

Salisbury, North Carolina
November 3, 2009

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Paul B. Woodson, Jr., Councilmen William (Bill) Burgin, William (Pete) Kennedy, and Mark N. Lewis; City Manager David W. Treme; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: None

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Mayor Pro Tem Woodson. Mayor Kluttz reminded everyone that today is Election Day and encouraged them to vote.

PLEDGE OF ALLEGIANCE

Mayor Kluttz asked Eagle Scout David Simons to lead those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following change to the Agenda:

Add – Report regarding Westcliffe/Rolling Hills Meeting

INTRODUCTION – DOWNTOWN OFFICER REBECCA SEXTON

Detective Patrick Smith introduced new downtown Officer Rebecca Sexton. He stated that Officer Sexton has been with the Salisbury Police Department for three years. Mayor Kluttz stated that she is delighted and excited to have Officer Sexton as the new downtown officer. Mayor Kluttz thanked Detective Smith for his work as a downtown officer for the last three years.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

NATIONAL GIS DAY
GEOGRAPHY AWARENESS WEEK

November 18, 2009
November 15-21, 2009

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meetings of October 20, 2009 and the Special Meetings of October 20, 2009 and October 22, 2009.

(b) Agreement – North Carolina Department of Transportation

Adopt a Resolution authorizing the Mayor and City Clerk to execute an Agreement with the North Carolina Department of Transportation concerning bridge inspections.

Mayor Kluttz indicated a correction to the Special Minutes of October 22, 2009 and stated that they should reflect that Council Candidate Charles Black was present at the meeting. She stated that for item (b) Council will adopt a Resolution authorizing the Mayor and City Clerk to execute an agreement with the North Carolina Department of Transportation regarding bridge inspections.

Mayor Kluttz asked for a motion to accept the Consent Agenda with these corrections.

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING BRIDGE INSPECTIONS.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No.46, and is known as Resolution 2009-30.)

Thereupon, Mr. Woodson made a **motion** to approve the Consent Agenda with the two changes stated by the Mayor. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (5-0)

DEMOLISH STRUCTURE – 528 SOUTH CALDWELL STREET

Mr. Chris Branham, Code Enforcement Manager, addressed Council regarding the demolition of a structure located at 528 South Caldwell Street. He reviewed the compliance process and a timeline of events:

Minimum Housing Compliance Process

- Preliminary investigation
- Notice of Hearing letter
- Public Hearing
- Finding of Fact letter
- Compliance Date

Timeline

- March 22, 2006 – Inspected by housing inspector, found abandoned and below standards of living
- September 23, 2009 – Re-inspected, same status as previous inspection, Notice of Hearing letter sent
- October 14, 2009 – Public hearing date, no attendees, Findings of Fact letter sent to owner
- October 31, 2009 – Deadline for compliance, no intent of repair shown or communicated

Mr. Branham reviewed photographs of the structure and indicated that the structure has been inhabited by vagrants. He requested Council adopt an Ordinance directing the housing inspector to demolish the structure located at 528 South Caldwell Street.

Councilman Lewis asked if there is a lien on the structure. Mr. Branham indicated that there is a lien on the structure and a letter was sent to the lien holder with no response. Councilman Lewis asked if the City will recover the cost of demolition through a lien on the property. Mr. Branham indicated that this was correct. Mr. Lewis then asked City Attorney Rivers Lawther if a demolition lien supersedes a lender lien. Mr. Lawther stated that liens for repairs are collected in the nature of taxes and will therefore supersede a lender lien.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance directing the Housing Inspector to have demolished the structure located at 528 South Caldwell Street, Salisbury, North Carolina, it being unfit for human habitation, and deteriorated to unsafe condition. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO HAVE DEMOLISHED THE STRUCTURE LOCATED AT 528 SOUTH CALDWELL STREET, SALISBURY, NORTH CAROLINA, IT BEING UNFIT FOR HUMAN HABITATION, AND DETERIORATED TO UNSAFE CONDITIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 169, and is known as Ordinance 2009-59.)

REPORT – VIOLATORS OF CITY ORDINANCES

Mr. Joe Morris, Community Planning Services Director addressed Council regarding an amendment to Chapter 14, Section 3 of the Salisbury City Code relating to abatement and chronic violators. He indicated that during the 2009 legislative session, the North Carolina General Assembly adopted two laws which address notification of chronic violators of municipal ordinances, specifically chronic violators of vegetative nuisance and public nuisance ordinances. He stated that the legislation defines a “chronic violator” as someone who has been notified for code violation three or more times during the past calendar year. He then reviewed Salisbury’s Code Enforcement activity during the past year:

- May – September 2009: 63 properties were notified three or more times
- May – September 2009: 114 properties were notified two times

Mr. Morris reviewed the process for abatement (after 3 violations in a calendar year):

- Initial inspection
- Follow-up after compliance deadline
- Follow-up after abatement

Mr. Morris stated that the proposed amendment will allow Code Enforcement to notify chronic violators once during the year in order to reduce delay on follow-up with properties considered chronic. He indicated that the amendment will provide an efficiency measure for Code Enforcement.

Thereupon, Mr. Woodson made a **motion** to set a public hearing regarding a possible revision to Chapter 14 of the City Code concerning violators of Overgrown Vegetation and Public Nuisance Ordinances for November 17, 2009. Mr. Kennedy seconded the motion.

Councilman Lewis stated that he is interested in having a tangible penalty for chronic violators and would like to hear from staff how penalties can be assessed and how they can escalate with each violation. Mr. Lewis indicated that he would like to see the chronic violator penalty apply to all nuisance abatements.

Mr. Woodson asked about the cost of abating a property. Mr. Chris Branham, Code Enforcement Manager, indicated that the average cost of abatement is \$75 per hour which is a contractor cost. He stated that the City assesses the property owner a \$175 fee for the first abatement and an additional \$500 fee for the second abatement.

Mr. Morris stated that this year the City has incurred \$83,000 in expenses for nuisance abatement and the percentage of collection will be in staff’s report at the public hearing.

Councilman Kennedy stated that he feels chronic violations should extend beyond overgrown grass. He indicated that there are problems with oversized vehicles in neighborhoods. He stated that an oversized vehicle parked on the street can be ticketed by the police, but if the vehicle is in a driveway it becomes a code violation. He indicated that once the vehicle becomes a code violation the owner receives a warning to move the vehicle in a specified number of days or receive a violation. He stated that when staff follows up on the warning the vehicle has been moved and shortly thereafter the vehicle is returned and the process begins again. He stated he would like staff to report on what can be done in these cases.

Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

MONITORING WELLS IN PUBLIC RIGHT-OF-WAY

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding the placement of monitoring wells in public rights-of-way. Ms. Brindle stated that the Engineering Division received a request from ATC Associates of North Carolina regarding installation of monitoring wells within the City rights-of-way. She stated that ATC has been contracted by the North Carolina Department of Environment and Natural Resources (NCDENR) under the North Carolina Dry Cleaning Solvent Cleanup Act to conduct an investigation of soil and groundwater quality in the vicinity of Avalon Cleaners. She explained that ATC Associates would like to place a monitoring well along East Council Street near Faith Road Extension and three monitoring wells along East Liberty Street. She indicated that the wells will be finished flush with the surface and will not impede traffic. She also indicated that the City will be held harmless from any loss, cost, damage or expense arising out of any negligent act or omission from the installations.

Ms. Brindle recommended Council authorize the City Manager to execute the agreement with NCDENR and ATC Associates of North Carolina.

Thereupon, Mr. Lewis made a **motion** to authorize the City Manager to execute agreements with North Carolina Department of Environment and Natural Resources and ATC Associates of North Carolina. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

REPORT – ST LUKE’S EPISCOPAL CHURCH COMMUNITY GARDEN

Mr. Joe Morris, Community Planning Services Director, introduced Reverend Wayne Houglan from St Luke’s Episcopal Church, Ms. Kathleen Tronsor, Community Garden Coordinator and Eagle Scout David Simons. Mr. Morris indicated that last Spring Reverend Houglan was allowed to use a vacant lot owned by the City located on West Council Street to create a community garden.

Reverend Houglan stated that approximately one year ago members of his

church attended a conference on environmental issues at Catawba College's Center for the Environment. He indicated that those parishioners shared information with the church and discussed ways the church could engage the issues of environmental stewardship and they decided to make a community garden. He stated that the idea was to grow produce to help those in need in the community and provide an educational environment for youth.

He pointed out that Landscape Manager Mark Martin was instrumental in helping organize the project and that Blanton Law Firm provided water for the garden. He stated that Rowan Helping Ministries and Family Crisis Center received the produce grown in the garden and each agency appreciated the donation.

Ms. Kathleen Tronsor stated there was a lot of enthusiasm and learning with this project. She stated that an amazing amount of food was grown and a flower garden was planted behind the Blanton Law Office. She pointed out she hopes the project could become a template for doing this on other pieces of vacant land. She stated that she logged onto the GIS website and found vacant lots in low income neighborhoods that might welcome the opportunity to be involved in this kind of program to improve their neighborhood.

Eagle Scout David Simons stated that for an Eagle Scout project he raised money through the church and community and was able to add 10 fruit trees, two picnic tables, and two benches and helped lead others to carry out the project.

Mayor Kluttz stated that she hopes the project continues and that she is very impressed with Mr. Simons and the idea carried out by the church. She pointed out that these partnerships are what makes Salisbury special and this is a wonderful example of various agencies throughout the City working together to provide for those in need.

STAFF REPORT – DOWNTOWN PARKING LOTS IMPROVEMENTS

Ms. Lynn Raker, Urban Design Planner, addressed Council regarding an update of the Downtown Parking Lots Improvement Project. She indicated the Central City Lot is now open for business with a few finishing details remaining. She indicated that paving should begin shortly for the City Hall Parking Lot Expansion and noted that the South Lee Street Parking Lot is currently being graded. She noted that landscaping for all lots will be done at the same time.

Mayor Kluttz stated that she is happy to see the progress and thanked Ms. Raker for the report.

COMMENTS FROM THE CITY MANAGER

(a) Airport Development Zone Economic Incentive Grant Agreement

City Manager David Treme stated that staff has been working on an Airport

Development Zone Economic Incentive Grant Agreement for several years and recently Mayor Pro Tem Woodson and Councilman Burgin, who were appointed as a Council Committee, met with two County Commissioners to talk about the possibility of implementing the agreement.

Mr. Woodson indicated that the meeting with the County Commissioners was positive. He stated that the agreement is an effort to bring more planes to the airport and that both the City and County decided to drop the tax rate \$.20 each from a combined rate of \$1.20 to \$.80. He noted that since the County is paying approximately \$157,000 in maintenance the agreement proposes to use \$.10 of the City's \$.40 for capital improvements at the airport. He also noted that a committee will be formed with representatives from the City and County to make decisions regarding the capital improvements. Mr. Woodson thanked Rowan County Commissioner Chad Mitchell and Chairman Carl Ford for their work to make working relations better between the County and City.

Mr. Treme reviewed the differences in the agreement:

- Item 1d - Both the City and County reserve the right to review annually the amount of the proposed grant contemplated and make adjustments to the grant
- Item 2b – Representative of the City and County will not include the Airport Manager
- Item 8 – Request for expenditures of the Airport Development Fund shall be submitted in writing by the Airport Manager to the Representatives of the boards as defined, for review, approval, denial or modification

Mr. Treme recommended Council approve the Agreement.

Mr. Woodson stated that the County and City are reducing their tax rate in hopes of drawing more business to the airport. He stated that he feels this is a win-win for the City and County.

Mr. Burgin asked to recuse himself because of his partial ownership in an airplane at the airport.

Thereupon Mr. Kennedy made a **motion** to excuse Councilman Burgin. Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson and Ms. Kluttz vote AYE. (4-0)

Thereupon, Mr. Woodson made a **motion** to approve this Airport Development Zone Economic Incentive Grant Agreement between the County and the City of Salisbury. Mr. Kennedy seconded the motion. Mayor Kluttz stated she is excited about the City/County partnership and appreciates the work of the Committee and the County Commissioners. Mr. Treme thanked Management Services Director John Sofley for

diligently working with County officials and for doing an outstanding job with the Agreement. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

Thereupon, Mr. Woodson made a **motion** to bring Councilman Burgin back. Mr. Kennedy seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz vote AYE. (4-0)

MAYOR'S ANNOUNCEMENTS

(a) Salisbury Cotton Mills Pocket Park Dedication

Mayor Kluttz announced that the Public Art Committee will host a public dedication of the Salisbury Cotton Mills pocket park November 21, 2009 at 11:30 a.m. at the corner of Church and Fisher Streets.

(b) Westcliffe - Rolling Hills Community

Mayor Kluttz stated that she was invited to the Westcliffe-Rolling Hills Community meeting by Ms. Emily Perry who indicated that the neighborhoods were interested in starting a community watch. Mayor Kluttz noted that she was impressed that approximately 50 to 75 residents were in attendance. She indicated that during the discussion issues were raised regarding lighting, code enforcement, soliciting, curfew, leaves, roll-out bins, and signs. Mayor Kluttz asked that two representatives from these neighborhoods meet with her, Councilman Lewis, and staff to answer questions and offer direction on the next steps to take in beginning a community watch. Mayor Kluttz encouraged any neighborhood that has concerns to make Council aware.

By consensus Council agreed, that Mayor Kluttz, Councilman Lewis, and staff will meet with residents of Westcliffe-Rolling Hill Neighborhood to discuss implementing a neighborhood watch program and improvements in the area.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:55 p.m.

Susan Kluttz, Mayor

Myra Heard, City Clerk