

Salisbury, North Carolina

May 21, 2002 - 4:00 p.m.

REGULAR MEETING

PRESENT: Mayor, Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Robert (Bob) Martin; City Manager, David W. Treme, Assistant City Manager, J. Foster Owen; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Swannetta B. Fink.

ABSENT: None.

The meeting was called to order by Mayor Kluttz. The invocation was given by Councilmember Martin.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

RECOGNIZE DELEGATION FROM ROTARY-INDIA, DISTRICT #3170

DR. JORSON FERNANDES, TEAM LEADER

Dr. Maynard Rich, member of the Salisbury Rotary Club, introduced to Council Mr. Jorson Fernandes, MD, Team Leader; Mr. Raya Shankwalker, Architect; and Ms. Deep Mane, Civil Engineer, of Rotary-India, District #3170, who have been in the United States since April 18. Salisbury Rotary is the 11th Rotary Club they have visited. Dr. Rich told Council the visitors have enjoyed our city and learned much about Salisbury. They have come to appreciate our warm hospitality, he said.

Mayor Kluttz welcomed the group on behalf of the City of Salisbury and presented Dr. Fernandes a key to the City of Salisbury.

Dr. Fernandes presented Mayor Kluttz a gift from Rotary-India, District #3170.

PRESENTATION OF NORTH CAROLINA AMERICAN PLANNING ASSOCIATION PLANNING AWARD FOR THE SALISBURY VISION 2020 COMPREHENSIVE PLAN

Mr. Joe Morris, Urban Resource Planner, first made a connection with Mr. Glenn Harbeck, Consultant, for the Salisbury Vision 2020 Comprehensive Plan, via internet, so he could be with us during this presentation. Mr. Morris told Council that at the North Carolina Chapter of the American Planning Association meeting on Friday, May 17, 2002 in New Bern, the City of Salisbury received an award for the Vision 2020 Plan. This Plan won the 2002 Small Community Outstanding Planning Award for Comprehensive Planning. The award is presented to a small community with a population of less than 50,000 that exemplifies excellence in the practice of comprehensive planning, Mr. Morris said. The Salisbury Planning Board and City Council are using the Vision 2020 policies to guide land development decisions. Mr. Morris presented to Mayor Kluttz a plaque which represents the Brian Vinson Small Community Comprehensive Planning Award.

Mayor Kluttz recognized members of the Salisbury Vision 2020 Task Force.

PRESENTATION FROM DOWNTOWN SALISBURY, INC. REGARDING TROLLEYS

Mr. Steve Fisher, President of Downtown Salisbury, Inc.(DSI), told Council he is here today to ask for Council's assistance on the two rubber wheel trolleys. He gave the background on how these Chance trolleys were purchased. Since the trolleys were purchased, there have been quite a few challenges, according to Mr. Fisher. Most of the challenges were maintenance related, along with some hidden issues no one was aware of when they were purchased. Through the benevolence of the city, the trolleys have been restored and are now in good operating condition today, Mr. Fisher noted.

Other issues Downtown Salisbury has faced are: loss of the operating partner, Laidlaw, who was also Rowan County's operating partner for their bus system. They provided a reasonable rate for drivers and covered the insurance, he said. When Laidlaw lost the County contract and moved out, Downtown Salisbury no longer had an operating partner. DSI had to go into business themselves at this point. They hired their own drivers and looked for insurance. Mr. Fisher explained that DSI did not anticipate the staffing responsibilities it was going to take to organize, schedule, and run a trolley system. For \$5 Million of insurance, the premium was \$23,000.00, he indicated. Both financially and from a staff standpoint, DSI is at wits end on how to continue to run the trolley system through downtown Salisbury. Income last year from rental of trolleys was approximately \$4,500.00 with expenses of \$31,000.00.

Mr. Fisher told Council DSI would like to have the City of Salisbury as one of its partners in helping to operate a viable trolley system in downtown Salisbury. He also asked Council to form a committee to investigate the partnership to see if it is possible. He listed other possible interested partners. The requested committee is being asked to study the trolleys, see what the partners can bring to the table, and see if the group, as a unit, can come together and find a solution to keep the two trolleys on the road. There is, at present, approximately \$12,000.00 funding available to continue the trolley operations for 4 months.

Mayor Kluttz noted she would like to see this worked out and every option needs to be explored.

Mayor Kluttz then appointed Councilmen Burgin and Kennedy to serve on the Council Committee.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

JUNETEENTH DAY June 22, 2002

CONSENT AGENDA

Mayor Kluttz informed Council that the following item has been added to the Consent Agenda:

(h) Approve closing Old Wilkesboro Road from the intersection of Brenner Avenue to Industrial Avenue, from 10:00 a.m. until 8:00 p.m., on Saturday, June 22, 2002, in order to hold a Juneteenth Celebration at Kelsey-Scott Park.

Mayor Kluttz also informed Council that a request has been received to pull item (b)

2nd part, G-7-02, Drummond Village (Salisbury Site), 2800 Block of Stokes Ferry Road.

Thereupon, Mr. Woodson made a **motion** to remove item (b) 2nd part, G-7-02, Drummond Village from the Consent Agenda. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

(a) Minutes

Minutes of the regular meeting of May 7, 2002.

(b) Group Development Site Plan

Approve Group Development Site Plan for G-9-71, Salisbury Housing Authority, 200 Block of South Boundary Street.

(c) Minor Subdivision Plat

Approve minor subdivision plat S-03-02 to create two five-acre tracts on NC 150 near its intersection with Rowan Mill Road.

(d) Outside Irrigation Connection

Approve an outside irrigation connection for John Lynden, 650 Catawba Drive, Tax Map 334-C, Parcel 175.

(e) Special Use Permit for CTC Wireless

Approve a Special Use Permit for CTC Wireless to co-locate an array of antennas on a tower located at 220 West Ritchie Road.

(f) Acting Clerk

Approve Foster Owen as Acting Clerk for May 29 through June 6, 2002.

(g) Revised Schedule of Regular Meeting Dates

Approve revised schedule of regular meeting dates for 2002.

(h) Street Closing - Old Wilkesboro Road

Approve closing Old Wilkesboro Road from the intersection of Brenner Avenue to Industrial Avenue, from 10:00 a.m. until 8:00 p.m., on Saturday, June 22, 2002, in order to hold a Juneteenth Celebration at Kelsey-Scott Park.

Thereupon, Mr. Woodson made a **motion** to approve the Consent Agenda with G-7-02 left out. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

GROUP DEVELOPMENT SITE PLAN - G-7-02 - DRUMMOND VILLAGE

G-7-02 - Drummond Village (Salisbury Site), 2800 Block of Stokes Ferry Road

Mayor Kluttz stated a public hearing will not be held today for Group Development Site Plan G-7-02 Drummond Village. She stated she has been advised that several neighbors are present who are opposed to this and have asked that this item be pulled from the Consent Agenda. Mayor Kluttz told the neighbors that one person from their neighborhood can tell Council their concerns. Also, the developer will be allowed to speak concerning this group development site plan, Mayor Kluttz said.

Ms. Diane Bruendl, a resident of Earnhardt Road, told Council that she and her neighbors are here today because they oppose apartments in this development. She said they are all homeowners and all will be affected by this decision. "We, as a group, oppose them and ask at this time that you (Council) not approve Phase 3 of this development," Ms. Bruendl said. They hope that a compromise can be reached between the neighbors and the development, she noted. Ms. Bruendl asked the following questions: If allowed, they would like to know if this would be public housing in the apartments? How does this development comply with Principal 5 on page 198 and Policy N-19 on page 46 of the 2020 Plan?

Mayor Kluttz asked the neighbors in attendance who oppose this to stand. Approximately 15 neighbors stood up.

Mr. Eric Wood, with Pilot Developers, told Council from the beginning he let it be known that he hoped to be allowed to have apartments. It has been 1-1/2 years in the process, he said. Mr. Wood indicated he has stuck directly with the concept plan that Land Design brought forward to Council. He said the apartments are an interval part of our neighborhood. It provides for lots of different housing and mixed uses. It's not going to be a public housing situation, he said. Everyone he has spoken with is aware of that, Mr. Wood noted. He could go through and pick out 30-40 places within the plan where apartments and mixed uses are actually suggested. Phase 3 consists of 168 apartments, whereas he originally asked for 250 apartments, Mr. Wood reminded Council. He was originally approved on this site, but not in this exact location, for 440 apartments that zoning would allow, according to Mr. Wood. He said he has no plans of increasing that to the 250 number. The 168 apartments, in regard to the total concept plan, makes a lot of sense, said Mr. Wood.

Mr. Hubert Furr, Development Services Manager, showed Council the plan on an overhead, explaining the different phases. Phase 5 was removed from the plan at the Planning Board level because there were some questions staff needs to get worked out, he said. The plan meets all zoning criteria, according to Mr. Furr. Technical Review Committee recommended approval to the Planning Board. Planning Board unanimously recommends approval as submitted except for Phase 5, which will come to Council later.

Mr. Dan Mikkelson, City Engineer, replied to the two policies that Ms. Bruendl questioned in the Vision 2020. Policy 5 on page 189 reads: "Do not allow large, homogeneous tracts of land to be developed in a single land use or class of housing." Mr. Mikkelson stated he assumes the concern of the neighbors is that the apartments themselves is considered a large homogeneous tract. Ms. Bruendl reminded Mr. Mikkelson it is 22 acres. Mr. Mikkelson said a large homogeneous tract would be considered much larger than 22 acres. It would be more in terms of the entire 150 acres that the developer owns, he said. The Vision 2020 plan would say don't develop the entire 150 acres as all the same type use. Put in mixed uses, retail sales, high density housing, single family housing, etc. he said. The 22 acre apartment tract would not exceed or meet that indication, Mr. Mikkelson stated.

Policy N-19, page 46 reads: "Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing." Mr. Mikkelson said he assumes that the concern is that higher density housing shall not be through a lower density housing area. The Salisbury area thoroughfare plan identifies Earnhardt Road as a major thoroughfare. It is a road intended to carry large amounts of through traffic. Traffic traveling along Earnhardt Road to get to the apartment complex would not be considered traveling through a low density area, Mr. Mikkelson explained. If there was an existing street in another area, which Mr. Mikkelson showed, and it was anticipated that most of the traffic would be coming through that residential street to get to the new apartments, that would be discouraged, he said. Some of the apartment traffic will be traveling through the new residential streets, but because that is part of the comprehensive plan, that type of thing is not discouraged, Mr. Mikkelson noted. The fact that the City's thoroughfare plan recognizes Earnhardt Road as a major thoroughfare, would indicate that would be an appropriate location for apartments to be placed.

Ms. Bruendl asked where are the places to work out there. Mr. Mikkelson stated that Policy 19 recommends that high density housing be located adjoining places of work, shopping and public transit. In this phase of development, that will not exist. Thoroughfare plan calls for a future extension of Jake Alexander Boulevard which would connect into Earnhardt Road. Jake Alexander Boulevard is planned to come through the developer's property and carry a high traffic volume. In his plan, the developer is proposing for that area to develop in the future as high density uses, Mr. Mikkelson stated. It would start off with high density residential uses and supplemented with mixed use commercial, explained Mr. Mikkelson. Typically the market will not allow the mixed use commercial to develop until you have the road and residential property so there would be access for the business use. Likely, in the future, the City and State would extend Jake Alexander Boulevard through there and open up the property for a commercial mix that is recommended in the comprehensive plan. The developers master plan does include that, he noted. Mr. Wood is at the mercy of the road extension as to when he can implement that phase of his project, Mr. Mikkelson further explained.

Councilmember Burgin noted that when the zoning was done for this, there were a number of concerns that needed to be addressed for Earnhardt Road. The tract of land was so large and the potential was so great for the development to occur that included a lot of mixed use. Council accepted that as being consistent with what is being done for new urbanism and consistent with the thoroughfare plan in place and accepted it, Mr. Burgin reminded Council. He said he knows neighbors who are used to a field, woods, and single family houses on 3 or 4 acres of land, are uncomfortable with this, but this is what a growing city does. Mr. Burgin pointed out the developer was consistent in his planning. This will be an exciting place for residents to live, he noted.

Mr. Kennedy said he has compassion for the neighbors. The developer, he explained, has compromised by reducing from 250 apartments to 168. Mr. Woodson stated he also feels for the neighbors on Earnhardt Road, which is a pretty area. We need housing and need to grow and, as a Council, we need to keep it in balance. It is zoned properly, the number of apartments has been downsized, and it is hard to go against the proposal. Mr. Martin stated growth is definitely coming and this is controlled growth. Mayor Kluttz agreed.

Thereupon, Mr. Burgin made a **motion** to approve the plan. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCES AND AMENDMENTS

Mr. John Vest, Director of Utilities, informed Council that there are seven (7) proposed Capital Project Budget Ordinance Amendments to disburse the proceeds from the revenue bond sale of \$20,505,000. These projects are as follows:

(1) South Rowan Water Line Project

Mr. Vest said this consists of the water lines from Salisbury to Kannapolis and booster pump stations related to the project. Several contracts have been let.

One segment will be brought to Council next month. This is an amendment to a previous project budget ordinance for design only. Amount: \$8,796,233.00.

Thereupon, Mr. Kennedy **moved** to approve. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson,

and Ms. Kluttz voted AYE. (5-0)

SOUTH ROWAN WATER LINE PROJECT, CAPITAL PROJECT ORDINANCE AMENDMENT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 51, and is known as Ordinance No. 2002-32 which amends Capital Project Ordinance No. 2001-46.)

(2) Clearwell Piping and Finished Water Pumps

Mr. Vest explained this is the work at the Water Plant that will allow the City to increase the capacity by increasing the size of the yard piping between the clearwells and the plant and replacing the worn out finished water pumps. Gilbert Engineering was awarded the contract. Amount: \$2,347,077.00.

Thereupon, Mr. Kennedy **moved** to adopt the Clearwell Piping and Finished Water Pumps Capital Project Ordinance, in the amount of \$2.3 plus Million. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

CLEARWELL PIPING AND FINISHED WATER PUMPS, CAPITAL PROJECT ORDINANCE.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 52, and is known as Ordinance No. 2002-33.)

(3) FERC, Interbasin Transfer Approval and Environmental Assessment

This is for permitting all the different projects. The amount is \$837,297.00.

Thereupon, Mr. Woodson made a **motion** to approve the Capital Project Ordinance. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

FERC, INTERBASIN TRANSFER APPROVAL, AND ENVIRONMENTAL ASSESSMENT CAPITAL PROJECT ORDINANCE AMENDMENT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 53, and is known as Ordinance No. 2002-34 which amends Capital Project Ordinance #2001-52.)

(4) Water Treatment Plant Expansion

Mr. Vest explained this Capital Project Ordinance Amendment is \$7.1 Million to install the actiflow system (2 Actiflo Pretreatment Units) at the Water Treatment Plant which would expand the capacity from 12 to 18 million initially, and then be able to go to 24 million gallons per day. This will be advertised next

month and awarded in July. These figures are already known because the actiflow system being installed had actual fixed quotes. Amount: \$7,138,239.00.

Thereupon, Mr. Woodson made a **motion** to approve the \$7.1Million for the Capital Project for the actiflow pretreatment unit. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

WATER TREATMENT PLANT EXPANSION, CAPITAL PROJECT ORDINANCE AMENDMENT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 54, and is known as Ordinance No. 2002-35 which amends Capital Project Ordinance No. 2001-53.)

(5) Potable Water Transmission Facilities on Highway 70 and Rowan Power LLC

Mr. Vest explained this is to serve the Rowan Power, LLC (Progress Entergy)

facility on Highway 70. We are receiving the developers share from Progress Entergy and the bond sale funds. There are 3 contracts of which 2 have been awarded.

We received bids for all 3. The middle section of the water line project is awaiting the conclusion of the acquisition by NCDOT for right-of-ways.

Amount: \$7,306,873.00. (Mr. Kennedy noted that the developers put in \$4.2 Million.)

Thereupon, Mr. Kennedy **moved** to adopt. Mr. Woodson seconded the motion. Messrs. Burgin, Kenndy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

POTABLE WATER TRANSMISSION FACILITIES TO HIGHWAY 70 AND ROWAN POWER, LLC, CAPITAL PROJECT ORDINANCE AMENDMENT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 55, and is know as Ordinance No. 2002-36 which amends Capital Project Ordinance No. 2001-55.)

(6) Yadkin River Pump Station

Mr. Vest explained this is for the upgrade and improvements to the existing Yadkin River Raw Water Pump Station. This will include the installation of a new 12 million gallon a day pump to supplement the existing pumps as a backup. It also includes a new electrical feed system

to the site. Amount: \$836,878.00.

Thereupon, Mr. Woodson made a **motion** to approve \$836,878.00 for the Yadkin River Project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

YADKIN RIVER PUMP STATION, CAPITAL PROJECT ORDINANCE AMENDMENT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 56, and is known as Ordinance No. 2002-37 which amends Capital Project Ordinance No. 2002-5.)

(7) Spencer to Grant Creek Wastewater Treatment Plant Gravity Lines

Mr. Vest explained this will eliminate the Spencer Wastewater Treatment Plant that now discharges into Grant Creek. There will be gravity lines tied into the City's existing Grant Creek Interceptor Sewer and a pump station and force main that will go to the City's Grant Creek Wastewater Treatment Plant. This project was included in a feasibility study of the Spencer system. Amount: \$800,339.00

Thereupon, Mr. Kennedy **moved** to adopt the Spencer to Grant Creek Wastewater Treatment Plant Gravity Lines Capital Project Ordinance. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

SPENCER TO GRANT CREEK WASTEWATER TREATMENT PLANT, GRAVITY LINES, CAPITAL PROJECT ORDINANCE.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 57, and is known as Ordinance No. 2002-38.)

ALLEY CLOSING - 400 BLOCK OF NORTH BOUNDARY STREET

(a) Mr. Dan Mikkelson, City Engineer, showed Council the location of the proposed alley to be closed in the 400 block of North Boundary Street. He reminded Council that street and alley closings are regulated by General Statutes of the State which require the City to advertise in the newspaper, and notify adjacent property owners, which staff has done, Mr. Mikkelson advised. In accordance with State Statute, City Council must be able to make two findings. The first finding is that closing the alley is not contrary to the public interest. The second finding is that closing the alley would not deny reasonable access to any adjacent property owners. It appears to staff that both of these conditions have been met, Mr. Mikkelson stated. The purpose of the public hearing is for the public to have an opportunity to speak out if there is anything staff has overlooked and make Council aware of that, he stated. After the public hearing, if Council feels it is appropriate to proceed, they would take two actions: first, to adopt a resolution accepting the alley, and second, to adopt an order closing the alley.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to consider closing an alley in the 400 block of North Boundary Street.

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

Mr. Lou Manning, 2354 Statesville Boulevard, told Council he was in favor of closing the alley simply because it would make the functionality of the hopefully new community center better than it is now.

No one else was present to speak for or against the above proposal. Mayor Klutz closed the public hearing.

(c) Thereupon, Mr. Burgin made a **motion** to accept the alley. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF AN ALLEY IN THE 400 BLOCK OF NORTH BOUNDARY STREET.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 153, and is known as Resolution No. 2002-18.)

(d) Thereupon, Mr. Burgin stated having seen anything contrary to the public interest and that closing the alley will not deny adequate access, he made a **motion** to close the alley. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL
		OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	
CLOSING OF AN ALLEY IN	*	ORDER CLOSING AN ALLEY
THE		
400 BLOCK OF NORTH	*	PURSUANT TO GENERAL
BOUNDARY STREET	*	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 May 21, 2002 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 April 26, May 3, May 10, and May 17, 2002.

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 an existing railroad spike in the northwestern right of way line of North Boundary Street, said spike being N 47 degrees 14 min. 56 sec. E, 188.58 feet from an existing iron pin at the northern intersection of the Park Avenue and the North Boundary Street rights of ways, thence two lines with the City of Salisbury property as recorded at Deed Book 839 page 475, (1) N 43 degrees 00 min. 53 sec. W, 29.95 feet to an existing iron pin, (2) N 42 degrees 57 min. 53 sec W, 103.39 feet to an existing iron pin, Marie B. Cuthrell's (Deed Book 152 Page 170) north eastern corner, thence with Cuthrell's and part of James A. Clary's line N 42 degrees 57 min. 53 sec. W, 88.48 feet to a new iron pin, thence crossing alley N 47 degrees 57 min. 54 sec. E, 19.82 feet to an existing iron pin, the south east corner of the Tower of Power United Holy Church (Deed Book 746 Page 963) and the north west corner of Thomas M. Webb (Deed Book 734 Page 365) thence with Webb's line S 43 degrees 00 min. 55 sec. E, 221.66 feet to a new iron pin in the right of way of North Boundary Street, thence two lines with North Boundary Street, (1) S 47 degrees 38 min. 13 sec. W, 10.00 feet to a new iron pin, (2) S 47 degrees 22 min. 02 sec. W, 9.99 feet to the point and place of Beginning and Being 0.101 Acre as shown on Survey and Map By Shulenburger Surveying Company, P.A. dated 4/10/02.

Be and the same is hereby forever closed.

This the 21st day of May, 2002.

CITY COUNCIL OF THE CITY OF

SALISBURY,
NORTH
CAROLINA

BY:
s/s
Susan
W.
Kluttz

Mayor

s/s Swannetta B. Fink

City Clerk

BUDGET ORDINANCE AMENDMENT - HUD PROGRAM INCOME

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Mr. Dan Mikkelson, City Engineer, informed Council that with the City's HUD Program, as participants pay back their loans to us, we receive a program income. This program income is revolved back into the housing rehabilitation program. In the past year because the interest rates were so competitive, some participants refinanced and paid off their loans early. As a result, the City received more program income than the City had anticipated. Staff recommends approving the budget ordinance amendment in the amount of \$27,000.00.

Thereupon, Mr. Burgin made a **motion** to adopt the Budget Ordinance increasing the line (Purchase, Rehab, and Resale) \$27,000.00 and increasing the mortgage payment, principal and interest \$27,000.00. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2001-2002 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE ADDITIONAL HUD PROGRAM INCOME.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 58, and is known as Ordinance No. 2002-39.)

U. S. ATTORNEY - ANNA MILLS WAGONER

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Mayor Kluttz told Council that safety of our citizens and the safety and protection of our neighborhoods is probably the most important thing to Council members. Council has been very alarmed recently with the increase in murder, illegal guns, guns in the hands of children in the community, and as a Council, we are committed to do all we can to help, she said. Our U.S. Attorney for the Middle District of North Carolina and former Chief Judge, Ms. Anna Mills Wagoner is with us today to tell Council about a possible resource for our City.

Attorney Wagoner told Council that recent FBI statistics show that gun violence kills more youth and children than all other causes combined. This statistic is alarming and totally unacceptable for a country in which we expect our young people to grow up to be producing adults, she said. We have older people, along with younger people, walking the streets at night where they should be safe and feel safe, she noted. Instead, these neighborhoods that should be safe havens are sometimes turning into potentially terrorizing zones. The bad news that has happened in Salisbury lately is tragic. However, out of bad things, do come some good things, she pointed out. Ms. Wagoner said she is here today, not to tell Council she is from Washington, but she is here to help us and tell us they (the federal government) would like to help us with what's going on in Salisbury.

The events of the past month in Salisbury have highlighted the growing problem with guns, Attorney Wagoner told Council. The President and Attorney General have initiated a gun violence reduction program called "Project Safe Neighborhood." Attorney Wagoner shared with Council she is here today to announce that Salisbury will be a part of that federal program. Two weeks ago, Chief Herring was in Greensboro meeting with Attorney Wagoner and they talked about gun violence. Last week, Mayor Klutz, City Manager Treme, and a representative of the Salisbury Police Department, along with two Assistant District Attorneys came to Greensboro to hear an orientation session sponsored by the Middle District of North Carolina, U.S. Attorney's office, concerning gun violence reduction. The group was very interested in what they heard, she noted. The Middle District of North Carolina has had a violence reduction program in place in 4 cities for approximately two years. Those cities are Greensboro, High Point, Winston-Salem, and Durham. The violence reduction strategy in those towns has been amazing. Their gun statistics have gone down incredibly, she said. Likewise, in towns such as Boston, Mass. and Richmond, Va., Project Exile and Operation Cease Fire, have also had gun reduction strategies in place for a number of years and they have worked quite well, she stated.

Attorney Wagoner said she is here today to ask Council to join with the Middle District in this violence reduction strategy. It will not cost Salisbury a penny, she said. The Federal Government, Congress and the President have given resources to plan, train, enforce, and have community outreach. Planning means meeting with local people to decide what strategy is going to work best for Salisbury, she said. Training means bringing the ATF (Alcohol, Tobacco, Firearms) in to train the local prosecutors and local law enforcement in gun tracing, gun mapping, and where to go to get those guns. Enforcement is where the federal system could help. There are quite stiff penalties for gun crimes in the federal system, she noted. This is a collaborative effort, not a program, but a strategy, Ms. Wagoner stated. Ms. Wagoner expressed the belief it can work and said she looks forward to working with Council to accomplish safe streets in Salisbury.

As far as the name, hopefully it will be called Project Safe Salisbury, which stands for Strategic Aggressive Firearms Enforcement. Attorney Wagoner expressed her willingness to help. She said Salisbury is the first town of all the communities this concept was introduced to last week, to step up to the plate and say we want to do something.

Mayor Klutz thanked Ms. Wagoner and told those present it's a partnership of the City with the Police Department, District Attorney's office, and particularly the community. It's going to take a lot of community involvement. Our Council and community is ready to eliminate this problem of illegal drugs and guns in the hands of children, Mayor Klutz pointed out. We must make it clear that we aren't going to tolerate this any longer, she said.

City Manager Treme commented that he agreed with what Mayor Klutz said. They met with the City of High Point, who has been very successful in implementing this strategy and they have offered their services as our mentor in a most positive way, he said. The success of their program was involving the community leadership. This is an extension of our crime control plan, Mr. Treme noted. He told Council he feels Salisbury has already established a lot of community support across the board. This is an opportunity to partner with the Middle District and U.S. Attorney to provide another tool, another implementation strategy to make Salisbury a safe and secure city, especially in our neighborhoods, Mr. Treme stated. There is a cause and effect relationship between the strategies that have been employed in other North Carolina cities and across the nation and a reduction in violence from guns. Some rather marked improvements came from this strategy, he said.

Police Chief Chris Herring said he is also excited and appreciative of the U.S Attorney's office for this partnership. This falls in line with our crime control and partnering, he said. When you have the use of a weapon (gun) that's really toward the end result. We can catch the person and lock them up, but that usually means a life has been lost, Chief Herring stated. There are so many things that take place prior to somebody pulling the trigger. Here is an excellent program that rallies the community, law enforcement, and criminal justice agencies together to digest this and see what we can do for the many issues that happen between, he said.

Councilman Martin expressed that he is thrilled. He said he was with the ATF for 30 years and he knows the problem. Not only this, but it's great that Salisbury is one of the first cities, but the fact that the Federal agencies will be working closely with the local agencies along with the District Attorney's office which is a plus of us, Mr. Martin said.

Thereupon, Mr. Burgin made a **motion** to accept the proposal presented to Council by our U.S. Attorney and that Council is excited that we are participants in anything that will help reduce crime in the City of Salisbury. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations as information only.

(b) Holiday Schedule

City Manager Treme presented the Holiday Schedule to Council for consideration.

Thereupon, Mr. Burgin made a **motion** to approve the Holiday Schedule as presented. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

(c) Request from Mr. John Riley regarding Sign Ordinance

City Manager Treme informed Council that he had received a letter from Mr. John Riley, Central Carolina Insurance Agency, requesting an appeal of the sign ordinance under Section 9.04, subsection 12 Flashing Signs. Mr. Riley would like to install a sign which would have the agency name and lighted board with time and temperature as well as providing passing motorist information covering what they offer in terms of insurance products. The sign would have a board that would leave a message for a few seconds and not a continuous scroll, Mr. Treme said. The City Sign Ordinance prohibits this use, Mr. Treme informed Council Mr. Riley wrote him a letter about this matter and he then invited Mr. Riley to bring this issue before City Council.

Mr. Hubert Furr, Development Services Manager, presented to Council copies of Section 9.04 Signs Prohibited, subsection 12, which states it is prohibited to have a changing type sign other than time and temperature. Mr. Furr told Council that the appeal to a sign ordinance would go to the Zoning Board of Adjustment. The appeal would be an administrative review to make sure he (Mr. Furr) is reading the ordinance correctly, he said. The appropriate steps to take would actually be to change the ordinance if Council desires, he said. Zoning is Appendix B of the Code of Ordinances, and because it is in the zoning ordinance, a recommendation must come from the Planning Board, he said. If Council feels the ordinance needs to be changed, Council would send this request back to the Planning Board with directions as to what Council would like Planning Board to look at. The Planning Board would then study the request and make a recommendation back to Council for consideration of changes to the ordinance.

Mr. Furr stated that Section 9.04 is Signs Prohibited, (12) Flashing Signs, and read the section. The ordinance is very clear. There is no interpretation here; it is very clear that the ordinance would not allow a changing type sign with messages that any business would want to tell the public, Mr. Furr stated. The appropriate step would be to send it to Planning Board for their recommendation, he said.

Councilman Martin stated there is a lot of sentiment in Salisbury about the sign ordinance. Mr. Furr said "there always has been." He asked about the status on the sign at the theatre. Mr. Furr said that is being studied by a Planning Board committee at this point.

Councilman Burgin said that he has worked on the sign ordinance in the past and over the years the City has reduced a lot of the visual clutter that was growing, he said. We have leveled the playing ground for the sign ordinance, he said. Everybody has equal opportunity and it has cleaned up a lot of clutter in the City, Mr. Burgin noted. We have set guidelines with the sign ordinance and there are a lot of people who are happy with it and will defend it, he noted. It is absolutely working for the City, Mr. Burgin said. He would hate to see us open up Pandora's box on these things. Mr. Burgin stated he is an advocate of leaving us where we are. If we as a Council will make it clear that we are happy where we are, we won't have 4-5 people coming, one at a time, asking for one change at a time, he said.

Mayor Kluttz said another problem we face if we start making changes in the sign ordinance, it's not fair to the people who have complied up until now. It's not really fair for all the people who have been abiding by it, she said.

Councilman Martin said he knew what Mayor Kluttz is talking about. We talked about having outside dining in downtown Salisbury, yet the small white lights on trees in downtown has gone overboard, he said. He expressed that he doesn't want to change everything, but feels a need to take a close look at this.

Councilman Kennedy indicated, right now, he doesn't see where we need to do anything with this.

Mayor Pro Tem Woodson said he agreed with Mr. Martin on the tree lights but the flashing sign is a different issue. He said he is a business owner who Mr. Furr came to a few years ago and told him he had to change his sign, and he changed it. The ones that have done what the ordinance says are going to say they complied, Mr. Woodson said.

Councilmember Burgin noted it is a level playing field. Some of the older businesses who are grandfathered have a slight advantage now, but the point is that the purpose was to draw a reasonable line for signs, he said.

It was the consensus of Council for City Manager Treme to notify Mr. Riley that Council does not want to open up the sign ordinance for this purpose.

MAYOR ANNOUNCEMENTS

(a) Zoning Board of Adjustment - Extraterritorial Alternate

Upon motion of Mr. Kennedy, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voting AYE, the following reappointment was made to the Zoning Board of Adjustment, Extraterritorial Alternate (subject to approval by the Rowan County Commissioners):

Ms. Yvonne Tracey Term expires 3-31-2005

(b) Council meeting

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Mayor Klutz announced that the first meeting in June, has been canceled. The next City Council meeting will be June 18.

(c) Economic Development Commission Appointments

Mayor Klutz informed Council that appointments will be made to the Economic Development Commission (EDC) at the June 18 meeting.

(d) Salisbury High School Alumni

Mayor Klutz told Council that she has been asked by a group of alumni of Salisbury High School to announce "Carry the torch for Salisbury-Boyden-Price High School Project." Money is being raised for an alumni field house which the school has never had. Weight equipment has been donated to the school and there is no building to house it. Also, the soccer program has never had a locker room. Mayor Klutz read a letter from Barbara Rufty Morris, Committee Chairman and others who are raising \$632,705.00 for this project. They want to show the vast support of people in Salisbury who want the high school to remain where it is.

Councilman Burgin commented that he is amazed at the support this community has for Salisbury High School. It is truly a treasure for this community and people show it. This is just a sample of that support. We need that high school, he said.

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CLOSED SESSION

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session to consult with the City Council's environmental attorney and also to discuss acquisition of property.

Thereupon, Mr. Woodson made a **motion** to go into closed session. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

Attorney Jay Dees, asked to make a point of order and asked about the Council citing properly the statute for going into Closed Session.

City Attorney, Rivers Lawther, stated Council is consulting with the environmental attorney and explained in accordance with the Open Meetings Law, Council is going into closed session for the purpose of consulting with our attorney.

Thereupon, Mr. Burgin made a **motion** that Council is going into closed session for the purpose of consulting with our attorney. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

Councilmember Burgin **moved** to return to the open session. Motion was seconded by Mr. Woodson. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0-)

REPORT FROM ENVIRONMENTAL ATTORNEY JESSICA MARLIES

Ms. Jessica Marlies, Environmental Attorney, informed Council that she was very happy to hear that the overall number of odor complaints has decreased over the past couple months. The ATAST Report from the N.C. Department of Environment and Natural Resources(DENR) has been received. There is agreement to consult with the engineering expert, evaluate this report, and draft a formal response to submit to DENR, Ms. Marlies reported.

ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Woodson, seconded by Councilman Burgin. All Council members agreed unanimously to adjourn. The meeting was adjourned at 6:25 p.m.

Mayor

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City Clerk