

Salisbury, North Carolina
April 6, 2004

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. Treme; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.
ABSENT:	NONE

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present and welcomed home school students Miss Patrice Jones, Miss Vanessa Jones and their aunt Ms. Ruth Henderson.

COUNCIL TO RECOGNIZE MR. HOWARD PLATT - NORTH CAROLINA SPORTSCASTER OF THE YEAR

Mayor Kluttz recognized Mr. Howard Platt for being named North Carolina Sportscaster of the Year by the National Sportscasters and Sportswriters Association (NSSA). Mayor Kluttz noted that Council is very proud to have the NSSA meeting in Salisbury and with winners from across the nation attending the awards it will be a special treat to have a winner from Salisbury. She congratulated Mr. Platt for receiving the honor and thanked him for his service to the community. Mayor Kluttz then presented Mr. Platt with a Certificate of Recognition and thanked him for being a wonderful representative of Salisbury.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

NATIONAL MUSIC IN OUR SCHOOLS MONTH	March, 2004
SALISBURY HIGH SCHOOL TRI-M MUSIC HONOR SOCIETY DAY	March 22, 2004
COMMUNITY DEVELOPMENT WEEK	April 12-18, 2004
CHILD ABUSE PREVENTION MONTH	April, 2004
ARBOR DAY	April 7, 2004

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of March 16, 2004.

(b) Minor Subdivision Plat - David Artz

Approve a minor subdivision plat for David Artz to create 4 residential lots out of a 29.217 acre tract located in the Extraterritorial Jurisdiction (ETJ) on West Innes Street.

(c) Rowan Regional Medical Park - Julian Road

Accept the streets, release the construction guarantee, and adopt an **ORDINANCE** to set the stop conditions in the Rowan Regional Medical Park located on Corporate Circle at Julian Road.

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

(The above Ordinance is recorded in full in Ordinance Book No. 20, Traffic, at Page No. 16, and is known as Ordinance No. 2004-16.)

(d) Budget Ordinance Amendment - Performance Reporting Demonstration Grant

Adopt a Budget Ordinance Amendment to the FY2003-2004 budget in the amount of \$15,000 to appropriate a Performance Reporting Demonstration Grant.

AN ORDINANCE AMENDING THE 2003-2004 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE PERFORMANCE REPORTING GRANT.

(The above ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 17, and is known as Ordinance No. 2004-17.)

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)

SPECIAL COMMUNITY EFFORTS GROUPS - FY2004-2005 CITY BUDGET REQUESTS

Mayor Kluttz informed Council that requests for funding would be received from "special community efforts groups" concerning their FY2004-2005 Budget.

Those who addressed Council were:

Mr. Randy Harrell, Executive Director of the Salisbury-Rowan Economic Development Commission (EDC) and Mr. Bill Wagoner, EDC Board member, presented Council with a proposed budget and a marketing strategy for the EDC for FY 2004-2005. He stated that they are requesting \$69,498 from the City of Salisbury, which is an increase of \$15,828. Mr. Wagoner commented that this is the first increase requested since 1995. He told Council that the majority of the increase is to implement the marketing strategy plan. Mr. Wagoner explained that this year the EDC is requesting the budget be based upon a multiplier system which uses the tax base of each taxing authority. Mr. Harrell and Mr. Wagoner thanked Council for their consideration.

Ms. Janie Allen, Co-Chair of The Mural Preservation, Inc., told Council that the Mural will celebrate its 25th year in Salisbury next year. She noted that it has become a symbol for the City and has been used by various agencies for advertisements. Ms. Allen told Council that The Mural Preservation, Inc. was formed as a non-profit group in 1988 to keep the Mural intact and in color. She stated that their only revenues are those raised from the City, County, private gifts and grants. Ms. Allen commented that their funds were depleted last year when a renovation to the Mural was completed. The next phase is to add local citizens to the Mural and the artist, Ms. Cynthia Arthur Rankin, estimates that it could cost as much as \$6,000. Ms. Allen requested \$2,000 to help with the next phase and thanked Council for their consideration of support.

Mr. Robert Cooper, Co-Chair for Alpha Omega Ministries, and Mr. Edera Chavez, Youth Learning Success, discussed a community mobilization plan with Council. Mr. Cooper described Project Unity, which is divided into adult and youth programs. He commented on the United Multicultural Business Connection, a network of business owners who share information and the Youth Learning Success program. Mr. Cooper stated that their main concerns for youth are leadership, employment and financial literacy. He asked Council's help to find jobs for youth in the community.

City Manager Treme noted the Youth Employment Program through the City of Salisbury that works with local businesses to hire youth. He noted that while he did not want to duplicate efforts he felt there are opportunities for service.

Mr. Cooper commented that they did not want to duplicate services but to work together to better the community.

Mr. Brian Miller, Vice-Chairman of Downtown Salisbury, Inc. (DSI) spoke to Council concerning the budget request for the upcoming budget year. He reviewed the successes achieved by DSI throughout FY2003-2004 and the recent and current redevelopment projects. Mr. Miller showed Council a rendering for a future redevelopment project involving a mixed use project on the corner of Lee and Fisher Streets. He reviewed new businesses that have been recruited and the promotions and marketing that DSI has been involved in. Mr. Miller discussed the priority goals set by DSI and pointed out that the Municipal Service District Tax Base has more than doubled from \$31.5 million in 1989 to \$69 million in 2003. He requested that Council fund DSI in the amount of \$75,580 and pointed out that this will return them to the level set in 2001-2002. Mr. Randy Hemann, Director of DSI, noted that the revenue streams were changed because of money withheld from the State several years ago. Mr. Miller told Council that this

increase is needed because of increased rent, trolley operation, increased promotions, internship for special projects and involvement with the Farmers Market. Mr. Hemann noted that DSI partners with Land Management staff on numerous issues and DSI considers these issues very important.

