

Salisbury, North Carolina

February 19, 2002

The City Council of the City of Salisbury met in regular session in the Council Room of the Municipal Building on Tuesday, February 19, 2002, at 4:00 p.m., with the following members being present and absent:

PRESENT: Mayor, Susan W. Kluttz; Mayor Pro Tem Paul Woodson, Jr.;

Councilmen William (Bill) Burgin; William (Pete) Kennedy;

and Robert (Bob) Martin.

ABSENT: None.

The meeting was called to order by Mayor Kluttz, and the invocation was given by Councilmember Burgin.

Staff members present were:

David W. Treme - City Manager

Swannetta B. Fink - City Clerk

Sam Brady - Fire Chief

Larry Chilton - Director of Land Management
& Development

Chris Herring - Police Chief

Rivers Lawther - City Attorney

Foster Owen - Assistant City Manager

Melissa Taylor - Director of Human Resources

John Vest - Director of Utilities

Gail Elder White - Director of Parks & Recreation

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

PRESENTATION BY D.A.R.E. PROGRAM PARTICIPANTS

Mayor Klutz said she was very proud of the Salisbury Police Department and what they do in providing D.A.R.E. (Drug Abuse Resistance Education) classes for all fifth graders in Salisbury. The classes are provided to public and private schools in our area. Mayor Klutz invited one of the D.A.R.E. classes to Council meeting today to remind the Council and our citizens how wonderful these classes are, and how important they are to instill in our young students the fact that they need to stay away from drugs and alcohol. Officer Karen Barbee of the Salisbury Police Department, who conducts these classes, was introduced. The D.A.R.E. class present today is from Sacred Heart School. Officer Barbee introduced this group who sang a D.A.R.E. song followed by four of the children (Whitney Corriher, Emily Dean, Sam Garner, and Alex Lawson) reading essays.

Mayor Klutz told Council this is one of many schools that participate. She noted that we are very proud of these children. What they have learned is such an important lesson for all our children, she said.

PRESENTATION FROM THE CENTRAL NORTH CAROLINA BOY SCOUT COUNCIL

Mr. Jack Kepley, along with Mr. Wayne Dalton, District Executive of the Central North Carolina Boy Scout Council, told Council they have the high honor of recognizing Councilman Bob Martin. They presented Councilman Martin a plaque for his service as President of Central North Carolina Boy Scout Council for two years. Mr. Martin has also served in many other capacities within the Boy Scout organization.

RECOGNIZE PAN-AMERICAN DAY COMMITTEE MEMBERS

(a) Police Chief Chris Herring shared with Council pictures of Pan-American Day which was held October 13, 2001 at the Catawba College Gym.

(b) Chief Herring presented Mr. Kurt Corriher of Catawba College a plaque for the college's involvement in the Pan-American Day celebration by allowing the use of the Catawba College Gym. He noted that plans are in the making for next year's event.

(c) Chief Herring recognized all the committee members who participated in the Pan-American Day event.

Mayor Klutz thanked the citizens and Salisbury Police Department for everyone who worked on this event.

PRESENTATION OF ITT COMMUNITY POLICING AWARD

Police Chief, Chris Herring, informed Council that Sue Wales, Director of Planning and Research for the Police Department prepared an application with the International Association of Chiefs of Police for an award sponsored by ITT. In our category, we were one of two finalists throughout the country, he noted.

Ms. Wales shared with Council the award the Salisbury Police Department received for the ITT Community Policing. Employees of the Salisbury Police Department will be wearing a pin similar to the award, she noted. Ms. Wales then presented each

councilmember with one of these pins.

Chief Herring told Council this will serve as encouragement to remember that these officers do an excellent job arresting drug dealers, suspects of domestic violence, and bank robbers. Their mission is to make sure that some of these things don't happen in the first place, he said.

PRESENTATION OF SALISBURY POLICE DEPARTMENT ANNUAL REPORT

Police Chief, Chris Herring, presented Council with the Salisbury Police Department's Annual Report. Chief Herring pointed out the department has been blessed and fortunate to bring back a lot of federal dollars to our community. He asked Council to look at their strategic plan, because in tight times, you need to look at how you do business. During the past year, the department has taken a look at how they do business, and whether there is something the department could do better, he noted.

Councilmember Kennedy noted that a few years ago someone told the Council that community policing could not be done in the City of Salisbury. The Police Department now shows it can be done and it is working.

