

Salisbury, North Carolina

October 1, 2002

REGULAR MEETING

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

ABSENT: None.

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Klutz recognized all visitors present, and also congratulated Councilman Kennedy on the birth of his first grandson.

PROCLAMATIONS

The following observances were proclaimed by Mayor Klutz:

DOMESTIC VIOLENCE AWARENESS MONTH October, 2002

CRIME PREVENTION MONTH October, 2002

FIRE PREVENTION WEEK October 6-12, 2002

ROWAN BLUES AND JAZZ SOCIETY DAY October 12, 2002

CONSENT AGENDA

(a) Minutes

Minutes of Regular meeting of September 17, 2002.

(b) Group Development Site Plans

Approve Group Development Site Plans for the following:

- G-12-02 - Advance Auto Parts, 1921 Jake Alexander Blvd. West
- G-13-02 - Freirich Foods, 807 West Kerr Street.

(c) Street Closing - 300 block of North Church Street

Approve closing of 300 block of North Church Street between Liberty Street and Kerr Street from 6:30 a.m. until 3:00 p.m., October 19, 2002 for Soldiers Memorial AME Zion Church Harvest Bazaar and Church Festival.

(d) Street Closing - 300 block of South Jackson Street

Approve closing of 300 block of South Jackson Street between Horah and Bank Streets on for the holding of a large auction at 229 West Bank Street. An employee of the auction company will be positioned at the corner of Jackson and Horah Streets for citizens to gain access to their residences.

The date is October 19 and the time is from 7:00 a.m. to 3:00 p.m.

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

ZONING MAP AMENDMENT - Z-16-02 - SHELTER MINISTRIES OF ROWAN

Z-16-02 - Shelter Ministries of Rowan

North Long and East Liberty Streets

The request is to rezone one property of approximately .84 acres located at the southwest corner of North Long and East Liberty Streets from M-2 Heavy Industrial to B-5 Central Business.

(a) Mr. Harold Poole, Senior Planner, presented information to Council regarding the above matter. He advised the current zoning for the property is M-2 (Heavy Industrial) with the requested zoning change being to B-5 (Central Business). A homeless shelter and transitional housing units are located on this property. Mr. Poole advised that the Eagle's Nest transitional housing on the property currently has 4 units, with the plan being to add another 6 units. The subject property is adjoining some properties which have already been approved as B-5. He pointed out there is, in fact, a conglomeration of zonings in the area.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-16-02, Shelter Ministries of Rowan, North Long and East Liberty Streets.

Those speaking in **favor** of this zoning change were Ms. Diane Scott, Executive Director of Rowan Helping Ministries (226 North Long Street) and Treasurer of Shelter Ministries of Rowan County, and Bob Busby, 141 Stratford Place, Vice-Chairman of Shelter Ministries of Rowan County Board.

Ms. Scott told Council those working with Shelter Ministries over the years have found sheltering of the homeless to be a great triage. She indicated short term sheltering is wonderful but to really help for the homeless to become self sufficient and be able to work through their problems, long term transitional housing is the way to go. The first units of Eagle's Nest is for single parents with 1-2 children. Now, more people in the homeless shelter are single people, Ms. Scott, told Council and they need longer than 3-4 months in the shelter to get "on their feet." She indicated the plans and funding are in place to build an Eagle's Nest 2 on the same property. The zoning change is being requested to add six additional units.

Mr. Bob Busby pointed out to Council the request is for downzoning from M-2 to B-5 and thinks it is appropriate for the protection of the nearby Park Avenue neighborhood, that it is consistent with the B-5 adjoining which is the Cheerwine development, and consistent with the purpose and philosophy of the B-5 zoning and an appropriate mix of uses for the central business district.

No one spoke in **opposition** of the proposal.

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

(c) Thereupon, Mr. Woodson made a **motion** to rezone this from M-2 Heavy Industrial to B-5 Central Business. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY

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

ZONING TEXT AMENDMENT - AMEND THE DEFINITION OF "CONDITIONAL USE" IN SECTION 4.02, DEFINITIONS, OF THE ZONING ORDINANCE

The request is to expand the definition of "conditional use" in Section 4.02, Definitions, of the Zoning Ordinance.

- a. Mr. Harold Poole, Senior Planner, explained that this is a request for an amendment to the Zoning Ordinance to allow for a sentence to be added to the Definition section of the ordinance related to "Conditional Use." The proposed additional sentence is as follows: "If property exists such that an existing use which was previously allowed by right would be allowed only as a conditional use, that use shall become nonconforming unless and until a conditional use permit is issued."

Mr. Kennedy asked for an example. Mr. Poole explained that if a property is going from one zoning district to another, and the property is allowed by right but would only be allowed as a conditional use in the district it is changing to, the property becomes a nonconforming use unless and until a conditional use permit is issued. (The new district may have different setbacks, size of property, etc.) Mr. Poole explained if the conditions change, then a problem could exist. He explained further that with the nonconforming use, if the property is damaged over 50% of fair market value then that structure could not be expanded, enlarged, or replaced, but right now he is simply talking about a situation of nonconforming use unless and until a conditional use permit is issued.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the following zoning text amendment to amend the definition of "conditional use" in Section 4.02, Definitions, of the Zoning Ordinance.

Speaking in **favor** of the proposed Zoning Text Amendment was Ms. Diane Dillon, Executive Director of Historic Salisbury Foundation.

Ms. Dillon told Council Historic Salisbury Foundation supports this text amendment because they feel this will help some of the older neighborhoods retain their character, and avoid some of the problems some of the older neighborhoods run into when the uses change.

No one spoke **against** the proposal.

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

- c. Mr. Burgin explained that the matter came to his attention because of some zoning changes Council had approved which changed R6A to SFC. He explained Council was trying to invoke change in those neighborhoods. Keeping the permitted uses as is now done would prevent the change Council is attempting to make, he noted.

Thereupon, Mr. Burgin made a **motion** to adopt this text amendment. Mr. Woodson 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, AMENDING SECTION 4.02 DEFINITIONS, BY ADDING TO THE DEFINITION OF 'USE, CONDITIONAL.'

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

Dr. Catreliia Hunter and Dr. Bryant Norman came before Council to give an update on the Oak Grove-Freedman's Cemetery project. Dr. Hunter told Council the committee has been working toward completion of raising funds for the completion of this project which was originally expected to cost \$215,000.00, and they now need \$95,000.00 to complete the project. Recently, the committee has established a Campaign Completion Committee with Dr. Bryant Norman serving as Chair along with Mr. Sean Reid, Ms. Freida Nikolai, and Mr. Ed Norvell as members of the committee. The campaign is to be completed over the next few months.

Dr. Bryant Norman asked approval by City Council to conduct a commemorative brick campaign as part of the Oak Grove-Freedman's Cemetery Project. He explained that individuals and groups would be able to purchase an etched brick in memory of a loved one. The bricks would be placed in the Liberty and Church Street area which joins the cemetery. Since the 250th anniversary of Rowan County is approaching, it is a fitting time to undertake this project to commemorate the contributions of African Americans to Rowan County, Dr. Norman reminded the Council.

Motion was made by Councilman Kennedy for approval of this project (the bricks) being done in the City's right-of-way (at Liberty and Church Streets). Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

By mutual agreement, the City of Salisbury would specify the type of brick and the Oak Grove-Freedman's Cemetery Project would incur the costs associated with the purchase and installation of the brick in accordance with city standards for sidewalk construction.

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their September 24, 2002 meeting as information only.

(b) Clarification - Contract for Water Treatment Plant Improvements and Expansion

-

City Manager Treme explained the contract awarded by Council at its August 20, 2002 City Council meeting for the Water Treatment Plant Improvements and Expansion did not have the exact amount of the contract for one of the two contractors involved and asked if Council would restate the motion today to include the exact amount. (The original motion was made by Mr. Woodson seconded by Mr. Burgin.

Thereupon, Mr. Woodson **moved** to award a contract to Seaside Utilities for \$6,721,446.00 for general construction and a contract to Robertson Controls for \$331,000.00 for the electrical construction. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

-

(c) NCDOT Meeting - Highway 70 Project

City Manager Treme reported on a meeting held in Winston-Salem which he and other staff members had with North Carolina Department of Transportation (NCDOT) representatives, Mr. Pat Ivey, division engineer; Mr. C. W. Patterson, right-of-way agent; and Ms. Nancy Dunn, our new NCDOT Board member. Mr. Treme told Council there was a discussion regarding the Highway 70 water line. Mr. Treme reported receiving a positive response from the NCDOT representatives and Board member. About 1.3 miles of right-of-way has been secured by NCDOT and the contractor may be able to begin the project as early as mid-October. Mr. Treme expressed hope of being finished with the China Grove and Landis line by mid-October.

A meeting is scheduled with Progress Energy this week, Mr. Treme reported. He said a pump through is still being considered as an option, and there will have to be an evaluation as to whether the contractor can finish by March 1. He told Council that Progress Energy would have to make that determination as it relates to matters important to them.

(d) Governor Easley was in the Concord and Kannapolis area yesterday talking about aid to cities and towns in drought areas, Mr. Treme told Council. Mr. Treme identified the City of Salisbury as a donor city which could help other cities and towns (such as providing greater volume of water down Highway 29) if the state could provide additional money toward this effort. He reported that Statesville is in need of an emergency connection for short-term help. He said we are still discussing this matter with the state. Another reason to help with this situation is that Salisbury does not have an emergency backup system from another city/town and pointed out, if Salisbury had such a connection a few weeks ago when there was a major water line break, the flow going to another town could be reversed and would take care of such an emergency situation in Salisbury.

(e) Local Option One-half Cent Sales Tax

-

The General Assembly has approved a one-half cent local option sales tax to be levied by the counties if they so choose, reported City Manager Treme. The tax would run from December 1, 2002 through June 30, 2003 at which time the state's one-half cent sales tax would expire and a hold harmless situation would begin. Mr. Treme explained the money would replace the reimbursements and other funds the City of Salisbury has depended upon for many years. He reminded those present that Governor Easley and/or the General Assembly has chosen to use these funds to help with problems at the state level. The General Assembly has now passed legislation giving the county commissioners approval to enact an additional one-half cent sales tax if they so choose.

The expected revenue to Salisbury, if the one-half cent sales tax is approved by the Rowan County Commissioners would be approximately \$408,000.00 between December 1, 2002 and June 30, 2003. The City of Salisbury would still be left short about \$1.2 million for this fiscal year. Mr. Treme advised he would not recommend rolling over a deficit into the next fiscal year, and, therefore, would devise a plan this fiscal year to deal with the expected \$1.2 less in revenues to this fiscal year. Some of the things which may be left out this year would be a printed annual report to Salisbury citizens, awards banquet, safety banquet, a local City Council retreat instead of an out-of-town retreat, as well as other possible things. He observed this appears to be the most austere year in his approximately 30 years of city management.

Mr. Woodson pointed out people are expressing that this would be better than additional property tax. Mr. Kennedy observed that this is not a tax the City of Salisbury is passing but one the Council is supporting by asking the Rowan County Commissioners to pass. Mayor Klutz expressed strong support for the passing of this one-half cent tax.

Thereupon, Mr. Kennedy made a **motion** to approve the RESOLUTION OF THE CITY OF SALISBURY SUPPORTING THE ACTION BY ROWAN COUNTY TO ENACT THE THIRD ONE-HALF CENT (1/2) LOCAL OPTION SALES AND USE TAX EFFECTIVE DECEMBER 1, 2002. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION OF THE CITY OF SALISBURY SUPPORTING THE ACTION BY ROWAN COUNTY TO ENACT THE THIRD ONE-HALF CENT (1/2) LOCAL OPTION SALES AND USE TAX EFFECTIVE DECEMBER 1, 2002.

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

MAYOR ANNOUNCEMENTS

(a) Council Retreat

Mayor Klutz discussed with Council the possible date City Council retreat. The probable date chosen was beginning the evening of February 20 and running all day February 21, 2003 with a possible location of the Center for the Environment.

(b) Economic Development Commission Dinner

Mayor Klutz reminded Council of an invitation to an Economic Development Commission dinner on October 2, 2002.

(c) Downtown Salisbury, Inc. Award

Mayor Klutz advised that the City of Salisbury has received a Certificate of Appreciation 2001-2002 from Downtown Salisbury, Inc. for great foresight in purchasing the parking lot at the corner of Bank and Main Streets contributing toward the continued growth of downtown Salisbury.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All members agreed unanimously to adjourn. The meeting was adjourned at 4:52 p.m.

Mayor

-

City Clerk