

Salisbury, North Carolina

July 2, 2002

REGULAR MEETING

PRESENT: Mayor, Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Robert (Bob) Martin; 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. The invocation was given by Councilmember Burgin.

**RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present.

**RECOGNIZE BOY SCOUT SETH MORRIS**

Mayor Kluttz recognized Boy Scout Seth Morris of Troop #443, St. John's Lutheran Church, who is working on his Citizenship in the Community Merit Badge. Seth led everyone in the pledge of allegiance to the flag.

**PROCLAMATION**

Mayor Kluttz proclaimed the following observance:

NATIONAL RECREATION AND PARKS MONTH July, 2002

**RECOGNIZE PARK PARTNERS**

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Ms. Liz Rose, Marketing/Community Relation Manager for the Parks & Recreation Department, recognized the following Park Partners and presented certificates to them:

Danny Fisher - Fisher Realty, Inc. & Carrol Fisher Construction Company, Inc.

Mike Beaver - Beaver Brothers, Inc.

Certificates of Appreciation were then presented to the following Salisbury-Rowan Hall of Fame sponsors:

Mike Miller - Miller Davis Studios, Inc.

Karen Alexander - KKA Architecture

Ralph Shatterly - Perma-Ceram of the Central Carolina, Inc.

Arnold Chamberlain - Chamberlain Exterminators

### **RECOGNIZE O. O. RUFTY GENERAL STORE**

Mayor Klutz presented to Osco Rufty a Certificate of Recognition for O.O. Rufty General Store's contribution to our City for the past ninety-seven (97) years.

### **CONSENT AGENDA**

(a) Minutes

Minutes of the Regular meeting of June 18, 2002 and Special meeting of June 27, 2002.

(b) Outside Water Connections

Approve outside water connections for the following:

- Thomas & Karen Sehnal, 6150 Sharon Road, Tax Map 750, Parcel 016.

- Frances R. Barbee, 235 Barringer Road, Tax Map 316, Parcel p/o 011.

(c) Group Development Site Plans

Approve Group Development Site Plans for the following:

- G-1-87 - Winn-Dixie Store #2032, 710 Jake Alexander Boulevard West.

- G-2-02 - Royal Homes Construction & Development Co., 200 block Sunset Drive.

- G-9-02 - North Main Baptist Church, 1501 North Main Street.

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

### **SECOND READING - TAXICAB FRANCHISE - MR. CHARLES L. KNOX**

Upon second reading, Mr. Woodson made a **motion** to approve a taxicab franchise for Mr. Charles L. Knox to operate a taxi company by the name of First Transportation. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

It was necessary to have a second reading on the above taxicab franchise due to a lack of an affirmative vote of two-thirds of all members of the City Council on June 18, 2002.

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### **ZONING MAP AMENDMENT - Z-8-02 - SALISBURY PLANNING BOARD**

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Z-8-02 - Salisbury Planning Board

Wilson Road between Locke Street and Old Plank Road

The request is to rezone an approximately 24,000 square foot lot located on the east side of the 700 block of Wilson Road from R-6A Multi-Family Residential to SFC Single-Family Conservation.

(a) Mr. Harold Poole, Senior Planner, informed Council that the request is for a rezoning from R-6A Multi-Family Residential to SFC Single-Family Conservation. He explained until recently the property consisted of three (3) lots along the 700 block of Wilson Road. These three (3) lots have now been consolidated into one (1) lot. A developer had proposed a seven-unit apartment complex on this property. The Planning Board determined it was in the best interest of this area that it be rezoned to SFC. This is Phase 1 of the Wilson Road area, he said. The property has been cleared and is vacant now. The neighbors indicated they would like to see more single-family development in this particular block. In order for single-family houses to be built here, if rezoned to SFC, which has a 50 ft. lot width as a minimum, the property will also need to be sub-divided back to these three lots and would also need a subdivision variance, Mr. Poole stated. A lot could not be developed with single-family on less than a 70 ft. wide lot, he noted.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-8-02, Salisbury Planning Board, Wilson Road between Locke Street and Old Plank Road.

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

Mayor Kluttz stated she was very excited about what is happening with this area. We are very fortunate to have the Community Development Corporation to provide single-family housing in Salisbury. Mayor Pro Tem Woodson agreed and noted that two Council members, Mr. Burgin and Mr. Martin, served on the committee to study this zoning case, and did a good job. . He commended Councilmen Burgin and Martin for working with the developer. Mr. Burgin indicated that the developer (Mr. Tommy Whitley) was very cooperative and was interested in what the Council thought was appropriate for this area.

Thereupon, Mr. Woodson made a **motion** to rezone from R-6A to SFC on Z-8-02 of the map. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 24,600 SQ. FT. WITH ABOUT 150 FEET ON THE EAST SIDE OF THE 700 BLOCK OF WILSON ROAD, IDENTIFIED AS PARCELS 353, 354, 355 ON SALISBURY TOWNSHIP TAX MAP 9, FROM R-6A MULTI-FAMILY RESIDENTIAL

DISTRICT TO SFC SINGLE-FAMILY CONSERVATION RESERVATION DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI, at Page No. 72, and is known as Ordinance No. 2002-47.)

**ZONING TEXT AMENDMENT - SPECIAL EVENT BANNERS FOR CHURCHES**

The request concerns special event banners for churches.

(a) Mr. Harold Poole, Senior Planner, informed Council that the Planning Board had received a request from Reverend Kenneth Lance of First Baptist Church to consider a change in the sign ordinance that would allow churches to put up signs for special events. At the time, this had to do with Vacation Bible School, he said. There are other special events that may occur throughout the year. The problem the churches were having was the limitation of 15 days. Mr. Poole explained that Reverend Lance felt there was a special situation with churches due to the need to order materials, as well as let the neighborhood know that there is going to be a special event at the church that requires more than 15 days notice. The matter went to a Planning Board Committee. The Planning Board's recommendation came out that it should be longer than 15 days. Rather than the 30 days requested, the Planning Board is recommending that the time be extended to 21 days. In addition, the Planning Board is saying banners cannot be used throughout the year. There would need to be at least a week apart before changing from one to another. Also, there be no more than 2 signs/banners on a piece of property. A size limitation on the sign would be 32 sq. ft. The Planning Board concurred with the committee that this was a reasonable request and special circumstance. Planning Board is recommending this zoning text amendment.

Mayor Pro Tem Woodson asked if Mr. Poole was talking about a banner 10-12 feet wide, 2-3 feet in depth. Mr. Poole replied it would be no larger than 32 sq. ft. (4 ft.x 8 ft.) Mr. Woodson asked what happened after the 21 days. According to Mr. Poole, the committee discussed a maximum number of times per year. However, the Planning Board determined there must be a week apart between what is on the sign, according to Mr. Poole.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on a zoning text amendment concerning special event banners for churches.

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

Councilman Kennedy said his concern would be who would police the signs but the Planning Board spoke to that and said if there was any abuse of it, we could revisit this issue.

(c) Thereupon, Mr. Kennedy **moved** to adopt the zoning text amendment. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO ALLOW DIFFERENT SIGN REGULATIONS FOR RELIGIOUS ORGANIZATIONS' SPECIAL EVENTS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI, Zoning & Planning, at Page No. 73, and is known as Ordinance No. 2002-48.)

**ZONING TEXT AMENDMENT - BANNERS ACROSS EAST INNES STREET AT TOWN CREEK**

The request concerns banners across East Innes Street at Town Creek.

(a) Mr. Harold Poole, Senior Planner, informed Council that under Section 9.06(5) Sign Provisions, Subsection (5) entitled "Banners for Special Events" of the Zoning Ordinance that allows banners to be placed over East Innes Street at Town Creek. This provision has been in the ordinance for a number of years. However, the poles are no longer in existence to place banners on East Innes Street, he said. Planning Board has determined that, as a matter of routine, it would be best to pull this part out of the ordinance at this time.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, concerning banners across East Innes Street at Town Creek.

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

(c) Thereupon, Mr. Woodson made a **motion** to eliminate banners over East Innes Street at Town Creek per the zoning text amendment as prepared by staff. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, BY DELETING SECTION 9.06(5), BANNERS FOR SPECIAL EVENTS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI, Zoning & Planning, at Page No. 74, and is known as Ordinance No. 2002-49.)

Councilman Burgin noted that we still have a need to be able to advertise and post events that are community based.

#### **REQUEST FROM MR. JOHN RILEY OF CENTRAL CAROLINA INSURANCE AGENCY REGARDING SIGNS**

Mr. John Riley of Central Carolina Insurance Agency told Council he would like his request for an electronic sign at 317 Jake Alexander Boulevard South referred to a committee to study the matter so he could talk about it more. He indicated he is on a commercial street and his present sign is "lost." This is one complaint he hears about his business because nobody knows where he is. He told Council he wants to rectify this by putting up a sign that's going to bring people into his business.

Mayor Pro Tem Woodson asked Mr. Riley how tall his proposed sign is. Mr. Riley replied the proposed sign is 26 ft. The maximum allowed is 30 ft. signs in 100 sq. ft. of displayed space, he said. He indicated he would like to have the time, temperature, and advertise what he sells. Councilman Martin noted a similar sign in Concord which he considers very effective. He suggested sending this request back to Planning Board for study.

Mayor Klutz reminded Mr. Riley that his request could not be approved today but the Planning Board can take a look at it and bring their recommendation back to Council. Other Council members commented on this matter.

Thereupon, Mr. Woodson made a **motion** to send this request back to the Planning Board for their review. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

#### **GROUP DEVELOPMENT SITE PLAN - G-10-02 - HAROLD B. JARRETT AMERICAN LEGION POST 342, 1024 LINCOLN ROAD**

Mr. Hubert Furr, Development Services Manager, informed Council that the request is that the Harold B. Jarrett American Legion Post 342, located 1024 Lincoln Road, has submitted an application for additional parking spaces (36) at their present location. He explained to Council that the reason this is coming before Council is that any business with 50 or more parking spaces had to go through the group development process [go through the staff Technical Review Committee, the Planning Board, and then to Council].

Mr. Furr told Council that the parking area is also being rearranged, sidewalks are being put in, and new driveways, all of which will meet the current standards. The reason the request has come before Council is because of the recommendation by the Technical Review Committee and the Planning Board that the existing dumpster be screened. This dumpster has been here for many years. The ordinance has been amended to include screening around all dumpsters. This would be a 6 ft. high wooden fence, he said. This was set aside for new dumpsters and this is an existing dumpster, Mr. Furr indicated.

Mr. Ed Hurst, 123 Lincolnton Road, and a member of the Harold B. Jarrett Post asked post members present to stand. Approximately 12 people were in attendance. The Harold B. Jarrett American Legion Post is a private non-profit organization and has met all the requirements for the additional parking spaces in accordance with the present City Ordinance, Mr. Hurst explained. He said, "We feel the dumpster was in compliance with the ordinance when it was installed and they should not be required to enclose the dumpster as recommended by the Planning Board." Mr. Hurst noted the original cost has risen by 25% in order to meet the City Code in this parking area, and the American Legion Post is not prepared financially to pay the additional \$1500.00 needed for the wooden enclosure. The project began 75 days ago and they are ready to pave the parking lot and get the cars off the street, he said. Mr. Hurst finished by indicating that the Post hopes the Council sees fit to approve the permit without the dumpster screening requirement.

Mayor Pro Tem Woodson asked how far back the dumpster is from the road. Mr. Furr replied approximately 150 feet. Mr. Furr noted the dumpster has been there for many years. Councilman Burgin stated that he is so excited about what is happening on Lincolnton Road that he is willing to overlook the dumpster. He pointed out it's great that we not only have an opportunity to get the sidewalks going past the American Legion, and the street trees going past there, but also the additional parking it takes to get the people in a safe place. We need to applaud the City's and American Legion's efforts in this project.

Thereupon, Mr. Burgin made a **motion** to approve Group Development Site Plan G-10-02, Harold B. Jarrett American Legion Post 342, as submitted. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

Mayor Klutz told the veterans "Thank You" and noted that citizens don't say this enough for what veterans have done for our country.

## **U. S. 70 MUNICIPAL AGREEMENT CONCERNING SIDEWALKS**

### **PROJECT R-2911**

Mr. Dan Mikkelson, City Engineer, reminded Council that two months ago (May 7, 2002), he presented them with five (5) different options for participating in sidewalks on Highway 70. Council voted at that time to go with option E. This option is consistent with the Vision 2020 Plan. The City also had an opportunity to take advantage of 70% state funding for sidewalks. The opportunity exists only at this one time of widening of Highway 70, he said. NCDOT has prepared a municipal agreement to set that up. Staff recommends that a resolution be approved authorizing the Mayor to execute a Municipal Agreement with NCDOT for sidewalks along U.S Highway 70.

Councilman Martin stated that he voted for this when it first came up but he now has second thoughts about it. He has had more people talk to him about it and yet, he has not had one person in favor of it. He noted the City says it doesn't have any money and cut positions, yet we are finding money for this. Mr. Martin said we shouldn't sell our soul just for the 70% the state is going to give us. There are other areas in the City that need sidewalks a lot more. He read from the Vision 2020 Comprehensive Plan concerning sidewalks.

Mayor Klutz noted she feels differently; that after spending three years on the Vision 2020 Plan, and having made a commitment to implement it, she feels, as a Council member, we have to have a vision beyond what seems reasonable today. We are looking at 20 years down the road, she said. This is the only opportunity, while this area is being developed, that the State will pay this amount of money, Mayor Klutz stated. As we grow that way and we encourage walkability to our park, Mayor Klutz expressed she thinks it's an opportunity for which the City needs to take advantage.

Mayor Pro Tem Woodson agreed with Mr. Martin about complaints. The problem is when we pay such a small amount to get so much, it's hard to turn it down, he said. Mr. Mikkelson told Council the City's share would be \$118,000.00. The State's share

would be \$275,000.00, for a total of \$393,000.00. This is the only time the City will be able to get this funding for sidewalks, Mr. Mikkelson said. If the City wanted to extend sidewalks out to the park in the future, they would have to pay 100% of the cost, he noted.

Councilman Kennedy said it is important to protect future Council's. Somewhere down the line, the Council will have to vote for sidewalks along this route and will have to pay all of it, he said. Mr. Kennedy noted he is in favor of 30% now and doing it. Mr. Burgin said it is interesting that we are at the beginning of having to really start focusing on alternative ways of getting around besides the automobile. The idea of having sidewalks going past the apartments, high density housing, not only to go to the park but to come into the mall, he said. It would be great to walk to the mall, shop, and then walk back home. It would be healthy to get cars off the street and it's a good time for it, he stated. It is a good opportunity for the City and he regrets the City had to make cuts, Mr. Burgin indicated. This is a long term commitment for the City and it is going to be a very important artery for us that we can tie other sidewalks to and get cars off the road, he stated.

Mr. Woodson said he would like Mr. Mikkelson to find some money for the East Innes Street area for installing sidewalks. City Manager Treme noted that Council has had to make some hard decisions on the budget. We did what we had to do to cut the budget back, he said. The dollars that were available for this project were not the matching dollars, or federal funds would not be available for any other thing done in the City, he stated. We are making a 20 year capital improvement that will be paid over a three year period. Most of the sidewalks being put in the City have been because of NCDOT grants.

Mr. Mikkelson told Council that on East Innes Street, the City is taking advantage of the exact same program. As the State rebuilds the interstate and reconstructs part of Innes Street, the City is participating 30% on the cost of sidewalks. The sidewalks will extend on East Innes Street from Town Creek beyond the interstate to Avalon Drive and as far as the Rowan County Health Department.

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

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT CONCERNING SIDEWALKS ON HIGHWAY 70, PROJECT R-2911.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 157, and is known as Resolution No. 2002-21.)

### **OLD WEST INNES STREET RAILROAD CROSSING**

Mr. Dan Mikkelson, City Engineer, informed Council that each year NCDOT evaluates railroad crossings across the state and applies federal rail safety improvement money. The crossing at Old West Innes Street has qualified for crossing improvements. Mr. Mikkelson told Council he went out to evaluate the crossing since the crossing already has automatic cross arms, and he was not aware of any deficiencies in those cross arms. He said he contacted one of the businesses nearby and asked if they were aware of any time the cross arms malfunctioned or gave a false reading, and was advised they were not aware of problems with this crossing. If the City participates in this program, the City's share would be approximately \$10,000.00 for replacement and \$1,400.00 a year for annual maintenance, he said. This would be an increased cost to the City, but not give any measurable benefits to the traveling public, according to Mr. Mikkelson. Staff recommends that the City pass up this opportunity.

Thereupon, Mr. Burgin made a **motion** that we pass on this participation offer of the railroad crossing at Old West Innes Street. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

### **CONSTRUCTION OF ARLINGTON STREET EXTENSION, PROJECT U-3624**

Mr. Dan Mikkelson, City Engineer, informed Council that Arlington Street has been on the City's Transportation Improvement Program (TIP) request list since 1995. Wal-Mart has come in and designed a road that extends from East Innes Street to Old Concord Road, and replaces the City's need for this TIP request. A guarantee of construction has been posted and the road is scheduled to open in the fall, he said. NCDOT is asking the City to remove this request from the TIP list. Staff recommends this

as an appropriate request.

Thereupon, Mr. Kennedy **moved** to remove the extension of Arlington Street from Innes Street to Old Concord Road from the TIP list. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

### **TRANSFER OF PROPERTY (101 MOCKSVILLE AVENUE) TO COMMUNITY DEVELOPMENT CORPORATION**

Mr. Joe Morris, Urban Resource Planner, identified property located at 101 Mocksville Avenue (the former KFC site) which is proposed for a "like-kind exchange" for three (3) lots on Cemetery Street owned by Dr. and Mrs. William Webb. The lots are behind Dr. Webb's development on Mocksville Avenue. Staff is presently working with City Attorney, Rivers Lawther, for execution of this "Like-Kind Exchange." Action taken today will be contingent upon the exchange taking place.

Mr. Morris reminded Council it was important to the neighborhood that there be some transitional land use that would be appropriate between the commercial activity and the neighborhood.

Mayor Kluttz said she is excited about this and appreciative of everyone who has worked on it. This project has taken years to do, she observed. Mayor Klutz praised the preservation of the Jersey City Neighborhood, getting rid of the eyesores on Mocksville Road, and how thankful we are to have the Community Development Corporation (CDC), as well as KKA Architecture which has worked with the CDC.

Mr. Joe Morris recognized Mr. Chanakee Yatawara, Community Development Corporation Manager and noted that he has been very receptive to the planning goals for this neighborhood. CDC has acquired 11 properties in this neighborhood, and if sidewalks can be added to these properties, the City will eventually have a connectivity sidewalk system within this neighborhood, Mr. Morris said.

Councilman Kennedy pointed out we are meeting the goals of the Vision 2020 Plan, goals of the Jersey City Neighborhood, putting city residents in new housing, and putting houses back on our tax books.

Thereupon, Mr. Kennedy **moved** that we transfer the property to the CDC contingent upon a like-kind exchange agreement. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

### **REPORT FROM CITY MANAGER**

#### **(a) Planning Board Recommendations**

Council received the Planning Board recommendations as information only.

#### **(b) Tractor Building**

City Manager Treme informed Council that last year the City had agreed to sale the tractor building for about \$100,000.00. The City has received a letter from Attorney Randy Reamer who represents Image Concepts concerning the sale and development of this building, he said, and the proposal appears to be substantially different from what had previously come to City Council. Mr. Treme recommended to Council that they re-establish the committee that originally reviewed the proposal and discuss this matter with Mr. Morefield, his attorney, and a representative from the lending institution providing the financing, to determine if everyone is still on track with the proposal. Mr. Treme indicated he would like Council to reaffirm its position on the sale of this property.



Mayor Klutz reappointed Councilmembers Burgin and Kennedy to work with staff on the proposed sale of the tractor building.

**MAYOR ANNOUNCEMENTS**

(a) N. Y. Firefighter Mr. Thomas Gavitt

Mayor Klutz announced that N.Y. Firefighter, Mr. Thomas Gavitt, and his wife are soon to be in our area for him to be Grand Marshall of the Faith 4<sup>th</sup> of July Parade.

(b) U. S. Attorney's Office - Firearms

Mayor Klutz reminded Council of the presentation by the U.S. Attorney's Office, Thursday, July 11, 2002, at 3:00 p.m., at City Hall, concerning firearms.

**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 5:12 p.m.

Mayor

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City Clerk