

Salisbury, North Carolina

April 16, 2002 - 4:00 p.m.

REGULAR MEETING

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

ABSENT: None.

The meeting was called to order by Mayor Kluttz. The invocation was given by Councilman Burgin.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

PROCLAMATIONS

The following observances were proclaimed:

BETTER HEARING AND SPEECH MONTH May, 2002

NATIONAL DAY OF PRAYER May 2, 2002

MUNICIPAL CLERKS WEEK April 28-May 4, 2002

AMERICAN STROKE MONTH May, 2002

SALISBURY WOMAN'S CLUB, GFWC-NC,

CENTENNIAL CELEBRATION DAY April 21, 2002

PRESENTATION BY JUNIOR ROTARIANS

Mayor Kluttz recognized Mr. Jonathan Oakes and Ms. Annie Ward of Salisbury High School. They are two of the fourteen top academic students at Salisbury High School which the Salisbury Rotary Club honors each year, and names Junior Rotarians. These two students made presentations on what they like about Salisbury and why they would return to Salisbury to live. Mr. Oakes and Ms. Ward each read his/her presentation to Council. Mayor Kluttz congratulated both for becoming Junior Rotarians.

CONSENT AGENDA

(a) Minutes of the regular meeting of April 2 and 3, 2002.

(b) Approve Group Development Site Plan for G-3-02 - Rowan Regional Ambulatory Surgery Center, 522 Corporate Circle.

(c) Council received a request to close an alley in the 400 block of North Boundary Street and adopt a resolution setting a public hearing on the subject for May 21, 2002.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF A PORTION OF AN ALLEY IN THE 400 BLOCK OF NORTH BOUNDARY STREET.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 147, and is known as Resolution No. 2002-12.)

Thereupon, Mr. Burgin **moved** approval of the Consent Agenda. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

COUNCIL COMMITTEE REPORT - CINEMA SIGNS

Council received a report from the Council committee appointed to study cinema signs. Councilman Martin reported that he and Councilman Kennedy, who are the members of the committee, have reviewed this matter regarding the sign at the cinema on US-70 (Statesville Boulevard) in front of the Salisbury Mall. He further reported that he and Mr. Kennedy met with staff on April 10 and determined that the request for using the sign at the Highway 70 Cinemas has merit based on several things: it was inactive before the sign ordinance of 1986; it's hard to put titles for a 6 screen cinema on a 35 foot sign which is called for in B-7 zoning; the design of the building is such that it could only be used for a cinema; the building has no advantage to anyone; lease payments continued; the lessee was held up for new projection equipment and seats; an exception was made for McDonald's which he (Mr. Martin) thinks set a precedent. Mr. Martin noted the bottom line is that Salisbury needs to be more business friendly to obtain new businesses and retain what we have. As a result, the Council committee recommends referring this matter back to the Planning Board for more study and giving the Planning Board a two month deadline.

Councilmen Kennedy added that the Council Committee did not want to do anything against the ordinance or cause a lawsuit for the City. Therefore, the committee recommended further study by the Planning Board for public hearings and then bring back to Council with a recommendation, he stated.

Thereupon, Mr. Kennedy **moved** to send this matter to the Planning Board for further study with a two month deadline. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

GROUP DEVELOPMENT SITE PLAN - G-8-02 - CAMBRIDGE COURT III

(a) Mr. Hubert Furr, Development Services Manager, reviewed with Council the site plan for G-8-02, Cambridge Court III, 236 Pearl Street. The request is to construct five (5) apartment buildings containing 19 units. An existing house will remain as the office for the apartment complex and also the residence of the caretaker. At the Planning Board meeting, one neighbor spoke against the group development mainly because he felt they needed more buffering than the ordinance required, reported Mr. Furr. The developer and neighbor have talked and the developer indicated he would be willing to put up a 6 foot wooden stockade fence around the apartments, Mr. Furr told Council. That satisfied the neighbor, as far as he is aware of, Mr. Furr noted. The Technical Review Committee and the Planning Board recommend approval as submitted.

(b) Mayor Kluttz noted that this is not a public hearing, but Council would receive comments from the public.

No one was present to speak for or against the above proposal.

(c) Thereupon, Mr. Kennedy **moved** to approve site plan G-8-02 - Cambridge Court III, 236 Pearl Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

ALLEY CLOSING - 100 BLOCK OF WEST KERR STREET

(a) Mr. Dan Mikkelson, City Engineer/Interim Land Management & Development Director, reminded Council that the issue which arose at the public hearing held March 19, 2002 was whether or not reasonable access was provided to the adjacent property owners of a proposed alley closing in the 100 block of West Kerr Street. Rowan County (owner of the property at the 100 block of West Council Street) and the adjacent property owners got together and worked out an agreement, Mr. Mikkelson informed Council. If the City Attorney, who has received a copy of the agreement, feels the agreement provides a reasonable access, Council would continue the process of closing the alley in the 100 block of West Kerr Street, according to Mr. Mikkelson. City Attorney Lawther advised he has a copy which has been signed by Rowan County and the adjacent property owners. Mr. Lawther indicated these parties want the City of Salisbury to sign the agreement so the City would arbitrate any disagreement later.

Mayor Pro Tem Woodson shared that he and Mr. Burgin served on this committee and felt any disagreements could be handled by the Council, not the court system.

(b) Thereupon, Mr. Burgin made a **motion** to adopt the resolution accepting offers of dedication for the alley. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF AN ALLEY IN THE 100 BLOCK OF WEST KERR STREET.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 148, and is known as Resolution No. 2002-13.)

(c) Thereupon, Mr. Burgin made a **motion** to adopt an ORDER to close an alley in the 100 block of West Kerr Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA

IN THE MATTER OF: *
 * **ORDER CLOSING AN ALLEY**
CLOSING OF AN ALLEY IN * **PURSUANT TO GENERAL**
THE
100 BLOCK OF WEST KERR * **STATUTE OF NORTH**
CAROLINA
STREET * **SECTION 160A-299**
 *

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on March 19th, 2002 at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said alley is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on Feb. 22, March 1, March 8 and March 15, 2002.

And it further appearing to the Council and the Council finding as a fact, that the closing of the alley, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said alley or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said alley; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299:

BEGINNING at an existing iron pipe along the southern right-of-way West Kerr Street at the northwest corner of property owned by Rowan County (Deed Book 678 Page 994, Tract 2) and running thence S 45° 38' 09" W, 153.49' to a point at the southwest corner of property owned by Rowan County (Deed Book 678 Page 994, Tract 1) and the northwest corner of the D. L. Weinhold, Sr. property (Deed Book 602 Page 626). Thence, along the western edge of the D. L. Weinhold, Sr. property S 45° 38' 09" W, 25.00' to an existing iron pin. Thence, S 44° 18' 45" E, 25.00' to an existing iron pin along the southern edge of the D. L. Weinhold, Sr. property (Deed Book 602 Page 626) and the northern edge of D. L. Weinhold, Sr. property (Deed Book 596 Page 627). Thence, from the existing iron pin S 45° 41' 20" W, 25.00' to an existing iron pipe at the corner of the D. L. Weinhold, Sr. property (Deed Book 596 Page 627) and the H. N. H. Realty property (Deed Book 698 Page 551). Thence, from the existing iron pipe with the northern edge of property owned by Rowan County (Deed Book 875 Page 001 Tract 1), N 45° 08' 53" W, 32.98' to a point and then running with the eastern edge of property owned by Rowan County (Deed Book 678 Page 994, Tract 4) N 45° 38' 09" E, 204.00' to a point along the southern right-of-way of West Kerr Street. Thence, with the southern right-of-way of West Kerr Street S 44° 07' 06" E, 8.00' to the Point of Beginning, being a 0.05 acre alley, lying in the City of Salisbury, North Carolina as shown on a survey by Deal's Land Surveying dated 9-17-2001.

Be and the same is hereby forever closed subject to a 10' easement centered on an existing overhead utility line.

This the 16th day of April , 2002.

CITY COUNCIL OF THE CITY OF

SALISBURY, NORTH CAROLINA

By: s/s Susan W. Kluttz

Mayor

s/s Swannetta B. Fink

City Clerk

(d) Thereupon, Mr. Burgin made a **motion** authorizing the Mayor to sign the agreement making the City arbitrators when the two parties want to shift the easement. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

ALLEY CLOSING - 100 BLOCK OF EAST 15TH STREET

(a) Ms. Wendy Brindle, Traffic Engineer, informed Council that on March 19, 2002, Council adopted a resolution of intent to close an alley in the 100 block of East 15th Street. The public has been notified per state statutes. It appears to staff that the conditions of no individual being deprived of reasonable access has been met, she stated.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the proposed closing of an alley in the 100 block of East 15th Street.

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 adopt the resolution accepting offers of dedication for the alley. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF AN ALLEY IN THE 100 BLOCK OF EAST 15TH STREET.

(The above resolution is recorded in full in Resolution Book No. 10, under chapter XII - Miscellaneous, at Page No. 149, and is known as Resolution No. 2002-14.)

(d) Thereupon, Mr. Burgin made a **motion** to adopt an ORDER to close an alley in the 100 block of East 15th Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kenndy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	ORDER CLOSING AN ALLEY
CLOSING OF AN ALLEY IN THE	*	PURSUANT TO GENERAL
100 BLOCK OF EAST 15TH	*	STATUTE OF NORTH CAROLINA
STREET	*	SECTION 160A-299

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on April 16th, 2002 at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said alley is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on March 22, March 29, April 5 and April 12, 2002.

And it further appearing to the Council and the Council finding as a fact, that the closing of the alley, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said alley or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said alley; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299:

Being the remainder of a 15' alley located between lots 5, 6, 7 and lots 12, 13, 14, Block "B", John S. Henderson Property, recorded in Book of Maps 9995, Page 233, Salisbury Township, Rowan County, State of North Carolina. Commencing at an Existing Iron Pipe, Northeast corner of lot 14, at the intersection of 15th Street and the 15' alley, the Point of Beginning thence S 67° 11' 57" W for 149.98' to a New Iron Rod, same being the Northwest corner of lot 12; thence N 27° 18' 13" W for 15.05' to an Existing Iron Pipe, same being the Southwest corner of lot 5; thence N 67° 43' 35" E for 49.95' to an Existing Iron Pipe, same being a corner of lot 5 and lot 6; thence N 67° 20' 17" E for 50.60' to a New Iron Rod, same being a corner between lot 6 and lot 7; thence N 67° 20' 18" E for 50.60' to a New Iron Rod located on the Western right-of-way of 15th Street; thence S 22° 53' 12" E for 7.02' to an Existing Iron Pipe; thence S 22° 50' 59" E for 7.27' to the Point of Beginning containing 0.05 acres more or less, according to a survey by Donald J. Moore, PLS for North Main Baptist Church, dated 03/12/02.

Be and the same is hereby forever closed.

This the 16th day of April, 2002.

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

By: s/s Susan W. Klutz

Mayor

s/s Swannetta B. Fink

City Clerk

ZONING TEXT AMENDMENTS

- (1) Reduction in Parking for Certain Uses in Historic Districts
- (2) Establishment of "neighborhood centers"
- (3) Measurement Locations for Setbacks, with Setbacks Not to Include Handicap Ramps
- (4) Multifamily Percentage to be Eliminated from RD-A and RD-B Districts
- (5) Clarification that Home Occupations are Limited to One (1) Sign and that Sign is a Wall Sign

Mr. Harold Poole, Senior Planner, informed Council that the above is a series of zoning text amendments that the Planning Board has been working on for the past several months. These amendments were referred to Planning Board from the Legislative Committee. Mr. Poole reviewed with Council the five (5) proposed zoning text amendments.

- (1) Reduction in Parking for Certain Uses in Historic Districts

Mr. Poole explained to Council that it is not unprecedented to allow a reduction in parking. Over the last 20 years projects known as elderly projects have been presented to the Zoning Board of Adjustment and they have allowed reductions. This would do the same thing for historic buildings that are described on the National Register as pivotal or contributing structures. In particular, staff is looking at property on the corner of Boundary and Park Avenue where the old houses are, Mr. Poole stated. Those structures, as they are with BR-T zoning, can have some retail office. A community center primarily is what is being looked at, he noted. This would require 37 parking spaces. This might best be reduced to 20 parking spaces and some green space, Mr. Poole observed. Staff has looked at other property around town and feels this would not be an intrusion in other areas, particularly when these cases have to go before the Zoning Board of Adjustment to be approved on a case by case basis. Planning Board voted unanimously for approval. (12-0)

- (2) Establishment of "neighborhood centers"

We have in our ordinance "community centers" and passing this Zoning text amendment would allow for "neighborhood centers" which would be smaller, a 2500 sq. foot limitation and a very limited parking space requirement, Mr. Poole described. There would be as few as 6 parking spaces required for this type structure. The Jersey City neighborhood has been proposed for a neighborhood center, he said. Planning Board has also looked at other areas and feels "neighborhood centers" could be adapted in other areas as well. Planning Board voted unanimously for approval. (12-0)

(3) Measurement Locations for Setbacks, with Setbacks not to Include

Handicap Ramps

This better clarifies what staff has been using all along for measurements in setbacks. That is, that they be established from steps, porches, attached garages, and other similar structures when they are attached to the principal structure. There were some questions about handicap ramps attached to a house. Are they allowed in front, side, and rear yard areas? Mr. Poole clarified, "Yes, they are." Staff does not use handicap ramps in measurements; they would be allowed in any setback area, Mr. Poole advised Council. Planning Board voted unanimously for approval.

(4) Multifamily Percentage to be Eliminated from RD-A and RD-B Districts

This section currently requires 20% limitation for multifamily units which really means apartments, according to Mr. Poole. Other uses allowed in RD-A and RD-B districts do not have a limitation. The Planning Board felt it would be best to remove the 20% limitation. Councilman Burgin asked if this is a minimum limitation. Mr. Poole replied "that is a maximum limitation." Planning Board voted unanimously for approval.

(5) Clarification that Home Occupations are limited to One (1) Sign and that Sign is a Wall Sign

There has been some confusion between Section 12.31 (Home Occupations) subsection (h) and the Sign Ordinance section, of the Zoning Ordinance, Mr. Poole reported. The question is: Can you put up a ground sign for a home occupation? Mr. Poole clarified, "It's generally felt that ground signs are not suitable for home occupation. They can better be advertised with a small wall sign. Only one wall sign is allowed," he noted. This clarifies the matter so that a ground sign would not be allowed for a home occupation. Planning Board voted unanimously for approval.

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on all the proposed five (5) Zoning Text Amendments.

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

Reduction in Parking for Certain Uses in Historic Districts

Thereupon, Mr. Woodson made a **motion** to approve Reduction in Parking for Certain Uses in Historic Districts. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING SECTION 7.07, REDUCTION IN OFF-STREET PARKING REQUIREMENTS RELATIVE TO ELDERLY PROJECTS."

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 41, and is known as Ordinance No. 2002-23.)

Establishment of "neighborhood centers"

Thereupon, Mr. Woodson made a **motion** to approve establishment of neighborhood centers. Mr. Kennedy 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 ESTABLISH AND PROVIDE REGULATIONS FOR NEIGHBORHOOD CENTERS WITHIN RESIDENTIAL ZONING DISTRICTS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 42, and is known as Ordinance No. 2002-24.)

Measurement Locations for Setbacks, with Setbacks Not to Include

Handicap Ramps

Thereupon, Mr. Woodson made a **motion** to approve Measurement Locations for Setbacks, with Setbacks Not to Include Handicap Ramps. Mr. Burgin 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, BY AMENDING SECTION 11.04 TO ESTABLISH GUIDELINES FOR SETBACK MEASUREMENTS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 43, and is known as Ordinance No. 2002-25.)

Multifamily Percentage to be Eliminated from RD-A and RD-B Districts

Thereupon, Mr. Woodson made a **motion** to approve Multifamily Percentage to be Eliminated from RD-A and RD-B Districts. Mr. Kennedy 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, BY AMENDING THE PERMITTED USES WITHIN SECTION 8.17 RESIDENTIAL DEVELOPMENT "A" DISTRICT (RD-A).

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 44, and is known as Ordinance No. 2002-26.)

Clarification that Home Occupations are Limited to One (1) Sign and
that Sign is a Wall Sign

Thereupon, Mr. Woodson made a **motion** to approve Clarification that Home Occupation are Limited to One (1) Sign and that Sign is a Wall Sign. Mr. Kennedy 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, BY AMENDING SECTION 12.31, HOME OCCUPATIONS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 45, and is known as Ordinance No. 2002-27.)

I-85 CONSTRUCTION UPDATE

Ms. Wendy Brindle, Traffic Engineer, told Council if one alternative is chosen regarding the Interstate 85 construction, the traffic shift on Innes Street will probably occur within 30 days. If another alternative is chosen, it could be substantially longer, she indicated.

Ms. Brindle reported there have been some big construction items going on in the Interstate 85 area lately. The tall steel beams for the bridge were set on April 5 and 11. This required a complete road closure on Innes Street between the ramps. With the help of our Police Department and Traffic Operations, there were no major traffic problems, she said. The utility work has begun on Innes Street. There have been some lane closures on Arlington Street and the interchange due to tie-ins.

Mayor Pro Tem Woodson asked when the culvert was going to go across East Innes Street near Dunkin Donuts. Ms. Brindle stated that is when the traffic pattern shift will occur on Innes Street but the utility work needs to be completed first. The North Carolina Department of Transportation will be shifting and phasing on one side as opposed to the original plan. This could be within 30 days or sooner.

Councilman Burgin commented that Innes Street really looks nice with the wires down from Arlington all the way to the intersection. The City has been wise in recognizing the opportunity to pay a little money and get the wires moved off the street, Mr. Burgin noted, adding that this is such an important entrance into our City.

REPORT FROM PLANNING BOARD - U S-70 CORRIDOR STUDY

Mr. Harold Poole, Senior Planner, introduced three of the four members of a Planning Board committee who gave reports concerning the US-70 Corridor Study. They are: Jeff Smith, Chairman; Eldridge Williams, and Brian Miller. Mr. Ken Mowery who was also on this committee was unable to be with City Council today. Mr. Poole recognized staff member, Patrick Kennerly as having worked closely on this project.

Mr. Jeff Smith, Chairman, gave Council reasons why the Planning Board undertook this study:

- transition along the US-70 corridor due to NCDOT project (from 3 lanes to 4 lanes with an 18 foot divided median)
- corridor is an important entryway into the City
- six (6) zoning requests in the past 14 months
- number of properties currently "for sale"

- Planning Board wants to be proactive

Mr. Smith told Council this corridor is a 1.3 mile area from Holly Avenue to Enon Church Road. There are going to be 8 different breaks in the median: Holly Avenue - full median break; Lash Drive - traffic light and full break; left turn median break only at Godley's; Westside Manor Apartments - full median break; Professional Building - full median break; new traffic light - realignment at Majolica and Ashbrook; Wilton Lane - full median break; and traffic light - realigned Enon Church Road. The current zoning in this area is somewhat mixed, Mr. Smith noted. Several rezonings by Council in the last year have gone to light or moderate intensity commercial zoning. Several of the parcels in the area are large parcels, and many parcels are for sale. The current land use shows much low intensity, single-family usage, and multi-family apartments. These are important factors in maximizing the capacity and safety of Highway 70.

Mr. Brian Miller reviewed with Council the LAND USE along the US - 70 Corridor:

- higher traffic and higher density uses
- primarily located near traffic signal intersections
- secondarily at other median breaks
- clustering of uses
- limit zoning to office and low intensity commercial
- no industrial zoning
- allow higher density residential
- residential uses still viable
- protection with buffering between uses

Mr. Eldridge Williams reviewed with Council the proposed STREETScape for this area:

- consistency of street trees
- sidewalks
- underground utilities
- setbacks
- location of parking - side and rear preferred
- signage - monument preferred

Mr. Brian Miller reviewed with Council the ACCESSIBILITY for this area:

- depth of properties - range from less than 200 ft. to over 2,000 ft.
- median breaks
- curb cuts
- connectivity between properties with compatible uses

Mr. Jeff Smith stated that the current planning of this corridor is critical to maximizing the capacity and safety for Highway 70. We also need to be mindful of the quality of life and business issues of the property owners in this area, he said. This is an important gateway into the City and we need to make sure it represents an appropriate vision of our City to guests entering through this corridor, Mr. Smith pointed out. "What happens if we don't have a plan?" Mr. Smith asked, and listed possible consequences:

- strip commercial development
- traffic issues
- potentially another East Innes Street.

In summary, Mr. Smith said the committee believes, through the report, they have created an outline to help build a blueprint and theme for this corridor. Moving forward, there has to be extensive community input into the development of this blueprint. This must include property owners (residential and commercial), he indicated. The plan must be in harmony with current ordinances and policies, including the Salisbury 2020 Plan.

Mr. Smith summarized that Council is being asked to consider the following:

- what schedule is available for the continuation of this study and ultimately the development of a plan and continuation of that plan

- Composition of potential study group:
 - Planning Board
 - City Council
 - Special Commission
 - other boards and commissions
 - staff from Engineering Department and members of the public.

Mr. Smith stated they want Council to provide guidance in a way to help move forward from this outline to a blueprint or plan that's inclusive of all the stakeholders in this area, and to fully implement a plan that will make this corridor useful and safe for businesses and residents as well as visually pleasing, he said.

Councilman Martin asked how the area from Enon Church Road going west was going to be developed. Mr. Smith suggested he talk with the Rowan County Commissioners about that. Enon Church Road is currently the City's ETJ line, and that is as far as the study goes, Mr. Smith said. Councilman Burgin applauded the efforts of those who worked on this for active planning. It will take courage to keep that area planned because there is a lot of resistance, Mr. Burgin said.

Councilman Kennedy also applauded this committee's efforts, especially the sidewalk issue. Mr. Kennedy noted he is still getting telephone calls concerning sidewalks or islands on Brenner Avenue between Jake Alexander Boulevard and Horah Street.

Mr. Dan Mikkelsen, City Engineer, responded to Mr. Kennedy's question concerning sidewalks on Brenner Avenue. A 10 foot wide greenway trail is planned from Kelsey-Scott Park along Old Wilkesboro Road to the intersection of Brenner Avenue; then it will parallel Brenner Avenue to the shopping center. Also, staff is looking at getting a sidewalk installed on Old Wilkesboro Road (other side of street) from the greenway trail. The Street Division has been looking at Horah Street near the intersection with Brenner Avenue to get sidewalks installed there, he said.

Mayor Klutz noted the first step is to appoint a commission. She thanked all who have worked on this matter and asked Council to be thinking about appointments to a commission.

REQUEST FROM ROWAN REGIONAL MEDICAL CENTER

RIGHT-OF-WAY ENCROACHMENT FOR TELECOMMUNICATIONS

Mr. Dan Mikkelson, City Engineer, informed Council that Rowan Regional Medical Center needs to install a private telecommunications line that would cross underneath Mocksville Avenue. When Duke Power Company put all the utilities underground, the hospital asked Duke Power to install an extra conduit. In this case, the hospital can install the new telecommunications conduit without disturbing the travel lane or traffic, he said.

Staff recommends approval subject to the following conditions:

- all improvements and restoration shall be made at no expense to the City.
- a metallic tape be installed with the cable to locate it later.
- "as-built" plans will be maintained by the hospital for the City's availability.

Thereupon, Mr. Woodson made a **motion** with staff recommending approval with the conditions listed. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

PARKING RESTRICTIONS - RYAN PATRICK DRIVE

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Ms. Wendy Brindle, Traffic Engineer, informed Council that Ryan Patrick Drive is located off Grace Church Road in one of our satellite annexation areas. Staff received a request to restrict on-street parking on both sides of Ryan Patrick Drive, she said. A site investigation was done by staff and confirmed that over-sized vehicles were parked along Ryan Patrick Drive in violation of the City Code. The vehicles did restrict lane widths and caused sight limitations, Ms. Brindle stated. She noted all of the businesses have off-street parking available and businesses were notified by mail in February. She also noted that enforcement became burdensome. Staff recommends restricting parking on both sides of the street, Ms. Brindle said.

Thereupon, Mr. Woodson made a **motion** to adopt an ordinance amending Section 13-338 of the City Code relating to parking prohibited at all times. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-338, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED AT ALL TIMES.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter X - Traffic, at Page No. 7, and is known as Ordinance No. 2002-28.)

BOARDS AND COMMISSIONS

Historic Preservation Commission

Mayor Kluttz explained that 2 people previously appointed are not able to serve on the Historic Preservation Commission. Other names were offered.

Upon **motion** of Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voting AYE, the following appointment was made to the Historic Preservation Commission:

Mr. Jeff Sowers - term expires 3-31-2005

Upon motion of Mr. Burgin, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voting AYE, the following appointment was made to the Historic Preservation Commission:

Mr. Mark Perry - filling unexpired term ending 3-31-2004

Zoning Board of Adjustment

Upon motion of Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voting AYE, the following appointments were made to the Zoning Board of Adjustment:

William Peoples - reappointment - term expires 3-31-2005

Julius Waggoner - reappointment - City Alternate - term expires 3-31-2005

Upon motion of Mr. Woodson, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voting AYE, the following appointment was made to the Zoning Board of Adjustment:

Chris Bradshaw - appointment - term expires 3-31-2005

AWARD CONTRACT - FINISH WATER PUMPS AND CLEARWELL PIPING

Dr. Michael Acquesta, President of Peirson & Whitman Architects and Engineers, informed Council that new finish water pumps and clearwell piping is one of the major projects for the City. New finish water pumps need to be installed at the Water Plant to increase the ability to get water away from the water plant and out into the community. It will also help get water to the new CP&L site, Rockwell and South Rowan sites, he said. Eight bids were received on March 21. The low bidder was Gilbert Engineering Company of Statesville, N.C., in the amount of \$1,937,183.00. There was a minor informality in his bid, Dr. Acquesta noted. The City's specifications require that a contractor write the bid in on the bid proposal form in numbers and letters. This contractor did not fill it out in letters; he only filled it out in numbers, Dr. Acquesta indicated. The requirement is in our specifications, mainly for the purposes of the contractor to make sure the contractor looks and understands what he is doing when he writes his bid down, Dr. Acquesta stated. If a contractor chooses not to avail himself with that opportunity, it's his loss, not the City's loss, he indicated.

Dr. Acquesta has contacted the contractor who understands he did not avail himself of that opportunity. Gilbert Engineering Company has indicated in writing that they will stand by their bid even though it was not entered by both methods (written and numerical). A written protest was received from the second low bidder because of Gilbert Engineering's single method bid. Staff has met with the City Attorney about this matter. It was concluded that the fact the contractor did not put his numbers in writing did not preclude all the other bidders from competing fairly, he said. The City Council can indicate this as a minor informality and we can go forward with awarding the bid, Dr. Acquesta stated. Staff recommends awarding a contract to Gilbert Engineering Company, in the amount of \$1,937,183.00 for the project (and noted this is below budget).

Councilman Burgin added that it is not uncommon in a bid circumstance for the contractor not to do this kind of check (numerical and written bid figures). As long as the numbers were clear, and the intent was clear, and it's fair to the others, he feels it's appropriate for the City to waive this as a minor irregularity.

Thereupon, Mr. Woodson made a **motion** that Gilbert Engineering get the bid for \$1,937,183.00. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

AWARD CONTRACT - U S-70 WATER LINE DIVISIONS A-1 AND C-1

Dr. Michael Acquesta, President of Pierson & Whitman Architects and Engineers, received bids for the City on Highway 70 Water Lines to serve CP&L. There were three parts to that project and only two will be awarded today, he said. With Division B, all the easements have not been acquired. This part will come back at a later date. On Division A-1, twelve responsible bids were received. The Division A-1 lowest responsible bidder was Central Builders, Inc. of Rocky Mount, N.C., in the amount of \$2,538,095.00. On Division C-1, eleven responsible bids were received. For Division C-1, Foothills Water and Sewer, Inc., Stony Point, N.C., submitted the lowest responsible bid in the amount of \$1,229,958.00. Both bids are within budget. Staff recommends awarding a contract for Division A-1 to Central Builders, Inc., in the amount of \$2,538,095.00 and Division C-1 to Foothills Water & Sewer, Inc., in the amount of \$1,229,958.00 for the Highway 70 Water Line Project. Mr. John Vest, Director of Utilities, informed Council that these contracts are subject to State approval.

Thereupon, Mr. Kennedy **moved** to award Division A-1 of the US 70 Water Line Project to Central Builders, Inc., Rocky Mount, N.C., in the amount of \$2,538,095.00, subject to State approval. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

Thereupon, Mr. Kennedy **moved** to award Division C-1 of the US 70 Water Line Project to Foothills Water & Sewer, Inc., Stony Point, N.C. in the amount of \$1,229,958.00, subject to State approval. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

CUSTOMER SERVICE AND COLLECTION PROCEDURES

Mr. John Sofley, Finance Director, reviewed with Council the customer service and billing of utilities procedures for the City of Salisbury.

Council received this review as information only.

AMENDMENT TO ANTENNAE SITE LEASE - PINNACLE TOWERS, INC.

Mr. Mike Crowell, Technology Services Manager, informed Council that Pinnacle Towers has contacted the City about acquiring an additional 15x15 foot space at the tower space in Granite Quarry. They currently have some space under an agreement and this would be an amendment to that agreement, he said. Staff recommends that Council allow the City Manager to enter into an amendment to that original lease. Pinnacle has offered to pay \$1,000.00 a month with 4% increase every year after that, for a total of \$88,000.00 over the next six years, reported Mr. Crowell.

Thereupon, Mr. Kennedy **moved** to adopt the amendment to the antennae site lease. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

CONDEMNATION OF PROPERTIES FOR UTILITIES EXPANSION

(CONSTRUCTION OF 42" RAW WATER LINE)

Mr. John Vest, Director of Utilities, informed Council that, as a last resort, staff is bringing recommendations for condemnations after all opportunities have been exhausted to make a reasonable settlement with two separate property owners who have several parcels. One is in the vicinity of Polo Drive - two parcels - tax map 325-C, parcel 337 and tax map 325, parcel 32. There was an appraised value of \$7,153.00. The City offered \$6,000.00 and they countered with \$25,000.00. They also wanted the City to put \$10,000.00 in escrow as a performance bond and to do some additional work around the pipes so they could eventually put a

road over it, he said. Staff was unable to negotiate a reasonable settlement, advised Mr. Vest.

The second is in the same vicinity off Old Mocksville Road at Prescott Drive and Grant Creek - tax map 325-C, parcel 352 and tax map 325, parcel 284. The appraised value is \$9,633.00. The City offered \$15,000.00. They countered with \$50,000.00 and also asked the City to move the existing raw water line, which was on the property when they purchased it, and the new proposed line next to the creek, which is not possible, Mr. Vest stated. Staff was unable to settle these, and therefore have brought them before Council to consider condemnation, he said.

Mayor Pro Tem Woodson asked staff who the property owners are for these two properties. Mr. Vest stated the property on Polo Drive belongs to Belle Realty Company. The other property on Old Mocksville Road belongs to Dr. John Blount and his wife, Hilda. Councilman Kennedy said the names really wouldn't matter to him in this particular case because this is something the City needs to do for the right-of-way. Councilman Burgin commented that the City tried every way possible to come to an agreement. Sometimes it's just not reasonable. That's the reason we have condemnation laws, because it is for the good of the public that we have these lines complete.

Thereupon, Mr. Kennedy **moved** to condemn the property as recommended. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0).

REPORT FROM CITY MANAGER

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Council received the Planning Board recommendations as information only.

MAYOR ANNOUNCEMENTS

(a) Agenda Charlotte

Mayor Kluttz announced that she was invited to be a part of Agenda Charlotte, a televised discussion about the City budget and Governor Easley's actions related to funding. Other participants were the Mayors of Charlotte, Gastonia, and Concord. A copy of the program will be made available for placement on our local Time Warner access station.

(b) North Carolina Metropolitan Coalition

Mayor Kluttz advised those present that she will be going to Raleigh next week as a part of the North Carolina Metropolitan Coalition to continue lobbying efforts not only with attempts to get our funding returned which has been withheld by the State, but, also to come up with a plan for legislation to protect our monies in the future.

ADJOURNMENT

Mr. Kennedy **moved** to adjourn with Mr. Burgin seconding the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0). The meeting was adjourned at 5:47 p.m.

Mayor

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City Clerk

