

Salisbury, North Carolina
June 7, 2016

REGULAR MEETING

PRESENT: Mayor Karen Kirks Alexander, Presiding; Mayor Pro Tem Maggie A. Blackwell; Council Members Kenneth Hardin, William Brian Miller, and David Post; City Manager W. Lane Bailey; 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 invocation was given by Councilmember Miller. The meeting was called to order by Mayor Alexander at 5:00 p.m.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Alexander welcomed all visitors present.

PROCLAMATIONS

Mayor Alexander proclaimed the following observance:

NATIONAL SPORTS MEDIA ASSOCIATION DAYS June 18-20, 2016

CHANGES TO THE AGENDA

Mayor Alexander noted the following changes to the Agenda:

Add — Council to go into a closed session concerning the acquisition of property located on Tax Map 011 Parcel 399 owned by Franchot and Carol Palmer for potential use for SRU Administration as allowed by NCGS 143-318.11(5), and to discuss an economic development matter as allowed by NCGS 143-318.11(a)(4).

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Recessed Meetings of May 3, 2016 and May 17, 2016.

(b) Budget Ordinance Amendment – Police Department

Adopt a Budget Ordinance amendment to the FY2015-2016 budget in the amount of \$10,900 to appropriate Asset Forfeiture funds for the Police Department.

ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE RESTRICTED FORFEITURE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 18, and is known as Ordinance 2016-18.)

(c) Budget Ordinance Amendment – Hurley Park

Adopt a Budget Ordinance amendment to the FY2015-2016 budget in the amount of \$2,000 to appropriate grant funds for Hurley Park.

ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS FOR HURLEY PARK.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 19, and is known as Ordinance 2016-19.)

(d) Budget Ordinance Amendment – Justice Assistance Grant

Adopt a Budget Ordinance amendment to the FY2015-2016 budget in the amount of \$20,343 to appropriate 2015 Edward Byrne Memorial Justice Assistance Grant funds.

ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE 2015 BYRNE JUSTICE ASSISTANCE GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 20, and is known as Ordinance 2016-20.)

(e) Asset Inventory and Assessment Grants

Adopt a Resolution authorizing the City Manager to execute a grant application with the State of North Carolina for Asset Inventory and Assessment grants for water and sewer.

RESOLUTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN ASSET INVENTORY AND ASSESSMENT GRANT APPLICATION FOR WATER AND SEWER.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 14, and is known as Resolution 2016-13.)

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

CD-01-2016 – THE ABBEY

Mayor Alexander explained at its May 17, 2016 meeting Council sent item CD-01-2016, The Abbey, to a Council Committee. She asked Planning and Development Services Manager Preston Mitchell to update Council regarding the request.

Mr. Mitchell explained the request is to rezone property located at 128 North Fulton Street from Urban Residential (UR-12) to Residential Mixed Use (RMX), and to apply a Conditional District (CD) Overlay. He reviewed the updated master plan. He pointed out changes proposed by the Council Committee, and he indicated HVAC systems cannot be installed between existing buildings and the adjacent residence.

Mr. Mitchell stated a floor plan for the support services building and an updated use matrix was submitted by the applicant. He reviewed the updated permitted uses:

- Single family dwelling
- Bed and breakfast
- Professional services
- Studio
- Retail space, 1,800 square feet or less per unit and 3,500 square feet total retail space
- Meeting facility
- Religious institution
- Uses limited to specific buildings
- Outdoor storage as an ancillary use will not be permitted

Mr. Mitchell pointed out restrictions proposed by the petitioner:

- Hours of operation
- Maximum guests on campus be limited to 200 people
- Outdoor live or pre-recorded music be limited to the sound level of normal conversation at the property lines (60-65 decibels)
- Electronically amplified instruments or PA system will not be allowed outside
- HVAC systems may not be installed between existing buildings and adjacent residence
- No on-site dumpsters
 - Roll-out trash bins will be stored and screened per Land Development Ordinance (LDO) and City standards
- Primary entrance to the Support Services Building would be internal to the site
- Rooftop terrace may be pursued as a future request a minimum of six months after the adoption of this CD and shall follow LDO defined procedures as a full amendment including the Technical Review Committee (TRC), Planning Board, and Council

Mayor Alexander asked Mr. Pete Bogle to address Council regarding the request.

Mr. Pete Bogle, 100 West Innes Street, explained the applicant went through the Committee process, which included two meetings with the Council Committee and discussions with neighborhood representatives. He noted the rooftop terrace was eliminated from the plan, but could be brought back to Council as a CD amendment after six months. He explained the applicant decided to operate the wedding venue without the rooftop terrace, to prove it will be a good neighbor to the community. He noted the applicant agreed not to install HVAC units between existing buildings and adjacent residences to minimize the noise burden. Mr. Bogle stated the applicant also agreed to pay for an extension of the existing fence along the property line between The Abbey and the Graham residence. He explained the applicant also reduced the size of the retail space to 1,800 square feet per unit for a total of 3,500 square feet of proposed retail space.

Mayor Alexander asked if any of the proposed retail spaces are 1,800 square feet. Mr. Bogle explained the Support Services Building has three classrooms that could be connected for a total of 1,760 square feet of retail space. He pointed out the Support Services Building is located at the corner of Ellis and Council Streets, and the main entry would be from the internal parking lot, which would create less congestion for the neighborhood.

Councilmember Miller stated retail hours were reduced. Mr. Bogle agreed, and he noted the wedding venue would operate from 8:00 a.m. until 10:00 p.m. on Saturday and Sunday, the garden patio would operate from 8:00 a.m. until 9:00 p.m., and support services would operate from 8:00 a.m. until 6:00 p.m. Monday through Saturday and 9:00 a.m. until 6:00 p.m. on Sunday. Mayor Alexander clarified the business owner would be allowed to access the property after business hours. Mr. Bogle agreed, and he added the property owner and the tenant could schedule individual appointments after normal business hours.

Mr. Miller asked how many parking spaces would be required for a new development at this location. Mr. Bogle stated a new development would require 54 parking spaces based on the LDO's current requirements. He pointed out there are 54 parking spaces, including internal parking spaces and adjacent public parking spaces along West Council Street. He commented the wedding venue would need additional parking for larger events. Mr. Miller stated the petitioner has a letter of intent to lease the parking lot at the corner of Innes and North Ellis Streets. He explained the parking lot has 33 parking spaces for a total of 87 parking spaces within the block.

Councilmember Post noted the neighbors suggested numerous changes during the Committee meetings, and he indicated every change was accepted or a compromise was reached by the petitioner. He pointed out the petitioner has worked to provide every accommodation the neighbors requested.

Mr. Miller stated the Committee addressed neighborhood parking concerns, retail use adjacent to a neighborhood, deliveries, and the outdoor entertainment issues associated with a garden patio and rooftop terrace. He pointed out the proposed wedding venue would have more available parking spaces than the LDO requires for new development. He added the petitioner has agreed to provide a map of wedding venue parking areas including the City parking lot on West Council Street. Mr. Miller pointed out the retail use would be oriented to the interior of the block with no means of ingress and egress along West Council Street. He explained once the mobile units are removed from the property a delivery truck could complete a turn inside the facility eliminating on-street delivery parking. He stated the retail use is sensitive to the neighborhood, and removal of the rooftop terrace was a major compromise. He stated a second courtesy hearing was offered to the community for informational purposes.

Councilmember Hardin asked about the composition of the Council Committee. Mr. Miller stated the Committee was comprised of him and Councilmember Post. He noted the petitioner and their representative, the two adjacent neighbors and their attorney, and other members of the community were included in the discussions.

Mr. Post stated two Committee meetings were held. He noted at the end of the first meeting it was recommended that the parties meet independently of the Committee to address individual concerns. He explained the two parties came together and then a second Committee meeting was conducted.

(b) Mayor Alexander convened a second public hearing, after due notice thereof, to receive comments regarding CD-01-2016. She requested that those who had new information address Council. She pointed out Council has its notes from the May 3, 2016 meeting. She asked those in support of The Abbey to speak first.

Mr. Michael Vaeth, 510 Laurel Valley Way, Sacred Heart Building Committee Co-Chair, explained the Church struggled to find the right buyer for the facility, and he noted the property has been listed on the real estate market for seven to eight years. He indicated Sacred Heart was fortunate to lease the facility to The Refuge Church, which has first right to purchase the property. He noted the applicant understands the City's charm, beauty, and romance, and would operate an upscale wedding venue. He pointed out The Abbey would charge a flat fee per event regardless

of the size making smaller events more profitable. He cautioned the facility could be vacant for a long time if the project is denied.

Ms. Mary Goodman, 507 South Fulton Street, stated she attends Sacred Heart Catholic Church, and her five children attended Sacred Heart Catholic School. She noted when the school was at this location the corridor was very busy with school events and at least five masses every weekend. She explained Sacred Heart built a new campus when it outgrew its previous location, and it does not want its former sanctuary to sit in disrepair. She commented the Church wants jobs and young people to stay in the City. She noted the proposed wedding venue would bring out of town guests to Salisbury. She questioned what would happen to the property if the wedding venue is denied. She pointed out the parking lot the petitioner plans to lease is in disrepair and would be maintained if the wedding venue is approved. She asked Council to support the proposed wedding venue, and she added it would be an asset to the City.

Mayor Alexander ask those in opposition of the Abbey to address Council.

Ms. Susan Carlton, 118 North Fulton Street, asked Council not to be disillusioned by claims the project would contribute \$1.8 million to the local economy. She pointed out local couples who select The Abbey as their wedding venue would contribute nothing more to the local economy. She commented money to rent the wedding venue and its package deals would be spent in Cabarrus County. She indicated the proposal would keep the property from being abandoned and falling into disrepair at the neighborhoods' expense. She stated the proposed wedding venue would change the character of a fragile, historic neighborhood by creating new uses that are incompatible with residential uses. She added amplified music should not be allowed on the property at any time, and she pointed out smoking and drinking does not belong in a neighborhood where children live and play. She commented there is no other retail in the area. She stated the proposed wedding venue is inconsistent with the existing neighborhood, and she asked Council to deny the request.

Mr. Graham Carlton, 118 North Fulton Street, explained the situation before Council was created when a church was built in a residential district. He stated the property owner is requesting Council use its zoning power to change a neighborhood and facilitate a private sale. He noted a church would not have outdoor celebrations and amplified music on a regular basis, and he indicated 65 decibels of music would be heard in the neighbor's yard. He questioned how The Abbey's compliance of the noise restriction would be enforced. He noted wedding venues belong in commercial and hotel districts or in the County. He stated Ellis and Fulton Streets are not considered downtown locations in the Downtown Master Plan. He pointed out more than 30 residents living in close proximity to the proposed wedding venue signed a protest petition.

Mr. Todd Paris, 113 East Council Street, noted he lives downtown near the Heritage Room and the community building, and he pointed out both are used for wedding venues. He commented he knew weddings would be held at the locations and loud outside music would be played on occasion. He added neighbors of the property in question bought into a neighborhood with a church and not a wedding venue. He pointed out the Catholic Church has the means to maintain the property, and he noted if the petitioner purchases the facility they may not have the means to maintain the property if the wedding venue fails. He added if the property is falling into disrepair, Code Enforcement should be notified.

