

Salisbury, North Carolina
February 2, 2021

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Al Heggins, 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: None.

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, Mayor Pro Tem voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

PROCLAMATIONS

Mayor Alexander proclaimed the following observance:

AFRICAN AMERICAN HISTORY MONTH

February 2021

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Special meeting of October 20, 2020 and the Regular meeting of January 19, 2021.

(b) Right-of-Way Encroachment- West Council Street

Approve a Right-of-Way Encroachment by Spectrum for the installation of directional bored duct in the 200 block of West Council Street per Section 11-24 (27) of the City Code.

(c) Ordinance- Parking on Newsome Road

Adopt an Ordinance amending Section 13, Article X, of the Code of the City of Salisbury related to parking prohibited at all times on Newsome Road.

AN ORDINANCE AMENDING CHAPTERS 13, ARTICLE X, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 48, and is known as Ordinance 2021-07.)

Thereupon, Councilmember Post made a **motion** to adopt the Consent Agenda as presented. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

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.

HISTORIC LANDMARK MORITORIUM

Senior Planner Catherine Garner indicated Council requested consideration of a six month moratorium on accepting new applications for local historic landmarks. She explained the purpose of the moratorium is to give the Historic Preservation Commission (HPC) time to review and potentially revise the Landmark Designation Program. She stated staff would receive community input on the proposed revisions and clarify the intent of the program throughout the proposed moratorium. She noted the HPC can obtain additional training from the State Historic Preservation Office and begin setting policies and objectives for the program. She added the moratorium will provide time to facilitate conversations with community stakeholders, receive feedback, and amend zoning ordinances to reflect the proposed changes.

Ms. Garner stated staff has spoken to members of the State Historic Preservation office and other communities who have landmark programs regarding changes to their programs based on recommendations from the state. She indicated an early step to incorporate changes may include the creation of additional criteria for the Landmark Designation Program. She added staff would work with HPC to review and refine the proposal which would be discussed with community stakeholders to further review and refine the criteria for landmark designation. She stated the final months of the moratorium could be used to present the proposed changes to Council.

Councilmember Sheffield asked Ms. Garner to clarify that applications already in progress would not be affected by the moratorium. Ms. Garner indicated current applications will continue.

Councilmember Miller indicated an objective of the moratorium is to use applications to identify opportunities to create historic districts rather than individual landmarks. He explained landmark status provides protection, but does not lead to incentives that come with a historic district.

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

Mr. Peter Punkl stated he is opposed to the moratorium. He indicated maintaining a landmark is expensive, the application process for historic landmark designation is complex, and Council should not be concerned with receiving a surplus of applications.

Ms. Karen Lilly-Bowyer indicated the City does not receive many applications for landmark status, and the cost of the program represents a small portion of the City's budget.

Ms. Sada Stewart stated she is in opposition to the moratorium. She indicated a moratorium is in contrast to the dedication to historic preservation and places historic properties at risk in the interim.

Councilmember Sheffield commented a moratorium will not affect applications in progress and will serve to improve the landmark status capability in the City.

Mayor Pro Tem Heggins indicated it is important to maintain the City's landmark ordinance. She stated the City's historic structures should be preserved and everyone should work together to make it possible.

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

Councilmember Miller indicated a moratorium may not be necessary if the process for landmark status designation is improved. He stated he would like neighborhoods surrounding proposed landmark designations to be viewed as part of the process to take advantage of opportunities to designate districts.

Councilmember Post agreed with Councilmember Miller. He stated he would like to see more historic districts within the City.

Mayor Pro Tem Heggins asked if applications could be denied based on the neighborhood where the property is located. She indicated historic landmarks can bring something special to a neighborhood that has not been designated as a historic district.

Councilmember Miller indicated properties will not be denied if they are located in a district that cannot be designated as historic. He stated he would like neighborhoods viewed in the process of evaluating properties for landmark status to take advantage of any opportunities to designate the district instead of one property.

Mayor Alexander commented landmark status is valued by Council. She stated following the 24 hour public comment period, Council can decide whether a moratorium is needed or if staff can improve the process without a moratorium.

LAND DEVELOPMENT DISTRICT MAP AMENDMENT- Z-03-2020

Senior Planner Catherine Garner indicated Land Development District Map Amendment Z-03-2020 is for 417, 421, and 425 Faith Road, and 112 Dunham Avenue identified as Parcel 070012. She stated the area is one parcel that includes several buildings. She noted the owner and applicant is Goodwill Industries of Northwest North Carolina and ESP Associates is the agent.

Ms. Garner indicated the request is to rezone the property to eliminate split zoning from Urban Residential (UR8) and Corridor Mixed-Use (CMX) to CMX only. She explained the site is currently developed and has several house type buildings of which some have been converted for office use. She presented maps of the area to be rezoned, and she noted the property surrounding the parcel along Faith road is zoned CMX.

Ms. Garner noted the rezoning request is standard and does not include a Master Plan. She explained any permitted use within CMX zoning would be acceptable for developing the property. She reviewed the permitted uses within CMX zoning districts.

Ms. Garner indicated the rezoning is applicable to Vision 2020 statements within Policy C8 which states appropriate landscaping and reconfiguration of large unlandscaped parking areas, landscaped pedestrian walkways from cars or across a parking area shall be encouraged; Policy C16, commercial or other development that would jeopardize the public health, safety and welfare of an existing residential neighborhood shall not be permitted and further businesses may be approved adjoining and therefore convenient to an existing residential area when such businesses can be shown to clearly satisfied design considerations similar to a newly planned pedestrian scaled, mixed use development; and Policy C17, large-scale commercial uses shall be located on the corners of neighborhood planning areas.

Ms. Garner stated the Planning Board met January 12, 2021 and voted unanimously to recommend approval of the rezoning.

Mayor Alexander noted she received concerns regarding fencing and buffer requirements. Ms. Garner indicated a fence will not be required, and the buffer would be 15 feet which is wider than the typical 8 foot buffer.

b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the proposed Land Development District Map Amendment Z-03-2020.

Mr. Matt Mandle of ESP Associates indicated he is available to answer any questions Council may have.

Mr. Bill Haymore thanked Council and provided information regarding Goodwill Industries of Northwest North Carolina. He indicated the organization will provide jobs and benefit the community.

Councilmember Post commented Goodwill Industries has had a positive and direct impact on the community.

Councilmember Miller asked if an additional facility would be built or if an existing facility would be replaced. Mr. Mandall indicated a new facility would be built.

Councilmember Sheffield asked what type of facility would be built. Mr. Mandall stated the facility will be a retail store and donation center. He indicated there is a Workforce Development Center located on North Main Street.

There being no one else to address Council, Mayor Alexander closed the public hearing and indicated comments regarding the proposed amendment 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- 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. She indicated a public hearing was held January 19, 2021 and emails were received in the 24 hour public comment period in support of the proposed designation and in support of the landmark designation program.

Thereupon, Councilmember Sheffield made a **motion** to adopt an Ordinance designating the “Moore House,” located at 124 South Ellis Street in Salisbury, North Carolina as a Historic Landmark. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

AN ORDINANCE DESIGNATING THE “MOORE HOUSE” LOCATED AT 124 SOUTH ELLIS STREET IN SALISBURY, NORTH CAROLINA AS A HISTORIC LANDMARK.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 49-51, and is known as Ordinance 2021-08.)

LOCAL HISTORIC LANDMARK- 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. She indicated the house is listed individually on the National Register and is not located within a historic district. She noted a public hearing regarding the designation was held on January 19, 2021 and seven public comment emails were received during the public comment period. She stated six letters were in support of the designation and one was in support of the landmark designation program.

Thereupon, Councilmember Sheffield made a **motion** to adopt an Ordinance designating the “Napoleon Bonaparte McCanless House” located at 619 South Main Street in Salisbury, North Carolina as a Historic Landmark. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

AN ORDINANCE DESIGNATING THE “NAPOLEON BONAPARTE MCCANLESS HOUSE” LOCATED AT 619 SOUTH MAIN STREET IN SALISBURY, NORTH CAROLINA AS A HISTORIC LANDMARK.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 52-54, and is known as Ordinance 2021-09.)

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

Senior Planner Catherine Garner addressed Council regarding a recommendation to list the “Edgar S. and Madge Temple House” located at 1604 Statesville Boulevard in the National Register of Historic Places. She indicated public comment was received regarding the proposed listing on January 19, 2021. 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 added the National Register Advisory Committee will provide final recommendations from the state of North Carolina to the National Register in Washington D.C.

Thereupon, Councilmember Sheffield made a **motion** to recommend the eligibility of listing the Edgar S. and Madge Temple House in the National Register of Historic Places. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

BUDGET ORDINANCE AND CONTRACT- BRIDGE REPAIR ON NORTH ELLIS AND EAST FISHER STREETS

Assistant Public Works Director Chris Tester indicated every two years City engineering receives an independent bridge inspection report for city maintained bridges. He stated the reports include information regarding required maintenance to keep the bridges compliant with vehicular traffic standards. He explained the City utilizes North Carolina Department of Transportation (NCDOT) bridge maintenance crews to make bridge repairs. He added the bridge reports include an estimated cost of materials, repairs, and fees.

Mr. Tester stated both bridges that are in need of repairs are over railroads. He explained railroads require inspection fees and someone to stand by while work is being done on the bridges. He added bridges also require engineering services to make sure the repairs are completed to standards. He noted the total estimate to make the repairs is \$308,000. He explained each year a placeholder is added to the budget for these types of repairs. He added the place holder for this year is \$215,000 and an additional amount of \$93,000 is needed to complete the repairs on the bridges. He requested Council consider a budget appropriation from the Fund Balance for \$93,000 and approve a contract with the NCDOT for the repairs in the amount of \$185,758.

Councilmember Post asked if it is necessary for the bridges to be inspected every two years. Mr. Tester indicated the bridges are historic and among the older bridges in the City. He explained the bridges resemble wooden decks with large timbers covered with asphalt. He added traffic on the bridges cause the wood to deteriorate and requires considerable amounts of maintenance.

Councilmember Post asked if the bridges were maintained by the City and who would be required to pay if they were replaced with better structures. Mr. Tester indicated the bridges are maintained by the City, and the City would be responsible for any replacement structures.

Councilmember Post commented NCDOT provided funds in the past to replace the bridges but because of their historic value the public rejected the proposal and the funds were returned to NCDOT. Mr. Tester agreed.

Mayor Pro Tem Heggins asked about the safety grades of the bridges. Mr. Tester indicated there are scales on the bridges indicating the amount of tonnage that can cross. He explained the bridges are low rated bridges and cannot bear the load of fire trucks, tractor trailers, and vehicles of similar weight. He added weight limits are posted on each side of the bridges but there are no barriers to stop vehicles from crossing. He stated if a driver of a prohibited vehicle crosses the bridge and causes damage, they will be liable for the damage.

Mayor Pro Tem Heggins asked what the safety rating is on the bridges. Mr. Tester indicated he would get the information to Council but he believes the safety rating for the bridge on Ellis Street is five tons or 10,000 pounds and the Fisher Street bridge should be approximately the same.

Mayor Pro Tem Heggins expressed concerns regarding the safety of the bridges. She noted the bridges may have historic value but may need to be replaced if they become a threat to public safety. Mr. Tester clarified the bridges are safe as long as the weight limits are not exceeded.

Thereupon, Councilmember Post made a **motion** to adopt an Ordinance amending the 2020-2021 Budget Ordinance of the City of Salisbury, North Carolina to appropriate Fund Balance in General Fund for bridge repairs. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE IN GENERAL FUND FOR BRIDGE REPAIRS.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 55, and is known as Ordinance 2021-10.)

Thereupon, Councilmember Post made a **motion** to approve a contract with the North Carolina Department of Transportation for bridge repairs to North Ellis Street bridge and East Fisher Street bridge in the amount of \$185,758. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

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 Post indicated he is pleased that the Kiva program is moving forward. He reported Statesville, Concord, and Kannapolis have been contacted, and Statesville has agreed to join the City in support of the program.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Heggins thanked Councilmember Post for his efforts towards the Kiva program and staff for providing excellent service.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander announced the following events:

(a) **Boards and Commissions**

The City of Salisbury is seeking applications from citizens who have an interest in serving on one of the City's Boards and Commissions. Information regarding the Boards and Commissions and an online application are available at www.salisburync.gov under the City Council and Boards and Commissions tab. Applications are also available by emailing Kelly Baker at kbake@salisburync.gov or by calling 704-638-5233.

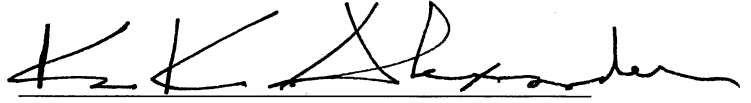
(b) **City Council Goal Setting Retreat**

City Council will hold its annual goal setting Retreat Wednesday, February 10, 2021 at 5:00 p.m. and Thursday, February 11, 2021 at 4:00 p.m. The Retreat will be held virtually via Zoom. The meetings will be livestreamed at www.salisburync.gov/webcast and through the City's Twitter account. Additional information on the virtual meeting will be posted on the City's website at www.salisburync.gov under public notices.

Mayor Alexander thanked Council and staff for continuing to providing excellent service.

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 7:23 p.m.

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

Karen Alexander, Mayor

A handwritten signature in black ink, appearing to read "Kelly Baker", written over a horizontal line.

Kelly Baker, City Clerk