

Salisbury, North Carolina  
October 2, 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 Heard.

**ABSENT:** None

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:

Add – Special Recognition.

Postpone item 15 – Council to consider an appointment to the Salisbury Tree Board.

### **SPECIAL RECOGNITION**

Mayor Kluttz recognized Councilman Lewis to introduce the special recognition. Mr. Lewis indicated that each year the Salisbury Civitan Club awards a Citizen of the Year award and this year City Manager David Treme was the recipient of the award. He commented that Mr. Treme has exemplified the definition of a servant leader and noted his many roles in community and state agencies. He noted it is unusual that a Civic Club would recognize a municipal manager but added that Mr. Treme is no ordinary City Manager.

Mayor Kluttz expressed Council's pride and gratitude to Mr. Treme and presented him with a Certificate of Recognition for being named Citizen of the Year by the Salisbury Civitan Club for outstanding achievement and unselfish service in the betterment of our community.

### **UPDATE ON COMMUNITY ACTIVITIES AND GANG PREVENTION PLAN**

#### (a) Salisbury Police Explorers Program

Salisbury Police Sgt. Rodney Harris spoke to Council regarding the Salisbury Police Explorers Program which currently has twenty (20) members. He explained that the program is connected with the Boy Scouts and teaches youth responsibility and life skills. He added that it is also an opportunity to groom the youth to perhaps one day work as a police officer for the City of Salisbury.

Mayor Kluttz asked Sgt. Harris if the program could be expanded. Sgt. Harris responded that the group does seek to expand but needs financial support to purchase uniforms for each explorer which costs \$100 for each uniform. Mayor Kluttz asked how large the group would want to grow if funds were available. Sgt. Harris responded that there is no limit to the size because if a child is interested he feels the City needs to reach out to them.

Sgt. Harris stated that if a person is interested in joining the explorers program they can visit the City's website at [www.salisburync.gov](http://www.salisburync.gov) and go to the Police site then recruiting where they will find more information. He noted that interested youth can also contact him at the Police Department.

Mayor Kluttz thanked Sgt. Harris for his work with this program and thanked the Explorers for attending the meeting.

(b) Resolution Supporting Salisbury-Rowan United Action Agenda

Mayor Kluttz presented a Resolution regarding the Salisbury-Rowan United action agenda.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution supporting the Salisbury-Rowan United Action Agenda. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE (5-0).

RESOLUTION SUPPORTING SALISBURY-ROWAN UNITED ACTION AGENDA.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 57, and is known as Ordinance No. 2007-36.)

(c) Date on Gang Summit and Next Steps

Mayor Kluttz commented that as indicated in the previous Resolution, the citizens of Salisbury have identified eight (8) steps they feel are necessary to address gangs and youth violence. She noted that the Resolution will be shared with the public, civic clubs and churches who will be requested to adopt and sign the Resolution to join the City in its fight against violence.

Mayor Kluttz announced that a follow-up Gang Summit will be held Thursday, November 29, 2007 at 6:30 p.m. at the Salisbury Civic Center to bring citizens together to develop plans for the eight (8) action steps.

**PROCLAMATION**

Mayor Kluttz proclaimed the following observances:

FIRE PREVENTION WEEK	October 7-13, 2007
ROWAN BLUES AND JAZZ SOCIETY DAY	October 13, 2007

**CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Regular meeting of September 18, 2007 and the Special meeting of September 18, 2007.

(b) Final Subdivision Approval

Approve final subdivision plat S-11-07 Food Lion Credit Union subject to the receipt of a guarantee of improvements in accordance with section 5.03.2 of the Subdivision Ordinance.

Thereupon, Mr. Kennedy 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)

**SPECIAL USE PERMIT – SUP-01-07 EMILY RIVERS**

SUP-01-07 Emily Rivers, 932 Sunset Drive

(a) Swearing In

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

Mr. David Phillips

(b) Receive Testimony

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider special use permit SUP-01-07.

Mr. David Phillips, Zoning Administrator, stated that this is the first of two (2) special use permits before Council today. He pointed out the property on a vicinity map, noting its location at 932 Sunset Drive adjacent to Mooresville Road and Jake Alexander Boulevard. He displayed an aerial view of the site and ground photographs of the applicant's residence and the surrounding properties.

Mr. Phillips stated that an application was received from Ms. Emily Rivers requesting the allowance of a child daycare home at her residence. He explained that a child daycare home is defined as a home having five (5) or fewer preschool age children with a total of eight (8) children in the home, as long as all other State requirements are met. Mr. Phillips noted that Ms. Rivers proposes to have five (5) children in the daycare.

Mr. Phillips stated that the property is zoned R-8, which is one reason a special use permit is required. He commented that the applicant has made staff aware that she has the required play area, which is one hundred (100) square feet per child for a total of five hundred (500) square feet. He added that the site meets all zoning requirements. Mr. Phillips indicated that the request was presented to the Planning Board at its September 11, 2007 meeting where a courtesy hearing was held. He noted that no one spoke for or against the application at the Planning Board hearing. The Planning Board

expressed no concerns and by a unanimous vote recommended approval of the child daycare home permit.

Mayor Kluttz noted that the floor was open to receive comments from the public.

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

(c) Findings of Fact

Mayor Pro Tem Woodson offered the following Findings of Fact:

1. That the applicant, Emily Rivers, of 932 Sunset Drive, Salisbury, has applied for a Special Use Permit.
2. The property is zoned Residential R-8.
3. The definition of a child daycare home as stated in Section 4.02 is as follows:  
Child daycare home – a home that may have five (5) or fewer preschool aged children and a total of eight (8) children in the home as long as the requirements of the State are met.
4. Under Section 7.10 it must fall in R-8 one of the categories and this does fall into R-8.
5. Property meets all zoning requirements.
6. The Salisbury Planning Board held a courtesy hearing on September 11, 2007 and there was no opposition for this.
7. The Salisbury Planning Board did recommend by unanimous approval that this be permitted as a child daycare home.

(d) Decision

Thereupon, Mr. Woodson made a **motion** to issue a Special Use Permit for SUP-01-07 Emily Rivers to operate a child daycare home at 932 Sunset Drive. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**SPECIAL USE PERMIT – SUP-02-07 BRIAN AND JOCELYN MOORE**

SUP-02-07 Brian and Jocelyn Moore, 530 West D Avenue

(a) Swearing In

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

Mr. David Phillips  
Mr. Brian Moore

(b) Receive Testimony

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider special use permit SUP-02-07.

Mr. David Phillips, Zoning Administrator, stated that the request before Council is for a child daycare facility to be located at 530 D Avenue, and noted that this case recently went through rezoning. He pointed out the applicant's residence on a vicinity map along with an aerial view of the neighborhood and ground photographs of the residence and the neighborhood.

Mr. Phillips stated that the applicants live at the residence which currently has a special use permit for a child daycare home that was granted when the property was zoned R-8. He noted that the property has been rezoned to R-6-S which will allow for a child daycare facility by issuance of a special use permit. He stated that the applicant is seeking the use of a child daycare facility which is defined as a facility that may have six (6) or more school aged children and as many preschool age children as long as all other requirements of the State are met. Mr. Phillips noted that the applicant would like to have fifteen (15) children at the facility. He stated that staff has reviewed the site and there is an existing play area for the child daycare home and it meets all zoning requirements. He indicated that the case went before the Salisbury Planning Board at its September 11, 2007 meeting where a courtesy hearing was held. He noted that only the applicants spoke and no one was present to speak in opposition. The Salisbury Planning Board voted unanimously to recommend that City Council approve the child daycare facility permit.

Mayor Kluttz noted that Council will now receive testimony from proponents and opponents.

Mr. Brian Moore, 530 D Avenue, stated that he wanted to speak about the daycare and having been to Council so many times everyone is aware of what he and his wife are trying to do. He thanked everyone for the hard work that went into this and noted that it has been a long road but through the whole process they feel daycare is very important. He stated his wife has been doing this for a long time and he thanks everyone who has worked with them. He stated that he hopes this will be approved.

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

(c) Findings of Fact

Councilman Kennedy offered the following Findings of Fact:

1. That the applicants, Brian and Jocelyn Moore, of 530 D Avenue, Salisbury, has applied for a Special Use Permit to establish a child daycare facility to be located at 530 D Avenue.

2. The property in question may be identified as the address 530 D Avenue or Parcel 017 as found on Rowan County Tax Map 061-2
3. That the existing use of the property is a single family residence with a child daycare home.
4. The property is zoned Special Two-family Residential District (R-6-S).  
The definition of a child daycare facility of this type:  
Child daycare facility - a daycare facility may have six (6) or more preschool aged children and as many above preschool age children as long as all other requirements of the state are met
5. That the property meets additional zoning requirements.
6. There appears to be no one to speak in opposition to this request.

(d) Decision

Thereupon, Mr. Kennedy made a **motion** to issue a Special Use Permit for SUP-02-07 Brian and Jocelyn Moore to operate a child daycare facility at 530 West D Avenue. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked the Moore's for their patience with the process and expressed Council's gratitude for the service they provide to the community.

**ZONING MAP AMENDMENT Z-08-07 – CITY OF SALISBURY**

Z-08-07 City of Salisbury, Camp Road Annexation Area

(a) Mr. Preston Mitchell, Senior Planner, stated that Z-08-07 is a request to establish City zoning on properties annexed effective June 30, 2007. He noted the area in question on an aerial photograph and pointed out its location near National Starch and Chemical and Rowan Correctional Center, both of which are zoned M-2 Heavy Industrial.

Mr. Mitchell explained that when the City establishes zoning on newly annexed properties it has a policy to establish like zoning or to establish zoning that is appropriate for the existing development. He noted that the area is single-family residential with a variety of single-family housing types that include Class 2A double wide homes and stick built homes. Mr. Mitchell indicated that the current zoning for the area is Commercial, Business, Industrial (CBI) which is similar to the City's light industrial zone but is inconsistent with the development. He referred to the property on the west side of Steven Drive and noted that it was zoned Mobile Home Park along with the CBI.

Mr. Mitchell indicated that staff proposed that property west of Steven Drive be zoned R-15 with a Mobile Home Overlay. He stated that this means that the mobile homes will still have to be on individual lots but the Class A single-wides would be allowed. He stated that for the area north of Camp Road staff proposed R-12 with a base district of Manufactured Home. He explained that this area will not have an overlay and

would not allow for the Class 1A single wide homes, only double wide and stick built homes.

Mr. Mitchell informed Council that during the Planning Board's courtesy hearing several residents spoke against the proposed zoning. He explained that those who spoke against the zoning were concerned about the properties located on the east side of Steven Drive and requested that they be zoned with the Mobile Home Overlay, based on the single wide mobile homes already located in this area. Mr. Mitchell stated that this went to a Planning Board Legislative Committee who recommended that the lots should be included in R-15 with the Mobile Home Overlay. He noted that the Planning Board unanimously recommended approval of the petition as amended by the Legislative Committee and found that the proposal was consistent with the comprehensive and growth plans.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-08-07 to establish zoning on recently annexed properties.

There being no one present to address 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 official zoning map of the City of Salisbury is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Comprehensive Plan and that adoption of the ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending the official zoning map of the City of Salisbury, North Carolina, by zoning approximately 203 acres on 318 parcels to City of Salisbury R-12-MH Single-family 12 Manufactured Home district and R-15 Single-family 15 district with a manufactured home overlay district. Mr. Lewis seconded the motion. Mr. Burgin clarified that this approval reflects the amendment. Mr. Mitchell responded that the Ordinance before Council reflects the amendment. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE (5-0).

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY ZONING APPROXIMATELY 203 ACRES ON 318 PARCELS AS IDENTIFIED IN THIS ORDINANCE, TO CITY OF SALISBURY R-12-MH (SINGLE-FAMILY-12 MANUFACTURED HOME) DISTRICT AND R-15 (SINGLE-FAMILY-15) DISTRICT WITH A MANUFACTURED HOME OVERLAY DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 191-193, and is known as Ordinance No. 2007-59.)



## **ZONING MAP AMENDMENT Z-10-07 – CITY OF SALISBURY**

### Z-10-07 City of Salisbury, B-5 Central Business District

(a) Mr. Preston Mitchell, Senior Planner, indicated that Z-10-07 is a request to expand the parking exempt area to cover the entire B-5 Central Business District zoning area. He reviewed a map of the current parking exempt boundaries and explained that the Zoning Code requires a minimum number of parking spaces based on the square footage of a building, but in the parking exempt area the buildings are relieved from this requirement. Mr. Mitchell explained that one reason this is being requested is because parking needs are disbursed in a downtown area because it is generally a walkable area. He added that it will also allow the private sector to determine the demand for parking in this area.

Mr. Mitchell stated that the current parking exempt area does not currently cover all of the B-5 Central Business zoning district but is primarily located in the core of the downtown. He indicated that the request is to expand the parking exempt area to cover the entire B-5 district.

Mr. Mitchell reviewed the request in regards to the Downtown Master Plan and the Vision 2020 Plan and noted that Policy C-1 of the Vision 2020 Plan calls for the reuse of older commercial properties. Policy C-2 encourages a flexible, yet compatible development environment that supports new business formation and growth and Policy C-5 discusses off-street parking standards for older commercial areas and states that the standards may be reduced in light of compensating factors such as on-street parking which is available downtown. He noted that Policy D-11 of the Downtown Master Plan states that the City of Salisbury shall actively participate, promote and partner in the development of additional parking facilities servicing the downtown area.

Mr. Mitchell stated that the Planning Board unanimously found that the petition is not inconsistent with the City's growth and comprehensive plans and recommended approval of the expansion.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-10-07.

Mr. Charles Shuler, 322 Camelot Drive, stated he owns property at 602 and 604 North Main Street. Mr. Shuler indicated he recently acquired property neighboring his property in order to expand his business. He stated that when working with his architect it was determined that he could not do what he wanted with his expansion unless the parking exempt area was extended. He stated he strongly supports this because other merchants will have the same problem and he feels it will help with the stability of downtown and support growth.

Mr. Randy Hemann, 314 Mitchell Avenue, stated that Downtown Salisbury, Inc. supports this request. He also thanked Council for recent action to control demolition in

the downtown Local Historic District. He stated that there has been a policy in place for many years to exempt the downtown buildings from requiring private parking and it has helped the City preserve its resources while growing the downtown. He commented that it is obvious the policy has helped in the core area to help development occur and he feels this will give the flexibility to help the area continue to grow. He added that the Downtown Salisbury, Inc. Board supports this request.

Mr. Clyde Overcash, East Bank Street, stated that he will adjoin many of these properties and he does not mind if some of the businesses comply with this but he does not think it should be over all of the B-5 district. He commented that he has already been contacted about buying his property to tear down the houses for parking and he feels it creates an artificial environment. He suggested the lots be exempted on a lot by lot case and commented that he did not receive a notice about the Planning Board hearing. Mr. Overcash stated that there is parking downtown now that is not controlled or enforced. He added he would like to take this back to the Planning Board and ask each lot owner what they want.

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

Mayor Kluttz asked staff to respond to Mr. Overcash's comments. Mr. Mitchell explained that the Planning Board only conducts a courtesy hearing and the statutory meeting is the one just held by City Council. He added that all notice requirements were met for City Council's hearing. Mr. Woodson clarified that for Planning Board hearings staff is not required to send notices as it does for the City Council hearings. Mr. Mitchell responded that this is correct. Mayor Kluttz clarified that the public's opportunity to speak on this is at the City Council meeting today. Mr. Mitchell responded that the public was given the opportunity to speak at both the Planning Board and at today's City Council meeting.

Councilman Burgin commented that if property is zoned residential then business parking cannot be constructed on it. Mr. Mitchell agreed. Mr. Burgin stated that the parking exempt area does not prohibit a business from providing parking but gives an option to the business owner. He noted that by requiring so many parking spaces society has endorsed the use of the car and this may help those who can walk to do so rather than drive. He added that he thinks this is a reasonable request and will allow for more development downtown and he supports the expansion of the parking exempt area.

Councilman Lewis discussed transects which are areas of the City with similar attributes and noted that the B-5 district is acknowledged as the City's downtown district. He stated that the properties in the district share the common attribute of parking and it does not make sense to have a district with only certain parts of the district having parking exemptions while other parts do not. He noted that Downtown Salisbury, Inc. and the Planning Board both unanimously support the expansion.

(c) Mayor Pro Tem Woodson stated that the City Council hereby finds and determines that adoption of an ordinance to amend the official zoning map of the City of Salisbury is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Comprehensive Plan and that adoption of the ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a motion to adopt an Ordinance amending the official zoning map of the City of Salisbury, North Carolina, by expanding the parking exempt area to encompass the B-5 Central Business district in its entirety. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY EXPANDING THE PARKING EXEMPT AREA TO ENCOMPASS THE B-5 (CENTRAL BUSINESS) DISTRICT IN ITS ENTIRETY.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 194-195, and is known as Ordinance No. 2007-60.)

#### **GROUP DEVELOPMENT G-12-07 HOLIDAY RETIREMENT RESIDENCE**

G-12-07 Holiday Retirement Residence, 2000 block of Enon Church Road

(a) Mr. David Phillips, Zoning Administrator, indicated that site plan G-12-07 is for Holiday Retirement Residence proposed for the 2000 block of Enon Church Road. He stated that part of the approval process today will be for the subdivision of the property. He explained that the company owns the entire tract which is approximately fifty-five (55) acres and they will subdivide a small portion out of the larger tract.

Mr. Phillips reviewed aerial and ground photographs of the site and noted its location across from the Westcliffe Neighborhood, along Enon Church Road. He pointed out that this area was approved for rezoning in August.

Mr. Phillips stated that the first site plan he will review is the original plan submitted to the Planning Board. He noted that the developer will construct a new street along the property that will contain a temporary cul-de-sac. He stated that when the plan was reviewed by the Technical Review Committee (TRC) it was noted that the new street will exceed the City's minimum distance of six hundred (600) feet. The street as constructed will be approximately nine hundred (900) feet and staff recommends a relief from standards from the length. This is based on future development that may come from the other side of the site and would eliminate the distance between intersections. He added that this condition will be placed on record that when the surrounding property is developed staff will review the addition of an access that will bring the street into compliance at that time.

Mr. Phillips stated that the developer meets the perimeter landscaping and buffering requirements. He reviewed elevations for the building and noted that it will be three (3) stories. He stated that the property is zoned B-1-S and under the B-1 conditions the maximum height is thirty-five (35) feet. He added that the Code allows the Zoning Board of Adjustment (ZBA) to authorize the height to be exceeded. Mr. Phillips stated that the applicant applied for relief from the ZBA and the ZBA approved the height up to forty (40) feet ten (10) inches. He explained that the applicant met the conditions by setting the building further back and increasing setbacks by an additional five (5) feet. Mr. Phillips added that the ZBA did voice a concern about the height of the building, but it felt obligated to approve the plan because it met the conditions and regulations.

Mr. Phillips informed Council that if the site is approved the site plan will serve as the preliminary plat approval for the subdivision of the land and once all infrastructure is in place the final plat will come back to Council for approval.

Mr. Phillips stated that when the plan went to the Planning Board several neighbors in the area expressed concerns that the scale of the building did not fit into the Vision 2020 Plan. He indicated that the Planning Board denied the plan by a vote of 5-4 and rather than bringing that plan to Council the developer made arrangements to meet with the residents of Westcliffe. Mr. Phillips stated that the developer invited residents, staff and Council members to attend. He noted that approximately twelve (12) residents and Mayor Pro Tem Woodson and Councilman Lewis attended the neighborhood meeting to hear the developer's presentation. One concern raised at the meeting was the visual view from Enon Church Road and Mr. Phillips stated that the developer has submitted a revised site plan with the addition of a four (4) to six (6) foot berm along Enon Church Road in addition to the landscaping already planned. Mr. Phillips stated that the developer has noted on the plans that they will plant larger trees than required by City Code and will install sidewalks along Enon Church Road as well as along the new street to be constructed.

Mr. Phillips indicated that the building itself has not changed on the revised site plan and the architect for the project has indicated they can add architectural enhancements to the building to make it more attractive and a better fit for the area.

Mr. Phillips stated that as part of the new street to be constructed the developer has proposed three (3) driveways. He indicated that City Code only allows two (2) driveway cuts per street and the developer has requested a variance to allow the third driveway. He stated that the Traffic Engineer has reviewed the plan and determined there are no issues regarding sight distance and sees no problems with allowing the driveway.

Mr. Phillips reiterated that the original site plan was denied by the Planning Board but amendments have been made and the developer feels he has met the intent of the requests of the neighbors.

(b) Mayor Kluttz opened the floor to receive public comment regarding group development G-12-07.

Mr. Dan Roach, 471 High Street, Salem, Oregon, representing the applicant Holiday Retirement, stated that what is proposed is a retirement residence for Salisbury seniors who are in good health but would like the services that will be provided. He commented that the neighborhood meeting was held to discuss the plan with neighbors and determine their concerns. He stated that by the end of the meeting he felt there was resolution to the concerns. He added that the concerns involved the amount of traffic generated from the facility and construction traffic. Mr. Roach stated that they have an opportunity to control the construction traffic and will ensure that trucks do not use streets in the neighborhood. Mr. Roach noted that there was discussion about the corner of the building at Enon Church Road and stated that the facility is not institutional but is a residential development that will have quite a bit of brick and siding. He stated that to help buffer the corner on Enon Church Road additional brick will be added along with a five (5) foot berm and trees that are larger than normal. He commented that the trees will be approximately ten (10) feet tall when planted and are expected to reach twenty (20) feet within three (3) years.

Mr. Roach stated that residents were also concerned about what will develop on the undeveloped portion of the site. He noted that Holiday Retirement is not a developer but just provides senior housing and added that in order to obtain this site they were obligated to purchase the entire parcel. He stated that their intention is the retirement residence and they have no plan for the remaining property. Mr. Roach commented that the land may be sold in the future and they will have an investment in the neighborhood at that time and will ensure that the development adjacent to their investment will also be consistent with the neighborhood. He stated that the goal is to provide a quiet, senior living opportunity in Salisbury.

Mr. Bob Bartlett, 140 Green Brier Creek Place, stated that he and his family own property behind the site and bought the property to control the development around them. He stated that this will be a business that will bring in over \$3 million in rent and he feels people move to Enon Church Road because they want to live in the country not to look at a three (3) story building. He commented that he had a concern about the proposed use for the remaining portion of the fifty (50) acres because the building will only use approximately six (6) acres. He added that he does not like the idea of this building being put in a residential area and he feels it should be in a business zone. Mr. Bartlett stated that he assumes that if people do not speak in opposition to the plan then their silence means consent and added that it is hard to get retired people to speak out. He questioned the reason for buying fifty (50) acres and having to go through this process when the building could go in a zoning area that allows it.

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

Councilman Lewis referred to granite markers location throughout the City that indicate the City's original boundaries in 1753 and commented that this area was considered rural back then. He stated that the City has the choice to grow or not grow

and added that anytime there is growth it creates pressures. He commented that if the City does not grow and increase its tax base then the cost of providing services will not be spread across the additional investment, which results in higher taxes. Mr. Lewis noted that when the City grows it brings in additional businesses and jobs and hopefully will provide opportunities for young people to return to Salisbury. He commented that he feels stopping growth would be a mistake for the City. He stated that Westcliffe has a very active neighborhood association that would not hesitate to bring their concerns to Council. He added that the property in question is zoned for the proposed use and the ZBA has found that the building can reach forty (40) feet ten (10) inches based on the rules that have been established and he feels these two issues have been addressed. Mr. Lewis indicated that he heard concerns raised from neighbors across the street whose houses face the interior of the neighborhood about what they would see from their back yards. He stated he feels the developer has done what he needed to do to address the concerns of the residents of Westcliffe and he thinks this is something that Council can move forward with. Mr. Lewis noted that the developer will ultimately sell the undeveloped property on the site and he has no doubts more development will occur. He commented that regarding the third driveway cut, the City's engineer has indicated it is acceptable and he supports the recommendation.

Mayor Pro Tem Woodson commented that he feels the development in this area could be much worse. He noted that there are a growing number of retirees and the City needs to grow its tax base and he feels this is a nice plan. He stated that he supports the plan and appreciates the developer working with the neighbors.

Councilman Kennedy stated that this is not a zoning issue but approval of the site plan and he feels there is a need for additional housing for seniors and he supports the plan.

Councilman Burgin commented that he supports the project as modified and he feels the developer has put forth an effort to be a good neighbor from the beginning. He stated that he likes the facility and he thinks it will be fine in regards to how it looks and fits into the neighborhood. He noted that he does not think it will create problems and is a need the City has as it grows.

(c) Thereupon, Mr. Lewis made a **motion** to approve group development site plan G-12-07 for the construction of a thirty-eight thousand six hundred thirteen (38,613) square foot retirement facility with one hundred eighteen (118) suites to be located in the 2000 block of Enon Church Road. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution authorizing the City Engineer to grant a variance of the City Code, Section 22-73(e), for a driveway permit for Holiday Retirement Residence proposed for the 2000 block of Enon Church Road. 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 HOLIDAY RETIREMENT RESIDENCE PROPOSED FOR THE 2000 BLOCK OF ENON CHURCH ROAD.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 58, and is known as Resolution No. 2007-37.)

**ORDER AUTHORIZING SALE OF COMBINED ENTERPRISE SYSTEM REVENUE BONDS**

Mr. John Sofley, Management Services Director, stated that on September 4, 2007, City Council approved a Resolution to begin the required process to issue \$7,400,000 in Revenue Bonds for water and sewer improvements. He noted that the Local Government Commission (LGC) has approved the application and pointed out that the next step in the process is for City Council to approve a Resolution which:

- Confirms that City Council authorized the filing of an application with the LGC
- Directs the LGC to sell the Series 2007 Bond at private sale without advertisement
- Determines the Series 2007 Bond not to exceed \$7,400,000 and is to be sold to RBC Centura Bank
- Confirms that a draft of the Fourth Supplemental Trust Agreement was presented to City Council
- Determines that the issuance and sale in the manner provided is in the best interest of the City of Salisbury
- Approves the Fourth Supplemental Trust Agreement
- Authorizes the Mayor, City Manager, Management Services Director, City Attorney and City Clerk to execute documents required for issuance of the bond

Mr. Sofley indicated that the City received five (5) bids and that the bid has been awarded to RBC Centura Bank for their bid of approximately four (4.06) percent fixed interest rate for twenty (20) years.

Thereupon, Mr. Burgin made a **motion** to adopt an Order authorizing the issuance and sale of combined enterprise system revenue bonds and authorizing the execution and delivery of certain documents in connection therewith. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

ORDER AUTHORIZING THE ISSUANCE AND SALE OF COMBINED ENTERPRISE SYSTEM REVENUE BONDS AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH

BE IT ORDERED by the City Council of the City of Salisbury, North Carolina (the "City"):

Section 1. The City Council does hereby find and determine as follows:

(a) At a meeting held on September 4, 2007, the City Council authorized the filing of an application with the North Carolina Local Government Commission (the "Commission") requesting approval of the issuance of a not exceeding \$7,400,000 Combined Enterprise System Revenue Bond, Series 2007 (the "Series 2007 Bond") of the City for the purpose of providing funds, together with other available funds, to make certain improvements to the City's water and sewer system (the "Project").

(b) The City, by resolution, also requested the Commission to sell the Series 2007 Bond at private sale without advertisement.

(c) The Commission has approved the application of the City for the issuance of the Series 2007 Bond in a principal amount not to exceed \$7,400,000 in accordance with N.C.G.S. §159-86.

(d) The City has determined to issue the Series 2007 Bond in an aggregate principal amount not to exceed \$7,400,000 for the purpose of providing funds, together with other available funds, to (1) construct the Project and (2) pay certain costs and expenses incurred in connection with the issuance of the Series 2007 Bond.

(e) The City, by resolution, has determined to sell the Series 2007 Bond to RBC Centura Bank or an affiliate thereof (the "Purchaser") at such price determined by the Commission, subject to approval by the City.

(f) There has been presented to the City Council at this meeting a draft of the Fourth Supplemental Trust Agreement, dated as of October 1, 2007 (the "Fourth Supplemental Agreement"), between the City and First-Citizens Bank & Trust Company, as trustee (the "Trustee"), supplementing the Trust Agreement, dated as of January 1, 1998 (as supplemented and amended, the "Trust Agreement"), between the City and the Trustee.

(g) The City has determined that the issuance and sale of the Series 2007 Bond in the manner provided in this order is in the best interests of the City.



Section 2. Capitalized words and terms used in this Order and not defined herein shall have the same meanings given such words and terms in the Fourth Supplemental Agreement and the Trust Agreement.

Section 3. Pursuant to the provisions of The State and Local Government Revenue Bond Act, as amended (the "Act"), the City hereby authorizes the issuance of the Series 2007 Bond in the aggregate principal amount of \$7,400,000 pursuant to the terms of the Trust Agreement and the Fourth Supplemental Agreement.

Section 4. The Series 2007 Bond, together with any Parity Indebtedness heretofore or hereafter issued or incurred pursuant to the provisions of the Trust Agreement, shall be secured on a parity basis by a pledge, charge and lien upon the Net Receipts and the money and Investment Obligations held in the various accounts and subaccounts of the Bond Fund in the manner and to the extent provided in the Trust Agreement and the Fourth Supplemental Agreement.

Section 5. The Commission is hereby directed to sell and award the Series 2007 Bond to the Purchaser on behalf of the City, in accordance with the terms and provisions set forth in the Fourth Supplemental Agreement, at a purchase price equal to the face amount of the Series 2007 Bond.

Section 6. The forms, terms and provisions of the Fourth Supplemental Agreement are hereby approved, and the Mayor or the City Manager and the City Clerk are hereby authorized and directed to execute the Fourth Supplemental Agreement in substantially the form presented, together with such insertions, modifications and deletions as the Mayor or the City Manager and the City Clerk, with the advice of counsel, may deem necessary or appropriate, including, without limitation, insertions, modifications and deletions necessary to incorporate the final terms of the Series 2007 Bond as set forth in the Fourth Supplemental Agreement, such execution and delivery to be conclusive evidence of the approval and authorization in all respects of the form and content thereof.

Section 7. The Mayor, the City Manager, the Management Services Director, the City Attorney and the City Clerk, or any of them or their deputies, are authorized and directed (without limitation, except as may be expressly set forth in this Order) to take such action and to execute and deliver such certificates, agreements, instruments or other

documents as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by this Order, the Trust Agreement and the Fourth Supplemental Agreement.

The officers of the City and the agents and employees of the City are hereby authorized and directed to do all acts and things required of them by the provisions of this Order, the Series 2007 Bond, the Trust Agreement and the Fourth Supplemental Agreement for the full, punctual and complete performance of the terms, covenants, provisions and agreements of the same.

Section 8. The issuance and sale of the Series 2007 Bond is hereby approved subject to the terms and conditions set forth in this Order.

Section 9. This Order shall take effect immediately upon its passage.

### **AMERICANS WITH DISABILITIES AUDIT – DOWNTOWN AREA**

Ms. Vickie Eddleman, Traffic Signal Tech II, and Ms. Deborah Young, Facilities Maintenance Manager, reviewed City Council Outcome 9 Goal 1, which is to improve and enhance Downtown Salisbury by conducting an American with Disabilities Act (ADA) compliance audit:

The audit area was the Central Business District in downtown Salisbury.

- References:
  - Revised draft of Guidelines for Accessible Public Rights-of-Way
    - R201.1 – Scope – All altered portions of existing facilities located in the public right-of-way shall comply with these requirements to the maximum extent feasible.
  - North Carolina Department of Transportation Guidelines
- Existing Conditions
  - Handicap ramps
  - On-street handicap parking
  - Signals and pedestrian signal lights
- Existing Conditions – Handicap ramps
  - Twenty-one (21) intersections have ramps at four (4) corners
  - Eleven (11) intersections have ramps at three (3) corners
  - Twenty-seven (27) intersections have less than three (3) corners with ramp access

- Existing Conditions – On-street Handicap Parking
  - Public Services maintains all City and NCDOT signals located within the City limits
  
- Guidelines – following are examples from the draft guideline that will be incorporated where applicable and when feasible:
  - Truncated domes to aid the visually impaired should be installed at all handicap ramps
  - Surface discontinuities shall not exceed one-half (1/2) inch maximum. Vertical discontinuities between one-fourth (1/4) and one-half (1/2) inch maximum shall be beveled at a one (1) to two (2) ratio minimum with the bevel applied across the entire level change
  
- Considerations for Improvement
  - Ramps
    - Addition of ramps
    - Improvement to existing ramps
  - On-street parking
  - Cross walk signals
    - Countdown pedestrian signals
    - Audible pedestrian signals
  - Other
  
- Challenges and Constraints – Ramps
  - Grade of the existing street and sidewalks
  - Existing obstructions
  
- Challenges and Constraints – On-Street Parking
  - ADA guidelines require the dimensions of two (2) on-street angled spaces to facilitate handicap accessibility
  
- Challenges and Constraints – Cross Walk Signals
  - NCDOT permission is required to make any changes on State maintained roads; including but not limited to audible or countdown pedestrian signals
  - Pedestrian countdown signals cost \$3,500 per intersection excluding the State reimbursement of \$1,700
  - Cost to the City \$1,800 per intersection
  - If NCDOT receives a request from a citizen for an audible signal at an intersection a study is performed to determine applicability at that location. The City's cost per approved intersection is \$7,000.
  
- Challenges and Constraints – Other
  - Majority of utility poles in the audit area are owned by Duke Power and AT&T
  - The impact on current Street Division operations

- Addition of on-street handicap parking spaces reduces the total number of on-street parking spaces in downtown
- Next Steps
  - The guidelines will be used by the City as a basis for identifying the intersections in the greatest need of improvement
  - The Street Division will continue to make improvements to the ramps as operations permit
  - A request will be made during the next budget cycle for funds associated with the installation of pedestrian countdown signals

Mayor Kluttz thanked Ms. Eddleman and Ms. Young for the report and called upon City Manager David Treme to report on a meeting with the Council on the Blind.

Mr. Treme stated that he and Councilman Kennedy met with Chairman Darlene McElroy and members of the Council on the Blind who expressed their concerns for the visually impaired in Salisbury. The Council on the Blind requested that the City activate automatic announcements of stops for bus riders and audible signals for pedestrians. Mr. Treme explained that the City has a three-quarter (3/4) mile area that falls under the American's With Disability Act (ADA) which requires the City to provide para-transit to citizens. He added that the City contracts with Rowan County Transit (RITA) to provide service to the citizens within the required zone and noted that this covers approximately seventy-five (75) percent of the citizens. He stated that the Council on the Blind would like to explore options to provide service to the remaining twenty-five (25) percent of the citizens. Mr. Treme pointed out that he had a subsequent meeting with Rowan County Commission Chairman Arnold Chamberlain, and County Manager Bill Cowan to discuss the Council's concerns.

Mr. Treme stated that he and Mayor Kluttz attended the Council on the Blind's October meeting and shared the City's plans to address their concerns. He noted that the Council on the Blind expressed their appreciation for the improvements made to intersections and has offered their assistance to work with the City on further improvements. Mr. Treme indicated that the Council on the Blind would like to investigate a program to help equalize cab fares on emergency visits.

Mayor Kluttz stated that improvements are needed in the downtown area to assist handicapped citizens and that this is a subject that should be discussed at the City Council Retreat. She pointed out that the Council on the Blind volunteered their assistance to the community in achieving these improvements and also offered to become mentors to students who are visually impaired.

Mayor Kluttz indicated that she has received requests from elderly citizens for improved cross walk signals in the downtown area and asked about the audible versus the chirping signals. Mr. Treme explained that the chirping signals are for the visually impaired to let them know when it is safe to cross the street. Ms. Young explained that in order to install an audible signal at a cross walk, North Carolina Department of

Transportation (NCDOT) requires that a study be performed to determine applicability at the location.

Mayor Kluttz thanked Ms. Eddleman and Ms. Young for the excellent report.

### **APPOINTMENT TO THE SALISBURY TREE BOARD**

This item was postponed until the October 16, 2007 meeting.

### **APPOINTMENTS TO CULTURAL ACTION PLAN STEERING COMMITTEE**

Councilman Lewis indicated that he has a list of recommended appointees for the Cultural Action Plan Steering Committee and while it is not a complete list, he would like to start the process. He anticipates completing nominations by the October 16, 2007 meeting.

Thereupon, Mr. Lewis made a **motion** to nominate himself and Mayor Kluttz to represent City Council, Mr. Foster Owen, Mr. Ed Norvell, Ms. Connie Baker, Ms. Cheryl Goings, Ms. Marietta Smith, Mr. Paul Fisher, Ms. Sarah Hall and Mr. Mark Ritchie to be the first appointments to the Cultural Action Plan Steering Committee. Staff support would be Mr. Joe Morris, Ms. Lynn Raker, Mr. James Meacham, Mr. Doug Paris, Ms. Diana Moghrabi, and Ms. Betz Bigelow. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz pointed out that all citizens in addition to the Steering Committee will have an opportunity to provide input in the Cultural Action Plan. .

### **COMMENTS FROM THE CITY MANAGER**

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

Ms. Lynn Raker, Urban Design Planner, presented an update on the South Square Streetscape Improvement Project. She stated that repaving at the intersection of Lee and Fisher Streets has been completed and banners have been installed displaying the City's new logo. She pointed out that the City is waiting for delivery of granite to construct planter walls for the corner plaza and it should be delivered on October 9, 2007. The curbing and driveway neck of the parking plaza has also been installed.

Ms. Raker stated that the Planning Department has received comments regarding the effective date of the two-way traffic and parking on Fisher Street. She pointed out that the approved plan provides for two-way directional traffic and is a result of meetings with the area businesses and property owners.

City Manager David Treme stated that the City wanted to get the supplemental parking completed at the plaza area on the corner of Lee and Fisher Streets before implementing the two-way traffic on Fisher Street.

Ms. Raker stated that in the next two weeks the planters, the pavers in the plaza, and the street and plaza trees will be installed. The plaza parking lot will also be paved.

(b) Downtown Parking Lots

City Manager David Treme stated that a group of downtown residents and business tenants have requested that the City resurface the public parking area behind Bernhardt's Hardware. He pointed out that other downtown parking lots also need to be finished and he will look at packaging the parking lots together to have them completed at the same time.

(c) Criminal Background Screening for Volunteers

City Manager David Treme stated that other communities within North Carolina have implemented criminal background screening for volunteers. He pointed out that ninety-five (95) percent of the City's volunteers are through the Parks and Recreation Department and noted that more than one hundred (100) coaches are utilized each year to manage the athletic leagues. He indicated that he feels the City should be proactive with the citizens, coaches, parents and participants, and even though the City has not had any issues with volunteers, he feels those involved would readily accept the policy of criminal background screening. He noted that the policy will assist the Parks and Recreation Department to maintain compliance with guidelines by the National Recreation Association and added that his goal is to have the policy in place by February, 2008.

(d) Update on FERC Relicensing

City Manager David Treme stated that the City has received a Draft Environmental Impact Statement (DEIS) for hydropower licenses from the Federal Energy Regulatory Commission (FERC). He called upon Mr. Randy Tinsley, Environmental Attorney, to review the draft statement.

Mr. Tinsley stated that since January, 2003, the City has had a team working on the sedimentation and flooding problems impacting the City of Salisbury's water pumping station and intakes and the wastewater treatment plant. He indicated that the primary venue in seeking solutions to the problems has been through the FERC Relicensing process for the Yadkin Hydroelectric Project, which is owned and operated by Alcoa. He pointed out that after four and one half (4.5) years the City has received indication from FERC as to their understanding and how they will proceed in addressing the problems.

Mr. Tinsley reviewed the background of the sedimentation and flooding studies:

- 2003 – Alcoa agreed to study sedimentation and flooding effects of the Yadkin Project on Salisbury’s water and wastewater infrastructure
- 2005 – Alcoa’s sediment report did not address the issues raised by Salisbury
- 2005 – Salisbury-Rowan Utilities and Hazen & Sawyer conducted a HEC-RAS study to develop a basic understanding of the sedimentation and flooding effects of the Yadkin Project
- 2006 – Salisbury commissioned nationally-recognized experts to refine the initial work
- Salisbury requested FERC to “peer-review” Salisbury’s studies
- The FERC study establishes that the Project causes sedimentation and flooding that adversely affects Salisbury’s critical infrastructure

Mr. Tinsley stated that Alcoa’s proposal to FERC states that “Alcoa Generating does not propose any measures to address the ongoing effects of sedimentation in High Rock reservoir.” He noted that FERC’s findings states that the “construction of High Rock dam altered the sediment transport regime in the Yadkin River, effectively intercepting nearly all of the bed material load and much of the wash load. Sediment accumulates in the upper reaches of High Rock reservoir and has resulted in an extensive sediment delta that causes flood waters to reach higher elevations along the shorelines.”

Mr. Tinsley reviewed FERC’s staff recommendations:

- “To address the concerns about potential disruption of the municipal water supply and the potential flooding of municipal water supply and wastewater facilities, we recommend that Alcoa Generating develop a sedimentation and flood protection plan.” “...the City of Salisbury suggests a freeboard allowance of six (6) feet, which we find reasonable.”
- “The plan should be developed in consultation with the City of Salisbury, Rowan County, and North Carolina Division of Water Quality and filed with the Commission within six (6) months of license issuance.”
  - The sedimentation and flood protection plan include:
    - Dredging that keeps Salisbury’s water intakes clear of sediments over the license term
    - An assessment of flood mitigation measures to protect the pump station and Grant Creek wastewater treatment facility from flooding

Mr. Tinsley reviewed FERC’s estimated mitigation cost for on-site flood proofing:

- Pump Station and Access Road \$10 million
- Grant Creek Wastewater Treatment Plant and Access Road \$6.8 million

Mr. Tinsley reviewed the next steps of the process:

- 60-day comment period on Draft Environmental Impact Statement (begins soon)
  - Triggered by a publication by the Environmental Protection Agency
- Public hearings – Mid-November
  - One may be in Salisbury
- Final Environmental Impact Statement
- Commission decision on license application
- Possible request for rehearing and appeals
- License becomes final
- Mitigation required by license must be implemented by licensee

Mr. Tinsley explained that the implementation period for the flood protection uses a ten (10) year time frame for allocating the cost. He noted that this does not apply to the mitigation because FERC's recommendation states that it should be implemented six (6) months after the license becomes final.

Councilman Burgin stated that the City has truly worked hard to make this point obvious and this report from FERC is excellent. He commended the City's team for their efforts in protecting the water interests of Rowan County.

Mr. Treme stated that there is still time for appeals and discussion, but the City's team has driven this point home in Washington, DC, Raleigh, NC, in surrounding counties and locally and indicated that he is pleased that these points have been recognized by those who will issue the final environmental statement. He noted that FERC used the City's data, cost estimates and studies to make their determination because ALCOA refused to provide the information.

Mayor Kluttz stated that the team has done a tremendous job and she expressed pride in City Manager David Treme; Assistant City Manager for Utilities Matt Bernhardt; Utilities Engineer Jeff Jones; Attorney Randy Tinsley; and City Attorney Rivers Lawther, for all of their hard work. She indicated that so much time and effort has gone into this threat and it is reassuring to know that the City was right and did not give up.

## **MAYOR'S ANNOUNCEMENTS**

### (a) **Fire Department Open House**

Mayor Kluttz announced that as part of Fire Prevention Week the Salisbury Fire Department will host an Open House Sunday, October 7, 2007 from 2:00 p.m. until 6:00 p.m. at Fire Station 1 located at 514 East Innes Street.



(b) Land Development Ordinance Workshop

Mayor Kluttz announced that the Salisbury Planning Board will hold a public workshop for citizens to have an opportunity to view and express opinions on the proposed Land Development Ordinance Thursday, October 4, 2007 at 6:30 p.m. at 1 Water Street.

(c) OctoberTour Night Out

Mayor Kluttz announced that Downtown Salisbury, Inc. will host OctoberTour Night Out Friday, October 12, 2007 from 5:00 p.m. until 10:00 p.m. in downtown Salisbury.

(d) Historic Salisbury Foundation OctoberTour

Mayor Kluttz announced that the Historic Salisbury Foundation will hold its 32<sup>nd</sup> Annual OctoberTour, Saturday, October 13, 2007 from 10:00 a.m. until 5:30 p.m., and Sunday, October 14, 2007 from 1:00 p.m. until 5:30 p.m.

(e) Interracial/Interdenominational Concert

Mayor Kluttz reported that she and Councilman Burgin attended an Interracial/Interdenominational Festival of Hymns Concert at Livingstone College given by a choir consisting of choir members from churches from all over Salisbury on Sunday, September 30, 2007. She noted that those involved in the production of the concert were Dr. Phillip Burgess, Ms. Phyllis Partee, Ms. Kay Wright Norman, Mr. Ron Derocher, and Dr. and Ms. Grant Harrison. She pointed out that the next concert will be a Christmas performance at St. Luke's Episcopal Church on Sunday, December 8, 2007. She stated that she feels this is a part of the City's diversity efforts to bring people together in the community to create friendships.

(f) Mayor's Spirit Luncheon

Mayor Kluttz announced that the Mayor's Spirit Luncheon was held today honoring Ms. Rose Post for fifty-six (56) years of service to the City of Salisbury. She stated that Ms. Post has expressed her love and concern for others through her talent of writing and that Ms. Post was a pioneer as a female investigative reporter during the early 1950s. Ms. Kluttz thanked the Covenant Community Connection for sponsoring the luncheon, the City Council for continuing to promote the efforts, and to Ms. Melissa Taylor and the Human Resources staff for their hard work on planning the luncheon.

Councilman Lewis thanked Mayor Kluttz for her passion and vision to bring this together and added that it was a proud moment to be a citizen of this City.

**CLOSED SESSION – CONSULT WITH AN ATTORNEY**

Mayor Kluttz asked for a motion to go into Closed Session to consult with an attorney as allowed by NCGS 143-318.11(3).

Thereupon, Mr. Woodson made a **motion** to go into Closed Session to consult with an attorney as allowed by NCGS 143-318.11(3). Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**RETURN TO OPEN SESSION**

Thereupon, Mr. Burgin made a **motion** to return to open session. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz announced that Council took no official action in closed session.

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 7:14 p.m.

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Mayor

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City Clerk