

Salisbury, North Carolina

August 6, 2002

#### REGULAR MEETING

PRESENT: Mayor, Susan W. Klutz, Presiding; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Robert (Bob) Martin; City Manager, David W. Treme; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Swannetta B. Fink.

ABSENT: Mayor Pro Tem, Paul B. Woodson, Jr.

The meeting was called to order by Mayor Klutz at 4:00 p.m. The invocation was given by Councilmember Martin.

#### **PLEDGE OF ALLEGIANCE**

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

#### **RECOGNITION OF VISITORS**

Mayor Klutz recognized all visitors present.

#### **PROCLAMATION**

Mayor Klutz proclaimed the following observance:

NATIONAL NIGHT OUT August 6, 2002

Lieutenant Steve Whitley, of the Salisbury Police Department South Command, reminded Council of the festival tonight at Livingstone College, from 7:00 - 9:00 p.m. celebrating National Night Out. Lieutenant Bob Harrison, of the North Command, reminded Council of the National Night Out festivities tonight at Cannon Park, from 7:00 - 9:00 p.m.

## **CONSENT AGENDA**

### (a) Minutes

Minutes of the Regular meeting of July 16, 2002.

### (b) Street Closing - 600 Block of Vine Street

Receive a petition to close the unimproved right-of-way of the 600 block of Vine Street, and adopt a Resolution setting a public hearing for September 3, 2002.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN UNIMPROVED RIGHT-OF-WAY IN THE 600 BLOCK OF VINE STREET.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 158, and is known as Resolution No. 2002-22.)

Mayor Kluttz called on City Clerk, Swannetta Fink, to make two corrections to the minutes of July 16, 2002. Ms. Fink noted the following:

1. There is a change to Page 13, first full paragraph, Line 6 and it should read: There is no question that the problems that come along with selling alcohol across from the school are inexcusable if you can avoid it, Mayor Kluttz stated.

2. Page 19, last paragraph near end of Line 2, the words "input be lowered", should be "intake be lowered."

Thereupon, Mr. Kennedy **moved** to adopt the Consent Agenda with the corrections as stated. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

## **SPECIAL USE PERMIT - 1401 BRINGLE FERRY ROAD**

(a) Mr. Hubert Furr, Development Services Manager, informed Council that previously the Planning Board recommended and City Council approved convenience stores as a Special Use Permit in the B-CS zoning district. This is the kind of matter before Council now. The location of the property is 1401 Bringle Ferry Road which has an existing structure that for many years was a convenience store. It was later changed to a produce stand and most recently was used as a craft store called A Pleasant Nook, Mr. Furr informed Council. The request is to change the structure back into a convenience store, he said. It is zoned B-CS and requires a Special Use Permit from City Council. The Planning Board recommends approval as a convenience store, not as a unanimous vote, but as a majority vote, according to Mr. Furr.

(b) Mayor Kluttz opened the floor for public comments and reminded those present this is not a public hearing.

Mr. Gus Flaska, Administrator of Autumn Care Nursing Home, which he said adjoins this property, told Council this has created

some concerns for them. He pointed out the parking area is extremely small and the need to have a dumpster, as well as other support things for the store, is a concern. Mr. Flaska expressed concern that the entrance to their (Autumn Care's) employee parking lot is going to be encumbered. The kind of visitors to Autumn Care are older people, and the concept of an in and out quick stop place there causes Autumn Care a safety issue for the people coming to visit the nursing home on a daily basis, according to Mr. Flaska. The nursing home also has a plan to develop that property as a senior living center adjoining the facility, Mr. Flaska shared. He indicated the nursing home has expanded their therapy program at the center so they can accommodate an additional support program for the elderly, and went on to share that they feel, especially a facility that is selling beer and wine in the evening hours, is incompatible with what they had hoped to do with the property. Mr. Flaska asked Council to consider their petition not to change the zoning or that the convenience store not be approved.

No one else came forward for public comment.

Councilman Martin stated that his concern was that it was a convenience store before and referenced the Planning Board recommendation. He said he appreciates the concern of Autumn Care. He reminded those present that alcoholic beverages cannot be consumed on premises or in the parking lot. Mr. Martin said the location is good for a convenience store, we need to be more business friendly, and he is in favor of it.

Councilman Kennedy agreed and said we just can't eliminate convenience stores. This is a Special Use Permit, and if something happens that Council does not particularly care for, the permit can be pulled, he noted. Mr. Kennedy further said he would agree to allow the store to be opened as a convenience store and sell alcohol.

Councilman Burgin asked how the Special Use Permit works as it relates with Councilman Kennedy's reference above regarding pulling the permit. He wanted to know if it was reviewed every year and gets pulled if Council says there is a problem. Mr. Furr responded that it is not reviewed every year. He stated it is not clearly in the ordinance that it could be revoked, but since it is a Special Use Permit, City Council could revoke it if there was a problem. Mayor Klutz stated she thought this is one of the reasons they did this. Mr. Burgin expressed a need to find out because it would make a difference in the concern he may have for this particular request. Mr. Burgin indicated if Council has the ability to take the permit back, it gives Council the ability to say this may work and he could then support it. City Attorney Rivers Lawther indicated if there is a violation on the grounds upon which the Special Use Permit is based, he thinks Council could revoke it. Mr. Furr read the ordinance as follows: "The City Council may however review its authorization and the conditions thereof and after such review may modify or change the conditions of the Special Use Permit or may terminate the Special Use Permit." Mayor Klutz observed the privilege of the Special Use Permit could be taken away if it is violated. She expressed some concern about the location being so close to Autumn Care, but might be willing to chance this as a Special Use Permit.

Councilman Burgin stated there is no question that there is some reason for concern but thinks he could support the zoning change.

(b) Thereupon, Mr. Martin **moved** to allow the Special Use Permit. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Klutz voted AYE. (4-0)

Mayor Klutz emphasized if there are complaints, the Special Use Permit will be reviewed.

#### **GROUP DEVELOPMENT SITE PLAN - G-14-01**

#### **FRANKLIN STREET PLAZA, 510 EAST FRANKLIN STREET**

(a) Mr. Hubert Furr, Development Services Manager, informed Council that this is an existing structure which previously was Pauline Knitting Mill, and has now been vacant for a while. Henry and Karen Alexander have bought the property with the idea of putting in dividing walls and renting it as small warehouse type storage, he said. When you have two or more dividing walls, it becomes a group development, Mr. Furr explained. The group development site plan has to go through the Technical Review Committee, Planning Board, and then to City Council. The property is located at 510 East Franklin Street and the parking lot with sixty-nine (69) parking spaces is across the street. Mr. Furr showed Council views of the area.

Mr. Furr advised Council that they may hear an argument that this is an existing parking lot or that it is not a parking lot. In 1984 there was a provision in the zoning ordinance that allowed a Special Use Permit to be issued by the Zoning Board of Adjustment

to allow business parking in residential zoning. At that time, the property was zoned residential. On March 12, 1984, the Zoning Board of Adjustment approved a Special Use Permit for Pauline Knitting Mill to allow this as a parking lot for their employees and it was used that way for many years, Mr. Furr stated. When Pauline Knitting Mill went out of business, a couple small businesses went in there. Mr. Furr indicated that he could not tell Council for a fact that this area was used for parking during that entire time. On January 16, 1990, the zoning ordinance was changed to remove the ability for the Zoning Board of Adjustment to grant a parking lot to be used in residential zoning. All the parking lots that were approved under Section 7.03 were basically grandfathered in, he said.

Mr. Furr showed more views of the area and explained in more detail. He mentioned several times an existing driveway a neighbor used. He indicated the Technical Review Committee felt that whether it is an existing parking lot or not, it should meet the landscape requirements. The Technical Review Committee and Planning Board recommend approval with the condition that all landscaping requirements are met.

Councilman Burgin asked "The fact it is an existing or not an existing parking lot made no difference to staff and Planning Board?" Mr. Furr stated some of the staff Technical Review Committee felt it was an existing lot and some felt it was not an existing lot. The recommendation was that the parking lot should meet all the landscape requirements, he said. Mr. Burgin noted that if it were considered an existing lot, it would have been grandfathered. Mr. Furr responded, "That's correct." If not, it would obviously need to meet the landscape requirements, Mr. Burgin said. Mr. Furr replied, "That's correct." If it is an existing lot, does Council have the ability to require the landscaping?" Mr. Burgin asked. Mr. Furr replied, "Yes, you do." Mr. Burgin noted that's because it is a group development and Mr. Furr concurred. Mr. Furr advised that Council can agree with the recommendations and attach this condition.

(b) Mayor Kluttz opened the floor for comments from the public.

Ms. Karen Alexander, developer of Franklin Street Plaza, told Council she believes pertinent information regarding this request was not part of the presentation or that the information given to the Planning Board members by Mr. Harold Poole was either incorrect or incomplete. Much discussion was continued between staff and Planning Board after the public hearing was closed including accusations by Mr. Harold Poole that the developer had doublecrossed and mislead him, Ms. Alexander said. All of this is on the tape, she said, neither of which are true. Since the public hearing was closed at the time these statements and accusations were made, no response to correct this misinformation or respond to the Planning Board members questions could be made, she stated.

Ms. Alexander told Council that all the information she has indicates that the parking lot has existed since Pauline Knitting Mill has owned the property. An application was submitted for group development as having an existing parking lot which can accommodate 71 spaces, she said. On March 12, 1984, the Zoning Board of Adjustment did grant a special permit, so therefore it was grandfathered in 1990. Before submitting the group development plan, the planning staff with the support of Park Avenue Community Development Group, recommended that Council approve the rezoning of the property to M-1. Ms. Alexander said although they did not request this rezoning, they certainly agree with the recommendation of the staff and subsequent rezoning by City Council. This does not change the fact that this parking lot existed prior to the rezoning, Ms. Alexander indicated. The parking lot did exist legally and its been used by Pauline Knitting Mill. Ms. Alexander stated they found records in the building that Pauline Knitting Mill, after selling the building to Glennon Bittan, the prior owners to their (the Alexanders) buying the property, they leased and occupied the building through October, 1996. After that time, other smaller companies, including retail, have occupied the building and used the lot, she said.

Ms. Alexander stated they bought the property in October, 2001 and all the legal documents which they agreed with and bought, indicated that was an existing parking lot. Ms. Alexander presented a survey to Council that was signed in 1994 that indicates this was a parking lot. She also presented a survey that indicates a parking lot dated 9-25-01 which she said is a month prior to the Alexander's purchasing the property. A lease dated July 7, 1998 between Glennon Bittan Investments and the Rowan-Salisbury Board of Education, who is the tenant next door, which the Alexander's also own, she said. In their lease, Ms. Alexander noted, which was prior to their (the Alexander's) purchasing the property by three years, the lease reads "the tenant are leasing the white concrete building and white wood building located at 510 Franklin Street, Salisbury, North Carolina consisting of approximately 8750 sq. ft. together with a non-exclusive right to utilize the parking lot." Ms. Alexander told Council they (the Alexander's) are continuing to honor that lease with Rowan County Maintenance Department and hope they will continue to lease this property. Ms. Alexander started to present to Council a copy of a letter from Rowan-Salisbury Schools Maintenance Department. Mayor Kluttz indicated Council already has a copy.

Ms. Alexander told Council that the current zoning ordinance speaks to the applicability of Section 10.03 which reads: "the provisions of this ordinance shall not apply to existing developed property prior to September 19, 1996 unless one of the following occurs: an existing parking lot, paved or unpaved is expanded or improved to add 12 or more spaces; an existing principal structure is expanded by 25% or more - the landscaping improvements are required to apply for the expanded portion

only." Ms. Alexander stated they are doing neither since the entire lot has been used for a parking lot prior to September 19, 1996, and all her exhibits show that.

Ms. Alexander told Council their request has to do with the fact that this is an existing parking lot that accommodates 71 spaces. It is about the parking spaces and not the landscaping, she said. The Alexander's love trees, she said, and she referenced their Fairmont Terrace Project on Horah and Fulton Streets which she said shows they love trees. She further said they were under no obligation to put any landscaping there. They spent approximately \$3,000-4,000 putting in trees and landscaping at this location, none of which was required, she noted.

Ms. Alexander stated that if they comply with today's requirements, they have to have a 30 foot buffer in the back of the property, additional 8 and 8, which ends up affecting the property considerably. This reduces the number of parking spaces from 71 to 57, she said, which is a 20% reduction in the amount of cars. To a developer, this means if they would entertain a retail outlet there, they would have to provide one space for every 200 sq. ft., Ms. Alexander said. She presented Council drawings of how they propose to develop the property, breaking up the building inside for their proposed use. According to the current retail zoning requirements, they would have to provide one tenant with 56 parking spaces. That leaves one parking space for the remaining 64,000 sq. ft. of space. She indicated they are not trying to avoid doing landscaping. She said there is a 20 foot alley in the back that has approximately 40 year growth and has not been used. The Alexander's have no intention of using the alley, she indicated, and said this would give a 30 foot buffer. Because the property line is so close on the right hand side of the property for the neighbor, the neighbor has indicated that he did not want a 6 foot high fence from his windows and doors, and thought that would be a hazard, according to Ms. Alexander. The neighbor has been living here for 40 years and has been a neighbor of this parking lot for all that time. The Alexander's are not going to take the trees down on the property, and also own the industrial building next door which is a storage building.

Ms. Alexander told Council their request is based on all the information they had when they purchased the property, knowing that the only way to make this property viable again for any investor, is that it could be used for a group development. One tenant is not likely going to lease a 61,000-75,000 sq. ft. building, she observed.

Mr. Lou Manning, 2354 Statesville Boulevard, told Council he is a member of the Planning Board, and most of the information that is pertinent evolves to the Planning Board. He indicated he agrees with their vote which was unanimous that the Alexander's would meet the landscaping requirements. Mr. Manning stated that the Park Avenue Redevelopment Corporation would hate to see someone come in there and leave a gravel parking lot with trucks parked there. They would like to see an improvement made there, he told Council. There are trees in the back, which would look good if cleaned up, he noted. The Long Street Corridor will be joining this area. There are three (3) houses next to it that have just been renovated, he said. He noted two new houses nearby on Shaver Street. Mr. Manning indicated he hopes that some concession could be made to do some landscaping there so it would be attractive and not just another gravel parking lot that is there now. He said he would like to see the lot enhanced rather than leave it like it is.

Mr. Roger Storey, 509 East Franklin Street, told Council he owns the property adjoining the parking lot. That property has been a parking lot since the early 1980's. Approximately ten (10) years ago, he tried to have the property rezoned along with his property and it was denied because it was excluded as a parking lot even though it was residential, he said. Mr. Storey said he does not want a privacy fence because he thinks it would deter from the street as far as security, and also does not want to lose his driveway. Mr. Storey has used the property with permission for over 35 years and this would be an inconvenience and cost to him, he told Council.

Mr. Mark Lewis, 136 Rugby Road, submitted to Council for consideration Salisbury 2020 Policy I-1: The City of Salisbury shall be an active participant, facilitator, and partner in the adaptive reuse of former warehousing and manufacturing buildings in the uses compatible with their location." The two key terms in this statement are adaptive reuse and the City's active participation as facilitator and partner, he said. The developer are doing their part on the adaptive reuse and now it is time for the City to participate in the facilitating and partnering, Mr. Lewis said. Mr. Lewis told Council he does not believe the developer is trying to take advantage of the City. He said he attended the Planning Board meeting and was a little bit disappointed in the proceedings. He said he is a fervent defender of the Planning Board and what they do. After the public hearing there were some statements made, whether they were factual or not, he does not know, but the developer never really had an opportunity to respond, he said. Mr. Lewis felt this colored the vote of the Planning Board against the developer. He said he fully expected the Technical Review Committee (TRC) to recommend a meeting regarding the landscape ordinance which Mr. Lewis indicated he sees as their job. Planning Board, as a citizen group, is suppose to make a decision whether that is appropriate and make a recommendation to City Council, who has the final say, he stated. At the Planning Board decision, Mr. Lewis noted that his experience has been if the Technical Review Committee (TRC) wants something and the developer still doesn't want it, when it comes before the Planning Board, most, and almost all the time, it goes to a committee of the Planning Board in order to attempt reaching a compromise. Unfortunately, he said he feels the statements colored the vote. This never got an opportunity to go to a committee. Mr. Lewis stated he supported a compromise and some landscaping needed to be put in, especially street trees at a minimum. However, requiring the developer to meet the full landscaping ordinance in this area is not appropriate, he said. Because it is now part of a group development and any change to that group development, Council can require anything they want, and even with it being grandfathered, can require full compliance with the landscape ordinance, he advised. Mr. Lewis suggests a compromise

and require street trees and trees along the southern boundary. Finally, he submitted to Council that Henry and Karen Alexander's reputation for quality redevelopment in the City of Salisbury speaks for itself. He urged Council to support what the developers are trying to accomplish.

Councilman Kennedy said he feels the property should be developed, and recommended that Mayor Klutz appoint a Council committee to study this before making a decision. Mayor Klutz agreed. Councilman Burgin observed there is some common ground here for both sides.

Mayor Klutz appointed Councilmen Burgin and Martin to a committee to study the matter and report back at a later date.

## **ZONING MAP AMENDMENT - Z-12-02 - SALISBURY PLANNING BOARD**

### **WILSON ROAD AREA (PHASE 2)**

Z-12-02 - Salisbury Planning Board

Wilson Road area (Phase 2)

The request is to rezone the following property in the Wilson Road area, Phase 2 as follows:

- 1) About 20 lots on the block bounded by Wilson Road, Old Plank Road, Torrence Street, and Locke Street from R-6A Multi-family Residential to SFC Single-Family Conservation.
  
- 2) About 25 properties that are in the ownership of the Rowan County Schools located at Salisbury High School, primarily where athletic fields are being built and the gymnasium location from R-6 Two-Family Residential to B-1 Office Institutional.
  
- 3) Two lots owned by Livingstone College located across Old Plank Road from R-6 Two-Family Residential to CU College and University.
  
- 4) In order to "clean-up" zoning lines, the rear of four properties located off Wilson Road from R-6 Two-Family Residential to R-6A Multi-Family Residential.
  
- 5) A portion of one property located off Grace Street from R-6 Two-Family Residential to R-6A Multi-Family Residential.

(a) Mr. Harold Poole, Senior Planner, informed Council this zoning case has multiple type rezoning in a particular area. This is Wilson Road area, Phase 2. Several months ago, the area bounded by Old Plank Road, Torrence Street, Locke Street and Wilson Road had 3 lots rezoned to SFC Single-Family Conservation in order for single-family houses to be developed on those lots. The Planning Board looked at the remainder of the block and felt that on this particular block, because the lots are smaller, that SFC was a good idea for the entire block, he said. This part includes 19-20 lots in the remainder of the blocks above to be rezoned to SFC, Mr. Poole stated. This is part 1 of the phase.

The second part includes properties owned by Livingstone College on which Hood Theological Seminary is located. Through the years, this property has been zoned R-6 Two-Family Residential like the neighborhood, Mr. Poole said. The Planning Board recommendation is for CU College & University.

The third part is all property owned by Salisbury High School. The proposal is to change from R-6 Two-Family Residential to B-1 Office Institutional. Part of the Salisbury High School campus is R-6 which allows for educational uses and is still in compliance with the ordinance, but it seems it all should be B-1, he said.

The fourth and fifth parts are the rear portions of property between Wilson Road and Grace Street. Currently, there is a zoning line that cuts off rear portions of property. The recommendations are to make the zoning run along property lines. The area off Wilson Road is being recommended from R-6 Two-Family Residential to R-6A Multi-Family Residential. The area off Grace Street from R-6A Multi-Family Residential to R-6 Two-Family Residential.

Councilman Kennedy asked Mr. Poole about the area (Wilson Road) proposed for R-6A zoning. Mr. Poole explained the proposal was made in order for all the property in that area to be in the same classification.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-12-02, Salisbury Planning Board, Wilson Road area (Phase 2).

No one was present to speak **in favor** or **against** the above proposal. Mayor Klutz closed the public hearing.

Councilman Burgin asked about the changing of R-6 to B-1 at Salisbury High School and he wanted to know what that did for us. Mr. Poole explained it provides continuity for all of Salisbury High School property, but would not hurt anything to leave part of Salisbury High School at R-6. Mr. Burgin said what concerns him is a B-1 in the middle of residential, but as long as it is Salisbury High School, there should be no problems. Mayor Klutz agreed she also had the same concern when she saw it.

Councilman Kennedy stated the three lots in the 700 block of Wilson Road were changed to SFC Single-Family Conservation. He said this bothers him that these three lots dictate all the other lots, and there are already multi-family units and duplexes there. Mr. Burgin said this appears to him to have happened in reverse. We were lucky to save these three lots from what was going to happen as R-6A property. The fact that it could be a large multipurpose in the middle of what was duplex and single-family, is what generated the change, he said. The activity on the three lots is now generating the recognition that the whole area needs to be changed to R-6. Mr. Kennedy pointed out property owners have built their houses and apartments and are zoned R-6A, which now would become grandfathered and non-conforming. If something happens to them, they would have lost their investments, he said. As a developer and investor himself, he has a concern with it, Mr. Kennedy emphasized. Mr. Kennedy asked to divide the vote and vote on the CU part first. He also suggested voting on each one separate.

(c) Thereupon, Mr. Burgin made a **motion** recommending acceptance of the grey rezoning to CU. [Two lots owned by Livingstone College along Old Plank Road from R-6 to CU]. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 1.8 ACRES WITH ABOUT 445 FEET ON OLD PLANK ROAD AND ABOUT 521 FEET ON THE THOMAS STREET, IDENTIFIED AS PARCELS 336 AND 337-1 ON SALISBURY TOWNSHIP TAX MAP 9, FROM R-6 TWO-FAMILY RESIDENTIAL DISTRICT TO CU COLLEGE AND UNIVERSITY DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 78, and is known as Ordinance No. 2002-52.)

Mr. Burgin made another **motion** accepting all the other rezoning recommendations except for the Salisbury High School R-6 which will stay at R-6. Mr. Martin seconded the motion. Messrs. Burgin, Martin, and Ms. Klutz voted AYE. Mr. Kennedy voted NAY. (3-1)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 6.3 ACRES IN AN AREA BOUNDED BY OLD PLANK ROAD, TORRENCE STREET, LOCKE STREET, AND WILSON ROAD, IDENTIFIED AS PARCELS 338, 339, 340, 341, 341-1, 342, 343, 345, 346, 347, 347-2, 347-1, 348, 349, 351, 352, 415, 325-A, 414, 448, 356, AND 357 ON SALISBURY TOWNSHIP TAX MAP 9, FROM R-6A MULTI-FAMILY RESIDENTIAL DISTRICT TO SFC SINGLE-FAMILY CONSERVATION DISTRICT, AND BY REZONING APPROXIMATELY 10,100 SQUARE FEET WITH APPROXIMATELY 100 FEET ON WILSON ROAD, IDENTIFIED AS A PORTION OF PARCEL 40 ON SALISBURY TOWNSHIP TAX MAP 13, FROM R-6 TWO-FAMILY RESIDENTIAL DISTRICT TO R-6A MULTI-FAMILY RESIDENTIAL DISTRICT, AND BY REZONING APPROXIMATELY 8,900 SQUARE FEET WITH APPROXIMATELY 70 FEET ON GRACE STREET, IDENTIFIED AS A PORTION OF PARCELS 34, 35, AND 36 ON SALISBURY TOWNSHIP TAX MAP 13, FROM R-6A MULTI-FAMILY RESIDENTIAL

DISTRICT TO R-6 TWO-FAMILY RESIDENTIAL DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page Nos. 79-80, and is known as Ordinance No. 2002-53.)

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.

**ZONING MAP AMENDMENT - Z-11-02 - PARKDALE MILLS, INC.**

**U. S. 29, TIMBER STREET (unopened), COTTAGE STREET, GUFFY STREET**

Z-11-02 - Parkdale Mills, Inc.

U.S. 29, Timber Street (unopened) Cottage Street, Guffy Street

The request is to rezone the following property:

1) Approximately 1.1 acres of property consisting of two small lots on either side of Hedge Street at its intersection with U.S. 29 (South Main Street) from B-6 General Business to B-7 Limited Business.

2) Approximately 7.5 acres (both sites) of property consisting of two areas along Cottage Street - one at the intersection of Cottage and Rowan Mills Road and the other at Cottage and Guffy Streets from R-6 Two-Family-6 Residential to B-1 Office Institutional.

3) Approximately 48 acres of property consisting of a large tract of land located between Red Acres Road and the unopened right-of-way of Timber Street from R-8 Single-Family-8 Residential, R-6 Two-Family-6 Residential, and R-6A Multi-Family Residential to M-1 Light Industrial.

(a) Mr. Patrick Kennerly, Planner, informed Council the request from Parkdale Mills, Inc., is three separate requests in the same vicinity. He showed Council pictures of the three areas being proposed.

The first area is zoned B-6 General Business. It is approximately 1 acre surrounded on three sides by B-7 Limited Business zoning. The proposed rezoning is B-7 which will make it consistent with the area. There is currently a commercial building on the property.

The second area is currently zoned R-6 Two-Family Residential. It is located along Cottage and Guffy Streets. The proposal is to rezone to B-1 Office Institutional. There are a couple houses on this property at the present time. There are also churches within this area. The churches are the only properties not owned by Parkdale Mills, but they have no opposition to the rezoning, Mr. Kennerly explained.

The third area is being proposed for M-1 zoning. There is a large area of industrial property behind it going toward the airport. The area is largely wooded property. Any future development that would take place on this property that would be greater than 10,000 sq. ft. would be required to go through the site plan review process. The Planning Board and City Council would be in a position to carefully monitor any large scale development taking place in this commercial and industrial park area, he said. Planning Board recommendation was unanimous in favor of the requested rezonings.



(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-11-02, Parkdale Mills, Inc., U.S. 29, Timber Street (unopened), Cottage Street, Guffy Street.

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

Mr. John Sarn, Director of Real Estate for Parkdale Mills, told Council they are attempting to clean up the zoning of this area. They have come up with an industrial park utilizing the airport and the ground transportation there, he said. There is business zoning in front and the industrial will pick up from there. He pointed out that there is a natural buffer between the proposed M-1 and R-6 and R-8. To the north of Cotton Street there is a stream that runs down the property line and provides between 100-150 feet of natural buffering. He indicated he thinks all of the adjacent properties will be buffered. The reason most of the properties is zoned R-6 is because this was a mill village, he said.

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

Mr. Brian Winn, 2518 Foxfire Drive, told Council his property backs up to the R-8 section. He stated he has two concerns: (1) the value of his property; (2) quality of life for his family. He said when he bought the house, he checked the zoning behind it and it was residential. He expressed concern for his family with his children playing in the backyard having to look at an industrial area with trucks being around giving off fumes. He asked if Council members would be happy with an industry in their backyard.

Ms. Martha Lou Gascoigne, 20 Pine Tree Road, told Council she is an officer of Lakewood Company, Inc. which owns property on Red Acres Road, some of which abuts the property under consideration for rezoning. Their property is in a dedicated R-15 subdivision called Rowan Park and they oppose the rezoning, she said. She pointed out she has noted this Council has consistently favored protecting neighborhoods. This is a quiet, single-family residential neighborhood and it doesn't need to be next to M-1 Light Industrial zoning. The proposed rezoning would completely wipe out any buffer zone except that property on the map which seems to adjoin other Parkdale property. She told Council she hopes they will continue protecting neighborhoods and deny this rezoning proposal.

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

Councilman Burgin said the Council does have a good track record in protecting neighborhoods. This is a large tract of land that over time has begun to need some attention in terms of development, he said. It does back up against a large M-1. As a Council, we have in place the capabilities of protecting those R-6 and R-6A tracts of land adjacent to this, Mr. Burgin said, which is done through the group development review. The creek will define a natural spot to call a buffer, he said. There are ways to accommodate the rezoning in order to develop this to M-1 which makes sense along Highway 29 on property that needs higher tax value and be used. Mr. Burgin stated he is comfortable with the recommendation from Planning Board and can support it. Mr. Kennerly also pointed out the neighborhood can be protected with buffering. Mayor Kluttz and Councilman Martin concurred with Councilmen Burgin and Kennedy.

(c) Thereupon, Mr. Burgin made a **recommendation** that the property be rezoned as proposed by Planning Board. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 57 ACRES LOCATED ALONG PORTIONS OF SOUTH MAIN STREET, HEDGE STREET, COTTAGE STREET, TIMBER STREET, KIZER STREET, GUFFY STREET, AND AMERICAN DRIVE, IDENTIFIED AS ALL OR PORTIONS OF PARCELS 74, 75, 80, 111, 141, 142, 151, 190, AND 191 ON LOCKE TOWNSHIP TAX MAP 461, FROM B-6 GENERAL BUSINESS DISTRICT, R-6 TWO-FAMILY RESIDENTIAL DISTRICT, R-6A MULTI-FAMILY RESIDENTIAL DISTRICT, AND R-8 SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-7 LIMITED BUSINESS DISTRICT, B-1 OFFICE INSTITUTIONAL DISTRICT, AND M-1 LIGHT INDUSTRIAL DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page Nos. 81-83, and is known as Ordinance No. 2002-54.)

**ZONING MAP AMENDMENTS Z-10-02, SALISBURY PLANNING BOARD**

**PARK AVENUE NEIGHBORHOOD (Phase 2), AND Z-10A-02 SALISBURY CITY COUNCIL, PART OF 400 BLOCK OF PARK AVENUE AND A PART OF THE 300 BLOCK OF NORTH SHAVER STREET.**

Z-10-02 - Salisbury Planning Board

Park Avenue Neighborhood (Phase 2)

Z-10A-02 - Salisbury City Council

Part of 400 Block of Park Avenue and a part of the 300 block of  
North Shaver Street

The request is to rezone approximately 1.8 acres of property consisting of six (6) lots in the 400 block of Park Avenue and one (1) lot in the 300 block of North Shaver Street, from R-6A Multi-Family Residential to R-6 Two-Family Residential.

(a) Mr. Harold Poole, Senior Planner, informed Council that a public hearing was held on July 16, 2002 concerning zoning map amendment Z-10-02 covering 46 properties. Council suggested staff look at the 400 block of Park Avenue, and a vacant lot on North Shaver Street not to include the apartments. Mr. Poole said the Planning Board thought this was an excellent idea and has unanimously recommended this. Mr. Poole pointed out that three (3) of these houses in the 400 block of Park Avenue are considered pivotal structures according to the National Register.

(b) Councilman Burgin and Kennedy served on the Council Committee to study this area with staff. Mr. Burgin said when Council has the ability to include these three pivotal structures and a contributing structure so easily into a large tract for rezoning, they need to grasp the opportunity. This is indeed a good addition to this zoning. The Committee unanimously agreed that the property under consideration be included in the rezoning, Mr. Burgin said.

(c) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-10A-02, Salisbury City Council, Park Avenue Neighborhood, part of the 400 block of Park Avenue and 300 block of North Shaver Street.

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

Mr. Lou Manning, 2354 Statesville Boulevard, said he would like to applaud the committee on their recommendation. It is great and lot of exciting things have happened in the Park Avenue area with their (the Park Avenue Neighborhood) board in conjunction with the City, he said. He hopes Council will see fit to pass on this as a package vote, Mr. Manning told Council.

Ms. Diane Dillon, Executive Director of Historic Salisbury Foundation, said they too applaud Council's consideration of including these houses and encourage Council to include them in the rezoning.

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

(d) Thereupon, Mr. Kennedy **moved** to amend the zoning map amendment Z-10-02 and Z-10A-02 as outlined by planning staff, and represented on the map. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 15.4 ACRES AND APPROXIMATELY 56 PROPERTIES LOCATED ALONG THE 400, 500, AND 600 BLOCKS OF PARK AVENUE, THE 400 AND 500 BLOCKS OF EAST LIBERTY STREET, THE 400 AND 500 BLOCKS OF EAST COUNCIL STREET, THE 100, 200, 300, AND 400 BLOCKS OF NORTH SHAVER STREET, AND THE 300 AND 400 BLOCKS OF NORTH CLAY STREET, FROM R-6A MULTI-FAMILY RESIDENTIAL DISTRICT TO R-6 TWO-FAMILY RESIDENTIAL DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page Nos. 84-85, and is known as Ordinance No. 2002-55.)

### **REQUEST FOR PARKING ON CONFEDERATE AVENUE FOR OCTOBER TOUR**

Ms. Wendy Brindle, Traffic Engineer, informed Council that the Historic Salisbury Foundation (HSF) will hold their annual Tour of Homes on Saturday and Sunday, October 12-13, 2002. This year HSF will be featuring some homes on the north side of Confederate Avenue, she said. Therefore, HSF would like to request that parking be allowed temporarily on the north side of Confederate Avenue between 2:30 - 7:30 p.m. when the houses will be on tour. The Engineering Department has reviewed the request with comments from the Police and Fire Departments. Approval is recommended for the request with the following two (2) conditions:

- Due to roadway geometry, parking be limited to the area between  
214 and 236 Confederate Avenue

- A representative from Historic Salisbury Foundation be present  
during the tour to monitor parking and assist as necessary.

Ms. Brindle told Council Historic Salisbury Foundation is agreeable to the above conditions.

Thereupon, Mr. Kennedy **moved** to allow temporary parking on Confederate Avenue with the conditions as stated. [Mr. Kennedy read the conditions listed above.] Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Klutz voted AYE. (4-0)

### **COUNCIL COMMITTEE REPORT ON SALE OF THE TRACTOR BUILDING**

Councilman Burgin and Kennedy served on the Council Committee to study the proposed sale of the Tractor Building. Mr. Burgin reported they met with staff and proposed developers to talk about a number of revisions to the proposal of the sale of the tractor building. The committee focused on how much the changes were, and whether or not that would have an effect on whether the development would be attractive to the City, and fair in the process of how the City distributes and dispenses with public properties, he said. Mr. Burgin told Council the committee's recommendation is that the commitment is not strong enough for the committee to feel like it is there and in place. There are still some negotiations in the works on parking spaces and what was in the offer from the City's standpoint, also in terms of financial commitment and how solid that may be. The recommendation from the committee is to re-advertise the property and send out Request for Qualification (RFQ.) The committee has no objection to the present developer being involved in a re-bid or creating a new proposal. The proposal that was presented is still very attractive to the City, he said.

Councilman Kennedy stated the committee wants the project to take place but time has passed and they feel with the changes seem to be weak. The committee would like to put the property back on the market at a beginning price of \$100,000.00 as part of the proposal, he said.

Thereupon, Mr. Burgin made a **motion** to inform the present developer that the City will reissue RFQ and place the RFQ out for sale and development of the Tractor Building with a minimum of \$100,000.00. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Klutz voted AYE. (4-0)

### **BUDGET ORDINANCE AMENDMENT - APPROPRIATE DONATIONS FOR K-9 VESTS**

Ms. Barbara Fuller, Fiscal Analyst with the Salisbury Police Department, informed Council that the City has received donations in the amount of \$5,125.00 to purchase K-9 vests. There are six (6) K-9's in the Police Department and these vests will protect them. She requested Council approve the budget amendment to appropriate donations for the K-9 vests.

Mayor Kluttz recognized the following donors who contributed to the K-9 vests: Trinity Wesleyan Church, Burgin King cash jars, Mike Browning, Tim Morlan, Walter Wagoner, Ralph Ketner, and the Rotary Club of Salisbury.

Thereupon, Mr. Burgin made a **motion** to appropriate the funds as presented. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE DONATIONS FOR K-9 VESTS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 79, and is known as Ordinance No. 2002-56.)

### **BUDGET ORDINANCE AMENDMENT - APPROPRIATE RESTRICTED CONTROLLED SUBSTANCES TAXES**

Ms. Barbara Fuller, Fiscal Analyst with the Salisbury Police Department, informed Council that \$5,410.00 has been received as restricted funds for the use of the Salisbury Police Department from the controlled substances taxes. In complying with the budget cuts, Chief Herring chose to cut the special response team ammunition and maintenance on guns, and request appropriation from the controlled substances taxes to be moved into the General Fund operation budget, Ms. Fuller stated.

Thereupon, Mr. Kennedy **moved** to adopt. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE RESTRICTED CONTROLLED SUBSTANCES TAXES.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 80, and is known as Ordinance No. 2002-57.)

### **BUDGET ORDINANCE AMENDING - APPROPRIATE DONATION FOR STREETScape IMPROVEMENTS ON EAST INNES STREET**

Ms. Lynn Raker, Urban Design Planner, informed Council that the City has received a generous donation from F&M Bank to help fund streetscape improvements above and beyond what NCDOT is providing on East Innes Street in the area of the new interchange of I-85. These improvements would include decorative lighting, additional landscaping, sidewalks, improved fencing, etc. Ms. Raker requested Council to consider an ordinance amending the 2002-2003 budget to appropriate a donation for \$10,000.00 from F&M Bank for streetscape improvements on East Innes Street.

Thereupon, Mr. Kennedy **moved** to adopt. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE DONATION FOR STREETScape IMPROVEMENTS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 81, and is

known as Ordinance No. 2002-58.)

## **DOWNTOWN SALISBURY MASTER PLAN**

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc.,(DSI) expressed regret that Mr. Steve Fisher, President of DSI, could not be present. He informed Council that DSI began the Downtown Master Plan project approximately two years ago. Mr. Hemann thanked the following funding partners: The Blanche & Julian Robertson Family Foundation, The Salisbury Community Foundation, The City of Salisbury, and the County of Rowan. He also recognized the volunteers of this committee as: Edward Norvell, Chairman, Janie Allen, Steve Blount, Pete Bogle, Larry Chilton, Al Hoffman, Margaret Kluttz, Scott Maddox, Gray Stout, Victor Wallace, and Bruce Wilson.

Mr. Edward Norvell, Chairman of Downtown Salisbury Master Plan, presented the Master Plan to Council and informed Council that the last Downtown Salisbury Master Plan was completed in 1980. He explained there was much input from many people into the Master Plan. The Downtown Salisbury plan consists of seven strategies for success: a place of business; a place to shop and dine; a place to live; a place to gather as a community; a place to create and learn; a place to experience history; and a place of lasting impressions. Mr. Norvell described plans in progress and those for the future.

Mayor Kluttz complimented the staff of Downtown Salisbury, Inc. for this beautiful Master Plan.

Thereupon, Mr. Burgin made a **motion** to formally adopt the plan. [DSI Master Plan]. Mr. Kennedy seconded the motion. Mr. Burgin said the plan tells the story of our downtown potential and the direction it is going, Mr. Burgin stated. It is going to be invaluable for the City and a good investment, he added. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

## **SUBDIVISION TEXT AMENDMENT TO SECTION 5.02, DESIGN STANDARDS AND AN ASSOCIATED REVISION TO THE CONSTRUCTION STANDARDS MANUAL**

The request is to consider a subdivision text amendment to Section 5.02, Design Standards, and an associated revision to the Construction Standards Manual, detail R-5, to require the installation of a three-foot planting strip between the sidewalk and the bulb of the cul-de-sac.

(a) Mr. Dan Mikkelson, City Engineer, informed Council that in April, 2001, Council adopted new standards for the subdivision ordinance requiring sidewalks on both sides of new streets. Since that time, staff has been made aware of a conflict between our standard for the bulb out portion of cul-de-sacs, where the City was proposing to put the sidewalk, and where the post office requires mailboxes, he said. Our current standard was to have the sidewalk immediately adjacent to the curb and gutter, but only in the bulb-out portion of the cul-de-sac. He said this happens to be the same place where the post office requires mailboxes in residential neighborhoods to be posted. After looking at several options, the staff and Planning Board recommend moving the sidewalk back and require a 3 foot planting strip between the curb and sidewalk. This would be consistent with our minimum standard planting strip and will leave room for the mailbox to be posted and it moves the sidewalk back the minimum amount necessary, Mr. Mikkelson stated. This is in both the subdivision ordinance and construction standards manual. Mr. Mikkelson said the text amendment requires a public hearing. If Council adopts the text amendment, they will then be asked to adopt the revised standard R-15 showing the sidewalk 3 feet behind the curb in the bulb out portion of the cul-de-sac, he said.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on a subdivision text amendment to Section 5.02 Design Standards.

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

(c) Thereupon, Mr. Burgin made a **recommendation** to adopt the changes in the sidewalk at cul-de-sac as recommended. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX A, SUBDIVISION, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO MAKE CHANGES TO ARTICLE V: CONVENTIONAL SUBDIVISIONS, SECTION 5.02 DESIGN STANDARDS, SUBSECTION 13, SIDEWALKS, PART C.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 86, and is known as Ordinance No. 2002-59.)

(d) Thereupon, Mr. Burgin made a **motion** to adopt the R-5 Detail Standard as part of the Construction Standards Manual. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

#### **PREDEVELOPMENT GRADING PERMIT - 1131 KLUMAC ROAD**

Mr. Hubert Furr, Development Services Manager, informed Council that some time ago the Zoning Ordinance was changed to require a predevelopment site grading permit. There are low impact and high impact areas, he said. The high impact area has to go through the Technical Review Committee and City Council, he said, and this area is considered high impact. Mr. Furr said in the widening of I-85, it is his understanding that Klumac Road is going to be extended all the way through to Julian Road. The petitioner, Salisbury Boulevard Group, is wanting to fill this area for possible development at a later date, he said. This area is called a high impact area, and the reason the area is high impact is that the height of the proposed grade change is greater than 3 feet. The Technical Review Committee unanimously recommended that it be approved as submitted. The developer who is the property owner has donated property for a right-of-way and NCDOT will be extending the road, according to Mr. Furr.

Thereupon, Mr. Kennedy **moved** to approve the predevelopment grading at 1131 Klumac Road. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

#### **ELLIS STREET BRIDGE - DESIGN CONTRACT ADDENDUM**

Mr. Dan Mikkelson, City Engineer, informed Council that in January, 2001 Council approved the design contract. After a lot of public input, Council felt it was appropriate to get special permission from NCDOT to design a 20 mile an hour bridge so the impact on the neighborhood would be less, he said. The proposal is to replace the bridge essentially in the same location as the existing bridge. Because the bridge is in a historic district, a Certificate of Appropriateness will need to be issued by the Historic Preservation Commission, Mr. Mikkelson said.

Mr. Mikkelson told Council the railroad requested that the new bridge be built long enough to expand three sets of tracks at some point in the future. The railroad has no plans to put in a third set of rails now but this is their method of protecting their rights in the right-of-way, he said. NCDOT has come back with a recommendation that the City would have to amend our environmental document. To do that, we have to amend the contract with our design consultant, he said. A new environmental document will be prepared and a public hearing will be conducted for more public input. The net is that the bridge will be about 25-30 feet longer, Mr. Mikkelson said. The addendum for the design and environmental document will be in the amount of \$15,991.35. He said 80% of that will be reimbursed through NCDOT with the City's share being approximately \$3,200.00.

Thereupon, Mr. Kennedy **moved** to authorize the City Manager to execute the addendum to the Design Contract with URS Corporation in the amount of \$15,991.35. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

#### **HISTORIC PRESERVATION COMMISSION**

Ms. Lynn Raker, Urban Design Planner, told Council, on behalf of the Historic Preservation Commission (HPC), she is informing Council that one of the HPC members has resigned recently because she is moving to another city. She said HPC would like Council to consider a replacement as soon as possible. There are statutory requirements for their members which include:

experience or education in history, architecture, archaeology or related fields; or those persons who have demonstrated special interest in historic preservation. The HPC also has requirements from the State Historic Preservation Office to maintain their status as a Certified Local Government, which HPC wishes to maintain. This helps HPC apply for different grants as well as be notified of different educational programs around the state, Ms. Raker said. Those requirements also include that persons on the HPC Board have demonstrated experience or interest in historic preservation, she said. Another requirement is that vacancies be filled within 60 days. In addition, staff must document in writing a good faith effort to appoint members who fit the description given above, Ms. Raker stated. Mayor Klutz asked Ms. Raker to bring Council a recommendation at their next meeting.

## **UPDATE ON DROUGHT CONDITIONS**

City Manager Treme updated Council on the drought conditions by referencing Section 25.156 of the Salisbury City Code which relates to water emergency management. Mr. Treme told Council it says that the City Manager, after consultation with the City Council, is authorized to declare that a water emergency exists. Depending on the severity, there are several different things Council can recommend, he said. Salisbury is probably not in better shape than anybody within this area, Mr. Treme noted. He said in reference to our intake, staff has shared with Council where the water levels are. We think we are able to provide to our citizens, but when you begin to look at the drought map, Salisbury is in the center of probably one of the worst parts of North Carolina and the country, explained Mr. Treme. It is with this understanding, Mr. Treme said he would like to recommend that Salisbury declare a Level 1 water emergency within our City. This is a voluntary level. We all share the Yadkin River. Although we have reduced taking out water by 27% over the last five years, and put 106% of what we take out back in, we share this resource with our neighbors, he noted. Mr. Treme identified various items which are part of Level 1 and pointed out citizens are already doing many of these.

Councilman Kennedy asked how Salisbury was going to inform the citizens of this. Mr. Treme replied that the citizens will be informed through our utility billing and the newspaper. Mr. Burgin said the only item he has a concern for is Item #2. There may be some existing contracts that landscapers have that obligate them to do planting of ornamental trees at this point, he said. Mr. Treme said the City recognizes any time action is taken, there are things developers have asked for such as coming back in the fall to meet the landscaping requirements. Staff will be as sensitive as they can.

Councilman Kennedy **moved** to authorize Level 1 voluntary restrictions on our water resources. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Klutz voted AYE. (4-0)

City Manager Treme read to Council a proposed letter to Governor Easley for their consideration outlining the steps Salisbury is taking concerning the drought conditions. Mr. Treme said Salisbury is requesting, if there are any state or federal funds available to help us solve the drought problem within our area of influence, that the Governor would act in a manner that would help us to solve some of the problems for our neighboring towns. It was the consensus of Council for City Manager Treme to send the letter to Governor Easley.

## **REPORT FROM CITY MANAGER**

### **(a) Planning Board Recommendations**

Council received the Planning Board recommendations as information only.

### **(b) Street Closing - Railroad Street**

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Police Chief Chris Herring told Council he had received a request from the Democratic Party to film an advertisement on Railroad Street near the old Cone Mill Plant, on Thursday, August 8, 2002, at 10:00 a.m. The filming should take approximately 15-30 minutes, he said.

Thereupon, Mr. Burgin made a **motion** to grant the request to close the street no more than one hour. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, and Ms. Kluttz voted AYE. (4-0)

## **MAYOR ANNOUNCEMENTS**

### (a) Rowan County American Legion Baseball Team

Mayor Kluttz announced that she and Steve Blount, Chairman of the Rowan County Commissioners, were invited to do a welcome for American Legion Baseball State Tournament ceremonies. The Rowan County team is just one game away from possibly being the state champions, she said.

### (b) East Innes Street - VCOD Committee

Mayor Kluttz shared that she received a request about the appearance of East Innes Street regarding the fact that a state tournament is going on while East Innes Street is in a mess [road construction], she said. Of course, it is temporary. Mayor Kluttz reminded the VCOD committee that Council is awaiting their report.

### (c) Fireman's Memorial Ceremony

Mayor Kluttz reminded Council that plans are being made for the September 11 Fireman's Memorial Ceremony. Mr. Joe Morris, Urban Resource Planner, told Council that the committee is working on the fundraising efforts concerning this memorial. The granite wall, lighting system and flag pole have been ordered, he said. The flag pole will be dedicated to the memory of the 343 firefighters of the NYFD that died in the September 11 attacks, Mr. Morris stated. Mayor Kluttz reminded everyone the fundraising is still going on and anyone can still be a part of this. She asked Council their opinion for the type of service and time of day for the ceremony. Mr. Burgin suggested an early morning sunrise service between 8:00 - 9:00 a.m.

[Councilman Kennedy had to depart from the meeting at this time.]

## **ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Martin, seconded by Mr. Burgin.

All members agreed unanimously to adjourn. (3-0) The meeting was adjourned at 6:22 p.m.



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City Clerk