

City of Saluda

Regular Scheduled Meeting and Public Hearing for a Text Amendment to the Zoning Ordinance for the definition of a Music Venue and its permitted Zoning Districts Minutes

Board of Commissioners



Date 8/8/2022
Time 07:00 PM
Location Saluda Library Chambers Room

1 - Call to Order

Mayor Morgan called the Meeting to order at 7:00 pm on August 8th, 2022
Read that it is being recorded and can be seen via zoom

2 - Invocation

A moment of silence was observed

3 - Pledge of Allegiance

I Pledge Allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one Nation under God, indivisible,
with liberty and justice for all.

A pledge of allegiance was recited.

4 - Roll Call

Attendance was taken, and those present were Mayor Tangie Morgan, Commissioner Melanie Talbot, Commissioner Stan Walker, Commissioner Paul Marion, Commissioner Mark Oxtoby, City Attorney Jana Berg, City Manager Steven Orr, Assistant City Manager & Finance Officer Julie Osteen Police Chief Clay Price, and City Clerk Pamela Waters.
Special guest John Nabers

5 - Agenda Additions and Deletions

Additions

1. N/A

Deletions

1. N/A

Modifications

1. N/A

None

6 - Approval or Correction of Minutes

Minutes from July 11th, 2022

Commissioner Walker made a motion to accept the minutes as written Commissioner Marion second and all were in favor.

7 - Consent Agenda

None

8 - Public Comment

Sarah Jayne 545 Glen Echo Circle I'm the newly elected president of the Saluda Community Land Trust. I'm here tonight because I know you are going to be voting on the Rails to Trails. I want to offer up on behalf of our organization our support. I look forward in being involved in the discussions were appropriate. I look forward to meeting you closely at that time.

9 - Public Hearing for a Text Amendment to the Zoning Ordinance for the definition of a Music Venue and its permitted Zoning Districts

Mayor Morgan opened the public hearing.

No public comments.

Commissioner Walker made a motion to close the public hearing Commissioner Oxtoby second all were in favor.

Mayor Morgan closed the public hearing.

10 - Outside Resources and Funds

City Manager Orr, nothing at this time to report.

11 - Budget and Financial Report

Assistant City Manager & Finance Officer Julie Osteen went over the Budget for July
Report for: July 31, 2022

General Fund:

Revenues – the City received their 2nd and final distribution of the American Rescue Funds - \$110,000 is shown in the General Fund and the remaining \$1,066 is reflected in the Enterprise Fund as we originally budgeted these funds.

CDD vendor revenues were \$3,150.00

Total Revenues are \$128,337

Expenditures:

In July each year, the City has to pre-pay the liability and workers compensation insurance premiums for the year so all of the departments will look higher than normal because, of paying these premiums at the beginning of the year.

Administration:

CDD expenditures total \$16,519.

Administration liability and workers compensation insurance premiums total \$8,701.

Total Administrative expenditures total \$56,852.

Police:

Police liability and workers compensation insurance premiums total \$12,048.

Total Police expenditures is \$36,927.

1 distribution has been accrued to the Saluda Fire Department for this year's Tax Levy.

Transportation:

Mowing for July and tree trimming on Green Street is reflected in the \$6,842 in Maintenance.

1 month of Garbage fees has been accrued for GFL.

Cultural and Recreation:

Annual maintenance and mulch clean-up has incurred at McCreery Park in the \$4,757.

Debt Service:

1 month's payment has been made to First Citizens Bank on City Hall.

Total deficit for July which is a result of the prepayments of insurance and the cash flow of the 2022 Property Tax distributions from the County results in a deficit for July of \$13,431.

Water Fund:

Total revenues received for July are \$83,581.

July water purchases total \$17,998 – July and August are some of our highest water purchase months due to the increase in summer residents.

Anticipated surplus is \$15,760

Sewer Fund:

Total revenues for July \$21,852. Nothing else of significance.

Anticipated surplus is \$4,827.

Budget Amendments presented.

Commissioner Oxtoby made a motion to accept the amendments as read. Commissioner Talbot second all were in favor.

12 - Public Safety Report

Chief Price July Report

Chief Price went over his July's report
Patrol car Mileage for the month of July

Clay – 1034

John – 820

Amy – 1927

Total mileage – 3781

Total Events – 648

State Citations – 6

City Citations – 1

Warning Tickets – 5

Verbal – 8

Total Citations – 7

Reasons for Traffic Stops

Expired Registration – 3

No Operators License – 1

Registration Violations – 1

Driving while License Revoked – 2

Inspection Violation – 1

Patrol Checks Business Checks – 334

Church Checks – 76

House Checks – 2

Total Checks – 524

Possible Reasons for Written Reports / Patrol Response calls Vehicle Accident – 1

Welfare Check – 1

Alarm Calls – 2

Suspicious Person / Vehicle – 1

Calls thru the Police Dept. – 4

Walk in Calls at the police Dept. – 8

Total Written Reports – 2

Saluda Police Department Monthly News:

The ongoing narcotics seizure is still being investigated updates will be provided later. Also, the Saluda police dept. has participated in two governor's highway safety campaigns. We have Criminal Justice standards audit in August. Also, we will have two officers in radar training soon to assist in addressing the speeding issues in the city.

13 - Zoning and Planning Department Report

- Event Venue definition

City Manager Orr, the only thing I have is the music event that we are going over to night and the planning board will be going over the Event Venue Thursday which will be a totally different definition than what you are dealing with tonight.

14 - Administration Department Report

- Coon Dog Day Report
- Paving and Patching preparation
- Cullipher Street markings and signage
- Pace Park Progress
- Parking Ordinance
- Tri-Angle Property- Polk County

City Manager Orr went over the Coon Dog Day event Julie did a spread sheet of the money the city made off the vendors and how much was spent. The committee members were Emily Lamar, Commissioner Talbot, Mayor Morgan, Chief Price City Manager Orr, Gina & Kevin Burnett with the school, with that the 5K was a resounding success. The committee met and went over the event and what they liked and what may need to be changed. These are some of the things we talked about ad a committee Coon dog Show at the Saluda Elementary Ball Field, Parking Revise location, Festival Time shorten the time, music duration only live 6-8pm, 8-10pm, Street Dance location on main street, Stage location on main street, Festival vendors add 10 more, Festival Street Boundaries condense footprints of the festival, Separate Festival time from the street, separate festival time from the street dance. Board of Commissioners decide on 2023 Coon Dog Day at their January 2023 meeting. Need more volunteers. Need more signage.

Commissioner Marion can I bring up what the Fire Department talked about doing next year. They are talking about doing a turn out gear and hose carry event.

Commissioner Walker what was the reason for the 10 vendors added?

City Manager to offset expenses. And some of the comments were that there weren't enough vendors. We really didn't turn down any vendors the ones that were was duplication vendors.

Commissioner Walker so adding 10 would be a thousand dollars so instead of 13,000.00 it will be a loss off 12,000.00.

Commissioner Oxtoby I heard that the vendors were very expensive.

Commissioner Talbot we have come up with solutions to that.

Commissioner Marion did the restaurants say they did good.

Commissioner Oxtoby did the restaurants have stuff outside?
Commissioner Talbot I know wards did.
City manager Orr Emily had something.
Commissioner Marion next year more signage for kid's things.
Commissioner Talbot we had issues this year getting thing for kids the national guard was supposed to come but didn't.
Commissioner Marion was the Dance on the street?
Commissioner Talbot it was I went home and watched them on the coon dog day camera.
Commissioner Marion constructive criticism is ok.
Commissioner Talbot I think the residents enjoyed people not parking at their houses.
Mayor Morgan, I think it is good to have community involvement. The Fire truck and the flag was great.
Commissioner Marion over all was positive feedback. From a resident that hasn't been to the event in say 7 years I was happy to bring my family down and really enjoyed it. The committee did a great job.
Commissioner Walker agreed that they did a wonderful job.

City Manager Orr, Paving and Patching Preparation I'm starting to work on that putting together a list we are going to use some of the money that Julie was talking about getting our second round from the federal government we will be using some of that with our Powell bill money. I have met with the striping person on Cullipher Street to get started marking on that street so we can get that in place before school starts.

City Manager Orr, spoke about the parking ordinance we need to look at that again I know there was questions dealing with certain things. Chief Price and I have talked about this, and we think if we used the right signage this ordinance would fit. The signage would dictate the usage wherever we put it. If there's no parking, there's no parking. If you put no RV's, Campers, or camper van's if we put those up in the gravel parking lot at McCreery Park then no parking there. We can let them park in the west main gravel parking lot. It will give us some flexibility that if they are here visiting someone, they can at least park and walk downtown. That was our thought of the interpretation that Jana had written. The signage is the deciding factor. It gives us the right to put what signage that is appropriate. I'm going to put this on the September Agenda Jana, and I will look over it. And have a public hearing on that so we can get it resolved.

City Manager Orr, spoke about the Tri-Angle Property that the county had done a Resolution declining Right of First Refusal. Turning down the right to own that piece of property across from the school. Now it will be deeded over to us. Jana will handle that there is a question about a survey I'm not sure Attorney Feagan has purposely not reached out for good reason I will contact him and see. He had called up and said there was a discrepancy and wanted us to get our surveyor to look at it. We will let you two handles that I'll get Charlie to do whatever direction you give me to resurvey it. Once we get that we have the design lined up to create the parking spots and maybe a fast charge Ev station if we get the grant. The parking spots will nonobtrusive, gravel parking spots. The only trees that will go are the dogwoods that are diseased.

Commissioner Marion Will the state still take care of the culvert there?

City manager Orr, I will get into that later in the meeting.

Commissioner Oxtoby have you seen the parking they have in TN now?

City manager Orr eventually we will have some type of meter parking it will be a kiosk that you can do on your phone.

City Manager Orr, spoke about the pace park progress we still have things needed. We need mirrors, handicap grab bars, paper towel dispenser's, toilet paper dispenser's, we need industrial types of dispensers. then we need to do the floors we said we would do in epoxy to save money. We are opening it on the weekends. We must get this stuff before we can get our Certificate of occupancy.

Commissioner Walker what amount do you need?

City Manager Orr another \$5,000.00

Commissioner Walker I would like to suggest that the commissioners give up their pay for the next 5 months and donate to that.

Commissioner Talbot, commissioner Oxtoby, commissioner Walker and Mayor Morgan all agreed to do this

Commissioner Marion didn't like the idea

Commissioner Walker well let's make it voluntary.

Commissioner Marion thanked him for making it voluntary.

Commissioner Walker made a motion to take this money as presented commissioner Marion second all were in favor.

Julie did a Budget Amendments for the 3 Commissioners and Mayor for the donation of their salaries for the next 5 months for the pace Park bathrooms.

Commissioner Walker made a motion to accept the Budget Amendments as presented commissioner Talbot second all were in favor.

15 - SDF Report

Nothing to report

16 - Sidewalk Presentation and Proposed Sidewalk Ordinance

-John Nabers- Internship Project- Proposed Sidewalk Ordinance/City Charter

City Manager welcomed John Nabers he is currently enrolled at ECU as a graduate who was an undergrad but has graduated works for Lennar in Raleigh. He is employed going to school and came ack to us and asked if we could help him out with a class. Sure, we can always find something to do to get help for free. He was able to help with something that is important as Jay & Joel presented and other residents on something that has kind of been let go. I asked John to look into a proposed sidewalk ordinance which would dovetail into the city charter. It's in the city charter that you have to provide a sidewalk and it's never been enforced. We would have a lot more sidewalks than we do. Good example is the Mintz were building the apartments and you see the sidewalk on Ozone Drive. When they get done, they will be putting a sidewalk over on Irving St. we are working to enforce it again. John Nabers Did a slide presentation on City of Saluda Proposed Sidewalk Ordinance Discussion.

The Need

This has been a gap within the Saluda's Zoning Ordinance for quite some time.

As Saluda grows in both population and economic diversity, there has never been bigger needs for detailed sidewalk standards.

This helps ensure walkability is maintained amongst growth.

Purpose

The purpose of this section is to promote the safety and welfare of the public through the provision of safe and adequate routes of pedestrian access, including movement along public right - of - ways and to affected properties.

Qualifications

Any person, firm or corporation that engages in any development of vacant property, in the redevelopment of property, or in substantial additions to property, shall construct upon the property, sidewalks that comply with the specifications of the city.

Vacant Property shall include property without a principal structure, property on which the principal structures are razed, dismantled, or removed, and property on which the principal structure or structures have been found to be unfit or unsafe for occupancy.

Redevelopment of Property shall include any new development or expansion to an existing use/site that exceeds 50% or more of the current tax or appraised value.

Substantial Additions to Property shall include construction of structures and structural additions of at least 1,000 square feet (aggregate) and structures and structural additions equal (in aggregate) to at least 50% of the first-floor area of existing structures.

Some General Requirements

Sidewalks shall be appropriately related to and coordinated with surrounding existing and proposed pedestrian ways and transportation patterns. Sidewalks and pedestrian ways shall connect where necessary to permit the convenient and safe movement of pedestrians.

Sidewalks shall be constructed to a minimum width of **five feet** and shall consist of a minimum thickness of **four inches** of concrete. All sidewalks shall be placed in a right-of-way, unless deemed acceptable by the City Manager. Sidewalks shall consist of a minimum of six inches of concrete at driveway crossings. Sidewalks shall be located in the dedicated non-pavement right-of-way of all roads or other approved easements.

When curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.

Appeals

The Board of Commissioners shall be the reviewing authority for any appeals of administrative decisions related to these requirements.

Notice of appeal of an administrative determination and a request for a hearing shall be addressed to the City Manager in writing and shall detail the basis of the appeal.

The appellant shall be given notice of the time and place at which the appeal will be heard. The decision of the Board of Commissioners following the hearing shall be final and inclusive and shall be conveyed to the appellant in writing. City Manager Orr went over the most damaged areas of sidewalk and gave measurements. That him and Kevin had gone out and measured.

Greenville St. / Henderson St. / Church St/Henderson St / Kilver St.

271' Chestnut-Kilver - 22' E Columbia - 20' Corner - 20' Remove corner w Carver

51' Chestnut-Kilver - 35' Poplar St-Tree removal

22' Hydrant-Kilver -27' -Riverstreet ntrance

29' -Kilver

86' – Smith

100'- Smith

81' – Smith

15' – Smith

Total Total Total Total

655' 84' 20' 20'

Grand Total

1,117 ' Sidewalk

Seminary Street Carolina St/Henderson St Hwy 176/ Ozone to Cullipher

6' School 20' 1st Baptist sec 90' Ball Field

20' Corner 79' Ball Field

61' Ball Field

8' Parking/Tennis area

54' School Office Entrance

Total Total Total

6' 40' 292'

Commissioner is that the amount of sidewalk we have or is that the amount that is damaged.

City Manager Orr that is the total amount of damaged Sidewalk.

Commissioner Marion do you happen to know how many feet of sidewalk we have?

Commissioner Oxtoby what would you do on Greenville St.?

City Manager Orr what we need to talk about is if we have an existing sidewalk, we need to put it back like it is if it's a new sidewalk then it would be the 5ft. Unfortunately, we will have mix matched sidewalk widths, but we have no alterative on Greenville St. they go to DOT property and property lines of right - of - way it would be a legal headache to go and get more right -of - way. The sidewalk is 4ft and you have about a foot of grass by the time you would probably be in the 4'8' range. We can't do 5 ft everywhere it's not feasible we don't have the space or the money to go and take more property nor do we want to take down rock walls and stuff. Commissioner Marion who would make that decision to make Greenville St. 4ft?

City Manager Orr they are fixing to build sidewalks in front of the new town homes that are 5 ft.

The goal is to replace anything we have and with the new it would be 5 ft. we don't have the money to fight for the property. A good example is out at the Mintz's on Ozone we didn't get 5 feet because of the ditch line, and you have to be 10 feet off the edge of the pavement. That was more important than the width of the sidewalk. My point on this is we said we are going to do some work as it relates to the federal money on sidewalks we are coming up where the problem areas are Kevin, and I will have to come back with our proposed list of the 1117 feet. A lot of that on Henderson Street is damaged by trees. Those trees are supper old and are heaving the sidewalk. Those are trip and fall hazards and not good for us to have. That's why I put 35 feet on Henderson St and poplar with tree removal. When you see the new sidewalk, you see different types of trees being planted. They didn't have the knowledge or didn't think about it when those trees were planted. Unfortunate that is what you deal with on streetscapes. We want to work on the most urgent ones I will say we won't devote all our money to Greenville St other areas need work as well. You can agree or disagree when we come up with the final list. We have a sidewalk ordinance that we need to create a CIP so we can start putting away money for the maintance of our sidewalks.

Commissioner Oxtoby are the city guys going to do it?

City Manager Orr we will clean out the sections, but the rest will be contracted. We will work with which ever bidder comes in. not a lot of finishers want to do this big a job on the schedule we have with this type of time frame.

Commissioner Marion were not doing the sidewalk to the shop on chestnut?

City Manager Orr, no not at this time, later there was no commitment just that was a condition that we do at the appropriate time that is in the future.

Attorney Berg asked in the areas that you determined that this 5ft of sidewalk would not be practical I don't see a place in this ordinance where someone has a discretion to modify the 5ft.

City Manager Orr No we don't that's why I'm bringing that up. That is something that we have to address. Using the inventory as the basis we have 1117 feet of 4ft wide sidewalk that don't have much room to get to 5ft. We will have to come up with something that allows us to have that flex ability.

Commissioner Walker so section D doesn't cover that?

(D) Alternative requirements. If the City Manager determines that the construction of sidewalks along any street area is, at the time of development or construction, impractical or unreasonable due to right-of-way considerations, drainage facilities, topography, utility structures, the absence of potential connections to other sidewalks in the foreseeable future, or other significant construction feasibility considerations, the sidewalk construction requirement may be waived (for the affected area only) provided that an amount of money equivalent to the normal cost of sidewalk construction for the area is contributed to a city reserve fund for the construction of sidewalks. The amount of the alternative contribution is subject to approval by the City Manager or his or her designee.

Attorney Berg That is a yes or no to the sidewalk not a modifier to the 5ft. I see what you are talking about, and I would like to see something like what you read dealing with the width giving City manager the ability to make that discretion. Saying it's not practical for certain reasons not to have a sidewalk at all and for someone to wave the 5ft width requirement.

Commissioner Marion once this is done will it strike the city charter? We are supose to go by the charter.

City Manager Orr that is what me and Jana have to talk about.

City Attorney Berg the state revenues our charter.

Commissioner Marion so the best thing to do is make all the changes needed and send them in at once?

17 - Resolution for the acceptance of the text for a Music Venue definition, conditions, and what Zoning Districts the use is permitted in.

- Resolution for the proposed definition, conditions, and permitted zoning districts.
- Planning Board has recommended the acceptance of this definition- 7/14/22

City Manager Orr read the Resolution.

Commissioner Walker made a motion to accept the resolution as read with the change of #4 to where it says Music venues shall abide by the regulations laid out in the noise ordinance Commissioner Marion second all were in favor.

18 - Applications for Board Appointments

- Mark Ray - Planning Board
- Motion

City Manager Orr went over the Application.

Commissioner Marion made a motion to approve the application for planning board Commissioner Walker second all were in favor.

19 - Schedule a Public Hearing for the City of Saluda Sidewalk Ordinance

- Resolution for a Public Hearing September 12th, 2022, 7:00 pm Saluda Public Library, 2nd Floor Meeting Room, for the City of Saluda Sidewalk Ordinance

City Manager Orr read the Resolution to set a public hearing for the Sidewalk Ordinance.

Commissioner Walker made a motion to accept it as read Commissioner Talbot second all were in favor

Commissioner Marion mentioned that he would like to see the power box moved on Greenville St.

City Manager Orr said that we don't have the money to go after Duke.

Commissioner Marion I'd like to see it moved up about 3 feet

City Manager Orr I will try. A lot of our problem is that utility trucks pulling on the sidewalk causing it to crack. I just can't prove it.

20 - Saluda Grade Rails to Trails

- Resolution of Support for the Saluda Grade Trail

City Manager Orr read the Resolution

Commissioner Marion made a motion to accept it as read Commissioner Walker second all were in favor.

21 - Closed Session

- Resolution for a Closed Session

City Manager Steven Orr read the resolution to go into closed session

8:10 pm Closed session Memo read

Commissioner Walker made a motion to enter closed session Commissioner Marion seconded all were in favor

The closed session opened at 8:12 pm

Economic development plans and discussion

9:02 pm Commissioner Marion made a motion to end Closed session Commissioner Oxtoby second all were in favor

9:03 pm Regular Meeting Opened

Commissioner Oxtoby made a motion to adjourn Commissioner Walker seconded all were in favor

Adjourned the meeting at 9:04 pm

22 - Adjourn

With no further business to discuss, **Commissioner Oxtoby made a motion to adjourn the meeting Commissioner Walker seconded and all were in favor.**

The meeting adjourned at 9:04 pm August 8th, 2022

Respectfully submitted by Pamela Waters, City Clerk, Adopted this 12th day of September 2022.

Tangie Morgan, Mayor Pamela Waters, City Clerk⁽⁰⁸⁾

Respectfully submitted by Tola Mueller, City Clerk. Adopted this Click or tap here to enter text. day of Click or tap here to enter text., 20 Click or tap here to enter text..

Click or tap here to enter text.

Tola Mueller, City Clerk