

Salisbury, North Carolina  
January 4, 2011

## **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; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** None

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

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Kluttz welcomed all visitors present

## **ADDITIONS/DELETIONS TO THE AGENDA**

Mayor Kluttz noted the following changes to the Agenda:

Add – Proclamation – Dr. Martin Luther King, Jr. Day

Add – Proclamation – National Mentoring Month

## **RECOGNITION - SALISBURY HIGH SCHOOL FOOTBALL TEAM**

Community Planning Services Director Joe Morris introduced Salisbury High School Principal Dr. Windsor Eagle, and Athletic Director Coach Joe Pinyan. Mr. Morris noted the Salisbury High School football team has accomplished a great deal, both as a team and as individuals, which culminated in winning the North Carolina 2AA State Championship. Mr. Morris displayed a video of highlights from the championship game.

Mayor Kluttz congratulated the team and thanked them for making the City so proud. She read a Proclamation proclaiming January 4, 2011 as Salisbury High School Hornets Football Day. She then presented a framed copy of the Proclamation to Coach Pinyan.

Coach Pinyan commented the team is a wonderful group of young men, and he thanked the citizens of Salisbury for their support of the team throughout the season.

## **RECOGNITION – SALISBURY HIGH SCHOOL WACHOVIA CUP**

Community Planning Services Director Joe Morris stated Salisbury High School won the 2009-2010 State Wachovia Cup in recognition of its overall excellence in athletics. He noted the School accumulated a total of 612.5 points, with the next highest competitor having approximately 400. He commented the school is in good position to win the cup again next year. He stated Salisbury High School was one of four to win the award, and it is the first time the School has won the award in recent years.

Mayor Kluttz read a Proclamation proclaiming January 4, 2011 as Salisbury High School Hornets Wachovia Cup 2A Champions Day. She then presented a framed copy of the Proclamation to Salisbury High School Principal Dr. Windsor Eagle.

Dr. Eagle thanked Council for their recognition of Salisbury High School and its athletic programs. He stated the School values all sports and all teams and is a well rounded program. Dr. Eagle noted for 11 out of the 13 years the State of North Carolina has tested the School, it has had high growth and is a School of Distinction and Progress. He stated he is proud of all of the accomplishments of the High School, and he thanked Council for their recognition.

Mayor Kluttz thanked Dr. Eagle, commenting Salisbury High School continues to make Council very proud.

## **RECOGNITION – FOOD LION, LLC – EMPLOYER SUPPORT FREEDOM AWARD**

Mayor Kluttz introduced Ms. Cathy Green Burns who is the new President of Food Lion. She welcomed Ms. Burns and congratulated her on her role as President, not only of Food Lion, but also Bloom, Harvey's and Reid's. Mayor Kluttz noted Ms. Burns has over 25 years of experience in the retail grocery business, and prior to being named President, served as Chief

Operating Officer and Senior Vice-President of Retail Operations North for Food Lion. Mayor Kluttz congratulated Ms. Burns and indicated Council is very proud she is the new President.

Mayor Kluttz announced Food Lion won the 2010 United States Secretary of Defense Employer Support Freedom Award. She noted Food Lion was 1 of 15 in the nation to receive the award, with over 2,700 businesses being nominated.

Mayor Kluttz noted employees of Food Lion send care packages, provide home repairs, attend children's events, send flowers to spouses, and provide lawn care for deployed co-workers' families. She stated Food Lion is a past recipient of the Patriot Award, Above and Beyond Award, and the Employer Support of the Guard and Reserve (ESGR) Pro Patria Award and allows employees who are spouses of deployed service members to transfer to other stores to be closer to family during deployments. She indicated over the past year Food Lion has donated gift cards, phone cards, non-perishable food, and a variety of other items to service members.

Mayor Kluttz stated she has attended deployments of the two local Army Reserve Transportation Units and the National Guard, where Food Lion fed every person in attendance, free of charge. She noted Council is very proud that Food Lion continues to be a part of Salisbury, and she expressed Council's appreciation for Food Lion being a wonderful corporate citizen. Mayor Kluttz then presented a Certificate of Recognition for Food Lion to Ms. Burns.

## **CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Regular meeting of December 21, 2010.

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

## **GOALS AND HIGHLIGHTS – GREENWAY COMMITTEE**

Mr. Darrell Blackwelder, Greenway Committee member, and staff liaison Stephen Brown presented the Greenway Committee's 2010 Highlights and 2011 Goals.

### 2010 Greenway Highlights

- North Carolina Adopt-A-Trail Grant - \$3750 received for trail markers, trail brochures and trail kiosks
- City of Salisbury GIS Division collected data and is coordinating with Rowan County Emergency Services to enhance emergency response on the Salisbury Greenway
- Mileage markers are located throughout the Salisbury Greenway every one-tenth of a mile

- The GIS Division also created a comprehensive Greenway Trail map for the new brochure
- New Salisbury Greenway trail brochures are available at each trail kiosk
- Trail kiosks are located at Forrest Hills, Prescott, and Memorial Park
- Earth Day on the Greenway – Prescott Section
- 12<sup>th</sup> Annual Run/Walk for the Greenway 5K – Prescott Section

#### 2010-2011 Goals

- Meadowbrook – Phase 2 Greenway, complete construction
- Meadowbrook – Phase 2 Greenway, installation of trail markers and trail kiosks

Mayor Kluttz thanked Mr. Blackwelder and Mr. Brown for their presentation and expressed Council's gratitude for the work being done by the Greenway Committee.

### **GOALS AND HIGHLIGHTS – PARKS AND RECREATION ADVISORY BOARD**

Mr. Jimmy Green, Parks and Recreation Advisory Board member, and Ms. Gail Elder White, Parks and Recreation Director, presented the Highlights and Goals for the Parks and Recreation Advisory Board.

#### 2010 Highlights

- Reaccreditation – received 10-year reaccreditation status through the Commission for Accreditation of Parks and Recreation Agencies (CAPRA)
- Salisbury Greenway – installed trail kiosks and mileage markers throughout the Salisbury Greenway system and printed brochures
- National Feature Article – the City Park Tennis Complex was featured in the October issue of Parks and Recreation Business Magazine
- Parks and Recreation Trust Fund (PARTF) Grant – applied for and received \$78,625 grant for Foil Tatum Park
- North Carolina Trails Grant – applied for and received \$33,750 for Salisbury Community Park bridge
- Railroad Funds – received \$42,000 in railroad funds for renovations at Lincoln Park
- Stimulus Funds – received \$500,000 in United States stimulus funds for construction of Phase 2 of the Salisbury Greenway
- Basketball Goals – replaced basketball goals at Hall Gym with new height adjustable goals
- Play Structures – replaced play structures at Fairview Heights and Miller Center
- Miller Center Renovations – replaced gym floor and repaired front porch entrance at Miller Recreation Center
- Security Cameras – purchased and installed security cameras at the Salisbury

- Civic Center
- Salisbury Community Park – provided needed repairs to the Salisbury Community Park roadways and expanded parking area near the lake

#### 2011 Upcoming Projects

- Completion of Phase 2 of the Salisbury Greenway
- Development of Foil-Tatum Park
- Play structure replacements at Jersey City and Town Creek parks
- Installation of fitness stations at Town Creek Park
- Installation of the Salisbury Community Park bridge

#### 2011 Goals – Priority Level 1

- Renovate Lincoln Park according to the new master plan
- Provide financial support of the five year Parks and Recreation Capital Improvement plan
- Provide full annual allocation of funds for renovation of existing parks/facilities - \$100,000
- Complete Hall Gym/Miller Center parking lot
- Provide funding for renovation and additions to the existing Civic Center - \$1,500,000 for gym addition, and \$200,000 for park development
- Begin Town Creek Park development
- Phase 2 development of the Jaycee Optimist Sports Complex restroom/concession building - \$500,000

#### 2011 Goals – Priority Level 2

- Neighborhood park land acquisition, east of I-85 - \$100,000
- Provide funding to recruit tournaments and events to parks – within operating budget
- Design a Hall of Fame Building/Education Center at the Salisbury Community Park and Athletic Complex - \$25,000

Mr. Green thanked the Parks and Recreation staff for their work throughout the year and for Council's continued support.

Mayor Klutz thanked Mr. Green and members of the Parks and Recreation Advisory Board for their work for the community.

### **GOALS AND HIGHLIGHTS – ZONING BOARD OF ADJUSTMENT**

Mr. Scott Robinson, Zoning Board of Adjustment Chair, and Zoning Administrator David Phillips presented the 2010 Highlights and 2011 Goals for the Zoning Board of

Adjustment.

### 2010 Highlights

- Meetings held – 2
- Reid Acree and Herbert Chambers appointed as new members
- Variances – granted 2
  - 124 Circle M Drive, RWM Options LLC, exempted from any sidewalk requirements
  - 511 Jake Alexander Boulevard South, Cloninger Toyota, allow for additional ground sign to be increased in overall height and area

### 2011 Goals

- Continue training of members as workshops are available

Mayor Kluttz thanked Mr. Robinson and members of the Zoning Board of Adjustment for the important service they provide.

## **LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-06-2010 – SHEETZ FUELING STATION AND CAR WASH**

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a request for a Conditional District Overlay for a Sheetz Fueling Station.

Mr. Mitchell reviewed an aerial map of the site and noted its location at the corner of Jake Alexander Boulevard and Old Concord Road, and across the street from the Farm House Restaurant and Norandal. He added the site consists of two parcels encompassing approximately 2.2 acres. He indicated the petition is for a new Conditional District Overlay, and the petition does not seek to change the underlying zoning. Mr. Mitchell noted the majority of the area is zoned Corridor Mixed Use (CMX) with a General Development A (GD-A) overlay. He added there are still residences in the area, but the area is zoned commercial, with the exception of Norandal, which is zoned Light Industrial (LI).

Mr. Mitchell reviewed the site plan and noted the proposal is to construct a 6,100 square foot convenience store, with gas pumps located to the side of the store, and a car wash in the rear portion of the property. He stated there will be two points of ingress and egress, one on Old Concord Road, and one on Jake Alexander Boulevard. He pointed out the location of a bio retention area to the rear of the site, and he noted this is the lowest elevation point of the site. Mr. Mitchell indicated the proposed permitted uses include a gas station, restaurant and general retail of 3,501 square feet to 10,000 square feet. He noted all other uses in the CMX are prohibited, and future changes would be required to go through the amendment process.

Mr. Mitchell indicated the Code requires buildings front or face onto the street, but the developer was unable to have the building front onto the street in this case. He noted the

developer made architectural changes to the building which removed the obvious service side of the building. Mr. Mitchell explained if the building faced the street cashiers would not have visual access to all pumps, but by turning the building to face into the site, it allows cashiers full view of all pumps. Mr. Mitchell noted the petitioner worked to implement architectural changes to add architectural elements to the rear of the building, and staff thinks it meets the intent of the Vision 2020 Comprehensive Plan.

Mr. Mitchell reviewed the building elevation drawings, and the three requested exemptions for alternative designs:

- Building Orientation to Street
- Alternative to Parking
- Private Lighting

Mr. Mitchell reviewed the Vision 2020 Comprehensive Plan as it relates to this request:

- Policy C-19 - When appropriate, the use of all around architecture shall be required. That is, in some instances, it may be necessary to avoid designing a noticeable “service side” to a building, such as when a building abuts a residential or streetscape exposure, or other public space.
- 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.

Mr. Mitchell presented an on-site video showing the site and surrounding properties. In the report, Mr. Mitchell noted the request encompasses approximately two acres, which includes 1407 and 1405 Old Concord Road. He pointed out three single-family structures located on Old Concord Road, and he indicated two of the structures will be demolished for the development. He stated the third single-family structure is not part of the development area, and the structure will remain in place, but is zoned CMX.

Mr. Mitchell noted the property drops from Old Concord Road and Jake Alexander Boulevard, and the site will be filled to bring it to the current street elevation. He pointed out a hillside from the Jake Alexander Boulevard side of the property, and stated since the site will be elevated there will be a retaining wall constructed along the back edge of the property, wrapping around the current tree line. He indicated the retaining wall be approximately 14 to 15 feet tall at its highest point. He pointed out where the retention pond, or bio cell, will be located at the back corner of the property, and explained it will catch the storm water runoff and then release it into the existing stream running through the properties.

Mr. Mitchell stated staff recommends approval, and at its December 14, 2010 meeting the

Planning Board unanimously recommended approval to permit the development.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding Land Development district map amendment CD-06-2010.

Ms. Brenda Wheeler, 1405 Old Concord Road, stated she and her husband purchased this property in 1976. She noted she has been a widow for over nine years, and most of those years the property has been on the market. She indicated she hopes Council will approve the petition to allow her to get her life settled again.

Ms. Pam Lippard stated her mother, Ms. Lenelle Roseman, owns the house on the corner of Jake Alexander Boulevard and Old Concord Road. She noted the area is zoned commercial and is taxed at a commercial rate. She stated her mother has lived in the house since 1950 and has witnessed many changes in the area in the last 60 years. She indicated she and her mother feel this corner should also be commercial rather than residential, and she thinks Sheetz will be good for Salisbury and will meet the community's needs.

Mr. Tony Fordorreo, Sheetz Real Estate Department, stated Sheetz is a family-owned convenience store based in Altoona, Pennsylvania. He noted the company was founded in 1952 and its mission is to provide fast and friendly service, quality products, at clean and convenient locations. He stated Sheetz has 385 stores in six states, with 27 stores located in North Carolina. He pointed out this will be the first store in Salisbury and Rowan County. He indicated a typical Sheetz store hires 40 full-time and part-time employees, and offers exceptional benefits. Mr. Fordorreo stated Sheetz is a civic minded organization and likes to give back to each community they serve. He noted the company contributes to Sheetz Family Christmas, is involved in the summer and winter games of the Special Olympics, sponsors more than 30 Make-A-Wish trips to Disney World each year, and participates in the United Way Day of Caring. He added Sheetz is excited about locating in Salisbury, and bringing potential jobs to the community.

Mr. Jay Dees, 121 East Kerr Street, stated he is the attorney representing Sheetz, and pointed out the proposed plan received unanimous support of the TRC and the Planning Board by complying with the City's Code and the Vision 2020 Comprehensive Plan. He stated the site plan and location of the structures was dictated by the City's Code. He presented Council with packets including aerial views and site plans and described the process of choosing the location of the facility on the proposed site. He pointed out the refuse enclosure will be enclosed on three sides by a nine foot brick fence, and will be fully landscaped. He added the site has to be built-up because of the grade, and to meet the Americans with Disabilities Act (ADA) requirements in the parking lot. He thanked City Council for their consideration and requested approval of the plan.

Mr. John Maxwell, 5700 6<sup>th</sup> Avenue, Altoona, Pennsylvania, stated he is the North Carolina Project Manager for Sheetz, and this plan is not a Sheetz prototype layout. He indicated Sheetz worked to incorporate architectural concessions with the proposed plan, and the company chose to add sidewalks rather than paying in lieu in order to meet City requirements. He pointed out Sheetz is excited about coming to Salisbury.



Ms. Sandra Honeycutt, stated she and her sister Ms. Linda Overcash own the house on Old Concord Road adjacent to the proposed site. She indicated she and her sister oppose the plan unless the following items are addressed:

- The dumpster is moved so their tenants do not have to see or smell it
- Reduce the size of the retainer wall
- Provide assurance there will not be a water problem at the back of their property

Ms. Honeycutt noted neither Sheetz or their attorney contacted her regarding the site plan, therefore, she opposes the proposed plan until all issues are addressed by all parties involved.

Mr. Tom Overcash, husband of Ms. Linda Overcash, stated he speaks on his wife's behalf due to her medical problems and inability to attend the meeting. He stated they oppose the plan for reasons mentioned by Ms. Honeycutt. He pointed out they need assurance this project will be done right. He requested the plan be further studied by a Council committee.

Mr. Mark Honeycutt, stated he owns Jake Alexander Auto Sales, which is adjacent to the site on Jake Alexander Boulevard. He noted his mother and aunt own the other adjacent property. He indicated he attended the Planning Board meeting and left with concerns regarding the same three issues as previously mentioned. He added he met with Mr. Dees and Mr. Mitchell and he was assured the issues would be addressed, but he has not heard from Mr. Dees. Mr. Honeycutt pointed out the Land Development Ordinance does not prohibit the relocation of the dumpster. He stated he built the Farm House Restaurant and the dumpster smell from a restaurant can be very bad. He added it appears parking lot spaces 39 and 40 would be perfect for the dumpster. He referred to the elevation of the site, and stated it is currently five feet below street level. He stated he has balanced sites on Jake Alexander Boulevard, and balanced the site across from Norandal. He added he also balanced the Randy Hall Automotive Center site, and the floor elevation there is seven feet below street level and works perfectly. He commented he thinks the site could be balanced at a lower level which would save money and would not require a 15 to 16 foot retaining wall.

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

Mayor Kluttz asked Mr. Dan Mikkelson, Director of Engineering and Development Services, to address the concerns of those opposing the plan. Mr. Mikkelson stated storm water will drain from Old Concord Road to a retention basin, and then toward an existing stream at the back of the property. He noted this is the same route the storm water currently takes, and should not run toward the residential properties. He indicated there will be additional runoff due to more impervious surface, but the basin outlet can control the peak discharge. He stated the proposed plan is compliant with all local and state regulations for storm water runoff.

Mr. Mikkelson noted the slope of the property from Old Concord Road is what controls the design grades, and the steepest portion will be in the driveway from Old Concord Road. He noted the parking lot then levels out to meet certain design guidelines. He indicated this grade of the driveway is what controls the height of the retaining wall. Mr. Mikkelson commented he

could not determine if the retaining wall could be lowered without additional engineering detail.

Councilman Kennedy asked Mr. Mikkelson to address the necessity of raising the elevation of the property. Mr. Mikkelson noted the distance from the curb to the building needs to be taken into consideration, because the building will be much closer to the curb than the Farm House Restaurant, where the building is located farther from the street. He stated in his opinion, the controlling factor of the increased elevation is the elevation of the entrance drive from Old Concord Road, and the elevation requirements for the parking lot.

Mayor Pro Tem Blackwell stated from the vantage point of the Honeycutt/Overcash home, the retaining wall appears to be behind the wooded area at the back corner of the property. She questioned the concern about the height of the retaining wall, and asked Mr. Honeycutt to re-address his concern. Mr. Honeycutt explained the proposed plan seeks to raise the elevation of the property which will require the higher retaining wall. He suggested the property did not need to be elevated as high as proposed, which will allow for a shorter retaining wall. He pointed out the Randy Hall Automotive property he developed on Jake Alexander Boulevard, and indicated he was able to re-balance the property at a lower elevation.

Mr. Kennedy asked if the retaining wall will be located inside the tree line. Mr. Mitchell confirmed the retaining wall will be inside the area of the trees at the back corner of the property.

Councilman Woodson asked if Mr. Honeycutt was concerned the property would be purchased and the trees removed, creating full view of the retaining wall. Mr. Honeycutt confirmed Mr. Woodson's statement.

Mr. Mikkelson explained the Jake Alexander Auto Sales and Randy Hall Automotive properties mentioned by Mr. Honeycutt, required re-balancing because of the cut and fill earthwork, and Mr. Honeycutt did not have to bring in additional fill material or haul away a great deal of fill material. He added the site in question is not intended to be a balanced site, and the developer intends to bring in additional fill and is not attempting to balance the earth work on this site.

Councilman Miller stated the site plan shows the retaining pond will be surrounded by landscaping vegetation, and he asked if the Jake Alexander Auto Sales property on Jake Alexander Boulevard will be viewing the landscaping, rather than the retaining wall. He also asked for clarification on the size of landscaping planned for the area between the site and the Honeycutt/Overcash property. Mr. Mitchell responded the site plan calls for large shade trees, along with ornamental trees, and shrubs. He added plants that thrive in water will be planted around the edge of the bio cell. He pointed out the area is zoned CMX, and no complete visual barrier is required.

Mr. Miller asked if the tree adjacent to parking space 40 could be moved within the site plan and still be acceptable. Mr. Mitchell indicated the tree could not be relocated because it is considered a parking lot tree, and a certain number of parking spaces are required within a radius of the trees. Mr. Miller asked if it would be admissible if the tree were moved two parking spaces toward Jake Alexander Boulevard, and two spaces added on the other side. Mr. Mitchell confirmed that the relocation would be acceptable as long as the required spaces for the tree were

met.

Mayor Kluttz noted the issue of the dumpster had not been addressed, and she asked Mr. Mitchell if it could be moved. Mr. Mitchell responded the dumpster can be moved, and explained the requirement is the dumpster must be in the rear yard. Mayor Kluttz asked if the dumpster could be moved to the area of the car wash. Mr. Mitchell answered it could theoretically be moved to two of the parking spaces in that area, and would technically be located behind the building and considered in the rear. Mayor Kluttz confirmed the current location for the dumpster will be enclosed by a nine foot wall. Mr. Mitchell responded the proposed plan is to fully enclose the dumpster with a brick wall.

Mr. Woodson stated he can sympathize with the neighbors regarding the dumpsters and smell, and the noise created when the dumpster is emptied. He added he does not think it is fair to the tenant in the house adjacent to the site. Mayor Kluttz pointed out the noise would still be audible, even if the dumpster were moved, and noted the City has a noise ordinance to address the time of dumpster pickup.

Mr. Kennedy pointed out this area is zoned commercial, and he thinks the Honeycutts will sell their property as soon as the right developer comes along. He noted after it is sold there will no longer be a single-family house, and he does not think Council should make its decision based on the dumpster.

Mr. Kennedy indicated Mr. Honeycutt built his property at a lower elevation and did not want to bring in extra dirt to build up the property because it is more expensive. He added it appears Sheetz is willing to spend the extra money to increase the property elevation, and he thinks this is acceptable.

Mr. Miller commented after hearing testimony today he believes there are three main issues, with the first being the water runoff. He stated he thinks the water currently running through the site will continue to run in the same direction, and he thinks the retaining pond addresses the issue to some extent. He pointed out there is already an existing creek and the potential exists for a wet yard. Mr. Miller noted the second issue is the height of the retaining wall. He stated the wall will be fully screened by shade trees and he does not think it will be as offensive as is being perceived. Mr. Miller indicated the third issue is the dumpster, which appears to be as close to the adjacent residence as can be designed. He noted the area is commercial, but he is sensitive to the needs of the neighbors. Mr. Miller stated he thinks the tree could be moved, and the dumpster relocated to the end of the parking lot aisle, and it appears it would allow room for a dumpster truck to negotiate for a pickup. He indicated he thinks this is an accommodation that can be made for the neighbors.

Mr. Kennedy asked to hear from the developer regarding the location of the dumpster.

Mr. Samuel Smith, Stimel and Associates, 601 North Trade Street, Winston-Salem, North Carolina, stated he is the landscape architect, and the location of the dumpster was not their original idea. He indicated the City Code required it to be placed in the rear of the building. He pointed out the car wash has a money machine, and if the dumpster is relocated to the parking

aisle it would be in the same location as the money machine, and would create a security issue. He explained the money machine would not be able to be seen from inside the store, and it creates a security issue for the people using the car wash, and for the cashier's inside. Mr. Smith stated the height of the canopy is set for vehicles, and he is not sure the canopy has clearance for a truck to lift the dumpster to empty it. He noted there is a reason everything is located just as it is on the site plan, and added the reasons were set forth by many codes and ordinances of different jurisdictions over the property.

Mr. Kennedy asked if the City Code governed the location of the dumpster. Mr. Smith responded the City Code, along with the North Carolina Department of Transportation, North Carolina Department of Water Quality, and the Corp of Engineers requirements all had to be met, and the site plan is the result of meeting each requirement.

Mayor Kluttz commented this is a complicated situation everyone would like to see resolved in order to keep the development, because 40 jobs with impressive benefits could be brought to the community.

Ms. Blackwell indicated when her family travels, they always try to find a Sheetz because they are always clean and provide nice service. She noted she researched reviews and found them to be positive. She pointed out Sheetz provides for underprivileged children in every community in which they work. She noted one of Council's goals is to serve underprivileged children and by helping the company locate in Salisbury, she thinks Council will inadvertently satisfy part of its goal.

Mr. Miller commented he does not want to see the project hampered because of the location of a dumpster. He stated it is unfortunate the site is what it is, but if this is the only location the dumpster can be placed, there are more benefits of the project which outweigh that one negative.

(c) Mr. Kennedy stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein to establish a Conditional District Overlay 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 the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately two acres, identified as Tax Map and Parcels 060-044 and 060-045, by establishing a conditional district overlay to permit the development of a 6,100 square foot fueling station, convenience store and car wash; identifying the development documents; identifying permitted uses; providing an effective date; and for all other purposes. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY TWO ACRES, IDENTIFIED AS TAX MAP AND PARCELS 060-044 AND 060-045 BY ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 6,100 SQUARE FOOT

FUELING STATION, CONVENIENCE STORE, AND CAR WASH; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page Nos. 1-3, and is known as Ordinance 2011-01.)

**LAND DEVELOPMENT DISTRICT MAP AMENDMENT LDOZ-09-2010 – CIRCLE M DRIVE**

(a) Senior Planner Preston Mitchell addressed Council regarding LDOZ-09-2010, 175 Circle M Drive. He stated the request is to establish City zoning on property formerly under the County zoning jurisdiction. He pointed out the location of the site along Circle M Drive and Cedar Springs Road, and noted it was the former Lerner/Rack Room Shoes distribution facility. He noted the two parcels in question were annexed in 2006, but because of a lawsuit the annexation was delayed. He stated the annexation has now become effective, and City zoning needs to be applied.

Mr. Mitchell stated the recommendation is to apply Light Industrial Zoning to the property. He pointed out the location of Light Industrial zoning to the north and south of the site, with Heavy Industrial Zoning across Cedar Springs Road.

Mr. Mitchell explained the proposed zoning of Light Industrial permits the development and operation of light and/or flex space uses that are typically too large in scale to fit within a neighborhood environment. Light Industrial districts may not be used for retail uses except for those uses clearly subordinate to any on-site principal, and is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

Mr. Mitchell indicated the Planning Board voted unanimously at its November 9, 2010 meeting to recommend approval.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding Land Development district map amendment LDOZ-09-2010.

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

(c) Mr. Woodson stated 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 establishing City of Salisbury Light Industrial (LI) zoning on approximately 26 acres (2 parcels) of recently annexed land located along Circle M Drive and Cedar Springs Road. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BE ESTABLISHING CITY OF SALISBURY LIGHT INDUSTRIAL (LI) ZONING ON APPROXIMATELY 26 ACRES (2 PARCELS) OF RECENTLY ANNEXED LAND LOCATED ALONG CIRCLE M DRIVE AND CEDAR SPRINGS ROAD.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page Nos. 4-5, and is known as Ordinance 2011-02.)

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT LDOTA-10-2010 – MAJOR AUTO REPAIR IN DMX**

(a) Senior Planner Preston Mitchell addressed Council regarding a proposed text amendment to allow Major Auto Repair in the Downtown Mixed Use (DMX) district. He noted this proposal was originally presented at Council's October 19, 2010 meeting. He pointed out the request is to amend the Land Development Ordinance, and is not a rezoning request.

Mr. Mitchell stated the original proposal was to allow Major Auto Repair in the DMX district with two conditions: all work is done within a fully enclosed building, and the hours of operation would not exceed 10:00 p.m. if the business was adjacent to a residential zoning district. He noted Council discussed the proposal and sent it to a Council Committee for further review. He indicated the Committee was unable to meet, and Council referred the matter back to the Planning Board for further review.

Mr. Mitchell commented the Planning Board reviewed the proposal December 14, 2010, and discussed Council's concerns. He stated the Planning Board has made a recommendation to allow Major Auto Repair in the DMX district, but with only one condition, that all work must be done within a fully enclosed building. He pointed out the Planning Board removed the restriction regarding hours of operation because there are a number of uses downtown that have the potential to create noise issues. He explained the City has a noise ordinance which is enforced by the Police Department based on complaints received. Mr. Mitchell stated the Planning Board felt restricting the hours of operation for just this use, would create an equity issue for other uses that produce noise.

Mr. Mitchell stated the person who initially made the request, Mr. Red Humphries, wanted to purchase the building formerly used as a transmission shop on East Innes Street. He noted the location does not adjoin a residential zoning district, so the restriction for hours of operation would not have applied to that case.

Mr. Mitchell indicated the Planning Board recommends the use be allowed in the DMX district with all work to be performed within a fully enclosed building.

Councilman Kennedy asked if Mr. Humphries is still interested in purchasing the property on East Innes Street. Mr. Mitchell responded he has not had contact with Mr.

Humphries. Councilman Woodson indicated he had spoken with Mr. Humphries, and Mr. Humphries stated if the Land Development Ordinance is changed to allow the use, he could be contacted. Mr. Woodson added Mr. Humphries stated he may only work late into the night once every three months.

Mr. Kennedy stated he thinks it is important to expand the tax base and create jobs in the community, and he would be excited for Mr. Humphries to come to Salisbury.

Mayor Pro Tem Blackwell commented when the case was originally presented, Council received letters from citizens concerned about junked cars in the parking lot outside of the business. She asked if this would be allowed under the current Code. Mr. Mitchell stated there are several phases of a junked car, and explained if the car was missing its wheels and did not have a valid registration it would have to be fully screened from the view of the right-of-way. He noted if the car was operable, it would be considered to be parked at the business, and screening would not be required. Ms. Blackwell clarified a business owner could not have a car being used for parts stored in the parking lot if it were not screened from view. Mr. Mitchell confirmed this was correct. He pointed out there are junked cars in the downtown area, but they are being addressed by Code Services.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments regarding Land Development district map amendment LDOTA-10-2010.

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

Mayor Kluttz stated she thinks the Planning Board reached a reasonable recommendation considering the use must be fully enclosed, and after studying the fact there are other business in the downtown area that remain open until 2:00 a.m. She commented this is a fairness issue, and it would not be fair to put a time limit on one particular use.

Mr. Woodson noted there are several restaurants on Fisher Street, and thinks the recommendation is reasonable and will not cause any problems.

Mr. Kennedy pointed out the Summer Concert Series was held this past summer on Fisher Street, where bands played one block from the property originally proposed for the use.

Councilman Miller stated he was not in favor of the original proposal, and he has not seen any additional information that would cause him to change his mind. He noted he is concerned because the use would be allowed everywhere in the DMX district. He commented the former Empire Hotel building is property Council would like to see redeveloped into productive use, and he would not want a small major auto repair shop to locate adjacent to the property that could cause conflict with the property's future use. He stated bars have hours that exceed 10:00 p.m., but there are Special Use Permits (SUP) associated with the bars, and the SUP can be revoked at any time. Mr. Miller noted although the noise ordinance can be put into effect if there are abuses, the noise from a restaurant is very different from the noise caused by grinding sheet metal. He indicated he is not opposed to job creation, but he thinks there are better locations for this type of business.

Mayor Kluttz noted the City has a noise ordinance, and if this type of business caused a problem it could be stopped through its enforcement.

Mr. Woodson commented he thinks there will most likely be noise complaints, but he thinks they can be addressed just as the issues with the bar behind his business were addressed. He stated he thinks this will be a minor problem, and he would like to see the corridor improved and will support the request.

Ms. Blackwell indicated she has concerns with the visual aspects of this use. She noted although the use would require work to be performed in an enclosed building, the bay doors could be opened, and it depends on the location within the DMX district. She stated she does not want to reduce restrictions in the Ordinance to gain one business, but lose others. She noted she is concerned about the visual affect for the Gateway area, and she cannot support the request.

Mr. Kennedy commented he is a lifelong resident of Salisbury, and he has seen several transmission shops and automobile dealerships in this area, noting there has been a lot of transition over the years. He stated he thinks this is part of growing pains, and Salisbury is not the sleepy town it used to be.

Mr. Miller clarified his comments are based on the DMX district as a whole, and not one particular parcel.

(c) Mr. Woodson stated 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. Woodson made a **motion** to adopt an Ordinance amending Section 2.7 (Uses Permitted by District), Section 3.3 (Additional Standards by Use), and Chapter 18 (Definitions) of the Land Development Ordinance of the City of Salisbury, North Carolina related to Major Automobile Repair in the DMX District. Mr. Kennedy seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. Ms. Blackwell and Mr. Miller voted NO. (3-2)

AN ORDINANCE AMENDING SECTION 2.7 (USES PERMITTED BY DISTRICT), SECTION 3.3 (ADDITIONAL STANDARDS BY USE), AND CHAPTER 18 (DEFINITIONS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO MAJOR AUTOMOBILE REPAIR IN THE DMX DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 6, and is known as Ordinance 2011-03.)

*\*Due to the lack of an affirmative vote of two-thirds of all members of the Council, it will be necessary to have a second reading on the above ordinance before it can be ratified.*



## **EASTERN GATEWAY AREA PLAN**

(a) Senior Planner Preston Mitchell presented a draft of the Eastern Gateway Plan to Council. He noted the Plan Advisory Committee consisted of: Ms. Mary Arey, Mr. Joe Mathis, Ms. Judy Dula, Dr. David Mayberry, Mr. Guy Fisher, Mr. Hassan Mohamed, Mr. Eddie Hampton, and Mr. and Mrs. Robert and Louise Lesley.

Mr. Mitchell noted the study area is approximately 800 acres bound by I-85, Stokes Ferry Road, Crane Creek Road, and Morlan Park Road. He displayed aerial photographs of the area, and noted the commercial portion along Faith Road and East Innes Street. He pointed out the majority of the study area is single-family residential.

Mr. Mitchell stated there were four entities involved in the development of the Plan, including staff, Planning Board and Plan Advisory Committee, City Council, and the community. He noted the community provided the input to assist in developing the Plan.

Mr. Mitchell addressed myths association with area planning:

- Is this an opportunity for the City to change my zoning? No
  - Unless circumstances require corrective or protective zoning – based on:
    - Environmental concerns
    - Noxious nuisance uses
    - Requested by the community
- Is this an opportunity for the City to condemn or take anyone's property or property rights? No.
  - An Area Plan is a guide for future development and a tool for protection of land uses and preferred development patterns
- Is this another opportunity for the City to involuntarily annex lands that are not currently within the corporate limits? No.
- Is this an opportunity for the City to make immediate changes to existing infrastructure or other City services? No
  - It is a guide and tool for how to properly invest and improve services and infrastructure

Mr. Mitchell pointed out the difference between Code and Policy, noting the Code is the law, and a policy is a tool for how the community would like to address issues in the future. He stated the Land Development Ordinance (LDO) is a Code, while the Vision 2020 Comprehensive Plan is a policy.

Mr. Mitchell reviewed the impacts of the Plan:

- Guides the Planning Board and City Council on rezoning requests and certain legislative development proposals, such as Conditional Districts

- Guides staff on making recommendations for subdivision, development, and rezoning proposals
- Guides public and private investment decisions
- Guides infrastructure improvement decisions
  - Roads
  - Transit
  - Parks
  - Safety

Mr. Mitchell noted a vision session was held where the community was asked for input on topics such as what the residents like most and least about the study area, what public improvements they would like to see in the area, and what private development or improvements they would like to see for the area. He commented the community's response helped staff develop the Plan.

Mr. Mitchell explained the contents of the Plan addresses district planning, the community profile, the Land Based Classification System (LBCS) existing conditions, natural features and open space, transportation, the transect, the planning process, development goals, and a future land use plan.

Mr. Mitchell displayed land use figures for the Plan area, and noted 75% of all of the units in the area are single-family residential. He noted there is approximately 1,000,000 square feet of commercial space, and approximately 100,000 square feet of industrial space.

Mr. Mitchell reviewed natural features and open space, and noted currently Morlan Park is the only public open space area, and noted two locations have been identified for a future park or open space.

Mr. Mitchell stated the transportation element of the Plan identifies improvements the North Carolina Department of Transportation wants to make to major roads in the area, along with service extensions the Transit Division would like to make. He stated it also identifies intersection improvements, bike plan improvements, and priority areas for sidewalks.

Mr. Mitchell reviewed the development goals of the Plan:

- Preserve the character and atmosphere of existing residential neighborhoods
- Improve the appearance and function of primary corridors and commercial areas today and to come
- Improve community appearance in general
- Increase the variety of commercial choices available to residents
- Improve the transportation infrastructure to meet the needs of an urban environment

Mr. Mitchell then reviewed the Future Land Use map which identifies the type of land uses recommended for the area. He noted the bulk of the map recommends the property remain suburban low-medium density, which is single-family or two-family residential; and suburban-

low density, which is single-family residential. He stated if a request was received to rezone a parcel to a higher use, such as commercial, staff would look at the Plan and determine the property is identified as suburban low-density, and the community wants it to remain as such. Mr. Mitchell stated the Plan allows for commercial or business growth at the area closest to the intersection of Jake Alexander Boulevard and Faith Road.

Mr. Mitchell indicated the Planning Board unanimously recommended approval of the Plan.

(b) Mayor Kluttz opened the floor to receive public comment regarding the Eastern Gateway Area Plan.

Ms. Mary Arey, 415 West Marsh Street, stated she and her son operate Arey Realty which is located at the corner of Faith Road and Woody Street. She noted staff worked with neighbors on the Plan, and it was a good process to find out what the residents wanted for the area. She stated she thinks the Plan reflects what the residents want and she supports Council adoption of the Plan.

Mr. Jeff Cline, 1910 East Innes Street, stated he has owned this property for 20 years. He noted he attempted to rezone the property when it was first purchased, but it was turned down at that time. He stated he has waited for this study to be completed, and he represents a group of six residents who would eventually like to rezone their property, and they fully support the Plan. He commented he thinks the Plan is a good thing for the City, and would improve the community while improving the tax base for this area of the City.

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

Councilman Woodson commented he thinks the Plan is good for this corridor and he supports it.

Mayor Pro Tem Blackwell indicated Council's gratitude to the members of the Advisory Plan Committee for their time to develop this Plan.

Mayor Kluttz agreed with Ms. Blackwell and indicated the Plan is excellent.

Councilman Kennedy stated it is good to see the neighborhood and business community agree on the Plan.

(c) Thereupon, Mr. Woodson made a **motion** to adopt the Eastern Gateway Area Plan. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**PRESENTATION – YOUTH SERVICES BUREAU AND TIMES TWO MENTORING**

Ms. Laura Porter, Youth Services Bureau, indicated the Youth Services Bureau is a private, non-profit agency and she thanked Council for their contributions and support of the Bureau’s mentoring program. She encouraged citizens to mentor youth, and invited anyone who is interested in helping a child achieve success to contact the Youth Services Bureau to participate.

Ms. Linda Goodman stated she has been a mentor with the Youth Service Bureau for three years, and she feels very privileged to make a difference in a child’s life. She commented she thinks both she and her mentee have had positive impacts on each other during the last three years. She indicated she feels many people would like to have had an active role model when growing up, and she encouraged all individuals to give back by mentoring to a child. She stated she is proud to be mentor, and encouraged others to make a difference in a child’s life.

Ms. Goodman’s mentee, Taylor, stated she is 14, and her mentor has helped her by improving her communication skills, anger management, and conflict resolution skills. She noted she and Ms. Goodman do many things together and participate in community service projects. She thanked Ms. Goodman for being there for her when others were not, and she thanked Council for the opportunity to speak.

Ms. Porter encouraged citizens to contact the Youth Services Bureau in order to give the youth they work with the support they need to be successful.

Mayor Kluttz thanked Ms. Porter, Ms. Goodman and Taylor for being present as part of National Mentoring month. She stated she hopes by the public hearing this information, many people will contact the Youth Services Bureau to help.

**UPDATE REGARDING IRS VITA SITE AT PARK AVENUE COMMUNITY CENTER**

Mr. Lou Manning addressed Council regarding the IRS Volunteer Income Tax Assistance (VITA) site at Park Avenue Community Center. Mr. Manning reviewed the figures generated through the program:

Tax Year	Number of Returns Filed	Refunds Issued (In Dollars)	Estimated Savings in Tax Prep. Costs	Est. Return to General Economy (primarily Rowan County)
2006	38	\$25,453	\$7,600	\$33,053
2007	219	\$141,849	\$43,800	\$185,649
2008	166	\$142,965	\$33,200	\$176,165
2009	<u>334</u>	<u>\$213,852</u>	<u>\$66,800</u>	<u>\$280,652</u>
Totals for 2006-2009	757	\$524,119	\$151,400	\$675,519

Mr. Manning stated Ms. Marjorie Gordon has been with the IRS most of her working life, and also volunteered throughout that time. He noted Ms. Gordon became an income tax assistance volunteer in 1977, an instructor in 1978, moved to Salisbury in 1979 and started her own volunteer site in 1980. He noted the volunteer assistance program has been at the Park Avenue Community Center for the last five years.

Mr. Manning recognized other volunteers at the VITA site: Ms Catherine Bradley, Ms. Linda Cooper, Ms. Mary Booth, and Ms Brenda Shoaf. He noted these people have been steadfast in their service and he hopes to have new volunteers each year.

On behalf of the IRS and the Stakeholder Partnerships Education and Communication (SPEC) division of the IRS, Mr. Manning recognized Ms. Gordon for her 30 years of volunteer service in Rowan County.

Ms. Gordon thanked Mr. Manning and stated this is a worthwhile project for the community. She noted the project helps those with low-income and the elderly, and she hopes it will continue.

Mayor Klutz thanked Ms. Gordon for her outstanding service. She also thanked Mr. Manning and all of the volunteers at the VITA site.

## **TEXT AMENDMENTS TO THE UNIFORM CONSTRUCTION STANDARDS MANUAL**

Engineering and Development Services Director Dan Mikkelson indicated one of Council's goals is to seek local permitting authority for utility extensions. He stated staff has submitted an application for review and approval to the Public Water Supply Section of the North Carolina Department of Environment, Health, and Natural Resources (NCDENR). He noted NCDENR has requested language in the Uniform Construction Standards Manual be updated regarding the separation of water and sewer lines. Mr. Mikkelson stated staff feels the amendment is nominal and does not change the physical requirements, but only adds additional language as to how the standard is to be met if the normal standard cannot be met.

Mr. Mikkelson stated the change is needed in order to gain approval for local permitting authority, and staff recommends the Construction Standards Manual be amended.

Thereupon, Ms. Blackwell made a **motion** to amend Section V.2.02.7 and V.3.01.15 of the Salisbury Uniform Construction Standards Manual as presented. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Klutz voted AYE. (5-0)

## **COMMENTS FROM THE CITY MANAGER**

No comments were offered.

## **MAYOR'S ANNOUNCEMENTS**

(a) **Mt. Zion Humanitarian Awards**

Mayor Kluttz announced Mt. Zion Missionary Baptist Church will host the annual Humanitarian Awards Sunday, January 16, 2011 at 3:00 p.m. The Awards will be held at Mt. Zion Missionary Baptist Church located at 1920 Shirley Avenue.

(b) **Dr. Martin Luther King, Jr. Breakfast**

Mayor Kluttz announced the Salisbury-Rowan Human Relations Council will host the Dr. Martin Luther King, Jr. Breakfast, Monday, January 17, 2011 at 7:15 a.m. The Breakfast will be held at the J. F. Hurley YMCA, 828 Jake Alexander Boulevard. The featured speaker is Mr. Robert J. Brown, Founder, Chairman and CEO of B&C Associates, Inc. Pfeiffer University President Michael C. Miller, and Hood Theological Seminary President Dr. Albert J. D. Aymer will offer reflections of Dr. Martin Luther King, Jr. Tickets are \$8.00 each. To purchase tickets or for additional information please call 704-638-2168 or 704-638-5217.

(c) **Dr. Martin Luther King, Jr. – Freedman Cemetery**

Mayor Kluttz announced that following the Dr. Martin Luther King, Jr. Breakfast, a procession will travel to the Freedman Cemetery located at the corner of Liberty Street and North Church Street, for a ceremony at 9:30 a.m., led by Soldiers Memorial AME Zion Church.

(d) **Dr. Martin Luther King, Jr. Activities Parade and Activities**

Mayor Kluttz announced the Dr. Martin Luther King, Jr. Parade will be held Monday, January 17, 2011. The parade will begin in downtown Salisbury at 11:00 a.m. at Freedman Cemetery, 220 North Church Street and will end at the Salisbury Civic Center, 315 Dr. Martin Luther King, Jr. Avenue, where activities celebrating Dr. King will be held from 12:00 p.m. until 4:30 p.m.

(e) **10<sup>th</sup> Annual Wedding Extravaganza**

Mayor Kluttz announced the Salisbury Parks and Recreation Department will host the 10<sup>th</sup> annual Wedding Extravaganza, Saturday, January 22, 2010 from 10:00 a.m. until 3:00 p.m. at the Civic Center, 315 Dr. Martin Luther King, Jr. Avenue.

## **CLOSED SESSION**

Mayor Kluttz asked for a motion to go into closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(6).

Thereupon, Mr. Woodson made a **motion** to go into closed session. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

### **RETURN TO OPEN SESSION**

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

### **EVALUATION OF CITY MANAGER DAVID TREME**

Mayor Kluttz announced Council evaluated City Manager David Treme and gave him an exemplary evaluation. She stated there was nothing negative that could be found or any areas for improvement. She commented Council feels extremely fortunate to have a person who has been here for 25 years, created such a wonderful team, and who has done such a fantastic job for Council. She added Council is unanimously very grateful to Mr. Treme for his service to the City. Mayor Kluttz thanked Mr. Treme for all he has done, and expressed Council's appreciation for his work.

### **ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Miller, seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:19 p.m.

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Susan W. Kluttz, Mayor

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Myra B. Heard, City Clerk