

Salisbury, North Carolina
July 11, 2017

REGULAR MEETING

PRESENT: Mayor Karen Kirks Alexander, Presiding; Mayor Pro Tem Maggie A. Blackwell; Council Members William Brian Miller, Kenneth Hardin, and David Post; City Manager W. Lane Bailey; Deputy City Clerk Kelly Baker, and City Attorney F. Rivers Lawther, Jr.

ABSENT: City Clerk Myra B. Heard.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The 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 observances:

TRINITY PRESBYTERIAN CHURCH, USA SESQUICENTENNIAL DAY	July 16, 2017
CHICKWEED – CELEBRATING INDESTRUCTIBLE WOMEN WEEK	July 16-22, 2017

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meetings of June 6, 2017 and June 20, 2017 and the Special meeting of June 6, 2017.

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

UPDATE – SALISBURY POLICE CHIEF

Police Chief Jerry Stokes reviewed the Police Department's mission and vision, and he reviewed Police Department staffing. He noted the Police Department is authorized for 81 sworn positions and seven civilian positions, and he pointed out 69 sworn positions and all of the civilian positions are currently filled. He explained the Police Department is 85.2% staffed with two pending conditional offers which would increase department staffing to 87.7%. He added five retirements have been announced for December 2017.

Chief Stokes reviewed staffing strategies:

- Active recruitment campaign
- Partnered with 911 communications to create a priority dispatch system to most effectively use patrol officer's time
- Reorganized patrol zones for smaller coverage and reduced response times
 - Neighborhood Oriented Policing
 - Every officer has a neighborhood and every neighborhood has an officer
 - July 18, 2017 start date for new patrol zones

Chief Stokes reported crime is down 11.8% for mid-year 2017 when compared to 2016, and he added there is an 11.6% reduction in overall reported crime for the first quarter 2017 when compared to 2016. He explained Part 1 crime includes eight reported criminal offenses: homicide, aggravated assault, rape, robbery, burglary, larceny (theft), motor vehicle theft, and arson. He stated Part I crime is down 5.1% year to date.

Chief Stokes reviewed violent and property crime:

- Violent crime
 - Homicides decreased 40% from 5 to 3; all 2017 homicides have been cleared or will be cleared
 - Individual robberies decreased 11.1%
 - Aggravated assaults decreased 9.2%
 - Aggravated assaults/gun increased 92.3% from 13 to 25 in 2017
 - Shooting into an occupied dwelling increased 9.1% from 11 to 12
 - Total violent crime decreased 5.6% from January 1 – June 30, 2017
- Property Crime Rate
 - Residential burglaries decreased 30.8%
 - 44 less victims of burglary year-to-date
 - Commercial burglaries decreased 26.2%
 - Auto thefts decreased 17.3%
 - Larcenies increased 5.3%
 - Shoplifting is the driving statistic
 - Larcenies from motor vehicles decreased 0.8%
 - Total property crime decreased 5.1%

Chief Stokes pointed out the Police Department focused on four problem solving areas for 2017: assault with a dangerous weapon, shots fired, residential burglaries, and larcenies from motor vehicles. He noted staff identified the I-85 corridor as a hot spot for residential and business theft and theft from motor vehicles. He commented police officers are taking a proactive approach to patrolling areas along the I-85 corridor, including foot patrols, to identify vehicles that may have valuables in site, and he reviewed ways to prevent theft from motor vehicles.

Chief Stokes noted emerging issues:

- Citizen calls regarding gunfire reports
 - The calls are tracked through the crime analysis function
 - Staff is looking for predictive patterns for officer deployment
- Opioid abuse and overdose
 - There is an increase in opioid overdose incidents
 - Currently researching a NARCAN program
 - Narcotics units actively investigate all overdose calls
- Recruitment and retention of police officers
 - Promoting the pay and hiring guidelines at all recruiting and community service events
- Project Safe Neighborhoods
 - Partnering with State, local, and Federal agencies to identify priority offenders
 - Hiring a Project Safe Neighborhoods Coordinator in FY2017-2018

Chief Stokes pointed out the foot patrol program began July 1, 2017, and he noted the Police Department has received positive comments regarding the program. He also reviewed various Police Department community engagement projects.

Councilmember Hardin stated he recently went on a foot patrol, and he thanked the Police Department command staff for their presence, attitude, and approach to the community. He stated he also received positive feedback from the community regarding the foot patrols. He asked if the foot patrols have helped increase information received from the community. Chief Stokes stated some victims are reluctant to cooperate with police officers. He added he is hopeful the community engagement will help build trust in the community.

Mr. Hardin noted the police officer's presence during community events will go a long way in the community, and he pointed out the community must work with the Police Department. He asked if the opioid epidemic could be narrowed to a specific age demographic. Chief Stokes noted those under age 35 seem to be most affected by the opioid epidemic. Mr. Hardin asked about the citizen's satisfaction survey. Chief Stokes explained a grant application has been submitted, and a conference call will take place later in the week regarding the proposed survey. Mr. Hardin thanked Chief Stokes for the presentation and all he is doing for the City.

Councilmember Miller thanked Chief Stokes for the information, and he noted the statistics indicate improvements have been made.

REMEDIAL ACTION PLAN

Development and Code Services Manager Preston Mitchell and Housing Advocacy Commission (HAC) Chair Barbara Perry addressed Council regarding a proposed Remedial Action Plan.

Mr. Mitchell reviewed the history of the HAC, and he pointed out the Remedial Action Plan is designed to reduce repetitive disorderly activity occurring on or in residential rental properties. He explained a disorderly activity occurs at a rental property when the Police Department is called, and a report is issued and filed in the Police Department system. He reviewed the Computer Aided Dispatch (CAD) categories:

Category 1	Homicide
Category 2	Robbery, home invasion, shots fired
Category 3	Drugs, harassment, search warrant
Category 4	Trespass, intoxication, disturbance

Mr. Mitchell explained on the fifth of each month a police officer will review the data for the prior three months based on a property's location. He stated the threshold is determined by the number of dwelling units at each location. He noted when the threshold is reached, the property owner would be brought into the program, and he pointed out a homicide automatically places the property into the program. He indicated if a property remains below the threshold, participation in the program would be voluntary. He pointed out voluntary involvement in the program would allow the Police Department to share data with property owners before the thresholds are reached.

Councilmember Miller clarified property owners in the program would receive emails that would give them an opportunity to address issues before it leads to an involuntary process.

Mr. Mitchell reviewed the benefits to landlords and property managers:

- Email alerts when disorder activity occurs
- Non-local, out-of-state owners stay more informed
- Build relationships with Police and Code Enforcement Officers
- Free landlord training on eviction process, crime prevention, code enforcement, basic indicators of drug activity
- Improves City to management company to owner relationships and information sharing

Mr. Mitchell noted within 15 days of a property exceeding the threshold for disorderly activity the Police Department will send a letter to the property owner requesting the property owner or a registered agent attend a meeting. He then reviewed the remedies and penalties for exceeding the disorderly activity threshold:

- \$50 for failing to attend the mandatory initial meeting or any other review meeting
- \$50 for failing to register residential rental property
- \$100 for providing materially false or misleading residential rental property registration information
- If additional disorder activity occurs after the first 60 days, an additional \$250 penalty may be issued to recover costs for additional review, processing and recommendation

Mr. Mitchell pointed out input was received from citizens, rental property owners, and real estate agents. He noted the HAC unanimously recommended approval of the Remedial Action Plan. He explained, if approved, the Ordinance would be made effective November 1, 2017 with disorderly activity data collection beginning August 1, 2017.

Mayor Pro Tem Blackwell noted measures have been taken to promote fairness to property owners. She pointed out the HAC includes two relators who own a significant amount of rental property in the City. She commented people who were invested in both sides of the issue were active in the development process. She stated the police officer who reviews the data will confirm the incident actually took place in the property, and the address was not given as a reference point. She noted those who volunteer to register will only receive crime data for their personal property. She explained the categories are determined by the 911 center, and she indicated education will also be provided to landlords regarding effective tenant screening.

Mr. Mitchell pointed out Council could change the thresholds, but the categories are determined by Rowan County.

Mr. Miller asked if staff reached out to property owners and managers regarding the Remedial Action Program. Ms. Blackwell noted all landlords were invited to the forum, and she explained staff has not individually reached out to landlords on the frequent activity list. Mr. Miller requested staff be proactive regarding the program. Mr. Mitchell noted staff will reach out to the property owners.

Councilmember Post asked about the difference for a property owner who owns 50 rental houses or a 50-unit apartment building. Mr. Mitchell clarified the number of housing units is the units per development at a particular location.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the Remedial Action Plan.

Mr. Todd Paris, 113 East Council Street, noted the proposal was submitted to the University of North Carolina School of Government to make sure it is enforceable and fair. He expressed concern regarding unintended consequences and punishing landlords for things that are out of their control. He pointed out landlords will have to update their rental agreement if the program is approved, and he questioned if the program will create more vacancies throughout the City. He commented he is also concerned the program could deter tenants from calling the Police Department.

Ms. Carolyn Logan agreed with Mr. Paris, and she questioned if the proposed program will discriminate against landlords. She indicated landlords should have an opportunity to evict the tenant before they are required to take classes. She commented the list of offenses is not broad enough, and she noted the same level of consequences should be used with home owners and rental properties. She added gang activity should be included on the list of offenses. She noted she does not support the proposal.

Ms. Sue McHugh, 910 North Main Street, stated she supports the proposal. She indicated she does not own rental properties, but she noted she lives near rental properties where police officers are called to on a regular basis. She pointed out the original intent was to consider all properties, but she noted the proposal is a step in the right direction and it creates a tool for landlords, police officers and citizens regarding repeat offenses. She thanked everyone who worked on the proposal.

Ms. Terry Frances, Fulton Heights community, stated she owns rental property and has been in property management for over 30 years. She noted she does not need a Remedial Action Program to handle problems that arise at her properties. She added she does not hesitate to call the Police Department to request assistance when it is needed. She agreed the program is a tool, but she stated it penalizes landlords. She indicated she is not responsible for the behavior of the tenant, and she noted the Police Department should handle the issue with the one committing the crime. She stated if the Remedial Action Plan is passed it should be implemented County-wide.

Ms. Dodie Lafeve King, Kesler Mill Park Avenue area, noted she is a home owner on the corner of North Martin Luther King, Jr. Avenue and East Lafayette Street. She commented her neighborhood has more rental properties than citizens who own their homes. She pointed out many landlords are not available. She indicated her neighborhood needs structure, and she added she supports the proposal and the City's right to create revenue.

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

Mr. Mitchell stated there are approximately 2,200 vacant homes in the City. He indicated the goal is to develop a relationship between the City, landlords and property managers, but he pointed out some landlords are not seeking a relationship with the City. He explained domestic calls are excluded from the program because staff does not want victims to fear calling the police. He clarified the program is about events that take place at a particular property, and he noted the events do not follow tenants around the City. He stated the Remedial Action Program is designed to help neighbors who live near repeat offender properties. He pointed out the penalties will not generate revenue for the City.

Mr. Miller commented the fines come into effect if a property is entered into the Remedial Action Program, and the property owners do not address the issues.

Mayor Alexander pointed out the program focuses on the landlord. She asked if there is anything in the City's Land Development Ordinance (LDO) to create the same level of behavior expectation for a homeowner. Mr. Mitchell stated City Code addresses rental properties, home owners, and commercial properties. Mayor Alexander commented the program is not intended for responsible landlords, but for landlords who create a nuisance in neighborhoods and leave their tenants and neighbors at risk. Mr. Mitchell stated the goal is to be an additional resource for landlords who may need assistance.

Councilmember Hardin pointed out landlords and tenants have to share responsibility and work together to alleviate crime in the City. He added the Remedial Action Program is an effective tool that would increase accountability.

Councilmember Post stated good landlords have protections in their leases. He noted the offenses listed are typically associated with gang activity. Mayor Pro Tem Blackwell added the North Carolina General Assembly is working to define gang activity.

Mayor Alexander noted the proposed Remedial Action Plan will not affect good landlords, but will protect citizens who live close to rental properties. She thanked everyone who worked on the Remedial Action Plan.

Councilmember Miller asked if a feedback mechanism is in place. City Manager Lane Bailey noted staff can provide feedback to Council in November 2018.

Mr. Miller stated he supports the proposal, and he pointed out it is nuisance based and offers warnings to property owners to address issues that arise before they create a problem.

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending Chapter 14-Nuisances of the Salisbury City Code by establishing a Remedial Action Plan, herein and after referenced as Exhibit A of Chapter 14 of the Salisbury City Code. Ms. Blackwell seconded the motion. Messrs. Miller, Hardin, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 14 “NUISANCES” OF THE SALISBURY CITY CODE.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 90-100, and is known as Ordinance 2017-41.)

CHANGES TO THE AGENDA

Thereupon, Ms. Blackwell made a **motion** to move item 11-Council to consider renaming the Brenner Avenue Section of the Greenway to the William C. Peoples’ Jr. Walkway to the next item on the Agenda. Mr. Miller seconded the motion. Messrs. Miller, Hardin, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

GREENWAY RENAMING

Parks and Recreation Director Nick Aceves and Maintenance Manager Stephen Brown addressed Council regarding the proposed renaming of the Brenner Avenue Section of the Greenway to the William C. Peoples’ Jr. Walkway.

Mr. Brown stated at a previous meeting staff requested a 30-day comment period regarding the proposed renaming. He added the Parks and Recreation Advisory Board voted unanimously to recommend approval for the section of Greenway located on Brenner Avenue from Harris Teeter to Horah Street. He stated Mr. Peoples served the West End community for many years, having served on the Dixonville Cemetery Committee and the Housing Advocacy Commission. He commented Mr. Peoples was instrumental in supporting improvements to the West End community.

Mr. Aceves thanked Mr. Brown and staff for their work on the proposal. He also recognized Ms. Dee Dee Wright who made the recommendation.

Councilmember Hardin recognized Mr. Peoples’ brother John and family members who were in the audience.

Mayor Pro Tem Blackwell stated she met Mr. Peoples in 2009 when they both ran for Council. She added he was a wonderful community advocate.

Councilmember Miller added Mr. Peoples had a wonderful heart and the recognition is well deserved

Mr. Hardin noted the community lost a fighter when Mr. Peoples passed.

Councilmember Post commented Mr. Peoples gave a voice for voiceless.

Mayor Alexander asked Ms. Wright to address Council. Ms. Wright thanked Council, on behalf of the Peoples family and the West End community, for honoring Mr. Peoples. She added Mr. Peoples' footprint is all over the City that he loved.

Mayor Alexander noted Mr. Peoples' was a housing advocate and he did a great job representing City.

Mr. Post asked about signage for the proposed recognition. Mr. Aceves noted signage will be placed at the Greenway. He commented staff is working with the Dixonville Board on an event that will take place in September, and he added the sign for the William C. Peoples Jr. walkway will be displayed at the event.

Thereupon, Mr. Hardin made a **motion** to rename the Brenner Avenue Section of the Greenway to the William C. Peoples' Jr. Walkway. Ms. Blackwell seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

PUBLIC COMMENTS

Mayor Alexander opened the floor to receive public comments.

Ms. Carolyn Logan stated she feels her constitutional rights and the City's code of ethics are being violated. She thanked Chief Stokes for the crime update and the foot patrol. Mr. Eric Perry yielded his three minutes to Ms. Logan. Ms. Logan stated it is unfair to disconnect a citizen's water service if they are unable to pay their Fibrant bill. She commented Fibrant should be a separate entity and the situation needs to be addressed. She questioned how the money to curb gang violence was spent. She pointed out there is an increase in violence at Rowan Regional Medical Center and Walmart, and she stated more patrols or security are needed in those areas.

Ms. Ollie Mae Carroll stated she suggested line dancing be offered in the West End community, and she thanked Parks and Recreation Director Nick Aceves for working on the proposal. She thanked Development and Code Services Manager Preston Mitchell for his assistance with a code violation in the West End. She also thanked Police Chief Jerry Stokes for the community policing policy that is being implemented. She noted police officers recently came to her home when her alarm went off in error, and she indicated the police officers were very considerate and helpful. She stated the 1400 block of Old Wilkesboro Road, Kelsey Scott Park, and the 1100 block of Old Plank Road are heavily traveled by Livingstone College students and sidewalks are needed.

Mr. Michael Kirksey thanked Mayor for all she is doing for the City. He stated people are saying Ayana Allen's killer is incarnated and there are other people trying to get the reward money. He suggested putting a bait vehicle near the I-85 corridor to catch thieves that break into motor vehicles. He commented he is concerned about the increase in opioid addictions.

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

TA-04-2017 – PLANNING BOARD AND ZONING BOARD OF ADJUSTMENT MERGER

Development and Code Services Manager Preston Mitchell addressed Council regarding TA-04-2017, a request to merge the Planning Board and the Zoning Board of Adjustment (ZBA). He noted the request was initiated by the City. He stated if the proposal is adopted the ZBA will become the Board of Adjustment (BOA) to create consistency with North Carolina General Statures.

Mr. Mitchell explained members of the Planning Board would also serve as members of the BOA. He noted the BOA will consist of six regular members and six alternate members where five of the members represent the municipal corporate limits and one represents the extraterritorial jurisdiction (ETJ). He added staff reached out to Mr. David Owens from the University Of North Carolina School Of Government to be sure the membership count and make up was correct. He indicated the Planning Board currently has 12 members with two ETJ members which, would create a full set of alternate members.

Mr. Mitchell stated it is important to note the BOA is not a committee of the Planning Board, and it is distinctly separate board. He pointed out smaller towns in North Carolina have already done this. He added the BOA rarely meets making it difficult to keep board members trained on quasi-judicial proceedings, and he commented everything the BOA does requires quasi-judicial proceedings. He pointed out the Planning Board practices quasi-judicial proceedings on a regular basis. He indicated the situation has no reflection on ZBA members, but the board simply did not meet because of the lack of case work. He noted the change will increase the Planning Board's work load, but it has agreed to the changes.

Mayor Alexander asked about the current ZBA members. Mr. Mitchell explained four members of the ZBA have term limits that expire this year. He stated it is a delicate situation and staff never wants volunteers to feel unappreciated. He noted staff decided to approach the Planning Board first and it agreed to the changes. He commented an article appeared in the Salisbury Post before ZBA members received their letter from the City. He indicated two citizens would lose their seat on the ZBA, Mr. Gerald Rush and Mr. Keith Knight. He added Ms. Dee Dee Wright, Ms. Martha Legrand, Ms. Diane Scott, Mr. Robert Cockerl, and Mr. Michael Hallett would lose their alternate seats. He noted members of the ZBA felt the ZBA should have been approached first.

Councilmember Miller pointed out there are two vacancies on the Planning Board. Mayor Alexander asked if staff has reached out to members of the ZBA regarding the vacant Planning Board seats. Mr. Mitchell noted staff has not reached out to members of the Planning Board at this time. He added if Council approves the proposal he will meet with Deputy City Clerk Kelly Baker regarding the vacancies

Mr. Miller commented the ZBA has been the final board for appeals. He asked how the appeal process would work if the proposal is approved. City Manager Lane Bailey stated the ZBA does not hear appeals to Council's decisions. Mr. Lawther pointed out the ZBA hears code enforcement appeals. Mr. Bailey agreed, and he commented the same group of people will serve on two different boards. He pointed out after the ZBA renders a decision citizens must appeal the decision through the court system. Mr. Miller stated he was concerned the proposal would take away a portion of the appeal process, but it would not.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding TA-04-2017.

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

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest by providing smarter governance, and is not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan because according to the proposed amendment there are no policies directly supported by or in objection to the proposal. Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending Chapter 14 (Agencies, Boards and Commissions) of the Land Development Ordinance of the City of Salisbury, North Carolina related to Planning Board and Board of Adjustment membership, as well as other miscellaneous matters. Mr. Post seconded the motion. Messrs. Miller, Hardin, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 14 (AGENCIES, BOARDS AND COMMISSIONS) OF THE "NUISANCES" OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO PLANNING BOARD AND BOARD OF ADJUSTMENT MEMBERSHIP, AS WELL AS OTHER MISCELLANEOUS MATTERS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No.101-109 , and is known as Ordinance 2017-42.)

SPECIAL USE PERMIT SUP-04-17 – 208 MAUPIN AVENUE

SUP-04-2017 – 208 Maupin Avenue

(a) Swearing In

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

Ms. Starla Rogers
Mr. Preston Mitchell
Mr. Lyndon Kim Porter
Ms. Andria Cantrell
Ms. Terry Frances

(b) Ex Parte Disclosure

Mayor Alexander asked Council members if anyone had knowledge of this case they wished to disclose.

Mayor Pro Tem Blackwell stated she lives in the neighborhood, and she received calls from neighbors regarding the signs. She noted no one shared their opinion with her.

Development and Code Services Manager Preston Mitchell asked Council if it had any conflict of interest regarding the case. He then asked Council if it came into the meeting with a fixed opinion regarding the subject or if it conducted separate research outside of the meeting. There were no disclosures.

Mr. Mitchell then introduced Senior Planner Starla Rogers to Council.

(c) Mayor Alexander convened a public hearing, after due notice thereof, to receive testimony regarding SUP-04-2017.

Senior Planner Starla Rogers explained the case before Council is for a Special Use Permit (SUP) for property located at 208 Maupin Avenue to permit a secondary dwelling unit. She noted the applicant is Mr. Lyndon Kim Porter. She explained the property is located in a national historic district.

Ms. Rogers explained the applicant is requesting to demolish an existing accessory structure in the rear of the property and construct a new secondary dwelling. She displayed photographs of the property, and she pointed out the existing secondary structure. She stated the secondary structure is approximately 300 square feet, in deteriorating condition, and has a dirt floor. She indicated behind the secondary structure an alleyway connects Crosby and Blair Streets. She pointed out a parking area facing the rear of the house on the left side.

Ms. Rogers explained a secondary dwelling unit must mimic or compliment the essential character of the primary structure. She noted the applicant has submitted exterior and interior site plans. She added the Planning Board held a courtesy hearing in May for the project, and it was pointed out the location of the accessory structure is nonconforming to the existing alleyway because it is too close to the alley and side property line. She stated the Land Development Ordinance (LDO) requires any new structure that is constructed in a rear yard adjacent to an

alleyway be at least 15 feet back from the center point of the alleyway and five feet from the side property line. She added on the first proposal the applicant put the structure in accordance with LDO requirements.

Ms. Rogers stated after the Planning Board meeting the applicant addressed some of the concerns including the submission of elevations. She commented the water and sewer would run through the main house and the current taps. She stated the petitioner moved the accessory building in towards the property so it is 25 feet from the center line and five feet from the side property line.

Ms. Rogers reviewed the interior site plan and an artist rendering of a similar dwelling. She stated there will be a front door facing the back of the house, two double-hung windows, and wood or hearty plank siding. She indicated the gable and the gable roof will be consistent with the primary structure in accordance with the LDO. She commented wood siding would be used on the sides and gable ends would have either simulated shingle shake siding or wooden shingle shake siding.

Ms. Rogers noted the supplemental regulations for the property:

- Subordinate to the primary living quarters
- One secondary dwelling unit per lot
- Located in the rear yard
- May be created as a second story within detached
- Not be larger than 50 percent of the gross floor area of the principal structure with a minimum habitable area of not less than 300 square feet. Maximum building footprint for a secondary dwelling unit shall be 750 square feet
- No additional parking spaces are required
 - Petitioner is creating an additional parking space
- Architecturally compatible to the principal building
- Property owner shall occupy at least one of the dwelling units on the premises (GR, UR, and HR only)

Ms. Rogers stated the applicant's intent is to live in the primary structure and have their daughter occupy the accessory dwelling.

Ms. Rogers presented the standards for decision required for the SUP:

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

Councilmember Hardin asked if demolition of the existing structure would cause damage or injury to neighboring structures. Ms. Rogers noted the applicant can address the means of demolition. She indicated access through the alleyway which would allow demolition vehicles to pass.

Mr. Lyndon Kim Porter and Ms. Andria Cantrell, addressed Council regarding their property at 208 Maupin Avenue. Ms. Cantrell explained a licensed contractor will handle the demolition, and she added the structure may be torn down by hand.

Councilmember Post asked if there is any evidence regarding the impact on neighboring property values. Mr. Mitchell explained a quasi-judicial decision is based on evidence presented to Council. He added if there is concern about a possible negative impact on surrounding property values Council could request expert witness testimony. He added neither staff or the applicant can testify to the impact on surrounding property values. He noted North Carolina General Statutes require property evaluations and traffic comments be provided by an expert witness.

Mr. Mitchell stated the third standard asks that the public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed. He noted Council must determine if there is potential for a substantial injury to neighboring property values. He asked Council if a 300 square foot secondary dwelling unit is something it believes would substantially injure the value for adjoining property owners. He commented Council could keep the hearing open and request a realtor or additional witness testimony. He noted Ms. Rogers has testified to the shape, foot print and building materials of the secondary structure. He asked if the property owners could provide any additional information regarding what the structure would look like and how it will function.

Ms. Cantrell noted her immediate next door neighbors have a similar dwelling behind their house. She added she does not see how having a similar structure would devalue neighboring properties.

Councilmember Miller commented an increase to the heated square footage on the parcel, by general appraisal terms, should not detract from the value and may slightly increase the overall property value.

Mr. Post asked Mr. Porter if he anticipated an increase in his property value. Mr. Porter agreed, and he noted all of the houses along the 200 block of Maupin Avenue have driveways except four, and they use the alley to park. He noted the alley will lose a parking space, but the area will gain two parking spaces when the structure is moved 25 feet from the center of the alley. Mayor Alexander asked if the additional parking spaces would help the project provide additional value to the area. Mr. Porter agreed.

Mr. Mitchell asked Mr. Porter about the current value of the structure proposed for demolition. Mr. Porter stated it is of no value and cannot be insured. He added the shed has a dirt floor, rusted tin roof and is made of plywood. He stated his investment in the secondary dwelling unit will be \$20,000. Mr. Miller stated he does not feel the project will substantially injure the

value of adjacent properties.

Ms. Terry Frances, Fulton Heights, stated she lives across the street from 208 Maupin Avenue and the neighborhood parking is on her side of the street. She indicated when the prior family rented the property cars were parked on the street. She asked if the secondary structure will be used as future income property. She noted the adjacent property has a building that is being used as a residence for a family member. She questioned if the use is legal or an unpermitted improvement on a shed. She pointed out there were four mentions in 2007 of the guest cottage at 206 Maupin Avenue as an asset to the property. She commented she has been a real estate agent for over 17 years. She expressed concerns regarding parking and the potential for future rental property. She then referenced the Historical Residential (HR) zoning, and she noted she has no problem with the project taking place.

There being no one else present to give testimony, Mayor Alexander closed the public hearing.

Mr. Mitchell pointed out Ms. Rogers testified to the proposal meeting all of the LDO requirements and the additional standards. He added Council has a right to add reasonable conditions to the development proposal.

Mr. Post stated, based on the evidence presented, Council finds the following:

1. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit as evidenced by the following testimony:
 - The site design, as presented is in compliance with Salisbury Development Ordinance Chapter 2, in that the property is zoned HR which permits the use 'dwelling-secondary' with the issuance of a Special Use Permit. The proposal also meets required supplemental regulations as detailed in LDO Chapter 3, Section 3.3-L (items 1-8) in the follow manner:
 1. The proposed accessory dwelling unit is subordinate to the principal structure/living quarters
 2. The proposed accessory dwelling unit is the only secondary dwelling proposed on the parcel
 3. The proposed accessory dwelling unit shall be located in the rear yard
 4. The proposed accessory dwelling unit is not taller than the principal structure
 5. The proposed accessory dwelling unit is not larger than 50% of the principal structures floor area and does not exceed 750 square feet
 6. The proposed accessory dwelling unit does not reduce parking for the site
 7. The proposed accessory dwelling unit is architecturally compatible with the principal structure
 8. The principal structure is occupied by the property owners

2. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area as evidenced by the following testimony:
 - The proposed accessory dwelling unit is designed to complement the principal structure in design and materials. Therefore, it would be compatible with the surrounding residential character of the immediate neighbors
3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed as evidenced by the following testimony:
 - The proposed accessory dwelling unit meets all LDO standards for location as well as other applicable supplements regulations. The proposal removes an existing nonconforming structure located too closely to the alley, as dictated by current LDO standards. The new location, with the provided 25 foot setback, increases the distance between alley traffic and the structure's rear wall. The existing structure is also in declining condition as shown by photographs. The new structure would eliminate an eyesore and potential neighborhood hazard.
 - Council received testimony from the property owner, a banker serving on the Council, and a real estate broker that lives in the neighborhood that it will not substantially injure the value of the property or the adjoining neighborhood property

Thereupon, Mr. Post made a **motion** that the suggested findings support the general requirements as required by the Salisbury Land Development Ordinance. Mr. Miller seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Mr. Hardin commented whenever work is done in his community the work trucks damage his yard. He asked if it would be appropriate to add a condition if a neighboring property is damaged the proponents are responsible for the damage. Mr. Mitchell stated he is not sure Council can condition anything happening to a neighbor's property since it would be covered by insurance law. Mr. Lawther noted the workers would be responsible to make repairs and pay for any damage. Mayor Alexander clarified a condition regarding damage to a neighboring property does not need to be added to the motion. Mr. Lawther agreed.

Thereupon, Mr. Post made a **motion** to issue Special Use Permit SUP-04-2017 to permit a Secondary Dwelling Unit at 208 Maupin Avenue. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Mr. Post asked if Council is allowed to read the information in the Agenda packet before the SUP hearing takes place. Mr. Mitchell stated Council should read the information provided in the Agenda Packet, and he noted Council must keep in mind that it will receive verbal testimony at the meeting. He added Council should read the material and come to the meeting with an open mind.

SOLE SOURCE PURCHASE – IN-VEHICLE TRAFFIC SIGNAL COMMUNICATIONS SYSTEM

Project Manager Deb Young noted the City’s Opticom preemption system is over 20 years old and approximately 50% effective. She stated a committee was formed to consider various North Carolina Department of Transportation (NCDOT) approved vendor systems and identify a system that would provide the best solution for the City. She noted the committee recommends the Applied Information 500-066 Preemption and Priority In-Vehicle Solution for Emergency Response. She pointed out the system provides cellular connectivity for vehicles in their emergency response approach to any intersection and enhanced GPS service. She explained as soon as emergency response vehicles turn their left turn signal on it will communicate with the traffic signals beyond the intersection so they will continue on their regular cycle.

Thereupon, Ms. Blackwell made a **motion** to approve the sole source purchase of an AI500-066- Preemption/Priority In-Vehicle Traffic Signal Communication System in the amount of \$357,960 from Temple, Inc. Mr. Miller seconded the motion. Councilmember Post pointed out the expense is included in the budget. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

BUDGET ORDINANCE AMENDMENT – DOWNTOWN REVITALIZATION INCENTIVE GRANT

Finance Manager Teresa Harris explained on June 20, 2017 Council approved a downtown revitalization incentive grant that was included in the FY 2017-2108 budget. She stated a provision was included in the motion for the appropriation of fund balance to finance the grant.

Mayor Alexander clarified Council approved the expense at its June 20, 2017 meeting. Ms. Harris agreed.

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending the 2017-18 budget Ordinance of the City of Salisbury, North Carolina to appropriate a Downtown Revitalization Incentive Grant. Ms. Blackwell seconded the motion. Messrs. Miller, and Post, and Meses. Alexander and Blackwell voted AYE. Mr. Hardin voted NAY (4-1)

ORDINANCE AMENDING THE 2017-18 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A DOWNTOWN REVITALIZATION INCENTIVE GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 110, and is known as Ordinance 2017-43.)

OCCUPANCY TAX

Rowan Convention and Visitors Bureau (CVB) Director James Meacham addressed Council regarding legislative changes authorized by the North Carolina General Assembly to occupancy taxes in Rowan County. He noted there are pending changes to the occupancy tax structure in Rowan County which would impact how the TDA is structured, conducts business, and the way board member are appointed.

Mr. Meacham reviewed the history and background of occupancy tax in Rowan County. He noted in March the tourism boards unanimously requested an administrative change to the enabling legislation to consolidate and create a uniform tax structure of 6% occupancy tax in Rowan County. He noted the request creates:

- Equal tax rate across Rowan County
- Consolidate to a single tourism board
- Increase capacity for capital funding
 - Conforms with State law for two-thirds for tourism marketing and the associated costs and up to one-third for capital
- Allow for tourism capital projects across Rowan County
- Repeal the Salisbury City Occupancy Tax
- Meet North Carolina General Assembly Guidelines for Occupancy Taxes
- Honor partnership with the City of Salisbury through Board appointment process

Mr. Meacham noted the legislative changes authorize the County to levy an additional three percent occupancy tax, make administrative changes to existing legislation and repeal the City's authority to levy an occupancy tax. He noted the changes will go into effect September 1, 2017 with the City tax expiring August 31, 2017.

Mr. Meacham noted the CVB will have an 11 member board with five appointments by the Rowan County Board of Commissioners, five appointments by Council, and one representative from the Rowan County Chamber of Commerce. He noted the appointments mirror the original legislation for the Rowan County Tourism Development Authority. He noted some changes were made to meet State guidelines. He pointed out all tourism boards in the State require one-third of the membership be made up of properties or businesses that collect the occupancy tax. He reviewed the structure for board appointments:

- A county commissioner or his or her designee
- A member of Council or his or her designee
- Four owners, operators, or representatives of hotels, motels, or other taxable tourist accommodations. Two shall be appointed by the Rowan County Board of Commissioners and two shall be appointed by Council
- Two individuals to represent all bona fide Rowan County sites and attractions, to be selected from those sites and attractions. One individual shall be appointed by the Rowan County Board of Commissioners and one individual shall be appointed by Council

- One individual to represent the Rowan County Chamber of Commerce, either the chair of the board or the chair's designee, assigned for appointment by the Rowan County Board of Commissioners
- Two individuals who have an interest in tourism development and do not own or operate hotels, motels, or other taxable tourist accommodations. One individual shall be appointed by the Rowan County Board of Commissioners and one individual shall be appointed by Council

Mr. Meacham stated the goal is to keep active individuals on the board. He noted the Rowan County Commission approved the request last week. He asked Council to consider appointing Ms. Krista Osterweil, Ms. Shannon-Stewart Hill, Ms. Whitney Wallace, Mr. Edward Norvell and a member of Council to the CVB.

Mayor Alexander indicated she and Councilmember Miller currently serve on the board, and it was decided that she would continue to serve.

Mr. Meacham noted the board feels the structure is balanced, and he indicated a proposal will be brought back to Council in the fall for staggered term limits. He pointed out the functions of the TDA will continue seamlessly, and he added the board voted to make the necessary transfers of assets and staff at its June 30, 2017, pending the final process beginning in September.

Councilmember Hardin asked how the State and County's votes affect the City. Mr. Meacham explained September 1, 2017 will be the new tax date, and the City tax will expire creating a 6% County-wide tax. He explained the City will no longer collect occupancy tax from businesses, and he commented the tax rates will be slightly higher.

Councilmember Miller clarified the City does not have any authority regarding the changes that have taken place. Mr. Meacham agreed. Mr. Miller commented the changes will create a cleaner structure and will generate additional funding for capital. Mayor Alexander pointed out the City will have the same number of representatives serving on the board.

Mr. Meacham stated hoteliers supported the changes, and he noted as I-85 continues to grow and new projects are developed, the tax rate will be equal County-wide.

Thereupon, Mr. Miller made a **motion** to appoint Shannon-Stewart Hill with BPR Properties, Krista Osterweil with Hampton Inn, Whitney Wallace with Downtown Salisbury Inc. (DSI), Edward Norvell from the arts community, and Mayor Karen Alexander to serve as representative from the City to the Rowan County Tourism Development Authority. Mr. Post seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Mr. Meacham thanked Council for its continued support of the Rowan County Tourism Development Authority.

BOARDS AND COMMISSIONS

There were no appointments.

CITY MANAGER'S COMMENTS

(a) Public Comment Issues

City Manager Lane Bailey noted Ms. Logan mentioned an issue regarding Fibrant and water bills. He explained in the order of collections, the Fibrant bill is paid last. He added Customer Service Manager Carol Lewis has done a wonderful job trying to reduce the amount of debt. He added if Fibrant is able to work with a partner it will also help to rectify the situation.

Mr. Bailey noted Ms. Logan also asked about the Gang Prevention Grant. He stated Assistant City Manager Zack Kyle received a close-out letter from the United States Department of Justice regarding the issue. He commented the funds were used for parenting classes, a former offenders program, and partially funded the Project Safe Coordinator. He commented the FY2017-18 includes partial funding for a Project Safe Coordinator.

Mr. Bailey stated he will speak with Ms. Carol regarding sidewalks along the 1400 block of Old Wilkesboro Road and the 1100 block of Old Plank Road

(b) Brunch Bill

City Manager Lane Bailey presented Council with an email from Rowan County Chamber of Commerce President Elaine Spalding requesting Council consider a local municipal option for the Brunch Bill. He stated the General Assembly recently passed the legislation and it was signed by Governor Cooper. He explained the legislation allows restaurants with liquor licenses the option to serve alcoholic beverages beginning at 10:00 a.m. on Sundays. He noted the Chamber of Commerce is requesting Council consider the legislation. He suggested Council authorize staff to draft an Ordinance for Council's consideration. He pointed out many communities have already adopted the Bruch Bill Ordinance.

Thereupon, Ms. Blackwell made a **motion** to authorize staff to draft an Ordinance for Council's consideration at its August 1, 2017 meeting regarding the Bruch Bill. Mr. Miller seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

(c) Community Action Planning Session

City Manager Lane Bailey stated Ms. Brenda Anderson was unable to attend the Council meeting due to a scheduling conflict. He added Ms. Anderson will attend Council's August 1, 2017 meeting.

(d) Fibrant Update

City Manager Lane Bailey stated he has a conference call scheduled with the Fibrant consultant on Wednesday. He stated in January staff issued requests for proposals regarding Fibrant and its management, lease and possible sale of the utility. He added several companies are being considered, and he noted the companies do not want their names released because they are considering multiple acquisitions across the Country.

Mr. Bailey explained the companies are reviewing the utility to learn its inner workings and ensure the City receives the best proposals. He stated staff anticipated the process would conclude by mid-year, but it may take longer due to the complexity of negotiations. He pointed out, regardless of the arrangement, Fibrant and is here to stay, and the City will continue to own the fiber assets. He indicated the best option may be a lease or some type of management agreement. Mr. Bailey commented the City may enter a management agreement for a year or two and consider a lease at a later time. He stated Fibrant has financial issues, but its speed and reliability is second to none. He added walking away from the debt is not an option. He pointed out the fiber portion of the asset is aligned with the core of the City, like a street or water and sewer. He explained in a management agreement the City would not have to refinance the Fibrant debt. He added refinancing may be required for a lease agreement and possibly a referendum depending on the action of the General Assembly. He added the options are being considered, and he hopes to provide additional information in the near future to Council and the public.

Councilmember Post commented if a lease is used it may have a make hold provision that the tax exempt status of the debt could be lost which could raise the interest rate. He asked if refinancing would be required or if the interest rate could be adjusted. Mr. Bailey stated the City may be able to adjust the interest rate. He added staff will consider the options. Mr. Post noted refinancing would have to cover the increased tax rate investors would pay, and the increased interest rate creating additional expense for the taxpayer.

MAYOR 'S ANNOUNCEMENTS

(a) "Movies in the Park"

Mayor Alexander announced Parks and Recreation will host "Movies in the Park" Friday, July 21, 2017 at City Park where the movie "Finding Dory" will begin at 9:00 p.m. The event is free and open to the public, and concessions will be available for purchase. For more information contact Parks and Recreation at 704-216-PLAY.

(b) "Music at the Mural"

Mayor Alexander announced Parks and Recreation will host the next installment of the "Music at the Mural" Concert Series Saturday, July 29, 2017 at 8:00 p.m. on West Fisher Street. Live entertainment will be provided by 9daytrip. Bring a chair and enjoy music in the heart of downtown Salisbury. This event is free and open to the public.

(c) 20th Annual 5k for the Greenway

Mayor Alexander announced Parks and Recreation will host the 20th annual 5k for the Greenway Run/Walk and Half Mile Fun Run Saturday, July 15, 2017. The 5k begins at 8:00 a.m. and the fun run (for children under 12) begins at 8:45 a.m. Registration is \$20 in advance at www.sportoften.com until 12:00 noon on July 14 or \$25 for on-site registration the morning of the race. Pre-registered participants will receive a dry-fit shirt. For more information please call 704-216-PLAY.

(d) 2017 Salisbury Citizen's Academy


Mayor Alexander applications are now being accepted for the 2017 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 7 and ending with graduation November 2. 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 21.

(e) Council Meeting

Mayor Pro Tem Maggie Blackwell reminded the public Council will not meet on Tuesday, July 18, 2017. She noted the July Council meetings were merged and held on July 11, 2017.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Hardin seconded by Mr. Post. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:58 p.m.



Karen Kirks Alexander, Mayor



Kelly Baker, Deputy City Clerk