

Salisbury, North Carolina  
October 20, 2009

## **REGULAR MEETING**

**PRESENT:** Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Paul B. Woodson, Jr., Councilmen William (Bill) Burgin, William (Pete) Kennedy, and Mark N. Lewis; 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 Councilman Lewis.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present.

## **RECOGNITION –ROWAN REGIONAL MEDIAL CENTER**

Mayor Kluttz recognized Mr. Rick Parker, Ms. Valerie Stewart, Ms. Melissa Robeson, and Ms. Tracey Craig of Rowan Regional Medical Center and Novant Health, Inc. for their commitment to diversity in the workplace. Mayor Kluttz stated that the recognition is a result of attending a diversity celebration at Rowan Regional Medical Center. She indicated that she was excited that the largest employer in Rowan County chose to focus on diversity, which is also a major goal for the City. She stated that she feels it is important for City Council and the public to hear about the diversity efforts at Rowan Regional Medical Center. She invited Ms. Tracey Craig, Senior Director of Human Resources at Novant Health, Inc. and Mr. Rick Parker, Senior Director of

Professional and Support Services at Rowan Regional Medical Center to speak on the diversity efforts being implemented at Rowan Regional Medical Center.

Ms. Craig thanked Council for the recognition and explained that Novant Health, Inc. is the parent company of Rowan Regional Medical Center and employs approximately 1,300 people in the surrounding communities. Ms. Craig stated that the mission and vision of Novant Health and Rowan Regional Medical Center is to improve the health of the community and deliver a remarkable patient experience in every dimension every time. She pointed out that the mission and vision are achieved through use of their core values which are compassion, teamwork, personal excellence, and diversity. She explained Novant's definition of diversity as all those elements that make each one of us a unique individual and that, in turn, brings various talents, skills, abilities and experiences to their team. She also reviewed the various programs initiated at the Medical Center for Diversity Celebration Week.

Mr. Rick Parker presented Council with lapel pins displaying the diversity logo from Rowan Regional Medical Center and Novant Health, Inc.

Mayor Kluttz stated that the community is becoming more diverse and she appreciates all the Medical Center does for the community. Mayor Kluttz presented Rowan Regional Medical Center with a Certificate of Recognition for its commitment to diversity.

### **CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Regular meeting of October 6, 2009 and the Special Meetings of October 7, 2009 and October 13, 2009.

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

### **TEXT AMENDMENT – LDOTA-11-2009, FRONT PORCH PROVISIONS**

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding an amendment to Chapter 5, Section 5.8 and 5.9 and Chapter 18 of the Land Development Ordinance (LDO) of the City of Salisbury regarding Front Porch Provisions. Mr. Mitchell indicated that the Planning Board was asked to review standards related to front porches. He noted that October 13, 2009 the Planning Board voted (6-2) to recommend the proposed amendment.

Mr. Mitchell reviewed photographs and described the differences between porches, porticos, and stoops and stated that the main purpose of porches is functionality. He reviewed the proposed Ordinance and noted that the language of the Applicability Provision Table was changed to clarify the appropriate provisions based on lot width. He

noted that the current language of the LDO states that front porches, if used, shall be at least eight feet deep and extend more than 40% of the façade. He indicated that there were concerns that an eight-foot requirement was too stringent and many of the pre-designed house plans, such as those used by Habitat for Humanity and Salisbury Community Development Commission, use a six-foot porch standard. He stated that the proposal is to use a six foot minimum, but the eight foot standard has been retained for multi-lot developments. He explained that multi-lot developments must choose five design elements and if they choose a front porch as one of the five elements the eight foot standard must be used. He noted that infill developments and Townhomes will have a six-foot standard.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed Land Development Ordinance text amendment LDOTA-11-2009.

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

Councilman Woodson clarified that the change in the Ordinance relieves the standard by two feet. Mr. Mitchell indicated that the change in the Ordinance will relieve the standard by two feet and remove the requirement to have a front porch on lots smaller than 39 feet.

Councilman Lewis pointed out that it is important to define a portico and stoop and that the majority of architects are using six-foot porches.

Councilman Kennedy stated he appreciates that the requirement for porches has been removed and he is glad the standards are in place if one is built.

(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 5.8 (Specific provisions for House Building type), Section 5.9 (Specific provisions for Townhouse Building type), and Chapter 18 (definitions) of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 5.8 (SPECIFIC PROVISIONS FOR HOUSE BUILDING TYPE), SECTION 5.9 (SPECIFIC PROVISIONS FOR TOWNHOUSE BUILDING TYPE), AND CHAPTER 18 (DEFINITIONS) 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.163-166, and is known as Ordinance 2009-57)

## **SALISBURY-ROWAN UTILITIES WATER SHORTAGE RESPONSE PLAN**

(a) Mr. Jeff Jones, Utilities Planning and Research Manager, addressed Council regarding the Rowan-Salisbury Utilities Water Shortage Response Plan. Mr. Jones explained that the 2008 North Carolina Drought Legislation required all public water systems to update their water shortage response plans. He noted that one of the biggest deficiencies with the previous plan was that there were no triggers to move into and out of drought response. He stated that the Yadkin River Basin watershed provides water for Rowan County and that drought conditions in the upstream determine the City's drought conditions. Mr. Jones reviewed the 7-day average stream flow for the Yadkin River which demonstrated that the City was on water restrictions longer than triggers would have specified during the 2008 drought. He explained that staff will use a combination of the drought status of the watershed with the stream flow to determine the response in the event of a drought.

Mr. Jones reviewed the water shortage level responses:

- Alert
  - Conditions indicate potential for water supply shortages
- Level I Voluntary
  - Conditions indicate potential for water supply shortages; voluntary conservation is encouraged
- Level I Mandatory
  - Conditions indicate potential for water supply shortages; mandatory restriction measures are imposed for irrigation uses, voluntary conservation is encouraged
- Level II Mandatory
  - Water supplies are measurably lower than the seasonal norm and are diminishing. Mandatory restriction measures are imposed
- Level III Mandatory
  - Water supplies are measurably lower than the seasonal norm and are diminishing. Mandatory restriction measures are imposed
- Level IV Emergency
  - The system is experiencing a severe water shortage, drinking water supply is clearly inadequate and more stringent restriction measures must be imposed

Mr. Jones pointed out that as the stream flow decreases, the level of response will increase. He referred to information provided to Council depicting what the response would have been had this plan been in effect during drought conditions of 2002 and 2008. He pointed out that these newly defined triggers are a mechanism to move into and out of drought response.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed Salisbury-Rowan Utilities Water Shortage Response Plan.

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

(c) Thereupon, Mr. Woodson made a **motion** to approve the Water Shortage Response Plan as presented. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

### **NAMING A NEW PARK – 223 NORTH MCCOY ROAD**

Ms. Gail Elder White, Salisbury Parks and Receptions Director, addressed Council requesting a public comment period to name a new park. She reviewed a naming application from Mr. Walter Tatum, who donated the land for the park. She indicated that Mr. Tatum recommended the park be named Foil-Tatum Park in memory of his late wife Frances Lynne Foil Tatum. Ms. Elder White indicated that the Parks and Recreation Department is currently working with the neighborhood on a park plan and will receive comments from October 20, 2009 to November 16, 2009 regarding the proposed name for the park and will give Council an update on November 17, 2009.

Thereupon, Mr. Woodson made a **motion** to establish a public comment period from October 20, 2009 to November 16, 2009 regarding naming a new park located at 223 North McCoy Road as Foil-Tatum Park. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

### **PUBLIC COMMENT**

Mayor Kluttz opened the floor to receive public comment.

Mr. Frank Justin, West Henderson Street, recognized and thanked several people who attended a meeting to form the City Park Neighborhood Community Watch. Mr. Justin stated that it is especially nice to see Council members being proactive and stated that he hopes the Salisbury Post will continue to monitor progress of the program. He thanked Council for its good work and for caring about the citizens of Salisbury.

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

Mayor Kluttz thanked the Mayor Pro Tem Woodson, Councilman Lewis and staff who attended the meeting. She commented that the strength of the City is in the neighborhoods and that Council would like to see the neighborhoods organized to be safer and stronger.

Councilman Lewis stated that each neighborhood has different needs and Council supports neighborhoods that want to improve.

Mayor Kluttz commented she is excited that citizens are passionate about improving their neighborhood.

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

(a) Temporary Street Closure

City Manager David Treme stated that he received a request for a street closure in the second block of Mitchell Avenue from Crosby Street to Blair Street Saturday, October 31, 2009 from 4:30 p.m. to 6:30 p.m. for the Fulton Heights Halloween Parade.

Thereupon, Mr. Burgin made a **motion** to approve the street closure in the 200 block of Mitchell Avenue from Crosby Street to Blair Street Saturday, October 31, 2009 from 4:30 p.m. to 6:30 p.m. in order to allow for the Fulton Heights Halloween Parade. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(b) Children's Theater Construction Update

Mr. Dan Mikkelson, Engineering and Development Services Director, stated that in August 2008 Council approved the street closure in the 200 block of South Lee Street for the Children's Theater construction. He indicated that the approval allows for half of the block to be closed for up to four months. He pointed out that the contractor is currently implementing a single lane closure and will begin double lane closure in November. He noted that the contractor will reopen lanes when work is not being done.

(c) Council Committee Report – LDOTA-07-2009, Infill Provisions

City Manager David Treme indicated that a Council Committee consisting of Councilman Burgin and Council Lewis was formed to review proposed provisions regarding width requirements for infill lots.

Councilman Burgin updated Council regarding the Committee's assessment of the infill lot provisions. He stated that as the Council Committee reviewed additional information it agreed with the Planning Board's recommendation to have a public process for consideration of requests for lot widths that are less than standard widths for infill lots. He pointed out that since infill provisions will be opened for public review the Committee recommends allowing less than the minimum lot width for the area in question, or up to 90% of the minimum lot width. He explained that this will allow someone who wants to subdivide a lot that is less than the minimum size of the lots surrounding them to prove that their lot is compatible with the neighborhood.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 6.3 (Infill Provisions) of the Land Development Ordinance of the City of Salisbury, North Carolina petition number LDOTA-07-2009. Mr. Preston Mitchell, Senior Planner, indicated that the Statement of Consistency is needed. Mr. Lewis 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. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 6.3 (INFILL PROVISIONS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA. (PETITION NO. LDOTA-07-2009)

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 167-168, and is known as Ordinance 2009-58.)

Councilman Burgin stated that Council appreciates the work and effort the Planning Board put into the recommendation.

Mayor Kluttz thanked the Council Committee for ensuring the recommendation met Council's expectations.

(d) Council Committee Report – Formation and Implementation of a Tourism Development Authority

Councilman Lewis indicated that the Council Committee established to review the Tourism Development Authority (TDA) membership met and reviewed the previously adopted Ordinance regarding members of the TDA. He indicated that he and Councilman Burgin are scheduled to meet Rowan County Commission Chairman Carl Ford and Commissioner Raymond Coltrain Wednesday, October 28, 2009 at 1:30 p.m. to discuss how the County and City TDA can work together.

Mr. Joe Morris, Planning and Community Services Director, stated that staff drafted a Resolution of Legislative Intent that establishes a process for the formation and implementation of a TDA.

Mr. Morris reviewed the Resolution:

- To be representative of the local travel and tourism industry in conformance with North Carolina General Assembly Session Law 2009-428 and Article II, Chapter 2, Sections 1 and 2, Part 5 of the City of Salisbury Codes Ordinances, which establishes the TDA.
- To follow a deliberate process of (a) selection and appointment of credentialed TDA members, (b) to subsequently conduct research and best practices of communities operating both city and county tourism development authorities, (c) to review local programs and policies related to tourism and cultural development including, but not limited to, the Salisbury 2020 Comprehensive Plan, the Downtown Salisbury Master Plan, the Salisbury Parks and Recreation Master Plan and the Salisbury Cultural Action Plan, and, (d) to formulate a strategic plan that establishes

mission, vision and goals of the TDA.

- Based on the findings of the TDA, provide a report to the Salisbury City Council to be congruent with the City of Salisbury goal-setting and budget development process, and consistent with the fiscal policies established by North Carolina General Statutes.

Mr. Lewis stated that the process formally allows the members of the TDA to be trained and employ the best practices.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution of Legislative Intent establishing a process for the formation and implementation of a Tourism Development Authority. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### RESOLUTION OF LEGISLATIVE INTENT ESTABLISHING A PROCESS FOR THE FORMATION AND IMPLEMENTATION OF A TOURISM DEVELOPMENT AUTHORITY.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 45, and is known as Resolution 2009-29.)

#### (e) First Quarter Goals Update

City Manager David Treme provided Council with the First Quarter Goals and Outcomes Update. Mr. Treme asked Mr. Joe Morris, Planning and Community Services Director, to update Council regarding Outcome 1.2: Identify and initiate an “impact project” as part of the North Main Street Small Area Plan. Mr. Morris indicated that the impact project identified for the North Main Street area included a sidewalk connection between Main Street and City Park. He stated that construction has been underway on the project for several weeks and involved numerous meetings with the neighborhood. He reported that the project provides a sidewalk for the length of two blocks from Main Street to City Park. He added that the Street Department is installing sidewalks along the edge of City Park which will lead to Lake Drive allowing pedestrians to walk to Hurley Park and onto the Salisbury Greenway. Mr. Morris noted that the project is approximately 90% complete and that a substantial amount of funding for the project was allocated by City Council and supplemented by a Fit Communities Grant acquired by a group from the North Main Street Neighborhood Association.

Mr. Treme asked Assistant to the City Manager Doug Paris to update Council regarding Outcome 3.1: Build and implement an employee mentoring policy in support of the action agenda. Mr. Paris stated that this is the second year City employees have mentored in partnership with local mentoring agencies. He indicated that the next step in the process is to connect mentoring with new employee orientation and explore how others in the community may begin to mentor through their place of employment. Mr. Treme indicated that Outcome 3.2: Study and expand summer youth employment programs through Parks and Recreation and Outcome 3.3: Implement summer youth programs and travel options to Salisbury Community Park have both been accomplished.



Mr. Treme referred to Outcome 4.1: Implement the Fiber to the Home business plan and noted that a Council Committee was formed and has worked actively to implement the business plan. He stated that the project is now operational and it may be time for the Council Committee to be disbanded.

Mr. Treme indicated that Outcome 4.3: Create an Airport Development Zone, has made good progress and will be discussed at a meeting with Rowan County at a later date. He stated that Outcome 4.4: Initiate actions to implement a \$.03 occupancy tax for the City of Salisbury was a tactical goal for the City and there will be a meeting with the Tourism Development Authority and Rowan County to discuss the implementation of the tax. He indicated that Outcome 4.5: Explore the possibility of partnering with Cheerwine, Downtown Salisbury Inc., and the Tourism Development Authority on a Salisbury Cheerwine Festival has made very little progress. He stated that there have been meetings to discuss a possible festival but with little outcome and this goal may need to be revisited.

Mr. Treme referred to Outcome 5.2: Collaborate with the community in a needs assessment and Master Plan for Lincoln Park and noted that both plans have been approved by Council.

Mr. Treme asked Mr. Zack Kyle, Human Resources Director, to update Council on Outcome 6.1: Implement strategies to recruit employees from diverse populations and develop strategies to attract and retain quality employees. Mr. Kyle introduced Ms. Michelle Balknight, Personnel Analyst, who is responsible for recruiting and retention and asked her to explain the diversity efforts being made in the Human Resources Department. Ms. Balknight stated that the Human Resources department is using social networking sites to reach a broad range of individuals. She indicated that Salisbury Fire and Police Department posters and employment opportunity ads on the City website are being printed in both English and Spanish. She also indicated that ads have been placed in the Salisbury High School annual and the City is taking part in Career Fairs. Mr. Treme indicated that the goal is to increase the applicant pool to increase diversity within the workforce.

Mr. Treme asked Mr. Morris to highlight Outcome 7.2: Enhance the teaching of the arts within our school system. Mr. Morris stated that the newly installed Cotton Mills Project located at the corner of Fisher and Church Streets was initiated by the Public Art Committee (PAC) and the Community Appearance Commission (CAC). He noted that the project involved working with fourth and fifth grade students throughout Rowan County who participated in workshops at Waterworks Visual Art Center on a number of occasions to create tiles that interpret the textile industry in Salisbury and Rowan County. He commented that the PAC is working with Mayor Kluttz to determine when the project will be dedicated. Mayor Kluttz stated that she has received several positive comments from citizens who think the project is very attractive. She stated that this project is inclusive of all children in the County.

Mr. Treme discussed Outcome 10.1: Develop, present and adopt State-mandated plan for Fats, Oils, and Grease (FOG) ordinance program and indicated that there is now an approved plan in place for the FOG program.

Mr. Treme asked Mr. Dan Mikkelson, Engineering and Development Services Director, to give Council an update regarding Outcome 10.2: Seek local permitting authority for utility extensions. Mr. Mikkelson stated that when there is a request to extend public water or sewer the City must review and approve all plans and send them to the North Carolina Department of Energy and Natural Resources, (NCDENR) for their review and approval. Mr. Mikkelson indicated that sewer line approval takes approximately 10 days and water line approval can take as long as eight weeks. He noted that if permitting authority is delegated to the City it could save up to eight weeks on water projects. He pointed out that in the past quarter staff has submitted standard specifications for NCDENR review and created a Draft Ordinance that is being reviewed by NCDENR and the North Carolina Attorney General's Office that will be presented to Council to establish authorities and procedures.

Mr. Treme thanked Mr. Mikkelson and staff for their work and the progress being made on this goal.

Mr. Treme recognized Mr. Jim Behmer, Utilities Director, to give Council an update regarding the Town Creek I-85 Interceptor project which is part of Outcome 10.4: Develop a communication plan for sharing development processes and ordinances with stakeholders. Mr. Behmer indicated that Phase I of the project is complete and extends the sewer line to Peeler Road. He pointed out that the project is approximately two months ahead of schedule. Mr. Treme thanked Mr. Behmer and staff for their work on this project.

Mr. Treme indicated that the Rowan Recovery Summit and the Summer Reading and Math academy were cooperative projects with Rowan County. He noted that they are both tactical goals and are Council initiatives. He stated that by working together a lot of progress has been made accomplishing many of these goals.

Mayor Kluttz indicated that Council will work with Rowan County and the School Board to expand the Summer Reading initiative. Councilman Lewis indicated the Reading academy held at Park Avenue Community Center is a great model to expand if resources are available.

Mayor Kluttz asked for consensus to disband the Council Committee for Fiber to the Home. By Consensus, Council agreed to disband the Council Committee for Fiber to the Home. Mayor Kluttz thanked Councilmen Lewis and Kennedy for their work on that committee.

## **MAYOR'S ANNOUNCEMENTS**

### (a) Park Planning Meeting

Mayor Kluttz announced that the Salisbury Parks and Recreation Department will host a park planning meeting for the new neighborhood park located on North McCoy Road Thursday, October 22, 2009 at 6:30 p.m. in the fellowship hall of Milford Hills United Methodist Church, 1630 Statesville Boulevard.

(b) Halloween Fun Fest

Mayor Kluttz announced that Salisbury Parks and Recreation and Downtown Salisbury Inc. will host Halloween Fun Fest Saturday, October 31, 2009 from 3:00 p.m. until 6:00 p.m. at the First Bank parking lot, 215 West Innes Street.

(c) Candidate Forum

Mayor Kluttz announced that the Rowan County Democrats of South Ward and East Ward precincts will host a Meet the Candidates session Tuesday, October 20, 2009 from 6:00 p.m. until 7:45 p.m. at the Salisbury Civic Center.

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Lewis. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:20 p.m.

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Susan W. Kluttz, Mayor

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Myra B. Heard, City Clerk