

Salisbury, North Carolina  
April 2, 2013

## **REGULAR MEETING**

**PRESENT:** Mayor Paul B. Woodson Jr., Presiding; Council Members Mayor Pro Tem Maggie A. Blackwell, Karen Kirks Alexander, William (Pete) Kennedy, and, William Brian Miller; City Manager Doug Paris; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** None

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Woodson at 4:00 p.m. The invocation was given by Councilmember Kennedy.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Woodson welcomed all visitors present.

## **PROCLAMATIONS**

Mayor Woodson proclaimed the following observance:

ARBOR DAY

April 14, 2013

## CONSENT AGENDA

### (a) Approval of Minutes

Approve Minutes of the Special Meetings of March 15, 2013 and March 19, 2013, and the Regular Meeting of March 19, 2013.

### (b) Contract-Martin Starnes and Associates, CPA's, P.A.

Award a contract in the amount of \$32,800 to Martin Starnes and Associates, CPA's, P.A. for auditing services for Year 2013.

Thereupon, Mr. Miller made a **motion** to adopt the Consent Agenda as presented. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

## LAND DEVELOPMENT ORDINANCE TEXT AMENDEMENT TA-04-2013 TO AMEND CHAPTER 8, LANDSCAPING

Planning and Development Services Manager Preston Mitchell addressed Council regarding a Land Development Ordinance (LDO) Text Amendment to amend Chapter 8, Landscaping. He noted the proposed text amendment was approved by the Tree Board and the Planning Board. He pointed out there are five items relating to the proposed amendment to be reviewed:

- Tree Removal and Replacement Permit
- Clear Cutting
- Clearing, Grading in Phases
- Tree Canopy
- Replanting of Tree Canopy
  - On undeveloped land
  - On partially-developed land

Mr. Mitchell reviewed "Tree Removal and Replacement Permit" which will prevent commercial property owners from removing trees when there are no plans for development of the property:

- Does not apply to single-family lots unless in a local historic overlay
  - West Square, North Main, etc.
- Applicable to "trees planted...to meet the landscape provisions..."
- Replacement shall equal or exceed the minimum requirement when the tree was originally planted
- Payment in-lieu available when replacement is not practical

Mr. Mitchell reviewed “Clear-Cutting”:

- Only applicable to sites greater than three acres
- Clearing prohibited unless part of a site-specific development plan
- If cleared, all debris and fallen material must be removed from site
- Clear-Cutting – Removal of 25 percent or more of the trees with a diameter at breast height (DBH) of four inches or greater

Mr. Mitchell displayed a photograph of property that had been clear-cut and explained clear-cutting is when trees are cut with no grubbing, stump removal, or grading on the property. He noted the proposed text amendment prohibits clear-cutting unless it is part of a site-specific development plan. He pointed out if a property owner has an approved site plan all debris and fallen material must be cleared from the property. He noted the property owner would not have to remove all of the stumps, but would be required to remove debris and fallen material.

Mr. Mitchell reviewed “Clearing, Grading in Phases”:

- Only applicable to phased development
- Prohibited to clear, grub, or grade multiple phases except for:
  - Public Utilities
  - Public Infrastructure
  - Stormwater control

Mr. Mitchell displayed a photograph of Oakview Commons. He pointed out the developed portion, and he referenced later phases of partial development where streets have been constructed and lots are being platted, but development has stopped. He pointed out a parcel without an established subdivision, and he explained the provision would allow the property owner to make cuts for streets and utility lines but would not allow the entire parcel to be clear-cut.

Mr. Mitchell reviewed “Tree Canopy” noting under the proposed text amendment it must be maintained in areas where development has stopped. He explained the proposed text amendment:

- Requires minimum 30 percent overall Tree Canopy
  - One tree per 500 square feet of gross surface area
  - 3.5 acre site equals 152,460 square feet x 30 percent = 45,738 square feet/500 = 91 trees
  - Can consist of planting yard trees, street-yard trees, parking lot trees, etc.

Mr. Mitchell referenced the new Family Dollar store under construction on Jake Alexander Boulevard. He explained the site is 1.25 acres and under the proposed amendment it would be required to have 33 trees. He pointed out the current requirement for the site is 28 trees. He stated the Tree Board’s goal is to grow the Tree Canopy but remain realistic regarding development expectations.

Mr. Mitchell explained a Tree Canopy can be replanted on both undeveloped and partially

developed land. He stated if a parcel is cut and no development takes place for one year, a letter would be sent giving the property owner six months to:

- On Undeveloped Land:
  - Plant shade trees listed on the approved Large Trees Appendix of the Landscape Ordinance and Design Guidelines, planted at a minimum of six feet to eight feet tall, 1.5 inches DBH, and at a rate of at least 36 shade trees per acre
  - Plant trees in compliance with the North Carolina Cooperative Extension guide for reforestation, with tree seedlings planted at a minimum rate of one tree per each 10-foot by 10-foot area
- On Partially Developed Land:
  - If development activity ceases on a phase, where streets and/or utilities have been installed, for at least one year, then replanting shall occur on that partially-developed phase within 180 days of receiving an inactivity notification. Replanting shall consist of planting all required street-yard trees per the approved Landscape Plan

Mr. Mitchell noted the Planning Board held a courtesy Hearing March 12, 2013 and voted (6-1) to recommend approval.

Mayor Woodson indicated the Family Dollar site is approximately 54,000 square feet with a 17,000 square foot building. He asked if the building size is considered when determining the number of trees to be planted on a parcel.

Mr. Mitchell stated no consideration is given to the building size. He added the building size and number of parking spaces is market driven, and landscaping is usually considered last.

Councilmember Alexander asked if the 33 trees included shade and ornamental trees. Mr. Mitchell stated that is correct.

Councilmember Miller stated the lot behind Family Dollar has been submitted as a multi-family project approved for tax credits. Mr. Mitchell stated that is correct, noting the development is Sterling Trace. Mr. Miller noted if there were no plans for the lot the 30 percent minimum would be required for the Tree Canopy, and he asked where the trees would be placed on the property.

Mr. Mitchell noted the 30 percent minimum is to replant or provide an overall canopy, and it establishes a base line. He stated a Landscape Designer using other provisions in the Landscape Ordinance would place the trees in appropriate locations.

Mr. Miller asked about requirements when a developer does not have a plan, and the lot has been cleared and is for sale.

Mr. Mitchell stated the 30 percent minimum replanting is not necessary unless a Landscape

Plan is required. He pointed out if a parcel sits for years it would fall under the replanting requirement of partially developed land. He stated the last approved Landscape Plan for the site, and the street-yard trees for that Landscape Plan, would be required. He explained a parcel can never be partially developed without a Landscape Plan. He noted a parcel can only be partially developed if it has an approved development plan, otherwise it will be deemed undeveloped and 36 shade trees per acre, or the North Carolina Cooperative Extension Reforestation Guide would be required.

Mayor Woodson indicated his business has a lot size of 30,000 square feet. He stated during his last expansion in 1990, he was required to put in 8 or 9 trees. He asked how many trees would be required under the proposed Ordinance.

Mr. Mitchell responded 18 trees would be required. Mayor Woodson noted he did not think there was space for 18 trees on his property due to the required number of parking spaces.

Mr. Mitchell pointed out when sites are designed today the building, parking and landscaping are all considered. He explained the site would have to be examined by staff, but the proposed text amendment is not intended for smaller commercial buildings.

Mr. Mitchell stated the proposed text amendment is intended to grow the canopy of trees in the City. He pointed out the City is considered a non-attainment area due to poor air quality, and a tree canopy will help improve air quality.

Mayor Pro Tem Blackwell stated if Mayor Woodson were to build on his lot today, a designer could suggest parking lot trees to cool the building and make the parking more effective. She added the proposed text amendment would initiate smaller buildings.

Councilmember Alexander asked if the requirements are different for each zoning classification. She stated a business in the Downtown Mixed-Use (DMX) district can cover the entire lot. She asked how the proposed Ordinance would apply to DMX zoning.

Mr. Mitchell stated the landscape provisions in DMX zoning are different from the rest of the City. He noted the intent of DMX zoning is to fill the lot with a building, and the landscape provisions are minimal.

Mr. Miller stated even with his experience on the Planning Board and working with the LDO, this issue is complicated. He indicated Council and citizens may get a better understanding through the committee process. He explained he thinks what the Tree Board is trying to accomplish is misunderstood. He stated he would rather walk through the proposed Ordinance in a committee setting with citizens who have concerns.

Mr. Miller stated when there is a development plan he understands what the proposed Ordinance is trying to accomplish. He indicated he is concerned about sites available for development that have no development plan in place, such as the former Salisbury Village site. He added this site was submitted with a concept, but it is unclear if the development will be offices or multi-family dwellings.

Mr. Mitchell explained if the developer had clear-cut the site the only provision required would be the North Carolina Cooperative Extension seedling reforestation guide, if development did not occur within a certain time frame.

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding TA-04-2013.

Mr. John Leatherman presented information to Council. He stated he owns one of the properties in the photographs that were shown, and his clear-cutting nine acres may have instigated the proposed text amendment. He reminded Council the development begins at North Carolina Highway 150 and ends at South Main Street, with approximately one-half mile of road frontage. He stated the property generates approximately \$200,000 in tax revenue for the City and Rowan County. He explained Pinnacle Four, which consists of 72,000 square feet, is being marketed as a mixed medical business site, and it has been clear-cut. He stated this site will generate tax revenue and produce jobs. Mr. Leatherman displayed pictures of the property and referenced a picture from the August 12, 2012 issue of the *Salisbury Post*. He explained the picture was taken while equipment was removing the trees. He then displayed photographs from October 30, 2012 showing the property in a cleaner state.

Mr. Leatherman stated he contacted Mr. Chris Thomas from Childress Klein Developers who has an option to develop 97 acres owned by Livingstone College. He referenced an email from Mr. Thomas requesting the proposed text amendments be moderated. He noted he contacted Livingstone College and spoke to Mr. State Alexander who had never heard of this Ordinance. He pointed out he did not remove the debris after the clear-cutting because he was told debris removal would trigger the Erosion Control Ordinance. Mr. Leatherman indicated he thinks the proposed Ordinance is designed to prohibit people from preparing land to be marketed. He stated the proposed Ordinance seems like an overreaction, and the idea is to balance sites. He acknowledged the economy delayed him, but improvements will be made in the future.

Mr. Nathan Chambers, 419 Princeton Drive, stated he does not support the proposed Ordinance. He explained when a section of land is developed it has high and low areas that have to be scraped to remove vegetation in order to level the parcel. He pointed out to develop one parcel and put vegetation on sites that are not developed will result in a tremendous expense for the property owner. He explained as the roots grow and become organic matter in the soil, the property will have to be scraped and debris removed again when the developer is ready to build. He pointed out the heavy equipment can damage development roads. He noted the proposed Ordinance will hinder development because of the future expense and will result in another permit for a developer. He stated Council needs to find ways attract business to the City. He pointed out there are too many committees making it difficult to build and expand in the City.

Mr. Rodney Queen, 906 Overhill Road, explained Mayor Woodson's business is less than a three-acre parcel and would be developed using the existing Landscape Ordinance. He stated the proposed Ordinance is not intended to create a hardship but to protect the tree canopy, improve the quality of air, and leave potential development sites in a better condition for those that live around them. He reviewed a photograph of a tree canopy and a photograph of the site where a developer followed the current Landscape Ordinance and cut down trees for future development. He

displayed photographs of Rosemont Avenue before and after trees were cut, and he pointed out the developer cut and sold the trees and left the area in disarray. He stated the tree canopy was destroyed and the integrity and air quality of the community suffered. Mr. Queen stated if the developer does not want to replant he should not cut down the trees. He indicated the area in the photographs did not need to be clear-cut, but could have been cut in phases as development occurred. He pointed out the proposed Ordinance offers 25 percent cut-through for roads without clear-cutting. He explained the clear-cut land in the photographs is grandfathered so the property can remain as is. He noted in the future an approved site plan would be required to clear-cut. He stated the proposed Ordinance is requesting clear-cutting be done in phases to protect the integrity of the City and the environment.

Mr. Johnny Safrit stated he is a member of the Tree Board and it struggled with the proposed Ordinance for over two years. He noted the changes were driven by the environment. He pointed out being in a non-attainment area it is important to preserve air quality and erosion control without hindering development. He referenced the Aldi site on Jake Alexander Boulevard and noted it would have been required to plant nine more trees. He stated the outparcels without any development would have to put in street-trees, not the 30 percent plant back requirement, because a site plan was submitted and the infrastructure was installed. Mr. Safrit explained to develop five acres a developer may need to clear 20 acres, but it is not fair to clear 20 acres of trees and vegetation that support wild life, air and water quality, and leave the remaining acres barren for years. He stated the goal of the Tree Board is to develop a balance and not create an added burden.

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

Councilmember Kennedy stated he serves on the Tree Board, and it has done a poor job educating the public on the importance of trees. He noted trees are very important in helping prevent soil erosion and improve the environment. He stated the Tree Board is not trying to hinder development, but for the future of the City more trees are needed. He indicated if Council does not feel comfortable voting on the issue it may need to be sent to a Council Committee. He noted he supports the proposed Ordinance.

Mr. Miller stated he supports sending the proposed text amendment to a Council Committee. He explained he needs a better understanding to be comfortable voting on it. He stated it is his understanding anything in the past will be grandfathered, and the current zoning Ordinance allows the situations the City is trying to avoid. He stated he will support a motion to go to a Council Committee.

Councilmember Alexander stated she supports sending the Ordinance to a Council Committee. She pointed out it is an important Ordinance, and she supports preserving trees for the environment. She questioned how the Ordinance applies to particular zoning districts.

