

**REGULAR MEETING**

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

**ABSENT:** None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by 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 FRANK GOODNIGHT**

- Mayor Kluttz recognized Mr. Frank Goodnight, President and Owner of Diversified Graphics, Inc., who was named Small Business Champion by the National Federation of Independent Business. Mayor Kluttz noted that Mr. Goodnight is also active in the Salisbury and North Carolina Civitans and has been active in the Rowan County Chamber of Commerce, Rowan County Tourism Authority, and Downtown Salisbury, Inc. She thanked Mr. Goodnight for all that he has done for the community and presented him with a Certificate of Appreciation on behalf of City Council.

**RECOGNITION OF HISTORIC SALISBURY FOUNDATION'S 35<sup>TH</sup> ANNIVERSARY**

- Mr. Jack Thomson, Director of Historic Salisbury Foundation, indicated that the Historic Salisbury Foundation is celebrating its 35<sup>th</sup> Anniversary. He noted that the first meeting of the Foundation was held April 12, 1972 when approximately five hundred (500) people gathered for the initial meeting. He displayed photographs of buildings that the Historic Salisbury Foundation has obtained or restored throughout its thirty-five (35) years of work. Mr. Thomson presented a commemorative plate in recognition of the Historic Salisbury Foundation's 35<sup>th</sup> Anniversary to Mayor Kluttz and Council.

Mayor Kluttz thanked Mr. Thomson and presented him with a Certificate of Appreciation recognizing the Historic Salisbury Foundation's preservation work for the City of Salisbury.

**RECOGNITION OF HUMAN RESOURCE SPECIALIST KAREN INGRAM**

- Ms. Melissa Taylor, Human Resources Director, informed Council that Ms. Karen Ingram has been designated a Certified Professional by the International Public Management Association for Human Resources. She explained the work undertaken by Ms. Ingram to obtain this certification and noted that Ms. Ingram is also president of the Rowan County Human Resources Association.

Mayor Kluttz presented Ms. Ingram with a plaque designating her as a Certified Professional in Human Resources and congratulated her on this achievement.

**INTRODUCTION OF UTILITIES FINANCE MANAGER MICHELE REAPSMITH**

- Mr. Matt Bernhardt, Assistant City Manager for Utilities, introduced Ms. Michele Reapsmith. Ms. Reapsmith was recently hired as the Finance

Manager for Utilities. Mr. Bernhardt noted that Ms. Reapsmith has been with the City for approximately three (3) weeks and brings a wealth of experience from both the public and private sectors.

Mayor Kluttz welcomed Ms. Reapsmith and indicated that she will be working with a wonderful group at Utilities.

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**PROCLAMATION**

Mayor Kluttz proclaimed the following observances:

BETA SIGMA PHI WEEK	April 23- 27, 2007
MUNICIPAL CLERKS WEEK	April 29- May 5, 2007
NATIONAL POLICE WEEK	May 12- 18, 2007
BETTER HEARING AND SPEECH MONTH	May 2007
NATIONAL PRESERVATION MONTH	May 2007
NATIONAL BICYCLE MONTH	May 2007

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**CONSENT AGENDA**

(a) Minutes

Approve Minutes of the Special meetings of March 26, 2007 and April 14, 2007, Minutes of the Regular meeting of April 17, 2007, and the Minutes of the Recessed meeting of April 20, 2007.

(b) Budget Amendment – Parks and Recreation Donations

Adopt a budget Ordinance amendment to the FY2006-2007 budget in the amount of \$140,951 to appropriate various donations received by the Parks and Recreation Department.

A N ORDINANCE AMENDING THE 2006-2007 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. 21, at Page No. 112, and is known as Ordinance No. 2007-16.)

(c) Certificate of Sufficiency – The Gables at Kepley Farm, Phase 2

Receive a Certificate of Sufficiency from the City Clerk concerning the voluntary annexation of The Gables at Kepley Farm, Phase 2, and adopt a **RESOLUTION** setting a public hearing for May 15, 2007.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF THE GABLES AT KEPLEY FARM, PHASE 2 (10.793 ACRES) PURSUANT TO G.S. 160A-58.1 AS AMENDED.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page Nos. 31-32, and is known as Resolution No. 2007-14.)

(d) Certificate of Sufficiency – Stone Ridge Phase 2A

Receive a Certificate of Sufficiency from the City Clerk concerning the voluntary annexation of Stone Ridge, Phase 2A, and adopt a **RESOLUTION** setting a public hearing for May 15, 2007.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF STONE RIDGE, PHASE 2A (20.443 ACRES) PURSUANT TO G.S. 160A-31 AS AMENDED.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page Nos. 33-34, and is known as Resolution No. 2007-15.)

Thereupon, Mr. Kennedy 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)

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**ZONING MAP AMENDMENT Z-03S-07- LEONARD SCHILLACI**

Z-03S-07 Leonard Schillaci, 1020 and 1026 South Fulton Street

Councilman Lewis indicated that he needed to be excused from this item due to a conflict of interest. Councilman Burgin also requested to be excused because of a conflict of interest.

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

(a) Swearing In

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

Mr. Leonard Schillaci  
Mr. Preston Mitchell

(b) Evidence Presented

Mr. Preston Mitchell, Senior Planner, noted that the case before Council is Z-03S-07 and is a request for a Special Use district from Leonard Schillaci. He stated that the request is to rezone property from B-RT and R-6A to Special B-RT. He explained that the Special Use district is identical to the general B-RT district except that a special use is requested and will be forever attached to the rezoning. He stated that on the Special Use permit additional reasonable conditions can be added based on Findings of Fact. He pointed out information given to Council that lists the uses allowed in B-RT and a sheet of proposed Findings of Fact. He noted that the items highlighted on the list of Findings of Fact were the findings made by the Planning Board during its meeting. Mr. Mitchell stated that the Special Use district requires all testimony be sworn and all ex-parte communication must be disclosed. He asked Council if members had had any conversations with the petitioner or anyone outside of the meeting that should be disclosed. Mayor Kluttz confirmed that no member of Council had conducted conversations outside of the meeting.

Mr. Mitchell stated that there are two (2) recommendations for Council from the Planning Board. He added that Council will need to make two (2) decisions today, one regarding the map amendment and one regarding the special use permit.

Mr. Mitchell stated that the petitioner originally approached staff and requested the BCS district. He explained that BCS is similar to B-RT and is a small-scale commercial zone often used for neighborhood-scale commercial. He noted that the BCS district limited development of the properties because of a two thousand (2,000) square foot cap for development. Mr. Mitchell stated that staff recommended that the petitioner seek a BRT-S zoning with the removal of certain uses of BRT to make it similar to the BCS. He stated that the applicant did this and is seeking BRT-S to remove the following uses from B-RT:

- Car detailing, car rental, auto sales and service
- Moped/motorcycle sales and service
- Service or filling station including any automotive repair work

Mr. Mitchell stated that with these exceptions, all other uses in the B-RT district, and those in the B-1 district, will be allowed.

Mr. Mitchell reviewed the current zoning districts for the property. He stated that the R-6A district is a multi-family, residential district and allows for single family, duplex, and triplex residential. He added that it allows some institutional uses such as daycares and adult daycares and their typical accessory uses. He described the B-RT district noting it is a business, retail trade district. He stated that the B-RT and the BCS districts are smaller-scale commercial districts that allow retail, restaurant and some auto oriented uses.

Mr. Mitchell pointed out the property in question on an aerial photograph and noted that it is located on the corner of South Fulton Street and Ridge Avenue. He noted Chestnut Hill cemetery located adjacent to the site along Johnson Street. He stated that the site includes three (3) parcels. He stated that the corner parcel is an existing commercial structure and was used as Foil Grocery Store for a number of years. He stated that a residential structure is located beside the commercial structure with a vacant tract being located at the end of the three (3) parcels. Mr. Mitchell stated that the commercial structure is currently zoned B-RT and the residential structure and vacant tract are zoned R-6A. He noted that the majority of the zoning around the property is R-6A, with B-1 at the cemetery, R-8 in the Fulton Heights neighborhood and B-6 behind the site. Mr. Mitchell pointed out BCS zoning located at the corner of Harrison Street and Fulton Street, just below the site in question. He noted that the petitioner originally sought BCS zoning but it has a two thousand (2,000) square foot cap for development. He stated that it was suggested to the petitioner that he seek B-RT but with removal of some of the uses.

Mr. Mitchell informed Council that if the property is rezoned, the location of the B-RT district against the R-6A district will require a "D" buffer yard, which is a twenty (20) foot buffer yard with complete visual separation from any R-6A. He stated that the setbacks will be thirty-five (35) feet in the front, five (5) feet or ten (10) feet on the side, and twenty (20) feet in the rear. He noted that a non-conformity will be created with the setbacks if the property is rezoned. He stated that it is acceptable to knowingly create a non-conformity but it must be disclosed, as he has done. He explained that the structures are located so close to the street that they could not meet the front set-back and most likely would not meet the side set-backs, and only the house would meet the rear set-backs. He stated that if it is rezoned it will knowingly create the non-conformity but as long as it is disclosed then Council can move forward.

Mr. Mitchell stated that signage can be twenty (20) feet in height, with fifty (50) square feet allowed for a ground sign, and one and six tenths (1.6) square feet for a wall sign.

Mr. Mitchell reviewed the request in terms of the growth and comprehensive plans. He stated that the 2000 Plan states that neighborhood commercial centers providing goods and services to small neighborhood areas must be clustered and must be located for convenience to those neighborhoods that they serve. The Plan states that care should be taken to prevent encroachment and Mr. Mitchell noted that two (2) of the three (3)

properties already have existing structures. He added that there is neighborhood-scale commercial in the immediate area. He noted that the Plan states that care should be taken to limit commercial to those uses not generating extensive market areas. He explained that this means the use should not seek retailers with a regional draw. Mr. Mitchell stated that the size of the structures will automatically limit many of those type of uses that would have a large draw.

Mr. Mitchell stated that the 2020 Plan recommends placement of neighborhood convenient goods and services at the corners or along the neighborhood edges. He stated that it can be argued that this site is along the Fulton Heights neighborhood as well as the edges of other neighborhoods in the area. The Plan recommends development be pedestrian-scaled for compatibility and calls for the preservation, rehabilitation, and adaptive reuse of older, commercial properties. Mr. Mitchell stated that it could be argued that for the commercial structure located on the corner, the old Foil Grocery, this is exactly what is occurring.

Mr. Mitchell informed Council that at the Planning Board meeting held April 10, 2007 the following statement was made regarding rezoning of the map, "The Planning Board finds and determines that rezoning petition Z-03S-07 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and hereby recommends approval." He stated that this was the first action taken by the Planning Board.

Mr. Mitchell stated that the Planning Board then moved on to Findings of Fact. He pointed out to Council that on the sheets given to them there are six (6) criteria for determining Findings of Fact and noted the three (3) statements for Findings of Fact made by the Planning Board. He stated that the Planning Board went on to approve the Special Use district permit for Z-03S-07 by removing the requested uses from the B-RT district and permitting all other uses in the B-RT and those beginning in the B-1.

Mr. Mitchell reviewed ground photographs of the site along with areas surrounding the site. He informed Council that there is a two (2) step process for S-Districts. He stated that there will need to be an action by Council on the map amendment along with a statement of consistency, and then an action by Council on the Special Use permit.

Mayor Kluttz then opened the floor to hear from the public and noted that if anyone wished to speak who had not been sworn in they may do so at this time.

Mr. Leonard Schillaci, Mooresville, NC, stated that he welcomes the opportunity to develop a small piece of Salisbury. He stated that it will be nothing that will revolutionize the area and he encourages the participation of the community. He stated that he will answer any questions that may come up. Mr. Schillaci noted the parking area on the vacant lot and stated it is critical and has been a deterrent in the past for this particular building and has caused its failure over the years. He stated that he is not sure if the site plan is introduced at this point but noted that, in respect to the buffer area and twenty (20) foot side set-back, he was hoping Council would consider a fence and alignments. He stated that this would make it more accessible and friendly. He noted the twenty (20) foot side set-back limits and takes away a few parking spaces. He stated that the buffer zone is an issue he wanted to bring up but was not sure if this is the right time.

Mayor Kluttz asked staff to respond to Mr. Schillaci's issue and asked if it should be discussed today. Mr. Mitchell indicated that it should not. Mr. Mitchell stated that as part of an S-District, occasionally a site plan is associated with the request, but with this case there is not a site plan associated. He stated that the site plan will be the next step in the process. He indicated that Mr. Schillaci can seek alternate methods of compliance for landscaping as part of the site plan process.

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

Mr. Mitchell stated that Council's first action will be to consider the zoning map amendment which involves the statement of consistency and reasonableness. He stated that the Findings of Fact made by the Planning Board can also be used by Council if it chooses.

(c) Decision

Mayor Pro Tem Woodson stated that he thinks this will be a great project and will help the neighborhood. He stated that he applauds what Mr. Schillaci is doing and from the concept drawing it looks to be very attractive and will help the town. He stated he is in support of the project.

Mr. Woodson stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone approximately 0.54 acres from R6-A and B-RT districts to B-RT-S district on property as described herein is consistent with the goals, objectives, and policies of the 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 0.54 acres encompassing three parcels and identified as Tax Map 013, Parcels 168, 169, and 170 located at 1020 and 1026 South Fulton Street, from R-6A (Multi-Family Residential) District and B-RT (Business Retail Trade) District to B-RT-S (Special Business Retail Trade) District. Mr. Kennedy seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. (3-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 0.54 ACRES ENCOMPASSING THREE PARCELS AND IDENTIFIED AS TAX MAP 013, PARCELS 168, 169, AND 170, FROM R6-A (MULTI-FAMILY RESIDENTIAL) DISTRICT AND B-RT (BUSINESS RETAIL TRADE) DISTRICT TO B-RT-S (SPECIAL BUSINESS RETAIL TRADE) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 113-114, and is known as Ordinance No. 2007-17.)

*Due to the lack of an affirmative vote of two-thirds of all members of the Council, it will be necessary to have a second reading on the above ordinance before it can be ratified.*

(d) Findings of Fact

Mr. Woodson stated that he agrees with the Planning Board and offered the following Findings of Fact:

1. The proposed land development will not materially endanger the public health or safety and will not substantially injure the value of adjoining or abutting property.
2. 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. The proposed use or development or use of the land will be visually and functionally compatible with the scale, bulk, coverage, and character of the area or neighborhood in which it is located.

(e) Decision

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance of the City of Salisbury, North Carolina granting a Special Use District Permit to allow all uses permitted in the B-1, Office/Institution, district and cumulative lesser intensive districts, unless otherwise authorized to a different extent by a specific permitted use reference or stipulation for this district, as well as all uses permitted in the B-RT, Business Retail Trade, district except for the following: Car Detailing, Car Rental, and Auto Sales/Service; Motorcycle/Moped Sales/Service; Service/Filling Station including any vehicle repair work. Mr. Kennedy seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. (3-0)

AN ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, GRANTING A SPECIAL USE DISTRICT PERMIT IN CONJUNCTION WITH ORDINANCE 2007-17; 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. 115, and is known as Ordinance No. 2007-18.)

*Due to the lack of an affirmative vote of two-thirds of all members of the Council, it will be necessary to have a second reading on the above ordinance before it can be ratified.*

City Clerk Myra Heard stated that the Ordinances will require a second reading at the next City Council meeting due to the lack of an affirmative 2/3 vote required to pass an ordinance on its first reading.

Mayor Kluttz noted that a second reading will be held at Council's next meeting.

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**RECOMMENDATION TO CONVERT RUTHERFORD STREET TO A ONE-WAY STREET**

Ms. Wendy Brindle, Traffic Engineer, informed Council that a request was received from Rowan Regional Medical Center (RRMC) to convert Rutherford Street to one-way traffic from Mocksville Avenue to Henderson Street. She explained that this request is part of the RRMC's traffic flow plan to accommodate Emergency Medical Services (EMS) vehicles' access to the new emergency entrance located on Rutherford Street. She noted that as a part of this plan RRMC extended Grove Street to Henderson Street in order to allow additional access to the area and for the public access to the emergency department, which is now located on Henderson Street.

Ms. Brindle stated that staff evaluated the request and does not oppose the designation of the one-way street. She pointed out that RRMC held a luncheon for the neighbors who will be impacted by the change and met individually with those neighbors who could not attend. She noted that RRMC also requested that Council conduct a public hearing to receive public input regarding the change.

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on converting Rutherford Street to a one-way street.

Mr. Rick Parker, Vice-President of Clinical Support Services at Rowan Regional Medical Center, stated that he is before Council to ask for the last piece of the RRMC traffic flow plan. He indicated that one-way traffic on Rutherford Street will afford safety to the EMS teams who use the emergency entrance. He pointed out that Rutherford Street is a narrow street and they feel one-way traffic would be in the best interest of the community, patients, and EMS members.

Ms. Beth Connell, Manager of Rowan County EMS, 106 Elm Street, stated that she feels this change will be a positive step. She indicated that the narrowness of Rutherford Street is not always obvious to those who do not drive ambulances. She noted that there are other emergency vehicles that use the emergency entrance and are significantly larger than the Rowan County ambulances. She commented that she feels an easy access for the emergency vehicles is in the best interest of all citizens.

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

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-329, Article X, Chapter 13, of the Code of the City of Salisbury, relating to one-way streets. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-329, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO ONE-WAY STREETS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No.116, and is known as Ordinance No. 2007-19.)

Thereupon, Mr. Kennedy made a **motion** to adopt an ordinance amending Section 13-332, Article X, Chapter 1 of the Code of the City of Salisbury relating to stop signs. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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.117, and is known as Ordinance No. 2007-20.)

#### **PROPOSED AMENDMENTS TO TAXICAB ORDINANCE**

Sergeant Rodney Harris, Salisbury Police Department, indicated that eight (8) months ago he was contacted by a local taxi cab service to discuss the issue of installing taxi meters in each taxi vehicle. He stated that he reviewed the City's current Ordinance and researched other municipalities in order to prepare a proposal which would amend the City Ordinance. He noted that the Police Department monitors and enforces the current Ordinance regarding taxi cabs. Sgt. Harris stated that he contacted several municipalities that require meters in taxis and found that in order for the City to move to metered taxis only three (3) taxi services in Salisbury would benefit or would fit under the new proposal. He explained that staff also attempted to distinguish between taxis and other types of contract transportation services. He stated that he created a definition to distinguish those types of services in order to exempt them from the taxi meter requirement. These vehicles will be referred to as contract vehicles and will not fall under the taxi Ordinance.

Sgt. Harris indicated that one issue to be addressed is how the Police Department will monitor and inspect the meters if they are installed and used by the taxi services. He noted that the City of Thomasville suggested adopting standards developed by the National Institute of Standards and Technologies. He stated that as he researched the Standards he found that they were similar to the City's current Ordinance already in place to regulate taxi operations.

Sgt. Harris stated that he met with local taxi companies and explained that the companies currently set their own standard rates. He noted that the taxi companies have proposed a metered rate of a \$2.00 sit-down fee, \$8.00 gas fee and \$2.00 per mile. He stated that he has found these rates to be consistent with rates charged in other municipalities. He noted that when he met with the three (3) major taxi services he found that Safety Taxi has approximately thirty (30) vehicles, Latino Express has approximately five (5) vehicles and Reserve-A-Ride has approximately five (5) vehicles. He stated that Safety Taxi is the company that approached the City regarding consideration of taxi meters for all taxi vehicles.

Sgt. Harris commented that the advantage of taxi meters is that customers would know and be charged the same rates regardless of which company they used. He stated that customers will be able to monitor the fares since the Ordinance specifies that the price must be visible to every passenger. He added that he feels it will also decrease the number of complaints regarding variance in fares.

Mayor Kluttz noted that if Council is in agreement a public hearing can be set to receive public comment on this proposal.

Thereupon, Mr. Kennedy made a **motion** to set a public hearing Tuesday, May 15, 2007 to receive comments regarding amendments of the Salisbury City Code Chapter 23, Taxicabs. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### **PREDEVELOPMENT GRADING PERMIT-MILBROOK MEDICAL PARK**

Councilman Lewis indicated that he needed to be excused from this item due to a conflict of interest.

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

Councilman Burgin indicated that he needed to be excused from this item due to a conflict of interest.

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

Mr. David Phillips, Zoning Administrator, indicated that the item before Council is a request for a predevelopment grading permit for property located at 1225 Statesville Boulevard. He reviewed aerial photographs and current zoning of the site and surrounding properties. He pointed out that predevelopment grading permits are required for any activity that disturbs more than one (1) acre of land where there is no approved site plan. He pointed out that this site is surrounded by residential zoning and is considered a high impact activity site. He explained that high impact sites are those that are one hundred (100) feet or less from a residential district; intrude into either the street yard landscaping area or the planting yard landscaping area; steepness of proposed slope clearing limit is greater than three (3) to one (1); and the height of the proposed grade change is greater than three (3) feet. He added that the requested predevelopment grading plan meets all four (4) of the descriptions.

Mr. Phillips stated that the developer has balanced the site by moving dirt from the front of the site to the back in order to level it with Statesville

Boulevard. He pointed out that the site is zoned B-1-S and noted a condition that was placed on the property at the time it was rezoned. The condition states that a seventy (70) foot buffer located at the back of the property must remain undisturbed. He concluded by saying that the Technical Review Committee has reviewed the elevation change and recommends approval of the predevelopment grading permit as presented.

Mayor Pro Tem Woodson asked if the grading permit allows the developer to clear the property in any fashion and noted a recent case where property was clear-cut and the City had no means to prohibit it. Mr. Phillips stated that the permit will allow the developer to clear the property, redistribute the earth as designed by the engineering firm, and remove any of the trees as long as the site meets the erosion control requirements permitted through Rowan County. He added that as part of the predevelopment permit process staff notified all surrounding property owners of the request and the date it would be presented to Council.

Thereupon, Mr. Kennedy made a **motion** to approve a predevelopment grading permit for Millbrook Medical Park, 1225 Statesville Boulevard. Mr. Woodson seconded the motion. Messrs. Kennedy, Woodson, and Ms. Klutz voted AYE. (3-0)

#### **UPDATE REGARDING HENDRIX BBQ AND ASHBROOK ROAD**

Mr. David Phillips, Zoning Administrator, stated that staff received several inquiries regarding a driveway being used for access from Hendrix Barbecue to Ashbrook Road. He reviewed an aerial photograph of the site and pointed out the access to Ashbrook Road. He explained that when the site plan was originally reviewed by Council the driveway access to Ashbrook Road was denied as part of the approval process. Mr. Phillips reviewed photographs taken of the site that confirm a gravel drive connecting Hendrix Barbecue to Ashbrook Road. He also pointed out traffic barrels sitting on each side of the driveway that were left by the contractor to block the access.

Mr. Phillips noted that during the construction for the Highway 70 widening project, the North Carolina Department of Transportation (NCDOT) was granted a temporary drive onto Ashbrook Road. Once construction was completed the contractor removed the asphalt and left rubble so the access could not be used. He explained that NCDOT received complaints about the debris left on the site so the contractor removed it, leaving a passable drive. He added that the contractor left barrels to block the access but customers of Hendrix Barbecue moved the barrels to use the driveway. Mr. Phillips indicated that NCDOT has now placed Type III barricades across the driveway to prevent its use to Ashbrook Road and he feels this has deterred through-traffic at this time. He stated that eventually NCDOT will install curb and gutter with concrete drainage along Ashbrook Road. When the curb and gutter are installed the property owner will install the required landscaping which will permanently close the access to Ashbrook Road.

Councilman Kennedy asked if a traffic signal will be installed at Statesville Boulevard and Ashbrook Road. Ms. Wendy Brindle, Traffic Engineer, indicated that a signal has been installed. Mr. Kennedy confirmed that a median will be installed on Statesville Boulevard and Mr. Phillips responded that this is correct.

Mr. Kennedy referred to the Walgreen Drug Store located on the corner of West Innes Street and Statesville Boulevard and noted that residents from Lilly Avenue requested that Council close any entrance from Walgreen's to Lilly Avenue. He indicated that he thinks this has created a driving hazard in this area. Mr. Kennedy stated that he feels that residents of the Westcliffe neighborhood may want to go to Hendrix Barbecue without having to drive onto Statesville Boulevard to get there. He commented that he feels this issue may need to be revisited and he believes the access should possibly remain open. He added that he thinks this is a safety issue that will create an unwanted traffic situation.

Councilman Lewis stated that the property around Hendrix Barbecue was zoned residential which prevented construction of a parking lot requested by Hendrix. He added that when Hendrix requested rezoning of the property in order to allow the parking lot, the neighborhood did not object, but did not want the business to have access to Ashbrook Road. He noted that an agreement was reached between the residents, Hendrix Barbecue and Council that there would be no access to Ashbrook Road if the property was approved for rezoning. He commented that he does not believe Council can allow access to Ashbrook Road at this point.

Councilman Burgin pointed out that Westcliffe residents felt that with the addition of the median on Statesville Boulevard, opening an access from the parking lot to Ashbrook Road would direct traffic through their neighborhood and this is why they were adamant that the access be denied. Mr. Burgin indicated that in order to be fair to the Westcliffe residents he does not feel Council can change its decision. He commented that he feels the access from the parking lot may be too close to the intersection of Statesville Boulevard and Ashbrook Road to be permitted even if it were requested. He added that he does not feel the current traffic requirements are too much to ask of the restaurant patrons.

Mr. Lewis stated that there has been overwhelming support for Council to honor the agreement that was made with the Westcliffe residents.

Mr. Kennedy stated that he supports the neighborhood but is having second thoughts about the traffic flow.

#### **COMMENTS FROM THE CITY MANAGER**

##### **(a) Presentation of FY2007-2008 Proposed Budget**

City Manager David Treme presented the proposed 2007-2008 budget. He asked Council to set a public hearing for May 15, 2007 followed by work sessions to review the recommendations. He stated that the proposed budget addresses the continuation of the Customer Service initiative, the Land Development Ordinance, the Public Services Department's Strategic Plan, and special project requests. He reviewed the outcomes and goals that were adopted at the 2007 Future Directions and Goals Setting Conference.

Mr. Treme stated that Rowan County is required by State Statutes to perform a property revaluation every four (4) years and it was completed as of January 31, 2007. He noted that the current FY2006-2007 tax rate is \$.625. With consideration of the revaluation in property values, a revenue

neutral tax rate will be \$.59.

Mr. Treme stated that if the FY2007-2008 budget remained at the revenue neutral tax rate of \$.59 some items that Council feels are important would have to be excluded. He explained that a one (1) cent tax increase could fund a gang related safety and crime prevention program for two (2) new police officers, youth and gang programs, software upgrades for mapping, additional installation of street lighting and code enforcement for demolition and nuisance abatement. He added that with the addition of an Engineering Technician, approximately three hundred (300) street lights could be installed each year and this would allow the City to be caught up with the installations within six (6) years.

Mr. Treme stated that most of the City's outcomes, strategies and goals are addressed in the proposed budget. He noted that the budget includes an average three (3) percent merit pay increase for City employees and an increase in the contribution to the employees 401K plan from two (2) to three (3) percent. He added that the City's health insurance will increase four and four tenths (4.4) percent. Mr. Treme pointed out that he is recommending eight (8) new full time positions including three (3) Fire Control Specialists; two (2) Police Officers; one (1) maintenance position for the Police Department; one (1) Assistant to the City Manager; one (1) Utilities Engineer; and two (2) part-time summer intern positions.

Mr. Treme stated that he recommends an average of approximately two and three tenths (2.92) percent increase in the water/sewer rate to be effective July 1, 2007. He also proposed to eliminate the \$1.00 credit for using the direct debit form of payment.

Mayor Pro Tem Paul Woodson asked if resurfacing the tennis courts at City Park is included in the proposed budget. Mr. Treme responded that replacement of the tennis courts is included in the budget.

Mayor Kluttz suggested holding a public hearing before scheduling the budget workshop.

Thereupon, Mr. Woodson made a **motion** to set a public hearing for the budget for May 15, 2007. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(b) Council Budget Workshop

Council reviewed dates for the budget workshops and agreed to meet May 21, 2007 at 12:00 Noon and if a second session is needed, May 22, 2007 at 12:00 Noon.

**MAYOR'S ANNOUNCEMENTS**

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(a) Spring Night Out

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Mayor Kluttz announced that The Lord Salisbury Celebrates Spring - Spring Night Out will be held Friday, May 11, 2007 from 5:00 p.m. until 10:00 p.m. in Downtown Salisbury.

(b) Historic Preservation Commission Coloring Contest

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Mayor Kluttz announced that the Historic Preservation Commission will sponsor a coloring contest during the month of May in honor of Preservation Month. Information concerning the contest will be shown on Access 16, published in the Salisbury Post, and available on the City's website.

(c) Prevent Child Abuse Rowan

Mayor Kluttz announced that Prevent Child Abuse Rowan held an event Monday, May 7, 2007. She pointed out that the ceremony was held at the courthouse and those who attended had the opportunity to say thank you to all the people and agencies that deal with child abuse in the County. She urged citizens to report suspected child abuse because it is the right thing to do and is the law.

(d) National Day of Prayer

Mayor Kluttz announced that Thursday, May 3, 2007 is National Day of Prayer. She stated that an observance will be held at 9:00 a.m. at Salisbury Academy and another observance at 12:00 Noon at the Bell Tower.

(e) Peace Officers Memorial

Mayor Kluttz announced that the Peace Officers Memorial Service will be held Wednesday, May 9, 2007 at 12:00 Noon at First Presbyterian Church.

(f) Let's Get Connected Day

Mayor Kluttz announced that Let's Get Connected Day sponsored by Covenant Community Connection will be held Saturday, May 19, 2007 from 10:00 a.m. to 2:00 p.m. at City Park with an inter-faith ceremony at 12:00 Noon.

(g) Salisbury-Rowan United: Creating an Action Agenda for a Safer Community and a Positive Future for Our Youth



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Mayor Kluttz announced that the City of Salisbury will host "Salisbury-Rowan United: Creating an Action Agenda for a Safer Community and a Positive Future for Our Youth" Thursday, June 14, 2007 at 6:30 p.m. at the Salisbury Civic Center, 315 South Boundary Street. She pointed out that all citizens are invited to attend. She added that speakers will include Mr. Bryan Beatty, Secretary of North Carolina Crime Control and Public Safety, and Officer Todd Sides from the Salisbury Police Department. Mayor Kluttz explained that those who attend the meeting will be broken into civic interest groups to find individual suggestions and plans to use toward creating a master plan for the City.

Mayor Kluttz reviewed other events that have been planned in the community such as a community-wide empowerment revival organized by Reverend Dr. Nilous Avery of Mt. Zion Baptist Church and Reverend Dr. Clary Phelps of Gethsemane Missionary Baptist Church. She stated that all churches in Salisbury and Rowan County are invited to be a part of the interdenominational revival and she noted that there are currently fifteen (15) churches signed on to participate. The revival will be held Monday, May 28, 2007 through Friday, June 1, 2007 at Gethsemane Missionary Baptist Church.

Mayor Kluttz complimented Barnabus Connection, a community partnership between St. John's Lutheran Church, Youth Services Bureau, local artists, the 4-H Club, Waterworks Visual Arts Center, and Communities in Schools. A one-week pilot program will be held August 13-17, 2007 to mentor youth through the arts in an effort to create positive empowerment. She stated that if the Barnabus Connection is successful it will continue through the school year and they will partner with Knox Middle School students in the fall.

Mayor Kluttz announced that St. John's Lutheran Church and Soldier's Memorial AME Zion Church will partner with the Arc of Rowan County to conduct a diversity-based one-week summer camp for one hundred and fifty (150) second through eighth graders. The camp will be music and arts based and will conclude with the presentation of a musical.

Mayor Kluttz commented that government cannot solve the gang problem alone and she feels it will take many types of partnerships to be successful.

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**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:03 p.m.

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Mayor

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City Clerk

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