

Salisbury, North Carolina
February 1, 2005

REGULAR MEETING

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

ABSENT: City Clerk, Myra B. Heard.

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

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.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following change to the Agenda:

Add – Item 15 (d) Correspondence received regarding a structure at 531 E. Fisher Street.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of January 18, 2005.

(b) G-01-05 - Arlington Station

Issue a pre-development grading permit for Arlington Station located on Freeland Drive.

(c) Budget Ordinance Amendment - Transit Fund

Adopt a budget ordinance amendment to the FY2004-05 budget in the amount of \$26,576 to appropriate additional funds received from the State Transit Maintenance Assistance Program and to transfer funds to the Mass Transit Fund to cover salary adjustments.

AN ORDINANCE AMENDING THE 2004-2005 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE ADDITIONAL TRANSIT REVENUES.

(The above ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 5, and is known as Ordinance No. 2005-05.)

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

PUBLIC HEARING - TERM LENGTHS FOR COUNCIL

(a) City Manager David Treme reviewed the process Council has followed in evaluating term lengths for Council as presented at the January 18, 2005 Council meeting. He reviewed statistical information for other municipalities in North Carolina and the necessary steps for Council to change the City Charter to allow for different term lengths. He noted that a decision must be made by April 1, 2005.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, regarding an amendment to the City Charter of the City of Salisbury to provide for four (4) year term lengths for Council.

Mr. Rodney Queen, 101 Polo Drive, stated that he is comfortable with the process as it is now. He noted that Salisbury is the smallest City for those over the size of 25,000 and in that category nine (9) of the Councils with four (4) year terms have more than five (5) council members. He stated that he feels the advantages for the two (2) year terms outweigh the advantages for four (4) years. Mr. Queen commented that it scares him to run a five (5)-person city council for four (4) years and encouraged Council to leave the process the way it is.

Mr. Ted Boykin, 107 W. 17th Street, stated that he is fine with the way things are with two (2) year terms. He stated that he understands it might be expensive for the Council members but they are not drafted and run on a voluntary basis. He commented that he feels that if someone is not doing their job the voters can ask them to leave and he does not see the need to go to four (4) year terms. Mr. Boykin added that he feels the community is satisfied with two (2) year terms.

Mr. Jeff Smith, 210 E. Innes Street, stated that out of the two (2) options being presented he prefers two (2) year terms, but added that if given the option he prefers four (4) year staggered terms. He noted that he would like to see this option explored. Mr. Smith stated that he feels the public accountability and the ability to change City Council every two (2) years is critical. He stated that the learning curve required for any elected official is extremely long and four (4) year terms would be beneficial for this. He commented that he is not opposed to the way the Mayor is chosen but he feels this is something that he is willing to sacrifice if given the opportunity to go to four (4) year staggered terms. Mr. Smith noted that if no change is made, he hopes future Councils will look at four (4) year staggered terms.

There being no one else present to speak **for** or **against** the proposal, Mayor Kluttz closed the public hearing.

Mayor Kluttz reported on e-mails that were received concerning this issue and noted that comments were received from Mr. Gene Wall who supports four (4) years but favors staggered terms; Mr. Chris Blumenthal who favors two (2) year terms unless four (4) year staggered terms becomes an option; Mr. Charles Webster who favors four (4) year staggered terms; Mr. Richard Perkins who feels four (4) year staggered terms are best and feels two (2) year elections are too expensive and a burden for candidates.

Councilman Lewis reported on responses received after his presentation to the Salisbury Civitan Club. He noted that the majority of responses received seemed to focus on four (4) year staggered terms. Of the seventeen (17) written responses received, one (1) favored two (2) year terms, nine (9) favored four (4) year terms versus two (2) year terms as presented, but of those nine (9), three (3) preferred the four (4) year terms to be staggered. The remaining seven (7) responses only mentioned four (4) year staggered terms. Mr. Lewis commented that those he spoke to were uncomfortable with the risk of losing an entire board every four (4) years.

Councilman Burgin stated that he made a presentation to the morning Rotary Club and the only comment he received was to leave the terms as they are. He noted that in other discussions he has received comments about giving consideration to four (4) year staggered terms. He stated that he explained Council prefers the way the Mayor is currently elected and the ability to create diversity among the Council.

Mayor Kluttz asked Council's opinion on where to go with this issue from here. Mr. Burgin stated that it would be nice to have a discussion during the upcoming retreat, which would also give the public a few more days to provide their comments.

Mayor Pro Tem Woodson stated that most of the people he had spoken with agreed with four (4) year terms, but added he did not discuss staggered terms. He stated that he did not receive many negative comments and only one (1) person was adamant about leaving the terms as they are.

Mr. Burgin noted there are many other civic clubs in the City and volunteered to attend any other meetings as needed.

Mayor Kluttz commented that Council has been very open and inviting for citizens to invite Council to speak at various civic clubs. She noted that it seems that the majority of the responses have been to leave the terms as they are or explore the option of four (4) year staggered terms with a separate mayoral race.

Mr. Lewis noted that he thought four (4) year staggered terms was not an option because Council was satisfied with the way the Mayor is elected. He commented that with a separate mayoral race it could potentially fractionalize the Council. He added that he felt the Mayor's position has evolved to a full-time position and should be compensated as such.

Councilman Kennedy stated that as a senior member of the Council he strongly feels that if all of Council cannot run at the same time every four (4) years then the terms should remain as two (2) year terms, adding he does not want staggered terms with a separate mayoral race.

Mayor Kluttz noted that perhaps the lack of public comment indicates the community is happy with two (2) year terms. She noted that Council will continue this discussion at the Council retreat and pointed out that if Council did not want to take action on two (2) year or four (4) year terms, but did want to consider staggered terms, a new Resolution of Intent will have to be adopted.

HIGHLIGHTS AND GOALS

(a) Human Relations Council

Ms. Mae Carroll, Chairman of the Salisbury-Rowan Human Relations Council (SRHRC) and Ms. Melissa Taylor, staff liaison, presented the Highlights and Goals for the Human Relations Council.

Ms. Carroll shared the SRHRC vision statement which states “an inclusive community that lives with harmony, mutual respect and appreciation of diversity among all people”, and the mission is “to create an environment of hospitality, inclusiveness, acceptance and appreciation of the diversity of all people.”

FY2003-04 Goals

- Improve community relations
- Promote awareness of the growing diversity
- Improve external and internal communications

2004 Highlights

- Hispanic Fiesta
- Let's Get Connected
- Continued to sponsor and conduct Community Multiculturalism training sessions
- Provided Multiculturalism Training to Rowan Vocational Opportunities, Inc.
- Co-partnered with Rowan Salisbury Schools in the “Toward a More Perfect Union” program
- Assisted in planning Middle School HRCs expansion
- Participated in Study Circle Facilitation Training
- Coordinated two Mayor's Spirit Luncheons
- Sponsored the “Let's Get Connected Day”
- Participated and supported the Crop Walk
- Established a partnership with Salisbury Community Development Corporation
- Successfully coordinated the Martin Luther King, Jr. Breakfast
- Successfully coordinated the Elizabeth D. Koontz Award Banquet
- Provided an Elizabeth D. Koontz Library display
- Coordinated the Pan American Festival
- Evaluated the progress of the Hispanic Coalition
- Sponsored four (4) Neighborhood Hispanic Fiestas
- Participated in Project Safe Neighborhood Initiative
- Conducted New Member Orientation training
- Provided SRHRC monthly news releases

FY2004-05 Goals

- Improve community relations in the Salisbury-Rowan community
 - Assist with implementation of Project SAFE
 - Support the “Toward a More Perfect Union” study circles with the Salisbury-Rowan School System
 - Establish a process to receive and process mediation and consultation requests
 - Support the Salisbury-Rowan Community Development Corporation to address equal housing opportunities in the community
 - Promote equal employment opportunities by providing multicultural training to employers, faith and community organizations and individuals
 - Provide mediation training on an as-needed basis
- Promote awareness of Salisbury-Rowan's growing multiculturalism and diversity
 - Plan, coordinate and implement the annual Dr. Martin Luther King, Jr. Breakfast
 - Plan, coordinate and implement the annual Elizabeth Duncan Koontz Humanitarian Award Banquet
 - Coordinate a bi-annual Mayor's Spirit Luncheon
 - Coordinate and sponsor the “Let's Get Connected Day” celebration
 - Restructure the Hispanic Coalition subcommittee and set goals for 2005
 - Support the goals, objectives and projects of the Hispanic Coalition for 2005
 - Support the goals, objectives and projects of the Covenant Community Connection for 2005
 - Provide at least two (2) community multiculturalism training sessions during 2005
- Improve external and internal communications of the Council
 - Publish at least two (2) SRHRC newsletters
 - Report work plans, goals and budget to the City and County
 - On at least a quarterly basis, have City and County elected officials attend SRHRC meetings
 - Provide at least four (4) news releases related to SRHRC projects/events/activities in 2005

Level 1 Goals

• Community Covenant Connection Activities	\$3,500
• MLK, Jr. Breakfast	\$2,500
• SRHRC Training	\$5,000
• Elizabeth D. Koontz Award Banquet	\$1,500
• Toward a More Perfect Union Project	\$1,000
• Hispanic Coalition Activities	\$1,500
• Administrative Expenses	\$1,350
	\$16,350
Total Expenses	\$16,350

Alternative Funding Resources \$14,350

Ms. Carroll concluded by noting the HRC will continue to strive for harmony, mutual respect and appreciation of diversity among all people.

Mayor Kluttz thanked Ms. Carroll for the work of the Salisbury-Rowan Human Relations Council throughout the year.

(b) Planning Board

Mr. Rodney Queen and Mr. Jeff Smith, Co-Chairs of the Salisbury Planning Board presented Council with the Highlights and Goals for 2004-2005. Members of the Salisbury Planning Board are: Ms. Sandy Reitz, Rev. Jerry Wilkes, Mr. James Johnson, Ms. Valerie Stewart, Ms. Diane Young, Mr. Len Clark, Mr. Lou Manning, Mr. Brian Miller, Mr. Albert Stout, and Ms. Mitzi Clement.

Mr. Queen stated that with the adoption of Vision 2020 the Planning Board has incorporated it with the old Ordinance requirements. These changes included: looking at new development types and ideas; a new mixing of products and higher densities; increased connectivity; new downtown development and new opportunities for downtown development from infrastructure improvements. He stated that all of this is leading to a new Development Ordinance and comprehensive small-area planning.

2004 Highlights

- Downtown B-6 to B-5 rezoning
- First use of East Innes Street Gateway Overlay
- A group development where more master planning was achieved (Salisbury Village)
- Downtown mixed-use group development
 - Mixing commercial and housing
 - Infill good for the City of Salisbury
- Rebuilding civic structures to meet new demands while designing for a more pedestrian-friendly environment
- Subdivisions with more connectivity reduce the impact on the major roads
- Getting underway with the North Main small-area plan
- The hard work of the Land Development Ordinance Committee to draft a new Ordinance

2005 Goals

- Hold fast before the new Ordinance
 - Conscientiously endeavor to uphold all Zoning Code regulations and Subdivision regulations before the adoption of the new Land Development Ordinance so as to preserve and support the intentions of the Land Development Ordinance Committee and minimize any attempts to subvert the existing Code
- Strive to adopt the new Ordinance
 - Provide a recommendation of approval/adoption to the City Council on the new Land Development Ordinance
 - Work with the City Council to adopt a set of zoning policies for the guidance of Land Uses within the City
- Work to truly “Plan” for the future
 - Provide a recommendation of approval/adoption to the City Council on the North Main Small Area Plan (i.e. complete the Plan)
 - Working with the City Council and the Community, identify a minimum of three (3) future Small Area Plan areas
- Education is the key to making a difference
 - Conduct a minimum of two (2) education and training sessions for the benefit of new and existing Planning Board members. Three (3) topics of importance need to be:
 - Geographic Information Systems (GIS)
 - Small Area Planning
 - Storm water Management
- Inventory infrastructure and green spaces
 - Inventory sidewalks and work to adopt a Sidewalk Plan and prioritization list
 - Inventory open spaces and work to adopt independently or integrate an open space plan into the new Land Development Ordinance
- Always strive to make the process better
 - Evaluate the Committee structure and work to adopt a Purpose Statement for Committees and establish the necessary structure
 - Evaluate and provide a report and recommendation to City Council on the current fee structure
- Work to plan more inclusively
 - Conduct a Planning Summit between the City Planning Board, the Rowan County Planning Board and the local development community
- Continue to plan for and build an exceptional community

Mr. Queen thanked the Planning staff for their work and support throughout the year. Mayor Klutz thanked Mr. Queen and Mr. Smith for their work to make Salisbury a better City.

(c) Greenway Committee

Ms. Amy Smith, Vice-Chairman of the Salisbury Greenway Committee, and Mr. Kenny Roberts, staff liaison, presented the Highlights and Goals for 2004-2005.

2004 Highlights

- Health and fitness - Supervised Walking Program
- Environmental Education – 3rd Annual Earth Day Celebration
- Fund Raiser – 7th Annual 5K Run/Walk for the Greenway raised \$2,600 in support of the Greenway
- Family Fun – 2nd Annual Greenway Growlers event
- Greenway Trail Sponsorship – Five (5) years for a total of \$44,000
- Forest Hills trail base completed

2005 Goals

- Complete construction of phase 2 & 3 – Priority level 1 (critical)
- Complete design and construction documents for phase 4 development – Priority level 1 (critical)

Ms. Smith noted that the Greenway Committee is very concerned that monies have been received from the North Carolina Department of Transportation and the time frame has been expanded for their use, but because of different complications the completion dates for the phases have been pushed back. She noted that the Committee is concerned that the money will be lost if the timeline is not met.

- Complete paving of Forest Hills trail – Priority level 1 (critical)
- Continue to seek sponsorships, grants, and donations to improve the existing greenway trail and future development – Priority level 2
- Maintain level of service (i.e. maintenance and appearance) along the additional 1 ¾ miles of new trail along the phase 2 and 3 sections – Priority level 2
- Continue annual programming/events – Priority level 2
 - Supervised Walking program – throughout the year
 - Earth Day Celebration – April
 - 5K Run/Walk for the Greenway – July
 - Greenway Growlers even – September
- Continue to seek partnerships and cooperative arrangements with local organizations, institutions, and other groups to promote the use of the greenway (i.e. the Land Trust, Horizons Unlimited, Catawba College Center for the Environment, Livingstone College, etc.) – Priority level 2

Members of the Greenway Committee are: Dr. John Wear, Jr., Ms. Amy Smith, Mr. Bob Allen, Mr. Greg Greene, Ms. Carol Massey, Ms. Lisa Wear, Mr. Darryl Blackwelder, Mr. Richard Franklin, and Dr. Sashi Sabaratnam.

Mayor Klutz asked how Council could help to ensure grant funds from the North Carolina Department of Transportation are not lost. Mr. Roberts responded that Council's continued support of the Greenway project is needed. He noted that one of the complications was in obtaining easements, but that phase has been realigned and the easements are being obtained. He added that they are getting past the delays that have been encountered.

Councilman Burgin stated that he felt Salisbury is ahead of other communities in having a Greenway and needed to continue to move forward.

City Manager David Treme stated that staff hopes to have the Brenner Avenue portion complete in the spring.

(d) Rowan Information and Referral

Ms. Suzanne Carter Storch, Executive Director of Rowan Information and Referral, distributed a packet of information concerning Rowan Information and Referral. She noted that they provide information about non-profit and government resources in Salisbury and Rowan County. Ms. Storch stated that this is the eleventh (11th) year of operation for Rowan Information and Referral and added that they are a United Way agency that has also received City and County funding since its inception in 1993.

Ms. Storch stated that the number of calls received by the agency has continued to increase and in 2004, seven thousand ninety-six (7,096) client calls were received. Four thousand seventy-one (4,071) were City residents.

Ms. Storch referred to a national 211 service that provides information on a twenty-four (24) hour basis and noted that there are four (4) pilot projects in North Carolina, but added she felt there are many benefits to remaining a local agency. She thanked Council for their continued support.

(a) Mr. Preston Mitchell, Senior Planner, informed Council that Rowan County readopted their current Airport Zoning Overlay (AZO) to include approximately eighty (80) square miles. He stated that this was done as part of a comprehensive plan in an effort to one day expand the length of the airport runway. Since a large portion of the Airport Zoning Overlay lies within the City limits, the County has requested the City adopt the same AZO as adopted by the County. He noted that what is before Council today is identical to what was adopted by Rowan County.

Mr. Mitchell stated that the purpose of the AZO is to control height and is not a use zone, nor will it affect anything underneath the zone. He explained that for the area approximately two (2) miles out from the airport runway everything is limited to one hundred fifty (150) feet in height. The height limits extend upward as the distance from the runway is increased.

Councilman Lewis asked if there are any structures over one hundred fifty (150) feet in Salisbury. Mr. Mitchell responded that there are no structures at that height.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-17-04 City of Salisbury and Rowan County, to designate an 80.2 square mile area as an Airport Zoning Overlay.

Mr. Ed Muire, Rowan County Planning Manager, 402 North Main Street, stated that the County applauds the efforts for this area and noted that while it is a large area, it will be an economic development tool for the County in the future. He added that this will allow the County to approach the next level of funding from the Federal government and the North Carolina Department of Transportation to extend the runway.

There being no one else to speak **for** or **against** the Airport Zoning Overlay, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to approve zoning map amendment Z-17-04 City of Salisbury and Rowan County to designate an 80.2 square mile area for the Airport Zoning Overlay. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, AND AMENDING APPENDIX B, ZONING, OF DEFINITIONS, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO ESTABLISH AND PROVIDE REGULATIONS FOR AN AIRPORT ZONING OVERLAY DISTRICT (AZO).

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page Nos. 6-9, and is known as Ordinance No. 2005-06.)

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REPORT ON TEMPORARY POOL HALL PERMIT - 315 EAST COUNCIL STREET

Lt. Hodge Coffield updated Council on the temporary pool hall permit issued for 315 East Council Street. He stated that there have been no problems and only one (1) or two (2) minor calls in the area in the last sixty (60) days. He stated that he has spoken with the officer who has worked security for the club, who indicated there have been very few problems. Lt. Coffield informed Council that the Police Department has no objection to the furtherance of the permit or issuance of a permanent permit for 315 East Council Street.

City Manager David Treme noted that he and staff members had met with the National Sportswriters and Sportscasters Association (NSSA) Board to discuss the use of their parking lot. He stated that Mr. Barber provided a copy of his insurance policy, which was forwarded to the NSSA for review but no response has been received to date. He recommended extending the pool hall permit in order to wait for information from NSSA concerning the use of their lot.

Mr. Treme commented that he has received a request from neighbors in the community who would like to have a small area plan completed for the area. He indicated that after February staff should be able to meet with the property owners to work on this issue.

Thereupon, Mr. Burgin made a **motion** to extend the temporary pool hall permit for a period of ninety (90) days. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

REQUEST FROM DOWNTOWN SALISBURY, INC. - RESTORATION OF OLD LUTHERAN CEMETERY

Ms. Janie Allen, Chairperson of the Restoration of the Old Lutheran Cemetery Committee of Downtown Salisbury, Inc., addressed Council concerning the restoration of the Old Lutheran Cemetery located at 501 North Lee Street. She noted that this is the oldest cemetery in Salisbury having been established in 1768. Ms. Allen explained that the property was under the care of St. John's Lutheran Church but was relinquished to the City of Salisbury in 1980.

Ms. Allen stated that Mr. Bobby Gauden of Salisbury Marble and Granite, Inc. has inventoried the cemetery and its needs and has given an estimate of \$9,129 for the repairs. She added that approximately \$2,000 should be added to this bid in order to use aluminum frames to stabilize head stones now lying on the ground. The Committee has accepted responsibility to raise funds for the project and will follow the same format used in the successful restoration of the Old English Cemetery.

Mayor Kluttz thanked Ms. Allen and the Committee for their interest in this cemetery and for their willingness to raise the funds for the project.

Thereupon, Mr. Kennedy made a **motion** to authorize the Committee to work on the Old Lutheran Cemetery. Mr. Woodson seconded the

motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

REPORT ON DOWNTOWN SALISBURY HISTORY AND ART TRAIL

Ms. Barbara Perry, Chair and Mr. Robert Crum, Vice-Chair of the Downtown Salisbury, Inc. Public Art Committee addressed Council concerning the Salisbury History and Art Trail. The mission of the History and Art Trail is to interpret Salisbury's history and culture through public art in the downtown area.

Ms. Perry reviewed the goals of the History and Art Trail:

- Interpret our unique history and cultural diversity through a public art trail in the downtown
- Enhance downtown Salisbury with well designed public art
- Encourage economic vitality through increased tourism and retail businesses
- Provide educational opportunities to experience the history of Salisbury
- Preserve and interpret the events and stories of Salisbury through a variety of artistic media and styles
- Encourage participation by artists representing diverse racial, ethnic and cultural backgrounds
- Build partnerships between public, private and community groups
- Provide opportunities to inform the community about public art

The Downtown Salisbury Public Art Committee is comprised of representatives from: Downtown Salisbury, Inc., Community Appearance Commission, City of Salisbury, Convention and Visitors Bureau, Waterworks Visual Arts Center, Rowan Museum, Rowan Public Library, Historic Salisbury Foundation and members of the school system, downtown churches, downtown businesses, and local historians.

Ms. Perry and Mr. Crum reviewed the implementation process:

- History and Art Trail Guidelines
 - Program Administration
 - Project Identification
 - Funding
 - Selection and Acquisition
 - Project Management
 - Public Participation
 - Collection Management
 - Policies on gifts, loans, and memorials
- Inventory of historic sites, events, and people
- Design charette
- Inventory of existing public art and historic markers
- Create marker system for sites
- Larger art installations

Ms. Perry noted that the Committee's next steps are to:

- Apply for grants for a marker system from:
 - Proctor Foundation
 - Hurley Foundation
 - Woodson Foundation
 - Private contributors
- Develop Requests for Proposals for larger installations
- Apply for grants for larger installations:
 - Robertson Family Foundation
 - North Carolina Arts Council
 - Community Foundation
 - Private contributors

Ms. Perry asked for Council's consideration to:

- Endorse History and Art Trail as the process continues
- Support the Committee's requests for funding through grant applications
- Consider approving the Community Appearance Commission's FY2005-06 goals funding request for History and Art Trail program - \$20,000

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

Mayor Kluttz thanked Ms. Perry and Mr. Crum for all of their work that has gone into the Art and History Trail.

NOMINATION OF MCCANLESS HOUSE TO NATIONAL REGISTER OF HISTORIC PLACES

(a) Ms. Janet Gapen, Planner, indicated that this request concerns the nomination of a home located at 200 Confederate Avenue to the National Register of Historic Places. She explained that the homeowners initiated the process in order to take advantage of tax credits available. The home was built between 1927-1928 and sits on a one and three-fourths (1.75) acre of property on Confederate Avenue.

Ms. Gapen reviewed the property and noted that the consultant who worked on the nomination for the property has recommended both the garage and pool be included as contributing structures. She stated that the City, as the Certified Local Government, along with that of the Historic Preservation Commission, makes a recommendation on the nomination. These recommendations are forwarded to the State who then reviews the nominations. The State's recommendations are then passed to the National Parks Service, which oversees the National Register of Historic Places program.

(b) Mayor Kluttz opened the floor to receive public comments.

Since no one was present to speak **for or against** this nomination, Mayor Kluttz closed the public comment session.

(c) Thereupon, Mr. Burgin made a **motion** to nominate the Walter F. McCanless house to the National Register of Historic Places. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CHANGES TO THE HISTORIC DISTRICT DESIGN GUIDELINES

Ms. Janet Gapen, Planner, explained that this request is for a minor change to the wording of the Historic District Non-Residential Guidelines in reference to rooftop air conditioning units. Currently rooftop air conditioning units are allowed as long as they are screened. Ms. Gapen stated that Rowan County would like to install a generator on top of the County's Administration building, so staff recommends changing the wording to a broader definition to allow rooftop mechanical equipment as long as it is screened.

Councilman Burgin asked to be excused from this vote due to a possible conflict of interest.

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

Thereupon, Mr. Kennedy made a **motion** to adopt the change in Section 1.4.4 Minor Works under the Historic District Design Guidelines to allow the change regarding rooftop mechanical equipment. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

ENHANCEMENT AGREEMENT - SALISBURY/SOUTH SQUARE STREETSCAPE IMPROVEMENT PROJECT

Mr. Dan Mikkelson, Director of Land Management and Planning, explained that at its last meeting Council approved a municipal agreement with the North Carolina Department of Transportation (NCDOT). He noted that NCDOT requests the format be in the form of a Resolution.

Thereupon, Mr. Lewis made a **motion** to adopt the Resolution authorizing the Mayor to execute an agreement with the North Carolina Department of Transportation for the Salisbury/South Square Streetscape Improvement Project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENHANCEMENT AGREEMENT WITH NCDOT CONCERNING THE SALISBURY/SOUTH SQUARE STREETSCAPE IMPROVEMENT PROJECT E-4949.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 3, and is known as Resolution No. 2005-03.)

COMMENTS FROM THE CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their January 25, 2005 meeting.

(b) Update on Fire House Urban Lofts Signal Pole

Mr. Tony Cinquemoni informed Council that the pole in question can be removed if a diagonal line is run between two (2) existing poles with the signalhead being mounted on the new line. He stated that he has met with the developer on site and expects to have the pole moved by Friday, February

4th. Mr. Cinquemani added that the poles can be removed if a four (4) way stop is implemented in the future.

Councilman Burgin thanked staff for finding a quick solution for this problem. Mr. Dan Mikkelson, Director of Land Management and Development stated that staff intends to evaluate this intersection for a four (4) way stop once the bridge construction and detour is complete.

(c) Update regarding the Congestion Mitigation Air Quality (CMAQ) Program

Mr. Dan Mikkelson, Director of Land Management and Development, reviewed the projects being recommended by the Metropolitan Planning Organization (MPO) for Congestion Mitigation and Air Quality (CMAQ) funding. In reviewing the background for CMAQ he noted:

- MPO includes Rowan and Cabarrus Counties
- \$7 million for air quality improvements
- Seven (7) year plan
- Eighty (80) percent of the project is funded by CMAQ with a twenty (20) percent local match
- Notified mid-November
- MPO deadline to apply mid-January
- Regulations are still a little unclear
- Chance to adjust seven (7) year plan next year

The MPO has endorsed the following projects:

- Catawba College – Public Outreach
CMAQ: \$1,088,042 Catawba College: \$272,011
- Free Bus Service on Ozone Action Days
CMAQ: \$36,000 City: \$9,000
- Signal timing studies
CMAQ: \$25,200 City: \$6,300
- Traffic Signal System Upgrade (2011)
CMAQ: \$313,600 City: \$78,400
NCDOT: \$2.4 million
- Nine (9) sidewalk projects
CMAQ: \$787,600 City: \$196,900

Mr. Mikkelson discussed each sidewalk project and its recommended priority order.

1. Horah Street
2. Salisbury Sports Complex Area
3. Salisbury High School Area
4. Bringle Ferry Road
5. Arlington Street (Wal-Mart Bus stop)
6. Newsome Road
7. Statesville Boulevard
8. Salisbury Mall Area
9. South Main Street

Mr. Mikkelson explained that sidewalk projects one (1) through three (3) are the most eligible for Community Development Block Grant (CDBG) funding, which can be used as the twenty (20) percent local match. Recommendations four (4) through (6) have a good probability of qualifying for CDBG funding and the last three (3) recommendations probably will not qualify and will require local funds as the twenty (20) percent match.

Mr. Treme thanked staff for working to maximize funding opportunities by using CDBG funds with the State funds.

(d) Correspondence – 531 East Fisher Street

City Manager David Treme informed Council that he has received a letter from Ms. Ann Lyles and Mr. Ken Weaver regarding a house located at 531 E. Fisher Street. He explained that over the past few years this house has been in deplorable condition and it was determined it would take over \$100,000 to restore the house because of asbestos, lead base paint, structural problems and termites. Mr. Treme stated that because the expense exceeded the value, Council approved an Order to demolish the house. The property is now owned by the Community Development Corporation (CDC) who has plans to construct a new house to make available for first time homebuyers.

Mr. Treme indicated that Ms. Lyles and Mr. Weaver have requested to purchase this property and to have it stabilized and find renters until a future date when the house could be sold to a homeowner for a more complete restoration.

Councilman Kennedy stated that he has spoken with Ms. Lyles who told him she and Mr. Weaver would restore the house not just stabilize it, and he felt this needed to be clarified. Mayor Kluttz noted that she was also told it was a restoration but was then informed by Ms. Lyle's son that they could not afford to completely restore the house. She noted that Ms. Lyles and Mr. Weaver have done outstanding work restoring properties but the neighbors have been waiting for over two (2) years for something to be done and in fairness to the neighbors Council will need to make sure the house is

more than stabilized. She suggested conditions for sale that include reviewing the plans for restoration, evidence of funding and a loan commitment, and a time limit. Mr. Treme commented that a letter could be sent to Ms. Lyles and Mr. Weaver inviting them to Council's next meeting to discuss their interest with the conditions noted.

Mr. Treme noted that the City has spent, and continues to spend, a great deal of Police and Fire time.

Councilman Burgin noted that Council has tried to save this house and resisted approving a demolition Order until the CDC had control of the property. He stated that he felt Council needed to set a standard because if this property is sold there will be more requests for dispersion of property through the CDC. He recommended protective covenants to ensure that the purpose for which the house is sold is carried out. He noted that he has concerns about the restoration because lead based paint and asbestos abatement is very expensive and it would be less expensive to not fully abate these issues.

Mr. Rivers Lawther, City Attorney, noted that the house is not owned by the City, but the CDC, and he does not feel Council can expect the CDC to convey the house with the restrictions set by Council. He stated that he felt the property will have to be conveyed back to the City who can then place the restrictions on the property. He noted the City will have to open the property up for upset bid before it can be sold.

Councilman Lewis asked if CDC can evaluate a plan for someone who wants to purchase a house with the CDC Board setting the standard for what is acceptable with recommendations by Council. Mr. Lawther stated that this is not the mission of the CDC and there needs to be a distinction between the CDC and the City.

Mr. Burgin stated that he feels Council gave this house a chance but it is now the CDC's house and it may be too late. Mayor Kluttz noted that Council went through a public process with this house for two (2) years. Mr. Burgin indicated that if the property is conveyed back to the City then there is again the danger of it being out of the City's control. He added that as much as he wants to save the house he feels the City has done all that it can do at this point.

Mr. Chanaka Yatawara, CDC Director, told Council that the CDC Board is willing to do whatever City Council wishes because the CDC wants to improve the neighborhoods in the community.

Mr. Kennedy stated that Council has always gone the extra step to work with citizens and he thinks a letter should be submitted to Ms. Lyles and Mr. Weaver and to hear what they have to say at the next Council meeting.

By consensus Council agreed to postpone the demolition Order on the house and to invite Ms. Lyles and Mr. Weaver to attend the next Council meeting to discuss the issue.

MAYOR'S ANNOUNCEMENTS

- (a) 20th Annual Future Directions & Goal Setting Retreat

Mayor Kluttz reminded Council of the 20th Annual Future Directions & Goal Setting Retreat to be held February 3-4, 2005.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Lewis, seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:55 p.m.

Mayor

City Clerk