Ms. Nancy Dunham, 331 North Fulton Street, stated she has lived in her current home for 31 years, and she walks along Council and Ellis Streets daily. She pointed out many residents park on the street because they do not have off-street parking. She questioned where the residents will park if wedding venue guests use the on-street parking. She added her children attended Sacred Heart Catholic School, and she pointed out during drop off and pick up times the area was very congested. She stated the proposed wedding venue would negatively affect the quality of life for area residents.

Mr. Fred Schmidt, 108 North Fulton Street, thanked Councilmember Miller and Councilmember Post for hosting the Committee meetings. He noted the business would fill an empty building by changing the permanent zoning. He stated the residents do not want a wedding venue in their neighborhood, and he asked Council to consider the neighborhood when it makes its decision.

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

Councilmember Hardin explained his position had not changed. He added romancing the City is great, but reality must be considered. He noted the City needs industry and not just jobs. He asked how a wedding venue would keep young people in the community. He stated too many variables are undetermined, such as parking and the rooftop terrace. He indicated the community does not want a wedding venue in their neighborhood, and he cannot support the request.

Mr. Post stated the decision before Council is difficult. He noted churches conduct weddings, and have more than 80 gatherings a year that could include a maximum occupancy, and he pointed out the proposed use is similar to a church. He added there are other approved uses on the use matrix the neighborhood would not be happy with that could happen with no input from Council. He stated he is concerned the property could deteriorate if no one is using the facility. He explained the Committee walked through the property and discovered some of the walls in the Special Services Building were support walls which reduced the size of potential retail. He stated he spoke with Rowan Convention and Visitors Bureau Director James Meacham regarding the proposed \$1.8 million in annual revenue the wedding venue could bring to the local economy. He noted the revenue would come from a variety of sources. He commented the average downtown business generates \$300,000 to \$400,000 in revenue per year. He added the \$1.8 million proposed revenue from The Abbey would equate to five downtown businesses. He stated The Abbey would bring outside dollars into the community to be spent on florists, hotels, and caterers. He explained outside revenue is money that was not earned inside the City. He stated neighborhoods change and transition takes time. He added a wedding venue is better than a deteriorating property that could become a problem in the future.

Mr. Miller referenced the use matrix, and he asked Mr. Mitchell to review the by-right uses that could be implemented without any changes to the current zoning. Mr. Mitchell noted the by-right uses include single-family dwelling and dwellings of up to four-units per building. Mr. Mitchell explained the property is one parcel which would allow one single-family dwelling or one quad-family dwelling. He added if the property was sub-divided more units would be allowed. He explained a family care home, a bed and breakfast, outdoor recreational facilities, religious institutions, elementary and secondary schools, and class 1 utilities would also be allowed. Mr.

Mitchell then reviewed the uses that are permitted with additional standards: home occupations, housing services for the elderly, animal services, and child care. He added home and professional services would be permitted if the site was razed. He explained a developer could construct four townhomes per building and a small service building such as an accountant's office for the townhome residents and the surrounding community.

Mr. Miller pointed out he is friends with many of the neighbors who live near the proposed wedding venue. He added if the rooftop terrace had not been removed from the petition he could not support the request. He pointed out there is no guarantee the neighbors would get a quality development if the property was razed and a new building constructed. He added the wedding venue is more desirable than some of the other options that could occur. He stated the Committee worked to find a solution that could be agreed upon by the community and the petitioner. Mr. Miller pointed out the only way to ensure the property is developed exactly as the neighborhood wants, is for the neighbors to purchase the property. He noted a property owner is not required to have a neighbor's approval, and he explained Council must determine if the use is appropriate. He indicated the proposed wedding venue is not an objectionable development. He added he is trusting the petitioner will be a good neighbor, and he cautioned if the petitioner wants the neighborhood's support it cannot impact neighborhood parking. He stated he supports the development from a planning perspective.

Mayor Pro Tem Blackwell thanked Mr. Bogle, the petitioner, and the Council Committee for their work on the project, and she noted many concessions were made. She pointed out thriving neighborhoods are the heart of economic development and critical to the City's success. She commented the Ellis Street Graded School Historic District is a fragile neighborhood. She stated a zoning change is permanent, and businesses do not last forever. She indicated the neighborhood cannot thrive with the amount of traffic and activity that would be generated by a wedding venue. She stated the \$1.8 million in potential revenue is not worth the neighborhood. She stated the Concord wedding venue is on a 16-acre location, and the proposed site is a very different urban environment. She indicated she cannot support the request.

Mayor Alexander noted she has researched the project and spent time on the proposed site. She indicated recruiting businesses is a major concern, and businesses are the economic engines that drive a city. She noted everyone must work together and be willing to compromise to have a growing community that protects its neighborhoods. She stated she supports the proposed project because the petitioner's CD request requires they keep the original, current buildings which is self-imposed historic preservation and adaptive reuse. She pointed out under UR-12 zoning, a buyer could demolish the entire block and build whatever is allowed without any input from the neighborhood. She added a potential buyer could construct 18 apartment units, group homes, or transitional housing of any quality that could require more parking spaces than The Abbey. She pointed out this type of use would lose the historic fabric and urban scale of the existing church, convent, and school building. She commented removal of the mobile units would improve the appearance of the property and provide a second vehicular exit that would reduce the vehicle count on West Council Street. She noted the proposed adaptive reuse is less intense than when the Catholic Church held multiple daily masses, a school, a convent, wedding receptions, and fund raisers.

