

Salisbury, North Carolina
August 18, 2009

REGULAR MEETING

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

ABSENT: None

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Lewis.

PLEDGE OF ALLEGIANCE

Mayor Kluttz asked that the local men and women serving in the Armed Forces be remembered as she led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present and welcomed Rowan County Commission Chairman Carl Ford and Ms. Noelle Edwards, reporter for the Salisbury Post.

RECOGNITION – SALISBURY-ROWAN READS EVENTS PARTICIPANTS

Mayor Kluttz recognized Rowan County Board of Commissioners Chairman Carl Ford and expressed Council's gratitude to the County for partnering with the City on the "Salisbury-Rowan READS!" program. She stated that this program was very important to Council and she is excited to report that there were over 2,300 people who attended the

five events. She explained that the purpose of the events was to promote reading and its importance not only to children, but to the Community as a whole.

Mayor Kluttz recognized Public Information and Communications Manager Karen Wilkinson who coordinated the events. Ms. Wilkinson showed a video depicting scenes from each event, where local elected officials read to children.

Mayor Kluttz commented that there was terrific county-wide support from the Library staff, School System staff and every municipal Mayor in Rowan County.

Mayor Kluttz, Chairman Ford and Council presented Certificates of Recognition to the following: Mayor Don Bringle and the Town of China Grove (City Clerk Amanda Eller accepting); Mayor Jim Brown and the Town of Cleveland (Commissioner John Steele accepting); Mayor Erma Jefferies and the Town of East Spencer; Mayor Bill Johnson and the Town of Faith; Mayor Mary Ponds and the Town of Granite Quarry; Mayor Bob Misenheimer and the City of Kannapolis (unable to attend); Mayor Dennis Brown and the Town of Landis; Mayor Beau Taylor and the Town of Rockwell (Mayor Pro Tem Tim Draper accepting); and Mayor Jody Everhart and the Town of Spencer.

Certificates were then presented to Library Director Mr. Jeff Hall, Ms. Suzanne White, Ms. Melody Moxley, Ms. Helen Peacock, Mr. Paul Birkhead, Ms. Erika Kosin; the East Branch of the Rowan Public Library; the Frank T. Tadlock South Regional Library; and the Rowan Public Library.

Ms. Wilkinson thanked Principal Becky Kepley-Lee and Cleveland Elementary School, School Superintendent Dr. Judy Grissom, and Dr. Sarah Hensley for their support of the events and noted that they were unable to attend.

Mayor Kluttz commented that this is the first time a joint City and County award has been presented and she thanked Chairman Ford and the Rowan County Board of Commissioners for their support.

Mayor Kluttz noted that Ms. Wilkinson coordinated all five reading events and did an outstanding job to make this event a success. She commented that Ms. Wilkinson is always behind the camera taking pictures, and noted that Library staff was able to take a picture of Ms. Wilkinson speaking at the event. Mayor Kluttz then presented a framed photograph and Certificate of Appreciation to Ms. Wilkinson for her work coordinating the reading events.

RECOGNITION – SALISBURY-ROWAN UTILITIES

Mr. Jim Behmer, Director of Utilities, reported to Council that Salisbury-Rowan Utilities (SRU) has been recognized by the National Association of Clean Water Agencies for outstanding record of compliance with its National Pollutant Discharge Elimination System (NPDES) permit for 2008. He noted that the SRU water plant was one of only 120 nationwide, and one of only four in North Carolina to receive the Platinum Award. Mr. Behmer explained that the Platinum Award signifies five or more

years of 100% compliance with all NPDES permit requirements. He noted that employees within Plant Operations and Environmental Services Division should be commended for their success in meeting this very high standard of environmental stewardship.

Mayor Kluttz presented the Platinum Award to Wastewater Treatment Supervisor Martin Trexler, who accepted on behalf of the SRU staff.

Mr. Behmer also recognized team members Mr. Mike Frick, Wastewater Treatment Plant Operations Manager; Ms. Sonja Bansinger, Environmental Services Manager; Mr. Charles Wood, Senior Operator of Grant Creek Wastewater Facility; Mr. David Earnhardt, Senior Operator of Town Creek Wastewater Facility; and Mr. Mike West, Assistant Systems Maintenance Manager.

Mayor Kluttz expressed Council's pride in SRU and its staff for this accomplishment.

RECOGNITION – LIVINGSTONE COLLEGE

Livingstone College President Dr. Jimmy Jenkins and Mr. State Alexander addressed Council regarding the 2009 Commemorative Classic football game to be held at Livingstone College October 3, 2009 at 1:00 p.m. Dr. Jenkins stated that he believes this event will become a signature and destination event for Salisbury. He explained that in 1892 Biddle College, now Johnson C. Smith University, traveled to Salisbury to play the first Black College football contest. He noted that Livingstone will commemorate this historic game with the Commemorative Classic and expects 20,000 people to attend the festivities. Dr. Jenkins thanked Council for its support of the College and this event.

Mayor Kluttz commented that Council is honored that Dr. Jenkins and Mr. Alexander could be present today to make this announcement. She added that Council continues to be proud of Livingstone College and the asset it is for the City. She noted that it is significant that the very first football game between historically Black Colleges took place in Salisbury and Council is excited to celebrate with Livingstone.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

2009 INAUGURAL COMMEMORATIVE CLASSIC DAY

October 3, 2009

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of August 4, 2009 and the Special Meeting of August 6, 2009.

(b) Temporary Street Closures – Outreach Christian Ministries

Approve the partial closing of the 700 block of West Horah Street on Saturday, August 15, 2009 from 10:00 a.m. until 3:00 p.m. for Outreach Christian Ministries' Community Day.

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

RECOGNITION – SUMMER YOUTH EMPLOYMENT PROGRAM

Ms. Kathy Seybold, Parks and Recreation, and Ms. Michelle Balknight, Human Resources addressed Council regarding the Summer Youth Employment Program. Ms. Seybold thanked those who made the 2009 Summer Youth Employment Program such a success. She explained that Parks and Recreation worked with Human Resources to accept applications and interview for the positions and noted that 35 students were interviewed for 11 positions.

Ms. Seybold noted that the program is funded through the City of Salisbury and its Community Development Block Grant funds and falls in line with Council's goals to mentor to youth and recruitment of future employees. She added that she believes the program made a difference in the lives of those who participated by improving their self-esteem and developing life skills.

Ms. Balknight shared comments from the students who participated regarding their experience in the Summer Youth Program, along with the comments of their supervisors. She then recognized each student participant and Mayor Kluttz presented a Certificate of Participation to: Mr. Kenis Allen, Ms. Latiffa Bestman, Ms. Jazmine Campbell, Ms. Kiara Grant, Mr. Augustine Wiggins, Mr. Joseph Wiggins, Ms. Janoah Williams, Ms. Alexandra Wurst, Mr. Nelson Safrit, Mr. Kevin Gillespie, and Ms. Selena Stone.

Mayor Pro Tem Woodson commented that he feels this is one of the best government funded programs available.

Mayor Kluttz congratulated and thanked the students along with the Parks and Recreation Department and Human Resources Department for their participation in this program. She noted that this allows the students to obtain job training and experience for future jobs.

COUNCIL COMMITTEE REPORT – CD-8-05-2009 JOHN LEATHERMAN, JOAN LEATHERMAN, AND TRUSTEE

Mayor Kluttz indicated that CD-8-05-2009 is an issue that was sent to a Council

Committee consisting of Mayor Pro Tem Woodson and Councilman Kennedy. She noted that the Committee reported at Council's August 4, 2009 meeting and requested additional time to meet with property owners.

Mayor Pro Tem Woodson indicated that the Council Committee met on two occasions where open discussion was held with the residential and business neighbors. He stated that his concern in the beginning regarded property rights for citizens who buy property and has a right to use it. He added that he feels this is what zoning is about and that people spend quite a bit of money on business property and should have rights.

Mr. Woodson stated that the Committee worked with the neighbors regarding buffers for the property for the proposed Taco Bell. He noted that Duke Energy has agreed for an additional buffer to be built in its right-of-way to serve as an additional buffer for the property. He stated that City staff has met with Duke Energy officials to determine the types of plants to be installed and the Leathermans (the developers) and Taco Bell have agreed to pay for the plantings. Mr. Woodson stated that he and Mr. Kennedy felt this would create a strong buffer for the neighborhood and were pleased with this outcome.

Mr. Woodson indicated that the issue of the private road located behind the business condominiums has also been a concern and he and Mr. Kennedy did not think the property owners should bear the burden of repaving the road. He added that there will be much more traffic on the road along with heavy trucks making deliveries. He noted that Community Planning Services Director Joe Morris has indicated there will only be two truck deliveries per week, although he understands there could be more. Mr. Woodson noted that the trucks can damage the street and the developer's attorney, Mr. Glenn Ketner, has offered to pay \$5,000 to the Home Owners Association to be used to pave the street. Mr. Woodson indicated that the property owners felt this amount was not adequate and he noted City staff has reviewed the street and estimate it will cost \$8,000 - \$10,000. He stated that he did not feel the entire cost should be borne by the developer or Taco Bell because the other businesses' clients will use the street as well. Mr. Woodson indicated that Mr. Leatherman had submitted a letter stating that he will increase the amount to \$8,000 to repave the street should it be damaged. Mr. Woodson commented that he believes this is a fair amount, although he received a letter from the Home Owners Association, stating it was not completely satisfied with this amount. Mr. Woodson noted that while not all parties are happy, the Committee feels these concessions are fair.

Councilman Kennedy stated that it has been established that the property is properly zoned for fast food and the buffer and private street have been addressed. He noted that there was a question of who should be notified when there is a hearing of this type and he noted that the requirement is for property owners within 100 feet. He pointed out that the nearest neighbor is located 128 feet away, but the Committee still spoke with the neighbors and attempted to address their concerns.

Mr. Kennedy noted that the operating hours for Taco Bell located on East Innes Street are that the drive-thru closes at 4:00 a.m. weekdays, and 5:00 a.m. weekends. He stated that the developer is very cognizant of the concerns regarding hours of operation and proposes that the new Taco Bell have the following hours: inside dining closing at

10:00 p.m. weekdays, and 11:00 p.m. weekends (Friday and Saturday); drive-thru window to close at 1:00 a.m. weekdays and 2:00 a.m. weekends (Friday and Saturday). Mr. Kennedy indicated that he feels this is a concession by Taco Bell and noted that representatives of Taco Bell have indicated the restaurant may close earlier if business and volume dictate. He noted that the Committee proposes the hours be set as stated.

Mr. Woodson stated that the City Council hereby find and determines that adoption of an Ordinance to rezone the property described herein and amend the Conditional District Overlay is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 2.4 acres, identified as Tax Map & Parcel 061-202 & 061-210, by amending an existing Conditional District Overlay to permit the development of a 2,755 square foot fast food restaurant on Tax Map & Parcel 061-210; identifying the development documents; identifying development conditions; repealing Special Use Permit Ordinance 2001-86; providing an effective date; and for other purposes. Mr. Kennedy seconded the motion with the following conditions: the operating hours for Taco Bell be: inside dining closes at 10:00 p.m. weekdays, inside dining closes at 11:00 p.m. weekend days Friday and Saturday; drive-thru closes at 1:00 a.m. weekdays, drive-thru closes at 2:00 a.m. weekend days Friday and Saturday. He added that the other condition is that Taco Bell and the Developer, John Leatherman, put \$8,000 into a fund with the Jake Alexander Boulevard West Association. Mr. Woodson added that the buffer must also be installed in the Duke Energy right-of-way.

Senior Planner Preston Mitchell indicated that the Ordinance before Council has three existing conditions carried over from the 2001 Ordinance and clarified that the two conditions offered by Mr. Kennedy will be in addition to the three carried over from the 2001 Ordinance. Mr. Kennedy responded that this was correct.

Councilman Lewis stated that he read all of the City Council and Planning Board minutes pertaining to the original rezoning of this property in the 1980s and then when it was brought forward in 1995, 1999 and 2001. He noted that in 2001 he attended every Planning Board meeting, Committee meeting and Council meeting, yet he cannot remember the discussion of fast food restaurants. He commented that some people believe he cannot remember the discussion because fast food was not really intended to be a permitted use. Mr. Lewis added that while that may have been true, he knows the methodology used by the Planning Board where all uses in a zoning classification are reviewed one by one and if there was an issue with a use it would be discussed and added to the uses not allowed. He pointed out that while there is good discussion regarding uses, that discussion rarely makes it into the Planning Board minutes. He stated that, knowing the methodology used by the Planning Board, he believes fast food was discussed. Mr. Lewis stated that the Ordinance passed in 2001 stated that all B-7 uses with the exceptions noted were allowed, and fast food restaurant was not on the list of exceptions. He commented that if this request had been presented to Council prior to the adoption of the new Land Development Ordinance (LDO), it would only be a site plan review and there would not be discussion on allowable uses. Mr. Lewis noted that through a fluke, and the way old zoning has to be reinterpreted under the new LDO, it has

to be a conditional district. He added that technically this means all uses come back up for discussion. He stated that in this case there is a property owner with proper zoning in place who has a reasonable expectation that if he develops the property to meet the zoning in place, he can build the building. Mr. Lewis stated that if municipal government does not allow its development community to have faith in the process, then people will no longer want to develop here. He noted that if the uses are changed now it would set a very dangerous precedent. He added that he supports the Committee's recommendation.

Councilman Burgin commented that he is also familiar with the process used by the Planning Board and he is confident that he also reviewed the uses one by one because he added a use to the restricted list when Council approved the rezoning. He added he feels comfortable that he allowed fast food restaurants in 2001. Mr. Burgin commended the Committee for their work and the concessions they were able to reach. He noted that while the neighbors do not want the fast food restaurant, he does believe it is in the right place in the City for this type of development and he does not think it will prove to be a burden.

Mayor Kluttz stated that she did not particularly want to delay a decision on this case two weeks ago but Council wanted to hear from everyone who wished to share their opinion. She added that she agreed to delay the Committee report and allow them to meet again because of allegations that surfaced after the first Committee meeting regarding what took place at the Planning Board in 2001. Mayor Kluttz stated that she wanted to make sure the allegations were investigated and they were, by both staff and the Committee. She commented that Council depends on the official Minutes of each organization and the official Minutes indicate that this property has been zoned this way for eight years. She noted that in her opinion this is a matter of fairness and if something has been zoned one way for eight years it cannot be changed without a very compelling reason. She added that she looked for a compelling reason but did not find one. Mayor Kluttz commented that she agrees with the Committee's recommendation and supports it.

Mayor Kluttz then called for the vote. Messrs. Burgin, Kennedy, Lewis, Woodson and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 2.4 ACRES, IDENTIFIED AS TAX MAP & PARCEL 061-202 & 061-210, BY AMENDING AN EXISTING CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 2,755 SQUARE FOOT FAST FOOD RESTAURANT ON TAX MAP & PARCEL 061-210; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING DEVELOPMENT CONDITIONS; REPEALING SPECIAL USE PERMIT ORDINANCE 2001-86; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 136-139, and is known as Ordinance 2009-45.)

GROUP DEVELOPMENT SITE PLAN – G-09-03 THE GABLES AT KEPLEY

FARMS

(a) Mr. David Phillips, Development Services Manager, addressed Council regarding a request to amend group development site plan G-09-03 The Gables at Kepley Farms. Mr. Phillips indicated that the request regards a note on the site plan which indicates the developer will request a traffic analysis after 100 lots are developed in order to determine if a second entrance into the development is needed. He stated that the request is to have the note removed from the plan with no requirement for a second entrance.

Mr. Phillips pointed out that the owner of the property has changed since the site began development. He noted that the bank has possession of the back portion of the property and has a potential buyer to complete the subdivision, but the construction of a second entrance would not be feasible for the potential buyer.

Mr. Phillips stated that the Technical Review Committee reviewed the request and recommended removal of the note to the Planning Board. He commented that when the Planning Board initially heard the request there were several residents who spoke in opposition, so the Planning Board sent the request to a Committee for review. He indicated that after review the Committee recommended removing the note from the site plan and the Planning Board unanimously recommended rescinding the note from the plan.

Councilman Lewis asked if the site plan meets the International Fire Code with only one entrance. Mr. Dan Mikkelson, Engineering and Development Services Director, responded that the International Fire Code addresses a maximum number of units allowed with one entrance in regards to accessibility by fire apparatus. Fire Chief Bob Parnell stated that as long as there is proper turn-around for fire apparatus one entrance is permissible. Mr. Lewis asked if the site plan meets International Fire Code based on this interpretation. Mr. Mikkelson and Chief Parnell indicated that this was correct.

(b) Mayor Klutz opened the floor to receive public comment.

Mr. Larry Ries, 621 Cordova Drive, stated that he was asked to speak on behalf of a majority of residents at The Gables. He indicated that on July 28, 2009 a group of approximately 20 homeowners requested a second entrance to The Gables but the request was not authorized by the majority of residents. He indicated that most of the residents learned about the request from the newspaper.

Mr. Ries stated that the original builder filed bankruptcy and the community is lucky to have another developer willing to complete the development. He indicated that the current builder owns Phases I and II, and is prepared to purchase additional phases if the requirement for a second entrance is removed. Mr. Ries indicated that The Gables consists of 67 homes and is a community for those 55 years and older. He stated that many of the residents do not work or leave the neighborhood often. He pointed out that 41 residents attended the Planning Board Committee meeting and made it clear that a second entrance was not wanted. He requested Council support the site plan amendment.

Mr. Harry Agner, Vice President of Home Owners Association at The Gables, 253 River Birch Drive, stated that he attended the Planning Board Committee meeting and was impressed with the thoroughness of the investigation. He pointed out that there is another development within 2 miles of The Gables that has only one entrance and he does not think the traffic in The Gables justifies an additional entrance. He noted that the developer feels there is a 10 to 12 year expectation for the development to be completely built-out and at that time the need for an additional entrance should be reviewed. He asked Council to look favorably upon the residents' request to remove the requirement for a second entrance.

Ms. Mary Forbes, 241 River Birch Drive, stated that she moved to The Gables approximately two years ago and residents were promised many amenities that were not completed by the original builder. She indicated that the original plan was approved with one entrance. She stated that the new owner, Mr. Spencer Lane, intends to complete the project as proposed and currently there is no neighboring property to purchase in order to build another entrance. She stated that The Gables is an asset to the City and encouraged Council to approve the recommendation to allow the development to move forward with one entrance.

Mr. Seamus Donaldson, Community Bank of Rowan, stated that Community Bank of Rowan is the current owner of 40 acres of the development and he thanked staff for working with the bank through this process. He indicated the bank has worked hard to maintain the property and has worked with the Home Owners Association to find a suitable developer. He noted that the bank has executed a contract with the new developer and has funded a low interest loan to assist with the completion of the clubhouse. He pointed out that the bank has worked with the neighborhood and staff and has received a favorable recommendation from the Technical Review Committee and the Planning Board. He requested Council approve the amendment.

Mr. Jay Dees, 121 East Kerr Street, stated that the site plan amendment was supported by the Technical Review Committee which included safety personnel and engineers and the amendment was also supported by the Planning Board. He indicated that this is an opportunity to complete the development because there is a willing developer and an opportunity to support an active 55 and older community. Mr. Dees stated that with the opportunity to develop additional lots it will reduce maintenance expenses for the clubhouse, road repairs, and common area by reducing the pro rata share of those expenses to the residents. He noted that the original traffic count was projected at a maximum of 1,740 trips per day, but the actual amount is approximately 1,000 trips per day, well within the original cap. Mr. Dees stated that the plan meets the current Land Development Ordinance (LDO) standards for connectivity and he thinks it will be a good situation for everyone involved.

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

Councilman Burgin stated that he has difficulty understanding why there would be a requirement for a second entrance onto Faith Road. He commented that with so many connectivity points embedded within the plan it meets the intent of the current

LDO. Mr. Burgin stated that he supports the amendment to remove the requirement for the second entrance.

Mayor Pro Tem Woodson indicated that Council does not want to delay any development at this point and he supports the amendment.

Councilman Kennedy stated he thinks this is a great situation for the real estate industry during this down economy and will be positive for the growth of the County population and taxes for Rowan County and Salisbury. He indicated he will support the amendment.

Councilman Lewis commented that bankers are seeing developers file for bankruptcy and what they leave behind creates problems for municipalities. He noted that in this case the bank has stepped in to help because it cares about the community. Mr. Lewis commended Community Bank of Rowan for its efforts to help the residents in this development.

Mayor Kluttz agreed with Council and thanked residents who attended the meeting.

(c) Thereupon, Mr. Burgin made a **motion** to approve Group Development Site Plan Amendment G-09-03 The Gables at Kepley Farms and remove note 24 concerning the requirements for additional traffic analysis to determine if access is sufficient. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

DISTRICT MAP AMENDMENT – CD-4-06-2009, SAM COLLINS/GAMEWELL

(a) Councilman Burgin indicated that he needed to be excused from CD-4-06-2009, Sam Collins/Gamewell due to a conflict of interest.

Thereupon, Mr. Woodson made a **motion** to excuse Councilman Burgin. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

(b) Mr. Preston Mitchell, Senior Planner, stated that the request is to adopt a site plan and apply a Conditional District (CD) Overlay on property located at 1817 East Innes Street. He added that the property is currently split zoned between Residential Mixed Use (RMX) and General Residential (GR6). He noted that the property owner is the petitioner and that the request includes a rezoning request and a master plan. Mr. Mitchell indicated that CDs are a combination of Special District (S) rezoning and group development process from the old Code, which have been merged to create CDs in the new Land Development Ordinance (LDO).

Mr. Mitchell reviewed photographs of the site located along the west margin of East Innes Street. He indicated that there is an existing General Development-A Overlay already on many of the properties in the immediate vicinity which will remain in place.

He reviewed the proposed site plan, pointing out the building located in the center of the site, with parking in front and rear and a private drive along the side.

Mr. Mitchell presented an on-site video report. He noted that the property egress and ingress will be located on East Innes Street and also through the neighboring office onto Fairview Street. He reviewed the neighborhood surrounding the property and indicated that it is primarily a single family community with low-density residential.

Mr. Mitchell displayed the proposed building elevations. He noted that alternative designs are available to a Conditional District and that the petitioner is requesting two areas of alternative design which include the building dimensions and two rows of parking in front. He explained that the building will be located towards the back of the property because of topography constraints.

Mr. Mitchell indicated that both the Technical Review Committee and the Planning Board unanimously recommended approval, although the Planning Board did find that the proposal is not entirely consistent with the Goals, Objectives and Policies of the Vision 2020 Comprehensive Plan.

(c) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed district map amendment CD-4-06-2009.

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

Mayor Pro Tem Woodson stated that he is encouraged by the proposed building.

Mr. Kennedy stated that he supports the plan and likes the connectivity of it.

(d) Mr. Kennedy stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein and establishes a Conditional District Overlay is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately one-half acre, identified as Tax Map & Parcel 071-208, by establishing a Conditional District Overlay to permit the development of a commercial building; identifying the development documents; identifying development conditions; providing an effective date; and for other purposes. Mr. Lewis seconded the motion and stated that he feels the plan is consistent with the City's Vision 2020 Plan. Messrs., Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY ONE-HALF ACRE, IDENTIFIED AS TAX MAP & PARCEL 071-208, BY ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A COMMERCIAL BUILDING; IDENTIFYING THE DEVELOPMENT DOCUMENTS;

IDENTIFYING DEVELOPMENT CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 140-142, and is known as Ordinance 2009-46.)

Thereupon, Mr. Woodson made a **motion** to bring Councilman Burgin back. Mr. Lewis seconded the motion. Messrs., Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

ALLEY CLOSING – 100 BLOCK OF EAST BANK STREET

(a) Ms. Wendy Brindle, Traffic Engineer, stated that the City received a petition to close an alley located in the 100 block of East Bank Street. She pointed out that the petition was submitted by the City and an adjacent property owner in preparation for parking lot improvements behind City Hall.

Ms. Brindle indicated that property owners were notified and the proposal was advertised in the Salisbury Post for four consecutive weeks. She noted that in order to close the alley Council must find that closing the alley is not contrary to the public interest and will not deprive anyone of a reasonable means of egress and ingress to their property. She indicated that staff has found that these two conditions have been met.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed alley closure.

Mr. Clyde Overcash, 220 East Bank Street, stated that he lives within 100 feet of the alley and was not notified of the proposed closing. He stated that he frequently uses the alley and has already been deprived of the use of an alley closed on East Council Street. He indicated that he wants to make sure no one is deprived of using the alley, including the garbage trucks currently using it. Mr. Overcash asked if the two adjoining property owners would divide ownership of the property once the alley is closed.

Ms. Lorraine Reida, 418 East Fisher Street, asked why the alley is being considered for closure.

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

Mayor Kluttz asked Ms. Brindle to respond to the questions raised during the public hearing.

Ms. Brindle stated that the alley is public and once it is closed the property will be divided and deeded to each adjacent property owner. She noted that there are two property owners affected who are the City of Salisbury and Mr. June Rives. She pointed out that staff must wait 30 days before recording documents to close the alley in case there is any opposition. She stated that after the 30 day period the order to close the alley

will be filed and property owners can negotiate for the purchase of their half of the alley if they so wish.

Ms. Brindle stated that the reason the City would like to close the alley is to proceed with the City's parking lot plan and add parking spaces. She added that the additional parking spaces would block the alley, and by City Code alleys cannot be blocked. She pointed out that the City's sanitation trucks will still have access through the parking lot.

Ms. Brindle noted that in regards to notification for alley closings, State Statutes only require owners of the properties actually touching the alley be notified.

Councilman Burgin asked if access from the parking lot to the street will remain. Ms. Brindle indicated the access will remain.

(c) Thereupon, Mr. Lewis made a **motion** to adopt a Resolution pertaining to the acceptance of an offer of dedication for public use of the alley in the 100 block of East Bank Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

A RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF THE ALLEY IN THE 100 BLOCK OF EAST BANK STREET.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 39, and is known as Resolution 2009-23.)

(d) Thereupon, Mr. Lewis made a **motion** to adopt an Order closing the alley in the 100 block of East Bank Street pursuant to G.S. 160A-299. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**NORTH CAROLINA
ROWAN COUNTY**

* **BEFORE THE CITY COUNCIL OF**
* **THE CITY OF SALISBURY**
* **NORTH CAROLINA**

IN THE MATTER OF:

**CLOSING OF ALLEY IN THE
100 BLOCK OF EAST BANK
STREET**

* **ORDER CLOSING OF ALLEY**
* **PURSUANT TO GENERAL**
* **STATUTE OF NORTH CAROLINA**
SECTION 160A-299

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on August 18th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed

in this cause are parties to this proceeding; and it further appearing that said alleys are not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on July 24, July 31, August 7, and August 14, 2009.

And it further appearing to the Council and the Council finding as a fact, that the closing of the alley, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said alleys or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said alley; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299.

Beginning at an existing iron pin on the north east side of East Bank Street, said iron being N 43° 15' 57" E, 210.05' from the right of way intersection of South Lee Street and East Bank Street, said corner also being the western most corner of a tract of land belonging to the City of Salisbury, deed book 1065 page 857, thence with the right of way of East Bank Street, N 43° 17' 11" W, 9.86' to an existing iron pin the south west corner of June W. Rives, deed book 569 page 935, thence with Rives' south east line N 46° 44' 03" E, 123.55' to a new iron pin in the line of the City of Salisbury property, thence four lines with the City property (1) S 42° 46' 31" E, 63.86' to an existing iron pin, (2) S 46° 44' 03" W, 23.00' to an existing iron pin, (3) N 43° 15' 57" W, 54.00' to an existing iron pin, (4) S 46° 44' 03" W, 100.00' to an existing iron pin to the point and place of beginning and being 0.056 acres as shown on survey and map by Shulenburg Surveying Company, P.A. dated July 14, 2009.

Be and the same is hereby forever closed

This the 18th day of August 2009

CITY COUNCIL OF THE CITY OF SALISBURY,
NORTH CAROLINA

BY: s/s Susan W. Kluttz
Mayor

s/s Myra B. Heard
City Clerk

ORDINANCE – PARKING IN THE 900-1000 BLOCK OF WEST HENDERSON STREET

Ms. Wendy Brindle, Traffic Engineer, stated that the City recently resurfaced West Henderson Street adjacent to Rowan Regional Medical Center. She noted that this has given staff the opportunity to restripe the street in an effort to calm traffic in the vicinity of the parking deck. She pointed out that the street is 34 feet wide and staff would like to narrow the travel lane by introducing a center line. She added that this will create two 12-foot lanes, and provide for 15-minute parking along the side. Ms. Brindle indicated that staff recommends maintaining parking restrictions near the crosswalks.

Mayor Kluttz stated that she thinks people do not always understand why streets are narrowed and commented that this is a traffic calming device and is reasonable. She added that she thinks the speeding traffic is dangerous to pedestrians trying to cross the street from the hospital to the parking deck.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-338, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited at all times. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-338, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED AT ALL TIMES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 143, and is known as Ordinance 2009-47.)

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-366, Article X, Chapter 13, of the Code of the City of Salisbury, relating to loading zones. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-366, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO LOADING ZONES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 144, and is known as Ordinance 2009-48.)

DEMOLITION OF STRUCTURE – 901 BRINGLE FERRY ROAD

Mr. Chris Branham, Code Enforcement Manager, presented a request for demolition of a structure located at 901 Bringle Ferry Road. He reviewed the timeline and process leading to this request:

- March 26, 2009 – Notice of Hearing mailed to property owner
- April 9, 2009 – Public Hearing held

- July 29, 2009- Findings of Fact letter mailed setting compliance date
- August 14, 2009 – no response received

Mr. Braham reviewed the compliance process stating that once letters are mailed and there is no response, Council may adopt an Ordinance directing the Housing Inspector to arrange demolition of the structure. He pointed out that the interior of the structure has been gutted with only stud walls remaining. He added that the outside of the house is in worse condition than the inside and the City receives calls weekly from neighbors requesting this property be taken care of.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance directing the Housing Inspector to have demolished the structure located at 901 Bringle Ferry Road, Salisbury, North Carolina, it being unfit for human habitation, and deteriorated to unsafe condition. Mr. Burgin seconded the motion. Councilman Lewis thanked Mr. Branham for his diligent work. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO HAVE DEMOLISHED THE STRUCTURE LOCATED AT 901 BRINGLE FERRY ROAD, SALISBURY, NORTH CAROLINA, IT BEING UNFIT FOR HUMAN HABITATION, AND DETERIORATED TO UNSAFE CONDITION.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 145, and is known as Ordinance 2009-49.)

ONE NORTH CAROLINA FUND LOCAL GRANT AND COMPANY PERFORMANCE AGREEMENT

Mr. Robert Van Geons, Executive Director of the Salisbury-Rowan Economic Development Commission, stated that he is pleased to bring positive news regarding the Henkle project to Council. He indicated that Council took action on the project earlier in 2009 and it is going forward and grading work is underway. He noted that before Council today is a grant from the One North Carolina Program which requires that a local municipality serve as the vehicle for receipt and disbursement of funds. He noted that the liability for the company is to the State and the State seeks recourse directly with the company.

Mr. Van Geons stated that the company must achieve job creation and investment and must certify it has met its goals to the State in order to receive the funds. He asked Council to consider adopting the grant.

Thereupon, Mr. Lewis made a **motion** to approve the One North Carolina Fund Local Government Grant and Company Performance Agreement from the State of North Carolina to the City of Salisbury for the Henkel Corporation expansion. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

UPDATE – DUCK AND GEESE EDUCATION PROGRAM

Mr. Braxton Whitaker, Salisbury High School student, Ms. Elaney Hasselmann, Parks and Recreation Marketing and Community Relations Manager, and Mr. Stephen Brown, Parks and Recreation Maintenance Manager, addressed Council regarding a Duck and Geese Education Program for City Park lake.

Ms. Hasselmann stated that the Parks and Recreation Department created a video of Mr. Whitaker working with children from the Park's summer camp program regarding the duck and geese population at City Park and educating the campers as to what is beneficial for the ducks and geese. She added that the Parks and Recreation maintenance staff have created signage that will be posted around the lake at City Park and showed the video which will air on Access 16. Ms. Hasselmann thanked Mr. Whitaker for his participation in the video and for his contribution to the community.

Mayor Kluttz stated that it is wonderful that the City has a young person who is concerned and is interested in helping the community.

PUBLIC COMMENT

Mayor Kluttz opened the floor to receive public comment.

Ms. Lorraine Reida, 418 East Fisher Street, stated that she would like to compliment Mr. Chris Branham, Code Enforcement Manager, and the Code Enforcement Department. She noted that Mr. Branham attended a Brooklyn South Square Neighborhood Association meeting and provided excellent explanations of ordinances and showed patience and cooperation to questions asked by neighbors. She pointed out that the homes in the area have been cleaned up and look more presentable. She added that she feels Mr. Branham is doing a very good job.

Ms. Michelle Patterson, 10470 Caldwell Road, Mt. Ulla, Chairman of the Rowan County Tourism Development Authority Board (TDA), stated that the Board feels any additional funds raised by a City occupancy tax for marketing will be beneficial to Rowan County. She thanked Councilman Lewis for his comments at the TDA Board meeting and noted she is looking forward to promoting tourism in Rowan County.

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

COMMENTS FROM THE CITY MANAGER

(a) Fiber To The Home Update

City Manager David Treme recognized Broadband Services Manager Mike Crowell to provide a Fiber To The Home (FTTH) update to Council. Mr. Crowell indicated that Atlantic Engineering Group (AEG) has completed 62% of the underground

work. He noted that he has not received as many calls regarding issues with the yard work associated with the underground installation. He stated that the aerial work has begun but the work has been delayed by AT&T. Mr. Crowell explained that AT&T was very cooperative with the design of the Fiber plan, but now that construction has begun the City needs AT&T to finish their make-ready work and they are having difficulty finding time for the work. He noted that AEG is pursuing this with AT&T and believes they will soon have a satisfactory result.

Mr. Crowell stated that a Request for Proposals (RFP) has been issued for the design/build of the head-end and bids have been received. He noted that staff has recently finished negotiations with the winning bidder and will be bringing the contract to Council at its September 1, 2009 meeting.

Mr. Crowell indicated that the RFP for the middle-ware was recently issued and a bidder's conference will be held September 1, 2009 with bids due September 5, 2009. He noted that staff will bring this contract to Council at its first meeting in November. He commented that this contract will be the most important because the middle-ware is the "brains" of the operation and staff wants to make sure that this piece is exactly what the City needs.

Mr. Crowell stated that the bids are out for the Customer Service Facility and a bidder's conference has been held, with bids due August 25, 2009. He indicated this contract will be brought to Council at its September 1, 2009 meeting. He commented that there were issues with the County regarding the facility but he understands that Architect Karen Alexander and Purchasing Manager Dewey Peck have met with the County's Building Inspection Department and the issues have been resolved.

Mr. Crowell commented that applications have been received for the sales and marketing position and administrative assistant position. He indicated that he hopes to have someone in the sales and marketing position by mid-September and will then fill the administrative assistant position.

Mr. Crowell informed Council that Operations Manager Barry King and Fleet Manager Jake Sterling traveled to Wilson, North Carolina to look at Wilson's marketing trailer. He explained that this is a trailer outfitted with computers and televisions and is used in community outreach. He stated that the trailer is taken to community events and connected to the fiber network and citizens can then use the computers and televisions to see the advantages of fiber. Mr. Crowell noted that the City will be purchasing its own trailer and hopes to have it available in November.

Mr. Treme commented that he is pleased this new utility and infrastructure is making good progress and he thanked the Rowan County Building Inspections Department for their assistance with the new Customer Service facility.

(b) Occupancy Tax Report

Assistant to the City Manager Doug Paris and Community Planning Services Director Joe Morris updated Council regarding recent efforts to obtain a City occupancy

tax. Mr. Paris noted that for several years Council has had a goal in its annual Goals and Outcomes related to occupancy tax and he noted that he is pleased to report this goal is complete.

Mr. Paris reviewed the history of the occupancy tax issue and noted that at Council's May 20, 2008 meeting Council agreed to defer action on pursuing an occupancy tax to the County Commissioners in order to allow them the opportunity to consider implementing a 3% occupancy tax. He stated that the Board of Commissioners met February 2, 2009 and received a report from the Rowan County Tourism Development Authority and chose not to move forward in pursuing its implementation. Mr. Paris noted the Minutes from that meeting indicated Commissioner Coltrain moved to pursue the tax, but the motion died for lack of second. He stated that two days later a Salisbury Post article reported that the Board of Commissioners rejected the request for support of occupancy tax legislation and the decision sets the stage for the City of Salisbury to consider enacting its own occupancy tax.

Mr. Paris indicated that a week after the County action, Council held its goal setting retreat and voted to set the occupancy tax issue as a one-year tactical goal to complete. He reiterated that this was adopted as a goal after the County voted not to support the tax and was distributed in the Council's goals to the media, as well as placed on the website. He noted that in March 2009 Council held a joint lunch meeting with the Rowan County Board of Commissioners and following the meeting staff delivered a packet to each Commissioner containing Council's Goals and Outcomes.

Mr. Paris stated that around the March/April timeline the City sought support of its local legislative delegation regarding an occupancy tax bill and it became Session Law. He explained that the bill moved quickly through the Senate and through the House and was then in the House Finance Committee for several months. He noted that the bill then moved to the floor where it passed and was ratified and became Session Law 2009-428. Mr. Paris stated that all action, both local and in Raleigh, North Carolina, were with proper notice, open to the public, and often attended by the media. He added that any suggestions that this was not handled in an open manner are inaccurate.

Mr. Morris reviewed the current North Carolina county and municipal occupancy tax rates:

- 85 counties have an occupancy tax
- 67 municipalities have an occupancy tax
- 21 jurisdictions with a combination county and city occupancy tax
- The lowest rate is 1.5% (Cherokee County)
- The highest rate is 8% (Mecklenburg)

He noted a sampling of regional rates:

- Counties
 - Mecklenburg 8%
 - Forsyth 6%
 - Stanly 6%

- Cabarrus 5%
- Rowan 3%
- Cities
 - Lexington 6%
 - Thomasville 6%
 - Statesville 5%
 - Hickory 5%
 - Mooresville 4%
 - Salisbury 3%

Occupancy tax FY08-09

- 867 hotel rooms in Rowan County
- \$.03 rate generated \$289,407
- 809 rooms, or 93% are located within Salisbury
- 97% of the tax collected is generated within Salisbury
- Based on current occupancy and number of rooms, a \$.03 occupancy tax would generate approximately \$280,725 within Salisbury

North Carolina Session law establishes that:

- The revenue is received and administered by a Salisbury Tourism Development Authority
- 2/3 of revenue must be used for marketing and promotions
- 1/3 of revenue may be used for tourism related expenditures including capital projects within the taxing jurisdiction

North Carolina General Statutes require that:

- Salisbury create a separate Tourism Development Authority (TDA)
- Requires the TDA to collect and spend the proceeds of the occupancy tax in conformance with state guidelines
- Does not prohibit collaborative marketing efforts with the Rowan County Convention and Visitors Bureau (CVB) and others

Mr. Morris reviewed potential tourism related activities, and noted that this is just a sample list and many other activities could be included:

- Coordinated marketing agreements with:
 - Rowan County CVB
 - Downtown Salisbury, Inc.
 - North Carolina Transportation Museum
 - Historic Salisbury Foundation
 - Salisbury Parks & Recreation Department
 - Rowan Museum
 - Rowan Arts Council
- Destination development activities including:
 - Salisbury Art & History Trail

- Festivals and art shows
- Cultural Action Plan
- Public amenities
- Wayfinding signage
- Cultural events
- Museum and historic site development

Mr. Morris noted actions that need to take place in order to implement the occupancy tax as authorized by State law:

- Resolution would levy the occupancy tax and allow the establishment of a Salisbury Tourism Development Authority
- Ordinance would establish guidelines consistent with the enabling legislation and North Carolina General Statutes

Mr. Morris requested Council set a public hearing regarding implantation of the occupancy tax at its September 1, 2009 meeting. He noted that following the public hearing Council would need to consider adoption of a Resolution and Ordinance to enact the legislation.

Mayor Kluttz thanked staff for its work to pursue and complete this goal. She stated Council is also grateful to Representative Lorene Coates and the State Legislature. She commented that this is a new tax that will benefit the City and County but is not paid by local citizens. She noted that the current occupancy tax rate is low and this increase will bring the City up to a level that is still below average.

Councilman Lewis commented that the impact of the occupancy tax on the community can be dramatic. He noted that in the fall the Tourism Development Authority used money from its savings to do additional marketing during the Christmas season and many merchants indicated that without this effort it could have been a financially devastating Christmas season. He commented that it is hard to understand how anyone could be opposed to this tax when people from out of town are the ones paying it. He added that when Salisbury's citizens visit other areas they pay a higher rate than what is in place here. Mr. Lewis stated that he believes this is a win for the community and tourism related businesses. He noted Salisbury can benefit greatly from cultural and arts tourism and thanked staff for their work on this effort.

Councilman Burgin stated that he is excited about the potential this brings to the community. He commented that this will double the efforts of tourism and its benefits for the community. He added that he thinks there are good resources already in place in the community that can be used as implementation begins and he thanked staff for their hard work.

Councilman Kennedy noted that another Council goal regards jobs and he thinks this tax will bring in additional jobs and income for the City without any major infrastructure.

Thereupon, Mr. Lewis made a **motion** to set a public hearing for September 1, 2009. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

(c) Salisbury Fire Department Annual Report

Fire Chief Bob Parnell presented the Fire Department 2008 Annual Report to Council. Chief Parnell reviewed the report and discussed various aspects of Fire Department service which include:

- Fire Department Responsibilities and Resources:
 - Protecting 30,642 residents, 21.47 square miles and a property value of \$4,044,208
 - Four Fire stations, three shifts
 - Four Quints, one Rescue Engine, Battalion, Safety Officer
 - 78 Full-time positions
- Training Division – Personnel completed over 18,720 hours of training, highlights include:
 - Pre-designated Company Assignment Training
 - Pre-plans
 - Rescue and extrication
 - House advancement
 - Live burn training
 - Fire fighter safety and survival
 - Truck company operations
 - Pumps and aerial driver training
 - Confined space
 - Rookie training
 - Fire Officer I & II
 - Safety and leadership retreat
- Operations:
 - A continued upward trend over the past eight years, calls for service increased 5.3% over 2007
 - There were a total of 4,112 incidents responded to in 2008. Chief Parnell noted that this is higher than the other benchmark cities and although he does not know why, he will continue to monitor the trend.
 - City of Salisbury experienced three civilian fire related injuries, one civilian fire related death
 - The Salisbury Fire Department experienced one fire service injury and two firefighter deaths at the Salisbury Millworks fire
- Community Service
 - Homes that are missing smoke detectors, carbon monoxide detectors, house numbers and peep holes are identified and the address is forwarded to the Fire Department
 - 42 clients were served by the Fire Department

- The Fire Department continues to provide Child Safety Seat installations
 - 265 seats were checked for proper usage and installation
 - Community Emergency Response Teams (CERT)
 - School Mentoring
 - Customer Service
 - Public Event Stand-bys
 - Residential sprinkler systems for Habitat for Humanity homes
- Annual Inspections, investigations, permits and plans reviewed by the Fire Marshal office:
 - Fire Inspections – 1277
 - Re-inspections – 761
 - Third inspections – 18
 - Minimum Housing inspections – 133
 - Demolition permits issued – 17
 - Fire cause determination and investigations – 43
 - Fire education classes – 22 classes with 1,720 students
 - Plans reviewed – 93
 - Haz-mat storage permits – 69
 - Haz-mat operations permits – 2
 - Tent permits – 5
 - Applied for Assistant to Firefighters Grant this year
 - Grant amount was \$268,500 (City part is 10%)
 - Grant funds used for the following:
 - Turnout gear (boots, coats, and pants)
 - Thermal imaging camera
 - Physical workout equipment for Station 4
 - Plymovent for Station 4
 - Self Contained Breathing Apparatus (SCBA) pack trackers to retrofit current SCBA
 - All approved in the early part of 2009

Chief Parnell then reviewed recommendations the Fire Department received as a result of the March 7, 2008 Salisbury Millwork fire. He indicated that there are recommendations from the Expert Panel Review, which consisted of four Fire Chiefs from across the State, along with nine recommendations from the National Institute of Occupational Safety and Health (NIOSH). Chief Parnell noted that these recommendations were only recently received and staff will evaluate each one in an effort to be the safest possible Fire Department. He pointed out that these are only recommendations and the mandated items were imposed by the North Carolina Department of Labor (NCDOL) in 2008. He added that those mandates were quickly addressed to implement the changes. He stated that the Fire Department was then investigated in 2009 by the NCDOL who found the Fire Department had satisfactorily addressed all items. Chief Parnell commented that although these are recommendations, the staff of the Fire Department supports each one and is committed to being the safest it

possibly can. He stated that staff will evaluate each recommendation and make determinations as to how they can be safely and properly incorporated.

Chief Parnell explained that the chiefs on the Fire Expert Panel divided their review into four areas: administrative, training, standard operating procedures, and equipment. He then reviewed the recommendations from the Expert Panel for each area:

- Administrative recommendations:
 - Review and update all Standard Operating Guidelines (SOG) and information that may not be current
 - Seek software capable of conducting inspections and updating pre-incident survey information that downloads to all command officers. Chief Parnell noted that staff is in the process of working to find the right software to implement this recommendation.
 - Establish a minimum staffing level of four firefighters on all fire companies.

Chief Parnell indicated that there are currently four firefighters on a minimum of three of the five main fire trucks. He noted that staff has applied for national grants and will continue to pursue grant options to obtain funding in order to increase staffing for fire apparatus.

- Training recommendations:
 - Insure that all students who have met National Fire Protection Association (NFPA) 1403 prior to live burn training, provide fire instructors a positive verification of their background and ability
 - Live burn training should be documented completely as to the (exact level of) participation of the individual
 - Participate in future Fire Officer Certification programs (not yet available as of this writing)
 - Meet required live burn student to instructor ratio
- Equipment and Procedures Recommendations
 - Revise the current Firefighter Accountability and tracking system to one that the entire county adopts
 - Current Salisbury Fire Department (SFD) Policy 6.04.15 (Portable Radio Maintenance Testing) is a good policy. Recommend that anytime there is a case where in three failed attempts to communicate be documented and studied
 - Rapid Intervention Equipment – Recommendation to add some specific equipment including a Tactical Exit Device (TED) and Firefighter drag device
 - Meet NFPA 1582 – A new standard committed to maintenance and quality of a firefighter’s personal protective equipment
- Standard Operating Procedure (SOP) review and recommendations:
 - Develop a SOP review and revision schedule
 - Expand the High Hazard Occupancy Operations program to include warehouse and big box building Standard Operating Guidelines (SOG)

- Expand the Response to Hazardous conditions SOG
- Revise the Accountability SOG to effectively cross into communications, Rapid Intervention Teams (RIT) Command, and any other SOG

Chief Parnell then reviewed the nine recommendations from the National Institute for Occupational Safety and Health (NIOSH):

1. Fire Departments should ensure that detailed pre-incident plan information is collected and available when needed
 - Pre-plan information was available and utilized by the Fire Department early into the incident. It did not contain detailed construction information or an accurate floor plan

Chief Parnell noted that the Fire Department uses a United States Fire Administration approved format for all of its pre-plans. He commented that one way to address this recommendation is to employ a Fire Protection Engineer in the Fire Marshall's Office who can read blueprints and place plans in the firefighter's hands in a format that can be easily understood. He noted that typically only larger fire departments have Fire Protection Engineers on staff, but the addition is one suggestion for how to best address the recommendation.

2. Fire Department should limit interior offensive operations in well-involved structures that are not equipped with sprinkler system and where there are no known civilians in need of rescue
 - The Fire Department was engaged for nearly two hours prior to the first mayday transmission and was in the defensive mode. The Fire Department's Strategy selection did not need to consider searching for civilians
3. Fire Departments should develop, implement and enforce clear procedures for operational modes. Changes in modes must be coordinated and communicated between the Incident Commander (IC), Command Staff and crews
 - The operational mode was changed from time to time based on location and condition of the fire

Chief Parnell noted that as the fire progressed and spread from one area to another the operational mode did change and he believes all changes were proper and appropriate.

4. Fire Departments should ensure that Rapid Intervention Crews (RIC)/Rapid Intervention Teams (RIT) have at least one charged hose line in place before entering hazardous environments for rescue operations
 - RIC entered without a hose line and rescued the captain. The RIC members were injured in the high heat conditions
 - The RIC chief indicates he called for a hose line. Nobody acknowledged this request
 - Quint 3 deployed a line to the entry point shortly after the request

Chief Parnell noted that the Department's SOPs are clear that hose line must be in place prior to entry. He commented that many RIC teams do not want a hose line because it slows them down, but it is mandated that City crews have the hose line in place before entering a building.

5. Fire Departments should ensure that the Incident Commander (IC) establishes the incident command post in an area that provides a good visual view of the building and enhances overall fire ground communication
 - The IC stayed in radio contact with the Safety Officer, Operations Chief and designated sector officers throughout the incident but had limited visibility of the fire ground operation

Chief Parnell stated that for this particular fire the railroad tracks geographically prohibited the Commander's vehicle from being parking directly in front of the portion of the building on fire. He noted that the Commander had to move his vehicle to allow the larger ladder trucks to deploy their ladders.

6. Fire Departments should ensure that crew integrity is maintained during fire suppression operations
 - Teams that enter a hazardous environment together should leave together to insure team continuity is maintained

Chief Parnell stated that this requirement is mandated and has been enforced through training.

7. Fire Departments should encourage local building code authorities to adopt code requirements for automatic protection (sprinkler) systems in buildings with heavy fire loads
 - North Carolina building codes are enforced (a more stringent code would have to be addressed at the local level)

Chief Parnell commented that the Salisbury Fire Department uses and enforces North Carolina Building Codes and that a more stringent Code would have to be addressed locally. He noted that beginning 2011 a new Code will become effective that requires single family residential homes to have sprinklers.

Chief Parnell noted that the last two recommendations are addressed to manufacturers of safety equipment. He stated that the City is using the best possible equipment it can obtain. He commented that the Fire Department has used grant funds to purchase pack-trackers which can help locate firefighters when visibility is poor.

8. Manufacturers, equipment designers and researchers should continue to develop and refine durable, easy-to-use radio systems to enhance verbal and radio communication in conjunction with properly worn SCBA
9. Manufacturers, equipment designers and researchers should conduct research into refining existing and developing new technology to track the movement of firefighters inside structures

Chief Parnell then reviewed results from the Citizens Survey and noted citizen's views of the Speed and Effectiveness of the Salisbury Fire Department:

- Very Satisfied – 56%
- Somewhat Satisfied – 21%
- Neutral – 11%
- Somewhat Dissatisfied – 0%
- Very Dissatisfied – 1%
- Missing/No Opinion – 11%

The citizens overall impressions of the Salisbury Fire Department were:

- Very Satisfied – 53%
- Somewhat Satisfied – 29%
- Neutral – 10%
- Somewhat Dissatisfied – 0%
- Very Dissatisfied – 1%
- Missing/No Opinion – 7%

Mayor Kluttz thanked Chief Parnell for the report and indicated Council's pride in the Fire Department for the outstanding job they provide to the citizens. She thanked Chief Parnell for his excellent leadership.

(d) Street Lighting Report.

City Manager David Treme recognized Engineering Technician Vickie Eddleman to update Council regarding street lights. Ms. Eddleman noted that the primary goal for the street lighting division is to update the entire City's street lighting system within six years.

Ms. Eddleman provided a street lighting summary:

- City's street lighting system consists of 3,798 lights
- Designed the layout of 381 lights in the last year
- Designed the layout of 121 to date this year
- Of these lights, 269 have been installed by Duke Energy
- Four petitions are in the queue for design

She reviewed the larger projects submitted to Duke Energy:

- West Monroe Street 200-400 Blocks
- Old Wilkesboro Road
- Westwood Subdivision
- Weatherstone Subdivision
- Holiday Retirement: White Oaks Drive
- Kings Forest Development
- Lone Hickory Village

Ms. Eddleman noted that the Westwood subdivision project is one of the larger projects being undertaken. She stated that the subdivision will move from two street lights to 67 street lights and that the time frame that this has taken place in is consistent with other large street lighting projects in the City.

Ms. Eddleman also reviewed the 300-400 blocks of North Lee Street and noted that Council's goal was to convert the overhead utilities to underground utilities and to improve the streetscape for the Railwalk area. She noted that she is assisting Urban Landscape Planner Lynn Raker with this project and Phase 1 construction will include the utility conversion in the 300 block of the street.

Ms. Eddleman discussed street light repairs:

- Citizens report 25-30 lights per month
- Will give a separate presentation on reporting methods
- City staff performs nighttime patrols on thoroughfares twice yearly
- Nighttime patrols expanded to include residential areas

She further explained the nighttime patrols:

- Two patrols of the thoroughfares – 146 malfunctioning lights
- Council request – patrol residential areas
- Coordinated with Duke Energy
- Began with crime hotspots
- Initial patrol covered about half of the City
- 183 malfunctioning lights were identified
- The Fire Department will patrol the remaining areas

Mayor Pro Tem Woodson asked if information explaining how citizens report street light outages will be on Access16. Ms. Eddleman responded that the information will be shown on Access16.

City Manager David Treme commented that Duke Energy has responded quickly to the reported street light outages and staff is working to provide a higher level of customer service to identify these lights in a timelier manner. He thanked Duke Energy for their increased level of service as the City works to increase its service to its citizens.

Mayor Kluttz thanked Ms. Eddleman for her report and the work being done by staff on this issue. She added that she believes it is important to have this information available on Access16 because if the public can help identify lights that are out, it will assist staff.

MAYOR'S ANNOUNCEMENTS

(a) **“Seamless Solutions to Urban Crime”**

Mayor Kluttz announced that the City of Salisbury will host the “Seamless Solutions to Urban Crime” statewide summit on public safety Friday, August 28, 2009 at the Salisbury Depot from 10:00 a.m. until 3:00 p.m.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:20 p.m.

Susan Kluttz, Mayor

Myra Heard, City Clerk