

Salisbury, North Carolina  
April 15, 2014

## **REGULAR MEETING**

**PRESENT:** Mayor Paul B. Woodson, Jr., Presiding; Mayor Pro Tem Maggie A. Blackwell, 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:** None

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.

## **PROCLAMATION**

Mayor Woodson proclaimed the following observances:

NATIONAL HEALTHCARE DECISIONS DAY	April 16, 2014
NATIONAL DAY OF PRAYER	May 1, 2014
BETTER HEARING AND SPEECH MONTH	May 2014

## CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Special Meetings of March 18-19, 2014 and April 1, 2014, and the Regular Meeting of April 1, 2014.

(b) Budget Ordinance Amendment – Insurance Proceeds

Adopt a Budget Ordinance amendment to the FY2013-2014 budget in the amount of \$5,600 to appropriate insurance proceeds.

ORDINANCE AMENDING THE 2013-2014 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 31, and is known as Ordinance 2014-13)

(c) Resolution – Street Closure Hall Road

Receive a petition to close a portion of Hall Road and adopt a **RESOLUTION** setting a public hearing for May 20, 2014.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF A PORTION OF HALL ROAD, AND SETTING A PUBLIC HEARING FOR MAY 20, 2014.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 7, and is known as Resolution 2014-07)

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

## MASTER SITE PLAN G-09-2003 – THE GABLES AT KEPLEY FARM

Zoning Administrator David Phillips stated the request before Council is a revision to previously approved Group Development Plan G-09-2003. He noted the request was approved under the previous zoning Ordinance and is vested by common law due to the developers financial investment in the community. He explained since G-09-2003 is vested it is not required to meet the current Land Development Ordinance (LDO) conditions.

Mr. Phillips displayed a map of The Gables at Kepley Farm. He pointed out Phases 1 and 2 have been developed, and the developer is planning to develop Phases 3, 4, and 5.

Mr. Phillips reviewed the 2009 Site Plan and the proposed revisions. He explained the developer is requesting a shift in the traffic pattern to remove a traffic circle and create an intersection with connectivity to adjacent properties. He stated during the Technical Review Commission (TRC) meeting Public Services and the Fire Department supported removing the traffic circle to alleviate maneuverability issues for City vehicles. He noted the TRC and the Planning Board also recommend approval.

Mayor Woodson opened the floor to receive public comment regarding G-09-2003.

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

Thereupon, Mr. Miller made a **motion** to approve revisions to Master Site Plan G-09-2003, The Gables at Kepley Farm Phases 3, 4, and 5, located in the 2000 block of Faith Road. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

### **RECOGNITION – INTEGRO TECHNOLOGIES PRESIDENT SHAWN CAMPION**

Mayor Woodson recognized Integro Technologies President Shawn Campion.

Mr. Campion thanked Council for allowing Integro Technologies to build in the downtown area and keeping the business and its employees within the City limits. He presented engraved bricks to Council and City Manager Doug Paris and noted Integro Technologies is excited about its future in the City.

Mayor Woodson thanked Mr. Campion for having confidence in the City and moving forward with the Salisbury Business Center. He pointed out the Salisbury Business Center is a great asset to the South Main Street corridor. He thanked Mr. Campion for the jobs Integro Technologies provides to the community.

Councilmember Alexander congratulated Mr. Campion, and she noted the Salisbury Business Center is a wonderful project for the community.

### **LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-01-2014 – ABBINGTON COURT**

Planning and Development Services Manager Preston Mitchell addressed Council regarding CD-01-2014 Abbington Court, a proposed multi-family development, along South Main Street and Jake Alexander Boulevard. He stated the current owners are Mr. and Ms. John Leatherman.

Mr. Mitchell displayed a map of the area, and he pointed out the site is approximately nine acres and is known as the Dodd Brown tract. He stated the area consists of businesses with the Rosemont Street neighborhood located to the north. He pointed out the proposed development will be adjacent to Colonial Village, an existing 98-unit multi-family development.

Mr. Mitchell explained the developer is planning to divide the nine acre site into two pieces and develop approximately five acres. He reviewed proposed Master Plan A, and he pointed out the primary means of ingress and egress will be from South Main Street through a private drive known as Dodd Street. He noted the development will consist of multi-family units in four multi-story buildings and will include a clubhouse/leasing office. He pointed out a shared 40-foot utility easement mandated by Salisbury-Rowan Utilities (SRU) for water and sewer service. He emphasized development will be 45 feet from the property line.

Mr. Mitchell reviewed Master Plan B. He explained it is an alternate plan that may never happen, but the developer wanted to bring it before Council as an alternative with connectivity to Colonial Village. He noted Master Plan A has recreational open space instead of a vehicular connection to Colonial Village. He pointed out in Master Plan B, a building is shifted to allow for additional connectivity.

Mr. Mitchell displayed proposed building elevations and noted the zoning in the area. He pointed out Highway Business (HB) zoning along South Main Street that transitions into Residential Mixed-Use (RMX) zoning. He noted the site is currently zoned RMX which allows multi-family development. He stated the petition is before Council because the developer is requesting a campus-style development that requires a conditional district overlay. He explained the petition:

- Maintains current base district RMX
  - Permits multi-family residential by-right
  - Maximum dwelling is 18 units per acre
  - Proposing 16 units per acre
- Removes existing GD-A Overlay
- Establish a new Conditional District Overlay to allow construction of an 80-unit multi-family campus-style development

Mr. Mitchell displayed a photograph of South Main Street and Dodd Street. He noted Dodd Street is a private drive dedicated for a public street that was never built. Mr. Mitchell explained to transition Dodd Street into a public street the developer must acquire land on both sides of the roadway. He displayed photographs of the property from West Jake Alexander Boulevard and Rosemont Street. He pointed out Rosemont Street deadends at the property.

