

**TRC Meeting Minutes – December 17, 2009**  
**City Hall – Council Chambers 217 S. Main Street**

**TRC Members Present:** City Council Representative - Bill Wagner, Chairman - Dan Mikkelson, Teresa Barringer, Chris Branham, Lynn Hillard, Preston Mitchell, Joe Morris, David Phillips, Craig Powers, Lynn Raker, Melanie Reeder, Patrick Ritchie, and Jason Wilson

**I. Meeting called to order by Chairman Dan Mikkelson at 9:03 a.m.**

**II. Introductions and Announcements**

- Chairman Mikkelson announced Craig Neuhardt, the Committee's former Planning Board representative, has resigned from the Planning Board. He then introduced Bill Wagner as our newly appointed Planning Board representative.
- City Council representative, Bill Burgin, has retired and on Tuesday Mayor Kluttz appointed Brian Miller as our City Council representative and Maggie Blackwell as our alternate. Brian was told the TRC meets the third Thursday of the month but not made aware of today's meeting.
- Also we have a new staff member, Melanie Reeder, who has twenty plus years experience in local government and private consulting in Planning and is familiar with permitting, plan review, zoning.
- Also, this will be Teresa Barringer last TRC meeting because she has accepted a job with SRU and will make a terrific employee helping to administer their FOG program.
- Chris Barham, is the City's new Code Services Division Manager and has been with the City for about a year and a half. Chris is starting up the Code Enforcement Division which City Council approved to reorganize the department and form this stand alone division. This has really improved the coordination of code enforcement with Chris' and the new division.
- Lynn Hillard is our Public Waste Manager and represents the Public Services Department. When it comes to Plan Review, Lynn is primarily reviewing dumpster location and pick-up. If there are other issues that arise concerning Public Services Division, we ask Lynn to vote on behalf of the Public Services Division.
- Chairman Mikkelson identified we have SRU, Planning Services, Engineering & Development Services, and Public Services in attendance today which meets the requirements for a quorum, so we can continue the TRC meeting. In addition to each Department Representative, a Planner, an Engineer, and a Zoning Administrator will vote on a case-by-case basis. Representatives from City Council, the Planning Board, and other agencies are non-voting members of the TRC.

**III. Approval of Minutes**

- Minutes of November 17, 2009 Meeting
- Joe Morris made a motion to approve the November 17, 2009 TRC Minutes as submitted. Patrick Ritchie seconded the motion. All were in favor and the minutes were approved as presented.

**IV. Adoption of the Agenda**

- Joe Morris made a motion to adopt the agenda as presented. Preston Mitchell seconded the motion. All were in favor and the agenda was approved as presented.

**V. CITY CODE: POTENTIAL CHANGES - PARKING ENFORCEMENT FOR NUISANCE VEHICLES**

- Chairman Mikkelson turned the discussion over to Joe Morris, Director of Planning, GIS, Code Services and CD.
- Joe explained matters related to the City Code are typically brought before the Technical Review Committee for discussion, to avoid conflicts with other aspects of City Operations and other City Codes.
- In a prior City Council Meeting, there was a public hearing to make changes to the City Code. New legislation from the State of North Carolina was presented, which enables Cities to make one notification per year for chronic violators of the nuisance ordinances. Chronic violator was previously defined as someone who receives three notices from a municipality or local government in a calendar year. For

efficiently, Code Enforcement can now notify them once in a calendar year and they will be considered a chronic violator. This change was adopted by council.

- The meeting was attended by citizens who had issues with parking of commercial vehicles. Councilman Pete Kennedy requested additional information concerning nuisance vehicles from our City Code which we provided. After reviewing this issue, there are several revisions needed.

**1. Improve coherence between the Salisbury City Code and the LDO as related to parking regulations.**

- During the process of creating the LDO, there was extensive discussion concerning private vehicles parking in front yards. The issues were addressed by coming up with standards, of a certain percentage per lot, which allowed to have prepared surface for parking areas. There are also standards in the City Code that address issues of nuisance vehicles.
- Chris Branham, Code Services Division Manager, explained a specific ongoing issue concerning a nuisance vehicle in the Sedgefield Acres Subdivision. There is an ongoing situation where an eighteen wheeler, commercial truck is parking at a residence. Initially the truck was parked in the road. After receiving complaints, the police were notified and the owner was informed the truck could not be parked in the road right-of-way. So he moved the vehicle to the driveway. Code enforcement continued to receive complaints. On Monday mornings a violation letter would be generated, but because he would leave for work on Monday and not return until Friday, the violation was corrected the following week. All though Code procurers are being followed, in this particular situation, the issue continues. The violation is being corrected weekly and reoccurs on the weekend. This is what prompted the discussion during the Public Hearing session of City Council meeting.
- Additionally, Code Enforcement works Monday thru Friday and business hours are from 8:30 AM until 5:00 PM with no after hour provisions. The City is divided into districts and inspections are done by three code enforcement officers and Chris, and generally speaking are complaint driven. Councilman Kennedy also resides in this subdivision and is also continuing to receiving compliances. He has requested a review of the Code and wants to be advised of the findings.
- The Committee discussed residents parking vehicles in their front yard to sale and how Code Enforcement handles that issue. Chris explained, if we get a complaint, we will discuss the violation with the citizen, but will allow the opportunity to sale the property, usually for a minimum of a 30 day period. After that length of time, a violation letter can be issued. Although, Code Enforcement is working in a proactive manner, the majority of violations are complaint driven. Therefore not all violations are being addressed.
- Although there was a genuine concern for commercial vehicles which is an income producing tool of one's trade, especially in these economic times, this is a standard that has been establish for an extended period of time. It is the citizen's responsibility to make provision for their vehicle and continue to follow and respect this standard.
- If it is a neighborhood concern, at what point does it affect the public health, safety and welfare. If there is a concern that draws down the appearances of the neighborhood, and if it has been identified in the Code, it can be detrimental to the public welfare. It is the duty of the representatives of the community to establish the standards of the community. This standard has been established and having oversized vehicles parked in prominent locations is not the standard of Salisbury.
- **SEC. 13-1. DEFINITIONS**
- In the City Code there is cross references to the LDO. In this particle case, Section 13.161, Parking of Oversized Vehicles and Trailers, refers to Chapter 10 Parking, in the LDO, and would be appropriate for additional clarification.
- This is not a LDO issue but a Code issue. Therefore this change is needed to establish standards in the City Code.
- The City Code issues are presented to City Council. The Land Development Ordinance requires additional review and recommendation by the Planning Board.
- TRC members agreed one or two part revision may be necessary.
- Part 1 - Not changing the existing standard but reorganize it to make it more efficient for us as a staff to administer the code, which requires moving Chapter 10, Parking, 10.2, General Parking Provisions, E,

Parking for RV's, Trailers, Commercial Vehicles and Boats, in the LDO, to the City Code. Intentionally revising the verbiage in 10.2, E, in the LDO, would require deleting the Zoning Districts because they are not necessary for the City Code's use. Also, clarifying the parking area, to read prepared parking lots for residential use in the rear yard, and referring back to the LDO for the definition of a rear yard would all be necessary revisions. This will mitigate the prominence of the nuisance vehicles. These revisions will be beneficial for clarification in Chris's division but will not negatively affect David's review standards. A recommendation to relocate this is an administrative move and it will not change the standard.

- Part 2 – Or alternate the standard to make it more or less restrictive or a combination of the two. But if we change the standard we will have to advise the Planning Board, City Council and the general public, that this is a change to the standard, in addition to an administrated action.

- **Oversized Commercial Vehicle** shall include any vehicle or trailer that bears a commercial license plate and
  - A. has more than two axles or 4 tires
  - B. is designated to carry more than 15 passengers, including the driver
  - C. weighs more than 10,000 pounds with or without load
  - D. requires hazardous materials placards
  - E. is more than 9 feet in height
  - F. is more than 22 feet in length

This definition includes, but is not limited to semi-trailers, tow trucks, buses, limousines, tractors, construction equipment, delivery vans or similar vehicles.

Recreational Vehicle means any vehicle or portable structure which can be towed, hauled, or driven and is primarily designed as temporary living accommodations for recreational, camping and ravel use. A recreational vehicle shall not be considered as a dwelling unit.

## 2. Clarify the definition of nuisance vehicles and the authority of the Code Services Manger.

- **Sec. 13-161. PARKING OF OVERSIZED COMMERCIAL VEHICLES, TRAILERS**
- In the City Code, Section 13-161, Parking of oversized vehicles, trailers, and a minor clarification is needed. There is a cross reference to Chapter 10, Parking in the LDO, E, which needs to be inserted and language amended into the Code for clarification only. When a nuisance vehicle is parked in the right-of-way and an officer is dispatched to identify the violation and have it removed from the right-of-way. The violator will move it into the driveway which is also a violation. So 13-161 needs to be blended with 10, E. to ensure the existing issue can be resolved and not allowed to continue.

**It shall be unlawful for any person to park any oversized commercial vehicle or trailer on any street within the corporate limits of the city at any time except when engaged in loading and unloading, or when such vehicle is being used for emergency services or fro temporary use at construction sites during the period of active construction.**

- **SEC. 13-161a. PARKING RESTRICTED ON PRIVATE PROPERTY**  
**Parking for Recreational vehicles, trailers, oversized commercial vehicles and boats shall be restricted to the rear yards in the residential districts of the city – referred to in the LDO as UR, GR, HR, and TND districts.**
- In addition, minor changes for clarification are needed in
- **Article VIII. Sec. 13-277 Definitions.**  
Nuisance Vehicle means a vehicle on public or private property that is determined and declared to be a health or safety hazard, public nuisance, and unlawful, including a vehicle found to be:
- In the first sentence remove, in italicize, *but not limited to*.

- Number (9) revising the verbiage, but not changing the intent of the standard, to read; Any vehicle specifically declared contrary to public health, safety, and welfare by the Code Services Manager.
- 3. Allow for an on-premise, notification process.**
- **Sec. 8.5-1           PENALTIES FOR VIOLATIONS;**
    - **Such notification shall be either through a personal visit, an on premise written notification, or by certified mail.**
  - An on-premise, written notification process is a third option to notified violators, and City Council has recently adopted this process. This will not affect the time frame to correct a violation which has already been established in the Code. But there is an additional violation fee.
  - Because we have revised the City Code to include an on-premise written notification, to allow both the LDO and City Code to remain consist, we must reflect the same language in the LDO.
    - **17.3 Penalties for Violation - Civil Penalty**
  - Other issues may also need to be researched. For example, the City Code penalty fee and the LDO fee are not consistence.
  - Also, merge the definition of oversize vehicle from the LDO into the City Code. This will not affect the LDO because other requirements will restrict oversize vehicle.

#### **VI. Board Business**

No Board business for the December 17, 2009 TRC meeting

#### **VII. Adjourn**

Chairman Dan Mikkelson adjourned the meeting at 10:49 a.m.