

Salisbury, North Carolina  
July 6, 2010

## **REGULAR MEETING**

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

**ABSENT:** Mayor Susan W. Kluttz

The meeting was called to order by Mayor Pro Tem Blackwell at 4:00 p.m. The invocation was given by Councilman Kennedy.

## **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Blackwell led those present in the Pledge of Allegiance to the United States flag.

## **RECOGNITION OF VISITORS**

Mayor Pro Tem Blackwell recognized all visitors present.

## **PROCLAMATIONS**

Mayor Pro Tem Blackwell proclaimed the following observances:

READ TO YOUR CHILD DAYS:

SALISBURY-ROWAN READS!

NATIONAL INDEPENDENT RETAILERS WEEK

July 14-August 11, 2010

July 18-24, 2010

## **CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Recessed Meeting of June 14, 2010, and the Regular Meeting of June 15, 2010.

(b) Street Closure

Close the 100 block of East Fisher Street Friday, June 25, 2010, from 8:00 a.m. until 9:30 p.m. for a Downtown Salisbury Inc. photograph session.

(c) Municipal Maintenance Agreements

Authorize the City Traffic Engineer to execute Municipal Maintenance Agreements to extend reimbursement rates through June 30, 2011, for the following:

- Schedule A – Signs and Supports
- Schedule B – Traffic Controls Devices and Markings
- Schedule C – Traffic Signals
- Schedule D – Computerized Traffic Signal System

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

## **LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – LDOTA-08-2010, NONCONFORMING BUILDING TYPES AND LOTS**

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a proposed text amendment to the Land Development Ordinance (LDO) regarding Nonconforming Building Types and Lots. Using the building matrix of the LDO, Mr. Mitchell described permitted building types by district. He reviewed the seven building types permitted in different zoning districts by right:

- House
- Townhouse
- Apartment
- Mixed-Use
- Commercial
- Institutional
- Public Landmark

Mr. Mitchell reviewed an aerial map of downtown Salisbury, and explained that when a housing type is not permitted by right, and there are no dimensional standards available, it is very

difficult for owners of nonconforming housing types to make changes to their home or lot. He pointed out that the text amendment provides dimensional standards for nonconforming building types. Mr. Mitchell indicated staff made changes to the Building Matrix in Chapter 5, and added a list of dimensional standards for nonconforming building types in Chapter 13.

Mr. Mitchell indicated staff initially wanted to add dimensional standards to the DMX district only, but the Planning Board decided that the dimensional standards should be applied to all districts throughout the LDO. Mr. Mitchell stated the Planning Board recommended approval of the amendment.

(b) Mayor Pro Tem Blackwell convened a public hearing, after due notice thereof, to receive comments on proposed Land Development Ordinance amendment LDOA-08-2010.

There being no one to address Council, Mayor Pro Tem Blackwell closed the public hearing.

(c) Mr. Woodson stated the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan, and that adoption of the Ordinance is reasonable and in the public interest. Mr. Woodson made a **motion** to adopt an Ordinance amending Sections 5.5 (Permitted Building Types By District), Section 5.16 (Dimensional Standards By Zoning District For Residential Building Types), and Section 13.4 (Nonconforming Principle Structures) of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 5.5 (PERMITTED BUILDING TYPES BY DISTRICT), SECTION 5.16 (DIMENSIONAL STANDARDS BY ZONING DISTRICT FOR RESIDENTIAL BUILDING TYPES), AND SECTION 13.4 (NONCONFORMING PRINCIPLE STRUCTURES) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 80, and is known as Ordinance 2010-34.)

### **LEASE CONTRACT – PINNACLE TOWERS, LLC**

Mr. John Sofley, Management Services Director, addressed Council regarding a lease contract with Pinnacle Towers, LLC. Mr. Sofley indicated the City has had an agreement with Pinnacle Towers, LLC for several years, but the terms of the agreement have changed, and require Council's approval.

Mr. Sofley explained that the previous contract stipulated Pinnacle Towers, LLC would lease antenna space on a City-owned tower, and provide the maintenance required on the tower.

He noted that in return, the City would receive an annual fixed lease amount. He pointed out that staff re-negotiated a contract with Pinnacle Towers, LLC that stipulates:

- Pinnacle Towers, LLC will maintain the tower, guidewires, keep tower painted, and replace lights
- The City will participate in all leases entered into by Pinnacle Towers, LLC
- The City will receive one-half of the rental revenue from tower antenna rentals, and will generate approximately \$2,000 more per month in revenue
- The lease is for five years with several five-year renewable terms

Mr. Sofley requested Council approve the contract retroactive to January 1, 2010.

Councilman Kennedy asked the annual rate of the lease agreement. Mr. Sofley indicated there is no annual rate, but the City will earn one-half of the revenue received by Pinnacle Towers, LLC for the tower rentals. Mr. Kennedy asked the rate of the previous lease agreement. Mr. Sofley stated the rate was approximately \$3,800 per month. City Manager David Treme indicated the City will fare better with the new agreement, for half the amount of the leases entered into by Pinnacle Tower, LLC, rather than the flat monthly rate.

Councilman Miller asked if another benefit of the lease is the placement of City-owned antennas on the tower. Mr. Sofley indicated the new lease allows the City the flexibility to place a City-owned antenna on top of the tower.

Thereupon, Mr. Miller made a **motion** to approve a lease contract with Pinnacle Towers, LLC retroactive to January 1, 2010, for an initial five-year term, to lease half the space on a telecommunication tower located on Hill Street, Granite Quarry, North Carolina, and a related parcel of property to place related equipment. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

### **AWARD CONTRACT – CLONINGER FORD**

Mr. John Sofley, Management Services Director, addressed Council regarding a contract to purchase seven police pursuit vehicles in the amount of \$145,161.80 from Cloninger Ford. Mr. Sofley indicated that the recently adopted budget included funds to replace the seven police vehicles. He pointed out that this is an opportunity to purchase the vehicles from a local establishment, for less than the State contract.

Councilman Kennedy stated it is always good to support local businesses. Councilman Woodson pointed out that the City will receive sales tax and property tax for the sale, and thanked staff for using a local business.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the purchase of seven Ford Police Pursuit Vehicles in the amount of \$145,161.80 for the Salisbury Police Department. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

**RESOLUTION AUTHORIZING THE PURCHASE OF SEVEN FORD POLICE PURSUIT VEHICLES FOR THE SALISBURY POLICE DEPARTMENT.**

(The above Resolution is recorded in full in Ordinance Book No. 13 at Page No. 9, and is known as Resolution 2010-09.)

**BOARDS AND COMMISSIONS**

Parks and Recreation Advisory Board

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

Ms. Elizabeth Bauk

Term Expires: 03/31/2011

**COMMENTS FROM THE CITY MANAGER**

(a) Recycling Certification Letter

City Manager David Treme addressed Council regarding recycling certification letters. Mr. Treme reviewed a letter received from Republic Waste Services, verifying its proper disposal of recycled materials. The letter indicated that recycled items are taken to a Material Recovery Facility (MRF) located at 706 Patton Avenue, Greensboro, North Carolina, and are not taken to the landfill. He pointed out that the recycled items were previously sorted at the recycling trucks, but now all recycled material is taken to the MRF, where it is manually sorted. Mr. Treme indicated that Council is a proponent of recycling, and he wanted to share this letter to assure Council the recycled materials were being disposed of properly.

**MAYOR'S ANNOUNCEMENTS**

(a) Summer Playgrounds Program

Mayor Pro Tem Blackwell announced the Salisbury Parks and Recreation Department is conducting a free Summer Playgrounds Program which includes crafts and games at Cannon Park, Jersey City Park, Long Street Park, and Lincoln Park Monday through Friday (except holidays) from 10:00 a.m. until 1:00 p.m. through August 13, 2010. Lunch is provided daily by the Summer Lunch Program. For more information contact the Salisbury Parks and Recreation Department at 704-638-5291.

(b) The Brick Street Concert Series

Mayor Pro Tem Blackwell announced The Brick Street Concert Series on Fisher Street will

present The Dave Matthews Tribute Band Thursday, July 15, 2010, at 7:30 p.m.

(c) Krazy Night Out!

Mayor Pro Tem Blackwell announced Downtown Salisbury, Inc. will host Krazy Night Out Friday, July 16, 2010, from 5:30 p.m. until 9:00 p.m. in downtown Salisbury.

(d) Electronic Recycling Event

Mayor Pro Tem Blackwell announced the City of Salisbury and eCycleSecure are hosting an electronics recycling event at the Salisbury Civic Center Tuesday, July 20, 2010, from 7:00 a.m. until 3:00 p.m. She noted that a list of recyclable items can be found in the Salisbury Post and on the City of Salisbury website.

(e) Run/Walk for the Greenway

Mayor Pro Tem Blackwell announced the 13<sup>th</sup> Annual Run/Walk for the Greenway and the Half Mile Fun Run will be held Saturday, July 24, 2010. The race begins at 8:00 a.m. and the Fun Run begins at 8:45 a.m. Those interested in participating may pre-register by July 21, 2010, or register on-site at Knox Middle School, 1629 West Park Road. Contact the Salisbury Civic Center to register or for additional information at 704-638-5275.

(f) Salisbury-Rowan READS!

Mayor Pro Tem Blackwell announced the Salisbury-Rowan READS! program will take place Wednesday evenings this summer from 5:00 p.m. until 7:00 p.m. at the following locations:

- July 14, 2010                      Rowan Public Library, 201 West Fisher Street, Salisbury
- July 21, 2010                      East Branch Public Library, 110 Broad Street, Rockwell
- July 28, 2010                      Spencer Library Park, Fourth Street, Spencer
- August 4, 2010                     South Branch Public Library, 920 Kimball Road, China Grove
- August 11, 2010                   Cleveland Elementary School, 107 School Street, Cleveland

**CLOSED SESSION**

Mayor Pro Tem Blackwell asked for a motion to go into closed session as allowed by NCGS 143-318.11(a)(3) to consult with an attorney.

Thereupon, Mr. Woodson made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3). Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

## **RETURN TO OPEN SESSION**

Thereupon, Mr. Woodson made a **motion** for Council to return to open session. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

Mayor Pro Tem Blackwell announced that no action was taken during Closed Session.

## **ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Woodson. Mr. Miller seconded the motion. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4: 57 p.m.

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Susan W. Kluttz, Mayor

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Myra B. Heard, City Clerk