REGULAR MEETING

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

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The invocation was given by Councilmember Miller. The meeting was called to order by Mayor Alexander at 5:00 p.m.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Alexander welcomed all visitors present.

PROCLAMATION

Mayor Alexander proclaimed the following observance:

DR. MARTIN LUTHER KING, JR. DAY January 16, 2017
CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meetings of December 6, 2016 and the Emergency Meeting of December 9, 2016.

(b) Budget Amendment – Justice Operations/Secret Service Funds

Adopt a Budget ORDINANCE amendment to the FY2016-2017 budget in the amount of $6,000 to appropriate Justice Operations/Secret Service funds.

ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE JOPS SECRET SERVICE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 1, and is known as Ordinance 2017-01.)

(c) Sole Source Purchase – Segway Patroller

Approve a sole-source purchase in the amount of $8,758.56 from Segway for the purchase of a Segway x2 SE Patroller.

(d) Temporary Street Closing – MLK Parade

Adopt an ORDINANCE declaring a temporary road closure on Main Street between Liberty and Bank Streets, and for the intersection of South Long and East Bank Streets, for the Dr. Martin Luther King, Jr. Parade.

ORDINANCE DECLARING A TEMPORARY ROAD CLOSURE FOR THE DR. MARTIN LUTHER KING, JR. PARADE.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 2, and is known as Ordinance 2017-02.)

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

Rowan County Commission Chair Greg Edds addressed Council regarding a Declaration of Interdependence, a document the County is bringing to each municipality for its consideration. He explained in 2016, citizens and local leaders from the community came together to discuss issues facing Rowan County. He noted the group defined three areas of concern: economic development and jobs, quality of life, and marketing, along with nine areas of study.

Mr. Edds stated the group worked with Mr. Craig Lamb Rowan-Cabarrus Community College (RCCC) Vice President of Corporate and Continuing Education to develop an agreement that invites the County and its municipalities to work together. He explained the objective is to grow Rowan County and seek support from each municipality by aligning core goals and beliefs. He commented each municipality is different, but they have similar core values. He noted a community forum will be held in February or March to outline the nine areas of study. He pointed out the project will be private sector driven, and he asked Council to support the Declaration of Interdependence.

Councilmember Hardin indicated he does not see a need to sign a document that states the communities will work together. He pointed out the communities have worked together in the past, and he is not sure how signing a document would ensure future collaboration. He stated there have been two recent initiatives, one regarding neighborhood revitalization and the other regarding a City Dog Park that did not result in collaboration. He added he does not see the need or relevance, and he cannot support the initiative.

Councilmember Miller noted when everyone works together the community will progress. He thanked the County for its recent partnership with the City for law enforcement, and he commented the Declaration of Interdependence could begin partnerships on a bigger scale. He stated the concept is not fully developed, and he pointed out everyone who takes part in the development process will feel a sense of ownership. He thanked Mr. Edds for his work on the project. He pointed out the surrounding counties are growing, and Rowan County and its municipalities must find a way to keep up.

Mr. Edds noted people are ready to do something, to volunteer their time, to get involved, and to lend their expertise. He explained the initiative sets up a framework for 138,000 Rowan County citizens to come together to address community issues.

Councilmember Post explained the Declaration is a promise to work together, and he is grateful for Mr. Edds’ work on the initiative.

Mayor Pro Tem Blackwell stated she initially could not support the Declaration, but she noted Mr. Edds reached out to her and listened to her concerns. She pointed out an economic development leader noted a company that is planning to locate to a region will want to know if the County and its municipalities get along. She added the Declaration of Interdependence sends the message that the City and County get along and intend to work together. She indicated a researcher that addressed Council at a past Retreat found one of biggest issues facing the City is the lack of jobs. She pointed out crime, lack of education, and low income all stem from the lack of jobs. She
clarified the community’s issues all point to jobs, and the Declaration, and the work behind it, will help address the issue.

Mayor Alexander stated she supports the Declaration, which sends a powerful message to everyone who considers moving their business or family to the community. She commended Mr. Edds for his leadership and work to bring the group together.

Mr. Hardin referenced the Capital Improvement Plan (CIP), and he indicated $300,000 was included in the CIP for revitalization. He noted Council agreed to put some of the money toward trade and vocational certifications for the West End community. He commented Council also agreed to eliminate beautification efforts on the West End, but beautifications were completed using private money and City staff. He asked about the status of the trade certifications for the West End community. City Manager Lane Bailey noted the trade certification are included in the third year of the CIP. Mr. Hardin commented Council had indicated it did not want to wait until the third year for the trade certifications to be completed.

