

Salisbury, North Carolina
July 17, 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 Councilmember Miller.

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 Regular Meeting of July 3, 2012.

(b) Temporary Street Closure – United Way Kick-Off Event

Close the 100 and 200 blocks of North Main Street, Friday, September 7, 2012 from 5:00 p.m. until 7:30 p.m. for a United Way Kick-Off event.

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

DOWNTOWN HOLIDAY DECORATIONS

Ms. Barbara Perry, Community Appearance Commission (CAC) Chair, and Urban Design Planner Lynn Raker addressed Council regarding downtown holiday decorations. Ms. Perry explained the CAC appointed a Holiday Decoration Committee to study and make a recommendation regarding refurbishing or replacing the existing holiday decorations. She indicated the current decorations have been used for 14 years, much longer than their life expectancy, and are in very poor condition. She noted refurbishing or replacing them was postponed due to a lack of funding.

Ms. Perry explained approximately one year ago the Salisbury Tourism and Cultural Development Commission (STCDC) asked the Destination Development Committee to study the holiday decorations, which are included in the STCDC's budget. She indicated the committee has met since fall, and it recommends replacing the holiday decorations in phases. She stated the first phase will be placing 79 60-inch traditional wreaths with LED lights, large red bows, red berries, and frosted cones on light posts along each side of East and West Innes Streets and North and South Main Streets. She indicated this is an increase from the 68 stars and angels that are currently used. She stated the committee recommends lighting the trees on each side of the Innes Street Bridge and the trees near the angel statue on West Innes Street.

Ms. Perry stated bids have been taken on the project, and the details are being finalized. She displayed a photograph similar to the wreaths proposed for the downtown area.

Mayor Pro Tem Kluttz asked if any of the old decorations will be used. Ms. Perry stated the old decorations will not be used, with the exception of the refurbished star at the square. She explained the cost to refurbish the 68 angels and stars would cost more than buying the new wreaths. Ms. Kluttz asked if the cost of the wreaths will be taken from the tourism tax dollars. Ms. Perry stated that is correct.

Mayor Pro Tem Kluttz stated this is a great example of tourism tax dollars being used to benefit the City. She thanked the committee for its work on the project.

Mayor Woodson thanked Ms. Perry for her work on various committees, and he thanked the Holiday Decoration Committee for its hard work.

NORTH LEE STREET STREETScape IMPROVEMENT PROJECT

Urban Design Planner Lynn Raker addressed Council regarding the North Lee Street Streetscape Improvement Project. She noted Council awarded the contract at its June 5, 2012

meeting. She explained the contract has been executed with Carolina Siteworks Inc. for \$251,426.70, and a notice to proceed was issued on July 16, 2012. She stated the contractor is beginning to locate the underground utilities and mobilize equipment and materials to the gravel parking lot owned by the Ketner family. She thanked the Ketners for allowing the City to use their property for setup of the project. She indicated the contractor and City staff met with Police Chief Collins, Lt. Efir, and property and business owners in the area and will keep citizens and Council updated as the project progresses.

Ms. Raker explained the contractor would like to close the street to all but local traffic from 7:30 a.m. until 5:00 p.m. or 6:00 p.m. daily for safety and efficiency reasons. She indicated the contractor will alert local citizens and emergency services, and the Police Department will retain access to the area. She noted the project has a 90-day construction schedule and should be completed by mid-October 2012.

Mayor Pro Tem Kluttz asked if Council's approval was required to close the street. Ms. Raker stated staff does not need Council's approval since it is a construction project and not an event. Traffic Engineer Wendy Brindle agreed.

Mayor Pro Tem Kluttz asked if the project was funded by the State. Ms. Raker explained the funding is from a \$290,000 State grant. Ms. Kluttz stated it is important to remind the public the project is funded with State money. She thanked everyone involved in the project and pointed out when State monies are available it should go to the most deserving projects.

Councilmember Kennedy stated he travels through the area, and the multi-way stop signs seem to be working. Mayor Woodson stated Council has received compliments regarding the multi-way stops in the area.

FIRE HOUSE BUILDING – 117 SOUTH LEE STREET

Community Planning Services Director Joe Morris addressed Council regarding the Old Fire House located at 117 South Lee Street. He stated Attorney Jay Dees contacted staff representing a client who is buying the property. Mr. Morris explained Mr. Dees found a restrictive covenant on the deed that includes a reversion clause in the event the property was not developed in a way that preserves the architectural integrity of the structure.

Mr. Morris explained the property was purchased by the City in 1896, and in 1975 the restrictive covenant for the reversion clause was put on the deed as part of its sale to the Rufty family. He noted the current buyer/developer is asking for a termination of the covenants and restrictions. He indicated it is a reasonable request because the property is located in a National Register Historic District and is subject to local review by the Historic Preservation Commission (HPC). He indicated staff recommends Council adopt a Resolution terminating the covenants and restrictions

Mr. Dees thanked Mr. Morris and City Attorney Rivers Lawther for working on the project so quickly. He explained because the building is located in a local historic district, any

modifications must go through the HPC. He pointed out in 1975 when the clause was added HPC standards were not in place. He stated the cost to renovate the property will be between \$400,000 and \$600,000, and Federal tax credits will be needed. He noted the development of the property will have to go through Federal standards if tax credits are used and if not, it will have to go through the HPC. He explained the bank will not loan money on the property if the City has the right to take it back as stated in the reversion clause.

Mayor Woodson stated the area along South Lee Street is growing, and he hopes the developer will be able to make the project happen.

Mr. Dees indicated his client has agreed to take down the original lamps owned by the City and store them, as stated in an old agreement. He noted the lights may be put back up if agreement is reached in the redevelopment plan.

Councilmember Miller thanked the client for the risk she is taking, and he noted it is appropriate to remove the restriction.

Thereupon, Mr. Miller made a **motion** to adopt a Resolution terminating the covenants and restrictions contained in that Deed recorded in Deed Book 564, page 571 in the Rowan County Register of Deeds, and authorize the Mayor to execute a document to be recorded in the Register of Deeds of Rowan County showing such termination. Ms. Blackwell seconded the motion.

Mayor Pro Tem Kluttz stated the clause is outdated and while it was needed in the past, it has served its purpose. She noted citizens have waited a long time to see something happen with this building.

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

RESOLUTION TERMINATING THE COVENANTS AND RESTRICTIONS CONTAINED IN THAT DEED RECORDED IN DEED BOOK 564, PAGE 571 IN THE ROWAN COUNTY REGISTER OF DEEDS, AND THAT THE MAYOR BE AUTHORIZED TO EXECUTE A DOCUMENT THAT CAN BE RECORDED IN THE REGISTER OF DEEDS OF ROWAN COUNTY SHOWING SUCH TERMINATION.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 26, and is known as Resolution 2012-13)

WESTEND COMMUNITY GARDEN

Recreation Coordinator Jeff Holshouser, Reverend Justin Porter, Pastor of the Refuge Church, and Ms. Karen Boehner addressed Council regarding the West End Community Garden. Mr. Holshouser stated the Salisbury Parks and Recreation Department received a Nourishing North Carolina Grant from Blue Cross and Blue Shield in partnership with the North Carolina

Recreation and Parks Association. He explained the grant has been awarded in an effort to make local, healthy, home grown food more accessible to people across the state. He noted grant money was used to purchase supplies to assist the volunteers, and he pointed out the remaining funds will be used for the fall garden.

Mr. Holshouser stated the Salisbury Parks and Recreation Department has partnered with the Refuge Church to reestablish an existing garden in the West End Community. He indicated volunteers from the Refuge Church have refurbished the present raised beds and garden. He noted the produce will be donated to Rowan Helping Ministries, Main Street Mission and a free Farmer's Market at the Miller Recreation Center. He indicated any additional produce will be donated to local agencies that express a need.

Mr. Holshouser thanked Godley's Garden Center for supplying seeds to get the garden started.

Rev. Porter explained Refuge Church has been in Salisbury for two years and is looking for ways to serve the community. He noted the Church approached Mr. Holshouser with the idea of a community garden where the produce would be donated to those in need.