Ms. Blackwell thanked the Tree Board for its work on the Ordinance and the Planning Board for its support. She stated she supports the Ordinance. She pointed out by serving on the Cabarrus-Rowan Metropolitan Planning Organization (CRMPO) she is acutely aware of the City's non-attainment status. She stated Council owes protection of the City's air quality to its citizens

and children. She indicated she is prepared to vote in favor of the Ordinance. Ms. Blackwell pointed out the tree requirement as required by the LDO for the Family Dollar store was 28 trees, and it will increase to 33 trees. She indicated five trees will not deter a developer. She stated Salisbury has a reputation for being a progressive City, but in this case it is playing catch-up.

Mayor Woodson stated he supports the Ordinance but wants to make sure he fully understands it.

Mr. Kennedy nominated Councilmember Alexander and Councilmember Miller to serve on the Council Committee. Councilmember Alexander and Councilmember Miller agreed to serve.

Thereupon, Mr. Kennedy made a **motion** to go to a Council Committee and Ms. Alexander and Mr. Miller to serve on the committee. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. Ms. Blackwell voted NO. (4-1)

City Clerk Myra Heard asked anyone interested in attending the Council Committee meeting to call her office at 704-638-5224.

### **ECONOMIC DEVELOPMENT COMMISSION 2013-2014 CITY BUDGET REQUEST**

Salisbury-Rowan Economic Development Commission (EDC) Executive Director Robert Van Geons addressed Council regarding the EDC's 2013-2014 City Budget request. He reviewed commitments the EDC made to Council:

- Expanded marketing and recruitment efforts to pursue retail, service and hospitality related businesses
- Enhanced, expanded and potentially consolidated promotion of available buildings and sites
- Promote the advanced infrastructure of Fibrant, targeting high probability audiences with the goal of recruiting innovative, technology driven businesses
- Support for entrepreneurial development
- Facilitate redevelopment and expedited development of existing parcels

Mr. Van Geons explained \$271,167 in retail is exported from Rowan County to the surrounding area.

Mr. Van Geons noted the EDC and its partners are pursuing companies interested in the ability to process social media, multimedia and other assets of the community including Fibrant. He stated the EDC is working on its annual "geek gatherings" to bring together the private sector, the Fibrant team, and anyone with a heavy technology use wishing to discuss leveraging investments made in the community.

Mr. Van Geons noted Council invests in the EDC to help create jobs and expand the non-residential tax base. He reviewed the EDC's activity summary and noted since July 2012, 37 active projects have been added, with 17 community visits. He reviewed the 2012 Project Activity:

- New Projects added in 2012 – 76
- Total Projects worked in 2012 – 101
- Total Visits in 2012 – 32
- Announced:
  - Gildan
  - EI
  - Freshhouse Foods
  - Hitachi
  - Integro
  - The Driveshaft Shop

Mr. Van Geons noted more than \$130 million was announced in investment and 400 jobs in one calendar year. He reviewed the Salisbury specific results:

- Integro
- The Driveshaft Shop
- Freshhouse Foods
- Henkel (additional expansion)
- Turnkey Technologies
- Universal Forest Products
- NORANDAL

Mr. Van Geons explained more than 1 million square footage of net building space went off of the books in the last calendar year. He reviewed the overall budget trends:

- Year two of a five-year program to return to the 2004 funding formula
- Unrestricted fund balance is nearly eliminated
- Even with additional support, the EDC will have to cut its operating budget by approximately \$30,000, with at least \$25,000 coming from operations and personnel

Mr. Van Geons noted the EDC is requesting a \$5,308 increase from last year. He pointed out it is the first significant increase since 2008. He reviewed a regional annual funding comparison. He noted the EDC's budget is below anyone in the region and within two cents of Cabarrus County's economic development funding per capita:

<u>County</u>	<u>Population 2010</u>	<u>\$ Per Capita</u>	<u>Total Funding</u>
Gaston	260,086	\$5.34	\$1,100,000
Iredell	159,437	\$4.85	\$773,228
Lincoln	78,265	\$9.24	\$723,358
Catawba	154,358	\$4.53	\$700,000
Union	201,292	\$3.48	\$700,000
Cabarrus	178,011	\$3.38	\$600,868
Rowan	138,428	\$3.43	\$479,780

Mr. Van Geons reviewed the funding request for EDC's partners:

<u>Revenue Funding Partners</u>	<u>FY2012-2013 Request</u>	<u>FY2013-2014 Proposed</u>	<u>Change</u>
Rowan County	\$318,191	\$331,403.00	\$13,212.00
City of Salisbury	\$67,856	\$73,164.00	\$5,308.00
Town of China Grove	\$4,104	\$4,446.00	\$341.60
Town of Cleveland	\$2,667	\$2,842.00	\$175.20
Town of Faith	\$886	\$979.60	\$93.60
Town of Granite Quarry	\$3,015	\$3294.00	\$279.00
Town of Rockwell	\$2,592	\$2,714.00	\$122.00
Town of Spencer	\$3,341	\$3,528.80	\$187.80
Town of Landis	\$3,064	\$3,491.00	\$427.00
Town of East Spencer	\$1,302	\$1,474.00	\$172.00
Town of Kannapolis (Rowan portion)	\$4,222	\$5,444.00	\$1,222.00
Total Revenue from funding partners	\$411,240	\$432,780.20	\$21,540.20

Mr. Van Geons stated the EDC will have to cut its operations without increased support of its stakeholders.

Mayor Woodson thanked Mr. Van Geons for his work in the community.

### **SPECIAL COMMUNITY EFFORTS GROUPS 2013-2014 CITY BUDGET REQUESTS**

Mayor Woodson opened the floor to receive presentations from special community efforts groups.

Mr. Mark Brown, North Carolina Transportation Museum, and Mr. Roy Johnson, President of the Foundation for the North Carolina Transportation Museum, thanked Council for its support of the Museum. Mr. Johnson noted the Museum has increased its events to attract visitors, and the Museum relies on the City's support for its advertising and marketing needs. He explained Norfolk Southern brought 20 locomotives to the Museum, and 4,000 people from 39 states and four countries visited the area. Mr. Johnson pointed out the event resulted in a \$700,000 calculated economic impact to the area. He noted the Museum will face continued challenges with State funding. He explained State funding for the Museum use to be \$1 million, but was cut to

\$500,000, and then to \$0. Mr. Brown stated the Museum has many activities scheduled for the coming year. He indicated the money from the City is used to advertise the spring and summer events. He stated the Museum has advertising spots on television, in newspaper, magazines, and on the radio. He noted the Museum respectfully request \$10,000 for the coming year.

Ms. Margaret Basinger, President of Rowan Museum, presented a DVD of events and programs at the Rowan Museum. She explained the Museum is celebrating its 60<sup>th</sup> anniversary. She noted educational programs are its primary emphasis, and the Museum hosts tours for over 6,000 children annually, as well as five summer camps, and a monthly history club. She stated the Museum continues to face financial challenges and operating funds are difficult to generate. She pointed out the Museum has one full-time employee who manages a staff of part-time workers and volunteers. She added the Museum is open seven days a week and offers rotating exhibits. Ms. Basinger stated Rowan Museum is the keeper of history and culture of the community, and it respectfully requests \$10,000 to help supplement its existing and expanding programs and services. She thanked Council, on behalf of the Rowan Museum Board, for its support.

Mr. James Meacham, Executive Director of the Rowan County Tourism Development Authority, addressed Council on behalf of the Rowan Arts Council. He requested the funding for FY2013-2014 remain the same as last year at \$40,500. He pointed out, based on an agreement between the Rowan Arts Council, Rowan County, and the City, 75 percent of the funds are distributed equally among Water Works, Piedmont Players, and the Salisbury Symphony. He noted two years ago the funds were reduced from \$45,000 to \$40,500. He explained the restructuring of the Arts Council is complete, freeing up overhead and operational funding. He noted the remaining 25 percent of funding once used for overhead will broaden the support of organizations within the community. Mr. Meacham explained the Rowan Arts Council created an Arts and Cultural Development Grant for which any organization in Rowan County hosting an arts or cultural related activity can apply. He thanked Council for its continued support.

Mr. Matthew Marsh, 2318 South Main Street, stated he is a volunteer and the Board Treasurer for Prevent Child Abuse Rowan. He explained Prevent Child Abuse Rowan serves sexually and physically abused children in Rowan County. He noted Prevent Child Abuse Rowan has a yearly budget of \$120,000 and served 116 children in 2012. He pointed out approximately one-third of the children were from the City. He indicated the money equals approximately \$1,000 per child. He explained the services at the Terry Hess House Child Advocacy Center located at 130 Woodson Street are free to families in the County.

Ms. Beth Moore, Forensic Interviewer for Prevent Child Abuse Rowan, 1215 South Main Street, explained the Terry Hess House Child Advocacy Center exists to minimize trauma to the child. She noted in the past a child would have to tell its story repeatedly and today it is told one time and recorded with law enforcement and the Department of Social Services present. She noted there is a great need in the community to stop child abuse before it happens. She stated Prevent Child Abuse Rowan serves the child through the entire process. She thanked Council for its support.

There being no one else to address Council, Mayor Woodson closed the floor for comment.

## **BOARDED-UP RESIDENTIAL PROPERTIES**

Code Services Manager Chris Branham addressed Council regarding an amendment to Chapter 10 of the City Code regarding regulation of boarded-up residential properties. He reviewed the proposed amendment changes:

- Section 10-62 Regulation of Boarded-Up Residential Structures
  - (a) Purpose and Authority
  - (b) Definitions
  - (c) Requirements; Time Limit
    - Allowed six months to be boarded-up, may not be renewed
  - (d) Grace Period
    - 90 days from adoption
  - (e) Registration
    - Register within 48 hours of boarding up an opening, form available online,
      - No fee for registration
  - (f) Violations
    - Failure to register the property
    - Failure to follow guidelines
    - Boarded-up past the six month time limit
  - (g) Guidelines for Boarding up a Structure
    - Use plywood material or better, secure to opening with screws, paint board black with white cross hair
  - (h) Notice of Violation Penalties
    - 15 days to comply once notice is sent
      - First violation is \$500, and \$50 each day after
  - (i) Notices
    - Sent to owner on file at tax office by first class mail
  - (j) Appeal and Hearing
    - Allowed to appeal during 15-day notice of violation period

Mr. Branham reviewed the current proposed fine amounts:

<u>Location</u>	<u>Fine Amount (Day 1)</u>
Fayetteville	\$100
Durham	\$300
Weldon	\$500
Charlotte	\$500
Salisbury	\$500

Mr. Branham stated staff recommends reducing the initial fine from \$500 to \$250. He explained the change to the fine schedule will make the City's \$50 less than Durham and \$150 more than Fayetteville. He pointed out Code Enforcement Officers in Fayetteville have indicated they prefer a higher fine than the one currently charged.

Mr. Branham reviewed how the fines will be collected:

- Civil Citations will be collected from a person being sued for a judgment through small claims court
  - Up to \$5,000
- Civil Citations are not collected as liens against the property, only against the person
- Costs related to abatement on the property (physical work done to and on the property) are collected as tax liens on the property through the Rowan County Tax Collector's office

Mr. Branham explained the recommended time extensions:

- Registration may be renewed in six-month increments with a limit of two renewals if approved by the Code Services Division Manager and will be based on certain conditions. Such conditions shall include the following:
  - (i) The property owner or agent thereof has signed an "Intent to Repair" letter as provided by the Code Services Division, or
  - (ii) The property owner or agent thereof is actively working on repairs with visible progress being made as determined by the Code Services Division Manager, or
  - (iii) If permits are required for the repairs being performed, they have been obtained by the property owner or agent thereof, or
  - (iv) The structure meets all other minimum housing standards as defined in 10-78 of this code and remains unoccupied, or
  - (v) The property owner has filed a claim with their insurance company due to fire or other type of damage and the owner can produce documents showing the insurance claim has been filed and is in the process of being evaluated

Mr. Branham reviewed the summary of recommended changes:

- Time Limit
  - Registration may be renewed in 6 month increments with a limit of two renewals
- Notice of Violation; Penalties
  - Any owner who fails to correct the violation within the time specified shall be subject to a civil penalty in the amount of ~~\$500~~ \$250 for the first day of noncompliance and \$50 for each day thereafter until the owner complies

Mayor Woodson stated he prefers the \$250 fine, and he would like to see the \$50 per day

penalty reduced to \$25 per day. He pointed out fines for the first month would be \$1,000 instead of the proposed \$2,000 per month. He indicated he supports the time extensions.

Councilmember Kennedy asked if there is a maximum penalty. He noted small claims court handles cases up to \$5,000.

Mr. Branham noted there is not a maximum penalty in the Ordinance, but it could be capped at \$5,000. He pointed out the fines are not meant to generate revenue but to encourage property owners to repair their property.

Mr. Kennedy stated the cap should be \$5,000 so it can be handled in small claims court.

Mayor Woodson pointed out if the penalties are reduced, a property owner would have six months before a case would go to small claims court.

City Manager Doug Paris stated staff discussed lowering the first day penalty to \$250. He indicated he thinks a \$5,000 cap is needed. He suggested a six-month pilot so staff can report back to Council to determine if adjustments need to be made. He recommended a second six-month report to allow the process additional time. He indicated staff is excited about the proposed recommendations.

Mayor Pro Tem Blackwell stated the topic has generated discussion in the community. She noted there are two misconceptions: the Ordinance will harm the poor, and the City is going to “pretty-up” the houses. She explained her contacts in the West End and Green Hills neighborhoods are pleased the Ordinance may pass. She noted they live next door to these houses that have vagrants living in them and crime taking place. She noted an overview of the boarded-up houses revealed the property owner’s personal home value exceeds the value of their boarded-up property. She stated the Ordinance does not victimize the poor but supports the poor by improving their quality of life. Ms. Blackwell noted the second misconception is that Council is going to “pretty-up” boarded-up houses. She explained painting the board on doors and windows on the property is a very small facet of the Ordinance that makes it harder to tell a property is boarded-up from the street. She explained the proposed Ordinance increases the requirements for board-up property making it more secure and protecting the quality of life in the neighborhood. She stated the revisions make a stronger Ordinance, and she supports it.

Councilmember Alexander stated the revisions improve the Ordinance. She pointed out there can be unintended consequences such as increased demolition, and she is concerned the historic fabric in neighborhoods may be lost. She indicated Council needs to proceed with caution. She commented out the proposed Ordinance is important, but historic preservation must be considered.

Mr. Branham stated the proposed Ordinance is to encourage property owners to repair their property. He pointed out the proposed Ordinance will allow staff to obtain information that is currently unavailable. He noted a verbal conversation usually results in improvement to the property and not demolition. He added demolition is still a possibility through the minimum

housing code.

Councilmember Miller stated he supports the Ordinance with or without the revisions. He noted Council is indicating boarded-up property is a temporary condition to stabilize property.

Mr. Kennedy thanked Mr. Branham for his presentation. He stated he had thought the majority of the properties were owned by absentee landlords, but many boarded-up property owners live in the local area. He noted something must be done, and he supports the Ordinance. He pointed out it will be reviewed in intervals and revisions can be made.

Mayor Woodson stated he supports the proposed Ordinance with revisions. He noted he does not want to hurt property owners by enforcing fines that cannot be paid. He added he supports the time extension and six-month review.

Mr. Kennedy asked to clarify if Council is voting on the Ordinance with revisions.

Mayor Woodson stated he would like to vote on the Ordinance with a \$250 initial penalty and \$25 per day fine. Mr. Kennedy added the fines will be capped at \$5,000.

Thereupon, Ms. Blackwell made a **motion** to adopt an Ordinance amending Chapter 10, Article III with amendments, of the Code of the City of Salisbury, relating to enforcement. Mr. Miller seconded the motion.

Mayor Woodson confirmed a \$250 initial penalty, a \$25 per day fine, and a cap of \$5,000, with the time extension.

Mr. Miller asked what the vision is for the future if the Ordinance is affirmed. Ms. Blackwell stated for homes in the City to be restored to a livable condition.

Mr. Branham stated the goal is to get property owners involved in their properties for the betterment of the community. He added neighbors of boarded-up properties would rather have a neighbor than a boarded-up property beside of them.

Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE.  
(5-0)

**ORDINANCE AMENDING CHAPTER 10, ARTICLE III, OF THE CODE OF THE CITY OF SALISBURY RELATING TO ENFORCEMENT.**

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 5, and is known as Ordinance 2013-05)

**SECOND READING – LAND DEVELOPMENT DISTRICT MAP AMENDMENT LDOZ-02-2013 WALLACE PROPERTIES I, LLC**

Planning and Development Services Manager Preston Mitchell stated this is a second

reading for LDOZ-02-21013 Wallace Properties I, LLC. He asked if Council had any questions or would like to see the original presentation.

Mayor Pro Tem Blackwell and Councilmember Kennedy stated they are familiar with the proposed amendments.

Ms. Blackwell stated she watched the meeting online and heard the comments. She noted there was comparison between the current property and the Lyerly's Funeral Home property across the street. She noted the proximity lends itself to comparison, but the properties are separated by South Main Street which was referred to as a four-lane highway. She pointed out the Lyerly Funeral Home property does not back up to a historic residential neighborhood. She noted the trend is for a gradual evolution of intensity from one parcel to the next. Ms. Blackwell explained there is a property line of Historic Residential (HR) adjacent to Commercial Mixed-Use (CMX), which is an abrupt transition. She noted the uses for CMX include drive-through eateries, mini-warehouse and more intense uses. She explained the investment in HR is more significant than in other areas in the City, and she is concerned about the close proximity to commercial zoning. She asked if the rezoning can be approved with limitations.

Mr. Mitchell responded the rezoning cannot be approved with conditions because it does not include a Conditional District Overlay with an associated Master Plan.

Ms. Blackwell stated Council should consider current uses and allow for future uses as well.

Councilmember Miller recommended completing a small area plan as soon as possible. He noted CMX zoning may not fit with the Downtown Mixed-Use (DMX), but the site is not located on Jake Alexander Boulevard. He asked if there could be a Transitional Mixed-Use (TMX) zoning that would allow for a gradual transition from an urban environment to higher speeds, bigger signs, and greater building setbacks. He pointed out a business is open and trying to operate, and Council does not want to hinder it. Mr. Miller explained he previously voted to allow the rezoning and immediately begin work on a small area plan that will address how the area interacts with the neighborhood. He suggested a charrette format that would take less than 18 months to complete. He noted he does not want to put a moratorium in place or rezone anything else. He stated Council needs a plan so it does not have to say no to a business in the future.

Mr. Mitchell stated he thinks a small area plan can be completed in less than 18 months because it is both a Council and Planning Board goal. He suggested a charrette process where the details would be considered before the public process.

Mr. Miller noted the conflicts of the CMX and HR districts should be worked through in a charrette process and a small area plan. He explained the existing business has improved the appeal of the area. He noted he does not want to prohibit the business, and he supports the Ordinance as long as staff can move quickly with the small area plan process.

Ms. Blackwell agreed with Mr. Miller, and she noted the small area plan does not have to be rushed because Mr. Mitchell has suggested he could extend the temporary permits.

Mr. Miller pointed out each extension is permit only for a two-week period.

Mr. Mitchell stated each extension is 15 days, and the permits could be issued, but it would be awkward.

Ms. Blackwell stated Council values this business and suggested working with the business to help it continue until the small area plan is complete.

Mr. Mitchell pointed out the permit is a grand opening permit and it also allows the business to have balloons and flags, and requires the sign be wrapped with a grand opening banner.

Mayor Woodson stated he served on a committee for Taco Bell on Jake Alexander Boulevard which had a neighborhood behind it. He explained a tree buffer and fence were placed behind the restaurant, and it seemed to prevent neighborhood complaints. He asked if something like this could be done if the rezoning is approved.

Mr. Mitchell explained staff is not able to put conditions on the rezoning.

Councilmember Alexander asked if rezoning to CMX will trigger landscape buffers.

Mr. Mitchell responded rezoning would not trigger a landscape buffer unless redevelopment was done that triggered the Landscape Ordinance. He stated the developer would have to add a certain percentage of square footage to the building or 12 additional parking spaces. He noted a moratorium can be applied to the area for the duration of the small area plan study. He noted staff would be very careful in how the language was drafted, and it would be specific to rezoning and not redevelopment. Mr. Mitchell noted staff does not want to prevent a vacant building from being used. He pointed out he recognizes the concerns associated with CMX zoning, but he sees the benefits of the study, including the possibility of a new transitional zoning district.

Ms. Blackwell stated Council has suggested motions for approval or denial, and she asked if Council could make a different motion.

City Attorney Rivers Lawther stated what Council is considering is the second reading of the motion that passed at Council's last meeting.

Thereupon, Ms. Blackwell made a **motion** to table the issue until the land use study for South Main Street is complete and asking the Manager of Development Services to do whatever paperwork is necessary to allow the business to remain viable in the interim.

Mr. Miller stated he understands what Mayor Pro Tem Blackwell is trying to accomplish, but he does not want to inconvenience the business by requiring paperwork be filed every 15 days. He stated if work on the small area plan begins immediately it can prohibit issues for the neighborhood. He indicated the Petitioner owns both parcels and it is an improvement to have the CMX 100 feet from the street, and he supports his original vote. He suggested Council proceed with the motion that was approved at the last meeting and work to get the small area plan in place.

Ms. Blackwell indicated she would let her motion die.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and finds it both consistent and inconsistent with the 2010 Downtown Master Plan, and that adoption of the Ordinance is reasonable and in the public interest. Therefore, Mr. Miller made **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, by rezoning one parcel, 520 South Main Street, from Downtown Mixed-Use (DMX), General Residential (GR6), and Historic Residential (HR) Districts to Corridor Mixed-Use (CMX) District. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander voted AYE. Ms. Blackwell voted NO (4-1)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING ONE PARCEL, 520 SOUTH MAIN STREET, FROM DOWNTOWN MIXED-USE (DMX), GENERAL RESIDENTIAL (GR6), AND STRONG HISTORIC RESIDENTIAL (HR) DISTRICTS TO CORRIDOR MIXED-USE (CMX) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 5, and is known as Ordinance 2013-05)

Mr. Miller asked if any action is needed from Council to begin the small area plan now instead of waiting until after the budget session.

City Manager Doug Paris noted the small area plan is a Council Goal, and it will begin soon. He pointed out it will not require budget approval for funding.

### **SECOND READING – PARKING RESTRICTIONS – LAKE DRIVE**

Traffic Engineer Wendy Brindle indicated this is a second reading of an Ordinance to remove parking restrictions on Lake Drive between Annandale Avenue and Confederate Avenue.

Thereupon, Ms. Alexander made a **motion** to adopt an Ordinance amending Section 13-345, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited from 10:00 p.m. until 7:00 a.m. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING SECTION 13-345, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED 10 P.M. TO 7 A.M.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 5, and is known as Ordinance 2013-05)

## UPATE – CITY DOG PARK

Mr. Jon Cerny and Ms. Teresa Pitner, members of the City Dog Park Task Force, addressed Council regarding the proposed City Dog Park. Mr. Cerny recognized the City Dog Park Task Force Members:

- Citizens: Ms. Theresa Pitner, Mr. Jonathan Cerny
- Veterinarian Representatives: Dr. Kathryn Julian, Dr. Scott Julian
- Rowan Animal Control: Officer Ann Frye
- Salisbury Police: Chief Rory Collins
- Development Services: Mr. Preston Mitchell, Mr. David Phillips
- Parks and Recreation: Ms. Gail Elder White, Mr. Stephen Brown, Mr. Paul Moore

Ms. Pitner noted there were three issues regarding the City Dog Park: dogs that are unhealthy, dogs that are not socialized, and dogs that are not good with children. Ms. Pitner reviewed the security and park rules that address the issues:

- This park is accessible by electronic keycard only
  - Keycards are free for city residents and are available with registration at the Civic Center
- Dogs must be up to date with rabies, distemper, and bordetella vaccinations from a licensed veterinarian
- Dogs under four months of age and females in heat are prohibited from entering the park
- Visitors are encouraged to take a few minutes to orient their dogs by walking them around the outside of the fence
- Remove and replace dog's leash within the double gates:
  - Pinch or choke collars are not allowed within the park
  - Handlers must carry one leash for each dog
- Handlers must be 18 years of age or older and are liable for any damages caused by the dogs that they bring
- Use of the park is limited to three dogs per handler
- Children under 12 years of age are prohibited from entering the park
  - Children ages 13 to 17 are allowed with adult supervision
- Handlers must stay within the fence and keep control of their dogs at all times
- If a dog displays signs of aggression, it must be removed from the park and try again another day
  - Reports of aggressive behavior will be documented, repeated offenses may result in a revocation of park access
- Pick up all waste and discard it within the trash receptacles
- Food can trigger territorial and aggressive behavior, food is allowed at owners risk
- This park is for dogs and their handlers only, no other animals are allowed within the park fence
- Please discourage digging and fill any holes the dog creates
- Dogs with transferable conditions are prohibited from entering the park



- Additional benches
  - Additional Shade trees
  - Additional Landscaping
- Total \$16,000

Ms. Pitner noted the website is [www.DogPAWsNC.webs.com](http://www.DogPAWsNC.webs.com) and a Facebook page has been created. She displayed a brochure for the dog park, and she added the park has received sponsorships and donations from individuals and corporations.

Mr. Cerny reviewed a kickoff event to be held Saturday, May 4, 2013 from 10:00 a.m. until 4:00 p.m.:

- Salisbury's First Dog Park, in partnership with Dog PAWS
- Dog Parks and Walks in Salisbury
- Building Salisbury, North Carolina's First Off-Leash Park
- Come and bring your favorite canine to the site of Salisbury's first dog park as we celebrate the start of our fundraising campaign with a day filled with food, music, doggie Olympics, K9 contests, and pet vendors
- City staff will be available to discuss park plans and to answer questions
- Admission is free to the general public, all leashed dogs are welcome
- To reserve a booth, or for information about volunteer and sponsorship opportunities, please contact us:
  - Dog PAWS – PO Box 404, Salisbury, NC 28145 or call 704-754-2536 or 704-458-4677

Mayor Woodson thanked the Task Force for its work on the City Dog Park.

### **DEMOLITION – STRUCTURE LOCATED AT 313 AND 319 SOUTH MAIN STREET**

Code Services Manager Chris Branham addressed Council regarding demolition of the structure located at 313 and 319 South Main Street in the Downtown Local Historic District. He referenced Section 7.7 of the City Code which states demolition of any structure in the Downtown Local Historic District must be brought before Council:

- Section 7-77 Demolition of structures within the downtown local historic district
  - (a) No structure within the downtown local historic district ('H' historic overlay as adopted by the city council on October 2, 2001, and as amended hereafter) may be demolished without a permit issued by the city council pursuant to N.C.G.S. Session Law 2007-102.
  - (b) In determining whether or not to issue the permit, the city council shall take into consideration the factors set forth in section 7-65, as well as the following conditions:
    - (1) Location of the structure within the historic district;
    - (2) State of repair of the structure;
    - (3) Architectural and historical significance of the structure;

- (4) Overall impact of the demolition of the structure on the historic district;
- (5) Issuance of a certificate of appropriateness for the demolition by the Salisbury Historic Preservation Commission pursuant to the requirements set out in N.C.G.S. 160A-400.14.

Mr. Branham pointed out the demolition area is in the Local Historic District but not the National Historic District. He displayed photographs of the interior of the structure and pointed out damage to the property. He reviewed the determining factors for demolition:

- Location of the structure within the historic district
  - It is located in the 300 Block of South Main Street in Local but not National Historic District
- State of repair of the structure
  - Property has been vacant for a number of years; interior ceilings have collapsed due to water damage; overall deteriorated condition
- Architectural and historical significance of the structure
  - Built in 1950; non-contributing to the district based on changes made to exterior over time
- Overall impact of the demolition of the structure on the historic district
  - Demolition will not impact the historic district overall due to location and changes made over time
- Issuance of a certificate of appropriateness for the demolition by the Salisbury Historic Preservation Commission pursuant to the requirements set out in N.C.G.S. 160A-400.14
  - Issued a Certificate of Appropriateness by Historic Preservation Commission on March 14, 2013

Mr. Branham stated the City of Salisbury is the applicant and owner of the property. He pointed out since this area is in the Local Historic District new construction or redevelopment of the site will be subject to the historic review process ensuring it will be compatible with the overall historic character of the district. He noted staff recommends Council approve demolition of the structure located at 313 and 319 South Main Street.

Thereupon, Mr. Kennedy made a **motion** to approve issuing a permit for demolition of the structure located at 313 and 319 South Main Street. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

### **TEMPORARY USE OF PUBLIC RIGHT-OF-WAY – KRESS PLAZA**

City Engineer Dan Mikkelson stated staff has received a request to locate a construction dumpster on Bank Street in the parking lane at the Kress Plaza. He explained staff can approve the request for up to two weeks, and he noted a construction dumpster has been at the location for two weeks. He indicated it meets City standards, and he pointed out staff has not received any complaints. He noted the contractor has requested to keep the dumpster in place until June 30, 2013, which requires Council's approval. He stated staff recommends approval.

Mayor Woodson asked if the developer is working on the downstairs of the Kress Plaza. Mr. Mikkelson stated that is correct.

Thereupon, Ms. Blackwell made a **motion** to approve a permit for Summit Developers to locate a construction dumpster on West Bank Street until June 30, 2013 for work at 300 South Main Street, the Kress Plaza, in accordance with Section 22-50 of the City Code. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

### **PROPERTY PURCHASE – DAVIE COUNTY PARCEL 576 360 7754**

Salisbury-Rowan Utilities (SRU) Director Jim Behmer explained in August 2010, Council authorized matching funds to participate in property acquisition near the water intake(s) at the confluence of the Yadkin and South Yadkin Rivers. The LandTrust for Central North Carolina, in partnership with the Clean Water Management Trust Fund and other private contributors, has negotiated the purchase of a 409-acre tract and is requesting the City follow-through on its pledge and purchase 10.12 acres.

Mr. Behmer displayed aerial photographs and noted the area is known as “The Point.” He explained the South Yadkin and the Yadkin River come together at three different counties: Rowan, Davie, and Davidson. He reviewed photographs of the property and pointed out an original intake from 1917 that is landlocked, and an intake from 1969 that provides water to 53,000 Rowan County residents.

Mr. Behmer stated land upstream from the property is being farmed, and the farmer currently has a three-year lease. He noted the southern part of the property is less agricultural and more natural. He pointed out acquisition of the property will allow SRU to better service the River Pump Stations and intake(s) and protect the water supply by adding a buffer. He displayed a property survey and noted the City is proposing to purchase 10.12 acres.

Mr. Behmer reviewed the history of the property:

- At its August 3, 2010, meeting, City Council authorized up to \$100,000 in matching funds to participate in property acquisition near the City’s intake(s)
- The LandTrust for Central NC, in partnership with the Clean Water Management Trust Fund and other private contributors, has successfully negotiated the purchase of 409 acres

Mr. Behmer reviewed the benefits to the City for purchasing the property:

- Owning this property improves the City’s ability to make improvements and repairs to the intake and piping
- Added security of a sizeable buffer to our water intake(s)

Mr. Behmer reviewed the proposal:

- Propose to purchase the 10.12 acres for \$40,000
  - \$3800 per acre and an additional \$1,544 for the dedicated 30-foot utility easement
- Negotiate a joint agreement for maintenance of the access road and utility easement

Mr. Behmer pointed out the purchase aligns with City Council Goal to safeguard Salisbury's interests on the Yadkin River.

Mr. Joe Morris, Development Director for the LandTrust for Central North Carolina, and Operations Director Andrew Waters thanked Council for its support. Mr. Morris noted the partnership between City Council, the LandTrust, private funding, and the Clean Water Management Trust Fund helped produce a strong application for this project. He noted the major benefit of the Clean Water Management Trust Fund is to protect municipal drinking water supplies. He noted the LandTrust is pleased to partner with the City on this project, and if funds are restored in future State budgets the two organizations can unite again.

Mr. Morris explained the property purchased by the LandTrust will be preserved permanently. He pointed out the 10 acres to be purchased by the City is not subject to the conservation easement. He indicated if infrastructure improvements need to be made to the intake it can be accomplished without hindrance.

Mr. Morris stated the LandTrust has no objections to a joint agreement for maintenance of the access road and utility easement. He noted the LandTrust is developing a strategy to determine conservation values of the property.

Mr. Morris stated if the City no longer has a need for the property at some point in the future, the LandTrust of Central North Carolina would like the opportunity to buy it back for its appraised value at that time.

Mr. Waters noted the areas that were cleared for agriculture will be restored, and the natural vegetative buffers will filter pollutants from the water supply.

Mayor Woodson pointed out it is very important vote to protect the water supply.

Councilmember Alexander stated she toured the property, and it is beautiful. She stated it is an excellent move by the City to acquire the property.

Thereupon, Ms. Alexander made a **motion** to purchase property in the amount of \$40,000, identified as Davie County Parcel 576 360 7754 located adjacent to the City of Salisbury Water Intake(s). Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

**RESOLUTION –DECLARATION OF OFFICIAL INTENT – TELECOMMUNICATIONS EQUIPMENT**

City Manager for Finance John Sofley presented Council with a Resolution to reimburse the City for expenditures regarding Telecommunications equipment and infrastructure. He explained the City has a payment to Motorola due in the next 60 days for head-end equipment, and the proposed Resolution will allow the City to reimburse itself for the expenditure.

City Manager Doug Paris recommended approval.

Thereupon, Ms. Alexander made a **motion** to adopt a Resolution of the City of Salisbury to declare the intention to reimburse the issuer from the proceeds of a tax-exempt financing for certain expenditures to be made in connection with the telecommunications equipment and infrastructure. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

RESOLUTION OF THE CITY OF SALISBURY TO DECLARE THE INTENTION TO REIMBURSE THE ISSUER FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH TELECOMMUNICATIONS EQUIPMENT AND INFRASTRUCTURE.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. , and is known as Resolution 2013-0)

**RESOLUTION OF DECLARATION OF OFFICIAL INTENT – IMPROVEMENTS 300 BLOCK SOUTH MAIN STREET**

City Manager for Finance John Sofley presented Council with a Resolution to reimburse the City for expenditures regarding property purchases and infrastructure improvements in the 300 block of South Main Street. Mr. Sofley noted the location is the former site of GX Fitness. He explained the City has a lease on the site that will be refinanced later this year. He noted improvements will be made as Integro Technologies moves to the site. He stated the Resolution of Declaration of Official Intent will allow reimbursement for expenditures at the site.

City Manager Doug Paris recommended approval.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution of the City of Salisbury to declare the intention to reimburse the issuer from the proceeds of a tax-exempt financing for certain expenditures to be made in connection with property purchases and infrastructure improvements. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

RESOLUTION OF THE CITY OF SALISBURY TO DECLARE THE INTENTION TO REIMBURSE THE ISSUER FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH PROPERTY PURCHASES AND INFRASTRUCTURE IMPROVEMENTS.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. , and is known as Resolution 2013-0)

**COUNCIL MEETING TIMES**

Mayor Woodson opened the discussion for Council meeting times.

Mayor Pro Tem Blackwell stated she posted to Twitter and asked Facebook friends for input regarding Council meeting times. She noted she did not receive any response from the 800 friends she has on Facebook.

Mayor Woodson stated he asked citizens as they came into his business, but he received very little feedback.

Councilmember Miller stated meetings are issue driven. He noted if citizens are excited about any issue they participate, and if the issues are mundane citizens can read about the meeting in the *Salisbury Post*, and or view the meeting online or at *Access 16*. He indicated he did not see a need to change the meeting times, but will support Council's decisions.

Councilmember Kennedy noted if the meeting starts at 6:00 p.m. they could last until 9:00 p.m. or later. He added it would keep the citizens out later, and he noted most citizens have already left the current meeting.

Ms. Blackwell pointed out the meeting started with approximately 25 citizens and there are approximately two left.

Councilmember Alexander noted the current time has historically worked, and it needs to remain the same.

By consensus, Council agreed to keep its meeting time at 4:00 p.m.

## **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

### **Community Appearance Commission**

Upon a motion by Ms. Blackwell, seconded by Mr. Miller, and with Messrs. Kennedy and Woodson and Ms. Alexander voting AYE, the following appointment was made to the Community Appearance Commission to fill an unexpired term:

Mr. Brian Davis

Term Expires 3/31/15

### **Historic Preservation Commission**

Upon a motion by Mr. Woodson, seconded by Ms. Blackwell, and with Messrs. Kennedy and Miller and Ms. Alexander voting AYE, the following appointment was made to the Historic Preservation Commission:

Mr. Mike Breedlove

Term Expires 3/31/16

Mayor Pro Tem Blackwell thanked Mr. Breedlove for agreeing to serve on the Historic Preservation Commission (HPC). She explained he applied for two other Boards and Commissions that did not have openings but agreed to serve on the HPC.

### **Hurley Park Advisory Board**

Upon a motion by Mr. Woodson, seconded by Mr. Miller, and with Mr. Kennedy and Mses. Alexander and Blackwell voting AYE, the following appointment was made to the Hurley Park Advisory Board:

Mr. Jim Whittington

Term Expires 03/31/16

### **Human Relations Council**

Upon a motion by Mr. Kennedy, seconded by Mr. Woodson, and with Mr. Miller and Mses. Alexander and Blackwell voting AYE, the following appointment was made to fill an unexpired term on the Human Relations Council:

Dr. Timothy C. Okeke

Term Expires 3/31/14

Upon a motion by Ms. Alexander, seconded by Ms. Blackwell, and with Messrs. Kennedy, Miller, and Woodson voting AYE, the following appointment was made to fill an unexpired term on the Human Relations Council:

Ms. Theresa Adams

Term Expires 3/31/15

### **CITY MANAGER'S COMMENTS**

(a) Outcomes and Goals

City Manager Doug Paris presented Council with a draft of the Outcomes and Goals from Council's Retreat. He asked if Council would prefer to review the information and provide feedback at the next Council meeting.

Mayor Woodson stated Council will study the Outcomes and Goals and discuss them in two weeks.

(b) Request for Information – Rowan County Airport

City Manager Doug Paris stated at its last meeting Council requested staff ask Rowan County for the amount it had invested in runway and hangar construction at the Rowan County Airport during the last 10 years. He pointed out there had been some concern by the County regarding the City's lack of investment in the airport.

Mr. Paris noted the day after the last Council meeting an email request was sent to the County, and as of this afternoon, there was no response. He stated hopefully staff will have the information to report to Council at its next meeting.

### **MAYOR'S ANNOUNCEMENTS**

(a) Boards and Commissions

Mayor Woodson announced the City of Salisbury is seeking citizens who have an interest in serving on one of the City's Boards and Commissions. Applications are being accepted for all boards and will be forwarded to Council as it considers its Board and Commissions appointments beginning March 2013. Information regarding the Boards and Commissions and applications are available online at [www.salisburync.gov](http://www.salisburync.gov) under the Boards and Commissions tab. Applications are also available at the City Clerk's Office located at 217 South Main Street, or by calling 704-638-5224.

(b) Salisbury Sculpture Show

Mayor Woodson announced the Salisbury Sculpture Show *Discover What's Outside* will be installed April 5, 2013. Twelve sculptures will be placed in the downtown and two at Rowan-Cabarrus Community College. This is the fifth year for the nine month show and will feature work by artists from five different states.

(c) Arbor Day Celebration

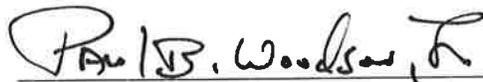
Mayor Woodson announced the Arbor Day celebration will be held in conjunction with the Hurley Park Spring Celebration, Sunday, April 14, 2013 from 2:00 p.m. until 4:00 p.m. The event is free and open to the public.

(d) Spring Spruce-up Week

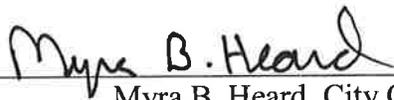
Mayor Woodson announced the Community Appearance Commission and the Public Service Department will sponsor Spring Spruce-up Week April 22-26, 2013. Please call 704-638-5260 for more information or to arrange special trash collection. He pointed out the City does not pick up construction materials.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Ms. Blackwell seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:02 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk