

Salisbury, North Carolina
January 17, 2006

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 Lewis.

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.

COUNCIL TO RECOGNIZE THE 2004-2005 CITY RETIREES AND CITY EMPLOYEES WITH 25, 20 AND 15 YEARS OF SERVICE

Mayor Kluttz recognized the following 2004-2005 retirees and employees with 25, 20, and 15 years of service:

Retirees

Roy A. "Sonny" Eagle, Jr.
Robin Youngblood
Clarence E. Marlin
John H. Cornelison
Brenda J. Allman
Ricky D. Fesperman
Donnie Crowder
Stephen A. Martin
Ken Stutts
Percy Myers
William P. Higgins
Vernon E. Sherrill
Virginia P. Linebarger
Fred L. Mowery

25 Year Honorees

Donald P. Rendleman – Fire Department
Marshall Moore – Fire Department
Bonnie S. Breedlove – Transit Division

20 Year Honorees

Gheorghe Teodorocivi – Traffic Operations Division
Anthony L. Cinquemani, III – Traffic Operations Division
Lewis A. Rogers – Fire Department
Michael A. McCart – Police Department
Howard W. Harkey – Fire Department
Carlos E. Euart – Street Division

Eric M. Helms – Residuals Management
Cheryl D. Douglas – Environmental Services
Benny L. Hillard – Solid Waste Division
Robert G. Burleyson – Fire Department
Victor C. Smith – Traffic Operations Division
Larry C. Shaver – Traffic Operations Division
Richard D. Fleming – Fire Department

15 Year Honorees

Bennie R. Stegall – Recreation Department
Timothy R. Hurlocker – Fire Department
Robbin E. Moon – Fire Department
Darrell M. Nichols – Fire Department
Monte T. Quillman – Fire Department
Kenneth S. Lane – Police Department
John I. Lanier – Police Department
Kenneth M. Keller – Fire Department
Clinton W. Mishak – Water Treatment Plant
Teresa P. Harris – Management Services Department
Douglas H. Troutman – Environmental Services
Jeffrey M. Holshouser – Recreation Department
Rodney K. Harris – Police Department
Patrick L. Ritchie – Engineering Division
Randy A. Allman – Water/Sewer Maintenance Division
Christopher Mitchem – Water/Sewer Maintenance Division

Mayor Kluttz thanked the employees for their contributions and service to the City.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

NATIONAL MENTORING MONTH January, 2006

Mayor Kluttz recognized Ms. Liz Tennent Rose and Ms. Karen Carpenter from the Youth Services Bureau. Ms. Rose described the Times Two Mentoring Program through the Youth Services Bureau and noted that currently there are forty (40) at-risk youth who are waiting for mentors. She introduced the 2005-06 Times Two mentors Mr. Todd Hildebrand, Ms. Natasha Smith, Mr. John Rustin, III, Ms. Ruth Chaparro, Mr. Steve Huffman, Mr. Logan Shoaf, Mr. Joe Trainer, Ms. Renee Turman, Officer Terry Moore, Ms. Kara Bean, Ms. Judy Rochelle, Mr. Robert Lowe, Ms. Amber Chaudhury, Ms. Katie Setzer, Mr. Wally Karutz, Ms. Sadie Porcari, Ms. Judy Lowman, and Ms. Kyley Thompson.

Ms. Carpenter noted that the Youth Services Bureau is a United Way Agency and thanked Council for their support of the United Way and of youth in the community.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of January 3, 2006.

(b) Group Development Site Plan G-04-05 - Fire Station 4

Approve Group Development site plan G-04-05 - City of Salisbury Fire Station 4, 2325 Statesville Boulevard.

(c) Budget Ordinance Amendment - Parks & Recreation Department

Adopt a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$11,706.27 to appropriate various donations received by Parks and Recreation.

AN ORDINANCE AMENDING THE 2005-2006 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Budget, at Page No. 4, and is known as Ordinance No. 2006-03.)

(d) Budget Ordinance Amendment - Parks & Recreation Department

Adopt a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$7,042.00 to appropriate an insurance reimbursement received by Parks & Recreation.

AN ORDINANCE AMENDING THE 2005-2006 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE REIMBURSEMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Budget, at Page No. 5, and is known as Ordinance No. 2006-04.)

(e) Stop Conditions - Yorkshire Drive

Adopt an Ordinance to establish stop conditions on Yorkshire Drive.

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. 21, Traffic, at Page No. 6, and is known as Ordinance No. 2006-05.)

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

HIGHLIGHTS AND GOALS - COMMUNITY APPEARANCE COMMISSION

Ms. Barbara Perry, Chairman of the Community Appearance Commission (CAC) and Ms. Lynn Raker, staff liaison, presented Council with the Goals and Highlights for 2005-2006 for the CAC. Members of the CAC are Ms. Sara Robinson, Ms. Barbara Lawther, Mr. Johnny Safrit, Ms. Barbara Perry, Ms. Greta Connor, Ms. Cindee Bridges, Mr. Bill Safrit, Ms. Suzette Davis, Ms. Judy Kandl, Mr. Chad Morgan, and Mr. Michael Lippard.

Highlights 2005

- Awarded ten (10) Municipal Service District Incentive Grants
 - Total Grants: \$18,161
 - Total Project Amounts: \$118,384
 - Municipal Service District Grant History 1981-2005:
 - Public Investment 1981 – 2005 = \$342,000
 - Private Investment 1981 – 2005 = \$4,600,000
- Awarded nine (9) Innes Street Improvement Grants
 - Total Grants: \$29,181
 - Total Project Amounts: \$137,841
 - Innes Street Incentive Grant History 1996 – 2004:
 - Public Investment 1996 – 2005 = \$144,000
 - Private Investment 1996 – 2005 = \$3,046,000
- Continued planning phases of Salisbury History and Art Trail with Downtown Salisbury, Inc.
- Completed Depot Street Mosaic “Smoke and Steel” and held dedication
- Held two (2) neighborhood leaders meetings and identified neighborhood goals
- Co-sponsored with Public Services Department Fall and Spring spruce-up
- Initiated Downtown Holiday Storefront Decorations Award
- Participated on North Main Street Small Area Plan committee

Goals 2006-07

- Continue the Municipal Service District Grant program \$25,000
- Continue the Innes Street Incentive Grant program \$25,000
- Conduct educational program \$ 3,500
- Continue Fall and Spring Spruce-up Days, Adopt a Salisbury Street Program, Landscape of the Month, and other programs \$ 1,600
- Improve appearance, comfort and maintenance of Downtown streetscape with purchase of eleven (11) additional trash receptacles and six (6) benches \$15,000
- Complete wiring for receptacles in 100 blocks of Innes and Main Streets \$10,000
- Receptacles in railroad bridge medians \$ 2,500
- Salisbury History and Art Trail \$20,000
- Installation of three (3) neighborhood entrance signs \$ 5,000

Other key goals:

- Continue to serve as liaison for neighborhood leaders. Host quarterly neighborhood leaders meetings

- Encourage the hiring of an additional code enforcement/nuisance abatement officer

Mayor Klutz thanked Ms. Perry and members of the CAC for their work throughout the year.

HIGHLIGHTS AND GOALS - HISTORIC PRESERVATION COMMISSION

Mr. Michael Young, Chairman of the Historic Preservation Commission (HPC), and Ms. Janet Gapen, staff liaison, presented Council with the HPC Goals and Highlights 2006-2007. Members of the HPC are Mr. Michael Young, Chairman; Mr. Jeff Sowers, Vice-Chairman; Ms. Raemi Evans, Mr. Ronald Fleming, Mr. Mike Fuller, Ms. Susan Hurt, Ms. Ann Lyles, Ms. Kathy Walters, and Mr. Wayne Whitman.

HPC 2005 Statistics

- Applications for Certificates of Appropriateness
 - Granted 50
 - Denied 5
 - Withdrawn 1
 - Tabled 1
 - Total 57
- Minor Works approved 113
- Design Review Advisory Committee meetings 7

Highlights

- Preservation Grants awarded in Spring and Fall
 - Fall 2005 Awards (7) \$19,587
 - Funds Available Spring 2006 \$10,413
- Hosted "Preservation Camp" at St. Luke's Episcopal Church - July 16, 2005
- Efforts to publicize potential demolition of 117, 119 & 121 West Fisher Street
 - September 19 Called Meeting
 - Six (6) committee meetings
 - January 12 Informational Hearing

FY2006-07 Goals

- Continue Historic Preservation Grants - \$30,000
- Pursue National Register district expansions. Apply for Certified Local Government (CLG) grant governing sixty (60) percent of cost - \$20,000
- Begin posting properties for Certificates of Appropriateness (COA) applications and approvals. Begin with new construction and demolitions - \$1,000
- Apply for designation as a *Preserve America* community
- Simplify the approval process by expanding Minor Works
- Seek new legislation for regulating demolitions in the Downtown Historic District
- Seek temporary restrictions on future demolitions in the Downtown Historic District
- Provide information about design guidelines to new water service customers in historic districts
- Inform public using newsletters, Access 16, and brochures
- Develop design guidelines for location and placement of new public art installations
- Organize local recognition of *Preservation Month* - May 2006
- Re-evaluate design guidelines concerning signs
- Request a City Council liaison to the Historic Preservation Commission
- Participate in training for members and staff

Mayor Klutz thanked Mr. Young and Ms. Gapen for their presentation and thanked the members of the HPC for their work.

HIGHLIGHTS AND GOALS - PARKS AND RECREATION ADVISORY BOARD

Ms. Amy Smith, Vice-Chair, and Ms. Gail Elder White, Parks and Recreation Director, addressed Council regarding the Highlights and Goals for 2005-2006 for the Parks and Recreation Advisory Board.

Highlights

- National five (5) year reaccreditation
- Completed Master Plan for Sports Complex
- Dedicated Hall of Fame Monument and inducted new members
- Continued Use of the Salisbury Community Park
 - Rowan Little League Baseball
 - Rowan Alliance Soccer League (youth recreation and challenge league)
 - Hispanic Soccer League
 - Hosted seven (7) softball tournaments
 - Salisbury High School Tri-County Cross Country Meet
 - Hosted Cyclo-Cross Event
 - 4th Annual Fishing Derby
- Convention/Conference Center Feasibility Study completed and presented to City Council January 18, 2005

- Minor Renovations to Jersey City Park
- Coordination of Centennial Park Plan and additional property acquisition

Goals 2006 – Priority Level 1

- Provide operating and tournament recruitment funds for parks, especially Salisbury Community Park and Athletic Complex
- Provide annual allocation of funds for renovation of existing parks (no less than \$100,000)
- Provide funding for renovation and additions to the existing Civic Center - \$2,000,000 for gym, pool and some park development
- Renovation of the Sports Complex construction documents and renovation (Parks and Recreation Trust Fund Grant match)

Priority Level 2

- Neighborhood Park land acquisition, East of I-85
- Design and development of a Hall of Fame building at the Salisbury Community Park & Athletic Complex

Supporting Goals

- Support design and development of the Salisbury Greenway
- Support neighborhood problem solving, through programs and park renovations
- Support the Tourism Authority in the recruitment of tournaments and events in our parks

Ms. Smith noted the Parks and Recreation Mission Statement which states, “To provide quality leisure services through safe, attractive, maintained parks and diversified programs that meet the current and future needs of the community.” She noted the members of the Parks and Recreation Advisory Board: Mr. Blaine Gorney, Chairman; Ms. Amy Smith, Vice-Chair; Mr. Norris Currence, Mr. Brendan Davidson, Mr. Jimmy Greene, Dr. Bret Busby, Mr. James Poe, Ms. Mercedes Harrington, Ms. Karen Morris, Council liaison 2005 Bill Burgin, and Council liaison 2006 Mr. Paul Woodson.

Mayor Kluttz thanked Ms. Smith for the presentation and for the work done throughout the year by the Parks and Recreation Advisory Board.

GROUP DEVELOPMENT SITE PLAN G-03-99 - CORDON DEVELOPMENT

G-03-99 - Cordon Development, East 12th Street

(a) Mr. David Phillips, Zoning Administrator, addressed Council regarding group development G-03-99 and indicated that the developer is requesting an amendment to the previously approved group development site plan. He noted that the site is located in the 1300 block of North Main Street and the 100 block of East 12th Street. He reviewed the approved site plan and aerial photographs of the site and surrounding properties, pointing out the former Duke Power facility and an existing warehouse facility.

Mr. Phillips informed Council that in 1999 the developer came to the Planning Board with a proposal to create a group development consisting of four (4) phases to include four (4) separate warehouses. Only phase one was constructed. Mr. Phillips stated that the developer is requesting to amend the approved group development site plan to create a subdivision consisting of three (3) separate tracts. Tract one will consist of the existing warehouse facility on the corner of 12th and N. Lee Streets. Tract two will include the former Duke Power facility and property on North Lee Street, with Tract three being the property on North Lee and East 14th Streets. Mr. Phillips stated that if the subdivision is approved, tract one will be considered a stand alone group development and any changes to the site plan will have to go through the group development site review process. He added that the tract will also have to be brought to City landscaping standards. Tract two will also be considered a group development should it ever be developed or if the building footprint changes. He stated that tract three is a vacant lot and at this time there are no plans known for its development.

Mr. Phillips explained that the developer wishes to subdivide the property into three (3) tracts so that each could potentially be sold. He informed Council that the developer has a potential customer to purchase tract one and since the building and parking are existing it will require the landscaping be brought to current Code. This will include an eight (8) foot planting strip along the property line.

Mr. Phillips indicated that this was presented to the Planning Board where there was very little discussion. He noted that there was no one present from the neighborhood to speak for or against the request. He pointed out that the property is located within the North Main Street Small Area study and staff has notified the group of the plans with no response.

Mr. Phillips informed Council that if it approves the request G-03-99 will need to be rescinded. He stated that as part of the rescission the developer will have to submit a minor subdivision plat and noted that the developer has submitted it and it does meet all requirements. He further explained that tract one would be handled as individual group development G-01-06 and when the landscape requirements are brought to Code, will meet all requirements.

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

Ms. Susan Hurt, 205 East Miller Street, indicated that she is one of the neighbors involved in the North Main Street Small Area study and the group has been very active in the process. She noted that they took their mission as trying to think comprehensively and in an integrated way about what will be best for revitalizing the neighborhood. She commented that they have looked at integrating aspects of the Vision 2020 Plan and what types of business and land use would support the mixed urban residential neighborhood. Ms. Hurt added that they are not at the beginning of the process but are

actually getting close to the end with a design workshop scheduled in two (2) days. She expressed concerns for how to keep the effort comprehensive and integrated and noted that possible zoning changes have been discussed. Ms. Hurt stated that the neighbors would like to keep things integrated and not have something that might be different from what the area study recommends. She noted that this is a large piece of property and is being considered as part of the Small Area study.

Ms. Paula Boland, 925 North Main Street, stated that many of the neighbors are very pleased and thank the Council for asking for this Small Area study. She stated that it has brought together many diverse groups and a stronger community has been formed because of it. She commented that in asking for the neighborhood's input Council also provided them with self-determination and their self-determination indicates that this does not feel right. She stated that they would like an opportunity for Council to review the Small Area Plan and what neighbors feel would be best for this area before making changes.

There being no one else to speak regarding the group development site plan, Mayor Kluttz closed the public comment session.

Mayor Pro Tem Woodson commented that Ms. Hurt and Ms. Boland made a good point and asked staff if they are aware of what will be done with this property. Mr. Phillips responded that the interested party for tract one is a contracting company who would use the existing structure for inside supply storage and some exterior equipment storage.

Councilman Burgin asked Mr. Phillips to clarify that this does not involve a zoning change but only how the property is parceled. Mr. Phillips responded that this is correct. Mr. Burgin commented that if the property is divided into parcels what will be gained is landscaping for tract one. He stated that he appreciates the neighbors request to look at this comprehensively but the request is not to change the property from anything it already is and he does not believe this would add a burden to the neighborhood in the request. He reiterated that it appeared that the City would gain landscaping on the property and it does not appear that anything would be given up regarding its use or development.

Mr. Woodson asked if the property is zoned commercial. Mr. Phillips responded that the majority is B-6, which is commercial, and the back of the property is M-1 light industrial.

Councilman Lewis indicated that he is struggling with this because the group development is approved for four (4) buildings and he appreciates the neighbors involvement in this process but he also feels the developer has to have vested rights. He noted that when the developer optioned the property he had a group development approved and had a plan in place that would provide an economic return. He commented that the subdivision has the potential for fewer buildings and he is struggling with denying this because he does not feel the request is altering the plan in a way that would be negative to the community. Mr. Lewis stated that the owner of the property bought the property in good faith, with an approved design, and is trying to follow through on something that is pretty close to their original investment. He added that he does not think that this means that during the design workshop the area cannot be studied for a transition to something different in the future. He stated that if Council denies this request there will still be an approved group development plan in place.

Councilman Kennedy stated that the developer has an approved plan in place and if Council does not approve this request the developer can still do what they wish with the current plan. He added that he feels this will be an improvement because it will add landscaping.

(c) Thereupon, Mr. Lewis made a **motion** to rescind group development site plan G-03-99. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(d) Thereupon, Mr. Lewis made a **motion** to approve subdivision minor plat S-01-06. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(e) Thereupon, Mr. Lewis made a **motion** to approve group development site plan G-01-06 for tract one as submitted. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

APPEAL FROM JOHN LEATHERMAN PROPERTIES - PRELIMINARY PLAT S-06-05

Councilman Burgin indicated that he needed to be excused from this issue due to a conflict of interest.

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

Mr. Patrick Ritchie, Staff Engineer, informed Council that the Planning Board recently approved preliminary site plan S-06-05 subject to conditions placed upon it. The developer has requested an appeal of those conditions to City Council. He clarified that Council has the authority to amend the conditions and if Council denies the appeal the developer, Mr. Leatherman, would still have a valid preliminary plat with the conditions placed upon it by the Planning Board.

Mr. Ritchie stated that the site is approximately nine (9) acres and is connected to Rosemont Street on the north and is connected to the right-of-way of Dodd Street, which is a substandard street not on the City maintenance system. The site also connects to South Main Street. He noted that the site is zoned B-1 Commercial and the frontage along South Main Street is zoned B-6 with residential zoning along Rosemont Street. He stated that when the site plan was submitted it was sent to a Planning Board Committee. One of the main concerns of that Committee was the access to Rosemont Street. Mr. Ritchie informed Council that the developer was willing to make changes to his plan and added a traffic circle to provide traffic calming and separate the development from the residential area on Rosemont Street. The other main area of concern was the connection to South Main Street. Staff and the Planning Board Committee felt that the connection to South Main Street will serve as the main entrance to the commercial subdivision and if the street is allowed to be left substandard it will encourage traffic to use Rosemont Street, and the seven (7) commercial lots will expect the City to maintain the

area. He stated staff has no objection to the City maintaining the Dodd Street connector as long as it is brought to City standards before it is taken over. He pointed out the Dodd Street connector on a map and noted that it goes through property that is not part of the subdivision. Mr. Ritchie indicated that the Planning Board approved the plat with the condition that Dodd Street be brought to City standards with the exception that instead of the standard fifty (50) foot right-of-way it have a forty (40) foot right-of-way with sidewalk on only one side. The other condition is that a driveway permit be obtained from the North Carolina Department of Transportation (NCDOT). He noted that this will be required even if the Dodd Street connector remains unimproved because it is connected to a NCDOT maintained street. Mr. Ritchie reviewed photographs of the area and the streets in question. He informed Council that staff recommendation is to uphold the conditions placed on S-06-05 by the Planning Board.

Mayor Pro Tem Woodson asked how the street will be improved. Mr. Ritchie explained that there is a question as to how much right-of-way is present with the current street as it has not been surveyed, but what staff is requesting is that what is there now be removed and a street installed so that the pavement width and curb and gutter will meet all of the City's commercial street standards. He said the exception to allow sidewalk only on one side would allow for the narrower right-of-way and potentially make it possible to save the large trees on the property.

Councilman Kennedy asked about the proposed traffic calming device and asked how staff feels it will affect the neighborhood on Rosemont Street. Mr. Ritchie responded that the traffic circle will not separate the neighborhood completely from the commercial development but it will create an obstacle to keep people from using it as a short-cut. Mr. Kennedy asked if the street has to go through Rosemont Street for the development to work. Mr. Ritchie responded that it could work, but if Council wants to make this a condition then the developer could go back to the plan approved by the Planning Board to bring the street up to standard. He stated that staff did not review using a connection only to South Main Street because that was where the developer had objections; however, they did review Rosemont Street as the only connection and found it very objectionable.

Mayor Kluttz recognized Mr. John Leatherman, developer for the project. Mr. Leatherman stated that it appears to him that the two questions are whether it is necessary to extend Rosemont Street and if the City is willing to accept Dodd Street as a City Street. He stated that he respects the function of the Planning Board and their delegated authority but he feels they cannot approve the acceptance of Dodd Street as a substandard street. He noted that Dodd Street is clearly substandard but it is obvious to him that Dodd Street was intended to be a public street and met the standards for a public street when it was constructed. Mr. Leatherman indicated that both the former Wachovia Bank and the large stone house known as the Brown House have their own curb cuts off of South Main Street and did not need Dodd Street when it was constructed, nor do they need it today. He stated that Dodd Street is in place and he has surveys in hand that show the right-of-way at the back of the street at approximately twenty (20) feet. He agreed that Dodd Street connected to South Main Street is the primary access for the subdivision and requested that City Council either accept Dodd Street as a City street or allow him to connect to Dodd Street as a private street and extend it on the existing right-of-way to the nearest public street of the approved subdivision. He stated that he has previously agreed that any streets built within the subdivision will be built to current City standards. Mr. Leatherman stated that the reason the extension to Rosemont Street was included on the subdivision was because in order to have a subdivision it requires frontage on a public street. He stated that the extension of Rosemont Street could be a benefit to the community by providing connectivity and would allow another access for emergency vehicles. He added that it is not his desire to cause distress for the Rosemont Street neighborhood and if the City would accept Dodd Street as a City street he would modify the subdivision so that it does not connect to Rosemont Street. Mr. Leatherman commented that if Dodd Street is expanded there will be no way to save the old trees that were mentioned. He stated that he has measured several streets in the City and noted the size he measured which is less than the request for this street of forty (40) feet. He referred to a new development on NC 150 and stated that the City is receiving \$106,000 per year in taxes and he feels this development should be a win-win situation for all parties; however, it will require a compromise on Dodd Street. He asked Council to assign this issue to a committee and noted that he has surveys of the properties in question.

Councilman Kennedy noted that many residents were present and asked if a courtesy hearing could be held to hear their comments:

Mayor Kluttz opened the floor to receive public comment regarding the appeal:

Ms. Bretta Saunders, 1832 Rosemont Street, stated that she hears things about Historic Salisbury and asked if Council is going to let Mr. Leatherman develop their neighborhood. She noted that most of the residents in the neighborhood are senior citizens, adding that they do everything that is demanded of them. She asked Council not to allow Mr. Leatherman to bring traffic on their street.

Ms. Nancy Reed, 1946 Rosemont Street, informed Council that she came to Council when the area parallel to Rosemont Street and Jake Alexander Boulevard was developed. She stated that the development changed the neighborhood drastically as they lost their buffer from the noise and fumes of Jake Alexander Boulevard. She added that the greenery has been changed and it is a very different neighborhood now. Ms. Reed stated she is concerned with the traffic circle and why there would be a need to come onto Rosemont Street. She noted that there are a lot of retired people in the neighborhood but also younger people that have children who play on the street because it has been very safe and secluded. She added that the street does not need any additional traffic. She commented that NC 150 can be reached by other means and there should be no need to use Rosemont to get there.

Mr. Raymond Brooks, 1925 Rosemont Street, stated that he concurs with the others in not having traffic come through the neighborhood. He noted that they do not have crime in their area but this change will give more access to other people and will make the neighborhood susceptible to crime. He stated that neighbors walk in the neighborhood but this will not be something they can do if more traffic is added. He commented that a home is where someone should feel most comfortable but with traffic coming through they will not have this sense of comfort. He added that with the additional traffic it will be a disaster waiting to happen and asked if this is worth a life.

Mr. Gary Watkins, 1830 Sherwood Street, noted that his street runs parallel to Rosemont Street and he would not like Rosemont opened to traffic because he feels it would become a shortcut. He stated that he does all that he can to avoid Jake Alexander Boulevard and would even probably use it himself if it were available, adding that he feels people will begin to use Rosemont when they find they can get through. He stated that he has spoken with Mr. Leatherman and he believes he is sincere in saying that he would like Rosemont Street left out of the situation with an entrance coming off of South Main Street. He asked Council to please consider leaving Rosemont out of the situation.

Ms. Ada Smith, 1922 Rosemont Street, she stated that she was present when the developer agreed to put up a fence and landscaping to buffer the noise. She stated that although the fence is there she only has two (2) trees in the back of the house and it does not buffer noise. She indicated that she does not feel that this should come through their neighborhood because it would be more traffic and another situation they would have to deal with.

Mr. Charles Parks, stated that he just bought the Brown House adjacent to Dodd Street and his concerns are with traffic on Main Street. He stated that many of his clients are retirees and he is concerned with them navigating on a substandard entrance. He noted that the developer has tried to contact him to discuss this issue but he has been trying to clear up issues with the purchase of the property. He commented that if they use Dodd Street something will have to be done with the entire street, noting that it is not easy to see traffic in either direction coming in or out of the property.

There being no one else to address Council concerning this issue, Mayor Kluttz closed the public comment.

Mr. Woodson commented that he understands that the neighborhood does not want traffic on their street and he understands this. He asked if Dodd Street is on the property purchased by Mr. Parks. Mr. Parks responded that the property goes up to the curb, adding that he has the survey but has been unable to study it.

Mr. Woodson asked staff how many feet they want the street to be widened. Mr. Ritchie stated that it is not the street itself, but the right-of-way that staff wants widened so there will be room for a sidewalk. He stated that for the street itself staff's concern is the condition of the pavement. He noted that the pavement will not hold up to normal traffic and was probably installed to driveway standards. Councilman Lewis noted that he sees curbs on the photographs but no gutters. Mr. Ritchie stated that there is a yard inlet and modifications could be made to get water into the inlet.

Mr. Kennedy stated that the more he listens to the issue it seems that a Council Committee needs to be appointed to look at this and make a recommendation to Council.

Mr. Lewis stated that he feels there is already a plan that has been approved and if Council denies the appeal and the developer can obtain the right-of-way he can build what has been approved. He commented that the Rosemont Street connection is already in place and noted that he is troubled that a developer would use the neighbors request for no connection as leverage to get Council to accept a substandard street. Mr. Lewis stated that without the need for Council's approval the developer has the connection to both Rosemont and Main Streets he just has to build it all to City standards. He pointed out that the requested forty (40) foot right-of-way is actually less than the normal City standards and added that this is a concession that is an effort to help the developer.

City Manager David Treme pointed out that a subdivision has to front on a public street in order to be a subdivision and right now Dodd Street is not a public street, adding that the only reason there is the opening to Rosemont Street is to allow the subdivision to front on the public street. He stated that if Council agrees that it is not in the neighborhood's best interest to have Rosemont Street connected to the development then the only way the developer can meet the Ordinance is for Dodd Street to become a public street. He commented that the developer does not appear to own all of the property in order for the right-of-way to be given to the City. He added that if this is going to be accomplished the City might have to obtain the rights-of-way at the developer's expense, and put in a road that would meet the standards. He noted that there have been other situations where Council has seen the public interest for a public street and has provided one at the developer's expense. Mr. Treme stated he feels there is a solution available if the City works with the developer to create a public access. He noted that Mr. Leatherman has done quality work in the past and strong consideration should be given to property ownership and what it would cost for the City and the developer to create the access necessary for a proper and needed development without negatively impacting the residents of Rosemont Street.

Mayor Kluttz expressed her concern for this neighborhood and indicated she would like to see this done in the right way. Mayor Kluttz appointed Mayor Pro Tem Woodson and Councilman Kennedy to serve as a Council Committee and report back to Council as soon as possible.

LEGISLATION FOR REGULATING DEMOLITION IN THE DOWNTOWN LOCAL HISTORIC DISTRICT

Ms. Janet Gapen, Planner II, indicated that Historic Preservation Commissions in North Carolina have very limited regulatory authority regarding demolitions in historic districts. She noted that Historic Preservation Commissions can only impose a one (1) year delay period and for this reason the Salisbury Historic Preservation Commission (HPC) took a great deal of interest in a bill that was passed in the General Assembly. She explained that the bill was passed in June 2005 and was a local bill applied only to the City of Statesville. The bill granted review capacity to the Statesville City Council allowing them to issue permits for demolitions in their historic districts. Ms. Gapen stated that the legislation for the City of Statesville lists a set of criteria that the Council may reference when deciding to issue or deny a demolition permit.

Ms. Gapen informed Council that in October 2005 the HPC adopted a Resolution in favor of seeking similar enabling legislation for Salisbury with the legislation being limited to the Downtown Local Historic District. On November 15, 2005 City Council heard the Resolution from HPC and expressed unanimous support for the enabling legislation.

Councilman Burgin asked to clarify that this legislation would not be applied to the First United Methodist Church property. Ms. Gapen responded that if Council chooses to adopt the Resolution the next course of action would be to seek legal consultation to draft legislation. The drafted legislation could include the verbiage specifying that it does not apply to previously approved demolition permits or previous quasi-judicial decisions regarding demolition.

Mayor Kluttz asked Mr. Burgin if he felt this needed to be included in the Resolution. Mr. Burgin responded that he is comfortable with the Resolution as it is but just wanted to clarify that Council is trying to move forward.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution in support of enabling legislation to regulate demotion of structures within the Downtown Local Historic District. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-

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A RESOLUTION IN SUPPORT OF ENABLING LEGISLATION TO REGULATE DEMOLITION OF STRUCTURES WITHIN THE DOWNTOWN LOCAL HISTORIC DISTRICT.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 1, and is known as Resolution No. 2006-01.)

ESTABLISHING TEMPORARY RESTRICTIONS ON DEMOLITIONS IN THE DOWNTOWN LOCAL HISTORIC DISTRICT

Ms. Janet Gapen, Planner II, presented Council with a draft of a proposed Ordinance to establish temporary restrictions on future demotion permits in the Downtown Local Historic District. She noted that this Ordinance is similar to the previously mentioned legislation in that it lists criteria by which City Council could still allow demolition in cases where it is warranted. She added that the temporary restrictions would only apply to the Downtown Local Historic District. If adopted the Ordinance will be effective upon its adoption and would not apply to previously approved demolition. The Ordinance would expire July 1, 2007 and Ms. Gapen explained that this date was proposed because staff feels it allows sufficient time to have the item placed on the docket for the General Assembly. She added that the General Assembly's next long session begins January 2007 and the deadline to get an issue on their Agenda is May 2006. Ms. Gapen indicated that the Ordinance could be extended if necessary if the General Assembly has not taken action, or it can be rescinded at any time. She noted that a similar Ordinance was adopted in 2000 to protect Downtown historic buildings until the Local Historic Overlay could be established.

Mayor Klutz noted that Council needs to set a public hearing for the proposed Ordinance and pointed out that this also does not apply to the First United Methodist Church property.

Thereupon, Mr. Woodson made a **motion** to set a public hearing for February 7, 2006 regarding a proposed Ordinance establishing temporary restrictions on demolitions downtown. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

REQUEST FOR 45-DAY EXTENSION ON PLANNING BOARD RECOMMENDATION - REGARDING HOT MIX ASPHALT PLANTS

Mr. Preston Mitchell, Senior Planner, indicated that he is appearing before Council on behalf of the Planning Board regarding a text amendment to the Zoning Code. The text amendment was initiated by the City to allow for hot mix asphalt plants within the City's zoning districts. He explained that the request originally went to the Planning Board on December 13, 2005 and was sent to a Committee for additional review. Mr. Mitchell stated that because of the holidays time has elapsed and technically if this item were to be placed on Council's February 7, 2006 Agenda without requesting a forty-five (45) day extension it would have been an automatic recommendation of approval from the Planning Board because the initial forty-five (45) days allowed would have lapsed. He stated that the Planning Board is requesting an extension of time in order to make a formal recommendation on the zoning text change. He added that staff does intend to place this on Council's next agenda.

Thereupon, Mr. Kennedy made a **motion** to allocate an additional forty-five (45) days to the Planning Board for a recommendation for a proposed zoning text amendment regarding hot mix asphalt plants. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

TRUCK TRAFFIC - CONFEDERATE AVENUE, CLUB HOUSE DRIVE AND 11TH STREET

Ms. Wendy Brindle, Traffic Engineer, stated that the traffic route in question is between Henderson Street and Main Street and consists of Confederate Avenue, Club House Drive and 11th Street. She noted that this route was historically part of US 70 and was previously classified as a major thoroughfare but after being removed as a major thoroughfare it is now classified as residential. She stated that members of the neighborhoods have submitted a petition requesting that the speed limit be lowered to twenty-five (25) miles per hour and to restrict truck traffic. Ms. Brindle noted that Council previously took action to lower the speed limit but staff requested time to collect data regarding the truck traffic.

Ms. Brindle presented data that was collected regarding volume and vehicle classification:

Street	Street Classification	Percent Trucks (%) (Small/Buses/Tractor-Trailers)
Confederate Ave/Club House Drive/11 th St	Local Residential	2.4
N. Ellis St.	Minor Thoroughfare	1.9
S. Fulton St.	Minor Thoroughfare	1.2
W. Henderson St.	Minor Thoroughfare	1.1
Sunset Drive	Local Residential	1.1
Mitchell Ave.	Local Residential	1.0
Maupin Ave.	Local Residential	0.9

Ms. Brindle stated that based on this information the request from the neighborhood is reasonable, adding that staff does not necessarily

recommend restriction based on enforcement and effectiveness. She stated that information received from the residents indicated that the trucks who are the biggest users of this route were Swing Transport and Food Lion. Ms. Brindle pointed out that she had contacted Swing Transport and Food Lion in case they wanted to have representation at the Council meeting today.

Councilman Kennedy asked Ms. Brindle what alternate routes were available to the trucks. Ms. Brindle stated the preferred route would be Main Street to Innes Street to Highway 70, adding other possibilities would be Henderson Street or remaining on Interstate 85 and exiting on Jake Alexander Boulevard to Highway 70.

Ms. Brindle noted that approximately three thousand six hundred (3,600) vehicles travel the 11th Street – Confederate Avenue route per day, of which about ninety (90) are some sort of truck. She added that the North Carolina Department of Transportation (NCDOT) assumes three (3) percent truck traffic for a minor thoroughfare.

Councilman Lewis mentioned that this route goes by the City Park where there are kids at play. He inquired if this would restrict buses. Ms. Brindle stated that it would not restrict buses and added that if a truck has a destination along the route they would not be restricted by the Ordinance.

Lieutenant Rory Collins, Salisbury Police Department, stated that as the Police Department receives traffic complaints the areas are monitored for approximately one (1) month. It is then determined if monitoring and enforcement needs to be continued. He noted that there are several areas being monitored at one time, therefore monitoring would be sporadic in any given spot.

City Manager David Treme stated that during the first thirty (30) to forty-five (45) days of a traffic ordinance change, the City concentrates on the area to inform the public of the ordinance change and suggest other routes. After the initial contact, periodic monitoring is enforced.

Mr. Burgin expressed his concern of assisting the residents in this traffic area at the expense of the areas in the alternate routes. He stated he did not feel that Henderson Street, Main Street or Innes Street would be good alternate routes.

Councilman Woodson stated that Henderson Street is a narrow street that travels beside the hospital and has a large amount of pedestrian traffic crossing the street from the parking deck at the hospital. He indicated that if the ordinance is passed to eliminate truck traffic through 11th Street, Club Drive and Confederate Avenue, Henderson Street should be included.

Mr. Treme stated that this area is congested with parks, activities involving children, and young families walking. Mr. Treme noted that this results in an area which is not ideal for truck traffic, adding that trucks continue to use this route because it is the one they have been used to traveling over the years. He stated that Swing Transport and Food Lion should be notified of the ordinance change allowing them time to alert their drivers.

Councilman Lewis asked Ms. Brindle how Main Street and Innes Street are classified. Ms. Brindle stated that they are both classified as major thoroughfares. Mr. Lewis stated that he feels this answers the questions as to what routes the trucks should be taking.

Thereupon, Mr. Kennedy made a **motion** to adopt the ordinance amending Section 13-335, Article X, Chapter 13 of the Code of the City of Salisbury, relating to restricted truck traffic on Confederate Avenue, Club House Drive and 11th Street. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-335, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO RESTRICTED TRUCK TRAFFIC STREETS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Traffic, at Page No. 7, and is known as Ordinance No. 2006-06.)

FIT COMMUNITY DESIGNATION AND FIT COMMUNITY GRANT APPLICATION

Mr. Kenny Roberts, Recreation Program Manager, stated that the FIT Together program was formed through a partnership of North Carolina Health and Wellness Trust Fund and Blue Cross and Blue Shield of North Carolina. Together they announced the establishment of Fit Community which is a designation and grant program to recognize and reward the efforts of North Carolina municipalities to support physical activity and healthy eating initiatives, as well as tobacco free school environments. The FIT Community designation will be awarded to those municipalities who have excelled in supporting the above-listed initiatives in the schools, community and work place. These designations will be valid for two (2) years and municipalities may re-apply for subsequent two (2) year extensions. Benefits of this designation include heightened Statewide attention through highway signage, a plaque for the City, serving as a role model for similar communities, and the ability to use the Fit Community designation logo for promotional purposes.

Mr. Roberts stated that a partnership was formed between the City of Salisbury, local organizations, and the Rowan County Health Department. This partnership would like to submit a designation application in the name of the City of Salisbury and are requesting that Council authorize the Mayor to sign a letter of endorsement for the application.

Thereupon, Mr. Woodson made a **motion** authorizing the Mayor to sign a letter of endorsement for FIT Community designation and FIT Community grant application. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

Dr. Jim Cowan, Rowan County Health Department, explained the grant proposal for the application for the Fit Community grant. He noted that

this will be a two (2) year grant beginning July 1, 2006 and the committee will apply for a maximum of \$30,000 per year for the two (2) year period. He explained that Fit Community will award eight (8) to nine (9) grants statewide with only municipalities, counties and non-profits being eligible to apply. Dr. Cowan informed Council that the grant application is due February 10, 2006. He explained that the goals for the project are to increase physical activity and healthy eating in the community. He added that the committee would like to see increased use of the Salisbury Greenway and will work to garner support for future expansions of the Greenway and to provide incentives to physical activity groups to exercise and eat healthy. He added that they would also like to expand the healthy eating initiatives currently in place in some of the schools in the Rowan-Salisbury School System to other schools not yet participating. Mayor Klutz asked if this application will require matching funds. Dr. Cowan responded that no matching funds or obligation of funds would be required or any obligation of additional staffing to manage the funds, noting that the City of Salisbury and Rowan County Health Department will manage the funds using existing staff.

PARKS AND RECREATION TRUST FUND APPLICATION - SPORTS COMPLEX PARK

Ms. Gail Elder White, Parks & Recreation Director, reviewed the Parks and Recreation Trust Fund Grant request being sent to the State in the amount of \$250,000 for renovation of the Sports Complex. She noted that the Robertson Foundation has pledged \$125,000 and the City's contribution will be \$125,000. The request is for Council to authorize the Mayor to sign the application which commits the City to the \$125,000 in matching funds. She reviewed the renovations proposed at the Sports Complex.

Councilman Burgin asked if the City has the \$125,000 in the budget. City Manager David Treme stated that the City does have the funds available.

Thereupon, Mr. Burgin made a **motion** to authorize the Mayor to sign the North Carolina Parks & Recreation Trust Fund Grant application for the renovation of the Sports Complex. Mr. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AWARD CONTRACT - SPATIAL DATA CONSULTANTS - BUILDING FOOTPRINTS DATA LAYER

City Manager David Treme stated that this item is being presented for Council's consideration, but will be included in next year's budget.

Ms. Kathryn Clifton, GIS Coordinator, reviewed the GIS basemap data layer, building footprints:

- Building Footprints
 - GIS basemap data layer
 - For use by multiple departments
 - Fifty-nine (59) percent of participants in GIS Strategic Plan indicated this layer was "Important" or "Very Important"
 - Collection coincident with Rowan County color aerial photography project
 - Cost savings because of coordination with County
- Upcoming Flight
 - Rowan County has approved contract with Spatial Data Consultants of High Point, NC for March 2006 flight
 - Building footprints anticipated cost = \$12,500
 - Delay in signing could increase cost

Ms. Clifton stated that the inventory would cover approximately twenty-five thousand (25,000) structures at a cost of \$0.50 per structure adding that if contract approval is delayed until the budget is approved in July, the cost could increase.

Mr. Treme stated that this will be included in the FY2006-2007 budget request, adding that this is a high priority item for the City.

Thereupon, Mr. Lewis made a **motion** to award a contract in the amount of \$12,500 to Spatial Data Consultants for the creation of a building footprint data layer. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

APPOINTMENT - PARKS AND RECREATION ADVISORY BOARD

Upon a **motion** by Mr. Woodson, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voting AYE, the following appointment was made to the Parks and Recreation Advisory Board:

Mr. Gary Langford Term expires 3-31-07

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

Council received the Planning Board recommendations and comments from their January 10, 2006 meeting.

(b) Information Regarding Park Avenue Apartment Loan Subordination

City Manager David Treme indicated that the requested financial information is being provided to Council regarding Dick Palmore and the Park

Avenue property item which was discussed at the January 3, 2006 Council Meeting. Further discussion of this item will take place at the February 7, 2006 Council Meeting.

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COUNCIL TO RECEIVE PUBLIC COMMENT

Mayor Kluttz opened the floor to receive public comment. There being no one to address Council, Mayor Kluttz closed the public comment session.

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MAYOR'S ANNOUNCEMENTS

(a) North Main Street Small Area Plan - Design Workshop

Mayor Kluttz announced that a design workshop for the North Main Street Small Area Plan will be held Thursday, January 19, 2006 from 6:00 p.m. until 8:00 p.m. in Council Chambers at City Hall, 217 South Main Street.

(b) Report on Dr. Martin Luther King, Jr. Day Events and Oak Grove-Freedman's Cemetery Memorial Dedication

Mayor Kluttz stated that Council members were involved with many events throughout the weekend in honor of Dr. Martin Luther King, Jr. She noted that all Council members were present at the Oak Grove Freedman's Cemetery Memorial Dedication, which is one of the most significant events that has happened in the City. She added that it was an opportunity to honor the one hundred fifty (150) people who are buried in unmarked graves and to unite two cemeteries and hopefully symbolically break down black and white barriers in the community. She noted that attendance was very high and thanked Mr. Joe Morris, Planning and Community Development Manager, who has worked on this for eight (8) years.

(c) Klumac Road Railroad Grade Separation Workshop

Mayor Kluttz announced that the North Carolina Department of Transportation will hold an informational workshop regarding the Klumac Road railroad grade separation in Council Chambers at City Hall on Monday, January 30, 2006 from 5:00 p.m. until 7:00 p.m.

(d) Report on North Carolina Metropolitan Coalition Meeting

Mayor Kluttz reported on the North Carolina Metropolitan Coalition meeting which she and Police Chief Mark Wilhelm attended. She stated that the North Carolina County Commission Association, Police Chiefs and Sheriff's departments were invited to discuss problems with the court systems and what they could do as a group to help facilitate improvement. She noted that they also discussed how this impacts cities and local law enforcement agencies and how to secure more funding through the State legislature.

(e) Recessed Meeting of City Council

Mayor Kluttz announced that today's meeting will be recessed until Tuesday, January 31, 2006 at 8:30 am in Council Chambers in City Hall.

COUNCILMAN BURGIN'S COMMENTS

Councilman Burgin reported that he went on a mission trip with his church to Pascagoula, Mississippi. He stated that there has been a lot of progress in the area but that there is still a great deal of work to be done. He appealed to citizens to continue to support the sister city cause. He reported that while in Pascagoula he found the relocated City Hall and spoke with staff who expressed that they were encouraged with the progress and appreciated everything people have been doing. Mr. Burgin stated that the work of the mission group only made a dent in the work that needs to be done, but what it brought to the people of Pascagoula was hope, adding that the relief efforts needed to continue.

REQUEST FROM COUNCILMAN LEWIS

Councilman Lewis stated that Council has received constructive feedback on the installation of the greenway on Brenner Avenue and requested that staff give a report to Council at its next meeting.

RECESS

Mr. Burgin made a **Motion** to recess the meeting until Tuesday, January 31, 2006 at 8:30 a.m. in Council Chambers, seconded by Mr. Woodson. All council members agreed unanimously to recess. The meeting was recessed at 6:32 p.m.

City Clerk

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