

Salisbury, North Carolina

May 7, 2002 - 4:00 p.m.

REGULAR MEETING

PRESENT: Mayor, Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; Robert (Bob) Martin; City Manager, David W. Treme; Assistant City Manager, J. Foster Owen; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Swannetta B. Fink.

ABSENT: Councilman William (Pete) Kennedy

The meeting was called to order by Mayor Kluttz. The invocation was given by City Manager David Treme.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

PROCLAMATIONS

The following observances were proclaimed:

INFORMATION AND REFERRAL

AWARENESS MONTH May, 2002

NATIONAL DRINKING WATER WEEK May 5-11, 2002

YOUTH COMMUNITY PEACE DAY May 11, 2002

NATIONAL POLICE WEEK May 12-18, 2002

VETERANS MEMORIAL DAY May 27, 2002

YEAR OF THE ROSE 2002

Mr. Clyde Harriss, a member of the American Rose Society, presented Mayor Kluttz a rose corsage, and each councilman a rose boutonniere in honor of the Year of the Rose.

Officer Karen Barbee announced that the Police Memorial Service will be held May 13, 2002, at 12:00 noon at the First Presbyterian Church.

FIREFIGHTER MEMORIAL UPDATE

Mayor Kluttz informed Council that she attended the Rowan County Commissioners meeting yesterday, May 6, and gave a presentation to them concerning the Salisbury-Rowan Firefighter's Memorial Project. Mayor Kluttz recognized Mr. Steve Blount, Chairman of the Rowan County Commissioners, who was present at this meeting. She then reported that the Rowan County Commissioners agreed to match dollar for dollar (up to \$5,000.00) what the Rowan County firefighters raise toward this project.

In March, 2001, the City of Salisbury hosted a New York City firefighter, Mr. Thomas Gavitt, and his wife. We were one of 200 cities in the nation that participated in honoring the firefighters who worked during the tragedy that occurred September 11 in New York City. The New York Fire Department lost 343 members. The City of Salisbury not only honored the New York City firefighter and his department, but we also realized it was an opportunity for us to honor our own firefighters, she noted.

Ms. Lynn Raker, Urban Design Planner, reviewed with Council the proposed Salisbury-Rowan Firefighter's Memorial Project. The Committee working on this project is composed of the following: Susan W. Kluttz, Mayor; Bob Parnell, Salisbury Fire Department; Joe Morris, City Planner; Paul Brown, W.A. Brown & Son; Alan Cress, Rowan County Fire & Rescue Association; Wayne Ashworth, Rowan County EMS; Thomas Gavitt, Fire Department of New York City; and Lynn Raker, City Landscape Architect.

Ms. Raker said that citizens could make contributions to the Memorial project which will cost approximately \$38,000.00. The committee is hopeful that the money will be raised and the project completed by September 11, 2002. A dedication ceremony is planned at that time.

VOICES & CHOICES

Ms. Kay Clark gave Council a presentation concerning VOICES & CHOICES of the Central Carolinas. Their mission is to build economic and environmental sustainability. They work to insure a sustainable quality of life for today and the future by engaging citizens, governments, and community organizations in shaping a shared vision for our region, and by fostering collaboration on common concerns and opportunities. This is a non-profit organization which serves 14 counties. Mr. Steve Blount, Chairman of Rowan County Commissioners, is the representative for this area. Funding for VOICES & CHOICES is 1/3 foundation; 1/3 government; and 1/3 public corporations.

Ms. Clark told Council that one of their largest initiatives is called Strategic Regional Open Space Framework. Open space is vital to our economy, environment, and health. It's a critical component of quality of life with both economic and environmental value. The purpose of the framework is to provide common ground for action and a platform for integration from the counties.

Another project VOICES & CHOICES is working on is the quality of life. The proposal is for a resolution acknowledging that the counties and municipalities recognize the importance and impact of environmental issues, including land use and urban planning in their own community and as a regional issue. Rowan County is the first county to sign the quality of life resolution. Another program they are working on is the Byte Back Program which deals with computers and electronic recycling, she said.

CONSENT AGENDA

(a) Minutes

Minutes of the regular meeting of April 16, 2002.

(b) Group Development Site Plan

Approve Group Development Site Plan for G-6-02 - Fleming Heights, 430 Lash Drive.

(c) Outside Water Connection

Approve an outside water connection for Luther B. Childress, 120 Grace Church Road, Tax Map 477, Parcel p/o 026.

(d) Special Use Permit

Approve a Special Use Permit for CTC Wireless to co-locate any array of antennas on an existing tower at 145 Dan Street.

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

PRESENTATION FROM MR. BANKS BARRINGER - AMERICAN LEGION BASEBALL STATE TOURNAMENT

Mr. Banks Barringer spoke to Council about the American Legion Baseball State Tournament which is to be held in Salisbury August 2-7, 2002 at an estimated cost of \$45,000.00. Mr. Barringer told Council the State Tournament was bid and we were awarded the tournament. This means that Salisbury needs to be well represented. In order to have the tournament here in Salisbury, the local American Legion had to promise to fund all expenses of the competing teams, explained Mr. Barringer. The teams bear their own expense to get here, but once they are in Salisbury, it is up to the Legion to house, feed, entertain, and do everything we can to make them feel welcome in Salisbury, he said. Mr. Barringer told Council he is asking for assistance in making this tournament successful.

Ms. Judy Newman, Executive Director of Rowan County Convention & Visitors Bureau, said this tournament is certainly going to make an impact on Salisbury. It will expose Salisbury to our friends across the state and put us in the limelight.

ANNEXATION - STATESVILLE BOULEVARD AREA - PUBLIC HEARING

(a) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the annexation of property in the Statesville Boulevard area.

Mr. Bill Duston of Centralina Council of Governments (COG) reviewed with Council the Annexation Report that was adopted March 19. Since that adoption, staff has found additional information and there may be minor modifications to the report prior to any formal action taken on the annexation by City Council, he said. The report is 100% in concert with what has previously been adopted and, also, what was presented at the public information meeting recently, noted Mr. Duston. He highlighted the following:

- annexation area includes the Westcliff, Rollings Hills and Hendrix Estates

Subdivisions as well as surrounding land uses.

- approximately 1370 persons in the annexation area.

- total area contains approximately 483 parcels. This area does qualify for annexation per the applicable General Statutes. Of the 483 parcels, 480 parcels are considered to be developed for urban purposes. 3 parcels in the southeast corner (Subsection D parcels) meet the General Statutes but are not developed for urban purposes. These are large undeveloped lots. 389 lots are developed. Of the 389 lots, 19 are commercial; 2 institutional; 1 industrial; and 367 residentially developed. Subsection D

lots (3) total 55.31 acres.

- area qualifications: must be adjacent and contiguous to the primary corporate limits of the City of Salisbury at the time the annexation began. It must be 1/8 or 12-1/2% contiguous. The boundary of the area is approximately 24.4% contiguous with the primary corporate limits; none of the areas within the corporate limits of another city; and in fixing the exterior boundaries, roads, recorded property lines, and the boundaries of the City of Salisbury were exclusively used. That's how the entire area qualifies. Of the 483 lots that are developed for urban purposes, 89 or 81% are developed. 60% must be developed. At least 60% of residential and undeveloped acreage must be in lots or tracts three acre or less in size. We are at 64.6%. Subsection D lots - area must be contiguous on 60% of external boundary to the primary corporate limits or to the area developed for urban purpose. This area is 68.8%. Subsection D cannot constitute more than 25% of the area of the entire annexation. This has been calculated at 11%. Mr. Duston reported that based on all the calculations, to the best of his knowledge, the area does, indeed, qualify for annexation.

Mr. Duston reviewed the services the City will provide:

Fire protection - the City's fire department will be able to provide sufficient water supply to the annexation area prior to the installation of fire hydrants in the area. The plan is to have sufficient water to the annexation without fire hydrants on substantially the same basis as is provided in similar areas within the corporate limits. Mr. Duston explained how this service would be provided. Fire Station #53 is the primary station to serve the area with Stations #51 and #52 to provide backup. Response time will be similar to elsewhere in the City, Mr. Duston reported. The City will likely take over services now provided by the Franklin Township Fire Department (VFD). He said the City will likely have to compensate this VFD for loss of revenue. The cost the City will bear for fire protection service in year one is approximately \$13,925.00. Compensation to the VFD would be for 5 years per the General Statutes.

Police protection - Salisbury Police Department will provide police protection immediately upon annexation. Two additional patrol officers plus two vehicles would be provided. Annual costs for these two officers will be approximately \$89,148; one time only start-up cost is estimated to be \$72,094.00.

Solid Waste Collection - the Solid Waste Division of Public Services is responsible for collection and disposal of garbage, trash and refuse within the City. One roll out cart/recycling bin is provided and collection is once a week. Residential landfill cost

is \$2.96 and recycling cost is \$1.44 per month. The commercial landfill fee is \$5.33 per unit. The City will likely have to compensate existing garbage haulers

for their loss of revenue. This maximum anticipated cost would be \$67,320.00,

but, Mr. Duston said the calculations as of today would reduce this figure approximately 1/4. There would be a one time cost to the City of \$49.00 per

unit for roll out containers and \$9.15 per unit for recycling bins. The total

maximum start-up cost is estimated at \$91,519.00.

Street Right-of-Way and Vacant Lot Maintenance -The City will mow streets

right-of- ways. Cost approximately \$400.00.

Traffic Operations - The City will maintain all traffic control devices

(street name signs, traffic control signs, pavement markings, traffic signals on

City and State maintained road systems. The estimated start-up cost is \$415.00,

with estimated first year cost being \$3,567.00.

Street Maintenance - The City provides residential street maintenance and construction which is financed by Powell Bill funds, and the City's General

Fund. The City charges for curb and gutter, driveway aprons, and sidewalk installation within the City's right-of-way. The City also provides street cleaning,

stormwater system maintenance and snow/ice removal. 5.08 miles of streets

are eligible for the City to maintain. One new employee will be needed to

provide services comparable to services done elsewhere in the City. The start-up

cost is approximately \$10,000.00 for equipment with first year cost of \$43,719.00 including salary.

Street Lighting - The City contracts with Duke Energy to operate and maintain lights along public streets. 28 street lights are in the proposed annexation area which would cost the City approximately \$1,920.00 per year.

Storm Drainage - The City maintains in public streets right-of-way. City does not necessarily improve undersized or eroded drainage systems and drainage on private property. Grant fund are available for 1/2 cost of drainage improvements on private property, with up to \$25,000.00 allocated annually for this and dispersed according to policy guidelines.

Parks and Recreation - The City operates 15 park sites; 3 recreation centers; 1 civic

center for public use. There are no anticipated increase in fees as a result of this annexation.

Zoning Enforcement - The area lies within City's extraterritorial jurisdiction. There

are no additional costs.

Mr. Duston told Council **if** all the reimbursements being held by the State come back to the City, they would amount to \$572,336.00. These are ad valorem, local option sales taxes, Cable TV franchises, privilege license fees, utility franchise taxes, and Powell Bill funds. Estimated annual expenditures for annexation are \$186,864.00. The estimated annual gain to the City as a result of this is \$385,472.00. The start-up cost (one-time) is \$174,028.00.

Dr. Marc Fruchtman, Willow Road, told Council he had a couple of questions. One of the things on page 21 (Annexation Report) is in regard to water/sewer to his home. There is a fee for the connection which the City will not provide the cost of, but, in six months he would get 75% reduction of the fee. He asked what the current fee for his home is and said by knowing that, he can determine whether that's reasonable. He said 75% of \$10,000 is too much. The next question he had is on the bottom of page 21 (Annexation Report). It says the City acknowledges that it has a duty to provide water and sewer service to the annexed area on substantially the same basis and in the same manner as is provided in the existing city. His question is: "In the existing City, do you charge for hookup to the homes? If you do, that's reasonable." He indicated, if not, he feels they (the proposed annexed area residents) are not being treated the same. His last question is, "When will the proposed annexation take place for Willow Road?"

Mr. Duston stated the City plans to install over 21,400 linear feet of water lines for an estimated cost of over \$1.2M. Sanitary sewer will be installed for 32,000 linear feet at a cost of \$2.5M. There will be approximately \$250,000 in cost for the City for issuing revenue bonds to get the revenue for the water and sewer line extensions. The total estimated cost for the water and sewer extensions as estimated by the City's engineer is a little over \$4.0M. The City does plan to finance the extension of the water and sewer lines by the issuance of revenue bonds and to finance the continued operation of these services by revenues (water and sewer fees) derived from the services provided to the users. The proposed date of annexation is June 30, 2003. The utility extensions must be completed 2 years from the effective date of annexation, which would mean finishing construction of utilities by June 30, 2005.

No one else was present to speak concerning the proposed annexation area. Mayor Kluttz closed the public hearing.

City Clerk, Swannetta Fink, informed Council that she certifies notices were sent to owners of property in the proposed annexation areas.

SPECIAL USE DISTRICT PERMIT - Z-5S - CARILLON ASSISTED LIVING

Z-5S - Carillon Assisted Living, 1915 Mooresville Highway

Locke Township Tax Map 460, Parcel 157

The request is for minimum setback requirements for side yard of 40 feet each to be changed to 20 feet each. Zoning remains B-1-S Special Office Institutional with GD-A General Development 'A' Overlay.

(a) Swearing In

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

Mr. Harold Poole, Senior Planner

Ms. Karen Moriarty, President of Carillon Assisted Living

(b) Evidence Presented

Mayor Kluttz then opened the public hearing.

Mr. Harold Poole, Senior Planner, informed Council that Carillon Assisted Living is located at 1915 Mooresville Road. It is zoned B-1-S and has been since 1996 when it was rezoned to this classification with the uses and conditions that exist today. The particular request today is not to change the zoning. The zoning would remain B-1-S. It's also not to change the permitted uses. It's to change one of the conditions, he said. In the normal B-1 district you have a required side yard setback of 10 feet from any residential property. The request that came in 1996, and that was approved, was for a 40 foot side yard setback. Carillon would now like to extend two or three wings of their building and are asking to be as close as 20 feet to the side property line. Planning Board recommendation is for approval since this still represents twice the distance normal B-1 zoning would have. Mr. Poole showed views of the area to Council.

Those speaking **in favor** of the above proposal were:

Ms. Karen Moriarty, President of Carillon Assisted Living, thanked Council for the opportunity to speak on behalf of their zoning petition, which is in effect, an amendment of their existing special use permit. She stated they provide residential services for the elderly. They currently have a building which has 44 units (resident rooms) and they are seeking to add 18 units to the facility, she said. This would entail expanding three of their four wings. The facility is X-shaped (expanding the wings at 8:00 o'clock, 10:00 o'clock, and 4:00 o'clock positions). They are requesting the variance to the setback in order to maintain balance in the building, and would like to expand the wing on the 4:00 o'clock position to include 4 units. If they do not have the set back they would only be able to build 2 rooms there, Ms. Moriarty stated. Based on the land they have, they could expand the facility on other wings, but it would increase travel time for the residents to the central areas including the dining room and other activity spaces, she said. Ms. Moriarty said for these reasons, she would request that the variance be approved.

Mayor Klutz asked if anyone else would like to speak at this time. No one else responded, so Mayor Klutz closed the public hearing.

(c) Decision

Mr. Poole explained this proposal needs to be in two parts. First, if Council wants to consider approving the request, this would be to amend the list of conditions in Z-5S-02 to change the side yard setback from 40 feet to 20 feet; otherwise, all uses and conditions as approved in Z-16S-96 shall continue to be applicable and the property shall continue to be zoned B-1-S.

Thereupon, Mr. Woodson made a **motion** to amend the list of conditions from 40 feet to 20 feet in Z-5S-02. Mr. Martin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE APPROVING A SPECIAL USE DISTRICT ALLOWING SPECIAL USES AND CONDITIONS TO PROPERTY LOCATED AT 1915 MOORESVILLE ROAD.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 46, and is known as Ordinance No. 2002-29.)

(d) Mr. Poole stated that the second part is to issue a revised "special use district permit" based on the approved uses and conditions in (c) above, and based on a determination that at least the following will be abided by in the Council's Findings of Fact:

- the uses and conditions proposed will not materially endanger the public health or safety if located where proposed and determined according to plan, AND

- the uses and conditions proposed will be required to meet all preexisting conditions and specifications, AND

- the uses and conditions proposed will not substantially injure the value of adjoining or abutting properties, AND

- the location and character of the uses 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.

Thereupon, Mr. Woodson made a **motion** to revise the special use district permit on the conditions and Findings of Fact that Mr. Poole read. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, 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 2002-29.)

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 47, and is known as Ordinance No. 2002-30.)

ZONING MAP AMENDMENT - Z-4-02 - RONALD WOODRUFF, SR.

Z-4-02 - Ronald Woodruff, Sr.

524 and 530 East Cemetery Street

The request is to rezone approximately 19,000 square feet (100'x190') of property located 524 and 530 East Cemetery Street from R-6 Two-Family Residential to R-6A Multi-Family Residential.

(a) Mr. Harold Poole, Senior Planner, informed Council that this request is from Ronald Woodruff, Sr., 524 and 530 East Cemetery Street, for a proposed rezoning from R-6 Two-Family Residential to R-6A Multi-Family Residential. The property is rectangular in shape, 19,000 sq. ft. with 100 feet along the north side of East Cemetery Street and a depth of 190 feet. There appears to be a single family house toward the back part of the property, he said. If rezoned to R-6A this would allow the property to have as many as 6 residential units. Planning Board recommendation is unanimous to deny. Mr. Poole showed Council aerial pictures of the area.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-4-02, Ronald Woodruff, Sr., 524 and 530 East Cemetery Street.

Those speaking **in favor** of the above proposal were:

Mr. Ronald Woodruff, Sr., told Council he and his wife own the property and bought it approximately 3 years ago for the sole purpose of investment. Many of the properties in this area, including his, are in pretty bad shape, Mr. Woodruff indicated. They would like to develop the property to the fullest extent and put 4 units on the property, he said. To do that, the zoning has to be changed from R-6 to R-6A, he noted. The problem he is having as far as the recommendation from the Planning Board is that he is able to put 6 units there and he is only requesting 4 units. He observed he didn't see the problem with putting 4 units there. The Planning Board made the decision that the community only wanted single-family homes in the area. It is zoned multi-family

as it is, he said. He indicated he does not understand why Planning Board denied his request. No one from the community objected at that time, he said. You may have some here today, but no one objected at that time to the R-6A, according to Mr. Woodruff.

Mayor Klutz told Mr. Woodruff that Mr. Poole would answer his questions after the public hearing.

Those speaking **against** the above proposal were:

Ms. Debra Colbert, a homeowner at 532 East Cemetery Street, stated her home was one of the pictures shown by Mr. Poole. At one time, it was not too pleasant on East Cemetery Street because of the drug traffic. Her concern is to the landowner (homeowner), Mr. Woodruff. The property he has is not well taken care of. She indicated, in her opinion, it's a dwelling for drug traffic. She said she works day and night and does not feel safe coming in at night because of the traffic and clientele of her neighbors. If Mr. Woodruff is increasing these dwellings to a multi (4-6 units), it seems to her this would be worse, she noted. Also, she asked if Mr. Woodruff would be responsible for the upkeep of these units. She also asked how much traffic there will be on East Cemetery Street. The area is somewhat cleaned up now, it's better and safer to live in, and she would like to see it get better, not worst, Ms. Colbert stated.

No one else was present to speak for or against the above proposal. Mayor Klutz closed the public hearing.

Mr. Poole responded to Mr. Woodruff's question and stated that at the Planning Board meeting, there was one person who spoke in opposition. Rev. William Turner, Pastor of Tower of Power United Holy Church, spoke at the Planning Board meeting in opposition, stating the property was not suitable for two duplexes. The neighborhood wants more stakeholders who are owner-occupants rather than renters. The Planning Board Committee that is studying the Park Avenue area had a meeting the previous month with the neighborhood association to see what they would like to see in their neighborhood. They indicated they would like to see more homeowners, not as many renters. They also said they favored single-family houses and not more units, apartments, or duplexes, Mr. Poole stated. The zoning R-6 allows for one duplex on the property. The Planning Board felt there was an opportunity to do more with the property if the property owner wanted to do that.

Councilman Burgin asked about the implication from Mr. Woodruff being he could put more than one duplex. Mr. Poole stated, with R-6, he can put one duplex. If you rezone to R-6A, you can put 2 or 3 duplexes (6 units) but currently only one duplex, Mr. Poole indicated.

(c) Mayor Klutz stated this area is a particular concern to the City Council. It is an area that Council has been working very hard to improve. Council has worked with the Park Avenue Neighborhood and the Salisbury Community Development Corporation to try to bring in more single family ownership, she said. Council is proud of the improvements that have been made, but, Mayor Klutz said she feels it would be a mistake to rezone at this time because of the fragility of this area. Mayor Pro Tem Woodson agreed.

Thereupon, Mr. Burgin made a **motion** to deny the rezoning. Mr. Woodson seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

SPECIAL USE PERMIT - TRUE GIFTS DAYCARE - BLANCHE ELAM

The request is for a Special Use Permit for True Gifts Daycare, Ms. Blanche Elam, 722 Brookmont Avenue, to operate a child daycare at her home as may be permitted under Section 7.01 (5)(c) which allows the operation of a child daycare home in her residence.

(a) Mr. Hubert Furr, Development Services Manager, showed Council overhead photos of the location of the home at 722 Brookmont Avenue. Ms. Elam is wanting to fence in the backyard for a play area for the children, he said. The property is zoned R-8 which is single-family residential. Mr. Furr told Council that a few years back, Council changed the ordinance to allow a child daycare home in a single-family residential as long as it did not go over 8 children. In the single-family, it is considered a special use permit according to Section 7.01 (5) (c), he noted. Ms. Blanche Elam and her family live at 722 Brookmont Avenue and have requested to keep up to 8 children. The request went before the Planning Board on April 9. Approximately 20 neighbors showed

up at the Planning Board meeting in opposition to the special use permit for the daycare, he stated. Planning Board recommendation is to deny the special use permit for the family daycare.

Councilman Burgin asked Mr. Furr if the daycare is under 5 where there is no permit required. Mr. Furr noted it is under 3 and not classified as a daycare home (following the state statutes as he recalls). The ordinance would allow 5 pre-school and 3 after school which would be up to 8 children, he said.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the special use permit for a child daycare home at 722 Brookmont Avenue.

Those speaking **in favor** of the above proposal were:

Ms. Bessie Dunham, 821 Brookmont Avnue, stated she is in favor of Ms. Elam having the daycare because she feels it wouldn't interfere. It's a quiet neighborhood, and if she doesn't have any more than 5 children there wouldn't be a problem. Each person would be coming at different times, she said. She again stated she was in favor of Ms. Elam having a daycare.

Ms. Kathryn Rivens, 719 Brookmont Avenue, said when she was contacted originally by another neighbor, she did have some concerns. Later, after reading the article in the paper, learned that it would not affect her property value, she said. She said she is not concerned with an increased noise level. Mr. Rivers told Council she is 100% in favor of the daycare center.

Mr. Blanche Elam, 722 Brookmont Avenue, told Council she is the one requesting the home daycare permit. In the Planning Board meeting, the concerns of the neighbors was the property, traffic, noise, permit, and the fact that she would be operating a small business. As far as properties are concerned, Ms. Elam said she has talked with realtors and said she was told the only way that the property would go down would be a change to her house. She does not plan on doing that, she indicated. She said the only thing she has done is put a fence in the backyard and that is for the safety of the children. A new housing development is getting ready to open up about a block and half away, Ms. Elam noted, and she feels there is no reason for the property to go down. As far as the traffic is concerned, there will be 5 cars in the morning and the same 5 cars in the evening, she said. They will not be coming at the same time dropping the children off. The neighbors have more traffic than she does on some occasions, she said. In reference to the noise level, she said she is a licensed home care provider so she can only have up to 5 children, ages 1-5. Ms. Elam explained these children are not going to make a whole lot of noise; they are not going to intimidate the neighbors at all as far as noise. The children in the neighborhood will make more noise than these kids would, she stated.

She is planning on doing this just in the morning, first shift only, she said. By the time the majority of neighbors come home; her children will be gone. This is not a weekend operation. There is also a deaf sign on the street because there is a deaf child in the area and parents coming to Ms. Elam's will be knowledgeable of this sign, she noted. The fact that they have children will make them conscious of children playing in the street, so that should not be a problem, she advised.

The permit Ms. Elam is trying to get and the neighbor that is opposing it (Ms. Kemp) indicated it would never be lifted, she went on to tell Council. She said Mr. Furr told her (Ms. Elam) the permit can be lifted at any time. As far as the business is concerned, yes, it is a small business but it will not be noticeable, she said. Unless you know her and live in the area, you will not know a small business (home daycare) is there unless you see children, Ms. Elam stated. There is a group home and a small dog grooming business (which she said has been in existence about 23 years) already in the area. Ms. Elam told Council that she is planning on doing just 5 children now but if she decides to do after school, she has extended her services to the whole community. The school bus would drop the children off at her front door, she said. As far as the covenant, Ms. Kemp says you are not supposed to have fences, Ms. Elam told Council. She stated she does not feel this is going to be a big problem. She further said the Planning Board committee agreed with her but there were so many people opposed to it. She indicated she didn't think she needed a petition but now has gotten a petition with 86 people's signatures who do not oppose the daycare. She also indicated she has various letters from parents who have gone through home care and they don't see the problem.

Mr. Sean Reid, 1604 North Main Street, told Council he was on the Planning Board committee that heard this original special permit. Most of his colleagues were in general acceptance of what's in the ordinance. He said he personally did not know of 79 people on the list that were for it, which he said he thinks would have changed a lot of votes. Second, two or three years ago, this was created for people who are moving home now into work. Home based businesses in the 21st century are going to be a big thing and that's why the vision was to look into this. He asked Council to give this consideration. When he looked at some of the names, he wasn't sure if the people were in the area or out of town, he said. He wasn't sure if people in the actual neighborhood were voting on this or coming from out of town, Mr. Reid told Council.

Ms. Tara Smith, 801 Wesley Drive, said she was in favor 100% of the day care. She thinks it's absolutely wonderful. Her son is at pre-school and she couldn't think of a better thing to have a daycare right in her own neighborhood, she said. She plans on going back to work and this is a great opportunity, Ms. Smith indicated. The neighborhood is busy and 5 cars should not make a difference, she said. The kids would be a blessing to this neighborhood, Ms. Smith told Council.

Mr. Eldridge Williams, Planning Board Member, and he voted for the project. He would like to agree with what's been said.

Ms. Tamika Brown, 2526 Old Wilkesboro Road, told Council that her child attends True Gifts, Ms. Blanche Elam's child care home facility. As a foster care social worker at the Department of Social Services, Ms. Brown said it makes her heart at ease to see that her child has quality child care in a wonderful neighborhood. That's hard to find. They didn't want to send their child to a big daycare in fear of things that go on there. Ms. Blanche Elam will do a wonderful job of providing that quality child care for other pre-schoolers and possibly 3 after schoolers, Ms. Brown told Council.

Mayor Klutz asked if there was anyone else in attendance, who had not spoken, that was in favor of the proposal. Approximately 6 people raised their hands.

Those speaking **against** the above proposal were:

Ms. Betty Shaver, 600 Wesley Drive, told Council she has lived at this address for 12 years. Twenty-five years prior to that, she was on Fairfax Drive which is around the corner. To her knowledge, she said, this is the first asking for a business to be located in this neighborhood. People have said this was a nice neighborhood. There are approximately 100 homes in this neighborhood; 90 homes are in the process of being planned and built in this neighborhood extension, she said. Her concern is if a legal permit is issued for a daycare center of this size, licensure would also be the next thing in line, and they would be living in a business district. As a homeowner, she said she doesn't want to live in a business district. If it is allowed, she feels there would be others within a neighborhood that has grown into this size, Ms. Shaver stated.

Mr. Ann Kemp, 718 Brookmont Avenue, told Council she lives next door to Ms. Elam. They built their house 3 years ago which she said she thought would be their final dream home. She said she is proud of her neighborhood. It's very quiet and it consists of single family dwellings with a lot of retired people. There are no sidewalks in the neighborhood. Children ride their bikes, skateboards, roller blades and it's a very much walking neighborhood. Most cars are parked in the driveways. Ms. Kemp showed Council pictures of Ms. Elam's cars parked on the street, she said. Ms. Elam stated earlier that they had room for 4 cars in their driveway; their two are on the streets, said Ms. Kemp. They have a 4 foot fence. Counter tops in a kitchen are 42". Any two year old can climb a 4 foot fence, Ms. Kemp noted. They understand this is for property and if Ms. Elam's moves, she can use that as a selling point for a daycare. Ms. Elam may run a nice day care but someone else may not. She keeps stressing it's for 5 children and it is for 8. At any time, she can have 8 children. This is not compatible to the neighborhood and it's covenants. Ms. Kemp said she has a petition and also a petition signed by the same people who signed Ms. Elam's petition, who said they want to oppose this. A group home is not a business. You have no choice in your neighborhood to have a group home or not. We do have a choice with a day care, Ms. Kemp stated. She said they understand that the City Council is more sympathetic in protecting neighborhoods and they hope Council will do the same for theirs, she stated. Ms. Kemp presented pictures to Council of their neighborhood.

Mr. Elam stated that his cars are parked on the street so his grandchildren can ride their bikes in his driveway instead of the road.

Mr. Paul Whitley, 803 Crane Creek Road, told Council he is opposed to this. He moved from a daycare center twelve years ago because they were bothered from 6:00 a.m. to 12:00 p.m. with cars going and coming. Not the children, but the cars, he said. Where he lives now, a lot of people walk. The children on Brookmont play in the road. If you have extra cars, people coming down the street that don't know these children are playing, you may have an accident and kill some one, he said.

Ms. Kim Snider, 727 Brookmont Avenue, told Council she lives one house over and across the street from Ms. Elam. Her concern is the traffic because she has a six and eight year old. She moved into this neighborhood specifically because the road is wide open and a long stretch and people coming down the road could see her children. The neighbors are very respectful of her children because they are out constantly from 2:30 p.m. until 6:00 p.m. When the people get off work at 5:00 p.m., they are all going to be coming in. This raises a concern on her part. Also, the re-sale of her home isn't going to go down, but is someone moving in going to want to move next door to a day care? This could be a deterrent if she wanted to sell her house (that there's a daycare next door), she noted. We are only talking about a small day care but 8 people, that's 16 cars a day coming in. The main concern is her children playing out in the road, she said.

Ms. Cynthia Dellingham, who is in favor of the day care, told Council she lives at 1001 Oakmont Court and that is in the same neighborhood. She is at the corner of Oakmont and Brookmont Avenue. She said she has a 15 year old and 9 year old and has lived here for approximately 6 years. Ms. Dellingham told Council she works closely with Rowan Partnership for Children, and in Rowan County there is a strong need for quality daycare. It will be in our best interest to look beyond our own immediate needs, and look toward a broader need that the children of Rowan County have. As children get ready for school we want them to be prepared to achieve and succeed. If they don't have quality daycare then there is going to be a problem, she said.

Mayor Kluttz asked anyone who hadn't spoken and was opposed to the proposal, to raise their hands. Approximately 15 people raised their hands in opposition.

No one else was present to speak for or against the proposal. Mayor Kluttz closed the public hearing.

(c) Councilman Martin said the thing that concerns him is that it is an emotional issue. There is no doubt we need more daycare. In the Zoning Ordinance Section 7.01 (regarding a special use permit), references the general acceptance in the neighborhood, and that concerns him.

Mayor Pro Tem Woodson also said he has the same problem. This was put in to allow daycares in the neighborhoods unless we had a lot of opposition from the neighbors. We have a lot of opposition, he said.

Mayor Kluttz said she agreed. This has nothing to do with the kind of daycare Ms. Elam runs, which is probably wonderful. We do need quality daycare in this community. But to be fair to the neighbors, we have this provision in our ordinance that it needs to be generally accepted in a neighborhood, she said. We do have many neighborhoods that actually want to have daycares there but with this much opposition, she doesn't think we can say this meets our requirements.

Councilman Burgin stated this is always a struggle for him. He said he was the lone vote against the ordinance that passed. In light of the ordinance being passed by a majority of Council, he noted that the reason for it was to allow neighborhoods to have more say in the creation of a business within their area. If it's a substantial opposition, it is difficult for a Council to allow a daycare to occur, he stated. It exist that way for that purpose and he will have to support it based on that, he told those present.

Thereupon, Mr. Martin **moved** to deny the special use permit. Mr. Woodson seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

BUDGET AMENDMENT - PARKS AND RECREATION DEPARTMENT

Upon **motion** of Mr. Burgin, seconded by Mr. Woodson, and with Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voting AYE, an Ordinance was adopted amending the 2001-2002 Budget Ordinance for Parks and Recreation to appropriate various recreation donations, in the amount of \$18,750.00.

AN ORDINANCE AMENDING THE 2001-2002 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 50, and is known as Ordinance No. 2002-31.)

AWARD CONTRACTS - SOUTH ROWAN BOOSTER PUMP STATION PROJECTS

Dr. Michael Acquesta, Consulting Engineer with Peirson & Whitman Architects and Engineers, informed Council that on April 3 bids were received for the South Rowan Booster Pump Station Projects - one contract for General Construction and one for Electrical Construction. There were a significant number of bidders for the General Construction Contract. The low bidder, for Division D-1 General Construction, was Hall Contracting Corp., of Charlotte, N.C., in the amount of \$1,067,149.00. There were 3 bids for the Electrical Construction. The low bidder for Division D-2, Electrical Construction, was Energy Erectors, Inc. of Leesburg, Florida (Charlotte office). Their base bid was \$687,622.00 and alternate bid amount of \$706,489.00. The difference

between the base bid and alternate bid was a piece of equipment, a Robicon variable frequency drive (VFD) which changes the speed of a motor on a pump and allows the pump to pump different quantities of water. The alternate bid had a much higher quality variable frequency drive (VFD) and for \$18,000.00, Mr. Acquesta indicated he thinks it's worth the money. Mr. Acquesta recommends awarding a contract to Hall Contracting Corp. for the General Construction in the amount of \$1,067,149.00, and Energy Erectors, Inc. for the Electrical Construction for the alternate bid of \$706,489.00. Mr. Vest stated these would be contingent upon County approval.

Thereupon, Mr. Woodson made a **motion**, with the recommendation of our consultants and City staff, that we award the contracts to Hall Contracting and Energy Erectors for the Booster Pump Station for the South Rowan Water Lines. Mr. Martin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

CONDEMNATION PROCEEDINGS FOR UTILITY EXPANSIONS

Mr. John Vest, Director of Utilities, informed Council that these 4 properties being recommended for condemnation are only on the 42" Raw Water Line and Highway 70. On the 42" Raw Water Line, we have one piece of property, Tax Map 325-C, Parcel 96 at an appraised value of \$239.00. Staff offered \$700.00. Price was not the issue. There seems to be a property dispute concerning ownership of a parcel, and the owner has not seen fit to sign the deed of easement, he said. Staff recommends condemnation of this property.

Mr. Vest told Council that on Highway 70, there are 3 parcels: Tax Map 316, Parcel 31. The land appraised at \$7,335.00; timber was valued at approximately \$4,000.00. Staff offered \$15,320.00. They want \$30,000.00 and, at this point, staff feels they cannot negotiate and recommend condemnation. The next parcel was Tax Map 315, Parcel 4. It appraised at \$7,250.00. Staff offered \$7,500.00. They requested \$62,000.00, and staff feels they cannot negotiate this one. The final parcel is Tax Map 315, Parcel 5. Appraised value \$1,150.00. Staff offered \$5,500.00. They want \$17,500.00. There are some disputes over trees and specialty shrubbery (bushes). There is still a slim chance that this could be settled without going all the way. Staff recommends condemnation because of our timetable. They will continue their efforts to settle these. There is a 30 day period, once the resolution is passed, to file the money with the courts, Mr. Vest said.

Mr. Larry Chilton stated that approximately 300 easements have been secured. Only 7-8 have come before Council for condemnation, he said. This is about 1/4 of the national average in negotiating easements, Mr. Chilton advised Council.

Thereupon, Mr. Woodson made a **motion** to condemn these properties. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

SCADA SYSTEM, CONTROLS, AND INSTRUMENTATION FOR THE SOUTH ROWAN BOOSTER PUMP STATIONS

Mr. Dewey Peck, Purchasing Agent, informed Council that the cost of the SCADA System, Controls, and Instrumentation for the South Rowan Booster Pump Stations is included in the contracts for the South Rowan Water Line Extensions that were approved previously. Staff recommends that Council authorize the purchase which is required because this was taken on a sole source purchase. State bid laws allow cities to purchase on a sole source when standardization or compatibility is a consideration, he said. This is Motorola equipment.

Thereupon, Mr. Woodson made a **motion** upon Mr. Peck's recommendation to purchase a SCADA System, Controls, and Instrumentation for the South Rowan Booster Pump Station. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A SCADA SYSTEM, CONTROLS, AND INSTRUMENTATION FOR THE SOUTH ROWAN BOOSTER PUMP STATIONS FOR THE UTILITIES DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 150, and is known as Resolution No. 2002-15.)

DOWNTOWN SALISBURY, INC. REQUEST FOR DOWNTOWN STUDY

Mr. Patrick Kennerly, Planner, informed Council that Downtown Salisbury, Inc. brought a proposal to Council on March 5 to study the zoning and land use on the fringe areas of the downtown. The primary reason for this study was to determine the suitability of these areas for rezoning from their current classification to B-5 (Central Business). There is a small area proposed for B-1 (First Presbyterian Church property). Most of the area in the study is B-6, some M-1 and M-2 industrial area close to the railroad tracks. He said this matter was referred to Planning Board for further study. Mr. Kennerly provided a map of the area for Council's review. Staff has looked at each piece of property to determine if it would remain a conforming use if it were rezoned as proposed. There are approximately 115 properties of which a dozen appear to be non-conforming use if rezoned to B-5. Planning Board did not make a formal recommendation other than a general agreement that this should go back to City Council and Downtown Salisbury, Inc. (DSI). DSI would probably need to fill out a formal rezoning application if they want to proceed with this. There could be a possibility of adding some permitted uses in the B-5 district to reduce the number of non-conforming uses.

Councilman Burgin asked what made the Salisbury Depot non-conforming? Mr. Kennerly stated that a depot or railroad station is first permitted in the B-6 district. It technically would be non-conforming if rezoned to B-5, he said. Mr. Woodson stated that is why his property is non-conforming, because he is too large. Mr. Kennerly noted that is correct.

Mayor Klutz asked if there was a cost for the study for Council. Mr. Kennerly stated only his time spent on research. There is nothing for Council to act on at this time, he said. Since the matter was referred to Planning Board for study, staff is updating Council on their findings. The next step is for DSI to continue the study, he said.

Mr. Burgin pointed out this is a pro-active approach and he applauds DSI for recognizing the need to get this straight. Some adjustments need to be made before adoption. We need to get B-6 out of downtown in areas where it would be detrimental.

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. told Council he would like to reiterate what Mr. Burgin said. He said 90% of the buildings in the downtown area could not be rebuilt if they burned down. These properties need to be rezoned so they will be protected and can be rebuilt. It will also protect properties from having unwanted things beside them.

It was the consensus of Council for Downtown Salisbury, Inc. to continue the downtown study.

INNES STREET BRIDGE REPLACEMENT - B-3236

Mr. Dan Mikkelson, City Engineer, informed Council that in February, 2002, Council agreed to participate in the cost of imprinted sidewalks and a planted median when the Innes Street Bridge is replaced. NCDOT has prepared a municipal agreement which staff recommends for approval and staff recommends adopting a resolution authorizing the Mayor to execute the agreement, he said. The official schedule for this could be as early as October, 2002.

Mayor Pro Tem Woodson said he has had several calls concerning so much construction at one time and tearing up the whole town. He wanted to know if we could get part of the interstate done and some of Innes Street done before we tear out the bridge too. You are talking about taking the whole access to downtown out, he said. Mr. Mikkelson stated that the original plan had the work at I-85 being done first. Once Innes Street was back in condition, then the work at the railroad bridge would take place. No one anticipated that the I-85 project, the Innes Street work is now 9 months behind schedule and the railroad bridge project is on schedule, he said. NCDOT looks at each project and tries to keep the projects on schedule. They have very little coordination between the projects despite our request, Mr. Mikkelson stated. City Manager Treme suggested writing those in charge of the project asking them to please try to schedule these projects to minimize the impact on our downtown.

Thereupon, Mr. Burgin made a **motion** authorizing the Mayor to execute the agreement for the improvements to the bridge at the railroad tracks. Mr. Martin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT CONCERNING REPLACEMENT OF BRIDGE -381 ON INNES STREET OVER THE RAILROAD, PROJECT B-3236.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 151, and is known as Resolution No. 2002-16.)

Thereupon, Mr. Burgin made a **motion** authorizing the Mayor to ask specifically if NCDOT will coordinate those two bridge constructions. Mr. Woodson seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

BOARDS AND COMMISSIONS

Planning Board - Extraterritorial Jurisdiction

Upon **motion** of Mr. Woodson, seconded by Mr. Burgin, and with Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voting AYE, the following appointment was made to the Planning Board Extraterritorial Jurisdiction (subject to approval by the Rowan County Commissioners):

Mr. Len Clark Term expires 3-31-2005

Zoning Board of Adjustment - City Alternate

Upon **motion** of Mr. Woodson, seconded by Mr. Martin, and with Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voting AYE, the following appointment was made to the Zoning Board of Adjustment, City Alternate:

Mr. John Hudson Term expires 3-31-2005

Zoning Board of Adjustment - Extraterritorial Alternate

Upon **motion** of Mr. Woodson, seconded by Mr. Burgin, and with Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voting AYE, the following appointment was made to the Zoning Board of Adjustment - Extraterritorial Alternate (subject to approval by the Rowan County Commissioners):

Mr. Aaron Johnson Term expires 3-31-2005

MUNICIPAL RECORDS RETENTION AND DISPOSITION SCHEDULE

Ms. Swannetta Fink, City Clerk, informed Council that there has been a statewide amendment to the Municipal Records Retention and Disposition Schedule. Copies were provided to Council members for consideration.

Thereupon, Mr. Woodson made a **motion** to approve the amendments to the Municipal Records Retention and Disposition Schedule. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

U. S. 70 SIDEWALKS, PROJECT R-2911-E

Mr. Dan Mikkelson, City Engineer, informed Council that when the State does the widening project, the City has the option of participating in having sidewalks installed on one or both sides of the street. For a city our size, the State will pay for 70% of the sidewalks and the city will pay for 30% of the sidewalks. The City will have to agree to accept maintenance and liability for the sidewalks, which in this case, could extend beyond the City limits and zoning jurisdiction. The State is willing to extend sidewalks as far west as Hurley School Road because of the Salisbury Community Park.

Mr. Mikkelson informed Council that there are five (5) options for the proposed sidewalks. Staff recommends option E as follows:

extend sidewalks on both sides of US 70 from Holly Avenue to Hurley School Road. This would take maximum advantage of 70% funding for public infrastructure and provide pedestrian access towards the Salisbury Community Park. It would establish an entrance corridor to the City beginning near the park, and it would establish the uniform cross section recommended by the Planning Board. However, it would provide the most City "services" beyond the City limits. The City's share would be approximately \$118,000 spread over three years.

Mr. Mikkelson said the Planning Board recommends sidewalks on both sides of the street, at least to the zoning jurisdiction boundary (west of Enon Church Road). Policy SW-4 states, "except where constrained by physical limitations or other obvious reasons, sidewalks shall be required on both sides of the street." There will be no physical constraints in this case because the State will be preparing the shoulder of the road, he said. Policy CE-1 states, "noticeable streetscape improvements shall be employed to clearly announce a city entrance, and to enhance gateway corridors."

Thereupon, Mr. Burgin **moved** to entertain "E" as a solution to the sidewalks. Mr. Woodson seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

CHANGING MEETING DATE FOR FIRST COUNCIL MEETING IN JUNE, 2002

Mayor Kluttz said that a majority of the Council members will be in Salisbury, England when the next Council meeting is scheduled for June. Because of complications in moving the meeting to the next week, Mayor Kluttz recommended canceling this particular meeting and have one meeting June 18, 2002. City Manager Treme suggested that at the June 18 meeting, if the budget has not been adopted, perhaps another meeting will need to be held by the end of June.

Thereupon, Mr. Burgin made a **motion** to cancel the first scheduled Council meeting in June. Mr. Martin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

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Council received the Planning Board recommendations as information only.

(b) \$20,505,000.00 Revenue Bonds, Series 2002

Mr. John Sofley, Finance Director, informed Council that staff did not exceed the maximum interest rate for the issuance of revenue bonds. On April 16, 2002, the bonds were priced and sold at an average interest rate of 5.06%. The final term of the bonds is for 25 years. They range from 1 year to 25 years, he said. The deal was closed on May 1, 2002. On May 1, the City actually received the net proceeds from the deal. \$3.6 Million was wired back to the City to reimburse ourselves for expenses already incurred, he said. Staff feels very good about the bond sales, Mr. Sofley said.

(c) FY2002-2003 Proposed Budget

City Manager Treme reviewed with Council the FY2002-2003 Proposed Budget as follows:

- no tax increase
- reduction in force (31-33 positions cut, with 8 individuals impacted)
- \$1.2M - personnel operations cut
- \$1.5M - capital items
- recommended 6.83% water/sewer rate increase
- General Assembly - actions taken have impacted City Of Salisbury
- if receive reimbursements, will spend on Capital improvements
- minimized impact on fire, police, and solid waste management.

MAYOR ANNOUNCEMENTS

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(a) North Carolina Metropolitan Coalition

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Mayor Kluttz said the North Carolina Metropolitan Coalition feels very strongly about the money the State has taken. We don't have a lobbyist and our money is not protected. The Governor very easily took our money when there were other options he could have taken first. The North Carolina Metropolitan Coalition and the North Carolina League of Municipalities are urging cities to pass a resolution asking our legislators to protect these reimbursement monies, especially the utility tax. Mayor Kluttz read the proposed resolution.

Thereupon, Mr. Burgin made a **motion** to adopt the resolution. Mr. Woodson seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

RESOLUTION REQUESTING THAT MUNICIPAL REVENUE SOURCES BE MADE SECURE.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 152, and is known as Resolution No. 2002-17.)

(b) Mailbox Litter

Mayor Kluttz shared with Council a letter from Bob and Mary Wright concerning a complaint in their neighborhood of things put on their mailboxes by businesses. They would like staff to check into this and see if there is an ordinance concerning littering neighborhoods.

(c) Livingstone College - Summer NYSP Camp

Mayor Kluttz informed Council of Livingstone College Summer NYSP Camp, June 3-July 3. Hours are 8:00 a.m. - 1:00 p.m. Monday - Friday. Breakfast and lunch will be provided. This camp is for boys and girls ages 10-16.

(d) Grant Writing Workshop

Mayor Klutz announced that a free grant writing workshop, sponsored by Faith Based Community Organizations and the U.S. Department of Education joining together to insure that no child is left behind. It will be held June 22, 2002 from 8:00 a.m. - 4:00 p.m., at Livingstone College.

(e) Agenda Charlotte

Mayor Klutz announced that she participated in Agenda Charlotte concerning the budget problems affecting cities in our region. The program will be aired by Time Warner on May 28, 2002, from 5:00 p.m. - 5:30 p.m. on Channel 7.

Mayor Pro Tem Woodson stated that he has been approached about sidewalks on East Innes Street near Jake Alexander Boulevard. He would like staff to look into this matter to see when sidewalks will be installed in this area.

ADJOURNMENT

Mr. Burgin **moved** to adjourn with Mr. Woodson seconding the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0) The meeting was adjourned at 7:11 p.m.

Mayor

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City Clerk

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