

Salisbury, North Carolina
March 7, 2017

REGULAR MEETING

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

ABSENT: Council Member Kenneth Hardin and 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.

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meeting of February 21, 2017.

(b) Budget Ordinance Amendment – Advanced Metering Infrastructure Project

Adopt a Budget Ordinance amendment to the FY2016-2017 budget in the amount of \$2,000,000 to appropriate funds for the Advanced Metering Infrastructure project.

ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE IN THE WATER AND SEWER FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 19, and is known as Ordinance 2017-16.)

(c) Contract – Water Asset Inventory and Assessment Project

Award a contract in the amount of \$121,500 to McGill Associates, P.A. for the Water Asset Inventory and Assessment project.

(d) Contract – Wastewater Asset Inventory and Assessment Project

Award a contract in the amount of \$121,500 to McGill Associates, P.A. for the Wastewater Asset Inventory and Assessment project.

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

UPDATE – SALISBURY POLICE CHIEF

Police Chief Jerry Stokes noted he recently met with District Attorney Brandy Cook, Federal officers, and representatives from the United States Attorney's office, State Bureau of Investigation (SBI), and the Rowan County Sheriff Department to discuss violent crime in the area. He explained a plan was developed to allow Federal resources to assist with investigations and target violent offenders. He added everyone who attended the meeting reaffirmed their willingness to assist the City with violent crimes.

Chief Stokes pointed out an offer has been made for an additional police officer, and he added four background reviews are being conducted. He explained the process for applying to the Salisbury Police Department, and he clarified he makes final employment decisions with input from Police Department Captains.

Chief Stokes announced the Police Department recently launched its Facebook page to provide additional information to the public.

Chief Stokes stated the Police Department began Fair and Impartial Policing training today. He explained the training will provide a scientific based understanding of bias and how it impacts perceptions and behaviors.

Mayor Alexander asked if other agencies would assist the City during a major incident. Chief Stokes explained Federal partners are available to assist in investigations, but they are not a source for quick response. He clarified the Salisbury Police Department will respond first, and it will call on the other agencies for assistance if needed.

Councilmember Miller pointed out the Police Department is working to attract qualified individuals rather than simply fill positions. He noted the goal is to hire long-term police officers who will serve the community well. Chief Stokes agreed.

Mr. Miller thanked Chief Stokes and the police officers for the vital role they play in the community.

TA-01-2017 – HOME OCCUPATIONS

Development and Code Services Manager Preston Mitchell presented an update to Council regarding Chapters 2, 3, and 18 of the Land Development Ordinance (LDO) related to Additional Use Standards and Home Occupations. He explained the majority of changes would clarify language in this section of City Code.

Mr. Mitchell stated the majority of the text amendments address home occupations, and specific uses that can operate as a home-based business. He explained traditionally if a citizen wants to operate a home-based business that meets LDO standards, it has been allowed. He stated citizens who subcontract work have created after-hours traffic issues in neighborhoods. He clarified the property should be a home first, and the home-based business should quietly operate out of the home.

Mayor Pro Tem Blackwell requested clarification regarding neighborhood manufacturing. Mr. Mitchell explained a citizen who makes wreaths may house materials and assemble the wreaths in a garage. He pointed out as the land moves from rural to urban zonings, the allowable uses decrease to uses that are better suited for urbanized areas. He stated the Planning Board and staff worked to address issues where a home business might spill out of the home and impact the neighborhood.

Mr. Miller asked about general contractors in the City who operate a business out of their homes. Mr. Mitchell explained use of the home for business purposes must be limited. He pointed out the paperwork could be conducted from the home, but the subcontractors could not leave their vehicles on the property.

Mayor Alexander asked if the proposal before Council includes delivery restrictions for neighborhood manufacturing. Mr. Mitchell explained neighborhood manufacturing is limited to a small-scale operation that would not allow multi-axle vehicles to make deliveries to the home.

Councilmember Post asked how the proposed changes would affect a property that houses multiple trucks behind a fence. Mr. Mitchell explained citizens would not be able to obtain a home occupation permit for any type of contracting service that involves heavy vehicles being kept at the residence. He clarified heavy vehicles would be allowed if they were personal vehicles that were operational and kept in the rear yard. He stated if someone begins operating a business that involves heavy equipment out of their home, they would be cited based on a Code Enforcement investigation.

Mr. Mitchell clarified home occupation must be incidental to the residential use of the dwelling. He reviewed proposed changes to the Code which includes changing the hours of operation to 8:00 a.m. until 6:00 p.m.

Mr. Post pointed out Rural Residential (RR) and Open Space Preserve (OSP) allow five non-residential employees during operational hours. He asked if there is a limit on the number of vehicles that can be parked on property in RR and OSP zonings. Mr. Mitchell stated there are no limits on the number of cars that can be parked on a property, but he added OSP and RR will be located on larger tracts of land on the edge of the City limits.

Councilmember Miller stated the proposal ensures home businesses do not impact neighborhoods in a negative way.

Mr. Post asked which area created the most discussion during the Planning Board meetings. Mr. Mitchell indicated the Planning Board had detailed discussion regarding allowable uses and how the uses were determined. He explained the uses were taken from the use matrix so the terms are already used in the LDO.

Mr. Post referenced the census, and he stated the City has approximately 2,500 businesses. He asked how many of those businesses are located in homes rather than an off-site location. Mr. Mitchell indicated the number would be a very small amount.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding TA-01-2017.

Ms. Pam Sothe questioned how hours of operation for small businesses would be enforced. Mr. Mitchell explained code enforcement officers and police officers would enforce the proposed Ordinance, and he noted enforcement of home occupation violations are often complaint driven.

Ms. Levonia Cory referenced the operation, and she asked how many days per week a home business is allowed to operate. Mr. Mitchell home stated a business is allowed to operate seven days per week, but it must not negatively impact the surrounding neighborhood.

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

Mr. Post 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, and not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan because according to the proposed amendment, the specific request, and observations provided by City planning staff, there are no policies directly related to the proposal. Thereupon, Mr. Post made a **motion** to adopt an Ordinance amending Chapter 2 (Districts), Chapter 3 (Additional Use Standards), and Chapter 18 (Definitions) of the Land Development Ordinance of the City of Salisbury, North Carolina, related to home occupations and other additional use standards. Ms. Blackwell seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

ORDINANCE AMENDING CHAPTER 2 (DISTRICTS), CHAPTER 3 (ADDITIONAL USE STANDARDS), AND CHAPTER 18 (DEFINITIONS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, RELATED TO HOME OCCUPATIONS AND OTHER ADDITIONAL USE STANDARDS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 20, and is known as Ordinance 2017-17.)

TA-02-2015 – SIGN ORDINANCE

Development and Code Services Manager Preston Mitchell explained the Sign Ordinance revisions before Council have been considered for some time. He pointed out the item was excluded from the Land Development Ordinance (LDO), and it is time for the Ordinance to be revised. He stated the proposal introduces electronic signs into business districts and clarifies the Ordinance language.

Mr. Mitchell stated the process began with the Planning Board who transferred it to a joint committee consisting of three Community Appearance Commission (CAC) members and three Planning Board members. He indicated the committee worked on the proposal for approximately 16 months, and the completed draft was voted on by the joint committee and then sent back to the respective boards. He commented the Planning Board and CAC and both unanimously recommend approval.

Mr. Mitchell reviewed coding methodology, and he noted the current Ordinance is based on zoning designation rather than development patterns and road type. He noted the proposal recognizes the street classification used by the Metropolitan Planning Organization (MPO)

Mr. Mitchell explained electronic messaging centers are included in the proposed Ordinance amendment. He added electronic messaging centers must be part of a pole, pylon or monument ground sign. He indicated the signs are being introduced into two roadway classifications in the City on non-residential boulevards such as sections of Jake Alexander and Statesville Boulevards. He indicated a special sign permit would be issued by the Alternate Methods of Design Commission to allow electronic messaging centers on non-residential major

thoroughfares. He stated electronic messaging centers must be non-animated, non-video, fixed for 30 seconds per message, and have auto-dim capability in the evening.

Mr. Mitchell noted special sign permits will be allowed for alternate methods of design and uncommon signs. He added staff recommends approval and the proposed amendment is consistent with the Vision 2020 Plan.

Councilmember Post commented businesses have requested banners for some time. Mr. Mitchell clarified the proposed amendment addresses how banners can be mounted to a building.

Mr. Post asked for clarification regarding interstate highway signage. Mr. Mitchell stated staff received requests for electronic billboards, and it asked Council if that type of policy shift could be included in the Vision 2020 Plan update. He noted Sign Ordinance Overlays A and B remain untouched

Mr. Post pointed out measuring the amount of square footage for a sign using the current Ordinance is cumbersome, and he asked if the proposed text amendments address square footage of a sign. Mr. Mitchell explained the new Ordinance provides for more graphics and visuals, and the area of calculation is clarified.

Mr. Post indicated the size calculations need review regarding individual letters versus one sign with the same wording. Mayor Alexander stated the negative space should be included in the overall signage. Mr. Mitchell commented the goal is to allow for market demand and design. Mayor Pro Tem Blackwell pointed out a sign must be proportional to the building. Mr. Mitchell explained the accumulated square footage cannot exceed the square footage permitted based on the calculation of the face of the building.

Councilmember Miller thanked the CAC and Planning Board for their work on the proposed Ordinance. He pointed out there can be unintended consequences to decisions. He noted he hopes the thoroughness that went into the proposed changes will bring the possibilities to light.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding TA-01-2015.

Mr. Todd Paris asked how restrictions on political signs could be enforced. He added political signs are the same size as local signs that are placed throughout the City. Mayor Alexander pointed out the Ordinance regarding political signs is based on State rules. Mr. Mitchell stated the City based its political sign provisions on State standards, but it precedes a recent Supreme Court case that changed the ruling. He explained the proposed Ordinance does not call out political or religious temporary signs in any way. He added temporary free-standing signs no larger than six square feet may be placed on a developed and occupied property for a period not to exceed 60 days prior to a Federal, State, or local Election Day. He added the City can regulate time, manner, and place of temporary signs.

Ms. Dee Dee Wright stated when she served as Planning Board Chair the hospital was unable to place a sign at the intersection of Mocksville and Mahaley Avenues. She asked if the

sign is now allowed. Mr. Miller noted the hospital now has its sign in place. Ms. Wright asked if Livingstone College is allowed to have its electronic sign. Mr. Mitchell stated any sign located in a residential area would be considered non-conforming and allowed to operate. Mr. Miller pointed out there is an exception in the Sign Ordinance relative to Institutional Campus (IC) zoning. Ms. Blackwell agreed.

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

Ms. Blackwell asked about large nylon signs. Mr. Mitchell indicated the signs are prohibited, and he reviewed signs that are prohibited in the City.

Mr. Miller referenced an incident with a kite that was interpreted as a moving sign, and he pointed out a common sense approach must be used to enforce the proposed Ordinance. He asked if the proposal will create non-conformity issues. Mr. Mitchell indicated the proposed Ordinance will create nonconformities, but it should not be an issue. He added staff will come back before Council to make amendments to the proposed Ordinance. He explained businesses that become nonconforming due to the proposed Ordinance can keep their current signs.

Mr. Post pointed out the proposal for interstate signs includes 15-foot signs, and the current Ordinance allows 20-foot signs. He asked if the height of the new signs would decrease by five feet. Mr. Mitchell agreed.

Mr. Post 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, and consistent with the Community Appearance Commission's vision of the Vision 2020 Comprehensive Plan. Thereupon, Mr. Post made a **motion** to adopt an Ordinance amending Chapter 12 (Signs) of the Land Development Ordinance of the City of Salisbury, North Carolina, related to signs. Mr. Miller seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

ORDINANCE AMENDING CHAPTER 12 (SIGNS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, RELATED TO SIGNS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 21-23, and is known as Ordinance 2017-18.)

PUBLIC COMMENTS

Mayor Alexander opened the floor to receive public comments.

Mr. Todd Paris presented information to Council regarding public comment and its ability to determine what is allowed. He indicated Council cannot pass a regulation to keep citizens from addressing individual Councilmembers.

Ms. Carolyn Logan noted she met with Police Chief Jerry Stokes and Captain Melonie Thompson. She praised Captain Thompson for reaching out to her and working to address her concerns. She indicated Council should concentrate on crime rather than public comments.

Mr. Kim Porter indicated Council should not place barriers before people who are expressing themselves. He noted elected officials must hear the citizens they serve.

Ms. M.T. Siboly referenced an email Council received regarding a Stop the Violence Summit to be held March 18, 2017 at Livingstone College. She asked those who cannot attend to send a surrogate.

Ms. Whitney Peckman noted Council is considering a change that would limit public comment to one hour per Council meeting. She pointed out public comment is a venue where citizens can address the entire Council.

Ms. Al Heggins stated Council has a relationship with citizens, and if Council limits how citizens can address them it could feel like an abuse of power. She invited Council to attend the Stop the Violence Summit.

Ms. Renee McNutt indicated more time should be given to citizen's concerns rather than reducing public comment. She encouraged Council to be excited about serving a community that is eager to participate in the progress of the City.

Ms. Pam Sothe stated she hopes Council has heard the citizens who have spoken. She added it is important to allow more than an hour for public comment when it is necessary.

Ms. Ollie Mae Carroll noted the current public comment is adequate as it stands. She asked Council to follow up with citizens instead of changing the format and time of public comments.

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

SIDEWALK ENCROACHMENT – 117 EAST INNES STREET

City Engineer Wendy Brindle noted staff received a request from the Smoke Pit for installation of a handicap accessible ramp to the building located at 117 East Innes Street. She explained the ramp would require a four-foot encroachment onto the public right-of-way. She stated the North Carolina Department of Transportation (NCDOT) has approved the request, and conditions have been met subject to approval by the Historic Preservation Commission (HPC) on March 9, 2017.

Mayor Pro Tem Blackwell asked why Council is hearing about the proposed encroachment before the HPC makes its recommendation. Ms. Brindle explained if staff waited until after March 9, 2017 the item would have been delayed until Council's March 21, 2017 meeting. Ms. Blackwell noted if Council approves the request it could be viewed as undue influence on the HPC.

Ms. Brindle explained the HPC will consider the design elements of the ramp, and Council will approve its location in the public right-of-way. She added the HPC would not be able to allow an encroachment of more than four feet.

Mr. Miller stated he is concerned about pedestrian traffic mid-block in this area. He added Council must do something to prevent a fatality.

Thereupon, Mr. Miller made a **motion** to approve an encroachment at 117 East Innes Street for an ADA accessible ramp, in accordance with Section 22-17 of the City Code, subject to approval by the Historic Preservation Commission and the North Carolina Department of Transportation. Mr. Post seconded the motion. Messrs. Miller and Post, and Meses. Alexander and Blackwell voted AYE. (4-0)

Ms. Brindle referred to the Innes and Long Street Improvement Plan previously adopted by Council. She noted the plan addresses design elements through the 100 block of West Innes Street that would assist pedestrian traffic. She indicated staff was able to implement the section from Long Street to Martin Luther King, Jr. Avenue because it was added to an NCDOT project. She stated NCDOT will resurface the rest of Innes Street in the next five years, and staff can implement the changes during the resurfacing or it can consider other elements to implement. She cautioned that if changes are made, NCDOT would not restore the design elements when it repaves the remaining portion of Innes Street.

Mayor Alexander asked Ms. Brindle if Engineering could consider temporary solutions. Ms. Brindle noted staff will look at some options for the area and meet with the local NCDOT engineer. She pointed out the City has an opportunity for input regarding NCDOT's paving schedule.

Ms. Blackwell asked staff to present the best solution and let Council decide on the cost.

RULES OF PROCEDURE – PUBLIC COMMENT PERIODS

Mayor Alexander presented Council with the proposed changes to public comment periods.

Mr. Post stated last year public comment was held at the end of one meeting per month, and it was changed to every meeting at 6:00 p.m. He added Council meeting times were also changed from 4:00 p.m. to 5:00 p.m. to be more accessible to the public. He pointed out public comment has taken more than an hour for one or two meetings, and it is a mistake to change a rule for one event. He added he thinks the biggest problem with public comment is Council's inability to respond. He noted Council should be user friendly while being fair to people who have business on the agenda. He added he proposed a compromise that would allow 30 minutes of public comment at the beginning of the meeting and then finish public comment at the end of the meeting.

Mayor Pro Tem Blackwell clarified she thought Mr. Post's suggestion to have a brief public comment session at beginning was because a citizen wanted to speak about an item being brought

before Council that did not include a public hearing. She commented the item was voted on before the citizen had an opportunity to speak. She asked if the first public comment would be for comments relative to items on the Agenda and the ending public comment would be for citizen concerns. Mr. Post clarified he intended for public comment to be held at the beginning and end of the meeting.

Councilmember Miller indicated he believes 90% of the problem is that Council does not have a process to engage the public during the public comment session. He suggested putting public comment at the end of the meeting and intentionally allowing public comment to be open for feedback from Council and follow up from the City Manager and staff. He pointed out it would be cumbersome for all of Council to respond to a public comment. Mr. Miller pointed out Council must determine the best format to dispense the business of the City, pay attention to citizen concerns, and provide feedback.

Ms. Blackwell noted public comment is the business of the City, and she clarified terminology is used to separate two components of the meeting and not meant to offend the public. She added she likes the 6:00 p.m. time for public comment. She suggested business items be handled before 6:00 p.m. whenever possible. She added a sign-up sheet ensures Council and staff have the information they need to follow-up with citizens.

Mr. Miller stated as long as public comment has not begun, citizens should be allowed to put their contact information on a list to speak. He clarified the intent is not to squelch public comment, but to provide parameters that serve citizens and allow for City business.

Mr. Post suggested items involving people other than staff be moved to the first of the meeting. City Manager Lane Bailey pointed out Chief Stokes presentation was intentionally placed at the beginning of the meeting. He noted staff can review the placement of items on the Agenda. Mayor Alexander commented an update from the Police Chief is extremely important, and she commented citizens are concerned about their safety. She noted it is important for the meeting to maintain a balance.

Mr. Bailey pointed out the items before Council today involved advertised public hearings. He asked how Council would like to proceed with items that include a public hearing.

Mr. Miller indicated he prefers having public comments at the beginning of the meeting. He commented the most difficult scenario would be for public comments to be held in the middle of the meeting. Ms. Blackwell indicated she prefers 6:00 p.m. because it provides a definite time for public comments.

Ms. Blackwell suggested adding a sign-up sheet so citizens can be contacted, and she requested the City Clerk send the information to Council the day after the meeting.

My consensus, Council agreed to keep public comment at 6:00 p.m., and to add a sign-up sheet that will prevent citizens publicly stating their address.

Mr. Miller suggested the sign-up sheet include a column for staff designated to follow-up with a citizen.

BOARDS AND COMMISSIONS

Community Appearance Commission

Upon a motion by Ms. Blackwell, seconded by Mr. Post, and with Mr. Miller and Ms. Alexander voting AYE, the following appointment was made to the Community Appearance Commission for a term to begin April 1, 2017:

Mr. Reg Boland

Term Expires 3/31/20

CITY MANAGER'S COMMENTS

(a) Property Relocation of Fire Station 3

City Manager Lane Bailey noted staff is looking at options to replace Fire Station 3, currently located on West Innes Street. He noted staff has worked with Architect Bill Burgin to identify four parcels on Mahaley Avenue as a possible location. He asked Council to consider authorizing the City Manager to begin negotiation to acquire the property.

Mr. Bailey explained the property is approximately 1.75 acres with a total price of \$387,455. He indicated the first parcel the City needs to acquire has a value of \$82,398. He requested Council begin the process with a \$5,000 deposit for a 120-day option. He commented the remaining three tracts will be easier to acquire, but the first parcel is under a contract that is about to expire. He added the 120-day option would give Mr. Burgin an opportunity to design the building which would be brought to Council for its approval. He stated upon Council's approval staff would begin the assessment for surveys and environmental concerns.

Thereupon, Mr. Miller made a **motion** to authorize staff to execute an option for property located on Tax Map 021 Parcel 057 and continue efforts to obtain the remaining parcels for the potential relocations of Fire Station 3. Ms. Blackwell seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

MAYOR'S ANNOUNCEMENTS

(a) Special Event Permit Committee

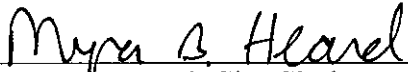
Councilmember Miller announced the Special Event Permit Committee will meet Wednesday, April 5, 2017 at 5:00 p.m. at City Hall.

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 7:57 p.m.

A handwritten signature in black ink, appearing to read 'Karen Kirks Alexander', written over a horizontal line.

Karen Kirks Alexander, Mayor

A handwritten signature in black ink, appearing to read 'Myra B. Heard', written over a horizontal line.

Myra B. Heard, City Clerk