

Salisbury, North Carolina  
September 4, 2007

## **REGULAR MEETING**

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

**ABSENT:** None

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

## **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 change to the Agenda:

Item 6 – Add b and c – Information on mentoring from Communities in Schools and Youth Services Bureau.

## **RECOGNITION OF GOODMAN MILLWORK'S 100<sup>TH</sup> ANNIVERSARY**

Mayor Kluttz recognized Mr. Franco Goodman along with his sons Mr. Nick Goodman and Mr. Ben Goodman of Goodman Millwork, Inc. She stated that Goodman Millwork began as Goodman Lumber Company in 1907. She indicated that Goodman Lumber and Goodman Millwork has been an excellent corporate citizen for Salisbury and she thanked the Goodman family for their contribution to the quality of life in Salisbury.

Mayor Kluttz read a Certificate of Recognition and presented the Certificate to Mr. Franco Goodman in honor of the company's 100<sup>th</sup> anniversary.

## **UPDATE ON COMMUNITY ACTIVITIES FOR YOUTH**

### (a) 12<sup>th</sup> Annual Foothills Karate Classic

Councilman Kennedy stated that he attended the 12<sup>th</sup> Annual Foothills Karate Classic held at North Rowan High School and that he witnessed hundreds of young people demonstrating their karate skills which he felt was a good alternative to violence and gang activity.

Mr. Larry Dillingham stated that he has been in martial arts for thirty-three (33) years and that he and his wife are the instructors of Dillingham Martial Arts in Salisbury. He explained that his program combats gang violence in the schools and community. He added that he began the Annual Foothills Karate Classic twelve (12) years ago and it gives youth and adults a chance to display their expertise.

Mr. Dillingham presented a plaque to Mayor Kluttz for her efforts to promote community excellence. Mayor Kluttz thanked Mr. Dillingham for the recognition and for all that he does for the community's youth.

### (b) Communities In Schools

Ms. Sandy Reitz, representing Communities In Schools, stated that it is important that our youth have positive adult role modeling. She explained that Communities In Schools recruits volunteers to come to the schools and tutor or mentor students. The referrals come from parents or teachers who identify problems. Ms. Reitz indicated that tutors and mentors may select the school they would like to work with and that the mentoring is once a week for one (1) hour during the school day.

Ms. Reitz stated that Communities In Schools is located in the Gateway Building and citizens who are interested can visit the office or call them at 704-797-0210.

(c) Youth Services Bureau

Ms. Karen Carpenter, Director of Youth Services Bureau, stated that their Times Two Program stands for Two (2) Hours Together Can Change a Life Forever and that children are referred to their program by juvenile courts, North Carolina Department of Social Services as well as parents and teachers. She noted that volunteers are asked to mentor an average of two (2) hours per week over the course of one (1) year.

Ms. Carpenter explained the application process of becoming a mentor and added that applications are available at 318 North Main Street. She encouraged those interested to call their office at 704-633-5636 and speak to Ms. Liz Tennent.

Mayor Kluttz asked if the mentoring involved tutoring with school work. Ms. Carpenter stated that the program is not focused on tutoring but that goals are set with the child and mentor and it may include academic improvement.

Mayor Kluttz thanked Ms. Carpenter and Ms. Reitz and noted that Council will look into both of these programs with hopes of connecting citizens who want to help with these programs.

**CONSTITUTION WEEK PROCLAMATION**

Mayor Kluttz proclaimed the following observance:

CONSTITUTION WEEK                      September 17-23, 2007

**CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Regular meeting of August 21, 2007.

(b) Reverse Flow of Traffic – Masonic Lodge Barbecue Sale

Approve a request from the Fulton 99 Masonic Lodge to reverse the flow of traffic on Water Street Thursday, October 25, 2007 for its annual barbecue sale.

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

## **ZONING TEXT AMENDMENT T-01-07 SIGNS**

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding zoning text amendment T-01-07 involving amendments to the Sign Ordinance. He explained that there are five (5) proposed amendments to the Sign Ordinance but two (2) are still in the Legislative Committee of the Planning Board. Three (3) of the five (5) amendments received unanimous recommendation by the Planning Board and Mr. Mitchell described the three (3) proposed amendments:

- Historic Signs
  - Allow historic signs within the Downtown Historic District
    - Subject to design review and issuance of Certificate of Appropriateness by the Historic Preservation Commission (HPC)
    - Located and lighted on property in a manner consistent with historical evidence of sign or property
- Signs for Churches and Residential Zoning Districts
  - Strike the language regulating the content of bulletin board signs
  - Strike the language allowing illuminated ground signs only to churches with lots greater than one (1) acre
- Group Development Sign Provisions – Retail and Office
  - Remove sign content regulations

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments regarding zoning text amendment T-01-07.

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

(c) Mayor Pro Tem Woodson stated that the City Council hereby finds and determines that adoption of an ordinance to amend the Code of Ordinances of the City of Salisbury is consistent with the goals, objectives, and polices of the Strategic Growth Plan and Comprehensive Plan and that adoption of the ordinances is reasonable and in the public interest. Therefore, I move to adopt an Ordinance amending Appendix B, Zoning, of the Code of Ordinances of the City of Salisbury, North Carolina by amending Article IX Signs, Section 9.05(3) and 9.05(8)(B.6) Signs permitted by district, and Section 9.06 (1A and 1C) Special Sign provisions. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING ARTICLE IX (SIGNS), SECTIONS 9.05(3) AND 9.05(8)(B.6), SIGNS PERMITTED BY DISTRICT, AND SECTION 9.06(1A & 1C), SPECIAL SIGN PROVISIONS.**

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 184-188, and is known as Ordinance No. 2007-57.)

**RESOLUTION OF LEGISLATIVE INTENT-RENAMING STREET TO HONOR DR. MARTIN LUTHER KING, JR.**

Councilman Kennedy stated that he chaired a study committee on renaming a Salisbury street in honor of Dr. Martin Luther King, Jr. He asked Mr. Dan Mikkelson, Director of Land Management and Development, to provide a committee report.

Mr. Mikkelson stated that the committee researched criteria used by other communities when renaming a street and then selected criteria most appropriate for Salisbury:

- Street should have visual prominence within the community
- Should serve to connect a diverse combination of populations and businesses
- Cause minimal inconvenience to citizens who will have to change their address
- Avoid changing street names of historical importance

Mr. Mikkelson explained that after evaluating five (5) different corridors, the Committee recommends renaming the entire length of Boundary Street. He pointed out that Boundary Street is approximately two and one half (2 ½) miles long, has visual prominence, crosses Innes Street and intersects with Jake Alexander Boulevard, Klumac Road, Old Concord Road and Bringle Ferry Road. He indicated that Boundary Street serves several significant civic properties including Cannon Park, the U.S. Post Office, Salisbury Civic Center, Salisbury Housing Authority, Salisbury Sports Complex and the Ruffy-Holmes Senior Center. It also serves industrial, residential and commercial properties. He stated that there are two hundred ten (210) properties that touch Boundary Street but only seventy-nine (79) would have to change addresses if the street is renamed.

Mr. Mikkelson noted that in 1997 City Council adopted a policy for naming public properties. According to the policy this issue should be referred to the Planning Board and after their recommendation Council would establish a thirty (30) day period for public input. He indicated that the committee recommends giving the Planning Board a sixty (60) day period to make a recommendation. Mr. Mikkelson added that the committee requests that Council adopt a Resolution of Legislative Intent referring the issue to the Planning Board.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution of Legislative Intent referring the renaming of a public street to the Planning Board for review and recommendation. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

Councilman Lewis provided to the City Clerk a letter from Mr. Ted Goins, President of Lutheran Services for the Aging, in support of renaming a Salisbury street in honor of Dr. Martin Luther King, Jr.

RESOLUTION OF LEGISLATIVE INTENT REFERRING THE RENAMING OF A PUBLIC STREET TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 51, and is known as Resolution No. 2007-31.)

**DRIVEWAY VARIANCE – 123 NORTH SHAVER STREET**

Ms Wendy Brindle, Traffic Engineer, indicated that KKA Architecture has submitted a site plan for the new Rowan County Emergency Medical Services (EMS) Station to be located at 123 North Shaver Street. She stated that as part of the site plan a driveway variance has been requested to allow a fifty-seven (57) foot driveway. She noted that currently the City Code allows a fifty (50) foot driveway at the property line. Ms. Brindle explained that the petitioner feels that limiting the driveway to fifty (50) feet could deter the response times of the emergency vehicles. She stated that there will be one (1) mobile command unit and three (3) EMS units housed in the facility.

Ms. Brindle stated that after review staff recommends granting the variance to allow a fifty-seven (57) foot driveway with provisions. The provisions would be that the sidewalk across the driveway be scored and that it meet the current Americans with Disabilities Act (ADA) guidelines.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution authorizing the City Engineer to grant a variance from the City Code, Section 22-73(e), for a driveway permit for 123 North Shaver Street. Mr. Burgin asked to clarify that this includes the provisions for the sidewalks to have articulation and the ADA slope. Mr. Woodson agreed. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE CITY ENGINEER TO GRANT A VARIANCE OF THE CITY CODE, SECTION 22-73(e), FOR A DRIVEWAY PERMIT FOR 123 NORTH SHAVER STREET.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 52, and is known as Resolution No. 2007-32.)

**ISSUANCE OF COMBINED ENTERPRISE SYSTEM REVENUE BOND, SERIES 2007**

Mr. John Sofley, Management Services Director, indicated that two (2) years ago Salisbury-Rowan Utilities (SRU) presented its capital improvement plan during Council's retreat. The plan included projects which would cost the City \$15 - \$20 million dollars over several years. He noted that the intent of the projects is to extend the

lives of the water treatment plant and the waste treatment plants. Mr. Sofley stated that the first phase of the project started last year, and explained that staff is attempting to keep each phase under \$10 million so the bonds will be bank qualified and issued under private placement. He added that this will allow the City to avoid significant legal costs. Mr. Sofley stated that the interest rate will remain steady because although the bonds are sold under private placement, local banks and financial institutions are solicited and everyone has an opportunity to bid on the bonds.

Mr. Sofley stated that in order to be in compliance with the North Carolina General Statutes Council must first adopt a Resolution. The Resolution will allow staff to apply to the Local Government Commission (LGC) to issue the debt. The Resolution also designates the professionals hired to assist the City during the process, requests the LGC allow the City to handle the sale as a private negotiated sale without advertisement, and identifies Mr. Sofley as the person authorized to make selections. He added that the Resolution also makes a number of findings, as required by State Statute to allow the City to issue the bonds.

Mr. Sofley noted that proposals have been sent to banks and meetings have been scheduled with the LGC. He added that the bond sale is tentatively scheduled for the LCG's October 2, 2007 meeting with the closing to follow by the end of the month.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution relating to the authorization and issuance of a Combined Enterprise System Revenue Bond, Series 2007 of the City of Salisbury, North Carolina to pay a portion of the cost of certain improvements to the Combined Enterprise System. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**RESOLUTION RELATING TO THE AUTHORIZATION AND ISSUANCE OF A COMBINED ENTERPRISE SYSTEM REVENUE BOND, SERIES 2007 OF THE CITY OF SALISBURY, NORTH CAROLINA TO PAY A PORTION OF THE COST OF CERTAIN IMPROVEMENTS TO THE COMBINED ENTERPRISE SYSTEM.**

(The above Resolution is recorded in full in Resolution Book No. 12, at Page Nos. 53-54, and is known as Resolution No. 2007-33.)

### **COMMUNITY DEVELOPMENT CORPORATION REPORT**

Mr. Chanaka Yatawara, Executive Director of the Community Development Corporation (CDC), presented highlights of CDC activities for the past year. He stated that the Mission of the CDC is to be a catalyst to improve the quality of life in selected neighborhoods within the greater Salisbury area. Through utilization of innovative and creative methods, the CDC seeks to:

- Develop attractive, quality affordable housing
- Encourage partnerships among other organizations with common goals and interests

- Empower individuals and families to become self-sufficient

Mr. Yatawara discussed a new Foreclosure Prevention Program. He stated that it began as a partnership with the United Way of Rowan County in response to families affected by the Pillowtex closing in 2003. He noted that it became apparent that many of the families needed more than counseling and also needed funding to assist with their mortgage payments. He stated that CDC received an initial \$5,000 from the United Way in 2004. Since that time \$608,970.35 has been provided to families to prevent home foreclosures. Funds have been received from:

• First Reformed Church of Landis	\$ 3,538.72
• United Way of Rowan County	\$ 80,000.00
• Foundation for the Carolinas	\$128,413.62
• North Carolina Housing Finance Agency	<u>\$397,018.01</u>
Total	\$608,970.35

He noted that the number of families who received direct financial assistance was two hundred forty-eight (248). Mr. Yatawara commented that many of these families would have lost their homes if the financial assistance had not been available.

Mr. Yatawara stated that the CDC also works with area partners to provide budget and credit counseling:

• Counseling Services provided (Pillowtex and GDX lay-offs)	623 families
• Counseling Services provided (Freightliner lay-offs)	<u>858 families</u>
Total	1,481 families

Mr. Yatawara reviewed the West End Revitalization project. He explained that the project came about when Mr. William Peoples met with City Manager David Treme and Mr. Yatawara and drove them around the neighborhood pointing out dilapidated homes. Mr. Yatawara stated that approximately fifty (50) homes were identified for rehabilitation or demolition. He noted that CDC spent approximately one (1) year acquiring properties and to date has acquired twenty-nine (29) of the homes. He added that most were beyond rehabilitation and were demolished for redevelopment.

Mr. Yatawara stated that twenty-two (22) partners from the public and private sector came together to make this project possible. He displayed photographs of the first four (4) new homes built in the neighborhood and noted they were designed by local architects (Councilman Burgin and Ms. Karen Alexander) at no cost. He stated that all of the homes are energy star rated which means they have reduced energy costs. Mr. Yatawara commented that the homes are designed based on the needs of the family and each includes a computer with high speed internet access. He added that the computers

and internet access was donated to the CDC by the Robertson Family Foundation and the Alcoa Foundation.

Mr. Yatawara indicated that one of the newest programs offered by the CDC is a Home Maintenance Savings Plan. He explained that many people save for a down payment but not many save for home maintenance. Each family is asked to save money for home maintenance and the CDC will match up to \$500 for the maintenance projects. He added that this was made possible by a grant from the Robertson Foundation.

Mr. Yatawara informed Council that when the CDC purchased eight (8) properties as part of the West End Revitalization the tax value was just over \$106,000. Today the tax value is \$895,000. He noted that there is currently one (1) additional house under construction on Lloyd Street.

Mr. Yatawara stated that the North Carolina Association of Realtors Housing Foundation Home for North Carolina selected the West End Revitalization as the project of the year and the CDC will be presented the award during a ceremony to be held October 2, 2007. He thanked Council for its support to make the program a success.

Mayor Kluttz commented that the City of Salisbury is very fortunate to have the Community Development Corporation and she feels the work done by CDC is absolutely wonderful. She congratulated Mr. Yatawara on the CDC's newest award.

## **COMMENTS FROM THE CITY MANAGER**

### (a) South Square Streetscape Improvement Project Update

City Manager David Treme commented that at the August 21, 2007 Council meeting staff informed Council that due to subsurface road conditions the contract for the South Square Streetscape Improvement Project was over budget by approximately \$118,000. He noted that Council requested he review alternatives that would allow the project to be completed as designed. He referred to a memo sent to Council that outlined how the project could be accomplished without impacting the current budget.

Mr. John Sofley, Management Services Director, commented that although the City has to pay for the subsurface road work now, the work would have to have been done eventually. He stated that he reviewed the budget and identified four (4) items that may provide additional funding. He explained that when the budget was adopted \$30,000 was included as 1/3 of a \$90,000 payment for the Innes Street Bridge improvements to be paid over three (3) years. He noted that the City received the bill and instead of \$90,000 the bill was \$45,000. He stated that \$30,000 was already in last year's budget so the City paid that amount leaving a balance due of \$15,000 for this year. After paying the remaining \$15,000 the line item still has \$15,000 remaining. The second item includes the widening and installment of sidewalks along Highway 70. Mr. Sofley stated that there is \$40,000 budgeted for the sidewalk installation but there is a high probability

that the State will not bill the City until next year. He stated that this year's budget also includes \$71,712 for the purchase of transit buses but based on when the buses are ordered the cash will not be expended until next year and this money can be used if the sidewalk funds are not available. Mr. Sofley noted that \$69,000 has been budgeted for the City's local share of engineering services for the Ellis Street Bridge project. He stated that based on the community's input staff is unsure what will be done this year and most likely the money will not be spent. He commented that the funds from these four (4) items would more than cover the \$118,000 shortfall for the South Square Streetscape Project without negatively impacting the budget.

Mr. Treme stated that with Council's approval he will take the next steps to put the budget into order based on these identified funds and based on conversations with Council he has informed the Contractor to proceed to complete the project.

Councilman Burgin thanked Mr. Sofley and Mr. Treme for their efforts to find a way to make this work because he feels it is too important to be left undone. He added that he feels the impact of the project to the community will be well worth the effort.

Ms. Lynn Raker, Urban Design Planner, indicated that for the weeks of September 4-14, 2007 the contractor will install footings for the removable bollards and Duke Power is scheduled to remove the highway lights in the 100 block of East Fisher Street. She added that the contractor will also begin installation of the corner plaza and parking area.

Councilman Kennedy indicated that he had received a telephone call regarding the change in traffic to two-way and the loss of parking spaces and asked Ms. Raker to remind him the rationale behind the decision. Ms. Raker stated that additional parking will be added behind the corner plaza along with the parking spaces that will be marked on the street. She noted that the lot behind City Hall is always available for public parking and other areas are being reviewed for parking expansion.

## **MAYOR'S ANNOUNCEMENTS**

### (a) Fireman's Memorial Ceremony

Mayor Kluttz announced that the annual September 11 Memorial Service will be held, Tuesday, September 11, 2007 at the Fireman's Memorial located in the 1100 block of South Main Street. The ceremony will begin at 9:45 a.m. with the ringing of the bell at 9:59 a.m. and one minute of silence at 10:00 a.m.

### (b) Rowan County Discount Prescription Drug Cards

Mayor Kluttz announced that Rowan County is offering discount prescription drug cards to citizens in Salisbury and Rowan County. The cards are available at the

Water Billing Office in the first floor of the City Office Building, 132 North Main Street or at City Hall, 217 South Main Street.

(c) Overgrown Grass Along North Main Street

Mayor Pro Tem Woodson indicated he received a call from a citizen on North Main Street regarding overgrown grass along the curbs. Mr. Woodson commented that he has spoken with staff in the past and it is his understanding that the North Carolina Department of Transportation oversees this maintenance. He stated that he has noticed that as North Main Street enters the Spencer City limits the grass is maintained and questioned why this area is kept cut and the area in Salisbury is not.

Councilman Burgin stated that this area would be a good area for a community group to adopt to assist with its upkeep. Mayor Klutz commented that perhaps a group would like to take this on as a community project.

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:15 p.m.

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Mayor

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City Clerk