Mr. Mitchell indicated the multi-family buildings will be visible from Rosemont Street. He noted the original design called for a three-story building next to the Rosemont Street community. He stated staff explained the Vision 2020 Plan and transitional uses to the developer who re-designed the site plan to place a two-story building next to the Rosemont Street neighborhood and the three-story buildings closer to South Main Street.

Mr. Mitchell stated the proposed permitted use will be a multi-family dwelling with more than four units per building. He pointed out, if adopted, a Conditional District amendment will be required to change the permitted uses. He explained a Conditional District Overlay:

- Floating overlay district that allows alternative design, relieving specific Ordinance provisions
  - Encourages innovative site/building design
  - Petition and Master Plan
- Conditions may be added if they are
  - Recommended by the Planning Board
  - Adopted by Council
  - Agreed upon by the petitioner

Mr. Mitchell noted the developer is requesting a campus-style development that will vary from building orientation and parking. He explained Dodd Street is mandated to be 24-feet wide, and the developer is requesting 22-feet. He indicated the proposed development is compliant with all other chapters of the City Code.

Mr. Mitchell reviewed the Vision 2020 Plan:

- Policy N-18: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area
- 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. Mitchell noted the Planning Board met April 8, 2014 and:

- The petition is consistent with the Vision 2020 Plan
- Recommends conditional approval:
  - Sidewalk access shall be provided along Dodd Street, a private drive that connects the apartment complex to South Main Street
  - If the developer is able to acquire land from property owners adjoining Dodd Street, a minimum 40-foot right-of-way may contain a street with a sidewalk along one side to be accepted as a public street. All documents related to engineering and design of this alternative right-of-way width may be reviewed and approved by the TRC
  - All development-related construction traffic, notwithstanding the required construction activities and traffic associated with the Rosemont Street cul-de-sac reconstruction, shall ingress and egress through South Main Street

- The substandard Rosemont Street cul-de-sac shall be reconstructed within the existing Rosemont Street right-of-way to a modified standard that has been approved by the Engineering Department, per Section 4.5.B.1 of the Land Development Ordinance (LDO)

Mayor Woodson asked if Dodd Street is wide enough to handle a multi-family development. Mr. Mitchell stated the width of the street varies from 22 to 24 feet. He noted the issue was addressed by the Technical Review Commission (TRC) and it thought 22-feet was adequate if the roadway is treated as a private drive, but not for a public street with a sidewalk. He explained the Planning Board recommends sidewalk access along Dodd Street to connect the apartment complex to South Main Street.

Mayor Pro Tem Blackwell pointed out a discrepancy in the language for the sidewalk requirement. Mr. Mitchell explained the Planning Board is stating that a sidewalk must be provided, but the City does not want to mandate Dodd Street become a public street. He added if the developer is able to acquire eight additional feet on each side of Dodd Street, it will give the ability to build a 40-foot public street to meet City standards. Mr. Mitchell pointed out a 40-foot public street with a sidewalk on one side is a variance from the City's standard design 44-foot right-of-way with sidewalks on both sides. He emphasized a sidewalk must be provided for the development to receive its building permits.

Councilmember Miller stated Dodd Street is a dedicated right-of-way, and he asked who owns the land. Mr. Mitchell noted, according to Mr. Leatherman's attorney, the Leathermans have all title, rights, and interest.

Councilmember Kennedy asked if emergency vehicles will be allowed access to the private street in case of an emergency. Mr. Mitchell stated the road is considered a long driveway, and emergency vehicles will be allowed to enter the property.

Ms. Blackwell pointed out the apartment complex on Lash Drive has a long drive. Mr. Mitchell added several multi-family dwellings in the City have long drives.

Mayor Woodson clarified the two-story building will be closest to Rosemont Street. Mr. Mitchell stated that is correct. He explained the original design placed a three-story unit next to Rosemont Street, but when staff expressed concerns the developer revised the site plan making a softer transition from the single-family neighborhood to the multi-family complex.

Mr. Kennedy asked if the proposed apartment complex will have a Rosemont Street address. Mr. Mitchell stated no addressing has occurred, and the addresses will be off of South Main Street.

Councilmember Alexander asked about the setback for RMX zoning. Mr. Mitchell explained the front and side setback for RMX is 10-feet, but due to the utility easement the setback will be 45-feet, 35-feet more than the zoning requires.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding CD-01-2014.

Ms. Gretta Saunders, 1832 Rosemont Street, stated she objects to the dwelling. She pointed out the neighborhood consists of single-family residences, and she does not want the neighborhood turned into a multi-family community. She pointed out Council stated vehicles will not have access to the apartment complex from Rosemont Street, but she is concerned about walking traffic through the community. She requested the fence that starts at Rosemont Street be extended to eliminate additional walking traffic in the neighborhood. She emphasized the neighborhood consists of single-family residences and does not welcome multi-family development.

Mr. Larry Summey, 611 D Avenue, noted he has lived in the Rosemont Street neighborhood for 22 years. He pointed out it is a diverse community of lower to middle class residents who share the dream of home ownership and a safe environment. He emphasized the community is not concerned about the types of people that will live in the complex, but the density of people living in a small area. He emphasized the development may place as many as 400 people on the end of a small street. He pointed out there is nothing within a safe walking distance of Dodd Street, and all of the amenities are at the end of Rosemont Street. Mr. Summey noted residents will travel from the back of the apartment complex down Rosemont Street to the amenities, increasing the foot traffic in the neighborhood. He stated several years ago when businesses proposed expanding the Pinnacle area, neighborhood residents were promised there would be no detrimental effects to the neighborhood if development occurred. He stated the potential business looked at the property with its limited access and decided it would not be a safe place to do business. He asked how it could be safe to place 200 to 400 people in the same space with one means of ingress and egress. He pointed out the development barely meets City Code. He asked Council to consider the safety of the residents of Rosemont Street and the proposed apartment complex when it makes its decision.

Ms. Cassandra Cunningham, 2015 Rosemont Street, stated she lives one house from the proposed development. She noted according to the *Salisbury Post* the proposed complex consists of tax credit, income-restricted apartments financed through the North Carolina Housing Finance Agency. She stated the proposed development is not multi-family housing but low-income housing, just like the 96-unit Colonial Village that is separated from her home by a fence. She added it does not seem fair to put another low-income housing complex on the other side of her home. She stated it has been reported the salaries of teachers, police, and firefighters will be included in the income levels required to live at the complex. She pointed out unless they have a large family their salaries are too high according to the North Carolina Housing Finance website. Ms. Cunningham noted her experience as a Certified Public Accountant suggests tax credit apartments are utilized for the life of the tax credit, approximately 10 to 20 years, and then they are no longer valuable to the investors and sold. She added building maintenance would be high due to the nature of the residents. She noted, until the fence was built along Colonial Village, people were walking through the neighborhood in the middle of the night. She emphasized she does not want additional walking traffic or criminal activity taking place at her home. She added according to the North Carolina Housing Finance website, 10 percent of the units are allotted for homeless and disabled residents. She noted the Coalition for the Homeless

states 26 percent of homeless residents have severe mental illness, and no one wants to live next to those conditions.

Ms. Mary Ann Summey, 611 D Avenue, stated she would like to see the property developed as single-family units connecting through Rosemont or South Main Streets. She added it would be an asset to the area and would bring like-minded families instead of a drastic change from a single-family neighborhood to 80 multi-family units in a five-acre space. She added due to the limited ingress and egress the remaining acreage would likely be developed as multi-family housing units. She noted the Rosemont cul-de-sac has to be improved because it is the only walking path from the apartment complex at this time. She pointed out the plan proposes a sidewalk from the two-story building to Rosemont Street. Ms. Summey stated a member of the Planning Board asked if that sidewalk could go toward the Pinnacle site but was told it could not since the property is undeveloped and not included in the current site plan. She indicated the development has to be campus-style because none of the buildings front a public street. She added one building will back up to a public street, if that street is improved to make a real cul-de-sac. She asked Council to consider the concerns of the neighborhood when it makes its decision.

Attorney Randy Reamer, 129 North Main Street, addressed Council on behalf of Parks Management Company located on South Main Street and known as the Dodd home place. He stated his client is not opposed to the development, but expressed his concerns at the Planning Board meeting regarding ingress and egress of pedestrians and vehicles on a 22-foot street. He stated the street is too narrow for fire trucks, pedestrians, and vehicles, especially if the development includes access to Colonial Village and the remaining four-acre tract is developed. He explained Dodd Street has been on public maps and records since the 1920s and is referred to in all deeds and records until 2007 when Mr. Leatherman obtained a quitclaim deed for the land underneath Dodd Street. He asked what happens to Dodd Street, and his client's ingress and egress to his property, if development takes place. Mr. Reamer pointed out neighboring properties to the south also use Dodd Street for ingress and egress. He noted after the Planning Board meeting, Mr. Parks offered to give the developers additional property on his side of Dodd Street in exchange for guarantees of maintenance, access, and a sidewalk which will improve access to South Main Street for everyone involved. He added his client is negotiating with the developer, who is working with property owners, to secure additional property needed to improve the street. He noted Mr. Parks has no objections to the development if Dodd Street is improved.

Ms. Karen Perry, Riverside Investments, 7556 Riverside Court, Clemmons, North Carolina, stated she has 25 years of real estate investment experience. She noted affordable housing and low-income housing tax credit equity is a step up for many citizens. She pointed out the State commissioned a market study based on 2010 census information and found an increase in Rowan County's population of 1,456 people and 428 households. She noted a decline in home ownership by 711 and an increase in rental households of 1,193. She added there is a demand in Rowan County for rental housing with an average of 5.3 percent vacancy. She stated the newest property has a waiting list of 104 applicants. Ms. Perry pointed out the company is addressing the concerns of the Rosemont Street neighborhood by creating a buffer to the community. She added the development will compliment Colonial Village with internal

sidewalks and access to South Main Street through Dodd Street. She noted the site location received a perfect site score from the North Carolina Housing Finance Agency.

Mr. Trey Coogle with Rea Ventures, 677 Park Drive, Atlanta, Georgia, stated Rea Ventures is working with adjacent property owners to improve Dodd Street and the intersection of Jake Alexander Boulevard and South Main Street. He noted a 22 to 24-foot drive is sufficient to serve the development, but Rea Ventures agreed that a sidewalk would benefit the development and adjacent properties. He pointed out it is a transitional use to go from commercial use to multi-family units to single-family dwellings. He stated the units will be built to a high standard and include amenities. He emphasized a selection process is used to ensure the best tenants are chosen for the development.

Mr. Alex Lawrence, Gem Management, Incorporated, 2021 Crossbeam Drive, Charlotte, North Carolina, stated Gem Management has been in business since 1991 and manages 235 properties in seven states. He noted the majority of the tenant population is working families with transportation. He explained Gem Management conducts an applicant screening that includes a credit check and a criminal background check. He emphasized criminal behavior is not allowed including no felons, no misdemeanor above a traffic violation in the last three years, and no drug charges. He indicated applicants are screened by a third-party and income levels are checked to ensure the tenant can afford the rent. Mr. Lawrence noted the company works to create a sense of community by enforcing strict lease and house rules. He added issues are addressed immediately including eviction when necessary. He pointed out the plan includes green space, sidewalks and walking trails that create community. He stated the City needs this type of housing.

Mayor Woodson asked about the average rent. Mr. Lawrence stated the rent depends on the number of bedrooms and the market rate for the area. He noted the proposed development is not deeply subsidized, and the housing is affordable through tax credits.

Ms. Perry stated the rent is set at an affordable rate that is 60 percent, 50 percent, and 40 percent of the area median income. She added rent on a one bedroom apartment can range from just under \$300 to \$475 dollars and a three bedroom unit would be \$365 up to \$633 dollars and includes trash pickup.

Councilmember Kennedy asked if the development is subsidized by the Federal government. Ms. Perry stated it is not, and she pointed out the sale of the tax credits allow the developer to carry less debt which keeps the rent affordable. She noted the development will accept voucher holders. Mr. Kennedy asked if Riverside Investments has the option to build on the additional four acres if the project is successful. Ms. Perry stated they do not.

Councilmember Miller asked what is required in exchange for the tax credit subsidy. Ms. Perry explained the equity investors inspect the property on a regular basis. She added an on-site inspection is conducted quarterly, and the files are inspected to make sure the income qualifications are met, in addition to a physical inspection of the property. She emphasized the development is held to high standards, and Riverside Investments strives to be a good neighbor and an asset to the community.

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

Mr. Miller stated he served on the Planning Board for six years, and he does not think this is a bad location for a multi-family dwelling even though the neighborhood would prefer single-family residences. He added its location to businesses is reasonable, and there are apartment complexes in the area. He noted he supports the tax credit housing program, but he is concerned how the developments will mature over time since they are new to the City. He emphasized a multi-family development could be a good use for the property, but the City has approved multiple developments, including several that are not yet in place, that would total 300 to 400 units. Mr. Miller indicated he is concerned about a potential market saturation that could hinder the project's success. He questioned if the City has approved enough tax credit developments. He asked if Council should wait and see if the previously approved sites are developed and rented before approving additional multi-family dwellings. He emphasized over development could have a negative impact on market rental rates and the City.

Mayor Pro Tem Blackwell stated Community Planning Services Director Janet Gapen has a 2012 report that states the City is in a rental deficit, including a high volume of substandard rentals and a low volume of standard or upper middle class rentals. She added rental properties in the City are 97 percent occupied with the remaining three percent in rotation for a new tenant. She stated she understands Mr. Miller's concern, and she noted if the item was taken to committee, Council could get additional data to resolve or confirm Mr. Miller's concerns. She pointed out as long as there is a rental deficit the tenant is at the mercy of the landlord. She noted an adequate supply of rental property benefits the community. She indicated she supports taking the item to a Council Committee for further discussion.

Councilmember Alexander stated she also supports sending the item to a Council Committee. She noted she would like to get information about the transition of properties over time to address the concerns of the Rosemont neighborhood. She pointed out the design of the property appears to be high quality, and it is important for citizens to live in a well-designed complex no matter their financial status. She volunteered to serve if a Council Committee is formed.

Mr. Kennedy stated there is a need for affordable housing in the community, and he supports the proposed development. He noted it is important to protect the Rosemont Street neighborhood, and he suggested installing a fence to shield the community from additional foot traffic. He indicated he supports the item going to a Council Committee and asked the Committee to address his concerns regarding boundaries that would reduce foot traffic in the Rosemont Street neighborhood.

Mr. Miller asked if pedestrian access is required on the corner that connects with Rosemont Street. Mr. Mitchell stated the connection is required by City Code. He pointed out the Planning Board has recommended a condition that a sidewalk be constructed to South Main Street on either a private drive or a public street. He indicated when the sidewalk requirement is satisfied the Rosemont Street connection will no longer be required.

Mr. Miller emphasized he is not opposed to the proposed development but wants to make sure the market is not over saturated with multi-family units. He asked if the statistics used to

prepare the application include existing multi-family units approved by Council that have not been constructed.

Ms. Perry referenced a February 18, 2014 market study commissioned by the North Carolina Housing Finance Agency based upon current census information that considers recently awarded and rehabilitative properties in all stages of development. She added the numbers prove there is a need for multi-family units. She emphasized there are not enough rental units to meet the demand of the current population of Rowan County and the City. She explained the capture rated is 9.3 percent with the standard of 20 to 25 percent considered acceptable. She pointed out the current vacancy rate is 4.3 to 4.5 percent between all rental units in the area. Ms. Perry indicated the market has shifted from homeownership to rental properties and the community is working to meet the demand.

Ms. Alexander asked how long the property has been zoned RMX. Mr. Mitchell stated the property has been zoned RMX since November 1, 2008 when the LDO went into effect. He added prior to the LDO, the parcel was zoned Office Institutional (OI). He emphasized the property has not been zoned single-family residential for many years.

Ms. Alexander asked how the zoning transition took place, and if the zoning changed due to the property's adjacent location to Colonial Village. Mr. Mitchell explained the property was zoned OI when the LDO came into effect and was converted from OI to RMX zoning. Ms. Alexander pointed out the item before Council does not include a zoning change. Mr. Mitchell emphasized RMX zoning has been in place for over 10 years.

Mayor Woodson noted the proposed complex is near a single-family neighborhood and fencing would make a difference for the community. He asked if Dodd Street could be widened to include a sidewalk and fencing installed along the back of the development to protect the Rosemont Street neighborhood. Mr. Mitchell stated it could. Mayor Woodson indicated he would like the item to go to a Council Committee for additional consideration.

Thereupon, Ms. Blackwell made a **motion** to create a Council Committee to address neighborhood concerns and understand the rental market saturation rates and report back to Council May 6, 2014. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

Mr. Miller indicated he would like to serve. Ms. Alexander also volunteered to serve. Mayor Woodson thanked Ms. Alexander and Mr. Miller for serving on the Council Committee.

Mr. Kennedy encouraged the developers to build a street with a sidewalk to lessen the foot traffic on Rosemont Street.

City Clerk Myra Heard stated citizens wishing to be notified of the Council Committee meetings should contact the City Clerk's office at (704) 638-5224 or give their information to Mr. Mitchell.

Ms. Blackwell noted attendees can only observe in a Council Committee meeting. Ms. Heard stated that is correct.

## **LAND DEVELOPMENT DISTRICT MAP AMENDMENT LDOZ-01-2014 OAKVIEW COMMONS**

Planning and Development Services Manager Preston Mitchell noted the request is to downzone one parcel, approximately 21 acres, located in the undeveloped phases of Oakview Commons, from General Residential (GR-6) to Rural Residential (RR).

Mr. Mitchell reviewed a map of the area, and he pointed out Oakview Commons, a large-scale, low-density single-family subdivision along Faith Road. He referenced the remaining phases of Oakview Commons and noted they are undeveloped.

Mr. Mitchell explained Mr. Milligan, the petitioner, purchased the remaining 21 acres and plans to build his home on it rather than developing the subdivision. He noted the rest of the Oakview subdivision will not be developed but the acreage will be maintained. He pointed out Mr. Milligan is asking to downzone the property to meet the surrounding zonings.

Mr. Mitchell displayed a site photograph and pointed out the future road is partially cut. He stated Mr. Milligan will likely have a Summer Oak Drive address.

Mr. Mitchell explained development stalled when the recession began. He displayed photographs of the property from 414 and 419 Oak Forest Lane. He stated the developer is planning to continue development on the remaining parcels.

Mr. Mitchell reviewed zoning in the area, and he noted the parcel is surrounded by GR-6 and GR-3 zoning. He pointed out Rural Residential (RR) zoning is to the south and west. He indicated Mr. Milligan would like to downzone the property to be consistent with the surrounding area.

Mr. Mitchell reviewed the Land Development Ordinance (LDO) provisions:

- Permitted uses
- Specific district provision
- Building types
- Recreational open space
- Landscaping
- Signage

Mr. Mitchell stated there were no applicable policies related to the petition for the Vision 2020 Plan. He emphasized the request is to downzone and the Planning Board:

- Convened March 25, 2014
- Recommended the petition is not inconsistent with the Vision 2020 Plan
- Recommends unanimous approval of the petition

Councilmember Miller asked what the property owner will be allowed to do under RR zoning that cannot be done with the current zoning. Mr. Mitchell stated Mr. Milligan is planning to build an accessory dwelling unit on the site if a future text amendment is approved. He added if the text amendment is approved, it will allow Mr. Milligan to build the secondary dwelling on other parts of the 21 acres rather than right behind the house.

Mr. Miller stated the GR-6 allows denser development but does not require it. Mr. Mitchell explained GR-6 would allow up to six units per acre. He pointed out the petition is one parcel, which means he can build one house and one secondary dwelling unit. Mr. Miller noted the zoning does not require higher density but allows it. Mr. Mitchell stated that is correct.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding LDOZ-01-2014.

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

Mr. Kennedy stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property, as described herein, is not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the Land Development district map of the City of Salisbury, North Carolina by rezoning one parcel, unnumbered Summer Oak Drive, from General Residential (GR-6) District to Rural Residential (RR) District. Ms. Alexander seconded the motion.

Mr. Miller stated development is trending toward higher density. He noted Council may be giving up an opportunity for additional development on this parcel, but it is the property owner's right to request downzoning. He added water and sewer service is to the edge of the site, and for water and sewer service to make sense it requires dense development. He pointed out the parcel is in the residential growth area of the City between Old Concord and Faith Roads. He noted it seems the City is losing an opportunity for higher density development.

Mayor Woodson stated in 10 years the petitioner may request to rezone the parcel. Mr. Miller stated the property belongs to Mr. Milligan, and he can do what he wants to with it. He asked if the rezoning is necessary. Mr. Mitchell noted the petitioner can build a house with a secondary dwelling unit in the GR-6 zoning. He explained if the proposed text amendment is approved and the parcel maintains its GR zoning, the secondary dwelling unit will be mandated right behind the house.

Mr. Mitchell explained downzoning can take property back and reset it into a holding pattern. He pointed out taking this zoning back reduces the effect of sprawl and the residential draw on public services.

Mayor Woodson explained GR-6 zoning requires the property owner build a secondary structure right behind the house. He noted the rezoning gives the property owner an opportunity to build a secondary structure where he wants to build it. Mr. Mitchell stated the property owner

understands there is a minimum acreage of five acres if the property is rezoned to RR. He noted Mr. Milligan is planning to build his homestead on the property.

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

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA BY REZONING ONE PARCEL, UNNUMBERED SUMMER OAK DRIVE, FROM GENERAL RESIDENTIAL (GR-6) DISTRICT TO RURAL RESIDENTIAL (RR) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No.32, and is known as Ordinance 2014-14)

### **UPDATE – 311GIS**

GIS Coordinator Kathryn Clifton addressed Council regarding 311GIS implementation. She noted 311GIS began with a soft rollout in August 2013. She noted presentations were made to Council, Salisbury Neighborhood Action Group, Ruffy-Holmes Computer Club, and Community Appearance Commission (CAC) during the first three months of the rollout.

Ms. Clifton noted users were required to register as of December 12, 2013 making contact information readily available. She stated as of April 2, 2014, 458 items have been reported to 311GIS. She pointed out 311GIS has 190 registered users, 146 external users and 44 members of staff.

Ms. Clifton explained during the implementation of 311GIS she met with City departments that were interested in using the service to respond to citizen requests. She reviewed the 42 request types, the responding departments, and the number of requests.

Ms. Clifton stated citizens can report some items outside the City limits because the City's service area extends beyond the City limits. She presented the top ten reported items, and she noted streets lights receive the most requests. She also reviewed the 311GIS request per month, by department and location within the City.

Ms. Clifton pointed out 311GIS is an excellent tool that coordinates multiple departments to respond to citizen requests. She noted more citizens are signing up and submitting requests within their community.

Councilmember Kennedy stated it is a violation of City Code to blow cut grass into City streets. He asked if cut grass in the street could be reported through 311GIS. Ms. Clifton stated it could. Mr. Kennedy stated he supports 311GIS and hopes it is included in the coming budget. Ms. Clifton stated 311GIS is included in the upcoming budget for Council's consideration. .

Mayor Woodson thanked Ms. Clifton for all she does for the City.

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

### **Community Appearance Commission**

Upon a motion by Ms. Alexander, seconded by Mr. Kennedy, and with Mr. Miller and Woodson and Ms. Blackwell voting AYE, the following appointments were made to the Community Appearance Commission:

Ms. Diane Hundley	Term Expires 3/31/17
Mr. Carlton Jackson	Term Expires 3/31/15
Ms. Jessica Vess	Term Expires 3/31/16

### **Historic Preservation Commission**

Upon a motion by Ms. Blackwell, seconded by Ms. Alexander, and with Messrs. Miller, Kennedy, and Woodson voting AYE, the following appointments were made to the Historic Preservation Commission:

Mr. Daniel DeGraaf	Term Expires 3/31/17
Mr. Andrew Walker	Term Expires 3/31/17

### **Planning Board**

Upon a motion by Mr. Miller, seconded by Mr. Kennedy, and with Mr. Woodson and Ms. Alexander and Blackwell voting AYE, the following appointment was made to the Planning Board:

Mr. Bill Burgin	Term Expires 03/31/17
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Upon a motion by Mr. Miller, seconded by Ms. Blackwell, and with Messrs. Kennedy and Woodson and Ms. Alexander voting AYE, the following appointment was made to the Planning Board:

Mr. Shawn Brixey	Term Expires 03/31/15
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### **Transportation Advisory Board**

Upon a motion by Mr. Kennedy, seconded by Mr. Miller, and with Mr. Woodson and Ms. Alexander Blackwell voting AYE, the following appointment was made to the Transportation Advisory Board:

Mr. Quentin Woodward, Sr.	Term Expires 03/31/17
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### **Tree Board**

Upon a motion by Mr. Kennedy, seconded by Ms. Alexander, and with Messrs. Miller and Woodson and Ms. Blackwell voting AYE, the following re-appointment was made to the Tree Board:

Mr. Doug Jones

Term Expires 03/31/17

### **Zoning Board of Adjustment**

Upon a motion by Mr. Miller, seconded by Mr. Kennedy, and with Mr. Woodson and Mses. Alexander and Blackwell voting AYE, the following appointments were made to the Zoning Board of Adjustment:

Mr. Mac Butler

Term Expires 03/31/17

Ms. Martha Legrand - Alternate

Term Expires 03/31/17

Mr. John M. Smith

Term Expires 03/31/17

City Clerk Myra Heard asked for clarification regarding the Zoning Board of Adjustment nominations. She pointed out there were two openings for current members and three openings for City Alternates.

Upon a motion made by Mr. Miller, seconded by Mr. Kennedy, and with Mr. Woodson and Mses. Alexander and Blackwell voting AYE, Mr. Mac Butler and Mr. John M. Smith were appointed as current members of the Zoning Board of Adjustment. Ms. Blackwell added Ms. Martha Legrand will serve as City Alternate. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

Mayor Woodson thanked everyone who serves on a City Board or Commission.

### **PUBLIC COMMENTS**

Mayor Woodson opened the floor to receive public comment.

Mr. Scott Teamer, 2026 Rosemont Street, addressed Council on behalf of the Salisbury-Rowan National Association for the Advancement of Color People (NAACP). He noted the NAACP sent a certified letter requesting to meet with Council but has not received a response that explains why the meeting cannot take place. He indicated the NAACP would like to have a business relationship with Council. He noted it is important that the City's elected officials represent all communities. He added when the NAACP meets with two or three Council members, promises are made but the NAACP wants results. Mr. Teamer stated he is concerned that the City Manager is allowed to disrespect citizens. He added the NAACP would like the City to help its youth. He noted he does not think the additional Police Intervention Team (PIT) team will help the community. He added community policing requires trust, but it is hard to trust when African-Americans are still being stopped five or six cars at a time for traffic violations.

He noted the NAACP does not have a relationship with the Police Chief, and he does not want cultural fear to result in someone getting hurt as it has in other cities. Mr. Teamer emphasized the NAACP would like to have meaningful dialogue with Council to improve the community for all citizens. He stated he has personally experienced excessive behavior by the Police Department when he was pulled over in front of other African American citizens. He asked how a community can grow when its leaders are disrespected. He added it is hard for community leaders to set an example for the City's youth when they feel frustrated and disrespected. He stated he will work with anyone who is sincere about bringing change to the community.

Ms. Carolyn Rice, 1223 West Horah Street, stated a stray bullet came into her granddaughter's bedroom from a shooting that took place on Graham Street in the last month. She noted her home was broken into last week and she feels violated. She added she is trying to improve her property yet boarded-up and dilapidated houses are around her home. She asked Council for additional police officers to patrol the area to make it safer for the community.

Mr. Kenneth Dale Hardin, 107 Willow Road, noted he is concerned about the level of gun violence in the West End community. He added two bullets came through the side window of his parent's home at 918 West Bank Street during a gun fight that took place April 13, 2014. He pointed out the bedroom was damaged and if someone would have been in the room it could have been fatal. He added his parents are frightened and considering moving out of the neighborhood. He noted the West End is portrayed in the media as a lost cause, yet good people still live in the community. Mr. Hardin explained there is division among the City and the black community that needs continued dialogue. He noted the West End community does not feel its concerns are being seriously considered. He stated there is an effort within the community to use internal resources and rely less on City and government sources. He added the community would like a relationship with the City and its elected officials. Mr. Hardin explained he left the West End neighborhood 10 years ago due to a violent incident that took place in his home. He pointed out 10 years later the same crimes are taking place. He stated citizens are frustrated and their concerns must be addressed.

Ms. Tona Black Gold, Communications Officer at Catawba College, stated the College has a collaborative partnership with the Salisbury Fire Department that began October 29, 2001 when fire claimed the life of a student. She noted the College had procedures in place that were not up to par. She emphasized the policies changed drastically after the death of student Andrew Grooms, who would have celebrated his 33<sup>rd</sup> birthday this year. She added October 29 serves as a reminder of Mr. Groom's death and the importance of fire safety. She noted Catawba College still receives citations but works closely with Chief Parnell and the Fire Department to address any violations. She stated the Fire Department has a satellite office on the campus that was established in 2004. She indicated Catawba values its relationship with the Salisbury Fire Department.

Clyde, 220 East Bank Street, discussed his water bill and asked if inserts could be eliminated from the monthly billings. He stated utility bills are outsourced saving the City \$3,000 per month. He questioned the savings. He noted the bills are mailed to Charlotte and if he writes a comment on his bill Customer Service does not get the information. Clyde explained he does not have a garbage bin or a recycle bin, but he pays a collection fee. He stated he only needs water service, but his water bill can run as high as \$40 and includes services that he does

not need. He questioned the Stormwater fees that he feels are excessive. He asked if Stormwater fees could be included in property taxes. He noted his water has been cutoff for four months.

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

Councilmember Kennedy stated Chief Collins hosts a Salisbury Neighborhood Action Group (SNAG) meeting the first Wednesday of each month. He added a Resource Officer works the West End community yet residents feel a disconnection between citizens and the Police Department. He suggested City Manager Doug Paris and Chief Collins meet with residents as soon as possible and explain how citizens can help the Police Department identify those responsible for the criminal activity before someone is seriously injured or killed. He emphasized if the trouble is coming from one or two houses, the Police Department should be able to take action. Mr. Kennedy stated the issues must be addressed, and he would be willing to attend a neighborhood meeting.

Mr. Paris asked if Council would like to move a SNAG meeting to the West End community or hold a separate meeting. Mr. Kennedy stated he would like to hold a meeting that is exclusive to the West End community.

Councilmember Alexander asked if the West End neighborhood has a community watch program.

Ms. Carolyn Rice stated the West End neighborhood has a Community Watch Program in place, but the community needs additional street lighting.

Mr. Paris noted staff will set up a meeting for the West End community.

Mayor Woodson opened the floor for additional public comment.

Ms. Dee Dee Wright, 418 South Caldwell Street, thanked Mr. Kennedy for stressing the urgency of the situation in the West End community. She suggested a report presented by Police Chief Rory Collins at an earlier meeting was incomplete, and she would like additional statistics regarding the West End community. She added she believes Council cares about the community, and she pointed out there are hard questions that need answers. She stated the West End Community is aware it has issues. Ms. Wright noted she has spoken with the Rowan-Salisbury School System Superintendent about what is happening in the schools. She emphasized she is trying to be a good citizen, and she hopes Council will hear the neighborhood's plea and help the community.

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

Mayor Woodson agreed with Mr. Kennedy and noted something must be done to help the community and he would be willing to meet. He emphasized the Police Department is sending additional officers to the West End. He indicated the question is how to stop the shootings, and he noted the meeting will allow neighbors to voice their concerns. Mr. Woodson pointed out

Chief Collins has a difficult job. He stated he understands the citizen's concerns, and Council will do all it can to help.

Councilmember Miller stated he is confused. He noted Mr. Teamer suggested the Police Department should back-off in the neighborhood, yet others emphasize the need for additional policing. He added if drive-by-shootings are taking place and streets are not properly lighted it seems that more enforcement is needed. He emphasized all neighborhoods deserve Fire and Police protection, but he is receiving mixed messages and looks forward to understanding the community's concerns. He added, in his opinion, more law enforcement is necessary.

Mayor Woodson indicated a meeting will be scheduled to address the neighborhood's concerns.

Mayor Pro Tem Blackwell indicated Council received a report in March stating the streetlight issues had been resolved. City Manager Doug Paris stated reported street light issues have been resolved. He pointed out staff will add street lights to an area if the neighbors support the addition. He noted some citizens do not want additional street lights because it brings light into their windows at night. Mr. Kennedy stated the item will be discussed at the neighborhood meeting.

### **CITY MANAGER'S COMMENTS**

#### **(a) 3<sup>rd</sup> Quarter Financial Update**

City Manager Doug Paris asked Assistant City Manager John Sofley to present the third quarter financial update.

Mr. Sofley stated staff projections were on target for the third quarter. He noted property tax revenues will be slightly under projection due to properties that were taken off of the tax record after the budget was adopted. He added the collection percentage is higher so more money may be collected even though the assessed value has been reduced. He referenced a graph of property tax values for the third quarter and noted \$2.790 million is budgeted, \$2.691 million had been billed, and \$2.777 million is projected to be billed.

Mr. Sofley reviewed sales tax revenues for the third quarter, and he pointed out sales tax revenue continues to be consistent and is showing growth from last year.

Mr. Sofley reviewed State franchise tax receipts through the third quarter. He pointed out the City budgeted less for the current fiscal year, but collections are slightly higher.

Mr. Sofley stated General Fund revenue is at 79 percent, or \$30,218,548, of the projected \$38,132,145 received, and 67 percent, or \$25,503,521, expended. He pointed out expenditures are under budget and revenue is right on target.

Mayor Woodson stated the City operates a \$38,132,145 budget and through the third

quarter has spent \$25,503,521. Mr. Sofley noted 67 percent of the budget, or \$25.5 million, has been spent.

Mr. Sofley reviewed the Water and Sewer Fund revenue for the third quarter and the monthly usage trend. He explained Water and Sewer Fund revenue is at 77 percent received, or \$18,372,407, of the budgeted \$23,966,414. He added the additional revenue is due to Southern Power, a peak industry customer using water this year that was not included in the budget. He explained peak industry customers are not included in the budget because the revenue is unreliable. He noted the Water and Sewer Fund is at 60 percent expended, or \$14,325,381, of the budgeted \$23,966,414. He pointed out debt service payments will be due in the fourth quarter.

Mr. Sofley stated Fibrant has experienced consistent growth. He reviewed the average revenues per user and pointed out the percentage of uptime remains steady, and staff is working toward Council's uptime goal of 99.999 percent.

Mr. Sofley reviewed Fibrant revenues verses expenditures for the third quarter, and he pointed out expenses are approximately \$160,000 more than the revenue due to a \$1,060,000 debt service payment that was made March 1, 2014. He pointed out \$1,654,754 in debt service payments were made for the year, and he added there will not be a debt service payment in the fourth quarter. He pointed out by the end of the year Fibrant revenue should be positive.

Mr. Sofley explained the Transit Fund is funded by grants and rider fares. He stated Transit fare revenues are at 56 percent, or \$65,606, of the budgeted \$118,104, and expenditures are at 62 percent, or \$685,732, of the budgeted \$1,173,232 for the third quarter. He explained when transit routes are changed, the revenue tends to decrease before it increases.

Mr. Sofley reviewed the Stormwater budget for the third quarter. He noted revenue is at 75 percent billed, or \$866,296, of the budgeted \$1,157,669 and expenditures are at 58 percent, or \$666,326. He pointed out the Stormwater utility spends only the cash it has available, and he added cash flow is monitored on a monthly basis.

Mr. Sofley stated the overall situation is good for the first three quarters. He pointed out revenues are on target, with the exception of transit revenue which is lower than anticipated due to the route changes. He noted expenditures are below the projected amounts.

Mayor Woodson stated the City finances are on target and Fibrant will break even by year end. He asked how many citizens subscribe to Fibrant. Mr. Sofley stated Fibrant has 2,825 customers. Mayor Woodson pointed out Fibrant is close to 3,000 customers.

(b) FY2014-2015 Council Draft Outcomes and Goals

City Manager Doug Paris explained Council set goals for the community at its annual retreat. He presented Council with a draft of the Outcomes and Goals for FY2014-2015 for its review. He stated once revisions have been made the draft will be revised for Council's consideration at its next meeting. He thanked Council for its vision for the City.

(c) Letter from Livingstone College

City Manager Doug Paris read a letter from Livingstone College President Dr. Jimmy Jenkins regarding work to address fire code issues and accumulated fines. He noted his meeting with Dr. Jenkins was productive.

Mayor Woodson stated Council appreciated the letter from Dr. Jenkins.

Councilmember Alexander noted she is working with Livingstone College and met with Dr. Jenkins and Mr. State Alexander. She indicated improvements have been made to some of the houses owned by the College. She noted the College is working on a plan to address the abandoned houses it owns in the West End community. She stated the College is collaborating with the West End Pride Group on a special project that will take place April 26, 2014.

**MAYOR'S ANNOUNCEMENTS**

(a) Earth Night Out

Mayor Woodson announced the Rowan County Convention and Visitors Bureau will host Earth Night Out Friday, April 18, 2014 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(b) NAACP Request

Councilmember Alexander asked about the procedures that allow a meeting between Council and citizens to take place. City Clerk Myra Heard explained Council could schedule a Special Meeting, staff would give Special Meeting notice, and the public would be invited to attend. Ms. Alexander asked Council if it would agree to a meeting with Mr. Teamer and the concerned citizens.

Councilmember Kennedy stated he would agree to a meeting, and he pointed out communication is key to the City's success.

Ms. Alexander agreed with Mr. Kennedy, and she added the citizens want to address all of Council and discuss the issues in a public venue.

Mayor Pro Tem Blackwell noted it is a sign of respect to answer a request. She added if Council receives a letter from a citizen it needs to be answered promptly.

Mr. Kennedy asked Ms. Heard to work with the NAACP to set up dates for the meeting.

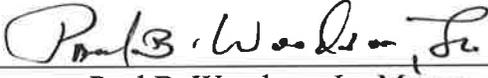
Mayor Woodson stated he would work with Ms. Heard to set up the meeting.

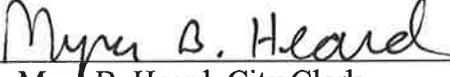
(c) City Budget

Mayor Woodson asked City Manager Doug Paris when the budget will be presented to Council. Mr. Paris stated the budget will be presented in May, possibly at a called meeting.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Kennedy seconded by Ms. Alexander. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:37 p.m.

  
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Paul B. Woodson, Jr., Mayor

  
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Myra B. Heard, City Clerk