

Salisbury, North Carolina  
January 4, 2005

## **REGULAR MEETING**

**PRESENT:** Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Mark N. Lewis; City Manager, David W. Treme; City Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.

**ABSENT:** None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Mayor Pro Tem Woodson.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present.

## **RECOGNIZE CAPTAIN DAVID DEAL - SALISBURY FIRE DEPARTMENT**

Fire Chief Bob Parnell introduced Captain David Deal and announced that he had been promoted to Captain effective January 3, 2005. Chief Parnell noted that Captain Deal has been with the Salisbury Fire Department for five (5) years and expressed his pride in Captain Deal's accomplishments. Mayor Kluttz congratulated Captain Deal on behalf of City Council and staff.

## **PROCLAMATION**

Mayor Kluttz proclaimed the following observance:

DR. MARTIN LUTHER KING, JR. DAY

January 17, 2005

## **CONSENT AGENDA**

(a) Minutes

Approve Minutes of the regular meeting of December 21, 2004.

(b) 2005 Council Meeting Dates

Approve the 2005 schedule of regular Council meeting dates.

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

## **HIGHLIGHTS AND GOALS**

(a) Salisbury Tree Board

Mr. Clay Smith, Chairman, presented the 2005-2006 goals for the Salisbury Tree Board. The goals included:

- Review and update the Salisbury Tree Ordinance
- Provide funding for tree and landscaping on East Innes Street and South Main Street as part of the Downtown Master Plan - \$10,000
- Continue to provide funding for Neighborhood Tree Planting Projects - \$5,000
- Initiate development of the Brown-Wiseman Boxwood property on Old Mocksville Road - \$5,000
- Purchase classified advertising to off-set the impact of arborists advertising tree topping services - \$1,200
- Develop an ordinance regulating the clear cutting of trees within the Salisbury planning jurisdiction
- Continue to seek grants and alternative funding for urban forestry programming
- Assist the Jersey City Neighborhood with a tree planting program using CDBG funds
- Continue to participate in Arbor Day and Tree City, USA programs
- Support the Community Appearance Commission (CAC) efforts to increase the number of benches and trash receptacles in the downtown

Mayor Klutz asked where staff stood with the ordinance for clear cutting and if the City would again try to seek help from the State Legislature. Mr. Joe Morrison, Land Management and Community Development Manager, responded that he feels it would be appropriate if Council wants to move forward and suggested a meeting with the City's legislative delegation to discuss the issue. By consensus, Council agreed to proceed.

(b) Zoning Board of Adjustment

Mr. William Peoples, Vice-Chairman of the Zoning Board of Adjustment reviewed the highlights for FY 2004 with Council. The highlights included:

- Held six (6) meetings
- Five (5) Conditional Use request granted
- Two (2) Variance request granted
- One (1) Variance request denied
- One (1) Administrative review upheld
- One (1) Administrative review withdrawn

The Conditional Uses were:

- 848 South Main Street – Sale of used cars
- Crescent Community – Installation of development signs at entrance
- 310 Faith Road – Off-premise directional sign for Tire Kingdom
- 1990 Faith Road – Temporary sales unit for Kepley Farms Development
- Oakview Commons, Phase 1-A, Lot 39 – Temporary sales unit

Variations granted were:

- 816 Darby Place – Requested two and one half (2.5) foot encroachment into front yard setback
- 129 Sterling Court – Requested seven (7) foot encroachment into front yard setback due to a gully

The denied variance request was for 1990 Faith Road, Kepley Farms. The request was for the replacement of six (6) inch vertical curb and gutter with valley curbing.

The Administrative Review upheld by the ZBA was for 115 East Council Street and involved an Administrative review of a Historic Preservation Commission (HPC) decision for replacement windows.

The withdrawn Administrative Review was from 1810 Lutheran Synod Drive and concerned the continued use of an existing ground sign structure for the Seminary.

Mr. Peoples stated that the Zoning Board of Adjustment goal for FY2005 was to continue training for all Board members.

(c) Hurley Park Advisory Committee

Ms. Elaine China, Chairman, and staff liaison Ms. Lana Bird presented the highlights and goals for the Hurley Park Advisory Board.

Highlights for 2004-2005

- Held Spring Celebration with three hundred (300) in attendance
- Held Summer Lecture with sixty (60) in attendance
- Continued routine maintenance and hosted weddings and the Blessing of the Animals

Level 1 Goals – 2005-2006

- Continue Spring Celebration and Summer Lecture - \$1,600
- Replace deck at the pond - \$10,000

- Replace stolen swing sign in Laughridge Garden - \$1,500
- Replace one trash can in park and one in annex - \$1,500
- Replace two (2) picnic tables - \$4,000
- Replace plexiglass plywood frame, and update map - \$60
- Stabilize creek bed - \$8,000

#### Level 2 Goals – 2005-2006

- The Hurley Park Advisory Committee recommends that City Council approve a “pooper-scooper” ordinance
- Add pet waste stations - \$200
- Add ten (10) new bird houses - \$60
- Repair swale bridges - \$250
- Plan a garden field trip for Hurley Park board members and staff
- Update Hurley Park website

Mayor Kluttz thanked the Board members for their presentations and continued work for the City.

#### **ZONING MAP AMENDMENT - Z-16-04 - JOHN AND SUSAN PFANNES AND NEIGHBORHOOD**

(a) Mr. Preston Mitchell, Senior Planner, informed Council that this request is to remove the existing Manufactured Home Overlay district from a thirty-nine (39) acre tract located south of Rolling Hills Golf Club and in the Rowan Mills Road and South Main Street vicinity. He noted that the base zoning for the property is R6 – Residential, which allows for both single family and duplex structures.

Mr. Mitchell reviewed the surrounding zoning areas and the existing housing stock in the area. He noted that the majority of the homes in the area are conventional stick-built homes and during the staff visit to the area only four (4) manufactured homes were seen. Mr. Mitchell explained that the neighborhood has many rights-of-way that have not been completed and there is significant potential for infill development. He noted that if the overlay is removed the existing manufactured homes will be considered legal non-conforming and would not have to be removed unless they were vacated for a period greater than one hundred eighty (180) days.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-16-04, John and Susan Pfannes and neighborhood.

Ms. Susan Pfannes, 204 Balfour Drive, indicated that she and her husband initiated this request because of concerns for the undeveloped properties in the neighborhood. She noted that she and her husband have lived in this area for five (5) years and have seen a great deal of improvements and would like to see improvements continue to happen.

(c) Thereupon, Mr. Woodson made a **motion** that on Z-16-04 Council rezone the thirty-nine (39) acres to remove the Manufactured Home Overlay. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Councilman Lewis asked Mr. Mitchell if someone in the area could replace their existing mobile home with a newer model. Mr. Mitchell responded that they could not and Mr. Lewis clarified that is the same as other legal non-conforming and if sixty percent (60%) is damaged or replaced it can not be done.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REMOVING A 39-ACRE MANUFACTURED / MOBILE HOME OVERLAY DISTRICT FROM PROPERTY BOUND BY BALFOUR DRIVE, ROLLING HILLS GOLF CLUB, SUNRISE DRIVE, TIMBER STREET, AND BRIARWOOD AVENUE.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, Page No. 1, and is known as Ordinance No. 2005-01.)

#### **REQUEST FROM THE THREAD SHED - PARKING FOR A SPECIAL DISPLAY**

Ms. Wendy Brindle, Traffic Engineer, stated that this request was received from The Thread Shed through Downtown Salisbury, Inc. to restrict four (4) parking spaces on South Main Street for a Carhartt display on Friday, January 14, 2005 from 8:00 a.m until 6:00 p.m. She noted that the display will have a canopy that extends over the sidewalk but will not encroach into the travel lanes and staff recommends approval.

Thereupon, Mr. Burgin made a **motion** to allow the downtown event. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### **PRESENTATION OF THE MASTER PLAN FOR RENOVATION OF THE SPORTS COMPLEX PARK**

Ms. Gail Elder White introduced Mr. Andrew Pack and Mr. Stephen Lord from Woolpert, LLP, who have worked on the Master Plan for the Sports Complex Park.

Mr. Pack reviewed the planning process leading to the development of the Master Plan. He explained that from the public workshops that were held a list of highly desired amenities were determined. These included: basketball courts, walking trails, playground, new softball fields, new bathroom facility, picnic shelter, improved parking lot, and neighborhood connection. Mr. Pack displayed a new Master Plan incorporating these elements and pointed out possible future connections from the park to the Ruffy-Holmes Senior Center, Hill Street, Celebration Drive and a possible walking trail to Celebration Drive.

The total estimated cost, excluding the future trail and bridge connection to Celebration Drive, is \$1,205,484. City Manager David Treme pointed out that this particular park is the one that has had the least amount of improvements but serves a great deal of activities. He noted that there are grant funds that may be obtained to help with the cost, as well as spreading the cost over several years.

Ms. Elder White explained that part of the purpose for the creation of the Master Plan was to seek a Park and Recreation Trust Fund (PARTF) Grant. The maximum match of the grant is \$500,000 with the remainder of the cost to be paid by the City. Mayor Kluttz asked if the City was awarded the grant but did not have the matching funds this year would the City still be required to accept the grant. Ms. Elder White responded that the City did not have to accept the funds if they were awarded. Mr. Treme noted that with the PARTF Grant the recipient has two (2) years to provide the local match.

Thereupon, Mr. Lewis made a **motion** to adopt the Sports Complex Park Master Plan. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**PARKS AND RECREATION TRUST FUND GRANT**

Councilman Burgin noted that with the current market and other capital projects underway, realistically the City may not be able to match the \$500,000 if the grant is awarded. He asked if there is a downside, if the City applies and is awarded the grant but has to turn it down. Ms. Gail Elder White, Parks and Recreation Director, responded that it has happened in the past and the Trust Fund understands there are fiscal limits. She stated that if the City is in the first round of grant approvals notification will not be made until May 2005. The next notification period will be in July 2005.

Ms. Elder White reviewed the grant application for the Sports Complex Park and noted that many of the items will be contracted in-house; therefore, the requested amount of the grant will be \$1,070,961. If the \$500,000 grant is awarded the City's match will be \$570,961. Ms. Elder White noted that the City's portion can come from multiple sources including capital funds, City sidewalk funds or Community Development Block Grant funds. She stated that this will leave \$134,523 for completion of the plan but these items can be phased in or handled in-house as funding becomes available.

Ms. Elder White reviewed the items that will be bid and those that will be done in-house along with their estimated costs:

<u>Probable Formal Bid Costs</u>		
Site Preparation		\$188,599
Softball Fields		\$332,649
Restroom Building		\$225,149
Utilities		\$59,149
Side Stream Crossing		\$62,647
Architect/Engineer Fees		\$81,375
Total Formal Bid		\$949,568
<u>Probable In-House Costs</u>		
Site Preparation (landfill fees)		\$7,500
Asphalt & Concrete Trails		\$80,192
Site Amenities (benches, trash cans)		\$6,601
Fit Course, Bocce, Horse Shoes		\$4,000
Half Court Basketball		\$11,500
Picnic Sites (3)		\$6,600
General Landscaping		\$5,000
Total In-House Projects		\$121,393

Councilman Kennedy stated that he supports the application process but he can not support the City appropriating \$570,000 for this project. Ms. Elder White noted that the funds will most likely have to come from multiple sources. Mayor Kluttz clarified that Council is not making the decision to allocate the funds today but just to apply for the grant.

Mr. Treme stated that once the City has applied for the grant there may be an opportunity to apply for foundation funds and different ways to find the matching funds.

Thereupon, Mr. Woodson made a **motion** to authorize the Mayor to sign the grant application. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**BUDGET ORDINANCE AMENDMENT - HOME CONSORTIUM**

Mr. Wade Furches, Finance Manager, explained to Council that the Salisbury Community Development Corporation participates in a HOME Consortium and uses Housing and Urban Development (HUD) funds to purchase, renovate and resell houses and to give down payment assistance loans. When a house that has been purchased and renovated or built and is sold, the funds go back into the same programs to buy additional properties. He stated that there is approximately \$188,264 in funds that have not been spent. Mr. Furches requested Council to appropriate this amount in order for the funds to be legally spent for the home programs.

Councilman Kennedy asked if the City would be in danger of losing the money. Mr. Furches responded that the money is the City's money but just needs to be allocated.

Thereupon, Mr. Kennedy made a **motion** to adopt the budget ordinance in the amount of \$188,264 to be added to purchase, rehab and resell homes. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2004-2005 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE FUND BALANCE IN HOME FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Budget, Page No. 2, and is known as Ordinance No. 2005-02.)

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#### **SCOTSDALE DRIVE SEWER OUTFALL PROJECT AGREEMENT**

Mr. Matt Bernhardt, Assistant City Manager for Utilities, stated that this agreement is for the extension of approximately two thousand five hundred (2,500) linear feet of eight (8) inch sewer line for gravity flow to Scottsdale Drive in Oakview Commons. The project will serve sixty-eight (68) lots in Phase III of the subdivision as well as nine (9) properties along the route. He noted that Salisbury-Rowan Utilities will own the line after construction.

Thereupon, Mr. Burgin made a **motion** to authorize the Mayor to sign the agreement between John Fletcher, Oakview Commons Inc., and Salisbury-Rowan Utilities for the Scottsdale Drive sewer outfall project. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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#### **COMMENTS FROM THE CITY MANAGER**

##### (a) Salisbury-Rowan Utilities Extension Fund

City Manager David Treme noted that Council members have been working on extension policies for some time and added that he wanted to update Council on what has been developed.

Mr. Matt Bernhardt, Assistant City Manager for Utilities, reviewed the plan for the Salisbury-Rowan Utilities (SRU) Extension Fund. He noted a sample letter that will be sent to members of the development community, a fact sheet regarding the extension, and a sample rebate schedule. He stated that the funds will be awarded on an application basis which will be weighted using the following criteria:

##### Location

- Extensions to support infill development within a municipality served by SRU – 25 points
- Extensions to support development within the Extra-Territorial Jurisdiction (ETJ) – 15 points
- Extensions to support development within selected SRU service areas, but outside the ETJ of any municipality served by SRU – 10 points

##### Consistency with Comprehensive Growth Plan

- Development which extension supports is in compliance with the Comprehensive Growth Plan which incorporates “smart growth” principles of the area in which it is located – 25 points
- Development which extension supports is in compliance with generally accepted “smart growth” principles – 10 points

##### Timing

- Construction begins within 1 year – 25 points
- Construction begins within two (2) years – 10 points

##### Community Benefits

- Projects that reduce, eliminate, or otherwise avoid capital and/or operating costs for SRU (i.e. Lift Station elimination or avoidance) – 25 points
- Projects that improve system operation and/or performance (i.e. “Looping” water lines; use of water in targeted areas of need) – 15 points
- Projects that open service area for SRU beyond the project boundary (i.e. Sewer outfall lines; trunk water lines) – 15 points

He explained that reimbursement will be based on the issuance of Certificates of Occupancy for the new homes. The developer will be reimbursed at thirty percent (30%), sixty percent (60%) and ninety percent (90%) of the Certificates of Occupancy issued, with SRU rebating a fixed amount for each new Certificate of Occupancy with the approved Rebate Schedule.

City Manager David Treme stated that the difference in this plan is the incorporation of Smart Growth Principles to the process.

Councilman Kennedy asked if the funding cycle will be every year. Mr. Bernhardt responded that it is planned to be every year but it will depend upon the number of responses and commitments brought to Council for approval.

Councilman Lewis asked who will score the applications. Mr. Treme stated that he thought the two Council members who worked on developing the Extension Fund and staff members could meet as a committee to score the applications and bring back to City Council for approval. Mr. Lewis stated he felt it was important for Council representation to be on the Committee to ensure citizens do not perceive preferential treatment for some developers.

Councilman Burgin asked if funds are encumbered when a grant is awarded. Mr. Treme explained that when a grant is awarded the developer has to first spend the total cost of the project and is then reimbursed. As the developer builds out and is reimbursed this also creates new customers who will add additional revenue. Mr. Treme stated that this is similar to a commitment to a capital project that has income to support it as it comes online. Mr. Burgin stated he felt it was important to clarify that these commitments will not be met with an increase in rates but by the revenues generated by the performance of the developer.

Councilman Burgin noted that it appears that the plan is limited to single family housing developments but there are other opportunities for developments. Mr. Treme noted that it does address mixed land use and explained that it takes into account meters. Mr. Lewis asked if a duplex would count as two. Mr. Treme responded that this is correct and that multi-family could actually score higher than single family on the application.

Mr. Lewis asked about eligible projects and if a project is underway if the developer could still apply. Mr. Treme stated that there are developers who have had an interest in the grant funds and suggested July 1, 2004 as a starting point for projects.

Councilman Kennedy asked if industrial and commercial development will still be handled on a case-by-case basis. Mr. Bernhardt responded that this is correct and these projects are still brought to Council for review.

Thereupon, Mr. Burgin made a **motion** to adopt the submitted Salisbury-Rowan Utility Extension Fund policy with the addition of a beginning starting date for projects that had not started development prior to July 1, 2004. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

(b) Congestion Mitigation and Air Quality

Mr. Dan Mikkelson, Director of Land Management and Development, explained that because the Charlotte region is in non-attainment of air quality standards the Cabarrus Rowan Metropolitan Planning Organization (MPO) will receive up to \$1.2 million per year for the next seven (7) years to spend on qualifying Congestion Mitigation and Air Quality (CMAQ) transportation improvements. He stated that the funds will cover eighty percent (80%) of project costs with the remaining twenty percent (20%) to be covered by any combination of state, local, or private funds.

Mr. Mikkelson stated that a brainstorming session was held involving participants from Rowan County Planning, Rowan Salisbury Schools, Rowan Individual Transportation Assistance (RITA), Clean Air Commission, City Fleet, Transit, and Planning and Engineering to identify projects that might be submitted for CMAQ funding consideration. The recommended projects include:

- Improve operations and upgrade equipment for the Salisbury traffic signal system. This will keep traffic flowing as smoothly as possible. Some of the local match can come from existing operations, and some can come from the North Carolina Department of Transportation
- Subsidize bus fares on Ozone Action Days. This is estimated to cost \$500 per Ozone Action day plus the cost of an ad campaign
- Fund a Sidewalk construction program

Mr. Mikkelson informed Council that staff will meet with MPO staff to discuss the projects and identify the best ones but with Council's consensus he would like to promote the projects he described on behalf of the City of Salisbury. By consensus Council agreed to proceed with the recommended projects.

MAYOR'S ANNOUNCEMENTS

(a) Martin Luther King, Jr. Humanitarian Breakfast

Mayor Klutz announced that the 19<sup>th</sup> annual Martin Luther King, Jr. Humanitarian Breakfast will be held Monday, January 17, 2005 from 6:30 a.m. to 8:00 a.m. at the Salisbury Civic Center.

(b) Martin Luther King, Jr. Parade

Mayor Klutz announced that the Martin Luther King, Jr. parade will be held Monday, January 17, 2004 at 2:00 p.m.

ADJOURNMENT

**Motion** to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Lewis. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:00 p.m.

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Mayor

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City Clerk