Mayor Alexander explained the surrounding adjacent properties are zoned RMX, including the Peeler property on the corner of South Fulton and West Innes Streets and the Capstone Property, neither of which have historic preservation covenants or guidelines. She added the Schmidt and Carlton properties are also zoned UR-12, not in a historic district, and surrounded by RMX zoning which was in place prior to the Schmidt's purchase of their home. She indicated the Schmidt, Carlton, and Church properties are zoned UR-12 and could be sold and demolished without any regard to the neighborhood. She added neighboring homes have a long history of retail use, and she pointed out a 40,000 square foot building across the street from the proposed site housed a Winn-Dixie and later a K-Town Furniture before the building was demolished. She noted Bijoux Boutique operated in the historic house across the street from the Carlton property. She pointed out the commercial zoning has not destabilized or discouraged continued investment in the neighborhood.

Mayor Alexander pointed out the Planning Board approved the plan six to one, and she added during the first public hearing Council listened to nine who opposed the plan and 14 who supported it. She added she also received several emails since the meeting indicating support for the project. She thanked the Church for its patience and willingness to wait for the right buyer. She commented the buyer has a reputation for running a well-managed businesses and has worked to mitigate every neighbor's reasonable concern. She stated she cannot think of a better use for the property.

Mayor Alexander stated the petitioner agreed to regulate outside sound based on LDO requirements. She pointed out the garden and patio where the petitioner proposed to have outside non-amplified music is behind the Carlton's garage, and additionally shielded by the existing garden house and church buildings. She stated she toured the proposed rooftop terrace, and she noted it would have included a fence to block the view to the Carlton's windows. She commented a tree line along the Carlton property prevents any view of the second floor windows from the rooftop terrace. She explained the petitioner removed the rooftop terrace from the application, and she pointed out the structural load bearing walls in the school building would prevent larger retail.

Mayor Alexander noted she supports the petitioner's adaptive reuse of the school building, which would act as a transition to the neighborhood. She pointed out three neighbors who would be affected by the wedding venue spoke in favor of the proposal. She stated the wedding venue would be taxed at a higher rate than the Catholic Church. She commented the proposed project is consistent with the Vision 2020 Plan and the LDO, and she supports The Abbey.

Mr. Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described in CD-01-2016, The Abbey, to rezone approximately 1.5 acres at 128 North Fulton Street is reasonable, in the public interest, and consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan for the following reasons:

- (1) The proposed plan supports the preservation, rehabilitation, and appropriate adaptive reuse of older commercial properties, and
- (2) The proposed plan proposes to preserve and rehabilitate all existing permanent structures with no new construction or additional square footage; thereby, avoiding incompatibility concerns with scale and massing in the area

Thereupon, Mr. Post 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, rezoning one parcel at 128 North Fulton Street, approximately 1.5 acres, from Urban Residential (UR-12) to Residential Mixed-Use (RMX) and establishing a Conditional District Overlay. Mr. Miller seconded the motion. Messrs. Miller and Post and Ms. Alexander voted AYE. Ms. Blackwell and Mr. Hardin voted NAY (3-2).

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL AT 128 NORTH FULTON STREET, APPROXIMATELY 1.5 ACRES, FROM URBAN RESIDENTIAL (UR-12) TO RESIDENTIAL MIXED-USE (RMX) AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 21-22, and is known as Ordinance 2016-21.)

City Clerk Myra Heard noted this item will require a second reading due to lack of an affirmative vote of two-thirds, or four votes, of Council to adopt an Ordinance at a first reading. She noted the item could be placed on the Consent Agenda. Mr. Hardin requested the item be placed on the regular Agenda so the public could hear the vote on that particular item.

Mr. Miller asked for clarification regarding the second reading. Ms. Heard explained a rezoning requires four votes to pass at its first reading. City Attorney Rivers Lawther clarified two-thirds of the Council members are required to pass a zoning Ordinance and only three members approved the proposed Ordinance. Mayor Alexander clarified Council will vote again on the proposed Ordinance at its next meeting, but there will be no other public hearing. Mr. Lawther agreed.

PUBLIC COMMENTS

Mayor Alexander opened the floor to receive public comments.

Ms. Shirley McLaughlin, West End Neighborhood, stated violence is a major concern in the West End community. She pointed neighbors are afraid to go outside due to shootings and break-ins. She explained when police officers patrolled the area residents felt safe to go outside. She noted there are no police officers patrolling the area due to a police officer shortage. She asked why police officers are leaving the City, and she commented the City needs competitive salaries and benefits to retain police officers. She asked Council to do all it can to keep police officers in the City. Ms. McLaughlin indicated she is also concerned about boarded-up houses in the community. She noted there are dilapidated houses in the West End that have been boarded-up for years. She added there is a process in place that requires property owners to renovate their houses, but the process is not enforced. She stated property owners should be held accountable and given a certain amount of time to complete renovations and maintain their property. She

commented many of the property owners do not live in the neighborhood. She asked Council to hear the community and to address their concerns.

Ms. Almeader Holt, West End Neighborhood, noted she is concerned about shots being fired near Lloyd, Institute, and Craig Streets. She stated at least ten rounds were fired recently around 9:30 p.m. She added she does not feel safe to sit on her front porch. She commented she sees students leaving Salisbury High School before 8:30 a.m. when they should be going to the campus. She noted boarded up houses, absentee landlords, and a lack of policing create problems for the entire community. She stated she is concerned about crime in the West End and the City.

Ms. Ollie Mae Carrol, Vietnam Veteran and Commander of J.C. Price American Legion Post 107, pointed out there are 12 unsolved murders in the City, a shortage of police officers, and no Police Chief. She added shots are fired in the West End every day. She added young people walk around the West End saying there is no one to catch them, so they can shoot when they get ready. She noted other cities have Citizen Advisory Boards, Auxiliary Police Officers, and in some cases, cities have called the National Guard for assistance. She asked Council what could be done to improve safety in the West End.

Ms. Ann Pryor, Brenner Avenue, commented she is concerned about the dilapidated houses in the West End Neighborhood. She asked when the options expire for property owners who are asked to fix up their properties. Mayor Alexander stated she would have staff contact Ms. Pryor.

Ms. Pamela Smooth, 227 West Monroe Street, stated she hears gunshots and screaming near her home every night. She noted she recently took a walk at 8:00 p.m. near her home and was taken home by police officers because a murder had taken place two days earlier. She stated there is a house in her neighborhood that is known as the local drug house. She stated more police officers are needed in the West End community.

Ms. Dee Dee Wright, 418 South Caldwell Street, agreed with the other citizens regarding the situation in the West End. She pointed out the District Attorney will not bring cases before a jury unless she has all the information. She stated too many people are jailed for years while they wait for their cases to go to trial.

Ms. Cat Shank, 315 West Council Street, recalled gunshots were fired at an event approximately two months ago that spilled onto West Council Street. She stated gunshots are happening across the City, and no one should have to live in fear.

Mr. Todd Paris, 113 East Council Street, indicated the pay increase police officers received was offset by increases in health care premiums. He noted he recently heard gunshots in the 100 block of North Church Street. He commented additional police officers with higher salaries are needed even if it means citizens pay higher taxes.

Ms. Whitney Peckman, 120 East Innes Street, thanked Downtown Salisbury, Inc. (DSI) for bringing diversity to downtown to create opportunities for minority businesses.

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

CD-02-2016 – DAVITA MEDICAL

Planning and Development Services Manager Preston Mitchell stated the request before Council is to rezone approximately 2 acres at 111 Dorsett Drive by amending an existing Conditional District (CD) Overlay to permit the expansion of an existing medical facility. He indicated Dorsett Drive is located off of Statesville Boulevard near Grants Creek. He pointed out the request is to amend an existing CD Overlay.

Mr. Mitchell displayed a map of the area, and he pointed out the facility near the dead-end of Dorsett Drive. He stated the building is single story and contains a medical clinic, DaVita Dialysis Clinic.

Mr. Mitchell explained a rezoning took place in the area in 1997 under the previous zoning Ordinance. He commented the CD amendment would only affect the proposed parcel and not the entire area. He indicated the area is zoned Residential Mixed-Use (RMX) and surrounded by General Residential (GR-6) zoning.

Mr. Mitchell reviewed the Ordinance from 1997 and he noted the property was:

- Rezoned from R-8 (Residential) to B-1-S (Special Office)
- Allowed Uses
 - Professional Offices
 - Medical Offices
 - Dental Offices
- No development conditions

Mr. Mitchell pointed out the petitioner is proposing an expansion without changing the proposed use. He added there are no development conditions associated with the existing CD Overlay. He explained the petitioner is proposing to add approximately 2,600 square feet to the existing building. He stated the petition was heard by the Technical Review Committee (TRC) and the Planning Board and each recommended unanimous approval as submitted.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding CD-02-2016.

Mr. Alan Hill, Chief Civil Engineer, Triad Design Group, 3604 Windwood Drive, Greensboro, North Carolina noted DaVita Dialysis Clinic is a national firm with several locations in North Carolina that provide dialysis treatment. He stated the property was constructed in 2005 and contains 31 treatment areas. He indicated in 2014 DaVita Dialysis Clinic began to explore its options to expand the site. He explained the addition would be used for storage and add nine treatment areas to the facility. He asked Council to approve the request.

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

Councilmember Post asked if the current zoning limits the amount of square footage. Mr. Mitchell explained if the addition exceeds 10 percent of the total square footage of the building, it requires a CD amendment.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein by amending an existing Conditional District overlay to permit a 2,619 square foot addition to an existing medical facility is reasonable, in the public interest, and not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan because according to the proposed petition and observations provided by City planning staff, there are no policies directly related to the request, nor does the petition impede furtherance of the Plan. Thereupon, 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, rezoning one parcel at 111 Dorsett Drive, approximately two acres, amending an existing Conditional District Overlay Z-6S-1997 to permit the addition of 2,619 square feet to an existing medical facility. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post, 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, REZONING ONE PARCEL AT 111 DORSETT DRIVE, APPROXIMATELY TWO ACRES, AMENDING AN EXISTING CONDITIONAL DISTRICT OVERLAY TO PERMIT THE ADDITION OF 2,619 SQUARE FEET TO AN EXISTING MEDICAL FACILITY.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 23-24, and is known as Ordinance 2016-22.)

FY2016-2017 PROPOSED CITY BUDGET

City Manager Lane Bailey noted staff presented the FY2016-2017 proposed City Budget to Council at its May 17, 2016 meeting. He added a public hearing is required to allow Council to hear from citizens regarding the proposed budget.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the FY2016-2017 proposed City Budget.

Ms. Dee Dee Wright, 418 South Caldwell Street, asked about a 20% increase. Mr. Bailey explained the proposed budget includes a 2.5% increase for water and sewer. He noted the 20% increase is for commercial Stormwater customers and would not affect residential Stormwater fees.

Mr. Todd Paris, 113 East Council Street, stated the budget needs more money for the Police Department. He commented the City should sell Fibrant or find a source of revenue to replace the \$3 million being lost with Fibrant. He asked Council to reject the proposed budget and adopt a budget that will put the right amount of police officers on the streets and pay them accordingly.

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

CONTRACT – DOWNTOWN SALISBURY INCORPORATED

Planning and Development Services Manager Janet Gapen noted the City of Salisbury has a longstanding partnership with Downtown Salisbury, Inc. (DSI) who provides services in the downtown Municipal Service District. She added the General Legislature made changes that require an open bid process and a public hearing to engage a private entity to provide services to the downtown Municipal Service District.

Ms. Gapen stated a survey was conducted of downtown property owners, residents, and merchants regarding downtown needs and activities. She added a request for proposal was published to engage private firms that may be interested in providing the needed services. She added the request for proposal was published in the *Salisbury Post* and on the City website. She commented the City received one proposal from DSI. She explained a public hearing is required prior to awarding a contract. She explained the contract cannot be awarded until the budget is adopted and an exact amount for the contract is determined.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding a proposed contract with DSI to provide services for the Municipal Service District for FY2016-2017.

Mr. Todd Paris, 113 East Council Street, noted when he asked for copies DSI's budget he was told DSI is a private organization and not under Freedom of Information Act (FOIA) laws. He asked Council to include a Sunshine provision in the contract that would make DSI's budget subject to the same rules as the City. He added he made a FOIA request from the City for DSI's budget, and he noted the City can only publish the funding it allocates to DSI. He commented he wants to see how the money is being spent. He pointed out Requests for Proposals have been sent out for the Empire Hotel but he cannot find them on the internet. He added DSI handles a lot of money and the citizens deserve to know how the money is being spent.

Mr. Mark Lewis, 109 Kings Bridge Road, DSI board member, explained DSI's financial records are included in the City's financial reports that are available online. He noted DSI was one of the four original Main Street programs when North Carolina participated in the National Main Street Program and works closely with the North Carolina Department of Commerce. He added DSI's mission is to promote, enhance, and manage the development of the central business district of Salisbury and improve and expand the district to become the economic, governmental, social, and cultural center of Rowan County. He commented DSI is accredited and recognized by the State and National Main Street Programs. He noted since its inception in 1983 DSI has attributed to \$128 million dollars in private investment in the downtown.

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

Ms. Gapen stated at its June 21, 2016 meeting Council will consider awarding a contract with DSI to provide services for the Municipal Service District for FY2016-2017.

DOG PAWS PARK DONATIONS

Ms. Teresa Pitner and Parks and Recreation Maintenance Manager Stephen Brown addressed Council regarding donations to the Dog Paws Park. Mr. Brown noted the Dog Paws Park will be located at the corner of South Martin Luther King, Jr. Avenue and East Bank Street. He explained the park will be approximately one acre and provide separate areas for large and small dogs.

Mr. Brown reviewed the Phase 1 Plan and costs:

<u>Item</u>	<u>Total Cost</u>
980 linear feet black vinyl-covered fence and 9 five-foot gates	\$16,350
Entry System that includes camera and wireless service	\$13,130
4 - benches	\$2,800
Meter and backflow Installation	\$2,500
1 – Drinking Fountains, Inc. water station	\$800
3 - dog waste stations	\$84
3 - trash cans	\$1,950
Electrical (Duke Energy tie in)	\$2,000
Seeding/New Lawn	\$2,500
Contingency	\$2,000
Total Phase 1	\$44,114

Mr. Brown then reviewed the Phase 2 Plan and cost:

<u>Item</u>	<u>Total Cost</u>
5- pipe 36 inches in diameter	\$265
4 - pipe 24 inches in diameter	\$136
1 - drinking fountain including water station	\$800
3 - dog waste stations	\$84
3 - trash Cans	\$1,800
8 - benches	\$5,600
6 - shade Trees	\$6,000
10 Osmanthus	\$700
Total Phase 2	\$15,385

Mr. Brown noted the total needed for the dog park is approximately \$50,000.

Ms. Pitner stated in 2009 the Parks and Recreation Comprehensive Master Plan approved the creation of a dog park. She stated the City Dog Park Task Force was created and fund raising began in 2013. She reviewed the fundraising:

- Dog PAWS and City staff have raised \$5,859.25
- The non-profit Dog Paws has raised \$6,385.00
- Total raised \$12,244.25 from
 - Memorials

- Woofstock
- Fun Runs
- Donations for brick pavers
- GALA and Bash 2016
- General donations
- Concessions form Movies in the Park

Ms. Pinter noted the future events:

- First Fridays in downtown Salisbury
- Movies in the Park
- Doggie Dip Swim Party to be held September 5, 2016 at the Fred M. Evans Pool
- Dinner and Auction to be held October 2016

Ms. Pitner pointed out \$4,000 is needed to install fencing, which is the first step for the dog park. She noted it will be easier to raise funds once the fence is installed and citizens can see what is taking place.

Mayor Alexander thanked Ms. Pitner and Mr. Brown for their work on the dog park. Mayor Pro Tem Blackwell pointed out Ms. Pitner is a certified dog trainer, and she achieved the 501(c)(3) status for the dog park at her personal expense. She added the dog park will have dual gates and dual areas for large and small dogs. She commented each area has two gates to keep dogs from escaping when other dogs enter the facility. She stated a lot of thought and hard work has been put into the project. She thanked Ms. Pitner and Mr. Brown for all they are doing for the dog park and the City.

TEMPORARY RIGHT-OF-WAY USE PERMIT – 113 EAST FISHER STREET

Councilmember Hardin stated he received two emails from concerned citizens regarding the request for an extension of the temporary right-of-way use permit. Mayor Alexander noted Council also received the emails.

Traffic Engineering Coordinator Vickie Eddleman explained Engineering received a request from Central Piedmont Builders to extend the closure of three parking spaces and the sidewalk adjacent to 113 East Fisher Street through June 30, 2016. She explained the sidewalk in front of the building has not been replaced, and she added the petitioner may not need the entire month. She stated staff requested the petitioner complete the project as soon as possible.

Ms. Blackwell noted the last extension was through June 1, 2016 and the work was not completed. Ms. Eddleman agreed.

Ms. Blackwell pointed out a City-wide event will take place June 25, 2016. She added a parade permit was filed in March for this block and the construction was to be completed by June 1, 2016. She requested Council change the date to June 23, 2016 which would allow the petitioner time to clean up debris around the site before the planned event. She stated there are ways to expedite completion of a project such as overtime and hiring additional people.

Councilmember Post commented some construction contracts have a penalty when the job is not completed on time. City Attorney Rivers Lawther noted the right-of-way use permits do not include penalties. He explained if the request is denied penalties could be enforced for zoning violations.

Councilmember Hardin agreed with Ms. Blackwell, and he pointed out moving the completion date to June 23, 2016 is a great compromise. Councilmember Miller added June 23, 2016 is a reasonable completion date.

Mr. Bruce Heglar, Central Piedmont Builders, noted the sidewalk will open in approximately two weeks. He explained the remaining time was requested for access to the three parking spaces for other construction work.

Mayor Alexander asked if Central Piedmont Builders could have everything cleaned up and construction debris removed so it would not be a safety hazard for festival guests. Mr. Heglar said he did not have the information to answer the question.

City Engineer Wendy Brindle stated staff would speak with the contractor to make sure the area is clean and safe for the event.

Thereupon, Ms. Blackwell made a **motion** to approve a temporary right-of-way use permit for the closure of three parking spaces and the sidewalk adjacent to 113 East Fisher Street through June 23, 2016. Mr. Hardin seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

BOARDS AND COMMISSIONS

Zoning Board of Adjustment

Thereupon, Mr. Miller made a **motion** to move Ann Lyles and Gerald Rush from alternate seats to regular seats on the Zoning Board of Adjustment, and that Michael Hallett be moved from a regular seat to an alternate seat, and appoint Dee Dee Wright as an alternate member to fill an unexpired term. Mr. Post seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Historic Preservation Commission

Upon a motion by Mr. Miller, seconded by Mr. Post, and with Mr. Hardin and Meses. Alexander and Blackwell voting AYE, the following appointment was made to the Historic Preservation Commission:

Mr. Eugene Goetz

Term Expires 03/31/19

Planning Board

Upon a motion by Ms. Blackwell, seconded by Mr. Miller, and with Messrs. Hardin and Miller and Ms. Alexander voting AYE, the following appointment was made to the Planning Board to fill an unexpired term:

Mr. Cress Goodnight

Term Expires 03/31/18

CITY MANAGER'S COMMENTS

(a) Police Chief

City Manager Lane Bailey announced a police chief has been selected to lead the Salisbury Police Department. He thanked Captain Brian Stallings for his leadership as interim chief. He stated the City selected Mr. Jerome Stokes, who currently serves as Deputy Chief of the Lynchburg, Virginia Police Department.

Mr. Bailey noted a nation-wide search was conducted to find the City's next police chief and over 50 applications were received and multiple rounds of interviews were held. He stated an extensive background search of Mr. Stokes was conducted. He added he and Assistant City Manager Zack Kyle visited Lynchburg and met with members of the business and faith communities, representatives from the NAACP, and the City Manager and Assistant City Manager of Lynchburg. He noted he and Mr. Kyle were impressed with all they heard which also reflected what they witnessed during the selection process.

Mr. Bailey stated Mr. Stokes has served with the Lynchburg Police Department for 32 years in various positions including Regional Violent Crime Task Force Detective, Street Crime Prevention Team Leader, Vice and Narcotics Investigation, K-9 Support Team Officer, and Internal Affairs Manager. He noted he spoke with Ms. Stephane Diaz from the Virginia Police Chiefs Association who said Chief Stokes was the best internal affairs instructor in the State of Virginia.

Mr. Bailey noted Chief Stokes has experience with critical instance and task force response and currently oversees investigation and administrative functions for the Lynchburg Police Department. He stated Chief Stokes has a strong background in developing key strategies for combating crime and solid experience in community policing which are important attributes for the City. He added Mr. Stokes instituted a "Get Out of the Car Program" that encourages police officers to conduct a foot patrol. He developed a Community Policing Advocacy Committee that the City wants to replicate. Mr. Bailey stated he is confident Chief Stokes will lead the Salisbury Police Department in the right direction and help make the City a safer place to live and work.

Chief Stokes thanked Council and Mr. Bailey for the opportunity to serve the City and work with the Police Department to solve crime and build relationships in the community. He added he looks forward to working with the Salisbury Police Department, Mr. Bailey, Council, and staff. He noted he heard the citizen's comments regarding the West End, and he added he will

work to ensure the citizens are not afraid to live in their neighborhood. He introduced his wife Zoey, and he thanked her for her support. He stated they are very excited to serve the citizens of Salisbury.

Mayor Alexander and Council welcomed Chief Stokes to the City.

Councilmember Miller noted Chief Stokes heard about some of the challenges the City faces, and he stated he looks forward to getting to know and working with him.

Mayor Alexander pointed out Council is very concerned about crime in the City, and has waited patiently for the appointment of the new police chief.

COUNCIL'S ANNOUNCEMENTS

(a) Employee Recognition

Councilmember Hardin thanked Parks and Recreation Events Coordinator Vivian Koontz for organizing Movies in the Park. He also recognized Park and Recreation Director Nick Aceves, Parks and Recreation Maintenance Manager Stephen Brown, Recreation Coordinators Steven Clark and Teri Shaw, and Parks Maintenance Supervisor Robbie Cochran on behalf of the family of Mr. Fred Evans for their work on the dedication of the Fred M. Evans Pool. He also recognized Salisbury Police Department Captain Melonie Thompson for her work during a mediation between the Rowan-Salisbury School System, a parent, and the Salisbury Police Department.

Mayor Pro Tem Blackwell recognized Access 16 Station Manager Jason Park for all he does to make "Movies in the Park" and the taping of City meetings a success.

(b) Fibrant

Councilmember Post stated he has studied Fibrant diligently for the last several months. He added the situation with Fibrant is fixable and would open up funding for items the public is requesting. He pointed out if Fibrant was turned off the City would lose more money than if Fibrant is running. He pointed out when Fibrant revenues exceed its expenses it will help eliminate some of the debt service payments.

Mayor Alexander agreed with Mr. Post, and she added Fibrant is the City's infrastructure and as important to the community as the installation of Interstate 85. She noted Fibrant is the City's communication to the world and an investment. She thanked Mr. Post for his contribution to Fibrant and Council.

MAYOR'S ANNOUNCEMENTS

(a) "Meet with the Manager"

Mayor Alexander announced the next "Meet with the Manager" will be held Wednesday, June 8 from 9:00 a.m. until 10:00 a.m. in the first floor conference room at City Hall, 217 South Main Street. The City Manager will be attending a meeting in Raleigh on June 8, and the "Meet with the Manager" meeting will be an hour for citizens to share their ideas or concerns with the Assistant City Managers Zack Kyle and John Sofley.

(b) Send-Off – All American City Delegation

Mayor Alexander announced a celebratory send-off for the official Salisbury Delegation for the All-America City presentation will be held Wednesday, June 15, 2016 at 5:30 p.m. in the City Hall parking lot. The delegation will travel to Denver, Colorado to attend the National Civic League's 2016 All-America City Award finals. The send-off celebration will feature hot dogs, ice cream, popcorn, music and much more. Salisbury is one of 20 cities from across the United States who will travel to Denver in hopes of being named one of the 10 All-America Cities for 2016. Salisbury's delegation includes students and adults who participated in three programs that focus on the well-being of children at home and at school: the Norvell Theater, the Knox Co-Principals program, and Fit For Motion, a nutrition and physical fitness program through Novant Health and the Rowan County YMCA and the Rowan-Salisbury School System. All members of the community are invited and encouraged to attend this send-off event.

(c) 2016 Salisbury Citizen's Academy

Mayor Alexander announced applications are now being accepted for the 2016 Salisbury Citizen's Academy. The academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 8 and ending with graduation November 10, 2016. Participants will meet at various city facilities and have an inside view of City operations. Applications are available online or by calling the City Clerk's office at 704-638-5224. All applications must be received by July 22, 2016.

(d) Open House

Mayor Alexander announced Downtown Salisbury, Inc. and the City of Salisbury are holding an open house Thursday, June 23, 2016 from 5:00 p.m. until 7:00 p.m. at the Gateway Building located at 204 East Innes Street. The open house is the first in a series to consider what public improvements, if any, should be made to ensure the long-term vitality of the downtown. Citizens are invited to drop in any time between 5:00 p.m. and 7:00 p.m. on June 23, 2016.

CLOSED SESSION

Mayor Alexander requested Council go into a closed session concerning acquisition of property located on Tax Map 471 Parcel 1070 owned by Mark Lerner for a potential Fire

Department substation and acquisition of property located on Tax Map 011 Parcel 399 owned by Franchot and Carol Palmer for potential use for SRU Administration as allowed by NCGS 143-318.11(5) and to discuss an economic development matter as allowed by NCGS 143-318.11(4).

Thereupon, Mr. Miller made a **motion** to go into closed session concerning acquisition of property located on Tax Map 471 Parcel 1070 owned by Mark Lerner for a potential Fire Department substation and acquisition of property located on Tax Map 011 Parcel 399 owned by Franchot and Carol Palmer for potential use for SRU Administration as allowed by NCGS 143-318.11(5) and to discuss an economic development matter as allowed by NCGS 143-318.11(4). Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

RETURN TO OPEN SESSION

Thereupon, Ms. Blackwell made a **motion** for Council to return to open session. Mr. Miller seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

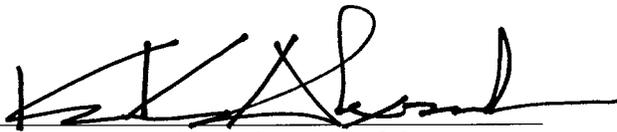
Mayor Alexander announced no action was taken in closed session.

RECESS

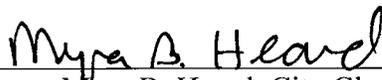
Mayor Alexander asked for a motion to recess the meeting until June 9, 2016 at 9:00 a.m. at 1 Water Street.

Thereupon Ms. Blackwell made a **motion** to recess the meeting until June 9, 2016 at 9:00 a.m. at 1 Water Street was. Mr. Miller seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

The meeting was recessed until June 9, 2016 at 9:00 a.m. at 1 Water Street.



Karen Kirks Alexander, Mayor



Myra B. Heard, City Clerk