RECOGNIZE AWARD WINNERS AT THE NORTH CAROLINA MAIN STREET ANNUAL CONFERENCE

Assistant City Manager, Foster Owen, recognized the following who received statewide awards that are presented each year through the Main Street Program. It's rather interesting when you leave Salisbury and go to another town, how much people think of us, and think of our downtown, he said. Over the last two years, Salisbury has won 9 state awards and had 2 Main Street champions who have been named by the Main Street Program.

Salisbury-Spencer Trolley Works

The sounds of trolley bells are once again sounding in Salisbury thanks to a group of volunteers who raised over \$215,000.00 to purchase two (2) trolleys to operate between Spencer and Salisbury as well as for special events around town, reported Mr. Owen. The Robertson Foundation kicked off the fundraising with \$100,000.00 donation. Naming opportunities were sold to F&M Bank and the Salisbury-Rowan Merchants Association for \$25,000.00 each. All of the 41 seats on the two trolleys were sold for \$1,000.00 each. Main Street awards were presented recently for this unique project and the jury especially liked the creative way the money was raised. This was also a great way to tie together two historic cities with historic landmarks and it has proven to be a wonderful addition for special events in and around Salisbury. Mr. Frank Goodnight and Mr. John Henderlite received the award for best fundraising effort in the State of North Carolina through the Main Street Program.

Special Recognition to Rufty Market

In 1999, Osco Rufty began to envision ways to expand the O.O. Rufty General Store that has operated at the same location since 1905. He purchased the former Rustin's Furniture Store next door which became the perfect opportunity to expand his business without losing any of the rustic character that has become a trademark of the hardware store. Rufty's vision was to make a pass through from the existing hardware store and to create a restaurant, old fashioned soda shop and downtown market with a butcher shop. The rehabilitation is of the highest quality because of the attention given to detail, such as shelving of 100-year-old pine that matched the general store. Mr. Rufty's wife, an accomplished woodworker, actually constructed the woodwork in the soda foundation. The Main Street Award Jury thought this was an excellent project showing the highest quality of rehab with minimal intrusions to the building. It demonstrates how to take an old building and rehab it for new use that provides a unique experience for the customer. Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. accepted the award on behalf of Osco Rufty.

Best Public Improvement

Mr. Owen showed pictures before and after of the City Hall parking lot. This was awarded to the City of Salisbury for its City Hall parking lot. The jury felt it was a great example of good parking lot design that responds to multiple needs. First, the parking lot

and alley plan had to satisfy diverse functions and users, and tie together several sites including City Hall, the Meroney Theatre, and area restaurants. Second, the lot had to accommodate a tall diesel generator and roll-out garbage bins that had to be used on the site. Third, the parking area needed to provide ample landscaping, safety, and accessibility to not only satisfy current ordinance requirements, but to provide a model for other downtown surface parking lot design. The result is a safe, attractive parking lot for City Hall staff, visitors, and surrounding businesses that is designed to be used days, evenings, and weekends. Mayor Kluttz received the award on behalf of the City of Salisbury.

Best New Construction

The Chamber of Commerce decided several years ago that they needed a new home and selected a prominent site at the east entry to downtown. They worked with a very prominent architectural firm, WGM Designs and have come up with a beautiful building. This building is made of brick, cast concrete, and is beautiful in texture. It blends in very well with other downtown buildings. The building houses the Chamber of Commerce, Economic Development Commission, the Visitors Center, the Communities in Schools Program, and Image 500 (a new marketing firm). The Main Street Awards jury applauds the Gateway and sees it as a great example of infill development. It fits the space and character of downtown and blends with surrounding buildings while not pretending to be a historic building. Mr. Ken Parr, Chairman of the Chamber of Commerce, received the award on behalf of the Chamber.

2002 Main Street Champion

Most cities don't have a downtown hardware store. Salisbury boasts two (2) hardware stores. Bernhardt's Hardware is one of those two. Mr. Paul Bernhardt and his family have been in the downtown since 1882. Mr. Bernhardt have been a pioneer in many things. He has worked with the Merchants Association, Downtown Salisbury, Inc. Board, Yadkin Hotel, and off-street parking. He also worked on something that wasn't too popular at the time (use of second floor space and mixed development space). Mr. Owen told those present that former City Manager Frances Luther said "He was involved in just about everything, contributing to the improvement of the economic base of Salisbury." Mr. Paul Bernhardt was recognized as the 2002 Main Street Champion.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

NATIONAL ATHLETIC TRAINING MONTH - March, 2002

CONSENT AGENDA

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(a) Minutes

Minutes of the regular meeting of February 5, 2002.

(b) Group Development Site Plan

Approve group development site plan for the following:

G-16-01 - Imaging and Physical Therapy Center, Corporate Circle

(c) Alley Closing - 100 block of West Kerr Street

Council received a request to close an alley in the 100 block of West Kerr Street and adopt a resolution setting a public hearing on the subject for March 19.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN ALLEY IN THE 100 BLOCK OF WEST KERR STREET.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 137, and is known as Resolution No. 2002-5.)

Thereupon, Mr. Kennedy **moved** to adopt the Consent Agenda as read. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

PRESENTATION BY REPRESENTATIVES OF THE ROWAN COUNTY CHAMBER OF COMMERCE

Mr. Ken Parr, Chairman of the Rowan County Chamber of Commerce, told Council they would like to bring some issues of interest to the Chamber before City Council. The first issue he addressed was partnering. They would like for the City and the Chamber to become partners in issues as it relates to the business community. With approximately 1,000 members, they represent a diverse view of the business community, Mr. Parr told Council. By partnering early in the decision making process the Chamber can bring to Council the broad spectrum of thoughts and ideas on these issues, he said. By partnering early, and working together, they can build consensus that will have broad appeal and acceptance within the business community, he said. The second issue is the marketing of Salisbury, according to Mr. Parr. He suggested and hoped that at the Council planning retreat, Council would come up with a well defined, aggressive, and well funded plan to market Salisbury. In tough economic times it's the bold creative leadership that will come out ahead, he noted. Mr. Parr pointed out the D.A.R.E. group pretty well said it for the Chamber. Mr. Parr ended with these words: "Dare to be aggressive, Dare to be creative, Dare to be bold, Dare to control the situation and not let the situation control you."

Mr. John Casey, Chairman of the Local and Federal Affairs Committee of the Chamber of Commerce, presented the following items to Council:

- land use planning and control of growth - continue efforts so Salisbury can be the city we want it to be (business friendly with preservation of our environment).

- water/sewer - applaud Council for bringing water/sewer to the counties.

- community access television - Chamber members have met with city and county officials regarding this matter. Chamber is looking at this as a way to get Rowan County before the public.

- downtown development - requesting additional funding for marketing/parking problems.

Mr. Carl Repsher, Chairman of the Work Force Development Committee of the Chamber of Commerce, informed Council that the Chamber is taking a more active role regarding education in recent years. He gave an overview of what the Work Force Development Committee has been doing in the past year. Mr. Repsher pointed out that 80% of high school students do not eventually graduate from college. In the past, there was a very large number of jobs available for unskilled people. This simply is not the case today, he noted. In 1950 only about 15% of the jobs were being filled by skilled technical people. By the year 2000, about 65% of those jobs require skilled technical people to fill them. Over the next 5 years, we will continue to suffer a shortage of labor in Rowan County, he told Council. Jobs will grow by 8.5% whereas the labor supply will grow at 7.7%. That shortage

will be most severely felt in the skilled/semi-skilled occupations, he said, and is due partially to the perception of career potential that's fostered by parents, counselors, and teachers. There is also the image of the technical occupation as a dirty hands thing. This is a perception of the past and not necessarily accurate today. We are also dealing with those already in the work force of which 1/3 do not have a high school education. The Chamber's focus is on the children now coming through school and the effort is to address the students, parents, and educators to bring this message to the children that even if they don't go to college, they need skills and need to think about training and a long-term career. Mr. Repsher told Council he believes a career oriented high technology high school linked to our community college should be a part of our schools' future. If we are going to attract the employer providing the jobs we would like our children to be doing, they are going to need very good training.

Mayor Kluttz told the Chamber members present that Council will review this information at the upcoming retreat.

PRESENTATION OF THE ROWAN COUNTY MASTER GARDENER PROGRAM

WEST END COMMUNITY GARDEN PROJECT

Mr. Darrell Blackwelder of the North Carolina Cooperative Extension Service, along with two master gardeners, Ms. Carol Massey and Mr. Ed Joiner, told Council that a lot of cooperating agencies have been helping in the West End Community Garden Project, formerly called the Miller Center Community Garden. The West End Community Organization has been very instrumental and supportive of these endeavors, along with the Salisbury Housing Authority. The project is on Brenner Avenue near the railroad tracks. This was started approximately 4 years ago to educate the youth at the Miller Center about gardening and other recreational activities outdoors. It was expanded for the community at-large and for the whole county. The major effort and goal is education. In the future, there will be more demonstrations and field days for the public. Special features at the garden are raised plant beds, and a water garden. Parks & Recreation built a structure at the garden for meetings and educational activities. New signage is now up at the garden, Mr. Blackwelder said. Thirty-seven ornamental trees have been planted. Ongoing composting demonstrations are held as well.

Mr. Blackwelder told Council their immediate goals are to upgrade the irrigation system, control the drainage, add a bramble demonstration block (raspberries and cultivated blackberries), construct a shade garden, and improve the programming for both the youth and adults in the community. The long range goal is to increase awareness of the educational programs for the citizens and school system. Mr. Blackwelder thanked the City of Salisbury for their support over the past 5 years and recognized City employees and others who have been of special assistance to the program.

AWARD CONTRACT FOR CONSTRUCTION OF THE 42" RAW WATER LINE

Mr. John Vest, Director of Utilities, informed Council that 14 bids were received for the construction of the 42" raw water line from the City's Ellis Crossroads reservoirs to its Water Treatment Plant. The bids were under the City's estimates, reported Mr. Vest. B.R.S., Inc. of Richfield is currently working on the first phase of the 42" project and wanted this also. Staff recommends that a contract be awarded to B.R.S. Inc., in the amount of \$3,493,182.50. Easements are being acquisitioned. One or two properties may have to be presented for consideration of condemnation, according to Mr. Vest.

Thereupon, Mr. Woodson made a **motion** that we award the contract to B.R.S., Inc., of Richfield in the amount of \$3,493,182.50 for the construction of the 42" raw water line. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE AMENDMENT - THE YADKIN RIVER RAW WATER LINE

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Mr. John Vest, Director of Utilities, informed Council that the \$4,495,142.00 includes the construction, engineering, inspection, contingency, and the easement acquisition. Staff recommends approval.

Thereupon, Mr. Woodson made a **motion** to approve the budget ordinance for the 42" water line from the City's Ellis Crossroad reservoirs to the Water Treatment Plant. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

THE YADKIN RIVER RAW WATER LINE, CAPITAL PROJECT ORDINANCE AMENDMENT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 47, and is known as Ordinance No. 2002-13.)

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TRANSFER OF SURPLUS EQUIPMENT TO SALISBURY-ROWAN UTILITIES DEPARTMENT BY THE TOWN OF EAST SPENCER

Mr. John Vest, Director of Utilities, informed Council that the Town of East Spencer had seven (7) pieces of surplus equipment. Our Fleet Manager appraised them for a value of \$30,600.00. Staff has talked with the Local Government Commission and Town of East Spencer Board to negotiate a transfer of that equipment. The Town of East Spencer Board has approved that. Staff recommends Council formally accept this transfer of equipment which is allowed by the General Statutes of North Carolina. The City of Salisbury will not give the Town of East Spencer credit on their balance due to the City of Salisbury on their water/sewer bill until this surplus equipment is received and inspected, and we are sure they are in proper order, Mr. Vest advised.

Councilmember Kennedy checked with Mr. Vest on whether the East Spencer Town Board has approved this also. Mr. Vest replied, "Yes, there is a letter in your packet from the Mayor."

Thereupon, Mr. Burgin made a **motion** that we accept the surplus equipment listed (on the third page) totaling \$30,600.00, and upon inspection credit that to their account. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

CONDEMNATION PROCEEDINGS FOR UTILITY SYSTEM EXPANSION

Mr. Larry Chilton, Director of Land Management & Development, informed Council there are two parcels on Highway 29, one owned by David Clark, Map 480, parcel 29, and the other by Corney Mitchell, Map 447, parcel 25. Mr. Chilton said staff has attempted to negotiate a fair settlement with the owners and have not been able to reach an agreement. Staff recommends that Council proceed with the condemnation process.

Mayor Pro Tem Woodson asked Mr. Chilton if staff was getting close. Mr. Chilton stated the problem right now is they have referred it to their attorney and he has not responded. 83 of the 90 parcels have contracts and the contractor is beginning to work on them, he noted. We also have an appraisal on it, he said.

Thereupon, Mr. Burgin made a **motion** that we adopt condemnation proceedings on the two pieces of property referenced by Mr. Chilton. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

SPECIAL USE PERMIT - 801 SOUTH FULTON STREET

(a) Mr. David Phillips, Development Services Specialist, informed Council that the structure at 801 South Fulton Street is owned by John and Shirley Goodman. They have been before the Historic Preservation Commission numerous times to get approval for projects they are doing with their house, Mr. Phillips noted. They have approval to make renovations to the back portion of the structure. Once the construction began staff found out (through a survey) that the new addition that was being added to the back (back porch and steps) is encroaching into the rear setback. All aspects of the house is setting into the setback, he noted. It's on a small lot, 4 feet on the side, 23 feet on the front. No sides meet the current setback requirements.

Mr. Phillips stated that under Section 12.29 Special Use Permit, Council has the right to grant a violation of the lot size and/or

yard requirement. With the Special Use Permit, the rear section that has been renovated is what is in violation as far as the setback, he noted. From the rear property line to the front of the steps is what is measured, he said. It is 15 feet instead of the required 20 feet. The house originally was sitting 19 feet from the rear property line. The Goodman's are requesting a Special Use Permit for the further encroachment of this. The house is listed as a pivotal structure which is one of the requirements for the Special Use Permit.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the Special Use Permit to renovate an historic structure at 801 South Fulton Street.

Those speaking in **favor** of the above proposal were:

Mr. Michael O'Rorke , 727 S. Fulton Street, told Council he went over and looked at the backyard and he doesn't have a problem with what the Goodman's are planning to do. It will be much better than what it is now.

Ms. Martha Hawkins, 408 S. Fulton Street, told Council that John and Shirley have done a wonderful job in what they are doing. They bought the property adjacent in behind this and it really encroaches upon their own property. It would be a shame if we didn't approve this and she asked Council to give them permission.

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

(c) Thereupon, Mr. Burgin made a **motion** that we relax the rear setback requirement to 15 feet. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION OF INTENT FOR ANNEXATION

Mr. Bill Duston, Centralina Council of Governments (COG), handed out to Council a revised schedule regarding the Resolution of Intent. He indicated he has had some discussion with staff regarding the annexation. He said it's his understanding that staff needs a little more time to finalize the input from the various departments to put together the report which Centralina (COG) will take and make sure that it meets all the standards that are required by the statutes. Rather than adopting a Resolution of Intent today, this would be moved up to the next Council meeting, March 5, and basically shift things for a couple of weeks or so, he said. There was some flextime built into the original calendar so Mr. Duston said he feels confident this schedule will work. If the Council feels comfortable with the revised schedule, then no action would need to be taken today. The Resolution of Intent would be done at the next meeting, March 5.

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations as information only.

(b) Salisbury High School Drainage Improvements

City Manager Treme alerted Council that one of their goals was to assist Salisbury High School on preparation of their athletic fields in terms of drainage and relocation of our water/sewer line. This was a pre-requisite to them receiving perhaps several hundred thousand dollars assistance from private foundations to begin to upgrade their facilities. The school and the City were both putting in \$40-45,000 and the City was going to provide the base infrastructure that would allow the school to add more improvements. By partnering early and providing assistance to them, we would be leveraging a lot of capital money, he noted. This will be reviewed at the goal setting retreat, since the Governor has taken some funds that had previously been distributed to cities. All available measures are being taken since approximately \$2.2 Million dollars is being cut from our budget the last 4

months of this year.

MAYOR ANNOUNCEMENTS

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(a) City Council Retreat

Mayor Kluttz announced that staff and Council members will be leaving City Hall at 9:00 a.m. on February 21 for the annual retreat.

(b) Municipal Association Meeting in Raleigh

Mayor Kluttz announced that she met with the Municipal Association in Raleigh last week. She said she did the best she could to represent the City of Salisbury in expressing our outrage at what's happened (the Governor withholding funds which normally go to cities.) Salisbury has been one of the hardest hit cities in the state, she explained. Mayor Kluttz has expressed this to the Municipal Association. The group met with the Governor, State Treasurer, and Legislators. She will be part of a task force created to persuade the Governor's office to look for alternative funding other than our municipal funds. Another task force of Mayors will be looking at long range solutions. Mayor Kluttz noted she is optimistic that at least we have municipalities coming together. She assured those present she would do everything she could for the City of Salisbury.

Councilmember Kennedy noted he wanted to go on record offering the Mayor full support of the Council to negotiate with the State in having these funds returned to our City.

ADJOURNMENT

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Upon **motion** of Mr. Woodson, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voting AYE, the meeting was adjourned at 5:45 p.m.

Mayor

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City Clerk