

Salisbury, North Carolina

March 5, 2002

The City Council of the City of Salisbury met in regular session in the Council Room of the Municipal Building on Tuesday, March 5, 2002, at 4:00 p.m., with the following members being present and absent:

PRESENT: Mayor, Susan W. Klutz, Mayor Pro Tem, Paul Woodson, Jr.,
Councilmen William (Bill) Burgin, Robert (Bob) Martin, and
William (Pete) Kennedy who arrived during the public hearing
of CDBG funds.

ABSENT: None.

The meeting was called to order by Mayor Klutz, and the invocation was given by City Manager David Treme.

Staff members present were:

David W. Treme - City Manager

Swannetta B. Fink - City Clerk

Sam Brady - Fire Chief

Rivers Lawther - City Attorney

Foster Owen - Assistant City Manager

John Sofley - Finance Director

Melissa Taylor - Director of Human Resources

Gail Elder White - Director, Parks & Recreation

RECOGNITION OF VISITORS

Mayor Klutz recognized all visitors present.

NEW YORK CITY FIREFIGHTER - FIRST CLASS THOMAS GAVITT

Mayor Kluttz thanked everyone who participated in the visit of the New York City Firefighter First Class Thomas Gavitt, this past weekend in Salisbury. Hundreds of people came to meet and honor him. Not only did we honor him, the victims, and firefighters in New York, but we also honored our own firefighters, Mayor Kluttz noted. The outpouring of love and support in this community was really incredible. Mayor Kluttz then read a letter that she received from the Fire Commissioner of the New York City Fire Department.

Ms. Lynn Raker, Urban Design Planner and Mr. Joe Morris, Urban Resource Planner, designed a master plan to expand the area around the Fireman's Memorial near Chestnut Hill Cemetery. The Memorial will honor not just Salisbury firefighters, but also firefighters throughout Rowan County as well as those in New York, Mayor Kluttz told those present. The funds will be private. A fund raising campaign will be conducted by Battalion Chief Bob Parnell and Mr. Joe Morris, Co-Chairmen, for the raising of private funds to expand the local Fireman's Memorial. The City's goal is to raise the money and have the area finished for a rededication of this memorial on September 11, 2002.

Mayor Kluttz thanked everyone who made contributions during the visit of the New York firefighter this past weekend.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

MENTAL RETARDATION AWARENESS MONTH - March, 2002

CONSENT AGENDA

(a) Minutes

Minutes of the regular meeting of February 19, 2002, and special meeting (retreat) of February 21 and 22, 2002.

(b) Final Subdivision Plat S-01-02

Approve final subdivision plat S-01-02 for the Wal-Mart site, subject to receipt of a guarantee of improvements.

Thereupon, Mr. Burgin **moved** acceptance of the Consent Agenda. Mr. Woodson seconded the motion. Messrs. Burgin, Martin, Woodson and Ms. Kluttz voted AYE. (4-0)

RESOLUTION OF INTENT FOR ANNEXATION

Mr. Bill Duston, of Centralina Council of Governments (COG), discussed with Council the Resolution of Intent for the area

proposed for annexation, of which each Council member has a copy. If the Council see fit to adopt the Resolution of Intent, this is the first formal step that Council will be taking toward annexing the area in question, he said. The proposed Resolution of Intent calls for two meetings to occur: one being a public informational meeting to which citizens of the proposed annexation area would be invited to attend. Staff would explain the services that would be provided by the City should the annexation occur. The proposed date for that public informational meeting would be on April 24, 2002 at 7:00 p.m., at City Hall. Second, a formal public hearing is proposed for May 7, 2002 at 4:00 p.m. at City Hall.

Mr. Duston told Council that he delivered to the City today all of the first class mail notices that would need to be mailed by the City informing all the affected property owners of both of these meetings. In addition to that, at least 2 notices would need to be placed in the Salisbury Post prior to the public informational meeting, he said. Should the public informational and public hearing occur, this does not bind the City to any annexation, Mr. Duston explained. At the June 18 Council meeting, the Council would be in a position at that time to adopt an annexation ordinance with the likely effective date June 30, 2003, Mr. Duston stated. There is a one year waiting period either at the front end or back end, and, in this case, it would be at the back end, Mr. Duston noted. Mr. Duston advised that at least 30 days prior to the public informational meeting the report would have to be adopted by City Council and that would need to take place March 19.

Thereupon, Mr. Woodson made a **motion** to adopt the Resolution of Intent for annexation. Mr. Martin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

RESOLUTION OF INTENT:

A RESOLUTION STATING THE INTENT OF THE CITY OF SALISBURY TO CONSIDER ANNEXATION OF THE AREA DESCRIBED HEREIN AND FIXING THE DATE OF A PUBLIC INFORMATIONAL MEETING AND A PUBLIC HEARING ON THE QUESTION OF ANNEXATION.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page Nos. 138-139, and is known as Resolution No. 2002-6.)

PUBLIC HEARING - 2002-2003 CDBG AND HOME FUNDS

(a) Mr. John Brooks, Community Development Consultant, reviewed with Council the process it takes to approve a budget with HUD that must be submitted by May 15, 2002 for the use of our Community Development Block Grant Funds and HOME Funds. The first public hearing was held February 7. The hearing today is our second public hearing. At the April 2 meeting a draft budget will be presented to Council for review, he noted. The results of this meeting will be published in the local newspaper.

Mr. Brooks told Council that the City of Salisbury will be receiving \$375,000.00 in CDBG Funds. Last year we received \$366,000.00. This is about a 2% increase in funding, he noted. We are in our sixth year of funding for the HOME Consortium which consists of Iredell, Cabarrus, and Rowan Counties. We will be receiving \$126,000.00 from that Consortium. The Salisbury CDC will also be able to tap into these funds and they will receive about \$38,000.00 from this money, Mr. Brooks said. The total budget is \$651,000.00 that will be available for use July 1.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the use of 2002-2003 CDBG and HOME funds.

Ms. Nora Faucette, representing the Jersey City Neighborhood, told Council they would like to see some of this money spent in the neighborhood to provide a community center for the neighborhood, with possibly a satellite office for police. Ms. Faucette also said she is Chairman of the Board of Directors for the Community Service Council. She indicated the building they use is not in compliance and there is a need for ramp. The Board would like to see some of this money spent to make the building ADA compliant by adding a ramp.

Ms. Carolyn Peck, Executive Director of Community Care Clinic, along with Dr. Joel Goodwin, volunteer for the clinic, gave a recap of the Community Care Clinic. The Clinic provides much needed medical care, dental care, and prescription medication to our many low income, uninsured families in Salisbury-Rowan. There is no charge for any services provided. This past year the

senior prescription program was implemented for citizens on Medicare and who have access to primary care through their physicians but cannot afford to get their prescriptions filled, she said. They had a record 84% increase in use of their services this past year that was mainly due to the high unemployment and people losing their health care insurance. There have been over 4,000 volunteer hours given to all of the programs of the Community Care Clinic.

Dr. Joel Goodwin, volunteer, told Council he has seen first-hand the overwhelming need for volunteer doctors and dentists and all of the other people that are giving their money.

Councilman Kennedy arrived for the Council meeting.

Ms. Diane Scott, Executive Director of Rowan Helping Ministries, along with Mr. Chris Bradshaw, Board Chairman, made a request of \$25,000.00 for the Overnight Shelter Supervisors' salaries. Ms. Scott shared statistics for the past eight (8) months at Rowan Helping Ministries. Their biggest request has been for assistance in groceries, clothing and financial assistance, she stated. She told Council the average amount of groceries given each day is 655 pounds.

Ms. Cathy Shoaf, representing the Rape, Child and Family Abuse Crisis Council of Salisbury-Rowan, Inc., made a request of Council for continued financial support of their current Resident Manager of the Battered Women's Shelter in the amount of \$17,224.00.

No one else was present to make a request on the use of 2002-2003 CDBG and HOME funds. Mayor Klutz closed the public hearing.

Mayor Klutz thanked each one who spoke today and stated how much we appreciate what they do because it is so important for our community. No action will be taken today. Staff will review the requests and come back with a recommendation at our next meeting.

ZONING MAP AMENDMENT - Z-1-02 - SCOTT REDINGER, INC AND ELLEN ENGLEHARDT DEVELOPMENT

Z-1-02 - Scott Redinger, Inc. and Ellen Englehardt Development

Newsome Road near Fairfax Drive

The request is to rezone approximately 4.56 acres of a 9.43 acre tract located on Newsome Road south of its intersection with Fairfax Drive from R-8 Single-Family Residential to R-6A Multi-Family Residential.

(a) Mr. Harold Poole, Senior Planner, informed Council that Planning Board unanimously recommended approval of this request. The area proposed for rezoning is from R-8 Single-Family Residential to R-6A Multi-Family Residential. This represents about 4.5 acres or about half of the Steinman Properties, previously the old School Board property for the zoning change. It has about 300 feet along the south side of Newsome Road and extends out about 600 feet to the subdivision in the back. The property is a part of Salisbury Township Tax Map 57, Parcel 42.2. Mr. Poole showed pictures of the area. Mr. Poole pointed out that the Planning Board's recommendation on this rezoning was unanimous.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-1-02, Scott Redinger, Inc. and Ellen Englehardt Development, Newsome Road near Fairfax Drive.

Mr. Scott Redinger, and Ms. Ellen Englehardt, developers of a proposed small development to be known as Whispering Oaks Apartments, told Council that they are proposing and requesting rezoning of this site from R-8 Single-Family to R-6A Multi-Family so they can develop 40 apartment units for the elderly. The apartment complex will consist of 32 one-bedroom units and 8 two-bedroom units with a community building. They will be targeting elderly persons 55 years of age or older; persons with income under \$21,150.00 a year for a single person and \$24,150.00 for a two-person family. Mr. Redinger said that based on their experience, they believe most of their tenants will be single females in their 70's. Their income will range from \$8,000-

\$12,000 a year. These seniors must be able to live alone and care for themselves. Mr. Redinger told Council a market study done for them indicated that 73% of seniors in Rowan County earn less than \$25,000 per year. Mr. Redinger said he has spoken with the Rowan County Housing Authority about providing rental assistance for the tenants, if needed, since many will not be able to pay the rent needed to be charged. They are anticipating that a one bedroom will rent for \$450.00. Prior to going to the Planning Board, two neighborhood meetings were held, he said. No opposition was received from the neighborhood, he noted.

Ms. Ellen Englehardt, developer, showed Council drawings of the proposed apartment complex. It is a village concept, she pointed out.

Mr. Charles Steinman, 1500 East Innes Street, told Council he is owner of the property. He told Council he checked out these developers past history and was very impressed with projects they had done in Charlotte. Mr. Steinman indicated he lives and works in this neighborhood and wants nothing lower scale for East Innes Street. This development will be a plus to the neighborhood, he informed Council.

Mr. Mike Buckland, 804 Wesley Drive, told Council he was impressed by the plans because there will be an on-site manager and community space for the residents, and he thinks there will be a sense of family which is important for older residents.

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

(c) Mayor Pro Tem Woodson made a **motion** to rezone from R-8 Single-Family to R-6A Multi-Family. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 4.5 ACRES WITH ABOUT 300 FEET ON THE EAST SIDE OF NEWSOME ROAD, IDENTIFIED AS A PORTION OF PARCEL 42-2 ON SALISBURY TOWNSHIP TAX MAP 57, FROM R-8 SINGLE FAMILY-8 RESIDENTIAL DISTRICT TO R-6A MULTIFAMILY RESIDENTIAL DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 35, and is known as Ordinance No. 2002-14.)

ZONING TEXT AMENDMENT - SECTION 12.06 GROUP DEVELOPMENTS

Section 12.06 - Group Developments

Clarify the calculation of density on approved site plans

(a) Mr. Harold Poole, Senior Planner, informed Council that this is clarification for the calculation of density on approved site plans. There have been questions in the past as to the calculation of various densities. This matter went to the Planning Board Legislative Committee which made a recommendation to the Planning Board. The Planning Board then made the recommendation unanimously to City Council. For the calculation of density on site plans, use the entire approved site plan, not individual lots that may be created within the total approved site plan, he explained. Sometimes there are individually approved lots such as townhouses. If the plan is approved in phases, use the phases that have been approved. If it has been requested that an individual lot be removed from the site plan, its density will be considered separately. The lot that is removed from the site plan shall meet the density requirements of the zoning district in which it is located.

Councilmember Burgin asked if this is the way the calculation has been applied anyway. Mr. Poole replied "I think so. It's not really a change but some questions came up about how certain things were calculated, and this is a matter of clarifying."

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to Section 12.06, Group Developments, clarifying the calculation of density on approved site plan.

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

(c) Councilman Burgin stated this is basically how we have been operating and it's certainly logical. Thereupon, Mr. Burgin made a **motion** to adopt the new calculations of density on site plans. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING SECTION 12.06, GROUP DEVELOPMENT, TO ESTABLISH PROCEDURES FOR THE CALCULATION OF DENSITY WITHIN A SITE PLAN.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 36, and is known as Ordinance No. 2002-15.)

