REGULAR MEETING

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

ABSENT: City Clerk Myra B. Heard.

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Alexander welcomed all visitors present.
PROCLAMATIONS

Mayor to proclaim the following observances:

MENTAL HEALTH MONTH               May 2017
SALISBURY PRIDE DAY                June 24, 2017
PLAY BALL SUMMER                   June 1 – August 31, 2017

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meeting of May 16, 2017.

(b) Right-of-Way Permits

Approve right-of-way permits for two parking spaces located adjacent to 108 East Council Street in accordance with Section 22-50 of the City Code until July 15, 2017.

(c) Agreement – CDM Smith

Authorize the City Manager to execute an agreement with CDM Smith for an amount not to exceed $197,750 for engineering services associated with the Grant Creek Wastewater Influent Pump Station and Headworks project.

Mayor Alexander asked City Manager Lane Bailey to provide clarification regarding the agreement with CDM Smith. Councilmember Hardin requested Mr. Bailey also provide clarification regarding the Law Enforcement Mutual Assistance Agreements and the Transport Respondents Resolution.

Mr. Bailey explained the agreement with CDM Smith is included in the FY2016-17 budget. He stated the City received and evaluated 10 bids which were under budget, and he pointed out the project is included in the City’s Capital Improvement Plan (CIP). He noted funds have been designated in the FY2017-18 budget to cover professional service expenses for the project.

(d) Resolution – Law Enforcement Mutual Assistance Agreements

Adopt a Resolution authorizing the Police Chief to enter into Law Enforcement Mutual Assistance Agreements with other law enforcement agencies.

City Manager Lane Bailey explained the Law Enforcement Mutual Assistance Agreements are a formality that are used to assist law enforcement agencies. He pointed out the agreements should have been completed when Chief Stokes was appointed Police Chief.
Chief Stokes clarified the Law Enforcement Mutual Assistance Agreements allow law enforcement agencies to assist during emergencies and help facilitate investigations that expand outside of the City limits. He noted the Law Enforcement Mutual Assistance Agreements are regional agreements that require a Resolution.

RESOLUTION AUTHORIZING THE POLICE CHIEF TO ENTER INTO LAW ENFORCEMENT MUTUAL ASSISTANCE AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 8, and is known as Resolution 2017-06.)

(e) Resolution - Transport Respondents

Adopt a Resolution designating personnel of Novant Health Rowan Regional Hospital as transport respondents in involuntary commitment proceedings.

Police Chief Jerry Stokes explained North Carolina General Statutes allow the City to enter into an agreement with a private entity regarding transportation of mental health patients during an involuntary commitment. He stated the Rowan County Board of Commissioners and the Rowan County Sheriff’s Department are entering into similar agreements with Novant Health Rowan Regional Hospital. He added the agreement allows Novant Security to assume the responsibility of transporting involuntary commitment patients to the hospital.

RESOLUTION OF THE SALISBURY CITY COUNCIL ADOPTING A PLAN DESIGNATING PERSONNEL OF NOVANT HEALTH, INC./ROWAN REGIONAL HOSPITAL AS TRANSPORT RESPONDENTS IN INVOLUNTARY COMMITMENT PROCEEDINGS.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 9, and is known as Resolution 2017-07.)

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

UPDATE – SALISBURY POLICE CHIEF

Police Chief Jerry Stokes reviewed staffing and commented staff projects there will be eight potential hires in the BLET class that starts in August. He pointed out a vote from Council to increase police officer salaries could persuade more experienced police officers to apply for a position with the City.
Chief Stokes pointed out on May 24, 2017 a press conference was held to push for information regarding the murder of Ayana Allen and the homicide that took place at Fire & Water. He noted a billboard was placed on Jake Alexander Boulevard that police officers hope will generate additional leads in the cases.

Chief Stokes noted the Salisbury Police Department, along with friends and family, celebrated the life of Sergeant Mark Hunter and his contributions to the West End community by dedicating a community room at the Brenner Crossing Apartments in his memory.

Chief Stokes reviewed the shooting of Ferguson Laurent. He noted after a three month investigation detectives with the City’s narcotics investigations unit obtained a search warrant for a residence on East Lafayette Street. He explained the warrant was issued to search for illegal narcotics, stolen property, and firearms, and he commented the affidavit included information that supported immediate entry into the home. He stated the warrant was reviewed and authorized by a Superior Court Judge, and on November 3, 2016, the Salisbury Police Department’s special response team served the warrant. He noted police officers were fired on by a single person, and a police officer returned fire. He pointed out the person who shot at the police officer died as a result of the injuries he sustained. He commented no member of the Salisbury Police Department wants to be responsible for the death of another human being.

Chief Stokes explained immediately after the shooting, the Salisbury Police Department secured the home as a crime scene and requested the State Bureau of Investigation (SBI) investigate the death. He explained the SBI will report its findings to the District Attorney (DA). He noted the Salisbury Police Department has not been involved in the investigation, but has fully cooperated by providing information, access to police officers, and other evidence as needed.

Chief Stokes stated following the shooting he called community stakeholders together to provide preliminary information, and he noted many of those statements will be confirmed once the SBI report is released. He added he is waiting to review the SBI report, and he added he does not know what the DA will decide regarding the shooting. He pointed out the decision is made exclusively by the DA.

Chief Stokes stated once the DA renders a decision, the Salisbury Police Department will conduct an internal investigation to determine if City policies and procedures were followed and if policy and procedure modifications are needed. He noted changes have been made to some procedures for immediate entry warrants. He commented the tactic is rarely used by the Salisbury Police Department, but it will require the exclusive approval by the Police Chief or Deputy Police Chief. He added there will be additional legal review, outside of a judicial review, to ensure the warrant is based on sound fact and meets all legal requirements. He added the Police Department requires a threat assessment be completed on all search warrants to ensure the tactics employed are the safest possible.
Chief Stokes explained the Police Department is developing a crisis negotiations component to supplement the special response team. He noted the crisis negotiations component will be comprised of police officers specially trained in negotiation skills and dealing with hostile or barricaded subjects. He added all police officers assigned to the special response team will be equipped with body cameras. He noted the internal review will likely show other areas where procedures can be improved.

FY2017-2018 PROPOSED CITY BUDGET

City Manager Lane Bailey asked Budget and Performance Manager Shannon Moore to review changes made to the proposed Budget.

Mr. Bailey noted staff identified additional funding for the Rowan-Salisbury School System (RSSS), and he will meet with RSSS Superintendent Dr. Lynn Moody to discuss distribution of the funds. He explained at its budget work session Council requested $61,000 be used by the RSSS for staff supplements and an additional $39,000 be allocated for improving reading efficiency or to be used in an area with benchmarks.

Mr. Bailey noted the proposed budget also includes funds for the Mural.

Ms. Moore indicated staff received a final budget from Downtown Salisbury Inc. (DSI) that incorporates DSI’s budget into the City’s budget. She explained the City will need to increase its DSI appropriation to $105,000 and increase the DSI department expenses to $74,800 to cover events that DSI has previously handled. She stated staff recommends bringing the Municipal Service District (MSD) tax, $130,000, in house to cover additional expenses the City will incur on behalf of DSI. She pointed out the MSD tax will not increase.

Mayor Alexander asked if the MSD tax is separate from the City’s budget and what it will cover. Ms. Moore stated the MSD tax will cover expenses the City will incur on DSI’s behalf including two staff members, special events, and Rowan Convention and Visitors Bureau (CVB) marketing. She commented the City will assume $260,000 to cover DSI’s expenses.

Ms. Moore explained the City received another month of sales tax revenue and staff recommends increasing the projection by $49,800 to balance the proposed budget.

Councilmember Miller asked why the MSD tax revenue would not continue as pass-through funding. Ms. Moore explained approximately $130,000 is used for general appropriation. She indicated in the current year’s budget there were three appropriations sent to DSI, $131,500 for general appropriation, $33,000 for the Plaza management, and $57,778 for a one-time community engagement project. She stated the $105,000 appropriation is less than the amount covered in the current year.
Mr. Miller stated he supports the proposal, but he thought the MSD tax revenue would go directly to DSI for marketing, and the City appropriation would cover salaries. Mr. Bailey explained the budget before Council is the one DSI committee members presented to staff. Mr. Miller pointed out the MSD tax should support promotions and marketing and not be a funding source for City functions.

Assistant City Manager Zack Kyle explained the DSI budget will be used for downtown events and promotions, and all other things associated with DSI are included in the City budget. Mr. Miller asked if the City will be funding the debt service payment on the Empire Hotel. Ms. Moore stated DSI will cover the debt service payment for the Empire Hotel. Mr. Miller clarified $80,000 of the $105,000 City appropriation will cover the debt service payment for the Empire Hotel. Ms. Moore noted DSI’s budget for the Empire Hotel debt service payment will be $99,500 for the coming fiscal year, and she pointed out the City will incur most of the costs that used to be included in DSI’s budget, including the smaller events and CVB marketing program. Mr. Kyle commented DSI will receive approximately $50,000 in revenue from events.

Mayor Alexander asked if DSI Board members have been involved in the process. Mr. Kyle noted DSI Board members presented the proposed budget.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the FY2017-2018 proposed City Budget.

Mr. John Schaffer, 201 South Fulton Street, pointed out the proposed budget emphasizes code enforcement. He added he supports an additional staff member for the Code Enforcement Department. He noted demolitions are being approved, and he asked if funds are included in the budget for the demolitions.

Mr. Bailey stated 10 demolitions are in the process, and funding is included in the fiscal year’s budget. He noted funding for additional demolitions will be included in the budget as needed.

Ms. Dee Dee Wright, 418 South Caldwell Street, asked Council to consider raises for the Fire Department as well as the Police Department. She indicated Rowan County approved a Project Safe Coordinator, and she asked Council to also approve the position. She added she has concerns about the City taking on DSI, and she questioned the language for the Transport Respondents Resolution Council approved under the Consent Agenda.

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

Mr. Post asked Mr. Bailey to address employee raises that are included in the proposed budget. Mr. Bailey explained the proposed budget includes a 1.5% cost of living increase and a 1% average merit increase for employees. He added funding is included in the proposed budget to increase police officer salaries as of July 1, 2017, and he commented there are funds in the proposed budget to review compression for Fire Department salaries. He added the Project Safe Coordinator position will be funded by the County and the City, with $35,000 from the County and $50,000 from the City. He explained the position will work throughout the County and could be housed with the Salisbury Police Department.
Mr. Post pointed out the proposed raises for the Police Department are over 10% and a significant investment in the Police Department. Mr. Bailey agreed.

Thereupon, Mr. Miller made a motion to adopt the budget Ordinance of the City of Salisbury for the fiscal year beginning July 1, 2017 and ending June 30, 2018. Mr. Post seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)


(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 45-63, and is known as Ordinance 2017-30.)

CD-01-2017 – ALLOYWORKS

Development and Code Services Manager Preston Mitchell noted the request before Council is a growth opportunity for a local-based industrial business. He stated the petitioner, AlloyWorks, is located at 814 West Innes Street, and he added the company melts titanium to be used for airplane parts. He explained the request is to reduce the buffer requirement from 150 feet to 0 feet along AlloyWork’s northern boundary so the company can expand its operation.

Mr. Mitchell reviewed the area zoning, and he pointed out the property is currently zoned Heavy Industrial (HI). He noted there is no residential property immediately around the facility, and he indicated the existing commercial development along West Innes Street is zoned Corridor Mixed-Use (CMX). He stated the property is surrounded by Freirich Foods, the Greenway and Memorial Park Cemetery.

Mr. Mitchell noted the company plans to expand its operation by adding an electron beam melting furnace that would be located internally on the site. He explained HI zoning has a 150 foot external development setback along all of its boundaries, and he pointed out AlloyWorks is nonconforming on most of its boundaries.

Mr. Mitchell reviewed the site plan, and he pointed out the company has not submitted its engineering or architectural drawings. He explained the company submitted a zoning plan to request its entitlements so it can proceed with the project. He indicated the company will chose between three sites to determine the best location for the new furnace. He added with Council’s approval and the entitlements in place, the company will submit its drawings if Salisbury is selected as the new location for the melting furnace. He commented the company is proposing to restore a former rail spur which would back-up to the railroad easement. He noted the request went before the Technical Review Committee (TRC) and the Planning Board who recommended approval.
Mr. Jeremy Logan, Technical Operations Manager AlloyWorks, 814 West Innes Street, stated the company has purchased an electron beam furnace and Salisbury is in competition with other communities for its location. He noted AlloyWorks is a small company with 15 employees, and he indicated the proposed furnace would double the number of employees at the facility and provide a substantial investment in the community. He pointed out the additional furnace would be contained inside of the facility and have minimal impact.

Councilmember Post asked what the City could do to make sure Salisbury is chosen. Mr. Logan noted the Conditional District (CD) Overlay approval is the first step. He stated utility improvements will be needed, and he commented the company is in preliminary discussions with Duke Energy regarding its additional electricity needs. He noted everything is contingent upon obtaining the allowance because the company must be able to reactivate the railroad spur to bring in raw materials and ship out finished goods. He added the project has an estimated investment of $17 million dollars and would create a minimum of 21 additional jobs.

Councilmember Hardin asked if the project could bring other businesses to the area. Mr. Logan noted it could precipitate additional expansions at the current site. Mr. Mitchell noted the possibility of a second furnace in the future was discussed, and staff offered to go ahead and plan for the second furnace as part of the CD Overlay.

Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding CD-01-2017.

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

Mr. Scott Shelton, RowanWorks noted the additional phases could push the investment to over $50 million, and he pointed out the average wage for the new jobs would be approximately $47,000 per year. He introduced new President and CEO of RowanWorks Rod Crider. Mr. Crider thanked the City for the warm welcome he received, and he noted he is ready to work and help move the community forward.

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 supporting business growth and expansion, but not at the expense of health, safety, or quality of life. 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 one parcel at 814 West Innes Street, approximately 7 acres, by establishing a Conditional District Overlay to permit the expansion of an existing industrial facility. Mr. Post seconded the motion. Messrs. Miller, Hardin, and Post, and Ms. 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, BY REZONING ONE PARCEL AT 814 WEST INNES STREET, APPROXIMATELY 7 ACRES, BY ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE EXPANSION OF AN EXISTING INDUSTRIAL FACILITY.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 64-65, and is known as Ordinance 2017-31.)

PUBLIC COMMENTS

Mayor Alexander opened the floor to receive public comments.

Ms. Tamara Sheffield asked when a Fibrant progress report would be released. She thanked Council for supporting the Police Department and its additional investment in education. She added there is a need to respect differences in the community, and she noted the Pride Proclamation sends a positive message to the community’s youth.

Ms. Al Heggins stated the City and community must work together. She noted Council is held to a higher standard, and she asked them to be civil and peaceable with each other. She encouraged Council and staff to attend Stop the Violence events. She thanked Mayor Pro Tem Blackwell, Councilmembers Hardin and Post, Police Chief Jerry Stoke, and Captain Melonie Thompson for attending previous Stop the Violence events.

Ms. Dora Mbyosasengo noted some Councilmembers and staff have attended Stop the Violence summits, and she hopes they felt the love for the community that was being expressed. She stated Women for Community Justice participated in the City’s planning sessions because they want to work together, and she commented only good can come from working together.

Ms. Carolyn Logan referred to a newspaper article regarding emails and threats made to the City. She stated the community was in an uproar and secret meetings were conducted. She expressed concern that Councilmember Hardin was not invited to attend the community meetings.

Mayor Alexander noted she has the emails that contained the threats. Ms. Logan referenced threats of violence that could take place in the City.

Mayor Pro Tem Blackwell made a motion to take a five-minute recess. Mr. Miller seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Mr. Miller made a motion to reconvene. Mr. Hardin seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)
Ms. Renee MacNutt thanked Council for acknowledging Salisbury Pride and for the budget increase for the Police Department. She stated she would like to talk to someone regarding a voter referendum that would establish wards or precincts for Council elections. She added she would like to see the City officially support the “We’re Still In” campaign in support of the Paris Accord. She requested to meet with someone regarding cities who have adopted a no knock-policy.

Ms. Dee Dee Wright thanked Police Chief Jerry Stokes and Police Department staff for the celebration for Sergeant Mark Hunter. She stated the Planning Board is contemplating merging with the Zoning Board of Adjustment (ZBA). She added she is an alternate member of the ZBA and it would have been nice to be notified of the proposal before reading about it in the Salisbury Post.

Mr. Todd Paris stated he thinks the DA will make a decision on the Ferguson Laurent case by Friday, and if the City has any knowledge of the decision it should let citizens know.

City Manager Lane Bailey noted the decision is in the hands of the District Attorney.

Minister Latasha Wilks thanked everyone who attended the Stop the Violence summits. She spoke of Mr. Ferguson Laurent’s two-month old daughter, Shiloh. Ms. Charvonnya Stockhouse yielded her time to Ms. Wilks. Ms. Wilks referred to community meetings that took place recently. She suggested the community meetings could have taken place later in the evening when people are off of work.

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

Mayor Alexander noted she thinks information shared on social media about community meetings has not been accurate. She explained staff determined the list of names for the community meetings from stakeholders in the community, and the list of names was not kept secret. She indicated people were called and invited to attend. She stated each Councilmember received a copy of the list in an email that was sent to each member at the same time. She stated there were no secret meetings.

Mayor Alexander stated the Salisbury Justice Group has suggested she targeted certain communities. She indicated her letter never mentioned race. She stated she also has list of demands from the Salisbury Justice Group, and she noted a response was sent to the Salisbury Justice Group and the media. She explained the media made a public information request for emails and then decided to only name certain individuals in their articles. She stated the City will respond when it receives threats of violence.

Councilmember Hardin noted he met with the City Manager Thursday evening before the community meetings were held. He indicated the meetings were being planned, and he sent an email to Mr. Bailey and Mayor Alexander stating he did not think the meetings were a good idea. He stated he was not aware of a list of community members to attend the meeting. He noted during the budget workshop he was notified meetings would take place at Hood Theological Seminary, and he indicated Council was not sent the list of community members to attend the meetings until
he requested it. He stated once he reviewed the list he did not agree with the community members listed. He commented he received his information from social media and the news, and he has not seen the emails Mayor Alexander referenced. He indicated Channel 9 sent him a copy of the email that was shared at the last meeting and used to indicate violence was coming to the City. He pointed out the City contacted predominately African American ministers, and he noted the indication was if the black community received bad news it may resort to violence. He pointed out a group was assembled by Council to discuss Fibrant and its future. He asked why the City has not assembled a group to discuss violence rather than only talking with pastors.

Mayor Alexander explained she did not target African American ministers. She pointed out the Ministerial Alliance has been in the City for over 50 years. She noted the demographics of the Ministerial Alliance is mixed, and a mixed group attended the meeting. She commented it was not an African American event, and it was a community event that was based around the faith community.

Councilmember Post noted Mr. Paris implied Council had knowledge of the State Bureau of Investigation (SBI) report, and he added Council truly does not know the outcome of the investigation. He stated he had an email exchange with Ms. Carolyn Logan and that is when he learned about the threats of violence. He noted Ms. Logan revealed she had heard there could be trouble, and he thanked her for bringing the threats to light. He commented when he received the list he requested Ms. Logan be included in the community meetings.

Councilmember Miller stated an email was sent to the entire Council on May 24, 20017.

Mr. Hardin asked to be excused from the meeting.

There upon Ms. Blackwell made a motion to excuse Mr. Hardin. Mr. Post seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

Mr. Hardin left the meeting at 6:57 p.m.

Z-03-2017 – BROOKLYN-SOUTH SQUARE HISTORIC AREA

Development and Code Services Manager Preston Mitchell explained this rezoning is for the Brooklyn South Square neighborhood, and the City is the petitioner. He reviewed a zoning map of the area, and he pointed out East Fisher and East Bank Streets run through the center of the Brooklyn-South Square Historic neighborhood. He noted Corridor Mixed-Use (CMX) zoning exists on both sides of East Innes Street. He stated the neighborhood area that is within the local historic district is zoned Historic Residential (HR), and the areas outside of the local historic district are zoned Urban Residential (UR).

Mr. Mitchell explained the proposed rezoning would allow commercial frontage on East Innes Street, and the HR designation would protect historic homes in the 400 and 500 block of East Fisher Street. He added the neighborhood supports the request, and staff recommends the proposal is consistent with the Vision 2020 Plan.
Mr. Mitchell referenced four lots on South Shaver Street, and he noted the proposed rezoning would downzone the lots from UR-12 to UR-8. He pointed out the surrounding properties are zoned UR-8.

Mr. Mitchell noted Gray’s Chapel, located at the corner of South Shaver and East Bank Streets, is split-zoned. He added staff recommends rezoning the parcel to HR. He referenced a split-zoning in the 200 and 300 blocks of Martin Luther King, Jr. Avenue, and he noted staff recommends rezoning the 200 and 300 blocks of Martin Luther King, Jr. Avenue to RMX to correct the split-zoning and nonconformities.

Councilmember Miller pointed out the proposed downzoning reduces economic opportunity, and he asked if staff received any opposition. Mr. Mitchell stated there was no opposition at the Planning Board, but he received phone calls with questions prior to the Planning Board meeting.

Mayor Pro Tem Blackwell asked about the split zoning. Mr. Mitchell explained the CMX zoning came into effect with the adoption of the Land Development Ordinance (LDO) in 2008, and he pointed out the property was already zoned commercial.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding Z-03-2017.

Mr. Karl Sale, 429 East Fisher Street, stated the houses in the 400 and 500 block of East Fisher Street are historic residential properties. He explained the oldest home was built in 1874 and has been used as residence for 143 years. He noted one house in the area has been used as an office, but he added there is little to no commercial activity in the area. He asked Council to approve the rezoning request so the neighborhood can move forward.

Ms. Linda Edmonson, 309 East Bank Street, indicated she supports the rezoning effort. She pointed out most homes in the area are over 100 years old and have always been residential. She commented the lots are small, and there is no parking for commercial development. She indicated the proposed rezoning would help protect the neighborhood.

Ms. Karen Hobson, Executive Director Historic Salisbury Foundation (HSF), 215 Depot Street, noted the HSF owns property in the area and supports the proposed rezoning. She added the changes will improve the Brooklyn South Square neighborhood by bringing more appropriate zoning to the neighborhood boundaries and better conforms to the neighborhood’s land use patterns and historic character. She asked Council to approve the rezoning request.

Mr. Ken Weaver, 529 Park Avenue, indicated he has taken investors to look at properties in the neighborhood, but they would not invest if the property was zoned commercial. He indicated the proposed rezoning would demonstrate that the area is a neighborhood and not a commercial district.
Ms. Ann Lyles, 409 East Bank Street, noted the homes in the neighborhood have remained residential. She commented some of the homes are rental properties. She pointed out the rezoning that resulted in split zoning and nonconformities took place during the urban renewal of the 1970s. She stated the community wants to be good neighbors to the businesses in the area, and she asked Council to approve the zoning request.

Mr. Jonathon Behrooz stated he owns properties at the intersection of South Shaver and East Fisher Streets. He explained he bought the properties because they were commercial. He added he later found out he had purchased historic properties, and he has no intent of tearing the houses down. He added he does not think this is the right time to rezone the area.

Ms. Jackie Gambino, 424 East Bank Street, stated she moved to Salisbury to live in a historic house in a historic district. She added the current split zoning does not make sense, and she asked Council to approve the rezoning request.

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

Councilmember Miller noted there has been limited opposition, and he added the proposed rezoning makes sense, is reasonable and appropriate.

Mayor Alexander stated the proposed rezoning will strengthen the neighborhood and she supports the request.

Ms. Blackwell stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein is reasonable, in the public interest, and consistent with the Vision Statements of the Vision 2020 Comprehensive Plan calling for constant attention and energy into historic preservation, for safe, secure neighborhoods, and for supporting a multitude of housing choices. Thereupon, Ms. Blackwell made a motion to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, rezoning all or a portion of multiple parcels within and along the margin of Brooklyn-South Square local historic district to Historic Residential, Urban Residential, or Residential Mixed-Use Districts. Mr. Miller seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING ONE PARCEL AT 814 WEST INNES STREET, APPROXIMATELY 7 ACRES, BY ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE EXPANSION OF AN EXISTING INDUSTRIAL FACILITY.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 66, and is known as Ordinance 2017-32.)
Z-04-2017 – RYAN STREET

Development and Code Services Manager Preston Mitchell explained the City is the petitioner for the request to rezone margins of Ryan Street from Town Creek to Celebration Drive. He noted the City recently acquired 705 Ryan Street to be used as Parks and Recreation office space. He stated during the rezoning process staff discovered low density, large single-family lots on Ryan Street that are zoned Urban Residential creating inconsistent zoning. He added there is split-zoning along Ryan Street that is not protected by any local district. He noted the area is zoned Corridor Mixed-Use (CMX) and Urban Residential (UR), and he pointed out there is nothing in place to prevent someone from buying the lots and building something allowed in CMX which is the most permissive zoning district. He noted staff recommends rezoning the properties to General Residential (GR) which would downzone the CMX and UR zonings.

Mr. Mitchell noted a small apartment complex is located in the center of the block, and staff proposes rezoning it to Residential Mixed-Use (RMX). He commented staff also recommends rezoning five smaller lots around the apartment complex to UR. He stated Planning Board recommended unanimous approval.

Mr. Mitchell stated the neighbors have been notified of the proposed changes. He pointed out the parcel at 822 Ryan Street is used as a repair garage so it was pulled from the rezoning request.

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

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

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein is reasonable, in the public interest, and consistent with the Vision Statements of the Vision 2020 Comprehensive Plan calling for safe, secure neighborhoods, and for supporting a multitude of housing choices, and for strategically zoning a neighborhood to protect it from incompatible development. Thereupon, Mr. Miller made a motion to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, rezoning all or a portion of multiple parcels along both margins of Ryan Street from Town Creek to Celebration Drive to General Residential, Urban Residential, or Residential Mixed-Use Districts. Mr. Post seconded the motion. Messrs. Miller, Hardin, 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 ALL OR A PORTION OF MULTIPLE PARCELS ALONG BOTH MARGINS OF RYAN STREET FROM TOWN CREEK TO CELEBRATION DRIVE TO GENERAL RESIDENTIAL, URBAN RESIDENTIAL, OR RESIDENTIAL MIXED-USE DISTRICTS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 67, and is known as Ordinance 2017-33.)
DOWNTOWN REVITALIZATION INCENTIVE GRANT

Planning and Development Services Manager Janet Gapen and Planner Kyle Harris addressed Council regarding a Downtown Revitalization Incentive Grant for 126 East Innes Street. Mr. Harris noted the petitioners are Mike and Diane Young. He reviewed the history of the Downtown Revitalization Incentive Grants and the benefits of the program.

Mr. Harris noted the building was damaged by fire and is currently vacant. He stated the historic building was constructed in the 1920s and in 2015, before the fire, the structure was valued at $218,440 and the land was valued at $79,860.

Mr. Harris displayed photographs of the property, and he pointed out the fire damage. He noted the total project is estimated at $897,000 and the applicant is requesting up to $156,238 to assist with historic renovation, create six new apartments, one street-front commercial space and mini storage units to be located in the basement.

Mr. Harris stated the award will depend on the final costs of the project. He explained the request is for up to $156,238 and consists of $50,000 for the Building Renovation Incentive Grant, $56,238 for the Residential Production Incentive Grant, up to $25,000 for the Residential Utilities Incentive Grant, and up to $25,000 for the Fire Suppression Incentive Grant. He pointed out the maximum award could be lower if renovation costs are reduced.

Mr. Harris noted the projected outcomes from rehabilitation. He explained the completed project would have 1,606 square feet of viable commercial area, 8,034 square feet of residential area, six residential units, and 12,800 square feet of sprinkled are. He stated City tax revenue will increase by approximately $60,325 and the Municipal Service District tax revenue will increase by approximately $16,000 over a 10-year horizon. He pointed out the numbers are based on the total capital investment made by the developer.

Mayor Pro Tem Blackwell stated the building has great emotional and historic value for the community.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding a Downtown Revitalization Incentive Grant for O.O. Rufty’s General Store rehabilitation project.

Mike and Diane Young noted there is much to be done on the project. Mr. Young thanked the City for its work to make the project a success, and he recognized Salisbury-Rowan Utilities (SRU) Director Jim Behmer, Ms. Gapen and staff for suggesting alternatives and helping them navigate the grant process.

There being no one else to address Council, Mayor Alexander closed the public hearing.
Councilmember Miller noted the developers understand the risk involved with the project, and he thanked them for taking the risk and investing additional resources in the City. He added this building is an area landmark. He stated citizens may question why the City would invest $156,000 and receive $76,000 back in tax revenue. He explained sprinklers are being added to the downtown, and he pointed out the benefit in economic activity may encourage other developers to take a risk on downtown development. He added it is a good investment for the City.

Councilmember Post asked if this project is included in the budget, and he noted the grants expire if they are not used.

Ms. Gapen stated $150,000 is included in the recently adopted budget and the Capital Improvement Plan (CIP). She added, in the past, one grantee has stepped away from their project and another project was awarded the funds. Mr. Post pointed out if another application is made for downtown revitalization incentive grants the City will have to amend the budget or delay the application. Ms. Gapen agreed, and she noted staff can look for other ways to meet the funding requirement. Mr. Post asked if anything will need to be done because the request extends the budgeted amount by $6,000. Mr. Miller noted the grant process requires a certificate of occupancy to be awarded, and he indicated the City has time to deal with a possible overrun.

Thereupon, Ms. Blackwell made a motion to approve a Downtown Revitalization Incentive Grant of up to $156,238 for the O.O. Rufty’s General Store rehabilitation project located at 126 East Innes Street. Mr. Miller seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

**STORMWATER INCENTIVE GRANT – YATAWARA GYNECOLOGY WELLNESS**

Stormwater Technician Michael Hannah noted staff received a Stormwater Incentive Grant request from Yatawara Gynecology Wellness located at 415 Statesville Boulevard. He explained the Stormwater Incentive Grants are for improvements or repairs that are made on private property, and the payment is made through the Stormwater Utility. He pointed out the City bears no responsibility for liability or maintenance of the system. He explained the City can award up to 50% of the total cost of the project.

Mr. Hannah pointed out there has been a failure in a 48-inch corrugated metal pipe on the property and the failed section needs to be replaced. He commented the metal pipe failure is causing a sinkhole on the property. He stated the total cost of the project is $45,000, and he noted $25,000 is included in the budget for Stormwater Incentive Grants. He added staff has received no other applications for the current fiscal year.

Thereupon, Mr. Miller made a motion to approve a Stormwater Incentive Grant in the amount of $22,500 for Yatawara Gynecology Wellness located at 415 Statesville Boulevard. Mr. Post seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)
RESERVOIR FLOATING COVERS

Salisbury-Rowan Utilities (SRU) Engineering Manager Jason Wilson noted floating reservoir covers are included in SRU’s Capital Improvement Plan (CIP). He stated the City has two raw water reservoirs located off of East Ridge Road. He indicated the City plans to purchase approximately 2.5 million 4-inch plastic floating balls to use as covers for the reservoir. He stated staff received six responsive bids for various types of floating modular covers, and ECC, LLC of Wilmington submitted the low bid.

Mayor Alexander asked about the advantages of reservoir floating covers. Mr. Wilson explained the floating balls are low cost and low technology. He indicated the covers have a 15 to 20 year life expectancy and a 10 year warranty. He stated the balls help prevent algae growth which will reduce the amount of algae SRU must contend with at the water treatment plants.

Mayor Alexander pointed out maintenance equipment can maneuver through the floating balls. Mr. Wilson agreed. Mayor Alexander asked if funding for the project is included in the current year’s budget. Mr. Wilson noted the purchase will be through a fund balance transfer.

Councilmember Miller asked when the reservoir covers will be on site. Mr. Wilson stated shipment should begin within two weeks of the company receiving the purchase order. He added the shipments should be complete within six to eight weeks. He pointed out the purchase is under budget.

Thereupon, Mr. Miller made a motion to adopt an Ordinance amending the 2016-17 budget Ordinance of the City of Salisbury, North Carolina to appropriate Fund Balance. Ms. Blackwell seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

ORDINANCE AMENDING THE 2016-17 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 68, and is known as Ordinance 2017-34.)

Thereupon, Mr. Miller made a motion to authorize the City Manager to approve the purchase order for the purchase. Ms. Blackwell seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)
AGREEMENT – NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Salisbury-Rowan Utilities (SRU) Engineering Manager Jason Wilson presented a utility agreement with the North Carolina Department of Transportation (NCDOT). He explained North Carolina General Statutes require the City to pay 50% of relocation costs for utility conflicts in NCDOT rights-of-way. He noted the proposed agreement is for the I-85 expansion project. He stated the item is not included in the budget because it is difficult to predict a project completion date.

Thereupon, Mr. Miller made a motion to authorize the City Manager to approve a utility agreement with the North Carolina Department of Transportation for the reimbursement by Salisbury-Rowan Utilities for the estimated cost of $85,311.90 for adjusting and/or relocating public water utilities in conjunction with NCDOT project I-3802B. Mr. Post seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

BOARDS AND COMMISSIONS

There were no appointments.

CITY MANAGER’S COMMENTS

(a) Approved Budget

City Manager Lane Bailey noted it will be approximately one week before the approved budget is available online, but a printed copy will be available tomorrow.

MAYOR’S ANNOUNCEMENTS

(a) “Movies in the Park”

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

(b) 2017 Salisbury Citizen’s Academy

Mayor Alexander announced applications are now being accepted for the 2017 Salisbury Citizen’s Academy. The academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 7 and ending with graduation November 2. Participants will meet at various City facilities and have an inside view of City operations. Applications are available online or by calling the City Clerk's office at 704-638-5224. All applications must be received by July 21.
CLOSED SESSION

Mayor Alexander requested Council go into a closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3).

Thereupon, Ms. Blackwell made a motion to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3) regarding pending litigation 17-Cv864 between Bounce City and the City of Salisbury. Mr. Miller seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

City Manager Lane Bailey noted during closed session Council will also consider an economic development project and litigation.

RETURN TO OPEN SESSION

Thereupon, Mr. Miller made a motion for Council to return to open session. Ms. Blackwell seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

Mayor Alexander read a Resolution authorizing the Mayor and City Manager to execute and deliver a final form preliminary development agreement.

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

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 9:53 p.m.

Karen Kirks Alexander, Mayor

Kelly Baker, Deputy City Clerk