

Salisbury, North Carolina
October 2, 2012

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson Jr., Presiding; Mayor Pro Tem Susan W. Kluttz, Council Members Maggie A. Blackwell, 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 Mayor Pro Tem Kluttz.

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.

PROCLAMATION

Mayor to proclaim the following observance:

CUSTOMER SERVICE WEEK

October 1-5, 2012

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of September 18, 2012.

(b) Temporary Street Closure-Looking Glass Art Center

Close the 400 block of North Lee Street from 10:00 a.m. until 6:00 p.m., Saturday, October 13, 2012 to accommodate Looking Glass Artist Center's annual fundraiser and car show.

(c) Temporary Street Closure-BlockWork

Close the 1000 block of South Fulton Street Saturday, October 27, 2012 from 7:30 a.m. until 5:30 p.m. for the BlockWork neighborhood improvement program.

(d) Temporary Street Closure-Fulton Heights Halloween Parade

Close the 200 block of Mitchell Avenue Wednesday, October 31, 2012 from 4:00 p.m. until 6:00 p.m. for the Fulton Heights Halloween Parade.

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

2012 BLOCKWORK NEIGHBORHOOD IMPROVEMENT PROGRAM

Community Appearance Commission (CAC) Chair Barbara Perry and Urban Design Planner Lynn Raker addressed Council regarding the second annual BlockWork neighborhood improvement program. Ms. Perry stated the BlockWork program is scheduled for October 27, 2012 in the 1000 block of South Fulton Street. She explained BlockWork is an intensive volunteer work day designed to promote cleaner and safer neighborhoods, one block at a time.

Ms. Perry indicated 85 volunteers participated in the 2011 BlockWork program which took place on South Shaver Street and was the recipient of the national Make a Difference Day Award. She pointed out the \$10,000 award received will be used toward this year's event.

Ms. Perry explained the CAC received 12 BlockWork applications this year. She noted the 1000 block of South Fulton Street was selected due to its potential impact on the community, feasibility of the projects, and neighborhood support. She stated the block combines commercial and residential structures with owner-occupied and rental homes.

Ms. Perry stated the 1000 block of South Fulton Street serves as the gateway into the Fulton Heights National Register Historic District. She indicated the project will enhance the entrance to the neighborhood with exterior improvements that will include landscaping, sidewalk repairs, painting, and decorative fencing. She noted a large painted mural will be installed on the Cut Up and Dye building by art students from Salisbury High School.

Ms. Perry thanked Council for approving the street closure, and she thanked staff and all volunteers who will work on the project. She noted the project will begin at 8:30 a.m. and conclude at 4:30 p.m. She invited the public to participate.

Ms. Perry noted BlockWork is funded by grants from the Margaret C. Woodson Foundation, the Blanche and Julian Robertson Family Foundation, a cash award from USA Weekend Magazine, Newman's Own, the Points of Light Foundation, and contributions from individual property owners.

Mayor Woodson thanked Ms. Perry and Ms. Raker for the presentation and their work on the project.

LUTHERAN SERVICES FOR THE AGING - COMMUNITY STEWARDSHIP REPORT

Mr. Bill Johnson, Administrator for Trinity Oaks, addressed Council regarding the Lutheran Services for the Aging (LSA) Community Stewardship Report. He introduced Ms. Barbara Garwood, Executive Director of Abundant Living Adult Day Services, Mr. Mike Walsh, Executive Director of Trinity Oaks Retirement Community, and Mr. Ted Goins, Lutheran Services for the Aging President.

Mr. Johnson noted LSA began its affiliation with Lutheran Family Services (LFS) in the Carolinas in 2011. He explained LFS is a social ministry that provides foster care, adoption, veteran services, refugee resettlement, disaster response, residential care for people with disabilities, and other services for vulnerable populations in North and South Carolina. He indicated in 2012 the boards of LSA and LFS approved the name Lutheran Services Carolinas (LSC) for the new collective ministry. He indicated LSC will offer two major program areas: senior services and child and family services. He stated the Lutheran Home at Trinity Oaks will be known as Trinity Oaks and Abundant Living will be known as Trinity Living Center.

Mr. Johnson explained LSC has approximately 330 Rowan County employees with an annual payroll of \$9.5 million and operating expenses of over \$23.6 million. He pointed out LSC is a ministry dedicated to Rowan County elders providing quality care and services to people of all faiths regardless of race, disability, or economic status. He noted in 2011 the ministries of LSC provided 100,514 days of care to 687 Rowan County elders through the services of Trinity Oaks and Trinity Living Center.

Mr. Johnson stated in 2011 more than 400 volunteers provided 3,747 hours of service to LSC's Rowan County ministries. He noted LSC staff, residents, and participants reciprocated by providing nearly 2,000 hours of volunteer service back into the community.

Mayor Woodson thanked Mr. Johnson for the report and for all LSC does for the community.

Councilmember Miller stated his father-in-law is a resident at Trinity Oaks where he receives outstanding care. He indicated LSC is a wonderful asset to the community.

STREET CLOSING – BRAWLEY AVENUE AND ALLEY CLOSING WEST CORRIHER AVENUE

City Engineer Dan Mikkelson addressed Council regarding a request to close a portion of Brawley Avenue, an unopened right-of-way, and part of the alley behind 304 West Corriher Avenue. He displayed an aerial photograph of the area, and he noted the petitioners propose to leave an easement so an existing gravel driveway can be used by adjacent property owners for access to their property. He noted this is a permanent closure of a public dedicated street or alley right-of-way regulated by North Carolina General Statute 160A-299.

Mr. Mikkelson stated the next step is for Council to hold a public hearing and in order to proceed with the street closure Council must determine the closing is not contrary to the public interest and no one will be deprived of reasonable means of ingress and egress to their property. He noted if Council decides to proceed with the closing it will need to:

- Adopt a Resolution accepting the alley
- Adopt an Order closing the alley

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding closing a portion of Brawley Avenue from Corriher Avenue to Lantz Avenue and part of the alley behind 304 West Corriher Avenue.

Mr. Pete Stout, 304 West Corriher Avenue, stated he is in favor of closing the unopened portion of Brawley Avenue. He indicated he would like to rebuild an old garage on his property, but a 60-year old Poplar tree is in the way. He displayed photographs of the property, and he noted the additional land would allow for a new garage.

Mr. Niven Bayer, 303 Lantz Avenue, stated he is in favor of the closure. He noted he would like to install a fence, but there are trees on the property line. He pointed out closing the alley would allow him to install the fence off of the existing property line.

Mr. Mike Myerhoffer, 219 Lantz Avenue, stated he is in support of his neighbors who want to expand their property and close the alley.

Ms. Myra Myerhoffer, 219 Lantz Avenue, stated she is in support of the closure. She noted there is a gravel drive that does not go all the way through the property and everything else is grass or wooded. She pointed out there is no way to go through the area, and the easement will allow access to the property so no one is cut-off.

Mr. Jamie Slate, 224 West Corriher Avenue, stated the closure is not in the public interest. He noted the road has been open since 1948, and he indicated a private easement would negatively impact the value of the surrounding properties.

Mayor Woodson asked if the road is 50-feet wide and he pointed out three property owners want to use the extra footage. Mr. Mikkelson stated that is correct. Mayor Woodson asked if a compromise could be worked out between the parties.

Mr. Slate stated he consulted with an attorney who suggested closing the portion of Brawley Avenue to make a private easement and alleyway. He indicated an offer was made to Mr. Bayer who agreed and then changed his mind.

Mr. Bayer stated he has had multiple conversations with Mr. Slate and explained a substantial amount of money was spent on surveys and application fees. He indicated Mr. Slate agreed with the closure and then changed his mind. He noted the neighbors decided to move forward with the original plan.

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

Mayor Pro Tem Kluttz thanked all the neighbors who addressed Council. She stated she cannot vote today unless all property owners are in agreement. She suggested City Manager Doug Paris meet with the property owners to reach a compromise.

Councilmember Miller stated as long as there is access to the property the closure will not have a detrimental effect on the property value. He asked City Attorney Rivers Lawther to explain the difference between a private easement and an alleyway.

Mr. Lawther stated the portion of Brawley Avenue in question is a paper alley and can be used by anyone. He noted an easement would be private, only to be used by those with a right to it. He explained the difference is a 12-foot alley and a 10-foot easement. He indicated legally an easement would be more beneficial because it is private and an alley is open to the public.

Thereupon Ms. Blackwell made a **motion** to table the issue until City Manager Doug Paris can meet with property owners to work towards a compromise. Mr. Kennedy seconded.

Councilmember Kennedy asked if the property reverts to adjoining property owners if the alley is closed. Mr. Mikkelson indicated this is correct and 25-feet will go to all four property owners for the depth of their lot. Mr. Kennedy asked if Mr. Slate will be gaining 25 feet of property. Mr. Mikkelson stated that is correct.

Mayor Woodson asked Mr. Paris and Mr. Mikkelson to work toward a compromise among the neighbors.

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

PROPOSED ORDINANCE AMENDMENTS – CHAPTER 21 – SOLID WASTE

Community Planning Services Director Joe Morris addressed Council regarding text amendments to Chapter 21, Solid Waste. He noted the text amendments:

- Update the Ordinance based on the new recycling service
- Recyclables are collected every two weeks
- Establishes container placement adjacent to the street
 - Within three feet

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding amending Chapter 24 - Solid Waste.

Mr. Clyde Overcash, Bank St, stated he is concerned the blue recycling bins do not fit in with the surroundings. He displayed photographs for Council, and he asked for suggestions regarding the placement of the bins when they are not on the curb.

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

Councilmember Blackwell noted the text amendments address bin placement. She asked Mr. Morris to read the text amendment regarding bin placement.

Mr. Morris stated Section 21-21(b) of the Code of the City of Salisbury states Collection of garbage will be once weekly. All garbage containers, trash, and recycling containers shall be placed within three feet of the street edge no earlier than dusk on the evening prior to scheduled collection and no later than 7:00 a.m. on collection days. Containers shall be removed as far as practical and out of sight, where possible, from the street by the owner or occupant of the premises by midnight on the day of collection. No containers of any type are to be placed, kept or left adjacent to the street for any purpose on Saturday and Sunday.

Thereupon, Ms. Klutz made a **motion** to adopt an Ordinance amending the Code of Ordinances of the City of Salisbury, North Carolina, specifically Chapter 21, Solid Waste, Article II, Storage and Collection, Section 21. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Klutz voted AYE. (5-0)

ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, SPECIFICALLY CHAPTER 21, SOLID WASTE, ARTICLE II, STORAGE AND COLLECTION, SECTION 21.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 95-96, and is known as Ordinance 2012-38)

TECHNICAL ASSISTANCE FOR BROWNFIELDS (TAB) PROGRAM

Community Planning Services Director Joe Morris and Mr. Charles Ray, Outreach Coordinator with PPM Consultants, Inc. addressed Council regarding the Technical Assistance for Brownfields (TAB) Program. Mr. Morris explained TAB is an Environmental Protection Agency (EPA) grant. He stated Council authorized City Manager Doug Paris to apply for the grant, and he pointed out the application process requires the City to conduct activities that inform the community.

Mr. Ray explained Brownfields is an economic redevelopment initiative designed to assist local governments in addressing challenging properties perceived to have environmental contamination. He stated the Brownfields redevelopment program was established by the EPA in 1996.

Mr. Ray explained the difference between a Brownfield area and a Brownfield site:

- Brownfield Area
 - A contiguous area of real properties consisting of one or more Brownfields sites (parcels), some of which may not be contaminated with petroleum products or hazardous material
- Brownfield Site
 - A single parcel of vacant or improved real property

Mr. Ray noted Brownfield areas or sites may be identified by local government or community stakeholders. He indicated such areas may include all or portions of community redevelopment areas, enterprise zones, empowerment zones, other such designated economically deprived communities and areas, and EPA-designated Brownfield pilot projects.

Mr. Ray reviewed common Brownfield myths and facts:

- Myth - superfund sites are Brownfields, or Brownfields are superfund sites
- Fact - under the statutory definition, Brownfields do not include superfund sites on the National Priorities List (NPL)
 - A small number of superfund sites, approximately 1,200, have been designated NPL sites and are managed under a more elaborate process than most Brownfield sites
- Myth - Brownfields are only an urban problem
- Fact - contaminated properties affect nearly every town, large and small
 - Small and rural communities are impacted not only by former industrial sites, but by closed gas stations, dry cleaners, old dumps, contaminated rail yards, mine-scarred lands, agricultural wastes such as pesticides, and many other challenges (EPA Brownfield grants have been awarded to communities with less than 25,000 people)

- Myth - Brownfields are all large, former industrial or manufacturing sites
- Fact - while some Brownfields are large former industrial sites, the majority of the estimated 500,000 to 1 million Brownfields in the United States are small properties like dry cleaners, vacant lots, or gas stations
- Myth - a site must actually be contaminated to be considered a Brownfield
- Fact - the perception that a property may be contaminated can be just as great a barrier to redevelopment as actual contamination
 - Sites where contamination is merely perceived, and site conditions are unknown, are still considered Brownfields
 - One third of the Brownfield sites that have been assessed with EPA Brownfields funding have turned out to be free from significant contamination

Mr. Ray displayed photographs of examples of Brownfields sites and noted before and after photographs. He stated the EPA Brownfields Program is a redevelopment tool that can facilitate:

- Historic preservation
- Economic development
- Community development
- Residential projects
- Open-space/green-space projects
- Reduction of public health and environmental hazards
- Removal of stigma
- Promoting effective use of community resources

Mr. Ray stated the EPA's Brownfields Program provides funds to empower states, communities, tribes, and nonprofits to prevent, inventory, assess, and clean up Brownfield properties. He noted the EPA provides Brownfields funding for three types of grants:

- Brownfields Assessment Grants
 - Provide funds to inventory, characterize, assess, and conduct planning (including cleanup planning) and community involvement related to Brownfield sites up to \$400,000 that must be spent within three years
- Brownfields Cleanup Grants
 - Provides funds to carry out cleanup activities at a specific Brownfield site owned by local government or the private sector \$200,000 per site with a maximum of three sites
 - With a waiver the per site amount can go up to \$350,000 based on the contamination at the site
- Brownfields Revolving Loan Fund (RLF)
 - Provides funds for a grant recipient to capitalize a revolving fund and to make loans and provide sub-grants to carry out cleanup activities at Brownfield sites up to \$1 million

Mayor Woodson asked if the maximum would be \$350,000 for the Kesler Mill site. Mr. Ray stated that is correct.

Mr. Ray reviewed the Brownfield Assessment Grant option summary:

- Community-wide grants
 - Up to \$200,000 for hazardous substances and \$200,000 for petroleum
 - No waiver of funding limit
 - Maximum combined amount \$400,000
 - May also apply for a site-specific grant; may not apply as a member of a coalition
- Site-Specific
 - Up to \$200,000 for petroleum or hazardous substances
 - May request a waiver for up to \$350,000
 - Maximum amount \$350,000
 - May also apply for a community-wide grant; may not apply as a member of a coalition
- Coalition
 - Up to \$600,000 for petroleum and/or hazardous substances
 - No waiver of funding limit
 - Maximum amount \$600,000
 - May not apply for an individual community-wide or site-specific grant or as part of another coalition

Mr. Ray explained the Brownfields Law expands eligibility for Brownfields funding to include nonprofit organizations that own the property. He indicated Cleanup Grants may be awarded up to \$200,000 per site for cleanup, with a maximum of three sites per entity, per grant year. He stated EPA grant deadline is November 19, 2012.

Councilmember Miller asked how many awards are made relevant to the applications received. Mr. Ray stated the number of awards vary each year. He noted in Region Four, 236 grants were awarded out of over 500 applications. He indicated this is a competitive grant.

Mayor Woodson thanked Mr. Ray for his presentation.

(b) Mayor Woodson opened the floor to receive public comment regarding the TAB program.

Mr. William Peoples, 522 North Fulton Street, stated the people on Park Avenue have dealt with the Kesler Mill issue for seven or eight years. He pointed out it is a safety hazard and the City should have had more oversight regarding this project. He stated the City needs to apply for the TAB grant immediately.

Mr. Randy Hemann, 314 Mitchell Avenue, stated the grant is exciting because it will remove barriers regarding the redevelopment of properties. He noted the grant will help a number of sites define problems and work toward a solution. He stated the grant is a great tool to redevelop sites in the entire City. He pointed out there is money for remediation. Mr. Hemann explained there are defined issues at the Empire Hotel and a Brownfield Grant could be a great asset to the project. He stated he is glad Council did not spend taxpayer's money a few

years ago to clean up the Kesler Mill site if Federal money is available. He stated he supports Council applying for the grant.

Mr. Robert Van Geons, 615 South Church Street, stated true economic development requires a comprehensive approach, and he pointed out the redevelopment of Brownfields is a laudable goal. He explained the benefits of a property being turned back into a productive use extend from the property owner to adjacent property owners and the economic impact benefit extends to the entire community. He asked Council to support the grant, and he pointed out this could be the first step toward developing an ongoing initiative that encourages reinvestment into older properties. He noted should Council move forward the Economic Development Commission (EDC) looks forward to partnering with the City in support of the program.

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

Mayor Woodson stated he has viewed the Kesler Mill site on several occasions, and Council needs to carefully research the property before any action is taken.

Mayor Pro Tem Kluttz asked why Council is not taking action today. Mr. Morris explained Council authorized the City Manager to apply for the grant at a previous meeting. He stated the City is bringing information to the community regarding the Brownfield program and giving the public the opportunity to comment as part of the grant program requirements. He noted staff will bring a report back to Council regarding the progress of the application.

Ms. Kluttz stated the grant seems like the right thing to do for the City due to its concern regarding its appearance, economic development, and historic preservation. She thanked Mr. Ray and Mr. Morris for the presentation.

Mr. Miller pointed out since annexation is no longer a reality every inch of square footage in the City needs to be utilized.

Mr. Morris stated the funds can be used at multiple sites. He indicated the community will be able to develop a list of priorities based on the opportunities it has. He noted it is a great step toward cleaning up the community.

Mr. Miller stated based on the application to funding ratio, it is worth staff time to proceed with the application.

Councilmember Blackwell stated she agrees with Mr. Peoples regarding home owners at the Kesler Mill site and their serious concerns. She indicated Council is moving through the process as quick as it can.

Councilmember Kennedy stated the property owner has to apply for the grant and asked who owns the Kesler Mill site.

Mr. Morris stated the property owner has to apply for the site specific Brownfields grant. He noted the Kesler Mill site is currently owned by a nonprofit organization in Atlanta that has

offered the property to the City. He stated staff recommends Council proceed with caution and not assume a liability beyond its means regarding cleanup of the site. He noted staff is trying to gather as much information as possible before it assumes ownership of the property. He stated he would like to find a developer interested in developing the site and work with them based on the assessment of the property.

City Manager Doug Pairs stated the first step is to understand the situation, the second step is cleaning it up, and the third step is returning it to a productive use that will benefit the community.

Mayor Woodson stated the potential cleanup will be a long process.

DOG PARK AT TOWN CREEK PARK

Parks and Recreation Maintenance Manager Stephen Brown, Ms. Teresa Pitner, and Mr. John Cerny addressed Council regarding a proposed dog park at Town Creek Park. Mr. Brown explained why the City needs a dog park:

- In urban settings a dog park offers dog owners the opportunity to meet other residents as well as provides a great, safe place to bring their dogs for socialization and exercise off leash
- However, in these lean economic times many local communities are partnering with citizens to fundraise for the creation of the dog parks

Mr. Brown reviewed the history of the dog park:

- The Parks and Recreation Comprehensive Master Plan, approved in 2009, included the creation of a dog park within the City
- Land and space is available at the Civic Center to create a dog park
 - Water, electricity and parking are available
- Funding has not been available, however a citizen group is interested in raising the funds necessary to create a dog park
- Parks and Recreation Staff began meeting with citizens in May to discuss possible options, costs, and fundraising
- Plans were developed and fundraising strategies discussed

Mr. Brown displayed a map of the area and Phase I of the dog park. He explained the potential cost:

- Fencing
 - Black vinyl coated fence
- Entry/gating system
 - Scan card for access
- Water and electric installations
- Benches

- Water fountain
 - Dual – dog and human
- Dog waste stations
- Trash cans
- Seeding/turf establishment
 - Total \$45,000

Mr. Cerny reviewed fundraising strategies:

- Sale of brick pavers
- Sponsorship of:
 - Fencing sections or pieces
 - Landscaping
 - Water station/fountain
 - Benches
 - Concrete play tubes
 - Shade trees

Ms. Pitner reviewed other potential fundraising ideas and options:

- Dog wash/clipping event
- Art and item auction
- Dog walk/costume contest
- Sale of decorated decommissioned fire hydrants that would be installed in the park

Mr. Brown explained the annual operating costs:

- Mowing, trash removal, turf repairs, fence repairs and entrance cards
- Approximately \$3,500 per year
- Covered through sponsor signage placed on the fencing with an annual renewal
 - 12 - 2'x3' signs at \$300 per year = \$3,600

Mr. Cerny noted the park will run through a volunteer program:

- A trained volunteer program that would
 - Assist with park maintenance
 - Assist park users
 - Maintain dog waste stations
 - Conduct spring and fall park clean up days
 - Assist with mulching areas in and around the park

Mr. Brown reviewed Phase 2 plans and costs:

- Concrete play pipes
- Additional water fountain
- Three additional dog waste stations
- Three additional trash cans
- Additional benches
- Additional shade trees
- Additional landscaping
 - Total \$16,000

Mr. Brown noted the rules and regulations:

- All dogs must be registered with the Parks and Recreation Department to receive an entrance key and information packet
- Dogs must be licensed and up-to-date on rabies and DHLPP vaccines

Mr. Cerny indicated most dog parks do not allow children under 12 years of age to enter the park. He explained training treats are allowed, but feeding the dog or eating in the park is prohibited. He indicated no more than three dogs per adult will be allowed at one time. He noted the dog must be in its owner's sight and voice command range at all times.

Mayor Woodson asked about the hours of operation. Mr. Brown stated the dog park will follow Parks and Recreation hours which are to open at 8:00 a.m. and close at 7:00 p.m. in the winter months and at 8:30 p.m. in the summer months.

Councilmember Kennedy asked if there will be a fee to use the dog park. Mr. Brown explained the dog park will be free to City residents and there will be a charge for an access card for those in the County or outside the City limits. He noted there will be a \$5 replacement fee if the card is lost. He explained the access cards will be coded so staff can determine who is in the dog park at any particular time.

City Manager Doug Paris noted this will be the City's first dog park. He stated it is important to make sure it is successful. He indicated as the funds are raised this item will be brought back before Council with more detailed plans and the required Budget amendment for funding the park.

Councilmember Blackwell stated Mr. Cerny is a member of the Community Appearance Commission (CAC) and has served as a supervisor on the BlockWork program. She indicated Ms. Pitner was critical in fundraising for Centennial Park in the Fulton Heights neighborhood which was a similar public/private partnership. She stated she is confident Mr. Cerny and Ms. Pitner will see the project to completion.

There upon, Ms. Blackwell made a **motion** to approve a proposal to create a dog park at Town Creek Park located at the Civic Center and to approve a fundraising program. Ms. Kluttz seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

PRIVILEGE LICENSE FEES ON INTERNET GAMING

Planning and Development Services Manager Preston Mitchell and Business License Officer Patty Shuping presented fees for internet gaming establishments from other municipalities. Mr. Mitchell reviewed rulings regarding the internet gaming establishments:

- Per David Owens, JD Professor of Public Law and Government, University North Carolina Chapel Hill
 - General Statute 14-306.1 (2001): Law to ban internet gaming machines and tightly regulate after South Carolina initiated similar ban
 - General Statute 14-306.1A (2006): Repealed limits on video poker; banned video gambling July 1, 2007
 - Industry shifted from video poker to video sweepstakes
 - General Statute 14-306.4 (2010): Expanded prohibition to include video sweepstakes
 - March 6, 2012: Court of Appeals ruled ban unconstitutional
 - February 21, 2012: Court of Appeals upheld Lumberton’s Privilege License Fee

Mr. Mitchell reviewed internet gaming fees for local communities and the relative population:

