

March 18, 2003

REGULAR MEETING

PRESENT: Mayor Pro Tem, Paul B. Woodson, Jr., Presiding;
Councilmen William (Bill) Burgin; William (Pete) Kennedy; Robert (Bob) Martin; City Manager, David W. Treme; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.

ABSENT: Mayor, Susan W. Klutz.

The meeting was called to order by Mayor Pro Tem Woodson at 4:00 p.m. The invocation was given by Councilmember Martin.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Pro Tem Woodson recognized all visitors present.

PROCLAMATION

Mayor Pro Tem Woodson proclaimed the following observance:

ARBOR DAY MARCH 20, 2003

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ADDITIONS/DELETIONS TO THE AGENDA

Mayor Pro Tem Woodson noted the following changes to the Agenda:

Item (6-c), Group Development Site Plan G-02-03 Boundary Pointe, 1620 South Boundary Street (Offices & Apartments), will be removed from the Consent Agenda and made a separate item.

Item 11, Zoning Map Amendment Z-1-03, Joel C. Hardman, 114 South Caldwell Street, has been withdrawn.

CONSENT AGENDA

(a) Minutes

Minutes of the regular meeting of March 4, 2003.

(b) Street Closings - Crescent Subdivision

Council received a petition to close two unimproved rights-of-way in the Crescent Subdivision, and set a public hearing for April 15, 2003.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF TWO UNIMPROVED STREETS IN THE CRESCENT SUBDIVISION.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 12, and is known as Resolution No. 2003-12.)

Thereupon, Mr. Martin made a **motion** to approve the Consent Agenda as read. Councilman Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0)

Group Development Site Plan - G-02-03 - Boundary Pointe

1620 South Boundary Street

G-02-03 - Boundary Pointe

1620 South Boundary Street (Offices & Apartments)

(a) Mayor Pro Tem Woodson informed Council that Group Development Site Plan G-02-03 Boundary Pointe, 1620 South Boundary Street (Offices & Apartments), was removed from the Consent Agenda because of objections raised in the Planning Board Meeting reference the noise that would be created for the apartments by Johnston Concrete Company, Inc. if they operated around the clock. All zoning criteria have been met. The Technical Review Committee and Planning Board recommend approval of the application as submitted.

(b) Mayor Pro Tem Woodson opened the floor to receive comments:

Mr. Rodney Queen, Polo Drive, expressed his desire, as a Planning Board Member, to share background information as to what was discussed in the Planning Board Meeting. He indicated that Johnson Concrete had expressed concern that with their schedule the noise might affect residential dwellings being that close in. He pointed out that there are residential dwellings currently around Johnson Concrete and that there would continue to be so in the future. In that this project would be located in an M-1 area, he feels it affords a good opportunity in an area which needs new development. He indicated that from a Planning Board standpoint, he supported this. Mr. Queen closed his comments by stating that he felt there would continually be both commercial start and residential start in the Johnson Concrete area, and that he was in favor of supporting the developer on this particular issue.

No one else was present to speak for or against the proposal. Mayor Pro Tem Woodson closed the public comments.

(c) Thereupon, Mr. Kennedy made a **motion** to approve Group Development Site Plan G-02-03, Boundary Pointe, 1620 South Boundary Street. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0).

SPECIAL COMMUNITY EFFORTS GROUPS 2003-2004 BUDGET REQUESTS

Mayor Pro Tem Woodson informed Council that requests for funding would be received from "special community efforts groups" concerning their FY2003-2004 Budget.

Ms. Pat Featherstone, Board Member of the Rowan County AIDS Task Force, Inc. and Ms. Eva Eddings, Caring for Families Service Coordinator, made a FY2003-2004 Budget request to Council for funding support of \$5,000 to continue the recently organized Jemsek Clinic which opened in China Grove in August, 2002. Ms. Featherstone indicated that the program is expanding to include testing and start-up expenses, and that there are far more clients than envisioned. She noted that informational flyers are printed in both English and Spanish. Ms. Eddings shared statistics for Rowan County. In 2001, there were 167 cases of HIV and 112 cases of AIDS. In 2002, there were 192 cases of HIV and 119 cases of AIDS. Ms. Eddings indicated that these statistics only represent those who have come forward. She would estimate that there are probably 1,000 cases of HIV in Rowan County. Of all the clients attending the Jemsek Clinic in China Grove, 85% of them are residents within the City of Salisbury. All services are free for the clientele.

Ms. Suzanne Carter Storch, Executive Director of Rowan Information and Referral, Inc. and Ms. Tonya Saunders made a FY2003-2004 Budget request to Council for continued funding support of \$4,500. She noted that Rowan Information and Referral, Inc. is a member of the Rowan County United Way and has been funded by the City of Salisbury since 1993. Ms. Storch indicated that the agency received 3,782 calls last year from persons identified as residents of Salisbury, and 9,254 referrals were made to available resources.

Mr. J. Alan Rutherford, Treasurer of the Rowan Arts Council and Ms. Kathy Shoaf, Membership Director of the Rowan Arts Council, made a FY2003-2004 Budget request to Council for continued funding support of \$45,000 to assist with the support of the seven art organizations. Mr. Rutherford thanked the City Council for its past support for the arts and indicated that with the current government funding being limited at this time, support at the local level is even more critical. Mr. Rutherford explained that 75% of the City allocation is divided equally between the three major organizations: Water Works, Piedmont Players, Salisbury-Rowan Symphony.

Ms. Phyllis A. Martin, President of the Rowan County Literacy Council, Inc., made a FY2003-2004 Budget request to Council, for funding support of \$2,500 to be used to cover costs for sending volunteer tutors to participate in training workshops. She indicated that the Literacy Council has been tutoring under-educated adults since 1976, and that English as a second language was added in 1988. She noted that 30% of American adults in Salisbury are functionally illiterate and cannot read directions on a medicine bottle or street signs among other skills. She explained that the Conference and Training Workshop had been changed to an annual conference, that they had not budgeted for this extra conference in the 2003 Budget, and this request was to cover the needed \$2,500.

GROUP DEVELOPMENT SITE PLAN - G-01-03 - BUNKER LAND GROUP LLC

WALGREENS

G-01-03 - Walgreens

1906 West Innes Street

(a) Mr. Hubert Furr, Development Services Manager, reviewed with Council the site plan for G-01-03, Bunker Land Group LLC - Walgreens, 1906 West Innes Street. The request is for construction of a thirteen thousand, five hundred eighty (13,580) square foot retail drug store to be located at the corner of Innes Street and Mahaly Avenue and border Lilly Avenue.

With the use of a vicinity map and aerial photography shots, Mr. Furr showed existing buildings and property lines for the service station, retail shops, Chinese restaurant, strip shops, a home, and the mobile home park. It was noted that the Plan G-01-03 does not include the adjacent mobile home park, but the house would be removed.

Mr. Furr used an elevation drawing to point out that fill dirt would be brought in to level the area from Innes Street to the back of the Walgreen property. A brick retaining wall would border Lilly Avenue starting at about 2-3 feet high at the corner of Innes Street and Lilly Avenue and would end at 12 feet in height at the end of the property on Lilly Avenue, he said. Mr. Furr noted that prior approval had been given to a rezoning request that asked for rezoning in a Special "S" District. He stated that "S" District criteria required a 6-foot wall along Lilly Avenue at the beginning of that district area which would be about half-way down the retaining wall starting from Innes Street.

Mr. Furr indicated that all criteria for zoning, parking, and landscaping have been met, and that The Technical Review Committee and the Planning Board recommend approval as submitted.

(b) Mayor Pro Tem Woodson opened the floor for comments from the public for anyone desiring to speak **in favor** or **in opposition** to the proposed Site Plan G-01-03.

Mr. Dennis Bunker, Bunker Land Group LLC of Charlotte and petitioner for this proposal, indicated that he will be available to answer any questions anyone from the audience or from the City Council might have.

Councilman Martin asked what the plans were for the trailer park. He indicated that he has had lots of complaints about it.

Mr. Bunker noted that he too had had complaints about the trailer park. He reminded everyone that four years ago his group formally proposed to include the trailer park in a redevelopment proposal which was denied. He indicated that a positive vote today would be a step in the right direction toward demolishing the trailer park. He stated that they have no idea when that would happen. He noted that there is a Phase II to this project, but there would be the need for both the economy and the tenants to work with them. He indicated proactive movement toward Phase II, but would need much cooperation to make it happen sooner than later.

Since no one else was present to speak for or against the above proposal, Mayor Pro Tem Woodson closed the public comments.

Mr. Burgin commented that the Group Development site plan meets all of the expectations that we have hammered out over time.

(c) Thereupon, Mr. Burgin **moved** to approve Site Plan G-01-03, Bunker Land Group LLC - Walgreens, 1906 West Innes Street. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0).

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2003-2004 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM BUDGETS - FIRST READING

Mr. John Brooks, Community Development Consultant, reviewed with Council the first reading of the 2003-2004 Community Development Block Grant (CDBG) and HOME Program Budgets.

Mr. Brooks informed Council that the two public hearings required prior to this first reading had been completed. The first hearing was held on February 13, 2003 at which time requests were submitted by community groups and organizations.

Mr. Brooks indicated that the Jersey City revitalization efforts began back in November, 2002, and that \$125,000 had been included to help them in this process. The new line item this year is a sidewalk improvement fund requested by the West-End Community. He noted that five public services were funded this year, but that most of those agencies were funded at several thousand dollars less than requested.

The following are participants proposed to be funded for FY2003-2004:

CDBG			
Acquisition/Rehab/Resale		\$117,300.00	
Emergency Rehabilitation		50,000.00	
Jersey City Neighborhood Development		125,000.00	
Sidewalk Improvements		50,000.00	
Public Services			
Rowan Helping Ministries	\$28,000.00		
Family Crisis Council	19,000.00		
Rowan Community Care Clinic	12,000.00		
Salisbury Youth Employment	7,500.00		
West End Community Youth Garden	4,000.00		
		\$70,500.00	
Program Administration		\$103,200.00	
Total CDBG Funds			\$516,000.00
HOME			
Acquisition/Resale		\$60,000.00	
Housing Rehabilitation		47,140.00	
Homeownership Assistance		40,000.00	
Program Administration		13,963.00	
Total HOME Funds			\$161,103.00
Total Community Development Funds			\$677,103.00
SOURCES OF INCOME			
CDBG		\$396,000.00	
Program Income		120,000.00	
HOME		161,103.00	

Total				\$677,103.00
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Mayor Pro Tem Woodson asked Mr. Brooks the total of the budget during FY2002-2003. Mr. Brooks replied that the budget last year was about \$650,000. He noted that for FY2003-2004 there was a \$22,000 increase in federal funding as well as an increase in HOME funds.

Thereupon, Mr. Kennedy **moved** to approve the first reading. Mayor Pro Tem Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0)

BUDGET ORDINANCE AMENDMENT 2002-2003 - TO APPROPRIATE DONATION FOR SALISBURY FIRE DEPARTMENT

Fire Chief Sam Brady informed Council that the Salisbury Fire Department has received a donation from the Salisbury Community Foundation, Inc., in the amount of \$6,400.00, to be used to purchase two electric defibrillators.

Thereupon, Mr. Burgin made a **motion** to appropriate the donation for the purchase of two defibrillators, in the amount of \$6,400.00. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE DONATION FOR FIRE DEPARTMENT.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter II - Administrative, at Page No. 13, and is known as Ordinance No. 2003-21.)

ZONING TEXT AMENDMENT - RELOCATE SPECIAL USE PROVISIONS FROM SECTION 7.01(5) AND MAKE ADJUSTMENTS TO PROVISIONS FOR ISSUING SPECIAL USE PERMITS

The request is to consider a zoning text amendment to relocate Special Use Provisions from Section 7.01 (5) to a new section 7.10 and make adjustments to reorganize and add consistency to provisions for Special Use Permits.

(a) Mr. Harold Poole, Senior Planner, and Mr. Patrick Kennerly, Planner II, presented a recommendation from the Planning Board. Mr. Poole informed Council that the amendment has more substance than just moving a section. It was felt that special use permits needed to have more prominence than just a Section 7.01 (5), and is therefore being moved to a new Section creating Section 7.10.

It was indicated by Mr. Poole that through the years there have been inconsistencies when dealing with the process for requests. Some requests would come directly to City Council, some would go to the Planning Board and then City Council, and some required a public hearing while others did not.

Mr. Kennerly has worked with the Planning Board to find some consistency in dealing with this process. He stated that this was an attempt to re-organize and improve the existing portion of the ordinance which as it currently exists is somewhat messy. He noted that special use provisions are currently a subsection of 7.01, which is the non-conformity section of the ordinance. The first two special use permits which were written into the ordinance were for situations involving non-conformity and it seemed appropriate to include them at the time. During the last few years several other items have been added which do not relate to non-conforming situations, Mr. Kennerly stated. Special use items have continued to be listed in that section even though they did not appear to fit, he said.

Mr. Kennerly noted that if provisions for special use permits could be handled on a more consistent basis, the City would be in a better position if court action were ever to be required on a particular request. He stated this was the rationale for recommending the creation of the new Section 7.10 which would deal exclusively with special use permits.

Mr. Kennerly explained that Section 7.10 of the proposed ordinance would be divided into three sections: I. Procedures, II. Notification, III. Applicability. He explained that during the writing process, every attempt was made to insure that the intent of the ordinance remained in effect, and that changes had been made basically to reorganize for consistency. The Planning Board unanimously recommended the zoning text amendment as proposed.

Mr. Kennerly reviewed the proposed Section 7.10:

Procedures:

- A quasi-judicial hearing would be required where there would be swearing in of witnesses and such which the Institute of Government is recommending for these types of hearings.
- All requests would come through the Planning Board and sent to City Council with a recommendation prior to the Public Hearing.
- If problems arise, the City Council may review its authorization and the conditions

thereof and after review may modify, change, or terminate the special use permit.

Notification:

- Notification will be given to all property owners within 100 feet of the site.
- Notification of the Public Hearing would appear in the Salisbury Post on two occasions prior to the meeting.
- Notification of the site shall be made by posting a Special Use Permit sign on the property. If a site is within the H Overlay, notification shall be sent to all members of the Historic Preservation Commission.

Applicability:

- The expansion of any non-conforming structure or use in an A-1 or R-20 Districts under certain conditions.
- The reconstruction, alteration, or repair of any structure in the Historic district of any structure classified as a "pivotal" or "contributing" structure in a National Register District that is not in the Historic district that has been damaged more than 60% of the fair market value immediately prior to damage, but does not meet required setbacks.
- The establishment of child day care homes in certain districts.
- The establishment of child day care facilities in certain districts under certain circumstances.
- The expansion or extension of certain industrial structures with special conditions.
- Convenience stores in the B-CS District.

Councilman Kennedy inquired as to how passing this ordinance now would affect the Group Home proposal which would be considered later in this meeting. Mr. Kennerly replied that the following text amendment would involve adding Group Homes in the Special Use Permit section. It would be hard to approve the Group Home text amendment without the reorganization reflected in this proposal approved first.

Councilman Burgin commented that the purpose in this ordinance is to re-organize and not to bring about policy change.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice and advertisement thereof, to consider relocating Special Use Provisions and making adjustments to provisions for Special use Permits..

No one was present to speak for or against the above proposal. Mayor Pro Tem Woodson closed the public hearing.

(c) Thereupon, Mr. Kennedy **moved** to accept the Planning Board recommendation to relocate Special Use Provisions from Section 7.01(5) to a new section 7.10 and to make adjustments to reorganize and add consistency to provisions for Special Use Permits. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING PORTIONS OF ARTICLE VII AND OTHER ARTICLES IN ORDER TO REORGANIZE SPECIAL USE PERMIT REGULATIONS.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI - Zoning & Planning, at Page Nos. 12-16, and is known as Ordinance No. 2003-22.)

ZONING TEXT AMENDMENT - GROUP HOMES

The request is to consider a zoning text amendment to add new definitions, permitted use districts, regulations, and special use permits for different types of group homes.

(a) Mr. Harold Poole, Senior Planner, introduced the request for consideration of the zoning text amendment as it relates to Group Homes and then introduced Mr. Joe Morris, Urban Resource Manager, who made the presentation of the recommendations of the Planning Board.

Mr. Morris reviewed current regulations for Group Homes and the schedule for Group Homes Recommendations:

Current Regulations for Group Homes:

- Family Care homes are permitted in all zoning classifications.
- Group Homes are permitted with restrictions in B-1, B-CS, B-2, B-RT, B-4, B-5, B-6, B-7, M-1, LLI, LLI-2, M-2, & PSP.
- Restrictions may include: Valid license, serve up to 11 clients and not for treatment of substance abuse or contagious diseases.

Schedule for Group Home Recommendations

Extension of moratorium	12-17-02
Committee Recommendations to Planning Board	2-25-03
Courtesy Hearing	3-11-03
Moratorium expires	3-17-03
Recommendations to City Council	3-18-03

Mr. Morris indicated that there were two primary types of group home facilities in Salisbury: Residential Treatment and Supervised Living. He noted that there is quite a concentration of these facilities in the older, inner city part of our community.

Group Home Data:

- In one year, there were 245 calls for service to the 22 Residential Treatment facilities - an average of 11.1 calls per facility.
- In one year, there were 38 calls for service to Supervised Living facilities - an average of 1.8 calls per facility.

Mr. Morris noted that the City Council directive requested a Planning Board Study of Group Homes as they relate to current zoning regulations, state policies and federal regulations. Concurrently, Rowan County had extended its moratorium and created a task force to study the impact of group homes. The state had adopted SB163 which required reimbursement from home counties to host counties for educational expenses for group home residents, he said.

Mr. Morris indicated that the Planning Board committee conducted a Shift Share analysis to determine the share of Residential Treatment Facilities in Rowan County. He explained that a share value of 1.0 would mean that Rowan County has its share of residential treatment facilities. He noted that the share value for Rowan County was 2.32, which means that we have 2.32 times our share of treatment facility beds in the County. When put in the context of other counties with a population over 100,000, Rowan County ranks fourth in the state. Mr. Morris indicated that from this analysis, the committee determined that the County was certainly meeting its social obligations. He noted that while the data collected was for all of Rowan County, it is known that most of the treatment facility beds are located in the Salisbury planning jurisdiction.

Mr. Morris indicated that one of the other recommendations of the committee and the Planning Board was to look at a half-mile buffer between Residential Treatment Facilities. This was also a recommendation that came to us from the Rowan County Task Force. With the use of a map, Mr. Morris, showed an analysis of the buffer for these facilities. He noted the high concentration in the older, inner city communities, and stated that it would essentially prohibit the location of any Residential Treatment Facilities in that area. One of our goals was to disperse these facilities throughout our community. He stated that this does not eliminate these facilities because there are areas within the city limits and our ETJ where they could potentially be located.

Mr. Morris shared the following recommendations which were approved by the Planning Board on a vote of 9- 2:

- Adopt new definitions for (1) Group Homes, (2) Residential Treatment Facilities, (3) Supervised Living Facilities, (4) physically disabled person, (5) developmentally disabled person, and (6) juvenile adjudicated as delinquent.
- Allow Supervised living facilities in R-8 and all accumulative districts with an administratively issued permit with no separation requirement.
- Impose the ½ mile separation requirement for Residential Treatment Facilities.
- Limit Residential Treatment and Supervised Living facilities to no more than 6 clients.
 - Require special use permitting for Residential Treatment Facilities including public notification and hearing processes. The special use permit should be non-transferable and revocable with loss of state licensure. The special use permit would expire immediately upon vacancy of the property and/or discontinuation of the use.
 - Conditions for the special use shall include, but are not limited to: (1) ½ mile separation from other Residential Treatment facilities, (2) ability to obtain a license from the NC Department of Health and Human Services, (3) demonstrated need based on empirical data provided by the applicant, (4) enrollment and capacity information provide by the school district including elementary, middle and high school.
 - First allow Level I & II Residential Treatment Facilities as defined by the NC Department of Health & Human Services as a special use in R-8 and certain other cumulative districts.
 - Allow Level III Residential Treatment Facilities as defined by the NC Department of Health & Human Services as a special use beginning in B-1 and certain other cumulative districts.
 - Prohibit Level IV & V as defined by the NC Department of Health & Human Services Residential Treatment Facilities in all zoning districts.

Councilman Woodson asked for confirmation that each facility would be limited to no more than six residents. Mr. Morris indicated that

this was the recommendation of The Planning Board.

Councilman Kennedy asked for clarification that these recommendations were for new facilities only. Mr. Morris answered that was true, and that existing facilities would be grandfathered.

Councilman Martin asked if any determination had been made as to why there are so many more beds in Rowan County as compared to our neighboring counties. Mr. Morris indicated that one theory was the availability of housing stock with homes which are large and rather economical to rent. He stated that another theory suggests that there is probably an aggressive group of operators here who are willing to obtain the license and open the facilities. A third belief is that our county does not have the same strong land-use laws relating to them as do other counties.

Councilman Burgin asked a question relative to the ratio formula and the fact that we are carrying our fair share. He asked how that relates to proof that the need exists and how one can argue a facility is needed. Mr. Morris indicated that the next presenters would be discussing this point because one of their recommendations is the need for a bill which would require operators to demonstrate need much as exists with nursing homes. Currently, we do not have that ability.

Councilman Kennedy commented that Mr. Morris stated that most of these clients are from other counties. He asked if our students go to other counties. Mr. Morris indicated he did not have hard numbers, but that to some extent they do. Mr. Poole pointed out that Rowan and Iredell are not dissimilar counties, but Rowan has 101 residential treatment beds while Iredell only has 4.

Councilman Martin asked how many were actually coming from Rowan County. Mr. Poole answered that he did not have the data to document the answer to the question. Mr. Morris indicated that there is not a system of jurisdictional tracking in place, and that was another one of the legislative items identified as being needed.

Mr. Treme, City Manager, commented that the recommendations will tend to reduce the share value of 2.32 as facilities go out and we have the 1/2 mile limitation. He stated that he thought the feeling was that we did not mind having our share, or maybe even a little more, but not to be fourth out of 100 counties in the state of North Carolina. Mr. Treme indicated that if the recommendations of this committee are approved, it is highly likely that the share value number will be reduced over a period of time and should certainly be monitored.

Councilman Burgin commented that it is certainly important to carry our fair share. He stated that these children have to be cared for, but that he thought it comes on two levels. He indicated that one level has been well addressed with the 1/2 mile radius limitation which will insure no one neighborhood will have to carry more than its share. He said he was still feeling that we are missing on the next level where our community as a whole may still be carrying more of a load than is our fair share given what is happening in Iredell County which has the same make-up as our community. He stated that they need to share the responsibility to help raise these children. Mr. Morris responded that in all of the discussions in the planning committee and at the Planning Board level, there was always discussion about trying to get something in place to insure we continue to meet our social obligations. He also shared that the committee felt that we should try to put something in place, evaluate it after a year or so to see if our social obligations were being met, and make changes as necessary.

Councilman Kennedy commented that we keep mentioning Rowan County. He asked if the same recommendations are going to the County to be approved. Mr. Morris indicated that our recommendations are crafted more to our particular zoning districts. Mr. Morris explained that those of the County are very similar, and that the County Commission has recently approved the recommendations of the Child Residential Task Force. He also stated that there should not be dissimilar approaches between the County Zoning Jurisdiction and the City Zoning Jurisdiction.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice and advertisement thereof, on a zoning text amendment to add new definitions, permitted use districts, regulations, and special use permits for different types of group homes.

Those speaking **in favor** of the above proposal were:

Ms. Leda Belk, Rowan County Commissioner, explained that the one thing she wanted to address was the question about whether or not "we are taking care of our children in Rowan County". She said the answer was yes. Ms. Belk informed Council that there are some children from DSS who are housed outside the county in Level III and Level IV facilities which do not currently exist in Rowan County. She indicated that when Nazareth Children's Home expands, it will build Level III and IV facilities on campus, and that will allow us as a county to bring our children home and care for them. She commented that what we are seeing in our schools, especially at Salisbury High, is an influx of children from other counties and that we do not know they are coming, who they are, or what their needs are. She indicated that part of the legislative package being taken to Raleigh is aimed at insuring that somebody be accountable for the children. She noted that there is no registry, nowhere one can look to see who is in the homes, no way of knowing what their needs are, what school they attended, or any special needs that exist. None of that information is there for Windsor Eagle, Principal at Salisbury High School, Department of Social Services (DSS), or the Police Department. Ms. Belk closed by identifying the bottom line as "Who is looking after the children?" She added that there are group homes here in our city and our county where children are being housed, but they are accountable to no one, answer to no one, open their doors to no one, and our children are suffering because of that.

Mayor Pro Tem Woodson asked what the ages of these children were.

Ms. Belk indicated that data is not available, but that she has heard the ages are as young as 10 or 11 with one client possibly only 9. She said most are teen-agers at Salisbury High. Knox Middle and Salisbury High are basically the receiving schools for the children. She pointed out that these are not handicapped or special needs children, and if they were, we could not limit where they go. They are basically children who have gone through the court systems and who have been adjudicated as delinquent and removed from their homes for one reason or another. Ms. Belk reiterated that these are children with needs, but until someone says who they are and allows the schools to know who they are and what their needs are, the question becomes how they can be helped. She commented

that this is all about making people who are opening group homes accountable and to afford the police and the schools the knowledge of who these children are so they can be helped.

Dr. Windsor Eagle, Principal of Salisbury High School, said he was speaking on behalf of the faculty, staff and students of Salisbury High School, and that they encourage adoption of the items proposed by the Planning Board as submitted by Mr. Joe Morris. He indicated that he was fortunate enough to have worked on the county committee that worked with DSS in developing legislative proposals for Raleigh. He closed by indicating the need for some assistance in education and felt like the proposals from the County and the City would offer that. He encouraged the adoption.

Mayor Pro Tem Woodson said that he met yesterday for about an hour with Ms. Mary Moore Adams who was supposed to attend this meeting today, but called saying she could not attend. He indicated that she wanted to express the need for more half-way houses, especially for veterans with drug and alcohol problems.

No one else was present to speak for or against the proposal. Mayor Pro Tem Woodson closed the public hearing.

Councilman Kennedy indicated that he still has some gray area on the 1/2-mile separation requirement, and asked that it be explained again.

Mr. Joe Morris responded by explaining that as part of the permitting process, when someone came into the Development Services Office and requested a permit to locate a residential treatment facility which would be primarily for services for children adjudicated as delinquent Level III, a permit would be granted only if it were to be located more than 1/2 mile of another residential treatment facility. He explained that the idea is to distribute facilities across the city and not have so many in any one neighborhood.

Councilman Kennedy asked for clarification as to why Level III children are being placed in the B-1 Zone.

Mr. Morris explained that the nature of the offenses of these clients requires that someone be awake at all times, and that these clients require more of an institutional type therapy.

Councilman Martin asked how determination is made for children to be assigned to these facilities in view of the fact some come from out-of-state. He questioned whether or not it is just the availability of the group home.

Mr. Morris indicated that there are operators of residential treatment facilities out there who market themselves and make their services available to other jurisdictions.

(c) Thereupon, Mr. Burgin **moved** to adopt the Planning Board recommendations with the provision that there be a report in six months on the general effectiveness or non-effectiveness of this particular adoption. Mr. Martin seconded the motion.

Councilman Kennedy indicated that he felt good about what the group has done, but that he does not feel good about voting on this. He said he felt he did not have all the knowledge he needed to make a decision today and that if he had to vote today he would have to vote against it. Mr. Kennedy commented that he knows there are a lot of clients who need the group homes, and that he did not want to legislate anything that will be against group homes.

Mayor Pro Tem Woodson asked if Council should form a committee to look further into this. Councilman Kennedy indicated that he would like to see such a committee in order to let him take another look at it.

Mayor Pro Tem Woodson acknowledged that Mr. Burgin had made a motion, and asked if he would consider withdrawing his motion.. Mr. Burgin replied that he was in agreement and withdrew his motion.

Mayor Pro Tem Woodson appointed Councilmen Kennedy and Martin to serve on the Council Committee to study the group home issue and come back to Council with a recommendation.

REPORT FROM THE ROWAN COUNTY CHILD RESIDENTIAL FACILITIES TASK FORCE

Mr. Zell Setzer, Chairman of the Rowan County Department of Social Services Board, and Ms. Leda Belk, Rowan County Commissioner, presented a report of legislative recommendations intended for consideration by the NC General Assembly. The recommendations address issues intended to improve the quality of care and services required by children living in special circumstances, and are intended to address the expectations of communities and school systems where child residential facilities are located.

Mr. Setzer introduced members of the DSS Board and ad hoc committee which was formed to address these issues of Child Residential Facilities. He indicated that Mr. Joe Morris, Urban Resource Manager for the City, was an integral part of this study committee and that all of his services had been greatly appreciated. He noted that the DSS Board had already gone before the County Commissioners, the County School Board, and of course the DSS Board which began the process. He said that they wanted to present a united public front from Salisbury-Rowan to our legislators and to the state. He stated that in North Carolina there are a lot of gaps in child care with a lack of legislation protecting children in this respect. Mr. Setzer commented that we are on the cutting edge in this community to be able to present to our legislators and to the state, legislation that would be broad and wide-sweeping across the whole state. He alerted Council that there were some questions from the School Board about some of the wording, and cautioned that these are not statutes. He further emphasized that by the time our legislative groups take this to Raleigh there will be further changes in wording. Mr. Setzer noted that it is the spirit of the resolution that we are asking the City Council to support. He closed by requesting that the City Council join them by passing a resolution stating that you support these endeavors and that this community is looking to make these changes to make children safer in our community and in the state.

Ms. Belk reviewed briefly the five major legislative recommendations of the Child Residential Facility Study Committee:

- Define "Child Residential Facility"
- Accreditation and Certification Issues
- Access to Juvenile Delinquency Histories
- Child Residential Facility Advisory Committee
- North Carolina Registry of Child Placements with Non-Relatives

Thereupon, Mr. Kennedy made a **motion** to approve the resolution. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0)

A RESOLUTION IN SUPPORT OF THE LEGISLATIVE RECOMMENDATIONS OF THE ROWAN COUNTY CHILD RESIDENTIAL FACILITY STUDY COMMITTEE.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter VII - Legislative, at Page No. 1, and is known as Resolution No. 2003-13.)

Mayor Pro Tem Woodson thanked the DSS Board and the Director of DDS for their presentation.

Mayor Pro Tem Woodson recognized Mr. Arnold Chamberlain, DSS Board Member and Rowan County Commissioner. Mr. Chamberlain said he wanted to mention that by sending the Group Home Zoning Text Amendment recommendation back to the Council committee, it needs to be understood that the City's moratorium ended as of this date (March 18, 2003).

Councilman Burgin asked if the Council had the ability to extend the moratorium. The response was affirmative.

Thereupon, Mr. Burgin made a **motion** to extend the moratorium on group homes for sixty (60) days. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0)

ALLEY CLOSING - 100 BLOCK OF STATESVILLE BOULEVARD

(a) Ms. Wendy Brindle, Traffic Engineer, stated that on February 18, 2003, Council adopted a resolution of intent to close an alley in the 100 block of Statesville Boulevard. She stated that staff had made all necessary notifications to the public as required by general statutes. Ms. Brindle said that staff has concluded that closing the alley would not be contrary to public interest nor deny an individual of ingress and egress.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice and advertisement thereof, to consider the alley closing in the 100 block of Statesville Boulevard.

No one was present to speak **in favor** or **in opposition** to the alley closing.

Since no one was present to speak for or against the above proposal, Mayor Pro Tem Woodson closed the public hearing.

(c) Thereupon Mr. Kennedy made a **motion** to adopt a RESOLUTION to accept the alley. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF AN ALLEY IN THE 100 BLOCK OF STATESVILLE BOULEVARD.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 13, and is known as Resolution No. 2003-14.)

(d) Thereupon, Mr. Kennedy made a **motion** to adopt an ORDER to close the alley. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE (4-0).

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	ORDER CLOSING AN ALLEY
CLOSING OF AN ALLEY IN THE	*	PURSUANT TO GENERAL
100 BLOCK OF STATESVILLE	*	STATUTE OF NORTH CAROLINA
BOULEVARD	*	SECTION 160A-299

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on March 18th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said alley is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on February 21, 28, March 7, 14, 2003.

And it further appearing to the Council and the Council finding as a fact, that the closing of the alley, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said alley or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said alley; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299:

BEGINNING at a new iron pipe on the Southern 80 foot right of way of Statesville Boulevard (US Hwy. 70), said point being North 67° 44' 37" East, 131.94 feet from a new iron pipe in the Southern right of way of Statesville Boulevard (US Hwy 70); thence from said beginning leaving the Southern right of way of Statesville Boulevard (US Hwy 70) along the Eastern property line of a 10 foot± alley South 00° 32' 15" West, 87.28 feet to an existing iron pipe on the Eastern property line of a 10 foot+ alley, further described as the Western property line of Bunn-Brantley Enterprises, Inc. (DB.615, PG.626); thence continuing along the Western property line of Bunn-Brantley Enterprises, Inc. (DB.615, PG.626) South 00° 31' 50" West, 98.00 feet to an existing iron pipe on the Northwest property corner of W.J.B. Realty, L.P. (DB 661, PG.984); thence North 86° 41' 32" West, 5.01 feet to a point in the center of the 10 foot ± alley; thence continuing 5.01 feet to a point on the Western property line of the 10 foot ± alley for a total distance of 10.02 feet; thence following the Western property line of the 10 foot ± alley North 00° 31' 50" East, 97.51 feet to an iron pipe on the Eastern property line of David Lee Koontz (DB. 677, PG. 699); thence continuing along the Eastern property of David Lee Koontz (DB.677, PG. 699) North 00° 32' 15" East, 91.26 feet to a point on the Southern 80 foot public right of way of Statesville Boulevard (US Hwy 70); thence along the Southern right of way of Statesville Boulevard (US Hwy 70) South 67° 44' 37" East, 10.76 feet to the point and place of beginning.

The above described being the area of the 10 ± foot alleyway closing having an area of 1,870 ± square feet (D.M.D).

Be and the same is hereby forever closed.

CITY COUNCIL OF THE CITY OF

SALISBURY, NORTH CAROLINA

BY: s/s Paul B. Woodson, Jr.

Mayor Pro Tem

s/s Myra B. Heard

City Clerk

PARKING RESTRICTIONS - LAUREL STREET

Councilman Kennedy indicated that he would need to remove himself from deliberation on this ordinance because he is one of the petitioners.

Upon consensus of Council, Mr. Kennedy was excused from deliberation regarding parking restrictions on Laurel Street.

Ms. Wendy Brindle, Traffic Engineer, informed Council that a petition was received from Sedgefield Acres Homeowners Association to restrict parking on the north side of Laurel Street, between Long and Beard Streets. She noted that the petition was signed by approximately 63% of the property owners to show support.

Thereupon, Mr. Burgin made a **motion** to adopt an ordinance to amend Section 13-338 of the City Code to prohibit parking on the north side of Laurel Street. Councilman Martin seconded the motion. Messrs. Burgin, Martin, and Woodson voted AYE. (3-0)

AN ORDINANCE AMENDING SECTION 13-338, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED AT ALL TIMES.

(The above Ordinance is recorded in full in Ordinance Book No. 19, under Chapter X - Traffic,

at Page No. 7, and is known as Ordinance No. 2003-23.)

The Council was informed that due to the lack of affirmative vote of two-thirds of all members of the Council, it will be necessary to have a second reading on the above ordinance before it can be ratified.

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REPORT FROM THE PLANNING BOARD CONCERNING RECOMMENDATIONS PERTAINING TO TEMPORARY SIGNS

FOR SPECIAL EVENTS OR PROMOTIONS

Mr. Harold Poole, Senior Planner, opened the presentation by noting that this had been quite a long process. He explained that the City Council requested the establishment of a joint committee from the Planning Board and the Community Appearance Commission with the task of preparing regulations for temporary signs for special events or promotions. With some input from the public, the joint committee came up with a recommendation which was presented back to City Council. The Council then referred it to the Planning Board for their endorsement and recommendations. The Planning Board referred it to its Legislative Committee, which endorsed it, and sent it back to the full Planning Board. He noted that back at the Planning Board level, however, a slightly different recommendation then came out.

Mr. Poole then shared with the City Council a number of options it can pursue pertaining to temporary signs for special events or promotions. He noted that at this time there are no provisions at all in Salisbury for temporary signs for special events or promotions:

(1) Planning Board recommendation to set up a 12-member Task Force to study the issue.

(2) Consider recommendation from the Planning Board/Community Appearance Commission 6-member Task Force, which was endorsed by the Planning Board's Legislative Committee.

[NOTE: Because Planning Board failed to act on this specific proposal, Council can still consider it after April 11—a 45-day waiting period following Planning Board's Courtesy Hearing (see Section 19.01 of Zoning Ordinance).]

(3) Council could send this matter back to the Planning Board for a formal recommendation, and could request Planning Board make its recommendation within a certain time period.

(4) Council can set up a study committee of its own.

(5) Council could take no action, thereby leaving the Ordinance as it current exists, which does not allow for temporary signs for special events.

Councilman Martin asked how long this process has been going on.

Mr. Poole responded that it had been quite a few months. He noted, that there has been considerable public involvement, and that for the courtesy hearing, notices including an introductory letter and a copy of the proposal were sent to over 700 Chamber of Commerce members, new and used car dealers, and other interested groups.

Councilman Kennedy inquired as to the rationale for the Planning Board to recommend twelve (12) people for the Task Force.

Mr. Poole indicated that he really did not know, and that it was just suggested by a Planning Board member whom he feels thought an expanded number of members over the previous six-member committee would be advantageous.

Mr. Rodney Queen introduced himself as a member of the original Joint Committee of six members who worked with these recommendations. He noted that while the Community Appearance Commission has their view on things as far as making things look pretty and keeping in line with the integrity of the City, the Planning Board looks a little more at working with businesses and trying to resolve issues to help them with their promotions. He said the one thing they all had in common was the importance of looking into all avenues to see what could be done to support the businesses. He remarked that the group discovered that working on sign committees is a difficult issue because you will never make all sides happy. Mr. Queen explained that there was some disappointment at the public hearing with what the committee had tried to accomplish. He said a Board member recommended the issue should go to a Task Force and that the City Council should look into it a little further. He noted that there was a 12-0 vote on the Planning Board to recommend the option of a 12-member Task Force. Mr. Queen expressed his feeling that the City Council should possibly do something to take it a step further so that Council could be happy with its decision, the decision of the Planning Board, and would be able to do the best we can for the businesses. On a personal level, Mr. Queen indicated that he could support any of the options.

Mayor Pro Tem Woodson expressed that the 12-member Task Force would be good because more people could be involved, and no one could come up and say we did not have them, a certain group, or a certain business involved.

Councilman Burgin commented that he felt the six-member committee did a pretty good job, and if sent to committees of either 12, 24, or 48 members, one would probably get only a fairly small minor mix of things. The purpose Council had in sending it back to the Planning Board and Community Appearance Commission for review was to try to offer to our businesses a way to do special promotions. He noted this does it in a way which is better than what we now have. Mr. Burgin said that with appropriate public hearings, he was really okay with adopting just what the six-member committee recommended. He noted that this is generally what the

car dealers are doing at this time, and this gives them a way to be legal. He commented that the Planning Board had some concerns and issues and wanted to do a better job. He indicated that he did not want a great plan to stand in the way of a good one, and that we have a good one in this plan. He said he felt comfortable adopting the proposal.

Mayor Pro Tem Woodson indicated that he too was comfortable with the recommendations, and that he just wanted to be sure that no one was left out. He noted that he had received offers from several people who volunteered to serve on a 12-member task force.

Mr. Burgin asked how many notices were sent out prior to the public hearing. Mr. Poole indicated more than 730. Mr. Burgin noted that the door for input had certainly been open and it was not as if we were not trying.

(c) Thereupon, Mr. Burgin made a **motion** to set up a public hearing at the second meeting in April, 2003, for the purpose of reviewing the proposal on Temporary Signs for Special Events or Promotions. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0).

SPECIAL AUXILIARY MARQUEE SIGNS FOR THEATRES

Mayor Pro Tem Woodson recognized Mr. Glenn Ketner and Mr. Leo Wallace in the audience and asked if there was an item on the agenda they were present for.

Mr. Ketner indicated that he had assumed that the next agenda item, Planning Board recommendations and comments from their last meeting, would include the unanimous recommendation that the Planning Board made in favor of the proposed zoning text amendment regarding marquee signs.

Mr. David Treme, City Manager, explained that the Planning Board met last week and normally more time than a week would be necessary for an item to reach his office, to be placed on the agenda, and provide time for Council members to have ample time to review items in detail before voting on them.

Upon consensus of Council, a public hearing was set for April 15, 2003, for the proposed zoning text amendment relating to special auxiliary marquee signs for theaters.

COMMENTS FROM CITY MANAGER

(a) Planning Board recommendations and comments

Council received The Planning Board recommendations and comments from their March 11, 2003 meeting.

(b) Statesville Interconnect

Mr. Treme reported that the Rowan County Commissioners unanimously approved the Statesville Interconnect. Both the City of Salisbury and the City of Statesville have now approved it. Mr. Treme noted that he had shared this information with Mr. Dempsey Benton, North Carolina Department of Environment and Natural Resources (NCDENR), and is waiting to see how they want to proceed with grants.

(c) Chamber of Commerce Board Meeting

Mr. Treme reported that he met with the Chamber of Commerce to share with them the concern City Council has on the Governor's actions reference the Hold Harmless Funds which he is proposing not to grant to cities in lieu of the reimbursements. He noted that was a part of the whole process last year where the half-cent sales tax was approved by the County in December. He noted that we were there to approve that, but we received only half of the funds we got from the reimbursements which were left over from the Intangibles Tax and the Inventory Tax, primarily. That was passed by the NC General Assembly less than six months ago, and the reimbursements (the hold harmless funds) were not included. He noted that would cost \$823,000 to our City which is equivalent to about 4 1/2 cents worth of taxes. We have contacted our legislators and want to gain support from the business community. Mr. Treme stated that if we are \$823,000 short this year, we will again find ourselves in a financial crisis as we have been for the past twelve months. He noted that he would also be sharing this concern with the Economic Development Commission and others in attempting to gain support throughout the community.

MAYOR'S ANNOUNCEMENTS

(a) National League of Cities

Mayor Pro Tem Woodson reported that he and Councilman Kennedy attended the National League of Cities meeting in Washington, DC. One of the items mentioned frequently was convention centers in smaller towns such as Salisbury. All over the country, convention centers were said to be bringing in a lot new business prospects, bringing in needed business, and visitors. He noted that reflects a lot of what Council did several weeks ago on trying to purchase land to perhaps have our own convention center in the next couple of years.

Mr. Woodson commented that most of the people with whom he spoke indicated that their town and state budgets seem to be

down 15-20%. He shared that several of the City Managers he spoke with suggested that 20% just might be the national standard now, that we may never return to the nineties, and that budgets just might have to be adjusted to this downturn.

Mr. Woodson also noted that speakers addressed a wide variety of topics including industries which are moving to Asia, money for education for high tech jobs, and the loss of jobs. He remarked how important it was for us to try and mesh a solution for all of these problems. He commented on his interest in the fact that the federal monetary policy currently is to drive rates down so low that we spend our money.

Councilman Kennedy reported that along with other representatives from other cities across the country, they lobbied our legislators to help cities through seven different items:

- o Create a sensible economic stimulus plan.
- o Make America safe.
- o Insure an adequate supply of affordable housing.
- o Strengthen the vital transportation systems.
- o Protect natural resources.
- o Invest in our children by fully funding the implementation of the No Child Left Behind Act.
- o Work as a partner with cities and towns to create a future full of promise for all Americans.

Councilman Kennedy added that the National League of Cities did recognize our Representative, Mel Watts, for his support in all of the things that the League represents.

(b) Mayor's Spirit Luncheon

Mayor Pro Tem Woodson announced that the Mayor's Spirit Luncheon will be held at City Hall on Tuesday, March 25, 2003, from 12:00-1:00 p.m.

CLOSED SESSION:

Mayor Pro Tem Woodson informed Council that he would entertain a motion for the Council to go into closed session to consult with an attorney as allowed by G.S. 143-318.11(3).

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

RETURN TO OPEN SESSION

Councilman Burgin **moved** to return to open session. Councilman Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0).

Mayor Pro Tem Woodson announced that no official action was taken in closed session.

NUISANCE ABATEMENT REQUEST - 923 NORTH MAIN STREET

Community Service Officer Karen Barbee, of the Salisbury Police Department, asked Council to file a complaint to request abatement of the nuisance at 923 North Main Street. She indicated that she has made repeated calls to 923 North Main Street for problems such as drug activities, noise, and loud music. She stated that on three occasions she had to request support, and that on one occasion she responded for vandalism and ended up arresting three people for drug activity. The residence has repeatedly been a source of problems for the community. The house is located near the Shelter for Battered Women, and the people in the community are afraid and have repeatedly expressed concern, she stated.

Ms. Barbee told Council that Mr. Rivers Lawther, City Attorney, and Mr. Sean Walker, Attorney, have prepared a document and are requesting support from the City Council allowing the Salisbury Police Department to file a suit in court.

Mayor Pro Tem Woodson confirmed that 923 North Main Street is a major problem in our City, with lots of calls and problems for over 10 years.

Thereupon, Mr. Burgin made a **motion** for the City to file a complaint to request the abatement of nuisance at 923 North Main Street. Councilman Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Woodson voted AYE. (4-0).

ZONING ORDINANCE PROBLEM - FIRST BAPTIST CHURCH

Councilman Martin indicated that he had received several calls about a problem relating to the zoning ordinance. He explained that the First Baptist Church had purchased the old YMCA and removed the big YMCA signs from the side of building. The Church is making a youth ministry out of the building. The Church is having a Passing of the Key event from the former YMCA building to the church in several weeks for about 600 people. In preparation, they have ordered black, classic-looking letters to be used for a sign which would read First Baptist Church Ministry. They found out recently that they cannot put up a wall sign that is more than 10 square feet because it is in a residential zone. Mr. Martin said that there were a lot of upset church members.

Mayor Pro Tem Woodson asked if it were possible to issue a temporary, 14-day permit until a more permanent decision could be made. Mr. Treme said it looks like there would have to be a text amendment and recommended that the request be referred to the Planning Board, but that it would require more than two weeks for their recommendation. Mr. Burgin noted that the Council had addressed a temporary sign provision today relating to the use of a banner and that might be a temporary solution. Mr. Treme said he thought a text amendment was possible, and in the meantime, it would be possible for them to put up a banner until we can work through this other problem.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Kennedy, seconded by Mr. Burgin. All Council members present (4) agreed unanimously to adjourn. The meeting was adjourned at 7:03 p.m.

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Mayor Pro Tem

City Clerk