

Salisbury, North Carolina  
January 19, 2021

## **REGULAR MEETING**

**PRESENT:** Mayor Karen K. Alexander, Presiding; Council Members William Brian Miller, David Post and Tamara Sheffield; City Manager W. Lane Bailey, City Clerk Kelly Baker; and City Attorney J. Graham Corriher.

**ABSENT:** Mayor Pro Tem Al Heggins.

In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19 the Salisbury City Council met electronically. The meeting was called to order by Mayor Alexander at 6:00 p.m. A moment of silence was taken.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VIEWERS**

Mayor Alexander welcomed all viewers.

## **ADOPTION OF THE AGENDA**

Thereupon, Councilmember Post made a **motion** to adopt the Agenda as presented. Upon a roll call vote Mayor Alexander voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (4-0)

## PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

SALISBURY SCHOOL CHOICE WEEK	January 24-30, 2021
CATHOLIC SCHOOLS WEEK	January 31 – February 6, 2021
NATIONAL SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH	January 2021

## CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular meeting of January 5, 2021.

(b) Right-of-Way Encroachment- Lash Drive

Approve a Right-of-Way Encroachment by Spectrum for the installation of directional bored duct on Lash Drive per Section 11-24 (27) of the City Code.

(c) Budget Ordinance Amendment- Share 2 Care Fund

Adopt a budget Ordinance Amendment to the FY2020-2021 budget in the amount of \$1,155 to appropriate donations received for the Share2Care Fund.

ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS IN THE SHARE 2 CARE FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 45, and is known as Ordinance 2021-04.)

(d) Alley Closing- West Cemetery Street

Adopt a Resolution accepting an offer of dedication for the right-of-way and adopt an Order to close a portion of an alley in the 800 block of West Cemetery Street, subject to utility easements. A presentation and public hearing were held during Council's January 5, 2021 meeting and no additional comments were received.

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF AN ALLEY IN THE 800 BLOCK OF WEST CEMETERY STREET.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 1, and is known as Resolution 2021-01.)

ORDER CLOSING A PORTION OF AN ALLEY IN THE 800 BLOCK OF WEST CEMETERY STREET.

(The above Order is recorded in full at the Register of Deeds and maintained in the City Clerk's Alley Closing file dated January 19, 2021.)

Thereupon, Councilmember Sheffield made a **motion** to adopt the Consent Agenda as presented. Upon a roll call vote Mayor Alexander voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (4-0)

**PUBLIC COMMENT**

Mayor Alexander opened the floor to receive public comments.

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

**LOCAL HISTORIC LANDMARK DESIGNATION- MOORE HOUSE**

Senior Planner Catherine Garner addressed Council regarding the proposed designation of the Moore House located at 124 South Ellis Street as a Local Historic Landmark.

Ms. Garner pointed out the Moore House is part of the National Register of Historic Places and is also located in the West Square local historic district. She added the applicant proposes the Moore House become a Local Historic Landmark under Criterion B for the significance of the property associated with the persons significant in their past and its distinctive characteristics of a shingle architectural style roof. She commented the Moore House retains its special significance under Criterion B for the applicant's artistic, social, and civic activism in Salisbury. She noted the house also retains its integrity in design, setting workmanship, materials, feeling, and association in order to become a landmark under Criterion B.

Ms. Garner pointed out the Historic Preservation Commission (HPC) received the Local Historic Landmark pre-application on February 13, 2020 and found the property may meet the requirements to receive the Local Historic Landmark designation. She noted on November 12, 2020 the State Historic Preservation Office (SHPO) reviewed and provided comments per NCGS: 160D-946. She added on December 10, 2020 the HPC reviewed the final Local Historic Landmark application and found the property contains special significance for its architectural and cultural importance and retains its integrity qualifying the house for the landmark designation. She explained the HPC approved the property to be designated as a Local Historic Landmark by unanimous vote.

Councilmember Post asked if the property owner would receive an elimination or decrease in taxes if the house is designated as a Local Historic Landmark. Ms. Garner agreed. Mr. Post asked about a previous request for a policy review. Ms. Garner explained the review of a

moratorium was scheduled for March 2020 when North Carolina Governor Roy Cooper issued the Stay At Home Executive Order, and Council requested the item be brought back at a later date. She noted this application was already in process at the time the moratorium was being considered.

Councilmember Sheffield reviewed houses that were previously designated as Local Historic Landmarks by Council. She pointed out a great deal of work goes into getting a house designated as a historic landmark.

Councilmember Miller expressed his concern that houses not already a part of a historic district given Historic Landmark status might lessen the momentum to create a neighborhood or district of its own. He explained if the property was not in a historic district he would not agree with the designation, but he supports this house being designated. He suggested a policy be put in place to explain when designations should and should not take place. Councilmember Post commented he supports the designation due to the fact the house meets all the criteria and is in the historic district. Mayor Alexander agreed that since the application was in the process Council should consider it.

b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the proposed local historic landmark designation.

Mr. Pete Prunkl pointed out the Moore house was built in 1891 by Ms. Beulah Stewart Moore a noted artist, newspaper editor, social activist, and Salisbury's first female mayoral candidate. He added her traveler's club plaque stands outside the Rowan public library. He noted the Moore house is a significant example of a shingle style house based on the designs of national prominent architecture.

Mr. Jon Planovsky thanked Council for its commitment to the City, and for the adoption to the Land Development Ordinance (LDO) regarding landmark designations. He noted there is a tremendous amount of work, resources and funds that go into the designation as well as the benefit it brings to the City. He added the structure and contributions of Ms. Moore are important to the City and the County.

Mr. Christopher Jend presented information regarding the designer of the Moore House, Mr. E.G.W. Dietrich, and he shared illustrations of other houses in which Mr. Dietrich designed. Mr. Jend explained the Moore House has unique characteristics and is a great example of a shingle style house.

There being no one else to address Council, Mayor Alexander closed the public hearing and indicated comments regarding the proposed local historic landmark designation will be accepted for 24 hours from the close of the public hearing. She noted questions regarding the amendment can be directed to Senior Planner Catherine Garner at (704) 638-5212 or (704) 638-5208 and comments can be emailed to the City Clerk at kbake@salisburync.gov.

**LOCAL HISTORIC LANDMARK DESIGNATION- NAPOLEON BONAPARTE MCCANLESS HOUSE**

Senior Planner Catherine Garner addressed Council regarding the proposed designation of the Napoleon Bonaparte McCanless House located at 619 South Main Street as a Local Historic Landmark.

Ms. Garner pointed out the property is individually listed on the National Register of Historic Places and is not located in a local historic district. She noted the house was built in 1897 and is a second empire styled house. She added the house is found to have significance under Criterion B with properties that are associated with lives of persons significant in the past. She clarified the applicant proposes the house is significant also under Criterion C regarding properties that embody the distinctive characteristics of a type, period, method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Ms. Garner commented it was found the Napoleon Bonaparte McCanless House retains its special significance under Criterion B for Mr. McCanless' contributions to the City's industrial growth and development and residential development in the late nineteenth and early twentieth centuries. She indicated it was also found the house retains integrity in exterior design, workmanship, feeling, and association.

Ms. Garner explained the Historic Preservation Commission (HPC) received the Local Historic Landmark pre-application on August 20, 2020 and found the property may meet the requirements to receive the Local Historic Landmark designation. She noted on October 30, 2020 the State Historic Preservation Office (SHPO) reviewed and provided comments per NCGS: 160D-946. She commented the HPC received and reviewed the final Local Historic Landmark application on December 10, 2020 and found the property has special significance for its architectural and cultural importance. She added it was also found to retain most aspects of its integrity which qualifies it for landmark designation. She explained the HPC approved the property by unanimous vote to be designated as a Local Historic Landmark.

Councilmember Sheffield asked if the landmark designation is for both the exterior and interior of the house and if the kitchen house is included. Ms. Garner noted the designation request is for only the exterior of the house, and she added the kitchen house is part of the request.

Councilmember Miller suggested a policy be created for historic landmark designation and that considerations be only for properties located in a historic district. He added the policy would create an opportunity to develop incentives for property owners to invest in the property to increase its value, as opposed to only tax abatements.

Ms. Garner noted properties like the Napoleon Bonaparte McCanless House do not have protection through the National Register, but would receive protection in perpetuity from the landmark designation as long as it meets requirements.

Councilmember Post asked when the historic landmark designation was filed. Ms. Garner commented she will get that information to Council.

b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the proposed local historic landmark designation.

Ms. Karen Lilly-Bowyer explained historical information regarding the Napoleon Bonaparte McCanless House and the property owner, Mr. N. B. McCanless. She reviewed the integrity of the home. She noted the Historic Salisbury Foundation (HSF) requests the Local Historic Landmark designation be approved to provide protection to the historic property.

Ms. Sada Stewart noted the application was submitted prior to the moratorium or policy change request. She pointed out the house exemplifies what the City has to offer, and is a magnificent and regionally unique example of architecture created with locally sourced materials and by expert craftsmen. She commented the HSF owns the property and is proud to play a role in preserving it.

There being no one else to address Council, Mayor Alexander closed the public hearing and indicated comments regarding the proposed local historic landmark designation will be accepted for 24 hours from the close of the public hearing. She noted questions regarding the amendment can be directed to Senior Planner Catherine Garner at (704) 638-5212 or (704) 638-5208 and comments can be emailed to the City Clerk at kbake@salisburync.gov.

### **NATIONAL REGISTER OF HISTORIC PLACES- EDGAR S. AND MADGE TEMPLE HOUSE**

Senior Planner Catherine Garner presented a recommendation regarding eligibility for listing the “Edgar S. and Madge Temple House” located at 1604 Statesville Boulevard in the National Register of Historic Places. She explained the Historic Preservation Commission (HPC) and City Council are required to receive public comment and provide a report to the State Historic Preservation Office. She stated the National Register Advisory Committee will meet in February and provide final recommendations from the state of North Carolina to the National Register in Washington D.C.

Ms. Garner indicated the Edgar S. and Madge Temple House was constructed in circa 1936. She explained the house has a Spanish Colonial revival style; a hacienda and ranch form, and includes a central courtyard with extensive gardens. She added the detached garage and the chicken house are also included in the National Register nomination. She stated the house was the first local historic landmark in 2017 and if approved at the Park Service level will become an individual listing on the National Register. She noted the proposed listing complies with eligibility criteria because of its distinctive characteristics of a type, period, and method of construction that represent the work of a master and possess high artistic value.

Ms. Garner stated the HPC held a public comment period and voted on January 14, 2021 to recommend the proposed listing.

b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the proposed listing.

Mrs. Karen Lilly-Bowyer indicated she is pleased that the State Office of Historic Preservation believes the house is architecturally significant and deserves a listing on the National Register. She thanked the City for local landmark designation and Ms. Margaret Klutz for assisting in the pursuit of National Register recognition for the house.

There being no one else to address Council, Mayor Alexander closed the public hearing and indicated comments regarding the proposed recommendation will be accepted for 24 hours from the close of the public hearing. She noted questions regarding the recommendation can be directed to Senior Planner Catherine Garner at (704) 638-5212 and comments can be emailed to [catherine.garner@salisburync.gov](mailto:catherine.garner@salisburync.gov).

Councilmember Sheffield asked if there are other National Registered landmarks within the City. Ms. Garner stated there are approximately 14 properties that are individually listed on the National Register that are in historic districts or standalone properties.

## **2021 FEDERAL ACTION PLAN**

Administrative Services Director and City Clerk Kelly Baker stated a Federal Action Plan was developed in coordination with Ms. Leslie Mazingo and Mr. Ron Hamm with Strategics Consulting. She indicated Mr. Hamm and Ms. Mazingo will present an overview of the plan.

Mr. Hamm thanked staff who participated in the development of the plan. He stated since advocating for the plan in 2020 it has been reorganized and changed. He indicated grant applications have been successful and have yielded the City approximately \$1.5 million to \$3 million in funds. He stated the strategy used last year should work for several actions that will be pursued in 2021. He pointed out support for local governments is likely to increase with the new administration. He explained staff will work to leverage opportunities and focus on grants, infrastructure packages, and COVID-19 assistance. He added the new administration will prospectively invest in diversity, inclusion, and will assist in creating affordable housing and internet access for low income families.

Councilmember Post pointed out access to broadband has become critical in recent months. He indicated it would benefit the City if funding is identified for the remaining balance of the City's broadband debt.

Councilmember Miller asked if the list of items in the plan should be shortened. Mr. Hamm noted the list is two pages and of typical length.

Councilmember Sheffield indicated the list of items in the plan is long but it will allow staff to match the items to funding that may be available. She suggested a short list of high priority items also be created.

Mr. Hamm stated there are packages in the works that will assist the homeless population, assist with affordable housing, and for emergency rental assistance. He indicated \$25 billion was approved in December and an additional \$25 billion has been proposed. He explained an area is required to have a population of 200,000 to receive the money directly. He added the state would

receive 55% and local jurisdictions would receive 45%. He pointed out there is a \$350 million proposal for state local governments which hopefully will not have population limits. He stated he hopes to see additional COVID funds in the near future.

Mayor Alexander indicated she attended a meeting with the North Carolina League of Municipalities and met with some of the departments to allow them to get better acquainted with the City. She stated a letter was sent by the United States Congress of Mayors, the National League of Cities, and the North Carolina League of Municipalities to encourage funding that is pro-rata to population. She pointed out it is important that funds are provided directly to cities to replace the loss in revenue.

Mayor Alexander stated education and workforce development should be a priority. She explained according to the Economic Development Commission (EDC) approximately 300 jobs will become available. She added it is important to address job preparation and transportation issues.

Mayor Alexander indicated water systems are also important and should be on the short list of priorities. She explained there will be opportunities to assist neighboring communities with water projects and funding will be necessary.

Mayor Alexander agreed with Councilmember Sheffield regarding the creation of a short list of three to five high priority items. She explained the list can be discussed during the goal setting retreat.

Ms. Mozingo joined the meeting and stated the plan was a group effort, and she believes it will be successful. She thanked Council for trusting her company with its federal advocacy needs. She indicated she will meet virtually with the Congressional delegation and looks forward to Council's participation.

Thereupon, Councilmember Miller made a **motion** to adopt the 2021 Federal Action Plan. Upon a roll call vote Mayor Alexander voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (4-0)

Ms. Baker indicated the Congressional Cities Conference will be held March 7-10, 2021.

Ms. Mozingo stated the meeting dates do not have to be based on the Congressional Cities Conference dates and can be altered to accommodate Council.

Councilmember Miller indicated a prep-session with Mr. Hamm and Ms. Mozingo before the meeting will be helpful. Ms. Mozingo stated a prep-session can be arranged.

Ms. Mozingo pointed out she anticipates meeting with the Congressional Delegation to introduce the City's new Federal Action Plan, have the plan approved, and get in line early for priority items.



Mayor Alexander asked for the dates of the goal setting retreat. Ms. Baker indicated the retreat will take place virtually on February 10, 2021 from 5:00 p.m. to 8:00 p.m. and on February 11, 2021 from 4:00 p.m. to 8:00 p.m. Mayor Alexander indicated one goal of the retreat is to identify the City's top three to five priorities. Ms. Mazingo stated she can participate in the retreat if necessary.

**RECESS**

By consensus, Council agreed to take a five-minute recess. The meeting reconvened at 7:45 p.m.

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-CV) FUNDING**

Housing Planner Candace Edwards indicated the first phase of the Draft Action Plan Amendment ended following the closing of the public comment period on January 12, 2021. She added the second phase is to review staff recommendations and request approval from Council.

Ms. Edwards reviewed previously discussed staff recommendations and changes that were made to the Draft Action Plan Amendment:

- Public Service \$50,555
- Small Businesses \$60,000
- Homelessness Prevention Coordination \$40,000
- Emergency Sewer and Lateral Assistance \$10,000
- Rent and Utility Assistance \$75,000

Ms. Edwards indicated the total amount of funds include an expected second allocation of \$200,221 and the left over balance from the first allocation of \$34,834.

Ms. Edwards stated there are public service agencies in the City that are providing excellent rent and utility assistance. She explained there is expected to be numerous applications for assistance due to the moratorium being lifted after January 31, 2021.

Mayor Alexander asked if the allocation process was inclusive of the public comments. Ms. Edwards indicated all comments received during the public comment period were considered when recommendations for allocation amounts were designated.

Councilmember Post asked if the \$75,000 allocated for rent and utility assistance will be lost if the moratorium is extended. Ms. Edwards indicated the City has 36 months to spend the money and an extension of the moratorium should not be a problem.

Ms. Edwards stated if the amendment is adopted, there would be an application phase from January 20, 2021 to February 19, 2021 giving entities an opportunity to apply for the funds.

Thereupon, Councilmember Miller made a **motion** to adopt an amendment to the FY2020-2021 Community Development Block Grant (CDBG) Action Plan regarding the use of use of CDBG funding to prevent, prepare for, and respond to the Coronavirus (CDBG-CV) through the CARES Act. Upon a roll call vote Mayor Alexander voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (4-0)

### **LAND DEVELOPMENT DISTRICT MAP AMENDMENT- Z-01-2020**

Senior Planner Catherine Garner addressed Council regarding Land Development District Map Amendment Z-01-2020 to rezone one parcel on the south side of South Martin Luther King, Jr. Avenue from Corridor Mixed-Use (CMX) and Highway Business (HB) to HB. She explained the request is to clean up a split-zoning, and she noted HB will better meet the applicant's needs for the proposed development. She added the unnumbered parcel will be given an address when construction documents are received. She stated the parcel is approximately 255 feet south of the intersection of South Martin Luther King, Jr. Avenue and Mooresville Road.

Ms. Garner noted the Planning Board considered the request at its December 8, 2020 meeting and recommended unanimous approval. She pointed out Council held a public hearing on January 5, 2021, and she added no additional comments or questions have been received.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, as requested, is not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan due to the proposed petition, site characteristics, surrounding development pattern, and observations provided by City planning staff, identifying there are no policies in direct opposition to the petition. Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina rezoning 8.24 acres known as Parcel ID 060 190 from Highway Business (HB) and Corridor Mixed-Use (CMX) to Highway Business (HB). Upon a roll call vote Mayor Alexander voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (4-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING 8.24 ACRES KNOWN AS PARCEL ID 060 190 FROM HIGHWAY BUSINESS (HB) AND CORRIDOR MIXED-USE (CMX) TO HIGHWAY BUSINESS (HB). (PETITION NO. Z-01-2020)

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 46, and is known as Ordinance 2021-05.)

### **LAND DEVELOPMENT DISTRICT MAP AMENDMENT- Z-02-2020**

Senior Planner Catherine Garner addressed Council regarding Land Development District Map Amendment Z-02-2020 to rezone one parcel located at 725 South Main Street from Highway Business (HB) to Corridor Mixed-Use (CMX). She reviewed the request, and she pointed out the

site is developed with one house-type building recently used as commercial space.

Ms. Garner noted at its last meeting Council requested additional information regarding HB zoning and how it relates to residential uses. She stated the zoning districts in the Land Development Ordinance (LDO) are organized on the transect model and lower numbers are rural areas and higher numbers are urban areas. She explained the LDO addresses special districts that make allowance for auto dependent activities such as big-box retail or institutional campuses and industrial zones.

Ms. Garner explained HB zoning is defined as the intensity of commercial development in the zoning district and is established by the traffic of the fronting thoroughfare to facilitate convenient access, minimize traffic congestion, and to reduce the visual impact of excessive signage and parking lots. She pointed out HB zoning is found along Jake Alexander Boulevard, portions of South Main Street, and along Faith and Julian Roads. She noted HB zoning is intended for areas of auto oriented uses of greater intensity such as Walmart.

Ms. Garner stated CMX areas are coded to facilitate convenient access to minimize traffic congestion and reduce the visual impact of auto oriented uses along the City's major thoroughfares. She indicated developments in CMX zoning should be traditionally detailed and encourage pedestrian use through connections to adjacent neighborhoods and the construction of mixed-use buildings. She displayed a map of the area, and she pointed out the parcel and its proximity to Neighborhood Mixed-Use (NMX), Civic and Institutional (CI), HB, Downtown Mixed-Use (DMX), and CMX zonings. She pointed out discussion took place at the last Council meeting regarding this section of South Main Street. She explained HB zoning in the area may be a misapplied carry-over from the adoption of the LDO in 2008. She noted multi-family uses are permitted in CMX and HB zonings. She added the residential uses in HB zoning are anticipated to be apartment complexes with multiple residential units verses single-family residential lots that are permitted in CMX zoning.

Mayor Alexander pointed out it makes more sense for the area to be zoned CMX or DMX. She asked if in the future staff can speak with landowners in the other areas to determine the needs of the community. Ms. Garner noted staff did not want to rezone an entire corridor of 27 properties without having a chance to determine if CMX or DMX zoning is a better fit for the area.

Councilmember Post stated he has concerns regarding spot zoning, and he asked if staff is planning to reach out to the entire neighborhood regarding zoning in the area. Ms. Garner noted a study of the corridor needs to be conducted, and she commented staff is not sure when the study will need to be completed in regards to the Comprehensive Plan. She explained the application needs to be considered, but staff wants to be intentional and make the right decision for the entire area.

Councilmember Miller pointed out there are under-developed properties in this area on South Main Street. He explained he would like the study to start where the CMX zoning begins south of Monroe Street and ending at Stallings Memorial Baptist Church. He added he understands the petitioner's request, and it is within the petitioner's right to ask. He added he has an easier time putting the property in a DMX zoning because DMX is two or three parcels away. He noted

new development would have to behave like DMX zoning regarding intensity and setback. He stated he prefers DMX zoning for the area and it would accomplish the property owner's intent.

Councilmember Sheffield pointed out the applicant's goal is a multi-family dwelling. Ms. Garner clarified the applicant wanted the option of either single-family or multi-family development and DMX would provide both options. She pointed out DMX and CMX zonings are very similar. Mayor Alexander indicated DMX zoning includes the Conditional District (CD) Overlay process which provides flexibility.

Councilmember Post suggested completing a study of the area along the eastern side of South Main Street. Mayor Alexander pointed out if Council is considering changing HB zoning then DMX or CMX zoning should be considered. She commented changing the zoning from CMX to DMX would provide the applicant everything that was requested. She noted it is important not to make the applicant wait for a study to be conducted. Ms. Garner pointed out with DMX zoning the house building type is not a permitted building type. She clarified an existing building can stay, but it becomes a legal nonconforming structure that could not be added on to. She noted completing a study in three or four months would be difficult for staff, and she added it is a priority of the Comprehensive Plan to examine some of the small area plans.

Planning Director Hannah Jacobson noted the Planning Department is extremely short staffed and at capacity with its current workload. She added priorities could be shifted to complete the study within six months.

Councilmember Sheffield questioned if Council decides to rezone the property as CMX how it would impact future zoning in the area and what the consequences would be for the property owner. Mr. Miller noted there are approximately six different uses between CMX and DMX zoning and one or two would require a CD Overlay or a Special Use Permit (SUP). He stated the uses are similar and the biggest difference is the house type which would create nonconformity.

Ms. Jacobson explained if the property were zoned DMX the structure would become legal nonconforming. She added as long as the use is a single-family unit it could remain legal nonconforming. Mayor Alexander pointed out CMX zoning provides flexibility for residential or commercial use without creating a nonconformity. She indicated from an urban design standpoint CMX would be more appropriate. She noted DMX is for downtown, and she commented it is more dense and allows property near the street.

Ms. Jacobson noted all aspects of the LDO needs to be considered for a study of the corridor. Ms. Garner pointed out CMX zoning has more flexible setbacks than DMX zoning. She noted the applicant's house building type is permitted under CMX and would not create a legal nonconforming building type. Mayor Alexander noted more properties would be nonconforming if the area was zoned DMX.

Councilmember Miller clarified there might be some interest in a multi-family project in the area, and he noted DMX makes sense in regards to the future development pattern. Mayor Alexander agreed it would be desirable for new multi-family development to be up to the street. She pointed out Council must make a decision based on the application for CMX zoning at 725

South Main Street as requested by the applicant.

Councilmember Miller questioned if spot zoning would become an issue if someone were to challenge it. City Attorney Graham Corriher explained this is a defensible case that would not be classified as spot zoning. He explained spot zoning is a legal term and in a legislative decision the Council must show it made a reasonable decision. He stated Council has had a robust discussion and the decision it makes is defensible.

Councilmember Miller stated he is comfortable moving forward with the request before Council. He noted the zoning in the area needs to be addressed in a future study and the property owner needs to be made aware of another possible zoning change once the study occurs. Mayor Alexander indicated a study would help determine where DMX zoning would end and CMX would begin.

Councilmember Sheffield stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, as requested, is not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan due to the proposed petition, site characteristics, surrounding development pattern, and observations provided by City planning staff, identifying there are no policies in direct opposition to the petition. Thereupon, Ms. Sheffield made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina rezoning 0.56 acres of 725 South Main Street (Parcel ID 015 537) from Highway Business (HB) to Corridor Mixed-Use (CMX). Upon a roll call vote Mayor Alexander voted AYE, Councilmember Miller voted AYE, Councilmember Post voted NAY, and Councilmember Sheffield voted AYE. (3-1)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING 0.56 ACRES OF 725 SOUTH MAIN STREET (PARCEL ID 015 537) FROM HIGHWAY BUSINESS (HB) TO CORRIDOR MIXED-USE (CMX). (PETITION NO. Z-02-2020)

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 47, and is known as Ordinance 2021-06.)

Mayor Alexander asked if a motion or directive is needed to advise Planning Department staff to take on the discussed small area plan. City Manager Lane Bailey noted staff has heard Council's concerns and will begin the study as soon as it can manage the project. Mayor Alexander thanked staff for its presentation.

### **CITY ATTORNEY'S REPORT**

City Attorney Graham Corriher had nothing to report to Council.

### **CITY MANAGER'S REPORT**

City Manager Lane Bailey had nothing to report to Council.

## **COUNCIL COMMENTS**

Councilmember Sheffield suggested Council consider a motion regarding the Historic Landmark Ordinance. Mayor Alexander stated she spoke with City Clerk Kelly Baker who noted if Council wanted to place the item on the next Agenda a public notice would be required. City Attorney Graham Corriher recommended making a motion to hold a public hearing at the next Council meeting and to consider a moratorium.

Thereupon, Councilmember Sheffield made a **motion** to hold a public hearing to consider a moratorium regarding the City's Local Historic Landmark Ordinance. Upon a roll call vote Mayor Alexander voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (4-0)

Councilmember Sheffield noted many events took place throughout the weekend in honor of Dr. Martin Luther King, Jr. She noted the Human Relations Council (HRC) adopted Kelsey Scott Park and will take care the park in the future.

Councilmember Sheffield noted Boards and Commission terms expire in March, and she encouraged citizens who may be interested in serving to apply.

Councilmember Post thanked staff for all they do for the City. He stated he is concerned about spot zoning. He noted based on Council's conversation staff will bring a recommendation to Council that could involve a rezoning for the entire area, and he would prefer the rezoning take place before the spot zoning.

## **MAYOR PRO TEM COMMENT**

Mayor Pro Tem Heggins was not in attendance.

## **MAYOR'S ANNOUNCEMENTS AND COMMENTS**

Mayor Alexander announced the following events:

(a) **Downtown Main Street Plan**

The public is invited to provide feedback on the proposed Downtown Main Street Plan. The plan will be presented virtually to the Neighborhood Leaders Alliance on January 21, 2021 at 4:00 p.m. and at a Main Street meeting January 27, 2021 at 6:00 p.m. Meetings will be held outdoors and in person on January 22, 2021 at 8:00 a.m. in front of Koco Java located at 329 North Main Street, and January 22, 2021 at 11:30 a.m. in front of the Wells Fargo Building located at 130 South Main Street. For Zoom meeting links and to view the draft plan please visit [www.salisburync.gov/mainstplan](http://www.salisburync.gov/mainstplan).

(b) COVID-19 Vaccine Drive-thru Clinic


Rowan County Public Health has issued a media release indicating they will host a COVID-19 vaccine drive-thru clinic. The clinic will be held on Wednesday, January 20<sup>th</sup> at West End Plaza, 1935 Jake Alexander Boulevard and will take place from 9:30 a.m. until 3:30 p.m. or as long as the vaccine supply allows. The clinic will be for individuals that fall into Group 1 (healthcare workers fighting COVID-19 and long-term care staff and residents) or Group 2 (individuals 65 years or older). For your safety, individuals will not be allowed to enter the parking area before 6:00 a.m.

(c) Kiva Loan Program

Mayor Alexander announced she heard from Concord Mayor William Dusch, Kannapolis Mayor Darrell Hinnant, and Statesville Mayor Costi Kutteh who were invited to partner with the City regarding the KIVA Loan Program. She noted the partnership will help reduce the cost regarding KIVA and will assist with building equity in the community.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:00 p.m.



Karen Alexander, Mayor



Kelly Baker, City Clerk