Mayor Alexander explained neighborhood groups in the West End community raised the money that was used for beautification in the West End. She pointed out many times citizens will get things done in the community, and the City supports their efforts. She stated Rowan County Commission Vice-Chair Jim Green stated he thought Salisbury should be the next community to take advantage of the Manufacturer’s Institute, which partners with RCCC. She indicated the County would provide the funding, and the City would provide the space for the training. Mr. Edds agreed, and he stated the County committed $100,000, and RCCC will bring the training classes to the community.

Thereupon, Mr. Miller made a motion to adopt a Resolution adopting a Declaration of Interdependence. Mr. Post seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. Mr. Hardin voted NAY (4-1)

RESOLUTION TO ADOPT THE DECLARATION OF INTERDEPENDENCE.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 2, and is known as Resolution 2017-01.)

CD-01-2016-21 – THE ABBEY

Development and Code Services Manager Preston Mitchell addressed Council regarding Conditional District (CD) Overlay CD-01-2016-21 The Abbey. He noted the site is the former home of Sacred Heart Catholic Church and the current home of the Refuge Church who leases space from the property owner. He added the property is located at the corner of North Fulton, West Council, and North Ellis Streets. He indicated the site is one parcel, approximately 1.5 acres, and will operate as The Abbey, a commercial wedding venue.
Mr. Mitchell explained the property was rezoned from Urban Residential (UR) to Residential Mixed-Use (RMX) to allow a commercial wedding venue. He noted the request before Council seeks to amend conditions on The Abbey to allow religious institutional use in the support services building. He indicated the current agreement allows use of the support services building from 8:00 a.m. until 6:00 p.m. Monday through Saturday, and from 9:00 a.m. until 6:00 p.m. on Sunday.

Mr. Mitchell explained the petitioners, Lori and Mike Diefenbach, signed a lease with the Refuge Church to keep the church on the campus. He added the Refuge Church is continuing to operate as it did before the building was purchased by the Diefenbachs. He pointed out activity is taking place in the support services building after 6:00 p.m., and the petitioner is requesting an amendment to the CD Overlay. He commented the Planning Board considered the request at its November 22, 2016 meeting and recommended approval, noting that the property has not ceased operating as religious institution, and the use is consistent with what has been on site for many years.

Councilmember Hardin noted in the initial petition the Refuge Church was to vacate the premises, but it decided to stay. He pointed out if the church remains and weddings are conducted at the facility there would be no time constraints. Mr. Mitchell clarified religious institution is permitted on the site, but the new hours of operation affected the Refuge. Mr. Hardin asked if the hours would change if the church leaves the property. Mr. Mitchell stated the use of religious institution would not be bound by the hours of operation limitations. He explained the Refuge is a church and The Abbey is a commercial wedding venue, and he pointed out if the Refuge Church holds a wedding it would be considered a Refuge function, and the City cannot prohibit the Refuge from holding a wedding.

Mr. Hardin questioned if the petitioner has met the requirements of the original agreement, such as the installation of a fence. Mr. Mitchell noted the agreements mentioned by Mr. Hardin are civil matters and cannot be upheld or enforced by the City. Mr. Hardin asked how many complaints Code Enforcement has received since The Abbey was approved. Mr. Mitchell indicated staff has received less than five complaints.

Mayor Pro Tem Blackwell asked if the City has a precedent for split hours of operation. Mr. Mitchell stated he could not think of another case, and he pointed out hours of operation limitations are rare and are mostly used for bars and pool halls.

Councilmember Post clarified the petitioner is requesting unlimited hours when the Refuge Church is using the property. Mr. Mitchell explained a religious institution has requested to have no limitations on its hours.

Ms. Blackwell commented the situation is messy, and she asked if there is a standard planning practice that covers it. Mr. Mitchell noted the situation is unique to the site, but from a planning perspective the use promotes good planning and adaptive reuse. He commented the use is close to the building’s original intent.
Ms. Blackwell asked if the decision can be rescinded if the amendment is approved and the City receives and verifies complaints that the uses are being blurred to exploit hours of operation. Mr. Mitchell agreed.

Councilmember Miller referred to the Council Committee that studied The Abbey and pointed out the 6:00 p.m. hour of limitation for support services was put in place to protect the neighborhood from retail uses. He added there was never any intent to limit religious use, but to keep retail traffic from infringing into the neighborhood.

Mr. Post stated it took a considerable amount of effort to bring the parties together. Mr. Miller noted the neighbors were concerned about noise decibel levels. Mr. Mitchell explained the Police Department monitors noise decibel levels and investigates complaints.

Ms. Blackwell asked if the complaints stemmed from kids playing basketball at the facility. She questioned why kids playing basketball would not fall under the garden patio operated until 9:00 p.m. Mr. Mitchell clarified the kids were playing basketball in the parking lot.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding CD-01-2016-21.

Mr. Pete Bogle, 100 West Innes Street, referenced Minutes from the March 2016 Planning Board meeting, and he noted the intent was to allow the Refuge or another church to co-use the site. He explained when the complaints were received it was determined that the religious institution also had limited hours, which was never the intent. He pointed out church use has been allowed on the site since the early 1900s. He clarified weddings would have to follow all hours of operation regardless of who holds them. He added the limitations and agreements would be in effect for the petitioner, but the proposed change would allow a church to operate with unlimited hours. He stated the petitioner has worked to make The Abbey a good fit for the community.

Mr. Billy Rollins, Pastor of the Refuge Church, explained middle and high school youth meet in the support services center on Wednesday nights, and they play games in the parking lot. He added he has served the Refuge Church for two years at its current location and never experienced any complaints. He pointed out area youth also use the basketball court. He explained Wednesday services start at 6:30 p.m. and usually conclude at 8:30 p.m. He indicated complaints were made on several of the Wednesday nights when the church did not use the facility. He asked Council to support the amendment which would allow the Refuge Church to continue its Wednesday night services.

Mr. Post clarified that complaints were received when church members were not at the location. Mr. Rollins noted the complaints were about noise, but the church was not at that location on one of those weeks. Mr. Post asked for clarification regarding the complaints. Mr. Mitchell noted the complaints staff received were for hours of operation violations. Mr. Post clarified on Wednesday nights the Refuge is at the support services building until approximately 8:30 p.m. Mr. Rollins agreed, and he indicated unless the church has a special event the support services building is only used on Wednesday nights from 6:30 p.m. until 8:30 p.m. Mr. Post asked how
many special events take place during the year. Mr. Rollins noted no special events are planned at this time, and he noted most events take place on Wednesday night.

Ms. Susan Carlton, 118 North Fulton Street, stated her family has lived next door to the facility for 90 years, but it is now a commercial property. She pointed out the owners of The Abbey agreed to restrictions, and are now asking for religious use with no limitations. She commented renting the facility to a religious institution blurs the lines between a for-profit business and a religious institution. She asked Council to deny the request.

Mr. Graham Carlton, 118 North Fulton Street, explained religious use is allowed on the property with restricted hours. He pointed out allowing unlimited religious use and restricted commercial use on the same property creates Code Enforcement issues. He added he was promised $2,000 toward construction of a fence to be built between his property and The Abbey, but he has not received the payment. He pointed out construction work has taken place after hours, and use of the old school after hours violates City Ordinance. He stated the project was approved with restrictions, and he commented this is an attempt to get back what the petitioner gave up.

Mr. Fred Schmidt, 116 Grove Avenue Northwest, Concord indicated he moved from his former home after the rezoning was approved. He added Council should listen to what the neighbors are saying or more residents could move from the area. He questioned why unlimited hours are needed for religious purposes if the church would only need additional hours on Wednesday nights. He commented extended hours should be limited to one night per week.

Ms. Lori Diefenbach, 1525 Flowerfield Drive, Concord indicated when her family proposed purchase of The Abbey it planned for use of the property as a religious institution. She referenced a letter of introduction she sent to Council which indicated the Refuge Church would be welcome as long as possible, and when the Refuge decided to leave the facility would be offered to another church. She commented she did not realize the church was viewed as a business arrangement and held to the support services hours.

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

Mr. Post noted he is concerned about the Code Enforcement violations, and he pointed out the petitioner did not ask before using the facility after hours. He added asking the City to police two different uses on the same property is nearly impossible. He pointed out youth services are critical to the community and family life, and it is difficult to refuse a church. He suggested sending the item back to a Council Committee. He pointed out the Refuge Church has a two-year lease, but whatever Council decides stays with the property.

Mr. Miller stated the hours of operation are for the building and not for the basketball court that is located in the parking lot. Mr. Mitchell agreed. Mr. Miller noted the issue is for the use of the building after 6:00 p.m. and the noise decibel level. Mr. Mitchell clarified the request is for no limitation on hours of operation for a religious institution and that it be allowed in any building on site. He explained there is a difference between hours of operation when a facility is open to the public and hours of private use. He indicated only hours of public operation are being addressed in the petition.
Mr. Miller agreed with Mr. Post that it would be wise to reconvene the Council Committee and bring a recommendation back to Council.

Thereupon, Mr. Post made a motion that the special Committee created last spring to deal with CD-01-2016-21 be reconvened to address the current issues brought to Council by both parties. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post and Mses. Alexander and Blackwell voted AYE. (5-0).

City Clerk Myra Heard asked citizens interested in attending the Committee meetings to contact her office at (704) 638-5224.

PUBLIC COMMENTS

Mayor Alexander opened the floor to receive public comments.

Ms. Dee Dee Wright, 418 South Caldwell Street, addressed Council regarding the Declaration of Interdependence. She stated she does not see conflict among the other towns and municipalities, and she noted things in the City have remained stagnant. She pointed out the Manufacturer’s Institute training offered through the County was not open to anyone with a criminal record. She commented jobs are the most important issue facing the City, and she added Council must work together to create jobs for its citizens.

Ms. Carolyn Logan, noted the violence continues in the City, and she added people do not feel safe after dark. She commented she is not requesting anything for herself, but for elderly citizens, children, and innocent people who do not feel safe in their neighborhoods. She noted a Boys and Girls Club could point youth to a way besides gang life.

Councilmember Hardin stated he is working to bring a Boys and Girls Club to the City.

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

LAND DEVELOPMENT DISTRICT MAP AMENDMENTS Z-05-2016 AND Z-06-2016

Development and Code Services Manager Preston Mitchell explained the item before Council contains two separate cases that were combined due to their close proximity. He noted Z-05-2016 contains three vacant parcels located on Grove Street that were initially requested to be rezoned from Urban Residential (UR) to Hospital Services (HS). He indicated Z-06-2016 contains two parcels, the Harrison Florist site and its adjacent parking lot, and the request is to rezone the property from General Residential (GR) to HS.

Mr. Mitchell stated the Planning Board sent the items to a Committee who recommended Residential Mixed-Use (RMX) because it is less invasive than HS. He added the Committee also recommended including four additional properties to clean up the zoning for the entire block and allow future growth and development near the hospital.
Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding Z-05-2016 and Z-06-2016.

Mr. David Harrison, Harrison’s Florist, stated the rezoning is a development opportunity for the medical community that could bring jobs to the area. He asked Council to support the rezoning request.

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

Mr. Mitchell clarified RMX zoning is intended for professional and medical services, and is not limited to medical services only.

Councilmember Miller commented a parking lot in the area could lead to deterioration in the surrounding neighborhood. He asked if the Planning Board discussed parking lot use. Mr. Mitchell noted the Planning Board did not discuss use of a parking lot. Mr. Miller added he would have preferred a Conditional District (CD) Overlay that removed the parking lot use.

Councilmember Post noted medical use in the area is inevitable, but he would prefer not to have a parking lot. He asked if Mr. Miller was recommending the item be sent back to the Planning Board. Mr. Miller stated he was not requesting the item be sent back to Planning Board, and he wanted to note his concern about the possibility of a parking lot in the area.

Mr. Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, as requested, is reasonable, in the public interest, and consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan for the following reasons:

1. The downward spiral effect is slowing affecting residential properties in the immediate area due to rental conversion followed by lack of maintenance leading to recent demolition and code enforcement actions, and
2. That when the downward spiral effect becomes pervasive, Residential Policy N-11 supports the careful transition of neighborhood edge properties along a thoroughfare to appropriately-scaled, accessed and designed transitional office, commercial and higher density housing.

Thereupon, Mr. Post made a motion to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, rezoning eight properties in Fair View Subdivision: 1012 and unnumbered Holmes Avenue from General Residential-6 District to Residential Mixed-Use District; 514, 522 and unnumbered Grove Street from Urban Residential-8 District to Residential Mixed-Use District; 528 Grove Street from Hospital Services District to Residential Mixed-Use District; and 1015 and 1019 Highland Avenue from Hospital Services District to Residential Mixed-Use District. Ms. Blackwell seconded the motion.

