

Salisbury, North Carolina
August 7, 2007

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Paul B. Woodson; Councilmen William (Bill) Burgin and Mark N. Lewis; City Manager David W. Treme; City Attorney F. Rivers Lawther, Jr.; and City Clerk Myra B. Heard.

ABSENT: Councilman William (Pete) Kennedy.

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

PLEDGE OF ALLEGIANCE

Mayor Kluttz led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Move Item 20(a) – Update on Gang Prevention Plan will follow Item 6.

RECOGNITION OF WILL COLLINS – SALISBURY HIGH SCHOOL

Mayor Kluttz recognized Mr. Will Collins of Salisbury High School for winning the North Carolina State 2A Golf Championship. She then read a Proclamation declaring August 7, 2007 as Will Collins Day. Mayor Kluttz congratulated the Salisbury High School Men's Golf Team for finishing fourth in the State. She also recognized Dr. Winsor Eagle and the Salisbury High School Men's Golf Coach Dale Snyder for their accomplishments. Mayor Kluttz presented the framed proclamation to Mr. Collins and congratulated him on his accomplishments.

RECOGNITION – PARTICIPANTS IN EMPIRE HOTEL ACQUISITION

Mayor Kluttz recognized Mr. Dick Huffman, President of Downtown Salisbury, Inc. (DSI), and Mr. Randy Hemann, DSI Executive Director. Mr. Huffman thanked the Salisbury City Council, staff and citizens for being proactive in the revitalization of downtown Salisbury. He stated that DSI has acquired the Empire Hotel and looks forward to working with developers to restore activity to the building. He announced that seven (7) area banks have joined together to provide funding for the purchase.

Mayor Kluttz thanked Mr. Huffman and DSI staff for undertaking this project and for all that they do for downtown Salisbury. She presented him with a Certificate of Recognition for DSI. Mayor Kluttz then presented a Certificate of Recognition to Mr. Randy Hemann for his work and dedication to revitalize downtown.

Mayor Kluttz recognized the Ragsdale family who sold the Empire Hotel to DSI. She presented recognitions to Jamestown, North Carolina Mayor William G. Ragsdale, III; Mr. William G. Ragsdale IV; and Mr. George W. Ragsdale. She pointed out that the Empire Hotel had been in the Ragsdale family for over one hundred (100) years. She thanked and assured the Ragsdales that their family will always be a special part of the City.

Mayor Kluttz then presented recognitions to the seven (7) banks participating in the Empire Hotel acquisition: Councilman Mark Lewis, Bank of North Carolina; Mr. Burt Brinson and Mr. Brian Miller, Citizens South Bank; Mr. Bruce Jones, Mr. Seamus Donaldson and Mr. Jeff Wetmore, Community Bank of Rowan; Ms. Rhonda Martin CommunityOne Bank; Mr. Darryel Scism, F&M Bank; Mr. Tyler Holden, First Bank; and Mr. Bill Greene, Wachovia Bank.

Councilman Mark Lewis thanked Mr. Brian Miller, Citizens South Bank and past President of Downtown Salisbury, Inc. and Mr. Burt Brinson, Citizens South Bank, for organizing the coalition of bankers. He also recognized Mr. Paul Fisher and F&M Bank for providing a revolving fund for the redevelopment of downtown property.

UPDATE ON GANG PREVENTION PLAN

Mayor Kluttz announced that the Street Gang Prevention Act was presented in both the North Carolina House of Representatives and the State Senate. She noted that she testified before the House Judiciary Committee July 24, 2007 in support of the legislation and also participated in the North Carolina Metropolitan Coalition press conference held July 25, 2007. She noted that the Bill passed in the House by overwhelming majority but was not brought up in the Senate before its session adjourned. She commented that there were many different groups working to further their opinions regarding more punishment, less punishment, or more prevention funds and that many in the Senate felt the State could not afford to put more people in jail. She pointed out that the Metropolitan Coalition and Salisbury City Council signed a Resolution in support of the legislation and felt that any gang legislation would be better than none. She added that all of the states around North Carolina have such legislation. Mayor Kluttz commented that it is very important to send a message to young people that this type of behavior is not acceptable and that it is dangerous and has consequences. She added that she feels there needs to be more consequences and that a message also needs to be sent to those who recruit young people into gangs that this will not be tolerated. She stated that the Metropolitan Coalition will continue to lobby for the legislation during the short session because the Coalition feels it is very important, but it is something that the State must do and the local governments cannot do alone.

Mayor Kluttz stated that the Salisbury-Rowan United Core Group met to review the information gathered at the Summit held June 14, 2007. She commented that the group has realized that the issue cannot be solved with one (1) solution and will require a comprehensive strategic approach of prevention, intervention, suppression and education. She pointed out that the entire community must be involved in the initiative and that the Core Group's strategy will be to leverage existing community assets, programs and resources before any new programs are created or funded. She noted that this is a grass roots initiative and she sees the action agenda developed from the information gathered at the Summit as providing over-arching goals for the community. She explained that individual community groups will develop action plans to address the goals and a community wide steering committee will facilitate the action plans and track their progress.

Mayor Kluttz reviewed the eight (8) components of the action agenda:

- Law Enforcement
 - Enact law enforcement measures to curb gang violence
 - Employment of two (2) additional police officers
 - Law Enforcement report on curfew policy
- Jobs and Job Training
 - More jobs and job training for youth
 - Higher educational opportunities
 - Focus on ages 16 – 20

- Mentoring and tutoring programs for at-risk youth
- Expanded recreational opportunities
- Utilize schools and school based programs
- Parenting
 - Parenting programs
 - Gang awareness education
- Community education
 - Warning signs of gang activity
- Encouraging the faith community to be involved

Mayor Kluttz stated that Salisbury is the smallest city in the nation that has a Project SAFE Neighborhood Federal Program and that the program was proposed by United States Attorney Anna Mills Waggoner. She called upon Salisbury Police Lieutenant Rory Collins and Ms. Karen Carpenter to announce projects sponsored by Project SAFE Salisbury.

Lt. Collins stated that Project SAFE received a grant from the Governor's Crime Commission to fund two (2) anti-gang initiatives. The first event, the Nine-Up Program, is a one (1) month program offering academic tutoring and mentoring to at-risk rising ninth graders throughout the County, and was held at Salisbury High School. Lt. Collins announced that the second event is a Project SAFE Neighborhoods Family Day to be held August 18, 2007 from 10:00 a.m. - 2:00 p.m. at the J. F. Hurley YMCA on Jake Alexander Boulevard. He stated that the goal of the event is to supply an anti-gang and anti-violence message to the youth by providing them with education through fun and innovative training sessions throughout the day. He emphasized that these events are funded through the State grant and that no City funds will be expended.

Ms. Carpenter recognized the Project SAFE Steering Committee for their work on the anti-gang initiatives and pointed out that the committee felt the events should focus on children ages kindergarten through fifth grade. Ms. Carpenter noted that the Family Day event will include four (4) puppet shows with an anti-gang message, live music, free school supplies, free food, door prizes and various other fun activities. She added that there will also be informational workshops, booths and displays for the parents.

Mayor Kluttz stated that this event is for all children and parents in Rowan County and that she hopes families will join together and attend this event. She thanked everyone who has worked on the event and encouraged all citizens to participate.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

NATIONAL NIGHT OUT August 7, 2007

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of July 17, 2007.

(b) Correction of Approved Minutes

Approve a correction to the approved Minutes of June 19, 2007 to add the proper Resolution title for Resolution 2007-27.

(c) Temporary Street Closing – Mitchell Avenue

Close the 200 block of Mitchell Avenue Tuesday, August 7, 2007 from 6:00 p.m. until 9:00 p.m. for a National Night Out observance in the Fulton Heights neighborhood.

(d) Temporary Street Closing – West Fisher Street

Partially close the 200 block of West Fisher Street from Church Street to just east of the Wrenn House parking lot Saturday, October 13, 2007 from 9:00 a.m. until 11:00 p.m. for a music event sponsored by the Rowan Blues and Jazz Society.

(e) Temporary Street Closing – East Innes Street

Close the 100 block of East Innes Street Friday, July 27, 2007 from 10:00 a.m. until 10:10 a.m. for the filming of a movie scene.

(f) Minor Plat – Jarco Realty, LLC

Approve minor plat S-06-07 for Jarco Realty, LLC to subdivide a 5.219 acre tract on Trexler Loop Road into two residential lots.

Thereupon, Mr. Woodson made a **motion** to approve the consent agenda as read. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

ZONING MAP AMENDMENT Z-05S-07 – SALISBURY HOLDINGS GROUP, LLC

Z-05S-07 Salisbury Holdings Group, 174 Enon Church Road

(a) Swearing In

Mayor Kluttz swore in the following persons to testify in this case:

Mr. Preston Mitchell
Mr. Jerry Bassett
Mr. John Callicotte

(b) Evidence Presented

Mr. Preston Mitchell, Senior Planner, noted that this request is to rezone two (2) pieces of property, which have recently been combined into one, from A-1 Agriculture to Special Office and Institution zoning. He stated that this is a special use district zoning and is different from legislative zoning and will require a quasi-judicial process. He stated that the B-1-S being sought by the applicant is identical to the general B-1 district except that a special use permit is required and will be forever attached to the rezoning. He noted that as part of the special use permit, additional reasonable conditions can be added based on Findings of Fact. Mr. Mitchell pointed out that before Council is a list of possible special use district Findings of Fact and issues Council should consider during the hearing for the special use permit. He explained that all testimony should be sworn and ex parte communications disclosed. He stated that the Planning Board brought two (2) recommendations forward to Council so Council will need to take two (2) actions, the first on the map amendment and the second on the S District permit.

Mr. Mitchell pointed out the property in question on an aerial map and noted it is located on the north side of Enon Church Road across from White Oak Drive. He reviewed the location on a vicinity map and stated that the property is located north of the Westcliffe neighborhood, which is zoned R-20 Low Density Single-family Residential. He stated that the property is located within the A-1 Agriculture district and the A-1 district extends from Woodleaf to approximately the bend in the road on Enon Church Road, along the north side. He pointed out the vicinity of Statesville Boulevard to the south of the property.

Mr. Mitchell informed Council that the Agriculture District permits very low density residential or farming and forestry. He stated that both the 2000 and 2020 Plan call for farming and forestry activities to be done in the rural planning areas. He noted that this property is not located in the rural planning area but is located in what is considered the primary growth district. He explained that Office Institution/B-1 is where offices are primarily located as well as other institutional type uses. He stated that it also allows multi-family, duplex and single-family.

Mr. Mitchell stated that because the applicant is requesting special zoning, they are asking to remove all uses in B-1 except for one. He stated that the applicants wish to build Salisbury Retirement Center which is a one hundred eighteen (118) semi-dependent retirement facility. He referred to the language of the use (for day care facilities) as listed in the Code, and noted it is the one use that would allow the applicant to operate this facility.

Mr. Mitchell displayed a photograph of a similar type of facility located in Salisbury and noted that the proposed facility would not look like the photograph or be

operated by the same owners but the photograph is just to give Council an idea of what a semi-dependent retirement facility might look like from Enon Church Road. He added that the proposed facility will be multi-story. He also displayed a site plan for the area and pointed out its location to White Oak Drive and Enon Church Road.

Mr. Mitchell stated that if the property is rezoned the landscaping and buffering for B-1 abutting A-1 requires a C buffer yard. This includes a fifteen (15) foot buffer with complete visual separation. The ground signage allowed would be a maximum of five (5) feet in height and thirty-two (32) square feet for a ground sign and one (1) square foot for the wall.

Mr. Mitchell reviewed the rezoning in regards to the Strategic and Comprehensive plans. He noted that the 2000 Plan states that Office and Institution development may be encouraged to locate as a transitional land use. He stated that staff feels this particular area is not a transitional area and noted that the Plan is calling for Office/Institution to buffer between Single-Family Residential neighborhoods and higher intensity commercial. He indicated that B-1 should act as a buffer between the other two uses and this is not occurring in this particular situation; however, since the applicant is seeking special zoning and only asking for one (1) use, which is semi-dependent retirement and not independent apartments, staff is not as concerned with this request being inconsistent with the Strategic Plan statement. Mr. Mitchell noted that the Plan states that factors in determining high-density residential shall include: proximity to employment, shopping, etc. and added that staff does not feel this is the same high density residential that would be seen with a one hundred eighteen (118) unit apartment complex. He noted that the proposed facility will have shared dining and is considered semi-dependent. He stated that the 2000 Plan states that the housing needs of elderly, handicapped, and low to moderate income shall be particularly recognized in the City's policies and actions.

Mr. Mitchell indicated that the 2020 Plan calls for architecturally compatible, residentially-scaled office and institutional development to be located along the neighborhood edges. He stated that it also states that higher density housing should adjoin places of work, shopping, and public transit. He reiterated that staff does not believe the proposed facility is higher density housing in terms of apartments.

Mr. Mitchell reviewed a map of the City's jurisdictional boundaries and noted that the property is just across from the City limit and within the City's extraterritorial jurisdiction (ETJ). He then reviewed photographs of the property.

Mr. Mitchell stated that the Planning Board found the petition consistent with the 2000 Plan as well as the 2020 Plan and moved to recommend approval of the map amendment and the special use permit by a unanimous vote of 9-0. He explained that there is a two (2) step process for an S District. The first is to consider action on the map amendment and the second is to act on the special use permit. He added that discussion on both items can take place but Council just needs to ensure it takes two (2) actions.

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-05S-07.

Mr. Jerry Bassett, Salem, Oregon, distributed a conceptual booklet of what the facility will look like. He stated that he is in attendance on behalf of the owner and developer, Holiday Retirement Corporation. He commented that Holiday Retirement has been in existence for approximately thirty (30) years building these types of facilities. He stated that they have two hundred (200) facilities throughout the United States and Canada, with fourteen (14) of the facilities in North Carolina. He noted that the company prides itself on becoming part of the community and not sticking out from it. He referred to a photograph in the conceptual booklet of a facility in Cary, North Carolina and noted that this is a representation of the type of architecture the companies uses, with varying rooflines, very modern and very residential in nature. Mr. Bassett stated that they are a congregate care type of facility which means they have common dining, recreation rooms and beauty salons. He noted that the average resident is in their 80s, with eighty (80) percent being single and twenty (20) percent couples. He stated that out of the one hundred eighteen (118) units, approximately sixty (60) percent will be single bedroom, thirty (30) percent will be studios, and the remaining ten (10) percent will be two (2) bedroom units. Mr. Bassett stated that the type of people who live in their facilities, which are not subsidized, are very active people who no longer wish to do yard work and like the convenience of having their meals prepared in a central environment where they can be with their friends. He noted that the way the facilities and the grounds around the facilities are built, they have a very small footprint with a lot of trees and grass to create a park like setting for their residents. He commented that people love to open their balconies and windows to see the trees. He stated that they use hardy, plank type siding and wood-frame construction. He referred to an overview plan of the proposed facility and stated that the building is basically divided into three (3) separate buildings, with the core section that houses all of the congregate activities in the middle, and the wings where the residents live.

Mr. John Callicotte, 210 Sycamore Drive, stated that he lives on White Oak Road and noted that the map does not show that the A-1 area is slightly hilly and rolls down into Westcliffe. He added that he lives at the bottom of the road. He stated that he bought the house four (4) years ago and indicated there is a ditch in front of the house. He commented that no one he spoke to could remember the ditch flooding, but five (5) years ago it flooded during a major rainstorm. Mr. Callicotte presented Council with a photograph of the flooded ditch. He stated that the proposal seeks to take seven (7) acres of land and put a parking lot on it, adding that the water will have to go somewhere and the natural flow is down his road. He commented that he is concerned that he will get drowned out being one (1) of two (2) houses at the bottom of the road. He reiterated that this is a major concern because he would like to stay in his house for the next fifteen (15) years. He asked if anyone had looked at water runoff and the effect on his house and what concerns there might be about the runoff. He stated that he has seen what happens when asphalt is put on seven (7) acres of land.

Mr. Dan Roach, Salem, Oregon, stated the developer is looking into the engineering which is the next phase of this process. He stated that they will be required to control the water on their site and this is part of the next process. He added that they will work with the City on how they will control the water on their site. He noted that the way their facilities are developed it reduces the amount of impervious area and the site will be about fifty (50) percent open space. He reiterated that they will control their water.

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

Mayor Kluttz asked staff to address the question of flooding. Mr. Mitchell stated that as part of the special use district zoning Council can address specific site related issues as part of the permit and Findings of Fact. He stated that staff informed the Planning Board that they can address issues at this time, but the Planning Board felt that because this facility will be greater than ten thousand (10,000) square feet it will be required to go through the group development process. He added that the Planning Board recommended the site specific issues be handled during the group development process. He added that Council can add requirements to the special use permit now but they will be handled during the group development process which will also require Council approval.

Councilman Lewis commented on Westcliffe neighborhood's experience with the group development process. He stated that last time there was a rezoning near their neighborhood it dealt with a parking lot and during the rezoning the issue was that the neighbors would support the rezoning if there was no access to the road. He added that it then went on to site plan review and Council is aware of the history there. He stated that he would feel comfortable addressing the stormwater issue as part of the special use permit because it establishes the fact that this will be a requirement. He noted that with the last experience the applicant did not remember the detail Council had required.

Mayor Kluttz agreed with Mr. Lewis and stated that it is easy for one Council to do one thing and then another Council something different. Mr. Lewis commented that Council has until November 2008 to adopt the State required Code (regarding stormwater) and when it comes to controlling stormwater it will have to be kept onsite and he feels it might as well be made abundantly clear up front. Mr. Mitchell referred to item 3 in notes given to Council which asks if the use or development of land is reasonably compatible with significant natural and topographic features and if certain mitigating techniques are to be used in the development of the site and stated that Council can address this during the Findings of Fact.

Mr. Lewis asked if knowing the use that is proposed, will voluntary annexation be requested in the future. Mr. Mitchell responded that he could not recall. Mr. Lewis commented that with this type of facility, police and fire protection is important and he would like to know if the decision had been made. Mr. Mitchell stated that the first pre-application meeting on this project was held one year ago and he does not recall if that

conversation took place and noted that the petitioner is indicating from the audience that it was something that was discussed.

Mr. Roach informed Council that the owner has not officially made a decision on voluntary annexation because they have been focused on this process but in conversations with his client it seems reasonable that they would want to annex and would expect this to be the next step.

Councilman Burgin encouraged the developer to lean in the direction of voluntary annexation because it appears they need water and sewer from the City. He added that Mr. Bassett mentioned wanting to be a part of the community and these types of things are good exchanges in order for Council to feel better about the extensions of infrastructure that citizens have already invested in. Mr. Roach agreed that it makes sense for them.

Mr. Burgin commented that he received one telephone call from a citizen in the Westcliffe area, as part of disclosing any communications. Mr. Burgin stated that he likes this development. He added that he understands some of the concerns in Westcliffe were in regards to cut-through traffic but he feels there are two (2) things in this development that make him believe it will not be a problem. One is that Enon Church Road is more convenient to get to Highway 70 and back to Woodleaf Road and into the City than coming through Westcliffe. He stated that he also thinks that the citizens who will live at the facility probably do not travel often and this is one reason why most services will be provided in-house. He commented that he hopes they have many visitors but most visitors will be family. He added that he can imagine many other developments for property this size that could have created much more traffic and cut-through concerns. He stated that he actually likes this particular facility for this community because Salisbury has a large contingent of retired citizens and he feels this is a good match. Mr. Burgin added that he feels the company has performed its research well in finding Salisbury and he thinks Council can include in the special zoning the requirement to handle stormwater onsite without any difficulties for the developer. He stated he feels this will relieve the citizens who live in Westcliffe and he does not think it will be asking too much to include it in the S District zoning where it will remain with the site for the life of the zoning.

Mayor Pro Tem Woodson commented that regarding traffic most of the visitors will be on the weekends and he agrees that there could a different development that could have five (5) times the traffic. He stated that it appears to be a good fit and is a very attractive development that he could support.

Mr. Lewis stated that he agrees and Council should not be naïve and think this is the last piece of development on Enon Church Road. He commented that from the proposed site plan it connects streets and there will be more development which is natural as the City grows. He noted that he likes this plan as the first development.

(c) Decision

Mayor Pro Tem Woodson stated that the City Council hereby finds and determines that adoption of an ordinance to rezone approximately 7 acres from A-1 district to B-1-S district on property as described herein is consistent with the goals, objectives, and policies of the Salisbury 2000 Strategic Growth Plan and 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 official zoning map of the City of Salisbury by rezoning approximately 7 acres encompassing all of tax map and parcel 329-409 and a portion of tax map and parcel 329-0280001, from A-1 (Agriculture) District to B-1-S (Special Office Institution) District. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 7 ACRES ENCOMPASSING ALL OF TAX MAP AND PARCEL 329-409 AND A PORTION OF TAX MAP AND PARCEL 329-0280001, FROM A-1 (AGRICULTURE) DISTRICT B-1-S (SPECIAL OFFICE INSTITUTION) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 168-169, and is known as Ordinance No. 2007-44.)

(d) Findings of Fact

Mayor Pro Tem Woodson then offered the following Findings of Fact:

1. That the proposed use or development of the land will not materially endanger the public health of safety and will not substantially injure the value of adjoining or abutting property. He added that the developer has voluntarily removed the other things that could be used just for this project.
2. That the proposed use or development of the land is reasonably consistent with the strategic plan, comprehensive plan, and other official plans adopted by the City.
3. That the proposed use or development of the land is reasonably compatible with significant natural and topographic features both on the site and within immediate vicinity of the site plan. He added that the stormwater runoff problem will be addressed as part of the site plan review and has to satisfy these neighbors.
4. That the proposed use or development of the land will be visually and functionally compatible with the scale, bulk, coverage, and character of this area or neighborhood. He added that Council thinks this will be an attractive development and will not hurt the neighborhood at all.
5. That adequate provisions and design have been made or will be made to ensure automotive and pedestrian safety and convenience, interconnectivity, etc. for this development.

6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities and adequate provisions to have all of this done and also the possibility of the development being voluntarily annexed into the City. He added that the City would like to have them and could give them a lot of services and would be a good fit.

(e) Decision

Thereupon, Mayor Pro Tem Woodson made a **motion** to adopt an Ordinance of the City of Salisbury, North Carolina granting a Special Use District Permit to allow the following uses as permitted by right within the district B-1-S Special Office Institution District: Nursing homes, rest homes, convalescent homes, assisted living facilities, and similar type charitable institutions not used primarily for the treatment of contagious diseases, alcoholics, or drug addicts. Mr. Burgin offered an amendment to include the requirement to control stormwater on site. Mr. Lewis seconded the motion as amended. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, GRANTING A SPECIAL USE DISTRICT PERMIT IN CONJUNCTION WITH ORDINANCE 2007-44; PROVIDING FOR PERMITTED USES; PROVIDING FOR MODIFICATION OR TERMINATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 170, and is known as Ordinance No. 2007-45.)

City Manager David Treme indicated that he would like to review the site regarding voluntary annexation and determine the impact on fire services. He stated that staff will work with the developers to review height requirements as they impact the City's ISO rating for the future.

Mayor Pro Tem Woodson asked if every room on all three (3) floors will be sprinkled. Mr. Roach responded that it will be a mixture of sprinkling systems with a type 13 in the common areas and a 13R in the residential wings. He noted that the building is divided so that it is technically three (3) separate buildings and is one (1) hour rated construction. He added that it is a very safe building. He stated that in the core of the building there will be a smoke evacuation system to get smoke out of the central areas so that the residents can exit safely. He added that because of the buildings configuration there is quite a bit of access for ladder trucks.

ZONING MAP AMENDMENT Z-06-07 – BRIAN AND JOCELYN MOORE

- (a) Mr. Preston Mitchell, Senior Planner, stated that the City received a request from Brian and Jocelyn Moore, 530 West D Avenue, to rezone one parcel of property from R-

8 Single Family to R-6 Duplex Residential. He reviewed the descriptions of the zoning districts:

- Duplex Residential (R-6):
 - Primarily single-family and duplex dwellings
 - Day care homes and day care facilities
 - Customary accessory uses
- Single Family Residential (R-8):
 - Primarily for single-family dwellings
 - Day care homes
 - Customary accessory uses

Mr. Mitchell reviewed an aerial view of the property and stated that the entire neighborhood is zoned R-8 with R-6 on D Avenue. He reviewed the requirements of the zones:

- Minimum lot size and width
 - R-6
 - 6,000 square feet for single-family (60' wide)
 - 9,000 square feet for duplex (70' wide)
 - R-8
 - 8,000 square feet for single-family (70' wide)

Mr. Mitchell reviewed the differences in how the 2000 and 2020 Strategic and Comprehensive Plans address the zoning:

- 2000 Plan
 - Strong support for the traditional single-family housing type
 - Duplex residential not considered high-density residential
- 2020 Plan
 - Newer, existing neighborhoods
 - Large lot suburban neighborhoods developed after World War Two: Typically one-story, large lawn areas, large setbacks, automobile-oriented, garage and driveway prominence
 - No specific policies addressing Res-2-Res rezoning, but important to consider protection of this area while recognizing its location in an urbanizing area where historically smaller lots are more typical

Mr. Mitchell reviewed ground photographs of the property and the surrounding neighborhood. He stated that the Planning Board had a courtesy hearing on July 10, 2007 with two (2) absentee comments and that at the hearing the Petitioner stated that they want to expand an existing home daycare. He noted that the Planning Board sent it to a legislative committee who recommended that the petition be scaled back to the primary residence and not include an adjoining vacant lot. The Planning Board voted five (5) to three (3) to approve the petition pursuant to the legislative committee's recommendations.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-06-07.

Ms. Jocelyn Moore, accompanied by Mr. Brian Moore, 530 West D Avenue, stated that the rezoning request is to allow for an expansion of Jocelyn Daycare. She pointed out that she currently cares for five (5) preschool and three (3) after school children and rezoning the property to R-6 Duplex Residential would allow them to care for up to fifteen (15) children. Ms. Moore indicated that she has the space, experience, ability and time to help care for more children. Mr. Moore stated that they want to preserve and keep the neighborhood strong, not change it. He added that some of their clients' families are expanding and they do not want to split up their children among daycare providers. Without the rezoning, they will lose families they now serve because they will not have room for the second child.

Ms. Gretta Saunders, 1832 Rosemont Street, stated that she is opposed to the rezoning and would prefer a special use permit to allow the daycare so the Ms. Moore can care for more children.

Mr. Larry Summey, 611 D Avenue, stated that he supports the petitioner's request to add to their daycare capacity but he is concerned for the future of the neighborhood if the property is rezoned and the Moore's should decide to relocate. Mayor Kluttz stated that the City received a letter from Mr. Summey with approximately twenty (20) signatures.

Ms. Edith Smith, 1922 Rosemont Street, pointed out that Ms. Kay Norman Wright attempted to buy a house on Mooresville Road, approximately one (1) block from Mr. and Mrs. Moore's property, and requested that the property be rezoned so she could open a daycare. She noted that Ms. Wright's request was denied. Ms. Smith requested that the property not be rezoned but to still find a way to allow Mr. & Mrs. Moore to care for extra children. She stated that it is a quiet neighborhood and she would like to see it remain as it is.

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

Mayor Pro Tem Paul Woodson stated that the neighbors have made a good point. He asked if Council could issue a special permit.

Mr. Mitchell stated that to allow additional children without rezoning is not technically possible. He indicated that an R-6S Special Two Family Residential District zoning code would allow Mr. & Mrs. Moore to care for more children. Mr. Mitchell asked if this change could be made at this meeting or if another public hearing be necessary. City Attorney Rivers Lawther stated that a new application would need to be submitted and a new public hearing held. Councilman Lewis asked if it would be

necessary to resubmit it the Planning Board. Mr. Lawther said that it would have to be resubmitted to the Planning Board.

Mr. Lewis stated that the submittal of a new petition seems to be the appropriate action. He noted that if the property is rezoned to R-6S, the Moore's next step would be to apply for a special use permit. He asked if the special use permit would be revoked if the Moore's moved from the property. Mr. Lawther answered that the R-6S Special Use zoning permit would remain with the property, and future owners could continue under the permit or choose not to run a daycare, at which time the Special Use Permit would expire. Mr. Lewis suggested that the Special Use Permit include a condition that would prohibit expansion of the building footprint.

Mr. Burgin stated that he feels everyone has the same goal and that the petitioner needs to resubmit a zoning request that would accommodate their needs and the needs of the neighborhood. He asked if Council needed to vote on the request or could it be withdrawn by the petitioner. Mr. Mitchell replied that if Council denied the request the petitioners would have to wait one (1) year to resubmit, but the petitioners can elect to withdraw their request and resubmit to the Planning Board at its next meeting.

Mr. Moore stated that they would withdraw the rezoning application in order to revise and resubmit. Mr. Lewis asked Mr. Moore if he understood Council's discussions. Mr. Moore stated that he understands the condition that the foundation of the house could not be expanded to increase the daycare facility, and inquired about the possibility of expanding the house for personal reasons. Mr. Lewis answered that a request to expand for personal reasons could be addressed through the new rezoning request.

STREET CLOSING - PORTION OF OLD PLANK ROAD

(a) Ms. Wendy Brindle, Traffic Engineer, stated that the City received a request from Livingstone College to close a portion of Old Plank Road between Thomas Street and Craige Street. She noted that staff obtained traffic volumes and eighty-fifth percentile speeds and found that the street handles an average of three hundred seventy-five (375) vehicles per day. She indicated that staff did not find any imminent concerns with closing the street due to the traffic.

Ms. Brindle explained that on July 3, 2007 City Council adopted a Resolution of Intent to close the portion of Old Plank Road between Thomas Street and Craige Street and scheduled a public hearing. She stated that street and alley closings are regulated by General Statute 160A-299, and in accordance with the Statute, the property owners along the portion of Old Plank Road were notified as well as residents along Thomas Street between Old Plank Road and Caldwell Street.

Ms. Brindle pointed out that Council must find that the closing does not deprive anyone of ingress and egress to their property and must also find that the closing is not contrary to the public interest. She indicated that staff determined that the closing does

not deprive anyone of ingress or egress to their property. Staff could not find that the closing is not contrary to the public interest. She stated that staff believes that the closing does not support Policy S-12 of the Salisbury Vision 2020 Comprehensive Plan which promotes a fully connected honeycomb of streets and multiple and alternative outlets from the area to adjoining neighborhoods and major streets. She explained that Council will have to make a finding that the closing is not contrary to the public interest and that the benefits of closing the street offset the concerns.

Ms. Brindle stated that if the portion of Old Plank Road is closed it will create a dead-end street for three (3) residences, and because it is over one hundred fifty (150) feet in length, the fire code requires the construction of a cul-de-sac. She pointed out that the petitioner would be responsible for the approximate \$50,000 cost of the cul-de-sac and that Livingstone College has requested that the City participate in the cost of its construction.

Ms. Brindle noted that the residents of Old Plank Road who will be connected to the cul-de-sac have requested that their address be changed to Marsh Street. She added that this is a practical request for emergency purposes.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider closing a portion of Old Plank Road.

Mr. State Alexander, Executive Assistant to the President, stated that he is representing Livingstone College President Dr. Jimmy Jenkins, Jr. He requested approval of the road closing project and stated that it has been endorsed by the residents of Old Plank Road near Livingstone College. He extended thanks to Ms. Wendy Brindle for making the process a smooth and orderly experience. He indicated that approval of the project will provide one thousand (1,000) students, faculty and staff a pedestrian friendly walkway to the W. J. Walls Center. He stated that Livingstone College intends to plant new trees and landscaping around the cul-de-sac; add visual presence of campus police and security; and work closely with police, fire and emergency services to improve access to the campus.

Mr. Alexander pointed out that Livingstone College feels the plan fits the spirit and purpose of the Salisbury Vision 2020 Comprehensive Plan and will improve access and safety for all Livingstone College students, faculty and staff.

Mr. Reginald Brown, 815 West Thomas Street, reviewed his correspondence with Livingstone College and the effects of the street closing. He noted that one (1) driveway and three (3) parking lots will be closed off and that Old Plank Road traffic will be diverted to Thomas Street resulting in approximately one thousand two hundred (1,200) vehicles per day traveling on West Thomas Street. He presented petitions to Council against the street closing and concluded by indicated that he is not comfortable with the plan and the way he was notified of the project.

Ms. Mamie Anderson, 800 West Thomas Street, stated that she does not want the street closed because of the additional traffic that will be diverted to Thomas Street. She added that West Thomas Street is very narrow and the neighborhood does not need more traffic. She indicated that she and her husband are too old to move and they do not want the street closed.

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

Mayor Pro Tem Paul Woodson questioned what percentage Livingstone College is requesting the City to participate towards the construction of the cul-de-sac. Mr. Alexander answered that Livingstone College would like the City to contribute at least one-half of the cost.

Councilman Lewis stated that he has concerns regarding the issues raised by City staff and questioned the precedent that this would set for the next request. He suggested referring the issue to a Council Committee to report back to Council on August 21, 2007 with a recommendation.

By consensus, Council agreed to send this issue to a Council Committee. Mayor Kluttz appointed Councilman Mark Lewis and Councilman Pete Kennedy to serve on the committee. Councilman Burgin requested that the Fire and Police Department be involved regarding response time. He asked that the meeting also include Engineering staff in order to address the issue of additional traffic to Thomas Street. He expressed his concern that the City has been requested to contribute one-half of the cost of building the cul-de-sac.

City Manager David Treme commented that the City has not participated in this type of construction in the past and has not appropriated any funds for this type of project.

SET PUBLIC HEARING FOR PROPOSED ORDINANCE REGULATING DEMOLITION OF DOWNTOWN STRUCTURES

Ms. Janet Gapen, Senior Planner, informed Council that a proposed Ordinance has been submitted to Council regarding demolition in the Downtown Historic District. She explained that the purpose of the Ordinance is to enter into City Code the provisions recently granted by a local bill HB1202 which was ratified by the General Assembly in June 2007.

She reviewed the steps that led to this point:

- October 13, 2005 – Historic Preservation Commission (HPC) adopted Resolution requesting local legislation to help prevent the demolition of potentially viable, contributing structures

- January 17, 2006 – Salisbury City Council adopted Resolution in favor
- February 7, 2006 – Council adopted Ordinance to restrict demolitions in the downtown pending action by General Assembly

She then reviewed the history of local bill HB1202

- First reading in House 3/29/2007
- Referred to Committee
- Passed in House 4/23/2007
- Passed in Senate 6/20/2007
- Ratified 6/21/2007

Ms. Gapen noted the key components of the Bill:

- Downtown Local Historic District
- Grants permitting authority to City Council
- Helps safeguard important, viable historic structures
- Flexibility to allow demolition as an alternative for noncontributing structures
- Does not infringe on the authority of the HPC
- Considerations for issuance of permit

Ms. Gapen noted that some of the considerations for issuance of a permit include:

- Location of the structure within the historic district
- State of repair of the structure
- Architectural and historical significance
- Overall impact of the demolition on the historic district
- Issuance of Certificate of Appropriateness by the HPC

Mr. Gapen stated that the proposed Ordinance has been submitted to Council for its consideration and requested a public hearing be set to receive public comments.

Councilman Burgin noted that the ordinance states that the issuance of a Certificate of Appropriateness (COA) for demolition is done by the HPC and commented that he would feel better if it were issued by City Council. He asked if this is an option. Ms. Gapen responded that a Certificate of Appropriateness is intended specifically for the HPC but after its issuance, City Council would consider the demolition permit. Mr. Burgin asked if Council would ever hear a case if the COA was not issued. Ms. Gapen responded that if a COA was not issued then the petitioner would not be able to receive a demolition permit and would not move on to Council. She stated that the HPC is ultimately required to issue the COA and noted that it can be issued the day a request is heard or can be delayed up to one (1) year. She added that at the end of the one (1) year period the COA must be issued.

Mr. Burgin commented that he feels that without the process coming before Council he is concerned that the future membership of the HPC could shift to members who are not proponents of historic buildings and he would like to leave the actual permit for a City Council's decision.

Thereupon, Mr. Woodson made a **motion** to set a public hearing for August 21, 2007 to receive comments for a proposed Ordinance regulating demolition in the downtown local historic district. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

ESTABLISH STOP CONDITIONS – HARRISON ROAD AND CAMP ROAD AREA

Ms. Wendy Brindle, Traffic Engineer, noted that areas recently annexed by the City became effective June 30, 2007. She requested Council to adopt an Ordinance to establish stop conditions in these areas.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 13-332, Article X, Chapter 13 of the Code of the City of Salisbury relating to stop signs. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO STOP SIGNS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 171-172, and is known as Ordinance No. 2007-46.)

AMENDMENTS TO SECTION 13 OF THE CITY CODE RELATED TO PARKING

Mr. Randy Hemann, Executive Director Downtown Salisbury, Inc. (DSI), indicated that DSI has encouraged people to live downtown and in order for this to happen parking issues must be addressed. He stated that DSI recommends that overnight restrictions on parking be removed. He added that there were other areas of the Code that needed to be cleaned up such as references to metered zones. The sections regarding two (2) hour parking have also been amended to make the streets uniform because parking has been added over the years but had not been added to the Code.

Mr. Hemann stated that DSI has discussed street cleaning issues as well as Police enforcement and everyone is in support of the changes. He commented that it makes sense that people who live downtown should be able to park in front of their residences overnight. He added that their cars will have to be moved during the day when businesses are open and the amendments to the Code will accomplish this.

Mayor Kluttz asked Director of Public Services Tony Cinquemani to address the street cleaning issue. Mr. Cinquemani stated that the overnight parking prohibition was added so the streets could be cleaned at night. He noted that staff currently experiences vehicles parked downtown because of the businesses, and staff has worked around them to clean the streets. He stated that he feels it is possible to have the parking and get the streets cleaned.

Councilman Burgin commented that other communities have west side and east side nights to allow street cleaning and this could be an option to be considered.

Mayor Kluttz agreed that if downtown residential living is encouraged it is logical that they need parking.

Mr. Hemann stated that DSI discussed permitting only residents but the Police Department felt it might be cumbersome. He added that there are residents currently living downtown but many already have off-street parking. He stated that he does not envision this being something that is used by everyone every night. He noted that once the change is made if modifications are needed staff can come back to Council.

Thereupon, Mr. Lewis made a **motion** to an Ordinance deleting section 13-342, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited 1:00 a.m. to 4:00 p.m. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE DELETING SECTION 13-342, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED 1:00 A.M. TO 4:00 P.M.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 173, and is known as Ordinance No. 2007-47.)

Thereupon, Mr. Lewis made a **motion** to adopt and Ordinance deleting section 13-359, Article X, Chapter 13, of the Code of the City of Salisbury, relating to fifteen-minute metered zones. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE DELETING SECTION 13-359, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO FIFTEEN-MINUTE METERED ZONES.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 174, and is known as Ordinance No. 2007-48.)

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance deleting Section 13-360, Article X, Chapter 13 of the Code of the City of Salisbury, relating to one-hour

metered zones. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE DELETING SECTION 13-360, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO ONE-HOUR METERED ZONES.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 175, and is known as Ordinance No. 2007-49.)

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance deleting Section 13-358, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking limited to two (2) hours between 9:00 a.m. and 6:00 p.m. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE DELETING SECTION 13-358, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING LIMITED TO TWO HOURS BETWEEN 9:00 A.M. AND 6:00 P.M.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 176, and is known as Ordinance No. 2007-50.)

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-357, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking limited to two (2) hours between 8:00 a.m. and 6:00 p.m. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (3-0)

AN ORDINANCE AMENDING SECTION 13-357, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING LIMITED TO TWO HOURS BETWEEN 8:00 A.M. AND 6:00 P.M.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 177, and is known as Ordinance No. 2007-51.)

INNES STREET IMPROVEMENT GRANT – 133 SOUTH MAIN STREET

Ms. Barbara Perry, Chair of the Community Appearance Commission (CAC), and Mr. Bill Safrit, Chair of the CAC Grants Committee, addressed Council regarding an Innes Street Improvement Grant for 133 South Main Street.

Ms. Perry informed Council that the Municipal Service District (MSD) grants are twenty-six (26) years old this year and noted that to date \$352,000 of public funds have been expended and \$4,700,000 in private funds. She stated that the Innes Street Improvement Grant program is eleven (11) years old and has expended \$186,000 in public funds and \$3,500,000 in private funds. She noted that in this year's budget

Council appropriated the CAC \$22,000 for MSD grants and \$25,000 for Innes Street grants. Ms. Perry commented that the CAC feels very responsible to be good stewards of the money that has been given and noted that there is a great deal of activity in the downtown area.

The proposed project before Council is for Dave and Arnold Loflin and the Thread Shed located at 133 South Main Street. Ms. Perry stated that the CAC is unanimous in support of the project and applaud the Loflin's for their work on East Fisher Street. They have requested \$10,000 from the Innes Street Improvement Grants and Ms. Perry noted that the CAC can approve up to \$5,000 but Council must approve anything over \$5,000. The project involves the installation of a brick paver parking area, landscaping with trees and shrubbery, repairs to the wall surrounding the parking lot and installation of artwork panels along the back wall.

Mr. Safrit informed Council that the owners were awarded a \$5,000 MSD grant primarily for improvements to the building and a \$10,000 Innes Street grant for improvements to the parking area. He stated that the Committee reviewed the pros and cons of a brick paved lot versus an asphalt lot and felt that a brick lot would better meet the goals of the Downtown Master Plan. He added that if the lot is installed in conjunction with the South Square Streetscape Project the owners will be able to use the project contractor and benefit from the same unit prices for construction.

Mr. Safrit pointed out that there are six (6) restaurants in the area and the owners have offered use of the lot for after hours parking or for other City functions.

Mr. Safrit informed Council that the CAC Grant Committee has already awarded two (2) grants totaling \$5,783 from the \$25,000 available funds, leaving a balance of \$9,217 for the remaining eleven (11) months. He noted that this is very little money to use as seed money for others to improve facades and requested Council consider allowing the CAC to award a \$5,000 grant with Council giving a special \$5,000 grant.

Mayor Kluttz commented that this is an exciting project and she feels it is wonderful when the private sector will partner with the City. She added that this is a special circumstance because the East Fisher Street project is very unique. She stated that she is in favor of the Thread Shed project taking place while the East Fisher Street project is taking place and asked the best way to finance the project.

City Manager David Treme suggested that the \$10,000 be taken from the Innes Street Improvement grants and if the CAC finds another worthy project it be brought back to Council to see if additional funds can be added at that time.

Thereupon, Mr. Woodson made a **motion** to approve an Innes Street Improvement grant in the amount of \$10,000 for 133 South Main Street. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis Woodson, and Ms. Kluttz voted AYE. (4-0)

Mayor Kluttz thanked the Loflin's for this project and noted Council's excitement.

AWARD CONTRACT - RENOVATIONS TO SPORTS COMPLEX

Mr. Kenny Roberts, Parks and Recreation Manager, informed Council that the Sports Complex project centers on the conversion of the existing ball fields so that the fields will face away from each other. The project will also include lighting installation, installation of an irrigation system, and installation of a stream crossing on the Ryan Street side of the park. He added that in addition to the ball fields there will be two (2) half-court basketball courts installed, along with a paved walking trail, horseshoe pits, and bocce courts.

Mr. Roberts stated that bids were received from general contractors in June 2007 but all bids were over budget. He noted that staff attempted to negotiate with the lowest bidder but was unsuccessful. He stated that due to the nature of the project and because no structure is being built, the City can act as the general contractor and eliminate those fees from the original fees saving up to approximately \$75,000.

Mr. Roberts noted that the first phase of renovations will include grading, storm drainage and demolition. The second phase will be lighting and electrical, then plumbing and irrigation, fencing and grass seeding. He noted that only the lighting and electrical contracts will have to come before Council because the others will be below the threshold requiring Council approval.

Bids received for grading, storm drainage and demolition were:

Culp Brothers	\$145,607
Kepley Construction	\$112,035
Lynn-Thomas Grading	\$193,975

Mr. Roberts asked Council's consideration to award the contract to Kepley Construction.

Thereupon, Mr. Woodson made a **motion** to award a contract in the amount \$112,035 to Kepley Construction for grading, storm drainage and demolition as part of the Sports Complex renovation. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

City Manager David Treme thanked staff for finding a way to lower the prices to complete a substantial project within budget.

pieces will be done rather than whole parts of the project being completed at one time.

She noted the upcoming improvements for the next two (2) weeks:

August 7-10, 2007

- Pour driveway aprons on 100 block of Fisher Street
- Install electrical service and meter base
- Complete utility burial on Lee Street
- Continue sidewalks on Lee and 200 block of East Fisher Street

August 13-17, 2007

- Brick street installation (road closed during day and down to one lane overnight)
- Installation of street lights in 100 block of Fisher Street
- Grading/preparation for corner plaza

Ms. Raker noted that the contractor has sent two (2) week work schedules to the businesses so they will know what to expect.

Councilman Burgin asked if a plan has been developed to make the public aware that Fisher Street will be transitioning from one-way traffic to two-way traffic. Ms. Raker commented that the street will remain one-way until the mast arms are installed and she is unsure of the installation date as Duke Power will be performing the work.

Mr. Dan Mikkelson, Director of Land Management and Development, commented that staff has found there is no one way to inform citizens about street changes. He stated that signage will have to remain compliant with State standards and staff will continue to give notices about the change. He commented that on past conversions blocking lanes prior to the change seem to be successful. Mr. Mikkelson noted that the environment for this area creates a slow speed which will be beneficial during the change.

Mr. Burgin commented that he hopes that this conversation will begin to let the public know that this will be an upcoming issue.

Mayor Kluttz noted Council's appreciation to the businesses in the project area for their patience through the project. She encouraged citizens to patronize these businesses during the construction period.

(b) Duke Power Crossing – Lee Street

City Manager David Treme noted that there is property adjacent to the Police Department on Lee Street which is owned by a developer who is working with Duke Power to make improvements in the area. He stated that the City has been requested to allow Duke Power to cross Lee Street with a power source. He commented that there are currently five (5) power poles along the street and all would be removed and he feels this

will be a positive redevelopment. Mr. Treme indicated he will allow Duke Power to cross at the intersection and noted that an area for a cross walk will be identified. He added that he feels allowing the power to be brought under the street will encourage development for the surrounding area.

(c) East Innes Street Imprint Project

Ms. Lynn Raker, Urban Design Planner, noted that an asphalt imprint project was installed on East Innes Street through a demonstration held August 1, 2007. She explained that the company provided the imprint at no cost to the City in order to be able to demonstrate its installation for people throughout the region. She stated that the installation was done at the intersection of Long Street and East Innes Street.

Ms. Raker stated that the imprint will last the lifetime of the asphalt or until it is milled for replacement. She thanked Public Services for their assistance in closing the lane and assisting with the installation. She added that white safety bands will be installed on each side of the walkway.

Mayor Pro Tem Woodson commented that he feels the walkway has created a safer atmosphere because he feels motorist slow down for the walkway.

MAYOR'S ANNOUNCEMENTS

(a) Sierra Club Award - Founder's Hall Dinner

Mayor Kluttz announced that City Council members have been invited to dinner Monday, August 13, 2007 at 6:30 p.m. The dinner will be at Founder's Hall, a new facility at Food Lion. The dinner is sponsored by Food Lion, the Center for the Environment at Catawba College, the City of Salisbury and the Salisbury Post. She noted that the City will receive a Cool Cities award from the Sierra Club at the dinner. The award recognizes the City for participating in the U.S. Conference of Mayors Climate Protection Agreement and for promoting environmental sustainability through use of cleaner fuels for fleet and transit vehicles. She stated that the award will be presented by Mr. Chuck McGrady former national president of the Sierra Club.

(b) Interdenominational Fellowship of Churches Celebration

Mayor Kluttz announced that the Interdenominational Fellowship of Churches will host a community wide back to school celebration Saturday, August 11, 2007 at Mt. Zion Baptist Church located at 1920 Shirley Avenue. Uniforms and school supplies will be distributed and there will be informational workshops for students and parents. Registration begins at 9:00 a.m. and workshops at 10:00 a.m. She added that there will be free lunch and recreational activities and all children and parents are invited to attend.

(c) Project SAFE Salisbury Family Day

Mayor Kluttz announced that Project SAFE Salisbury Family Day will be held Saturday, August 18, 2007 at the J.F. Hurley YMCA from 10:00 a.m. until 2:00 p.m. She stated that there will be free food and school supplies and encouraged all parents and children to attend.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:50 p.m.

Mayor

City Clerk