

Salisbury, North Carolina

November 19, 2002

REGULAR MEETING

PRESENT: Mayor, Susan W. Kluttz, 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 Kluttz at 4:00 p.m. The invocation was given by Councilmember Kennedy.

**RECOGNITION OF CUB SCOUT TROOP #308 - PLEDGE OF ALLEGIANCE**

Mayor Kluttz recognized Cub Scout Troop #308, Kennedy Hall American Legion, Cleveland, N.C., who led the Pledge of Allegiance to the United States flag.

**RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present.

**REPORT ON PROPERTY AT 201 ELM STREET**

-

Mayor Kluttz announced that the report from staff regarding property at 201 Elm Street will be postponed until the next Council meeting.

## **RECOGNITION OF MR. KENNY ROBERTS - RECREATION PROGRAM MANAGER**

Mayor Kluttz recognized Mr. Kenny Roberts, Recreation Program Manager, who recently completed requirements and received certification as a Certified Parks and Recreation Professional.

## **CONSENT AGENDA**

Mayor Kluttz informed Council that item (b) Group Development Site Plan, G-17-02, Piedmont Players, Inc., 213 South Main Street, will be removed from the Consent Agenda and discussed separately.

### (a) Minutes

Minutes of the Regular meeting of November 5, 2002.

### (b) Group Development Site Plans

Approve Group Development Site Plans for the following:

- G-4-00 - Rowan Regional Medical Park, 650 Julian Road
- G-5-94 - Town Creek Commons (O'Charley's), 123 North Arlington Street
- G-18-02 - Salisbury Apts., 1100 block Bringle Ferry Road
- G-19-02 - Eagle's Nest II, Shelter Ministries, 319 East Liberty Street

### (c) Final Subdivision Plat - S-02-97 - The Crescent Estates, Section One

Approve final subdivision plat S-02-97 for The Crescent Estates, Section One.

### (d) Block Party - 700 Block of West Cemetery Street

Approve closing the 700 block of West Cemetery Street, from 2:30 p.m. until 5:30 p.m., on November 22, 2002, for a block party sponsored by the Community Development Corporation and F&M Bank, to celebrate three newly built houses in the Jersey City neighborhood.

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

## **GROUP DEVELOPMENT SITE PLAN - G-17-02 - PIEDMONT PLAYERS, INC.**

Mr. Dan Mikkelson, Director of Land Management & Development and City Engineer, informed Council that this project (G-17-02 - Piedmont Players, Inc., 213 South Main Street) is located in the Downtown Historic District. He explained the site plan was scheduled to go before the Historic Preservation Commission (HPC) last week to receive a Certificate of Appropriateness. HPC had no quorum present, so they did not meet. HPC's next meeting is scheduled November 21, 2002. Staff recommends that Council grant approval subject to the receipt of a Certificate of Appropriateness from the Historic Preservation Commission.

Thereupon, Mr. Kennedy **moved** to approve (subject to receipt of a Certificate of Appropriateness from the HPC). Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

## **PUBLIC HEARING - 2002 LOCAL LAW ENFORCEMENT BLOCK GRANT**

(a) Police Chief, Chris Herring, informed Council the Salisbury Police Department has received a \$62,000 block grant requiring only a ten percent match. Staff is recommending using the funds as follows:

- Finish the MDC (Mobile Data Computers) Project \$30,000

Last phase of Mobile Computers Installations in vehicles for approximately ten patrol officers and accident wizard software for each computer.

- Purchase Bicycle Helmets \$10,000

Bicycle Helmet kick-off program to aid in the enforcement of a new state law requiring children under 16 to wear bicycle helmets.

- Youth Projects \$22,120

Programs designated toward youth crime prevention, which is a goal of the City's Crime Control Plan.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the 2002 Local Law Enforcement Block Grant.

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

## **PUBLIC HEARING - CABLE TELEVISION FRANCHISE AGREEMENT**

### **TIME WARNER CABLE**

(a) Mr. Mike Crowell, Information Technology Manager, informed Council that the City of Salisbury is in the process of re-negotiating our cable franchise agreement with Time Warner Cable. Staff has contracted with the Piedmont Triad Council of Governments (PTCOG) to assist with this process, he said. Mr. Crowell then introduced Mr. David Harris, with PTCOG, to explain the process and answer questions.

Mr. David Harris, of Piedmont Triad Council of Governments (PTCOG) recognized the following persons present at Council meeting: Ms. Susan T. (Sue) Breckeridge, Vice-President of Public Relations for Time Warner Cable; Mr. Malcolm B. Graham, Director of Government Relations for Time Warner Cable; and Mr. Matthew Reece, Director of Management Services, Piedmont Triad Council of Governments.

Mr. Harris told Council that one of the items for them to consider concerning the cable television franchise agreement is consideration of adoption of a cable enabling ordinance. This ordinance sets the rules for doing cable business within the City of Salisbury, he explained. Mr. Harris then gave a brief listing of some of the items in the cable enabling ordinance including: federal statutes and definitions, customer service standards, penalties for violation of ordinance or franchise agreement, insurance standards, and performance bonds.

Mr. Harris advised Council that Time Warner Cable was asked to comment on the draft ordinance. Time Warner responded with comments to PTCOG, which resulted in discussions between PTCOG and Time Warner, Mr. Harris noted. Time Warner's comments will be provided to Council at the Council meeting scheduled to consider the ordinance.

Mr. Harris further explained that holding a public hearing is an initial part of negotiation and renewal of the franchise agreement. The purpose of a public hearing is to give the public an opportunity to comment on the current performance of Time Warner Cable and to indicate any cable-related needs for the City.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, regarding the performance of Time Warner and the cable television franchise agreement.

Those speaking concerning this matter were Mr. Tom Lynch, 957 Confederate Avenue, Ms. Ed Curtis, 329 W. Corriher Avenue, and Mr. Rick Morefield, 1645 Wiltshire Road.

Mr. Lynch told Council he has waited two years to relay this story. He said his daughter and son-in-law moved into an apartment on Council Street, across from Wong's Chinese Restaurant, and were unable to connect to cable TV. After contacting the City, Mr. Lynch said he was told by City employee, Al Linker, that Time Warner Cable would not install cable until the sidewalks were reworked on Council Street. Mr. Lynch told Council he located a cable box at Bernhardt Hardware and asked Time Warner to run a cable line to his daughter's apartment. Time Warner refused, saying they were not authorized, he noted. He said he called Time Warner today and was put on hold for 11 minutes, that Time Warner refuses to serve the citizens of Salisbury, and that their service is dismal. Mr. Lynch told Council it is their job to see that every citizen within our boundaries has cable service and that it is part of the franchise agreement that Time Warner services all areas of the City. Mr. Lynch said his daughter, along with a lot of other Salisbury citizens, now use a satellite system and that the City is losing revenue because of Time Warner's inability. Mr. Lynch said he knows Council has a tough job because no one is knocking on the door trying to replace Time Warner, but he believes Council can "hold their feet to the fire."

Mr. Curtis told Council he is a Time Warner customer, and suggested Time Warner start carrying TV stations from the Triad area. He said the issue was raised several years ago that Salisbury is in the Charlotte cable district and should have only the Charlotte stations. Time Warner allowed Channel 8 in High Point to remain on cable which was an ABC affiliate at that time and is now a FOX affiliate, he noted. Mr. Curtis said we are about an equal distance from Charlotte, Winston-Salem, and Greensboro; our citizens' travel to those areas, and he would like to see TV stations from these areas on our cable.

Mr. Morefield told Council this is a once in every fifteen (15) year opportunity for Council to evaluate the City's relationship with Time Warner Cable. He said Channel 7, Community Access Television, has many wonderful opportunities this community could benefit from if Council decided to enhance this channel. Non-profit organizations could use Community Access Television to communicate to Salisbury's citizens, he explained. Mr. Morefield asked Council to consider expanding Channel 7 to better serve our community.

Since no one else was present to comment on a Time Warner Cable television franchise agreement, Mayor Kluttz closed the public hearing.

Mayor Kluttz explained that Council would take action at a later date, and asked staff to look into the comments made regarding cable service.

#### **REQUEST FROM DOWNTOWN SALISBURY, INC. TO INSTALL "ANGELS" IN EASTERN GATEWAY PARK AND ALONG DEPOT STREET**

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. (DSI), informed Council that last year there were a number of local artists who painted "angels" which were installed in the Eastern Gateway Park during the month of December. Mr. Hemann told Council that eight of the twelve new "angels" will be located in the Eastern Gateway Park. The remaining "angels" will be installed outside the Park along Depot Street, with the intent of having a total of twenty "angels" this year, he explained.

Mr. Hemann said perhaps next year, if we have more "angels," they will be installed on Easy Street, which F&M Bank has approved. Mr. Hemann asked Council's permission to work with Mr. Mark Martin, Landscape Operations Manager, to help install the "angels."

Thereupon, Mr. Burgin made a **motion** to allow the "angels" to be placed along the Eastern Gateway Park and Depot Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

### **REPORT FROM COUNCIL COMMITTEE ON THE SALE OF THE SALISBURY TRACTOR BUILDING**

Councilmen Burgin and Kennedy served on the Council Committee along with Mr. Dan Mikkelson, Mr. Joe Morris, Mr. David Treme, and Mr. Randy Hemann. The committee met to review bids for the sale of the Salisbury Tractor building. Mr. Burgin explained that each of the three groups submitting bids was interviewed to determine what each group was offering.

Mr. Burgin reported that the committee recommendation is to award the sale of the building to Salisbury Studios, Inc. They reached this decision based on the sale having a fixed amount of money, \$110,000, the proposed investment amount of \$500,000, and their estimated revenue generations per year would be \$26,600, he explained. The Salisbury Studio proposal would require the least number of parking space which is significant for the location, he noted. Mr. Burgin said another consideration is that Salisbury Studio would not generate any food or garbage, which would eliminate any possible odor problems for surrounding investors. The Salisbury Studio proposal would also qualify for government tax credits, which the government requires each investor of a deeded property to qualify for or none of the investors will qualify, Mr. Burgin advised. Mr. Burgin told Council that one of the proposals, in addition to asking the City to loan them money for their project, clearly would be at risk of not qualifying for the tax credit which basically eliminated them from further consideration. The closing for the property is set for approximately January 2 or 3, 2003. Mr. Burgin said this situation is not like a bid opening in that this one is more of a combination of best money and best fit. Mr. Kennedy emphasized their consideration that less parking was needed for this proposal.

Councilman Martin told Council he would feel more comfortable voting if the investors for the top two proposals would come and make a presentation to Council. Mayor Klutz noted that since the proposals were so close, it would be advantageous for the other Council members to hear the presentations. The vote could be delayed until the next meeting after seeing the presentations, she suggested. Mayor Klutz explained our legislation enables Council to consider proposals using criteria other than the highest bidder. Bringing these proposals to the Council and the public will be a good opportunity to explain how the process works.

By consensus, the Council agreed to invite the investors of the top two proposals to make their presentations at the next Council meeting.

### **REPORT FROM COUNCIL COMMITTEE REGARDING ELECTRONIC SIGNS**

Mayor Pro Tem Woodson and Councilman Kennedy served on the Council committee along with Mr. Patrick Kennerly and Mr. Harold Poole, to review the matter of electronic signs. Mr. Woodson told Council that the committee traveled to Hickory to look at three electronic signs. He said they were surprised at how well the signs could be seen.

Mr. Patrick Kennerly, Planner II, showed pictures and video clips of the electronic signs viewed in Hickory. One of the signs was less than 8 feet long and slightly over 2 feet tall, with the electronic part less than 17 square feet. Mr. Woodson told Council the committee was quite surprised that the 16 square foot sign was very visible, even from a block away, and that the size of the letters can make a big difference in the readability of a sign. Mr. Kennerly said an electronic sign in the Rockwell area was viewed as well, that it was about a 30 square foot sign which changes approximately every couple seconds.

Mr. Kennerly reviewed the Planning Board Committee's recommendations for electronic signs as follows:

- Allowed in office, commercial, and industrial districts
- Size
  - electronic portion of the sign be no more than 50% of the actual sign face
  - maximum of 32 square feet
- No flashing, scrolling, or animation

Mr. Kennedy said the Council Committee is considering adding the following:

- Only white lights allowed
- Message must remain fixed for at least 10 seconds (Planning Board recommended 2 minutes)

Mr. Kennerly then demonstrated for Council a message with a ten second scroll. Mr. Woodson told Council electronic signs are extremely expensive, and he does not believe these signs will be put up all over town. Councilman Martin agreed.

Mr. Kennedy thanked the Planning Board for their work and said their recommendation was right on target. The only change the Council Committee is recommending is to allow only white lights and a change on the timing, Mr. Kennedy noted.

Mayor Klutz said Mr. Randy Hemann, Downtown Salisbury, Inc.(DSI), wrote Council a letter reminding them that the Innes Street Corridor Study, Salisbury 2020 Plan, Downtown Master Plan, and the Travel Marketing Study, which was done by the Rowan County Convention and Visitors Bureau, have all mentioned the need to clean up corridors in Salisbury. Mayor Klutz said a concern (also raised by the Community Appearance Commission) and which she has from serving on the Salisbury Vision 2020 Task Force for two and a half years is as follows:

- from the Salisbury 2020 Plan,

Page 21, *The Community's Vision*:

"We see a community of clean, tree-lined streets, subtle commercial signage, and buildings of architectural distinction nestled amidst properly designed and well-maintained landscaping."

Mayor Klutz expressed concern regarding passing this type of ordinance and going backward on a lot of work that has been done by a lot of people.

Mr. Woodson said if he thought the electronic signs would be placed at many locations, he would probably view this differently.

Councilman Kennedy said one petitioner asked for a 50 square foot sign. He asked if the petitioner would be happy with a 32 square foot sign. Mr. Kennedy observed that if this petitioner is not happy with a 32 square foot sign, then this is a moot issue.

Councilman Burgin told Council he believes this ordinance will not have an impact on our local businesses because they will not be able to afford these signs. Big businesses, next to I-85, who really do not care about Salisbury and the impression people have of us, will be the businesses putting up these signs, he said. Mr. Burgin explained he is a moderate sign person, that our current standard is reasonable, and we need to "tow the line as long as possible."

Mr. Burgin said he would like for Council to ask the Community Appearance Commission's opinion regarding this issue, pass that information onto the Planning Board, and then ask the Planning Board to make a recommendation.

Mr. Burgin said he cannot support this ordinance because our current ordinance is moderate and fair to businesses. He said he believes this change would create safety and appearance issues, and that the experts have told the City to clean up the Innes Street corridor.

Councilman Martin said he thinks we are "making a mountain out of a mole hill." Although we are restricting the size of the signs, he doesn't believe businesses are going to spend the money to put this small a sign on I-85 to attract attention, Mr. Martin commented. He further said if he believes businesses would actually put these signs up and down the corridor, certainly he would be opposed to it. Mr. Martin agreed with Mr. Woodson, that this ordinance is not going to cause a lot of problems. He suggested asking the Community Appearance Commission to review this issue. Mr. Burgin agreed to asking for this review.

By consensus, the Council agreed to send this proposal to the Community Appearance Commission for their review and recommendation.

#### **COMMENTS FROM MR. JOE TAYLOR REGARDING 201 ELM STREET PROPERTY**

Mr. Joe Taylor, 2 Pine Tree Road, thanked Council and City staff for their help in getting the "hot houses" (greenhouses) on Elm Street cleaned up. It is through that effort that the issue of 201 Elm Street arose. Mr. Taylor said he wants to get along with his neighbors and would like the City to find out what is wrong with the situation at 201 Elm Street. Once the City discovers the problem, perhaps an incentive can be offered to help them along, such as the façade grant, Mr. Taylor suggested.

#### **REPORT FROM CITY MANAGER**

##### (a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their November 12, 2002 meeting.

##### (b) Update - November 12, 2002 Fire

City Manager Treme informed Council that Councilmember Kennedy received a call about the Fire Department's response to a fire in Jersey City. Mr. Treme said there was a comment that one or two hydrants in that area were under maintenance, and there was a suggestion that the condition of these hydrants may have hindered the response from our Fire Department. About a year ago, there was a comment made at Planning Board that perhaps Jersey City neighborhood did not have adequate fire protection, he said. At that time, the City surveyed the water, pressure, and hydrant distribution and determined the City has excellent service in that area, Mr. Treme noted. An additional hydrant may be needed in the future if additional commercial business is developed, he told Council.

Mr. Treme asked Fire Chief Sam Brady and his staff to update Council on the particulars of the Jersey City fire. Fire Chief Brady told Council staff looked at the Jersey City area last September and determined that water in this area was much more than adequate for excellent fire protection. When you have a fire in an area that has a hydrant marked "out of service", it is easy to get the perception and cause concern that it may impact or delay efforts, Chief Brady said. The hydrant being out of service does not mean the water is not there; it just means that spigot is not working.

Assistant Chief Fesperman went on to describe the details of how the Fire Department responded. He summarized the information by telling Council there was plenty of water on board to fight the fire without using the distribution or hydrant system. The supply line was only used to refill the trucks after the fire was under control, he said.

Battalion Chief Geter told Council that they did not run out of water while fighting the fire. He said when he learned the hydrant was out of service, he immediately called for the tanker to come in to supply Engine 504 and knew there would be enough water to control the type of fire in progress.

Battalion Chief Parnell told Council that on September 4, 2001 they were asked to study the hydrants in the Jersey City neighborhood. They looked at distance, distribution, and adequate flow of water for the building stock in this area, he said. He explained they found there was plenty of water and hydrants in the area, and because of the amount of hose carried on a pumper, there are more hydrants than are normally necessary in this neighborhood.

Chief Brady told Council the Fire Department wants to reassure the citizens that Jersey City is in good shape. City Manager Treme said his evaluation of the response of the fire department is that they handled it as he would have expected, and that the hydrants being out of service did not impact their ability to fight the fire.

Councilman Kennedy expressed confidence in our Fire Department. There are new homes being built in the Jersey City area. We need to stop negative perception and be proactive, Mr. Kennedy told Council members.

Mayor Klutz congratulated Battalion Chief Parnell for the award he recently received from the Rowan County Firefighters Association for the work he did toward the Firefighters' Memorial.

## **MAYOR ANNOUNCEMENTS**

### (a) Salisbury Crime Control Summit

Mayor Klutz reminded Council of the Crime Control Summit to be held at City Hall, December 5, 2002, from 4:00 p.m. to 6:00 p.m.

### (b) Holiday Caravan Parade

Mayor Klutz reminded Council of the Holiday Caravan Parade on November 27, 2002. Councilmembers should meet at City Hall parking lot at 12:30 p.m.

### (c) Salisbury Community Development Corporation Open House

Mayor Klutz reminded Council of the Salisbury Community Development Corporation Open House (4 houses) to be held Friday, November 22, 2002, from 3:00 - 5:00 p.m.

### (d) Jersey City Neighborhood



Mayor Klutz announced that the Jersey City Community will have their first organizational meeting for their neighborhood on Monday, November 25, 2002, from 6:30 p.m. - 8:30 p.m., at Soldiers Memorial AME Zion Church.

(e) Holiday Tree

Mayor Klutz announced that the Salisbury Parks & Recreation Department will have a Holiday Tree lighting ceremony at the City Park Lake, Friday, December 6, 2002, from 7:00 p.m. - 7:30 p.m.

**2020 IMPLEMENTATION COMMITTEE**

Councilman Burgin announced that the 2020 Implementation Committee meeting is Wednesday, November 20, 2002, at 5:30 p.m.

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Kennedy. All members agreed unanimously to adjourn. The meeting was adjourned at 5:31 p.m.

Mayor

-

City Clerk

-