

Salisbury, North Carolina
June 2, 2015

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson, Jr., Presiding; Mayor Pro Tem Maggie A. Blackwell; Council Members Karen Kirks Alexander, William (Pete) Kennedy, and William Brian Miller; City Manager W. Lane Bailey; 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 invocation was given by Councilmember Alexander. The meeting was called to order by Mayor Woodson at 4:00 p.m.

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.

RECOGNITION – CATAWBA COLLEGE MEN’S BASEBALL TEAM

Mayor Woodson recognized members of the Catawba College Men’s Baseball team for winning the South Atlantic Conference Championship and their second place finish in the National Collegiate Athletic Association Division II National Championship. He also recognized Catawba President Dr. Brien Lewis, Athletic Director Larry Leckonby, Head Coach Jim Gantt, and Assistant Coach Michael Lowman who were in the audience.

Mayor Woodson read a Proclamation proclaiming June 2, 2015 as Catawba College Men's Baseball Day. He then presented a framed copy of the Proclamation to Team Captain Craig Brooks.

Members of the Catawba College Men's Baseball Team were Will Albertson, Tre Allison, Will Beeson, Bryan Blanton, Chance Bowden, Avery Bowles, Craig Brooks, Dalton Bullard, Emmitt Carden, Michael Elwell, Matt Farmakis, Ben Fischer, Bryce Fowler, Grayland Fowler, Sean Grant, Malachi Hanes, Blake Houston, Connor Johnson, Ryan Kahny, Kyle Kelly, Sam Laws, Michael Matheis, Ryan McClintock, Shaun McConoughey, R.J. Merli, Jacob Rawson, Dylan Richardson, Zack Roddy, Luke Setzer, Shaefer Shepard, Kyle Smith, Austin Stilley, Russ Weiker, T.J. Wharton, Nick Williams and Clay Young.

Dr. Lewis thanked Council for the Proclamation. He recognized the Men's Baseball Team for achieving athletic success, and he noted the team represents the College and community exceptionally well. He pointed out Team Captain Craig Brooks received National Player of the Year and National Pitcher of the Year Awards. He thanked the City for its continued support of Catawba College.

Mayor Woodson congratulated the team and noted Catawba College continues to make the City proud.

CONSENT AGENDA

(a) Budget Ordinance Amendment

Adopt a Budget Ordinance amendment to the FY2014-2015 budget in the amount of \$6,503 to appropriate various Parks and Recreation donations.

ORDINANCE AMENDING THE 2014-15 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 27, and is known as Ordinance 2015-16)

(b) Budget Ordinance Amendment – Hurley Park Donation

Adopt a Budget Ordinance amendment to the FY2014-2015 budget in the amount of \$6,145 to appropriate donations to Hurley Park.

ORDINANCE AMENDING THE 2014-15 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS FOR HURLEY PARK.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 28, and is known as Ordinance 2015-17)

(c) Budget Ordinance Amendment – Sidewalk/Street Cut Revenue

Adopt a Budget Ordinance amendment to the FY2014-2015 budget in the amount of \$16,000 to appropriate sidewalk/street cut revenues.

ORDINANCE AMENDING THE 2014-15 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE SIDEWALK/STREET CUT REVENUES.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 29, and is known as Ordinance 2015-18)

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

FY2015-2016 PROPOSED CITY BUDGET

Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding the proposed FY2015-2016 City Budget.

Clyde, 202 East Bank Street, stated he hopes the new City Manager will be available to meet and speak with citizens. He indicated over half of his water bill is fees that he feels are excessive. He questioned how the Stormwater revenue is spent. He pointed out the City and railroad do not pay Stormwater fees, and some colleges receive a discounted Stormwater rate. He stated larger parcels and apartments pay the same Stormwater fee as an empty lot. He pointed out the \$.75 Stormwater fee increase will not pay for the postage and paper needed to mail the bill to the consumer. He stated Stormwater is a tax and not a fee. He suggested a meter-by-meter survey and action plan.

Ms. Dee Dee Wright, 418 South Caldwell Street, pointed out the City is including one additional police officer in its proposed Budget. She questioned if 82 police officers can cover the entire City. She added she could support a tax increase that would ensure there are enough police officers to protect the City. She pointed out three or four police cars have been wrecked in the last several months. She added she would like police officers to wear cameras on their uniforms.

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

Mayor Woodson noted the Budget Workshop will be held Monday, June 8, 2015 at 9:00 a.m. at One Water Street.

RECOGNITION – SALISBURY YOUTH COUNCIL

Human Resources Specialist Brianna Price noted in April 2015 the Salisbury Youth Council was chartered by the State Youth Council. She recognized members of the Salisbury Youth Council who were in the audience. She thanked Mayor Pro Tem Maggie Blackwell for her leadership and support. She introduced Youth Council President Quson Brown and Vice-President Lilly Jackson.

Mr. Brown and Ms. Jackson updated Council on Youth Council projects. Mr. Brown noted during the past year the Youth Council participated in events throughout the City:

- Block Work
- Salisbury-Rowan Utility (SRU) Stormwater Drain Project
- Tutored high school students
- Attended the North Carolina Teambuilding Conference in High Point
- Attended the North Carolina State Youth Council Conference in Wrightsville where it was chartered

Ms. Jackson explained the Stormwater Drain Project and noted the Youth Council placed approximately 60 plates near stormwater drains in the Country Club Hills community that read, “No Dumping Storm Water Drain.”

Mr. Brown added the Youth Council is planning to host a College Fair at Salisbury High School to help students apply for college and scholarships. He stated the Youth Council will also provide a mentoring program for students who are unsure of the college-prep courses they need to take.

Mr. Brown thanked Ms. Blackwell for her work with the Youth Council. He pointed out the inaugural Council had 12 members, the current Council has 23 members, and the future Council could include 15 additional members.

Mayor Woodson recognized former Youth Council President Tarik Woods who was in the audience. He congratulated the Youth Council on its accomplishments.

BROWNFIELDS AGREEMENT – FORMER KESLER MILL SITE

Planning and Development Services Director Janet Gapen and Cardno Environmental Services Consultant Joseph Moressi addressed Council regarding an application for a Brownfields Agreement for the former Kesler Mill site. She explained the seven-acre site, in the Park Avenue neighborhood, was the former home of Kesler Mill which was demolished. Ms. Gapen pointed out the Brownfields Program allows the City to assess the site and determine if it contains residual contamination, the cost of cleanup, and the redevelopment potential. She pointed out the City is not obligated to purchase the property. She indicated if the City chooses to move forward it would conduct visioning sessions with area residents.

Mr. Moressi noted Cardno Environmental Services recommends the City apply for a Brownfields Agreement with the North Carolina Department of Environmental and Natural Resources (NCDENR). He explained the City would work with NCDENR to develop a list of requirements for a prospective developer. He indicated the Brownfields Agreement is a voluntary program with the State to clean the site to standards that are possibly less stringent than would be required from the responsible party. He explained if the ground water is contaminated, a restriction could be placed on the site instead of requiring the ground water be cleaned up. He added it is an attractive option for developers interested in contaminated property because it limits the liability and cleanup cost.

Mr. Moressi pointed out applying for a Brownfields Agreement would allow the City to work with NCDENR on the assessment under the City's current Brownfields Grant. He added if the City or a private developer were interested in the property, the agreement would be in place with NCDENR providing liability protection and guidance for developing the property.

Mr. Moressi indicated the grant could provide the developer with property tax relief and a covenant from NCDENR not to sue. He emphasized the Brownfields Agreement does not limit the liability of the responsible party, but provides a way to move the property forward in a responsible manner. He reviewed the time line for the Brownfields Agreement:

- Staff is requesting to apply for the Brownfields Agreement
 - The application would include a \$2,000 application fee that is covered by the Brownfields Grant
- A project plan would be submitted to the Environmental Protection Agency (EPA) and NCDENR that would note the testing to be completed at the Kesler Mill site
 - The EPA and NCDENR would have approximately 30 days to review the plan
- Testing and collection of field data would begin in July with results anticipated in August
- Visioning sessions would be conducted with residents and stakeholders in early fall
- Strategies for cleanup and development would be considered, including whether to apply for an EPA Cleanup Grant or other types of funding to clean up the site

Mayor Woodson clarified the Brownfields Agreement is an assessment process to determine possibilities for site cleanup. Mr. Moressi stated the goal is to prepare the site for potential redevelopment. He emphasized the agreement does not commit the City to the redevelopment.

Councilmember Alexander asked if consultant fees were paid through the City's Brownfields Grant. Mr. Moressi added all work would be covered by the Brownfields Grant.

Mayor Woodson stated the site needs to be cleaned up, and he supports applying for a Brownfields Agreement.

Ms. Gapen stated the debris on site will be considered during the testing process. Mr. Moressi added the debris piles are a tremendous concern for the neighborhood. He noted the debris will be tested for asbestos, lead based paints, and other contaminants to determine if there

is an environmental issue and the best strategy to remove the debris. He clarified if there is an environmental component to the debris, an EPA Grant may be used for the site cleanup.

Mayor Woodson thanked Mr. Moressi and Ms. Gapen for their presentation.

Thereupon, Ms. Blackwell made a **motion** to apply for a brownfields agreement with the North Carolina Department of Environment and Natural Resources for assessment of the former Kesler Mill site located at 423 North Martin Luther King, Jr Avenue. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

PUBLIC ALLEY ENCROACHMENT

City Engineer Wendy Brindle noted staff received a request to allow a projection over a public alley in the 100 block of West Innes Street for a new restaurant located at 118 West Innes Street.

Ms. Brindle explained the projection is allowed in accordance with Section 22-18 and 22-19 of the City Code provided:

- The construction or installation must not hinder, obstruct or delay or in any way endanger the free and safe use of a public sidewalk or right-of-way
- Inside the primary fire limits, the structure shall be made entirely of noncombustible material
- The traffic engineer shall advise Council as to whether the proposed structure will obstruct the view of motorists using any street, private driveway or approach to any street intersection
- The structure may extend over public property for a distance of not more than five feet, provided no structure or any part thereof shall be placed closer than two feet from the face of the curb on any street right-of-way
- The structure shall maintain a clear height of a minimum of eight feet above the public sidewalk or right-of-way

Ms. Brindle explained the projection is for a kitchen exhaust fan that meets the requirement for Section 22-18 of the City Code. She pointed out in accordance with Section 22-19 of the City Code the petitioner must agree to maintain the projection in good repair, keep it in a safe condition, and assume, in writing, responsibility for any injury or death of persons or damage sustained as a result of the use of such projection. She added the petitioner has provided the letter to staff.

Ms. Brindle stated the encroachment requires approval from the Historic Preservation Commission (HPC). She noted staff recommends Council approve the projection subject to HPC approval on June 11, 2015. She explained staff is requesting Council's approval prior to HPC approval because staff does not want to hinder the restaurant from opening.

Mayor Woodson asked if the encroachment would allow a truck to drive through the alley. Ms. Brindle indicated the encroachment is 10 feet from the ground. She pointed out trucks over 10 feet are not allowed in the alley. She added she has spoken to Fire Chief Bob Parnell, and in the future staff would like to amend the Code so the projections would exceed the height of fire trucks. She stated the proposed projection is lower than City fire trucks, and she referenced a similar projection in the 100 block of East Innes Street that was approved by Council.

Thereupon, Mr. Miller made a **motion** to allow an encroachment over a public alley located at 118 West Innes Street in accordance with Sections 22-18 and 22-19 of the City Code subject to Historic Preservation Commission approval. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Planning Board

Upon a motion by Ms. Blackwell, seconded by Ms. Alexander, and with Messrs. Kennedy, Miller, and Woodson voting AYE, the following appointment was made to the Planning Board to fill an unexpired term:

Mr. Bill Wagoner

Term Expires 03/31/17

CITY MANAGER'S COMMENTS

(a) **Amended Pages – Recommended Budget**

City Manager Lane Bailey presented Council with amended pages for the recommended Budget. He explained the amended pages include a \$500,000 appropriation for the Central School Office Building. He recommended using an additional \$350,000 appropriation from the Fund Balance and moving \$150,000 currently allocated for a housing initiative to fund the appropriation for the Central School Office Building.

Mayor Woodson asked about the housing initiative. Mr. Bailey stated this is the first year for the housing initiative appropriation, and staff believes the funds will suffice. He pointed out in subsequent years additional appropriations will be added to the housing initiative. He indicated staff may be able to take less from the housing initiative if the Fund Balance comes in better than anticipated.

(b) **Office – Congresswoman Alma Adams**

City Manager Lane Bailey stated staff from Congresswoman Alma Adams office will meet with constituents at City Hall each Thursday from 1:30 p.m. until 4:30 p.m. in the first floor conference room.

MAYOR'S ANNOUNCEMENTS

(a) 2015 Citizen's Academy

Mayor Woodson announced applications are now being accepted for the 2015 Salisbury Citizen's Academy. The academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 10 and ending with graduation November 5. Participants will meet at various City facilities and have an inside view of City operations. Applications are available online or by calling the City Clerk's office at 704-638-5224. All applications must be received by July 17, 2015.

(b) Movies in The Park

Mayor Woodson announced the Salisbury Parks and Recreation will host "Movies in the Park" Friday, June 12, 2015 at City Park. Pre-movie entertainment begins at 8:00 p.m. and the movie will begin at approximately 9:00 p.m. Bring a blanket or chair to watch the featured movie "The Boxtrolls." This free event is sponsored by Fibrant and open to the public.

(c) Budget Work Session

Mayor Woodson announced City Council will hold its budget work session Monday, June 8, 2015 at 9:00 a.m. at 1 Water Street.

(d) Pride Proclamation

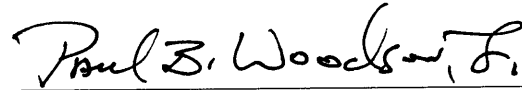
Mayor Woodson stated in his 18 years serving on Council, the Pride Proclamation has been the most controversial issue he has experienced. He added he has heard from good people he respects, and friends on both sides of the issue, who spoke with great passion about their beliefs. He explained this is why there is a policy not to issue Proclamations regarding matters of controversy. He added while he respects the different views on this issue, his goal as Mayor is to bring the community together rather than create a divide. He added Salisbury is an open, welcoming community where different points of views are respected. He requested future Pride Proclamations be considered by the entire Council.

(e) Music at the Mural

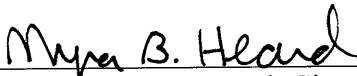
Councilmember Miller announced he recently attended Music at the Mural, and he explained Fisher Street was blocked off with approximately 150 people attending the event. He indicated Music at the Mural is sponsored by the Parks and Recreation Department and will take place the first Saturday of each month during the summer. He invited citizens to attend Music at the Mural to celebrate live music in the City.

RECESS

Motion to recess the meeting until Monday, June 8, 2015 at 9:00 a.m. at 1 Water Street was made by Ms. Blackwell seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:47 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk