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 Diane Gilmore, 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.

RECOGNITION – LIVINGSTONE COLLEGE INTERNATIONAL STUDENTS

Mayor Alexander recognized international students visiting from India. She explained the guest students are part of an exchange program at Livingstone College. She directed visiting students to approach the dais to formally meet Council.
Dr. Earl Brown stated the seven students represent an international relationship between Livingstone College and Invertis University located in India. He explained the students from India will complete a semester at Livingstone College, and he noted five students from Livingstone College are currently attending Invertis University. He informed Council Livingstone College currently has students from Liberia, Bahamas, Angola, Uganda and Nigeria. He thanked Council for allowing the students to visit City Hall.

Mayor Alexander welcomed the students to the City.

PROCLAMATION

Mayor to proclaim the following observances:

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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<tbody>
<tr>
<td>INDIAN/NATIVE AMERICAN RECOGNITION MONTH</td>
<td>November 2017</td>
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<td>NAACP BANQUET DAY</td>
<td>November 04, 2017</td>
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<td>NATIONAL SURVIVORS OF SUICIDE DAY</td>
<td>November 18, 2017</td>
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<td>SMALL BUSINESS SATURDAY</td>
<td>November 25, 2017</td>
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CONSENT AGENDA

(a) Temporary Road Closure

Adopt an Ordinance declaring a temporary road closure for South Main Street between Franklin and Monroe Streets Friday, December 8, 2017 from 7:00 p.m. until 8:30 p.m. for the Salisbury Fire Department 200th Celebration Parade.

ORDINANCE DECLARING A TEMPORARY ROAD CLOSURE THE SALISBURY FIRE DEPARTMENT 200TH CELEBRATION PARADE.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 186, and is known as Ordinance 2017-62.)

(b) Right-of-Way Permits

Approve right-of-way permits for three parking spaces located adjacent to North Church Street, to close the sidewalk and outside travel lane for the entire length of the 200 block of West Innes Street for a minimum of two weeks in accordance with Section 22-50 of the City Code until December 5, 2017.

(c) Resolution – Federal Historic Preservation Tax Credit Program

Adopt a Resolution of support for the Federal Historic Preservation Tax Credit Program.
RESOLUTION TO SUPPORT THE FEDERAL HISTORIC PRESERVATION TAX CREDIT PROGRAM.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 17, and is known as Resolution 2017-14.)

(d) Budget Ordinance Amendment – Miller Center Teen Center Program

Adopt a Budget Ordinance Amendment to the FY2017-2018 budget in the amount of $50,000 to appropriate a donation from The Blanche and Julian Robertson Family Foundation to Parks and Recreation.

ORDINANCE AMENDING THE 2017-2018 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A DONATION FOR THE MILLER CENTER TEEN CENTER PROGRAM.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 187, and is known as Ordinance 2017-63)

(e) S-02-15 – Gables at Kepley Farms

Approve final subdivision plat S-02-15 for the Gables at Kepley Farms, Phase 3B, and accept Pepperstone Drive for City maintenance, and adopt an Ordinance to establish the conditions and begin the one year warranty period.

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

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 188, and is known as Ordinance 2017-64)

(f) Sidewalks – Old Concord Road

Authorize the City Manager to enter into a locally administered agreement with the North Carolina Department of Transportation (NCDOT) for construction of sidewalks on Old Concord Road from Ryan Street to Jake Alexander Boulevard.

Thereupon, Mr. Miller made a motion to adopt the Consent Agenda as presented. Mr. Post seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)
City Manager Lane Bailey addressed Council regarding a second reading of Land Development Ordinance (LDO) and Land Development District Map Amendment CD-02-2017 to rezone 150, 154, 156, and a portion of 160 Mahaley Avenue from General Residential (GR) to Residential Mixed-Use (RMX) and establish a new Conditional District (CD) Overlay to permit the development of a new Fire Station 3.

Mr. Bailey noted this is the third time this item has been discussed. He indicated the first time it was reviewed, Councilmember Post recused himself and Council voted 3 to 1 to adopt the Ordinance. He stated the Ordinance required four votes to pass on its first reading, and before the second reading the property owner requested a portion of the property be removed from the rezoning request. He added the change did not affect the proposed fire station. Mr. Bailey noted the change resulted in a new Ordinance being considered that would need four votes to pass on its first reading. He indicated Mr. Post abstained from voting when the revised Ordinance was voted on at the last Council meeting. Mr. Bailey stated staff reviewed this situation with the University of North Carolina School of Government and determined there was a recent revision in the law so that in most situations an abstention counts as an affirmative vote, except in this one situation. He added a simple majority of three votes on the second reading would be required for the Ordinance to pass.

Councilmember Hardin asked if an additional public hearing or an extension of discussion was needed. Mr. Bailey explained an additional public hearing was not required and noted there was considerable input received from the public. Mr. Hardin stated he was uncomfortable voting and recommended the item be tabled.

Mr. Bailey explained that no changes were made to the original intent of the first Ordinance presented to Council and the only changes included were those requested by the neighbors and the removal of a piece of property by the property owner.

Mr. Post reviewed his reasoning for his prior recusal and commented on statements made during prior presentations regarding the impact on property values for the surrounding properties. He explained he believes there should be expert testimony in the record regarding how the value of surrounding properties will be impacted before he could support the Ordinance.

Thereupon, Mr. Hardin made a motion to table the item for further discussion and to ensure proper procedure. Mr. Post seconded the motion.

Councilmember Miller asked Mr. Bailey if proper procedures were followed. Mr. Bailey indicated that proper procedures have been followed.

Mr. Post stated North Carolina General Statues require Council to receive a two day notice of an Ordinance before it is considered. City Attorney Rivers Lawther indicated he is unaware of any type of requirement.
Mr. Lawther explained that the public hearing Council undertakes the merits of a rezoning case, and they have the ability to legally make changes. Mr. Lawther explained when the Ordinance was initially presented to Council there were not enough votes to pass the Ordinance on its first reading. He noted when it came back with the reduced zoning it was then treated as a different Ordinance, but the public hearing requirements had been met.

Mr. Miller clarified that the changes to the plan were made by the property owner and took place between the two Council meetings. He added that the changes had no connection to the fire station site plan and zoning which remained the same.

Development and Code Services Manager Preston Mitchell addressed Mr. Post’s concern regarding the Ordinance needing an additional public hearing. He clarified that the property owner requested to reduce the amount of property under the CD Overlay which required a revision to the Ordinance. He explained if the request had been to expand the CD Overlay it would have required an additional public hearing.

Mr. Bailey stated in the fall of 2016 Council introduced plans for a new Fire Station 3, and it was announced to the public. He noted Architect Bill Burgin was contracted to help identify the best site and help keep the purchase price of the property low. He explained the Mahaley Avenue area will continue to redevelop, and a fire station will benefit this area.

Mayor Alexander called for the motion. Thereupon, Mr. Hardin made a motion to table this item. Mr. Post seconded the motion. Messrs. Hardin and Post voted AYE and Mr. Miller and Mses. Alexander and Blackwell voted NAY. (2-3)

Mayor Alexander stated the motion failed.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein by establishing a Conditional District Overlay is reasonable, in the public interest and consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan as it relates to promoting safe neighborhoods, supporting a compact urban design, provides for more efficient services, and the architecture and design of the site are a pleasant addition to the neighborhood and City. Thereupon, Mr. Miller made a motion to adopt an Ordinance amending the Land Development Ordinance and Land Development District Map of the City of Salisbury, North Carolina rezoning three parcels at 150, 154, 156, and a portion of 160 Mahaley Avenue to Residential Mixed-Use District and establishing a Conditional District Overlay to all of 150, 154, 156 and a portion of 160 Mahaley Avenue to permit the development of a new Fire Station 3 with the conditions noted. Ms. Blackwell seconded the motion.

Mr. Post stated he recognizes the need for the fire station and noted his concern regards the lack of information on record regarding property values.

Mr. Miller and Mses. Alexander and Blackwell voted AYE. Messrs. Hardin and Post voted NAY. (3-2)
Mayor Alexander clarified the motion passed.

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING THREE PARCELS AT 150, 154, 156, AND A PORTION OF 160 MAHALEY AVENUE TO RESIDENTIAL MIXED-USE DISTRICT AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO ALL OF 150, 154, 156 AND A PORTION OF 160 MAHALEY AVENUE TO PERMIT THE DEVELOPMENT OF A NEW FIRE STATION.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 184-185, and is known as Ordinance 2017-61.)

PUBLIC EVENT COMMITTEE

This item was postponed.

BOARDS AND COMMISSIONS

Human Relations Council

Upon a motion by Mr. Miller, seconded by Mr. Blackwell, and with Messrs. Hardin and Post, and Ms. Alexander voting AYE, the following appointment was made to the Human Relations Advisory Board:

Ms. Dawn Courtney Mason Term Expires 3/31/19

PUBLIC COMMENTS

Mayor Alexander opened the floor to receive public comments.

Ms. Vickie Eddleman thanked Council for proclaiming National Survivors of Suicide Loss Day in the City. She addressed the stigma surrounding suicide which makes it difficult for family members to grieve. She expressed concern regarding the way mental health issues are treated, and she stated her father suffered many years with this illness. She provided contact information to anyone who may be dealing with this disease.

Ms. Dottie Hoy thanked Mayor Pro Tem Blackwell for her service as a member of Council. She thanked Council for tabling the item regrading the Public Event Committee. She stated there had been numerous of hours spent on this topic, and this issue will not go away.
Ms. Sue McHugh thanked Council for their past two years of service. She acknowledged those who worked with Blockwork at the 700 and 800 blocks of North Lee Street. She indicated the transition from this project has been remarkable. She shared her concern regarding the speed limit on North Lee Street, and indicated it should be reduced due to parking and children at play.

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

CITY MANAGER’S COMMENTS

There were no comments.

MAYOR’S ANNOUNCEMENTS

(a) Veterans Ride Free

Mayor Alexander announced all Veterans can ride Salisbury Transit FREE on Veterans Day, Saturday, November 11th. Regular routes operate 9:30 a.m. – 3:20 p.m. and the Weekend Express operates 3:15 p.m. – 11:15 p.m. All buses are equipped to accommodate mobility devices. We thank Veterans and their families for their service. Visit www.salisburync.gov/Transit for detailed information on routes and schedules.

(b) Veterans Day Closing

Mayor Alexander announced City Office Buildings will be closed Friday, November 10, 2017 in observance of Veterans Day.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Post seconded by Mr. Hardin. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:49 p.m.

Karen Kirks Alexander, Mayor

Diane Gilmore, City Clerk