

Salisbury, North Carolina
October 1, 2013

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson Jr., Presiding; Council Members Mayor Pro Tem Maggie A. Blackwell, Karen Kirks Alexander, 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 Blackwell.

PLEDGE OF ALLEGIANCE

Mayor Woodson recognized Boy Scouts Joe Steinman, Ethan Stafford and Nick Hunsucker who were in the audience and invited them to lead 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:

MENTAL ILLNESS AWARENESS WEEK

October 6-12, 2013

CONSENT AGENDA

(a) **Approval of Minutes**

Approve Minutes of the Regular Meeting of September 17, 2013.

(b) **Memorandum of Understanding – Local Point of Dispensing Site**

Authorize the City Manager to execute a Memorandum of Understanding with the Rowan County Health Department to utilize the Civic Center as a Local Point of Dispensing Site.

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

KESLER MILL PROPERTY DEBRIS REMOVAL

Community Planning Services Director Janet Gapen explained the debris left behind when Kesler Mill was demolished in 2009 is threatening an already fragile neighborhood. She noted the owner of the property is out of state and will not assume responsibility for clearing and disposing of the debris or the landfill fees and Code Services fines associated with the site. She pointed out the Code Service fines have accumulated since 2010.

Ms. Gapen noted the City has partnered with Rowan County to encourage debris removal by deferring the landfill costs and Code Service fees and reducing the upfront cost. She pointed out the County added a 10-year provision to the proposed Memorandum Of Understanding (MOU) that states if the land is not sold or redeveloped the deferred landfill fees will be due and payable to the County.

Ms. Gapen stated the MOU is conditioned upon the City, or its redevelopment partner, taking ownership of the property after all nuisances and hazardous and environmental conditions have been removed from the site. She indicated after the debris removal is complete, and the site is cleared of all hazardous conditions, the item will be brought before Council.

Councilmember Miller noted the plan is the fees will be waived, the company will clean the site, which addresses environmental concerns, and then the owner will give the property to the City. He asked if the property owner is a party to the MOU, and if there is anything that guarantees the City will retain ownership of the property once the fees are waived and the site is cleaned.

Ms. Gapen explained the MOU is between Rowan County and the City of Salisbury. She added the property owner is not a third party. She noted staff is looking for a way to encourage debris removal for the betterment of the community.

Mr. Miller emphasized the tipping fees and Code Service fees will be waived up front, with no guarantee the other proposed events will occur.

Councilmember Alexander asked if there will be a lien against the property to prevent the property owner from selling the cleaned property without paying the fees. Ms. Gapen indicated there will not be a lien against the property. She noted the landfill fees will be held in an account by the County and the Code Services fees will be retained by the City.

Ms. Alexander asked if the City could put a lien on the property in the future if the cleaned site is sold and the fees are not paid. She explained she is concerned the title can be given to another company with no way to hold the property owner accountable. She asked how the City and the County could recover the fees.

Ms. Gapen stated the MOU defers the fees as an incentive for the property owner to clean the site. She noted the property owner will not be liable for upfront landfill fees and Code Service fines provided the City assumes ownership of the property.

City Manager Doug Paris stated the MOU is the result of negotiation between the City and County.

Mr. Miller indicated he is concerned that once the fees are waived there is no guarantee the property owner will reimburse the City and County or deed the property to the City. He pointed out the MOU appears incomplete because all parties are not involved. He asked if an MOU could be established to document the property owner's intent.

Mr. Paris stated the MOU offers a solution that will allow staff to work with the property owner. He added staff does not feel a lien would be effective with the current property owner. He explained nothing has happened for many years, and the City must step in and take a risk for the community.

Mr. Miller asked if the City will be liable for the landfill tipping fees in 10 years if Council approves the MOU and waives the fees, but the property is never transferred to the City.

Mr. Paris stated the City will be liable for the tipping fees. He added it is more likely the City will enter into a redevelopment phase with the property. He noted the property owner has asked the City to assume ownership of the property numerous times in the past.

Mr. Miller pointed out the property has issues and once the issues are resolved, the property owner may not transfer ownership of the property to the City. He emphasized the MOU seems incomplete, but for the betterment of the neighborhood Council must take action. He stated it would be preferable if staff could negotiate with the property owner, but neighborhood improvement is more important than tying up loose ends.

Mr. Paris explained the MOU encourages debris removal. He pointed out if the City assists with a cleanup plan for the environmental hazards at the site, staff will take into account Council's concerns regarding the property.

Ms. Alexander asked if the fees will revert back to the property owner or if the City will assume the fees. Mr. Paris stated through a partnership between the property owner and the City, there will be an opportunity to do something productive with the property and recover the incurred fees. He added if redevelopment takes longer than 10 years, the City will ask the County for an extension regarding the tipping fees. He noted if the City is involved in a development deal that adds tax base to the property, the Code Services fees and the landfill fees could be permanently waived.

Mayor Woodson stated it is a leap of faith for Council, but the site could be developed with affordable housing in the future.

Councilmember Kennedy noted the City applied for a Brownfields Fund grant. He asked if those funds are still available. Ms. Gapen stated staff applied, but the first application was not successful. She added staff is working with a consultant to reapply for the grant near the end of 2013. She indicated the grant would help with additional costs at the site.

Mr. Kennedy pointed out the grant is an option for environmental concerns at the site.

Thereupon, Ms. Blackwell made a **motion** to authorize the Mayor to execute a Memorandum of Understanding with Rowan County regarding debris removal on the Kesler Mill property. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander and Blackwell voted AYE. (5-0)

PAVING CONTRACT – LANE CONSTRUCTION CORPORATION

Street Maintenance and Stormwater Utility Manager Craig Powers and Purchasing Manager Anna Bumgarner addressed Council regarding a contract for street paving. Ms. Bumgarner stated the project was sent out for bids and Lane Construction Corporation was the low bidder.

Mr. Powers read a list of the streets to be paved:

- Reeves Street
- Richard Street
- Fourteenth Street
- Balfour Drive
- Rink Street
- Mining Avenue
- Briarwood Drive
- North Fulton Street
- South Fulton Street

Mr. Powers stated the streets will be milled and repaved, and he pointed out the project is under budget.

Thereupon, Mr. Kennedy made a **motion** to award a contract in the amount of \$258,265 to Lane Construction Corporation for street paving. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander and Blackwell voted AYE. (5-0)

LAND APPLICATION CONTRACT – SYNAGRO CENTRAL, LLC

Salisbury-Rowan Utilities Director Jim Behmer and Purchasing Manager Anna Bumgarner addressed Council regarding a land application contract for the operation of a Residuals Land Application program. Ms. Bumgarner noted the project was sent out for bids and Synagro Central, LLC is the incumbent contractor for the project.

Mr. Behmer noted the pricing is very competitive and will save the City approximately \$19,000 the first year.

Mayor Pro Tem Blackwell explained the City processes wastewater and residual waste. She stated the residual waste is used as fertilizer for crops that are not eaten. She noted the contract will allow Synagro Central, LLC to haul the residual waste to farmers who will use it as fertilizer for non-digestible crops.

Thereupon, Mr. Miller made a **motion** to authorize the Mayor to execute a land application contract in the amount of \$101.15 per dry ton for an approximate annual cost of \$151,725 to Synagro Central, LLC for the operation of a Residuals Land Application program. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander and Blackwell voted AYE. (5-0)

ROWAN MUSEUM – 2010 PROPERTY TAX ABATEMENT

Assistant City Manager John Sofley explained in 2009 Rowan County donated the old Courthouse at 202 North Main Street to Rowan Museum. He noted the Museum did not make an application for tax exemption, believing as a non-profit organization it was automatically tax exempt. He indicated the Museum qualifies for tax-exempt status but is required to file a form for exemption. Mr. Sofley added before the form was filed the Museum was billed for 2010 property tax. He pointed out the form is not retroactive and the taxes that were billed are due until paid or abated. He stated the Museum has requested the City abate the 2010 property tax bill and all related interest. He added Rowan County has abated its share of the 2010 property tax bill.

Thereupon, Ms. Blackwell made a **motion** to approve abating the 2010 property tax in the amount of \$6,768.26, including interest, for Rowan Museum's property located at 202 North Main Street. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander and Blackwell voted AYE. (5-0)

RIGHT-OF-WAY AGREEMENT – DUKE ENERGY CAROLINAS, LLC

Assistant City Manager John Sofley stated Integro Technologies is constructing an office building in the 300 block of South Main Street. He noted the Integro Technologies building and the 329 South Main Street site will require an easement for electrical power. He explained the City worked with Duke Energy and Integro Technologies to determine the most effective way to provide electricity to the Integro Technologies building and any future facility.

Mr. Sofley indicated the rear of the Integro Technologies building adjacent to the City-owned 329 South Main Street property would be the best site for a utility easement. He emphasized the easement will not interfere with future development but will provide electrical service to both sites.

Councilmember Miller asked Mr. Sofley to identify the location of the easement. Mr. Sofley stated the easement is off of Horah Street along the back of City-owned property at 329 South Main Street.

Thereupon, Mr. Miller made a **motion** to authorize the Mayor to execute a Right-of-Way MOU with Duke Energy Carolinas, LLC for 329 South Main Street. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Alexander and Blackwell voted AYE. (5-0)

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

This item was postponed.

CITY MANAGER'S COMMENTS

There were no comments.

MAYOR'S ANNOUNCEMENTS

(a) OctoberTour Night Out

Mayor Woodson announced the Rowan County Tourism Development Authority will host OctoberTour Night Out Friday, October 11, 2013, from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(b) OctoberTour 2013

Mayor Woodson announced the Historic Salisbury Foundation will host its 38th annual OctoberTour of Historic Homes Saturday, October 12, 2013 and Sunday October 13, 2013. For more information contact the Historic Salisbury Foundation at 704-636-0103.

(c) National Fire Prevention Week

Mayor Woodson announced the Salisbury Fire Department will celebrate National Fire Prevention Week by hosting open houses Saturday, October 12, 2013 from 10:00 a.m. until 1:00 p.m. at all four City Fire Stations. There will be fun activities for children and citizens can learn about fire safety, tour the fire stations, talk with firefighters and explore fire apparatus.

(d) 2013 BlockWork

Mayor Woodson announced the Community Appearance Commission will sponsor the BlockWork Neighborhood Improvement Project on National Make A Difference Day Saturday, October 26, 2013, in the 700 and 800 blocks of East Franklin Street. If you are interested in volunteering for all or part of the day, please contact the Community Planning Office at 704-638-5242.

(e) Family Campout

Mayor Woodson announced the Salisbury Parks and Recreation Department will host a Family Campout at the Salisbury Community Park beginning Friday, October 4, 2013 at 3:00 p.m. until Saturday, October 5, 2013 at 10:00 a.m. This family event will include a hot dog dinner, educational outdoor sessions, campfire and S'mores, a movie on the big screen and a youth fishing tournament. The fee is \$20 per tent. Pre-registration is required. Registration information can be found online at www.salisburync.gov/pkrec or at the City Park Recreation Center.

Public Information and Communications Director Elaney Hasselmann stated this is the first year for the Family Campout. She noted the event will include star gazing with the Astrology Association of Rowan County and games with the Rowan County Girl Scouts. She pointed out the Family Campout is an opportunity to showcase the 305-acre Salisbury Community Park. She added in the event of inclement weather the event will be cancelled by 3:00 p.m. Friday, October 4, 2013.

Mayor Woodson commended the Parks and Recreation Department on its work to highlight various City Parks.

(f) Fibrant

Mayor Woodson stated he recently traveled to the north and the internet service was noticeably slower. He pointed out Fibrant downloads almost instantly, and added he was glad to return home to Salisbury and Fibrant.

CLOSED SESSION

Mayor Woodson asked for a motion to go into closed session concerning acquisition of property located on Tax Map 011 Parcel 055 as allowed by NCGS 143-318.11(5).

Thereupon, Mr. Kennedy made a **motion** to go into closed session concerning acquisition of property located on Tax Map 011 Parcel 055 as allowed by NCGS 143-318.11(5). Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

RETURN TO OPEN SESSION

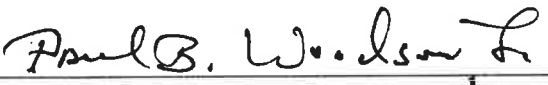
Thereupon, Mr. Kennedy made a **motion** to return to open session. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

Mayor Woodson announced the Grimes Mill property owned by the Historic Salisbury Foundation was discussed in closed session. He asked for a motion to direct City Manager Doug Paris to seek an appraisal and due diligence of the property and to come back before Council with the value and assessment of the property regarding the interest of the City.

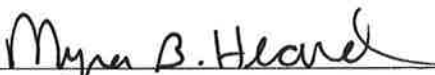
Thereupon, Mr. Miller made a **motion** to direct City Manager Doug Paris to seek an appraisal and due diligence of the property to be brought back to Council. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Miller seconded by Ms. Alexander. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:01 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk