

Salisbury, North Carolina
June 1, 2010

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Maggie A. Blackwell, Councilmen William (Pete) Kennedy, William Brian Miller, and Paul B. Woodson, Jr.; City Manager David W. Treme; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: None

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Miller.

PLEDGE OF ALLEGIANCE

Mr. Joshua Smith from Boy Scout Troop 442, led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

RECOGNITION – SALISBURY HIGH SCHOOL GOLF AND TRACK AND FIELD STATE CHAMPIONS

Mayor Kluttz read a proclamation declaring June 1, 2010 as Roy Dixon Day in the City of Salisbury in honor of his North Carolina 2A State Championship in golf. She then presented him with a framed copy of the proclamation and recognized Mr. Dixon's parents. Mr. Joe Morris, Community Planning Services Director, recognized Coach Dale Snyder who was named Central Carolinas Coach of the Year and team members Wade Butner, Alex Nianouris, Alex

Lee, Clark Alcorn, Troy Beaver, Alex Austin, Charles (Chuck) Parks, Garrett Yelton, and Joseph Rusher.

Mayor Kluttz read a proclamation declaring June 1, 2010 as Alisha Bradshaw Day in the City of Salisbury in honor of her North Carolina 2A State Championship in the discus event. Mayor Kluttz presented her with a framed copy of the proclamation. Mr. Joe Morris recognized Coach David Johnson who was named Women's Track Coach of the Year and team members Najwa Allison, Asia Figueroa, Courtney Gillespie, Patreece Lattimore, Dasia McGill, Mandi Ralston, Meloney Ramos, Emily Shields, Katherine Shields, and Summer Taylor.

Mayor Kluttz read a proclamation declaring June 1, 2010 as Romar Morris Day in the City of Salisbury in honor of his North Carolina 2A State Championship in the 100 and 200 meter sprints for the second consecutive year. She then presented him with a framed copy of the proclamation.

Mayor Kluttz also recognized Dr. Windsor Eagle, Salisbury High School Principal, who was in attendance.

Mayor Kluttz read a proclamation declaring June 1, 2010 as Salisbury High School Hornets Boys Track Day in honor of their Central Carolinas Conference Championship and the North Carolina 2A State Championship for two consecutive years. She then presented a framed copy of the proclamation to a team representative. Council congratulated the team members who were: Romar Morris, Joseph Figueroa, Hansen Saryee, Dominique Dismuke, Darien Rankin, Dominique Phillips, Nick Summers, Marqui Ross, Philip Tonseth, David Simons, James Means, Tyler Downs, Corey Angle, William Brown, and Tyree Oglesby.

Mayor Kluttz stated that Council is very proud of the achievements of all of these athletes and coaches.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of May 18, 2010 and the Special Meeting of May 20, 2010.

(b) Budget Ordinance Amendment

Adopt a budget Ordinance amendment to the FY2009-2010 budget in the amount of \$14,000 to appropriate restricted asset forfeiture funds.

AN ORDINANCE AMENDING THE 2009-2010 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE RESTRICTED FORFEITURE FUNDS

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 51, and is known as Ordinance 2010-25.)

(c) Accept an offer from Piedmont Natural Gas in the amount of \$1,400 for the purchase of an easement located on Tax Map and Parcel 322-024.

(d) Close the 100 block of South Church Street Sunday, June 5, 2010, from 8:00 a.m. until 11:00 p.m. to display a Black Hawk helicopter and the 200 block of West Fisher Street from the corner of West Fisher Street and Church Street to the Salisbury Post parking lot from 8:00 a.m. until 11:00 p.m. for the Pops at the Post event.

(e) Close a portion of the 300 block of West Thomas Street from 300-305 West Thomas Street, Saturday, June 12, 2010, for an estate sale from 6:30 a.m. until 3:30 p.m.

(f) Close the 400 and 500 block of South Fulton Street Sunday, July 4, 2010, from 3:00 p.m. until 5:00 p.m. for a neighborhood Independence Day event.

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

PUBLIC HEARING – FY2010-2011 CITY BUDGET

Mayor Kluttz explained that Council received the proposed FY2010-2011 City Budget at its May 18, 2010 Council meeting. She then convened a public hearing, after due notice thereof, to receive comments on the proposed FY2010-2011 City Budget.

Mr. Jerry Shelby, Salisbury resident, indicated that he is not in favor of the City implementing a 5.5% water increase and a 10% recycling increase. Mr. Shelby stated that he does not know how to reduce cost any more than he has. He commented that he has not received an increase in Social Security benefits and that he generates enough garbage to fill a small bag. Mr. Shelby suggested that Council base garbage fees on family size and base water/sewer costs on the amount of water units used.

Mr. Victor Wallace, Salisbury resident, distributed a North Carolina League of Municipalities water/sewer rate schedule to Council. He indicated that Salisbury's rate is substantially higher than several other Cities. He stated he would like Council to study the rate sheet and consider the costs. He commented that during this time of recession, the water/sewer rates should remain constant for as long as possible.

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

Mayor Kluttz announced that Council will meet for a Budget Workshop Monday, June 14, 2010 from 10:00 a.m. until 12:00 noon in Council Chambers to further discuss the budget.

AGREEMENT – ALCOA GENERATING , INC.

Mr. Jim Behmer, Utilities Director, Mr. Jeff Jones, Senior Engineer, and Mr. Randy Tinsley, Environmental Attorney, addressed Council regarding an agreement with Alcoa Power Generating, Inc. (APGI). Mr. Behmer indicated that since 2003 representatives from Salisbury have participated in the APGI process. He then asked Mr. Jones and Mr. Tinsley to give Council a review of the proposed agreement.

Mr. Jones stated that in 2003 Alcoa began a process for relicensing the Yadkin Hydroelectric project, and the City of Salisbury has participated in the process since that time. He stated that the City had concerns regarding the effects of sedimentation and flooding on the City's infrastructure, specifically the Pump Station and Grants Creek Waste Water Treatment Plant. He indicated that Council instructed staff to retain experts to perform studies regarding sedimentation and the results from the studies were provided to Alcoa and the Federal Energy Regulatory Commission (FERC). He noted that in April 2008 FERC published an Environmental Impact Statement which outlined the effects of the project on the environment and the City's infrastructure, and the statement included provisions to protect the City's critical infrastructure, which led to this agreement.

Mr. Tinsley indicated that the agreement with Alcoa is the City's commitment to take action regarding comments that were made on the Final Environmental Impact Statement, which was published by FERC April 18, 2008. He noted that on May 27, 2008, the City informed FERC that it was prepared to work with Alcoa regarding mitigation measures. He stated that the agreement represents mitigation measures and will provide for Alcoa to retain an independent, third-party engineering firm that is satisfactory to the City. He pointed out that the third-party engineering firm will perform an analysis to find mitigation options that are both reliable and cost effective.

City Manager David Treme stated that staff has been working on the agreement for two years, and the proposed agreement will protect the interests of the City. He indicated that the agreement also stipulates that Alcoa will provide the engineering expertise for best practices and cost to determine the impact that its operations may have on the City's critical infrastructure. Mr. Treme stated that he hopes the outcome of the findings from the engineering firm will bring forth a realization that the project has an impact on sedimentation and flooding, and could have an impact on water services to 40% of Rowan County residents who receive this service from the City. He added that moving the River Pump Station to higher ground would reduce the impact to the City's wastewater system. Mr. Treme indicated that staff is in support of the agreement.

Councilman Kennedy asked if Alcoa has agreed with the requirements of the proposed agreement. Mr. Treme indicated that the agreement has been signed by Alcoa.

Mayor Pro Tem Blackwell asked who will hire the engineer. Mr. Treme indicated that Alcoa will pay for the engineering study and no action will be taken unless the firm is approved by both parties.

Mayor Kluttz commented that staff is the expert on this subject and she supports the recommendation.

Councilman Miller asked if the City could be certain the third-party will be impartial. Mr. Tinsley indicated that the engineering firm's process is detailed step-by-step in the agreement, and both parties will be involved in the process with limited interaction with the engineers.

Mr. Treme stated that the City's experts and a peer review have all agreed the River Pump Station and wastewater facilities has been negatively impacted and the independent third-party will determine the cost to mitigate the impact. Mr. Treme noted that staff will participate in the review process of the engineering company and he feels the process, as outlined in the agreement will protect the City. He stated that it has taken two years to work through the specifics of the agreement, and he recommends its approval.

Thereupon, Mr. Kennedy made a **motion** to authorize the Mayor and City Clerk to execute the Salisbury Facilities/Yadkin Project Engineering Review Agreement with Alcoa Power Generating, Inc. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Kluttz voted AYE. (5-0)

PUBLIC HEARING – DECLARING NUISANCE AT 1605 SOUTH MAIN STREET

(a) Mr. Chris Branham, Code Services Manager, addressed Council regarding nuisance conditions located at 1605 South Main Street. Mr. Branham reviewed the timeline and process leading to this request:

- January, 2010 – Several complaints received regarding condition of flags
- January 18, 2010 – Inspection of property was conducted, zoning violation found regarding flags and Notice of Violation letter sent to owner
- January 26, 2010 – Second Notice of Violation letter sent, \$50 civil citation issued
- February 12, 2010 – Third Notice of Violation letter sent, \$100 civil citation issued, given final compliance date
- February 19, 2010 – final compliance date, \$250 fine per day begins
- March 26, 2010 – Follow-up letter sent, giving updated total of fine amount to owner
- April 6, 2010 – Flags offered to property owner to replace dilapidated flags, flags were not accepted by owner
- April 20, 2010 – Compliance date given by property owner, no compliance gained
- April 30, 2010 – Petition received from neighboring business with 502 signatures requesting property be cleaned
- May 6, 2010 – Notice of Violation letter sent addressing junked vehicles, piles of red dirt, concrete barriers, and flags
- May 18, 2010 – Council receives presentation and asked to set a public hearing in order to declare the property a nuisance.

- May 21, 2010 – Compliance date for junked vehicles to be removed from property

Mr. Branham also reviewed the directive of the City

- Section 14-2: Any other condition specifically declared to be a danger to the public health, safety, morals and general welfare of inhabitants of the City and a public nuisance, by the City Council, including structures that have been damaged by fire or other causes or have otherwise deteriorated. Such proceedings may be initiated by the [Code Services Division] before the City Council after giving written notice in conformity with section 14-3. The notice will state that the City Council will be requested on a day certain, after a public hearing at which the person notified may appear and be heard, to declare that the conditions existing constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the City and a public nuisance, and that, after such declaration by the City Council in the form of an Ordinance, the condition will be abated as provided for in this article
- Section 14-3 Notice to Abate: (a) whenever any public nuisance is found to exist on any property within the City, the [Code Service Manager] or his designee shall notify the owner and the occupant of the premises where the nuisance is located (b) the notice to abate a nuisance issued under the provisions of this chapter shall contain:
 - A statement that conditions exist on the property which constitute a public nuisance
 - The condition existing
 - The location of such condition
 - A statement that, unless the condition is abated within 15 days from the mailing of the notice, which shall be sent by first class mail, the conditions constituting a nuisance will be abated and the cost of abatement shall constitute a lien against the premises
- Land Development Ordinance, Section 12.3H
 - Official Flags: Current official flags of the United States of America, State of North Carolina, County of Rowan, and City of Salisbury are permitted by right. Whenever these flags are used, they should follow the Federal Flag Code whenever possible.
- Federal Flag Code
 - Flags should be removed or replaced once in deteriorated state

Mr. Branham displayed photographs of the property before and after the removal of junked vehicles and requested Council declare the property located at 1605 South Main Street a public nuisance.

Councilman Woodson asked if the dirt piles and concrete barriers are the current nuisance. Mr. Branham indicated that the nuisance includes those items along with the flags.

(b) Mayor Kluttz convened a public hearing, after due notice thereof to receive comments on declaring property at 1605 South Main Street a public nuisance.

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

Councilman Kennedy asked why the dirt piles are considered a nuisance. Mr. Branham referred to the directives of the Code noting the portion of the code that declares – to be a danger to public health, safety, morals and general welfare of the inhabitants specifically focusing on the general welfare and the morals of the area. He stated that the dirt piles were brought onto the property with no future plans or intended purpose for their use.

Mr. Woodson asked if the concrete slabs were recently placed on the property. Mr. Branham responded that the concrete slabs were recently brought onto the property.

Mr. Kennedy indicated that he read correspondence from the property owner stating that the property would be landscaped. Mr. Branham stated that he has asked the property owner for a written statement of his intentions for the property and it has not been provided.

Mr. Miller asked if there was a petition from the adjacent property owner. Mr. Branham stated that there is a petition with approximately 500 signatures from the customers of the adjoining property, which requests the removal of these nuisance items from the property.

Mr. Woodson stated that if the property owner contends that the dirt is for landscaping, Council could allow 14 days to have the landscaping completed.

Mayor Pro Tem Blackwell indicated that she and City Manager David Treme met with Mr. Robert Boone, property owner, and encouraged him to have landscaping completed by today. She stated that she and Mr. Treme made every effort to work with Mr. Boone, and she pointed out that Mr. Treme purchased flags to replace the current flags, and Mr. Boone refused them. She indicated that she thinks the City has made every effort to assist the property owner with this issue, and noted that Mr. Boone stated he would not have the landscaping completed.

Mr. Branham indicated that the only correspondence he has received from Mr. Boone was the return of the post towing notices that were sent to him.

Mr. Miller asked that if the property is declared a nuisance and the Code Enforcement Division removes the piles of dirt and concrete barriers, the impact to the property owner will be essentially the cost of removal. Mr. Branham indicated that is correct. Mr. Miller clarified that the City is not taking possession of the property, but removing the nuisance items.

Ms. Blackwell noted that significant fines have accumulated for the flag violations. Mr. Branham stated that the fines are accumulating and will continue to do so until the flags have been replaced or abated.

Mr. Miller indicated that this matter is unfortunate, and it is unfortunate that Council is in this situation. He stated that the property owner has had ample opportunity to take care of this issue, and he is satisfied that staff has done all it can do.

Mr. Treme indicated that when he and Ms. Blackwell met with Mr. Boone they made a plea to him to remove the flags, dirt, and concrete barriers from the property so that there would be no need for a public hearing. Mr. Treme pointed out that at the end of a long conversation with Mr. Boone, he and Ms. Blackwell had not been successful in their attempt to encourage Mr. Boone to take actions to end this situation. He indicated that he has received calls from citizens who feel that if the Code is not enforced for Mr. Boone, then the Code should not be enforced on others. Mr. Treme pointed out that this step is the last resort.

Mr. Kennedy asked if the fines will be levied against the property for collection. Mr. Branham indicated that this was correct.

Mr. Rivers Lawther, City Attorney, clarified that the fines are civil penalties and issued against individuals for zoning violations, which is not necessarily a public nuisance. He stated that a lien can be filed when the property has been declared a public nuisance and the City has expended funds to abate the property. He pointed out that any other fines must be collected through a civil judgment against the property owner.

Mayor Klutz stated that the Code Enforcement Manager has done an excellent job and has followed every step during this process, and everyone in the City has to be treated equally.

(c) Thereupon, Mr. Miller made a **motion** to adopt an Ordinance directing the Code Services Manager to abate the nuisance at 1605 South Main Street, it having conditions that constitute a danger to the public health, safety, morals and general welfare of the inhabitants of the City and a public nuisance. Mr. Woodson seconded the motion. Ms. Blackwell stated that Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

AN ORDINANCE DIRECTING THE CODE SERVICES MANAGER TO ABATE THE NUISANCE AT 1605 SOUTH MAIN STREET, IT HAVING CONDITIONS THAT CONSTITUTE A DANGER TO THE PUBLIC HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE INHABITANTS OF THE CITY AND A PUBLIC NUISANCE

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 52, and is known as Ordinance 2010-26.)

LAND DEVELOPMENT ORDINANCE AMENDMENT – CD-04-2010

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding Land Development district map amendment CD-04-2010 Liberty Square. He indicated that the petitioner is requesting to rezone approximately 2 acres from Highway Business (HB) and General Residential (GR-6) districts to Residential Mixed-Use (RMX) and establish a Conditional

District (CD) Overlay to permit the development of a 25-unit transitional housing development.

Mr. Mitchell reviewed the criteria for a CD Overlay:

- Petitioner
- Content of Petition
 - Rezoning Petition
 - Master Plan
- Fair and Reasonable Conditions
- Revisions and Amendments
- Rescission

Mr. Mitchell reviewed aerial photographs of the site and pointed out that the property is located at the corner of Calvin Avenue and Julia Street. Mr. Mitchell reviewed the request of the petitioner:

- Rezoning
 - Currently split-zoned
 - General Residential and Highway Business
 - Request
 - Residential Mixed-Use
 - The Residential Mixed-Use District (will allow 18 dwelling units per acre) is intended to provide for areas of higher density residential development in close proximity (within one-half to one-fourth mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the Downtown Mixed-Use District (DMX). The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.
 - Adopt a Conditional District Overlay to permit development of Liberty Square:
 - 24-units and a manager unit
 - Transitional housing for Veterans

Mr. Mitchell reviewed the proposed permitted and prohibited uses of the site:

Permitted Uses

- Dwelling – multi-family more than four units per building
- Group Care Facilities

Prohibited Uses

- ATM
- Banks/Financial Services
- Business Support Services
- Drive-Thru Service

- Laundry Service
- Medical Clinic
- Post Office
- Professional Services
- General Retail (any square footage)
- Restaurant
- Recreation Facilities, Indoor/Outdoor
- Neighborhood Manufacturing
- Parking Lot (primary use)
- Live-Work
- Child/Adult Day Care Home
- Community Service Organization
- Studio
- Cultural Community Facility
- Meeting Facility
- Cemetery
- Public Safety
- Schools/Religious Institution
- Utilities

Mr. Mitchell reviewed the site plan of the proposed development noting that the structure is one building that will face Calvin Avenue. He noted that there will be parking located in the rear, along with recreation open space, and the developer will attempt to preserve the vegetation along the property lines. Mr. Mitchell reviewed street perspective photographs of the area noting the entrance to the property will be located on Julia Street.

Mr. Mitchell reviewed the Alternative Designs available to a CD:

- Industrial Standards of Chapter 2
- Building Orientation to Street/Recreational Open Space
- Building Materials
- Building Design Standards
- Building Dimensional Standards
- Street Cross Sections
- Street Connectivity and Stub Standards
- Parking
- Private Lighting

Mr. Mitchell indicated that the developer is requesting an alternative design relative to the percentage of windows and doors for the building. He noted that all other standards in the Code have been met. He reviewed the building elevations and the policies from the Vision 2020 Comprehensive Plan pertaining to this request:

- Vision Statement on Housing: We see a multitude of housing choices, ranging

from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another

- Policy N-19: 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.
- Needs to be strong complementary relationship with shopping and working
- Transit
- Direct access to thoroughfares

Mr. Mitchell indicated that there is a portion of Policy N-19 that is not being met which states that access to higher density housing shall not be through a lower density housing area. Mr. Mitchell stated that in order to access this project a vehicle must travel through a lower density housing area. He explained that staff believes the 25-unit proposed project will not have a negative impact on the less dense neighborhood due to the small size of the project.

Mr. Mitchell reviewed staff, Technical Review Committee, and Planning Board recommendations:

- Staff recommends that the petition is consistent with the Vision 2020 Plan
- The Technical Review Committee voted unanimously in favor of recommending provisional approval, subject to:
 - Addressing all technical comments
 - Additional architectural detailing to Calvin Avenue side of building to access dual entryways
 - Curb extension and taper from Calvin Avenue curb and gutter to Julia Street walk-cross section
- The Planning Board unanimously recommended that the petition is “partly” consistent with the Vision 2020 Plan and recommend approval of the rezoning and adoption of the Conditional District Overlay to permit the development

(b) Mayor Klutz convened a public hearing, after due notice thereof, to receive comments on the proposed Land Development Ordinance amendment CD-04-2010.

Mr. Scott Redinger, Housing Consultant RHA Health Services, stated that the proposed project is to develop 24 transitional housing units for homeless Veterans who have been seen at W.G. Hefner Veterans Affairs Hospital (VA) and referred to RHA as possible residents for this development. Mr. Redinger indicated that there will be a two-bedroom apartment for an onsite caseworker. He pointed out that the facility will include a large activity room, kitchen, library/computer room, exercise room, and laundry room. He noted that each unit will have an under counter refrigerator, bar sink, microwave and cabinetry which will allow residents to fix meals for themselves.

Mr. Redinger stated that RHA has a great deal of experience with providing services to persons with disabilities. He indicated that Salisbury needs transitional housing for Veterans who have been seen at the VA and have no place to go. Mr. Redinger stated that these Veterans may have physical disabilities, mental illness, substance abuse issues, or Post Traumatic Stress Syndrome. He noted that as a result of a meeting with VA representatives, RHA presented a proposal to develop a transitional housing community. He explained that RHA has submitted an application to the State Housing Finance Agency for \$500,000 towards the cost of this development. He stated he will also submit an application to the Federal Home Loan Bank for funding, and will submit an application to the United States Department of Veterans Affairs for transitional funding through their grant per diem program.

Mr. Scott Little, RHA Health Services, described the services of RHA noting that its parent company is a major developer of low-to-moderate income and senior housing. He stated that RHA brings a strong background in property development and dealing with primary disability issues to this project. He indicated that this is not just housing, it is also a facility that will provide support for the residents. Mr. Little pointed out that the grant from the United States Department of Veteran Affairs provides a per diem that allows RHA to provide support for the residents of these units including an onsite employee in order to provide crisis management, basic case management, assistance in furthering education, job training and placement, and assistance with personal finances which will give the residents more stability and an opportunity to move into permanent housing.

Ms. Hattie Johnson, Homeless Coordinator for Hefner VA Hospital, gave an overview of the program and noted that there are more than 240,000 homeless across the United States, and the number of homeless Veterans in North Carolina is approximately 12,000, and approximately one-third of that population is Veterans. She stated that her department has assessed over 800 homeless Veterans in Fiscal Year 2009 in the Salisbury area. Ms. Johnson stated that the VA can provide medical and mental health assistance, but needs to partner with the community to make this program a success.

Reverend Nilous Avery, Mt. Zion Baptist Church, stated that he appreciates the partnership and collaboration with RHA. He stated that RHA called ahead of time and allowed the Church enough time to examine the plan. Reverend Avery stated that during a community meeting he was enlightened to see this facility assist the City's Veterans, but worried that enough is not being done for those who sacrificed for our freedom. He pointed out that Liberty Square will become a part of a community that is multi-cultural, multi-ethnic, and multi-faceted with multi-purposes, and that this facility will add a new dimension. He indicated that RHA is serving to impact and build-up lives, and the project is not just a place for housing, but a place of helping. Reverend Avery pointed out three attributes of this facility and RHA, which are: they help Veterans embrace who they are and what they have done; help Veterans enhance their lives and have a sense of self-worth; and help Veterans envision a future for themselves. Reverend Avery stated that he hopes Council will see the benefits of the project.

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

Mayor Kluttz indicated that the City is aware of the need for transitional housing for Veterans in this community. She stated that hearing Reverend Avery say his Church supports the project is very powerful, and it is another example of a Salisbury church willing to step out of their congregation to help the community. She stated she is grateful to Reverend Avery for his support of the project, and she thinks this is a terrific idea.

Mayor Pro Tem Blackwell stated that she understands this is transitional housing and Veterans will move in, and eventually move out into a home of their own. She added that she is not sure that 24 units are enough to meet the challenge. She also thanked Reverend Avery for his support.

Councilman Kennedy stated that he supports the project, and this type of project has come to Council in the past, and he is happy that it will be constructed.

(c) Councilman Woodson stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein and establish a Conditional District Overlay is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Therefore, I move to adopt an Ordinance amending the Land Development Ordinance and the Land Development district map of the City of Salisbury, North Carolina, by rezoning approximately 2 acres, identified as Tax Map and Parcels 331B173, 331B08202, and 331B08203 from split zoning of Highway Business (HB) and General Residential (GR-6) districts to Residential Mixed-Use (RMX) district, and by establishing a Conditional District Overlay to permit the development of a 25-unit transitional housing development; identifying the development documents; identifying permitted uses; providing an effective date; and for other purposes. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 2 ACRES, IDENTIFIED AS TAX MAP AND PARCELS 331B173, 331B08202, and 331B08203, FROM SPLIT ZONING OF HIGHWAY BUSINESS (HB) AND GENERAL RESIDENTIAL (GR-6) DISTRICTS TO RESIDENTIAL MIXED-USE (RMX) DISTRICT, AND BY ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 25-UNIT TRANSITIONAL HOUSING DEVELOPMENT; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 53-55, and is known as Ordinance 2010-27.)

TEMPORARY STREET CLOSURES – NORTH CAROLINA CRITERIUM BICYCLE EVENT

Lieutenant Melonie Thompson, Salisbury Police, addressed Council regarding the closure of several streets for the North Carolina Criterium Bicycle event June 11-13, 2010. Lieutenant Thompson reviewed the event schedule and indicated that residents will be notified approximately five days prior to the event and business have already been notified twice by email from Downtown Salisbury, Inc. of the following street closures:

- 200 and 300 blocks of South Main Street
- 100 block of East Horah Street
- 200 and 300 blocks of South Lee Street
- 200 and 300 blocks of East Bank Street
- 100 to 400 blocks of East Fisher Street
- 200 block of South Long Street
- North Jackson Street
- Miller Street
- Lake Drive
- Club House Drive
- Annandale Avenue

Lieutenant Thompson stated that Judge Charlie Brown worked with Mr. Neal Boyd going door-to-door to speak with business owners on Main Street and Fisher Street to inform them of the event. She indicated that they have received positive comments. She pointed out that the Farmers Market will be notified this week of the street closure, and the Police Department will assist the Farmers Market with the clearing of the area.

Lieutenant Thompson indicated that the Meroney Theater has two productions on Friday, June 11, 2010, and Saturday, June 12, 2010, and that the west side of Main Street will be used as preferred parking. She stated that an officer will be posted at Main and Bank Streets to allow access to the City Hall Parking Lot for Meroney patrons arriving and leaving the event.

Mayor Kluttz asked if the Police Department recommends these closures. Lieutenant Thompson indicated that the Police Department recommends the street closures.

Mayor Pro Tem Blackwell asked if Lieutenant Thompson had personally spoken with the Executive Director of the Meroney Theater. Lieutenant Thompson indicated that the Meroney Theater Board has been notified of the closures and has been reassured that parking for their event will not be an issue.

Thereupon, Ms. Blackwell made a **motion** to approve closing the 200 and 300 blocks of South Main Street, 100 block of East Horah Street, 200 and 300 blocks of South Lee Street, 200 and 300 blocks of East Bank Street, 100 to 400 blocks of East Fisher Street, and the 200 block of South Long Street Friday, June 11, 2010 from 5:00 p.m. until 10:00 p.m. and Saturday, June 12, 2010 from 12:00 noon until 8:00 p.m. and close Lake Drive, North Jackson Street, Miller Street Club House Drive, and Annandale Avenue Sunday, June 13, 2010 from 8:00 a.m. until 5:00 p.m.

for the North Carolina Criterium Championship bicycle event. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz recognized Judge Charlie Brown who helped bring this event to Salisbury, and asked him to explain the event.

Judge Brown indicated that people should expect 1,000 cyclists over the course of three days, racing in the City. He stated that this race is a highly competitive event and will draw people beyond the State of North Carolina. Mr. Brown stated that he is excited to work with Lieutenant Thompson, Downtown Salisbury, Inc., Salisbury Rowan Convention Visitors Bureau, and the Board of Directors of the Meroney Theater. Mr. Brown stated that the main event will be held Friday, June 11, 2010 and will be a festival style event.

Mayor Kluttz thanked Mr. Brown for bringing this event to Salisbury, and she thanked the Salisbury Police Department for its coordinating efforts.

REPORT – WEST HENDERSON STREET TRAFFIC

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding traffic conditions on West Henderson Street. Ms. Brindle indicated that in February 2010 staff gave Council a presentation regarding Henderson Street traffic, and Council requested staff meet with the neighborhood to discuss the traffic issue. Ms. Brindle noted that staff met with approximately 23 residents of the neighborhood April 9, 2010, at City Park Recreation Center. She indicated that staff has collected random data on Henderson Street including speed limits, vehicle volume, and accident rates for a 3 to 4 year period, and staff did not find any identifiable trends or any issues that would warrant specific treatment of the area. She stated that during the neighborhood meeting staff reviewed recommendations for signs and markings along those streets that are not currently marked.

Ms. Brindle indicated that staff received a request for multi-way stops and she noted that during the meeting she explained that staff is not in favor of multi-way stops, because they are not recommended by Manual Uniform Traffic Control Devices for speed control. She stated that staff introduced the Neighborhood Traffic Circle at the meeting and explained that the circle is installed in an existing intersection, and everyone yields to the right.

Ms. Brindle stated that at the end of the meeting she distributed surveys to those present and asked them to rate questions pertaining to the functionality of West Henderson Street. She compiled the information from those surveys along with those she mailed to the neighborhood. She indicated that the outcome is strong support for additional sidewalks, and the next highest support is for signs and markings, then traffic circles, multi-way stops, with leaving as-is having the least support.

Ms. Brindle stated that staff recommends evaluating sidewalk locations according to the Sidewalk Priority Index, implementing staff recommendations for signs and markings, and seeking funding sources for neighborhood traffic circles.

Mayor Pro Tem Blackwell asked about the diameter of a traffic circle. Ms. Brindle indicated that the size varies between 20-22 feet and can be adjusted depending on the intersection size. Ms. Blackwell asked who would maintain the landscaping in the traffic circles. Ms. Brindle indicated that staff would ask the neighborhood to maintain the landscaping. Ms. Blackwell asked if staff knew the number of accidents that have happened in this area. Ms. Brindle indicated that in the past three years West Henderson Street, between Fulton Street and Grove Avenue, has had a total of 21 accidents. She noted the severity index of these accidents was 1.7, whereas the State average is 4.1. She added that the majority of the accidents were property damage only.

Councilman Woodson stated that he is in favor of staff recommendations to install traffic circles on Circle Drive and thanked neighbors for attending the meeting.

Mayor Kluttz asked if staff was going to proceed with crosswalk markings. Ms. Brindle indicated that if Council approves, staff will proceed with markings. Ms. Brindle noted that staff would need to identify a funding source before traffic circles can be installed.

Councilman Miller asked if staff has plans to use paint or if they will use rumble strips to make the markings noticeable both audibly and visually. Ms. Brindle responded that the type of material staff uses is slightly raised, but staff does not plan to install rumble strips. Ms. Blackwell indicated that rumble strips have been shown to be hazardous to cyclists. Ms. Brindle stated that staff can explore other options of making the markings more noticeable.

Mayor Kluttz asked which traffic control staff recommends. Ms. Brindle indicated that according to the survey the neighborhood is most in favor of signs and markings and feels this is where staff should start. She stated that staff does not recommend multi-way stops. Ms. Brindle stated that staff would recommend installing signs and markings, while also seeking funds for traffic circles.

Ms. Blackwell asked if Council could discuss the idea of a public/private partnership and encourage the neighborhood to raise \$5,000 to install an experimental traffic circle at Circle Drive. She added in the meantime, the signs and markings could be installed. Mayor Kluttz stated that staff can certainly ask the neighborhood and continue to seek other sources of funding.

Mayor Kluttz stated that staff should evaluate sidewalks. Ms. Brindle indicated that there are specific locations where the neighborhood would like to see sidewalks, and that she will take that information to Mr. Preston Mitchell, Senior Planner, to have those areas prioritized by the Sidewalk Priority Index.

Mr. Miller asked if there was any discussion at the neighborhood meeting about parking restrictions due to a sight-distance issue on West Henderson Street. Ms. Brindle indicated that there was no mention of parking restrictions at the neighborhood meeting.

Mayor Kluttz thanked Ms. Brindle for her report and thanked the neighborhood for participating in the meeting, completing surveys, and bringing this concern to Council's attention.

By consensus, Council agreed to install signs and markings in the West Henderson neighborhood and seek funding for traffic circles for future installation.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

This item was postponed.

COMMENTS FROM THE CITY MANAGER

(a) **Ellis Street (Shober) Bridge and Bank Street Bridge repairs**

Ms. Wendy Brindle, Traffic Engineer, updated Council regarding bridge repairs on Ellis Street and Bank Street. She indicated that bridge deck repairs for the Ellis Street Bridge began May 24, 2010. She stated that the repair crew has finished, and the asphalt crew will begin paving tomorrow, and the bridge will reopen when paving is complete. She noted that the bridge will maintain its five-ton weight limit.

Ms. Brindle indicated that Bank Street Bridge repairs will begin June 22, 2010, and these repairs will be primarily underneath the bridge. She indicated the bridge will require support, and will be closed for approximately 30 days for repairs. She noted that she has contacted property owners along Bank Street, and will continue to make contact with them until the bridge repairs are complete.

Councilman Kennedy asked if the Ellis Street Bridge could hold five tons. Ms. Brindle confirmed that the bridge can hold five tons and has been strictly evaluated by engineers.

MAYOR'S ANNOUNCEMENTS

(a) **Grand-Opening of the Norvell Theater**

Mayor Kluttz stated that May 20, 2010 was the grand-opening for the Norvell Children's Theater. She indicated that she is very proud of the community for making this theater a reality. She stated that she posthumously awarded a Key to the City to Mrs. Lucille "Judy" Proctor Norvell, in honor of Ms. Norvell's tremendous contributions to the theater. She noted that she presented the Key to the City to Ms. Norvell's sons, Owen and Edward Norvell. She stated that she also presented a signature Norvell Theater flag to Mr. Paul Fisher and Piedmont Players for their involvement in the development of the theater.

(b) FY2010-2011 Budget Workshop

Mayor Kluttz announced that the City Council will hold a Budget Workshop Monday, June 14, 2010, at 10:00 a.m. in Council Chambers at City Hall, 217 South Main Street. She clarified that although she announced earlier the meeting would end at 12:00 noon, the meeting will last as long as needed.

(c) Brick Street Concert Series

Mayor Kluttz announced that the Brick Street Concert Series will present the South's premiere show and dance band Liquid Pleasure Thursday, June 3, 2010 at 7:30 p.m.

(d) Pops at the Post

Mayor Kluttz announced that the 6th Annual Pops at the Post will be held Saturday, June 5, 2010 from 8:00 p.m. until 10:00 p.m. at the Salisbury Post loading dock.

(e) USTA Tennis Tournament

Mayor Kluttz announced that the Salisbury Parks and Recreation Department and Kiwanis Junior USTA Tennis Tournament will be held Friday, June 18, 2010 and Saturday, June 19, 2010 at the City Park Tennis Courts, 316 Lake Drive. Those interested in participating can register online by Monday, June 14, 2010 or contact the City Park Recreation Center at 704-638-5295.

(f) Salisbury-Rowan READS!

The Salisbury-Rowan READS! program will take place Wednesday evenings this summer from 5:00 p.m. until 7:00 p.m. at the following locations:

- July 14, 2010 Rowan Public Library, 201 West Fisher Street, Salisbury
- July 21, 2010 East Branch Public Library, 110 Broad Street, Rockwell
- July 28, 2010 Spencer Library Park, Fourth Street, Spencer
- August 4, 2010 South Branch Public Library, 920 Kimball Road, China Grove
- August 11, 2010 Cleveland Elementary School, 107 School Street, Cleveland

RECESS

Thereupon, Mr. Kennedy made a **motion** to recess until Monday, June 14, 2010 at 10:00 a.m. in City Council Chambers, 217 South Main Street. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

The meeting recessed at 6:12 p.m.

Susan W. Kluttz, Mayor

Myra B. Heard, City Clerk