Mr. Sturges Bryan, President of the North Carolina Transportation Museum Foundation, and Ms. Elizabeth Smith, Executive Director, addressed Council with their FY 2004-2005 budget request. Mr. Bryan told Council that the Museum's major income generator over the past several years has been the Thomas the Tank Engine, but in the past couple of years the Engine has started appearing at other events in the state and it no longer generates the type of revenue for the Museum that it once did. He noted that because of state cutbacks they have had to find new ways to generate income. Mr. Bryan noted that visitation at all state parks decreased after September 11, 2001 and it still is not back at its previous level. He commented on a report that indicated the Museum will be just behind farming and agriculture in an economic impact on Rowan County. He asked Council to fund \$10,000 for the Museum in the upcoming budget year and thanked Council for their consideration.

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

ANNEXATION REPORTS

Mr. Bill Duston, Planning Director with Centralina Council of Governments (COG) reviewed three (3) annexation reports with Council.

AREA 1

The Annexation Report for Area 1, known as Rolling Hills Golf Course, along with the estimated revenues and cost to provide services, was reviewed with Council. Mr. Duston also distributed an addendum noting a slight change in the private street area in Area 1. (THE ANNEXATION REPORT AND ADDENDUM IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

Thereupon, Mr. Kennedy made a **motion** to adopt the Annexation Report for Area 1, Rolling Hills Golf Course with the addendum. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AREA 2

The Annexation Report for Area 2, known as Airport/Airport Road, along with the estimated revenues and cost to provide services, was reviewed with Council. Mr. Duston also distributed an addendum of the map known as Attachment A. (THE ANNEXATION REPORT AND ADDENDUM IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

Thereupon, Mr. Lewis made a **motion** to adopt the Annexation Report for Area 2 Airport/Airport Road as presented with the map amendment. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AREA 3

The Annexation Report for Area 3, known as Highway 29 South, along with the estimated revenues and cost to provide services, was reviewed with Council. (THE ANNEXATION REPORT IS HEREIN INCORPORATED AND MADE A PART OF THESE MINUTES.)

Thereupon, Mr. Burgin made a **motion** to adopt the Annexation Report for Area 3. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

ZONING MAP AMENDMENT - Z-04-04 - MAKSON COMPANY

Z-04-04 - Makson Company
1704-1710-1718 Old Wilkesboro Road

Mayor Klutz announced that the City Clerk had received a protest petition in regards to this request. Ms. Myra Heard, City Clerk, stated that she had received a protest petition signed by the residents opposed to the zoning amendment; however, the submitted petition does not satisfy the requirements as stated by North Carolina General Statutes and will not change the requirements for approval. City Attorney, Mr. Rivers Lawther told Council that the petition should be signed by twenty percent (20%) of the people living adjacent to or within one hundred feet (100') from the property and the people who signed the petition do not live within that area.

(a) Mr. Harold Poole, Senior Planner, noted that the petition received was not a valid petition for the purposes of changing the number of votes required for approval from three (3) to four (4). Mr. Poole stated that the request is to add a High Density (HD) overlay over the currently zoned R-6A property. The current zoning allows apartments at eleven (11) units per acre, but with the HD Overlay seventeen (17) units per acre will be allowed. Mr. Poole stated that approximately twenty-six (26) units could be placed on the property as it is now zoned and forty (40) units if the HD Overlay is approved.

Mr. Poole reviewed the property, which is located on Old Wilkesboro Road beside Kelsey-Scott Park, and noted the zoning of the surrounding properties. He stated that the property is currently vacant and there is not a lot of development in the immediate area. Mr. Poole stated that the Planning Board unanimously recommended this request.

Councilman Lewis asked about the proposed Greenway connection in the area. Mr. Poole responded that the Greenway travels along Horah

Street to the backside of the property.

Mr. Lewis commented on the traffic for the area and asked about the carrying capacity for Old Wilkesboro Road. Mr. Poole stated that the current traffic count is one thousand five hundred and nine (1,509) and if forty (40) units are built the estimated count will be a little over eighteen hundred (1,800). He added that this is not considered close to a two (2) lane road's carrying capacity and staff did not view this as a legitimate reason for turning down the request.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider Zoning Map Amendment Z-04-04, Makson Company, 1704, 1710, 1718 Old Wilkesboro Road.

Those speaking in **favor** or in **opposition** to the above proposal were:

Mr. Brent Snipes, Snipes Development, told Council that the request is only asking to add eight (8) to twelve (12) more apartments than the current zoning allows. He stated that this will be primarily students and he felt this is a good site because there are four (4) acres surrounding it. Mr. Snipes told Council that there is a need for this type of housing in Salisbury because college students have a hard time finding places that will lease to them. Mr. Snipes gave Council a petition signed by approximately sixty (60) local students. He stated that many students look for off-campus housing so they can work in the area year round. Mr. Snipes stated that the facility will be nice and will have a manager on site at all times and asked for Council's support.

Ms. Jolene Fleming, 1320 West Monroe Street, stated that her main concern for the zoning is for safety and traffic in the area. She noted that Old Wilkesboro Road does not have sidewalks and there is a lot of pedestrian traffic. She added that traffic in that area is very heavy at times and reiterated her concerns about the sidewalks and the increased density.

Mr. William Peoples, 233 South Merritt Avenue, told Council that he is concerned about this project being placed in the West End Community because he does not feel this part of the City needs another housing project and he feels this is what it will become. He pointed out the Linn Lane, Zion Hill, Civic Apartments and Partee Street public housing all within a four (4) block area of the proposed project. He stated that if the developers were sincere about the project they should buy the Bradshaw Apartments. He noted that these were built with the same concept in mind and are now vacant. Mr. Peoples stated that this old established neighborhood needs traditional housing, not transitional, to keep it afloat. He stated that putting college students in this area will create a drain on public services. He added that this project was denied for Council Street and should not be put in this neighborhood.

Ms. Linda C. Dillard, owner of Frankie's Chicken Shack, 1600 Old Wilkesboro Road, stated that she did not agree with the overlay for the apartments. She noted that in 1995 she requested the land be rezoned for apartments and she feels left out of the process. Ms. Dillard stated that if Council would not consider the overlay in 1995 nothing has changed to make it acceptable now. She told Council that she has a map dating to 1898 and the area has not been developed as it was originally intended. Ms. Dillard said it seemed that this outside company has favor and those in the community do not. She referred to Kelsey-Scott Park and stated that adding more traffic and no sidewalks makes no sense. Ms. Dillard asked Council to be fair and equitable with the community and asked Council not to approve the overlay.

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

Councilman Burgin asked if B-RT allows for multi-family, and if it was at the same rate as R-6A. Mr. Poole responded that multi-family is allowed and at the same rates, eleven (11) units per acre. Mr. Burgin asked when the HD overlay came about. Mr. Poole stated that the concept was developed in the late 1970's.

Mr. Poole stated that for a while this property had an HD overlay in place but in 1997 it was removed to create consistency in zoning for the area. Councilman Lewis asked about the methodology for the removal. Mr. Poole stated he believed it involved properties in a three (3) block area and since it was not applied to any other property it appeared suspicious.

Mr. Burgin stated that, as a City, we will have to learn to live together a little closer than in the past and Council will have to find ways to accommodate higher density. He commented that because Kelsey-Scott Park is beside a high density residential unit, in theory there should be less traffic as it relates to the park. Mr. Burgin noted that Salisbury, as a community, has not been very accepting of high density housing. He added that he thinks this project differs from Council Street because Old Wilkesboro Road is a different artery than going through Council Street. Mr. Burgin added that if there had been access to a main artery from Council Street the request probably would have passed.

Mayor Pro Tem Woodson stated that he had visited the site and no objections were raised at the Planning Board meeting. He added that he is surprised at the objections today because the area seems like a good place.

Mayor Kluttz noted that she had received a letter from Dr. Freeman at Livingstone College stating their objection to the apartment complex. Dr. Freeman stated that Livingstone College will not list the apartments for housing options for students and feels the units will not provide sufficient supervision. Mayor Kluttz commended Dr. Freeman for clearly stating the college will not approve this complex for their college students. Mayor Kluttz stated that she also appreciates the neighborhood residents who have addressed Council and added that they made very valid points, such as the sidewalks. She noted that she agrees with Councilman Burgin that the city is growing and there has to be more housing, both rental and single family. Mayor Kluttz stated that she also felt this was different from Council Street because there was no outlet on the Council Street proposal.

Mr. William Peoples informed Council that there are four (4) major events held at Kelsey-Scott Park and there is not adequate parking which creates a traffic problem. Mayor Kluttz stated that is a valid issue and Parks and Recreation will address the issue.

Councilman Kennedy commented on the history of the zoning for the property and the request from Ms. Dillard that was denied in 1996. He

stated that he remembered Z-03-97 a request to rezone to B-RT and asked why it was denied in 1996 and approved in 1997. Ms. Dillard reviewed the requests in 1996 and 1997 and described the process at the time. She noted that she, Mr. Leo Wallace, and Mr. Norde Wilson signed a petition against the rezoning in 1996 but in 1997 the request came back and she had to sign in favor because it was grouped with a request from Livingstone College.

Mr. Lewis asked for clarification on the number of units allowed for the project because the representative from the developer, Mr. Snipes, stated over fifty (50). Mr. Poole noted that there is additional acreage adjacent to the property that the developer would like to purchase. Mr. Snipes stated that the developer is looking to buy an acre located behind the parcel and will seek to close the section of Horah Street at the rear of the property.

Mr. Lewis asked if a site plan review will be required and if Council can require sidewalks on the site plan. Mr. Poole replied that the sidewalks can be part of the site plan. Mr. Lewis stated there is a demonstrated need for this type of housing in Salisbury. He noted that forcing this type of development farther away from colleges, shopping and amenities in an urban core encourages sprawl. Mr. Lewis commented that Council has a responsibility to look for infill development and part of this responsibility deals with density. He added that he understands the community's concern about apartment buildings, but Council has to look at ways to bring the development closer to the services needed. Mr. Lewis stated he is not concerned with traffic on Old Wilkesboro Road but he shares the neighbor's concerns about the need for sidewalks and he feels the developer should be required to add a sidewalk to his property. Mr. Lewis commented that there have been HD Overlays approved recently for Salisbury Village and two on Sunset Drive, so there is a history of using the HD Overlay tool. Mr. Lewis also expressed concerned about Ms. Dillard's comments of being left out of the process and asked to bring this issue to the table to discuss.

Mr. Kennedy asked Council to have a status report on the West End Community sidewalks and the Greenway at this time since they are both issues for the area.

Report of Greenway, Phases 2 and 3 - Brenner Avenue Sidewalk Installation

Mr. Dan Mikkelson, Director of Land Management and Planning, reviewed with Council the urban hybrid cross-section to be installed on Brenner Avenue. This includes sidewalks and a portion of the Greenway Trail. Mr. Mikkelson noted that construction on the west side of Brenner Avenue has begun. He pointed out the methods of funding for the west side construction and noted they allocated \$365,000 for the project. Along the east side of Brenner Avenue the Greenway Trail will be constructed through funds allocated by the North Carolina Department of Transportation at \$400,000. Mr. Mikkelson explained that the original alignment for the Greenway Trail was done during the fourth (4th) year of a drought and now that normal rainfall has returned staff has discovered wetlands in the alignment on Old Wilkesboro Road. An alternate alignment has been made to bring the Greenway down Brenner Avenue, turning onto Horah Street. At the end of the pavement on Horah Street there is an existing paved trail into the backside of Kelsey-Scott Park. Mr. Mikkelson told Council that in order to install the Greenway along the cemetery on Brenner Avenue the right turn only lane at Old Wilkesboro Road will need to be eliminated. He explained that when the road was designed it was thought that Old Wilkesboro Road would be a major thoroughfare, but when it was closed at Jake Alexander Boulevard this was no longer the case. Mr. Mikkelson stated that by using current traffic counts the traffic engineer determined that the right turn only lane could be eliminated without reducing the level of service of the intersection.

Mr. Mikkelson told Council that Phase 2 of the Greenway from the Crescent subdivision to Meadowbrook was originally to be bid along with Phase 3 but he feels it is time to proceed with just Phase 2. He also asked Council to approve the realignment for the Greenway on Brenner Avenue.

Mr. Kennedy stated that he likes what is being done but the sidewalks for the 1300 and 1400 blocks of Old Wilkesboro Road and Monroe Street are still not addressed. Mr. Mikkelson noted Horah Street sidewalks have been put on top of the priority list and will be started after Brenner Avenue is complete. He added that staff is also working to develop a priority list for the sidewalks. Mr. Mikkelson commented that these neighborhoods will qualify for some of the Housing and Urban Development (HUD) funds that have been set aside for sidewalks.

Mayor Klutz stated that if Council votes to increase the density in this area it should consider moving this area up on the priority list for sidewalks.

Mr. Lewis commented that Council agrees that sidewalks are needed but the hard part will be to determine where and how the funds will be allocated.

Mr. Kennedy stated that the last few HD Overlays that have come before Council he has voted in favor of and he feels he will have to support this item as well in order to be consistent and fair.

(c) Thereupon, Mr. Lewis made a **motion** to add the HD Overlay to the 2.3 acres that were identified on the 1700 block of Old Wilkesboro Road. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY ADDING THE HD HIGH DENSITY OVERLAY TO APPROXIMATELY 2.87 ACRES, LOCATED AT 1704, 1710, AND 1718 OLD WILKESBORO ROAD, WHICH CAN BE FURTHER IDENTIFIED AS PARCELS 223, 224, AND 225 ON SALISBURY TOWNSHIP TAX MAP 5.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 18, and is known as Ordinance No. 2004-18.)

ZONING TEXT AMENDMENT - ADD PERMITTED USES IN THE B-CS CONVENIENCE SERVICE BUSINESS DISTRICT

(a) Mr. Harold Poole, Senior Planner, told Council that this request evolved out of zoning case, Z-5-04 for property in the 900 block of South

Fulton Street. It is currently zoned B-CS Convenience Service Business. The owner originally sought to have the property rezoned but a Planning Board Committee recommended adding additional uses to the B-CS District. These recommended allowable uses are:

- Art stores
- Coin-operated game machine establishments
- Department stores
- Florist or garden shops
- Rent-to-own stores
- Stationary stores
- Variety stores

Mr. Poole noted that there are thirteen (13) or fourteen (14) other areas in Salisbury zoned B-CS. He stated that the Planning Board felt if these uses were added to the B-CS District they should have no negative impact on the areas with that zoning classification.

Councilman Burgin asked if the major difference between the B-CS and B-RT Retail Trade Business zoning is the size of the business allowed. Mr. Poole stated that B-CS is the only district with a size limitation, which is two thousand (2,000) square feet.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add permitted uses in the B-CS Convenience Service Business District.

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

Mr. Bryce Beard, Property Manager for Wallace Realty, told Council that Wallace Realty has worked to help revitalize the neighborhood where the property is located. He stated that the company has tried to lease the stores on the property and they realized that about thirty percent (30%) of the people who applied to be tenants would be in violation of the B-CS zoning. He added that this is why they initially requested a rezoning to B-RT. Mr. Beard stated that they worked with the Planning Board and reached a compromise for uses that would not affect the community or change the spirit of the B-CS zoning. He stated that Mr. Wallace is attempting to restore the façade of the building and incorporate changes that will enhance the property.

Those speaking in **opposition** were:

Ms. Louwellen Padgett, Owner Artemesia Artworks and Yoga Studio, stated that she is very upset to see work done on the façade of the building on South Fulton Street. She noted that this is an at-risk neighborhood and she does not feel a game establishment is an asset to the area. Ms. Padgett commented that the building should house coffee shops or book stores and this is an opportunity to enhance the way people view Salisbury and the historic district. She pointed out that two homes directly across the street from the property have been purchased by the Historic Preservation Commission. Ms. Padgett stated that she did not think they would want to be across the street from a lime green coin operated machine establishment. She added she understands there is no control over the paint colors but asked for help to revitalize this area.

Mayor Pro Tem Woodson stated that he has visited the site and he feels the property is not very attractive, but thinks the text amendment is a good compromise since it ensures alcohol is not allowed.

Mr. Beard told Council that Mr. Wallace contracted with the painting crew and the bright green color can be fixed, adding that anything offensive to the neighbors can be fixed. He stated that they did not want a business in the building that causes problems in the community. He added that the proposed business is a gift shop and book store with video games.

Mr. Tony Harkey, 301 Court Street Mocksville, told Council that his sister is the owner of Unique Enterprises, the proposed tenant of the property and they want to get kids off of the streets and will not allow alcohol or drugs on the premises. He stated that they will mainly have coin operated video games and may possibly add pool tables.

Mayor Pro Tem Woodson asked Mr. Harkey if he knew the hours of operation for the business. Mr. Harkey stated that he was not sure but probably 2:00 p.m. or 3:00 p.m. in the afternoon until 10:00 p.m., 11:00 p.m., or maybe 12:00 a.m.

Mr. Kennedy asked if poolrooms are allowed in B-CS. Mr. Mikkelson replied that the business can have one (1) pool table but beyond that it requires permits and appropriate zoning.

Ms. Padgett asked that this area not end up like Fisher Street with pool halls and the problems related to them.

Councilman Burgin stated that there is a limitation on pool tables and the businesses are small and he feels the business has to be balanced against how the empty space looks. He added that he hopes it will create activity that will encourage more positive businesses to locate in the area. Mr. Burgin stated that he did not see any added use that will, by definition, hurt a neighborhood and he trusts Mr. Beard to make the paint color more pleasant.

Mayor Klutz stated that she has a problem with the hours of operation since this is located in a neighborhood. She added that she has concerns about nighttime noise for the neighbors.

Mr. Burgin asked if Council can attach hours of operation to the allowable use of coin operated game machine establishments. Mr. Poole replied that Council can determine the hours of operation.

Mr. Lewis stated that he has concerns because this is one (1) piece of property but the amendment to the ordinance will affect every piece of property zoned B-CS. He added that he felt this is a good business incubator space and he did not feel this was a compromise, but an updating of the

ordinance to reflect the times. Mr. Lewis asked if a convenience store could be put into this zoning district. Mr. Poole stated that it would require a special use permit. He added that this was one reason the Planning Board did not want to rezone to B-RT because a convenience store would be permitted by right.

Council discussed the hours of operation for a coin operated establishment versus other types of uses that may not need extended hours.

(c) Thereupon, Mr. Burgin made a **motion** to adopt the text amendment with the addition of coin operated game machine establishments to have limited operation hours of 8:00 a.m. to 11:00 p.m. Mr. Lewis seconded the motion.

Mayor Klutz asked if Council can review and change the hours if this turns out to be a problem. Mr. Poole stated that it would have to go through the Planning Board for reevaluation and come back to Council.

Mr. Woodson noted that the hours of operation can be established in the lease between the tenant and property owner.

Mr. Kennedy stated that he has concerns with coin operated machine establishments near the high school and he can not support this.

Thereupon, Mr. Burgin withdrew his previous motion and made a **motion** for his previous motion with the operation hours to end at 10:00 p.m. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, and Woodson voted AYE. Mr. Kennedy and Ms. Klutz voted NAY. (3-2)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO LIST ADDITIONAL PERMITTED USES TO SECTION 8.31 CONVENIENCE SERVICE BUSINESS DISTRICT (B-CS).

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 19, and is known as Ordinance No. 2004-19.)

Due to the lack of 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.

PUBLIC HEARING - APPLICATION FOR A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE 2 STORMWATER PERMIT

(a) Mr. Patrick Ritchie, Staff Engineer, told Council that the National Pollutant Discharge Elimination System (NPDES) Phase 2 requirements require the City to submit an application for a stormwater discharge permit by May 1, 2004. He noted that staff has worked with the North Carolina League of Municipalities to develop a draft permit application.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to receive comments regarding the application for a National Pollutant Discharge Elimination System (NPDES) Phase 2 Stormwater Permit.

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

Councilman Burgin asked Mr. Ritchie the definition of an elicited discharge. Mr. Ritchie stated that it is anything that is not supposed to be in the storm drainage system.

NON-RESIDENTIAL HISTORIC DISTRICT DESIGN GUIDELINES

Ms. Janet Gapen, Planner II, presented Council with proposed changes to the Non- Residential Historic District Design Guidelines. The first change is to Chapter, 1 "Minor Works" and would allow projects that have documented approval from the State Historic Preservation Office for the purposes of obtaining tax credits, to be reviewed by the minor works committee rather than the full Historic Preservation Commission. She noted that the State provides detailed oversight on these types of projects and the change would streamline the process.

The second change is to Chapter 2, "Upper Facades" and adds that it is not appropriate to remove or replace original upper façade windows with alternative or modern materials.

Mr. Gapen informed Council that staff is in the process of reviewing other portions of the guidelines and she may return with more revisions.

Thereupon, Mr. Woodson made a **motion** to make changes to Chapter 1 "Minor Works" and Chapter 2 "Upper Facades" of the Non-Residential Historic District Design Guidelines as stated in staff's memo. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

STAFF REPORT - SPACING REQUIREMENTS FOR CURB INLETS ON NEW RESIDENTIAL STREETS

Mr. Patrick Ritchie, Staff Engineer, informed Council that the City of Salisbury's current Uniform Construction Standards Manual, Section V,

Part 4.01(10) defines the gutter spread calculation method for determining how often curb inlets need to be spaced in City streets. He explained that staff has received comments from developers that the City's standards require a lot of inlets, but staff uses standard engineering practices. A local developer asked area municipalities to send City staff their requirements and in reviewing them, Mr. Ritchie stated that about half did not have specific standards and the other half were similar to Salisbury's. In working with the developer staff has developed a compromise that would allow one hundred fifty feet (150'), under certain conditions, of the minimum amount of gutter that is flowing into any one (1) inlet. Mr. Ritchie said that this will not affect most developments but for developments that have a lot of drainage in the streets it may allow them to eliminate an inlet or two. He pointed out that as part of the change staff is changing the term "catch basin" to "curb inlets". He reviewed the other changes to the text and pointed out the maximum gutter flow distance between two (2) curb inlets shall be six hundred (600) feet.

Thereupon, Mr. Woodson made a **motion** to amend Section V, Part 4.01(10) of the City's Uniform Construction Manual Code. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0).

City Manager David Treme commented that over the next several weeks issues from the Local Development Ordinance Committee will be brought before Council for consideration including tap fees, over-sizing of lines required by the City, inspections, and two (2) inch line for irrigation. He added that this is in an effort to meet Council's goal of streamlining policies, ordinances and standards.

Councilman Burgin asked how to place an issue before the Committee for discussion. Mr. Treme asked him to forward issues to Mr. Dan Mikkelson, Director of Land Management and Development.

SECOND READING - CDBG AND HOME PROGRAM BUDGET - FY2004-2005

Mr. John Brooks, Community Development Consultant, reviewed with Council the second reading of the 2004-2005 Community Development Block Grant (CDBG) and HOME Program Budgets. He informed Council that this is the same budget (no changes) as the first reading presented March 16, 2004. Mr. Brooks noted that this completes the public hearing process, and upon approval today, it would be submitted to HUD on May 14, 2004.

The following are participants proposed to be funded for FY2004-2005:

-		
-		
<u>CDBG</u>		
Acquisition/Rehab/Resale		\$100,000.00
Emergency Rehabilitation		50,000.00
Jersey City Neighborhood Development		50,000.00
Sidewalk Improvements		65,794.00
Public Services		
Rowan Helping Ministries	\$28,000.00	
Family Crisis Council	19,000.00	
Rowan Community Care Clinic	12,000.00	
Salisbury Youth Employment	7,500.00	
Community Youth Garden	5,000.00	
The Learning Curve	3,000.00	
		\$ 74,500.00
Program Administration		\$ 99,400.00
Debt Service Section 108 Loan		<u>\$57,306.00</u>
Total CDBG Funds		\$497,000.00
<u>HOME</u>		
Acquisition/Resale		\$ 50,000.00
Housing Rehabilitation		36,180.00
Homeownership Assistance		60,000.00
Program Administration		<u>13,833.00</u>
Total HOME Funds		<u>\$160,013.00</u>
-		
Total Community Development Funds		\$657,013.00

SOURCES OF INCOME

CDBG	\$397,000.00
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Program Income	100,000.00
HOME	<u>160,013.00</u>
Total	\$657,013.00

Thereupon, Mr. Woodson made a **motion** to approve the second reading of the CDBG and HOME program budget for the 2004-2005 budget year as presented. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

ARCHITECTURAL AND ENGINEERING CONTRACTS

Mr. Dewey Peck, Purchasing Manager, told Council that this request was initiated by the Salisbury-Rowan Utilities Department and explained that in 1987-88 the General Assembly adopted a policy to require certain procedures to acquire the services of architects and engineers. An exception was also incorporated in the policy at that time. In 1999, the Institute of Government advised that this was simply State policy and not law, so the City has not had a need for the Resolution in order to apply the exception. Mr. Peck informed Council that in 2001 the licensing agency for architects and engineers required that their members adhere to the State's policy. He added that this has made it difficult to obtain pricing for small projects. The Resolution will allow the City Manager to award and negotiate contracts with architects and engineers when the fee is less than \$30,000. Mr. Peck stated that the City has handled these issues as a service, which has not required bidding since 1987.

Mr. Matt Bernhardt, Assistant City Manager for Utilities, explained that in most cases the Utilities Department follows the standard procurement process for obtaining engineering services, but for the most basic of small projects, staff would like to know about cost before beginning the process.

Councilman Kennedy stated that if the City negotiated with one or two people and did not put the work out for bid it might give the perception of not being fair. Mr. Peck stated that the City has a list of people that have qualified for use as architects and engineers and projects are circulated among those on the list.

Thereupon, Mr. Woodson made a **motion** to adopt the Resolution for the City Manager to negotiate and execute architectural and engineering contracts that are less than \$30,000 as the "Act to provide a model code for procurement of architectural and engineering services by the state and local government". Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION GRANTING THE CITY MANAGER THE AUTHORITY TO NEGOTIATE AND EXECUTE ARCHITECTURAL AND ENGINEERING CONTRACTS WHEN THE ESTIMATED PROFESSIONAL FEES SHALL BE LESS THAN \$30,000.00 FOR ANY PROPOSED SINGLE PROJECT IN ACCORDANCE WITH AN "ACT TO PROVIDE A MODEL CODE FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES BY STATE AND LOCAL GOVERNMENT".

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 18, and is known as Resolution No. 2004-07.)

SALE OF PROPERTY - 1201 RICHARD STREET

City Manager David Treme informed Council that the Rowan County Board of Commissioners has unanimously approved authorizing the sale of property located at 1201 Richard Street to Tommy Long Grading and House Moving in the amount of \$10,000. He recommended Council approve authorizing the sale and noted the County is handling the matter on the City's behalf.

Thereupon, Mr. Burgin made a **motion** to concur with the authorization of sale of the City's interest in parcel 007, tax map 190 located at 1201 Richard Street to Tommy Long in the amount of \$10,000, which includes his efforts of removing all buildings and debris from the property, as well as landscaping all of the property and planting grass thereupon by December 1, 2004. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COUNCIL COMMITTEE REPORT - APPOINTMENTS TO THE CIVIC/CONVENTION CENTER TASK FORCE

Mayor Pro Tem Woodson announced that he and Councilman Kennedy met with Ms. Gail Elder White, Parks and Recreation Director, Mr. Joe Morris, Planning and Community Development Manager, and City Manager David Treme to prepare a list of candidates for the Civic/Convention Center Task Force. This information is being presented to Council for information and will be deliberated at the next Council meeting.

LAND DEVELOPMENT ORDINANCE COMMITTEE APPOINTMENT

Mayor Kluttz announced that there have been two (2) resignations from the Land Development Ordinance Committee. Mr. George Busby has been recommended for appointment.

Mayor Kluttz asked if Mr. Busby lives in Salisbury full time. City Manager David Treme stated that since this was a short term advisory committee city residence was not necessarily required.

Thereupon, Mr. Lewis made a **motion** to appoint Mr. George Busby as a member of the Land Management and Development Ordinance Committee. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

BOARDS AND COMMISSIONS APPOINTMENTS

Human Relations Council

Upon motion of Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz vote AYE, the following appointment was made to the Human Relations Council.

Ms. Pauline Corry appointment Term expires 3-31-2005

Historic Preservation Commission

Upon motion of Mr. Lewis, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz vote AYE, the following appointment was made to the Historic Preservation Commission.

Ms. Ann Lyles appointment Term expires 3-31-2005

Zoning Board of Adjustment

Upon motion of Mr. Lewis, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz vote AYE, the following appointment was made to the Zoning Board of Adjustment.

Ms. Kim Davis- City Alternate appointment Term expires 3-31-2007

Planning Board

By consensus Council agreed to table this appointment until its next meeting.

COMMENTS FROM THE CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their March 23, 2004 meeting.

(b) East Innes Street Bridge Construction Update

Mr. Wendy Brindle, Traffic Engineer, informed Council that Faith Road should reopen in its new alignment for the Thursday morning, April 8, 2004, commute. The Jake Alexander Boulevard southbound off-ramp is scheduled to reopen on April 18, 2004. Ms. Brindle noted that the Highway 70 construction began approximately two (2) weeks ago and Kepley Road will be closing and detoured in about twenty-one (21) days.

Mr. Brindle told Council that the Innes Street Bridge Project is on schedule and markings have been updated. She noted that City staff and North Carolina Department of Transportation (NCDOT) have been working with the businesses between Lee and Depot Streets and will be installing signs to let citizens know they can turn left through the barrels to enter the businesses.

Councilman Burgin thanked staff for working hard on this issues and noted that he has received unsolicited comments from citizens on how well the detour has worked. Council agreed and noted the detour has worked much better than anticipated.

(c) Report of Greenway, Phases 2 and 3 - Brenner Avenue sidewalk installation

City Manager Treme noted that this report was given to Council earlier in the meeting.

Councilman Burgin noted that the original Greenway alignment put a walkway in front of housing on the left side of Old Wilkesboro Road and asked if there is any way to recapture that needed walkway. Mayor Kluttz agreed and asked if it was possible to construct a walkway over the wetland area. Mr. Mikkelsen explained that with the funding that is available this is not an option.

City Manager Treme noted that staff did all that was possible to keep the Greenway in its original alignment but there was no other option to keep the connection.

By consensus Council agreed with staff's recommendations for the Greenway realignment.

(d) Ordinance No. 2004-15 - Farmers Markets

Mr. Harold Poole, Senior Planner, explained that a clarification for Ordinance 2004-15 is needed to clarify that the terms "persons" and

“booths” be changed in Part 1 and 2 of the Ordinance.

Thereupon, Mr. Kennedy made a **motion** to adopt the amended Farmers Market Section 8.39 Central Business District B-5 that includes the change of “booths” in Part 2. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO MAKE AMENDMENTS TO THE USE “FARMERS MARKETS” IN SECTION 8.39 CENTRAL BUSINESS DISTRICT (B-5).

(The above ordinance is recorded in Ordinance Book No. 20, Zoning & Planning, at Page No. 15, and is known as Ordinance No. 2004-15.)

(e) Access to Rowan-Cabarrus Community College

Mr. Dan Mikkelson, Director of Land Management and Development, presented Council with a Resolution concerning support for an access road to Rowan-Cabarrus Community College. He noted that NCDOT has set aside \$550,000 to build an access road from Old Concord Road to Rowan-Cabarrus Community College. He stated that this type of access will improve public safety, reduce congestion and be consistent with good planning and traffic engineering principals. Mr. Mikkelson noted that the Resolution requests NCDOT design the project to include curb, gutter, sidewalks and a landscaping plan consistent with the City of Salisbury guidelines.

Thereupon, Mr. Woodson made a **motion** to approve the Resolution endorsing the use of transportation funds for an access road to Rowan-Cabarrus Community College. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

A RESOLUTION ENDORSING THE USE OF TRANSPORTATION FUNDS FOR AN ACCESS ROAD TO ROWAN CABARRUS COMMUNITY COLLEGE.

(The above Resolution is recorded in full in Resolution Book No. 12 at Page No. 19, and is known as Resolution No. 2004-08).

(f) Retirement of Fire Chief Sam Brady

City Manager Treme announced that Fire Chief Sam Brady will retire effective May 1, 2004 after thirty-four (34) years of service with the Salisbury Fire Department. He stated that Chief Brady has done an outstanding job and noted two receptions in his honor. The Fire Department will hold a reception April 28, 2004 from 2:00 p.m. to 4:00 p.m. and City Council will host a reception on April 20, 2004 from 3:00 p.m. to 4:00 p.m.

Mr. Treme informed Council that it is his intention to fill the Fire Chief position in-house and he hopes to name a replacement on May 1, 2004.

(g) Time-Warner Cable Committee

City Manager Treme informed Council that staff has been negotiating with Time Warner Cable and asked for a Council Committee to meet with Information Technology Manager Mike Crowell and Mr. David Harris from the Piedmont Triad Council of Governments to continue work on negotiations.

Mayor Kluttz and Councilman Burgin will serve as the Council Committee to work with staff on this issue.

(h) Salisbury-Rowan Utilities Extension Fund

City Manager Treme spoke to Council regarding the Salisbury-Rowan Utilities Extension Fund and noted that a Council Committee met to work on the recommendation being presented today. He stated that he felt it was important to put something in action to provide stimulus for home building and added this was an update of the extension policies that were previously in place.

Councilman Lewis stated that the extension policy met a number of Council’s goals concerning being business friendly and economic development by increasing the tax base and increasing the population. He added that this will give incentive to get projects off of the table and in action. Mr. Lewis noted that the City serves as the water and sewer provider for several other municipalities and this policy is geared toward development in any place the utilities go. He pointed out that the weighting system used to determine which projects receive funding and how this will promote the Smart Growth concept.

Mr. Treme told Council that the updated policies are not that different from what was previously in place and asked for Council’s consideration to approve the policies so they can be shared with the development community. He noted that amendments can be made at subsequent meetings if needed.

Councilman Burgin asked about project timing and asked if more points were awarded to projects on a faster time frame at the expense of the Smart Growth issue. He added that he did not want someone with a bad plan to receive funding just because they could complete the bad plan faster. Mr. Matt Bernhardt, Assistant City Manager for Utilities, stated that any project applying for the extension funds will have to pass through the normal development process for the City and will have to meet all standards. Mr. Treme told Council that staff will make recommendations based on points but Council will have final approval. He added that he did not want to commit funds that would not be used for two (2) years and wanted to provide an incentive for the implementation of code work as it applies to Smart Growth principals. Mr. Bernhardt noted that the projects will be straight pay-back

and it requires no dollars from Salisbury-Rowan Utilities up front, but rather it is reimbursement based. He added that this will force the developer to produce the promised project.

Thereupon, Mr. Burgin made a **motion** to adopt the Salisbury-Rowan Utilities Extension Fund Policy. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

(i) I-85 Sewer Extension

City Manager Treme told Council that the Town of China Grove has requested an extension of sewer line through the use of their funds along with those from the Board of Education and Rowan County. This line will allow them to tie into the Grant Creek line. He noted that one of the County's goals is to provide water and sewer down the I-85 corridor. Mr. Treme explained that instead of using the money to extend the line to connect to Grant Creek it could be extended down the I-85 corridor to connect to Towne Creek. He added that there is an approximate \$3.5 million dollar gap to accomplish this. Mr. Treme stated that he felt the completion of the I-85 corridor is perhaps the most important thing that can be accomplished to improve the County's tax base. He commented that the sewer line could serve up to five (5) interchanges and would spur development.

Mr. Treme asked for a Council Committee to meet with staff to discuss the project. Mayor Klutz appointed Councilmen Lewis and Kennedy to serve as the Council Committee.

(j) Airport Development Zone

City Manager Treme noted that he had met with Mr. Tim Russell, County Manager, and that the County is interested in looking at a Development Zone in and around the Rowan County Airport. He noted that there are meetings scheduled for mid to late April and asked for a Council Committee to meet with the County to discuss the possibility of creating an Airport Development Zone. Mayor Pro Tem Woodson and Councilman Burgin will serve as the Council Committee to discuss this issue.

(k) Street Closing

Ms. Wendy Brindle, Traffic Engineer, told Council that the Cliff Peeler High School Baseball Tournament will be held at Salisbury High School on April 9-12, 2004 and a request has been received to close a portion of West Street and Locke Street from 10:00 a.m. to 10:00 p.m. on April 9, 10, 12, 2004. The road will be open on Sunday, April 11, 2004 to accommodate Ephesus Church. She noted that the City will provide barricades and tournament officials will set them up.

Thereupon, Mr. Burgin made a **motion** to approve the closing of West and Locke Streets for the Cliff Peeler High School Baseball Tournament on April 9, 10, 12, 2004. Mr. Woodson seconded. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Klutz voted AYE. (5-0)

MAYOR'S ANNOUNCEMENTS

(a) Clean Air Lecture Series

Mayor Klutz announced that the next program in the Clean Air Lecture Series will be held in Room 300 at the Catawba College Center for the Environment on Wednesday, April 7, 2004 at 6:45 p.m.

(b) North Carolina Metropolitan Coalition

Mayor Klutz informed Council that she attended the North Carolina Metropolitan Coalition meeting held on March 31, 2004. The group met to discuss and prioritize issues that will be presented to the General Assembly in May.

(c) Centralina Council of Governments

Mayor Klutz announced that the City of Salisbury and Rowan County will co-host the Centralina Council of Governments meeting on April 14, 2004 at the Salisbury Depot. The social hour will begin at 6:15 p.m. followed by a dinner meeting at 7:00 p.m.

(d) Prevent Child Abuse Candlelight Vigil

Mayor Klutz announced that there will be a candlelight vigil on Monday, April 12, 2004 at 6:30 p.m. on the Courthouse steps for Prevent Child Abuse month.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Lewis. All council members agreed unanimously to adjourn. The meeting was adjourned at 8:11 p.m.

Mayor

City Clerk