ZONING TEXT AMENDMENT - ALLOWANCE OF BILLIARD OR POOL HALLS

The request is to remove the use "billiards or pool halls" from certain zoning districts.

(a) Mr. Harold Poole, Senior Planner, informed Council that billiards and pool halls are permitted in eight zoning districts beginning in the BR-T, B-4, B-6, B-7, and the industrial districts. It has come to the attention of Planning Board that the BR-T district exists adjoining a number of residential areas. For that reason there has been some reluctance to rezone to BR-T thinking there could possibly be a BR-T-S just to eliminate this particular use, he advised. Part of the Legislative Committee talked about what districts billiards and pool halls should be permitted uses in. There were also some questions about industrial districts that are full of houses. The question was, "Would it be good for one of those houses to be turned into a pool hall." The Committee suggested that pool halls be taken out of the industrial district, BR-T, and B-7. Pool halls and billiards would be allowed in B-4 and B-6 districts only. There would be no change in status of billiards and pool halls we presently have, Mr. Poole said. This will not create any non-conformity the way the Planning Board has made the recommendation, and the recommendation was unanimous, he said.

Councilman Burgin asked staff if the definition of pool halls is that it's the primary business. If you had a little gaming space like the mall and happen to have a billiard table would that constitute a pool hall, asked Mr. Burgin. Mr. Poole replied "once it goes from 1 pool table to 2 pool tables, it is then thought of as a pool hall?" Mr. Hubert Furr, Development Services Manager, replied "If it's two or more pool tables, it becomes a pool hall."

Councilman Kennedy asked if the present one we have now (pool hall) is zoned B-5. Mr. Poole said it is in B-5, is a non-conforming use and will continue to be under the present recommendation.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider removing the use "billiards or pool halls" from certain zoning districts.

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

(c) Thereupon, Mr. Kennedy **moved** to accept the Planning Board recommendation to limit pool halls and billiards to B-4 and B-6 zoning classification. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH

CAROLINA, BY AMENDING ARTICLE VIII, USE REQUIREMENTS BY DISTRICT, RELATING TO THE ALLOWANCE OF BILLIARD OR POOL HALLS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page Nos. 37-38, and is known as Ordinance No. 2002-16.)

SIDEWALK AMENITIES PACKAGE

(a) Mr. Patrick Kennerly, Planner, told Council that the proposal comes from Downtown Salisbury, Inc. On January 15 staff presented the proposed sidewalk amenities package to Council. The 5 sections involved in the package are: sidewalk dining; sidewalk furniture; placing of goods or merchandise on sidewalk; newspaper vending racks; and sidewalk entertainment. This matter was sent to a Council committee consisting of Mayor Pro Tem Woodson and Councilman Burgin. Staff met with the committee and agreed on everything except the sidewalk dining issue. A public hearing was scheduled for today's Council meeting, according to Mr. Kennerly.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the proposed sidewalk amenities package.

Mr. John Watkins, told Council he owns property at South Main and East Fisher Street. He expressed particular interest in the vending machine portion, especially concerning newspapers. This has been a source of a big problem since he bought the building a year ago, he said. It cost him almost \$15.00 a week to police and clean the area and keep the trash out from underneath the machine and on top of them, Mr. Watkins stated. He feels very strongly that the newspaper vending should be regulated and some rules and guidelines be put forth like any other business.

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc., told Council he had proposed this sometime back. This is a very complete package based on the ordinances from Wilmington, Mr. Hemann advised. We have 12 foot sidewalks in a lot of areas, he said. It is important that we allow more use of the sidewalks. With regulations, sidewalk furniture (not placed by City) should be allowed to liven up the sidewalks, he said. We have all seen the flowers in front of Bernhardt's and Rufty's. These continue to be good as long as we do it in a way that leaves adequate room for people to get by. Some have taken issue with the section on newspaper vending racks. Mr. Hemann stated that the Wilmington section on newspaper vending racks was actually amended before it was adopted, and there is a willingness here to accept these, he said. These amendments were: (1) to remove the priority system; (2) more than one location per block face; (3) require the written consent of the property owner. The City should have the final say since they are the owners of the public right-of-way, he said. Overall, this is a good and complete package. It will allow downtown to do some things that will make the sidewalks look alive and help retail sales. Mr. Hemann asked Council to support all portions of the package.

Mr. Mark Lewis, 136 Rugby Road, applauded Downtown Salisbury, Inc. and Council in addressing the issues regarding the sidewalk amenities. He also supports the spirit and intent of what has been presented. Anything that we can do to support our downtown business, we ought to be doing, he said. This will give them additional opportunities to market their wares, yet it still protects pedestrian movement throughout our downtown. In effect, it allows our downtown to come alive with a certain amount of energy and activity, Mr. Lewis pointed out. That will make downtown Salisbury more of a destination point. Mr. Lewis wanted to focus on the wine shops and stated it was his opinion, after reading both proposals, that he would like to support the proposal that includes the operating wine shops. He indicated he is in favor of serving wine and beer on the sidewalks along with the restaurants because this is basically what they do for a living. This is a good opportunity for both of the shops to thrive, he noted. The proposal, with the minimum of 500 bottles and 400 square feet in size, and having met the definition of an eating establishment, seems to be a good job done on the proposal. He suggested these be allowed now.

Mr. Von Poston, 111 South Main Street, told Council he is in favor of the wine version also. Salisbury needs downtown to be alive. If there is activity on the street, it would be an advantage for all businesses, not just the wine shops, he said. His business follows 99.9 of all the state guidelines for alcohol as well as for the City, he noted. Mr. Poston told Council he has licenses from the City and State to sell beer and wine. He would like to have the opportunity to sell a person a glass of wine or beer and hopefully he can then bring that person into his store. He noted he is recognized by the State of North Carolina as an eating establishment. Mr. Poston stated he does not have a restaurant license, and he read the definition of restaurants. He said this is a positive step forward and commended Downtown Salisbury, Inc. for their work on the sidewalk ordinance.

Mr. Todd Littleton and Mr. Addison Fox of Benchwarmers, asked Council if this is just for Main Street or also side streets on all of

downtown. Mr. Burgin stated it's all sidewalks but the width of certain sidewalks will prevent certain things from happening. You have to have to public access, Mr. Burgin explained. Mr. Littleton indicated their business is on Fisher Street and there is not adequate sidewalk space, so he wanted to know if that would prevent them from having any type of on sidewalk part of the package. Mr. Burgin indicated it would. Mr. Littleton noted he believed there was an outlet for Fisher Street down the road. Mr. Littleton offered his support saying it is because this is an improvement for downtown and he wants to have people interact on the street.

Mayor Kluttz read a letter to Council she received today from Ms. Cathy Wilkerson, Publisher of the Salisbury Post, concerning the newspaper vending racks.

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

(c) Mayor Kluttz asked the Council committee if there will be a time limit on these street activities. Councilmember Burgin responded that he assumed the noise ordinance would apply if it became a disturbance to neighbors. Mr. Hemann noted there are about 100 residential units downtown and we need to think about the time for businesses to close.

Mayor Pro Tem Woodson suggested the sidewalk amenities package be passed today and amended later concerning the newspaper vending racks. Mayor Kluttz asked if the concerns the newspaper had were all addressed in the amended proposal. Councilmember Kennedy said if everyone agrees on the other parts, this section could be left out until the next meeting. He is not ready to vote on the newspaper racks yet. He wants to see where the newsstands are located.

Council agreed by consensus to using Version 2 of the Proposed Sidewalk Amenities Package. Mayor Kluttz asked the Council committee to review the newspaper vending racks and hours of operation and come back with a recommendation on Version 2 at the next meeting.

GROUP DEVELOPMENT SITE PLAN G-1-02 - TOMMY WHITLEY APARTMENTS

G-1-02 - Tommy Whitley Apartments

700 block Wilson Road

(a) Mr. Hubert Furr, Development Services Manager, showed Council a vicinity map of the location. The property is zoned R-6A which is multi-family so the use is clearly a permitted use in the R-6 district. The density is correct as far as 7 units. It meets all the requirements as far as parking, setbacks, and zoning. The staff Technical Review Committee and Planning Board recommend approval as submitted.

Mayor Kluttz advised that Council will receive comments from the public on this matter.

Councilmember Kennedy asked about the parking in the front. Does this go by the 2020 plan or is the 2020 plan just for businesses that have parking in the rear? Mr. Furr stated that the 2020 plan does encourage parking in the rear but it is not something that has to be done. With this site plan and arrangement of the buildings, it would be difficult to meet all the setbacks and get the parking in the rear, he said.

(b) Mayor Kluttz opened the floor to receive comments.

Ms. Marie Miller Burney, told Council she is the tenth child of Will and Etta Jane Miller. She was brought up across the street from where the apartments are proposed to be built. Her son and his wife have refurbished the homeplace, she indicated. She expressed that she is afraid the development will devalue their property. She said they have done everything to keep things in a

nice, orderly manner. Ms. Burney asked Council to keep the character of her neighborhood. She pointed out that older members of the neighborhood can't afford to move. Ms. Burney expressed concern that if the apartments are built, this will become a drug infested neighborhood. She pled with Council to keep the neighborhood intact (without the new apartments).

Ms. Jennifer Burney, daughter-in-law of Ms. Marie Burney, told Council she has lived here for 2 years. She registered her opposition to the development of the 7 unit apartment complex and pointed out this is not in keeping with the neighborhood. She indicated there is only one multi-family dwelling (duplex) in this neighborhood which they have not rented because of difficulty finding responsible renters. She indicated their intent is to ask for rezoning and have the dwelling returned to a single-family residence. Ms. Burney referenced appropriate multi-family dwellings on Partee Street. She said their area of the West End Neighborhood is in a state of distress. She wanted these issues addressed first. Ms. Burney pointed out Mr. Whitley would be needing to rent to anyone who has the money to pay rent so he can recoup his expenditures. She indicated she thinks the new apartments proposed by Mr. Whitley would adversely affect safety in the neighborhood. She noted she believes homeowners in the area are opposed to this. Then Ms. Burney suggested addressing the decline in the neighborhood and commit to the betterment and development of the neighborhood. The development will affect the safety of the neighborhood and the property values will decrease, she said. According to Ms. Burney, she feels this project is not in the best interest of Salisbury.

Mr. Herman Burney, 712 Grace Street, told Council he is also opposed to these apartments. He said this is an area of Salisbury that has gone down and he asked Council to help bring it back - help the West End Community. He would like to see single-family dwellings in the neighborhood, as an anchor to the community. He said he asked several questions at the Planning Board meeting, but with no success. Mr. Burney referenced the Vision 2020 Plan of what things will be like in the year 2020. He indicated he cannot see how the complex would help us realize the vision. He pointed out the West End Community (Police Beat 3) has more calls, more citations, etc. than Beats 1 and 2. He expressed belief the apartment complex would contribute to the already existing problem. Where are we going to find good tenants for the apartment complex?, asked Mr. Burney.

Mr. Tommy Whitley, 365 Trexler Road, and developer of the apartments told Council these apartments will be an asset to the community. They meet all the criteria. There's a lot of rental property in the area and much is run down. He wants to put in a nice place and attract good people. If he finds drugs there, he would do all in his power to get the persons "busted," Mr. Whitley told Council.

No one else was present to speak for or against the proposal. Mayor Kluttz closed the public comments.

(c) Mayor Pro Tem Woodson suggested a committee study the matter. Councilman Kennedy said all we are doing is approving the site plan. Council was reminded it is properly zoned and there are multi-family dwellings in the area. Mayor Kluttz pointed out Mr. Whitley has the right to do this in the zoning. Councilmember Burgin agreed with the Burney's. Having said that, he said he doesn't know what Council can do about it if they wanted to since it's zoned R-6. He asked if there was any opportunity to work with the neighbors and Mr. Whitley to improve the site plan. There must be something that could happen to that apartment complex to make it not feel so big and out of scale for the rest of the neighborhood, observed Mr. Burgin.

Mayor Kluttz appointed a Council Committee of Bill Burgin and Bob Martin to review with staff group development site plan G-1-02, Tommy Whitley Apartments, and come back at the next meeting with a recommendation.

Mayor Kluttz mentioned that we need to see if we can do something in the area before this becomes a issue again. Mr. Harold Poole told Council that the Planning Board has already initiated a study of all R-6A areas essentially between Salisbury High School and Livingstone College.

Mayor Kluttz said this is a fragile area and right at Salisbury High School. We have promised as Council that this would be one of our goals to help the schools and neighborhood there.

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SPEED LIMITS ON CORPORATE CIRCLE

Ms. Wendy Brindle, Traffic Engineer, informed Council that Rowan Regional Medical Center is currently developing property on Corporate Circle and with that development they are extending Corporate Circle out to Julian Road. They have requested that the speed limit be lowered on the entire length of the street to 25 mph, she said.

Thereupon, Mr. Kennedy **moved** to adopt an ordinance amending the speed limit along Corporate Circle. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS - GENERALLY.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter X - Traffic, at Page No. 6, and is known as Ordinance No. 2002-17.)

U S 70 RIGHT OF WAY - PROJECT R-2011E

Mr. Dan Mikkelson, City Engineer, informed Council that these two properties - one the site of a future fire station and the other is the site of a water tower. We have known from the beginning when the City acquired the property for the fire station that we would be giving up some right of way. The site of the water tower space is leased to a rural fire department as well as having the water tower there, he said. We can afford to give up the right of way in terms of how the property is used. The City supports the widening of Highway 70 and staff supports donating the right of way to the State. Mr. Mikkelson expressed that the City would be receiving a lot of benefits from this highway.

Councilman Burgin asked staff what happens to the little fire department. Mr. Mikkelson explained it will still function there with the driveway to be reconstructed.

Thereupon, Mr. Burgin made a **motion** to donate the right of way of the two properties to DOT. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

ROWAN COUNTY POWER, LLC - MEMORANDUM OF UNDERSTANDING (MOU)

Mr. John Sofley, Finance Director, informed Council that he has the first amendment to the Memorandum of Understanding (MOU) with Rowan County Power, LLC. On January 29, Council approved an assignment agreement with Carolina Power & Light (CP&L) assigning their rights to Rowan County Power, LLC. At that point, staff noted that they would be coming back with an agreement that would fix the amount that they would be placing into construction of the project for water and sewer, he said. One of the concerns that Council had was whether the City would be getting their money if they were putting up cash. Council instructed staff to make sure those funds would be received. This agreement will insure that. It states that Rowan County Power LLC will set aside a stand-by letter of credit from a bank in New York that they will make the payments. If they fail to make the payments and the City notifies them within 5 days of default, the bank will make the payment to the City on their behalf. It also sets forth a provision that under Federal Bankruptcy Law, if the City receives a payment from a company and within 90 days, that company goes bankrupt, the Bankruptcy Court can order the City to refund that money back to that corporation. The provision will be for 95 days, so that if the company would go bankrupt, the City would receive all funds due the City for the construction project. It also sets out how the funds will be paid - 15 installments beginning April. This will also provide the City with a tool as we move forward on the revenue bond issue, Mr. Sofley advised Council.

Councilman Kennedy asked "what is the total cost of the total project?" Mr. Sofley presented the following to Council:

Water & Wastewater Expansion Projects

PROJECT SUMMARY

Raw Water Intake \$ 300,000

River Pump Station 900,000

Raw Water Line (Reservoir to Plant) 4,500,000

Water Treatment Plant Upgrades:

- Finish Pumps & Yard Piping 3,100,000

- Actiflo Units & Chemical Feed Systems 7,700,000

Line Projects:

- Highway 70 7,800,000

- South Rowan/Highway 29/I-85 9,200,000

- Spencer Force Main 1,100,000

Project Permitting and Administration 500,000

Bond Issuance Costs 700,000

Total \$35,800,000

Less Rowan County Power 7,500,000

Rowan County 7,830,213

Total Estimated Revenue Bonds \$20,469,787

Mr. Kennedy and other Council members asked questions regarding income from the projects to help toward paying off any bond debt. Mr. Treme added to the explanation regarding the projects involved.

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Thereupon, Mr. Kennedy **moved** to approve the amendment to Rowan County Power, LLC, Memorandum of Understanding (with CP&L). Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

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PRELIMINARY FINDINGS RESOLUTION FOR REVENUE BOND FINANCING OF UTILITIES PROJECTS.

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Mr. John Sofley, Finance Director, presented to Council information related to the Preliminary Findings Resolution of which Council members have a copy. He noted this would name our legal representative, underwriters, bond council, give staff authority to proceed to the Local Government Commission, move toward getting the bonds authorized by the Local Government Commission, and hire all the appropriate individuals to assist us.

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Thereupon, Mr. Kennedy **moved** to adopt the Preliminary Findings Resolution for revenue bond financing of Utilities projects. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

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RESOLUTIONS MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE ISSUANCE OF COMBINED ENTERPRISE SYSTEM REVENUE BONDS OF THE CITY OF SALISBURY, NORTH CAROLINA, AUTHORIZING THE FILING OF AN APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF SUCH BONDS AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO SELL SUCH BONDS.

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(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page Nos. 140-142, and is known as Resolution No. 2002-7.)

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REQUEST FROM DOWNTOWN SALISBURY, INC. TO STUDY CURRENT ZONING AND LAND USE IN THE DOWNTOWN DISTRICT

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Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. informed Council that over the last two years there have been several rezoning's in the downtown from B-6 to B-5. There are several other areas where this would also be appropriate, he said. In order to save staff and Council time, Mr. Hemann suggest that this be looked at all at one time and in one study. Mr. Hemann formally requested to Council to refer this matter to the Planning Board for further study.

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Thereupon, Mr. Burgin made a **motion** that Council request Planning Board to study some of our zoning in the downtown area, specifically the B-6 and M-1 areas. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

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I-85 CONSTRUCTION UPDATE - PROJECT I-2511 CA

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Mr. Dan Mikkelson, City Engineer, gave Council an update on the I-85 construction at East Innes Street.

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In mid-March, the steel beams will be placed over Innes Street at the bridge that is being constructed. In late March, a new service road should be opened that will run by what previously was the old Moore's site at Klumac Road. That service road will extend from Jake Alexander Boulevard to Julian Road. This service road will need to be open because the ramp will need to be closed to get from Jake Alexander Boulevard to southbound I-85. This will be closed for approximately 4 months. While that ramp is closed, the traffic will be detoured to the new service road and will get on the interstate from Julian Road. Early May is the probable time the work will begin on Innes Street that requires Innes Street to be narrowed down to one lane in each direction.

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Mr. Burgin observed with all this traffic that gets diverted up Main Street, Main Street is getting pretty rough. Since Main Street is a state maintained road, Mr. Mikkelson told Council he would bring this matter to the attention of the State.

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RESOLUTION AUTHORIZING SPECIAL COMMITTEE TO DEVELOP IMPLEMENTATION STRATEGIES FOR THE VISION 2020 COMPREHENSIVE PLAN

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Upon **motion** of Mr. Burgin, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voting AYE, a Resolution was adopted authorizing a Special Committee to develop implementation strategies for the Salisbury Vision 2020 Comprehensive Plan.

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RESOLUTION AUTHORIZING A SPECIAL COMMITTEE TO DEVELOP IMPLEMENTATION STRATEGIES FOR THE SALISBURY VISION 2020 COMPREHENSIVE PLAN.

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(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 143, and is known as Resolution No. 2002-8.)

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RESOLUTION IN SUPPORT OF THE PRESERVATION AND EXPANSION OF SALISBURY HIGH SCHOOL

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Mayor Klutz noted this was discussed at the Council Retreat and that Council request a capacity of 1200 students for Salisbury High School.

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

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A RESOLUTION IN SUPPORT OF THE PRESERVATION AND EXPANSION OF SALISBURY HIGH SCHOOL.

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(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page no. 144, and is known as Resolution No. 2002-9.)

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Councilman Burgin asked Mayor Klutz to send this resolution with a cover letter to the Chairman of the School Board and the Superintendent of the Schools.

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BUDGET AMENDMENT - PARKS AND RECREATION

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Upon **motion** of Mr. Woodson, seconded by Mr. Martin, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voting AYE, an Ordinance was adopted amending the 2001-2002 Budget Ordinance for Parks and Recreation to appropriate various recreation donations in the amount of \$6,154.97.

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AN ORDINANCE AMENDING THE 2001-2002 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE VARIOUS RECREATION DONATIONS.

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(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 48, and is known as Ordinance No. 2002-18.)

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REPORT FROM CITY MANAGER

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(a) Planning Board Recommendations

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Council received the Planning Board recommendations as information only.

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(b) Budget Plans

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City Manager Treme said based on the Council retreat, he wanted to reiterate to Council how he is proceeding with budget plans, and proceeded to outline some of the plans as follows:

- balanced budget with no increase in taxes for the FY2002-2003.
- minimize the impact of any budget cuts on fire and police.
 - encourage capital projects to be included that were leveraged by public/private non-profit state grants.
 - minimize the deficit of the FY2001-2002 budget ending June 30, 2002.
 - maintain an 8% undesignated fund balance through June 30, 2003.
 - reduce personnel and operations in the FY2002-2003 budget by about \$1.2M.
 - reduce general fund capital by about \$1.5M.

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Mayor Klutz noted that they, as a Council, very much hope that as little personnel as possible can be cut, particularly firefighters and police officers. She also stated that she hopes the citizens will understand that the State has done this to the City unfairly. She urges the citizens to contact the Governor's office and State Legislators to let them know how unfair this is to Salisbury. Mayor Klutz will be serving on a task force to urge the Governor to make changes and find alternative sources of funding instead of the cities funds.

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Councilmember Martin brought the following items up for consideration:

