

Salisbury, North Carolina

October 15, 2002

REGULAR MEETING

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

ABSENT: None

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Mayor Pro Tem Woodson.

RECOGNITION OF VISITORS

-

Mayor Kluttz recognized all visitors present.

RECOGNITION OF BOY SCOUT TROOP #443 - ST. JOHN'S LUTHERAN CHURCH

Mayor Kluttz recognized Boy Scout Troop #443 of St. John's Lutheran Church.

PLEDGE OF ALLEGIANCE

-

Boy Scout Troop #443 led those present in the Pledge of Allegiance to the United States flag.

INTRODUCTION OF HISPANIC COALITION GROUP OF ROWAN COUNTY AND RECEIVE A PRESENTATION BY CITIZEN FROM ARGENTINA

Mayor Kluttz told those present it has been a goal of the City and the Council for the past four to five years to improve race relations throughout the City and County and to promote diversity and the appreciation of it. The Hispanic Coalition Group is very important in improving our race relations, she noted.

Ms. Melissa Taylor, Human Resource Director, recognized Margarita Bentley, Multi-Culturalism Coordinator, for her role in helping to establish the Hispanic Coalition Group. This group of about 50 to 60 members of Anglo, African-American, and Hispanic background are working together to improve the Hispanic community. Ms. Taylor then introduced Board members: Jeff Morris, Chairperson; Karen Barbee, Audrey Belk, Chris Chaney, James Cowan, Alvena Heggins, Vicky Slusser, Liliana Spears, Norma Torres, Orlando Zapata, Eladio Cintron, and Elia Gegorek.

Ms. Melissa Taylor recognized Mr. Gabriel Lager, from the City of Rafaela, Argentina. Mr. Lager extended greetings from the Mayor of Rafaela and presented Mayor Klutz with two compact disks of traditional music along with a book about the City of Rafaela.

PROCLAMATION

Mayor Klutz proclaimed the following observances:

NATIONAL BUSINESS WOMEN'S WEEK October 14-21, 2002

NAACP HARVEST BANQUET DAY October 18, 2002

CONSENT AGENDA

(a) Minutes

Minutes of Regular meeting of October 1, 2002.

(b) Minor Subdivision Plat S-06-02

Approve Minor Subdivision Plat for the following:

S-06-02 to divide a 1.5 acre tract on Mack Street into four residential lots.

(c) Group Development Site Plan

Approve Group Development Site Plan G-14-02 to construct a 254-space parking lot at 2110 Executive Drive (Food Lion offices).

(d) Street Closing – 100 block of Woodson Street

Approve closing of 100 block of Woodson Street between Mocksville Avenue and Cemetery Street from 1:00 p.m. until 4:30 p.m., October 26, 2002, for a Community Health Education Fair sponsored by Salisbury Pediatrics Clinic.

Thereupon, Mr. Kennedy made a **motion** to approve the Consent Agenda. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE.

(5-0)

PRESENTATION FROM MR. LEONARD WOLFE REGARDING YMCA MATTER

Mr. Leonard Wolfe, 1413 East Colonial Drive, told Council that the Board of Directors for the YMCA sent a lumber crew into the Milford Hills area to level 18 acres of land. Mr. Wolfe stated that although the YMCA owns the property, they did not discuss their plans of leveling the property with any of the surrounding property owners. Mr. Wolfe further said that the YMCA, until last week, had not put up chains to keep people off the property. Mr. Wolfe presented photographs to the Council showing the property still has garbage and tree limbs on it and that it has not yet been re-seeded. He expressed concern that someone is going to be seriously injured if the property is not cleaned up. He also expressed concern regarding the plan for soccer and baseball fields, which would bring in lots of cars to the area. He noted their buffer zone is gone, and they now get noise from the trains going through.

Mr. Wolfe asked the Council if they could get the YMCA to clean up this property, make it presentable, and close off the area in the back to keep four-wheel drive vehicles out. He said he would also like to see the City create a rule to prohibit clear-cutting in the City.

Councilman Martin asked Mr. Wolfe if he has discussed these issues with the YMCA Board. Mr. Wolfe said he has not been able to meet with them. Councilman Burgin stated that in the work he has done with the YMCA, they have been very supportive of the community, and if something slipped, he was sure it was by accident. Mr. Wolfe suggested this would be great property to work into the Greenway because it borders Grants Creek. He would like to see the City trade some other property with the YMCA and the City take ownership of this 18 acres.

Mayor Klutz thanked Mr. Wolfe for bringing his concerns to the Council and stated that the staff will look into recommendations.

Mayor Klutz asked if the representative present from the YMCA would like to address the Council. At this point, Mr. Jamie Morgan, YMCA staff person, informed Council that he had meet with Mr. Wolfe and other residents of this neighborhood and had listened to their concerns. Mr. Morgan said hindsight is 20/20, and he recognizes there are some things they could have done differently to smooth the transition. Mr. Morgan said their main goal is to be good neighbors, that there are several areas the YMCA still needs to address, and he hopes to improve these areas sooner than three to four years. Mr. Morgan said there is a lot of land that has been cleared. However, the YMCA was sensitive on the east side of the property to leave a big buffer full of trees approximately 50 yards wide. The property was donated for the purpose being undertaken, he noted. In the long run they would do right by the neighbors, Mr. Morgan told Council.

Mayor Klutz observed that our neighborhoods and the YMCA are important to our City. She asked staff to recommend what can be done to improve this situation.

-

PRESENTATION FROM CABARRUS/SOUTH ROWAN MPO REGARDING EXPANDING BOUNDARIES OF THE MPO

Mr. Dan Mikkelson, City Engineer and interim Director of Land Management and Development, informed Council that the North Carolina Department of Transportation has adopted a goal over the next two years to include every local government entity in the state in either a Metropolitan Planning Organization (MPO) or a Rural Planning Organization (RPO). Mr. Mikkelson said we have been looking at options that would be best for Salisbury and Rowan County. As DOT goes to this new system, in order to have our voice heard, we really need to go through either an MPO or an RPO. Mr. Mikkelson then introduced Mr. Mike Nunn, Executive Director of the Cabarrus-South Rowan MPO to speak about the option of joining with the Cabarrus-South Rowan MPO, which is the option that staff believes would be best for Salisbury.

Mr. Nunn told Council that the MPO is federally recognized as the body for transportation planning throughout the nation. There are currently 17 in North Carolina. The Cabarrus-South Rowan MPO contains China Grove, Landis, Harrisburg, Kannapolis, Concord (the lead agency and largest city), southern portions of Rowan, and a small portion of Cabarrus County. Cabarrus County has recently made the decision to include all of Cabarrus County in the MPO. The advisory board is called the Transportation Advisory Committee (TAC). The primary function of the MPO is the Transportation Improvement Program (TIP) which is the State's budget for all projects on which the State is going to spend funds. Every two years the MPO develops a priority list, one for Division 9 and one for Division 10. This keeps the two divisions from being in competition for the number one priority for the region. Mr. Nunn said they are involved daily with the development of the thoroughfare plan, and serve as a transportation voice for the region. He stated that their total budget is \$230,000.00. The local community is responsible for 20 percent of this budget.

which is \$46,100.00. Dues are based on population, and if Salisbury decides to move forward with this, a schedule of fees would be provided for review.

Mr. Mikkelson informed Council that Mr. Nunn made a similar presentation to the Rowan County Board of Commissioners, who on October 7, endorsed the expansion to a two-county MPO. Mr. Mikkelson said the next step, if the City of Salisbury endorses this, would be for Mr. Nunn to make a presentation to the Rowan Municipal Association. If we do expand to a two-county MPO, each governmental entity must agree to be part of it. If Rowan County and Salisbury both endorse this expansion, Mr. Nunn will then approach the smaller communities.

Mr. Treme, City Manager, stated this is the best alternative for Salisbury and Rowan County. The MPO is superior to the RPO for our needs. The advantages are that both Cabarrus

County and Rowan County are similar in size, and we should have equal representation in the decision making. Also, we would not be in competition because the two counties are in different districts.

Thereupon, Mr. Kennedy **moved** to endorse expanding the Cabarrus/South Rowan MPO to include the City of Salisbury. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

APPOINTMENT TO SHELTER MINISTRIES OF ROWAN COUNTY BOARD OF DIRECTORS

Upon **motion** of Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voting AYE, a **motion** was made to re-appoint Dewey Peck to a third, three-year term on the Shelter Ministries of Rowan County Board of Directors. (5-0)

AUTHORIZE THE PURCHASE OF SEVENTY (70) SETS OF FIRE TURNOUT GEAR FOR THE SALISBURY FIRE DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, asked Council to adopt a Resolution authorizing the purchase of seventy (70) sets of Fire Turn Out Gear for the Salisbury Fire Department. He said this purchase will be piggybacked on the City of Hickory, North Carolina, through a Federal Emergency Management Agency (FEMA) grant. Action Fire and Safety Company has agreed to sell to the City of Salisbury 70 sets of Fire Turn Out Gear for \$72,555.00.

Thereupon, Mr. Kennedy made a **motion** to adopt the Resolution authorizing the purchase of 70 sets of Globe GX7 PBI Fire Turn Out Gear for the Salisbury Fire Department. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF 70 SETS OF GLOBE GX7 PBI FIRE TURN OUT GEAR FOR THE SALISBURY FIRE DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 173, and is known as Resolution No. 2002-34.)

AUTHORIZE THE PURCHASE OF THREE (3) THERMAL IMAGING CAMERAS FOR THE SALISBURY FIRE DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, asked Council to adopt a Resolution authorizing the purchase of three (3) Thermal Imaging Cameras for the Salisbury Fire Department. He said this purchase will be piggybacked on the City of Greenville, South Carolina, through a Federal

Emergency Management Agency (FEMA) grant. Newton Fire and Safety Company has agreed to sell to the City of Salisbury three (3) Evolution 4000 TIC Thermal Imaging Cameras for \$46,500.00.

Thereupon, Mr. Woodson made a motion to adopt the Resolution authorizing the purchase of three (3) Evolution 4000 TIC Thermal Imaging Cameras for the Salisbury Fire Department. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) EVOLUTION 4000 TIC THERMAL IMAGING CAMERAS FOR THE SALISBURY FIRE DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 174, and is known as Resolution No. 2002-35.)

AUTHORIZE THE PURCHASE OF TWO (2) GRADE E BREATHING AIR COMPRESSORS FOR THE SALISBURY FIRE DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, asked Council to adopt a Resolution authorizing the purchase of two (2) Grade E Breathing Air Compressors for the Salisbury Fire Department. He explained we are allowed to purchase when standardization or compatibility is the overriding consideration. We currently have a Star unit in service and should have the same unit at all three stations. Star Air Systems has agreed to provide two (2) Grade E Breathing Air Compressors to the Salisbury Fire Department for sum total of \$38,354.30.

Thereupon, Mr. Woodson made a motion to adopt the Resolution authorizing the purchase of two (2) Grade E Breathing Air Compressors for \$38,354.30 for the Salisbury Fire Department. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) GRADE BREATHING AIR COMPRESSORS FOR THE SALISBURY FIRE DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 175, and is known as Resolution No. 2002-36.)

Mr. Dave Treme, City Manager, congratulated Sam Brady, Fire Chief, for securing one of the largest grants in the United States. This grant, for half a million dollars, allows us to make purchases with a very small match, and comes at a time when capital improvements are slim to none. Mayor Kluttz asked Chief Brady to stand and be recognized.

SPECIAL USE PERMIT - CHILD DAYCARE HOME AT 530 D AVENUE

(a) Mr. Hubert Furr, Development Services Manager, informed Council that he received a Special Use Permit request for a daycare center at 530 D Avenue. We recently changed our ordinance to allow for daycare in residential zoning. This property is zoned R-8, single family residential. The request is for a conditional use in this R-8 zoning. Keeping up to eight children would be allowed if this conditional use is approved. The property has ample play area in the back portion of the yard, which is to be fenced, Mr. Furr explained. The property meets all the zoning requirements, and the Planning Board recommends approving this Special Use Permit, Mr. Furr advised.

Councilman Woodson asked if there has been any opposition. Mr. Furr responded he is not aware of any.

Councilman Kennedy asked to be excused from this deliberation, because he represented the Moore's as their agent when they purchased this home.

Thereupon, Mr. Woodson made a **motion** that Mr. Kennedy be excused from the deliberation. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

(b) Mayor Kluttz announced that Council would receive public input at this time concerning a Special Use Permit for a child daycare home at 530 D Avenue.

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

Ms. Joycelyn Moore, 530 D Avenue, told Council she has been in the daycare business for some time, with the privilege of staying home and raising her two children. The parents of the children she keeps depend on her to keep their children in a loving, safe environment, Ms. Moore told Council. She said at her previous home, she never had any complaints from the parents or children.

Mr. Bryan Moore, 530 D Avenue, told Council he has had the opportunity to speak with his neighbors, and that they agree with having a daycare at this location. Mr. Moore said he will not make the house look like a business, that the community is beautiful the way it is. He said this would allow more parents to enjoy home daycare.

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

(c) Thereupon, Mr. Woodson made a **motion** to approve the Special Use Permit for daycare. Mr. Martin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

Council Burgin said he applauds the neighborhood for accepting this daycare, and that daycare is truly needed across the City.

ZONING MAP AMENDMENT - Z-17-02 - SALISBURY PLANNING BOARD

Z-17-02 - Salisbury Planning Board

Jake Alexander Blvd. between Dan and Clancy Streets, as well as
a lot on Clancy Street

The request is to rezone three lots on Jake Alexander Boulevard between Clancy and Dan streets, plus one lot at 120 Clancy Street from R-8 to B-1.

(a) Mr. Harold Poole, Senior Planner, said that this Z-17-02 rezoning evolved out of Z-14-02, which was requested for two lots – one on the southwest corner of Jake Alexander Boulevard and Clancy Street, and the lot directly behind it on Clancy Street. The request was for B-CS zoning. There was some opposition at the Planning Board level. The Planning Board voted 9-1 for the 4 lots in question to be rezoned from R-8 to B-1, as it feels B-1 is more consistent with other property in the area, explained Mr. Poole.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-17-02, Salisbury Planning Board, Jake Alexander Blvd. between Dan and Clancy Streets, as well as a lot on Clancy Street.

Those speaking **in favor** of this zoning change were

Ms. Bobbie J. Cline, 1247 Panther Point Road, Richfield, NC 28137, said she would like to put an office building on the Clancy property. There are offices across the street, and the property on the left and right are zoned B-1. Ms. Cline said she is planning to open a designer showroom and rent out the other half of the building.

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

(c) Thereupon, Mr. Woodson made a **motion** to rezone from R-8 Single Family-8 Residential to B-1 Office-Institutional. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 1.8 ACRES WITH ABOUT 300 FEET ON JAKE ALEXANDER BOULEVARD WEST, ABOUT 325 FEET ON CLANCY STREET, AND ABOUT 225 FEET ON DAN STREET, IDENTIFIED AS PARCELS 45, 103, 104, AND 105 ON FRANKLIN TOWNSHIP TAX MAP 331-A, FROM R-8 SINGLE FAMILY-8 RESIDENTIAL DISTRICT TO B-1 OFFICE INSTITUTIONAL DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 95, and is known as Ordinance No. 2002-73.)

—

ZONING TEXT AMENDMENT - REDUCE PARKING SPACE REQUIREMENTS FOR COMMERCIAL GROUP DEVELOPMENTS OF LESS THAN 200,000 SQUARE FEET

—

The request is to change the requirement for smaller commercial group developments (200,000 sq. ft. and under) from 4.5 parking spaces for each 1,000 square feet of gross floor area to 4 parking spaces.

(a) Mr. Harold Poole, Senior Planner, informed Council that currently in our ordinance, we have a separation of parking space requirements based on gross square footage of more than 200,000 square feet or less than 200,000 square feet. Mr. Poole said developments that exceed 200,000 square feet require 5 parking spaces for each 1,000 feet of gross floor area. This amount is really needed during the holiday season for shoppers at places such as the new Wal-Mart Supercenter, Salisbury Mall, and Innes Street Market. The old Wal-Mart Center, Ketner Center, Alexander Point, Westland Center, and Winn-Dixie Crown Plaze are examples of business developments with less than 200,000 square feet. Developments with fewer than 200,000 square feet are not generally impacted that much by holiday traffic, Mr. Poole explained. Because of that, the Planning Board believes it can reduce the parking space requirement from 4.5 to 4 parking spaces per 1,000 feet of gross floor area. This will allow new developers to build more retail with less parking spaces. It will also allow commercial group developments to change their plans to show more retail and remove unneeded parking spaces.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning text amendment to reduce parking space requirements for commercial group developments of less than 200,000 square feet.

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

(c) Thereupon, Mr. Burgin made a **motion** to adopt the zoning text amendment to reduce parking space requirements for commercial group developments of less than 200,000 square feet. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO AMEND A PARKING SPACE REQUIREMENT IN SECTION 7.02 OFF-STREET AUTOMOBILE PARKING AND STORAGE.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 96, and is known as Ordinance No. 2002-74.)

ZONING TEXT AMENDMENT - SECTION 9.04 (10) TO ALLOW BARBER POLES TO ROTATE OR SPIN

The request is to allow rotation, or spinning for barber poles.

(a) Mr. Harold Poole, Senior Planner, informed Council that a survey was conducted of the existing barber shops in Salisbury. Of the thirteen barber shops listed in the telephone book, only 4 had barber poles, with only 2 of those spinning. Currently, barber poles are allowed at barber shops, and they may be lighted. Rotation, however, violates Section 9.04 (10) of the Zoning Ordinance. The Planning Board is recommending an exception be made for barber poles, and that they be allowed to rotate.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning text amendment to allow barber poles to rotate or spin.

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

Mayor Klutz said that she suspects that when the sign ordinance was written in the 80's that this was not meant to be included. Councilman Martin said he believes we should use more common sense in the interpretation and enforcement of the sign ordinance.

(c) Thereupon, Mr. Burgin made a **motion** to adopt the zoning text amendment to Section 9.04 (10) to allow barber poles to rotate or spin. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO AMEND SUBSECTION (10) UNDER SECTION 9.04 SIGNS PROHIBITED.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 97, and is known as Ordinance No. 2002-75.)

ZONING TEXT AMENDMENT - TO ALLOW ELECTRONIC SIGNS, WITH PROVISIONS

The request to is to allow a manual or electronic changeable copy sign where a ground sign is permitted in office, commercial, or industrial districts, with the following provisions:

- No more than 50% of the actual sign face, up to a maximum of 32 square feet, may consist of a changeable copy sign.
- The sign shall not contain or display any type of flashing, scrolling, or animated message.
- The changeable message or display must remain fixed for no less than 2 minutes. (NOTE: exception for time and temperature, which would still be allowed to change at 5 second intervals.)

(a) Mr. Harold Poole, Senior Planner, said this was actually referred by Council back to the Planning Board. Mr. John Riley, Central Carolina Insurance Agency, 317 Jake Alexander Boulevard, addressed Council earlier this year and Council referred his request to the Planning Board, which put this into a committee. Mr. Riley met with the committee on this matter. Mr. Poole said Salisbury has not allowed electronic sign for the past 16 years. The Planning Board is making a unanimous recommendation that

electronic signs be allowed under certain conditions.

Councilman Martin asked if this would enable Mr. Riley to put up what he wanted. Mr. Poole said it would not allow him to do exactly what he wanted. The Planning Board would have liked to agree with his request but did not feel Mr. Riley's request was in the best interest of the City. The concern lies in the possibility of a number of people wanting to do this same thing. Mr. Poole explained to Council that no more than 50 percent of the actual sign face, up to a maximum of 32 square feet, may consist of a changeable copy sign. There were questions and discussion regarding the size and other matters pertaining to electronic signs.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning text amendment to allow electronic signs, with provisions.

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

She then asked if anyone wanted to make a comment and Mr. John Riley came forward to speak. He thanked Councilman Woodson and the committee for looking into this issue. He said his major problem is distance. The 32 square foot sign looks good in this room but it is not big enough to get his message on it. He indicated he would need more than one sign if he wanted to say 6 to 8 words, and would need 4 minutes, and he could then put up time and temperature. Mr. Riley said this is just not feasible, and he feels this is too little space and too little time for him. Others on Jack Alexander might be able to use this seeing how they could put the sign right on the street. He said it is three football fields from his business over to Team Chevrolet. In order for someone to see his sign, it would need to be 50 square feet, with a scrolling message every 5 seconds.

Councilman Woodson asked how high the sign could be. Mr. Riley said it could be up to 30 feet high, that the one he had in mind would probably be 27 feet high. Mr. Riley said he spoke with a sign manufacturer and they recommended a sign of 50 square feet with less than 2 minutes to change the message copy.

Councilman Kennedy asked Mr. Poole what the rationale was for 2 minutes. Mr. Poole said the Planning Board considered the driving public. They did not want the sign to be distracting to a driver and that 2 minutes was a reasonable time period to change the message. If this is enacted, these signs can go up anywhere in the City. Mr. Kennedy asked if other signs in the City were viewed, Mr. Poole replied that the Planning Board decided this on their own. Mr. Kennedy said he wants to be sure that we are fair to Mr. Riley and our community. He said he does not want to have signs that are distracting to drivers, but he does not believe we have researched this the way we should have. Mr. Kennedy said he would like to see a Council Committee appointed to take another look at this. Councilman Woodson said he has had many people in his office the past couple of weeks to discuss signs. Mr. Woodson and Mr. Kennedy volunteered to serve on the committee.

Mayor Klutz appointed Mayor Pro Tem Woodson and Councilman Kennedy to serve on a Council Committee to study this further.

TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

-

(a) Mr. Dan Mikkelson, City Engineer and interim Director of Land Management and Development, informed Council that annually, the North Carolina Department of Transportation (NCDOT) conducts public hearings to receive public input on the Transportation Improvement Program (TIP). The TIP has a two-year cycle, with the current year being the "off-year". NCDOT is soliciting comments on their proposed list of projects, but they are not soliciting requests for new projects.

Mr. Mikkelson noted NCDOT has proposed to move four projects from the unfunded list to the funded list. The projects are: Item #6, Klumac Road Grade Separation, U-3459, Item #10, Kelsey-Scott Park/Catawba College Greenway, E-4713, Item #13, Bringle Ferry Road/NSRR Grade Separation, E-3460, and Item #15, Airport Parkway, U-3821. Two additional projects have been added to this year's funded list, Item #12, Train Station Rehabilitation, P-2925, and Item #14, NC-150 widening from Grants Creek to Airport Road. Mr. Mikkelson commented that the widening of NC-150, in accordance with the Salisbury Vision 2020, include a landscaped median, sidewalks, and bicycle accommodations.

Mayor Pro Tem Woodson said he felt we should receive public comments regarding the median on NC-150. Mr. Mikkelson said a public hearing would be conducted today. He informed Council that information regarding the median on NC-150 has been shared with Rowan County, the Chamber of Commerce, Greenway Committee, Downtown Salisbury, Inc., the Economic

Development Commission, Historic Salisbury Foundation, and Rowan County Convention and Visitors Bureau. Mr. Mikkelson noted that the Planning Board conducted a courtesy hearing, and that both the Planning Board's courtesy hearing and the City Council's public hearing have been advertised. Mr. Mikkelson also noted that the impetus for this recommendation is our Salisbury 2020, which is a result of an enormous amount of public input.

Mr. Mikkelson informed Council that the TIP also includes Item #19, Arlington Street Extension, U-3624. This project is currently being built by Wal-Mart and is scheduled for completion within the next month. Mr. Mikkelson said he has advised NCDOT that this project should be removed from the TIP, and will advise them again.

Councilman Kennedy noted that Item #6, Klumac Road Grade Separation and Item #13, Bringle Ferry Road/NSRR Grade Separation, amount to almost 30 million dollars and asked if the State has the money for these projects. Mr. Mikkelson said the State has been conducting studies on the Klumac Road Grade Separation and will be meeting with the City with options for the project. He said the State projects construction to begin on Klumac Road in 2006. The Bringle Ferry Road Grade Separation will take many more years to begin, he noted.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider the proposed Transportation Improvement Program (TIP).

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

(c) Thereupon, Mr. Burgin made a **motion** to endorse our TIP plan and forward it to NCDOT. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

WATER PLANT EXPANSION - 405 NORTH JACKSON STREET

(a) Mr. Hubert Furr, Development Services Manager, informed Council that any building over 10,000 must go through Planning Board and City Council as a Group Development. The proposed new structure for the Water Plant Expansion, is 16,456 square feet. The old structure, a one-story brick office building has been removed in anticipation of building the new structure. The Technical Review Committee and the Salisbury Planning Board found that all zoning criteria have been met and voted unanimously to approve as submitted.

Councilman Kennedy asked the size of the old building and if it was torn down. Matt Bernhardt, Assistant Utilities Director, said the building was approximately 2,000 square feet. The building was built on a concrete slab and after investigation found it was not cost effective to relocate the building.

(b) Mayor Kluttz announced Council would receive public input at this time concerning the Water Plant expansion at 405 North Jackson Street.

No one was present to comment on the above Water Plant Expansion.

After public input Councilman Burgin said he wanted to be sure, as a traditional City, we feel good about the building we are getting ready to build for our water department, since it is going to be a contemporary building. He reminded Council this would be a 100-year decision. He believes it is prudent that Council be sensitive to the type of structure we build because we are a City that prides itself on our historical architecture. He said he realizes to make a modification would cost money. Mayor Kluttz said she is also concerned because this property backs up to the Ellis Street Historic District, is close to the Freedman's Cemetery, and that this is an important section of our City. Mayor Kluttz said when we are so strict about appearances, historic districts, and buildings; we need to make sure this fits in with the rest of the neighborhood.

Councilman Burgin said the first design that came through was for a metal building. Matt Bernhardt told Council that they have worked on the appearance of the building by adding windows and putting masonry on the lower part of the building. He said it was the best they could do in a very tight space, with a limited budget, including putting in landscaping to make it look as good

as possible.

Mayor Klutz appointed a Council Committee of Councilman Burgin and herself to look into other options for the façade of the building.

Mr. Treme reminded Council that we are still on budget, and still within the time frame to produce water, but there are some strict timetables and guidelines that impact water production and the servicing of our customers. He told Council if there is this much concern, it would be prudent to stop and take a quick look at the design of the building. Mr. Treme requested the site plan be approved with the contingency of taking a look at the exterior of the building. Councilman Burgin said he was comfortable with that, he was not aware of anything other than the façade that needed to be focused on, and that it would help us stay on schedule.

(c) Thereupon, Mr. Woodson made a **motion** to approve the Water Plant expansion site plan with the contingency that the exterior be reviewed. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

PUBLIC HEARING - COMMUNITY TRANSPORTATION PROGRAM GRANT FOR FISCAL YEAR 2003-2004

(a) Mr. Steve Martin, Transit Manager, informed Council that the Salisbury Transit System is seeking permission to apply for the Community Transportation Program Grant. He said the minimum amount of money we will receive this year, from state and federal governments, for our administrative expenses will be \$102,970.00 and \$109,678.00 for our operating costs. The City's local match to receive this funding is \$160,282.00, which has not increased since 1993. In addition, we will receive \$166,000.00 from State Maintenance Assistance Planning, which requires no local match.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to receive comments from the public concerning the Salisbury Transit System's proposed Community Transportation Program Grant application for fiscal year 2003-2004.

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

(c) Thereupon, Mr. Woodson made a **motion** to adopt the resolution to apply for the Community Transportation Program Funding grants. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION SEEKING PERMISSION TO APPLY FOR FY2003-2004 COMMUNITY TRANSPORTATION PROGRAM GRANT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, AND TO PROVIDE THE NECESSARY ASSURANCES.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 176, and is known as Resolution No. 2002-37.)

SALISBURY STREETScape IMPROVEMENT PROJECT

Mr. Joe Morris, Urban Resource Planner, informed Council that the TEA-21 Streetscape Improvement Project is a project the City has worked on for a number of years. This project provides for improvements in the vicinity of F&M Bank, construction of a parking lot behind the Chamber of Commerce Gateway building, and improvements to a section of W. Liberty Street adjacent to Freedman's Cemetery. Mr. Morris said this is part of a federal funding source that was made available through a grant application. Since receiving the grant, we have been in an engineering development stage and have also been putting the work out for bids. We have received a qualifying low bid from Mustang Enterprises for \$737,128.75. In addition, we would have an additional line item for decorative lights, underground wiring, and signal relocation, which would bring the total project cost to \$858,426.75.

Mr. Morris told Council that the parking lot to be constructed behind the Chamber of Commerce building would not qualify for this grant. After negotiating with NCDOT, we were able to successfully receive participation in the funding of some of the elements of the parking lot including landscaping, pedestrian walkway, decorative lighting, and curb and gutter. The pavement, striping, and the stone base of the parking lot, amounting to \$84,641.30, did not qualify for the grant.

Mr. Morris informed Council that the State's share of participation in this project amounted to \$487,484.83 and that the City would be required to provide \$286,300.62. He said based on schedules provided to us by NCDOT, relative to design and administration of the grant, we are able to qualify for \$67,339.50, allowed to the City as part of our local match. Also, if the City provides demolition for the project, it could potentially save the city \$78,395.00. Mr. Morris said after discussions with Mr. Vernon Sherrill, Public Services Director, and Mr. Steve Weatherford, Street Maintenance Manager, they have concurred that this would be a reasonable service that could be provided for this project and have agreed to provide these services to help make up our in-kind match. Mr. Morris said if we include money appropriated for this project over 2 years ago, defer construction of the Hardware lot, provide demolition by our Public Services Department, and include the design and administration costs allowed by DOT, we would have a local match of \$295,734.50, which exceeds the required match.

Mr. Dave Treme, City Manager, told Council that this project is a goal of City Council and that we are trying to meet this goal and complete this project. He has called on the cooperation of our Engineering Department, the cooperation and support of our Public Services, and the cooperation of our financing group in terms of scheduling and financing. He added that we can complete this project, but we have no room to move anywhere else other than this plan. We do not want to be in the position of returning \$487,484.83 of funds that could have helped us accomplish an objective that has been approved by City Council. Mr. Treme encouraged the award of this contract. This is an experienced contractor who has worked with us before. We will need cooperation and coordination between the contractor and the City to work together to get this work done.

Thereupon, Mr. Burgin made a **motion** to adopt a resolution authorizing the Mayor and City Clerk to execute a contract with Mustang Enterprises for \$737,128.75. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF SALISBURY, A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH CARTER COUGHENHOUR, INC., D.B.A. MUSTANG ENTERPRISES FOR THE PROJECT KNOWN AS THE SALISBURY STREETScape IMPROVEMENT PROJECT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 177, and is known as Resolution No. 2002-38.)

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their October 8, 2002 meeting as information only.

(b) Report regarding fiscal year 2002-2003 budget

City Manager Treme reported that he has been working with the Management Team and Finance Staff to balance the budget for the remainder of this year. Mr. Treme said the one-half cent sales tax the County passed will probably result in approximately \$408,000.00, but does not cover the 1.2 million dollars we have been shorted this year by the State. We still need to come up with \$1,155,000.00 out of our current budget to balance for this year. Mr. Treme said he has already had a reduction in force, frozen positions, cut operations, and now he has gone into the Capital and Special Projects budget. Mr. Treme said he will be getting input from his staff over the next two weeks and he will share with City Council details of the impact on our budget at the next Council meeting.

(c) Introduction of Mr. Dan Mikkelson, City Engineer and Director of Land Management and Development

City Manager Treme told Council that Mr. Dan Mikkelson has been our City Engineer for the past 13 years and has served as our interim Director of Land Management and Development for the past 7 months. Mr. Treme announced Mr. Mikkelson's promotion to Director of Land Management and Development. Mr. Mikkelson will also continue to be our City Engineer and will maintain his office in the Zimmerman building.

(d) Introduction of Mr. H. Matthias (Matt) Bernhardt, Assistant City Manager for Utilities

City Manager Treme told Council that Mr. H. Matthias (Matt) Bernhardt is a long time Salisbury resident. Mr. Bernhardt graduated from Salisbury High School and will shortly obtain his Masters Degree from Appalachian State University. Mr. Bernhardt has worked in our Utility Department over the past year and a half and has added leadership skills, management skills, problem solving skills, thinks outside the box, and is very creative in his thinking. Mr. Treme created the position of Assistant City Manager for Utilities, which is the renaming of a current position, to provide direct assistance to the City Manager and to help with future challenges as we expand our Utility system. Mr. Treme announced Mr. Bernhardt's promotion to Assistant City Manager for Utilities.

(e) Ms. United Way Pageant

The Ms. United Way Pageant will be held October 29, 2002, Mr. Treme reported. This is a contest to help raise funds for United Way.

MAYOR ANNOUNCEMENTS

(a) Update - Town of East Spencer Meeting

Mayor Kluttz reported that on October 3, 2002, she met with the officials of the Town of East Spencer along with City Manager Treme, Utilities Staff and Mr. John Sofley, Finance Director. The officials of East Spencer asked if the City of Salisbury could possibly forgive some of their debt. Mayor Kluttz explained to Mayor Jefferies that we could not do that, that our water system belongs to our citizens and our ratepayers. Mayor Kluttz stated that although we cannot forgive any of the debt, our staff is very willing to work with them to help them find grant monies, and to investigate problems and leaks. Mayor Kluttz said she is very impressed with Mayor Jefferies, and admires her for her hard work and efforts to pay off this debt.

(b) Salisbury Crime Control Summit

The Salisbury Crime Control Summit is presently scheduled for October 29, 2002 at City Hall, Mayor Kluttz reported, but the date is subject to change.

(c) Rowan County Local School Bond Resolution

Mayor Kluttz read the Resolution that stated the Salisbury City Council supports the passage of the Rowan County Local School Bond Referendum on November 5, 2002 and encourages the citizens of our community to vote for the passage of this important issue. Mayor Kluttz then asked the Council for their consideration.

Thereupon, Mr. Woodson made a **motion** to adopt the resolution in support of the local school bonds. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION IN SUPPORT OF THE ROWAN COUNTY LOCAL SCHOOL BOND REFERENDUM

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 178, and is known as Resolution No. 2002-39.)

(d) High Rock Lake Resolution

Mayor Klutz read the Resolution requesting the Federal Energy Regulatory Commission (FERC) to take immediate action to change the Operating Guidelines of Yadkin, Inc. – APCI, to establish a new drawdown that would be beneficial to protect our fish and wildlife and leave High Rock Lake usable for recreation the year round.

Thereupon, Mr. Martin made a **motion** to adopt the High Rock Lake resolution. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

Councilman Woodson said several citizens have spoken to him regarding these regulations and believe they are going to Washington in the next few weeks and would appreciate our support. Mayor Klutz said she has been approached as well, and that they are also asking for support from Rowan and Davidson County.

RESOLUTION IN SUPPORT OF CHANGING THE OPERATING GUIDELINES OF YADKIN, INC. - APCI FOR HIGH ROCK LAKE.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 179, and is known as Resolution No. 2002-40.)

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Kennedy. All members agreed unanimously to adjourn. The meeting was adjourned at 6:40 p.m.

Mayor

-

City Clerk

