

Salisbury, North Carolina  
September 7, 2004

## **REGULAR MEETING**

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

**ABSENT:** Councilman William (Pete) Kennedy

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

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present.

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

Mayor Kluttz noted the following changes to the Agenda:

Remove item 15 – Council to receive a request from Mr. Jim Burgess and ADS to test High Density Polyethylene (HDPE) pipe and Nyloplast Drainage Basins as equal alternatives to concrete pipe and structures for construction of The Gables' storm drainage system.

Add - Council to go into closed session concerning an economic development matter as allowed by NCGS 143-318.11(4).

## **PROCLAMATION**

Mayor Kluttz proclaimed the following observance:

NATIONAL PREPAREDNESS MONTH                      September, 2004

## **CONSENT AGENDA**

(a) Minutes

Approve Minutes of the regular meeting of August 17, 2004.

(b) Group Development Site Plan G-09-03 - The Gables

Approve group development site plan G-09-03 The Gables at Kepley Farm, 1900 block of Faith Road.

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

## **REPORT FROM FISHER HARRISS DEVELOPMENT - STATUS OF THE TRACTOR BUILDING**

Mr. Chuck Harriss and Mr. Luke Fisher of Fisher Harriss Development spoke to Council concerning their plans for the Tractor Building. Mr. Harriss explained to Council that they were approached by Image Concepts who submitted the bid to purchase the building, and were asked to get involved by using their capital and construction expertise. Fisher Harriss purchased the building in March 2003 but in the interim Image Concepts relocated to New Bern, North Carolina. He noted that they have spent approximately \$40,000 to stabilize the building, and when the tenant for the building was lost they decided to design the building as an office condominium project. It will serve small tenants from twelve hundred (1,200) square feet to seventy-five hundred (7,500) square feet. The proposed floor plan shows five (5) separate suites but the floor space can be configured as needed. Mr. Harriss commented that the estimated value of the property upon completion is well over \$1 million. He noted that the original concept submitted by Image Concepts had an estimated value of \$400,000. Mr. Harriss asked for the City's assistance as they move forward with addressing issues not allowed by the City Code as well as the deed restrictions associated with the property.

Mayor Kluttz noted that Council had accepted bids on this property with stipulations on the acceptable uses. Councilman Lewis inquired about the deed restrictions. Mr. Harriss explained that the property has to be developed per the Image Concepts proposal which was a film production facility.

Mr. Lewis asked if there were legal ramifications from the bid process. Mr. Burgin commented that the contact was made with the parties who were previously interested in the property but they no longer have an interest.

Mr. Rivers Lawther, City Attorney, stated that Council could amend the restrictions that were placed on the deed. He explained that Council could reach an agreement with Fisher Harriss as to what will be allowed and then Council would need to pass a resolution to be made part of the record at the Register of Deeds office.

City Manager David Treme asked Council to consider approving the concept of office condominiums and allow a Council Committee to meet with Mr. Harriss and Mr. Fisher to work out the appropriate details.

Mayor Kluttz appointed Councilmen Burgin and Kennedy to serve on the Council Committee. Mr. Lewis commented that he did not want to create the appearance that there have been special deals behind the scenes because this is not the case. By consensus Council agreed to the concept for office condominium.

### **SPECIAL USE PERMIT - SUP-06-04 - PAUL FISHER**

SUP-06-04 - Paul Fisher, 202 South Fulton Street

(a) Swearing In

Mayor Kluttz swore in the following persons to testify in this case:

Mr. David Phillips  
Mr. Gray Stout

(b) Evidence Presented

Mayor Kluttz then opened the public hearing and explained that Council will receive evidence from staff.

Mr. David Phillips, Zoning Administrator, stated that this is a request for a Special Use Permit SUP 06-04 for property located at 202 South Fulton Street. He noted that the property owner, Mr. Paul Fisher, has requested approval for a special use permit for property located at 202 South Fulton Street being further identified as tax map 010 parcel 039. He stated that the property is zoned Single Family Conservation (SFC) and has the Historic District Overlay (H) on it. Mr. Phillips stated that the property is also known as the Cannon-Guille house, which is a neo-classical revival built around 1906 and is listed as a contributing structure within the district. He noted that the property includes a main structure and at one time included an accessory structure. He stated that the accessory building was completely destroyed when it was crushed by a tree. Mr. Phillips reviewed photographs of the area with Council. He noted that the setbacks in SFC for an accessory structure require the building to be five (5) feet from the interior property line and twenty (20) feet from a street right-of-way if it is located on a corner, as this property is. He stated that the building is located on the rear property line and pointed out Section 12.29 Special Use Permit is allowed in Section 7.10 (3)(b) may supersede minimum lot size and/or maximum yard requirements. He stated that a special use permit may be issued by City Council for the reconstruction of certain historic structures in a historic district and/or a pivotal or contributing structure listed in such a National District of historic places. Such reconstruction allowed by City Council in its issuance of a special use permit may violate one or more of the minimum lot size requirements and/or one or more minimum yard requirements, which is the setback. Mr. Phillips pointed out that in this case the property owner is asking for the setback off the rear property line to be violated because instead of meeting the five (5) foot setback, the owner is requesting it be placed where it was originally located which is approximately one-half (1/2) foot off the property line. Mr. Phillips stated that the procedures for the special use permit as listed under Section 7.10 state that City Council does have to consider the matter of the special use permit as it is governed to take confident evidence, make findings of fact, draw conclusions, formulate a decision and issue an order. He stated that prior to holding a public hearing on the requested special use City Council shall receive a recommendation from the Salisbury Planning Board. He added that this went to the Salisbury Planning Board on August 24, 2004, where there was a presentation by staff and a courtesy hearing was held. Mr. Phillips stated that neighbors spoke at the courtesy hearing and all were in favor of the proposal and with this in mind the Planning Board made a unanimous recommendation to City Council for this request.

Mr. Phillips explained that the authorization of Council for a special use permit and all supporting documentation shall become part of the Certificate of Appropriateness once a zoning permit has been issued. He explained that the determination of City Council is conclusive and final and there is no appeal process through the Zoning Board of Adjustment based on the decision made today. He stated that notification was made to the public, the petitioner and adjoining property owners. A public advertisement was also in the Salisbury Post, running twice prior to the City Council meeting. He noted that because the property is located in a Historic District, the Historic Preservation Commission was also notified.

Mr. Phillips commented that City Council may authorize a special use permit for the following: The reconstruction, alteration or repair of any structure in the Historic District of any structure classified as a pivotal or contributing structure that is not in the Historic District and has been damaged more than sixty percent (60%) of the fair market value immediately prior to the damage and is nonconforming because one or more setbacks is less than what is required in its zoning district. He explained that Council can place special conditions on the property and reiterated that staff did meet with the Planning Board and they did make a favorable recommendation to approve the special use permit. He added that the building will still have to go through the Historic Preservation Commission for their final approval.

Mr. Gray Stout, Architect, stated that he is the architect for the redesign of the new garage being proposed for the site. He commented that two

neighbors immediately adjacent to the old garage site, including Rowan Bed and Breakfast, requested that it be put back basically where it was located. He commented that it serves a dual purpose of defining the edges of their yards and garden areas and it helps the neighbors. He asked Council to take action to issue a special use permit.

There being no one else to speak **in favor** or **in opposition** to the above proposal, Mayor Kluttz closed the public hearing.

(c) Findings of Fact

Councilman Lewis offered the following Findings of Fact:

1. Property owned by Paul Fisher has requested approval for a special use permit for property located at 202 North Fulton Street being further identified as parcel 039 on Rowan County tax map 010.
2. The property is zoned Single-family conservation (SFC) with the Historic district overlay (H).
3. The residence is also known as Cannon-Guille House, a Neo-Classical revival built around 1906 and is listed as a contributing structure.
4. The property includes a main structure and an accessory structure.
5. The accessory building was totally destroyed when it was crushed by a tree.
6. The setbacks for accessory structures in the SFC district are five (5) feet from any property line. In the case of a corner lot the setback from any side street right-of-way shall be at least twenty (20) feet.
7. The accessory building was located on the rear property line as per submitted survey.
8. The owner is requesting a special use permit for the reconstruction of the accessory building in its original location.
9. Section 12.29 Special Use Permit as allowed in Section 7.10(3)(b) may supersede minimum lot size and/or maximum yard requirements.
10. The Salisbury City Council may issue a special use permit as authorized in Section 7.10 Special Use Permit.
11. Salisbury Planning Board at its August 24, 2004 meeting received a presentation from staff and held a courtesy hearing to receive comments from adjacent property owners.
12. Salisbury Planning Board voted unanimously to approve SUP-06-04 for the reconstruction of an accessory building to be located in the rear yard of 202 South Fulton Street.

(d) Decision

Thereupon, Mr. Lewis made a **motion** to issue Special Use Permit 06-04. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

**ZONING MAP AMENDMENT - Z-11S-04 - RODNEY QUEEN**

Z-11S-04 - Rodney Queen - 3100 Block of West Innes Street

(a) Swearing In

Mayor Kluttz swore in the following persons to testify in this case:

Ms. Janet Gapen  
Mr. Rodney Queen

(b) Evidence Presented

Mayor Kluttz then opened the public hearing and explained that Council will receive evidence from staff.

Ms. Janet Gapen, Planner II, stated that this request is to rezone property along West Innes Street from R-8 Single Family Residential to R-6A-S Special Multi-family Residential District. Ms. Gapen reviewed a map of the property in question and noted that it and the bulk of the surrounding property is zoned R-8. She pointed out a small B-CS Business Convenience Service District to the north of the property. To the south of the property is an apartment complex and North Hills Christian School. Ms. Gapen stated that the property is 29.2 acres, all wooded and currently vacant. She stated that much of the surrounding property is single family residential, much of it on large lots. The frontage along West Innes Street is nine hundred (900) feet. She noted that this request is to rezone to R-6A-S which is a special use district with specified uses and conditions. She commented that the specified use in this case is condominium development and the specified conditions are that twenty-five percent (25%) of the property would be set aside

in common open space and that the maximum number of units would be one hundred ninety-five (195). Ms. Gapen stated that had this not been converted to a special use request the R-6A zoning would have allowed eleven (11) units per acre which would have equaled three hundred twenty-one (321) units on the 29 acres. Ms. Gapen reviewed photographs of the property and the surrounding properties. She informed Council that the Planning Board recommended the application with the special use and conditions by a unanimous vote.

Mr. Rodney Queen, 101 Polo Drive, stated that when he looked at the property for development he felt like it was a good area for a condominium development project. He added it that would be a spin-off from Woodfield, but would have garages. He commented that in looking at the lay of the land he would not want to go in and build three hundred thirty (330) units but would rather have a lot of open space laid out with a good design. He added that this is why he was in favor of doing the one hundred ninety-five (195) units. Mr. Queen told Council that he did a mailing to local residents and spoke to many of them during his work. He commented that he thought Mr. Clay Lindsay, who owns property across the street, might have concerns but he is in favor of it and spoke before the Planning Board. He stated that he thinks this offers a good opportunity for that end of town and pointed out that there is a lot of road frontage which gives him an opportunity to work with the Department of Transportation. He stated that this will offer a great amount of flexibility for various ways to get in and out. Mr. Queen commented that he appreciated the support of the people who surrounded the property. He added that he thinks this a great project and he tries hard to bring things to Council that do not have opposition.

Mayor Pro Tem Woodson stated that during the last three (3) months Mr. Queen has brought before Council close to five hundred (500) to six hundred (600) apartments and condominiums and asked if developers are optimistic that the town is going to grow. Mr. Queen stated that he felt there would be a lot of growth in many different areas especially as the baby boomer and senior populations grow. He noted that many people are changing their lifestyles and are looking for developments that are more self-contained. Mr. Queen stated that research shows the apartments will pull people in and he is very optimistic that there will be a lot of support.

There being no one else to speak **in favor** or in **opposition** to the above proposal, Mayor Klutz closed the public hearing.

Councilman Lewis disclosed to Council that he has a banking relationship with Mr. Queen but his bank has no interest in this particular property.

(c) Findings of Fact

Thereupon, Mr. Woodson made a **motion** and offered the following Findings of Fact:

1. The uses and conditions proposed will not materially endanger the public health or safety if located where proposed and determined according to plan.
2. The uses and conditions will be required to meet all pre-existing conditions and specifications.
3. The uses and conditions will not injure the value of adjoining or abutting properties.
4. The location and character of the use proposed for the site, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the adopted Salisbury Vision 2020 Comprehensive Plan and other plans for the development of the Salisbury area as adopted by the City Council.

After this finding the City Council may vote for the special use permit to change from R-8 Single Family Residential to R-6A-S Special multi-family residential zoning change. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Klutz vote AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 29.22 ACRES ALONG WEST INNES STREET, IDENTIFIED AS PARCEL 42 ON FRANKLIN TOWNSHIP TAX MAP 325, FROM R-8 SINGLE-FAMILY RESIDENTIAL TO R-6A-S SPECIAL MULTI-FAMILY RESIDENTIAL.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 143, and is known as Ordinance No. 2004-56.)

(d) Decision

Thereupon, Mr. Woodson made a **motion** to issue the Special Use Permit for R-6A-S for Z-11S-04. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE GRANTING A SPECIAL USE DISTRICT PERMIT IN ACCORDANCE WITH THE SPECIAL USE DISTRICT ALONG WITH ITS SPECIAL USES AND CONDITIONS AS DESCRIBED IN ORDINANCE NUMBER 2004-56.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 150, and is known as Ordinance No. 2004-62.)

**ZONING TEXT AMENDMENT -ADDITIONAL USES IN SECTIONS 8.31; 8.33; AND 8.43**

Zoning Text Amendment - to add the following uses: fitness centers, health clubs, day spas, athletic clubs and similar types of establishments

(a) Ms. Janet Gapen, Planner II, informed Council that this request was initiated by the Development Services Department after receiving a request for the relocation of a fitness facility in the downtown area. It was determined that the current ordinance does not adequately address fitness facilities.

The only use listed that is similar is a figure salon and the Planning Board felt this was outdated terminology. She added that this change will clarify and make the ordinance a bit more specific.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add the following uses - fitness centers, health clubs, day spas, athletic clubs and similar types of establishments.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Appendix B, Zoning of the Code of the City of Salisbury, North Carolina, to remove the use "figure salons" and to list an additional use in Section 8.31 Convenience Service Business District (B-CS) and Section 8.33 Retail Business District (B-2) and Section 8.43 Limited Business District (B-7). Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO REMOVE THE USE "FIGURE SALONS" AND TO LIST AN ADDITIONAL USE IN SECTION 8.31 CONVENIENCE SERVICE BUSINESS DISTRICT (B-CS) AND SECTION 8.33 RETAIL BUSINESS DISTRICT (B-2) AND SECTION 8.43 LIMITED BUSINESS DISTRICT (B-7).

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 144, and is known as Ordinance No. 2004-57.)

### **ZONING TEXT AMENDMENT - ACCESSORY DWELLING UNITS**

Zoning Text Amendment - accessory dwelling units

(a) Ms. Janet Gapen, Planner II, stated that this text amendment was initiated by a property owner and the request is to convert an existing garage on the property into an accessory dwelling unit. She noted that the ordinance does not address this and staff reviewed the new land ordinance and the Vision 2020 plan, both of which supported this use in residential districts. Ms. Gapen informed Council that the Planning Board recommended approval of the text and conditions as follows:

- Accessory dwelling unit – a separate, complete housekeeping unit, but not a manufactured home, located on the same lot as a single-family dwelling, but in a detached building that is clearly subordinate to the principle building.
- Only one (1) accessory dwelling unit shall be permitted on a lot, within the existing footprint of a secondary structure at least five (5) years old.
- Principal building must be at least two thousand (2,000) square feet in size.
- Accessory unit shall not exceed thirty percent (30%) of the size of the principal building.
- Owner of the lot must occupy as their primary residence either the principal building or the accessory dwelling unit.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment for accessory dwelling units.

Mr. Jay Dees, Attorney with Ketner & Associates, stated that he felt this is a great opportunity and staff has anticipated changes that will be in the land development ordinance.

There being no one else present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

Councilman Burgin asked about the condition that states the owner must use one of the dwellings as their primary residence and questioned how this will work if the primary dwelling is sold and then rented. Mr. Joe Morris, Planning and Community Development Manager, replied that this issue will be addressed in the new code and staff wanted to make this as site specific as possible, recognizing it is a stop-gap measure between this instance and what will be addressed in the new code.

(c) Thereupon, Mr. Burgin made a **motion** to adopt the proposal for adding the accessory dwelling units. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO LIST "ACCESSORY DWELLING UNITS" IN SECTION 4.02 DEFINITIONS, AND AS A PERMITTED USE IN SECTION 8.07 SINGLE-FAMILY RESIDENTIAL DISTRICT (R-8) AND SECTION 8.09 SINGLE-FAMILY CONSERVATION RESIDENTIAL DISTRICT (SFC).

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page Nos. 145-146, and is known as Ordinance No. 2004-58.)

### **ZONING TEXT AMENDMENT - ADD AUCTION HOUSES**

Zoning Map Amendment - add auction houses as a permitted use with conditions in the B-5 and B-7 districts

(a) Ms. Janet Gapen, Planner II, informed Council that this request was initiated by a potential tenant in the downtown area but the current ordinance does not address "auction houses" as a permitted use. She stated that a Planning Board committee looked at the issue and discussed various conditions that should be applied. The Planning Board felt that the auctioning of goods should take place inside an enclosed building and should be an added condition. Ms. Gapen noted that the Planning Board had some concerns about hours of operation but since this is not addressed with other night clubs and restaurants downtown they did not feel this type of restriction was appropriate.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add auction houses as a permitted use with conditions in the B-5 and B-7 districts.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to approve adding auction houses as a permitted use in the B-5 and B-7 Districts, taking place in an enclosed building. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO LIST AN ADDITIONAL PERMITTED USE IN SECTION 8.39 CENTRAL BUSINESS DISTRICT (B-5) AND SECTION 8.43 LIMITED BUSINESS DISTRICT (B-7).

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 147, and is known as Ordinance No. 2004-59.)

### **GROUP DEVELOPMENT SITE PLAN - G-01-75 - SALISBURY HIGH SCHOOL**

G-01-75 - Salisbury High School, 500 Lincolnton Road

Councilman Burgin asked to be excused from this item due to a conflict of interest.

Thereupon, Mr. Lewis made a **motion** to excuse Mr. Burgin. Mr. Woodson seconded the motion. Messrs. Lewis, Woodson and Ms. Kluttz voted AYE. (3-0)

(a) Mr. David Phillips, Zoning Administrator, informed Council that this is the group development for Salisbury High School that was approved several months ago. He noted that at the time of approval a recommendation was included from staff and the Planning Board to include a sidewalk along Caldwell Street. City Council approved the site plan with the recommendation for the sidewalk. Mr. Phillips stated that staff has received a letter from Dr. Windsor Eagle, Principal of Salisbury High School, requesting that a section of the sidewalk along Caldwell Street be removed. He noted that Dr. Eagle felt there is no need for the upper section along Caldwell Street from the circle to Lincolnton Road because the sidewalk is connected to the existing driveway circle.

Mr. Phillips stated that the request was sent to the Technical Review Committee (TRC) who felt staff should uphold what had been approved by City Council. The issue was taken to the Planning Board who also unanimously upheld Council's decision. He noted that staff recommends Council uphold the original ruling.

(b) Mayor Kluttz opened the floor to receive public comments.

Dr. Windsor Eagle, Principal Salisbury High School, told Council that people rarely walk where the sidewalk is proposed. He noted that there is a sidewalk on the other side of Caldwell Street where most of the houses are located. Dr. Eagle stated that most people who try to get to the Caldwell Street/Lincolnton Road area typically walk through the circle or through campus. He noted that students were asked about this and they also felt there was no walking traffic in the area. Dr. Eagle stated there is a hill in the area for the proposed sidewalk and he feels this will create problems with skateboarders.

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

Mayor Pro Tem Woodson asked about the location of a telephone pole in the area where the sidewalk is proposed. Mr. Phillips stated that the sidewalk is not required to be beside the curb and the sidewalk could be constructed higher on the property, around the pole, where the ground is flat.

Mayor Kluttz noted that Council had an extensive discussion on this issue when it was originally submitted and they felt a sidewalk was necessary. She commented that Council's first priority is safety for its citizens, particularly on a street with young, new drivers and she still feels it needs to have a sidewalk. She noted that given the commitment Council has made to sidewalks she did not feel she could make an exception around a school.

Councilman Lewis stated that he can understand why Dr. Eagle is requesting the amendment but he still supports the sidewalk requirement.

(c) Thereupon, Mr. Lewis made a **motion** to deny the potential amendment to G-01-75. Mr. Woodson seconded the motion. Messrs. Lewis, Woodson and Ms. Kluttz voted AYE. (3-0)

### **PRESENTATION FROM SALISBURY-ROWAN ECONOMIC DEVELOPMENT COMMISSION CONCERNING RESOLUTION OF SUPPORT FOR AMENDMENT ONE**

Mr. Randy Harrell, Executive Director of the Salisbury-Rowan Economic Development Commission (EDC), asked Council for their

consideration for a Resolution of support for Amendment One, also known as self financing bonds. He stated that this issue is on the ballot for voter consideration on November 2, 2004.

Mr. Harrell explained that self financing bonds are a local economic development tool and explained the process for how the bonds will work. He pointed out that the Local Government Commission must approve all projects and the bonds are paid off by the net gain in property taxes. He also emphasized that there are no tax hikes associated with the bonds. Mr. Harrell stated that more than ninety-five percent (95%) of self-financing bonds have succeeded across the country, and he pointed out that in North Carolina tax payers will not be liable if projects fail. He commented that North Carolina is one of only two states in the nation that do not currently have self-financing bonds. Mr. Harrell submitted a list to Council of cities and counties that have adopted resolutions of support.

Mayor Klutz stated that the North Carolina Metropolitan Coalition strongly supports Amendment One. She noted that they feel North Carolina is at a disadvantage being one of only two states in the nation that do not have these bonds as an incentive. She stated that she thinks it is important to support this and encourage citizens to support it as well.

Mayor Pro Tem Woodson stated that Salisbury is not only competing locally but worldwide and he supports this. Councilman Lewis commented that municipalities across the state are recognizing the importance of this as an economic development tool.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution in support of Amendment One: Self-Financing Bonds. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

A RESOLUTION IN SUPPORT OF AMENDMENT ONE: SELF-FINANCING BONDS - A LOCAL ECONOMIC DEVELOPMENT TOOL TO CREATE QUALITY JOBS, REVITALIZE COMMUNITIES AND ATTRACT NEW ECONOMIC OPPORTUNITIES IN NORTH CAROLINA.

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 40-41, and is known as Resolution No. 2004-27.)

#### **PARKING - SALISBURY HOUSING AUTHORITY - 700 BLOCK OF PARTEE STREET**

Ms. Wendy Brindle, Traffic Engineer, stated that a request has been received from the Salisbury Housing Authority to restrict parking on the east side of the 700 block of Partee Street. She noted that their request was in response to resident complaints. She noted that the Police Department also supports the restriction.

Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance amending Section 13-338 of the City Code related to parking being restricted along the 700 block of Partee Street. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)  
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. 20, Traffic, at Page No. 148, and is known as Ordinance No. 2004-60.)

#### **DEMOLITION - 1002 WEST BANK STREET**

Mr. Jeff Youngblood, Minimum Housing Inspector, spoke to Council concerning a structure located at 1002 West Bank Street. Mr. Youngblood stated that the property has been vacant and deteriorating since May 1999. He noted that several contacts have been made with the owner in attempts to have the property repaired or demolished. The owner contacted a private contractor for repairs to the structure and received a bid of \$54,000. He pointed out that the tax value of the house is approximately \$27,000. Mr. Youngblood explained that although the owner signed the contract for repair she never submitted funds to begin the work. Mr. Youngblood told Council that approximately one (1) year later he helped the owner contact another contractor but the contractor would not accept the job because the floors were caving in and felt it was too dangerous.

He stated that the structure has deteriorated to an unsafe condition for the surrounding neighbors and citizens of Salisbury. Mr. Youngblood noted that the nuisance abatement officer has mowed and cleaned the property fourteen (14) times since June 1999 for a total of \$2,400 in liens against the property. He stated that he has received petitions from the Westside Community for action to remove the property and requested Council's approval of orders to proceed with demolition. He noted that the estimated cost of the demotion is \$3,800 and a lien will be placed against the property for this cost.

Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance directing the Housing Inspector to demolish the structure located at 1002 West Bank Street, Salisbury, as a structure being unfit for human habitation and deteriorated to an unsafe condition. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO HAVE DEMOLISHED THE STRUCTURE LOCATED AT 1002 WEST BANK STREET, SALISBURY, N.C., IT BEING UNFIT FOR HUMAN HABITATION, AND DETERIORATED TO AN UNSAFE CONDITION.

(The above ordinance is recorded in full in Ordinance Book No. 20, Miscellaneous, at Page No. 149, and is known as Ordinance No. 2004-61.)

#### **CRANE CARRIER LET2-40 CAB AND CHASSIS - SANITATION DEPARTMENT**

Mr. Dewey Peck, Purchasing Manager, explained that this purchase of two (2) LET2-40 cab and chassis trucks for \$174,042 is a piggy-back on a contract awarded by the City of Fayetteville earlier this year. He noted that these units will be used by the Sanitation Department and have been approved by the Vehicle Replacement Committee. He added that funds are available in the Vehicle Replacement Fund in this year's budget.

Thereupon, Mr. Woodson made a **motion** to approve the Resolution for the purchase of two (2) Crane Carrier LET2-40 cab and chassis trucks for the Sanitation Department. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

**RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) CRANE CARRIER LET2-40 CAB AND CHASSIS FOR THE SANITATION DEPARTMENT.**

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 42, and is known as Resolution No. 2004-28.)

**AWARD CONTRACT TO CLONINGER FORD - PURCHASE 12 POLICE PURSUIT VEHICLES - SALISBURY POLICE DEPARTMENT**

Mr. Dewey Peck, Purchasing Manager, stated that in an effort to give local vendors an opportunity to participate staff offered all local dealers an opportunity to bid on the City's Police package. The bids received were:

| <u>Vendor</u>     | <u>Quantity</u> | <u>Unit Price</u> | <u>Bid Proposal</u> |
|-------------------|-----------------|-------------------|---------------------|
| Cloninger Ford 12 |                 | \$20,150          | \$241,800           |
| Hilbish Motor Co. | 12              | \$21,034          | \$252,408           |

Mr. Peck noted that the unit price is less than the price paid last year and staff is pleased to be able to purchase from a local dealer.

Thereupon, Mr. Woodson made a **motion** to award the contract to Cloninger Ford in the amount of \$241,800 for twelve (12) police cars. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

**AWARD CONTRACT TO CLONINGER FORD - PURCHASE 2 CAB AND CHASSIS TRUCKS - STREET DEPARTMENT**

Mr. Dewey Peck, Purchasing Manager, informed Council that this is for the purchase of two (2) trucks that will have packers installed and will be used strictly for limb and refuse pick-up.

The bids received were:

| <u>Vendor</u>      | <u>Unit</u>               | <u>Bid Proposal</u> |
|--------------------|---------------------------|---------------------|
| Cloninger Ford     | Ford F350                 | \$90,600            |
| Triad Freightliner | Freightliner Model M2-106 | \$99,760            |

Mr. Peck noted that funds are available in the Vehicle Replacement Fund and the Vehicle Review Committee approved the purchase.

Thereupon, Mr. Woodson made a **motion** to award the contract to Cloninger Ford in the amount of \$90,600 for the purchase of two (2) GVW cab and chassis trucks for the Street Department. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

**SURPLUS EQUIPMENT - SALE BY ELECTRONIC AUCTION**

Mr. Dewey Peck, Purchasing Manager, informed Council that mailing equipment was replaced earlier this year and staff has found electronic auctions to be a good way to sell equipment. He commented that previously it would have been placed in the annual auction and raised only about \$25. He asked Council to approve disposing of the surplus property through the electronic auction.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution to place certain equipment for sale by electronic auction. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

**RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY SURPLUS AND AUTHORIZING DISPOSITION BY ELECTRONIC AUCTION.**

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 43, and is known as Resolution No. 2004-29.)

**HISTORIC PRESERVATION COMMISSION**

Mayor Kluttz stated that she received a letter of resignation from Dr. Clara Jones, a member of the Historic Preservation Commission, who is taking a job out of town. Mayor Kluttz recommended Mrs. Raemi Evans to fulfill Dr. Jones' term.



Thereupon, Mr. Burgin made a **motion** to appoint Mrs. Raemi Evans to the Historic Preservation Commission to fill the spot vacated by Dr. Clara Jones. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

**COMMENTS FROM THE CITY MANAGER**

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their August 24, 2004 meeting.

(b) Discuss dates for Halloween

City Manager David Treme noted that Halloween is on Sunday this year and there have been questions raised about celebrating the day on Saturday.

Deputy Chief Steve Whitley informed Council that the majority of night clubs will have their celebration on Saturday night and the Police Department has extra people scheduled to work. He noted that Chief Wilhelm feels if October 31<sup>st</sup> falls on Sunday to celebrate on Sunday in order to avoid confusion.

Thereupon, Mr. Burgin made a **motion** to leave Halloween on October 31<sup>st</sup>. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Kluttz voted AYE. (4-0)

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**MAYOR'S ANNOUNCEMENTS**

(a) Mayor's Spirit Luncheon

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Mayor Kluttz announced that the Mayor's Spirit Luncheon will be held October 5, 2004 at 12:00 p.m. She noted that the lunch will be provided by Habitat for Humanity and the guest speaker will be Mr. Rick Annicetti.

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**CLOSED SESSION**

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session concerning an economic development matter as allowed by NCGS 143-318.11(4).

Thereupon, Mr. Woodson made a **motion** to go into closed session concerning an economic development matter as allowed by NCGS 143-318.11(4). Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

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**RETURN TO OPEN SESSION**

Mr. Woodson made a **motion** to return to open session. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

Mayor Kluttz stated that no action was taken in closed session.

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:40 p.m.

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Mayor

\_\_\_\_\_  
City Clerk