

Salisbury, North Carolina  
September 7, 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; 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 Miller.

## **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.

## **CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Regular meeting of August 17, 2010, and the Special Meeting of August 26, 2010.

(b) Budget Ordinance

Adopt a budget Ordinance amendment to the FY2010-2011 budget in the amount of \$48,885 to appropriate insurance proceeds and Fund Balance.

AN ORDINANCE AMENDING THE 2010-2011 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS AND FUND BALANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 91, and is known as Ordinance 2010-39).

(c) Close a Portion of Old Plank Road

Receive a petition to close a portion of Old Plank Road between Thomas Street and Craige Street, and adopt a Resolution setting a public hearing for October 5, 2010.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF A PORTION OF OLD PLANK ROAD BETWEEN THOMAS STREET AND CRAIGE STREET AND SETTING A PUBLIC HEARING FOR OCTOBER 5, 2010.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 19, and is known as Resolution 2010-18.)

(d) Temporary Street Closure – Mitchell Avenue

Close the 200 block of Mitchell Avenue from Crosby Street to Blair Street Sunday, October 31, 2010 from 4:30 p.m. until 6:30 p.m. for the Fulton Heights Halloween Parade.

(e) Temporary Street Closure – Caldwell Street

Close the 700 block of South Caldwell Street Saturday, September 18, 2010 from 1:00 p.m. until 8:00 p.m. for the Gethsemane Baptist Church Homecoming Kickoff.

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

**PRESENTATION – NORTH CAROLINA STEM PROJECT**

Mr. Doug Paris, Assistant to the City Manager, introduced Ms. Marjorie Benbow, Director of the Greater Charlotte Office of the North Carolina Biotechnology Center, who gave Council a presentation regarding the North Carolina Science, Technology, Engineering, and Math (STEM) Project.

Ms. Benbow thanked Mr. Robert Van Geons, Executive Director of the Salisbury-Rowan Economic Development Commission, for his support of the STEM Project. She indicated industry is what drives the current economy, and gave examples of Cheerwine, Food Lion, Fibrant, Freightliner, and the City of Salisbury. She stated that for each of these industries science, technology, engineering, and mathematics is very important.

Ms. Benbow stated that approximately one year ago North Carolina STEM, based in Research Triangle Park, began applying for grants supported by the Batelle Foundation and the

Bill and Melinda Gates Foundation. She pointed out the North Carolina STEM initiative received funding from these foundations to allow each economic development region in North Carolina to develop a STEM initiative to help support local schools. She noted Rowan and Cabarrus counties have been selected to collaborate on the initiative, and stated the more collaboration that can be shown by a region, the more likely the grant will be awarded.

Ms. Benbow pointed out the North Carolina STEM project approached the North Carolina Biotechnical Center and requested it apply for funding. She indicated the application process requires letters of support, and she requested a letter of support from Council. She explained that Mr. Van Geons and others are gathering letters of support from municipalities, academic institutions, and industries. She pointed out three communities have started the STEM initiative which include Davie County, Lenoir County, and the Fort Bragg region. She stated local leaders are chosen to assist with the project, and by participating in a visionary process will help develop a STEM initiative that will be sustainable and equitable for the community. She stated the process should take approximately one year to begin implementation after the letters of support are received.

Mayor Kluttz stated she feels this is a wonderful idea, and she is excited about the partnership. She indicated Catawba College and Livingstone College have signed on to be partners and support the project. She noted biotechnical jobs are the jobs of the future, and Council has a responsibility to encourage the project.

Councilman Miller indicated he thinks all Council members would support the STEM initiative or resources that would help develop those characteristics in the community.

Councilman Woodson stated Salisbury is very fortunate to have a biotechnical center within 20 miles that will hopefully become well-known within the next 10 years, and significantly help the region. He indicated he supports the project.

Thereupon, Mr. Woodson made a **motion** to authorize the Mayor to send a letter of support for the North Carolina STEM project and for the City of Salisbury to sign on as a participant. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**SPECIAL USE PERMIT – CATAWBA COLLEGE/BERKELEY GROUP, 2300 WEST INNES STREET**

SUP-04-2010 Catawba College/Berkeley Group, LLC

(a) Swearing In

Mayor Kluttz indicated this case is a special zoning and is different from other zoning cases. She noted that anyone who wished to speak, from staff or the public, will need to be sworn in to provide testimony. She then swore in the following persons to testify in this case:

Mr. David Phillips  
Ms. Bonnie Newell  
Mr. Eric Nianouris  
Ms. Ann Brownlee  
Mr. Mike Mangum

Mr. Preston Mitchell  
Mr. Chad Lewis  
Ms. Joanne Fisher  
Mr. Merle Dye

(b) Ex Parte Disclosure

Mayor Kluttz asked if members of Council had been contacted by anyone from the public regarding this case. She stated each Council member received a letter from Ms. Ann Brownlee. She disclosed that she received one voicemail message from Mr. Vic Bost who stated he could not attend the meeting, but is against the request. She stated Mr. Bost feels it is a money-maker for the college, and will change the character of the neighborhood. She added that Mr. Bost is very much against the proposal and wanted each Council member to be aware of this fact. Mayor Kluttz stated she shared Mr. Bost's message with each Council member prior to the meeting.

Councilman Kennedy stated his only contact was the letter from Ms. Brownlee.

Mayor Pro Tem Blackwell stated she also received a voicemail from one of the neighbors who expressed concern about the visual impact on the campus, as well as the health concerns for students and the neighborhood. Ms. Blackwell stated the call was received from Ms. Myra Myerhoeffer.

Councilman Woodson stated that over the last two to three weeks he has received comments while at his business, but he does not remember everyone's name. He noted he did not realize this was a special zoning case, and contacted Zoning Administrator David Phillips, who explained it was a special zoning issue. Mr. Woodson stated he also spoke to Mr. Vic Bost, who made a formal presentation to him.

Mayor Kluttz commented it would be helpful for staff to make Council aware when there is a special zoning case, so members can be careful about discussing the case.

(c) Receive Testimony

Mayor Kluttz then opened the public hearing to receive testimony regarding SUP 04-2010.

Mr. David Phillips, Zoning Administrator, indicated the case before Council is a Special Use Permit (SUP) for a telecommunication tower to be located on the campus of Catawba College.

Mr. Phillips reviewed the Decision-Making Rules:

- The zoning ordinance (LDO) must spell out the standards for granting a Special Use Permit, and those decision-making standards cannot be developed on a case-by-case basis
- The decision to grant or deny the SUP, or to impose conditions on the approval, must be based solely on the LDO standards
- The standards must provide sufficient guidance for the decision. The applicant, neighbors, and board all need to know what the ordinance requires for approval

Mr. Phillips then reviewed the Production of Evidence and noted it is up to the applicant to present evidence indicating why the tower should be allowed. He stated it is up to any opponent to provide evidence or testimony indicating why the tower should not be allowed. He stated that if all of the evidence presented is in favor of the tower, then Council must approve the SUP. He stated that if there is something Council feels is in opposition, it can deny the permit. Mr. Phillips stated that if the information presented is such that Council must weigh it, then Council must make the best decision based on the information.

Mr. Phillips stated that for all Special Use Permits there are three standards that must be met:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed

Mr. Phillips reviewed photographs of Catawba College and indicated the approximate location of the tower, adjacent to the football field, tennis courts and North Park Drive. He displayed photographs from various locations on campus with views toward the proposed location of the tower.

Mr. Phillips stated that the College is zoned Institutional/Campus and for this base district, cell towers are allowed with the issuance of a Special Use Permit. He reviewed the submitted site plan, and pointed out the site's location to the tennis courts and football field. He noted that the lease for the site is for a 100 x 100 foot area. Mr. Phillips stated that the constraints for the site are a fenced-in compound area, and sewer lines and easements. He displayed a detailed plan for the tower itself, and noted it will be fenced in.

Mr. Phillips reviewed the existing coverage area. He noted the proposed location of the tower and the signal strengths for the area. He stated that if the proposed tower is erected the coverage area will become one that is ample for the provider.

Mr. Phillips stated the applicant had a balloon test performed at the site. He explained the balloon was flown at 190 feet, and pointed out the proposed tower is 175 feet. He then displayed photographs of the balloon during the testing process.

Mr. Phillips displayed a photograph of what the tower will look like, and noted it is a monopole type of tower. He stated that with this type of tower, the antenna rays are compact to the tower instead of protruding out. He noted up to five providers will be allowed to be located on the tower.

Mr. Phillips displayed a photograph of the J.F. Hurley YMCA located on Jake Alexander Boulevard, and pointed out an existing monopole tower at the location. He noted this tower is approximately 150 feet tall, and the proposed tower at Catawba College will be 25 feet higher.

Mr. Phillips indicated Council was given a booklet provided by the applicant, which contains engineering reports, which state that if the tower were to collapse, it would collapse upon itself. He noted that the information provided to Council also contains a letter from the State Historic Preservation Office stating it had reviewed the application in regards to an impact on the historic classification of Catawba College. He pointed out that a letter from the applicant's financial institution indicating a letter of credit can be provided was also submitted with the packet.

Mr. Phillips stated that in regards to Council making its decision, there are three standards that must be met, along with four additional standards that must be met for a Special Use Permit for a tower:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed
4. Additional findings as listed below:
  - That no other existing wireless telecommunications facility or tower can provide adequate service in the area which the applicant seeks to cover from the proposed location, without increasing the height of the existing facility or tower;
  - That the height of the proposed wireless telecommunications tower is no greater than the minimum necessary to provide adequate service to the applicant's proposed coverage area. In this regard, the applicant shall specifically describe both the service area and the level of service (both in terms of signal strength and type of coverage – in-building, in-vehicle, or both) desired in the service area;
  - That a qualified licensed engineer has certified that the electromagnetic field expected to be generated by the proposed telecommunications facility

(assuming the maximum number of antennae simultaneously operating at the maximum expected power) are within threshold levels deemed safe by the Federal Communications Commission

- That a qualified, licensed engineer has certified that the proposed telecommunications facility will not cause interference with existing telecommunications devices, nor with the operations of radios, televisions, cell telephones, computers, and other electronic equipment, on adjoining and nearby properties
- That propagation studies of the proposed site and the applicant's proposed existing wireless telecommunications facilities immediately surrounding the proposed site, demonstrate that the proposed facility will, in fact, satisfy the applicant's service goals in the area to be covered by the proposed wireless telecommunications facility
- That the visual impact to the area surrounding the proposed site due to the height or bulk, or other visual characteristic, of the proposed facility is limited to a level acceptable to the City Council. The City Council may require the applicant to provide photographic simulations or other evidence to demonstrate what the proposed facility would look like if constructed as proposed at the site
- That the applicant has demonstrated sufficient financial availability to ensure the removal of the proposed telecommunications facility upon its cessation of use. Applicants may satisfy this requirement by providing security in the form and amount deemed sufficient by counsel and by a qualified engineer to cover the cost of removal of the facility. The amount and form of security shall be reviewed at least every two years, and the amount thereof increased, if necessary, to equal the amount of the then-established cost of removal

Mr. Phillips informed Council that this was presented to the Planning Board, who held a courtesy hearing. He stated that based on the information provided to the Planning Board, it found the evidence lent to the recommendation for approval to Council, and this was done by unanimous vote.

Mayor Kluttz then opened the floor to the public to receive testimony.

Ms. Bonnie Newell with the Berkley Group, 19423 Callaway Hills Lane, Davidson, North Carolina, stated that on behalf of AT&T, the Berkley Group and Catawba College she wished to thank Council for their time. She stated that a lot of resources and energy have been spent on this request, and the decision to place the tower has not been made lightly. She stated there were approximately 44 people intimately involved in the decision. She indicated she is present today to request Council's approval for a critical part of their infrastructure, and to make cell phones work in the Catawba College area. Ms. Newell stated there is all the evidence in the world to support this request, not only in the booklet provided to Council, but in additional information to be provided. She stated that the cell phone industry has transformed the way we live, and noted 78% of people have a cell phone. She stated she thought a member of the Planning Board summed it up well when he commented on making a telephone call during an emergency and it does not work. Ms. Newell stated it is a critical part of our infrastructure, and

is an essential service. She commented that it has become a safety net for her and her family, and will continue to be a part of how people communicate. She stated that her company has thought through all of the issues that Council may have heard from the neighbors. She indicated Catawba College is a very large land owner with 38 acres, and the College is allowed to put the tower there if it meets the criteria. She stated Catawba College has been sensitive to the neighbors, and although she is not sure if there have been many forums, she is certain they have spent a great deal of time making sure the tower is in the right spot and looks good on the campus. She applauded Catawba College's efforts and thanked them for their patience. Ms. Newell stated she thinks the use meets all the required principles and specifications of the Ordinance and any adopted Land Use Plans. She stated the opening statement of the City of Salisbury's website states that the City aims to bring various services within easy reach to the community and she believes her company meets this. She stated that the proposed plan, as submitted, will be visually and functionally compatible, and indicated all evidence shows this because the tower is in a slight hole and heavily lined with trees. She indicated the public, health, safety and welfare will be assured and all of the documentation provided assures this to be the case, from engineering, to collapse of the tower. Ms. Newell stated the document provided to Council proves all of this.

Mr. Chad Lewis, Director of Technical and Instructional Support, Catawba College, 2300 West Innes Street, stated that part of his responsibility is telecommunication infrastructure at the College, and this includes landlines to cellular technology. Mr. Lewis stated that when he first inherited the responsibility of telecommunications he spent a significant amount of time talking with the College's public safety officers. He noted their number one concern was being able to be reached by the students, regardless of time of day, or day of the week. Mr. Lewis stated he has found Catawba College has significant dead-zones, as indicated in the map that was shown, where public safety officers cannot be reached. He noted the College has received various student complaints from Student Government Organizations, to individual students who have indicated they called public safety and were not able to get through. Mr. Lewis stated that by constructing the tower in the selected location, the College will ensure the tree lines and existing foliage is adhered to, because very little will be removed and it will be replaced by double what is taken away. He stated putting the tower in this location will significantly increase the coverage on the athletic fields, where students are on the weekends, or the middle of campus where students are in the day and night, as well as inside the dorm-rooms. Mr. Lewis stated he was recently in the middle of campus during the night and students were out, so he knows they are out and about at all times. He commented that if a student has a problem in the middle of campus at 2:00 a.m. and tries to contact public safety, he does not want them to be unable to reach them. He commented that as a parent he would be disturbed to know his child is carrying a device, but cannot reach help when needed. He stated security on campus is critical today, and since he is responsible for telecommunications he knows there are not many landlines being used in dorm-rooms. He noted that because of the architecture of the dorm-rooms and academic buildings, which are primarily concrete, cinder-block and brick, regular cell phone signals do not penetrate very well without significant enhancements. Mr. Lewis stated the cell phone tower will provide the enhancements and ensure the safety of students, employees and visitors to the campus.



Mr. Eric Nianouris, 700 Club Drive, stated he is Director of Facilities at Catawba College and asked Council to understand the most important part of the facilities side of the College are the students. He stated that he heard Ms. Blackwell indicate she received an email from a citizen in Salisbury who was concerned about the aesthetics of the campus, and indicated there is no one more concerned about the aesthetics of the campus than Catawba College. Mr. Nianouris stated this is a very important asset, and when this type of project is considered, the aesthetics of the campus is a main concern. He reiterated that aesthetics and student safety are really what this issue is about. He stated he works closely with Mr. Lewis and when there are public safety officers out of reach at 2:00 a.m., it is frightening. Mr. Nianouris referred to a comment made by Planning Board member Mr. Albert Stout who stated that when a call is made for help and no one answers, it is a terrible feeling. He commented that for an 18 year old student who is 60 hours away from home and there is a problem, it is a terrible situation. Mr. Nianouris stated Catawba College strives to do all it can to prevent that from happening, and this is the only solution they have been able to find.

Ms. Joanne Fisher with the Berkley Group, 2736 Pepperell Lane, Charlotte, North Carolina, stated that they have been working on this project for quite some time, and there has been a great deal of oversight and thought put into it. She added that in addition to the College's involvement, AT&T has also been involved. She stated the Berkley Group has had to meet a number of standards with both the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA), and the State Historic Preservation Commission. Ms. Fisher stated an outside agency was hired to perform an impact assessment of the site, along with outside radio frequency engineers, to make sure the Berkley Group has done the best job it can. She noted that approval was received from all of these organizations and experts who agree that this is an appropriate site, meets the needs of the College, has been done in a professional and appropriate way, and will lend itself well to the community.

Ms. Ann Brownlee, 400 Lantz Avenue, indicated she wanted to address the cumulative effects of the impact of Catawba College on the neighborhood. She stated this is one of the nicest neighborhoods in town, where people like to walk and jog. She displayed photographs of Catawba College's parking lot during a football game, and noted the streets are full, even though there are no parking signs. She indicated people park in vacant lots or in someone's driveway, and displayed photographs of people tailgating. Ms. Brownlee referred to a photograph and said it was an all-night campout and the people were drunk. She also noted a photograph of trash outside of a house and indicated it was from a homecoming party. She stated there are two places in the neighborhood that get everything Catawba College does not want on campus. She displayed another photograph and stated the site in the photograph has accumulated trash over the last several years and is an eyesore. She indicated the College periodically rents things out, and referred to a photograph she said was a weekend racetrack. Ms. Brownlee displayed photographs of Newman Baseball field, noting the side of the field facing campus and the side facing the neighborhood. Ms. Brownlee indicated there are posted speed limits of 25mph, but there has never been a single ticket written, and no one pays attention to the signs and speed. She commented that she does not want to look at this when she sits on her deck. She stated the neighborhood is already burdened and does not seem to get help from either the College or the City. She stated these are not just houses, but their homes and not part of the campus.

Mr. Merle Dye, Lantz Avenue, stated he supports Catawba College but not the tower. He stated one of the main reasons he does not support the tower is because of land value decreasing. He noted that he recently spoke to a relative in Charlotte who indicated they could not obtain insurance for their property because there was a cell tower on it. He indicated there are health issues associated with the tower and referred to a study by Dr. Bruce Hocken in Australia, who found that children living near three television and radio broadcast towers similar to the cell tower, had more than twice the rate of leukemia than children living more than seven miles away. He stated that Dr. Neil Cherry, a biophysicist, indicated public health surveys of people living in the vicinity of cell site base stations should be carried out now and continued over the next two decades because effects such as miscarriage, cardiac disruption, sleep disturbance, and chronic fatigue could be early indicators of adverse health effects. Mr. Dye noted a report by Dr. Gerald Highland, a physicist who stated existing safety guidelines for cell phone towers are completely inadequate. Mr. Dye stated that according to Mount Shasta Bioregional Ecology Center studies have shown that even at low levels of this type of radiation, there is evidence of damage to cell tissue and DNA, and it has been linked to brain tumors, cancer, suppressed immune function, depression, miscarriage, Alzheimer's Disease, and numerous other serious illnesses. Mr. Dye urged Council to give serious consideration to the health issues and the land value issue with this request.

Mr. Mike Mangum, stated he is co-owner of WSTP located at 1105 Statesville Boulevard, which is less than a quarter of a mile from Catawba College. He stated that they have a tower that was built in 1937, took two years to construct, and was completed in 1939. He indicated this was one of two towers built, and it has gone through hurricanes and storms and continues to operate. He indicated that as a broadcaster, he has never run into any problems with people having shrunken heads around towers, and he has been in the business for over 48 years. Mr. Mangum stated his radio station is mandated by the FCC and the FAA to maintain the tower, and at one time there were other antennas located on the tower. He indicated he would offer an alternative to constructing a new tower. He stated his tower is already in place, has been re-skirted, re-painted and re-lit, and is 300 feet tall. He noted the tower has been in the community since 1939 and has never offended anyone, and is quite invisible. Mr. Mangum offered the opportunity for the Berkley Group to look at his tower, and possibly utilize it. He noted that towers are needed for radio, television, and cell phones, and he considers his tower and radio station an integral part of the community.

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

Senior Planner Preston Mitchell requested Council disregard comments regarding land values unless that claim is corroborated with expert witness testimony. He noted there is a new General Statute that states comments regarding traffic volumes and land values need to be disregarded unless backed-up with expert testimony.

Councilman Kennedy asked if the Berkley Group had looked at the existing tower as a use for this purpose.

Ms. Newell indicated she met Mr. Mangum approximately two years ago in order to try to solve a problem for Sprint. She stated they did look at his tower, and noted that in the documentation provided to Council, there is a comment from the AT&T radio frequency engineer who looked at the tower. She stated that the existing tower would be great if it were located in the right spot, but unfortunately it is located too close to an existing site, and too far away from the problem.

Mayor Pro Tem Blackwell indicated she was very appreciative of the information package and stated she has never received this much information. She stated she felt it was very informative and helpful in understanding the issue. She indicated she noticed in the response from the Planning Board, that it encouraged the College and the Berkley Group to meet with the neighborhood prior to the Council meeting, and asked if this happened and the result of the meeting.

Mr. Phillips stated Ms. Newell (from the Berkley Group) was in direct contact with the residents, but he is unaware of such a meeting. He stated there was contact with the residents to set up one-on-one meetings, if requested.

Ms. Newell stated that the residents' comments were taken very seriously, and the Berkley Group believes a public hearing is an opportunity to talk. She stated they were aware there was a desire to meet, and did talk with two people at length regarding their concerns. She noted they have seen Ms. Brownlee before and offered her the opportunity to call them. Ms. Newell stated that 38 letters were mailed on August 31, 2010. She stated they have found community meetings are often not as productive as looking at each individual case. She noted that they received no phone calls in response to the letter. She added that the letters were mailed to those adjacent to the site, and to anyone who signed the petition presented at the Planning Board, but not presented to Council. Ms. Newell stated that the names were somewhat illegible, but she is sure the addresses were correct.

Councilman Woodson asked if the Berkley Group originally contacted Catawba College, or if Catawba contacted the Berkley Group. Ms. Newell responded that it was AT&T, Catawba College and the Berkley Group at the same time. She stated Catawba College realized there was a need approximately two and one-half years ago, and commented that the iPhone has changed many things. She indicated the need has increased since the popularity of iPhones, iPads and wireless transmission. She stated the Berkley Group was contacted by AT&T to work on this project, and within days all the groups were introduced. Mr. Woodson commented that it probably originated from the students complaining about reception, and then the College talked with AT&T.

Mr. Lewis stated that when Catawba College began to look at cell phone technology two and one-half years ago, they took phones from each carrier around campus to see what the students were experiencing. He noted that the majority of carriers had problems on the campus. Mr. Lewis stated that he spoke with each carrier to see how they might help Catawba, and AT&T offered to partner with the College to construct a tower to help solve the problem. He indicated that AT&T understood iPhones were a big niche for students, and were willing to partner to construct the tower to improve the students' experience with technology. Mr. Lewis stated he

spoke with all of the carriers, but AT&T was the one willing to act and do something to solve the problem students were experiencing with cell phone signals on campus.

Ms. Newell stated AT&T realized there were holes in coverage, and there are many budgetary and demand issues involved, but they have been looking at this for some time. She stated they need to fix this for many reasons, and they are obligated from their license to make this work efficiently.

Mr. Lewis stated that, not only will students benefit from this, but anyone who is in this area will reap the benefits of the improved cell phone signal.

Ms. Blackwell indicated that because the information provided to Council was so lengthy, it contained several points that she thought were positive. She indicated it is her understanding that the monopole is not a tower with multiple structures, and from the ground it more resembles the light poles already on campus. She stated the antennas on top are not spread out, but are close to the pole and not as visibly intrusive. Ms. Blackwell stated she was impressed that the greenery will be cleared by hand, rather than using a bulldozer so that trees will not be wasted. She commented she was concerned when she heard of the health concerns, but noted this meets the Federal Communication Commission's requirements for health. She stated she is very sensitive to neighborhoods and she does hear their concerns, but she also hears that the Berkley Group offered to meet with the neighborhood, and Catawba College is being very careful for its students. She stated that she has a teenage girl in her home who will be heading to college soon, and she would not want to think her safety would be a concern on campus, and for this reason she will vote in favor.

Mr. Kennedy stated he will also support the request because of the need as expressed by the Berkley Group and Catawba College. He indicated he has not heard any evidence to indicate anyone's health will be hurt, and no proof has been offered.

Mr. Woodson stated that the booklet provided to Council was excellent and the picture of the tower itself shows it to be un-intrusive. He commented that it is just a pole and does not have all of the satellite dishes on the side, and he does not think it will hurt the land value of the property. Mr. Woodson stated several years ago the hospital constructed multi-deck parking and it affected his neighborhood. He commented that many people were concerned, but it has not made any difference, and noted that it was a major structure, and this is just a pole.

Councilman Miller indicated that in regards to the FCC information, it indicates this is within safety limits, while others contend it is not. He stated that he assumes the people at the FCC know what they are talking about, and he assumes the information is correct. He noted that in regard to the impact on the neighborhood, people want cell phone service but do not want a tower in their back-yard. He stated he thinks the location is a good one, and the photographs shown in the information given to Council do not cause concern. He added that Catawba College has a higher burden of desire to make sure it does not impact their campus, and if they are satisfied, then he is too. Mr. Miller stated that the alternate site is not a part of Council's discussion, but the discussion is whether the Special Use Permit is appropriate. He noted that if the parties involved cannot come to an agreement and want to consider an alternate site, this is

not Council's decision. He noted a concern was raised that Catawba College will make money doing this. He stated he is not sure he finds fault with this, and is not sure this has anything to do with the Special Use Permit. Mr. Miller stated the request is either appropriate or it is not, but if Catawba College happens to gain a contract as a result, it is not a concern. He stated that from his perspective this fits within the perimeters given to Council, and he finds no fault with the facts given by the petitioner.

Mayor Kluttz stated there are few things more important to City Council than neighborhoods and appearance, and Council is very careful and sensitive to this. She stated Council would not do anything to hurt any neighborhood in the City. She commented that she lived in this neighborhood when she was young, and she thinks this is a beautiful neighborhood that is very special to her. She stated she thinks City Council appreciates when neighbors are passionate about neighborhoods and nothing makes Council happier when it is trying to make a decision than to have people come in who really love their neighborhood, neighbors, and appearance and do not want it to change. She stated Council is very grateful for everyone's input. Mayor Kluttz indicated she is sorry there was not an organized neighborhood meeting, and perhaps this was not made clear by the Planning Board. She stated that Salisbury may do things differently than other larger cities because Council appreciates the fact that in this City people can come together and have an opportunity to voice their opinions. She reiterated that she is sorry the meeting did not take place and that this upset neighbors. Mayor Kluttz stated that the most important thing to Council is safety of citizens, especially for children and young people. She noted Council held a retreat at the Environmental Center on the Catawba College campus several years ago and no one in attendance could use their cell phones. She commented that as recently as last month, she took a group of international students from Japan to visit Catawba and the Environmental Center. She stated she could not get cell phone reception and had to go outside in the 100 degree heat to communicate. She noted this was an inconvenience for her, but she is very concerned when it is a safety issue for the students. Mayor Kluttz stated that she thinks Catawba College is very careful about its appearance, and the fact that they want this on their campus says a lot to her. She also referred to a letter from the State Historic Preservation Office that agreed that this was visually and functionally compatible. She noted the Planning Board studied this issue and was unanimous in its decision that this should be approved. She indicated Council received a letter from the Catawba College President that states there is no service at all on part of the College campus. She stated that for these reasons she supports the request.

Mayor Kluttz asked Council to look at the Findings of Fact and commented that each member of Council must judge from the Findings of Fact whether or not this is appropriate.

Mr. Miller stated that having spent six years on the Planning Board and dealing with issues involving Catawba College campus and the neighborhood, he thinks there can be improved lines of communication. He noted that if he were a neighbor and had to see toilets sitting outside of a structure, he would not want to see this either. He encouraged both sides to make this a priority, noting he is not putting fault with either side.

Mayor Kluttz noted that a request was received from the Catawba College Board of Trustees to meet with the City Manager and her later this month for this very reason. She stated

there is a desire to improve communications between Catawba and the City, and this will be a good time to bring up this particular point.

(d) Findings of Fact

Thereupon, Mr. Miller made a **motion** that Council finds the following Findings of Fact:

- a. The use meets all applicable regulations of the City of Salisbury, FCC and FAA
- b. The proposed plan will be visually and functionally compatible with the surrounding area
- c. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property
- d. The seven Special Use Permit standards for towers have been met

Mr. Kennedy seconded the motion. Mr. Woodson stated he would also like to add the safety of students on campus to the Findings of Fact. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

(e) Thereupon, Mr. Kennedy made a **motion** to issue a Special Use Permit, SUP-04-2010 for the installation of a 175-foot monopole telecommunications tower to be located on the campus of Catawba College. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz thanked everyone from both sides of the issue who helped Council make this decision. She noted that decisions are never easy, and Council is very careful as to how they are made.

## **RESOLUTION – ENTERPRISE SYSTEM REVENUE REFUNDING BONDS**

Ms. Teresa Harris, Budget and Performance Management Manager, addressed Council regarding Enterprise System Revenue Refunding Bonds. Ms. Harris indicated interest rates for governmental issuers have fallen over the past few months, and with this decline the City has the opportunity to refund three previously issued revenue bonds. She indicated the bonds are Series 1998A, 2002, and 2007. She pointed out the estimated refunding from the three bonds will result in approximately \$1,700,000 in savings for the Water/Sewer Fund.

Ms. Harris requested Council authorize staff to continue the process required to issue the refunding bonds. She explained that in order for the bonds to be refunded, Council is required to approve a Resolution that will provide the following:

- Authority for staff to apply to the Local Government Commission (LGC) for approval of the bonds
- For the City Manager, Management Service Director, and the City Attorney to be designated as the City's authorized representatives

- For designating Bond Counsel, Underwriter, Counsel to the Underwriters, and Financial Advisor
- For a private sale without advertisement of the Bonds
- Set a savings threshold for refunding a single series and for refunding all series bonds
- Make certain findings that are required by the LGC for the issuance of debt

Ms. Harris noted that if Council adopts the Resolution, staff, together with the designated professionals, will continue the process to refund the bonds.

Councilman Kennedy indicated if the City can save \$1.7 million in debt is something that should be done.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution making certain findings and determinations with respect to the issuance of combined Enterprise System Revenue Refunding Bonds of the City of Salisbury, North Carolina, authorizing the filing of an application with the Local Government Commission for approval of such bonds and requesting the Local Government Commission to sell such bonds. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

**RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE ISSUANCE OF COMBINED ENTERPRISE SYSTEM REVENUE REFUNDING BONDS OF THE CITY OF SALISBURY, NORTH CAROLINA, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SUCH BONDS AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL SUCH BONDS.**

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 20-21, and is known as Resolution No. 2010-19.)

**LEASE AGREEMENT – T-MOBILE SOUTH, LLC**

Mr. Randall Moran, Technology Services Manager, addressed Council regarding a lease agreement with T-Mobile South, LLC. Mr. Moran indicated the City was approached by T-Mobile to renew their lease for an antenna facility on the roof of The Plaza, located at 100 West Innes Street. He stated the area is approximately 273 square feet.

Mr. Moran reviewed the basic terms of the lease:

- Monthly rent of \$1,500 per month with periodic increases in rent
- The initial term will be five years
- Additional three successive five-year terms are set forth provided T-Mobile notifies the City in writing, one year prior to the expiration of the initial term or any renewal term intention to renew this lease, and provided the City consent to each renewal

- The City will have the right to not renew this lease provided the Lessee notifies T-Mobile in writing, one year prior to the expiration of the initial term or any renewal term
- T-Mobile will provide all appropriate indemnification and insurance as required by the City

Councilman Woodson asked if this is a small section of the roof. Mr. Moran responded that it is a small section.

Thereupon, Mr. Woodson made a **motion** to approve a lease contract with T-Mobile South, LLC effective November 1, 2010, for an initial five-year term, with three additional five-year renewal terms based upon mutual agreement, to lease approximately 273 square feet of property located on the roof of The Plaza, 100 West Innes Street. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

### **DUKE NET COMMUNICATIONS – OPERATION OF FIBER IN PUBLIC RIGHT-OF-WAY**

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding an agreement with Duke Net Communications to install fiber in the public right-of-way. Ms. Brindle pointed out this request is similar to the Duke Net Communications request approved by Council August 8, 2010. She stated Duke Net has requested to operate approximately 450 linear feet of telecommunications cable in the public right-of-way.

Ms. Brindle reviewed a map indicating the cable will be located on Church Street between Kerr and Cemetery Streets. She noted Duke Net will be required to pay a per foot annual tax on this installation. Ms. Brindle stated staff has reviewed the agreement and requests Council's approval.

Thereupon, Mr. Miller made a **motion** to approve a request from Duke Net to operate approximately 450 feet of telecommunication fiber in the public right-of-way in accordance with Section 11-24(27) of the City Code. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

### **SUMMIT DEVELOPERS – TEMPORARY USE OF SIDEWALK LOCATED AT 201 NORTH LEE STREET**

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding a request from Summit Developers for temporary use of the sidewalk and a portion of the travel lane along Depot and Lee Streets.

Ms. Brindle displayed a map depicting the affected area. She stated that in the spring of 2010, the Yadkin House notified the City that the dental block molding along the top of the building was decayed and pieces had fallen off. She indicated staff decided to close the sidewalk



around the Yadkin House for public safety. She pointed out Yadkin House is ready to proceed with renovations on the dental block molding. She noted Summit Developers has requested to keep the sidewalk closed during the repairs, and to close a portion of the travel lanes along Depot and Lee Streets to perform the work. She explained Summit Developers understands they will be responsible for the barricades for the area.

Ms. Brindle indicated the rehabilitation at Yadkin House will be completed in approximately two months, and because the request for use of the right-of-way exceeds 14 calendar days, Section 22-50 of the City Code requires Council approval.

Councilman Kennedy indicated there is usually a set timeframe for road closings, but for the safety of the citizens he supports the request.

Thereupon, Mr. Kennedy made a **motion** to approve temporary use of the sidewalk on Council, Lee, and Depot Streets and a portion of travel lanes on Lee and Depot Streets for exterior rehabilitation of the Yadkin House, 201 North Lee Street. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

### **STAFF REPORT – STREET LIGHTING**

Ms. Vickie Eddleman, Street Lighting Technician, gave Council an update regarding street light nighttime patrols. Ms. Eddleman thanked the City's Geographical Information System (GIS) Department and Fire Department for their support to complete the nighttime patrols. She indicated that in 2009, Council requested the nighttime patrols be expanded to include residential areas. She noted that during the initial patrol 183 malfunctioning lights were found. She pointed out the patrols in April 2010 found 101 malfunctioning street lights, and the Fire Department's most recent patrol found only 76 malfunctioning lights.

Ms. Eddleman stated staff also monitors the number of calls made by citizens to report malfunctions, and typically 20 to 30 calls were received per month. She pointed out staff has observed these patrols only affect the number of calls for a one month period after malfunctions have been repaired. She indicated staff recommends Council reduce the number of nighttime patrols to once per year in August or September, so repairs can be made prior to the fall time change.

Councilman Kennedy asked if the request is to reduce the number of patrols, and if staff will continue to accept call notifications of malfunctioning lights. Ms. Eddleman responded this is correct.

Mayor Pro Tem Maggie Blackwell asked staff to explain the patrol process.

City Manager David Treme indicated the Fire Department patrols the City for malfunctioning street lights and makes a list of malfunctioning lights, which is then shared with the City's Street Lighting Division and Duke Energy. He pointed out that in August or September, prior to the fall time change, the City makes repairs to the malfunctioning lights. Mr.

Treme indicated if this practice is continued on a yearly basis, the number of malfunctioning lights should continue to decrease.

Thereupon, Mr. Kennedy made a **motion** to approve street light nighttime patrols once per year prior to the fall time change. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

### **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

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

Ms. Johnnie Leach

Term expires 3/31/13

Mayor Kluttz stated she is the liaison to the Parks and Recreation Advisory Board, and is very happy about the nomination. She indicated the City will receive \$44,000 from the Railroad for the Lincoln Park Master Plan, which is part of the City's park system. She pointed out it is important that someone is appointed to the board who is a neighbor in the area, and she feels Ms. Leach will do an excellent job.

### **RESOLUTION – EQUAL REPRESENTATION ON THE ROWAN-KANNAPOLIS ABC BOARD**

Mr. Doug Paris, Assistant to the City Manager, addressed Council regarding a Resolution to preserve equal representation for the City of Salisbury and the City of Kannapolis on the Rowan-Kannapolis ABC Board. Mr. Paris stated the Rowan-Kannapolis ABC Board has been a topic of interest recently, and asked Council to consider approving a Resolution to preserve Salisbury's equal representation on the Board.

Mr. Paris stated that earlier this year the City of Kannapolis requested an equal seat for itself and the City of Salisbury on the Rowan-Kannapolis ABC Board. He indicated Salisbury immediately supported the request. He pointed out the Rowan and Cabarrus Legislative Delegation members supported equal representation on the Board, and noted that on July 7, 2010 equal representation was included in the Statewide ABC Modernization Bill.

Mr. Paris stated that the Rowan County Board of Commissioners attempted to expand the Rowan-Kannapolis ABC Board to five members through an amendment to the original ABC Modernization Bill. He indicated the amendment failed by a 3-1 margin in the Senate because it demonstrated unequal representation. Mr. Paris pointed out the Statewide ABC Modernization Bill was unanimously approved by the House of Representatives giving equal representation to Rowan County, the City of Kannapolis, and the City of Salisbury.

Mr. Paris indicated Council appointed Mr. David McCoy to the ABC Board as its representative, and the City of Kannapolis will make an appointment in 2011. He noted Rowan County will appoint the third seat in 2012.

Mr. Paris stated that today at 4:00 p.m. the Rowan County Board of Commissioners will begin a second expansion attempt through a Resolution requesting the Rowan-Kannapolis ABC Board be expanded to five members.

Mr. Paris reviewed store representation of the Rowan-Kannapolis ABC Board:

- Six of the seven stores are located in Salisbury and Kannapolis
- One store is located in Rockwell
- All stores are municipal in nature
- Three of the seven stores are located in Cabarrus County
- Could question if Cabarrus County should be given a seat on the Board

Mr. Paris reviewed the distribution of revenue of the Rowan-Kannapolis ABC Board:

- 90% of revenue is generated in the Kannapolis and Salisbury stores
- 22.5% of revenue is distributed to Salisbury
- 22.5% of revenue is distributed to Kannapolis
- Distribution ratio is determined by legislation
- For every \$1 generated Salisbury receives approximately \$.50

Mr. Paris stated moving forward, representation and distribution of profits should be based on store location and revenue generation, and the distribution formula should be updated to accurately reflect where the revenue is generated.

Mr. Paris explained that the Resolution before Council seeks to preserve Salisbury's equal representation on the Rowan-Kannapolis ABC Board, and requests that appointment changes cannot be made without agreement by Salisbury, Kannapolis, and Rowan County.

City Manager David Treme stated he feels the current representation is fair. He indicated the State Legislature passed the ABC Modernization Bill, and the Governor signed it into law to provide fair representation, and the Bill should not be amended unless all parties agree.

Mr. Treme indicated decisions made in Raleigh impact the City, and the City's representation in Raleigh has increased. He noted the Mayor is in Raleigh often, and several other City personnel are there on a regular basis to protect the City's interest and make sure Salisbury's voice is heard.

Mr. Treme stated he thinks Mayor Kluttz and Council have appointed an excellent representative to the ABC Board, and the citizens will be well served by the actions taken by Council.

Councilman Woodson indicated he is surprised an issue with a 36-12 vote in the Senate would be back before the Senate again this soon.

Mayor Kluttz stated she is surprised this issue is coming up so quickly after passing in the State Legislature. She indicated Council is addressing this issue at this time because Rowan County is considering a Resolution to request the expansion of the ABC Board on its agenda today. She stated the City's Resolution is to make sure the State legislators understand how Salisbury feels about this issue. She noted her surprise that this issue is returning to legislators so soon, when the long session will not begin until January.

Mayor Kluttz stated she feels the current ABC Board is excellent, and equal representation allowed Salisbury to appoint an outstanding representative, who can offer his expertise and provide oversight to the operations.

Mayor Kluttz indicated this is a fairness issue, and she thinks Council needs to approve the Resolution to let the State Legislators know that their initial ruling was correct.

Councilman Kennedy indicated he supports the current representation, but thinks Council should consider requesting the incorporation of Salisbury in the name of the Rowan-Kannapolis ABC Board at a later date.

Thereupon, Ms. Blackwell made a **motion** to adopt a Resolution of the City of Salisbury requesting that the Rowan and Cabarrus legislative Delegation preserves the City of Salisbury and the City of Kannapolis's equal representation on the Rowan-Kannapolis ABC Board. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz thanked Mr. Paris for the presentation, and the excellent job he does following activity in Raleigh.

RESOLUTION OF THE CITY OF SALISBURY REQUESTING THAT THE ROWAN AND CABARRUS LEGISLATIVE DELEGATION PRESERVES THE CITY OF SALISBURY AND THE CITY OF KANNAPOLIS'S EQUAL REPRESENTATION ON THE ROWAN-KANNAPOLIS ABC BOARD.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 22, and is known as Resolution 2010-20.)

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

(a) Update on Property Conditions Located at 310, 312, 318, and 320 East 11<sup>th</sup> Street

City Manager David Treme addressed Council regarding property conditions at 310, 312, 318, and 320 East 11<sup>th</sup> Street. Mr. Treme indicated the properties have received a great deal of press coverage, and he wanted to give Council an explanation of what has transpired involving

these properties.

Code Services Manager Chris Branham displayed a map of the area, which is adjacent to North Long Street, and indicated the four properties are located on one parcel.

Mr. Branham reviewed a timeline of events involving this property:

- November 16, 2006 – Structure A (310 East 11<sup>th</sup> Street) caught fire
- March 23, 2008 – Public hearing for structure A was cancelled by Mr. John King's attorney, who stated the property was still being reviewed by the insurance company
- November 20, 2009 – Notice of hearing sent to Mr. John King for all structures on property
- December 9, 2009 – Public hearing, no one present – Mr. John King stated a grant of \$25,000 per structure had been allocated to repair the structures
- Upon researching the grant information, staff found no such grant was issued or available
- May 27, 2010 – Administrative Inspection warrant obtained to carry out an interior inspection of all structures on the property because of a reasonable cause that living conditions existed that were below minimum housing standards of living
- May 28, 2010 – Inspection completed of the interior of all structures

Mr. Branham reviewed photographs of all of the structures on the property, noting such violations as egress issues, mold, exposed electrical wiring, improperly operating sanitary facilities, floor in disrepair, internal accumulation of garbage or raw sewage, and multiple fire hazards. He indicated there were multiple families living in these properties.

Mr. Branham reviewed additional events involving this property:

- August 31, 2010 – Findings of Fact letter sent and 30 days given to either repair items needing to be repaired, or give written plan of action stating when repairs will be completed
- September 11, 2010 – Deadline to file an appeal on the decision made by the Minimum Housing Inspector
- September 30, 2010 – Compliance date for items to be repaired
- October 5, 2010 – Request City Council to consider adopting a demolition Ordinance

Mr. Branham noted that if the structures are still occupied following the above action, the following will take place:

- October 6, 2010 – Letter sent to occupants, with copy of adopted demolition Ordinance attached, stating the structures are to be vacated
- November 8, 2010 – Minimum housing inspector to file eviction notices with the magistrate for remaining occupants of structure

Mr. Branham indicated the properties are considered dilapidated because the value of each structure is approximately \$10,000, and repairs for each structure appear to be greater than \$5,000 each.

Mr. Branham reviewed Police Department service call to this area:

- There have been a combined 58 calls for service in the past two years that have originated from these properties
- Multiple issues have began at these properties and carried over into other nearby locations
- Calls for service have included
  - Disturbances
  - Threats communicated
  - Suspicious drug activity
  - Assist other agencies
  - Larceny
  - Suspicious vehicles
  - Service of warrants
  - Suspicious persons
  - Domestic violence
  - Assaults
  - Vandalism

Mr. Branham indicated that according to the Rowan County Register of Deeds website, Mr. John Wesley King has owned the property and structure at 310 East 11<sup>th</sup> Street since 1997, when it was purchased from Mr. Hoa Duc Vo.

Mr. Branham stated the issues with these properties encompass the reason the City, citizens, and Council have found it necessary to pursue the enforcement of the Minimum Housing and Nuisance Codes. He indicated the goal in every situation is to educate and communicate with the individual who is not in compliance with the City Code.

Councilman Kennedy indicated he was a Councilmember at the time these properties were purchased by Mr. King, and at that time the City wanted to enforce the Code. Mr. Kennedy stated he asked the City to give Mr. King time to bring the property into compliance, but over the years nothing has been done. He noted he is concerned about the tenants of the properties, and pointed out that tenants who live in these situations often do not have the knowledge or means to obtain public housing. He stated no one in the City should live in these conditions. Mr. Kennedy stated he feels the tenants need to be addressed to try to get them into a safe, clean place before moving forward with the demolition.

Mayor Kluttz asked if it is legal for Council or staff to interfere with a rental agreement until the legal steps have been taken. Mr. Branham indicated that in these cases, staff usually gives the tenant information regarding social service agencies in the area, and leave it to the tenant to make the decision. Mr. Kennedy asked if this information has been given to these

tenants. Mr. Branham responded that he has not provided the information to these tenants at this point, but will provide it to them.

Mayor Pro Tem Maggie Blackwell stated she finds the photographs disturbing, and noted it is of great concern that people are living in these situations. She indicated the fact the City was accused of gentrification by addressing this issue is laughable.

Mr. Treme indicated this is an update and he is not requesting any action by Council at this time, but pointed out he will encourage the Code Services Division to proceed with this issue. He stated that because there was a march, demonstration, and news coverage regarding this issue, he wanted to let Council and the public know details of the matter. Mr. Treme commented that staff may have been slower to respond than it should have been, but explained that the City uses caution in private property situations. He noted these are among the worst conditions in the City, and this issue will return to Council as the administrative procedures are handled and this issue comes to a conclusion.

Mr. Kennedy commended Ms. Fannie Butler and Ms. Dee Dee Wright who attended the protest march and defended the City to the protesters.

Mr. Woodson indicated he does not think \$5,000 per unit could bring these properties close to compliance.

Mayor Kluttz expressed her appreciation to Ms. Wright and Ms. Butler for defending the City. She indicated she has suffered verbal abuse, and witnessed it inflicted on the City Manager, Police Chief, and City staff, in both the office and publicly. Mayor Kluttz expressed how hard it is to see people criticize the City for these reasons, when she knows the City works hard to see that all people can have the best living conditions possible.

(b) Grass and Clippings

City Manager David Treme addressed Council regarding recent emails and discussions regarding grass and lawn clippings in neighborhoods. Mr. Treme indicated he is gathering information on the National Pollutant Discharge Elimination System (NPDES) to determine if the City's needs will be met using that particular service. He stated he will continue to review information, and will report back to Council.

(c) Grants Creek Greenway Phase 2

City Manager David Treme congratulated Mr. Dan Mikkelson, Engineering and Development Services Director, for receiving a Supplemental Agreement from North Carolina Department of Transportation (NCDOT) that provides \$193,764 in additional funding for the Grants Creek Greenway Phase 2. He indicated the deadline for project completion has been extended to July 2011.

Mr. Treme requested Council execute a Supplemental Agreement from NCDOT regarding funding for Grants Creek Greenway Phase 2.

Thereupon, Mayor Pro Tem Blackwell made a **motion** that Council accept the supplemental \$193,764 from NCDOT for support of the Grants Creek Greenway Phase 2. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

(d) Promotion of Doug Paris to Assistant Manager

City Manager David Treme announced that Mr. Doug Paris, Assistant to the City Manger, has been promoted to Assistant City Manager, effective September 7, 2010. Mr. Treme noted Mr. Paris works in the legislative arena, and he is directing the City's efforts in Raleigh and Washington, D.C. He added that Mr. Paris is also assisting the City by taking a bigger responsibility in the area of strategic planning and special projects. He stated that the promotion recognizes Mr. Paris's talents and ability as part of the Management Team.

Mayor Kluttz, on behalf of Council, congratulated Mr. Paris for his promotion, and indicated it is well deserved.

## MAYOR'S ANNOUNCEMENTS

(a) NFL Punt, Pass, and Kick Competition

Mayor Kluttz announced the Salisbury Parks and Recreation Department will host the local NFL Punt, Pass, and Kick competition Sunday, September 12, 2010 at Catawba College's Shuford Stadium. Boys and girls ages 8 to 15 are encouraged to compete. Local winners will compete in the sectionals with a chance to advance to the finals held at a Carolina Panthers game. This is a free event, and those interested can register at Hall Gym or for more information call 704-638-5289.

(b) Brick Street Concert Series

Mayor Kluttz announced the Brick Street Concert Series on Fisher Street will present Too Much Sylvia Thursday, September 16, 2010 at 7:30 p.m.

(c) September 11<sup>th</sup> Memorial Service

Mayor Kluttz announced the Salisbury Fire Department will sponsor the September 11 Memorial Service at the Firefighters Memorial located in the 1400 block of South Main Street at 9:30 a.m. There will be parking available on Fulton Street and South Main Street. The Salisbury Police Department will be there to assist in parking, and the public is encouraged to attend the service.



## **OTHER COMMENTS**

Councilman Miller thanked Officer Melonie Thompson, Fire Marshal Terry Smith and EMS personnel for coordinating the volunteer efforts for the BB&T Sunset Run, which was held September 3, 2010.

Mayor Kluttz pointed out the event was hosted by BB&T and the proceeds will go to Rowan County United Way.

## **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 6:13 p.m.

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Susan W. Kluttz, Mayor

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Myra B. Heard, City Clerk