

Salisbury, North Carolina
December 6, 2005

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 Reverend Wayne Hougland, Jr., St. Luke's Episcopal Church.

PLEDGE OF ALLEGIANCE

The Police Honor Guard presented Colors and Mayor Kluttz led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present, as well as friends and family of present Council members. Mr. Jeff Barger, Clerk of Court was also recognized.

ADJOURNMENT

Motion to adjourn the present council was made by Councilman Woodson, seconded by Councilman Burgin. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

NEW COUNCIL CONVENES

William R. Burgin, William R. Kennedy, Susan W. Kluttz, Mark N. Lewis and Paul B. Woodson, Jr., who were elected as City Council Members in the November 8, 2005 Regular Municipal Election for a two-year term, assembled in the Council Room of the Municipal Building at 4:00 p.m. on December 6, 2005, for the purpose of being inducted into office.

Mr. Jeffrey R. Barger, Clerk of Superior Court, administered the oath of office to the recently-elected City Council Members.

Ms. Kluttz appointed Mr. Kennedy, as longest serving Council member, to serve as Temporary Chairman to preside over the meeting for the purpose of electing a Mayor.

Temporary Chairman Kennedy opened the floor for nominations for the office of Mayor for the City of Salisbury. Mr. Woodson nominated Susan Wear Kluttz for the office of Mayor. Mr. Lewis seconded the nomination. There were no other nominations. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. By unanimous vote of the Council, Susan W. Kluttz was elected Mayor for a two-year term beginning December 6, 2005.

The oath of office of Mayor was administered to Susan W. Kluttz by Mr. Jeffrey R. Barger, Clerk of Superior Court.

Mayor Kluttz opened the floor for nominations for the office of Mayor Pro Tem.

Mr. Burgin nominated Paul B. Woodson, Jr. to serve as Mayor Pro Tem. Mr. Kennedy seconded the nomination. Messrs. Burgin, Kennedy, Lewis and Ms. Kluttz voted AYE. By unanimous vote of the Council, Paul B. Woodson, Jr. was elected Mayor Pro Tem for a two-year term beginning

December 6, 2005.

The oath of office of Mayor Pro Tem was administered to Paul B. Woodson, Jr. by Mr. Jeff Barger, Clerk of Superior Court.

Mayor Kluttz then opened the floor to Council to speak and recognize family and friends. Council members extended their gratitude to everyone for their support.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following change to the Agenda:

Omit Item 12 – Council to consider awarding a unit-price construction contract to Econ International Corporation in the amount of \$132,140 for the construction of sidewalks on East Innes Street.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of November 15, 2005 and the special meeting of November 15, 2005.

(b) Budget Ordinance Amendment - Various Donations

Adopt a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$18,721 to appropriate various donations received by the Cemetery Division, Fire Department, and Management Services.

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

(The above Ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 91, and is known as Ordinance No. 2005-58.)

(c) Final Subdivision Plat S-08-05 - Walgreens

Approve final subdivision plat S-08-05 for Walgreens, Jake Alexander Boulevard, to subdivide a 6.101 acre tract into two commercial lots in accordance with approved group development site plan G-02-05.

(d) Minor Subdivision Plat S-05-01

Approve minor subdivision plat S-05-01 to create a 2.23 acre lot for a future fire station at the intersection of Airport Road and Cedar Springs Road.

(e) City of Kannapolis Centennial 2006

Adopt a Resolution recognizing 2006 as the year of the City of Kannapolis' Centennial - Celebrating Kannapolis: People, Pride and Progress.

RESOLUTION RECOGNIZING 2006 AS THE YEAR OF KANNAPOLIS' CENTENNIAL, CELEBRATING KANNAPOLIS: PEOPLE, PRIDE AND PROGRESS.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 44, and is known as Resolution No. 2005-39.)

(f) 2006 Council Meeting Dates

Adopt the 2006 schedule of regular Council meeting dates.

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. Kluttz voted AYE. (5-0)

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

WORLD AIDS DAY December 1, 2005

(a) Mr. Rodney Harrison, Transit Manager, Mr. Tony Cinquemani, Interim Public Services Director, and Mr. Mark Drye, Management Analyst, presented to Council the proposed Community Transportation Program Grant Application for FY2006-2007.

Mr. Harrison reviewed highlights of the program grant application:

- North Carolina Department of Transportation
- Application submitted each year for approval
- Major funding source for transit system
 - Administration –
 - Federal – eighty (80) percent
 - State – five (5) percent
 - Local – fifteen (15) percent
 - Operating –
 - Federal – twenty-two (22) percent
 - State – zero (0) percent
 - Local – seventy-eight (78) percent
 - Capital –
 - Federal – eighty (80) percent
 - State – ten (10) percent
 - Local – ten (10) percent
- Funding Allocations for FY 2006-2007 Budget
 - Administrative \$166,513
 - Operating \$636,296
 - Capital \$106,200
 - Total \$909,009

Mr. Harrison noted that the total cost to operate the transit system for FY2006-2007 will be \$909,009. This is an increase from \$742,400 for FY2005-2006.

Mr. Harrison pointed out the City of Salisbury's responsibility for FY2006-2007:

- Administrative \$24,977
- Operating \$496,311
- Capital \$10,620
- Total \$531,908

Mr. Harrison stated that Salisbury's total share of the proposed budget is \$531,908. Mr. Harrison added that with consideration to the state maintenance assistance program of \$213,118 and projected fare and other revenues of \$74,815, the City's total commitment will be \$243,000.

City Manager David Tremé commented that it takes approximately \$.01 of taxes to support transit services, noting that it is valued by many citizens. He added that without support from Federal and State funds, Salisbury would be unable to provide these services.

b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider the Salisbury Transit System's proposed Community Transportation Program Grant application for fiscal year 2006-2007.

There being no one to address Council regarding the Community Transportation Grant Application, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to adopt a Resolution seeking permission to apply for Community Transportation Program funding and to enter into an agreement with the North Carolina Department of Transportation to provide necessary assurances for this program. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION SEEKING PERMISSION TO APPLY FOR COMMUNITY TRANSPORTATION PROGRAM FUNDING AND TO ENTER INTO AN AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO PROVIDE NECESSARY ASSURANCE.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 45, and is known as Resolution No. 2005-40.)

Councilman Kennedy commented that the operation of the Transit System is greatly needed for many citizens who do not have necessary transportation and with the increase in fuel costs he feels the ridership will increase.

RECENT UPDATES TO THE NC GENERAL STATUTES REGARDING PLANNING RELATED LAW

Mr. Preston Mitchell, Senior Planner, provided Council with a brief overview of recent changes to North Carolina legislation regarding planning and quasi-judicial matters. He noted that these are the first major amendments to planning legislation in over eighty (80) years to seek to clarify and

modernize the Statutes. He added that the changes will be effective January 1, 2006 with the exception of the legislation regarding moratoria, which became effective immediately.

Mr. Mitchell stated that he is presenting this information to Council because the following two cases on the Agenda are quasi-judicial items and he also wants Council to be familiar with the changes before they become effective.

Mr. Mitchell informed Council that in regards to quasi-judicial proceedings both the Planning Board and City Council will follow the current requirements of sworn testimony, findings of fact, and a simple majority vote. The updated procedures require the disclosure of ex parte communication and that evidence be presented at the evidentiary hearing, with limited advance information. The nexus between the policies outlined in the comprehensive plan and the application will be drawn at the hearing and not provided by staff. A recommendation will also be made by the Planning Board and not by staff. He added that staff reports can now only contain factual information.

Mr. Mitchell further reviewed ex parte communication noting:

- Ex Parte communication
 - Oral or written off-the-record communication made to, from, or between decision makers that could affect outcome of case
 - Required to disclose for quasi-judicial, not required for legislative actions
 - Legislative actions are general rezonings and text amendments
 - Highly recommended by the Institute of Government and Centralina Council of Governments to remain consistent regardless
 - Financial and other conflicts of interest remain

Regarding quasi-judicial proceedings, Mr. Mitchell noted:

- Will receive Planning Board recommendation (still required by law)
- No staff recommendation in report – recommendation may be made at hearing
- No subjective policy analysis in report – nexus between Policy and Petition drawn at the hearing
- No Committee Convening (Planning Board or City Council)
 - May defer action to gather more evidence
 - This also does not apply to legislative actions

Mr. Mitchell stated that the conditions associated with an S-district permit must be deemed “reasonable and appropriate” and there are three (3) types of conditions that can be associated with an S-district permit. These are:

- Conformity to Ordinance or any adopted Plan
 - Vision 2020/Greenway Plan/Thoroughfare Plan
- Address any impact directly linked to proposed development that affects the health, safety, and welfare of the public. This is determined in the Findings of Fact
- Must be mutually agreed upon

Mr. Mitchell indicated that the new legislation requires certain statements by the Planning Board and City Council. The required statements:

- Applies to quasi-judicial and legislative rezonings
- Required for Planning Board and City Councils
- Statement of Reasonableness (applies to City Council only)
 - Must provide written statement analyzing reasonableness of the petition and whether granting the request is in the public interest
- Statement of Consistency
 - Planning Board will state (written) whether rezoning is consistent with adopted plans
 - City Council must adopt a similar statement with previous Statement of Reasonableness

He indicated that Council can combine these two statements into one statement.

Mr. Mitchell noted that the Statement of Reasonableness and Statement of Consistency will not apply to the two (2) cases to be heard by Council today but will be effective for cases heard after January 1, 2006. He added that these statements cannot be given to Council in advance, but staff can assist Council with the language at the hearing.

Councilman Burgin referred to a memorandum in Council’s Agenda package and noted that it reads, “If an objection is raised to a member’s participation and that member does not recuse himself or herself, the remaining members”, and asked what the rest of the sentence states. Mr. Mitchell stated that if a member recuses themselves from an issue, the ability to determine a simple majority does not change. City Attorney Rivers Lawther explained that the memorandum included legislative directive from the Institute of Government and not the State Statute. He stated that a person with a case before the Board of Adjustment or City Council can ask for a member to be excused if they feel there is a bias or conflict. If the board member does not recuse themselves, Mr. Lawther stated he feels that this leaves an avenue for recourse later in the court system. He added that this will take study and will bring S-districts into something that a court can review and in his opinion, will make S-districts more difficult to do in the future.

Mr. Burgin noted that as he read the sentence he had hoped it would read that the remaining member’s votes would represent the decision but it appears to stop in mid-sentence. City Manager David Treme assured Mr. Burgin that staff will find the information for Council.

Councilman Lewis asked if there are any changes in the way Council interprets conflicts of interest. Mr. Mitchell responded that there was an update regarding disclosure of ex parte communication. Mr. Lawther explained that it means that a Council member cannot have a discussion regarding

a case before the hearing, and added that if someone approaches a Councilmember regarding a case it should be disclosed at the hearing.

Mr. Mitchell informed Council that he will provide more information regarding the changes at Council's January meeting.

ZONING MAP AMENDMENT - Z-13S-05 - AUTUMN CARE FACILITIES

Z-13S-05 - Autumn Care Facilities, 914 Newsome Road

(a) Swearing In

Mayor Kluttz swore in the following persons to testify in this case:

Mr. Preston Mitchell
Mr. Rodney Queen
Mr. Glenn Ketner
Ms. Jane Kinard
Mr. Samuel Batten

She then opened the public hearing to receive testimony.

(b) Evidence Presented

Mr. Preston Mitchell, Senior Planner, reviewed a map of the property in question and noted that it is Z-13-S and is a request for a special use district. He stated that the property is located south of Interstate 85, along Newsome Road with Bringle Ferry Road to the north. He noted an aerial photograph of the property and stated that it is just under five (5) acres. He stated, that as shown in the photograph, the property is undeveloped at this time. He noted that to the north of the property is the existing Autumn Care facility, who is the petitioner for the rezoning. Mr. Mitchell stated that the property abuts the existing Autumn Care facility located on the corner of Bringle Ferry and Newsome Road.

Mr. Mitchell stated that the existing zoning of R-8 is a single-family zoning district that primarily allows for single-family type uses, as well as their accessories. He stated that the B-1 district is primarily a service-type district, where a business does not maintain a stock of goods, and does not allow for retailing but is service only, including office and institutional. He noted that under the S-district the zoning is identical but the required Special Use Permit (SUP) may limit one (1) or more B-1 uses and City Council has the authority to impose conditions with the permit.

Mr. Mitchell reviewed the definition of a special use permit district, noting it is a conditional zoning tool that must be petitioned for by the property owner. He noted that in the case today, although Autumn Care is not the property owner, the owner of the property did sign the application so it has met the requirement. He stated that this allows the petitioner to seek specific uses within the underlying base zoning district in situations where general zoning and those uses associated with general zoning may be inappropriate. He pointed out that City Council has the authority to impose reasonable and appropriate conditions. He stated that the permit will run with the land and explained that if the permit is adopted today and the petitioner leaves the property, the permit would stay in effect. Mr. Mitchell stated that the permit can be amended or revoked by Council at any time based on certain situations.

Mr. Mitchell stated that under the Vision 2020 Comprehensive Plan this property falls into what is called "Newer, Existing Neighborhoods". He explained that these neighborhoods were developed just after World War II and are the typical large lot, suburban-type subdivisions with large lawn areas, typically with one (1) story houses set back from the street. He added that usually there are not many parks in these areas because the green space and open space is on the individual's lot. Mr. Mitchell commented that the greatest attributes of these spacious neighborhoods is that they are very predictable and very consistent. He noted that the Plan supports development of architecturally-compatible, residentially-scaled office and institutional development at the planning and neighborhood edges.

Mr. Mitchell reviewed the general impact of B-1 or B-1-S on the area, stating that although it is close to Bringle Ferry Road and may arguably be located along the planning or neighborhood edge, almost five (5) acres offers a significant development impact for that area. He stated that there is a section in the "Newer, Existing Neighborhoods" policy that specifically addresses intensive impact of commercial development and it is called "Undesirable Scenario #2". Mr. Mitchell read the statement regarding Undesirable Scenario #2, which states, "Transition to intensive commercial development. If . . . intensive commercial activity is allowed to displace existing single family homes along the roadway, the bright lights, noise, nighttime activities, and traffic generated can make adjoining residential properties unlivable, increase cut through traffic and traffic volumes in the adjoining neighborhood planning area, and cause a downward spiral, affecting the stability of residential property values and the viability of nearby residential areas."

Mr. Mitchell commented that typically a building footprint is approximately forty (40) percent of a site, noting that the numbers he is referring to are rough and are the maximums and not typical. He stated that this site could possibly allow for an eighty thousand (80,000) square foot building, which is why staff made the comment that 4.82 acres is a good size lot for this established, suburban neighborhood.

Mr. Mitchell indicated there is zoning history for the site, noting that in 1966 there was a petition to rezone the property from R-8 to R-6A for this same property, including a piece that is not being requested today. A formal protest petition was submitted arguing that rezoning would be detrimental to the surrounding area. He stated that the Planning Board voted to recommend denial of the petition and at that time it was withdrawn by the applicant.

Mr. Mitchell reviewed photographs of the property and noted a house adjacent to the property that is not included in the rezoning request. He

stated that the Planning Board first received an application to rezone this property on October 11, 2005, noting that the original request was for a general B-1 district and not a special use district. He stated that under the general district it allows for a variety of institutional and office uses and staff was not in support of the general rezoning, feeling it was incompatible with the area and inconsistent with the Comprehensive Plan. He noted that the surrounding neighbors generally support expansion of Autumn Care. After a lengthy discussion, the Planning Board decided to send the petition to committee, however the committee did not meet because the petitioner voluntarily amended the application to request the SUP district. He stated that the petitioner recognized that there was concern over the general zoning so they voluntarily changed their application. Mr. Mitchell indicated that on November 8, 2005 the Planning Board received the amended application which requested all current R-8 uses with the addition of Nursing Homes and Adult Day Care. Mr. Mitchell stated that Council will need to add the addition of Nursing Homes and their accessory uses, which he inadvertently left out of his presentation. He stated that a letter of clarification was provided by the Zoning Administrator, which is not just attached to this case, but will apply to all Nursing Homes in the future. He explained that it was a modernization of the term Nursing Homes because they have evolved over the last twenty (20) years into something very different than what they were and contain many more types of services than they used to. He stated that the Zoning Administrator agreed that there needed to be a clarification of the definition of Nursing Homes. He pointed out that a copy of the letter was included with Council's Agenda packet.

Mr. Mitchell informed Council that on November 8, 2005 the Planning Board voted unanimously to recommend approval of the zoning map amendment and approval of the permit to set the use limitations. He noted that staff also recommends approval of the zoning map amendment and approval of the associated permit to set the use limitations, but with careful consideration given to the development potential of the site in relation to the surrounding neighborhood.

Mr. Mitchell then reviewed a zoning map depicting the property and the zoning of the property surrounding it.

Mr. Mitchell presented considerations for Findings of Fact, pointing out that staff is not telling Council that these are what the Findings of Fact will be, but that they are only considerations. These included:

- The neighborhood is currently zoned R-8 and the requested zone of B-1 permits office and institutional development
- Authorized petitioner, Autumn Care, currently operates a facility directly abutting the subject site
- Petitioner originally requested general B-1 district but voluntarily amended application to petition for a Special Use District to voluntarily limit uses
- The subject site is located at the edge of an established suburban large-lot neighborhood
- The Vision 2020 Plan supports development of architecturally compatible, residentially scaled office and institutional development at the planning and neighborhood edges
- Pursuant to the Undesirable Scenario #2 of the Plan, intensive commercial development can negatively affect surrounding residential property values (diminution)
- Development of the subject site displaces potential development of additional residential structures
- A 1966 petition to rezone the same site to Multi-Family zoning was withdrawn prior to a City Council hearing due to a Planning Board recommendation of denial
- On November 8, 2005, the Planning Board voted unanimously to recommend approval of the zoning map amendment and the associated permit

Mayor Klutz then asked those who wished to speak in favor of this request to please come forward. Those who addressed Council were:

Mr. Rodney Queen, 101 Polo Drive, stated that he has no financial interest or gain in this project but he feels he has information on Newsome Road that might help Council make a decision, and he reviewed photographs of development along Newsome Road. He stated that he feels his experience with the Planning Board and coming before City Council is that we try very, very hard to protect our neighborhoods and sometimes in our attempt to over-protect we sometimes hurt more so than help and he would like to clarify a couple of points. Mr. Queen referred to Newsome Road and that it is primarily zoned R-8. He stated that the 4.8 parcel that was just talked about presents a lot of problems in rezoning. He stated that if it was a five (5) acre parcel you could go in with an R-DB and have a lot more flexibility, but because it is less than five (5) acres the only high density you can get is to go to an R-6A type of zoning which is more multi-family. He stated that this makes people think about apartments and brings out a lot of opposition. He commented that when the rezoning came for the senior citizens group a lot of people came out in opposition because of fear of the unknown, of what was really going in and how it would impact their neighborhood. He stated that after a lot of work and after completing it, they realized that it had a positive effect on the neighborhood and also a positive effect on Newsome Road because being a senior citizen retirement group it limited the amount of traffic. He stated that they have their traffic during a controlled time and do not have to be on Newsome Road during the time of rush hours. Mr. Queen referred to a photograph of a residence and stated that it was part of the original parcel of the retirement group and was approximately a ten (10) acre parcel. He stated that they attempted to get it rezoned on several occasions but it was denied. He added that they managed to get half of it rezoned when the retirement group was done but the rest of it remained R-8. He stated that it remained this way for five (5) years or so and they continued to drop the (sales) price. He added that if the high and best use was residential then there would be higher-end homes in there, or at least one higher-end home. He stated that in this situation we forced the owner to try to put something in there to try to salvage his investment and what he has built is lower-end rental houses, and while he favors these and more are needed throughout the City, we do not really need these on Newsome Road right below a sharp curve where someone has to back out into the highway. He stated that this is a dangerous situation and there is a good chance that they will have to move during times of rush hour. He stated that better planning on this could have rezoned it to something that could have made a better use for the property that is on Newsome Road. Mr. Queen stated that his concern with the parcel of land where Autumn Care is located is that if we are not careful, because it is zoned R-8, sooner or later if someone has to do something with the land we could end up with a line of houses where they all have to back out to the highway because we do not allow a proper rezoning. He stated that what is on Newsome Road is what he calls traffic averaging, with some people that have to go during rush hour and some that do not. He stated that the thing he likes about Autumn Care is that it has proven to be a good neighbor, it serves a very useful purpose, and they already have two (2) ways in and out. He stated that he feels it will offer the highest and best use of the land where it is located, adding that when it comes to the neighborhood, there is the landscape Ordinance and landscape barriers which makes this very positive for the development. He stated that the opportunity today is to support a great effort rather than forcing an issue and he wanted to point this out to Council and let them know he feels the proper rezoning and support of Autumn Care will be favorable

for the City.

Mr. Glenn Ketner, Attorney with Ketner & Dees, 121 East Kerr Street, stated that he represents two (2) parties involved. One is the property owner, Samuel Worth Batten who is the executor of the Vivian Senter estate, and also the beneficiary of that estate. He stated that he also represents Autumn Care, who he has worked with off and on for seventeen (17) years since they established their initial facility. He stated that they have been good neighbors and they continue to be good neighbors and there is virtually universal support from the neighborhood. Mr. Ketner commented that he feels we all are somewhat confused by the presentation seen earlier and noted that if those rules applied today he would probably object to some of the things that Mr. Mitchell displayed. He stated that he feels it is important to stick to the basics and noted that this property is 4.2 acre site on Newsome Road and is adjacent to the existing Autumn Care space. He added that the property is substantially vacant with one house on the property. He stated that it is most unlikely that the property will be developed as single-family, except in an adverse way as noted by Mr. Queen. Mr. Ketner stated that it is not economically feasible to develop the property into single-family residential zones. He stated that he feels it is important to note that the petition was originally submitted as B-1, but they resubmitted as B-1-S and eliminated approximately eighteen (18) specific uses that would have otherwise been allowed in B-1. The four (4) that remain are the R-8 single-family residential, the adult day care center, the nursing home/rest home/assisted living provision, and the accessory uses and structures. He pointed out that there is the existing R-8, in addition to three (3) paragraphs of 8.21 that are specifically incorporated. He indicated that he assumes Council will take judicial notice of those specific uses, as well as the clarification letter submitted by the Zoning Administrator, which he feels is an important part of the record in this case. Mr. Ketner stated that the purpose for doing all of this is to bring the property into harmony with what seems to be a typical use of property these days, in the care for the elderly. He commented that it is no longer just a nursing home or just a place that handles skilled or intermediate nursing care, but there are also matters of assisted and independent living. He pointed out Trinity Oaks as a good example of the continuum of care and noted that he believes Trinity Oaks is zoned M-1. He stated that they need the B-1-S for this property, along with the interpretive letter, in order to provide the continuum of care of housing for the elderly. He submitted that these uses, now that they have been circumscribed by the application, are consistent with other uses in the area. Mr. Ketner stated that the application for B-1-S was submitted by Samuel Worth Batten, who is present. He commented that it is understood that any further development by Autumn Care will require group development approval and his client has no problem with that. He stated that he feels this is the answer to many of the things that were initially presented by Mr. Mitchell in opposition to B-1, noting he did not know opposition would be presented in the explanation of B-1-S. Mr. Ketner noted that the customary review process has been followed in accordance with the ordinances of the City, the Planning Board has recommended approval on the basis of its review, and he submits that the factual foundation has been laid and it is appropriate for Council to amend the zoning map and issue the B-1-S permit as requested. In respect to the Findings of Fact, Mr. Ketner stated that he was not provided with a copy of the proposed Findings of Fact and he may have a further comment when those come before Council.

Mr. Ketner indicated that Ms. Jane Kinard, Autumn Care Administrator, was present should Council have any questions.

There being no one else to testify regarding this issue, Mayor Klutzz closed the public hearing.

Councilman Kennedy referred to a map of the zoning of the property and noted that it seems there is a small space between the B-1 area and the property in question that is not included. Mr. Mitchell responded that this is where the house is located and will remain zoned R-8.

Councilman Lewis asked if the parcel with the house is being carved off or if it is already a separate parcel. Mr. Mitchell responded that it is a separate tax parcel.

Councilman Burgin stated he assumes the owner of the property was notified. Mr. Mitchell responded that this is correct and the owner signed the petition for Autumn Care.

Mr. Lewis noted that he heard there was general neighborhood support and asked Mr. Mitchell to define general support. Mr. Mitchell indicated that there were several neighbors who approached the Planning Board at the courtesy hearing and expressed their general support for the expansion of Autumn Care. Mr. Lewis asked if anyone spoke against it at the courtesy hearing. Mr. Mitchell responded that he did not believe there was anyone against the expansion of Autumn Care but there was a neighbor with a concern about the rezoning of the property. Mr. Ketner pointed out that this was when it was B-1.

Mr. Burgin clarified that the petition is requesting to allow all current R-8 uses in addition to B-1 uses Nursing Homes and their accessory uses, and Adult Day Care. Mr. Mitchell confirmed this is correct.

Mr. Burgin commented that he looks upon this favorably because Salisbury has an aging population and there is a continuum of care that this would offer. He noted that he does not think there is anything about Newsome Road, in this particular situation, that would begin to intrude on any of the neighbors. He added that the neighbors have acknowledge this indirectly by not coming out in force, as they would if they felt this.

(c) Findings of Fact

Councilman Lewis offered the following Findings of Fact:

1. There is a 4.2 acre site on Newsome Road adjacent to a nursing home facility and a residential property.
2. The petition before Council is to rezone to a B-1-S, which will include all R-8 single-family residence, adult day care and nursing home and their accessory uses.
3. The proposed rezoning is consistent with other uses in the area.
4. There is general neighborhood support of Autumn Care's use of the property.
5. Council has the Planning Board's recommendation and approval with an 11-0 vote.

Mayor Pro Tem Woodson added:

6. It looks like, architecturally, it will blend into the property and would not be something that would be an eyesore and stand out to the neighbors.

Mr. Lewis stated the last Findings of Fact as:

7. Rezoning the site will have site plan review because it is subject to the group development processes, therefore the neighborhood will still have an opportunity to participate in site plan review.

(d) Decision

Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance amending the official zoning map of the City of Salisbury by rezoning approximately 4.82 acres located at 914 Newsome Road, one parcel identified as Tax Map 57 Parcel 63, from R-8 to B-1-S. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 4.82 ACRES, ONE PARCEL, LOCATED AT 914 NEWSOME ROAD, IDENTIFIED AS TAX MAP AND PARCEL 057-063, FROM R-8 DISTRICT TO B-1-S DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 92, and is known as Ordinance No. 2005-59.)

(e) Special Use District Permit

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance granting an S-District permit to allow all current R-8 uses with the addition of Nursing Homes and Adult Day Care and their accessories. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, GRANTING AN S-DISTRICT PERMIT IN CONJUNCTION WITH ORDINANCE 2005-59; PROVIDING FOR PERMITTED USES; PROVIDING FOR MODIFICATION OR TERMINATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 93, and is known as Ordinance No. 2005-60.)

ZONING MAP AMENDMENT - Z-14S-05 - POWER CURBERS, INC.

Z-14S-05 - Power Curbers, Inc., 727 Bendix Drive

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

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

(a) Swearing In

Mayor Kluttz swore in the following persons to testify in this case:

Mr. Preston Mitchell
Ms. Linda Bailey

She then opened the public hearing to receive testimony regarding the case.

(b) Evidence Presented

Mr. Preston Mitchell, Senior Planner, reviewed a map of the property in question and noted that it is located beside I-85 and is across the street from Wal-Mart. It is also adjacent to Innes Street Marketplace where Tinsletown Theaters is located. He stated that the site is currently zoned M-1, with M-1 extending away from the site, M-2 adjacent to the south side, residential zoning on the south side, and commercial closer to East Innes Street. He noted an aerial photograph of the site and pointed out that the site is already developed, noting that it was a previous light industrial use. He stated he believes it currently operates as a vehicle dealer and added that it is located along Bendix Drive. Mr. Mitchell stated that the site is approximately twenty-one (21) acres. He noted an adjacent site that is currently under construction for a commercial user. He pointed out topography lines on the map and stated that there is a hill to the rear of the site and the facility is behind the hill.

Mr. Mitchell reviewed the zoning districts and stated that the current zoning of M-1 is the light industrial zoning that allows for wholesaling, light manufacturing, assemblage and distribution. He stated that M-2 is the heavy industrial zoning, which allows all of the M-1 uses plus general manufacturing and fabricating. He noted that the S-district allows for limiting of uses within the M-2 and conditions can be placed with the permit associated with the zoning change.

Mr. Mitchell stated that conditional zoning is a tool that allows for a limiting of specific uses within the requested zone. He commented that in the Vision 2020 Comprehensive Plan this is arguably within the "Newer Industrial Areas". He explained that this site stands on its own and is not technically

where the City's new industrial growth has occurred, but it also is not where the older industrial growth occurred many years ago. He stated that it is a new industrial facility and the primary concern of the new industrial areas is compatibility with nearby non-industrial lands and to a lesser extent, appearance and up-keep. He stated that the Planning Board and City Council, as it states in the Plan, must wrestle with the issues of noxious impacts on residential areas. He explained that noxious impacts are basically odors, smoke, noise and similar issues.

Mr. Mitchell indicated that the potential impact on the adjacent neighborhood is tough because both the neighborhood and site are developed, so it is not like a greenfield situation where a whole new facility is going to be built. He stated that in this particular case, the burden of protection is on the petitioner because the petitioner is requesting to increase the development intensity of the site. Mr. Mitchell stated that there is a policy within the Plan that states, "Industries adjoining existing residential areas shall provide and maintain for adequate screening and buffering." He added that new residential development moving into the area has to do the same thing explaining that if this particular applicant was already in place and a residential subdivision came in, the burden of protection would be on the subdivision, not on the applicant.

Mr. Mitchell reviewed the potential impact of M-2 on the area and noted that while the site is already developed there is the potential to expand based on the acreage of the site being approximately twenty-one (21) acres. He pointed out the continuation of industrial uses in a growing commercial area and referred to the Innes Street Marketplace as a relatively new commercial area, with commercial development growing up and down Innes Street as well as on Bendix Drive. He reiterated that the site next door to the site in question is commercial and stated that this site is a little out of the norm because it is not where the rest of the City's newer industrial development has occurred. He stated that this will be a continuation of an industrial use in that area, in addition to the existing residential neighborhood behind the site. He noted that Bendix Drive has immediate access to the interstate system, which is supported by the Comprehensive Plan. Mr. Mitchell indicated that there is no vehicular access to the residential areas behind the site and added that the current situation would support additional commercial and some industrial traffic. He then reviewed various photographs of the site. He noted that based on the previously shown topographic lines the site sits below the berm or hilltop shown.

Mr. Mitchell informed Council that the Planning Board met on November 8 and the application requested was a voluntary request for the S-district. The application requests that all current cumulative M-1 uses continue to be allowed with the addition of manufacturing of construction or industrial equipment. He stated that the Planning Board voted unanimously to recommend approval of the map amendment and the S-district permit with the conditions that a standard eight (8) foot street yard planting area be provided along the property line abutting Bendix Drive and that a sidewalk be installed, according to current City standards, within the Bendix Drive right-of-way. He added that staff also recommends approval of the amendment and supports the conditions but with careful consideration given to the impact of future expansion, adding that this area has room to grow. Mr. Mitchell also presented considerations for Findings of Fact.

Mayor Kluttz then asked anyone from the public who wished to speak for or against to please come forward.

Ms. Linda Bailey, stated that she represents Power Curbers for Mr. Dyke Messinger, President. She stated that Mr. Messinger sends his apologies as he is traveling. She commented that she hopes Council will find in favor of Power Curbers in this request. She informed Council that Power Curbers held a neighborhood meeting at a Methodist Church in the community and sent letters and information about Power Curbers, as well as invited neighbors to visit the manufacturing facility with any questions. She noted that Mr. Mitchell also attended the meeting and no one came to speak against the plans. Ms. Bailey stated that Power Curbers is currently located in a neighborhood at the intersection of Long Street and Bringle Ferry Road. She indicated that this is residential because here are houses right across from and beside the facility and they have had no complaints regarding what they do. She noted that if Council had any questions she would be happy to answer them.

There being no one else present to testify regarding the issue, Mayor Kluttz closed the public hearing.

(c) Findings of Fact

Mayor Pro Tem Woodson offered the following Findings of Fact:

1. Bendix Drive is basically an industrial site with hotels, a new Harley Davidson and commercial and does not abut to any neighborhoods.
2. There should be no vehicular access to a neighborhood area and being an industrial operation it would not affect those.
3. The motel at the very end of the road and the storage behind should not be affected
4. The site is already developed for commercial and industrial type operations, the operations that have been in there for several years such as a boats and Gamewell Engineering, and he feels this will fit with what Power Curbers wants to do and is a good use for the building and the property.

(d) Decision

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the official zoning map of the City of Salisbury by rezoning 20.96 acres located 727 Bendix Drive, parcel identified as Tax Map 70 Parcel 95, from M-1 to M-2-S. Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 20.96 ACRES, ONE PARCEL, LOCATED AT 727 BENDIX DRIVE, IDENTIFIED AS TAX MAP AND PARCEL 070-095, FROM M-1 DISTRICT TO M-2-S DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 94, and is known as Ordinance No. 2005-61.)

(e) Special Use District Permit

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance granting an S-district permit to allow all current cumulative M-1 uses with the

addition of manufacturing of construction or industrial equipment with the conditions that a standard eight (8) foot street yard planting area be provided along the property line abutting Bendix Drive and that a sidewalk be installed according to City standards within the Bendix Drive right-of-way. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, GRANTING AN S-DISTRICT PERMIT IN CONJUNCTION WITH ORDINANCE 2005-61; PROVIDING FOR PERMITTED USES; PROVIDING FOR CONDITIONS OF DEVELOPMENT; PROVIDING FOR MODIFICATION OR TERMINATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 95, and is known as Ordinance No. 2005-62.)

COUNCIL COMMITTEE REPORT - BICYCLE LANES ON SOUTH FULTON STREET

Mayor Klutz indicated that this issue came before Council at its November 1, 2005 meeting and a Council Committee consisting of Councilmen Burgin and Kennedy was appointed to study the issue.

Councilman Burgin stated that the Committee met to review options and possibilities for bicycle lanes. He commented that the Committee recommends the City develop a plan relative to bicycling and trails within the City rather than trying to piecemeal two blocks without some understanding of where it will go, its impact, and how to use it most effectively. He stated that the Committee recommends re-striping South Fulton Street the way it was and to use the parking on the residential side with no parking on the side of the cemetery. He added that the Committee also recommends pursuing the development of a bicycle trail master plan for the City.

APPLICATION FOR A PLANNING GRANT FOR A COMPREHENSIVE BICYCLE PLAN

Mr. Dan Mikkelson, Land Management and Development Director, informed Council that the North Carolina Department of Transportation (NCDOT) has issued a call for applications for a comprehensive bicycle planning grant program. He stated that for a city the size of Salisbury the grant will pay seventy (70) percent of the cost of preparing a comprehensive bicycle plan, up to a project total of \$65,000. He explained the maximum award that Salisbury could receive is \$45,500 with the City's share being \$19,500.

Mr. Mikkelson stated that the grant is competitive and if the City is successful the local matching funds can be included in next year's fiscal budget. He noted that the application deadline was December 2, 2005 and based on the encouragement of the Committee members staff completed an application and submitted it. He commented that staff from NCDOT was excited to receive an application from Salisbury and feel that Salisbury would be a good example for a comprehensive bicycle plan. Mr. Mikkelson indicated that the total application process requires a Resolution adopted by City Council supporting the grant application, as well as a Resolution of support adopted by the Metropolitan Planning Organization (MPO). He noted that both of the Resolutions can be submitted after the filing deadline and staff will present the Resolution to the MPO at its next meeting. He added that if Council chooses not to proceed with the application, it can be withdrawn.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution endorsing the application seeking a grant for comprehensive bicycle plan. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION ENDORSING THE APPLICATION SEEKING A GRANT FOR A COMPREHENSIVE BICYCLE PLAN

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 46, and is known as Resolution No. 2005-41.)

2005 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mr. Chris Costner, Martin Starnes & Associates, CPAs, P.A., presented Council with highlights of the 2005 Comprehensive Annual Financial Report (CAFR). He noted that the audit results were:

- City of Salisbury received an unqualified opinion
- No findings or questioned costs
- Total General fund balance - \$6,784,420 as of June 30, 2005
- Available General fund balance - \$3,195,428
- Increase in total General Fund balance - \$974,487
- Available fund balance is twelve (12) percent of General fund expenditures

Mr. Costner reviewed the fund balance history noting that it was \$5,254,336 in 2003; \$5,809,933 in 2004; and \$6,784,420 in 2005. Property valuations for the same years were: \$2,171,744 in 2003; \$2,215,265 in 2004; and \$2,226,407 in 2005.

A division of the General fund revenue sources were fifty (50) percent Property taxes; fifteen (15) percent Local Option Sales tax; sixteen (16) percent Restricted Intergovernmental (grants); seventeen (17) percent Sales and Services; and two (2) percent Miscellaneous.

A division of the General fund expenditures were twenty-two and seven tenths (22.7) percent General Government; thirty-nine and one tenth (39.1) percent Public Safety; thirteen and seven tenths (13.7) percent Transportation; seven and two tenths (7.2) percent Environmental Protection; nine and four tenths (9.4) percent Culture and Recreation; four and five tenths (4.5) percent Community and Economic Development; two tenths (.2) percent Education; and three and three tenths (3.3) percent Debt Service.

Mr. Costner reviewed the Enterprise funds net income and noted that these funds are established to be self-sufficient. For the Water and Sewer fund the actual budget is \$26,725, but with full accrual, which includes capital contributions and capital project fund activity, it is \$3,797,339. The actual budget for the Transit System is a loss of \$147,084 but with full accrual the fund is \$849,167. He noted that full accrual net income includes capital project fund activities and capital contributions received.

Mayor Pro Tem Woodson asked if the City is required to keep eight (8) percent of its budget in General fund. Mr. Costner responded that the Local Government Commission (LGC) recommends a fund balance of approximately eight (8) percent, which essentially represents one (1) month of the year. He clarified that the available fund balance is what is used to determine this percentage and represents twelve (12) percent of the General fund expenditures for Salisbury.

Councilman Lewis commented that the City budgeted money from the General fund this year for Fire Station 4 and commented that even though the fund balance is growing there were a number of expenses last year that did not occur.

City Manager David Treme commented that in comparison to other cities, Salisbury generally keeps its fund balance percent low, and noted that this money will be used for new Fire Station 4. He complimented the Management Team for working to achieve the City's financial goals.

DONATION OF PROPERTY - STANLEY STREET

Ms. Gail Elder White, Parks and Recreation Director, noted that in September 2005 Council approved the concept for Centennial Park in the Fulton Heights Neighborhood. She reviewed a map of the proposed park and pointed out a piece of property Mr. Reginald Hall has offered to donate for use in Centennial Park. She noted that staff had anticipated the property would be donated and it has been incorporated into the planning process.

Thereupon, Mr. Lewis made a **motion** to accept the donation of property located on Stanley Street, identified as Tax Map 13 Parcel 245, from Mr. Reginald Hall for inclusion in Centennial Park in the Fulton Heights neighborhood. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT - A.L. JARRELL CONSTRUCTION COMPANY - SALISBURY FIRE STATION 4

Mr. Dewey Peck, Purchasing Manager, informed Council that bids for preliminary site grading for Fire Station 4 were received on two occasions. Bids were first received on November 17, 2005 and only one bid was received. The project was then re-bid and bids were opened on November 28, 2005. Bids were received from:

Fuller Construction Company	\$207,215
A.L. Jarrell Construction Company	\$153,170

He noted that in order to expedite this project, staff has contracted with Bowers Engineering to develop a site plan in preparation for the construction plan. In the meantime, KKA Architecture is working on the construction paperwork and it will be ready for bid when the site is ready for construction to begin.

Mr. Peck recommended awarding the contract to A.L. Jarrell Construction Company, the lowest responsible bidder.

Councilman Burgin asked to ensure that the money for the site preparation plan is included in the budget. Mr. Peck responded that it is included and the bids were under budget.

Thereupon, Mr. Burgin made a **motion** to award a contract to A.L. Jarrell Construction Company in the amount of \$153,170 for grading and preliminary site preparation for construction of Salisbury Fire Station 4. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT - ECON INTERNATIONAL CORPORATION - EAST INNES STREET SIDEWALKS

This item was omitted.

RESOLUTION FOR CONSIDERATION OF ANNEXATION

Mr. Joe Morris, Planning and Community Development Manager, stated that in recent years Council has routinely adopted a Resolution for Consideration of potential areas that might be considered for annexation. He presented a map depicting the boundary area for the Vision 2020 study area and noted that this will facilitate study for future annexation. He pointed out that no areas on the map have been identified for potential annexation but this merely gives staff a boundary for consideration.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution of Consideration for Annexation. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

A RESOLUTION IDENTIFYING THE AREA DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR ANNEXATION

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 47, and is known as Resolution No. 2005-42.)

STAFF REPORT – CITY GREEN SOFTWARE

Mr. Joe Morris, Planning and Community Development Manager, presented to Council a report from staff regarding high resolution satellite imagery and City Green software. He stated that this new software and high resolution satellite imagery will allow staff to look at the City's tree canopy.

He explained that the City Green Software is part of the Piedmont Green Initiative which includes:

- 15 County, Low Resolution Imagery
- Measured trends between 1984 – 2003
- Partners include:
 - North Carolina Division of Forest Resources
 - United States Department Agricultural Forest Service
 - Sustainable Environment for Quality of Life (SEQL)
 - Catawba Center for the Environment

Mr. Morris indicated that natural resource mapping has always been a part of Salisbury's history and referred to a map dated 1770. He noted that later maps moved towards only depicting the man made environment rather than the natural systems.

Mr. Morris then reviewed statements from the Vision 2020 Plan that relate to the City Green Software mapping effort:

- Small Town Character and Community Identity
- Historic Preservation
- Environmental Quality

Mr. Morris pointed out that between the years 1984 and 2003, the City had a twenty-five (25) percent decrease in green space. He then reviewed a City Green high resolution landcover analysis report demonstrating the value of what trees do in removing air pollutants from the atmosphere.

Mr. Morris presented several recommendations from American Forest, the non-profit organization that provided the software:

- Recommended Canopy Coverage
 - All land uses – forty (40) percent
 - Suburban land uses – fifty (50) percent
 - Urban land uses – twenty-five (25) percent
 - Central business district – fifteen (15) percent

Mr. Morris noted that through use of this software, tree canopy studies can be created for extra-territorial jurisdictions, as well as by zoning districts. He reviewed how this data might be used to help shape policy:

- Form-Based Code
- Technical Review Committee (TRC) Site Plan Review
- Environmental Analysis for Small Area Plans
- Annual "State of the Environment" Report

Ms. Kathryn Clifton, GIS Coordinator, stated that American Forest used Salisbury as a pilot project for an additional high resolution study. She added that the studies are broken down into several categories:

- Air Pollution Removal
- Dollar Values as related to rising health care expenditures and reduced tourism revenue from poor air quality
- Carbon Storage and Removal from trees
- Storm Water
- Water Quality

Ms. Clifton demonstrated how easily analysis reports can be generated and presented a copy of the report to Council.

Mr. Morris provided Council members a copy of the American Forest Magazine which includes a report recognizing Salisbury's national level reputation of environmental awareness.

Mayor Kluttz thanked Mr. Morris and Ms. Clifton for their report.

COUNCIL LIAISON APPOINTMENTS

Mayor Kluttz suggested the following appointments:

- (a) Rowan County Tourism Authority – Councilman Burgin
- (b) Centralina Council of Governments – Mayor Pro Tem Woodson
- (c) Salisbury-Rowan Community Service Council – Councilman Kennedy
- (d) Economic Development Commission – Councilman Burgin
- (e) Ruffy-Holmes Senior Center – Councilman Kennedy
- (f) Downtown Salisbury, Inc. – Councilman Lewis
- (g) Fireman’s Relief Fund Board – Mayor Pro Tem Woodson
- (h) Parks & Recreation Advisory Board – Mayor Pro Tem Woodson
- (i) Salisbury-Rowan Human Relations Council – Councilman Kennedy
- (j) Community Appearance Commission – Councilman Lewis
- (k) Tree Board – Mayor Kluttz
- (l) Sustainable Community Development Commission – Mayor Kluttz
- (m) Rowan County Air Quality Commission – Mayor Kluttz
- (n) Metropolitan Planning Organization – Councilman Lewis
- (o) Rowan County Strategic Plan – Councilman Burgin
- (p) Rowan County Committee of 100 - Jobs Initiative – Councilman Lewis
- (q) Access 16 Board of Directors – Mayor Kluttz

By consensus, Council agreed to the liaison appointments.

-
-
COMMENTS FROM THE CITY MANAGER

(a) Interim Public Services Director

City Manager David Treme informed Council that Mr. Tony Cinquemani has been appointed as Interim Director of Public Services adding that Mr. Cinquemani has been with the City for 18 years. Mr. Cinquemani thanked Council for the opportunity to fill this interim position and assured Council that Public Services will continue to give citizens the service to which they are accustomed.

Mayor Kluttz thanked Mr. Cinquemani for accepting the position and stated that Council looks forward to working with him.

(b) Town Creek/I-85 Interceptor Sewer Extension Project Update

-
City Manager David Treme stated that the Town Creek Sewer/Receptor Project is a major goal for the City, adding that in reviewing the data he wanted to ensure that the existing eighteen (18) month old cost estimates are updated, to establish and update the timeline, and review the project map and agreement.

Mr. Matt Bernhardt, Assistant City Manager for Utilities, presented Council with an update:

- Interstate 85 Between Salisbury & China Grove
 - Primary growth corridor for Rowan County
 - Sewer service not available in this corridor
 - Development potential limited due to lack of access to sewer
 - Many sites do not “perk”
 - Significant economic development interest in this area
 - Interchanges currently not served by sewer include:
 - Hwy. 152
 - Webb Road
 - Peeler Road
 - Peach Orchard Road
- Interstate 85 Drainage Basins & Grant Creek Interceptor
 - Town Creek basin flows back towards Salisbury
 - Cold Water Creek basin flows towards Cabarrus County
 - Existing Grant Creek interceptor currently carries all sewer flow from Landis and China Grove
 - Capacity of Grant Creek interceptor is limited
- Undeveloped & Underdeveloped Properties Along I-85
 - Significant potential for growth and development of tax and employment bases
 - Each parcel is:
 - 10+ acres in size
 - Less than \$50K tax value on improvements

Mr. Don Barber, President of J. N. Pease, reviewed the Cold Water Creek Sewer Project:

- Upper Cold Water Creek Sewer Project
 - By China Grove, Rowan County and Schools
 - Gravity Sewer from New High School off NC 152 to New Pine Ridge Lift Station
 - New Pine Ridge Lift Station and Force Main routed northward (to eventually connect) to proposed Town Creek Interceptor
 - Interim connection of Force Main to existing Hitachi Lift Station until Town Creek Interceptor completion)

Mr. Jim Behmer, Utilities Engineering Manager, reviewed the Town Creek Sewer Interceptor Project:

- Town Creek Sewer Interceptor
 - Gravity Sewer extended along Town Creek
 - Will connect to Hitachi Lift Station and Force Main from New Pine Ridge Lift Station
 - Project cost estimate:
 - Was: \$5.1 million (1 ½ years ago)
 - Now: \$6.5 million
 - Project completion: September 2008
 - Estimate and schedule based on City/County agreement by 1/31/06

Mr. Bernhardt reviewed the full benefits of both projects:

- Full Benefit (Both Projects)
 - Opens up I-85 Corridor for Development
 - Provides sewer to all four (4) remaining interchanges of Interstate 85 in southern Rowan County
 - Saves existing capacity in Grant Creek Interceptor line for continued growth in Hwy. 29 growth corridor
 - Potential elimination of three (3) Lift Stations (2 China Grove / 1 Southern Rowan County)
 - Pairs with South Rowan waterline to provide full utility service to serve coming growth of southern Rowan-to-southern Salisbury area of Rowan County

Mr. Bernhardt concluded the presentation stating that even after approval of the project between the City and Rowan County, the project has to be designed and permitted, therefore representing a time span before the bidding and actual costs are known.

Mr. Treme stated that during a meeting at the Kannapolis Chamber of Commerce regarding development around Kannapolis, a Chamber member asked what they could do to assist with the project. Mr. Treme noted that one answer discussed was to ensure the availability of developmental sites along the Interstate 85 corridor in Kannapolis as well as surrounding areas in Cabarrus and Rowan Counties. He stated that the project estimates were conservative, allowing proper consideration to items such as easements and rock which could increase costs. He added that another important factor for the City is loading of the plants which will result in future cost savings.

Mr. Treme expressed his gratitude to Mr. Barber, Mr. Bernhardt and Mr. Behmer for their work on this important project which will impact the City and County over a twenty-five (25) year period.

Mayor Kluttz expressed her hope that an agreement could be worked out for the betterment of the entire county, adding that this is a wonderful boost for economic development.

Mayor Pro Tem Woodson questioned the thirty (30) percent increase in the project cost estimate in one year. Mr. Behmer stated that some of the prices for PVC is not even quoted until it is shipped, adding that the recent hurricanes and increase in fuel prices are affecting all material costs.

Councilman Lewis pointed out that this is another example of Council's commitment to growing jobs, industry and population.

(c) Street Closures - Freedman's Memorial Cemetery Project

Mr. Dan Mikkelson, Director of Land Management and Development, stated that as a part of the cemetery project, brick pavers will be installed at the intersection of Church Street and Liberty Street, with the work scheduled to begin Monday, December 12, 2006. He noted that the intersection would need to be closed for a two (2) week period. He stated that the Engineering Department has been working with the adjacent property owners regarding closures and will distribute notices through emergency services listserv regarding access to jail during the construction period. He advised Council that during construction, Church Street, which is a one-way street, will temporarily become a two-way street, adding that conditions will be continually monitored and evaluated. He concluded stating that the project is anticipated to be completed by Christmas.

-
MAYOR'S ANNOUNCEMENTS

(a) Project SAFE Neighborhood Training Conference

Mayor Kluttz indicated that the Project SAFE Neighborhood Conference was a statewide conference, and ten (10) representatives from the Salisbury Task Force attended. She stated that she spoke on a panel on "Project SAFE Neighborhood – It Works and Here's Why," describing the Project SAFE events in Salisbury and the dedicated people that work on the team. She noted that Mr. Henry Diggs, Salisbury's Project SAFE Facilitator, and Ms. Teresa Vinson, Project SAFE Resource Director, also conducted a workshop on juveniles. She noted that Anna Mills Waggoner, United States Attorney, was very complimentary of what the City has done with Project SAFE.

(b) Christmas Luncheon for City Employees

Mayor Kluttz announced that the annual Christmas luncheon for City employees will be held Wednesday, December 14, 2005 from 11:30 a.m. – 1:30 p.m. at the Salisbury Civic Center.

(c) Access16

Mayor Kluttz announced that Access16 is now available 24 hours a day, 7 days a week at www.access16.org.

(d) Hispanic Coalition Meeting:

- Mayor Kluttz announced that she attended the Hispanic Coalition Meeting on Monday, December 5, 2005, and presented four (4) awards to members. She added that she had invited the Coalition to present a report at the next Council meeting.

(e) Cheerwine Donation:

- Mayor Kluttz announced that Cheerwine has donated one thousand, five hundred (1,500) cans of Cheerwine to be used at a reception at the National League of Cities meeting being held in Charlotte. She noted that this is the first time the meeting has been held in North Carolina and she expressed her appreciation to Cheerwine for the contribution.

COUNCILMAN LEWIS' ANNOUNCEMENT

Councilman Lewis informed Council that he will need to leave the December 20, 2005 Council meeting at 4:45 pm.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:39 pm.

Mayor

City Clerk