

Salisbury, North Carolina
August 21, 2007

REGULAR MEETING

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

ABSENT: None

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

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.

RECOGNITION OF RANDY HARRELL

Mayor Kluttz read a Resolution of appreciation for Mr. Randy Harrell, Executive Director of the Salisbury-Rowan Economic Development Commission (EDC). Mr. Harrell's last day with the EDC will be August 24, 2007.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution of Appreciation for Mr. Randy Harrell for his years of service. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION OF APPRECIATION FOR RANDY HARRELL.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 48, and is known as Resolution No. 2007- 28.)

Mayor Kluttz then recognized Mr. Harrell and his wife Gin and presented him with a framed copy of the Resolution.

Mayor Pro Tem Woodson commented that he served as the liaison for the EDC Board and he appreciates Mr. Harrell's work for the City and County.

Mayor Kluttz expressed Council's gratitude for all that Mr. Harrell has done for Salisbury and Rowan County. She wished Mr. Harrell and his wife the very best and thanked them for their contributions to the City.

UPDATE ON COMMUNITY ACTIVITIES FOR YOUTH

Mayor Kluttz indicated that as part of the City's gang prevention efforts, Council has begun to highlight the positive programs taking place in the community for youth. She commented that Council is excited that the community has taken on this cause and noted that Council will hear reports from three (3) recent events.

(a) Project SAFE Family Day

Ms. Jackie Harris and Lt. Rory Collins from the Project SAFE Neighborhoods team addressed Council regarding Project SAFE Family Day held Saturday, August 18, 2007 at the J.F. Hurley YMCA. Ms. Harris commented that it was a fantastic day with many participants from throughout the County. She stated that the Committee's goal when planning the event was to ensure it was something that included the entire family unit. She noted that the event was a success and the committee estimates approximately nine hundred (900) in attendance.

Ms. Harris stated that the steering committee for Family Day included individuals from Project SAFE as well as community partners. She recognized Ms. Sandy Flowers from the J.F. Hurley YMCA, Ms. Carol Anne Houck from Adolescent Family Enrichment Council, Ms. Jessica Moore, J.F. Hurley YMCA, Ms. Karen Carpenter, Mr. Chris Boylan, Ms. Teresa Vinson, Lt. Rory Collins and herself as representatives from Project SAFE Neighborhoods.

Ms. Harris indicated that the Committee realized early that more people were in attendance than it had planned in regards to food and supplies but everyone worked

together to make sure the needs were met. She added that Police Chief Mark Wilhelm picked up five hundred (500) additional hot dogs from Food Lion and three hundred (300) vouchers were given for school supplies.

Ms. Harris described the classes offered at Family Day which included parenting and conflict resolution classes. She added that the YMCA and both the Boy Scouts and Girl Scouts signed up many new members and the Committee was pleased that children were paired with these ongoing community activities.

Ms. Harris stated that the Committee hopes to present a Family Day again and she thanked Council for allowing her to be able to serve in this manner.

Lt. Rory Collins thanked Council for its support for this event.

Mayor Kluttz thanked Ms. Harris and Lt. Collins and the Committee for their dedication to Project SAFE and for their work on this event. She commented that to have nearly one thousand (1,000) people attend this event indicates how much this community cares about its children. Mayor Kluttz also thanked Joseph and Leslie Cataldo for cooking and serving one thousand (1,000) hot dogs for the event.

(b) Many Names, Many Faces!

Reverend Dr. and Mrs. Grant Harrison updated Council on Many Names, Many Faces! a program sponsored by Soldier's Memorial AME Zion Church, St. John's Lutheran Church, the Arc of Rowan and Rowan County Social Services. He stated that approximately ninety (90) children, including special needs children, participated in a week long camp combining arts and music that culminated in the presentation of a musical titled, "The Silly Skyscraper." Pictures taken throughout the week were shown to Council.

Mrs. Harrison stated that the adults obtained as much benefit from the program as the children. Rev. Dr. Harrison commented that students did not notice the differences among the different participants because each child was having a good time.

Mayor Kluttz expressed Council's gratitude for all that Rev. Dr. and Mrs. Harrison, Soldier's Memorial AME Zion Church and its sister churches do for the community.

(c) Barnabas Connection/Times Two

Pastor Jennifer Ginn of St. John's Lutheran Church described the Barnabas Connection for Council explaining that it is a program to mentor youth through the arts. She noted that it was a partnership between St. John's Lutheran Church, the Salisbury faith community, Rowan Youth Services Bureau, and Lutheran Family Services-Carolinas along with adult volunteers and thirteen (13) young people. Artists who participated in the program were Ms. Libba Willingham, Ms. Mimi Untiedt, Ms. Sonja Skelton, Mr. James Donaldson, and Ms. Laura Ritchie. Pastor Ginn commented that each

child worked with the artists to create a book about themselves. Mentors who participated were: Mr. Jason Huebner, Mr. Tim Klussman, Mr. Mike Cobb, Mr. Dave Roof, Mr. Lanny Burleson, Ms. Connie Burleson, Dr. Tommy Carlton, Mr. Mark Ritchie, Mr. Henry Trexler, Ms. Elaine Gerst, Ms. Catherine Soderberg, Ms. Ashley Jordan, and Ms. Stacey Shafer. Pastor Ginn noted that several men served as mentors and she felt this was an important component because most of the students were male.

Pastor Ginn recognized the program organizers and communicators: Ms. Brenda Zimmerman, Ms. Carole Massey, Dr. Shirley Ritchie, Ms. Liz Tennent, Ms. Nelda Freeze, Ms. Camille Butner, Ms. Betty Ann White-Wingo, and Ms. Judy Trexler. She stated that the youth learned to work together and to also appreciate working alone.

Pastor Ginn informed Council that St. John's plans to continue the program in the fall on Monday afternoons and hope to use many of the mentors who participated this summer. She invited Council to participate as mentors in the fall program.

Mr. James Donaldson who was an artist for the Barnabas Connection commented that working with the children offered several experiences that he had not had before and he found that they enjoyed being with the adults. Mr. Donaldson stated that he feels mentoring is a great way to reach young people as they begin making decisions that could impact them negatively and help them make positive decisions.

Dr. Shirley Ritchie stated that mentoring is an important and effective way to lead young people and she feels they have developed a model of mentoring in a group situation that is successful. She added that she feels the model also shows young people a community at work rather than just one on one. Dr. Ritchie stated that she feels this model will work for other organizations and urged those who are interested to contact the church.

Mayor Kluttz recognized those present who participated in the program and thanked them for their contributions. She indicated that she hopes other churches will follow the leads of these churches who have stepped forward.

Councilman Kennedy noted that City Council, City Manager and staff have agreed to serve as mentors for the upcoming school year.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of August 7, 2007 and the Special meeting of August 16, 2007.

(b) Final Subdivision Plat Approval

Approve final subdivision plat S-07-07 for Oakview Commons, Section 3, Phase 2A and Phase 4, accept the public infrastructure and utilities into the City system and adopt an Ordinance to establish stop conditions.

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO STOP SIGNS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 178, and is known as Ordinance No. 2007- 52.)

(c) Budget Amendment – Donation from Rowan County for Gang Summit

Adopt a budget Ordinance amendment to the FY2007-2008 budget in the amount of \$5,000 to appropriate a donation received from Rowan County to assist with the Gang Summit and its initiatives.

AN ORDINANCE AMENDING THE 2007-2008 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATION FOR GANG SUMMIT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 179, and is known as Ordinance No. 2007-53.)

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

ZONING MAP AMENDMENT Z-09S-07 – BRIAN & JOCELYN MOORE

Z-09S-07 Brian and Jocelyn Moore, 530 West D Avenue

(a) Swearing In

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

Mr. Preston Mitchell
Mr. Brian Moore
Mrs. Jocelyn Moore
Mr. Larry Summey

(b) Evidence Presented

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments regarding zoning map amendment Z-09S-07.

Mr. Preston Mitchell, Senior Planner, indicated that this case is a follow-up to case Z-06-07 that came to Council at its August 7, 2007 meeting. He noted that at that time the Petitioner withdrew his petition and was able to immediately go the Planning Board with a request for a Special R-6 district.

Mr. Mitchell pointed out the difference between special and legislative zoning and noted that the requested R-6-S district is identical to R-6 Two-family district except that a special use permit is required and will be forever attached to the rezoning. He stated that additional and reasonable conditions can be added to the permit based on Findings of Fact to be made later in the hearing. He indicated that all testimony must be sworn and any ex parte communications must be disclosed. He stated that the Planning Board is making two (2) recommendations to Council today. The first is on the map amendment and the second on the special use permit.

Mr. Mitchell reviewed a site map and noted the location of the property on Sherwood Street and West D Avenue. He noted that it is located just off of Mooresville Road (Highway 150). He also noted that Rosemont Street is located to the west. Mr. Mitchell clarified that the petition only involves one parcel.

Mr. Mitchell provided a brief description of each district. He stated that general Duplex Residential, pointing out that the petitioner is requesting a Special version of Duplex Residential, primarily allows for single-family and duplex dwellings, as well as daycare homes and daycare facilities along with other institutional uses and customary accessory uses. He stated that Single-family Residential R-8 is the current zoning on the property and primarily allows single-family dwellings and daycare homes. He noted that it does not allow daycare facilities, but allows daycare homes as a conditional use.

Mr. Mitchell stated that with the Special R-6 zoning the petitioner is essentially asking for the ability to expand their current daycare home to become a daycare facility. He added that specifically the petitioner is requesting to remove all other uses from the R-6 district, which would remove all the duplex and all other uses provided, and ask only for the uses currently allowed in R-8 and child daycare facilities. Mr. Mitchell clarified that child daycare facilities in the R-6 district is not a by right use and will require a special use permit for this use alone.

Mr. Mitchell reviewed the request in terms of the strategic and comprehensive plans and noted that the 2000 Plan calls for strong support for the traditional single-family housing type. He stated that the 2020 Plan recognizes this area as part of the newer existing neighborhoods and added that this neighborhood is in the area of 1950 annexations. He stated that it calls for and recognizes large lot suburban neighborhoods developed after World War 2 with typically one (1) story homes with large lawns, large

setbacks and are automobile oriented. He commented that this is a good description for the homes in this area.

Mr. Mitchell reviewed photographs of the property in question depicting the petitioner's current residence and its relation to the neighborhood.

Mr. Mitchell indicated that the Planning Board found the petitioner to be consistent with both the 2000 Plan as well as the 2020 Plan by a unanimous vote of 9-0. He stated that the Planning Board also moved to recommend approval of the map amendment and the attached special use permit. He added that the Planning Board did not attach any special conditions to the permit and both passed by a unanimous vote of 9-0.

Mr. Mitchell reiterated that Special district rezoning is a two (2) step process requiring an action on the map amendment to R-6-S and then action on the Special Use Permit, where Council will make Findings of Fact. He noted that a sheet of paper has been provided to Council with proposed Findings of Fact along with questions to consider in determining the Findings.

Mayor Kluttz then opened the floor to the public.

Mrs. Jocelyn Moore, 530 West D Avenue, stated that the bottom line is the purpose of this is for her to have more children in her daycare. She stated that she has families that have or will have more children and they do not want to separate the children and she would like to keep them together as a family. She noted that her daycare is based on a family theme.

Mr. Brian Moore, 530 West D Avenue, stated that with having a daycare facility they will be able to have more children and can keep families together. He stated that he feels it is wonderful that they will not have to rezone with other uses because they want to keep the neighborhood as a family neighborhood the way it was. He noted that they never wanted to change it with their daycare and by doing this special use they feel it will be exactly what they wanted.

Mr. Larry Summey, 611 West D Avenue, indicated that the neighborhood has always been supportive of the Moore's getting permission to work with more children but the neighborhood was concerned about the general zoning change. He stated that they feel that this is a good solution and a win-win situation. He thanked the Moore's, staff, Planning Board and Council for responding to the concerns of the neighborhood. He noted that he feels he can speak for the neighborhood to encourage Council to pass this as presented.

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

Mayor Pro Tem Woodson stated that government does work and this is an amazing turn around in two weeks. He noted that staff and the Planning Board should be complimented on the quickness of this issue. He commented that there are no real objections and the neighborhood feels things are satisfactory with the expanded daycare.

(c) Decision

Mayor Pro Tem Woodson stated that the City Council hereby finds and determines that adoption of an ordinance to rezone approximately 1 acre from R-8 district to R-6-S district on property as described herein is consistent with the goals, objectives, and policies of the Salisbury 2000 Strategic Growth Plan and the Vision 2020 Comprehensive Plan and that adoption of the ordinance is reasonable and in the public interest. Therefore, Mr. Woodson made a **motion** to adopt an Ordinance amending the official zoning map of the City of Salisbury, North Carolina, by rezoning approximately 1 acre, identified as tax map and parcel 0612017, from R-8 Single-Family Residential district to R-6-S Special Two-Family Residential district. Mr. Kennedy commented that he thinks this is a win-win for the Moore's and the neighborhood. He stated that he was not present at the last meeting but listened to the tape and discussion and he support this. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE (5-0).

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 1 ACRE, IDENTIFIED AS TAX MAP & PARCEL 0612017, FROM R-8 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO R-6-S (SPECIAL TWO-FAMILY RESIDENTIAL) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 180-181, and is known as Ordinance No. 2007-54.)

(d) Findings of Fact

Mayor Pro Tem Woodson then offered the following Findings of Fact:

1. That the proposed use or development of the land will not materially endanger the public health or safety and will not cause any injury of the value of adjoining or abutting property.
2. That the proposed use or development of the land is reasonably consistent with the strategic plan, comprehensive plan, and other official plans adopted by the City.
3. That the proposed use or development of the land is reasonably compatible with significant natural and topographic features both on the site and within immediate vicinity of the site given the proposed site design and techniques or measures proposed by the applicant.

4. That the proposed use of this development of the land will be visually and functionally compatible with the scale, bulk, coverage and character of the area of the neighborhood in which it is located.
5. To adopt provisions and designs have been made to make sure the automotive pedestrian safety and convenience, and connectivity, traffic flow and control, emergency vehicles is adequate for this daycare facility.
6. That the proposed use is appropriately located with respect to transportation facilities, water, fire and police protection, waste disposal, and similar facilities, and that adequate provisions have been made to reasonably address any adverse impact on such facilities.

He added that it appeared on the map that fire and safety could get in and out of the location and he feels that the Findings of Fact should be approved.

(e) Decision

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance of the City of Salisbury, North Carolina granting a Special Use District Permit to allow the following uses as permitted by right within the referenced R-6-S Special Two-Family Residential District: 1. All uses permitted in a single-family residential district (R-8) unless otherwise authorized to a different extent by a specific permitted use reference or stipulation for this district; and 2. Child day care facilities, in accordance with the procedures outlined in section 7.01(5)(c) and approved in the special use permit. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE (5-0).

AN ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, GRANTING A SPECIAL USE DISTRICT PERMIT IN CONJUNCTION WITH ORDINANCE 2007-54; PROVIDING FOR PERMITTED USES, PROVIDING FOR MODIFICATION OR TERMINATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 182, and is known as Ordinance No. 2007- 55.)

Mayor Kluttz wished the best to the Moore's and indicated Council looks forward to their daycare facility and appreciates the neighborhood's support.

REGULATING DEMOLITION IN DOWNTOWN LOCAL HISTORIC DISTRICT

(a) Ms. Janet Gapen, Senior Planner, provided Council with background leading to the proposed Ordinance to regulate demolition in the Downtown Local Historic District. She explained that in 2005 the Historic Preservation Commission (HPC) received a request for demolition of three (3) commercial buildings in the downtown. The HPC was required by State law to issue a Certificate of Appropriateness (COA) for the demolition, but was able to delay it for one (1) year in an attempt to find alternatives. She noted that

in the end preservation of the buildings could not be achieved, and this led to the discussion of finding alternatives that might prevent future demolitions in the downtown. Ms. Gapen indicated that the City of Statesville obtained a local bill in the 2005 session of the General Assembly to allow the Statesville City Council the authority to grant demolition permits within their historic districts. Ms. Gapen stated that after Council adopted a Resolution in 2005 staff sought similar legislation from the Legislature and in 2007 four (4) bills for the towns of New Bern, Cary, Wake Forest and Salisbury passed. She added that Salisbury Bill H1202 was ratified June 21, 2007.

Ms. Gapen noted that the purpose of the proposed Ordinance is to codify the authority given by the local bill adding that it applies only to the Downtown Historic District. She indicated that the boundaries of the District are generally from North Main Street from the railroad tracks extending south to Monroe Street. Then along Innes Street from the new bridge on East Innes Street west to Jackson Street.

Ms. Gapen outlined highlights of the proposed Ordinance:

- Grants permitting authority to City Council
- Helps safeguard important, viable historic structures
- Flexibility to allow demolition as an alternative for noncontributing structures
- Does not infringe on the authority of the HPC
- Includes criteria for determining whether to permit demolition:
 - Location of the structure within the historic district
 - State of repair of the structure
 - Architectural and historical significance
 - Overall impact on the district
 - Issuance of a Certificate of Appropriateness
- No changes to review process by the Historic Preservation Commission
- City Council would decide on demolition request following the end of any delay imposed by the HPC.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments regarding an Ordinance to regulate demolition in the Downtown Local Historic District.

Mr. Jack Thomson, Director of Historic Salisbury Foundation, 530 West Monroe Street, stated that this new legislation was specifically crafted for the downtown commercial district of Salisbury, one of the most historically significant urban centers in North Carolina. He noted that the legislation was crafted to include the continued process of the HPC which has served the community well. He added that the Ordinance will take this a step further to give Council the opportunity to review each demolition threat and will take into account the significance of the structure. Mr. Thomson commented that Salisbury has a fixed number of historic structures and the next time the City is faced with a demolition threat he hopes the leadership will consider what the community has gone through with the demolition on West Fisher Street. He stated he

feels that because of the overwhelming historic significance of the Downtown District Salisbury cannot afford to lose anymore contributing structures, adding that he feels they are vital to the continued success of the downtown revitalization. He requested Council adopt the Ordinance and work to prevent further loss to the downtown and stated that this action will prove that Salisbury is a progressive City willing to protect and preserve its history.

Mr. Randy Hemann, 314 Mitchell Avenue, commented that he wished to voice the support of Downtown Salisbury, Inc. (DSI) for this Ordinance. He noted that preservation is not just for preservation's sake but is also for economic development. He added that buildings house businesses and businesses employ people. Mr. Hemann commented that rather than looking at events in the past negatively, he remembers a positive event with the Chamber of Commerce. He explained that the Chamber was prepared to demolish three (3) building on East Innes Street but agreed to sell the buildings and what resulted were three (3) businesses. He commented that this Ordinance should be supported because it is progress.

Ms. Karen Alexander, 419 South Fulton Street, encouraged Council to support the Ordinance. She stated that she chose Salisbury to locate her business and feels preservation is important for the community's culture and history but also from an urban design standpoint. She requested Council's support of the Ordinance.

Mr. Wayne Saleeby, 1611 Old Mocksville Road, commented that he supports saving historic sites but he feels this is a special interest group requesting Council make a decision that the group could not make regarding an old building at First United Methodist Church. He stated that City Council offered property for the relocation of the buildings, but no one wanted to take on the buildings. He noted that he feels the historic group is an organization that wants things saved but they do not have money to back up what they want to have done. He referred to the Fowler House on Fulton Street and other cases that have come before the HPC and stated he feels the group makes special decisions for special things. Mr. Saleeby stated that he feels it is dangerous to give in to special interest groups and will set a difficult precedent.

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

Councilman Burgin stated that he is in favor of the new Ordinance and commented that over time he feels Salisbury has done a good job of protecting its historic buildings. He commented that this will allow Council to protect a resource that has proven to be valuable to the City. Mr. Burgin added that he feels this will prove to be fair to everyone but will give Council the ability to protect the character of Salisbury in a very defined area.

Councilman Kennedy noted that he also supports the Ordinance because it gives Council the right to regulate whether a building should be torn down. He added that it

does not imply that all buildings will be saved but that each time a demolition permit is requested Council can decide the best outcome for the structure at that time.

Councilman Lewis commented that Salisbury's downtown is special because if Salisbury is the centerpiece of Rowan County then the downtown is the heart of the County. He stated that he has attended seminars where representatives from other cities discuss reclaiming their downtowns. He added that through the efforts of many citizens and DSI, Salisbury has reclaimed its downtown and he feels it would be a travesty not to protect every single building. Mr. Lewis stated that there will be five (5) elected officials representing all citizens in Salisbury who will hear all opinions before making decisions and he feels it is the appropriate place for the permit.

Mayor Klutz stated that Salisbury has a beautiful downtown and this is another layer of protection for it. She added that it is also protection for the downtown property owners and she feels it will increase the value of their property when adjacent buildings are not torn down. She noted that she is grateful to the citizens and staff and for the state legislation that Salisbury received, adding this is a wonderful day for the City.

Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance establishing a new section 7-77 of Article IV-A of the Salisbury City Code to regulate demolition of structures within the Downtown Local Historic District. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE ESTABLISHING A NEW SECTION 7-77 OF ARTICLE IVA OF THE SALISBURY CITY CODE TO REGULATE DEMOLITION OF STRUCTURES WITHIN THE DOWNTOWN LOCAL HISTORIC DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 183, and is known as Ordinance No. 2007-56.)

GROUP DEVELOPMENT G-10-07 LION'S SHARE CREDIT UNION

(a) Mr. David Phillips, Zoning Administrator, noted that group development G-10-07 is for Lion's Share Credit Union located at 850 Harrison Road. He reviewed site maps of the property and its location adjacent to Executive Drive and Harrison Road. He noted that it will be a subdivision of a larger tract of land owned by the Hedrick Company. He displayed an aerial map of the property and pointed out its location near the Food Lion Corporate office. Ground photographs of the site were also shown to Council.

Mr. Phillips stated that the Planning Board approved the preliminary plat for the subdivision of the property. He reviewed the site plan for the proposed facility and pointed out its driveway access from Harrison Road. He explained that Harrison Road is controlled by the North Carolina Department of Transportation (NCDOT) and NCDOT has required a right in, right out only access to the property. Access will also be available

through Executive Drive. He stated that Executive Drive is a City street and staff does not recommend any controls for this access.

Mr. Phillips stated that the plan meets the landscaping requirements and exceeds the parking requirements. He noted that because the plan exceeds the threshold of fifty (50) parking spaces it is required to go through the group development process. Mr. Phillips stated that the plan has gone through the Technical Review Committee (TRC) and the Planning Board. He noted that there was little discussion at the Planning Board meeting and by a unanimous vote, the Planning Board recommended approval of the site plan as submitted.

(b) Mayor Kluttz opened the floor to receive public comment regarding group development G-10-07.

Mr. Clay Lindsay, 120 Statesville Boulevard, stated he represents Lion's Share Credit Union and requested favorable consideration of the request. He thanked staff for working with his client on this project and expressed his appreciation for expediting this request.

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

(c) Thereupon, Mr. Woodson made a **motion** to approve group development site plan G-10-07 for the construction of six thousand thirty (6,030) square foot facility to be located at 850 Harrison Road. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

GROUP DEVELOPMENT SITE PLAN G-11-07 RUFTY-HOLMES SENIOR CENTER

Councilman Burgin indicated he needed to be excused due to a conflict of interest.

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

(a) Mr. David Phillips, Zoning Administrator, informed Council that group development site plan G-11-07 is for the Rufty-Holmes Senior Center located at 1120 South Boundary Street. He reviewed a vicinity map of the property in question and noted its location on Boundary Street across the street from the Salisbury Sports Complex. He also reviewed an aerial view and ground photographs of the site and existing facility.

Mr. Phillips indicated that a four thousand one hundred (4,100) square foot fitness addition to the rear of the existing facility is proposed. He pointed out an existing cut-

through driveway that will be closed with the addition. Mr. Phillips stated that the plan proposes additional parking spaces along with a dumpster enclosure and noted that the existing upper parking area will not be altered.

Mr. Phillips stated that the plan has gone through the Technical Review Committee (TRC) and the Planning Board. The Planning Board recommended approval as submitted by a unanimous vote.

(b) Mayor Kluttz opened the floor to receive public comment regarding group development G-11-07.

Mr. Bill Barrett, 140 McIntosh Lane, indicated that he is President of the Board of Directors for Rufty-Holmes Senior Center. He stated that the Center recognizes the importance of exercise for older adults and in the past year has seen a twenty-three (23) percent increase in the number of people using the facility. He noted that the building expansion will be used mainly for exercise and fitness programs needed to better serve the senior citizens in the community.

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

Councilman Kennedy indicated he serves on the Board of Directors for the Rufty-Holmes Senior Center and he feels the Center continues to provide many services to seniors. He stated that the Center relieves the City by providing many services that the City might be required to offer if it were not in existence. He noted that the Center is blessed by its many benefactors and he is in support of the addition to the facility.

(c) Thereupon, Mr. Kennedy made a **motion** to approve development site plan G-11-07 for the construction of a four thousand one hundred eighteen (4,118) square foot addition to the existing facility located at 1120 South Boundary Street. Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

RESOLUTION OF LEGISLATIVE INTENT – LAND DEVELOPMENT ORDINANCE

Mayor Kluttz thanked Councilmen Burgin and Lewis for serving on the Land Development Ordinance Committee (LDOC) noting that the committee has been working on the proposed ordinance for over three (3) years.

Councilman Burgin stated that he feels the proposed ordinance will help the City grow and offers items for the developmental community while protecting the citizens. He explained that overall the LDOC is in favor of the proposed ordinance and recommends back-testing of previously completed zoning cases to see how the new

ordinance would have applied to them. He added that the back-testing will continue as long as the Council deems appropriate.

Mr. Joe Morris, Planning and Community Development Director, reviewed the objectives of the LDOC's presentation:

- Describe the code development process
- Explain the basics of the code and the zoning map conversion process
- Propose a timetable for code adoption
- Answer any questions

Mr. Morris explained the time frame of the LDOC meetings:

- Initial code development – February 5, 2004 to May 5, 2005
 - Twenty-two (22) LDOC meetings
- Review by Staff and Council Committee
- Reconvened LDOC – August 23, 2006 to July 11, 2007
 - Forty-seven (47) LDOC meetings
- Total of Sixty-nine (69) LDOC meetings
- Total of one hundred eleven (111) LDOC staff meetings

Mr. Morris stated that the proposed ordinance consisted of eighteen (18) chapters with three hundred thirty-eight (338) pages and was organized in a sequence that developers could follow throughout the development process. He added that the new code is a combination of Form-based and Euclidean zoning practices. Mr. Morris reviewed the chapters of the ordinance and explained that the proposed ordinance is based on the Rural to Urban Transect System which organizes land uses.

Mr. Morris reviewed the LDOC Map Conversion Guiding Principals:

- Convert the existing zones to new zones as closely as possible based on context, land use and minimizing non-conformity
- Evaluate exiting M-1 areas and convert to L-1 (Light Industrial), CMX (Corridor Mixed Use), and HB (Highly Business) based on the current land use
- Retain existing "S" Districts as Conditional Districts (CD) based on community expectations

Mr. Morris displayed a current zoning map and a proposed zoning map and pointed out that the new ordinance will result in a more simplified zoning map. He reviewed the proposed LDOC adoption schedule:

- Presentation to City Council 08/21/2007
- Presentation to Planning Board 08/28/2007
 - Conduct informational meetings and case studies
- Planning Board Courtesy Hearing 10/23/2007
- Planning Board comments to City Council 11/06/2007

- Council to consider a Public Hearing and consider adoption 11/20/2007
- Effective Date TBD

Mr. Burgin stated that the LDOC required three and one-half (3½) years to develop the proposed ordinance because it was charged with reviewing every line of the old ordinance. He added that the Planning Board will provide an overview of the ordinance to Council which should be completed in sixty (60) days.

Mayor Pro Tem Woodson asked if there would be any briefings to further explain the proposed ordinance. Mr. Morris answered that the LDOC will schedule several meetings to explain and answer questions and will be open to everyone.

Mr. Burgin pointed out that the ordinance proposes benefits for developers as well as protection for the community and added that it attempts to simplify the process of development in Salisbury.

Councilman Lewis stated the proposed ordinance enables the concepts of the Salisbury Vision 2020 Comprehensive Plan with some increased expectation on the development community. He indicated that he and Councilman Burgin would like to serve on a committee to review developments approved under the old ordinance and determine what differences the new ordinance would have made, and how the ordinance will affect the development sites that are currently in process. Mr. Lewis recommended that other committee members consist of Mr. Victor Wallace and former Planning Board Chairmen Mr. Rodney Queen, Mr. Jeff Smith, Mr. Brian Miller, Mr. Bill Wagoner, and Mr. Jake Alexander.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution of Legislative Intent referring the proposed Land Development Ordinance to the Planning Board for review and comment. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION OF LEGISLATIVE INTENT REFERRING THE PROPOSED LAND DEVELOPMENT ORDINANCE TO THE PLANNING BOARD FOR REVIEW AND COMMENT.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 49, and is known as Resolution No. 2007- 29.)

Thereupon, Mr. Lewis made a **motion** to appoint Mr. Rodney Queen, Mr. Jeff Smith, Mr. Brian Miller, Mr. Bill Wagoner, Mr. Jake Alexander, Mr. Victor Wallace, Councilman Burgin and himself to a committee to test drive the City's proposed ordinance. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz stated that on behalf of the City Council she would like to thank the Land Development Ordinance Committee and staff for the hard work that went into developing the proposed ordinance.

SPECIAL USE PERMIT – CRICKET COMMUNICATIONS

Mr. Michael Crowell, Technology Services Director, stated that the City received a request from Cricket Communications to co-locate an antenna on an existing tower located at 145 Dan Street. He indicated that Cricket Communications has met all the requirements of the ordinance and has submitted a \$1,000 license fee. He stated that staff recommends Council allow the City Manager to approve issuing the special use permit.

Thereupon, Mr. Burgin made a **motion** to authorize the City Manager to issue a special use permit to Cricket Communications for the co-location of an antenna on the existing tower located at 145 Dan Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT – RENOVATIONS TO SPORTS COMPLEX

Mr. Kenny Roberts, Parks and Recreation Program Manager, informed Council that bids were received for the lighting and electrical phase of the Sports Complex Renovation Project.

Bids were received from:

| | |
|-----------------------|-----------|
| E.F. Belk & Son, Inc. | \$116,794 |
| TRI-Electric, Inc. | \$198,900 |
| Musco Sports Lighting | \$167,765 |

Mr. Roberts stated that staff recommends Council award the contract in the amount of \$116,794 to E.F. Belk & Son, Inc.

Thereupon, Mr. Woodson made a **motion** to award a contract in the amount of \$116,794 to E.F. Belk & Son, Inc. for lighting and electrical work at the Sports Complex Project. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT – POLICE VEHICLES

Mr. Dewey Peck, Purchasing Manager, stated that the proposed contract before Council is for the replacement of fourteen (14) police vehicles. He explained that bids were requested from Hilbish Motor Co., Young Ford, Inc. and Cloninger Ford, but Cloninger Ford was the only company to submit a bid.

Bids were received from:

| | | |
|-----------------------|--------------------------------------|------------------|
| Cloninger Ford | 13 Ford Interceptor Police Vehicles | \$267,150 |
| | 1 Ford Interceptor Detective Package | <u>\$ 20,600</u> |
| | Total Bid | \$287,750 |
| Hilbish Motor Company | | No Bid |
| Young Ford, Inc. | | No Bid |

Mr. Peck commented that the bid is \$361 less per vehicle than last year's price and recommended that Council award the contract to Cloninger Ford.

Thereupon, Mr. Woodson made a **motion** to award a contract in the amount of \$287,750 to Cloninger Ford for the purchase of fourteen (14) Ford interceptor police vehicles for the City's Police Department. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COMMENTS FROM THE CITY MANAGER

(a) South Square Streetscape Improvement Project Update

Ms. Lynn Raker, Urban Design Planner, updated Council on the South Square Streetscape Improvement Project. She indicated that the installation of the brick pavers in the 100 block of East Fisher Street should be completed within a day and the street will then be open to traffic. She reviewed the work scheduled for the week of August 22-31, 2007:

- Complete brick street and crosswalk
- Complete sidewalk ramps at Lee Street and Fisher Street
- Energize new decorative street lights
- Remove Duke Power highway lights
- Begin grading in corner plaza/parking area

Ms. Raker reviewed the project cost overruns:

- Repairing sub-grade of road (100 block of East Fisher Street)
 - No reusable existing base
 - Major faults in sub-grade
 - Extensive leaks in power vault
- Suspended sidewalk exceeded engineer's design
- Curb inlet at the end of East Fisher Street required two (2) boxes in the catch basin
- Adding two (2) inch asphalt top base
- Preparing road each afternoon to allow traffic

Ms. Raker stated that staff will meet to determine the best solutions to address the cost overruns. She pointed out that the estimated cost to complete the project as designed is \$299,000 and an estimate for partial completion is \$216,000.

City Manager David Treme stated that it is common to be faced with overruns when dealing with the difficulties of subsurface areas and that this project encountered a number of these problems. He indicated that he would like to see the project completed and will meet with staff to review a range of funding alternatives or cutbacks to present to Council.

Councilman Burgin asked the City Manager to provide a detailed list of items that may have to be omitted to meet the project budget.

(b) Council Committee Report – Old Plank Road

Mr. Dan Mikkelson, Director of Land Management and Development, stated that a Council Committee met with representatives of Livingstone College and Mr. Reginald Brown to discuss the requested closure of a portion of Old Plank Road. He explained that the Committee found that closing a portion of Old Plank Road would not be contrary to the public interest. He indicated that the Council Committee reviewed response time by police and fire, potential delays to the bus system, and revisions to traffic flow.

Mr. Mikkelson stated that, based on a street's length, the existing City fire code requires the installation of a cul-de-sac on dead-end streets. He added that the Committee was concerned about closing the street prior to the installation of the cul-de-sac. He asked City Attorney Rivers Lawther if Council should take action today or postpone the request.

Mr. Lawther stated that Council may approve the closing of the portion of Old Plank Road with the conditions that a cul-de-sac be installed before the actual order of closing is recorded at the Register of Deeds and that the street will not be closed until the cul-de-sac is constructed.

Mayor Kluttz pointed out that Livingstone College requested the City participate in the \$50,000 cost of the cul-de-sac installation and asked if this request was discussed by the Council Committee. Councilman Mark Lewis noted that the cost of the cul-de sac was discussed but it was not suggested that the City was prepared to participate in the cost of the construction. He added that he asked the representatives from Livingstone College about their plans to pay for the construction and they indicated that there might be public/private partnerships proposed, but a plan was still being developed. Mr. Lewis commented that the Council Committee felt that once Livingstone College was able to determine the financing for the installation of the cul-de sac the City would be prepared to move forward with closing the street, if Council was in agreement.

Mr. Lewis stated that the Council Committee found that the closing of the section

of Old Plank Road is not contrary to public interest due to the following basic reasons:

- Emergency services response times will not be significantly affected
- The bus routes along Old Plank Road can be adjusted and will not present any significant problem
- Thomas Street has the capacity to handle the forty (40) to fifty (50) percent potential increase of traffic
- On-street parking for Thomas Street can be adjusted by request to City Council from Livingstone College
- The removal of this section of Old Plank Road would allow added security to the students and faculty by rejoining the portion of the former Hood Theological Seminary building to the Livingstone campus.

Mr. Mikkelson stated that there are three (3) actions for Council to take if they would like to proceed with the closing:

- Adopt a Resolution accepting offers of dedication for the portion of the street that is to be closed
- Adopt an Order to close the portion of the street with orders for staff to not record the documents until instructed to do so by Council
- Approve Livingstone College's survey map indicating the dedication of the right-of-way that is necessary for the cul-de-sac and identifying the limits of the closure

Mr. Mikkelson stated that the first action will be to adopt a Resolution accepting the offers of dedication for a portion of Old Plank Road.

Thereupon, Mr. Lewis **moved** adoption of that Resolution. Mr. Kennedy seconded the motion. Councilman Burgin stated that based on the City's 2007-2008 budget, he cannot currently support a request from Livingstone College to participate in the funding of the cul-de-sac. Mr. Lewis indicated that he feels confident that Livingstone College is aware that the City has not agreed to participate in the funding. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF A PORTION OF OLD PLANK ROAD BETWEEN THOMAS STREET AND CRAIG STREET.

(The above resolution is recorded in full in Resolution Book No. 12 at Page No. 50, and is known as Resolution No. 2007-30.)

Mr. Mikkelson indicated that the second action is to adopt an Order to close a portion of Old Plank Road between Thomas Street and Craige Street and to direct staff to defer recording the documents until the cul-de-sac is substantially complete.

Thereupon, Mr. Woodson made that **motion** as read. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

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|---------------------------------|---|-----------------------------------|
| NORTH CAROLINA | * | BEFORE THE CITY COUNCIL OF |
| ROWAN COUNTY | * | THE CITY OF SALISBURY |
| | * | NORTH CAROLINA |
| IN THE MATTER OF: | * | |
| | * | |
| | * | ORDER CLOSING OF A PORTION |
| CLOSING OF A PORTION OF | * | OF A ROAD PURSUANT TO |
| OLD PLANK ROAD BETWEEN | * | GENERAL STATUE OF NORTH |
| THOMAS STREET AND CRAIGE | * | CAROLINA SECTION 160A-299 |
| STREET | * | |

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on August 7, 2007 and August 21, 2007 at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the road described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said portion of road is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on July 13, July 20, July 27 and August 3, 2007.

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

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

Beginning at an existing iron pin in the north west right of way line of West Thomas Street, thence with the line of West Thomas Street N 43° 20' 27" W, 104.91' to a new iron pin in the northern margin of Old Plank Road, thence with the northern margin of Old Plank Road S 80° 28' 26" E, 390.27' to a new iron pin in the margin of a proposed cul-de-sac, thence with the proposed cul-de-sac a chord bearing of S 09° 31' 34" W, a chord distance of 40.00', having an arc length of 41.00' and a radius of 53.50' to a new iron pin in the southern right of way of Old Plank Road, thence N 80° 28' 26" W, 298.73' to an existing iron pin thence with a curve to the left having a chord bearing of S 28° 14' 11" W, a chord distance of 24.63', a curve length of 32.41' and a radius of

12.99' to the point and place of beginning and being 0.388 Acres (14,742 square feet) as shown on survey and map by Shulenburg Surveying Company, P.A. dated 06/11/2007.

Be and the same is hereby forever closed.

This the 21st day of August, 2007

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

BY: s/s Susan W. Kluttz
Mayor

s/s Myra B. Heard
City Clerk

Mr. Mikkelson stated that the third action is to approve the map indicating dedication of right-of-way for the proposed cul-de-sac.

Thereupon, Mr. Burgin made that **motion**. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Councilman Kennedy stated that the Council Committee empathizes with the residents of Thomas Street concerning the potential increase in traffic, but felt that it was a good decision for the community and that the neighbors of Old Plank Road are in favor of the street closing.

(c) Street Lights in Rolling Hills

City Manager David Treme stated that the City is experiencing problems with the Rolling Hills Street Lighting project and asked Mr. Dan Mikkelson, Director of Land Management and Development, to update Council.

Mr. Mikkelson indicated that the Rolling Hills neighborhood has requested street lights and he displayed a map depicting the location of eighteen (18) proposed lights. He explained that Duke Power transformers are located in the rear of the neighborhood and connection will require installing of underground wiring through approximately thirty-two (32) properties. He added that property owners will be responsible for making the sites ready for Duke Power and for the finished grading and seeding after trenching has been completed. Mr. Mikkelson pointed out that Duke Power is not in the position to meet with each property owner to acquire the easements so City staff will meet with each of the thirty-two (32) property owners and this will take time.

Mr. Treme stated that if Council agrees, the City will use existing right-of-way agents from Salisbury-Rowan Utilities to meet with the property owners. He pointed out that the City may have to subsidize the cost of the project but it should not be a

substantial amount and may be covered under the operating budget.

Mr. Kennedy asked if staff could meet with the neighbors as a group instead of individually. Mr. Treme stated that staff will explore the possibility of a group meeting to explain the process, followed by individual meetings with the property owners to obtain their individual permission. Mr. Kennedy stated that he would like to participate in the group meeting.

(d) Drought Conditions

City Manager David Treme stated that surrounding communities are experiencing drought conditions and asked Mr. Jeff Jones, Senior Engineer, and Mr. Matt Bernhardt, Assistant City Manager for Utilities, to report on the water conditions in Rowan County.

Mr. Bernhardt stated that the North Carolina Drought Advisory Council recently elevated the drought status level for Rowan County and surrounding regions to severe. He stated that Salisbury-Rowan Utilities (SRU) has received inquiries regarding the County's water supply. Mr. Bernhardt indicated that water supplies differ in volume and size and that drought impact on water supplies differ as well.

Mr. Jones reviewed a map of North Carolina and pointed out that Rowan County is located in the Yadkin River Basin and that the County benefits from the rain in the mountains that feeds into the basin.

Mr. Bernhardt pointed out that the Yadkin River Basin is the second largest basin in North Carolina and that the Yadkin River is one of Rowan County's greatest assets because of its tremendous water supply to the area. Mr. Bernhardt reviewed a diagram of the primary intake on the Yadkin River and referenced the Water Emergency Management Plan contained within the City Code and the Operational Procedures of SRU:

- Level I – Voluntary Restrictions
 - Water level 6” above bottom of upper grates
- Level II – Mandatory restrictions - residential, commercial and industrial uses
 - Water level at bottom of upper grates
- Level III – Mandatory restrictions – irrigation and recreational use prohibited and mandatory reductions in commercial uses
 - Water level 7” below top of lower grates
- Level IV – Mandatory restrictions – all use other than maintenance and public health prohibited
 - Water level 15” above bottom of lower grates

Mr. Bernhardt pointed out that the water level at the primary intake as of August 21, 2007 was thirty-eight (38) inches above Level I of the conservation plan. He indicated that the portion of Rowan County served by SRU is in a fairly secure position and the drought situation and river levels are monitored daily.

Mr. Jones indicated that during the extreme drought of 2002, the water level only dropped to nine (9) inches above Level I of the conservation plan. He reviewed a ninety (90) day United States Seasonal Drought Outlook chart which indicates improvements of drought condition for North Carolina, South Carolina and parts of Georgia.

Mr. Treme stated that the City water supply is in excellent condition and is able to serve our citizens as well as other communities who are facing water restrictions.

d) Candidate Information Session

City Manager David Treme stated that on August 16, 2007 the City sponsored a candidate information session for City Council candidates. The candidates were supplied with information about the City including contact information. Mayor Kluttz thanked Mr. Treme and the staff for their time in sponsoring this session.

e) Traffic Accidents

Mayor Pro Tem Paul Woodson stated that he received a call regarding traffic accidents at the corner of Old Concord Road and Jake Alexander Boulevard. He indicated that there are trees blocking the view of the stop light at the intersection and feels the trees should be cut back to prevent future accidents. He requested that staff investigate this area.

PUBLIC COMMENT

Mayor Kluttz opened the floor for public comment.

Judge Frank Montgomery, Board of Residents of the Olde Salisbury Neighborhood, presented a petition containing fifty-seven (57) signatures to Council requesting that the City preserve and protect the older neighborhoods that are close to the downtown business district. He noted that many of these homes are becoming rental property that result in problem areas. He added that the municipalities of North Carolina and other states deal with these problems by enacting rental codes with rental inspections and enforcement. The petitioners urged City Council to investigate enacting rental codes for the City with regular inspections and rigorous enforcement and to direct and encourage the Community Development Corporation (CDC) to purchase, rehabilitate and resell existing dwellings.

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

MAYOR'S ANNOUNCEMENTS

Mayor Kluttz had no announcements.

CLOSED SESSION – CONSULT WITH AN ATTORNEY

Thereupon, Mr. Woodson made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(3). Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

Thereupon, Mr. Woodson made a **motion** to return to open session. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz announced that no official action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:48 pm.

Mayor

City Clerk