

Salisbury, North Carolina
April 6, 2010

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem Maggie A. Blackwell, Councilmen William (Pete) Kennedy, William Brian Miller, and Paul B. Woodson, Jr.; City Manager David W. Treme; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: None

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

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.

RECOGNIZE MS. BEATRICE R. D. HAIR – 2010 NORTH CAROLINA SMALL BUSINESS PERSON OF THE YEAR

Mayor Kluttz recognized Ms. Beatrice Hair who was named the 2010 North Carolina Small Business Person of the Year by the United States Small Business Administration.

Mr. David Dealworth, Acting District Director of Small Business Association (SBA), stated that since 1973 the SBA has recognized small businesses throughout the United States and this year he has the privilege of awarding the 2010 award to Ms. Hair, owner of the Salisbury Tutoring Academy and Salisbury Tutoring Franchise Group. He pointed out that Ms. Hair

opened her business in 1996 and has grown from a few part-time teachers to 25 full-time employees with two franchise locations.

Mayor Kluttz and Mr. Dealworth then presented the 2010 North Carolina Small Business Person of the Year Award to Ms. Hair. Mayor Kluttz stated that the Council is proud of Ms. Hair's accomplishments and the recognition she has brought to the City. She asked that Ms. Hair's family and friends stand and be recognized.

Ms. Hair thanked Council for their support and recognition. She recognized and thanked Ms. Shane Menius, Mr. Randy Hair and Ms. Patricia Henson for their support. She also thanked her students and noted that her goal is to help children achieve their own greatness. She added that many types of students benefit from one-on-one instruction and serving these children is a great pleasure.

Ms. Hair asked Mr. Daniel Allen, a sophomore at Western Carolina University and former student at SBA to share his story. Mr. Allen stated that Ms. Hair helped him develop a plan to become a teacher and with her help he was awarded the North Carolina Teaching Fellow Scholarship in the amount of \$26,000, and a Western Carolina University Scholarship in the amount of \$4,000. He thanked Ms. Hair for her guidance and support and congratulated her on her award.

Mayor Kluttz pointed out that City Council understands the importance of small businesses for the City. She added that Council also focuses on young people and realizes how important it is that every young person in the City makes the most of their life and is successful. She thanked Ms. Hair for all that she has done for the community.

RECOGNIZE SALISBURY HIGH SCHOOL GIRLS BASKETBALL TEAM – 2A STATE CHAMPIONS

This item was postponed until later in the meeting.

RECOGNIZE MS. EMILY WALSER FOR HEROIC ACTS

Mr. Lynn Hillard, Solid Waste Management Division Manager, introduced Ms. Emily Walser and explained that on March 5, 2010, a City sanitation truck was struck by a car on Statesville Boulevard. He added that Sanitation Operator Fernando Lopez was working behind the stopped sanitation truck when a vehicle approached but did not slow down. He noted that one of the other approaching vehicles began to blow its horn to warn Mr. Lopez, who was able to get out of the way before the vehicle hit the truck. He indicated that Ms. Walser stopped and assisted the driver of the automobile and also checked on Mr. Lopez to make sure he was not injured. Mr. Hillard expressed his appreciation for Ms. Walser's efforts.

Mayor Kluttz presented Ms. Walser a Certificate of Recognition for her heroic actions to warn bystanders of impending danger and preventing the loss of life of a City employee, and thanked Ms. Walser and the Sanitation Division crews for all they do for the City.

RECOGNIZE MR. HENRY C. BERNHARDT – 50 YEARS OF SERVICE AS CHAIRMAN OF THE SALISBURY FIREMAN’S RELIEF FUND BOARD

Salisbury Fire Chief Bob Parnell addressed Council regarding recognition of Mr. Henry C. Bernhardt for his service on the Salisbury Fireman’s Relief Fund Board. Chief Parnell informed Council that Mr. Henry C. Bernhardt served as Chairman of the Fireman’s Relief Fund Board for 52 years, but unfortunately Mr. Bernhardt passed away March 20, 2010, before he could be recognized for his many years of service. Chief Parnell explained that the Relief Fund operates through the North Carolina Department of Insurance to provide funding for firefighters who fall ill or are injured in the line of duty. He indicated that the funds have also been used to award scholarships to children of Salisbury firefighters and he added that Mr. Bernhardt was very instrumental and proud of these scholarship awards.

Mayor Kluttz stated that it is a great privilege to honor such a wonderful person. She presented Mr. Bernhardt’s wife, Ms. Joanne Bernhardt, and son, Mr. Matt Bernhardt with a Salisbury fire helmet containing a white shield. Chief Parnell noted that the white shield signifies an honorary Fire Chief and Mayor Kluttz indicated that this is the highest honor the Fire Department can bestow.

RECOGNIZE MR. DAVID S. CLAY - 40 YEARS OF SERVICE TO THE FIREMAN’S RELIEF FUND BOARD

Salisbury Fire Chief Bob Parnell addressed Council regarding recognition of Mr. David Clay for his service on the Salisbury Fireman’s Relief Fund Board. Chief Parnell informed Council that Mr. David Clay served as a member of the Board of Directors of the Firemen’s Relief Fund for 40 years as a representative of the insurance industry. He pointed out that Mr. Clay has been instrumental in providing service to the City’s Fire Department and its firefighters.

Mayor Kluttz stated that the City is very grateful for all that Mr. Clay has contributed to the community including his service as a member of the Salisbury City Council.

Mr. Clay reviewed accomplishments of the Salisbury Firemen’s Relief Fund and indicated that it was a privilege to serve and work with members of the Fire Department.

Mayor Kluttz then presented a Salisbury fire helmet containing a white shield to Mr. Clay in honor of his service. She noted that the white shield signifies an honorary Fire Chief and is the highest honor the Fire Department can bestow.

Councilman Miller stated that Mr. Bernhardt and Mr. Clay are the epitome of servant leaders and noted that they have accomplished far more for the community than has been discussed today.

Mayor Kluttz stated that Salisbury is the place it is today because of people like Mr. Bernhardt and Mr. Clay who have served the City over the last 40 and 50 years.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

NATIONAL LIBRARY WEEK	April 11-17, 2010
NATIONAL SPORTSCASTERS AND SPORTSWRITERS DAY	May 1-3, 2010

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of March 18, 2010 and the Special Meeting of March 23, 2010.

(b) Partial Street Closure

Close the 100 block of South Church Street Saturday, April 17, 2010 from 10:00 a.m. until 1:00 p.m. for the Annual Touch a Truck event sponsored by the Salisbury Parks and Recreation Department.

(c) Partial Street Closure

Close the 200 block of North Lee Street, a portion of the 300 block of North Lee Street, 400 block of North Lee Street, 100 block of East Liberty Street and the 100 block of East Kerr Street from Friday, May 14, 2010 at 6:30 p.m. until Saturday, May 15, 2010 at 6:00 p.m. for the Art on Easy Street event.

(d) Budget Ordinance Amendment

Adopt a budget Ordinance amendment to the FY2009-2010 budget in the amount of \$17,914 to appropriate Restricted Forfeiture Funds.

AN ORDINANCE AMENDING THE 2009-2010 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE RESTRICTED FORFEITURE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 29, and is known as Ordinance 2010-12.)

(e) Budget Ordinance Amendment

Adopt a budget Ordinance amendment to the FY2009-2010 budget in the amount of \$2,000 to appropriate various Police donations.

AN ORDINANCE AMENDING THE 2009-2010 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE VARIOUS POLICE DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 30, and is known as Ordinance 2010-13.)

(f) Budget Ordinance Amendment

Adopt a budget Ordinance amendment to the FY2009-2010 budget in the amount of \$9,954 to appropriate insurance proceeds for a Solid Waste packer truck.

AN ORDINANCE AMENDING THE 2009-2010 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 31, and is known as Ordinance 2010-14.)

(g) Budget Ordinance Amendment

Adopt a budget Ordinance amendment to the FY2009-2010 budget in the amount of \$12,752 to appropriate insurance proceeds for a street snow plow.

AN ORDINANCE AMENDING THE 2009-2010 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 32, and is known as Ordinance 2010-15.)

(h) J.C. Price Carnival

Approve a request for a temporary use approval, with conditions, for a carnival to operate at the J.C. Price Legion Post, 1433 Old Wilkesboro Road.

(i) Salisbury Mall Carnival

Approve a request for a temporary use approval for a carnival to operate at the Salisbury Mall, 1935 Jake Alexander Boulevard West.

(j) Municipal Service District

Set a public hearing for April 20, 2010 regarding possible expansion of the Municipal Service District.

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

BUDGET REQUEST – “SPECIAL COMMUNITY EFFORTS GROUPS”

Mayor Kluttz opened the floor to receive comments from special community efforts groups.

Mr. Paul Brown, President of the Board for Rowan Museum, and Ms. Kay Hirst, Executive Director, addressed Council regarding Rowan Museum’s budget request. Mr. Brown stated that the Rowan Museum has been in existence for 57 years and consists of three sites in Rowan County. He noted that the Museum provides education, training and activities for teachers, students, residents, and visitors through the History Club, tours, exhibits and its history camps and classes. Mr. Brown pointed out that the Museum is a private entity with one full-time employee and it has experienced increased activity and participation over the last two years.

Ms. Hirst stated that thousands of school students visit the museum. She pointed out that the first quarter visitation this year increased 48% from 2008 and 56% since 2009, however, admissions went down.

Mayor Kluttz thanked Mr. Brown and Ms. Hirst for all they do for the City.

Mr. Robert Van Geons, Executive Director of Salisbury-Rowan Economic Development Commission (EDC), stated that the EDC is proud of the seven announced projects currently under consideration which will represent 703 new jobs, along with the continued growth of PGT Industries which will add an additional 100 jobs in Rowan County. He indicated that this represents \$636 million in new investments and \$2.2 million in new tax revenue. He stated that the EDC is excited about these announcements but has a long way to go to make up for the estimated 4,300 jobs that have been lost. Mr. Van Geons stated that the EDC has taken the aggressive initiative of working on its marketing campaign, working with the North Carolina Research Campus, and overhauling the EDC website and materials. He added that this initiative has taken place while total funding for the EDC community-wide has declined. Mr. Van Geons pointed out that in 2004 the funding formula for the EDC was redesigned with the City contributing \$69,498 and he noted that the 2010-2011 budget request is the same amount. He commented that the EDC has not requested a funding increase since 2004 and requests the same funding level as prior years.

Mr. Roy Johnson, President of the North Carolina Transportation Museum Foundation, and Mr. Mark Brown, North Carolina Transportation Museum (NCTM) Communication Information Specialist, addressed Council regarding the NCTM budget request. Mr. Johnson thanked the City for being a key partner with the NCTM and pointed out that the Museum had over 111,000 visitors last year. He added that a key factor in this increase is the Museum’s ability to educate the public about what the Museum offers.

Mr. Brown stated that the NCTM budget request revolves around funding for a billboard which is one of the most visible pieces of their marketing plan. He added that funding is also requested to upgrade the museum’s website. Mr. Brown indicated that visitors to the museum generate revenue to the community through shops, restaurants and hotels.

Ms. Fannie Butler, representing the West End Community and Wilkesboro Road, requested sidewalks in these areas. She indicated that Mr. Willie Granford started the sidewalk effort by gathering petitions to request sidewalks from Livingstone College to Kelsey Scott Park. She presented the petitions and asked that Council continue their efforts to install sidewalks throughout the City.

Ms. Eleanor Qadirah, representing the Rowan Blues and Jazz Society, presented a short video with highlights from past Rowan Blues and Jazz festivals and pointed out that the festival represents diverse entertainment and audiences. She indicated that they would like to continue the event and requested funding for the 12th Annual Rowan Blues and Jazz Festival. She added that this may be the last festival due to the growth of the event and the growing need for funding.

Ms. Ann Cave, Executive Director of the Rowan Arts Council, addressed Council regarding the importance of arts funding pertaining to tourism. She presented information to Council regarding an upcoming Art Crawl to begin Saturday, April 10, 2010. She indicated that creative enterprise is one of the most important businesses in the country today and pointed out that the community needs to support arts organizations in order to be a sustainable community. She stated that the Rowan Arts Council supports several arts organizations including Piedmont Players, Salisbury-Rowan Symphony, Waterworks Visual Art Center, Rowan Blues and Jazz Society, Concert Choir Choral Society, Carolina Artists, and Carolina Baroque. Ms. Cave noted that the Rowan Arts Council needs funding to administer and coordinate with the many arts groups to maintain their programs.

Ms. Paula Bohland, Chairman of Downtown Salisbury, Inc., (DSI) and Mr. Randy Hemann, Executive Director, addressed Council regarding the DSI budget request. Ms. Bohland stated that DSI and the City have been partners in the development of downtown Salisbury since 1980 and she reviewed DSI statistics:

- FY2008-09 statistics - continues to move forward in a challenging economy
 - Net gain of 13 jobs
 - Net gain of 8 businesses
 - Net gain of \$2.3 million in investments.
- Between 1980 and 2010 DSI has generated
 - Over \$102 million in investments
 - \$42 million of this amount since 2001 when the DSI Master Plan was adopted
 - Over 1,000 net gain in jobs
- Municipal Service District Tax Base Increase
 - 1989 Value = \$31.5 million
 - 1995 Value = \$45.5 million
 - 2009 Value = \$79 million

Ms. Bohland noted several DSI projects and added that there are several exciting future projects. She reviewed DSI's 2009-10 Goals:

- Empire Hotel Redevelopment
- Meeting space study

- Community Vision/Master Plan Update
- Streetscape improvements to the Square (including left turns)
- Promotions – Events, shopping guide
- Additional Fisher Street events
- Sculpture show
- Business Recruitment

Ms. Bohland pointed out that DSI has three employees and a budget of \$260,000 with 45% of the budget funded by the Municipal Service District tax. She stated that DSI is requesting a 3% increase over last year's funding.

Reverend John Gerstenmier, Executive Director for Smart Start Rowan, noted that Smart Start previously submitted a proposed budget request to Council in an attempt to target the children within the literacy initiative that are identified as being children within Salisbury. He added that the funding request was based on percentages from the 2000 Census figures. He noted that Rowan County has a 44% poverty level and he thinks the target figure of 583 children within the City would be an under-target figure, but one Smart Start Rowan feels is worthy in today's economic environment. Mr. Gerstenmier pointed out that Smart Start Rowan stands ready to serve in whatever manner the City invites them to participate.

There being no other groups to speak, Mayor Kluttz closed the comment session. She stated that it is impressive to hear from each group and the City will consider each request during its budget process.

LAND DEVELOPMENT ORDINANCE AMENDMENT – LDOZ-05-2010

(a) Mr. Preston Mitchell, Senior Planner, indicated that the request before Council is a rezoning request for the Grants Meadow subdivision. He stated the rezoning will correct an incorrect zoning classification that occurred when the new Land Development Ordinance (LDO) was adopted and the zoning districts were transferred to the new classifications. He noted that this correction will permit the developer of the Grants Meadow subdivision to continue using manufactured housing as the development is completed. Mr. Mitchell displayed an aerial photograph of the subdivision and explained that it entails 57 lots and 35 acres located in the area of Gaskey Road off of Airport Road.

Mr. Mitchell explained that the current zoning of the subdivision is General Residential (GR-3) and he reviewed the existing zoning and the proposed Manufactured Home Development-Neighborhood (MHD-NEIGH) zoning:

Existing Zoning:

- Permits up to three dwelling units per acre
- For the City's existing predominately residential neighborhoods developed in a suburban pattern
 - Strictly for site built homes
- Differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Comprehensive Plan

Proposed Zoning:

- Allows up to six dwelling units per acre
- Permits manufactured housing
- Permits planned development of a neighborhood using any combination of site built and manufactured homes

Mr. Mitchell indicated that the subdivision began with manufactured homes and rezoning to MHD-NEIGH will allow the developer to complete the development as started. Mr. Mitchell reviewed two statements in the Vision 2020 Comprehensive Plan that pertains to the rezoning:

- Housing Vision Statement
 - Salisbury has a multitude of housing choices with neighborhoods with well designed housing types for all incomes and for all ages
- Policy N-5
 - Infill homes shall be architecturally compatible with existing structures

Mr. Mitchell stated that the Planning Board found the petition to be consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan and voted unanimously to recommend approval of the rezoning at its March 23, 2010 meeting.

Councilman Miller stated that the Land Development Ordinance has certain design standards for new construction, such as front porches, that must be included and asked if this had any effect on this development. Mr. Mitchell indicated that the MHD-NEIGH zoning has specific standards for manufactured and mobile homes which are different from those of site built homes and the construction of front porches is not required under MHD-NEIGH zoning, although if they are included they must still meet the standards for front porches.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed Land Development Ordinance amendment LDOZ-05-2010.

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

(c) Councilman Kennedy stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the Land Development district map of the City of Salisbury, North Carolina, by rezoning approximately 35 acres identified as tax map and parcels 469A-011 through 469A-015000001 and 469A-016 through 469A-058 from General Residential (GR-3) district to Manufactured Home Development – Neighborhood (MHD-NEIGH) district. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz vote AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 35 ACRES IDENTIFIED AS TAX MAP AND PARCELS 469A-011 THROUGH 469A-

015000001 AND 469A-016 THROUGH 469A-058 FROM GENERAL RESIDENTIAL (GR-3) DISTRICT TO MANUFACTURED HOME DEVELOPMENT – NEIGHBORHOOD (MHD-NEIGH) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 33-34, and is known as Ordinance 2010-16.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – LDOTA-05-2010

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a text amendment to allow marquee signs. He stated that the text amendment is being presented by the City because staff felt there are businesses and organizations downtown that could benefit from marquee signs. He explained that the current language in the Land Development Ordinance only applies to the Downtown Mixed Use District (DMX) and explained its provisions:

- One existing marquee sign shall be permitted provided that:
 - There shall be no more than three sides
 - The bottom of the sign shall be at least eight feet above and then top no more than fifteen feet above sidewalk level

Mr. Mitchell pointed out that the Meroney Theater has the only downtown marquee sign as permitted under the DMX zoning. He indicated that the City was approached by the Fisher Street Theater with a request for a marquee sign, but it is not permitted under the language of the current Code. Mr. Mitchell stated that a joint committee was formed with two members from the Planning Board, Community Appearance Commission and the Historic Preservation Commission to review the current language. He added that the committee presented the proposed Code amendment to the Technical Review Committee, who unanimously supported it and presented it to the Planning Board for approval. He reviewed the proposed amendment:

- Continue limiting to DMX zoning area
- Limited to following uses:
 - Cultural/Community Facility
 - Movie Theater
 - Live Performance Theater
- Maximum size - 2 square feet per linear foot of building wall
- Maximum height - not to exceed fronting parapet wall

Mr. Mitchell stated that the Planning Board unanimously supported the amendment.

(b) Mayor Kluttz convened a public hearing, after due notice thereof to receive comments on the proposed Land Development Ordinance text amendment LDOTA-05-2010.

Mr. Ed Norvell, representing the Fisher Street Theater, expressed his appreciation to City staff for their attention to this matter. He noted that the Historic Preservation Commission met Monday, April 5, 2010 and approved the recommended Code amendment.

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

Councilman Woodson stated that he is pleased the City could respond to this so quickly and expressed his appreciation for staff's hard work and everyone's cooperation.

(c) Councilman Woodson stated that City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 12.6 of the Land Development Ordinance of the City of Salisbury, North Carolina. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 12.6 OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 35-38, and is known as Ordinance 2010-17.)

SPECIAL USE PERMIT – HAVANA KNIGHTS FINE CIGAR LOUNGE, 401 EAST INNES STREET

SUP-01-2010 Havana Knights Fine Cigar Lounge

(a) Swearing In

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

Mr. David Phillips
Mr. Duncan Echevarria

(b) Ex Parte Disclosure

Mayor Kluttz asked Council members to disclose any discussions they have had regarding this case or if they have been provided any information. There were no ex parte disclosures.

(c) Receive Testimony

Development Services Manager David Phillips indicated that the request before Council is for a Special Use Permit to allow on-site consumption of alcohol and the sale of alcohol at 401 East Innes Street. Mr. Phillips reviewed the decision-making rules with Council:

- The zoning ordinance (Land Development Ordinance - LDO) must spell out the standards for granting a Special Use Permit (SUP), and those decision-making standards cannot be developed on a case-by-case basis
- The decision to grant or deny the SUP, or to impose conditions on the approval, must be based solely on the LDO standards
- The standards must provide sufficient guidance for decision. The application, neighbors, and board(s) all need to know what the ordinance requires for approval

Mr. Phillips then reviewed the Production of Evidence for this quasi-judicial hearing:

- The burden is on the applicant to present sufficient evidence to allow the board(s) to make findings that the required standards will be met
- The burden is on an opponent to present sufficient evidence that a standard will not be met
- If insufficient evidence is presented that the required standards will be met, then the SUP must be denied
- If uncontradicted evidence is presented that all of the standards will be met, the SUP must be issued
- If uncontradicted evidence is presented that even one of the general or specific standards will not be met, then the SUP must be denied
- If there is conflicting evidence, the board(s) decides what the facts are and decides accordingly

Mr. Phillips explained the Standards for Decision for this Special Use Permit:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed
4. No such facility shall be located within five hundred (500) feet of any lot containing a school

Mr. Phillips displayed photographs of the location on East Innes Street, along with photographs of the surrounding properties. He noted that the property is zoned Commercial Mixed-Use (CMX) and is within the Gateway East Innes Overlay.

Mr. Phillips indicated that the applicant was in attendance to present evidence and that he is also available if there were any questions from Council.

Mayor Kluttz then opened the floor to receive testimony from the public:

Mr. Duncan Echevarria indicated that eight months ago he presented himself to Council and that he moved here from Miami just over a year ago. He stated that he loves the town and when he first opened his establishment he did not know he would have the success that he has had. He stated that three months into the business he knew he had outgrown his location and he is very pleased with the outpouring of support from the City, as well as from surrounding communities. Mr. Echevarria stated that his shop has gone above and beyond what he expected and he is now pleased to look at the new site for its location. He noted that the site will be four times as big, and will have three lounges and a walk-in humidor that will be one of the largest in North Carolina. He stated that it is his intent to make this a destination spot in Salisbury. Mr. Echevarria stated that on April 23, 2010 national magazines *Cigar Snob* and *Cigar Aficionado* will be here to interview him. He stated that he wants to make Havana Knights a great cigar shop for Salisbury so that when people think of the store they also think of Salisbury. He thanked Council for the opportunity to speak.

There being no one else present to provide testimony, Mayor Kluttz closed the floor for public comment.

Councilman Woodson stated that Council is very delighted that Mr. Echevarria has been successful and he thinks this new location, which is a corner location, is good and will be good for the City.

(d) Findings of Fact

Mr. Woodson offered the following Findings of Fact:

1. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and spirit of this section of town
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area
3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property
4. The proposed establishment is not located within 500 feet of any school

(e) Thereupon, Mr. Woodson made a **motion** to issue a Special Use Permit to allow on-site alcohol consumption at Havana Knights Fine Cigar Lounge, 401 East Innes Street. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Thereupon, Mr. Woodson made a **motion** to approve the four Findings as read. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Thereupon, Mr. Woodson restated his **motion** to issue a Special Use Permit to allow on-site alcohol consumption at Havana Knights Fine Cigar Lounge, 401 East Innes Street. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

INTRODUCTION – FIBER TO THE HOME BRAND

Mr. Michael Crowell, Director of Broadband Services, addressed Council regarding the Fiber to the Home brand. Mr. Crowell indicated that as the Fiber to the Home (FTTH) project was initiated, staff began looking for names and realized it was a harder task than first thought. He stated that staff decided to have a consultant assist with naming the project. He asked Ms. Dana Yeganian, Vice President of Capital Strategies (Capstrat) to give an update on the process and reveal the final choice of name for the project.

Ms. Yeganian indicated that her staff has been working with the FTTH subcommittee and Capstrat is grateful for the opportunity to be involved in the process. She noted that choosing the name was a collaborative effort between the City and Capstrat. Ms. Yeganian indicated that the FTTH subcommittee wanted the name to reflect the people and spirit of Salisbury. She stated that the name VAST was initially chosen by an informal focus group of community members. She indicated that a website was being created and staff developed a plan to support and roll out that name to the City when Capstrat learned that there were trademark issues with the VAST name. Ms. Yeganian pointed out that staff went back to the original list of names and began to develop new names which were thoroughly examined so there would be no trademark issues. She noted that after considering nearly 600 names, FIBRANT was chosen because it evokes excitement and vibrancy. She pointed out that Capstrat knows the City is excited to offer this service to residents.

Ms. Yeganian reviewed the logo and website. She indicated that Phase 1 of the website will go live on April 19, 2010. Mr. Crowell noted that Phase 1 of the website is for information purposes only and Phase 2 will list plans and allow residents to sign up for services. He pointed out that a date has not been set for Phase 2 to go live. Mr. Crowell stated that Phase 1 is a method of getting information into the neighborhoods.

Mayor Kluttz stated that she likes the name and is very excited about the project and that she appreciates all the work that has been put into the project.

Mr. Crowell then presented Council with golf shirts with the FIBRANT logo.

Mayor Pro Tem Maggie Blackwell stated that there has been a groundswell of enthusiasm throughout the City for the FTTH project. She indicated she is very excited about the new name and logo and thanked staff for their work on the project.

Councilman Kennedy indicated that he has worked with Ms. Yeganian and City staff for approximately two years on this project and he is excited and happy to see the outcome. He stated that it is a great name and he feels this project will be successful.

SALISBURY HIGH SCHOOL GIRLS BASKETBALL TEAM RECOGNITION

Mayor Kluttz announced that the Salisbury High School Girls Basketball Team recognition will be postponed until Council's next meeting, April 20, 2010.

REPORT – DOWNTOWN SALISBURY, INC. PHASE I MARKET ANALYSIS

Mr. Randy Hemann, Executive Director Downtown Salisbury, Inc. (DSI), addressed Council regarding a Phase I market analysis for a new event facility in Salisbury.

Mr. Hemann reviewed the analysis:

- Outline key findings associated with:
 - Local market conditions
 - Competitive/regional facilities and host communities
 - Comparable facilities and markets
 - Industry trends
 - Market surveys
 - 2005 study suggested a need for such a facility
 - The analysis was based on inferences from comparable facilities
 - Convention Sports and Leisure International (CSL) analysis is market driven
 - Experience with 500 students
 - Local market visit and site tours
 - In person interviews
 - Research and analysis of local market conditions and regional trends
 - Analysis of facility data from 35 competitive and comparable facilities
 - Comparative analysis of socioeconomic data
 - Interviews with meeting planners
 - Local Market Condition – Strengths
 - Located centrally within the state
 - Located within practical driving range of a large population base
 - Interstate accessibility
 - Authentic/vibrant Main Street
 - Small town feel with large city amenities/diverse historical cultural and arts attractions
 - Moderate climate
 - Local Market Condition – Weaknesses
 - Limitations in hotel inventory
 - Limited perception by meeting planners of Salisbury as a destination
 - Low corporate base in immediate area
 - Lack major airport with service to large national markets
 - Proximity to large market (more competition)
 - Competitive and Comparable Facilities
 - Identified 22 competitive regional facilities
 - Identified 19 facilities in comparable communities
 - Salisbury's population and corporate base in the secondary market is higher than the average comparable market
 - Industry Trends
 - Decline in macro industry wide demand
 - More limited decline for economical and drive in regional destinations
 - Blanket wide industry assessments do not apply
 - Healthy environments around a center provide an important advantage

- Market Demand
 - Direct conversation with meeting planners
 - 100 interviews (non local)
- Surveys suggest moderate demand for a new facility in downtown Salisbury
 - Hotel inventory limits the number of non local events
 - Lack of physical connection to a hotel also reduces the number and average size of candidate events
 - Level of existing and planned competition is high
 - Projected lower number of non local events relative to average competitive and comparable facilities
 - Majority of local events are small and can be accommodated by existing venues
- Two Development Models
 - Stand-alone Convention Center
 - Headquarters Hotel within walking distance
 - Public/Private Partnership (Hotel/Conference Center)
 - Hotel and center on the same site
- Market Supportable Space Levels
 - Ballroom/Multipurpose
 - 12,000 – 15,000 square feet
 - 20 foot ceilings
 - Utility floor grids
 - Independent loading/public access
 - Headquarters Hotel within walking distance
 - Breakout Meeting Space
 - 4,000 – 6,000 square feet
 - Pre Function Space
 - Parking
 - 150 quality hotel rooms
 - Leasable office/retail

Mr. Hemann indicated that upon reviewing the report, DSI decided to make a proposal that considered City owned buildings. He stated that two buildings were identified as having the potential of being an event center and the buildings were side by side with a total of 18,000 square feet of space. He stated that DSI asked Mr. Bill Burgin of Ramsey, Burgin, Smith Architects, Inc. to provide a study of what type of demand could be met with these buildings.

Community Planning Services Director Joe Morris reviewed Mr. Burgin's study for the property located in the 300 block of South Main Street:

- Opportunity for pre-function space
- Double the size of the Civic Center
- 9,000 – 10,000 square feet of open space
- 3 break-out spaces – 11,000 square feet
- Addition of kitchen
- Possible maximum seating of 1000

Mr. Hemann noted that in 2005 the proposed Convention Center would have cost the City approximately \$15 million, but this proposal is approximately \$3 million and could accommodate community events.

Mayor Pro Tem Blackwell asked if there was a seating capacity for tables. Mr. Hemann stated that the seating capacity for tables is approximately 500.

Mr. Morris indicated that with FIBRANT it will be possible to equip the building with technology that will enable the facility to accommodate large audiences.

Mayor Kluttz stated that she is very excited and glad that the City has gone through this process. She added that she thinks the outcome is true to the City because it is adaptive reuse of existing buildings and would allow the project to begin small and expand as needed. She stated that she thinks the facility will complement the Empire Hotel and she is excited about the potential to seat 1,000. She commented that she appreciates all the work that has been done on this project and that it has great potential.

Councilman Miller stated that he takes comfort that an independent third party identified that Salisbury is underserved for hotel rooms. He pointed out that the number one detractor for the City for a conference center is the lack of hotel rooms and he is very involved trying to resolve this. He commented that even with the proposed plans for the Empire Hotel it would not provide enough rooms to serve a facility of this type and he thinks this is an opportunity to do even more downtown than first imagined.

Councilman Woodson commented that he thought the proposal was very reasonable and could be done.

Mayor Pro Tem Blackwell thanked Mr. Burgin for his impressive rendering of the proposed facility.

REPORT – DOWNTOWN SALISBURY, INC. FISHER STREET SUMMER CONCERT SERIES

Mr. Randy Hemann, Executive Director Downtown Salisbury, Inc. (DSI), Mr. Pat Pearson and Mr. Mike Miller of Miller Davis Studio addressed Council regarding a Fisher Street Summer Concert Series. Mr. Hemann stated that on a recent trip to Greenville, North Carolina he found that the city had continuous downtown events and this is something he wanted for Salisbury. He indicated that he discovered that the City of Greenville partners with an event coordinator and that Salisbury is fortunate to have this type of resource in Miller Davis Studio. He noted that he was pleased when Miller Davis approached DSI regarding a concert series on Fisher Street.

Mr. Miller indicated that he is a downtown property owner and often speaks with other business owners who indicate a need for more events downtown. He pointed out that he has been working with merchants over the past year to develop this downtown concert series and that

earlier this year the merchants indicated they wanted these events to happen in 2010. Mr. Miller announced that the first concert will be held May 6, 2010. He commented that Miller Davis is excited about the concert series and feels it is a great opportunity to highlight Salisbury's downtown and culture.

Mr. Pearson stated that Miler Davis has a passion for events and would like to do more in the community. He indicated that Miller Davis is going to take on the financial risk for these events and Miller Davis staff will manage each concert. Mr. Pearson reviewed the concert series:

- Make use of East Fisher Entertainment District
- Promote regionally
- Another reason to visit downtown Salisbury
- Establish precedent with high-quality acts
- "Life after Five" Event
- Festival atmosphere
- Self-funding events with calculated risk
- Fully managed by Miller Davis.

Mr. Pearson noted that the series of concerts will be named Brick Street Live and reviewed the entertainment line-up:

- Bucky Covington – May 6, 2010
- Liquid Pleasure – June 3, 2010
- The Dave Matthews Tribute Band – July 15, 2010
- General Johnson and Chairmen of the Board – August 19, 2010
- Too Much Sylvia – September 16, 2010
- Billy Joel/Elton John Tribute – October 21, 2010

Mr. Pearson reviewed the logistics of the concert:

- Gated event
 - Opens at 5:00 p.m.
 - Band finished by 10:00 p.m.
- Low admission - \$5.00 per person
- First 1,000 – 1,500 people will receive a collectible cup
 - Brick Street establishments have the option of providing discounts to cup holders
- Promoted as an over 21 event
 - Working with Salisbury Police and Alcohol Law Enforcement (ALE)
 - Identification will be checked at the gate and by establishments
 - Tyvek bracelets placed on at stage
- Street dining with admission rebates for those wishing to eat only

Mr. Pearson reviewed a map of the area indicating where the gate, stage, secure perimeter, trucks and tables will be located. He noted that Miller Davis has reached out to

merchants of the downtown area and have agreed that they can participate and give away promotions during the events with a small sponsorship. He pointed out that the focus is on Fisher Street but he thinks it will be far reaching to other downtown businesses.

Councilman Kennedy asked if the Fisher Street business owners are in support of the concerts.

Mr. Miller stated that he has addressed specific issues, such as allowing restaurant patrons who just wanted to eat and not attend the concert to be reimbursed their admission charge, and he wants to be as flexible as possible for businesses on Fisher Street. He indicated that if any issues occur he will meet with the merchants and police to rectify the situation.

Councilman Woodson stated that he thinks this is a great idea and could help the businesses downtown. Mr. Woodson also stated that when people hear about the concerts, attendance may increase with each show.

Mr. Kennedy stated that he is excited about these events because they come at a time when the City is promoting tourism and that the events will be of no cost to the City.

Mr. Woodson indicated that he appreciates Miller Davis taking a chance on the concert series in Salisbury.

Mayor Pro Tem Blackwell thanked Miller Davis for their work on these events. She stated that in addition to tourism there are residents of Salisbury who are not aware of everything the downtown area has to offer.

Mayor Kluttz thanked Mr. Miller and Miller Davis for their work on the project. She stated that Council has worked for years to get to this point and have gone through controversial decisions, such as allowing outdoor dining downtown and the Fisher Street renovations. She commented that Council keeps hearing that the City needs more downtown events, but DSI has a limited budget and staff. She noted that Council has seen events such as Pops at the Post grow and expand and citizens want more downtown events. Mayor Kluttz thanked Mr. Miller for assisting the City to provide more entertainment and agreeing to take this risk.

SECOND READING – FIVE-YEAR CONSOLIDATED PLAN FOR HOUSING AND NEIGHBORHOOD REVITALIZATION AND BUDGET FOR CDBG AND HOME PROGRAMS

Ms. Janet Gapen, Senior Planner, addressed Council regarding the second reading of the Five-Year Consolidated Plan for Housing and Neighborhood Revitalization and the FY2010-2011 budget for Community Development Block Grant (CDBG) and HOME program funds. She explained that the plan covers the five year period from 2010-2014 and outlines the housing and community development needs with funding priorities to help meet those needs and benefit low to moderate income individuals and families.

Ms. Gapen reviewed the program:

Funding for Five-Year Plan

Community Development Block Grant (CDBG)	\$1,678,000.00
HOME Program	569,400.00
Program Income	<u>300,000.00</u>
TOTAL	\$2,547,400.00

Consultation

- Agencies, Plans, Reports
 - Needs of low to moderate income families
 - Elderly
 - Homeless populations
 - Public housing residents
 - Special needs populations
- Demographic and housing data
- Local housing conditions
- Local neighborhood study
- Neighborhood meetings
- Public hearing

Distribution of Funds

- Provide direct benefits to low to moderate income households citywide
- Designated revitalization areas
 - West End
 - Jersey City
 - Park Avenue
 - East End
- Infrastructure improvement
- Improvement to public facilities

Priority Need - Housing

- High Priority
 - Continue existing housing program
 - New Construction
 - Acquisition and Rehabilitation
 - Owner-Occupied rehabilitation
 - Down payment assistance
 - New Activity
 - Rental housing for low to moderate income seniors

Priority Need: Infrastructure and Facilities

- High Priority
 - Continue to improve infrastructure in designated revitalization areas
 - Sidewalk Project – West Horah Street, 2008

Priority Need: Public Services

- High Priority
 - Continue support to agencies serving the homeless and providing basic necessities for low to moderate income families

Priority Need

- Medium Priority
 - Transitional or supportive housing for homeless or special needs populations, as funding allows

Ms. Gapen reviewed the budget for the programs:

2010-2011 Annual Action Plan

Funds Available

Community Development Block Grant (CDBG)	\$335,518.00
HOME Program	113,895.00
Program Income	<u>70,000.00</u>
Total	\$519,413.00

Community Block Development Grant

Project Activities

Acquisition/Rehabilitation/Resale	\$116,194.40
Owner-Occupied Rehabilitation	50,000.00
Emergency Rehabilitation	15,000.00
West End Infrastructure Project	25,000.00
Jersey City Park (play structure)	<u>18,000.00</u>
Total	\$224,194.40

Public Services

Rowan Helping Ministries	\$22,500.00
Family Crisis Council	14,000.00
Community Care Clinic	10,000.00
Salisbury Youth Employment Program	6,500.00
West End Youth Garden	<u>1,500.00</u>
Total	\$54,500.00

Program Administration	\$75,000.00
Debt Service – Park Avenue Community Center	\$51,823.60
Total CDBG Funds	\$405,518.00

HOME Program

Project Activities

Senior Rental Housing Loan	\$75,000.00
Home Consortium set aside to Salisbury CDC	
Foreclosure Acquisition/Rehab/New Construction	24,650.00
Homeownership Assistance	10,000.00
Program Administration	\$4,245.00
Total HOME Funds	\$113,895.00

Total CDBG and HOME Funds \$519,413.00

Ms. Gapen reviewed the Citizen Participation Schedule:

January 12, 2010	Public Meeting – West End Community Center
January 21, 2010	Public Meeting – Park Avenue Community Center
February 2, 2010	Public Hearing – City Council
March 18, 2010	First Reading of Budget – City Council
April 6, 2010	Second Reading of Budget – City Council
April 11, 2010	Action Plan available for public review
May 12, 2010	Submit plan to HUD

Ms. Gapen indicated that staff will be accepting comments regarding the Five-Year Consolidated Plan for Housing and Neighborhood Revitalization and the FY2010-2011 budget for Community Development Block Grant (CDBG) and HOME program funds beginning April 12, 2010 through May 12, 2010.

Councilman Kennedy asked if the \$25,000 allocated for the West End could be used for Old Wilkesboro Road sidewalks. Ms. Gapen indicated that the \$25,000 is for a proposal for Livingstone College to help support infrastructure changes around the college. City Manager David Treme indicated that the \$25,000 has been identified to fund a road project on Old Plank Road that would benefit the college.

Councilman Miller asked when the debt service payments for the Park Avenue Community Center will be complete. Ms. Gapen indicated that the City is in the seventh year of the cycle and the payments are scheduled to end in 2022.

Thereupon, Mr. Kennedy made a **motion** to approve the second reading of the Five-Year Consolidated Plan for Housing and Neighborhood Revitalization, and the FY2010-2011 budget for CDBG and HOME program funds. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz thanked Ms. Gapen for the work she has put into the plan.

REDUCE SPEED LIMIT – MCCALL HEIGHTS SUBDIVISION

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding a request to reduce the speed limit in the McCall Heights subdivision. Ms. Brindle indicated that staff received a petition signed by 72% of property owners and the request is consistent with established policies. She stated that staff recommends Council adopt an Ordinance reducing the speed limit to 25 miles per hour.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13 of the Code of the City of Salisbury, relating to speed limits-generally. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

AWARD CONTRACT – CMAQ SIDEWALK PROJECTS

Mr. Craig Powers, Civil Engineer, addressed Council regarding a Congestion Mitigation Air Quality (CMAQ) sidewalk project. Mr. Powers reviewed aerial photos of the site which is on Statesville Boulevard between Jake Alexander Boulevard and Innes Street. He pointed out that construction will take place inside the right-of-way. He stated that the City received 12 bids for the Statesville Boulevard sidewalk project and the low bid was evaluated by the North Carolina Department of Transportation (NCDOT) and found to be unresponsive in meeting technical specifications and was rejected. Mr. Powers indicated that Red Clay Industries was the second lowest responsive bid and staff recommends awarding the contract to them, subject to NCDOT concurrence.

Councilman Kennedy commented that it is important for citizens to realize that these sidewalks are funded through NCDOT at no cost to the City. He indicated that he does not want certain neighborhoods to feel that they are being overlooked and these sidewalks are important in making Salisbury a walkable City.

Thereupon, Mr. Kennedy made a **motion** to award a contract in the amount of \$168,154.05 to Red Clay Industries for Project C-4909 Statesville Boulevard Sidewalk, subject to concurring approval by the North Carolina Department of Transportation. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

UPDATE – FISHER STREET CHILDREN’S THEATER

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding a request for the projection of a marquee sign over the public right-of-way in the 100 block of East Fisher Street. She stated that in accordance with Section 22-18 of the City Code, City Council may allow projections over a public sidewalk if they make the following findings:

- The construction or installation must not in any way hinder, obstruct or delay or in any way endanger the free and safe use of a public sidewalk or right-of-way
- Inside the primary fire limits, the structure shall be made entirely of noncombustible material
- The traffic engineer shall advise the City Council as to whether the proposed structure will obstruct the view of motorists using any street, private driveway or approach to any street intersection
- The structure may extend over public property for a distance of not more than five feet, provided no structure or any part thereof shall be placed closer than two feet from the face of the curb on any street right-of-way
- The structure shall maintain a clear height of a minimum of eight feet above the public sidewalk or right-of-way

Ms. Brindle indicated that staff believes the standards have been met and recommends approval of the request subject to receipt of a letter satisfying Section 22-19 of the City Code.

Thereupon, Mr. Miller made a **motion** to approve the design as presented subject to receipt of a letter satisfying 22-19. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

Mr. Reid Leonard, Piedmont Players, and Mr. Joel Lemp, Kirkland Construction, addressed Council regarding an extension of the street closure in the 200 block of South Lee Street until April 23, 2010 to finalize construction activities. Mr. Lemp indicated that his staff is waiting for Duke Energy to shut down this portion of the grid to bring power into the theater April 15, 2010. Mr. Lemp requested an extension for the street closure until the end of April, 2010. He noted that the project is in the final stage of construction and is in great shape to be completed when the seats are installed in May.

Thereupon, Mr. Woodson made a **motion** to approve that extension. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

Mayor Klutz stated that the work on the theater is most impressive and this is one of the many things to be proud of in the City. She thanked Mr. Leonard and Mr. Lemp for their work on this project.

MONITORING WELLS

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding the placement of monitoring wells in the public rights-of-way. Ms. Brindle stated that staff received a request from Hart and Hickman, PC regarding installation of temporary monitoring wells/borings within the City rights-of-way. She indicated that Hart and Hickman has been contracted by the North

Carolina Department of Environment and Natural Resources (NCDENR) under the North Carolina Dry Cleaning Solvent Cleanup Act to conduct an investigation of soil and groundwater quality in the vicinity of M&S Cleaners and would like to take borings along the rights-of-way of Fairson Avenue and Walker Street. Ms. Brindle pointed out that the City will be held harmless from any loss, cost, damage or expense arising from any negligent act or omission from the installations.

Ms. Brindle recommended Council authorize the City Manager to execute the agreement with NCDENR and Hart and Hickman, PC.

Thereupon, Mr. Kennedy made a **motion** to authorize the City Manager to execute agreements with the North Carolina Department of Environment and Natural Resources and Hart and Hickman, PC regarding the replacement of monitoring wells in the public rights-of-way. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson and Meses. Blackwell and Kluttz voted AYE. (5-0)

UPDATE – 2010 CENSUS

Ms. Kathryn Clifton, GIS Coordinator, gave Council an update regarding the 2010 Census. She stated that Rowan County has had a good mail response rate and that April 1, 2010 was Census Day. She indicated that any Salisbury resident in the 28146 zip code that has received census information addressed to Granite Quarry, can simply cross out Granite Quarry and write in Salisbury. Ms. Clifton pointed out that those residents will be counted as Salisbury residents. She noted that “March to the Mailbox” is planned for Saturday, April 10, 2010 at three locations in Rowan County to encourage residents to send in their Census forms. She noted that census forms are available at “Be Counted” sites located at Rowan Helping Ministries, Rowan Public Library headquarters, Rufty-Holmes Senior Center and Smart Start Rowan.

Mayor Kluttz thanked Ms. Clifton for her hard work. She stated that the Census information is important because it determines Federal funding for Salisbury.

APPOINTMENT OF CHAIRMAN – SALISBURY FIREMAN’S RELIEF FUND BOARD

Fire Chief Bob Parnell addressed Council regarding the appointment of a Chairman of the Salisbury Fireman’s Relief Fund Board. Chief Parnell stated that Salisbury Fireman’s Relief Fund Board operates under the authority of the North Carolina Department of Insurance and is directed to provide assistance to Salisbury’s firefighters. He pointed out that the Relief Fund provides a small stipend to firefighters who fall sick and miss several consecutive days of work and also provides a small payment in the event a member passes away. He indicated that the Fund also awards six annual scholarships to the children of Salisbury firefighters.

Chief Parnell stated that the Board of Directors is regulated by North Carolina Department of Insurance to include a Chairman appointed by the City Council from the public-at-large, which is a position previously held by Mr. Henry Bernhardt. He indicated that the

treasurer and secretary positions are filled from the uniform membership of the Fire Department, and the Board also includes a representative from the local insurance industry, currently represented by Mr. David Clay, along with a local position currently held by Councilman Paul Woodson.

Chief Parnell noted that in January, 2010 Mr. Bernhardt indicated his desire to retire as Chairman of the Fireman's Relief Fund and sadly Mr. Bernhardt passed away March 20, 2010.

Chief Parnell stated that after careful consideration he asked Mr. Brent Lyerly if he would serve as the Chairman of the Salisbury Fireman's Relief Fund Board, and Mr. Lyerly agreed.

Mayor Kluttz stated that she has heard wonderful things about Mr. Lyerly and feels he is a wonderful choice.

Thereupon, Mr. Woodson made a **motion** to appoint Mr. Brent Lyerly as Chairman of the Salisbury Fireman's Relief Fund Board. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz congratulated Mr. Lyerly and thanked him for taking this responsibility.

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

Human Relations Council

Upon a motion by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Kennedy, Miller, Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Human Relations Council:

Reverend Carolyn Bratton

Term expires 3/31/2013

COMMENTS FROM THE CITY MANAGER

(a) **Youth Protection Ordinance update**

Police Chief Rory Collins updated Council regarding the Youth Protection Ordinance which became effective July 1, 2009. He stated that the Ordinance made it unlawful for juveniles under the age of 16 who were not accompanied by a parent or guardian to be in a public place between the hours of 11:00 p.m. and 6:00 a.m., Monday through Thursday, and the hours of 12:00 a.m. and 6:00 a.m. on the weekends.

Chief Collins noted that as of April 6, 2010 the Police Department has not had an incident in which this Ordinance has been utilized. Chief Collins pointed out that night shift officers have encountered juveniles breaking curfew, noting that when the Ordinance was implemented it was decided that parents and juveniles would receive a warning for first offenses.

He indicated that in each case the youth was escorted home and both the parent(s) and juveniles were counseled by the officer to explain the Ordinance and its consequences.

Chief Collins stated that he believes the real test of the Ordinance will be when school breaks for the summer. He indicated that there is a system to track those who have been warned and he feels this is a useful tool for the officers. He noted that officers will also receive additional training to make sure they are familiar with the Ordinance.

Councilman Kennedy thanked Chief Collins for the update and stated that he feels the Ordinance is working.

Mayor Kluttz thanked Chief Collins for the excellent report and stated she is thrilled no one has been arrested. She congratulated the Salisbury Police Department and Ms. Karen Wilkinson, Public Information Officer, for informing the community about the Ordinance.

(b) Request to Purchase City Owned Property

City Manager David Treme stated that the City has received an offer to purchase City owned property on Arlington Street adjacent to Bojangles restaurant. He stated the property has been appraised for \$279,000, the assessed value is \$446,056, and the City was offered \$109,525 by Faison Associates. He noted that a flood plain is located on the property, but he does not recommend the City consider the offer.

(c) Grant Funds for Downtown Salisbury

City Manager David Treme presented Council with a Resolution to designate the City Manager as the agent to make application for Main Street grant funds on behalf of the City, and to sign an agreement on behalf of the City regarding the funds. He stated that the grant funds are for Main Street Solution Fund, whose purpose is to secure funds for job creation through various incentives including, but not limited to the Downtown Salisbury, Inc. revolving fund. He noted that the deadline for submission of the application is April 15, 2010.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution for the City of Salisbury promoting for the Main Street Solution Funds. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

RESOLUTION

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 6, and is known as Resolution 2010-06.)

MAYOR'S ANNOUNCEMENTS

(a) Access16

Mayor Kluttz announced April 1, 2010 marked the 5th Anniversary of Access16 Government Access Channel.

(b) Hurley Park Spring Celebration

Mayor Kluttz announced the Hurley Park Spring Celebration will be held Sunday, April 11, 2010 from 2:00 p.m. until 4:00 pm at Hurley Park, Lake Drive and Annandale Avenue.

(c) Touch a Truck Program

Mayor Kluttz announced the Salisbury Parks and Recreation Department in partnership with Downtown Salisbury, Inc. will host the 4th Annual Touch a Truck program Saturday, April 17, 2010 from 10:00 a.m. until 1:00 p.m. at the First Bank parking lot.

(d) Spring Spruce-Up

Mayor Kluttz announced the Community Appearance Commission and the Public Services Department will sponsor a Spring Spruce-Up Week April 19-23, 2010. She indicated more information can be found in the water bill.

CLOSED SESSION

Mayor Kluttz asked for a motion to go into closed session as allowed by NCGS 143-318.11(6) regarding a personnel matter and as allowed by NCGS143-318.11(a)(3) to consult with an attorney.

Thereupon, Mr. Woodson made a **motion** to go into closes session as read by the Mayor. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

Thereupon, Mr. Woodson made a **motion** for Council to return to open session. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

Mayor Kluttz announced that no action was taken during Closed Session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:20 p.m.

Susan W. Kluttz, Mayor

Myra B. Heard, City Clerk