

Salisbury, North Carolina
March 18, 2010

REGULAR MEETING

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

ABSENT: City Clerk Myra B. Heard

The meeting was called to order by Mayor Kluttz at 4:00 p.m. Councilman Kennedy deferred the prayer to City Manager David Treme noting that it is a Salisbury tradition for the City Manager to pray for a newly appointed employee and he requested Mr. Treme pray for new Police Chief Rory Collins. The invocation was given by City Manager David Treme.

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 AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Add – Administer Oath of Office for Police Chief to Rory B. Collins
Omit – Item 25a – Update regarding Youth Protection Ordinance

OATH OF OFFICE FOR POLICE CHIEF RORY B. COLLINS

Mayor Kluttz administered the Oath of Office to Rory B. Collins officially swearing him in as Police Chief for the City of Salisbury, as his wife Traci held the Bible. Mayor Kluttz presented Chief Collins' new badge to his son Chandler, who pinned the badge on his father.

Chief Collins thanked Council for the opportunity to serve as Police Chief. He recognized his family, friends, and co-workers and noted that this occasion is one of the highest honors in his life. He stated that the men and women of the Salisbury Police Department are hardworking, dedicated and serious about safety. Chief Collins expressed his gratitude to Council and the City Manager for having faith and confidence in him. He commented that he does not take this honor lightly and he is committed to making the Salisbury Police Department one of the best in North Carolina.

Mayor Kluttz stated that she has worked with Chief Collins for several years through the Project Safe Neighborhoods program and is very impressed with his dedication, professionalism, character, integrity, and honesty. Mayor Kluttz commented that she is excited about the future of the Police Department under Chief Collins' leadership.

Mayor Pro Tem Blackwell stated that Council would like to be first to shake Chief Collins' hand as Chief Collins came forward to shake hands with Council.

Councilman Miller indicated that he is pleased Chief Collins was given this opportunity and noted that he is a man of character and integrity.

Councilman Kennedy indicated that Chief Collins' hard work proves that City employees can advance in their careers and he congratulated Chief Collins.

Councilman Woodson commented that Chief Collins is a gentleman and that he looks forward to working with him.

City Manager David Treme stated that Chief Collins exemplifies a servant leader and he looks forward to his service. He congratulated Chief Collins and his family.

Mayor Kluttz thanked Lieutenant Rodney Harris for serving as Acting Police Chief during the hiring process for the position. She noted that he has done an outstanding job and Council appreciates the work he has done for the City.

RECOGNIZE SALISBURY HIGH SCHOOL WRESTLERS – 2A STATE CHAMPIONS

Mayor Kluttz recognized Salisbury High School wrestlers Joseph Figueroa and Tre Jackson for winning individual 2A State Championships.

Mayor Kluttz read a proclamation declaring March 18, 2010 as Joseph Figueroa Day in the City of Salisbury and she congratulated him for winning the Midwest Regional Title and being named the Midwest Regional Most Outstanding Wrestler.

Mayor Kluttz also read a proclamation declaring March 18, 2010 as Tre Jackson Day in the City of Salisbury and congratulated him for winning the North Carolina 2A Championship and being named the North Carolina 2A Most Outstanding Wrestler. She presented each wrestler with a framed proclamation and congratulated them for their accomplishments.

RECOGNIZE MR. SIMON MAHER FROM SALISBURY, WILTSHIRE, UNITED KINGDOM

Mr. Joe Morris, Community Planning Services Manager, introduced Mr. Simon Maher, an employee of the Salisbury Tourism Centre in Salisbury, Wiltshire, United Kingdom. He indicated that Mr. Maher is working on a project that involves photographic documentation of cities named Salisbury and he asked Mr. Maher to explain the project to Council.

Mr. Maher stated that he spent the last few days seeing the City's sights and taking photographs with the thought of finding similarities of his home city of Salisbury, England. Mr. Maher indicated that the similarity he found was not only the name but the same warmth and hospitality that he hopes his city can provide when it is visited. He explained that he will continue his photographic documentation by visiting other cities named Salisbury. He commented that he hopes his photographic exhibition will serve to strengthen the bonds between the two cities. Mr. Maher thanked the City of Salisbury for its kindness.

Mayor Kluttz indicated that she was happy to have Mr. Maher visit. She gave Mr. Maher an invitation for Salisbury, England's Mayor and delegation to visit Salisbury, North Carolina during this year's OctoberTour and she presented Mr. Maher with a Salisbury, North Carolina gift bag containing Salisbury, North Carolina branded items.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of March 2, 2010 and the Special Meeting of March 10, 2010.

(b) Partial Street Closure

Receive a petition to close a portion of Florial Street and adopt a **RESOLUTION** setting a public hearing for April 20, 2010.

A RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF A PORTION OF FLORAL STREET AND SETTING A PUBLIC HEARING FOR APRIL 20, 2010.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 4, and is known as Resolution 2010-04.)

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

BUDGET REQUEST – “SPECIAL COMMUNITY EFFORTS GROUPS”

Mayor Kluttz opened the floor to receive comments from special community efforts groups.

No one was present to address Council.

Mayor Kluttz noted that this item will also be on Council’s next Agenda.

COMMUNITY TRANSPORTATION PROGRAM GRANT APPLICATION

(a) Mr. Rodney Harrison, Transportation Division Manager, addressed Council regarding the Community Transportation Program (CTP) Grant Application. Mr. Harrison reviewed the program:

CTP Highlights

- North Carolina Department of Transportation Public Transportation Division
- Application submitted each year for approval
- Major funding source for Transit System
 - Administrative
 - Operating
 - Capital

Projected Funding Allocations

	<u>Federal</u>	<u>State</u>	<u>Local</u>
Administrative	80%	5%	15%
Operating	20%	0%	80%
Capital	80%	10%	10%

Funding Allocations

FY2011

Administrative	\$213,828		
Operating	793,256		
Capital	<u>524,800</u>		
Total	\$1,531,884	City’s Share	\$719,159

FY2010

Administrative	\$216,952		
Operating	808,256		
Capital	<u>119,850</u>		
Total	\$1,145,058	City's Share	\$691,133

Grand Total Difference: \$386,826

City's Share of Difference with Reimbursement: \$28,026

Budget Changes (before reimbursements)

Administration

FY2011	\$213,828
FY2010	<u>216,952</u>
Total Change	(\$3,124)

Operating

FY2011	\$793,256
FY2010	<u>808,256</u>
Total Change	(\$15,000)

Capital

Spare parts for buses	\$15,000
Computers replaced	3,300
Shelters, trash cans, benches	75,000
Transit vehicle	402,000
Shop/Facility equipment	<u>29,500</u>
TOTAL	\$524,800

Requested FY2010 - \$119,850 an increase of \$404,950

Projected Funding Allocations

	<u>Federal</u>	<u>State</u>	<u>Local</u>
Administrative	<u>80%</u>	<u>5%</u>	<u>15%</u>
2010-2011 (\$213,828)	\$171,063	\$10,691	\$32,074
2009-2010 (\$216,952)	\$173,562	\$10,847	\$32,523
Operating	<u>20%</u>	<u>0%</u>	<u>80%</u>
2010-2011 (\$793,256)	\$158,651	\$0	\$634,605
2009-2010 (\$808,256)	\$161,651	\$0	\$646,605
Capital	<u>80%</u>	<u>10%</u>	<u>10%</u>
2010-2011 (\$524,800)	\$419,840	\$52,480	\$52,480
2009-2010 (\$119,850)	\$95,880	\$11,985	\$11,985

City of Salisbury CTP Grant Commitment

Salisbury Transit System Shared Expenses	\$719,159
LESS:	
Projected State Maintenance Assistance Program	-208,000
Projected Fare and Other Revenue	<u>-90,000</u>
City of Salisbury Commitment	\$421,159

Mr. Harrison concluded by stating that the CTP grant application is a request for funding to support the public transportation services. Mr. Harrison recommended Council adopt a Resolution seeking permission to apply for CTP funding.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding the Salisbury Transit System's proposed Community Transportation Program Grant Application.

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

(c) Thereupon, Mr. Woodson made a **motion** to adopt a Resolution seeking permission to apply for Community Transportation Program funding, and to enter into an agreement with the North Carolina Department of Transportation to provide necessary assurances and the required local match. Mr. Kennedy seconded the motion and stated that it is important to provide transportation for the citizens of Salisbury.

Councilman Miller asked why the operating costs were different for the projected allocated funding and the City's commitment. Mr. Harrison explained that the projected allocated funding is the total budget amount and the City's commitment indicates the City's share after reimbursement.

Messrs. Kennedy, Miller, Woodson and Ms. Blackwell and Kluttz voted AYE. (5-0)

A RESOLUTION SEEKING PERMISSION TO APPLY FOR COMMUNITY TRANSPORTATION PROGRAM FUNDING, AND TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO PROVIDE NECESSARY ASSURANCES AND THE REQUIRED LOCAL MATCH.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No 5, and is known as Resolution 2010-05.)

LAND DEVELOPMENT ORDINANCE AMENDMENT – LDOZ-04-2010

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a request to rezone approximately 40 acres from Light Industrial (LI) to Heavy Industrial (HI). Mr. Mitchell reviewed aerial photographs of the petition area. He indicated that the current zoning on the site is LI on all sides of the property, Highway Business (HB) along Julian Road, Corporate Circle and Jake Alexander Boulevard, and Corridor Mixed-Use along South Main Street and Highway 29. He indicated that the site is largely undeveloped.

Mr. Mitchell reviewed policies from the Vision 2020 Comprehensive Plan pertaining to this request:

Policy C-16: Commercial or other development that would jeopardize the public health, safety, and welfare of an existing residential neighborhood shall not be permitted. However, new mixed-use developments, planned from the outset, which allow for a compatible mixture of uses with a pedestrian scale and design, are encouraged. Further, businesses may be approved adjoining (and therefore convenient to) an existing residential area, when such businesses can be shown to clearly satisfy design considerations similar to a newly planned, pedestrian-scaled, mixed-use development.

Policy I-7: To encourage economic development, the City of Salisbury shall continue to invest in infrastructure and services that sustain and enhance the area's already high quality of life, image and cultural identity.

Policy I-9: The Interstate 85 corridor, including the roadways feeding into the interstate, shall be a focus of coordinated land use policy and capital investments for the development of quality industry.

Mr. Mitchell reviewed HI uses:

- No residential/lodging
- No retail/fueling/bars and restaurants
- Business support/Professional services
- Equipment rental/Heavy vehicle and equipment sales
- Vehicle services: minor and major repairs
- Indoor/Outdoor amusement
- Indoor/Outdoor recreation
- Cultural/Community facilities
- Light/Neighborhood/Heavy manufacturing
- Metal fabrication/Machining/Welding
- Wholesaling/Storage/Distribution

Mr. Mitchell indicated that HI allows for all uses in LI with the addition of heavy manufacturing. He explained that the difference between HI and LI is that uses within LI must be contained within a building and that the manufacturing uses of the HI district can be outdoors. He noted that there are stringent State and local environmental guidelines regulating the uses in the HI district.

Mr. Mitchell pointed out three residential areas near the petition site:

- Jacob Bost Road – 135 feet from site
- Site accessed from Julian Road – 1030 feet from site
- Site accessed from Hwy 29 – 1000 feet from site

Mr. Mitchell indicated that there is a three acre portion of land that could be divided at an existing Duke Energy easement which is adjacent to the rail line. He stated that if this area were to remain LI it could serve as a buffer to protect the Jacob Bost residential area. He noted that the petitioner has agreed to keep the area adjacent to the easement zoned LI.

Mr. Mitchell reviewed all HI and LI areas throughout the City noting that there are approximately eight areas zoned HI and all are developed. He indicated that the proposed site is accessible to the Town Creek Interceptor, Highway 29, I-85, and rail. He pointed out that rail access is critical for HI districts.

Mr. Mitchell also reviewed motives for economic development efforts:

- Motives for Economic Development Efforts
 - Employment
 - 13.2% unemployment as of December 2009, North Carolina Employment Security Commission
 - Property Tax Relief
 - Economic Growth
 - Land, Homes, Retail, Services, etc
 - Competition
- What Do You Do To Promote Economic Growth?
 - Sales and Promotion
 - Economic Development Corporation (Rowan Works)
 - Subsidization
 - Airport Enterprise Development Zone
 - Making Sites and Buildings Available
 - Slopes, flood area, subsoil conditions
 - Water, sewer, electric
 - Light Manufacturing = Adequate road access
 - Heavy Manufacturing = Adequate road and rail access

Mr. Mitchell indicated that the Planning Board recommended denial (5-3) and stated that the petition is not consistent with the Vision 2020 Plan. He reviewed the Boards concerns:

- Concerned with setting precedent
- Concerned with changing character of area
- Concerned with uses permitted in HI
- Questioned why industrial sites cannot be located out in the County

Councilman Miller asked if manufacturing in the HI district would have rail access if the property adjacent to the easement is not zoned HI. Mr. Mitchell indicated that rail would be accessible if that portion is zoned LI.

Councilman Kennedy asked if the HI districts in the City are currently occupied by businesses. Mr. Mitchell answered that the HI areas are occupied.

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

Mr. Glenn N. Ketner, 121 East Council Street, stated that he is the legal representative for the petitioners and that the City must build and expand a new economic base in order to regain jobs that have been lost. He commented that in order for the City to be open to growth and economic development, sites must be properly zoned and available. He indicated that the current market is highly competitive and prospects are willing to deal with regulatory agencies but are not willing to wait additional time for zoning when a competing jurisdiction has a properly zoned site. He pointed out that the value of the land and improvements in the heavy industrial sites in the City is \$125,000,000 and these sites co-exist with LI, HB, Corridor Mixed-Use, and Neighborhood Mixed-Use districts. Mr. Ketner indicated that a 10 year revenue stream of \$7,500,000 could be generated from this site and there are currently no HI sites available in the City.

Mr. John Sarn, Vice President of Parkdale Mills, indicated that his company has a plant adjacent to the site and that rail access is something prospects actively consider.

Mr. John Leatherman, petitioner, 120 Gregory Road, indicated that when the property was purchased it was zoned M1 which allowed many uses, but after the Land Development Ordinance (LDO) was adopted the site was zoned industrial only. He commented that manufacturing jobs are good paying jobs and there are companies that have gone off shore and would like to come back and they need a place to do that.

Mr. Dyke Messinger, 18 Oak Road, stated that he supports the rezoning of the property. He stated that he owns the land directly across Henderson Grove Church Road. He indicated that the current zoning would make it impossible to operate construction equipment outside of an office due to noise, and he could not operate his manufacturing business and would have to move it elsewhere. Mr. Messinger pointed out that far more noise is currently produced by Southern Railway than could be produced by work on this site.

Mr. Jessie Watson, 835 Peach Orchard Road, stated that he feels that as the City expands and becomes more congested HI should be located in the County. Mr. Watson pointed out that this neighborhood has small, narrow country roads that are not equipped to handle heavy equipment. He commented that he is not opposed to economic development but feels this is not the right location for HI zoning.

Mr. Henry Saine, 1351 Henderson Grove Church Road, indicated that runoff water could become an issue in this area and contaminate the drinking water. He stated that if high speed rail comes through Salisbury certain streets will be closed and this will increase the volume of traffic through the neighborhood. Mr. Saine commented that he is concerned that there is no height restriction in the HI district. He pointed out that progress is inevitable, but HI should not be located in this community.

Ms. Nancy Safrit, 1125 Henderson Grove Church Road, stated that her family owns land

on Henderson Grove Church Road and she is not opposed to LI but is opposed to HI. She stated that she understands the need for industry.

Ms. Margie Safrit, 1065 Henderson Grove Church Road, stated that rail access would not be useful to any business in the area because the train sits on the track and blocks intersections. She indicated that the bridge on Henderson Grove Church Road is not safe for heavy equipment.

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

Mr. Kennedy asked Mr. Mitchell if the property was zoned M1 prior to the LDO. Mr. Mitchell indicated the property was zoned M1 which is equivalent to LI.

Councilman Woodson indicated that he supports HI for the larger parcel with LI for the smaller three acre tract.

Mayor Pro Tem Blackwell stated that this is a tough decision but if there is an opportunity for jobs and revenue then she must support the request.

Mr. Miller asked Mr. Mitchell about the height restriction from the airport zone. Mr. Mitchell indicated that he was not sure of the exact height restriction, but will find the answer.

Mr. Miller indicated that this site has been identified as an area for industry and he supports the request. Mr. Miller suggested that the Planning Board review the Town Creek Interceptor project as an area of study in order to protect neighborhoods while recognizing the area has a different future. He commented that the City should be proactive in development and not develop one parcel at a time.

Mr. Kennedy indicated that he will vote against the request because the LI district surrounds the site and the entire area should be rezoned HI at one time rather than one site at a time.

Mayor Kluttz stated that she sympathizes with the neighborhood but feels that economic development is Council's priority and that the City has made a tremendous investment in this area for economic development.

Mr. Miller asked Mr. Mitchell if there is a process the neighborhoods could use to comment on the site plan review. Mr. Mitchell indicated that the site plan review is an administrative process and there is no further public input.

Mr. Woodson asked if Council could restrict uses if the rezoning is approved. Mr. Mitchell stated that zoning cannot be conditionalized in the State of North Carolina and the permitted uses would be allowed. He indicated that he is confident the restrictions outlined in the Land Development Ordinance will protect the neighborhoods.

(c) Councilman Woodson stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein is consistent with the goals,

objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending the Land Development district map of the City of Salisbury, North Carolina, by rezoning approximately 37 acres as Heavy Industrial and three acres as Light Industrial, identified as tax map and parcels 400-011 and 400-071 and a portion of tax map and parcel 400-00700001 from Light Industrial (LI) district to Heavy Industrial (HI) district. Mr. Miller seconded the motion. Messrs. Miller, Woodson, and Mses. Blackwell and Kluttz vote AYE and Mr. Kennedy voted NAY. (4-1)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 37 ACRES, IDENTIFIED AS A PORTION OF TAX MAP AND PARCELS 400-011, 400-071 AND 400-00700001 FROM LIGHT INDUSTRIAL DISTRICT TO HEAVY INDUSTRIAL DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 12-13, and is known as Ordinance 2010-07.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – LDOTA-13-2009

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a proposed text amendment to the Land Development Ordinance (LDO) regarding Conditional Districts (CD). Mr. Mitchell indicated that a CD, once adopted, can be changed by an amendment or a revision. He explained that a revision is a small-scale change that does not affect intent and an amendment is a significant change that may change intent. He stated that all CD revisions are currently going to the Planning Board and that this amendment proposes to tier the revisions so that the significant revisions continue to go to the Planning Board, while the small-scale revisions can receive review and approval at the Technical Review Committee Level. Mr. Mitchell pointed out that the Planning Board voted unanimously to approve the amendment.

(b) Mayor Kluttz convened a public hearing, after due notice thereof to receive comments on the proposed Land Development Ordinance text amendment LDOTA-13-2009.

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

Councilman Miller stated that this change makes the process more efficient and he supports the request.

(c) Councilman Kennedy stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 15.21 of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 15.21 OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 14-15, and is known as Ordinance 2010-08.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – LDOTA-02-2010

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a proposed text amendment to the Land Development Ordinance regarding Residential Signage. Mr. Mitchell explained that in residential districts there are permitted non-residential uses such as churches, community facilities, bed and breakfasts, kennels, horse stables, etc. and this amendment expands the list of non-residential uses that are allowed to have a sign. He pointed out that the Planning Board voted unanimously for approval of the proposed amendment.

(b) Mayor Kluttz convened a public hearing, after due notice thereof to receive comments on the proposed Land Development Ordinance text amendment LDOTA-02-2010.

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

(c) Councilman Miller stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending Section 12.6 of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson and Ms. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 12.6 OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 16-17, and is known as Ordinance 2010-09.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – LDOTA-03-2010

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a proposed text amendment to the Land Development Ordinance (LDO) regarding Infill Subdivision Special Exceptions. Mr. Mitchell stated that this amendment is to increase public notification measures for special exceptions. Mr. Mitchell recommended that infill notification be the same as the rezoning procedures which requires that a sign be posted on the property and that notices be mailed to all properties within 100 feet of the subject site. He commented that the Planning Board unanimously supports the amendment.

(b) Mayor Kluttz convened a public hearing, after due notice thereof to receive comments on the proposed Land Development Ordinance text amendment LDOTA-03-2010.

Ms. Janice Truemper, 126 Mitchell Avenue, stated that she has been a resident of Fulton Heights for 20 years and recently the Planning Board approved an infill and residents were given a two week notice to raise opposition. She indicated that the Ordinance would allow more time for all sides of the proposal to be heard and taken into consideration.

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

Mayor Kluttz indicated that the City has received several emails in favor of this issue.

Councilman Woodson stated that he supports amendment to give the public more notification.

Mr. Mitchell pointed out that this amendment does not extend the notification time period but increases the amount of notification that goes out. He indicated that the notification period remains 10 days prior to the meeting.

(c) Councilman Kennedy stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 6.3 of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Woodson seconded the motion.

Councilman Miller stated that he owns property adjacent to an infill lot that was recently subdivided and received notification but did not realize what it was. He added that citizens have a responsibility to make sure they understand what is being discussed. He commented that a benefit of the LDO is that any home built must conform to certain characteristics outlined in the LDO.

Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 6.3 OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 18-19, and is known as Ordinance 2010-10.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – LDOTA-10-2009

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a proposed text amendment to the Land Development Ordinance (LDO) regarding the Citywide Sidewalk Program. Mr. Mitchell indicated that Council held the public hearing and heard the presentation from staff on the proposed Citywide sidewalk requirement program February 16, 2010. He stated that the sidewalk program tiers the payment-in-lieu program into high, medium, and low priority areas. He pointed out that high priority would be required to pay 100%, medium priority would pay 50%, and low priority would pay 25% and all ratings would be based on the score received from the Sidewalk Priority Index (SPI).

Mr. Mitchell indicated that Council requested staff return the proposal to the Planning Board to study the issue further in regards to a possible cap. He stated that the Planning Board unanimously voted to return the proposal to City Council as drafted and commented that the current Code does not offer any payment-in-lieu discounts. Mr. Mitchell indicated that the Planning Board recommended the amendment move forward as proposed.

Councilman Woodson indicated he was initially against the amendment and has had time to think about the situation and now supports the amendment. He stated that he feels a 75% discount in certain areas is fair.

(b) Councilman Miller stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon Mr. Miller made a **motion** to adopt an Ordinance amending Section 4.4, Section 4.7.D, Section 4.9, and Appendix B of the Land Development Ordinance of the City of Salisbury, North Carolina. Mayor Pro Tem Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson and Ms. Blackwell and Kluttz vote AYE. (5-0)

Mayor Kluttz thanked the Planning Board for its hard work.

AN ORDINANCE AMENDING SECTION 4.4, SECTION 4.7D, SECTION 4.9, AND APPENDIX B OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 20-28, and is known as Ordinance 2010-11.)

FIRST READING – FIVE YEAR CONSOLIDATED PLAN FOR HOUSING AND NEIGHBORHOOD REVITALIZATION AND BUDGET FOR CDBG AND HOME PROGRAMS

Ms. Janet Gapen, Senior Planner, addressed Council regarding the first reading of the Five-Year Consolidated Plan for Housing and Neighborhood Revitalization and the FY2010-

2011 budget for Community Development Block Grant (CDBG) and HOME program funds. Ms. Gapen explained that the Five-Year Consolidation Plan is a plan for the expenditure of funds the City receives from the United States Department of Housing and Urban Development (HUD) for CDBG and HOME programs. She indicated that the plan also encompasses many of the City's goals for improving neighborhood conditions. Ms. Gapen reviewed the Plan Development:

Plan Development

- Neighborhood meetings
- Public hearing
- Consultation with agencies serving:
 - Low to moderate income families
 - Elderly
 - Homeless population
 - Public housing residents
 - Special needs population
- Local and Regional Plans
- Demographic data (Census) and housing data (HUD)
- Local housing stock and market
- Local neighborhood stock

Ms. Gapen reviewed local trends, housing stock and lead paint hazards:

Local Trends

- Minority population is increasing
- Education and income levels fall below State averages
- High unemployment rate

Housing Stock

- 11,382 single and multi-family units
- 2010 estimate – 14,540

Lead Paint Hazard

- 8,326 units built before 1979 (likely to have lead exposure)
- Estimated 3,109 low to moderate households are potentially exposed to lead

Ms. Gapen stated that the low to moderate income concentration households are located in the Jersey City, West End, Park Avenue, and East End neighborhoods. She indicated that the plan is an opportunity to determine the continued relevance of investment decisions. Ms. Gapen pointed out that foreclosure and abandonment rates and financial crisis requests are an indication of continued social need in those areas.

Ms. Gapen explained that according to HUD a housing problem is defined as a household experiencing a cost burden (housing costs greater than 30% of income), overcrowding conditions, and/or substandard housing. She stated that according the Housing Needs data there are over 46% of low and moderate income families in Salisbury experiencing one or more housing problems.

Housing Problems

<u>Income Level</u>	<u>Total Low-Moderate Income Households</u>	<u>Total with Housing Problems</u>	<u>% with Housing Problem</u>
Very low-income (30% or below AMI*)	1,907	1,268	66.5%
Low-income (31-50% AMI)	1,365	718	52.6%
Moderate-income (51-80% AMI)	2,183	568	26%
Total	5,455	2,554	46.8%

*Average Median Income (AMI)

Ms. Gapen noted that the average home sales price is \$121,861 - \$147,165. She reviewed housing affordability for owners noting the maximum affordable home price by income group:

	<u>Affordable Price</u>	<u>Number Low to Moderate Households</u>
Extremely-low (30% or less AMI)	\$69,668	1,907
Low (31-50% AMI)	\$116,113	1,365
Moderate (51-80% AMI)	\$165,780	2,183

Ms. Gapen then reviewed the cost and affordability for renters, noting that current market rates for a one-bedroom unit is \$500-\$875 and \$575-\$900 for a two-bedroom unit. She indicated that the fair-market rent is \$693 for at two-bedroom unit.

Maximum Affordable Monthly Rent

	<u>Affordable Rent</u>	<u>Number Low to Moderate Households</u>
Extremely-low (30% or less AMI)	\$432	1,907
Low (31-50% AMI)	\$719	1,365
Moderate (51-80% AMI)	\$1,151	2,183

Ms. Gapen reviewed housing needs:

<u>Population Group</u>	<u>With Housing Need</u>
Permanent Housing Needs	
Low-Moderate Income (households)	2,554
Public Housing Waiting List (households)	450
Elderly	683
Blind or Disabled	341
Mental Illness	330
HIV/AIDS	53

Transitional/Supportive Housing Needs	
Sheltered Homeless (and subpopulations)	397
Domestic Violence	160
Veterans	111
Substance Abuse	180
Unsheltered Homeless	24

Priority Housing Needs

- Homeownership for First-Time Homebuyers
 - Rehabilitation and Resale
 - New Single Family Construction
 - Down Payment Assistance
- Rental Housing for Seniors
 - New construction of Low Income Housing Tax Credit Apartments
- Owner-Occupied and Emergency Rehabilitation
 - Elderly
 - Small family in low income ranges
 - Large family in low income ranges

Ms. Gapen also reviewed priority levels and objectives:

Housing

- High Priority
- Continue existing housing programs
 - Acquisition and Rehabilitation
 - New construction
 - Owner-occupied rehabilitation
 - Emergency rehabilitation
 - Down payment assistance
- Participate in rental housing development for low to moderate income seniors

Infrastructure and Public Facilities

- High Priority
- Continue existing programs to improve infrastructure in designated areas

Public Services

- High Priority
- Continue to support agencies serving the homeless and providing basic necessities for low to moderate income families

Homeless and Special Needs

- Medium Priority
- Depending on availability of funding, consider participating in development of transitional or supportive housing for homeless or special needs population

Other Neighborhood Revitalization Needs

- Medium Priority
- Consider other eligible revitalization activities in designated areas if funds become available

Ms. Gapen reviewed the 2010-2011 Annual Action Plan and budget:

- Available Funding
 - Community Development Block Grant (CDBG) - \$308,695
 - HOME 113,895
 - Program Income 70,000
 - Total \$492,590

CDBG Program Draft Budget FY2010-2011

- Project Activities
 - Acquisition/Rehabilitation/Resale \$89,371.40
 - Owner-Occupied Rehabilitation 50,000.00
 - Emergency Rehabilitation 15,000.00
 - West End Infrastructure Project 25,000.00
 - Jersey City Park (play structure) 18,000.00
 - Total \$197,371.40
- Public Services
 - Rowan Helping Ministries \$ 22,500.00
 - Family Crisis Council \$ 14,000.00
 - Community Care Clinic \$ 10,000.00
 - Salisbury Youth Employment \$ 6,500.00
 - West End Youth Garden \$ 1,500.00
 - Total \$ 54,500.00
- Program Administration \$ 75,000.00
- Debt Services – Park Avenue Center \$ 51,823.60
- Total CDBG Funds \$378,695.00

HOME Program Draft Budget FY2010-2011

Ms. Gapen reviewed the Citizen Participation Schedule:

January 12, 2010	Public Meeting – West End Community Center
January 21, 2010	Public Meeting – Park Avenue Community Center
February 2, 2010	Public Hearing – City Council
March 18, 2010	First Reading of Budget – City Council
April 6, 2010	Second Reading of Budget – City Council
April 11, 2010	Action Plan available for public review
May 12, 2010	Submit plan to HUD

Councilman Woodson stated that he likes the idea of the rental program for seniors and supports the program.

Councilman Kennedy stated that he is impressed with the amount of work that is accomplished with the small amount of funding received for CDBG. He thanked Ms. Gapen and staff for their hard work on the project.

Councilman Miller asked if the owner-occupied rehabilitation loans were low interest to be paid back over several years. Ms. Gapen responded this is correct.

Thereupon, Ms. Blackwell made a **motion** to approve the first reading of the Five-Year Consolidated Plan for Housing and Neighborhood Revitalization, and the FY2010-2011 budget for CDBG and HOME program funds. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AWARD CONTRACT – BALL CABLE COMPANY

Mr. Dewey Peck, Consultant, and Mr. Barry King, Service Delivery Manager for the Fiber to the Home (FTTH) Project, addressed Council regarding a contract for customer fiber optic installation services and underground drop placement for FTTH. Mr. Peck explained that this service would connect the previously laid 68 conversion point cables to customers' homes. He added that each conversion point will connect to 288 homes. After reviewing the major points of the contract he noted that 12 to 15 bids were received and that Ball Cable Company was the lowest bidder by 20% to 25%.

Mr. Peck commented that with the projected installation of 2,000 homes per year at a cost of \$674.50 per home, the installation could potentially cost \$1,349,000 annually. He pointed out that Ball Cable Company installers will be bonded and that the City will maintain control of their uniforms, photo identification and truck identification. Mr. Peck requested Council approve the contract with Ball Cable Company.

Mayor Pro Tem Blackwell asked if Ball Cable Company had favorable recommendations. Mr. King stated that they provided the cable installation service for Wilson, North Carolina and staff feels very comfortable with their work. Mr. Peck added that Ball Cable Company has successfully completed over 25 installations across the country and is very familiar with the process. He added that their bid will save the City over \$255 per installation.

Thereupon, Mr. Woodson made a **motion** to award a contract in an amount up to \$1,349,000 to Ball Cable Company to perform customer fiber optic installation services and underground drop placements for the City's FTTH project. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell and Klutz voted AYE. (5-0)

AWARD CONTRACT – AMINO COMMUNICATIONS

Mr. Dewey Peck, Consultant, stated that the Fiber to the Home (FTTH) installations will require a set top box to provide signal compatibility. He explained that the City worked through Ericsson Federal to receive a bid from Amino Communications at a 15% savings. He requested Council approve the contract to Amino Communications to provide the City with 5,000 set top boxes.

Councilman Woodson asked if the boxes will be purchased at once. Mr. Peck noted that they would be purchased on an as-needed basis.

Mr. Peck indicated that there are two different set top boxes involved in the FTTH project and once the first 5,000 boxes have been purchased the City may request the boxes be re-bid. He pointed out that technology changes so quickly that the boxes are being manufactured as the City orders them.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution awarding a contract in the amount of \$721,572 to Amino Technologies to purchase 5,000 SD/HD set top boxes for the

use in the City's Fiber to the Home project. Mr. Kennedy seconded the motion and noted that at the 2010 National League of Cities Congressional City Conference in Washington, DC, the Federal Communications Commission (FCC) released a national broadband plan and encouraged competition. He commended the City of Salisbury for already introducing broadband to its citizens. City Manager David Treme commented that the national plan calls for 100 million persons to be served with broadband over the next ten years. He added that the future rests with the deployment of broadband service and Salisbury will be able to provide world class internet service at an economical price. He stated that broadband service will enhance public safety, health, education and improve the quality of life for the community. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

AWARD CONTRACT – CMAQ SIDEWALK PROJECTS

Ms. Wendy Brindle, Traffic Engineer, stated that the staff has been working on three sidewalk projects for the following areas: Salisbury High School, the Sports Complex, and Statesville Boulevard. She pointed out that the sidewalk construction projects are funded 100% by Congestion Mitigation Air Quality (CMAQ) funds. She indicated that the staff is ready to award contracts for the Salisbury High School and Sports Complex. She added that the bids for the Statesville Boulevard project are still being evaluated.

Ms. Brindle displayed a map of the Salisbury High School project area depicting the proposed sidewalk to cover approximately 3,600 linear feet. She indicated that the low bid of \$89,385 was submitted by Econ International Corporation and staff recommends awarding the contract to them, subject to North Carolina Department of Transportation (NCDOT) concurrence.

Mr. Bryan Alston, Civil Engineer, stated that the City received seven bids for the Sports Complex sidewalk project. He displayed a map of the Sports Complex area and noted that the sidewalk construction will be along South Martin Luther King, Jr. Avenue and Ryan Street and will include sidewalks, storm drainage and curb and gutter. Mr. Alston stated that Carolina Siteworks, Inc. submitted the lowest bid at \$173,944.80 and staff recommends awarding the contract to them, subject to NCDOT concurrence. He noted that alternate materials were bid for the project, but staff is recommending the original bid.

Thereupon, Ms. Blackwell made a **motion** to award a contract in the amount of \$173,944.80 to Carolina Siteworks, Inc. for Project C-4908B Sports Complex Sidewalks, subject to concurring approval by the North Carolina Department of Transportation. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

Thereupon, Ms. Blackwell made a **motion** to award a contract in the amount of \$89,385 to Econ International Corporation for Project C-4908C Salisbury High School Area Sidewalks, subject to concurring approval by the North Carolina Department of Transportation. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

EXPANSION AND IMPROVEMENT ASSISTANCE AGREEMENT WITH FOOD LION

Mr. Doug Paris, Assistant to the City Manager, addressed Council regarding an Expansion and Improvement Assistance Agreement with Food Lion originally approved by Council in 2006. He pointed out that this Agreement is for a \$25 million Food Lion investment project and he noted that construction is underway. He stated that City staff and the Economic Development Commission (EDC) recommend approval of the agreement.

Mayor Kluttz asked why the agreement is being returned to Council. Mr. Paris explained that during April 2006 there was a transition of leadership at the EDC and several documents were not finalized. He indicated that today's action will ensure the Assistance Agreement is finalized and signed.

Thereupon, Mr. Kennedy made a **motion** to approve an Expansion and Improvement Assistance Agreement with Food Lion. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

SIDEWALK CLOSURE – 100 WEST INNES STREET

Ms. Wendy Brindle, Traffic Engineer, explained that a request to close a portion of the sidewalk at 100 West Innes Street was received from the City's Facilities Maintenance Department in order to replace the awnings at The Plaza. She noted that the contractor will need to use a lift to remove the awnings and the work will take approximately three days. She indicated that work is anticipated to begin April 29, 2010. She pointed out that during the three days the contractors will work in front of The Plaza facing West Innes Street and then move to The Plaza facing North Main Street. Ms. Brindle noted that adjacent parking spaces will be designated for pedestrian traffic.

Ms. Brindle further explained that the contractors will return in approximately three weeks to re-install the awnings which will require three additional days of sidewalk closure.

Councilman Miller asked if the sidewalk closure would cause any interruptions for the businesses located along the sidewalk. Ms. Brindle pointed out that none of the businesses would be affected.

Thereupon, Mr. Miller made a **motion** to approve the request to close the sidewalk adjacent to 100 West Innes for awning installation. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

UPDATE – WEST HENDERSON STREET TRAFFIC

Ms. Wendy Brindle, Traffic Engineer, stated that at the March 2, 2010 Council meeting, staff made a presentation regarding traffic along West Henderson Street and Council requested staff meet with the neighborhood to discuss their concerns. She indicated that staff has shared

data with the neighborhood and met with two neighborhood representatives March 17, 2010. She added that a tentative neighborhood meeting has been scheduled for April 22, 2010 at City Park. She noted that after staff meets with the neighborhood an update will be provided to Council.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Mayor Kluttz noted that Council is charged with the appointment of Chairman and Vice-Chairman for the Salisbury Tourism & Cultural Development Authority. She indicated that Mr. Mark Lewis was previously appointed Chairman, and the position of Vice-Chairman still needs to be appointed. Mayor Kluttz recommended Mr. Bill Burgin, former City Council member, to serve in that capacity.

Thereupon, Mr. Kennedy made a **motion** to appoint Mr. Bill Burgin to Vice-Chairman of the Salisbury Tourism & Cultural Development Authority. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Community Appearance Commission

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointment and appointments were made to the Community Appearance Commission:

Re-appointment of Ms. Barbara Petty	Term expires 3/31/13
Ms. Deborah Harris	Term expires 3/31/13
Ms. Sandra Borre	Term expires 3/31/13

Mayor Pro Tem Blackwell thanked the many citizens who applied for the Community Appearance Commission positions.

Greenway Committee

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Greenway Committee:

Dr. Sashi Sabaratnam	Term expires 3/31/13
Ms. Carole Massey	Term expires 3/31/13
Mr. Greg Greene	Term expires 3/31/13

Historic Preservation Commission

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Historic Preservation Commission:

Ms. Kathy Walters
Ms. Deborah Johnson

Term expires 3/31/13
Term expires 3/31/13

Upon a **motion** by Ms. Blackwell, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Historic Preservation Commission:

Mr. Jon Planovsky

Term expires 3/31/13

Hurley Park Advisory Board

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Hurley Park Advisory Board:

Ms. Gerry Hurley
Mr. James Donaldson

Term expires 3/31/13
Term expires 3/31/13

Parks and Recreation Advisory Board

Upon a **motion** by Mr. Miller, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Parks and Recreation Advisory Board:

Mr. Gene Krueger
Ms. Margaret Nobles

Term expires 3/31/13
Term expires 3/31/13

Upon a **motion** by Mr. Miller, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to fulfill an unexpired term on Parks and Recreation Advisory Board:

Ms. Mary Arey

Term expires 3/31/11

Planning Board

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Woodson, Miller and Mses. Blackwell and Kluttz voting AYE, the following re-appointment was made to the Planning Board:

Mr. Richard Huffman

Term expires 3/31/13

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Planning Board:

Dr. Herman J. Felton, Jr.

Term expires 3/31/12

Upon a **motion** by Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Planning Board:

Mr. Carl Repsher

Term expires 3/31/13

Upon a **motion** by Ms. Blackwell, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Planning Board:

Mr. Eldridge Williams

Term expires 3/31/13

Upon a **motion** by Mr. Miller, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Planning Board:

Mr. Benjamin Lynch

Term expires 3/31/13

Mayor Kluttz pointed out that there are six vacancies on the Planning Board, five of which have been filled by men, and for the sake of diversity would like to hold the sixth vacancy open and appoint a woman to that position. By consensus, Council agreed to hold the sixth position open.

Deputy City Clerk Kelly Baker asked Council to clarify which appointments will fill the two unexpired terms. Mr. Kennedy stated that he recommends Dr. Felton fill the position that expires March 31, 2012. Mayor Kluttz suggested that the one-year unexpired term be designed as the sixth vacancy.

Transportation Advisory Board

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointments were made to the Transportation Advisory Board:

Ms. Barbara Mallett

Term expires 3/31/13

Mr. Archie Reid

Term expires 3/31/13

Ms. Betty Tomlin

Term expires 3/31/13

Upon a **motion** by Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz vote AYE, the following appointment was made to fulfill an unexpired term on Transportation Advisory Board:

Ms. Kay Boyd

Term expires 3/31/11

Tree Board

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following re-appointment was made to the Tree Board:

Mr. Rodney Queen

Term expires 3/31/13

Zoning Board of Adjustment

Upon a **motion** by Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Zoning Board of Adjustment:

Mr. Reid Acree

Term expires 3/31/13

Upon a **motion** by Ms. Blackwell, seconded by Mr. Kennedy, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made as the City alternate member of the Zoning Board of Adjustment:

Mr. Sterling Primus

Term expires 3/31/13

Mayor Pro Tem Blackwell recapped the Boards and Commissions vacancies still open:

Human Relations Council – one position

Planning Board – one position for a one-year unexpired term

Zoning Board of Adjustment – one Extra Territorial Jurisdiction (ETJ) Alternate member

Tree Board – seat vacated by Dr. Herman Felton

PUBLIC COMMENT SESSION

Mayor Kluttz opened the floor to receive public comment.

Mr. Jack Thomson, Director of Historic Salisbury Foundation, 530 West Monroe Street, spoke of the importance of preserving and rehabilitating the historic Shober Bridge. He pointed out that a respected structural engineer documented that the bridge, which is listed in the National Register of Historic Places, can be made safe for vehicular traffic through rehabilitation while continuing to contribute to the Ellis Street Historic District as a historic resource. He indicated that doing anything other than rehabilitation will be contrary to the City's four decades of commitment to historic preservation and contrary to the specific goals the City adopted in the Vision 2020 Comprehensive Plan. Mr. Thomson stated that new construction will have an adverse affect to the historic district. He asked that the Historic Salisbury Foundation (HSF) be allowed to make a presentation to Council before any decision on the issue is made. He added

that the HSF can illustrate how rehabilitation is a more desirable and effective goal than construction of a new bridge.

Mr. Ben Pearson, 423 West Henderson Street, stated that he is 13 years old and is in the seventh grade at Knox Middle School. He indicated that cars go very fast on West Henderson Street and his mother will not allow him to play in the front yard. He pointed out that his house and sidewalk are close to the street and the passing cars go faster than the posted speed limit of 25 miles per hour. He noted that there are a lot of children in the neighborhood and there are no Caution Children Playing signs or pedestrian crossing markings anywhere along the street. He stated that the street has become a cut-through for traffic and there are no four-way stops. Mr. Pearson noted that Officer Stapleton is in the neighborhood every week giving tickets for speeding. He thanked Officer Stapleton and asked that Council allow four-way stops to be installed to prevent a child from being hit.

Mr. Robert Boone, 1605 South Main Street, indicated he wished to address Mayor Klutznick and his disagreement for how she performs her job. He referred to job incentives given to out-of-state and out-of-town people. He stated that the Mayor is the captain of the ship and he does not feel she has done a very good job. He commented that he agrees with Council's choice for the Chief of Police but he thinks the Police Department has been for sale and the political arm of the department needs to be dismantled. He referred to the purchase of rights-of-way along Martin Luther King, Jr. Avenue and questioned how much people were paid. Mr. Boone stated that the City government was in place before Mayor Klutznick came and it will be here when she leaves, and he feels Mayor Klutznick should step down as Mayor of Salisbury.

Ms. Sue McHugh, 910 North Main Street, thanked Council for the sidewalks along Miller Street. She stated that she supports the traffic calming along West Henderson Street. She pointed out that cars travel at fast speeds and there are no four-way stop signs, adding that there are a lot of families who live along the street. She asked Council to consider installing pedestrian crosswalks on West Henderson Street and also North Main Street at Miller Street.

Mr. Frank Justin, West Henderson Street, thanked Ms. Wendy Brindle and Mr. Dan Mikkelsen for their assistance in understanding the need for traffic calming along West Henderson Street. He indicated that the neighborhood position is to protect the residents and they would like to delay making requests of Council until they meet with City staff and discuss this issue at length.

Mr. Doug Robinson, West Henderson Street, stated that he and his wife have lived on West Henderson Street for 12 years. He indicated that the street has become the primary means to reach Rowan Regional Medical Center. He added that transport trucks use the street to get to and from Main Street and it has become a major safety issue. Mr. Robinson stated that he and his wife have personally witnessed five accidents in the last couple of years at the intersection where they live. He pointed out that the topography of the street is not conducive to the vehicle volume and the speed, which averages 12 mph over the speed limit. He stated that he feels this problem has led to a neighborhood decline and is destroying the historic integrity of the homes and neighborhood. He asked that Council install stop signs at the various intersections along West Henderson Street.

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

Councilman Kennedy commented that there is freedom of speech in America and City Council offers a public comment session for people to speak, however, he resents anyone using the public comment session to personally attack the Mayor or any member of Council. He added that he hopes this does not happen again. Councilman Woodson indicated that he agreed with Mr. Kennedy.

COMMENTS FROM THE CITY MANAGER

(a) Youth Protection Ordinance update

City Manager David Treme stated that this item will be omitted and addressed at a later meeting.

(b) Bank Street and Ellis Street (Shober) Bridge Repairs update

Ms. Wendy Brindle, Traffic Engineer, stated that Norfolk Southern Railway (NSR) has approved the City's designs on the Bank Street and Ellis Street (Shober) Bridge repairs and added that the next step is to hold a pre-construction meeting with them. She pointed out that the City has received an updated cost estimate for the Ellis Street (Shober) bridge deck repairs. She noted that the original estimate was \$30,000 and the new estimate is \$34,200.

Councilman Kennedy asked when the repairs would be made in order to open the bridge. Ms. Brindle responded that the City is waiting for NSR to schedule the pre-construction meeting.

City Manager David Treme pointed out that NSR has moved quickly on this situation and the City is anxiously waiting to award the construction contracts to proceed with the repairs.

(c) Piedmont Players

City Manager David Treme stated that Piedmont Players requested the City remove the trash dumpster located in the parking lot behind City Hall. He noted that he granted their request and the City is now using roll-out trash containers. He indicated that the removal of the dumpster created two additional parking spaces. He stated that Piedmont Players has requested the use of a parking space at the rear entrance of the City Hall parking lot in order to create an entrance into the rear of their new children's theater.

Mr. Joe Morris, Community Planning Services Director, displayed a photograph of the parking lot pointing out the area where the dumpster was located. He noted that the enclosure has been removed and the surrounding businesses now use the roll-out trash containers. He pointed out that Piedmont Players has asked for an entrance to the Fisher Street Theater which will allow school children to enter the theater through the back. Mr. Morris stated that staff recommends allowing Piedmont Players to make the physical changes during the construction of the theater.

Thereupon, Mr. Miller made a **motion** to offer Piedmont Players the access they have requested by removing one parking space from the City Hall parking lot. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

(d) Sidewalk Projects

City Manager David Treme congratulated Mr. Dan Mikkelson and staff for their work on the three sidewalk projects discussed earlier. He noted that the City was under some time constraints on these projects and if not implemented on a timely basis the City could have lost several hundred thousand dollars.

(e) Rules of Decorum for meetings

Councilman Miller commented that there is a rule of decorum where a speaker may have a dissenting opinion, but tact is required during their remarks. He noted that he would like to determine if there is a way to restrict comment when the speaker cannot behave within accepted rules of decorum. He pointed out that he is also very offended by the previous comments made to Mayor Kluttz and comments of this nature should not be allowed.

MAYOR'S ANNOUNCEMENTS

(a) Mayor's Spirit Luncheon

Mayor Kluttz announced that the Mayor's Spirit Luncheon will be held Tuesday, March 23, 2010 at 12:00 noon in Council Chambers at City Hall, 217 South Main Street. She noted that Ms. Dianne Scott, Director of Rowan Helping Ministries, will be presenting the program at the luncheon. She pointed out that the public is invited and if anyone would like to attend to call the City Clerk's Office.

(b) 2010 Census

Mayor Kluttz requested that all Salisbury residents complete the 2010 Census form and return them as soon as possible. This will ensure that Salisbury receives its fair share of money from the Federal government and that it is fairly represented. She pointed out that the money we receive from the Federal government will allow Salisbury to do things for the community that will be of no cost to the citizens.

Mayor Kluttz announced that City staff has received calls from concerned citizens in the 28146 zip code indicating that their 2010 Census form was mailed using Granite Quarry, North Carolina 28146 as the address instead of Salisbury, North Carolina 28146. The United States Regional Office in Concord, North Carolina indicated that there was an error made in the mailing address information for residents in the 28146 zip code area and that residents should cross through the incorrect City in their mailing address and write the correct information underneath.

She added that residents should complete the 2010 Census form and mail it by April 1, 2010. Mayor Kluttz stated that the bar code on each census form contains information regarding the physical address and which census track, block and block group in which it should be counted. She assured residents that they will be counted and allocated to the correct location.

Mayor Kluttz stated that if anyone has questions regarding the Census they can call Ms. Kathryn Clifton at 704-239-2003, or call her office at City Hall 704-638-5231.

Mayor Pro Tem Blackwell stated that she completed her 2010 Census in approximately ten minutes and encouraged citizens to complete the form and mail it in.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Ms. Blackwell. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:00 p.m.

Susan W. Kluttz, Mayor

Myra B. Heard, City Clerk