

Salisbury, North Carolina

February 5, 2002

The City Council of the City of Salisbury met in regular session in the Council Room of the Municipal Building on Tuesday, February 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; William (Pete) Kennedy;

and Robert (Bob) Martin.

ABSENT: None

The meeting was called to order by Mayor Klutz, and the invocation was given by Mayor Pro Tem Woodson.

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

Rivers Lawther - City Attorney

Foster Owen - Assistant City Manager

Vernon Sherrill - Director of Public Services

Melissa Taylor - Director of Human Resources

John Sofley - Finance Director

John Vest - Director of Utilities

Gail Elder White - Director of Parks & Recreation

**ACTION GROUP COALITION**

Mayor Klutz explained that Agenda Item #13, which is "Council to receive a presentation from the leaders of the Action Group Coalition, would be omitted today. She apologized to the Coalition in that she had issued an invitation to that group through another person to come before Council, but the group had not been notified that they would be on this agenda. She expressed that Council will be happy to have the group appear before Council if they wish to do so in the future.

### **RECOGNIZE MARK MARTIN - LANDSCAPE OPERATIONS MANAGER**

Mayor Klutz recognized Mr. Mark Martin, Landscape Operations Manager, who recently demonstrated professional competency by successfully completing the CERTIFIED ARBORIST examination administered through the International Society of Arboriculture (ISA) and the local Chapter of the ISA. The International Society of Arboriculture is a scientific and educational organization devoted to the dissemination of information in the care and preservation of shade and ornamental trees.

### **CONSENT AGENDA**

#### (a) Minutes

Minutes of the regular meeting of January 15, 2002 and special meeting of January 29, 2002.

#### (b) Group Development Site Plan

Approve group development site plan for the following:

- G-1-01 Wal-Mart SuperCenter, Arlington Street

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

### **COUNCIL COMMITTEE REPORT - PROPOSED SIDEWALK AMENITIES**

Mayor Pro Tem Woodson explained they removed the requirement for a permit for merchandise to be sold on the streets. A slight change is that a merchant could have a band for three hours. He said if this was a City sanctioned all-day event, there could be a band for more than three hours.

The sale of beer and wine on the streets, putting chairs out for restaurants, etc. was discussed by Mayor Pro Tem Woodson and Councilman Burgin who made up the Council Committee to study Sidewalk Amenities. Mr. Woodson reported he had checked with other cities regarding what they are doing on this subject. Wilmington, he said, has found the sidewalk dining with the sale of beer and wine very successful. He also said wine shops were discussed and Mr. Woodson had checked with other cities as well.

Mr. Woodson explained he and Mr. Burgin added an amendment to the original proposal, part of which is a minimum of 500 bottles of wine, must be displayed in a wine shop; there must be at least 400 square feet in size dedicated exclusively to the sale and display of wine.

Mr. Burgin said he and Mayor Pro Tem Woodson were basically in agreement on this proposal. The only difference was the extension or the addition of the wine shop as an allowable business use to serve wine on the street, Mr. Burgin explained. What he was concerned about, Mr. Burgin said, was that he wanted the wine and alcohol to be a part of the dining experience itself on the street. He pointed out that they are trying to bring people downtown. Two handouts were distributed - one proposal with wine shops and one without. A public hearing was suggested to hear what the public thinks regarding this matter.

Thereupon, Mr. Woodson made a **motion** to have a public hearing the first meeting in March. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

## **INTERNATIONAL FIRE CODE**

Mr. Tom Murphy, City Fire Marshall, informed Council that last year the State adopted the International Fire Code. Each city needs to adopt it as a local ordinance, he said. The State, as well as the United States, is attempting to move to a more uniform code.

Thereupon, Mr. Woodson made a **motion** to adopt the 2000 edition of the International Fire Code. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

ORDINANCE FOR THE ADOPTION OF THE INTERNATIONAL FIRE CODE.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter V - Fire Protection and Prevention, at Page Nos. 1-2, and is known as Ordinance No. 2002-7.)

## **VOLUNTARY ANNEXATION - CORBIN ACRES SUBDIVISION, S-04-89, PHASE 1**

Mr. Dan Mikkelson, City Engineer, informed Council that this is the final approval of Corbin Acres Subdivision, Phase 1, located off Bringle Ferry Road. This subdivision includes 30 lots, he said.

### **(a) Public hearing**

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the annexation of Corbin Acres Subdivision, Phase 1.

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

### **(b) Ordinance annexing Phase 1 of Corbin Acres**

Thereupon, Mr. Woodson **moved** by recommendation to approve the annexation of S-04-89, Phase 1, effective June 30, 2002. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, 18.52 ACRES TO INCLUDE CORBIN ACRES PHASE 1.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XV - Miscellaneous, at Page Nos. 29-30, and is known as Ordinance No. 2002-8.)

### **(c) Final Subdivision Plat - S-04-89 - Corbin Acres, Phase 1**

Thereupon, Mr. Kennedy **moved** to approve the final subdivision plat, S-04-89, Corbin Acres, Phase 1. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Kluttz voted AYE. (5-0)

(d) Permanent street maintenance

Thereupon, Mr. Burgin made a **motion** to accept the streets of Phase 1 for permanent city maintenance after their annexation. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

(e) Stop Sign Ordinance

Thereupon, Mr. Kennedy **moved** to adopt an ordinance amending Section 13-332 of the City Code related to stop signs on those streets. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO STOP SIGNS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter X- Traffic, at Page No. 5, and is known as Ordinance No. 2002-9.)

**PRESENTATION FROM ROWAN INFORMATION AND REFERRAL**

Suzanne Carter Storch, Director of Rowan Information & Referral, along with Bill Booker, a Board of Directors member, appeared before City Council to give a status report of the agency and what the agency is doing to help the citizens of Salisbury. Rowan Information & Referral is the single place that connects Rowan residents to all the services available in this area. Funding is primarily through the United Way, along with the assistance of the City of Salisbury, Rowan County, and grants, gifts, and donations. A community database of resources is maintained, and free, confidential information is provided.

**ZONING MAP AMENDMENT - Z-29-01 - BRUCE F. TAYLOR**

Z-29-01 - Bruce F. Taylor

Statesville Boulevard at Lash Drive

The request is to rezone approximately 1.17 acres of property located in the southwest corner of the intersection of Statesville Boulevard (U.S. 70) and Lash Drive from B-7 Limited Business to B-RT Retail Trade Business.

(a) Mr. Harold Poole, Senior Planner, told Council that Z-29-01 Bruce Taylor is a request to rezone slightly over 1 acre of property along Statesville Boulevard at Lash Drive from B-7 to B-RT. This property has about 326 feet along Statesville Boulevard and about 162 along Lash Drive. The request to B-RT is a similar zoning classification to B-7 in the number of permitted uses allowed. Mr. Poole showed Council aerial views of the property and surrounding buildings. We understand with the widening of U.S. 70 to a 4-lane divided highway, this area will have a stop light, he noted. The Planning Board unanimously recommends this zoning change.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-29-01 Bruce F. Taylor, Statesville Boulevard at Lash Drive.

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

Mr. Bruce F. Taylor, Taylor Auto Center, said he is the one asking for the rezoning. He informed Council he would like the property rezoned because the present location is being taken for the U.S. 70 corridor and his property is being condemned. He needs this location to continue his business, he noted.

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

Mr. Kennedy stated he feels this is a reasonable request and it is being downzoned from B-7 to B-RT with one conditional use (used car lot) and Mr. Taylor still has to go before the Zoning Board of Adjustment to do that.

(c) Thereupon, Mr. Kennedy **moved** to change the zoning from B-7 Limited Business to B-RT Retail Trade Business. Mr. Woodson 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 1.17 ACRES WITH ABOUT 326 FEET ON THE SOUTH SIDE OF STATESVILLE BOULEVARD (US 70) AND ABOUT 162 FEET ON THE WEST SIDE OF LASH DRIVE, IDENTIFIED AS PARCEL 141 ON FRANKLIN TOWNSHIP TAX MAP 331, FROM B-7 LIMITED BUSINESS DISTRICT TO B-RT RETAIL TRADE BUSINESS DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 33, and is known as Ordinance No. 2002-10.)

### **ZONING MAP AMENDMENT - Z-31-01 - CITY OF SALISBURY**

Z-31-01 - City of Salisbury

Park Avenue and North Boundary Street

The request is to rezone approximately one-half acre in the 600 block of Park Avenue at its intersection with North Boundary Street from M-1 Light Industrial to B-RT Retail Trade Business.

(a) Mr. Harold Poole, Senior Planner, informed Council that the property at the corner of Park Avenue and Boundary Street has two structures on it that appear to be fairly historic in nature. The City would like to see the property downzoned from its current M-1 Light Industrial classification to B-RT Retail Trade Business District. Primarily the property will be used as a community center, Mr. Poole said. The Planning Board is unanimously recommending the rezoning of the property.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-31-01 City of Salisbury, Park Avenue at North Boundary Street.

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

Mr. Lou Manning, 2354 Statesville Boulevard, told Council that the Planning Board is doing a study for the downzoning of the Park Avenue area. He told Council he is speaking on behalf of the Park Avenue Redevelopment Corporation Board and Neighborhood Association. They are highly in favor or limiting the uses going to B-RT, he said, and are looking forward to having a community center that they can generate activities from, for the neighborhood.

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

Mayor Pro Tem Woodson noted there was no opposition and it seems like a great project for the Park Avenue Neighborhood.

(c) Thereupon, Mr. Woodson made a **motion** to rezone from M-1 Light Industrial to B-RT Retail Trade Business. Mr. Martin 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 25,650 SQUARE FEET (0.59 ACRES) WITH ABOUT 135 FEET ON PARK AVENUE AND ABOUT 190 FEET ON NORTH BOUNDARY STREET, IDENTIFIED AS PARCEL 130 ON SALISBURY TOWNSHIP TAX MAP 16, FROM M-1 LIGHT INDUSTRIAL DISTRICT TO B-RT RETAIL TRADE BUSINESS DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 34, and is

known as Ordinance No. 2002-11.)

### **CITYWIDE ARCHITECTURAL SURVEY**

Mr. Aaron Arnett, of Marshall Clark Architecture, Inc., presented results of the Salisbury Citywide Architectural Survey which was started in 1999. Phase 1 recently was completed by architectural consultants, L&L Associates from Winston-Salem.

The presentation at this time is about the first of three phases, Mr. Arnett noted. This survey was funded in part through a certified local government grant in the amount of \$20,000.00 given through the State Department of Archives and History.

Mr. Arnett explained ten (10) National Register Historic Districts exist in Salisbury, the first being created in 1975. There are fourteen (14) individually listed National Register properties. With the National Register Districts and the individual properties, there are a total of about 1300 properties on the National Register. Being on the National Register Historic District puts the property owner in a position for tax credits for preservation which have been widely used in Salisbury. Salisbury is well known in North Carolina as a preservation leader. There are still properties in Salisbury which are eligible but have not been designated for the National Register Districts.

The survey identifies what is in Salisbury that could be a part of the National Historic Districts and could be pursued for the tax credits. A reconnaissance survey was done beginning in 1999 to identify the cost of a more comprehensive architectural survey. Additional information was needed to pursue grant funding. A three phase architectural survey was proposed starting with the 1951 City limits. Phase 2 would be a survey of the area between Phase 1 and the present City limits. Phase 3 would be a resurveying of the ten (10) existing National Register Historic Districts.

More than 2000 properties were coded. Historic research was done on the style of each structure, its relationship to the surrounding area, and its relationship to historical things in Salisbury. This ended up with files of the structures giving a block by block inventory.

Three levels of recommendations were made by L&L Associates:

- 1) potential individual National Register properties
- 2) potential National Register Historic District properties that are not currently registered, and
- 3) where existing districts have changed so much, they need to be resurveyed and expanded in certain areas and contracted in others.

Mr. Arnett explained that Phase 1 represents a tool for use which is general documentation for historic resources. He noted Phases 2 and 3 have not been planned or funded. The next step would be to get a certified local government grant to pursue Phase 2.

Thereupon, Mr. Kennedy made a **motion** to proceed with funding of the project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

### **INNES STREET BRIDGE REPLACEMENT B-3236**

Mr. Dan Mikkelson, City Engineer, informed Council that the City has been working with NCDOT on the replacement of the bridge on Innes Street at the railroad track since 1997. The first thing the City did when the State announced that they were going to replace that bridge was to conduct our own independent study to be sure we agreed it was necessary to replace the bridge, he said. We looked at rehabilitation as a possibility but concluded it was appropriate to replace the bridge, he noted.

Mr. Mikkelson reported the City established two primary concerns: How do we manage the traffic during construction of the project? What's the new bridge going to look like relative to our historic downtown?

### **Traffic Management**

Staff studied six different management options. With each of those options, staff evaluated the congestion, ability to continue providing emergency access, and what the impact would be if cars started driving around taking alternate routes as a result of that particular traffic management style. A recommendation was chosen out of the six options. A public hearing was held that was well attended. In 1999, Council adopted a recommendation to build the bridge in two phases. We would always be able to keep two lanes of traffic open. We elected to have those two lanes of traffic to be the two lanes traveling into town from the interstate. Traffic trying to get to downtown would always have the straightest way possible (westbound traffic). The eastbound traffic would be detoured to the Bank Street Bridge. We would temporarily have to post that portion of Bank Street as a one way street. The City has the ability, with our traffic signal system, to adjust the signal timing and treat that as a one-way. We felt this was the best way to manage the traffic and avoid congestion, and also avoid a lot of re-routing of traffic. NCDOT has accepted the City's recommendation and it is incorporated in their plans for the construction methods on the bridge and for the traffic management.

### **Appearance**

Public interest in the appearance of this particular bridge goes back to the Eastern Gateway study that was conducted in 1991. Another study, the Urban Design Assistance Team (UDAT) of 1995 was conducted. A bridge design charrette was conducted in 1999 looking at this specific bridge regarding what types of details to put into it. A marketing report was conducted in 2000 for the Rowan Convention and Visitors Bureau. A big element of this marketing report discussed Innes Street as an entryway. Common themes from all these different studies included the desire for decorative railings, wide brick sidewalks, lighting, scale of width to length of bridge, being sure that bridge acted as an appropriate entryway to the historic downtown, and looking at the experience of pedestrians as they cross the bridge or stop on the bridge. These studies had a lot of influence on the Vision 2020 Strategic Growth Plan, he noted. He pointed out from the 2020 Strategic Growth Plan, Policy CE-3 that specifically identifies the importance of bridges and Policy D-4 that identifies the need for public investment in Innes Street as the entry to the downtown.

Mr. Mikkelson stated that federal guidelines grant extra consideration for transportation projects in historic areas. Staff has negotiated with NCDOT and they have agreed they can put in some enhancements to this bridge at no cost to the City. NCDOT has agreed to the following:

- 8 foot wide sidewalks (standard 5 foot wide)
- decorative handrails and ornamental pedestals
- parapet walls with architectural reveals
- specific pedestals will have conduit inside bridge to support decorative lights that would be furnished by City

Two (2) items which the City is interested in are as follows:

- 1) planted median from Long Street to Depot Street - approximately \$75,000.00
- 2) bridge sidewalks imprinted to look like brick - approximately \$15,000.00.

Mr. Mikkelson said the State has indicated these can be done only with assistance from the City to pay for them. He then explained the payment schedule for these items. Council discussed the feasibility of doing these two items, especially the positive and negative aspects of the median.

Thereupon, Mr. Burgin made a **motion** to proceed with the two amenities and ask staff to work up a municipal agreement with NCDOT to solidify funding. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

## **BUDGET AMENDMENT - INTEREST EARNED FROM LEASE PURCHASE FUNDS**

### **PARKS AND RECREATION DEPARTMENT**

Mr. Kenny Roberts, Recreation Program Manager, informed Council that the interest earned on the lease purchase was from the Hall Gym renovation project that was completed in October, 2001. These funds will be used to complete smaller projects from the original one that were omitted at that time. Some are cosmetic work on the interior with also some exterior work on the gymnasium, he noted.

Councilmember Burgin stated that since we funded it with lease purchase, we got all the dollars, put it in the bank and earned interest on those dollars in advance of spending the money for the project, and this is the money we are talking about. Mr. Roberts stated ""that is his understanding."

Thereupon, Mr. Burgin made a **motion** to approve the budget amendment to return those earned dollars to be used by the Recreation Department for small projects. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2001-2002 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE PARKS AND RECREATION LEASE PURCHASE INTEREST.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 46, and is known as Ordinance No. 2002-12.)

## **AWARD CONTRACT FOR DIGITAL ORTHOPHOTOGRAPHY**

Ms. Kathryn Clifton, GIS Coordinator, presented Council the cost quotation sheet specifically for the Salisbury ETJ and Utilities portion of the Rowan County Orthophotography Project. This year, Rowan County will have their orthophoto's done by Aero-Dynamics Corporation. The project for Rowan County is approximately \$300,000.00. Ms. Clifton stated she has been working with the Rowan County Planning Department since last August to coordinate this project. This is a very useful tool for the production of face maps, GIS, etc., she noted. Sufficient funds are available for this project. By coordinating this with Rowan County, the initial setup cost for orthophotography is not duplicated. Staff recommends awarding a contract to Aero-Dynamics Corporation in the amount of \$46,029.60 for digital orthophotography within the ETJ and along selected utilities corridors.

Thereupon, Mr. Burgin made a **motion** to award a contract to Aero-Dynamics, Corp. for \$46,029.60 for orthophotography within our ETJ and along selected utilities corridors as presented. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

## **AWARD CONTRACT FOR DESIGN OF OPTICOM EMERGENCY PREEMPTION**

Ms. Wendy Brindle, Traffic Engineer, informed Council that the City operates emergency preemption equipment called Opticom. This gives our fire trucks priority at the intersections when they are responding to an emergency, she noted. This is operated on all our major traffic corridors. Over the past 4-5 years, there have been 6 intersections that have been signalized or modified by construction without including the emergency preemption, she noted. Five of the intersections are on Jake Alexander Boulevard from Innes Street to Julian Road. The other is at Faith Road at the entrance to Innes Street Market. The city has a municipal agreement with NCDOT, funding up to \$45,000.00, for the design and installation of Opticom equipment on these six intersections. Staff requested qualifications from 5 consulting engineering firms and received 4 responses, she stated. Staff recommends awarding a contract to Kubilins Transportation Group, Inc., in the amount of \$16,000.00, for the design of Opticom emergency preemption equipment. The design is scheduled to be completed in May, 2002.



Thereupon, Mr. Woodson made a **motion** to approve the emergency preemption agreement and award \$16,000.00 to Kubilins Transportation Group. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voted AYE. (5-0)

Councilmember Kennedy noted that there is no directional sign on Jake Alexander Boulevard for Boundary Street and asked staff to check with NCDOT to get a sign there.

### **REPORT FROM CITY MANAGER**

#### (a) Planning Board Recommendations

Council received the Planning Board recommendations as information only.

### **MAYOR ANNOUNCEMENTS**

#### (a) Boards & Commission Luncheon

Reminded Council of Boards & Commission Luncheon, Thursday, February 14, 2002,  
from 12:00 - 2:00 p.m.

### **LETTER FROM DOT - SEWER LINE**

Mr. Treme responded to a question from Councilman Kennedy about a communication from the North Carolina Department of Transportation. He advised the communication was for information at this time.

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### **ADJOURNMENT**

Upon motion of Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Martin, Woodson and Ms. Klutz voting AYE, the meeting was adjourned at 5:36 p.m.

Mayor

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City Clerk