Mr. Miller stated he would have preferred the item come before Council without the use of a parking lot, but he noted the risk of a parking lot in the area is small.
ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING EIGHT PROPERTIES IN FAIR VIEW SUBDIVISION: 1012 AND UNNUMBERED HOLMES AVENUE FROM GENERAL RESIDENTIAL-6 DISTRICT TO RESIDENTIAL MIXED-USE DISTRICT; 514, 522 AND UNNUMBERED GROVE STREET FROM URBAN RESIDENTIAL-8 DISTRICT TO RESIDENTIAL MIXED-USE DISTRICT; 528 GROVE STREET FROM HOSPITAL SERVICES DISTRICT TO RESIDENTIAL MIXED-USE DISTRICT; AND 1015 AND 1019 HIGHLAND AVENUE FROM HOSPITAL SERVICES DISTRICT TO RESIDENTIAL MIXED-USE DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 3-4, and is known as Ordinance 2017-03.)

RECESS

Thereupon, Ms. Blackwell made a motion to take a recess until 7:30 p.m. Mr. Miller seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Thereupon, Ms. Blackwell made a motion to reconvene the meeting at 7:32 p.m. Mr. Miller seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT Z-04-2016 - 1614 STANDISH STREET

Development and Code Services Manager Preston Mitchell addressed Council regarding Land Development District Map Amendment Z-04-2016, Zion Hills Apartments, located at 1614 Standish Street. He noted the request is to rezone one parcel from Urban Residential (UR-12) to Residential Mixed-Use (RMX). He explained RMX is a transitional zoning that permits multi-family housing units.

Mr. Mitchell stated the property owner is planning to rehabilitate the Zions Hills Apartments and construct a community building. He explained the rehabilitation and construction are non-conforming to the current zoning, and the rezoning request would clean up the zoning inconsistency. He noted at its December 8, 2016 meeting Planning Board voted unanimously to recommend approval.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding Z-04-2016.
Reverend Carolyn Bratton, Pastor of Moore’s Chapel AME Zion Church, explained Zion Hills Apartments are owned by Soldier's Memorial and Moore’s Chapel AME Zion Churches. She stated both Church boards support the request, and she asked Council to approve the rezoning.

Mr. Scott Neely, 866 Hinkle Road, Statesville noted he is the project developer. He stated the $3 million investment will include interior and exterior renovations and a community building.

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

Ms. Blackwell stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein, as requested, is reasonable, in the public interest, and not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan because according to the proposed petition, geographic location, surrounding development pattern, and observations provided by city planning staff, there are no policies directly related to the petition. Thereupon Ms. Blackwell made a motion to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, rezoning one parcel at 1614 Standish Street (Zion Hills Apartments) from Urban Residential-12 District to Residential Mixed-Use District. Mr. Miller seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL AT 1614 STANDISH STREET (ZION HILLS APARTMENTS) FROM URBAN RESIDENTIAL-12 DISTRICT TO RESIDENTIAL MIXED-USE DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 5, and is known as Ordinance 2017-04.)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT Z-07-2016 – 1918 WEST INNES STREET

Development and Code Services Manager Preston Mitchell addressed Council regarding Land Development District Map Amendment, Z-07-2016, located at 1918 West Innes Street. He explained the property is at the intersection of Lilly Avenue and West Innes Street. He reviewed the area zoning and overlays.

Mr. Mitchell stated the request is to rezone the property from Corridor Mixed-Use (CMX) to Institutional Campus (IC) and eliminate the General Development Overlay. He explained the property is currently used by Catawba College for student housing. He pointed out the property is operating under a Temporary Use Permit that was issued for the school year. He noted the rezoning request would make the use permanent. He stated the Planning Board held a courtesy hearing and voted 6-3 to approve the request.

Councilmember Post pointed out he owns property adjacent to 1918 West Innes Street. He asked if he needed to be recused. City Attorney Rivers Lawther explained if the value of Mr. Post’s property could increase or decrease based on the decision it could be perceived as a
pecuniary interest.

Thereupon, Ms. Blackwell made a **motion** to recuse Mr. Post from the issue. Mr. Miller seconded the motion. Messrs. Hardin and Miller, and Mses. Alexander and Blackwell voted **AYE**. (4-0)

Councilmember Miller asked if there was any concern that the use was not contiguous to other IC uses. Mr. Mitchell responded not from a planning perspective.

Mayor Pro Tem Blackwell asked if the property is privately owned. Mr. Mitchell agreed. Ms. Blackwell questioned how a college dorm could be privately owned. Mr. Mitchell explained the property is owned by a third party and operated under a Temporary Use Permit. He added if the property is not rezoned the Temporary Use Permit could be revoked.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding Z-07-2016.

Ms. Ann Brownlee stated Catawba College has disrespected the neighborhood’s way of life. She presented a power pointed that listed specific examples of rezoning and parking discrepancies by the College. She asked Council to deny the rezoning request.

Ms. Gwen Matthews, Lantz Avenue, noted college students and residents live side by side, but there are blurred areas. She explained the neighborhood is modest and diverse. She added it is important to find a median, and she noted students must be held accountable for their actions in the neighborhood. She commented she does not want the beauty of the neighborhood to be lost in the college growth.

Ms. Frannie Taylor, Project Administrator Catawba College, noted she supports the rezoning request. She stated the property is owned by the Catawba Foundation, and the intent is to support the College’s growth by providing living arrangement for students. She noted the property is leased through the College Foundation. She added the facility is occupied by upper classmen and includes three rooms for students with special needs. She commented most of the other homes owned by the College are employee-occupied. She asked Council to approve the request.

Ms. Angie Crane, 2112 Brenner Avenue, commented she is against the rezoning request. She asked Council to let the Temporary Use Permit expire. She pointed out the Temporary Use Permit was issued as part of a master rezoning plan that never came forward. She added the neighbors want to protect their neighborhood. She indicated the property is on one-fourth of an acre, and the Land Development Ordinance (LDO) Section 2.4 states all structures must have a minimum campus size of five acres. She added Council’s decision could set precedent for future rezoning.

There being no one else to address Council, Mayor Alexander closed the public hearing.
Councilmember Hardin asked if the property would be considered a satellite campus. Mr. Mitchell noted the parcel is not considered a satellite campus because it is part of the Catawba College campus. He noted the Register of Deeds indicates a property owner other than the Catawba Foundation. He added staff finds the rezoning request to be permissive.

Mr. Hardin noted a speaker alluded that there are other College buildings not in compliance with City Code. Mr. Mitchell explained there is a long history between the College and neighborhood and remedying those issues are part of the large-scale rezoning. He added Catawba College has been charged with the rezoning, but has not completed it. He pointed out the large-scale rezoning is not included in today’s discussion. He explained the College has properties that are not consistent with surrounding zoning, but Council is only considering the property at 1918 West Innes Street today.

Councilmember Miller commented if the Planning Board began the discussion it might urge the College to proceed with the rezoning. He suggested the Planning Board consider the issue.

Ms. Taylor stated she is working to get the rezoning application submitted within 45 days, and it should be submitted by mid-February.

Mr. Miller noted he does not have an issue with the location of the site because of its proximity to a major intersection and existing development. He explained if the parcel were located in the interior of the neighborhood he would feel differently. He pointed out expansion of student housing must happen for the College to grow. He added he supports the request, but he also supports Planning Board taking up the rezoning issue.

Mayor Pro Tem Blackwell referenced two neighborhood meetings that took place last spring. She encouraged Code Enforcement to follow-up and take action regarding code violations.

Ms. Blackwell referenced the IC requirement of five acres and a 50 foot setback on campus, and she asked if the parcel before Council should be five acres. Mr. Mitchell noted it is permissive to allow a satellite parcel to be zoned IC when it is owned and or operated by the adjoining campus. Ms. Blackwell asked about the 50-foot setback. Mr. Mitchell explained a new building would be required to have setbacks, but setbacks are not required for existing structures.

Mayor Alexander asked if the new zoning would be considered less intensive than the current commercial use. Mr. Miller explained the rezoning eliminates some business uses, but adds residential uses that could impact the neighborhood. Mr. Mitchell explained CMX is the most permissive zone in the LDO, and he commented rezoning to IC is considered a down zoning.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein, as requested, is reasonable, in the public interest, and consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive
Plan for the following: Residential policies (N-11 and N-19) support the careful transition of neighborhood edge properties along a thoroughfare to appropriately-scaled, accessed, and designed transitional office, commercial, and higher density housing. Thereupon, Mr. Miller made a motion to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, rezoning one parcel at 1918 West Innes Street from Corridor Mixed-Use District to Institutional Campus District, including removal of an existing General Development-A Overlay. Mr. Hardin seconded the motion. Messrs. Hardin and Miller, and Mses. Alexander and Blackwell voted AYE. (4-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL AT 1918 WEST INNES STREET FROM CORRIDOR MIXED-USE DISTRICT TO INSTITUTIONAL CAMPUS DISTRICT, INCLUDING REMOVAL OF AN EXISTING GENERAL DEVELOPMENT-A OVERLAY.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 6, and is known as Ordinance 2017-05.)

Mr. Miller requested the Planning Board take up the larger rezoning request in the first quarter of 2017.

Mayor Alexander noted Council would appreciate Catawba College keeping the schedule proposed by Ms. Taylor.

LAND DEVELOPMENT DISTRICT MAP AMENDMENT Z-03-2016 – TOWN CREEK

Development and Code Services Manager Preston Mitchell noted the City is the rezoning petitioner for Land Development District Map Amendment Z-03-2016. He stated the rezoning includes six parcels located along Vance Avenue. He explained the City swapped property with Habitat for Humanity to obtain land that is contiguous with the Sports Complex.

Mr. Mitchell indicated the request is to rezone environmentally-sensitive, flood-encumbered land on the south side of Town Creek that is owned by the City and Cone Mills, LLC to create an open space preserve. He indicated the area is currently zoned Corridor Mixed-Use (CMX) and Urban Residential (UR), and he pointed out staff recommends rezoning the area to Open Space Preservation (OSP) which matches the zoning for the Sports Complex. He noted Planning Board considered the case on November 8, 2016 and recommended unanimous approval.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding Z-03-2016.

Councilmember Miller asked if there is an opportunity to expand the Greenway through this area. Parks and Recreation Director Nick Aceves agreed, and he noted staff is considering Greenway and small trail expansion throughout the area. He indicated the closest leg of the Greenway is on Ryan Street near Town Creek Park.
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 rezone the property as described herein, as requested, is reasonable, in the public interest, and consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan for the following:

1. Policy P-2: The City shall continue to develop a system of open space greenways and hiking trails to connect residential areas with, especially, schools, colleges, and park facilities. The use of (1) natural corridors such as streams and floodplains, and (2) man-made corridors such as utility and transportation rights-of-way and easements, shall be emphasized; and
2. The Environmental Quality Vision Statement establishes a policy of cleaner air and water through the reduction of airborne and waterborne pollution.

Thereupon, Mr. Miller made a motion to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, rezoning six properties in the area of the Salisbury Sports Complex adjacent to Town Creek:: Three unnumbered parcels at the terminus of Vance Avenue from Corridor Mixed-Use District to Open Space Preserve District; and 1231 Celebration Drive, 705 Ryan Street, and unnumbered Ryan Street from Urban Residential-8 District to Open Space Preserve District. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING SIX PROPERTIES IN THE AREA OF THE SALISBURY SPORTS COMPLEX ADJACENT TO TOWN CREEK: THREE UNNUMBERED PARCELS AT THE TERMINUS OF VANCE AVENUE FROM CORRIDOR MIXED-USE DISTRICT TO OPEN SPACE PRESERVE DISTRICT; AND 1231 CELEBRATION DRIVE, 705 RYAN STREET, AND UNNUMBERED RYAN STREET FROM URBAN RESIDENTIAL-8 DISTRICT TO OPEN SPACE PRESERVE DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 7-8, and is known as Ordinance 2017-06.)

BOARDS AND COMMISSIONS

Community Appearance Commission

Mayor Pro Tem Blackwell noted many of the City’s Boards and Commissions have members whose terms expire on March 31, 2017. She explained many times Council will waive the two-term limit when a board member’s first tenure filled an unexpired term. She asked Council to consider waiving the two-term limit for Ms. Shelley Harper Palmer to allow her to serve on the Community Appearance Commission.
Upon a motion by Ms. Blackwell, seconded by Mr. Miller, and with Messrs. Hardin and Post and Ms. Alexander voting AYE, the following reappointment was made to the Community Appearance Commission:

Ms. Shelley Harper Palmer Term Expires 3/31/20

CITY MANAGER’S COMMENTS

(a) Council Retreat

City Manager Lane Bailey noted Retreat dates will soon be presented for Council’s consideration. He explained he is waiting to hear from CTC Technologies, the firm that is assisting with Fibrant. He added he spoke to Mayor Alexander about focusing on Fibrant during the Retreat, and he noted CTC should have some suggestions by late January or early February. He indicated Mayor Alexander also suggested focusing on crime and public safety during the Retreat.

(b) Annual Audit

City Manager Lane Bailey noted Council will be sent a copy of the audit tomorrow, which will give Council two weeks to review the information. He noted he and Finance Director Teresa Harris will be available to answer any questions Council may have.

MAYOR’S ANNOUNCEMENTS

(a) Dr. Martin Luther King, Jr. Birthday Celebration

Mayor Alexander announced the W.G. "Bill" Hefner V.A. Medical Center will host a celebration of Dr. Martin Luther King, Jr.’s birthday Friday, January 13, 2017 at 1:00 p.m. The celebration will be held in the Social Room, Building 6 at the Hefner V.A. Medical Center located at 1601 Brenner Avenue.

(b) Dr. Martin Luther King, Jr. Parade

Mayor Alexander announced the Dr. Martin Luther King, Jr. Parade will be held Saturday, January 14, 2017. The parade will begin in downtown Salisbury at 11:00 a.m. at the corner of Liberty Street and North Main Street and will end at the Civic Center, located at 315 South Martin Luther King, Jr. Avenue. Following the parade, activities celebrating Dr. King will be held from 12:30 p.m. until 2:30 p.m. at the Civic Center.

(c) Dr. Martin Luther King Humanitarian Awards

Mayor Alexander announced Mt. Zion Missionary Baptist Church will host the annual Humanitarian Awards Sunday, January 15, 2017 at 3:00 p.m. The Awards will be held at Mt. Zion Missionary Baptist Church located at 1920 Shirley Avenue.
(d) **Dr. Martin Luther King, Jr. Breakfast**

Mayor Alexander announced the Salisbury-Rowan Human Relations Council will host the Dr. Martin Luther King, Jr. Breakfast, Monday, January 16, 2017 at 7:00 a.m. The Breakfast will be held at the J.F. Hurley YMCA, 828 Jake Alexander Boulevard. Tickets are $10.00. To purchase tickets or for additional information please call 704-638-5217.

(e) **Elizabeth Duncan Koontz Awards**

Mayor Alexander announced the Human Relations Council is accepting nominations for the Elizabeth Duncan Koontz award which recognizes people from the community who have made important contributions to improving human relations in the areas of education, employment, housing, industry, business, civic, church, and community service. To submit a nomination visit [www.salisburync.gov/EDKnomination](http://www.salisburync.gov/EDKnomination). The deadline for nominations is January 12, 2017.

(f) **Father/Daughter Dance**

Mayor Alexander announced Parks and Recreation will host the 21st Annual Father/Daughter Dance for girls ages 4 to 13 and their fathers on Saturday, February 4, 2017 from 6:00 p.m. until 9:00 p.m. at the Civic Center. There will be entertainment, dancing, snacks, games and door prizes. Tickets are limited to the first 325 and must be purchased in advance. Tickets are $10 and can be purchased at any of the four recreation facilities. For more information please call 704-216-PLAY.

(g) **Dr. Martin Luther King, Jr Memorial Ceremony**

Mayor Alexander announced the Dr. Martin Luther King, Jr. Memorial Ceremony will be held Monday, January 16, 2017 at 9:30 a.m. at the Oak Grove – Freedman’s Cemetery located at the corner of West Liberty Street and North Church Street.

**COUNCIL’S ANNOUNCEMENTS**

(a) **Council Committee Meetings**

Councilmember Miller announced the Special Event Ordinance Committee meeting scheduled for December was postponed. He commented The Abbey Council Committee also needs to schedule a meeting.

By consensus, Council agreed that the Council Committee regarding The Abbey will meet January 11, 2017 at 5:15 p.m. at the One Stop Shop, and the Special Event Ordinance Committee will tentatively meet January 18, 2017 at 4:00 p.m.
CLOSED SESSION

Mayor Alexander asked for a motion to go into closed session concerning economic development matters as allowed by NCGS 143-318.11(a)(4) and to consult with an attorney as allowed by NCGS 143-318.11(a)(3).

Thereupon, Mr. Miller made a motion to go into closed session concerning economic development matters as allowed by NCGS 143-318.11(a)(4) and to consult with an attorney as allowed by NCGS 143-318.11(a)(3). Mr. Post seconded the motion. Messrs. Hardin, Miller and Post and Mses. Alexander and Blackwell voted AYE. (5-0)

RETURN TO OPEN SESSION

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

Mayor Alexander noted no action was taken during closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Miller seconded by Mr. Post. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:25 p.m.

Karen Kirks Alexander, Mayor

Myra B. Heard, City Clerk