

Salisbury, North Carolina
August 21, 2012

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson Jr., Presiding; Mayor Pro Tem Susan W. Kluttz, Council Members Maggie A. Blackwell, and, William Brian Miller; City Manager Doug Paris; Deputy City Clerk Kelly Baker; and City Attorney F. Rivers Lawther, Jr.

ABSENT: Council Member William (Pete) Kennedy, and City Clerk Myra B. Heard

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Woodson welcomed all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Woodson noted the following changes to the Agenda:

Postpone – Item 8 – Council to hold a public hearing regarding an Economic Incentive Grant for Freshhouse II, LLC.

RECOGNITION OF SALISBURY HIGH SCHOOL PRINCIPAL DR. AVIS WILLIAMS AND KNOX MIDDLE SCHOOL PRINCIPAL TERRENCE SNIDER

Mayor Woodson recognized Salisbury High School Principal Dr. Avis Williams and Knox Middle School Principal Terrence Snider.

Dr. Williams stated she is excited to lead Salisbury High School, and she invited Council and the community to visit. She noted the school faces many challenges and support from the community is critical to its success.

Mr. Snider noted he is excited to be the new Principal at Knox Middle School. He stated this is his sixth year at the school, where he previously served in various roles. He indicated staff is looking forward to a great year and is very excited to have Council's support.

Mayor Woodson wished Dr. Williams and Mr. Snider the very best.

Councilmember Miller stated he is looking forward to a wonderful school year. He thanked Dr. Williams and Mr. Snider for their leadership.

Mayor Pro Tem Kluttz congratulated Dr. Williams and Mr. Snider. She stated Salisbury High School and Knox Middle School are very important to the City, and she thanked them for their leadership and enthusiasm.

Councilmember Blackwell stated Dr. Suzanne W. Morse spoke to Council several years ago and stated a community's success or failure is within its middle schools and high schools. She noted the City is depending on Dr. Williams and Mr. Snider for their leadership. She welcomed them to the City and pledged Council's support.

RECOGNITION OF MANAGEMENT SERVICES DEPARTMENT

Mr. Patrick Pate, Assistant City Manager of the City of High Point, addressed Council regarding the Certificate of Achievement for Excellence in Financial Reporting Award and the Distinguished Budget Presentation Award. Mr. Pate, past President of the Government Finance Officers Association (GFOA), recognized Assistant City Manager John Sofley for representing the City in the GFOA by serving on the executive board and working on the committee structure.

Mr. Pate recognized Finance Manager Wade Furches and staff for receiving the Certificate of Achievement for Excellence in Financial Reporting. He explained this is the 24th year the City has received the award, which is one of the longest tenures in North Carolina. He indicated less than five percent of municipalities earn this award on an annual basis. He indicated the award represents how well the City's finances are presented and staff's work to make sure there is transparency in the City's financial records.

Mr. Furches recognized Senior Financial Analyst Mark Drye, Budget and Benchmarking Analyst Evans Ballard, Senior Accountant Kizzie Lea, Accounting Clerks Diane Gilmore and Michelle Hardin for their work on the financial statements.

Mayor Woodson thanked Mr. Furches and staff for all they do for the City.

Mr. Pate presented the Distinguished Budget Presentation Award to Budget and Performance Management Manager Teresa Harris. He stated this is the City's 20th year receiving the award. He noted less than four percent of municipalities in North Carolina receive this award and less than one percent in the United States earn this award on an annual basis.

Ms. Harris recognized Budget and Benchmarking Analyst Evans Ballard, Management Analyst Renee Pierson, Finance Specialist Melissa Drye, Senior Financial Analyst Mark Drye, the Management Team, and everyone who worked to prepare the City Budget.

Mayor Woodson thanked Mr. Pate for the presentation. He stated Council is very proud of the Management Services Department, and he commended Mr. Paris on the consecutive years for receiving both awards.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of August 7, 2012.

(b) Temporary Street Closure - September 11 Memorial Service

Close South Main Street from Old South Main Street to "A" Street and South Fulton Street from Maupin Avenue to South Main Street, Tuesday, September 11, 2012 from 8:45 a.m. until 11:00 a.m. for the Salisbury Fire Department September 11 Memorial Service.

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

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-07-2012 CORNERSTONE CHURCH

(a) Planning and Development Services Manager Preston Mitchell addressed Council regarding CD-07-2012, Cornerstone Church and Child Development Center, 1325 and 1353 Faith Road. He explained three properties are associated with this case, and the request is to change the base zoning and apply a CD overlay. He indicated it is a use-based CD and no new development is proposed as a result of the changes.

Mr. Mitchell displayed a site map and indicated the three properties are located along the west side of Faith Road and Suggs Avenue. He noted the northern parcel contains the existing Cornerstone Child Development Center. He stated the center parcel is undeveloped and covered by flood plain and will remain undeveloped, and the final parcel contains a single-family structure slated for redevelopment. Mr. Mitchell explained the single-family structure will receive interior renovation and minor exterior up-fits to be used as the Church deems necessary, along with three parking spaces in the rear of the structure. He stated there will be no new development as a part of this proposal.

Mr. Mitchell reviewed the master plan, and he pointed out all three parcels are currently zoned GR-6, a single family zoning designation, and are surrounded by general residential zoning. He explained Conditional District Overlays:

- Floating Overlay District that allows alternative design, relieving specific Ordinance provisions
 - Encourages innovative site and building design
 - Requires Rezoning Petition and Master Plan
 - May be use-based for adaptive reuse

Mr. Mitchell stated the church is requesting to change the underlying zoning so the existing Cornerstone Child Development Center can come out of non-conforming status. He explained the change will allow the center to grow and allow any church related use in the single family structure. He noted staff has worked with the church to choose a number of uses within the RMX zone that would be appropriate in the area and to eliminate uses that may be objectionable to the surrounding community. He explained conditions may be added to the CD Overlay if it is:

- Recommended by the Planning Board
- Adopted by City Council
- Must be agreed-upon by petitioner

Mr. Mitchell explained the petition before Council:

- Change current base district
 - General Residential (GR-6)
 - Low-medium density residential
 - No multi-family over four units per building
 - Residential Mixed-Use (RMX)
 - Single to multi-family residential (all types)
 - Office/medical/institutional mixed-use
 - Retail/restaurant only by Special Use Permit (SUP) or CD
- Establish a CD Overlay to:
 - Limit uses and permit adaptive reuse of 1353 Faith Road
 - Bring 1325 Faith Road out of nonconformity

Mr. Mitchell noted the petitioner has removed uses from the RMX zoning that may be objectionable to the surrounding area. He indicated the petitioner has requested to keep child daycare center, and remove the drive-thru, government services, retail, restaurant, indoor and outdoor recreational facility, and neighborhood manufacturing from the request. He reviewed the alternative design available to CD:

- Building orientation to street – Complaint
- Building materials – Existing
- Building design standards – Existing
- Building dimensional standards – Requesting to allow encroachment of deck into Suggs setback
- Parking – Requesting to use gravel in the parking lot
- Private Lighting – To be determined if renovated

Mr. Mitchell reviewed the Vision 2020 Comprehensive Plan Policy N-11:

- Architecturally compatible, residentially scaled office and institutional development may be permitted to locate along the sides of neighborhood planning areas. Under specified conditions, this policy may be applied to the conversion of pre-existing residential properties located along major streets where, due largely to traffic exposure, homes have become unsuitable for residential occupancy. In such instances, adaptive reuse of existing residential structures shall be viewed more favorably than demolition and new construction

Mr. Mitchell noted at its August 14, 2012 meeting the Planning Board unanimously recommended approval.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding Land Development District Map Amendment CD-07-2012.

Reverend Bill Godair, Lead Pastor of Cornerstone Church, 415 Scottsdale Drive, stated he supports the rezoning. He indicated Cornerstone Church owns four four-star daycare facilities. He explained the decline in the economy lead to local daycares going out of business, and the church purchased daycare facilities to save jobs and maintain before and after school daycare facilities in this part of the county. He noted no one spoke against the daycare facility at the Planning Board meeting. He indicated the neighbors are happy with the progress that has been made, and he asked Council for its approval.

Mr. Don Tesh, Suggs Avenue, questioned the legality of the Cornerstone Child Development Center.

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

Mr. Mitchell explained when the Zoning Ordinance was replaced with the LDO in 2008 the zoning designations changed. He indicated the discrepancies in the GR zoning do not mean Cornerstone Church has been operating an illegal facility, but that a daycare center is not a

permitted use. He indicated rezoning to RMX-CD will bring the facility out of nonconformity and will allow the daycare to grow. He pointed out Cornerstone Church is operating a four-star daycare and staff encourages the continued use of the facility.

Mayor Woodson stated he traveled to the location and significant improvements have been made to the structure.

Councilmember Miller asked if the nonconformance was created by the LDO. Mr. Mitchell stated the nonconformance was created by the conversion to GR zoning when the LDO was adopted. He noted the GR zoning permits a home daycare facility but does not permit a commercial facility.

Mr. Miller explained when the City transferred from the previous Code to the current Code, the old and new districts did not always relate to the new use and it created nonconformance. He emphasized Cornerstone Church was not at fault. Mr. Mitchell agreed.

Mr. Miller pointed out the City has approximately 16,000 parcels under its jurisdiction. He noted when the conversion took place there were areas that did not fit into the new Code perfectly and it created discrepancies in the zoning.

Mayor Woodson asked if the Cornerstone Church and Child Development Center is a licensed facility. Mr. Mitchell stated all the Cornerstone daycare facilities are licensed operations.

Ms. Blackwell stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein and establishing a Conditional District Overlay is consistent 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, Ms. Blackwell made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 1.65 acres at 1325 and 1353 Faith Road from General Residential (GR-6) to Residential Mixed-Use (RMX) and establishing a conditional district overlay to permit the adaptive reuse of existing structures; identifying the development documents; identifying permitted uses; identifying the development conditions; providing an effective date; and for other purposes. Ms. Klutz seconded the motion. Messrs. Miller, and Woodson, and Mses. Blackwell and Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 1.65 ACRES AT 1325 AND 1353 FAITH ROAD FROM GENERAL RESIDENTIAL (GR-6) TO RESIDENTIAL MIXED-USE (RMX) AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE ADAPTIVE REUSE OF EXISTING STRUCTURES; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; IDENTIFYING DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Pages No. 66-70, and is known as Ordinance 2012-28.)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-06-2012 ARDREY PROPERTY

(a) Planning and Development Services Manager Preston Mitchell addressed Council regarding CD-06-2012 Ardrey Property, 1601 South 1st Street.

Mr. Mitchell noted the structure is a single-family dwelling located on an island surrounded by Mooresville Road, A Avenue, and 1st Street. He reviewed the master plan for the site and indicated there will be no physical changes to the structure. He displayed photographs of the building elevations.

Mr. Mitchell displayed the LDO Zoning Districts and noted the Conditional District Overlays:

- Floating Overlay District that allows alternative design, relieving specific Ordinance provisions
 - Encourages innovative site and building design
 - Requires Rezoning Petition and Master Plan
 - May be use-based for adaptive reuse
- Conditions may be added if it is
 - Recommended by the Planning Board
 - Adopted by City Council
 - Must be agreed-upon by petitioner

Mr. Mitchell explained the Petition to rezone:

- Change current base district
 - General Residential (GR-6)
 - Low-medium density residential
 - No multi-family over four units per building
 - Residential Mixed-Use (RMX)
 - Single to multi-family residential (all types)
 - Office/medical/institutional mixed-use
 - Retail/restaurant only by Special Use Permit (SUP) or CD
- Establish a CD Overlay to limit uses and permit adaptive reuse of the building

Mr. Mitchell stated the petitioner is seeking to lease the facility as a professional office. He stated the petitioner has removed retail, entertainment and recreation, manufacturing, civic, and institutional uses from the list of permitted uses. He indicated the petitioner does not want to negatively impact the area.

Mr. Mitchell reviewed the alternative design available to CD:

- Building orientation to street – Complaint
- Building materials – Existing
- Building design standards – Existing

- Building dimensional standards – Requesting to allow encroachment of deck into Suggs setback
- Parking – Compliant per Master Plan
- Private Lighting – to be determined if renovated

Mr. Mitchell stated pre-existing residential properties located along major thoroughfares should be adaptively reused. He noted at its August 14, 2012 meeting the Planning Board unanimously recommended approval.

Councilmember Blackwell indicated residents within the district have been notified. Mr. Mitchell stated the City is required to provide three forms of notification: a sign posted on the property; two ads published in the Salisbury Post; and a letter mailed to everyone within 100 feet of the property.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding Land Development District Map Amendment CD-06-2012.

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

Councilmember Miller noted the lot is very small and the uses included on the list are not objectionable in this setting.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein and establishing a Conditional District Overlay is consistent 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. Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately less than one acre at 1601 South 1st Street from General Residential (GR-6) to Residential Mixed-Use (RMX) and establishing a conditional district overlay to permit the adaptive reuse of existing structures; identifying the development documents; identifying permitted uses; identifying the development conditions; providing an effective date; and for other purposes. Ms. Kluttz seconded the motion. Messrs. Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING LESS THAN ONE ACRE AT 1601 SOUTH FIRST STREET FROM GENERAL RESIDENTIAL (GR-6) TO RESIDENTIAL MIXED-USE (RMX) AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE ADAPTIVE REUSE OF EXISTING STRUCTURES; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; IDENTIFYING DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Pages No. 71-75, and is known as Ordinance 2012-29.)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-05-2012 ROWAN CABARRUS COMMUNITY COLLEGE

(a) Planning and Development Services Manager Preston Mitchell addressed Council regarding CD-05-2012, Rowan Cabarrus Community College (RCCC) Fire and Emergency Training Facility, 1333 South Jake Alexander Boulevard.

Councilmember Miller stated he is a member of the Board of Directors for RCCC Foundation and serves as its Treasurer. He noted it is the opinion of City Attorney Rivers Lawther that this is not a conflict of interest but he wanted to state this for the record.

Mayor Kluttz stated she is a member of the RCCC Board of Trustees, and she also asked City Attorney Rivers Lawther who indicated it was not a conflict.

Mayor Woodson noted he is a past member of the Board of Directors for the RCCC Foundation.

Mr. Mitchell stated the request is for a new training facility for fire and emergency operations. He displayed an area map of the RCCC campus, and he pointed out the location of the proposed training facility. He displayed the master plan, and he noted RCCC is proposing a large central field that will allow firefighters and emergency personnel to train. He noted RCCC is planning to construct a mock fire station, a burn building, and a concrete pad to train for extraction from wrecked vehicles. He noted there will be areas for future growth and development within the training facility.

Mr. Mitchell displayed building elevations provided by the petitioner. He noted it was discovered during the Planning Board meeting that the mock fire station did not have windows. He indicated changes have been made to the design and will be brought before the Mayor for his signature if the Ordinance is adopted.

Mr. Mitchell reviewed the LDO zoning districts and noted the entire RCCC campus is zoned Institutional Campus (IC) with a conditional overlay that RCCC is seeking to amend. He explained the IC zoning permits public safety stations by right and government services by Special Use Permit (SUP) or CD. He explained the Petition:

- Maintain current base district
 - Institutional Campus (IC)
 - IC permits Public Safety Stations by right
 - IC permits Government Services by SUP/CD
- Amend an existing Conditional District Overlay to allow for construction of the development using alternative design and continued build-out of RCCC

Mr. Mitchell reviewed Conditional District Overlays:

- Floating Overlay District that allows alternative design, relieving specific Ordinance provisions
 - Encourages innovative site /building design
 - Petition and Master Plan
- Conditions may be added
 - Recommended by the Planning Board
 - Adopted by City Council
 - Must be agreed-upon by petitioner

Mr. Mitchell reviewed the alternative design available to CD requested by RCCC:

- Building Materials
- Building Design Standards
- Building Dimensional Standards - compliant
- Parking compliant
- Private Lighting – to be determined at construction docs

Mr. Mitchell stated the building design standards in the City Code do not allow for block-face concrete block. He reviewed the Vision 2020 Comprehensive Plan and noted there are no applicable policies, and staff recommends approval.

Mr. Mitchell stated at its July 24, 2012 meeting the Planning Board unanimously (10-0) recommended approval of the petition.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding Land Development District Map Amendment CD-05-2012.

Mr. Jonathan Chamberlain, Chief Officer of Planning and Capital Projects at RCCC, 402 South Fulton Street, stated he supports the RCCC Fire and Emergency Training Facility. He thanked Council for its consideration and he noted RCCC is excited about the project. He noted the project was approved by the taxpayers of Rowan County, and he indicated the new facility will enhance firefighter training in Salisbury, Rowan County, and the surrounding areas.

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

Councilmember Miller pointed out having the training facility farther away from the main campus is a major improvement and part of the RCCC plan for campus improvements.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein by amending the Conditional District Overlay 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. Miller made a **motion** to adopt an Ordinance amending the Land Development

Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 14 acres and amending an existing conditional district overlay to permit the development of a Fire and Emergency Training Facility; identifying the development documents; identifying permitted uses; identifying the development conditions; providing an effective date; and for other purposes. Ms. Blackwell seconded the motion. Messrs. Miller, and Woodson, and Mses. Blackwell and Kluttz voted AYE. (4-0)

Mayor Pro Tem Kluttz stated the new training facility is very important to RCCC, the Fire Department, and to public safety. She thanked the taxpayers of Rowan County for approving the Bond Referendum.

Mayor Woodson wished RCCC the best, and he acknowledged the expansion taking place at RCCC. He stated the expansion is important to the City and Rowan County, and he thanked RCCC for all it does for the community.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 14 ACRES AND AMENDING AN EXISTING CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A FIRE AND EMERGENCY TRAINING FACILITY; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; IDENTIFYING DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Pages No. 76-78, and is known as Ordinance 2012-30.)

NORTH CAROLINA EAT SMART, MOVE MORE COMMUNITY GRANT

Ms. Amy Smith, Rowan County Health Department, and Recreation Coordinator Jeff Holshouser addressed Council regarding a North Carolina Eat Smart, Move More Community Grant.

Ms. Smith explained the Rowan County Health Department received notification that local health departments in North Carolina were eligible to apply for an Eat Smart, Move More Community Grant Program. She stated the Rowan County Health Department partnered with Salisbury Parks and Recreation Director Gail Elder White and Mr. Holshouser to put together the grant application. She noted out of 33 applications, 10 health departments and their partner agencies were selected to receive funding for 2012-2013:

- Brunswick County
- Cabarrus County
- Cleveland County
- Gaston County
- Henderson County
- Jackson County

- Orange County
- Rowan County
- Yancey County (Toe River Health District)

Ms. Smith recognized the partners in the North Carolina Eat Smart, Move More Community Grant Program:

- Rowan County Health Department
- The Refuge Church
- Salisbury Parks and Recreation
- Horizon Unlimited

Ms. Smith explained the purpose of the grant:

- To increase the availability of fresh produce
- To increase access for physical activity through environmental and policy changes

Mr. Holshouser explained the funding includes:

- Total amount awarded \$42,000
- Sidewalk development increasing connectivity
- Replacement of old play structures
- Educational programs to increase healthier lifestyles
- Expansion of the West End Community Garden

Mr. Holshouser stated the \$42,000 will be utilized to develop sidewalks within the West End Community and to purchase and install two play structures that will target pre-school and school-aged children. He noted Horizons Unlimited and The Refuge Church will partner with Salisbury Parks and Recreation and the Rowan County Health Department to develop and instruct a nutrition and nature educational program for children and their families. He indicated the project will allow the West End Garden to be maintained with 100 percent of the produce going back to the community.

Mr. Holshouser displayed photographs and explained the sidewalk will be installed along Messner Street between West Horah and West Bank Streets. He presented a photograph of the new play structure to be installed at Kelsey-Scott Park, and he pointed out the current play structure was installed in 1997.

Mayor Woodson congratulated Ms. Smith and Mr. Holshouser for receiving the grant, and he thanked them for their hard work on the project.

Ms. Smith stated the Board of Health and the Rowan County Commissioners have given their approval and look forward to partnering with the City of Salisbury on the Eat Smart, Move More Grant Program.

DEMOLITION – 111 EAST CEMETERY STREET

Senior Planner Janet Gapen addressed Council regarding demolition of a residential structure located at 111 East Cemetery Street in the Downtown Local Historic District. She noted the City of Salisbury received local legislation giving Council the ability to review and deny demolition of a structure located in the Downtown Local Historic District.

Ms. Gapen displayed a map of the property and noted its location in the Downtown Local Historic District. She stated the building is not in a National Historic District, and she pointed out it is in a local historic overlay designated in 1975. She indicated the structure is a good example of an early 20th Century residential structure.

Ms. Gapen displayed photographs of the property and noted changes have been made to the structure that compromises its historic integrity. She stated based on an inspection by the property owner and a tour by the Historic Preservation Commission (HPC), signs of past water infiltration were noted that have compromised the structure. She stated the HPC examined the crawl space and noted the floor joists were constructed of whole logs with the bark intact. She noted the interior contains noteworthy features such as tile hearths, mantels, panel doors and various types of wood trim.

Ms. Gapen noted the structure helps maintain the block face of East Cemetery Street. She explained the property owner owns several adjoining properties that contain office space. She indicated the property owner purchased the property with the intent of demolition in order to expand parking for his businesses.

Ms. Gapen explained Code Services Manager Chris Branham attended the site tour with the HPC and found the structure to be deteriorated based on minimum housing standards. She noted it would take less than 50 percent of the tax value to bring the structure to minimum housing standards. She stated the HPC believes the structure could be renovated or could possibly be a candidate for historic renovation; however it is not eligible for tax credits since it is not in a National Historic District. She pointed out the deterioration at the rear of the house could imply cost prohibitive factors that would create problems for relocation, and the structure may require stabilization prior to relocation.

Ms. Gapen noted the Certificate of Appropriateness (COA) was issued in July with a condition that historic materials should be salvaged prior to any fire training or demolition. She noted the owner is agreeable to salvaging any historic materials and has offered the building for fire training.

Ms. Gapen concluded:

- Demolition request initiated by property owner
- HPC delayed demolition for one year
- Determined to be deteriorated, but not dilapidated
- Less than 50 percent of tax value to bring it up to meet minimum standards
- Suitable for renovation or historic rehabilitation, but no tax credits

- Deterioration appears to be limited, but cost prohibitive to relocate
- HPC has limited options with demolition requests
- COA issued July 2012 with condition that historic materials salvaged prior to fire training or demolition, if that occurs
- Historic Salisbury Foundation would conduct salvage and provide receipt to owner for tax purposes

Ms. Gapen reviewed Salisbury City Code Section 7-77 - Demolition of structures within the downtown local historic district. She noted in determining whether or not to issue the permit, the City Council shall take into consideration the following factors:

- Location of the structure within the historic district
- State of repair of the structure
- Architectural and historical significance of the structure
- Overall impact of the demolition of the structure on the historic district
- Issuance of a certificate of appropriateness for the demolition by the Salisbury HPC

Mayor Pro Tem Kluttz stated the property owner followed proper procedure, delaying demolition for one year. She noted tax credits are not available, the items in the house have been offered for salvage by the HPC, and the house has been offered for fire training. She indicated the property owner has followed all the guidelines and has the right to have the house demolished.

Councilmember Miller asked what type of parking will be put in the structure's place. Ms. Gapen stated it would be suitable parking that would go through the planning process, with the Landscape Ordinance and other Code requirements applying.

Mr. Miller stated he agreed with Mayor Pro Tem Kluttz. He noted the unique features and details regarding the house are attractive, but the property owner has determined from a cost benefit analysis it is better for him to demolish the structure. He indicated he supports the property owner's right to demolish the structure.

Thereupon, Ms. Kluttz made a **motion** to approve the demolition of a residential structure located at 111 East Cemetery Street in the Downtown Local Historic District. Mr. Miller seconded the motion. Messrs. Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (4-0)

OFFER FOR SALE CITY-OWNED PROPERTY - 110 NORTH MAIN STREET

Community Planning Services Director Joe Morris addressed Council regarding the sale of City-owned property located at 110 North Main Street. He explained North Carolina General Statute 160a-269 allows local governments to receive, solicit or negotiate offers to purchase property and advertise for upset bids.

Mr. Morris indicated 110 North Main Street, the former Engineering and Development Services office (also known as the Zimmerman Building), has been vacated and is no longer needed for municipal function. He stated the building appraised for \$290,000, and is zoned DMX and fully developed. He noted the building is 4,456 square feet and the appraised value is \$65 per square foot.

Mr. Morris stated Downtown Salisbury Inc. Executive Director Randy Hemann agrees the appraised value is a fair price. He stated staff recommends placing the building on the market subject to an upset bid process. He explained 110 North Main Street was a temporary location for Engineering and Development Services that lasted approximately 20 years. He stated City employees have relocated to the City Office Building at 132 North Main Street.

Mayor Pro Tem Kluttz stated she is excited to see the building back on the tax books and on the market. She noted the location for City staff was meant to be temporary, and Council has discussed the need for the building to be privately owned.

Mayor Woodson pointed out the building is very attractive and in a great location.

Mr. Morris pointed out this is different from past projects where staff has solicited for bids. He noted staff feels adaptive reuse of buildings is the next phase in downtown redevelopment.

Thereupon, Ms. Blackwell made a **motion** to authorize the City Manager to offer for sale City-owned property located at 110 North Main Street through negotiated offer, advertisement, and upset bids. Ms. Kluttz seconded the motion. Messrs. Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (4-0)

FINAL RECOMMENDATION TRAFFIC SIGNALS AT NORTH FULTON AND WEST LIBERTY STREETS, AND NORTH LEE AND EAST KERR STREETS

Traffic Engineer Wendy Brindle addressed Council regarding a final recommendation for traffic signals at North Fulton and West Liberty Streets, and North Lee and East Kerr Streets. She stated at its May 15, 2012 meeting Council approved a 90-day evaluation for traffic signal removal at the intersections. She noted evaluation began May 17, 2012 and included site observations, speed counts, accidents reviews, and comments from citizens through phone calls and emails.

Ms. Brindle displayed a map of Fulton and Liberty Streets and noted Fulton Street was established as a through street and stop signs were placed on Liberty Street. She noted the right-turn lane was removed and parallel parking was extended due to comments from citizens that the parallel parking hindered site distance. She explained staff has not received any complaints after the revision.

Ms. Brindle stated staff had concerns regarding traffic increasing speed on Fulton Street due to the absence of a traffic signal. She noted a speed study revealed the 85th percentile speeds

have remained between 29 and 32 miles per hour, and the street is posted at 30 miles per hour. She indicated there was a traffic accident reported on July 17, 2012 where a motorist failed to stop for the stop sign.

Ms. Brindle explained at Lee and Kerr Streets staff evaluated the all-way stop modification. She noted at the beginning of the evaluation motorists tended to run the stop sign on Kerr Street, so modifications were made that included a stop ahead sign and orange flags. She indicated drivers are obeying the stops signs, and the majority of public comment has been positive.

Ms. Brindle stated staff recommends replacing the traffic signal at Lee and Kerr Streets with an all-way stop and replacing the traffic signal at Fulton and Liberty Streets with a stop condition on Liberty Street.

Mayor Woodson stated he travels Lee and Kerr Streets on his way to work. He stated he supports the all-way stop at this location due to motorists running the stop sign.

Councilmember Miller stated he supports the project. He noted the removal of a traffic signal has the potential to save approximately \$35,000 per intersection during the upcoming signal replacement project. He added there is no current budgetary impact related to this item, but the City will avoid the need to replace the signal in the future and the cost the City may incur.

Thereupon, Ms. Blackwell made a **motion** to adopt an Ordinance amending section 13-326, Article X, Chapter 13 of the Code of the City of Salisbury, relating to traffic control signal lights. Ms. Klutz seconded the motion. Messrs. Miller, and Woodson, and Meses. Blackwell and Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 13-326, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATING TO TRAFFIC CONTROL SIGNAL LIGHTS.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 79, and is known as Ordinance 2012-31.)

Thereupon, Ms. Blackwell made a **motion** to adopt an Ordinance amending section 13-332, Article X, Chapter 13 of the Code of the City of Salisbury, relating to stops signs. Ms. Klutz seconded the motion. Messrs. Miller, and Woodson, and Meses. Blackwell and Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATING TO STOP SIGNS .

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 80, and is known as Ordinance 2012-32.)

NEW PARKING ORDINANCES – MANAGEMENT AND ENFORCEMENT

Police Chief Rory Collins and Captain Shelia Lingle addressed Council regarding management and enforcement of new Parking Ordinances. Ms. Lingle stated approximately one year ago Council approved amendments to the Parking Ordinances. She noted the parking citations were redesigned to reflect the changes and the new fee structure. She indicated the Police Department has software that will reveal if a vehicle meets the criteria for increased fines while the officer is in the field.

Ms. Lingle noted two changes were enacted in the Parking Ordinances, to include penalties for late payment parking violations and penalties for repeat offenders. She noted in the past, offenders have had 72-hours to pay their parking penalties. She stated the new Parking Ordinance provides 30-days, but if the penalty is not paid, the violation will include a \$20 late fee. She indicated if an offender receives a minimum of four parking violations within a 30-day period, the violator is subject to an additional \$50 repeat offender fee.

Ms. Lingle stated the Police Parking Control Specialist will use an electronic hand-held parking ticket device. She noted the tickets will be printed and not hand written. She explained the Police Department has the hand-held device but is waiting for the software program to be completed. She pointed out the Police Department will begin implementing the changes Monday, August 27, 2012.

City Manager Doug Paris stated the new Parking Ordinances are a goal of Downtown Salisbury Inc. (DSI). He noted staff wanted to address Council before the changes were implemented.

Mayor Woodson asked Mr. Hemann if he and the DSI Board were in agreement with the changes. Mr. Hemann indicated they agree.

PUBLIC COMMENT

Mayor Woodson opened the floor for public comment.

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

CITY MANAGER'S COMMENTS

(a) Update Regarding Council Goals 3.2 and 3.2

City Manager Doug Paris asked Fibrant General Manager Mike Jury to update Council regarding its goals for the City's broadband utility. Mr. Jury referenced City Council Objective 3 Goal 1 (3.1) to renegotiate contracts and streamline operations in an effort to reduce operating expense. He reviewed the strategies to achieve City Council Goal 3.1, and he noted the team

began looking at every aspect of the operation:

- Contract Labor
- Outsourced Services
- Inventory Control
- Support Agreements
- Video Programming Savings

Mr. Jury explained the City has undergone a transition from contract labor to in-house staff that started in April 2012. He stated the City is utilizing contract labor, but has moved the majority of its functions to City Employees. He noted when completed in early September, this transition will have a net savings of \$569,900 for the current fiscal year.

Mr. Jury reviewed the changes in outsourced service. He explained the team examined all outsourced services. He stated staff brought several outsource service representatives in and asked them to become partners in the long-term success of Fibrant. He indicated for the current fiscal year Fibrant will realize a savings of \$199,790, and over the next three years through the current contracts Fibrant will achieve a net savings of \$773,456.

Mr. Jury stated the support agreements have been restructured to achieve a savings of approximately \$20,000 during this fiscal year. He pointed out over the next four years staff will re-negotiate current contracts with an estimated savings of over \$375,000 a year in future incremental savings.

Mr. Jury explained the video program agreements are typically three to five years and the City is currently locked in. He noted staff has a plan to implement the savings in other areas:

- Fibrant has implemented a just-in-time process to better preserve capital on inventory
- Fibrant is estimating a savings this fiscal year of \$25,000
- Other miscellaneous items will add up to approximately \$10,000 this fiscal year in savings

Mr. Jury reviewed Council Objective 3 Goal 2 (3.2) to improve system infrastructure and service level agreements to minimize impacts to Fibrant customers. He noted the strategies to achieve City Council Goal 3.2:

- Activate redundant link
- Harden the end points
- Perform hardware and software upgrades

Mr. Jury updated Council regarding the network upgrades that have taken place:

- Extensive work has been done on the network and will continue through the beginning of the fourth quarter
- The redundant connection has been activated, and in an emergency situation the traffic can be switched over in moments

- Continued work on the network is hardening the end points to increase reliability
- Staff will reinstate network upgrade activity that will include software upgrades resulting in a brief outage during the maintenance window beginning this evening
- By the fourth quarter, a network that is fully redundant, will help staff achieve City Council Goal 3.2

Mayor Woodson asked Mr. Jury if the City has a redundant connection up and running. Mr. Jury stated the second connection is up and running and traffic can be switched in an emergency situation.

Mr. Jury noted staff has spoken with the majority of the business customers, and they are aware an outage will take place. He explained the vendors have been brought in for roundtable discussions, and staff is moving forward tonight to implement the solutions brought forth in the roundtable discussions to harden the network.

Mr. Jury summarized City Council Goal 3.1:

- \$824,690 of reoccurring current fiscal year savings
- \$948,666 identified for future year savings
- Efforts will continue in regard to this goal

Mayor Woodson stated it was a goal of Council to save \$1 million in Fibrant. He noted the cost savings outlined by Mr. Jury are ahead of schedule and will include an almost \$10 million savings over a 10-year period.

Mr. Jury noted the savings does not include the \$948,666 that will be implemented when future contracts are renewed and renegotiated. Mayor Woodson commended Mr. Jury and staff on the cost cutting efforts.

Mayor Pro Tem Kluttz stated this is an incredible report. She commended Mr. Jury on the job he has done leading Fibrant. She stated Council challenged Mr. Paris to find the best person for the job, and she is pleased to have someone of Mr. Jury's professional expertise and caliber at the helm. She stated Council is grateful to Mr. Jury and his service to the City.

Mayor Woodson thanked Salisbury Rowan Utilities (SRU) Director Jim Behmer for serving while Fibrant was in transition.

Mr. Jury stated it is a goal of the Fibrant Team to keep moving forward and working to make the network reliable. He noted maintenance activities resume tonight that will take Fibrant into the fourth quarter. He explained staff will offer more press releases to keep the consumer informed.

Councilmember Blackwell asked about the times for maintenance. Mr. Jury stated the maintenance is planned for 1:00 a.m. until 5:00 a.m. He concluded with plans for the future:

- By the fourth quarter, when all the network upgrades have been completed, Fibrant will be able to fully serve the needs of any business within its networks reach
- Fibrant is developing a Radio Frequency (FR) overlay deployment option

Councilmember Miller stated the progress is encouraging, especially the cost savings. He noted the City needs benchmarks to allow the citizens to measure Fibrant's progress. He thanked Mr. Jury for all he has done for Fibrant and the City.

Mr. Jury stated staff is working to establish the benchmarks that need to be in place to measure Fibrant's success.

Mayor Woodson encouraged citizens to sign-up for Fibrant. He acknowledged the members of the Fibrant team in the audience.

Councilmember Miller asked about the number of subscribers. Mr. Paris stated Fibrant currently has 2,040 subscribers.

(b) Statesville Boulevard Paving Project

City Engineer Dan Mikkelson addressed Council regarding the North Carolina Department of Transportation (NCDOT) paving project on Statesville Boulevard. He noted NCDOT is planning to resurface Statesville Boulevard from Innes Street to Jake Alexander Boulevard. He stated over the years staff has received a number of complaints regarding the operation of the road. He noted NCDOT has agreed to participate in a public workshop to be conducted before the resurfacing project. He indicated the workshop will help identify operational concerns the public has with the way the road functions and to determine if the concerns can be mitigated cost effectively during the resurfacing project.

Mr. Mikkelson stated staff recommends conducting a public workshop Thursday, August 30, 2012 at Milford Hills United Methodist Church, 1630 Statesville Boulevard. He indicated Public Information Officer Elaney Hasselmann will work to ensure an effective public outreach campaign.

Mr. Mikkelson noted staff will follow up with NCDOT and will report to Council at its September 4, 2012 meeting regarding concerns that were brought forward and the responses staff recommends. He stated Council will have the opportunity to make a formal decision if appropriate and ask NCDOT to implement the changes.

Mr. Mikkelson stated citizens unable to attend the meeting may contact him directly at (704) 638-5206, by email dmikk@salisburync.gov, and on the City's webpage.

Mr. Mikkelson stated resurfacing typically occurs on a 15 to 20 year cycle. Mr. Miller encouraged citizens to participate in the workshop to help Council decide what is best for the City.

Mayor Woodson encouraged citizens who live and travel in the area to participate in the workshop.

(c) Temporary Street Closure – Community Enrichment Day

Police Chief Rory Collins stated Lifeline T.P.C. Church, 506 East Lafayette Street, has requested a street closure in the 500 Block of East Lafayette Street between Shaver and Clay Streets, Saturday August 25, 2012 from 10:00 a.m. until 2:00 p.m. for a Community Enrichment Day event. He stated the purpose of the event is to distribute school supplies and provide a fun day for children. He indicated the Police Department recommends Council allow the street closing.

Thereupon, Ms. Kluttz made a **motion** to close the 500 Block of East Lafayette Street, between Shaver and Clay Street, Saturday, August 25, 2012 from 10:00 a.m. until 2:00 p.m. for community event sponsored by Lifeline T.P.C. Church. Mr. Miller seconded the motion. Messrs. Miller, and Woodson, and Mses. Blackwell and Kluttz voted AYE. (4-0)

MAYOR'S ANNOUNCEMENTS

(a) Online Bill Payment

Mayor Woodson announced online bill payment is working and can be accessed through the online services tab at the top of each web page, the online services listing on the site footer of each web page, and by the scrolling icons on the home page.

(b) Partners in Learning

Mayor Woodson announced the City hosted Partners in Learning for a presentation and tour of City Hall. Kindergarten through 8th grade participated in the tour.

(c) Boy Scouts

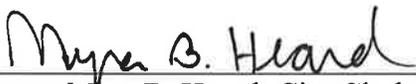
Councilmember Blackwell acknowledged several Boy Scouts who were in the audience.

ADJOURNMENT

Motion to adjourn the meeting was made by Ms. Blackwell seconded by Ms. Kluttz. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:57 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk