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. Mayor Alexander requested a moment of silence in memory of those who lost their lives to violence over the weekend. 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.

CHANGES TO THE AGENDA

Mayor Alexander requested Council consider moving item 15 - Council to consider adopting an Ordinance regarding the sale of alcohol on Sunday in accordance with North Carolina Session Law 2017-87 (Brunch Bill) to item 11 on the Agenda.

Thereupon, Mr. Miller made a motion to move item 15 to item 11 on the Agenda and to adjust the Agenda items accordingly. Mr. Miller seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)
RECOGNITION OF VISITORS

Mayor Alexander welcomed all visitors present.

SUMMER YOUTH EMPLOYMENT PROGRAM

Human Resources Specialist Briana Price addressed Council regarding the Summer Youth Employment Program. Ms. Price explained every summer the City hires students who are City residents to participate in the eight-week program. She noted the students gain work experience and exposure to local government by working in City departments. She recognized the nine students who participated in the Summer Youth Employment Program:

- Mr. Shaleek Williams
- Ms. Tatyana Streater
- Ms. Zyaira Smyre,
- Mr. Shyheim Robinson,
- Mr. Christion Burns,
- Ms. Tayvion Ward
- Ms. Hope Evans
- Ms. Tempest Robbins
- Ms. Takiya Robbins
- Mr. Ikey Harrison

Mr. Williams thanked Council for supporting the program which gave him an opportunity to work at several departments. Mr. Harrison thanked Council for allowing him to work in the Summer Youth Employment Program. Ms. Robbins pointed out the Summer Youth Employment Program is a great opportunity for local students.

Mayor Alexander congratulated the students, and she thanked everyone who worked to make the program a success.

ADDITIONS TO THE AGENDA

Mayor Alexander asked for a motion to add a closed session to the Agenda to consult with an attorney as allowed by NCGS 143-318.11(a)(3).

Thereupon, Ms. Blackwell made a motion to add an Agenda item to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3). Mr. Post seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)
PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

NATIONAL NIGHT OUT August 1, 2017

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meeting of July 11, 2017.

(b) Budget Ordinance Amendment – Parks and Beautification Fund

Adopt a budget Ordinance amendment to the FY2017-2018 budget in the amount of $11,000 to appropriate insurance proceeds for the General Fund Parks and Beautification Fund.

ORDINANCE AMENDING THE 2017-18 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO INSURANCE CLAIM PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 111, and is known as Ordinance 2017-44.)

Thereupon, Mr. Miller made a motion to adopt the Consent Agenda as presented. Mr. Post 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 thanked everyone who assisted the Police Department over the last several days. He pointed out, due to everyone working together, arrests were made in relation to the violence that took place over the last 72 hours in the City.

Chief Stokes reviewed current staffing levels, and he pointed out the Police Department is at 88.9% sworn staffing and 85.7% civilian staffing. He noted five recruits will begin Basic Law Enforcement Training (BLET) later this month.

Chief Stokes noted the foot patrol trial began July 1, 2017, and he commented 318 foot patrols were conducted during the month in July, or 10.25 per day. He stated a 15-minute foot patrol helps to reduce crime and the fear of crime in an area.

Chief Stokes pointed out the Neighborhood Ice Cream Express Truck was featured in the Salisbury Post and on WCNC. He commented the Wall Street Journal also requested information about the ice cream truck.
Chief Stokes pointed out three homicides took place in the City within 72 hours. He noted one event took place in the 100 block of West Fisher Street on Saturday, July 29, 2017 and resulted in a double homicide. He stated two individuals have been arrested. He added the murder that took place on Link Avenue is still an active investigation and progressing well.

Councilmember Hardin recognized Chief Stokes, Deputy Chief Barnes, and the Police Department for their efforts to combat crime in the City. He thanked the community for sharing information with the Police Department. He also thanked City Manager Lane Bailey for keeping Council informed when something happens in the City.

Councilmember Miller asked Chief Stokes about the connection between increased police presence in the community and the tips that were received. Chief Stokes stated when police officers have an increased presence in the community it tends to reduce a citizen’s fear of crime and providing information. Mr. Miller thanked Chief Stokes and the Police Department for all they are doing to reduce crime in the City.

**UPDATE – EMPIRE HOTEL PROJECT**

Community Planning Services Director Janet Gapen introduced Mr. Billy Hughes, developer of the Empire Hotel Project; Mr. Jim Prosser, Centralina Council of Government (CCOG); and Mr. Brett Weaver. Mr. Hughes discussed the Empire Hotel project. He noted the Empire Hotel is listed on the National Registry of Historic Places, and he indicated he is working with the State Historic Preservation Office and the National Park Service to maintain the historic character of building. He stated Jones Pearce is the main architectural firm for the proposed redevelopment.

Mr. Hughes stated he develops multi-family properties, and he pointed out market and demand studies were conducted to confirm there was a demand for the proposed project.

Mr. Hughes displayed an artist’s rendering of the suggested architectural front for the building. He pointed out the period of significance is between 1908 and 1950. He explained once the period of significance is determined the architecture must remain consistent with the time period.

Mr. Hughes reviewed the site plan, and he noted the project is composed of three buildings. He explained it is important to maintain the architectural integrity of the ballroom, even though the space will not be used as a ballroom. He stated the project will consist of 62 multi-family units on the second and third floors, and approximately 24,000 square feet of commercial space on the first floor.

Mr. Weaver discussed the project financing. He noted the goal is to secure financing and come to market by the second quarter of 2018.
Mr. Prosser stated business and industries are looking for communities with vibrant downtowns that include housing and mixed-use development. He explained the project is an important economic development tool for the City and a private/public partnership. He noted the developer has a passion for historic restoration, and he will make a substantial investment in the project before construction begins. He stated the developer will hold an open house to share additional details and receive feedback from the public.

Councilmember Hardin asked about financing the project. Mr. Weaver explained there are obstacles for any financing and the proposed project has overcome its hurdles to date. He stated, based on past experience, he believes the project is ready and will be financed. Mr. Prosser pointed out the developers are doing everything needed to achieve financing, and financing is highly likely.

Mr. Hardin noted the property is listed on the National Registry of Historic Places, and he asked if this places restrictions on redevelopment. Mr. Hughes explained the limitations involve architecture, and he noted the developer is obligated to recreate or preserve the architecture. He indicated he is working with the National Park Service to determine what needs to be maintained.

Mr. Hardin asked when the property was last occupied. Mr. Weaver stated the property was occupied as a boarding house in 1965. Mr. Hardin then asked if the City incurs a cost while the building is empty. Mr. Prosser noted there is a cost to the City, and he will get the information for Council.

Councilmember Miller requested Mr. Prosser explain his work with the developer and staff. Mr. Prosser noted CCOG meets with staff and developers biweekly to address issues that arise and to advance the project. He stated Council has been supportive of the project while also demanding information before a decision is made. He noted Council requested an individual analysis, and he commented Ehlers and Associates is providing the analysis.

Mr. Miller clarified public hearings will be held before Council approves participation in the project. Mr. Hughes pointed out the support of Council and the community is vital to the project’s success.

Mayor Pro Tem Blackwell thanked Mr. Hughes for taking on the project. Councilmember Post commented the Empire Hotel is an anchor for downtown, and he asked if Federal or State tax credits for the project could be taken away. Mr. Prosser stated there are always risks for these projects and that is why developer is working to move quickly.

Mr. Post commented the City incurs cost annually for the Empire Hotel. City Manager Lane Bailey agreed, and he noted the City makes the debt service payment through its contribution to DSI. Mr. Post asked about the price point for the multi-family units. Mr. Hughes explained the market that is 2.5 to 3 years out and the information is underwritten based on current figures that are approximately $1.04 to $1.20 per square foot depending on the size of the unit. Mr. Prosser cautioned it is important for the developer to price the property at market rate, and he noted the numbers can change based on current market values.
Mr. Post asked about the type of businesses the developer has in mind for the retail space. Mr. Weaver noted the market will determine the type of business, and he pointed out the project is envisioned to include businesses that support downtown offices and residents.

Mr. Hardin asked about the debt service payment for the Empire Hotel. Mr. Bailey noted the payment is approximately $95,000 and includes insurance for the building. He added the payment is made through the City’s contribution to DSI. Mr. Post asked about the debt. Mr. Prosser stated there is approximately $700,000 remaining on the debt.

Mayor Alexander clarified the City does not own the Empire Hotel, she explained it is owned through DSI which is a non-profit. She thanked Mr. Hughes, Mr. Weaver, and Mr. Prosser for their presentation.

PUBLIC COMMENTS

Mayor Alexander reviewed the changes to public comment that were adopted by Council in April. She then opened the floor to receive public comments.

Mr. Charles Black stated the Westwood area was annexed by the City in 2007. He pointed out it has been 10 years, but the area has not received services from the City. He questioned why the area was annexed.

Mr. Ronnie Smith addressed Council on behalf of Rowan County veterans. He referenced a Vietnam memorial at City Park. He stated the Parks and Recreation Advisory Board denied his request for a previously identified and preferred location for the memorial. He requested Council work with his committee to identify alternate locations for the Vietnam memorial.

Ms. Carolyn Rice thanked Council for adopting the Remedial Action Plan, and she commented there are renters with disabilities that may need someone to advocate for them. She also thanked Development and Code Services Manager Preston Mitchell, Communications Director Linda McElroy, and Solid Waste Supervisor Danny Rogers for working to bring solutions to problems in the West End community.

Human Resources Director Ruth Kennerly interpreted for Mr. Benjamin Gonzalez.

Mr. Benjamin Gonzalez thanked Council for opening its soccer fields to local youth. He stated the program includes approximately 60 kids and is currently free because of a partnership with the City from April to August. He requested an area to continue the program during the winter months, and he noted parents do not want the program to end. He commented he can offer the program because he is not charged for using the Community Park soccer fields.

Ms. Carolyn Logan thanked City Manager Lane Bailey for the information he provided regarding the gang grant, but she questioned if the information is what she needs. She thanked Chief Stokes and the Police Department for their efforts, and she noted crime continues to plague the City. Ms. Charvonna Stackhouse yielded her time to Ms. Logan. Ms. Logan referred to the
Fibrant building, and she questioned the funds Mayor Alexander received from the City. Mayor Alexander indicated Ms. Logan was out of order.

Ms. Ollie Carroll noted there is a need for sidewalks in the 100 block of Old Plank Road and the 1400 block of Old Wilkesboro Road where students travel on a regular basis. She added she has met with staff who stated the area is not conducive for sidewalks. She questioned why sidewalks cannot be constructed in this area when they are built in other areas, and she requested comparative data.

Councilmember Hardin asked about the width needed for sidewalks. City Manager Lane Bailey noted there is a minimum width for roads and sidewalks to receive funding. He stated he will follow up with staff. Councilmember Miller pointed out the area has topography issues. Mayor Alexander commented some of the roadways in the City are State roads that qualify for Congestion Mitigation and Air Quality (CMAQ) funding.

Mr. Michael Kirksey agreed that sidewalks are needed in the West End to protect citizens from speeding vehicles. He added those who are committing crimes need to be prosecuted to deter others from committing crimes. He commented the County should help solve problems that plague the City.

Ms. Cynthia Sloan read communications that were sent to Ms. Carolyn Logan regarding the crime prevention program that took place from 2006 until 2010. She pointed funds did not reach middle school students. She commented crime is a problem for the entire community, and she noted programs are available for gang prevention training. Ms. Linda Alexander yielded her time to Ms. Sloan. Ms. Sloan suggested a task force be commissioned to address violence.

Mayor Alexander clarified the grants began in 2007 and the information provided is from the archives. She pointed out qualifications must be met before the grant funding is awarded.

Mayor Pro Tem Blackwell referenced the Project Safe neighborhoods, and she noted Council has not received a report on that effort in quite some time. She requested a report be brought to Council regarding the impacts of the program.

Councilmember Miller noted the City included money in its budget to fund a Project Safe Coordinator. He requested a job description be included in the presentation to Council.

Mayor Alexander commented 40 students attended the Gang Resistance and Education Training (GREAT) camp this summer. She explained GREAT camp teaches campers the importance of staying away from drugs and the effects of drug abuse.

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

Councilmember Hardin stated he is the liaison for the Parks and Recreation Advisory Board and has been involved in the entire memorial process. He added he appreciates Mr. Smith’s passion for a Vietnam Veterans memorial at City Park, but he noted he also supports the Parks and Recreation Advisory Board and staff. He clarified the Parks and Recreation Advisory Board did
not deny a Vietnam Veterans Memorial at City Park. He explained on July 13, 2017 the Board considered two proposals, and the Board approved a proposal that places the memorials in chronological order. He pointed out the decision would create consistency among the memorials and should stand.

Mr. Bailey stated information regarding Project Safe will be made available to the public. He pointed out the City and County are working together regarding the Project Safe Coordinator position.

COMMUNITY ACTION PLANNING SESSIONS

City Manager Lane Bailey explained when he came to the City quarterly meetings were held with the public, but the meetings had limited success. He stated Council requested another plan of action and the Community Action Planning Sessions began. He thanked everyone who worked to make the Community Action Planning Sessions a success.

Human Resources Director Ruth Kennerly introduced Galilee Agency President Brenda Anderson, and she noted Ms. Anderson has worked with the City for over 10 years.

Ms. Anderson shared a follow-up report from the Community Action Planning Sessions that were held in the spring. She stated over 20 City ambassadors came together to develop the framework for the Community Action Planning Sessions. She reviewed three strategies for creating a pathway to success and outcome areas for focus:

- To actively engage citizens in interactive sessions to help plan the future of the City
- To facilitate dialogue that lays the foundation for developing solutions and creating an environment for ongoing community engagement
- To develop recommendations for goals and actions that will ensure the City achieves its Vision 2020 for a “safer and healthier community for all”

Ms. Anderson then reviewed three strategies to success:

- Creating a model/culture of accountability
- Strengthening educational resources
- Improving community relations and engagement

Ms. Anderson indicated four areas of focus were developed for the sessions:

- Improving public safety
- Creating opportunities for children and youth
- Improving community relations
- Workforce development
Ms. Anderson explained four sessions were held and surveys revealed that over 90% of the participants agreed the sessions effectively identified solutions, and 60% of the participants indicated they wanted to continue being part of the process.

Ms. Anderson reviewed the key themes and findings:

- Access to transportation
  - Accessing opportunities for children
  - Improve public safety
  - Educational opportunities
  - Workforce opportunities
- Availability/awareness of resources
  - Collaboration groups (neighborhoods and communities)
  - Additional tools and technology
  - Communication outreach
- Training and education
  - Parent education
  - City staff and law enforcement
  - Education and training partnerships
- Leverage diversity to build trust
  - Trust development
  - Commitment from Council, community leaders and residents

Ms. Anderson thanked staff for its support of the Community Action Planning Sessions. She stated Community Action feedback sessions will take place Monday, August 14, 2017 from 6:00 p.m. until 8:00 p.m. at the Civic Center and Saturday, August 19, 2017 from 10:00 a.m. until noon at City Hall. She explained each focus area will have a three-year goal. She noted four community engagement action teams will launch in September, and she suggested the teams bring quarterly progress reports and annual reviews to Council.

Mayor Alexander thanked everyone who participated in the Community Action Planning Sessions.

Thereupon, Ms. Blackwell made a motion to take a short recess. Mr. Miller seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Thereupon, Ms. Blackwell made a motion to return to session. Mr. Miller seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)
BRUNCH BILL

Rowan Chamber of Commerce President Elaine Spalding addressed Council regarding the sale of alcohol on Sunday in accordance with North Carolina Session Law 2017-87 (Brunch Bill). She explained municipal governments in the State have the option of considering legislation that would allow restaurants in the City to serve alcoholic beverages starting at 10:00 a.m. on Sunday. She stated many Chamber members have requested support of the Brunch Bill which could be an economic development and business retention tool. She asked Council to consider the request.

Thereupon, Mr. Miller made a motion to adopt an Ordinance amending the Salisbury City Code of Ordinances to amend Chapter 2 Administration, Article I, Section 2-4 to allow the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages within the corporate limits of the City of Salisbury at premises having a valid ABC permit issued under North Carolina General Statutes 18B-1001 on Sundays beginning at 10:00 a.m. Mr. Hardin seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING THE SALISBURY CITY CODE OF ORDINANCES TO AMEND CHAPTER 2 ADMINISTRATION, ARTICLE I, SECTION 2-4 TO ALLOW THE SALE OF MALT BEVERAGES, UNFORTIFIED WINE, FORTIFIED WINE, AND MIXED BEVERAGES WITHIN THE CORPORATE LIMITS OF THE CITY OF SALISBURY AT PREMISES HAVING A VALID ABC PERMIT ISSUED UNDER NORTH CAROLINA GENERAL STATUTES 18B-1001 ON SUNDAYS BEGINNING AT 10:00 A.M.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 112, and is known as Ordinance 2017-45.)

Ms. Spalding thanked Council for its support of the business community.

LAND DEVELOPMENT ORDINANCE AND DISTRICT MAP AMENDMENT CD-02-2017 – FIRE STATION 3

Councilmember Post requested to be recused because action regarding CD-02-2017 could dramatically affect the value of his home.

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

Development and Code Services Manager Preston Mitchell reviewed the location of the site and the adjacent zoning. He noted the proposal involves four properties that include single-family structures located at 150 to 160 Mahaley Avenue. He commented the properties are currently zoned General Residential (GR).
Mr. Mitchell explained the City is the petitioner and has an option to purchase the four parcels. He stated the request is to rezone 150 to 156 Mahaley Avenue from GR to Residential Mixed-Use (RMX) and for 160 Mahaley Avenue to remain GR with a Conditional District (CD) Overlay to allow for the construction of Fire Station 3.

Mr. Mitchell reviewed the proposed site plan, which would be located across 150, 154 and 156 Mahaley Avenue. He indicated the single-family structure at 160 Mahaley Avenue will remain intact and contain a shared Stormwater detention facility. He displayed an artist’s rendering of the project, and he pointed out the means of ingress and egress to the proposed fire station.

Mr. Mitchell explained the Planning Board considered the request in June and sent it to a Committee who studied the proposal and made a recommendation to the Planning Board at its July meeting. He pointed out the petitioner is not requesting any exceptions to the Ordinance. He reviewed changes from the original submission, and he pointed out changes to the detention facility. He explained the access easement to maintain the Stormwater facility would be located along the northern property line and would require alternate methods of compliance for landscaping. He stated the Planning Board requested the easement be relocated, and the petitioner increased the landscape buffer with evergreen plantings.

Mr. Mitchell noted a retaining wall will be necessary at the rear of the site. He stated the Committee requested the retaining wall’s height be increased to provide additional light and sound barriers. He indicated at its July meeting the Planning Board voted 7-1 to approve the request with conditions and voted unanimously that the request is consistent with the Vision 2020 Plan.

Mr. Mitchell stated the Planning Board indicated the proposal is architectural compatible with the surrounding area. He pointed out Mahaley Avenue is a minor thoroughfare and the use is appropriate for the area.

Mr. Mitchell stated the only permitted use is for a public safety station on 150-156 Mahaley Avenue and for a single-family residential use with a CD Overlay at 160 Mahaley Avenue. He noted staff recommends clearing and grading at 160 Mahaley Avenue be limited to a 675 feet contour.

Councilmember Miller asked if the retention pond would require a fence. Mayor Pro Tem Blackwell indicated she does not believe a fence is required around a retention pond.

Mr. Bill Burgin, project architect, explained retention ponds are no longer allowed because of the City’s close proximity to airport. He stated the water will be stored in a bio detention cell until it can move down stream.

Councilmember Hardin requested clarification regarding the wall height. Mr. Mitchell explained the Committee did not take issue with the height of the wall because it recognized the need to balance the site, but it was concerned with how to mitigate the wall’s presence.
Mr. Hardin asked how much it would add to the project to include a retention pond similar to the one at the Wallace Building. Mr. Burgin stated the cost is approximately $150,000, and he indicated that type of retention system includes a filter that requires ongoing maintenance expense.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding CD-02-2017.

Mr. David Harrison proposed Fire Station 3 be located on property between Holmes and Highland Avenues. He noted this site is the former home of Harrison’s florist and includes approximately 1.6 acres. He added the site would not require a privacy wall, tree removal, or to be filled in with dirt. He commented the site has road frontage and utilities that are well established. He indicated the location has potential for growth, and he pointed out it is near the hospital and currently zoned RMX.

Mr. Jeff Saleeby stated he owns the lot at the corner of Holmes and Grove Streets. He noted the site between Holmes and Highland Avenue would be a better fit for the fire trucks. He commented the site suggested by Mr. Harrison has road frontage and would be a more economical location for Fire Station 3.

Ms. Carmany Hartwig, 157 Lily Avenue, requested that Fire Station 3 not be built on Mahaley Avenue, due to its close proximity to the neighborhood on Lily Avenue. She noted home values will decrease if the fire station is located on the proposed site, and she pointed out most of the families have young children. She added she is concerned about the unknowns that may come with having a fire station behind her home. She questioned if the proposed location is cost effective and appealing for the community. She thanked Council for its consideration.

Ms. Christina Hartwig stated she is opposed to the proposed location for Fire Station 3 because of its close proximity to her home. She yielded her time to Dr. Jay Bolin. Dr. Bolin stated he is a resident of Lily Avenue. He shared his concern that no other fire station borders GR 6 zoning, and he pointed out Fire Station 3 will be the largest fire station in the City. He commented he is also concerned about the outdoor intercom. He noted the retaining wall will be 10 feet from his back property line. He indicated the 2011 site selection study for the fire station is flawed. He explained the drive time analysis is also flawed because it counted miles and not the number of homes within the distance. He noted there are alternative sites that need to be considered. He added he does not think the location is compatible with the Vision 2020 Comprehensive Plan.

Mr. George Benson commented he supports the City’s first responders, but he questioned how the site for the new fire station was selected. He added he does not agree with houses being removed for this purpose, when there are vacant lots available in the area. He commented the façade for the proposed fire station is a waste of tax payer’s money.

Ms. Joanna Young, Lilly Ave., indicated her family has lived at their home for 49 years. She added she is worried about the neighborhood’s quality of life, and she pointed out it would be sad to lose the old trees that are in the area. She stated the traffic at the intersection of Mahaley Avenue and Innes Street is extremely congested and fire trucks would add to the congestion. She asked Council to consider an alternate location.
Mr. Steve Coggins requested Council deny the zoning request, and he pointed out there are other locations in the City where the fire station could be located.

Mr. David Post, 121 East Corriher Avenue, asked Council to have empathy for the neighbors who would be impacted by the proposed location. He questioned if Council would be willing to have a retaining wall and a fire station in their back yard. He commented the proposed location would negatively affect the value of his property.

Mr. Bill Burgin, architect for the project, pointed out Fire Station 4 is located closer to 20 homes on Statesville Boulevard than any one home on Lilly Avenue. He explained the noise from sirens projects forward and those across from, not behind, a fire station receive a blast from the sound. He explained the intercom is an announcement that occurs when the Fire Department takes a call, but it is not a continuous noise.

Ms. Diane Coggin stated the proposed fire station will be detrimental to nature in the area. She asked Council to consider another location for the fire station.

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

Mr. Hardin asked if the locations on Statesville Boulevard and near Harrison’s Florist were considered. City Manager Lane Bailey noted staff looked at zones and considered property on Mahaley Avenue closer to Old Mocksville Road, but the City was unable to acquire the property. He indicated staff also considered the Harrison site, but it would be further from Fire Station 4 and create a coverage gap.

Ms. Blackwell asked to what degree the sites were less favorable than the proposed location. Chief Parnell explained in the 1990s studies were conducted to determine the best location for fire stations at that time. He indicated staff realized, based on evaluation standards for community fire protection, Station 3 and Station 1 were located too close to be efficient. He explained the fire stations are allotted 1.5 road miles for the area to be considered covered. He commented anything inside the City limits that is outside of this radius is considered uncovered for the City’s Insurance Services Organization (ISO) rating. He added staff evaluates mileage and uses road miles for ISO rating purposes. He pointed out Fire Station 2 and Fire Station 1 are two miles apart, and he indicated the goal is to have a distance of three miles or less between stations to eliminate protection gaps.

Mr. Hardin asked if the Harrison Street site would exceed the ISO insurance rating and be located too close to Fire Station 1. Chief Parnell explained the proposed location would be too close to Fire Station 1 and would pull coverage from Fire Station 4 creating a coverage gap. Ms. Blackwell commented this is a 50 year decision. Chief Parnell agreed.

Mr. Bailey referenced the Capital Improvement Plan (CIP), and he pointed out Fire Station 6 would be constructed first because of the greater coverage needs. He explained Fire Station 3 has structural issues that will create problems in the future. He stated Fire Station 6 will not have the aesthetic improvements because it will be located in an industrial area, but Fire Station 3 is
planned for a residential area so it includes aesthetic improvements. He noted the bay for the antique truck would provide an educational area that local students could visit.

Mr. Hardin asked how constructing Fire Station 3 on Statesville Boulevard, less than half a mile away from the proposed location on Mahaley Avenue, would create an issue. Chief Parnell explained the 1.5 road miles from Fire Station 4 ends at Welch Road, and he noted if Fire Station 3 is located on Statesville Boulevard it would create an overlap in coverage.

Chief Parnell stated he used a noise decibel meter to record the decibels of a fire truck siren located in front of Fire Station 1 from 200 feet behind the fire station. He noted the siren was recorded at 50 to 52 decibels, which is less than a home smoke detector. He indicated the noise will travel forward, and he pointed out the Fire Department strives to be a good neighbor. He commented the fire station will have 24 hour operation, but it will have limited noise at night. He added Fire Station 3 responds approximately five times per day and peak hours are Monday through Friday from 9:00 a.m. until 7:00 p.m. He pointed out the property owners on Mahaley Avenue approached staff about the proposed location and staff is working with the property that is available.

Mr. Hardin asked if staff has information regarding how neighboring property values will be impacted by the proposed fire station. Ms. Blackwell noted that during the Planning Board hearing a professional real estate broker indicated the proposed location or Fire Station 3 will negatively impact neighboring property values.

Mr. Hardin asked what the plan for Fire Station 3 will be if the proposed site is not approved. Chief Parnell explained staff has exhausted Mahaley Avenue, which is the corridor for the most efficient fire service, and finding another site for Fire Station 3 will be difficult. He commented Fire Station 3 was built in 1957, has structural problems, and is too small for modern fire protection.

Ms. Blackwell commented the site on Statesville Boulevard is too close to Fire Station 4, and she asked how much of an overlap it would create. Battalion Chief David Morris explained Fire Station 3, at its current location, covers 71% of the road miles in the district. He stated relocating to Mahaley Avenue would increase the percentage to approximately 75 to 76% and increase the total road miles covered for the City. He noted if the Fire Station 3 is moved to the alternate site it would create an overlap of road miles between Fire Stations 3 and 4 which reduces the road miles covered in the northwestern part of the City.

Mr. Miller suggested Council table the item until its next meeting.

Thereupon, Mr. Miller made a motion to table the item. Ms. Blackwell seconded the motion. Messrs. Miller and Hardin, and Mses. Alexander and Blackwell voted AYE. (4-0)

Thereupon, Ms. Blackwell made a motion to delay items 12 and 13 until Council’s August 15, 2017 meeting. Mr. Hardin seconded the motion. Messrs. Miller and Hardin, and Mses. Alexander and Blackwell voted AYE. (4-0)
Thereupon, Mr. Hardin made a **motion** to allow Mr. Post to return to the meeting. Ms. Blackwell seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT TA-03-2017 – CHAPTER 12, 13, AND 15**

This item was heard after Item 14 - Council to consider issuance of a Special Use Permit for SUP-01-2017 to permit a Wireless Telecommunication Tower (FM Radio Transmission) at 800 West Thomas Street.

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT TA-05-2017 – CHAPTER 15**

This item was postponed.

**SPECIAL USE PERMIT SUP-01-17 – 800 WEST THOMAS STREET**

SUP-04-2017 – 800 West Thomas Street

(a) **Swearing In**

Mayor Alexander indicated anyone who wished to speak for or against this item must be sworn in, and she asked those who would like to speak to come forward. She administered the oath to the following:

- Mr. Preston Mitchell
- Ms. Teresa Barringer
- Mr. Justin Walker
- Mr. W. Lee Simmons

(b) **Ex Parte Disclosure**

Mayor Alexander asked Council members if anyone had knowledge of this case they wished to disclose. Councilmember Hardin stated he had conversation with Development and Code Services Manager Preston Mitchell, and he noted a family member who lives near the proposed tower has been in discussions with Livingstone College regarding the purchase of her property.
Zoning Administrator Teresa Barringer explained the case before Council is for a Special Use Permit (SUP) for the W. J. Wall Center located at 800 West Thomas Street to permit the construction of a 100 foot wireless telecommunication FM radio tower. She noted Livingstone College is the applicant. She explained the property is zoned Institutional Campus (IC) with an airport zoning overlay.

Ms. Barringer displayed aerial and street view photographs of the property, and she pointed out the proposed tower will be located at the rear of 800 West Thomas Street and will extend approximately 75 feet above the existing structure. She reviewed the schematics of the proposed radio tower, and she indicated it will be used for a student-operated broadcast station.

Ms. Barringer presented the standards for decision required for the SUP:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed

Councilmember Post pointed out Standard 3 addresses the value of adjacent properties. He asked if there is any evidence regarding this standard being met.

Mr. Justin Walker, Communications Property Manager for Livingstone College, explained the College retained Robinson and Associates which provided a sworn statement that the proposed wireless telecommunications tower would not injure adjacent property values.

Mr. Mitchell asked City Attorney Rivers Lawther if the sworn statement from Robinson and Associates is sufficient testimony regarding property values. Mr. Lawther stated the applicant submitted Mr. Robinson’s appraisal with no objection so it is admissible.

Mr. Walker noted WLJZ 107.1 is a low-powered educational FM radio station that will help Livingstone College develop a communications program. He noted the radio station will serve as a catalyst between the College, the City, churches and other various entities. He stated the College had to meet a balloon flight simulation test. He explained a 36 inch balloon was placed at 100 feet to simulate the top of the tower and it was cleared. He commented an 80 foot smoke stack is located within close proximity to the proposed structure. He added the total height will include the antenna. He noted if the tower were to collapse it would not fall across the street where it could potentially damage neighboring properties. He added he has additional information from Mullaney Engineering should Council request it.

Mr. W. Lee Simmons stated the request is for a 100-foot tower sitting beside a 25- foot building to hold a one-bay antenna for a low power FM radio station.
(c) Mayor Alexander convened a public hearing, after due notice thereof, to receive testimony regarding SUP-01-2017.

There being no one else present to give testimony, Mayor Alexander closed the public hearing.

Mr. Miller stated, based on the evidence presented, Council finds the following:

1. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit as evidenced by the following testimony:
   - The site characteristics currently fit within the surrounding area.
   - The proposed use of the FM Radio Antenna as a student operated broadcast station is consistent with the primary use of an Institutional Campus

2. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area as evidenced by the following testimony:
   - The proposed tower will be extend 75 feet above the building height of the W.J. Walls Center. A balloon flight test was conducted on July 22, 2017 to provide the adjacent properties the visual impact of the tower as required by Chapter 3.3.CC.5.C
   - The visual impact to the surrounding area has been identified as limited and at an acceptable level

3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed as evidenced by the following testimony:
   - A 6 foot high chain-link fence topped with razor wire will be installed around the tower to deter students from climbing the tower
   - Testimony provided identifying the tower will only have 100 watts of power which is a limited license requirement

Thereupon, Mr. Miller made a motion that the suggested findings support the general requirements as required by the Salisbury Land Development Ordinance. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Ms. Blackwell asked how far the radio signal will transmit. Mr. Simmons stated the transmission should be received throughout the City limits, and he pointed out it is a non-commercial community radio station. Ms. Blackwell asked if the radio station will go live on November 7, 2017. Mr. Simmons agreed.

Thereupon, Mr. Miller made a motion to issue Special Use Permit SUP-01-2017 to permit the construction of a 100 foot FM radio antenna to be located at 800 West Thomas Street, Salisbury, North Carolina based on general standards of the Salisbury Land Development Ordinance having been met. Mr. Post seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)
LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT TA-03-2017 – CHAPTER 12, 13, AND 15

Development and Code Services Manager Preston Mitchell noted changes and updates were made to Sign Ordinance and were provided to Council in its Agenda packet. He added the proposed changes are specific to Chapters 12, 13 and 15 of the Land Development Ordinance (LDO). He stated the Plaining Board unanimously recommended approval of the proposal and consistency with the Vision 2020 Comprehensive Plan.

Mayor Pro Tem Blackwell pointed out many of the changes were for grammar and spelling.

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

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 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 goals, objectives, and policies of the Vision 2020 Comprehensive Plan as it relates to codifying for subtle commercial signage and removing nonconforming signs when reasonable and feasible. Thereupon, Mr. Miller made a motion to adopt an Ordinance amending Chapter 12 (Signs), Chapter 13 (Nonconformities), and Chapter 15 (Development Process) of the Land Development Ordinance of the City of Salisbury, North Carolina related to updates to the new Sign Ordinance. Mr. Post seconded the motion. Messrs. Miller, Hardin, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 12 (SIGNS), CHAPTER 13 (NONCONFORMITIES), AND CHAPTER 15 (DEVELOPMENT PROCESS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO UPDATES TO THE NEW SIGN ORDINANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 113-153, and is known as Ordinance 2017-46.)

BOARDS AND COMMISSIONS

There were no appointments.

CITY MANAGER’S COMMENTS

There were not comments.
MAYOR ’S ANNOUNCEMENTS

(a) “Movies in the Park”

Mayor Alexander announced Parks and Recreation will host “Movies in the Park” Friday, August 4, 2017 at City Park where the movie “Trolls” 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) “Summer Skate Jam”

Mayor Alexander announced Parks and Recreation will host the first ever Salisbury Summer Skate Jam Saturday, August 12, 2017 from 11:00 a.m. until 2:00 p.m. at Town Creek Park. There will be food, music, prizes, and skate apparatus. Protective gear in the form of a helmet, elbow and knee pads is mandatory. Everyone interest in skating and skateboard are invited and encouraged to bring a friend. This event is free and open to the public. For more information contact Parks and Recreation at 704-638-2139.

(c) Community Action Planning Session Follow-up Meetings.

Mayor Alexander announced Community Action Planning Session follow-up meetings will be held Monday, August 14, 2017 at 6:00 p.m. at the Civic Center and Saturday, August 19, 2017 at 10:00 a.m. at City Hall. The Community Action Planning Session ambassadors and facilitator will present the S.M.A.R.T. goals that were created by residents during a series of sessions held in April.

(d) 2017 Salisbury Citizen’s Academy

Mayor Alexander announced the application deadline for the 2017 Salisbury Citizen’s Academy has been extended until August 11. 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.

(e) 7th Annual BlockWork

Mayor Alexander announced the seventh annual BlockWork neighborhood improvement project will be October 28, 2017 on National Make a Difference Day. The event will be from 8:30 a.m. until 5:00 p.m., in the 800 block of North Lee Street. Citizens who would like to volunteer may contact the planning office at 704-638-5242 for more information.
CLOSED SESSION

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

Councilmember Post thanked Starla Rogers for her contribution to the City during her time of employment. Mayor Alexander recognized Ms. Rogers and thanked her for her service.

Thereupon, Mr. Post made a motion to go into a closed session concerning to consult with an attorney as allowed by as allowed by NCGS 143-318.11(a)(3). Mr. Hardin seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

RETURN TO OPEN SESSION

Thereupon, Ms. Blackwell made a motion for Council to return to open session. Mr. Miller seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Mayor Alexander announced no action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Miller seconded by Mr. Post. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 10:19 p.m.

Karen Kirks Alexander, Mayor

Kelly Baker, Deputy City Clerk