

Salisbury, North Carolina
September 17, 2013

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson Jr., Presiding; Council Members Mayor Pro Tem Maggie A. Blackwell, Karen Kirks Alexander, William (Pete) Kennedy, and William Brian Miller; City Manager Doug Paris; 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 meeting was called to order by Mayor Woodson at 4:00 p.m. The invocation was given by Councilmember Alexander.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Woodson welcomed all visitors present.

PROCLAMATION

Mayor to proclaim the following observances:

CONSTITUTION WEEK
FIRE PREVENTION WEEK

September 7-23, 2013
October 6-12, 2013

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of September 3, 2013 and the Special Meeting of September 4, 2013.

(b) Budget Ordinance Amendment – United States Department of Housing and Urban Development

Adopt a Budget **ORDINANCE** Amendment to the FY 2013-2014 budget in the amount of \$67,518 to appropriate grant funds from the United States Department of Housing and Urban Development.

ORDINANCE AMENDING THE 2013-14 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE ADDITIONAL CDBG AND HOME GRANT FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 219, and is known as Ordinance 2013-37)

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

LAND DEVELOPMENT ORDINANCE TEXT AMENDEMNT TA-04-2013 TO AMEND CHAPTER 8, LANDSCAPING

Planning and Development Services Manager Preston Mitchell addressed Council regarding a Tree Canopy Preservation and Enhancement Ordinance. He indicated he provided a detailed presentation at Council's August 20, 2013 meeting, and asked if Council had any questions.

Mr. Mitchell noted staff recently presented the proposed Tree Canopy Preservation and Enhancement Ordinance to the Rowan County Chamber of Commerce, and it was well received.

Mayor Woodson inquired about a provision that would allow staff discretion in allowing a developer to have additional time before replanting is required if development for a site is delayed. He emphasized Council does not want to hinder potential business.

Mr. Mitchell stated allowing too much staff discretion could actually hinder the process. He pointed out the Code must be predictable and fair to gain the confidence of the development community.

Mr. Mitchell explained there are two paths that can be taken if development is delayed. He noted an approved site plan without construction has a two to five year vesting period. He stated once the vesting period ends a developer has six months to replant the site. He noted a developer could have the site plan reapproved and receive an additional two to five year vesting period, but the plan would be subject to current Code requirements.

Mr. Mitchell indicated if the site is cleared and construction begins but stops, staff will meet with the developer to determine future plans. He added staff has the ability to work with the developer on a six-month to one-year basis. He pointed out if construction does not resume, street yard trees will be required.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding TA-04-2013.

Mr. Christopher Queen, 101 Ferncliffe Drive, stated he carries an inhaler when he plays sports due to the poor air quality. He noted he supports anything that will improve the local environment.

Ms. Elaine Spalding, Rowan County Chamber of Commerce President, thanked Mr. Mitchell for his presentation to the Government Affairs Committee, and Councilmember Alexander and Councilmember Miller for attending the meeting. She pointed out the Chamber supports the City's effort to create a business friendly Tree Ordinance. She thanked Council for its willingness to listen to the development community.

Mr. Rodney Queen noted he supports the Tree Ordinance. He indicated Council Committee members had a chance to experience the issues the Tree Board encountered during the development of the Ordinance. He emphasized the proposed changes to the Land Development Ordinance (LDO) are critical to the quality of life for the City's 33,000 residents. He pointed out the City is a non-attainment city which could be a major deterrent to future development. He noted it is important to improve the air quality for future generations, and Council's action will start the process. He thanked Mr. Johnny Safrit, Urban Design Planner Lynn Raker and Landscape Manager Mark Martin for their work on the proposed Tree Ordinance. He encouraged Council to approve it.

Mayor Woodson thanked Mr. Queen for his work on the Tree Board and all he does for the community.

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

Councilmember Alexander stated the proposed Ordinance is a great compromise. She added it is not everything the Tree Board recommended, but it is a great start. She indicated the proposed Ordinance is fair and business friendly while preserving trees and requiring reasonable plant-back. She thanked the community and developers for their input during the process and noted the presentation to the Government Affairs Committee was a success.

Councilmember Miller agreed with Ms. Alexander and noted the Committee spent a great deal of time working on the proposal. He recognized the volunteers who worked to prepare the proposed Ordinance for Council's consideration. He noted the proposed Ordinance is measured and balanced. He added it could require a developer to replant property, but it also provides options to move the project forward. He stated he supports the proposed Ordinance.

Mayor Pro Tem Blackwell stated she also supports the proposed Ordinance.

Councilmember Kennedy noted, as a member of the Tree Board, he feels the proposal is a fair compromise. He thanked everyone who worked on the project and indicated he supports the Tree Ordinance.

Mayor Woodson pointed out he is relieved there is discretion in the proposed Ordinance. He emphasized Council is pro-business and does not want to hinder development.

Ms. Alexander 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 attached to this Ordinance (Appendix A) and underlined or stricken therein, is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Ms. Alexander made a **motion** to adopt an Ordinance amending Chapter 8 (Landscaping) of the Land Development Ordinance of the City of Salisbury, North Carolina, related to the Tree Canopy Preservation and Enhancement. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 8 (LANDSCAPING) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO TREE CANOPY PRESERVATION AND ENHANCEMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page Nos. 220-236, and is known as Ordinance 2013-38)

Mr. Mitchell pointed out the Ordinance is not retroactive and will only apply to new development.

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-05-2013 ROWAN-CABARRUS COMMUNITY COLLEGE

Senior Planner Trey Cleaton addressed Council regarding a request to rezone approximately 100 acres and amend a Conditional District (CD) Overlay to permit the development of a 29,625 square foot addition to Rowan-Cabarrus Community College.

Mr. Cleaton reviewed the CD Overlay:

- Floating Overlay District that exempts specific Land Development Ordinance (LDO) provisions
 - Encourages innovative site and building design
 - Petition and master plan tied to the Zoning Ordinance
 - Conditions may be added
 - Recommended by the Planning Board
 - Adopted by Council
 - Must be agreed-upon by the petitioner

Mr. Cleaton displayed a map of the area and pointed out the location of the proposed addition. He noted the petition includes 100 acres of the Rowan-Cabarrus Community College campus. He explained the CD petition:

- CD overlay amendment:
 - Original CD approval – October 2008
 - First amendment was approved August 2012 to allow development of a fire and emergency training facility
- Request second amendment to the CD overlay to allow
 - Development of a 29,625 square foot addition to existing campus Building 600
 - Campus parking, pedestrian and accessibility improvements
- Current Base Zoning is Institutional Campus (IC)
 - Base zoning to remain
 - Existing uses to remain
 - CD overlay to be amended includes updated site plan, landscaping plan and permitted building materials specific to campus Building 600

Mr. Cleaton referenced the area zoning:

- General Residential (GR) to the east
- Rural Residential (RR) to the south
- Highway Business (HB) and Corridor Mixed-Use (CMX) to the west and north

Mr. Cleaton reviewed the site plan for the project and pointed out additions. He noted parking lot improvements will include 33 additional parking spaces, and Buildings 300 and 500 will receive stairwell improvements.

Mr. Cleaton reviewed the proposed landscaping plan and building elevations. He noted Rowan-Cabarrus Community College is requesting to use additional building materials:

- Aluminum metal panels
- Glass curtain wall and storefront
- Limited use of aluminum metal flashing and coping

Mr. Cleaton indicated the proposed improvements were examined by staff and the Technical Review Committee (TRC). He reviewed the Vision 2020 Comprehensive Plan Policies for Community Character:

- Policy CC-2: Exceptional locations in the City shall receive exceptional treatment in design and development
- College campuses in our community are regarded as culturally and economically significant

Mr. Cleaton noted on August 13, 2013 the Planning Board recommended approval for the Rowan-Cabarrus Community College Building 600 addition with campus parking, pedestrian and accessibility improvements.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding CD-05-2013.

Mr. Jonathan Chamberlain, Rowan-Cabarrus Community College Chief of Facilities, 139 Stratford Place, stated the project will be the second phase of the bond issue approved by Rowan County taxpayers. He pointed out Rowan-Cabarrus Community College is isolated from the City core on the south and east side by Interstate 85. He explained the sidewalk Ordinance requires the installation of sidewalks or payment in-lieu to the sidewalk fund. He added the College is pleased to participate in the sidewalk fund and looks forward to further connectivity to the City core. He thanked Council for its consideration and indicated the College is anxious to begin construction.

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

Councilmember Alexander stated the architect responsible for the building enjoyed working with staff on the project. She pointed out the project is a great example of the LDO allowing high quality 21st Century architecture.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein by amending the Conditional District Overlay is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan, and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 100 acres and amending an existing conditional district overlay to permit the development of a 29,625 square foot building addition; identifying the development documents, identifying permitted uses; identifying the development conditions; providing an effective date; and for other purposes. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING APPROXIMATELY 100 ACRES AND AMENDING AN EXISTING CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 29,625 SQUARE FOOT BUILDING AND ADDITION; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES, IDENTIFYING DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page Nos. 237-240, and is known as Ordinance 2013-39)

FY2012-2013 CONSOLIDATED ANNUAL PLANNING AND EVALUATION REPORT (CAPER)

Community Planning Services Director Janet Gapen addressed Council regarding the 2012-2013 Consolidated Annual Planning and Evaluation Report (CAPER). Ms. Gapen stated the CAPER is a performance report for Community Development Block Grant (CDBG) and HOME program funds the City receives from the United States Housing and Urban Development (HUD) for housing and neighborhood revitalization. She indicated the City works with the Salisbury Community Development Corporation (CDC) to administer these programs to address housing issues.

Ms. Gapen reviewed housing and neighborhood improvements in the following areas:

West End Neighborhood

- 320 Messner Street
 - Purchased and Rehabilitated
 - Currently on the market
- Other activities
 - Owner-occupied rehabilitation to a family below 30 percent median income
- West End Transformation Initiative
 - Plan approved by HUD
 - Will be presented to Council October 2013
 - Civic Park Redevelopment Phase I (existing 72-unit public housing built in the 1950's on Standish Street)
 - Received tax credit financing
 - Construction to begin in the first quarter of 2014
 - 80 new affordable rental units
- Other accomplishments
 - Partnership established to improve the West End Neighborhood
 - Old Wilkesboro Road sidewalk
 - Miller Center computers
 - Miller Center beautification

Jersey City Neighborhood

- Pedestrian improvements at West Cemetery Street and Mocksville Avenue

East End

- 209 North Lee Street
 - Sold January 2013 – Emma’s restaurant
- 300 North Clay Street
 - Purchase and rehabilitation – work write-up phase
- Other activities
 - Emergency rehabilitation to a family below 50 percent median income

Other Areas

- 310 Laura Springs Drive
 - Purchase and rehabilitation
 - Currently on the market
- Westridge Village Phase II
 - 48 affordable rental units
 - Received certificate of occupancy March 2012

Ms. Gapen noted the recipients of CDBG public services activities:

- Rowan Helping Ministries
- Family Crisis Council
- Community Care Clinic
- Salisbury Youth Employment Program
- Salisbury Housing Authority Family Self-Sufficiency Program

Ms. Gapen explained CDC activities support housing and neighborhood revitalization goals:

- Homeownership Counseling:
 - 35 individuals received counseling
 - Classes were held monthly throughout the year excluding December and July:
 - Banking
 - Credit analysis
 - Offer to purchase
 - Applying for a mortgage
 - Home maintenance
 - Purchasing insurance
 - Purchasing your home
 - Budgeting
 - Success stories
 - Question and Answer session

- Foreclosure Prevention Counseling:
 - 133 families brought their mortgage current
 - 19 families received loan modifications
 - 5 entered a debt management plan
 - 4 were referred for legal assistance
 - 166 families received foreclosure prevention/budgeting counseling
 - 114 families received funds from the Mortgage Protection Program that paid their mortgage while they looked for employment
 - Total funds received was \$1,998,053.74
 - 61 families received Reverse Mortgage Counseling prior to obtaining the loan

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding the FY2012-2013 CAPER.

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

Mayor Woodson thanked Ms. Gapen for her presentation.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

This item was postponed.

PUBLIC COMMENTS

Mayor Woodson opened the floor to receive public comment.

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

CITY MANAGER'S COMMENTS

There were no comments.

MAYOR'S ANNOUNCEMENTS

(a) Kids Night Out

Mayor Woodson announced the Rowan County Tourism Development Authority will host Kids' Night Out Friday, September 20, 2013, from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(b) La Fiesta de Rowan 2013

Mayor Woodson announced La Fiesta de Rowan 2013 will be held Saturday, September 28, 2013 from 1:00 p.m. until 7:00 p.m. in the 100 block of Fisher Street. The event is sponsored by the Hispanic Coalition, a sub-committee of the Human Relations Council.

(c) Dan Nicholas Park

Mayor Woodson stated he took his grandson to Dan Nicholas Park and was impressed with all that was offered. He praised the County for having a park that offers inexpensive fun for the entire family.

(d) 911 Call Center

Mayor Woodson indicated he attended the ribbon cutting for the new 911 Call Center along with Mayor Pro Tem Blackwell. He congratulated the County on its new facility.

Mayor Pro Tem Blackwell stated the call center is beautiful and has state-of-the-art technology.

Councilmember Alexander indicated she also toured the call center and noted the facility is impressive.

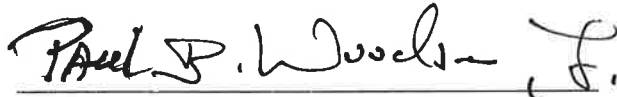
City Manager Doug Paris pointed out the partnership between Council and Rowan County Commissioners for the 911 Call Center will save City taxpayers \$5 million over the next 10 years.

(e) BB&T Sunset Run

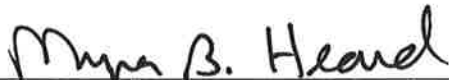
Councilmember Miller announced the BB&T Sunset Run 5K will take place Friday, September 20, 2013 at 7:30 p.m. He indicated proceeds will be given to the local United Way.

ADJOURNMENT

Motion to adjourn the meeting was made by Ms. Blackwell seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:49 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk