

Salisbury, North Carolina
July 3, 2012

REGULAR MEETING

PRESENT: Mayor Paul B. Woodson Jr., Presiding; Mayor Pro Tem Susan W. Kluttz, Council Members Maggie A. Blackwell, William (Pete) Kennedy, and, William Brian Miller; City Manager Doug Paris; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

ABSENT: None

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Woodson at 4:00 p.m. The invocation was given by Mayor Pro Tem Kluttz.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Woodson welcomed all visitors present.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Recessed Meetings of June 13, 2012 and June 14, 2012, and the Regular Meeting of June 19, 2012.

(b) Temporary Street Closure – Concert

Approve closing the 400 block of North Lee Street Saturday, July 14, 2012 from 12:00 p.m. until 12:00 midnight to accommodate a concert to benefit Rowan Family Crisis Center.

(c) Temporary Street Closure – Salisbury Criterium Bike Race

Approve closing the 100-500 blocks of North Main Street, 100-200 blocks of East Council Street, 200 block of Depot Street, 100-200 blocks of East Liberty Street, 100 block of West Cemetery Street, 400 block of North Church Street, and the 100 block of West Kerr Street Thursday, August 2, 2012 from 4:30 p.m. until 10:30 p.m. for the Salisbury Criterium Bike Race.

(d) Temporary Street Closure – City Park Criterium Bike Race

Approve closing Lake Drive, North Jackson Street, Miller Street, Club House Drive and Annadale Avenue around City Park Sunday, August 05, 2012 from 7:30 a.m. until 5:00 p.m. for the City Park Criterium Bike Race.

Councilmember Kennedy asked that a correction be made to page 8 of the June 19, 2012 Minutes. He explained his office is located at 428 Fisher Street, instead of 420 Fisher Street.

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda as presented and corrected. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-04-2012 – ROWAN-SALISBURY SCHOOL SYSTEM ADMINISTRATION

(a) Senior Planner Trey Cleaton addressed Council regarding Land Development district map amendment CD-04-2012. He noted the request is to rezone approximately .858 acres by establishing a conditional district overlay to permit the development of a 68,805 square foot office building for the Rowan-Salisbury School System. He explained the project is located in the 300 block of South Main Street in the Historic South Square District. He displayed an aerial map and noted the project is adjacent to the farmer's market located at the corner of Bank Street and Main Street.

Mr. Cleaton explained the petition:

- To establish a new Conditional District (CD) overlay to allow for up to a 62,805 square foot office space for Government Services use
- The Land Development Ordinance (LDO) requires a CD overlay for Government Services use in the Downtown Mixed-Use (DMX) district
 - DMX-CD

Mr. Cleaton stated the current base zoning will not change:

- DMX
- Fixed Overlay District
 - Local Historic Overlay (LHO)

Mr. Cleaton displayed a site map of the 300 block of South Main Street and photographs illustrating the view from South Main Street and East Horah Street. He noted the location of the former Lube Shop and the “Red Building” and he pointed out both properties are owned by the City of Salisbury. He explained the proposed building’s firewall will be adjacent to the “Red Building.” He reviewed an architectural rendering of the intended building, and he pointed out there are several options for the building depending on the amount of financing the project receives. He stated the presentation to Council includes the full spectrum of elements, although the actual construction may differ due to funding.

Mr. Cleaton reviewed photographs and features of the project at different elevations. He explained the main ingress and egress will be from Lee Street. He stated there will be a service egress, exit only, to East Horah Street. He noted there is a proposed easement to be given by the City of Salisbury to allow for a generator and the screening of the trash receptacles.

Mr. Cleaton reviewed the Vision 2020 Comprehensive Plan Policies for Downtown Salisbury that applies to the proposed site:

- Policy D-1: The City shall encourage a compatible, diverse mixture of land uses and open space
- Policy D-2: The City shall encourage the clustering of similar activities in the downtown
- Policy D-5: The City shall encourage business expansion requiring office space in the downtown area
- Policy D-6: The City shall maintain presence and commitment to the downtown by locating its municipal offices and encouraging the location of public buildings in the downtown area
- Policy D-9: Design standards shall be employed to support compatible architectural and historic context of the downtown area

Mr. Cleaton reviewed the 2010 Downtown Salisbury Master Plan in relation to the proposed site and noted:

- Goal 3: A Place of Business – Downtown Salisbury is the largest, most diversified employment center in Rowan County and will continue to attract new jobs and investment

Mr. Cleaton explained the staff and Technical Review Committee (TRC) recommendations:

- Historic Preservation Commission (HPC) voted favorably on May 10, 2012
- The petition is consistent with the Vision 2020 Plan and the 2010 Downtown Master Plan
- TRC voted unanimously in favor of recommending provisional approval, subject to:
 - Addressing all technical comments

(b) Mayor Woodson convened a public hearing, after due notice thereof, to receive comments regarding Land Development District Map Amendment CD-04-2012.

Mr. Bill Burgin, 317 Mahaley Avenue, stated he supports the project. He noted the planning portion of the project has progressed smoothly. He indicated the project will be an anchor for the south portion of Main Street. He explained all of the conditions of the Ordinance have been met, and the conditional district is required for the construction of a government building.

Mr. Clyde Overcash, Bank Street, stated from his home he will be looking at the rear of the building. He noted he is not opposed to the project, but he is concerned about the residential neighborhoods and historic properties adjacent to the site. He asked that screening, lighting, and the amount of noise be reviewed in order to protect the neighborhood residents. He indicated he is also concerned about the driveway on Lee Street.

There being no one present to address Council, Mayor Woodson closed the public hearing.

Councilmember Miller stated the City will be working with the Rowan-Salisbury School System to provide parking for the new office building. He asked if the parking area had been designed.

City Manager Doug Paris explained the property was originally designated as an events center, but a study concluded an events center would not be the best fit for the City. He noted the community rallied around the Rowan-Salisbury School System and the Central Office Building, so the spaces initially committed for the events center were recommitted to the School System. He indicated staff is working with another architect who will work closely with Mr. Burgin to fulfill the City's promise for parking. He stated staff will present the parking design options to Council for its approval.

Mr. Miller asked if there are any plans for the back portion of the lot. Mr. Cleaton stated the back portion of the lot is currently zoned Urban Residential, and there are private homes on the property. Mr. Miller asked if the parcels are owned by the City. Mr. Cleaton responded the City does not own the parcels.

Mr. Miller stated he is in favor of the project, and he noted he appreciates the work of Mr. Burgin and his staff.

Councilmember Kennedy asked how many spaces will be in the parking lot on South Lee Street. Mr. Paris stated the number of spaces depends on the type of parking: surface, bi-level, or vertical parking. He stated staff feels there is adequate space for the parking needs of this development. He noted the timing of the parking lot is extremely important because it has to be coordinated with construction of the building.

Mr. Kennedy asked if there will be screening around the building. Mr. Cleaton explained residents will be able to see the back of the building. He pointed out there will be screening for the generator and trash receptacles as required by the Land Development Ordinance guidelines. He indicated there will be landscape buffering close to the residential areas.

Councilmember Blackwell stated the majority of employees will be women, and adequate lighting is needed so employees will be safe in the parking lot. She thanked Mr. Burgin for the beautiful design of the building. She indicated the details contribute to the importance of the building, and she is optimistic these elements will remain in the design.

Mayor Pro Tem Kluttz stated the new office building will be a beautiful addition to the City. She commended Mr. Burgin for his understanding of Council's vision for the City and the downtown area.

Mayor Woodson stated he hopes the School System will be able to keep the proposed dome on the new office building. He asked Mr. Burgin if the "Red Building" can be saved and if it will be useful to the School System.

Mr. Burgin stated a previous study concluded the building has potential, but it will need repairs. He noted the building could be beneficial as a conference center, and he pointed out the School System will need a meeting space that is larger than its board room. He stated it is important to have the building in place long-term to create a streetscape.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein and to establish a Conditional District Overlay is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and 2010 Downtown Master Plan, and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately .858 acres to establish a conditional district overlay to permit the development of up to 68,805 square foot office building; identifying the development documents; identifying permitted uses: providing an effective date; and for other purposes. Ms. Kluttz seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY .858 ACRES TO ESTABLISH A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF UP TO 68,805-SQUARE FOOT OFFICE BUILDING, IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES: PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Pages No. 59-61, and is known as Ordinance 2012-26.)

Mr. Miller stated Council is the developer of the parking lot, and Mr. Overcash's concerns will be taken into consideration in an effort to be a good neighbor to the residents on South Lee Street. He noted the parking lot is not part of this plan because it will be located on a different parcel.

Mr. Kennedy asked about the official completion date. Mr. Burgin stated the project should be completed by January 2014.

KLUMAC ROAD GRADE SEPARATION (PROJECT U-3459)

City Engineer Dan Mikkelson addressed Council regarding the Klumac Road Grade Separation Project. He explained the project will be built with the realignment of Klumac Road, Alignment D, which will be an extension of Mooresville Road.

Mr. Mikkelson explained the North Carolina Department of Transportation (NCDOT) allows the City to request sidewalks on both sides of the street for large projects, if the City agrees to pay 30 percent of the cost of the sidewalk. He noted the sidewalks will cost approximately \$35,000. He stated the money will be due upon completion of the project, and he pointed out the scheduled completion date is December 2014. He indicated staff will track the commitment in the five year Capital Improvement Plan.

Mr. Mikkelson stated the City must agree to assume maintenance of the sidewalks and the old alignment of Klumac Road. He explained a separate agreement will request the City to assume maintenance of the new alignment of Klumac Road at a later date.

Mr. Mikkelson indicated NCDOT requires this agreement to be executed in the form of a Municipal Agreement, and he pointed out staff recommends approval.

Thereupon, Mr. Kennedy made a **motion** to authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation regarding the Klumac Road Grade Separation (project U-3459). Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

CORRIDOR STUDY OF EAST INNES STREET AND LONG STREET (AGREEMENT WBS-43438)

City Engineer Dan Mikkelson addressed Council regarding a corridor study of East Innes Street and Long Street. He stated Council voted on this issue several months ago and directed staff to ask the Metropolitan Planning Organization (MPO) to participate in the cost of the study. He indicated the MPO will pay for 80 percent of the study, the North Carolina Department of Transportation (NCDOT) will pay for 10 percent, and the City will pay for the remaining 10 percent. He noted funding has been allocated for FY2013, and the Municipal Agreement before Council will cover NCDOT's portion of the study.

Mr. Mikkelson stated during the budget workshop, funding for left-turns at the square was cut from the budget. He explained this is an interactive study with local businesses and property owners that will include left-turns at the square, but it does not include funding for construction of the project. He stated this agreement will allow staff to have a plan in place when construction funds are available at a later date.

Councilmember Miller asked how long the study will last. Mr. Mikkelson noted the study will take place sometime during the current fiscal year. Mr. Miller stated under the best of circumstances construction would not have occurred until the next fiscal year. Mr. Mikkelson stated this is correct.

Mayor Woodson asked if staff is studying the potential cost of left-turns at the square. Mr. Mikkelson responded it is, and he pointed out the original estimate was completed without a design concept. He indicated one of the benefits of the study will be to create a plan for left-turns at the square. He noted future funding requests for the construction of left-turns at the square will be based on a more defined project.

Councilmember Miller stated new mast arms will be needed for the redesign of the square, and he pointed out they are very expensive.

Thereupon, Ms. Blackwell made a **motion** to authorize the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation regarding the corridor study of East Innes Street and Long Street (agreement WBS-43438). Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Kluttz voted AYE. (5-0)

SECOND READING MULTI-WAY STOPS SHAVER AND FISHER STREETS AND SHAVER AND BANK STREETS

Councilmember Kennedy asked to be recused from voting on this item.

Thereupon, Ms. Blackwell made a **motion** to recuse Councilmember Kennedy from participating in this vote. Mr. Miller seconded the motion. Messrs. Miller and Woodson, and Meses. Blackwell and Kluttz voted AYE. (4-0)

Traffic Engineer Wendy Brindle stated this is a second reading for the Ordinance because only three members of Council voted at its first reading.

Mayor Pro Tem Kluttz stated she was absent from the last meeting, and she supports proceeding with the vote.

Thereupon, Ms. Kluttz made a **motion** to adopt an Ordinance amending section 13-332, Article X, Chapter 13 of the Code of the City of Salisbury, relating to stops signs. Ms. Blackwell seconded the motion. Messrs. Miller and Woodson, and Meses. Blackwell and Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATING TO STOP SIGNS .

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 39, and is known as Ordinance 2012-24.)

**It was necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council required to pass an ordinance at its first reading.*

Thereupon, Mr. Miller made a **motion** to reinstate Mr. Kennedy. Ms. Blackwell seconded the motion. Messrs. Miller and Woodson, and Meses. Blackwell and Kluttz voted AYE. (4-0)

BOARDS AND COMMISSIONS

Human Relations Council

Upon a motion by Ms. Blackwell, seconded by Ms. Kluttz and with Messrs. Kennedy, Miller and Woodson and Meses. Blackwell and Kluttz voting AYE, the following appointment was made to fill an unexpired term on the Human Relations Council:

Mr. David Post

Term Expires 3/31/14

CITY MANAGER'S COMMENTS

City Manager Doug Paris wished Mayor Woodson, Council, staff and the citizens of Salisbury a happy and safe Fourth of July holiday.

MAYOR'S ANNOUNCEMENTS

(a) 15th Annual Run/Walk for the Greenway

Mayor Woodson announced the Salisbury Parks and Recreation will host the 15th Annual Run/Walk for the Greenway and Children's Fun Run at Knox Middle School, 1625 Park Road West, Saturday, July 21, 2012 at 8:00 a.m. Contact Hall Gym for additional information at 704-638-5289.

(b) One-Stop Shop


Mayor Woodson announced City Manager Doug Paris, Community Planning Services Director Joe Morris, and Planning and Development Services Manager Preston Mitchell gave a presentation to the Rotary Club regarding the City's new One-stop Shop.

(c) Rufty-Holmes Senior Center Appropriations

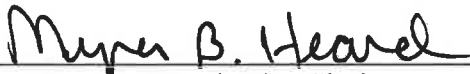
Councilmember Kennedy thanked Council and the City, on behalf of the Rufty-Holmes Senior Center, for the Center's appropriation for the coming year.

ADJOURNMENT

Motion to adjourn the meeting was made by Ms. Klutz seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:45 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk