

Salisbury, North Carolina  
March 15, 2011

**REGULAR MEETING**

**PRESENT:** Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Maggie A. Blackwell, Councilmen William (Pete) Kennedy, William Brian Miller, and Paul B. Woodson, Jr.; City Manager David W. Treme; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** None

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilmen Kennedy.

**PLEDGE OF ALLEGIANCE**

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

**RECOGNITION OF VISITORS**

Mayor Kluttz welcomed all visitors present

**ADDITIONS/DELETIONS TO THE AGENDA**

Mayor Kluttz noted the following changes to the Agenda:

Postpone Item 22 a - Approve 2011-2012 Council Goals and Outcomes.

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

**RECOGNITION - SALISBURY HIGH SCHOOL STUDENT ALISHA BRADSHAW**

Mayor Kluttz recognized Ms. Alisha Bradshaw for receiving All-County and All-Conference status, and for winning a gold medal at the shot put event of the North Carolina 1A/2A/3A Indoor Track Championship. She read a Proclamation proclaiming March 15, 2011 as Alisha Bradshaw Day, and presented a framed copy of the Proclamation to Ms. Bradshaw. She congratulated Ms. Bradshaw, her mother and Coach David Johnson.

**CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of March 1, 2011 and the Special Meeting of March 9, 2011.

(b) Budget Ordinance Amendment – Public Art Committee

Adopt a budget Ordinance amendment to the FY2010-2011 budget in the amount \$29,490 to appropriate donations to the Public Art Committee.

Thereupon, Mayor Pro Tem Maggie A. Blackwell made a **motion** to approve the Consent Agenda as stated. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT LDOA-01-2011 - DAYCARE HOMES & CENTERS**

(a) Senior Planner Preston Mitchell addressed Council regarding a proposed Land Development Ordinance (LDO) text amendment that would bring the LDO definition of a Daycare Home and Daycare Center in-line with the North Carolina General Statutes.

Mr. Mitchell indicated Chapter 110 of the North Carolina General Statutes (Child Care Facilities) defines a Day Care Home as having more than two but less than nine children, and a Day Care Center as having three or more preschool-aged, or nine or more school-aged children.

Mr. Mitchell reviewed the current LDO definition for a Child Daycare Home:

- Child Day Care Home: Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for less than six children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.

Mr. Mitchell then reviewed the LDO definition of a Child Day Care Center:

- Child Day Care Center: An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal ward or foster children of, the supervising adults; designed and approved to accommodate six or more children at a time; not an accessory to residential use.

Mr. Mitchell explained a Home Daycare is a situation where someone takes care of unrelated children in their home. He added a Daycare Center is not related to the principal residence, but is a third party structure. He stated there has been interest from local daycare providers who are licensed through the State, and would like the standards to match. He indicated both the Technical Review Committee and the Planning Board recommended unanimous approval.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding Land Development Ordinance text amendment LDOTA-01-2011.

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

(c) Councilman Woodson 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 not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 2.7 (Uses Permitted by District), Section 3.3 (Additional Standards by Use) and Chapter 18 (Definitions) of the Land Development Ordinance of the City of Salisbury, North Carolina related to Child/Adult Daycare Homes and Centers. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**AN ORDINANCE AMENDING SECTION 2.7 (USES PERMITTED BY DISTRICT), SECTION 3.3 (ADDITIONAL STANDARDS BY USE) AND CHAPTER 18 (DEFINITIONS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO CHILD/ADULT DAYCARE HOMES AND CENTERS.**

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page Nos. 25-26, and is known as Ordinance 2011-13.)

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT LDOTA-02-2011 - WAYFINDING SIGNAGE**

(a) Community Planning Services Director Joe Morris addressed Council regarding LDOTA-02-2011 Wayfinding Signage. He pointed out Council received a presentation at its Retreat from the Salisbury Tourism and Cultural Development Commission (STCDC) regarding a proposed wayfinding signage program, which has been a Council goal for quite some time. He

noted the signage plan has received a Certificate of Appropriateness from the Historic Preservation Commission, and has been reviewed by the Destination Development Committee the STCDC, and the Rowan County Tourism Development Authority.

Mr. Morris stated in 2009 the North Carolina Department of Transportation (NCDOT) agreed to follow the Manual for Uniform Traffic Control Devices (MUTCD) which establishes standards for signage. He noted prior to this, there were State community wayfinding signage regulations that made it difficult to implement a signage system on State rights-of-way. He pointed out the main roads in Salisbury are State maintained roads, and the City must conform to NCDOT standards. Mr. Morris indicated when the State adopted the Federal Highway Administration standards it made the City’s goal of community wayfinding signage easier to pursue.

Mr. Morris displayed examples of wayfinding signage in other communities, and noted the difference between the scale of a roadside sign and a pedestrian sign. He pointed out other types of signs that may be used in the signage system which include architectural embellishments. He displayed photographs of how the signs may look in the downtown area, and noted the scale of the signs will be dictated by the Federal Highway Standards because the text must be large enough to be read. Mr. Morris stated one advantage of the signage system will be the consolidation of current signs, and it is estimated approximately 80 signs can be eliminated.

Mr. Morris reviewed the proposed changes to Chapter 12 of the Land Development Ordinance to allow Wayfinding Signage in all districts provided the following conditions are met:

- Wayfinding signage may be placed on public rights-of-way in conformance with City and NCDOT regulations and other applicable standards relevant to vehicular and pedestrian safety
- Wayfinding signage may be placed on private property with the permission of the property owner
- Wayfinding signage does not include commercial copy
- Wayfinding signage shall conform to the Manual on Uniform Traffic Control Devices (MUTCD), 2009 and later editions, standards related to Community Wayfinding signs

Mr. Morris noted Chapter 18 will also be amended to add the definition of wayfinding signage as a coordinated, planned and publically administered system of informational signage that directs motorists and pedestrians to key destinations, districts and facilities within the community.

Mr. Morris stated the Planning Board voted 9-1 to recommend the text amendment. He pointed out the dissenting vote was due to concern regarding the size of the signage, and Mr. Morris reiterated the size of the signage will be dictated by State and Federal Standards.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding Land Development ordinance text amendment LDOTA-02-2011.

Mr. Randy Hemann, 314 Mitchell Avenue, expressed his support of the text amendment. He stated he views this as an opportunity to reduce the quantity of signs, while greatly improving the quality of the signs.

Mr. Mark Lewis, 109 Kingsbridge Road, indicated he was speaking on behalf of the Salisbury Tourism and Cultural Development Commission. He stated this amendment is the next step in meeting a long standing Council goal. He noted trying to resolve the wishes of the City with that of the North Carolina Department of Transportation and the Federal Highway Commission has been difficult, but it appears everything is now aligning properly. He pointed out the implementation of a wayfinding signage system will be paid by occupancy tax dollars rather than local tax dollars. Mr. Lewis commented this request is not for approval of this particular signage system, but will set the frame work to allow the system to be created. He noted people are being invited to visit Salisbury but once they get here it is hard to find all of the things they want to see, as well as where to park. He thanked Council for its consideration.

Ms. Barbara Perry, 131 West Bank Street, stated she is Chairman of the Destination Development Committee of the STCDC, and the committee spent a year working on the wayfinding signage issue. She noted she thinks one of the most important parts of the signage system is it will eliminate many signs and consolidate the approximately 80 signs into 39. She stated the Destination Development Committee voted unanimously to support the amendment.

Mr. James Meacham, 1038 Madras Course, Davidson, North Carolina, indicated the North Carolina Department of Commerce just released information that travel and tourism in North Carolina grew from \$15.9 billion to \$17 billion in 2010, which is a 9% increase in one industry. He stated wayfinding signage is a critical investment in the tourism infrastructure to attract visitors to businesses and direct them to local destinations. He noted Rowan Convention and Visitors Bureau Chair Michelle Patterson, and Beacon IMG, owner of Comfort Suites, sent emails in support of this initiative. Mr. Meacham stated this will benefit visitors, but it will also benefit locals because the occupancy tax revenue will fund the project. He thanked Council for its support of tourism.

Ms. Marietta Smith, 4745 Sherrills Ford Road, indicated she works in the Railwalk Arts District. She stated she is very excited to see the wayfinding signage system happening, and she is in favor of the amendment. She noted people who visit Railway gallery often find it after wandering around, and she thinks the signage will be very helpful for visitors. She noted when she considered moving to Salisbury one of the attractions for her was the small blue signs that pointed to an art gallery.

Mr. Clyde Overcash, East Bank Street, stated he is not opposed to the placement of signs, but because the signs will be in place for 30 years he wants to be sure the signs are correct. He stated he does not know what the signs will say or what the pictures will be. He noted he has been to all of the meetings and charrettes, but the designer did not consult with the findings from the meetings. Mr. Overcash stated he has attempted to show pictures and architectural details

that will blend with the historic area to the consultant. He stated the Historic Preservation Commission had a split vote when it approved the Certificate of Appropriateness because they were concerned about a blanket policy allowing anything to be added to the signs. He warned Council to be careful about what the signs say, and to be sure the text and pictures are correct. Mr. Overcash stated he thinks the signs could be better in design and fit better into the historic district.

Mayor Kluttz read an email from Rowan County Convention and Visitors Bureau Chair Michelle Patterson expressing the Convention and Visitor’s Bureau support of the wayfinding system. She noted as an operator of a local tourism attraction she can speak of the benefits and necessity of well-placed and well-thought signage to increase a positive experience for visitors. Ms. Patterson thanked Council for its leadership in the promotion of tourism.

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

Mr. Morris stated many people have been reviewing the wayfinding signage system for quite some time, and the request before Council today is a text amendment to allow the signs to exist, and does not address the design issue.

Councilman Woodson indicated the State and Federal government will dictate the size of the lettering for the signs, and this amendment will allow the City to move forward with allowing signs.

Mr. Morris indicated one of the next steps in this process will be to make final selection of photographs. He added several prototypes will be created and installed behind City Hall to allow citizens to view and provide feedback before the signs are installed along the streets. He noted the STCDC is being very careful in regards to the sign selection, and there have been many people who are in favor of the signs.

Mayor Kluttz commented she is excited this day is finally here because this was set as a goal by Council a long time ago. She stated the signage system will remove clutter and consolidate the signs, and she is grateful to the STCDC and the Rowan County Tourism Development Authority for their work on this project. She added she thinks this will enhance downtown and help tourism.

Councilman Kennedy stated he thinks it is important to have the prototypes so citizens can see what will be installed before the signs are erected.

Councilman Miller stated when BB&T organized a meeting at the Plaza last year, it was very difficult to direct those attending the meeting to parking in the downtown. He noted there were no maps on a website or signage to direct the visitors, and he thinks this will be a tremendous improvement. He stated he is not focused on design at this point, but about moving people to the places they need to access, and this is a more efficient way of getting people to where they need to go.

(c) Councilman Woodson 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 consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 12.9 (Special Sign Provisions) and Chapter 18 (Definitions) of the Land Development Ordinance of the City of Salisbury, North Carolina related to wayfinding signage. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 12.9 (SPECIAL SIGN PROVISIONS) AND CHAPTER 18 (DEFINITIONS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO WAYFINDING SIGNAGE.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 27, and is known as Ordinance 2011-14.)

**GROUP DEVELOPMENT SITE PLAN G-23-07 KELLEY PROPERTIES - GOLDEN CORRAL RESTAURANT**

Councilman Miller asked to be recused from deliberation due to a possible conflict of interest. Thereupon, Mr. Kennedy made a **motion** to excuse Councilman Miller from discussion and deliberation. Mr. Woodson seconded the motion. Messrs. Kennedy and Woodson, and Mses. Blackwell and Klutz voted AYE. (4-0)

(a) Zoning Administrator David Phillips indicated the request before Council is a site plan amendment for Kelley Properties. He noted there have been previous site amendments since this project began. He displayed a site plan for the project and pointed out the location for the proposed Golden Corral restaurant and Marriott Circle which is under construction and will connect to East Innes Street.

Mr. Phillips displayed an aerial view of the site and ground photographs of the property. He pointed out the photographs were taken before construction of Marriott Circle began. He displayed the original site plan approved by Council, and noted the connectivity required by Council from the Cracker Barrel site that will connect to Marriott Circle.

Mr. Phillips displayed the proposed amended site plan, and stated the developer is acquiring a small piece of property from the State of North Carolina which will expand the land included on the original site plan. He noted the building footprint has increased by 400 square feet, and with the additional property the site will gain parking spaces. He noted the developer is meeting all requirements for landscaping.

Mr. Phillips pointed out this amended site plan is being reviewed under the old Zoning Ordinance since it was initially approved prior to adoption of the new Land Development Ordinance.

Mr. Phillips stated the site plan has been reviewed by the Technical Review Committee and it meets all requirements of the Zoning Ordinance. He noted the Planning Board voted unanimously to recommend approval.

Councilman Kennedy asked if the connecting road to the Cracker Barrel will be in place when construction is complete of the Golden Corral restaurant. Mr. Phillips indicated the access will be included in the restaurant construction.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding group development site plan G-23-07 Kelley Properties.

There being no one present to address Council, Mayor Kluttz closed the public floor for public comment.

Councilman Kennedy indicated he is happy and excited about having this restaurant in this location.

(c) Thereupon Mr. Kennedy made a **motion** to approve group development site plan G-23-07 Kelley Properties to allow for a 7,400 square foot Golden Corral Restaurant to be located off the 1000 block of East Innes Street contingent on all technical issues being met and construction documents being approved. Mr. Woodson seconded the motion. Messrs. Kennedy and Woodson, and Mses. Blackwell and Kluttz voted AYE. (4-0)

**CLOSING AN ALLEY LOCATED IN THE 200 BLOCK OF NORTH ARLINGTON STREET**

(a) Traffic Engineer Wendy Brindle indicated Council adopted a Resolution of Intent to close an alley in the 200 block of North Arlington Street at its February 15, 2011 meeting. She pointed out the location of the alley, noting it is between Arlington and Green Streets.

Ms. Brindle noted when this was presented to Council in February it was noted the petitioner did not obtain signatures of all four property owners of the properties adjoining the alley. She stated since that time the petitioner has obtained three signatures, and the fourth property owner contacted her directly to indicate he is not opposed to the alley closing.

Ms. Brindle stated General Statute 160A-299 requires that closing the alley must not be contrary to the public interest, and no individual will be deprived a means of ingress or egress to their property. She indicated staff believes these conditions have been met.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding closing an alley located in the 200 Block of North Arlington Street.

Mr. Jay Dees, 121 East Kerr Street, stated he represents the petitioner A&H Investments. He stated the three signatures, including the property owner, are the people who are most directly connected to the alley. He noted the fourth property owner has closed off one end of the alley

for private use. Mr. Dees stated closing the alley will allow A&H Investments to consolidate two pieces of property to make a viable commercial site. He noted he has met with tenants who rent the adjacent property and they have no objections to the closing. He thanked Council for their consideration to close the alley.

There being no one else to speak, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to adopt a Resolution pertaining to the acceptance of an offer of dedication for public use of the alley in the 200 block of North Arlington Street. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF THE ALLEY IN THE 200 BLOCK OF NORTH ARLINGTON STREET.**

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 8, and is known as Resolution 2011-08.)

(d) Thereupon, Mr. Woodson made a **motion** to adopt an Order to close an alley in the 200 block of North Arlington Street. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

<b>NORTH CAROLINA</b>	*	<b>BEFORE THE CITY COUNCIL OF</b>
<b>ROWAN COUNTY</b>	*	<b>THE CITY OF SALISBURY</b>
	*	<b>NORTH CAROLINA</b>
<b>IN THE MATTER OF:</b>	*	
	*	
	*	
	*	<b>ORDER CLOSING OF ALLEY</b>
<b>CLOSING OF ALLEY IN THE 200</b>	*	<b>PURSUANT TO GENERAL</b>
<b>BLOCK OF NORTH ARLINGTON</b>	*	<b>STATUE OF NORTH CAROLINA</b>
<b>STREET</b>	*	<b>SECTION 160A-299</b>

**THIS CAUSE**, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on March 15<sup>th</sup> at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said alleys are not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on Feb.18, Feb. 25, March 4 and March 11, 2011.

And it further appearing to the Council and the Council finding as a fact, that the closing of the alley, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of



**PRESENTATION FROM THE SALISBURY PUBLIC ART COMMITTEE**

Ms. Barbara Perry, Chair of the Public Art Committee, informed Council the Committee is preparing for the 2011 Salisbury Sculpture Show, Discover What’s Outside. She noted the sculptures will be installed April 1, 2011, and will be in place through December 2011. She stated there will be 16 pieces, from 15 artists, from 4 different states. Ms Perry indicated the pieces were selected from an open application process. She stated this year two of the sculptures will be displayed on the campus of Rowan Cabarrus Community College. She then displayed photographs of several pieces that will be displayed.

Ms. Perry noted a reception for the artists will be held April 1, 2011, at the home of Susan and Edward Norvell. She stated the Public Art Committee will then host a workshop titled, “The Entrepreneurial Artist” April 2, 2011. She noted May 14, 2011, the Public Art Committee and Waterworks Visual Arts Center will host Family Fun Day at the F&M Trolley Barn.

Mr. Perry reviewed the grant sources for funding for the Sculpture Show:

- Edward and Susan Norvell
- Salisbury Tourism and Cultural Development Commission Destination Development Committee
- Combined Tourism Marketing Committee

She noted other funds were received from:

- Contribution from Rowan Cabarrus Community College Foundation
- Commission from sale of sculpture from the 2010 show

Ms. Perry thanked Council for its support of the arts, and noted the property owners where the sculptures will be installed have been very gracious.

Mayor Pro Tem Blackwell asked Ms. Perry to mention the website for the Sculpture Show. Ms. Perry noted the website is [www.salisburysculpture.com](http://www.salisburysculpture.com) and it provides many links to other events. She pointed out the website and invitation for the event were designed by a volunteer.

Mayor Kluttz thanked Ms. Perry, the Public Art Committee, Edward and Susan Norvell, and the Salisbury Tourism and Cultural Development Commission for their work and contributions for this event. She commented it is exciting to see the results of the occupancy tax having a positive impact.

**PRESENTATION FROM MR. REID LEONARD REGARDING THE DEVELOPMENT OF A MILITARY FLAG MEMORIAL CONCOURSE**

Mr. Seamus Donaldson, President of the Salisbury Rotary Club, and Mr. Reid Leonard, Rotary member addressed Council regarding the development of a Patriots Flag Concourse and Memorial. Mr. Donaldson noted this project will be co-chaired by Mr. Leonard and Mr. Edward Clement.

Mr. Donaldson indicated the project is proposed to be located at City Park, at the site of the old armory building. He stated the purpose will be to honor all who have served the United States. He noted the property is located at the corner of West Miller Street and North Jackson Street.

Mr. Donaldson stated the Memorial will have seven flags in a semi-circle, with six of the flags being 30 feet tall and displaying the different service banners. He noted the center flag will be the highest at 35 feet and will display the American flag. He indicated a memorial wall will be located opposite the flags, which will contain names of benefactors and quotes from Abraham Lincoln. He displayed renderings of how the Memorial will look and reviewed highlights of the project:

- The Rotary Club of Salisbury will be responsible for all funding and construction management of the project
- The total cost of the project is approximately \$200,000
- Rotarian and community in-kind donations currently total approximately \$50,000
- Significant community interest has been generated about the project
- Funds will be raised during the months of March, April and May 2011
- Construction to begin in June 2011

Mr. Donaldson reviewed what is requested from of the City of Salisbury:

- Allow The Patriots Flag Concourse and Memorial to be built on City-owned property at the corner of North Jackson and West Miller Streets within the boundaries of City Park
- Provide in-kind site preparation work – Mr. Donaldson pointed out no funds will be requested from the City.
- Assume perpetual responsibility of the site upon completion and turnover to the citizens of Salisbury, once complete

Councilman Woodson thanked the Rotary Club for this work, and for the time Mr. Leonard has spent putting this project together.

City Manager David Treme asked City Attorney Rivers Lawther if project donors can use the City's tax identification number to receive a tax benefit and allow the City to receive funds on behalf of Rotary to be used for this public purpose. Mr. Lawther indicated an individual will be able to take a tax deduction if the donation is given to the City. Mr. Donaldson indicated the Rotary Club is working on the 501(C)(3) (non-profit) issue and hope to have it resolved to accept funds.

Mr. Treme asked Council if it would agree to accept the donations on behalf of Rotary since the community will be the prime beneficiary of the project, if the non-profit issue is unable to be resolved. He noted Council will have an opportunity to approve plans for how the project will look, and will provide in-kind grading to prepare the site for construction. He pointed out the grading is the only request being made of the City, and no dollars are being requested.

Councilman Kennedy asked if a consensus of Council is sufficient or if a formal motion is needed. Mr. Lawther responded a consensus is fine.

Mayor Pro Tem Blackwell noted this is the same format used for donations for Centennial Park in Fulton Heights. She stated she sees this as a public/private partnership and in the current economy the City is very grateful for the Rotary Club's efforts to honor Veterans and active duty Service Personnel. She commented there are visionaries and there are implementers, but it is a rare talent for someone to be both. She lauded Mr. Leonard for having a vision and finding a way to make this project happen.

Ms. Blackwell stated she is pleased with the addition of the lights because it will add drama. She encouraged Mr. Leonard to speak with neighbors to the park about the lights to ensure they have no issues with them. Mr. Leonard indicated there will be opportunities for the neighbors to have input.

Mr. Woodson noted Mr. Leonard was instrumental in the new tennis courts at City Park, and indicated Council appreciates Mr. Leonard's tenacity to get things done.

Mr. Leonard indicated Summit Developers will be coordinating and managing the project, and Mr. Charles Taylor at Taylor-Clay Products has donated the brick.

Mr. Kennedy wished Mr. Leonard and Mr. Donaldson the best of luck and indicated he looks forward to seeing this finished project.

Mayor Kluttz thanked Mr. Leonard for bringing this project to Council's attention. She commented it is very appropriate to have a place to honor the military because Salisbury is the home base for three military units. She also thanked the Rotary Club for the fundraising efforts. Mayor Kluttz stated during difficult times it is reassuring to Council that citizens do not stop giving, and this is an example of citizens providing something wonderful for the City.

Thereupon, Mr. Woodson made a **motion** to approve the development of a Military Flag Memorial Concourse at City Park. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

### **REPORT FROM THE DOWNTOWN SALISBURY, INC. PARKING AND TRAFFIC COMMITTEE**

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. (DSI) addressed Council regarding a report from the Downtown Parking and Traffic Committee. He pointed out he made a presentation to Council during its Retreat in February 2011, and he now has more detailed information.

Mr. Hemann noted 261 parking spaces having been added since 2001:

- County Lot (Kerr and Main Streets) – 65 spaces
- Gateway Lot (Gateway Building) – 52 spaces
- Soldiers Memorial Lot (Liberty Street) – 42 spaces
- Trexler Lot (City Hall) – 45 spaces
- Fisher and Lee Streets Lot – 17 spaces (net after on-street parking was removed on one side)
- On-street – 40 spaces

He reviewed on-street parking enforcement challenges:

- The issue – 25 ± people who work downtown and park on the street every day
- 25 spaces x \$250 a day (per space) in sales x 5 days a week = \$1,625,000 a year in lost sales
- The Solution – update the parking ordinance to insure on-street spaces are available for use by customers of downtown businesses

Mr. Hemann discussed on-street parking enforcement:

- The Solution(s)
  - Education of Downtown Employees
  - Late Penalties
  - Repeat Offenders Ordinance
  - Revise Collection Procedures/Operations
- Update Enforcement System
  - \$15,000 Computer System
  - \$1,750 Annual Maintenance
  - Merchant volunteered to raise \$7,500 (half of the cost of the computer system) if the City will fund the other half

Mr. Hemann indicated the figures for the hand-held devices have been scaled back, and although he does not have the final figure, it will be less than indicated.

Mr. Hemann reviewed on-street parking education:

- Website information
- Coordinate efforts with downtown businesses
- Insure visitors to shops and restaurants have a pleasant experience

Mr. Hemann stated DSI works with downtown merchants to help customers who are shopping and have received a parking ticket, by paying the parking ticket for the visitor.

Mr. Hemann reviewed the parking challenges in regards to how the issues are addressed in the current Ordinance:

- Late payment:
  - Current Ordinance – the ticket is \$5 and currently states that it must be paid in 72 hours. There are no late penalties
  - Proposed Ordinance
    - 30 days to pay ticket
    - \$20 late payment penalty
    - Late payment penalties shall apply to all parking offenses
  
- Repeat Offenders:
  - Current Ordinance – No provision
  - Proposed Ordinance
    - Four parking violations within 30 days
    - Additional \$50 Repeat Offender Penalty
    - Issued with notification of the fourth offense
    - Also subject to the Late Payment Penalty

Mr. Hemann reviewed how parking tickets and penalties are addressed in other municipalities:

- Concord - \$10 ticket, \$15 after 15 days, \$20 after 30 days, debt set-off
- Statesville - \$5 ticket, \$40 after 14 days, \$80 after 28 days, city attorney collects
- Greensboro - \$5 ticket, \$25 after 40 days, 2 notices, debt set-off
- Albemarle - \$5 ticket, \$100 civil penalty after 30 days

Mr. Hemann stated this proposal is not an effort to generate income and pointed out the income from tickets is designated by State Statute to go to the School System.

Mr. Hemann then discussed the current challenges with collection procedures:

- Current Procedure
  - Payments administered by Parking Control Specialist
  - Tracking and billing done manually
- Proposed Collection Changes
  - Payments administered by Salisbury Customer Service Center (Police Department also receives payment)
  - Automated tracking and billing
  - Salisbury Customer Service Center will be able to undertake collections
- Proposed Collection Procedures
  - City turns over unpaid tickets and penalties to collection agency
  - Collections of \$50 or more can be turned over to the State and if the person receives a state tax refund, those funds are withheld from their tax refund

Mr. Hemann reviewed the challenges with the current ticketing system:

- Current – ticketing, tracking, and billing done manually
- Proposed
  - Automated System (Sungard)
  - Software, hand-held unit/ticket module
    - Wireless hand-held device records all details
    - Generates tickets on-site
    - Tracks payment status
    - Applies late fees where applicable

Mr. Hemann commented this is an effort to bring the City's procedures in-line with surrounding communities, and to ensure on-street parking is available for those who visit Salisbury. He requested Council consider setting a public hearing to receive public comment regarding the proposed ordinances.

Councilman Woodson asked if Mr. Hemann knew the percentage of collections. Mr. Hemann indicated he did not know the percentage, but there is a substantial amount of outstanding collections.

Mr. Woodson commented the proposal would be to add a penalty after 30 days. Mr. Hemann agreed and noted adding the repeat offender section will also be a big change to the Ordinance.

Mayor Pro Tem Blackwell noted the repeat offenders are those who have made a conscious decision to use the parking spaces rather than paying for parking. Mr. Hemann agreed, and stated people are aware there is no late payment penalty for the tickets.

Ms. Blackwell indicated she appreciated seeing the fees from other cities and asked if there has been a net effect since the fees were implemented. Mr. Hemann responded he is unsure because most of the municipalities have had the scaled penalty in place for a long time.

Councilman Kennedy noted currently free parking is for two hours, and he asked if the people who receive a ticket for parking illegally can stay in the space all day with just one \$5 ticket. Mr. Hemann noted many times only one ticket is received. Mr. Kennedy commented he thinks this issue should also be addressed.

Thereupon, Ms. Blackwell made a **motion** to set a public hearing for April 5, 2011 to receive public comment. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Klutz voted AYE. (5-0)

### **FIRST READING OF THE FY2011-2012 BUDGET FOR CDBG AND HOME PROGRAM FUNDS**

Senior Planner Janet Gapen presented the proposed 2011-2012 budget for the Community Development Block Grant (CDBG) and HOME funds. She noted the figures will

not be finalized until the Federal budget is adopted, and she pointed out the CDBG figures are 10% less than received last year, and the HOME budget is 15% less:

Estimated Funds Available:	
Community Development Block Grant (CDBG)	\$301,966.00
HOME	\$97,180.00
Program Income	\$35,000.00
Total	<u>\$434,146.00</u>

Ms. Gapen reviewed the detailed budget:

Project Activities	
Acquisition/Rehab/Resale	\$88,823.80
Owner-Occupied Rehab	\$70,000.00
Emergency Rehab	\$10,000.00
	\$168,823.80
Public Services (15% cap)	
Rowan Helping Ministries	\$20,800.00
Family Crisis Council	\$12,900.00
Community Care Clinic	\$9,200.00
Salisbury Youth Employment	\$6,000.00
Family Self-Sufficiency –PHA	\$1,400.00
	\$50,300.00
Program Administration	\$67,393.00
Debt Service – Park Avenue Center	<u>\$50,449.20</u>
Total CDBG Funds	<u>\$336,966.00</u>

Ms. Gapen indicated during the public hearing held February 15, 2011, Councilman Kennedy asked how the budget might be impacted if the CDBG funds are cut more than 10%. She stated Debt Service, Program Administration and Public Services would be the top funding priorities. She noted if funds remain after meeting those obligations, she would recommend funding Owner-Occupied Rehabilitation.

Ms. Gapen then reviewed the HOME budget and the total CDBG and HOME funds:

Project Activities	
Family Housing Development Loan	\$75,000.00
Foreclosure Acquisition/Rehabilitation and Down Payment Assistance	\$17,680.00
	\$92,680.00
Program Administration	<u>\$4,500.00</u>
Total HOME Funds	<u>\$97,180.00</u>
Total CDBG & HOME Funds	\$434,146.00

Ms. Gapen indicated all of the activities proposed for funding are included in the 5-year Consolidated Plan as high priorities. She pointed out after the first reading of the budget today, the detail plan will be available for public review beginning April 3, 2011, with the second reading of the budget by City Council scheduled to be held April 19, 2011.

Councilman Kennedy stated he was recently in Washington, D.C. and the mood is to cut programs, but he is hopeful these funds will not be cut too much. He added he thinks the program will be fine this year, but there may be a problem next year.

Thereupon, Mr. Kennedy made a **motion** to approve the first reading of the FY2011-2012 budget for CDBG and HOME program funds. Mr. Miller seconded the motion. Mr. Miller noted a proposed second reading is scheduled for April 19, 2011, and noted the Federal budget may not be adopted at that time. He asked to clarify that funds are not spent for the budget until the Federal budget has been approved and the figures are confirmed. Ms. Gapen responded this is correct. She noted staff typically has a final determination of figures by the end of March. Mr. Miller noted this budget is for the next fiscal year. Ms. Gapen agreed. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

**RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A JOINT COOPERATION AGREEMENT FOR THE HOME INVESTMENT PARTNERSHIP PROGRAM**

Senior Planner Janet Gapen indicated the City of Salisbury has been a participating member in a Home Consortium to apply for HOME funds from the United States Housing and Urban Development (HUD) office. She noted the members of the Consortium are City of Concord, City of Kannapolis, Town of Davidson, and City of Mooresville. She added the City of Statesville is a member of the Consortium, but not a participating member. Ms. Gapen indicated the County members of the Consortium are Rowan County and Cabarrus County, with Iredell County serving as a non-participating member.

Ms. Gapen stated through the City's participation in the Consortium, it receives HOME funds. She indicated the Consortium operates on a three-year partnership agreement, and she requested Council consider adopting a Resolution to authorize the City's continued membership in the Consortium.

Councilman Miller asked if the agreement is just an agreement to cooperate and not a commitment of funds. Ms. Gapen responded this is correct, and in this case the agreement is to be a member of the Consortium. She added to participate the City would need to continue to match funds. She clarified an entity can be a member of a consortium, but not a participating member if it is unable to contribute the required match funds.

Mr. Miller asked if the agreement requires the City to match funds for the next three years. Ms. Gapen stated it does not require the match, but only allows the City to participate.

Councilman Kennedy pointed out this is part of HUD's requirements to receive funds.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the Mayor of the City of Salisbury to enter into a joint cooperation agreement extending the Cabarrus/Iredell/Rowan Housing Consortium. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF SALISBURY TO ENTER INTO A JOINT COOPERATION AGREEMENT EXTENDING THE CABARRUS/ IREDELL/ ROWAN HOUSING CONSORTIUM.**

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 6, and is known as Resolution 2011-06.)

**TEMPORARY USE APPROVAL FOR A CARNIVAL TO OPERATE AT THE J.C. PRICE LEGION POST**

Zoning Administrator David Phillips stated staff has received a written request from the J.C. Price Legion Post for a permit for its annual Memorial Week Celebration. He indicated the event will be held May 27, 2011 through June 5, 2011. He noted the Land Development Ordinance (LDO) requires carnival or circus events to obtain a temporary use permit from City Council, provided the use does not exceed 21 days.

Mr. Phillips indicated conditions have been placed on the permit in the past, and the Legion Post is aware of the conditions and does not object to them. He stated staff recommends the temporary use permit be approved with the conditions outlined in Council's agenda packet.

Councilman Woodson asked if the event was peaceful last year. Councilman Kennedy responded he attended and it was calm.

Mayor Pro Tem Blackwell indicated the event is referred to as a "week," but the permit is for 10 days. Mr. Phillips indicated the Legion Post refers to the event as a celebration week, but the request is for 10 days.

Ms. Blackwell indicated the City will provide 10 officers and one supervisor for all 10 days. Mr. Phillips agreed. Ms. Blackwell asked if the funds for these officers are paid by the Legion Post or through public funds. Mr. Phillips indicated the Legion Post has an agreement with the Police Department to repay the cost of the Police Officers.

City Manager David Treme stated the event will use private dollars, but public dollars will also be used.

Mr. Kennedy stated this event has been taking place for many years and it is important to allow it to continue.

Thereupon, made a **motion** to approve the temporary use approval for a carnival to operate at the J.C. Price Legion Post, 1433 Old Wilkesboro Road for its annual Memorial Week Celebration with the following conditions: 1) All alcohol must be kept inside the Post facility; No alcohol to be allowed in the carnival area. 2) The Salisbury Police Chief has been authorized by City council to close the event due to any problems that may arise. 3) There shall be 11 police officers on duty (10 officers and 1 Supervisor) at all times. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**CONTRACT IN THE AMOUNT OF \$31,800 TO MARTIN STARNES & ASSOCIATES, CPAS, P.A. FOR AUDITING SERVICES FOR YEAR 2011.**

Finance Manager Wade Furches addressed Council regarding a contract to Martin Starnes and Associates CPAs, P.A. for auditing services for the year ending June 30, 2011. He noted each year the City is required to have an audit, and it is currently in the third year of a four-year audit agreement with Martin Starnes and Associates. He indicated the audit fee for this year is \$31,800, which is the amount proposed in the initial proposal for the four-year contract. Mr. Furches pointed out the change is a \$900, or 2.9% increase from last year and staff recommends approval of the audit contract.

Councilman Woodson asked if this price can be negotiated. City Manager David Treme stated the contract has been approved for a multi-year term, and the firm has met the obligations of the contract. He commented this is an excellent price and there are many smaller cities that pay much more. He pointed out Martin Starnes and Associates was the low bid when the contract was put out for bid, and he thinks the City is obligated to the contract.

Councilman Kennedy asked if the increase was part of the initial contract. Mr. Treme responded that it was included.

Councilman Miller noted many audit firms have contracts that increase in subsequent years. Mr. Treme commented the City signed a multi-year contract, and if the contract were put out for bid each year it could be negotiated, but it is to the City's advantage to lock in a multi-year price.

Mr. Miller stated he thinks one reason the City was able to receive this price is the quality of work done by staff.

Thereupon, Mr. Miller made a **motion** to award a contract in the amount of \$31,800 to Martin Starnes & Associates, CPAs, P.A. for auditing services for fiscal year ending June 30, 2011. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**REPORT REGARDING RAILROAD CROSSINGS AT PEARL STREET, TOWER DRIVE AND DAVIS STREET.**

Engineering and Development Services Director Dan Mikkelson pointed out the location of railroad crossings for Pearl Street, Tower Drive and Davis Street in the vicinity of Jake Alexander Boulevard and Morlan Park Road. He noted the crossings lead into a neighborhood where the only ingress or egress is to cross one of the crossings. He indicated Council discussed this February 2010 when the North Carolina Department of Transportation (NCDOT) offered to install automated warning devices on all three crossings. Mr. Mikkelson noted the cost to the City would be \$66,900 for construction, and approximately \$3,800 per year for maintenance.

Mr. Mikkelson stated in 2005 staff conducted a thorough study of all three crossings, because at that time NCDOT wanted to treat the crossings one at a time. He noted staff reviewed train speed and volume and automobile traffic. He added a neighborhood meeting was held and the neighbors indicated they felt the need for the crossings was marginal, but whatever was decided, all three crossings should be treated at the same time. He stated the neighbors were reasonably satisfied with the existing conditions and did not want to treat the crossings separately.

Mr. Mikkelson indicated he recently received paperwork from NCDOT to proceed with this project, but given the current budget situation, and because it is only a marginal improvement, staff recommends not participating at this time. He stated if Council concurs he will prepare a letter to NCDOT declining to participate, but requesting the City be reconsidered in the future.

Councilman Miller asked if the City could not respond. Mr. Mikkelson indicated the letters from the State are worded in a way that implies a liability on the City. He added if an accident were to occur at one of the crossings and the City failed to take reasonable action it could be held liable. He noted he discussed this with the City Attorney who feels declining participation would be a reasonable and defensible response.

Mr. Mikkelson pointed out he feels strongly this is a marginal improvement because the typical train speed is 10 miles per hour, with a 25 miles per hour maximum. He noted the Railroad has indicated 10 miles per hour is one of the rare cases when a train can apply its brakes and stop within site distance of a car on the tracks.

Mayor Pro Tem Blackwell asked if a motion or consensus is needed. Mr. Mikkelson indicated he will respond to NCDOT to inform them Council discussed the request.

Mayor Klutz asked City Attorney Rivers Lawther which action would be preferred. Mr. Lawther recommended a motion would be in order.

Councilman Kennedy stated Council has closed crossings throughout town for the safety of citizens, and to leave three crossings unattended without gates is a concern for him.

Thereupon, Mr. Miller made a motion to pass on the opportunity at this present time and ask to be considered by NCDOT for a future budget cycle. Mayor Kluttz seconded the motion. Mayor Kluttz stated the railroad crossings that have been closed have been in anticipation of high speed rail, but these crossings are not on that corridor. Mr. Mikkelson confirmed. He stated the crossings are on a different corridor than the high speed corridor which carries 40 or more freight trains, and 6 or more passenger trains per day at speeds ranging 45 miles per hour and above. He noted this particular branch of the railroad has approximately six trains per day at 10 miles per hour, and the exposure is much less.

Mayor Kluttz asked if the City would be liable for \$66,900 if it does not cancel the agreement. Mr. Mikkelson stated if Council votes to participate he will bring paperwork back to Council for participation for approval. He noted if Council chooses to participate NCDOT and North Carolina Railroad will perform design and installation work, and then bill the City for its portion. He added it is anticipated it would be 12 to 18 months before the City's share would be due.

Mr. Woodson asked if the residents are happy with the current situation. Mr. Mikkelson stated when staff met with them in 2005 they were generally satisfied with the conditions.

Mr. Kennedy stated he is still concerned because there are three crossings and the neighborhood has no protection. Mr. Mikkelson pointed out the crossings do not have electronic warning devices but do have the Manual for Uniform Traffic Control Devices (MUTCD) required signage and cross-bucks. He noted the crossings meet all of the minimum design standards.

Mayor Kluttz asked how the neighborhood was informed. Mr. Mikkelson stated in 2005 a direct mailing was done for the neighborhood, as well as a neighborhood meeting at one of the local churches.

Mr. Kennedy indicated there is quite a bit of rental property in the area, and many of the people who lived there in 2005 do not live there now.

City Manager David Treme suggested conducting another neighborhood meeting or public meeting at a Council meeting to determine what the neighborhood interests are now. He stated he does not disagree with Mr. Mikkelson's recommendation, but this can be postponed to engage the citizens and have more information to make a decision.

Thereupon, Mr. Miller **withdrew** his previous motion.

**RESOLUTION IN SUPPORT OF PEDESTRIAN IMPROVEMENTS IN THE 300 BLOCK OF NORTH LEE STREET.**

Mayor Kluttz indicated at Council's Retreat it discussed improvements to the Railwalk area. She noted a Resolution has been prepared to forward to the North Carolina Department of Transportation (NCDOT) seeking State funding for sidewalk improvements in this area.

Councilman Kennedy asked what the City's share will be if the State approves funding. Mayor Kluttz asked if the City has to accept the funding if it is given.

Community Planning Services Director Joe Morris stated there is no local match for this particular request. He noted funds have already been expended on the project so there will be no additional capital for the project. He pointed out there may be expenses in regards to in-kind labor, but it depends on what type of funding comes from NCDOT.

Mr. Morris noted staff is working through the City's legislative delegation to make an appeal directly to the NCDOT Board, and it would be an interesting precedent to request the funds then not accept them.

City Manager David Treme commented he had suggested spending approximately \$15,000 to minimally repair the sidewalks, but staff worked to identify grant funding. He added this is an opportunity to gain an improvement to the standards the City would like at a very small cost.

Mr. Kennedy stated he wants to be sure this can be defended in lieu of sidewalks that have not been completed in residential areas, and he noted this is money from the State with very little input from the City.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution supporting pedestrian enhancements for the 300 block of North Lee Street. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**RESOLUTION SUPPORTING PEDESTRIAN ENHANCEMENTS FOR THE 300 BLOCK OF NORTH LEE STREET.**

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 7, and is known as Resolution 2011-.07)

**APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

**Community Appearance Commission**

Upon a **motion** by Mr. Kennedy, seconded by Ms. Blackwell, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Community Appearance Commission:

Ms. Connie Baker  
Mr. Sean Meyers

Term expires 3/31/14  
Term expires 3/31/14

Upon a **motion** by Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointments were made to the Community Appearance Commission:

Ms. Frances Taylor	Term expires 3/31/14
Ms. Mimi Carlton	Term expires 3/31/14

**Greenway Committee**

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Greenway Committee:

Dr. John Wear	Term expires 3/31/14
Mr. Benjamin Davis	Term expires 3/31/14
Ms. Amy Smith	Term expires 3/31/14

**Historic Preservation Commission**

Appointments to the Historic Preservation Commission were postponed.

**Human Relations Council**

Upon a **motion** by Mr. Miller, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointment was made to the Human Relations Council:

Rev. Wayne Hougland	Term expires 3/31/14
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Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Human Relations Council:

Ms. Beverly Mobley	Term expires 3/31/14
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**Hurley Park Advisory Board**

Upon a **motion** by Mr. Kennedy, seconded by Mr. Miller, and with Messrs. Kennedy, Miller, Woodson and Meses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Hurley Park Advisory Board:

Ms. Jane Riley	Term expires 3/31/14
Ms. Elaine China	Term expires 3/31/14
Ms. James Haymaker	Term expires 3/31/14

**Parks and Recreation Advisory Board**

Upon a **motion** by Mr. Miller, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Meses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Parks and Recreation Advisory Board:

Ms. Jayne Helms	Term expires 3/31/14
Mr. Mary Arey	Term expires 3/31/14

Upon a **motion** by Mr. Woodson, seconded by Mr. Miller, and with Messrs. Kennedy, Miller, Woodson and Meses. Blackwell and Kluttz voting AYE, the following appointment was made to the Parks and Recreation Advisory Board:

Mr. Bobby Rusher II	Term expires 3/31/14
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**Planning Board**

Upon a **motion** by Mr. Miller, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Meses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Planning Board:

Mr. Bill Wagoner	Term expires 3/31/14
Ms. Patricia Ricks	Term expires 3/31/14
Mr. Will Hasselman	Term expires 3/31/14

Upon a **motion** by Mr. Kennedy, seconded by Mr. Miller, and with Messrs. Kennedy, Miller, Woodson and Meses. Blackwell and Kluttz voting AYE, the following appointment was made to the Planning Board:

Mr. James Carli	Term expires 3/31/14
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### **Transportation Advisory Board**

Upon a **motion** by Mr. Kennedy, seconded by Ms. Blackwell, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Transportation Advisory Board:

Mr. Dustin Wilson	Term expires 3/31/14
Mr. Sam Faust	Term expires 3/31/14
Ms. Nancy Brandt	Term expires 3/31/14
Ms. Kay Boyd	Term expires 3/31/14

Upon a **motion** by Mr. Kennedy, seconded by Mr. Miller, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to fulfill an unexpired term on the Transportation Advisory Board:

Mr. Gary Price, Jr.	Term expires 3/31/14
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### **Tree Board**

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointment was made to the Tree Board:

Mr. Johnny Safrit	Term expires 3/31/14
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Upon a **motion** by Mr. Kennedy, seconded by Mr. Miller, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Tree Board:

Ms. Linda Jones	Term expires 3/31/14
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### **Zoning Board of Adjustment**

Upon a **motion** by Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointment was made to the Zoning Board of Adjustment:

Ms. Dee Dee Wright	Term expires 3/31/14
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Upon a **motion** by Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Zoning Board of Adjustment:

Mr. Nathan Coyle	Term expires 3/31/14
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Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointment as made to the Zoning Board of Adjustment City Alternates:

Mr. Earl Koontz

Term expires 3/31/14

**PUBLIC COMMENTS**

Mayor Kluttz opened the floor to receive public comment.

Mr. Clyde Overcash, East Bank Street, thanked Council for having a public comment period. He stated he would like to know what has happened to the mulch and would like to be able to receive it again. He stated he has asked but cannot get an answer of what has happened to the mulch.

There being no one else to address Council, Mayor Kluttz closed the public comment period.

Mayor Pro Tem Blackwell asked Mr. Cinquemani to explain the situation regarding the mulch.

Public Services Director Tony Cinquemani indicated the North Carolina Department of Environment and Natural Resources (NCDENR) has indicated because of the quantity of the material collected from citizens the City must follow different mulching criteria than it was previously required to follow. He stated NCDENR has stated the yard waste must be mulched correctly, for a proper length of time but at this time the City cannot facilitate the mulching in the method required by NCDENR. Mr. Cinquemani stated the mulch is given to an entity permitted by NCDENR to mulch the waste in the required format.

City Manager David Treme stated the City's site previously used for the mulch has been found inadequate by NCDENR and the quantity able to be stored on-site has been restricted. He indicated he and Mr. Cinquemani have looked at other City properties that might be used, but given the land and equipment requirements it is not a capital project that can be readily funded. He added until a new site is found the City is not in a position to give away the mulch because it cannot be stored on the current site.

Mr. Cinquemani stated no contamination was found at the site, the site was just not adequate in size to process the mulch. Mr. Cinquemani added the mulching process cannot be performed in a flood plain and this has greatly limited proposed sites.

**CITY MANAGER’S COMMENTS**

- (a) Approve 2011-2012 council goals and outcomes

This item was postponed to a later date.

**REQUEST FROM COUNCILMAN KENNEDY**

Councilman Kennedy indicated he understands the City owns over 300 parcels of land and he requested a list of properties, along with a list of properties being used and those that might be able to be sold when the proposed budget is presented. He stated if there is property that can be sold and put back on the market to collect tax dollars he would like Council to review.

**MAYOR’S ANNOUNCEMENTS**

- (a) First Annual Spring Craft Show

Mayor Kluttz announced the First Annual Spring Craft Show will be held Saturday, March 26, 2011, from 9:00 a.m. until 4:00 p.m. at the Civic Center, 315 Martin Luther King Avenue. This event is free and open to the public.

- (b) West End Community Fun Day

Mayor Kluttz announced Salisbury Parks and Recreation will host a West End Community Fun Day Saturday, March 26, 2011, from 1:00 p.m. until 4:00 p.m. at the Miller Recreation Center, 1402 West Bank Street.

- (c) Spring Spruce-up Week

Mayor Kluttz announced The Community Appearance Commission and the Public Service Department will sponsor Spring Spruce-up Week April 11-15, 2011.

- (d) Arbor Day Celebration

Mayor Kluttz announced The Salisbury Tree Board and the Parks and Recreation Department will hold an Arbor Day Tree Planting Ceremony Tuesday, March 29, 2011 at 10:00 a.m. at Foil Tatum Park located at 123 North McCoy Street

**CLOSED SESSION**

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

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

**RETURN TO OPEN SESSION**

Mayor Kluttz requested a motion to return to open session.

Thereupon, Mr. Woodson made that **motion**. Mr. Kennedy seconded. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

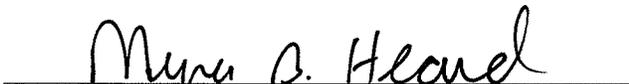
Mayor Kluttz reported Council consulted with the City Attorney and a communications attorney, and determined it is in the best interest of Salisbury to be fully exempt from any regulatory restrictions which were not in place when Salisbury began its broadband services. She stated Council has hired a lobbyist in Raleigh, Mr. Tom Fetzer with Fetzer Strategic Partners, to represent the City.

Thereupon, Mr. Woodson made a **motion** that the City be totally exempt. He stated the City started this project several years ago in good faith and borrowed money to help the City, and would like to pursue that one area that the City be totally exempt from anything that would hurt it. Mr. Miller seconded the motion. Mayor Kluttz stated this is a fairness issue for the City because the City began in good faith with the rules and laws in place, and for the State Legislature to change the rules would be very unfair. She stated Council cannot accept anything less than full exemption. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Ms. Blackwell, seconded by Mr. Woodson. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:59 p.m.

  
Susan W. Kluttz, Mayor

  
Myra B. Heard, City Clerk