Ms. Boehner stated Mr. Holshouser recommended the West End Community Garden, which was previously prepared by the Master Gardeners. She noted the existing garden is being refurbished by volunteers and it has yielded over 300 pounds of produce for local charities.

Mr. Holshouser displayed photographs of the West End Community Garden, and he noted the types of produce grown. He reviewed the Goals for the West End Community Garden:

- Secure additional funding for future gardens
- Community involvement
- Partnerships
- Distribute produce to West End Community

Mayor Pro Tem Kluttz stated the willingness of local churches to step outside of their congregation and reach out to the community makes Salisbury a special place. She noted the community garden is a wonderful program that provides healthy food for hungry people. She thanked everyone who worked on the project.

Mayor Woodson thanked Mr. Holshouser, Rev. Porter and Ms. Boehner for the presentation and their hard work in the West End Community Garden.

CITY WEBSITE

Public Information Officer Elaney Hasselmann and Web and Systems Media Coordinator Maurice Price addressed Council regarding the City's new website. Ms. Hasselmann explained the City's new web platform will be known as "City Web Xcellence" and provides:

- In-House research, design, and development
 - Significant cost savings
- Process began in late February 2012
 - First complete overhaul since original City Website

Ms. Hasselmann explained the launch of Web Xcellence correlates with City Council Objective 3, Goal 2 to launch a new City website to improve public access.

Mr. Price stated Web Xcellence will go live August 1, 2012. He noted after the launch the Communications Team would like to come back and demonstrate the benefits of the new site to Council. He played a video showing screen shots of the web site, and he noted the interactive features.

Mayor Woodson stated the Communications Team put the new website together and saved the City a lot of money. City Manager Doug Paris agreed, and he pointed out by developing the website in-house the City does not have to pay an outside web development company. He stated staff is excited about the launch and the opportunity to bring the information to Council.

Mayor Pro Tem Klutz stated the launch is very exciting. She noted many people look at a website before choosing a City for business or residential purposes.

Councilmember Miller indicated he envisions a link allowing a business owner to check on the one-stop development shop.

Ms. Hasselmann stated the new website will feature interactive education components along with additional avenues to reach out to citizens and staff. She thanked everyone who helped the Communications Team on the website, and she noted it has been a team effort with every department in the City.

Mayor Pro Tem Klutz stated the website will be a great tool for educating the public on how local government works.

PUBLIC COMMENT

Mayor Woodson opened the floor for public comment.

Mr. Mark Lyerly, 5375 Creek Wood Drive, addressed Council regarding Discovery Place Kids Museum. He stated the Museum is for children aged two to second grade and offers interactive opportunities for learning. He noted the Museum is a prototype of museums

Discovery Place hopes to launch in the Charlotte region in the coming decade. He explained a Discovery Place Kids Museum can attract business and economic development to the area. He indicated he has spoken with realtors, the Robertson Foundation and Mr. John McCay, President of the Discovery Place Kids Museum and was told the project requires support of a non-profit or government agency. He asked Council for its support in bringing Discovery Place Kids Museum to Salisbury.

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

CITY MANAGER'S COMMENTS

(a) Protected-Secondary Connection

City Manager Doug Paris stated at its May 1, 2012 meeting Council approved the purchase of a protected-secondary connection to increase the reliability of the City's broadband system, and he asked Fibrant General Manager Mike Jury to update Council regarding the post-secondary connection upgrade.

Mr. Jury stated the upgrades will add enhanced equipment and a second internet circuit for redundancy. He noted the upgrade began Monday, July 16, 2012 and will end Friday, August 3, 2012. He pointed out during the upgrades there is the possibility of an outage, and he explained staff has communicated with the public regarding the upgrades in the event an outage occurs. He reviewed the network design and noted the benefits to Fibrant customers, particularly commercial customers.

Mayor Woodson asked if the added security will help Fibrant attract commercial customers. Mr. Jury stated he has spoken to some larger commercial customers in the community, and they are excited about the protected-secondary connection. He stated once the project is complete more commercial customers are likely to subscribe to the service.

City Manager Doug Paris stated the protected-secondary connection is needed for Fibrant to realize Council's vision as a tool to drive economic development. He noted the type of clients Salisbury-Rowan Economic Development Commission (EDC) Executive Director Robert Van Geons is looking to recruit will need redundancy and a sound internet connection. He indicated the connection will meet Council's goals for higher reliability, and it will allow staff to work toward Council's goal of leveraging the City's infrastructure for economic development.

Councilmember Blackwell stated her family subscribes to Fibrant, and the communication throughout the upgrade has been phenomenal. She commended staff on its efforts to keep the customers informed.

Councilmember Kennedy stated he has heard citizens complaining about their current internet provider, and he noted they are preparing to switch to Fibrant.

Mayor Pro Tem Kluttz stated the City is very fortunate to have Mr. Jury leading Fibrant. She thanked Mr. Jury for all he is doing for the City.

(b) Rowan Kannapolis ABC Board Final Adopted Budget

City Manager Doug Paris noted the Alcoholic Beverage Control (ABC) Board's Final Adopted Budget has been included in Council's Agenda Packet for information purposes.

(c) Main Street Solutions Grant

City Manager Doug Paris asked Community Planning Services Director Joe Morris to address Council regarding a Main Street Solutions Grant.

Mr. Morris stated at its May 15, 2012 meeting Council authorized the City Manager to apply for the Main Street Solutions Grant:

- The grant was awarded from the Main Street Solutions Fund by the North Carolina Department of Commerce
 - The grant application was prepared by Downtown Salisbury Inc. (DSI)
- Grant amount is \$70,207
- Under contract with Salisbury Community Development Corporation
- The proposed use will be a restaurant
 - Emma's of Salisbury

Mr. Morris explained the City received notification from the North Carolina Department of Commerce it had received the grant. He noted the grant is for the redevelopment of 209 South Lee Street, and staff anticipates the closing on the project to be in early August 2012. He stated the completed project should match the adjacent cottage. He indicated the City worked with DSI and the Community Development Corporation (CDC) to develop the parking lot behind the two structures.

City Manager Doug Paris stated many years ago the CDC and DSI took a chance on these structures, and he thanked DSI Executive Director Randy Hemann for his work on the projects.

Mayor Pro Tem Kluttz noted the redevelopment of South Lee Street is exciting, and she pointed out it reflects how Council's vision for Fisher Street is becoming a reality. She indicated citizens are now seeing what Council had hoped for in the development of restaurants, loft, Norvell Theater, and Fire House building. She congratulated everyone who has worked on this project over the years. She stated she is excited about the redevelopment of the two houses on Lee Street and acknowledged the controversy when they were saved. She noted many citizens did not understand why the two dilapidated houses would be saved during the economic downturn, but the preservationists understood. She thanked everyone involved in the project and congratulated Mr. Hemann and CDC Executive Director Chanaka Yatawara for having the courage to take on the projects. She noted the projects serve as a gateway to City Hall when people enter the building through the back entrance.

Mr. Morris stated what is being done on North Lee Street will have a similar impact in that area. He pointed out the importance of having a Master Plan in place and working to identify priorities in the community, invest in public infrastructure, and offset private development.

Councilmember Miller stated the beauty of this project is in its partnerships with organizations such as DSI and the CDC. He noted it is important to provide resources to the City's partners through the budget process. He acknowledged F&M Bank for giving back interest DSI paid on the property as a donation to DSI, and he pointed out the partnerships and corporate sponsors need to be encouraged.

Councilmember Blackwell stated she is very excited about the new developments in the City. She noted the City is seeing development like it had not seen since the economic downturn.

Councilmember Kennedy noted expanding businesses will also expand the City's tax base and increase sales tax revenue.

Mayor Woodson stated \$360,000 in grant funds have been discussed during the Council meeting today. He noted the area is growing, and the addition of the Central School Office Building and the redevelopment of the Empire Hotel will help the area continue to grow.

Mr. Morris commented the owner of the restaurant on Lee Street noted a deciding factor in the decision to purchase the building was the new Central School Office Building. He referred to a photograph of the two Lee Street houses that showed a Fibrant vehicle in front of the refurbished structure. He indicated the photograph perfectly encapsulated the City's economic development strategy, which has been to forge partnerships and rely on preservation while also looking to the future.

(d) Stormwater Utility Ordinance

City Manager Doug Paris stated the creation of the City's Stormwater Utility in the adopted budget resulted in the need for an Ordinance to update the City Code. He reviewed the proposed Ordinance and noted he feels it is appropriate and will serve the citizens and businesses. He indicated the first Stormwater Utility bills will go out in August, and staff has been working on a communications plan. He pointed out members of the community also follow the local newspaper that covered the budget and the Stormwater Utility.

Mr. Paris stated staff is working on the process to address citizens who feel their impervious service numbers are incorrect. He noted staff will visit the site in question and determine if a credit is needed.

Mayor Woodson stated business owners have mentioned possible credits for retention ponds that were built to help with stormwater runoff. He pointed out he thinks these expenses should be taken into consideration.

Mr. Paris stated once the credit policy is developed it will be brought before Council for approval. He noted it is important to make sure the Ordinance is in order by August 2012.

Thereupon, Ms. Blackwell made a **motion** to adopt an Ordinance amending the Salisbury City Code of the City of Salisbury, North Carolina, specifically Chapter 25 (Utilities) Article IX (Stormwater), to establish a Stormwater Management Utility. Ms. Kluttz seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE SALISBURY CITY CODE OF THE CITY OF SALISBURY, NORTH CAROLINA, SPECIFICALLY CHAPTER 25 (UTILITIES) ARTICLE IX (STORMWATER), TO ESTABLISH A STORMWATER MANAGEMENT UTILITY.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 62-65, and is known as Ordinance 2012-26.)

(e) Recycling Containers

Councilmember Kennedy stated he has heard positive comments regarding the new recycling service, because citizens can recycle more items. He noted he has also heard complaints and personally observed the recycling containers being left in the street. He asked City Manager Doug Paris to address the issue with Waste Pro.

Councilmember Miller commented the containers are picked up by an automated arm that puts the containers back where they were originally placed. Mr. Paris noted the recycling service has been an educational process for the City. He stated City Code does not allow trash bins in the street, they are to be placed behind the curb. He pointed out if the resident is placing the bin behind the curb Waste Pro should return it behind the curb. He indicated staff will look into this.

MAYOR'S ANNOUNCEMENTS

(a) Krazy Night Out

Mayor Woodson announced Downtown Salisbury, Inc. will host Krazy Night Out Friday, July 20, 2012, from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(b) Summer Night Out

Mayor Woodson announced Downtown Salisbury, Inc. will host Summer Night Out Friday, August 3, 2012, from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(c) Fibrant's 2000th Customer

Mayor Woodson announced Council would like to express its gratitude for the hard work of the Fibrant team to obtain Fibrant's 2,000 customers. He stated it is a great milestone toward covering the City's Fibrant debt.

City Manager Doug Paris explained at 18 months Fibrant is at 17 percent of the market, and he noted the City would like to be at 28 percent of the market in four years. He indicated this is great progress in one of the worst economies since the Great Depression. He stated in August Fibrant General Manager Mike Jury will present his plan for Fibrant to Council. He pointed out staff takes the goals Council set for Fibrant very seriously, noting reliability has been addressed today and lowering the cost will be addressed in August.

Mayor Woodson encouraged citizens to sign up for Fibrant and support the City.

CLOSED SESSION – CONSULT WITH ATTORNEY

Mayor Woodson asked for a motion to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3) and to acquire interest in real property Tax Map 005-18701 and Tax Map 008-08604.

Thereupon, Mr. Kennedy made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3) and to acquire interest in real property Tax Map 005-18701 and Tax Map 008-08604. Ms. Kluttz seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

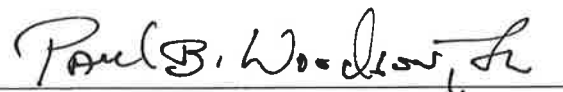
Thereupon, Ms. Blackwell made a **motion** to return to open session. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Woodson announced no action was taken in Closed Session.

Mayor Woodson wished Councilmember Miller and Fire Chief Bob Parnell a Happy Birthday.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Miller seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:32 p.m.



Paul B. Woodson, Jr., Mayor


Myra B. Heard, City Clerk