

Salisbury, North Carolina  
June 18, 2013

## **REGULAR MEETING**

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

**ABSENT:** Council Member William (Pete) Kennedy

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 Mayor Pro Tem Blackwell.

## **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.

## **CONSENT AGENDA**

### **(a) Approval of Minutes**

Approve Minutes of the Recessed Meeting of May 29, 2013 and the Regular Meeting of June 4, 2013.

(b) Budget Ordinance Amendment – Utility Relocation Reimbursements

Adopt a Budget **ORDINANCE** Amendment to the FY2012-2013 budget in the amount of \$198,547 to appropriate North Carolina Department of Transportation utility relocation reimbursements.

ORDINANCE AMENDING THE 2013-2013 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE NCDOT UTILITY RELOCATION REIMBRUSEMENTS.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 164, and is known as Ordinance 2013-29)

Thereupon, Ms Blackwell made a **motion** to adopt the Consent Agenda as presented. Ms. Alexander seconded the motion. Messrs. Miller and Woodson, and Ms. Alexander and Blackwell voted AYE. (4-0)

UPDATE – NUISANCE ANIMAL STUDY COMMITTEE

Code Services Manager Chris Branham and Nuisance Animal Study Committee Co-Chairs Brian Roman and Matthew Dellinger addressed Council regarding the Nuisance Animal Study Committee.

Mr. Roman explained the Committee was formed to address concerns regarding loose and nuisance animals within the City. He noted the investigation focused on loose animals, the current fine system for habitual offenders of the current Animal Ordinance, the number of animals per household, and the tethering of dogs.

Mr. Roman stated the Committee researched ordinances from over 30 cities in North Carolina and presented its findings to the public in an open forum. He reviewed the Committee's timeline of events:

September 4, 2012	Resolution of Legislative Intent authorizing a steering committee to study and recommend policies related to nuisance animals
March 2013	Council appointed a committee of eight members
March 20, 2013	Committee members first meeting
April 4, 2013	Research discussed/best practices shared
April 18, 2013	Discussed nuisance animal practices from municipalities with similar populations contacted by committee members
May 9, 2013	Finished discussing research from other municipalities/discussed workshop
May 30, 2013	Held Public Workshop
June 5, 2013	Discussed Public Workshop results
June 13, 2013	Compiled a report to present to Council
June 18, 2013	Presented a report of the committee's findings to Council

Mr. Roman noted the Committee is comprised of a certified dog trainer, veterinarian, social worker, banker, animal advocates and pet owners. He indicated the Committee's main concern is for the safety and well being of citizens and their animal companions. He added tethering is also a concern. He pointed out animals running loose and tethering often occurs when a person has more animals than they can manage.

Mr. Roman reviewed the preliminary research:

- Committee members were given several municipalities to contact regarding nuisance animal codes
- Municipalities chosen had a population ranging from 18,000 to 50,000
  - Salisbury has a population of approximately 33,700
- Focus points were loose animals, fines, tethering and the number of animals allowed
- 31 municipalities contacted
- Results were compiled at the April 18 meeting

Mr. Roman pointed out Committee members discovered the most successful cities had a system of fines that increased for habitual offenders. He added in many cities tethering was strictly regulated or banned. He stated regulations on tethering include: length of tethering, type of tether, time allowed, and what is defined as adequate food, housing and water while a dog is tethered. He noted some cities allow tethering on a run, and others require tethered dogs to be a certain distance from public sidewalks and limit the number of tethered dogs. He indicated the cities had different methods to control the number of dogs per household.

Mr. Roman stated a public workshop was held Thursday, May 30, 2013. He indicated over 40 citizens met at the Park Avenue Community Center to discuss nuisance animals and neighborhood safety. He reviewed the results of the forum:

- 21 specific items were discussed
- 22 surveys completed
  - 19 – City residents
  - 3 – Non-city residents
- Pets owned
  - 35 – Dogs
  - 37 – Cats
  - 9 – Other
- Breeds of dogs owned: Pit bull mix, mutt, Cocker Spaniel, Doberman, Belgium Malosis, Lab, Rat terrier, Klee Kai, Boxer, Basset Hound, Coft-Coated Wheatn Terrier, German Shepherd, Collie, Boston Terrier, Bloodhound
- Issues with Nuisance Animals in the past 12 months:
  - Yes – 16
  - No – 6
- Calls to Animal Control within the last 12 months:
  - Yes – 9
  - No – 13

Mr. Roman reviewed the top nine problems identified at the Public Workshop and the proposed solutions:

- Feral Cats – Implement a trap/neuter/release program
- Lack of Education – Informational brochures for citizens and neighborhoods, explore the possibility of an animal-themed column in the *Salisbury Post*
- Fines – Implementing a graduated fines system
- Loose Animals – To be addressed with graduated fines
- Tethering – Adopt an Ordinance that strictly regulates or bans tethering
- Humane Treatment – Adopt an Ordinance that supports and supplements the current Animal Ordinance
- Barking – To be addressed with graduated fines
- Wild Animals – Partially addressed in housing Ordinances, requires contacting North Carolina Wildlife
- Waste – Research Ordinances from other areas

Mr. Roman reviewed the Nuisance Animal Study Committee initial recommendations:

- Humane Treatment Ordinance
  - Feral Cats
  - Number of animals
  - Tethering
- Training for City staff regarding humane treatment of animals at large
- City to work with local rescue organizations
  - Grant writing and private funding
- Graduated system of fines that target habitual offenders
- Request that Council allow this committee to continue to meet

Mr. Roman explained several issues need to be revisited including tethering, the Humane Treatment Ordinance, and the feral cat program. He stated the Committee is willing to continue its study and has a meeting tentatively scheduled August 8, 2013.

Mr. Branham asked Committee members in the audience to stand, and he noted the Committee is very active.

Councilmember Miller noted the Committee researched 30 municipalities, and he asked how Salisbury's existing Animal Ordinance compared to the other cities. Mr. Roman noted many of the cities are in the same situation as Salisbury where an Animal Ordinance is in place, but the county is responsible for its animal control. He stated the most successful cities had Ordinances in place and trained employees that work well between jurisdictions.

Mayor Woodson asked if other cities limit the number of animals a citizen can have. Mr. Roman stated some do, but there are mixed reports as to whether it is effective. He pointed out having a limitation on the number of animals allows officers to cite multiple issues when animals are neglected and abused.

Mayor Woodson asked if one particular city has been more effective regarding nuisance animals. Mr. Roman stated Asheville has a successful program with a strict set of Ordinances that are enforced. Mayor Woodson asked if Asheville has a separate department that enforces animal nuisance issues. Mr. Roman stated Asheville's program is enforced in cooperation with Buncombe County Animal Control.

Mr. Branham stated there is an agreement between Buncombe County and Asheville regarding Ordinance enforcement. He explained if Salisbury should adopt an Ordinance regarding nuisance animals Rowan County would have to agree to enforce it, and if not, it would only be enforced by the Salisbury Police Department and Code Enforcement.

City Manager Doug Paris explained when the City and County merged animal control an agreement was put into place. He suggested the Committee review the agreement regarding revised Ordinances for the City and County.

Mayor Pro Tem Blackwell stated when the City delegated animal control to the County, weekends and evenings slipped through the cracks. She noted the City has a leash law but has limited ability to enforce it. She indicated during normal business hours the response from Animal Control is often good, but after hours enforcement is sometimes difficult.

Ms. Blackwell stated Council has received emails accusing the Committee of being extreme, but she assured Council this is not the case. She added many Committee members own pit bulls, and in addition to the citizens and pet owners, a police officer and the Rowan County Director of Animal Control serve on the committee. She pointed out it is a very involved committee that did its homework and is requesting to continue working beyond its initial 90-day study period.

Ms. Blackwell noted several years ago the City began using graduated fines for nuisance landscaping issues. She pointed out the fines encouraged property owners to take responsibility, and this is what the Committee is suggesting for nuisance animal issues. She noted by calling various cities the Committee was able to find out if their laws were effective and what areas they felt could be improved. She indicated several recommendations including the proposed trap/neuter/release program for feral cats, and the proposed column in the *Salisbury Post* would not require action from Council. She thanked Mr. Branham and the Committee for its work on the project.

Mayor Woodson thanked members of the Committee for their hard work.

By consensus, Council agreed to allow the Nuisance Animal Study Committee to work beyond its initial 90-day study period.

## **CONTRACT – STOUT STUDIO ARCHITECTURE**

Assistant City Manager for Finance John Sofley stated the facilities in the 300 block of South Main Street have been demolished. He noted construction is beginning for the Integro Technologies building. He explained the City agreed to provide parking facilities as part of the development plan. He pointed out the City will be constructing a new parking lot but cannot determine its size due to the proposed office building also to be built on that block.

Mr. Sofley pointed out the lot has challenges and staff would like to hire an architect to assist with the design. He noted staff recommends executing a contract with Stout Studio Architecture regarding parking lot drawings to be brought before Council for its approval.

Thereupon Ms. Alexander made a **motion** to authorize the Mayor to execute a contract for 6 percent of construction cost with a base fee of \$56,745 for architectural services to Stout Studio Architecture for the design and construction of a new parking lot to support the redevelopment of the 300 block of South Main Street. Mr. Miller seconded the motion. Messrs. Miller and Woodson, and Ms. Alexander and Blackwell voted AYE. (4-0)

## **TELECOMMUNICATIONS CAPITAL IMPROVMENTS**

Assistant City Manager for Finance John Sofley noted since January staff has worked to upgrade the City's telecommunication site that provides radio service for the City and County. He explained earlier this year Council approved a contract with Motorola to replace radios, along with a financing package for the upgrade and purchase of radios needed to complete the project. He stated North Carolina General Statutes require adoption of a Budget Ordinance to authorize the expenditure.

Thereupon Mr. Miller made a **motion** to adopt a Capital Project Ordinance in the amount of \$4,117,027 for telecommunications equipment and improvements. Ms. Blackwell seconded the motion. Messrs. Miller and Woodson, and Ms. Alexander and Blackwell voted AYE. (4-0)

## **TELECOMMUNICATIONS EQUIPMENT AND IMPROVEMENTS CAPITAL PROJECT ORDINANCE.**

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 165, and is known as Ordinance 2013-30)

## **RADIO SYSTEM UPGRADE**

Assistant City Manager for Finance John Sofley stated the radio system upgrade is the final piece of the telecommunications project. He explained the current radios that cannot be upgraded must be replaced. He noted almost half of the radios will be upgraded with a kit purchased from Motorola costing \$1,000 per radio.

Mayor Woodson asked if the radio upgrades will be done in-house. Mr. Sofley stated the upgrades will be done in-house.

Councilmember Alexander asked if the purchase is included in this year's budget. Mr. Sofley stated the previously adopted Budget Ordinance incorporated it into the budget.

Thereupon Ms. Blackwell made a **motion** to authorize the purchase of radios from Motorola in the amount of \$1,287,302. Mr. Miller seconded the motion.

Councilmember Miller asked if this is inclusive of the budget amendment just adopted by Council. Mr. Sofley stated it is an addition to the \$2.4 million contract with Motorola that was approved earlier this year. Mr. Miller clarified it is inclusive of the \$4.1 million Capital Project Ordinance. Mr. Sofley stated that is correct. Mr. Miller stated the total project is not to exceed \$4,117,027. Mr. Sofley agreed.

Messrs. Miller and Woodson, and Ms. Alexander and Blackwell voted AYE. (4-0)

Mr. Sofley explained Suspension Control and Data Acquisition (SCADA) equipment is used by Salisbury Rowan Utilities (SRU) to monitor flows and turn pumps on and off remotely. He stated the equipment must be purchased from Wireless Networks.

Thereupon Mr. Miller made a **motion** to authorize the purchase of Suspension Control and Data Acquisition (SCADA) equipment from Wireless Networks in the amount of \$244,927. Ms. Alexander seconded the motion. Messrs. Miller and Woodson, and Ms. Alexander and Blackwell voted AYE. (4-0)

### **ALL-WAY STOP INTERSECTION OF LANTZ AVENUE AND YOST STREET**

City Engineer Wendy Brindle stated in response to a citizen request, staff investigated traffic speeds and conditions at the intersection of Lantz Avenue and Yost Street. She explained in February 2013 three speed studies were performed at Yost Street, and data indicated an 85<sup>th</sup> percentile speed of 30 mph. She indicated the volume of traffic for Yost Street was approximately 450 vehicles per day and 470 vehicles per day on Lantz Avenue. She pointed out there have been no recorded accidents at the intersection over the last three years.

Ms. Brindle indicated typically staff would not recommend an all-way stop based on the data collected. She explained staff noticed a trend of drivers running the stop sign on Lantz Avenue and witnessed near misses at each visit. She pointed out the stop signs were visible but drivers chose to ignore them. She stated staff recommends an all-way stop at the intersection of Lantz Avenue and Yost Street.

Mayor Pro Tem Blackwell acknowledged neighbors who were in the audience and in support of the all-way stop. She thanked Ms. Brindle for studying the complete situation and seeing the anecdotal evidence.

Thereupon Ms. Blackwell made a **motion** to adopt an Ordinance amending Section 13-332, Article X, Chapter 13 of the Code of the City of Salisbury, relating to stop signs. Mr. Miller seconded the motion. Messrs. Miller and Woodson, and Ms. Alexander and Blackwell voted AYE. (4-0)

**ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO STOP SIGNS.**

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 166, and is known as Ordinance 2013-31)

Mayor Woodson thanked the neighbors for their support.

**APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

This item was postponed.

Mayor Woodson stated there is an opening for an alternate on the Zoning Board of Adjustment (ZBA). He noted interested applicants can contact City Clerk Myra Heard at (704) 638-5224.

**PUBLIC COMMENTS**

Mayor Woodson opened the floor to receive public comment.

Mr. Mark Lewis, 109 Kingsbridge Road, addressed Council on behalf of Downtown Salisbury, Inc. (DSI). He thanked everyone who worked on the façade issues at Benchwarmers. He pointed out Mr. Todd Littleton, owner, hired Central Piedmont Builders to inspect the building earlier in the week and concerns were identified regarding the brick façade facing the street. Mr. Lewis commended Mr. Littleton for calling the Rowan County Building Inspection Department to inform them of the situation. He noted Department Manger Pete Bogle received the call at 5:00 p.m. Friday and immediately did an inspection. He noted after inspecting the building Mr. Bogle called Code Services Manager Chris Branham who joined Mr. Bogle at the site. He stated Interim Community Planning Services Director Janet Gapen was in the area and quickly on the scene. He noted Ms. Gapen, Mr. Bogle and Mr. Branham with the help of the Fire Department agreed on a plan to close Fisher Street. Mr. Lewis pointed out a Brick Street Live concert is scheduled for Friday night and the Pride event will take place on Saturday. He noted with this in mind Mr. Bogle, Mr. Branham, and Ms. Gapen pulled together a group including the Rowan County Tourism Development Authority, DSI, and the four mentioned departments, Monday at 2:00 p.m. to deal with the situation. He stated Council has a goal to be business friendly and support downtown, and as President of DSI he wanted Council to know what took place and staff's response to the dangerous situation. He added citizens will be inconvenienced for a few days, but they will be safe and the two events planned for this weekend will take place. He noted Benchwarmers will be open Friday night for Brick Street Live.

Mayor Woodson thanked Mr. Lewis for the positive comments and all he does for the downtown Salisbury. He thanked everyone who responded to the situation.

There being no one else to speak, Mayor Woodson closed the public comment session.

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

(a) **Fisher Street Closure**

City Manager Doug Paris asked Code Services Manager Chris Branham to update Council regarding the Fisher Street closure. Mr. Branham stated the street and sidewalk in front of Benchwarmers are closed, but the sidewalk on the opposite side of the street is open to allow access to businesses on Fisher Street. He pointed out the City has installed signs at both ends of the street indicating local businesses are open.

Mr. Branham noted demolition of the façade is taking place and the goal is to remove it by Friday in order to open the area for the scheduled events. He noted if weather delays demolition, the area will be closed, but pedestrian access will be allowed so the scheduled weekend events can take place as planned.

Mr. Branham stated three businesses are currently closed: Benchwarmers, Ted's Barber Shop and Shear Magic and Beauty Salon resulting in 16 employees unable to work. He indicated prior to opening on Friday, the building will be inspected to make sure it is safe for occupancy.

Mr. Branham explained replacing the façade will take more time. He noted Mr. Todd Littleton, owner of Benchwarmers, has been in contact with the State Historic Association to replace the façade with a like material and ensure the restoration is close to the original design.

Mr. Branham thanked everyone who worked on the project. He recognized Mr. Littleton and Mr. Chad Vriesema, owner of Central Piedmont Builders, who made everyone aware of the situation, Rowan County Building Inspector Pete Bogle, City Fire Marshall Terry Smith and the Fire Marshall's office.

Councilmember Miller stated he has lived in the community for 18 years and has never been more proud than he is of the work done to resolve this issue. He pointed out everyone rallied together, and he commended Mr. Bogle for his work at the County Inspection Department. He added the City should be known for solving problems, and he pointed out jobs are involved, events have been planned, and investments have been made. He thanked everyone who worked on the project and noted collaboration is vital to making the process work.

(b) Brick Street Live Concert Series

City Manager Doug Paris asked Police Chief Rory Collins to update Council regarding the Brick Street Live Concert Series. Chief Collins explained Mr. Mike Miller of Miller Davis Studios is requesting to return the Brick Street Live Concert Series to its original location at the corner of East Fisher Street and South Lee Street.

Chief Collins explained the first event took place in the gravel lot located behind the Police Department. He noted several challenges, including dancing on a gravel lot and the difficulty of securing the perimeter to charge admission, led to the decision to relocate. He indicated the reopening of the Fisher Street Bridge allows the stage to be placed in the intersection of East Fisher Street and South Lee Street without impacting businesses. He stated all of the local business have been contacted and support the location change.

Chief Collins stated the Police Department endorses the request for street closure and the change of venue. He explained the 100 block of East Fisher Street and the 100 and 200 blocks of South Lee Street will be closed for the Brick Street Live Concert Series.

(c) Justice Assistance Grant (JAG)

Chief Collins announced the City has the opportunity to receive a Justice Assistance Grant (JAG) from the United States Department of Justice. He stated the total of the grant is \$32,917 to be shared with the Rowan County Sheriff's Office. He indicated the allocation to the Salisbury Police Department will be \$21,092, with \$11,825 being allocated to the Rowan County Sheriff's Office. He pointed out this is a non-competitive grant and does not require a match.

Chief Collins stated the Police Department plans to use the funds to acquire needed equipment and training, and he requested a public hearing be set to receive comments on the proposed grant.

Thereupon, Mr. Miller made a motion to set a public hearing for July 2, 2013 to receive public comment regarding an application for a 2013 Justice Assistance Grant (JAG) in the amount of \$32,917. Ms. Blackwell seconded the motion. Messrs. Miller and Woodson, and Ms. Alexander and Blackwell voted AYE. (4-0)

**MAYOR'S ANNOUNCEMENTS**

(a) Arts Night Out

Mayor Woodson announced Downtown Salisbury Inc. and the Rowan Arts Council will host Arts Night Out Friday, June 21, 2013 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(b) Community Fun Day

Mayor Woodson announced residents of the West End neighborhood are invited to attend a Community Fun Day Sunday, June 23, 2013 from 4:00 p.m. until 7:00 p.m. at Miller Center and Hall Gym, 1400 West Bank Street.

(c) Salisbury Life Magazine

Mayor Woodson announced the current issue of Salisbury Life Magazine is available and features articles on the Salisbury Fire Department and the Police Department. He thanked the Fire Department and the Police Department for all they do to keep the City safe.

(d) FY2013-2014 Budget

Mayor Woodson, on behalf of Council, thanked the Management Team and Department Heads for working to streamline the budget. He pointed out citizens will not receive a tax increase and for the second year in a row will not incur a rate increase for water and sewer service. He thanked everyone who has worked to make Fibrant successful. He pointed out last year Council asked City Manager Doug Paris to cut a \$1 million out of operations and \$2 million was cut.

City Manager Doug Paris stated conservative growth, saving \$2 million on debt refinancing, saving \$1 million by bringing contract labor in-house, contract re-negotiations, and sharing personnel resources have helped sustain the General Fund. He thanked Council for its leadership and the Management Team for its hard work. He pointed out the City solved its most pressing financial problems by looking for ways to operate more efficiently. He thanked the Management Team for its work and creativity. He stated bringing change to a small community is risky, however challenges must be addressed.

Mayor Woodson thanked Business Manager Deb Young and her team for its work to get the 300 block of South Main Street cleaned up and ready for development.

Mayor Woodson thanked Mr. Paris for his leadership and running the City like a business. He thanked Chief Collins for his work to implement a second Police Intervention Team (PIT) without increasing the Police Department budget.

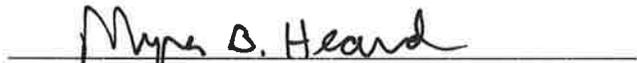
(e) Ribbon Cutting – Monroe Staffing

Councilmember Alexander stated she attended a ribbon cutting for Monroe Staffing. She indicated the company is bringing several new jobs to the area, and she received positive comments from the company regarding the One-Stop Shop planning process.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Ms. Blackwell seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:02 p.m.

  
Paul B. Woodson, Jr., Mayor

  
Myra B. Heard, City Clerk