboration.

**APPOINTMENT – ROWAN/KANNAPOLIS ABC BOARD**

Mayor Woodson stated Mr. David McCoy currently serves as the City’s appointment to the Rowan/Kannapolis ABC Board. He noted Mr. McCoy is eligible for reappointment and has represented the City well.

Thereupon, Mayor Woodson made a **motion** to reappoint David McCoy to the ABC board. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. (4-0)

## **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

### **Housing Advocacy Commission**

Upon a motion by Mr. Kennedy, seconded by Mr. Miller, and with Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voting AYE, the following appointment was made to the Housing Advocacy Commission:

Mr. Sean Myers

Term Expires 03/31/16

### **Alternate Methods of Design Commission**

Upon a motion by Mr. Kennedy, seconded by Ms. Alexander, and with Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voting AYE, the following appointment was made to the Alternate Methods of Design Commission:

Mr. Chris Bradshaw

Term Expires 03/31/16

## **CITY MANAGER'S COMMENTS**

City Manager Doug Paris presented Council with an Economic Impact Report for the 300 block of South Main Street. He indicated the report was completed by Economic Development Commission (EDC) Executive Director Robert Van Geons. He noted the report will be available for review on the City website at [www.salisburync.gov](http://www.salisburync.gov).

Mayor Woodson stated the redevelopment will change the City and the South Main Street corridor.

## **MAYOR'S ANNOUNCEMENTS**

### (a) **"Movies in the Park"**

Mayor Woodson announced the Salisbury Parks and Recreation Department will host "Movies in the Park" at City Park Friday, July 12, 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 "The Lorax." The free event is sponsored by Fibrant and open to the public.

### (b) **Community Planning Services Director Janet Gapen**

City Manager Doug Pairs announced Interim Community Planning Services Director Janet Gapen has been promoted to Community Planning Services Director effective Monday, July 1, 2013.

Mayor Woodson congratulated Ms. Gapen on her promotion.

(c) Klumac Road Businesses

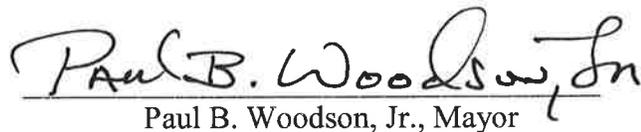
Mayor Woodson referenced an article in the *Salisbury Post* regarding Klumac Road. He asked City Manager Doug Paris, Public Services Director Tony Cinquemani, and City Engineer Wendy Brindle to let citizens know businesses on Klumac Road are open.

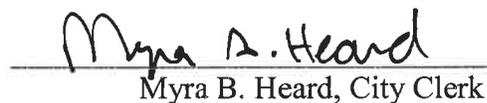
(d) Salisbury, North Carolina (Images of America series)

Mayor Woodson referenced Salisbury, North Carolina, a book, written by Mr. Larry Neil in conjunction with the Rowan Museum that can be purchased at local book stores. He stated the book has great pictures and stories about the City.

**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 5:12 p.m.

  
Paul B. Woodson, Jr., Mayor

  
Myra B. Heard, City Clerk