<u>City</u>	<u>Population</u>	<u>Establishment Fee</u>	<u>Initial Internet Gaming Machine Fee</u>	<u>Per Internet Gaming Machine</u>
Wilkesboro	3,174	\$2600	\$2600	\$1000
Franklin	3,600	\$2600	\$0	\$1000
Roxboro	8,397	\$1000	\$0	\$500
Morganton	16,917	\$2000	\$0	\$1500
Lumberton	21,524	\$5000	\$0	\$2500
Kinston	21,677	\$0	\$0	\$500
Statesville	24,532	\$2000	\$0	\$1000
Matthews	27,198	\$2000	\$0	\$0
Salisbury	33,662	\$0	\$0	\$500
Kannapolis	42,625	\$0	\$0	\$500
Cary	135,234	\$2500	\$0	\$1000
Winston Salem	229,617	\$2500	\$0	\$500

Mr. Mitchell stated the average establishment fee is approximately \$2000 and the per internet gaming machine fee is approximately \$1000. He reviewed the potential action steps:

- Consider reviewing Privilege License Fees comprehensively with Land Use controls at the 2013 City Council Goal Setting Retreat
- Consider revising Privilege License Fees for new internet gaming machine facilities effective immediately
 - Would require a Budget Ordinance amendment.
 - Not retro-active to existing facilities
 - Mr. Chris McLaughlin, Assistant Professor of Public Law and Government at

UNC-Chapel Hill states “legally acceptable” but “strongly recommends against for public relations concerns.”

Mayor Woodson stated if the established fees have been established at \$500 this year, they should not be changed until next year.

Councilmember Blackwell stated she likes the idea of reviewing the fee at Council’s retreat.

Mayor Woodson thanked Mr. Mitchell and Ms. Shuping for the presentation.

PARKING 1100 BLOCK SOUTH MARTIN LUTHER KING JR. AVENUE

Traffic Engineer Wendy Brindle stated the City has been working with Rufty-Holmes Senior Center to improve traffic flow around the facility in the 1100 block of Martin Luther King Jr. Avenue, between the entrance and exit of the Center. She explained the parking currently allowed on the street blocks sight distance for those leaving the facility. She stated Rufty-Holmes Senior Center has requested the parking be removed, and she pointed out staff is in support, and the Parks and Recreation Department who also owns property in the block also agrees.

Councilmember Kennedy asked if staff will work with the Police Department to make sure the Code is enforced should it pass. Ms. Brindle stated that is correct.

Mayor Pro Tem Kluttz asked if the Rufty-Holmes Senior Center will have adequate parking. Mr. Rick Eldridge, Executive Director Rufty-Holmes Senior Center, stated the Center is working on a parking plan to create additional parking. He pointed out the Center is reluctant to lose the eight parking spaces, but safety is the overriding concern.

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending Section 13-338, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited at all times. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

ORDINANCE AMENDING SECTION 13-338, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED AT ALL TIMES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 97, and is known as Ordinance 2012-39)

BOARDS AND COMMISSIONS

This item was postponed.

Mayor Woodson encouraged citizens interested in serving on the Community Appearance Commission (CAC), the Parks and Recreation Advisory Board, or the Steering Committee for Nuisance Animals to apply. He noted applications are available at the City Clerk's Office located at 217 South Main Street, or by calling 704-638-5224.

CITY MANAGER'S COMMENTS

(a) Temporary Street Closure – 500 block South Fulton Street

City Manager Doug Paris presented a request to close the 500 block of South Fulton Street, from Monroe Street to Marsh Street, Friday, October 12, 2012 from 5:00 p.m. until 11:00 p.m. to accommodate two high school reunions. He stated Police Chief Rory Collins reviewed the request and is recommending approval.

Councilmember Blackwell asked if the street closure would interfere with OctoberTour preparations. Mayor Pro Tem Kluttz stated the Historic Salisbury Foundation is supportive of the street closure.

Thereupon, Mr. Kennedy made a **motion** to close the 500 block of South Fulton Street, from Monroe Street to Marsh Street, Friday, October 12, 2012 from 5:00 p.m. until 11:00 p.m. to accommodate two high school reunions. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

MAYOR'S ANNOUNCEMENTS

(a) OctoberTour Night Out

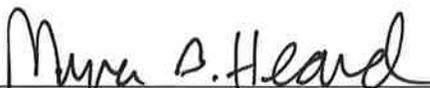
Mayor Woodson announced Downtown Salisbury, Inc. will host OctoberTour Night Out Friday, October 12, 2012 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

ADJOURNMENT

Motion to adjourn the meeting was made by Ms. Kluttz seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:04 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk