

Salisbury, North Carolina

February 17, 2004

REGULAR MEETING

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

ABSENT: Mayor Pro Tem Paul B. Woodson, Jr.

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

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 including State Senator Andrew Brock and Mr. Steve Swain, District Manager for Duke Power.

RECOGNIZE FOOD LION - AWARDED PRO PATRIA AWARD FROM THE NORTH CAROLINA COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Mayor Kluttz announced that the North Carolina Committee for Employer Support of the Guard and Reserve has awarded the Pro Patria award to Food Lion. She noted that this is the highest award given in the state and was given in recognition of their expanded military benefits.

Mayor Kluttz presented a Certificate of Recognition to Ms. Pat Fulcher, Vice-President of Associate Services for Food Lion, and thanked her for Food Lion's support of the men and women who serve in the armed forces.

RECOGNIZE DEPUTY CITY CLERK KELLY KING - RECERTIFICATION AS CERTIFIED MUNICIPAL CLERK

Mayor Kluttz announced that Deputy City Clerk Kelly King has received recertification as a Certified Municipal Clerk. She then presented Ms. King with a framed copy of her Certification.

SENATOR ANDREW BROCK - LEGISLATIVE ISSUES

State Senator Andrew Brock addressed Council concerning legislative issues. He commented that tough economic times are affecting everyone but he feels North Carolina is on the rebound. He stated that because of the economic downturn, the major concern in North Carolina is the loss of jobs. Senator Brock stated that revenues were also an important issue and he felt confident that the Governor would not withhold monies to local municipalities as he did in previous years.

Senator Brock addressed the tree ordinance that was addressed in the last session of the Legislature and noted that he did not like the way it was brought up in the Senate. He stated that he felt the bill, which was written for Cary, North Carolina, took the issue a step further than he thought Salisbury wanted to go. Senator Brock told Council that he has concerns because when an ice storm hits the state the communities with restrictive tree ordinances are the first to lose power. He stated that he hoped that in the future all the parties involved could work together to create legislation that would suit everyone. Senator Brock stated that when the legislation came through the Senate he felt "blind-sided" because he did not know that Salisbury had been added to the bill until less than an hour before the vote. He added that he did not feel all issues had been resolved so he blocked the inclusion of Salisbury on the bill.

Mayor Kluttz explained to Senator Brock that Council was very disappointed because they unanimously passed a Resolution seeking enabling

legislation for the clear cutting ordinance, yet he presented an amendment to remove Salisbury from the bill. She told Senator Brock that Council did not make the request lightly adding that Council had received many citizen complaints and had put a lot of study into what was needed in an ordinance. Mayor Kluttz explained that although Council's interest in the ordinance began as a response to a very upset neighborhood it grew to incorporate an environmental regional group, Sustainable Environment for Quality of Life (SEQL). She noted that the group strongly suggested adopting a clear cutting ordinance to help protect the environment. Mayor Kluttz said that she did not understand how Senator Brock could represent the citizens of Salisbury in Raleigh and ignore a request from the City Council. She indicated that she had written a letter in June 2003, requesting a meeting with Senator Brock but never received a response.

Mayor Kluttz called on two neighborhood representatives to explain to Senator Brock how they were affected by clear cutting in their neighborhoods.

Mr. Leonard Wolfe, 1413 East Colonial Drive, explained that in 2001 the YMCA clear cut eighteen (18) acres of property, which lasted for two (2) weeks. He noted that no information was ever given to the residents in the area. Mr. Wolfe stated that a mess was left behind when the cutting was completed and it forced animals to run into the highway. He added that the property had served as a buffer between the neighborhood and the railroad and now it is gone. Mr. Wolfe stated that the situation was not a controlled situation and with a clear cutting ordinance there would have been some controls. He added that he brought this situation to Council almost two (2) years ago.

Ms. Elaine China, 1414 Ludwick Heights Lane, told Senator Brock that City Council members live in Salisbury and know what is happening here, while he does not. She explained that she owns property adjacent to one hundred (100) acres that was cut down by Livingstone College. Ms. China noted that Salisbury is losing tree canopy at an alarming rate and that Rowan County is the sixteenth (16) worst County for air quality in the entire nation. Ms. China stated that trees are an important part of clean air and clean water. She told Senator Brock that there was great thought given to the Resolution sent to Raleigh and she is concerned he did not consider the citizens that live in Salisbury. Ms. China described problems she has had with raccoons and wild animals since the property was clear cut.

Mayor Kluttz told Senator Brock that these problems were just a sample of what Council has been dealing with during the past two (2) years.

Councilman Burgin stated he hopes that when City Council makes a request Senator Brock will at least contact Council to discuss the issues. He added that Council is trying to do what its citizens want. Mr. Burgin indicated that if there is a communication problem he wants to solve it. He stated that he did not feel the issue would help or hurt Duke Power's problem since the clear cutting issue deals with acres of land where power poles are not involved. Mr. Burgin commented that Council is trying to solve problems and needs help from our State Representatives and in this case the help was not available.

Councilman Lewis asked Senator Brock if he would feel comfortable sharing the names of those who have been in contact with him in opposition of the clear cutting legislation, so that Council can resolve the issues with these people or groups.

Senator Brock told Council that trees are a renewable resource and Livingstone College used the timber to raise money for the college, adding that the property had been timbered thirty (30) years ago. Senator Brock stated that he believes it is the property owners right to cut timber. He added that telling a landowner that they can not use their land to help them financially is not something City Council wants to do.

City Manager Treme commented that what the City wanted was to obtain a permitting process so it could oversee the cutting of the trees. He explained that the recently clear cut property was left in poor condition and if there had been a permitting process in place Council could have put conditions on the permit to allow the areas to be left in a proper fashion. He noted that Spencer has this legislation and in an urban area this is a necessity. Mr. Treme commented that what Council requested was not against anyone's rights to use their land.

Senator Brock reviewed the timeline for the bill as it was brought to the Senate. He stated he had been contacted by individuals who had concerns with the bill and he felt it was necessary for him to take care of it. He noted that the bill came to the Senate from the House of Representatives without Salisbury being attached. Senator Brock said that Salisbury was added by the Chairman of the State and Local Government Committee. He explained that this was a local bill for Cary and Wake County. Senator Brock told Council that the Wake County representative asked him to remove Salisbury from the bill. He noted that the bill is very controversial and restrictive and felt it was more than what Salisbury is looking for. Senator Brock stated that the way Salisbury was added was suspicious and he did not want to vote on a bill that affected a City he represented without prior knowledge and due deliberation. Senator Brock indicated that another bill came up during the session but the parties involved could not get together to reach an agreement. He stated that he still has reservations with this legislation because he strongly believes in property rights.

Senator Brock commented that he understands an area does not look as attractive after trees are cut down, but there are better forestry techniques in place today and the trees will grow back. He stated that the forestry business is big in North Carolina and pays a lot of taxes and money as well as helps build the State, and he did not want to be put in a situation where the finances of North Carolina are hurt.

Senator Brock told Council that the bill was voted on at the end of the legislative session and there was no time to meet to discuss it. He stated he hoped he could work with City Council and other groups to develop something everyone could work with. Senator Brock explained that he did not want to be put in a position where an individual can not timber their land or make conditions so that it is not profitable. He added that the pollution in Salisbury does not come from Rowan County but from other areas in the South and there is nothing that can be done about it.

Councilman Kennedy asked Senator Brock if the clear cutting bill passed that was left intact once Salisbury was removed and how he voted on the bill. Senator Brock responded that the bill did pass and he voted for it because it was a local bill. He explained that President Pro Tem Marc Basnight urged representatives not to vote against local bills.

Mr. Lewis stated that he understands this issue is a property rights issue for Senator Brock and that Senator Brock felt "blind-sided" by the process. He added that Senator Brock keeps saying the parties and other groups would not agree to get together. Mr. Lewis noted that Council will

work on the process as they move forward with the issue, and he again asked Senator Brock who the other parties and groups are. He commented that he can not meet with the other parties to discuss the issues if he does not know who they are. Senator Brock replied that he spoke with individuals who lived within the City limits as well as in the City's zoning jurisdiction. Mr. Lewis asked if he meant four (4) or five (5) individuals. Senator Brock responded this was correct. He stated that he had spoken with power company representatives who told him it was very difficult to keep the lines clear when they are not permitted to cut trees in areas with restrictive ordinances.

Mr. Joe Morris, Planning and Community Development Manager, indicated that the bill adopted by the Legislature to enable the Town of Cary was adopted in June 2001. Senator Brock clarified that the restrictive ordinance for Cary was actually for the entire County of Wake and was just passed in the past long session. Mr. Morris noted that the enabling legislation that was adopted went on to become legislation that is identical to what was adopted for Wake County. He added that a subsequent bill for the cities of Rockingham, Statesville, and Smithfield was passed and it was identical to the previous bill with no significant changes. Mr. Morris told Senator Brock that the City of Salisbury has had a Tree Ordinance in effect since 1984 for the protection and preservation of trees in the public right-of-ways. He added that as part of that Ordinance the City has an agreement with Duke Power to maintain clearance of the power lines for continuity of their service. Mr. Morris indicated that there is a very clear distinction between the ordinance that the City seeks for clear cutting, which pertains to acreage of wood lots, and an ordinance opposing cutting trees near power lines along streets. Mr. Morris noted that the bill that Salisbury sought inclusion on specifically exempts properties that are taxed under the present use value standards for forestry uses. He stated that the City was simply looking for a vehicle to have a permitting process to include notification to neighbors, creating a buffer, and to address how roads are built on the site. Mr. Morris stated that he understands property rights are important to Senator Brock, but noted that cities have the right to control land use within their zoning jurisdictions.

Mayor Kluttz asked Senator Brock what Council can do to work with him to develop something that he can support. Senator Brock responded that he would like to meet to discuss the issue and have the avenues of communication open. He commented that local issues and bills are typically handled in the House of Representatives and not in the Senate. He stated that he had total support of the other Senators to remove Salisbury from the bill before the vote because of the way it came to the Senate.

Mayor Kluttz told Senator Brock that she was not surprised the other Senators supported removing Salisbury since Senator Brock was the only one present who represented the City. She told him that Council has worked on this issue publicly for two (2) years and no one has ever called to say they do not agree. The only calls she received were in support. Mayor Kluttz stated it was curious that no one came forward when Council asked for input. Senator Brock stated that the people with concerns over the legislation approached him before it came through. Mayor Kluttz stated that as a City Council it is frustrating to have something Council has deliberated and worked on with its citizens controlled in Raleigh. She stated she would like to move forward and have Senator Brock's staff work with City staff to come to an agreement in the future.

Mr. Lewis commented that if Senator Brock received five (5) or six (6) phone calls from people in this area who were upset, he should not let five (5) or six (6) people block legislation that affects twenty-eight thousand (28,000) citizens.

Senator Brock stated that he felt the root of the problem was communication and again reviewed the process of how the bill came through the Senate.

Mr. Treme told Senator Brock that staff was available to meet at his convenience and his choice of location, and he will wait for Senator Brock's invitation and proposed dates. He added that the issues affecting the community can be solved easily with a good piece of legislation that protects Salisbury's citizens and gives Council a proper permitting process.

Mayor Kluttz noted that Council has had good cooperation with our local legislators in Raleigh and she hopes to have the same with Senator Brock.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of February 3, 2004.

(b) Group Development Site Plans

Approve the following group development site plans:

- G-01-76 - Rowan Regional Medical Center, 612 Mocksville Avenue
- G-19-02 - Eagles Nest II, 319 East Liberty Street
- G-05-94 - Town Creek Commons out parcel #2, O'Charley's
- G-12-00 - Pinnacle Office Park, Phase II, 300 block of Jake Alexander Boulevard West

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

ZONING TEXT AMENDMENT - INDOOR PAINTBALL FACILITIES

(a) Mr. Harold Poole, Senior Planner, indicated that this request was brought to the Planning Board from Mr. Larry Arnold for consideration as a zoning text amendment. He noted that paintball facilities are a growing recreational activity and the Planning Board discussed both indoor and outdoor facilities before deciding to separate the two. Mr. Poole told Council that the Planning Board recommendation is to allow indoor paintball facilities as permitted uses in all industrial districts, as well as in the B-4 Highway Business District, and the B-7 Limited Business District. He pointed out that the use will be excluded from the B-5 Central Business District and the B-6 General Business District.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment for Indoor Paintball Facilities.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

Councilman Lewis stated that it was good to add definitions as things evolve to make permitted uses clear to staff and businesses.

(c) Thereupon, Mr. Lewis made a **motion** to approve the Ordinance. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO ADD THE USE "INDOOR PAINTBALL FACILITIES" AND PLACE IN CERTAIN ZONING DISTRICTS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 3, and is known as Ordinance No. 2004-03.)

STREET CLOSING - SECOND STREET BETWEEN BRINGLE FERRY ROAD AND LITTLE STREET

(a) Ms. Wendy Brindle, Traffic Engineer, stated that on January 20, 2004 Council approved a Resolution of Intent to close an unimproved right-of-way known as Second Street. She noted that there is a single property owner on both sides of the street. Ms. Brindle indicated that it appears to staff that closing the street will not be contrary to public interest and no one will be deprived of reasonable means of ingress or egress.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider closing Second Street between Bringle Ferry Road and Little Street.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt the Resolution accepting the offer of dedication for Second Street. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF THE UNIMPROVED RIGHT-OF-WAY KNOWN AS SECOND STREET.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 2, and is known as Resolution No. 2004-02.)

(d) Thereupon, Mr. Kennedy made a **motion** to adopt the ORDER to close the street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	ORDER CLOSING STREET
CLOSING AN UNIMPROVED	*	PURSUANT TO GENERAL STATUE OF
RIGHT-OF-WAY KNOWN AS	*	NORTH CAROLINA SECTION 160A-
SECOND STREET.		299

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on February 17th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said street is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on January 23, 30, February 6, 13.

And it further appearing to the Council and the Council finding as a fact, that the closing of the streets, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said streets or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said streets; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299.

Beginning at a new iron set at the southeast corner of an unimproved right-of-way known as Second Street, thence running 40' with the northern edge of the right-of-way of Little Street (unimproved) S 84°-09'-00" W to a new iron set; thence 197.28' N 01°-35'-27"E to a new iron set along the southern right-of-way of Bringle Ferry Road; thence 20.77' N 01°-35'-27"E to a point not set; thence 40' N 84°-11'-00" E to a point not set; thence 21.35' S 01°-35'-30" W to a new iron set along the southern right-of-way of Bringle Ferry Road; thence 196.68' S 01°-35'-30" W to the point of BEGINNING, being 0.198 acres as shown on a survey by Riley O. Gobble, Jr. entitled Survey for Closing of Second Street, dated January 13, 2004.

NOW, THEREFORE, be it resolved that the City Council shall on the 17th day of February at 4:00 p.m., hold a public hearing in the City Council Chambers of City Hall, 217 South Main Street, Salisbury, North Carolina, to consider forever closing the aforementioned street.

This 17th day of February, 2004.

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

BY: Susan W. Kluttz
Mayor

Myra B. Heard
City Clerk

200-300 BLOCKS OF EAST BANK STREET - ONE WAY IN THE EASTBOUND DIRECTION FOR CONSTRUCTION OF INNES STREET BRIDGE

Ms. Wendy Brindle, Traffic Engineer, informed Council that the North Carolina Department of Transportation (NCDOT) has postponed the Innes Street Bridge Project as long as possible, but the detour will be implemented February 23 or 25, 2004. She noted that this may create a small overlap between this detour and the Innes Street/I-85 Project, but it should be relatively short. Ms. Brindle noted that the Council Street railroad crossing is also scheduled to be replaced on Monday, February 23, 2004.

Ms. Brindle indicated that since the last Council meeting questions have been raised concerning citizen involvement for the detour. She stated that there was substantial public involvement during 1999 when NCDOT determined the design method of the bridge project. During this time City Council held a public hearing, and after reviewing several options, approved the recommendation that is being presented today. She noted that at that time it was also decided that truck traffic would be detoured via Jake Alexander Boulevard with provisions for local deliveries. Ms. Brindle stated that NCDOT designed the phasing of the project for these traffic conditions.

Ms. Brindle informed Council that the detour for the Innes Street Bridge Project will be dual lane via Lee, Bank, and Long Streets. It will require that Lee Street be re-stripped for two (2) lanes in the southbound direction and one (1) lane in the northbound direction. She added that it will also require East Bank Street to be temporarily designated as one-way in the eastbound direction. Ms. Brindle told Council that the streets will be returned to their normal pattern upon completion of the project.

Councilman Burgin stated that he was not sure how Fisher Street will work in the detour cycle. He noted that Bank Street will pick up more traffic and residents may have increased difficulty getting in and out of their driveways. He asked if staff is positive that two lanes across Innes Street is still not the answer for this project. Ms. Brindle stated that turns from Lee Street onto Fisher Street will be prohibited in order to keep the traffic flowing.

Mr. Dan Mikkelson, Director of Land Management and Development, stated that as a result of the Innes Street/I-85 Project reducing Innes Street to two (2) lanes, the traffic back-up was occasionally to Long Street. He noted that this problem was addressed through spacing between signals for the traffic lights. Ms. Brindle stated that the closer the signals are placed the harder it is to get traffic through. Mr. Mikkelson noted that in the downtown grid the signals are spaced closer together than the signals near I-85. Ms. Brindle stated that the signals at I-85 are running long cycle lengths, which means traffic on the side streets has to wait longer.

Mr. Burgin noted that if traffic backs up on Innes Street they will have twice as many side streets to turn onto. Mr. Mikkelson stated that he felt this detour will allow staff to best manage the flow of traffic.

Mr. Burgin asked if staff is comfortable that residents on East Bank Street will be safe moving in and out of the rerouted traffic. Ms. Brindle explained that the traffic will be "platooned" so that there will be breaks to allow residents time to move in and out.

Mayor Kluttz asked if staff will be able to address problems during the construction. Mr. Mikkelson responded that there are adjustments staff can make if the need arises.

Mr. Treme stated that staff tried to produce the best process but as the detour is used, staff will have the ability to make adjustments if problems occur. He added that this process will be inconvenient but he felt the City is starting at the best possible position. Mr. Treme noted that staff will report back to Council once the process begins and will also report any adjustments that need to be made. Mr. Burgin indicated he would like to have a report back in thirty (30) days. Mr. Treme responded that staff will report back in two (2) weeks.

Thereupon, Mr. Kennedy made a **motion** to adopt the Ordinance amending Section 13-329, Article X, Chapter 13, of the Code of the City of Salisbury relating to one-way streets. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 13-329, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO ONE-WAY STREETS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Traffic, at Page No. 4, and is known as Ordinance No. 2004-04.)

PERFORMANCE REPORTING DEMONSTRATION GRANT

Mr. Evans Ballard, Budget and Benchmarking Analyst, announced that the City of Salisbury has received a Performance Reporting Demonstration Grant in the amount of \$30,000. He noted that support for this project is provided by the National Center for Civic Innovation in New York City. Mr. Ballard told Council that by receipt of the grant Salisbury is recognized nationally as an innovator and trailblazer in the realm of municipal performance measurement and is one of only thirty (30) jurisdictions in the United States to receive this distinction. He added that the overall aim of the initiative is to encourage state and local governments to apply specific criteria stipulated by the Governmental Accounting Standards Board in the development and implementation of their performance measures.

Mayor Kluttz thanked Mr. Ballard noting this will make the City better.

SALE OF PROPERTY - 201 RICHARD STREET

Mayor Kluttz stated that an offer has been received in the amount of \$2,500 and the cost of clean up and disposal of all debris, including planting grass and beautification of the site, for the City's interest in Parcel 007, Tax Map 190, located at 1201 Richard Street.

Mr. Treme noted that Rowan County approved accepting this offer at its meeting and it will be advertised for upset bids.

Thereupon, Mr. Burgin made a **motion** to receive the offer and to authorize advertisement for upset bids. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

COUNCIL COMMITTEE REPORT ON DOWNTOWN FARMERS MARKET

Mayor Kluttz reported that she and Councilman Burgin met with staff, Mr. Darrell Blackwelder, and Mr. Hall Steele to discuss the proposed location for the downtown Farmers Market. They also discussed operation and rules for the market. Mayor Kluttz stated that they will meet again on Monday, February 23, 2004 to finalize plans. She noted that they will invite all farmers, potential growers, and those interested in the downtown Farmers Market to a meeting at City Hall on Friday, February 27, 2004 at 10:00 a.m. She added that the final plan will be announced at this time.

Mayor Kluttz stated that over \$1 million dollars of produce from Rowan County is sent outside the County to be bought, so this will be wonderful not only for farmers, but for citizens to have the opportunity to purchase the produce.

COMMENTS FROM THE CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their February 10, 2004 meeting.

(b) Update on Connectivity Issues

City Manager Treme indicated that Council has received a request from Mr. Rodney Queen regarding stub-out issues in subdivisions and recommended that it be submitted to the Planning Board for their review.

Thereupon, Mr. Lewis made a **motion** to refer the issue to the Planning Board. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

(c) Update on Blackmer House

Mr. Dan Mikkelson, Director of Land Management and Development, and Mr. Jeff Youngblood, Minimum Housing Inspector, spoke to Council regarding complaints regarding the Blackmer House located at 112 South Fulton Street. Mr. Mikkelson stated that the first step is to perform an inspection on the house to determine what steps and direction to take. He told Council that the inspection can be voluntary by permission of the property owner, or staff can get a warrant to enter the house. He stated that since the house is a historic property he contacted the State Historic Preservation Office (SHPO) to determine how the building codes will apply. They informed Mr. Mikkelson that if something on the property is damaged and can be repaired, it can be repaired back to its original standard. If the feature is damaged very severely or missing altogether and a new feature is required, then the current modern standards will apply. He stated that staff will have to go through the house with the local building inspector and determine each item

that has to be repaired in order to meet the minimum housing standard.

Mr. Mikkelson informed Council he feels it will be beneficial to have a consultant present who is familiar with historic renovation projects. SHPO provided a list of consultants who will be appropriate and can serve as a resource to the County Building Inspector.

Mayor Kluttz asked about the health and safety issues that were raised. Mr. Youngblood stated that those issues will come under the Fire Department's Nuisance Abatement and they will also be present for the inspection. Mr. Youngblood reviewed the process for the inspection and estimated it will be done within the next month.

(d) 19th Annual Future Directions and Goal Setting Retreat

City Manager Treme reminded Council of the 19th Annual Future Directions and Goal Setting Retreat to be held at the Waterworks Visual Arts Center from 10:00 a.m. - 5:00 p.m., Thursday, February 19, 2004 and from 8:00 a.m. - 5:00 p.m., Friday, February 20, 2004.

(e) Water/Sewer Extension

City Manager Treme informed Council that the Rowan County Board of Commissioners has requested the City's participation in the extension of sewer to the Heilig Road site adjacent to GDX Automotive. The property has been sold to MI Homes. Mr. Treme noted that the estimated cost for the sewer extension is \$97,000, with the estimated income being \$1,000-\$1,100 per month. Based on a ten (10) year payback it will be approximately \$120,000-\$130,000. Mr. Treme told Council that the County has discounted the price of the land from \$18,000 to \$12,000 and will build a road as part of their incentive package. Mr. Treme stated that MI Homes anticipates 180 employees at the 150,000 square foot facility and has no processed waste usage. He noted that they purchased additional acreage with the intent to expand.

Mr. Treme stated that staff has worked with Mr. Randy Harrell from the Economic Development Commission to provide estimated costs for extension to the site for MI Homes. He added that this is a positive thing and will provide needed jobs.

Mr. Treme told Council that the water/sewer policy has not been funded in the past because of the condition of the utility. He stated that there seems to be a demand now, not only from industrial prospects, but also home developers and perhaps this process should be opened back up to spur construction in the community.

Mr. Treme gave Council water/sewer extension policies for their review, which will allow City Council to evaluate capital improvements to include developer projects. He stated that if the extension policy is opened up Council needs criteria to develop the projects. Mr. Treme indicated he will let Council know at its next meeting how much money can be put into the extension policy. He added that they will look for projects that are ready to begin in a thirty (30) to sixty (60) day period. Mr. Treme explained that the extension policy states that a developer will build the system to the City's standards and then the City accepts the system. Once the developer sells twenty-five percent (25%) of the lots he is reimbursed thirty-three percent (33%) of the City's participation. When fifty percent (50%) of the lots are sold he is reimbursed sixty-six percent (66%) and at seventy-five percent (75%) he is reimbursed one hundred percent (100%). He noted that in this scenario the City is not required to have all of the capital up-front while providing a stimulus for home building.

Councilman Kennedy stated that Council made a commitment to help create more jobs in the community and he felt Council needed to do this.

Thereupon, Mr. Kennedy made a **motion** to accept Mr. Treme's recommendation for sewer extension to MI Homes. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

(f) Extension Policies

Mr. Treme noted the policies that were presented to Council and asked to advertise the extension policy to determine the demand. He added that he felt if the policy is opened up Council will see development that might not otherwise have happened without Council's participation. Council agreed by consensus for Mr. Treme to proceed.

Mr. Burgin asked if there is a sunset on the extension policy. Mr. Treme replied that ten (10) to twelve (12) years is not unreasonable for the Salisbury market.

MAYOR'S ANNOUNCEMENTS

(a) Centralina Council of Governments

Mayor Kluttz stated that it has been determined that the alternate delegate for Centralina Council of Governments must be a Council member, but noted that the entire Council can be appointed as alternates.

Thereupon, Mr. Burgin made a **motion** to appoint City Council as alternate delegates to the Centralina Council of Governments. Messrs. Burgin, Kennedy, Lewis, and Ms. Kluttz voted AYE. (4-0)

(b) Rowan Municipal Association

Mayor Kluttz announced that the Rowan Municipal Association meeting will be held Thursday, February 19, 2004 at the Kannapolis Country Club. Social begins at 6:30 p.m. with the dinner meeting following at 7:00 p.m.

(c) Clean Air Series

Mayor Kluttz announced that the second program in the Clean Air Lecture Series will be held at the Catawba College Center for the Environment on Tuesday, February 24, 2004. A reception will begin at 6:45 p.m. with the program following at 7:15 p.m.

(d) North Carolina Metropolitan Coalition - 2004 Emerging Issues Forum

Mayor Kluttz reported that she and City Manager Treme attended the 2004 Emerging Issues forum in Raleigh. She indicated that they heard from many leaders and brought back information that can be incorporated into the City's economic efforts. Mayor Kluttz noted that the emphasis is shifting from seeking outside companies to working with existing industries and entrepreneurs. The Metropolitan Coalition also met and its focus was also on the economy.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Lewis, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:55 p.m.

Mayor

City Clerk