

Salisbury, North Carolina
December 18, 2007

REGULAR MEETING

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

ABSENT: None

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

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.

UPDATE ON PROJECT SAFE NEIGHBORHOODS HOLIDAY FAMILY DAY

Salisbury Police Lt. Rory Collins and Ms. Karen Carpenter, Project SAFE Neighborhoods, reviewed the Project SAFE Neighborhood Holiday Family Day held December 8, 2007 at the Salisbury YMCA on Jake Alexander Boulevard. Lt. Collins stated that approximately six hundred (600) people participated in the Family Day activities and workshops. He indicated that while the activities are fun for children the

focus of the event is to offer workshops to make people aware of the issues facing the community and offer skills they can use to make our community safe. He reviewed several workshops that were offered including a Gang Awareness Workshop, How to Help Children Succeed in School Workshop, a Substance Abuse Resistance Workshop, and a Conflict Resolution Workshop. Lt. Collins thanked United Way of Rowan County for funding the event and City Council members and City staff for supporting and attending the event. He commended the Project SAFE Community Intervention Team and Ms. Karen Wilkinson for their efforts in making the event a success. He indicated that another Family Day event is being planned for April 2008.

Ms. Carpenter reviewed photographs and activities of the event.

Mayor Kluttz thanked everyone involved for the wonderful Christmas gift to the community and indicated that she looks forward to future Family Days.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of December 4, 2007

(b) Petition for Voluntary Annexation

Receive a petition requesting voluntary annexation of 45.322 acres for Wallace Commons and adopt a RESOLUTION directing the City Clerk to investigate the sufficiency of the petition.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31, FOR VOLUNTARY ANNEXATION OF WALLACE COMMONS.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 64, and is known as Resolution No. 2007-43.)

(c) Final Subdivision Plat S-10-07

Approve final subdivision plat S-10-07 for C.N.C.T Investments to divide a 5.485 acre tract located on the corner of Long Meadow Roan and Camp Road into two commercial lots.

(d) Group Development Site Plan G-10-98

Approve group development site plan G-10-98 Villas at Crescent, Laurel Valley Way and Spyglass Hill.

(e) Budget Ordinance Amendment – Damaged Fire Truck

Adopt a budget Ordinance amendment to the FY2007-2008 budget in the amount of \$13,825 to appropriate insurance proceeds for repairs to a damaged fire truck.

AN ORDINANCE AMENDING THE 2007-2008 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS FOR DAMAGED FIRE TRUCK.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 206, and is known as Ordinance No. 2007-69.)

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

RECOMMENDATION TO RENAME BOUNDARY STREET TO MARTIN LUTHER KING, JR. AVENUE

Mr. Dan Mikkelson, Director of Land Management and Development, reviewed the process to date for the proposal to rename a street in honor of Dr. Martin Luther King, Jr.:

- City Council adopted as a goal in February 2007
- Staff Committee Chaired by Councilman Kennedy evaluated streets
 - Studied five (5) corridors that were possible candidates
 - Recommended Boundary Street
- City Council sent staff recommendation to the Planning Board for criteria evaluation
 - Visual prominence of the street
 - Connection of diverse populations and businesses
 - History of Boundary Street's name
 - Impact of address changes
 - Seventy-nine (79) properties
 - Two hundred ten (210) actual addresses
- Planning Board studied and voted unanimously to recommend that Boundary Street be renamed to Martin Luther King, Jr. Avenue
- Public Hearing conducted
- City has continued to receive public input

Mr. Mikkelson stated that one concern received by staff is that the length of the street name may be too long for some computer fields. He noted that the Post Office has confirmed that they will accept an abbreviation and will deliver mail addressed to MLK Avenue.

Mr. Mikkelson noted that if Council votes to rename Boundary Street to Martin Luther King, Jr. Avenue, staff would recommend specifying an effective date. The City will begin posting street signs and the Post Office will continue delivering mail to both the old and new address for a period of one (1) year from the effective date.

Councilman Lewis asked what staff's recommendation would be for an effective date. Mr. Mikkelson stated that staff would recommend either January 1, 2008 or January 21, 2008 which is Dr. Martin Luther King Day.

Councilman Kennedy stated that at the December 4, 2008 Council meeting he presented a petition to Council but inadvertently left out one (1) petition which contained an additional sixty-six (66) names of citizens who support the renaming.

Councilman Burgin stated that the City has received a lot of comments and input on this item. He pointed out that this Council has a strong history of being advocates for equality and bringing the City together and although there is some opposition he feels it is necessary to move forward and support the renaming of Boundary Street. He added that he hopes the future of Salisbury will include the name of Martin Luther King, Jr. Avenue, and from that perspective he will support the recommendation of the Planning Board to rename Boundary Street to Martin Luther King, Jr. Avenue. He commented that he feels it is significant that a predominately white Council is making this change because he feels it speaks to the fact that this Council wants everyone in Salisbury to live in harmony.

Thereupon, Mr. Burgin made a **motion** to rename Boundary Street to Martin Luther King, Jr. Avenue. Mr. Kennedy seconded the motion.

Mr. Kennedy stated that in many cities the naming of a street after Dr. King has caused problems and division of the races in the community, but he is pleased to see that this has not happened in Salisbury. He noted that although there has been some opposition, no one is opposed to Dr. King and his ideas.

Mr. Lewis stated that he received an email insinuating that Council had already decided this issue before the meeting and he wanted to emphasize that this is not true. He noted that in February 2007 City Council adopted a goal to name a street in honor of Dr. King. Mr. Lewis explained that the standard procedures were followed by assigning the goal to a committee for evaluation, sending the committee's recommendation to the Planning Board for their evaluation and holding a public hearing. He noted that the Planning Board unanimously recommended renaming Boundary Street to Martin Luther King, Jr. Avenue. He indicated that he supports the change and challenged the City Council and the City Manager to dedicate tax dollars to make improvements to the street.

Mayor Kluttz stated that she is not an advocate for changing the names of streets. She noted that this should not be taken lightly and should only be done under unusual circumstances. She indicated that this has gone through the process for almost a year and all correspondence in agreement or in opposition has been shared with all Council

members. She noted that she endorses the name change because Dr. King is different and the change symbolizes what he stood for which is equality for all people. She stated that a vote to rename Boundary Street will not change history but will reflect the City's values, mission and commitment to continue to promote and encourage better relations between all people. Mayor Kluttz stated that she feels renaming Boundary Street to Martin Luther King, Jr. Avenue is the right decision and suggested an effective date of January 21, 2008 which is Martin Luther King, Jr. Day.

Mr. Burgin accepted the effective date of January 21, 2008 as an amendment to his motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

ZONING TEXT AMENDMENT T-02-07 LAND DEVELOPMENT ORDINANCE AND ZONING MAP AMENDMENT Z-11-07 LAND DEVELOPMENT DISTRICT MAP

(a) Mr. Preston Mitchell, Senior Planner, reviewed the adoption schedule for the Land Development Ordinance:

- July 11, 2007 - Land Development Ordinance Committee (LDOC) completed the Land Development Ordinance (LDO) and Map
- August 21, 2007 - Delivery of draft documents to City Council
- August 28, 2007 - Planning Board receipt of Resolution of Legislative Intent
- October 4, 2007 - Planning Board Public Workshop
- October 18 and 23, 2007 - Courtesy Hearings
- November 6, 2007 - Planning Board report to City Council
- November 20, 2007 - City Council Public Hearing
- December 18, 2007 - City Council consideration

Mr. Mitchell stated that if Council approves the LDO the Planning Board recommends an effective date of January 1, 2008. He then reviewed the public notification requirements that have been successfully met:

- Per North Carolina General Statutes (NCGS) 160A-384, must place Zoning Petition signs in prominent locations. Mr. Mitchell stated that staff placed thirty-four (34) signs along every street that enters the City of Salisbury's zoning jurisdiction.
- Per NCGS 160A-384 states that if a map amendment affects more than 50 individual properties, may notify via half-page ad in newspaper. Mr. Mitchell indicated that staff placed three (3) half-page ads, one (1) for the Planning Board courtesy hearing and two (2) for the City Council public hearing.
- All property owners outside of Salisbury Post circulation must receive written notice. Mr. Mitchell stated that staff mailed two thousand two

hundred seventy-seven (2,277) letters to residents who live outside of the Salisbury Post circulation area. He added that since July 11, 2007 drafts of the Ordinance and Map have been available for public review via City website, Development Services and City Hall.

Mr. Mitchell indicated that during Council's public hearing held November 20, 2007 several citizens spoke and expressed concerns or asked questions. He noted that Council requested staff to address the concerns after the public hearing.

Mr. Mitchell noted that one question raised at the hearing was why the conversion map process could not include rezoning of properties. He explained that at the beginning of the process the LDOC and the mapping subcommittee established a policy that the map would be a conversion map. He further explained that if adopted, the map would convert from the old zoning to the new, using like or similar zoning. He stated that the committee felt this would keep sixteen thousand (16,000) parcels from requesting individual rezoning.

Mr. Mitchell stated that another concern regarded the potential confusion between Rowan County's Rural Residential (RR) zoning and the proposed City Rural Residential (RR) zoning. He noted that the County zoning jurisdiction is completely separate from the City's zoning jurisdiction and the County operates a completely separate zoning code. He added that the County's document does not cross-reference the City's document and development standards are not shared. Mr. Mitchell commented that the City's Zoning Administrator does not feel that this would be potentially confusing because if a citizen comes to Development Services and inquires about the County's RR standard, they are referred to the County Planning Office. He added that, in turn, the County also refers citizens to the City if they have inquires about City standards.

Mr. Mitchell indicated that during the public hearing staff was asked to address the naming of the Historic Overlay District based on a concern for the acronym. He stated that staff feels addressing this will help clarify what the Historic Overlay District is, as it only addresses the Local Historic Districts. He noted that staff proposes to add the word "Local" to the Historic Overlay District to create the LHO District.

Mr. Mitchell commented that another concern regarded the naming of the Urban Residential Preservation (UR-P) District to match the historic moniker of both districts. He explained that the UR-P is a District proposed for all residential areas on the Local Historic District as well as the National Register Historic District. He stated that staff proposes that the UR-P be changed to Historic Residential (HR).

Mr. Mitchell indicated that staff was asked to address the document complexity and user friendliness and stated that this has been a concern raised on several levels. He noted that he feels the document complexity and user friendliness has been addressed by reformatting Chapter 5 - Building Types and Standards, making it easier to read and understand. He stated that the document has been re-chaptered so that it follows the development process from beginning to end.

Mr. Mitchell stated that staff was also asked to address legal concerns and ensure the City Attorney has had adequate time to review the document. He indicated that the City Attorney received the draft document shortly after July 11, 2007 and he has informed staff that he has reviewed the entire document and does not have any legal concerns for the proposed document. Mr. Mitchell added that staff has also received land use legal advice from the School of Government at the University of North Carolina at Chapel Hill throughout the entire process.

Mr. Mitchell indicated that Council has been presented with the Proposed Land Development Ordinance and the Land Development Map. He stated that the Ordinance includes the recommended revisions by the Planning Board, the recommended revisions by the mock Technical Review Committee, and those comments received by the public. Mr. Mitchell noted that because of the revisions the December 18, 2007 document looks quite different from the first proposal of July 11, 2007. He explained that it looks different because Chapter 5 has been completely reformatted to make it easier to understand. He added the document has also been re-chaptered based on complexity and confusion issues; however, the changes that are material changes in the document have been clearly expressed as either underlined or stricken language.

Councilman Lewis commented that the Planning Board recommends an effective date of January 1, 2008 and asked if staff is ready to implement the new code. Mr. Mitchell answered that staff is ready.

Councilman Burgin stated that the community has invested a lot of time in the new Ordinance. He understands that not everyone will be happy but the proposed Ordinance is a good balance that will help Council enable the Vision 2020 Plan and build a future for the community that is predictable. He indicated that there are some issues that the code will not allow by right, but will be allowed if a longer process is followed. He added this longer process matches what developers go through now with the current code. Mr. Burgin stated that he is excited about getting to this point and supports adoption of the proposed Land Development Ordinance.

Councilman Kennedy commended Councilman Burgin and Lewis for working on this Ordinance for three (3) years. He noted that he has had the document for approximately four (4) weeks and although he has not read every part, he trusts these two (2) Council members. He indicated that members of the LDOC have indicated they still have some concerns, but with the addition of the Oversight Review Committee and the addition of a Council member to the Technical Review Committee, he feels comfortable with the proposed Ordinance. He commented that the Ordinance must be put into place in order for it to be tweaked and he supports its adoption because of the controls that have been put into place to allow for changes if necessary.

Mayor Pro Tem Woodson commented that the development community is nervous about the proposed Ordinance and he can understand since this affects their livelihood. He indicated that he hopes this will keep Salisbury moving forward and he is

sure Councilman Lewis and Councilman Burgin will ensure that this happens. He stated that he received concerns from someone who is building a doctor's office and noted that he assured the person that if something happens in 2008 that the office cannot be built, Mr. Woodson will do all that he can to help them. He added that he feels sure Council will help as well because they want nice buildings built in the community and the Ordinance will not stop that. Mr. Woodson asked if concerns he had expressed regarding Special Use Permits has been added. Mr. Mitchell responded that the use table was changed to incorporate the Special Use Permits. Mr. Woodson commented that the process will take a while but if the development community and citizens want to move forward he is sure any concerns they may have can be worked out.

Mr. Lewis stated that he and Mr. Burgin earn quite a bit of their living from the development community and they would not do anything that would harm potential growth of the community. He stated that he feels the document more closely defines what Salisbury wants to be in the future as it will enable the Vision 2020 Plan. He noted that there were parts of the plan that were too difficult to incorporate as part of the first phase, but those things have been worked out through compromise on all sides. Mr. Lewis commented that he understands that developers fear change because it creates unpredictability, adding that this is where the current process is worrisome. He added that he feels the new Ordinance will eliminate the unpredictability without compromising the community's ability to offer input on what they want Salisbury to be. Mr. Lewis commented that knowing this Council will be in place for two (2) more years to watch over the Ordinance makes him feel good about its adoption.

Mayor Kluttz thanked everyone who was involved in the process. She indicated that the City is very fortunate to have outstanding staff, in addition to the development community and others who served on the task force. She thanked staff for taking time to take the recommendations from the Planning Board and citizens and incorporate them into the revised Ordinance. She noted that there are those in the community who feel the proposed Ordinance should continue to be discussed but she realizes that it will be impossible to please everyone. She pointed out that staff has already spent a great deal of time on the Ordinance and it has limited what they can do in regards to other projects. She commented that she feels staff does not have the time to continue discussing the Ordinance and added that the City has the ability to make changes if needed. She stated that she is in favor of the proposed Ordinance.

(b) Mr. Lewis stated that the City Council finds and determines that adoption of an Ordinance to repeal the Subdivision Ordinance, the Zoning Ordinance and Official Zoning Map, and the Flood Damage Prevention Ordinance, except in specific instances, and adopt the Land Development Ordinance of the City of Salisbury, North Carolina and the City of Salisbury Land Development District Map as described herein in consistent with the goals objectives, and policies of the vision 2020 Comprehensive Plan and adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance adopting the Land Development Ordinance of the City of Salisbury, North Carolina and the Land Development District Map as created therein; and repealing Appendix A, The Subdivision Ordinance; Appendix B, the Zoning

Ordinance, and the official Zoning Map as created therein; and Appendix C, the Flood Damage Prevention Ordinance; all of which are appendices of the Code of Ordinances of the City of Salisbury, North Carolina effective January 1, 2008. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE ADOPTING THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA AND THE LAND DEVELOPMENT DISTRICT MAP AS CREATED THEREIN; AND REPEALING APPENDIX A, THE SUBDIVISION ORDINANCE; APPENDIX B, THE ZONING ORDINANCE, AND THE OFFICIAL ZONING MAP AS CREATED THEREIN; AND APPENDIX C, THE FLOOD DAMAGE PREVENTION ORDINANCE; ALL OF WHICH ARE APPENDICES OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 207-600, and is known as Ordinance No. 2007-70.)

Mayor Kluttz asked for a motion to appoint a Council member to the Technical Review Committee.

Thereupon, Mr. Lewis made a **motion** to appoint Councilman Burgin to the Technical Review Committee. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

REPORT ON MUNICIPAL SERVICE DISTRICT AND INNES STREET INCENTIVE GRANT PROGRAMS

Ms. Barbara Perry, Chairman of the Community Appearance Commission (CAC), and Mr. Bill Safrit, Chairman of the CAC Grants Committee, addressed Council regarding the Municipal Service District and the Innes Street Incentive grant programs.

Ms. Perry stated that the Municipal Service District grant program has been in place for twenty-six (26) years and she reviewed the grant history:

- Public investment 1981-2007 - \$352,000
- Private investment 1981-2007 - \$4,700,000

She indicated that the Innes Street Incentive grant program began approximately eleven (11) years ago and she reviewed the grant history:

- Public investment 1996-2007 - \$209,400
- Private investment 1996-2007 - \$3,893,500

Ms. Perry reviewed statistics from Downtown Salisbury, Inc. which showed that the tax base has increased from \$31.5 million in 1981 to \$72 million in 2007. The net job

gain from 1980-2007 is nine hundred forty-three (943). She stated that she feels the grant programs have greatly enhanced the refurbishing of buildings in the downtown area.

Mr. Safrit indicated that for Fiscal Year 2007-2008 Council allocated \$22,000 for Municipal Service District grants. He stated that since July 2007 the CAC has received eight (8) completed Municipal Service District grant applications and awarded six (6) grants in the amount of \$17,841. He noted that this has been for a total project value of \$81, 257. Mr. Safrit pointed out that the Municipal Service District grant fund currently has a balance of \$4,159, but the CAC has two (2) approved applications totaling \$7,500 that have not been funded.

Mr. Safrit stated that the Innes Street Incentive grant program was allocated \$25,000 in Fiscal Year 2007-2008. Since July 2007, the CAC has received ten (10) completed grant applications and has awarded eight (8) for total project value of \$135,243. He noted that there are no funds remaining in the Innes Street Incentive grant fund, but the Committee has three (3) approved applications totaling \$5,750.

Mr. Safrit asked Council's consideration to allocate \$10,000 for the Municipal Service District and Innes Street Incentive grant programs. He stated that the total value of the five (5) pending projects is \$578,700.

Councilman Lewis commented that recognizing the unique opportunity Council had to participate with the Fisher Street project he feels Council knew this request was inevitable. He added that he feels it is wonderful that there is so much activity downtown and the return on the investment is an important part of the redevelopment of downtown. He stated that the City recently received a favorable financial review and he feels this is a good opportunity and these are good projects that have been well thought out.

Mayor Pro Tem Woodson commented that the return on the City's investment is great and any business would love this type of return.

Councilman Kennedy indicated he supports the request but would like to know where the funds will come from.

Mayor Kluttz stated that she feels Council made a commitment to the Community Appearance Commission because of the additional funds required for the Fisher Street Project. Ms. Perry commented that Fisher Street was an unusual project and has developed well, but it did require more funds than would ordinarily be allocated.

City Manager David Treme asked Council's permission to use his discretion to determine the best way to fund the additional request from the budget. Mr. Kennedy reiterated that he supports the request but citizens need to know where the money comes from.

Councilman Burgin stated that Council made a commitment to the CAC that if they had a good project to bring it back to Council and he feels this is what they have

done. He added that the City has received a good financial report and is able to grant the request. Mr. Burgin stated that when things happen downtown it helps generate momentum and helps stabilize fragile properties.

Thereupon, Mr. Burgin made a **motion** that Council fund the Community Appearance Commission with an additional \$10,000 to get these projects underway with these grants that have been offered and for the City Manager to have some discretion on how the \$10,000 is discovered. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked Ms. Perry and Mr. Safrit and for all that the Community Appearance Commission does for the City.

REPORT – PUBLIC ART COMMITTEE PUBLIC ART PROPOSALS

Ms. Barbara Perry, Chairman of the Public Art Committee, indicated that when the History and Art Trail first began it started on two (2) levels. The first was to create markers for important people, places, and events. Ms. Perry commented that to date twelve (12) plaques have been installed, four (4) are waiting for installation, and four (4) are in the design phase.

She noted that the second level of the plan was for major installations at the following locations:

- The Square
- East Innes Street Entry Bridge
- The Depot
- Confederate Military Prison
- National Cemetery

She indicated that the East Innes Street Bridge project has been put on hold because of issues with the North Carolina Department of Transportation.

Ms. Perry stated that a plaque has been completed for the Salisbury Cotton Mill which began in what is now the Wachovia Parking lot. She noted that the Public Art Committee has decided to do a minor art installation in conjunction with the installation of the plaque at the corner of Church Street and Fisher Street. She stated that the Committee has received approval from Wachovia for the minor installation in this area. She commented that this will be a partnership with Wachovia Bank, Rowan-Salisbury Public Schools and the Public Art Committee, which is a part of the City of Salisbury. Ms. Perry described the art project as a wall that would contain art work by local students depicting the cotton mill and its history. She displayed a similar project and noted the art work will be transformed to clay tiles and the tiles will be randomly placed throughout the wall.

Ms. Perry stated that because the project involves a City right-of-way the Committee needs Council's approval for the installation before proceeding to raise money for the project.

Mayor Kluttz asked if students from all of the Rowan-Salisbury Schools will be included. Ms. Perry responded that all schools will be involved and all art teachers will participate. Mayor Kluttz commented that she feels it is important for City and County relations and as students participate in the downtown walking tour they will be able to see their schools represented in Salisbury.

Councilman Burgin asked if students from private schools will be invited to participate as well. Ms. Perry indicated that the Committee would like to include the private schools but have not yet meet with them.

By consensus, Council agreed for the use of City property for the minor art installation.

Ms. Perry indicated that she and Ms. Lynn Raker, Urban Design Planner, have developed an idea regarding art on loan and conducting an annual art festival that would have revolving art on loan from different locations. She stated that it would not cost the City money, with the exception of providing a location for the art.

Ms. Raker commented that the Public Art Committee is very enthusiastic about starting an annual sculpture show where artists would be invited to submit sculptures for review and to be displayed for six (6) months to one (1) year. She stated that the City would provide bases for the sculptures and the sculptures would meet certain criteria and would be closely monitored. She added that the Committee would like to begin with a minimum of twelve (12) pieces for the first installation.

Ms. Raker indicated that she has met with Risk Manager Richard Kelly regarding any liability the City or the artists might have and he has drafted an agreement to be used. She stated that this is still in the planning stages but could possibly be started in Fall 2008.

Ms. Raker informed Council that local artist Michael Baker has offered to lend the City a sculpture for installation at the new plaza on the corner of Lee Street and Fisher Street. Mr. Baker has offered the use of the sculpture for up to six (6) months. Ms. Raker stated that the Public Art Committee has funds to cover the installation and will build a base with materials remaining from the plaza installation. She commented that the Public Art Committee feels this is a great opportunity to start this type of program and see how the public responds.

Mayor Kluttz commented that this is appealing because it is not permanent and with the sculptures changing periodically she feels it will help tourism.

Ms. Raker indicated that the Public Art Committee will come back to Council once the plan has been refined.

By consensus, Council agreed for the installation of the sculpture on loan at the Fisher and Lee Street plaza.

REPORT REGARDING DAVIS STREET RAILROAD CROSSING

Mr. Dan Mikkelson, Director of Land Management and Development, indicated that the North Carolina Department of Transportation (NCDOT) has submitted a request to either close or signalize the Davis Street railroad crossing. He pointed out the location of the crossing near Jake Alexander Boulevard and Morlan Park Road.

Mr. Mikkelson noted a neighborhood adjacent to the Davis Street crossing and stated that the only way into or out of the neighborhood is by one (1) of three (3) railroad crossings. The crossings are at Pearl Street, Tower Drive, and Davis Street.

Mr. Mikkelson stated that two (2) years ago NCDOT approached Council with a similar proposal to signalize the Pearl Street crossing. He commented that at that time staff felt treating a single crossing would be short sighted and asked for permission to perform a comprehensive study on all three (3) crossings. NCDOT made a counter proposal that they would consider signalizing two (2) of the crossings if the City would consider closing the third.

Mr. Mikkelson commented that staff met with the neighborhood and performed a comprehensive analysis of the crossings and found that it would be best if no changes were made. He explained that this railroad track carries no more than six (6) trains per day and the trains travel at less than twenty-five (25) miles per hour. There is no history of any accident on record at any of the three (3) crossings. He stated that if one (1) of the three (3) crossings is closed it would take away one-third of the storage, which means vehicles would have to remain on Morlan Park Road when waiting for a train to clear rather than being able to move off of the roadway. Mr. Mikkelson commented that the neighbors liked the fact that the three (3) crossings allow traffic to enter and exit the neighborhood in a dispersed pattern.

Mr. Mikkelson indicated that when the new request was received from NCDOT staff responded that this was studied comprehensively two (2) years ago and asked if NCDOT would consider treating all three (3) crossings. He added that NCDOT has not responded to that request to date but if they should agree staff will bring this back to Council. Mr. Mikkelson stated that since this was just studied two (2) years ago and nothing has changed in the area staff recommends leaving the area unchanged.

Councilman Burgin asked to clarify that the City will reject the current proposal because it would like all three (3) crossings open. Mr. Mikkelson stated that the offer would give Council a signalized crossing at one (1) of the three (3) crossings but staff does not feel having one (1) signalized crossing is a benefit. Mr. Burgin stated that he

wants to avoid closing the crossings and commented that if the City agreed to one (1) signalized crossing, perhaps over time NCDOT would agree to all three (3). Mr. Mikkelson responded that this is possible and commented that this was proposed to the neighborhood who felt that because of the low number and speed of the trains they did not feel signalization was a benefit.

By consensus, Council agreed to leave the area unchanged.

ZONING BOARD OF ADJUSTMENT

Upon a **motion** by Mr. Kennedy, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz vote AYE, the following appointment was made to the Zoning Board of Adjustment to fulfill and unexpired term as a City Alternate:

Ms. Dee Dee Wright Term expires 3-31-2008

COMMENTS FROM THE CITY MANAGER

(a) Rowan County Chamber of Commerce – Resolution in Support of City’s Gang Initiative

City Manager David Treme informed Council that the Rowan County Chamber of Commerce adopted a Resolution in support of the City’s gang efforts. He stated that many members of the Chamber are helping and he has challenged the business owners to help with mentoring and tutoring.

Mayor Kluttz announced that the Town of Spencer has also adopted the Resolution as well as the Rowan County Board of Commissioners and the Ministerial Association. She added that Council encourages organizations and municipalities to join the City in this effort.

(b) First and Second Quarter Goals Update

Mr. Doug Paris, Assistant to the City Manager, noted that during Council’s retreat in February 2007 Council suggested that staff develop a tool to update Council on the progress of the annual Outcomes and Goals. He stated that he worked with the Management Team to develop the tool and noted that an additional update will be given to Council during its upcoming retreat.

City Manager David Treme stated that after action taken by Council today there have been five (5) goals completed, seventeen (17) with substantial progress achieved, six (6) with moderate progress achieved, and five (5) that are off-track. He presented a

PowerPoint presentation to Council which contained updates on Council's goals and then briefly reviewed the five (5) goals that are off-track.

(THE FY07-08 FIRST AND SECOND QUARTER OUTCOMES AND GOALS UPDATE IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

Mr. Treme indicated that he hopes to have the goals update tool online for Council in the near future and noted that it will allow Council to see at a glance where the City is going. He stated that he feels staff is making excellent progress on its tactical goals and the goals will be discussed at Council's retreat to be held February 14-15, 2008.

(c) Human Resources Director Melissa Taylor Resignation

City Manager David Treme indicated that Ms. Melissa Taylor has been the Human Resources Director for the City for the past fifteen (15) years and has been an integral part of the Management Team. He announced that she has accepted the position of Human Resources Director for the City of Winston-Salem and indicated that the City will miss her but wishes her continued success.

Mayor Kluttz commented that in addition to being an outstanding Human Resources Director, Ms. Taylor has made many contributions to the City beyond Human Resources. She noted that Ms. Taylor was instrumental in establishing the City's Multiculturalism Training and worked with the Human Resources Council to take the training to the citizens. Mayor Kluttz thanked Ms. Taylor for her contributions and wished her the very best.

Ms. Taylor thanked Council for their support and for the opportunities that she has been given in Salisbury.

(d) Council Retreat February 14-15, 2008

City Manager David Treme indicated that planning is underway for Council's annual planning retreat to be held February 14-15, 2008. He asked that if any member of Council has ideas for discussion to please let him know.

PUBLIC COMMENT

Mayor Kluttz opened the floor to receive public comment. There being no one present to address Council, Mayor Kluttz closed the public comment session.

MAYOR'S ANNOUNCEMENTS

(a) Overton Student Council

Mayor Kluttz announced that she was contacted by Miss Tia Cowan a student at Overton Elementary School who was elected first vice-president of the Overton Student Council. Mayor Kluttz stated that she attended the student council meeting and noted how impressed she was by the students. She commented that they are learning community service and have recently been recognized by the Rowan County United Way for a Service Above Self award. Mayor Kluttz stated that she is very proud of the type of citizens being molded at this school.

(b) Pascagoula/New Orleans

Councilman Kennedy stated that he recently attended the National League of Cities meeting and toured Mississippi and New Orleans. He stated that these areas are still in need of assistance and he would like for Salisbury to continue to assist these areas.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:56 p.m.

Mayor

City Clerk