

Salisbury, North Carolina  
March 16, 2004

**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 City Manager David Treme.

**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.

**PROCLAMATIONS**

Mayor Kluttz proclaimed the following observances:

NATIONAL SPORTSCASTERS AND SPORTSWRITERS  
DAYS IN SALISBURY

May 1-3, 2004

SALISBURY HIGH SCHOOL LADY HORNETS  
BASKETBALL DAY

March 16, 2004

**RECOGNIZE SALISBURY HIGH SCHOOL LADY HORNETS BASKETBALL TEAM**

Mr. Joe Morris, Planning and Community Development Manager, announced that the Salisbury High School Lady Hornets won the State 2A Conference Championship after defeating Southern Vance High School 65-40 in the championship game held in Raleigh, North Carolina March 13, 2004.

Dr. Windsor Eagle, Salisbury High School Principal, introduced team managers Mr. Josh Farmer, Mr. Theo Allen, and Ms. Anna Reavis. He also introduced student/college Assistant Coaches Ms. Jamie Seay and Ms. Cathy Smith-Isely. Dr. Eagle then introduced Mr. Doug Faison, Head Assistant Coach and Ms. Jennifer Shoaf, Varsity Head Coach.

Coach Shoaf and Coach Faison provided commentary to a highlight film of the team's win and then introduced members of the team: Freshman Ms. LaQueena Givens, Sophomores Ms. Ashley Watkins, Ms. Erica Imes, Ms. Brittany Powell, Ms. Raven Cowen, Ms. Kassie Denton, and Ms. Saybah Sammy; Juniors Ms. Tasha Gillespie, Ms. Brittney Teamer, Ms. Tiffany Dunlap, Ms. Kaylan Blackburn, Ms. Kelly Brown, and Ms. Shayla Fields; Seniors Ms. Katie Wood and Ms. Sade Jordan.

Mayor Kluttz read a Proclamation proclaiming March 16, 2004 as Salisbury High School Lady Hornets Day and presented the framed Proclamation to Coach Shoaf. Dr. Clyde Young performed the Salisbury High School Song on his trumpet and Mayor Kluttz then recessed the meeting to hold a reception honoring the basketball team.

**MEETING RECONVENED**

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

### **CONSENT AGENDA**

(a) Minutes

Approve Minutes of the regular meeting of March 2, 2004.

(b) Group Development Site Plan - G-07-72 - Salisbury Township Shopping Center

Approve Group Development Site Plan G-07-72 - Mr. Gatti's Salisbury Township Shopping Center, 122 Avalon Drive.

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

### **SPECIAL COMMUNITY EFFORTS GROUPS - 2004-2005 CITY BUDGET REQUESTS**

Mayor Kluttz informed Council that requests for funding would be received from "special community efforts groups" concerning their FY2004-2005 Budget.

Those who addressed Council were:

Mr. Preston Sale, Chairman Rowan County AIDS Task Force, and Ms Eva Eddings, Service Coordinator of the Caring for Families Program, spoke to Council concerning the Rowan County AIDS Task Force. Mr. Sale stated that he has a long history with the AIDS Task Force and has seen the impact of the disease on the community. Ms. Eddings described the Caring for Families Program and indicated that additional brochures are needed to educate the community. She stated that the Task Force promotes abstinence but must also reach those who choose not to abstain. Ms. Eddings asked Council to consider funding of \$2,500 for the AIDS Task Force this year.

Ms. Denny Meacham, Executive Director Waterworks Visual Arts Center, thanked Council for their long standing support of the cultural arts. She noted that the Waterworks Visual Arts Center has been open for one (1) year in their new facility and have received more than eleven thousand (11,000) participants in the gallery. Ms. Meacham requested an increase from four percent (4%) of their total budget, or \$11,250 to six percent (6%), or \$18,060.

Ms Suzanne Carter Storch, Director of Rowan Information and Referral, noted that Ms. Joan Zimmerman and Ms. Beth Connell were also in attendance as new Rowan Information and Referral Board members. She told Council that the agency is a United Way member and is in its eleventh (11<sup>th</sup>) year of operation. Ms. Storch indicated their goal is to link people with helping agencies. Last year over four thousand (4,000) of the seven thousand (7,000) calls received by the Agency were from Salisbury residents. Ms. Storch told Council that a bilingual administrative assistant has been hired and they are happy to have this resource. She requested Council's consideration for a small increase of \$1,500 for a \$3,000 appropriation. Ms. Storch explained to Council that the agency has been greatly affected by the layoffs in the community.

Ms. Joan Zimmerman, President of the Rowan Arts Council, asked Council's support for funding of \$50,000, the same funding as in the previous year. She thanked Council for their support.

Dr. Robert Heffern, Associate Superintendent Rowan-Salisbury Schools, explained that he was representing Dr. Bonita Bloodworth, Director of Horizons Unlimited. Dr. Heffern stated that almost all elementary school children and many middle school and high school students, benefited from this rich resource. He asked for Council's continued support of Horizons Unlimited.

There being no one else present to address Council, Mayor Kluttz closed the public comment session.

### **REPORT FROM COMMUNITY APPEARANCE COMMISSION - PUBLIC ART PROJECT - NORTH DEPOT STREET**

Mr. Bruce Wilson, Vice-Chairman of the Community Appearance Council (CAC), addressed Council concerning the Depot Street Mosaic Project. He explained that local artist Mr. Robert Crum has developed a proposal for the enhancement of the concrete wall on North Depot Street. A mosaic mural with a transportation theme is proposed and will consist of one inch (1") ceramic tiles depicting early Twentieth Century transportation themes. Mr. Wilson indicated that the CAC feels this will be an appropriate aesthetic addition for the area. He noted that the ceramic tile medium is recommended because it can withstand the elements without a great deal of maintenance. The cost of the project is estimated at \$25,000 and the CAC feels the money can be raised through grants and private donations. He requested Council's endorsement of the project so that fund raising efforts can begin. Mr. Wilson indicated that the project is estimated to take three (3) to four (4) months for completion, and added he felt it will bring an artistic element to an unsightly wall.

Mr. Wilson reiterated that the CAC is only seeking an endorsement from Council in order to begin raising private funds.

Councilman Burgin stated that he felt this is a perfect place for public art and this will be an exceptional project.

Thereupon, Mr. Burgin made a **motion** to authorize the use of the wall for public art and give Council's support for the project. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

### **REPORT CONCERNING PLANS TO EXPAND THE ROWAN COUNTY ABC SYSTEM**

Mr. Tim Russell, Rowan County Manager, and Mr. Terry Osborne, Executive Director of the Rowan County ABC Board, spoke to Council concerning the proposed expansion of the Rowan County ABC System

Mr. Osborne informed Council that the Rowan County ABC System was adopted in 1949 and the same formula for the distribution of revenue has been in place since that time. He stated that currently Rowan County receives fifty percent (50%), Salisbury receives thirty percent (30%), and the other participating municipalities divide the remaining twenty percent (20%).

Mr. Russell explained that in trying to incorporate the catchment area and in order to fairly recognize the City of Kannapolis, the Rowan County Board of Commissioners felt they should take a decrease in their revenue percentage. He explained that the Commissioners felt that because of the size of the City of Kannapolis and the potential sales in the catchment area, the profits will be commiserate with the expanded area. Mr. Russell told Council that the Board of Commissioners voted to accept a reduction in revenue allocation from fifty percent (50%) to forty percent (40%) and asks City Council to reduce its share from thirty percent (30%) to twenty-two and a half percent (22.5%). The City of Kannapolis will also receive twenty-two and a half percent (22.5%). Mr. Russell noted that Kannapolis' current share is approximately six and seven tenths percent (6.7%). He explained the logic for the distribution, noting that by adding the current distribution percentages together it equals approximately eighty-six percent (86%) and the County wanted to enter the new arrangement at the same percentage level. He stated that the percentage changes for the remaining municipalities will be a gain of less than one percent (1%). Mr. Russell told Council that if sales and profits for the new system increase by one-third (1/3) the County and City will receive the same dollars as under the old formula.

Mr. Osborne told Council that the City of Kannapolis desired to have their own ABC System or to become a part of another system and he and Mr. Russell made a pitch to have them join Rowan County's ABC System. He indicated that the Kannapolis City Council voted unanimously to join the Rowan County System. He noted that Kannapolis would have to seek special legislation if it created its own system and it is an easier task to join Rowan County. Mr. Osborne stated that Kannapolis has proposed two site locations and has created language for State Senator Fletcher Hartsell to introduce in the upcoming legislative session to allow them the opportunity to become a part of the Rowan County ABC System and to increase the ABC Board membership from three (3) to five (5). Mr. Osborne reviewed the sites for the proposed stores and noted that the southern portion of Rowan County is currently without an ABC store. He added that he felt in the long run the twenty-two and a half percent (22.5%) will be more attractive than the current thirty percent (30%) that the City receives.

Mr. Russell stated that the Rowan County Board of Commissioners has agreed to support expanding the ABC Board to five (5) members with the City of Kannapolis and the City of Salisbury each making a recommendation for an appointee to the Board. He added that the language states that the Rowan County Board of Commissioners will accept each City's appointment for the ABC Board.

City Manager Treme noted that there have been several construction projects during the past few years and the net profits of the ABC System have gone down. He asked Mr. Osborne how the revenues looked for the future. Mr. Osborne acknowledged that profits have been down and stated that in the past ten (10) years the City of Salisbury has received approximately \$400,000 in revenues and he felt that should have been at least doubled. He stated that liquor by the drink has been brought in-house except for Kannapolis and this along with warehouse upgrades has been an expense. Mr. Osborne indicated that in the future the ABC Board will look at leasing buildings rather than constructing them. He noted that the ABC Board's profit margin has increased from five and one tenth percent (5.1%) to eight and seven tenths percent (8.7%). The only system that has shown comparable figures to Rowan's System is the Mooresville/Statesville System.

Councilman Kennedy stated he felt Council's concern is that if the allocation is reduced to twenty-two and a half percent (22%), will the City receive the same amount of money. He added that if sales increase the money should be even greater at a smaller percentage. Mr. Treme noted that revenues were based on net profit and not gross receipts, but with the new proposal and a larger market the City has an opportunity for a greater profit.

Thereupon, Councilman Lewis made a **motion** to endorse the realignment of percentages of the Rowan County ABC's revenue distribution and support the increase in board size from three (3) to five (5) with one appointment to come from the Salisbury City Council. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked Mr. Osborne and Mr. Russell for looking for additional revenue sources.

### **ZONING MAP AMENDMENT - Z-03-04 - SALISBURY-ROWAN UTILITIES**

Z-03-04 - Salisbury-Rowan Utilities  
955 Hannah Ferry Road

(a) Mr. Harold Poole, Senior Planner, informed Council that this proposal is for zoning for a piece of property owned by the City of Salisbury. The property houses the City's water/intake station located at 955 Hannah Ferry Road, and Mr. Poole noted that the City annexed the 1.147 acre parcel as of December 31, 2003. He pointed out that State Statute requires that if a City has zoning then all of the areas annexed by the City must have it. The zoning up to this point has been handled by Rowan County and the parcel was zoned R-A Rural Agricultural. The proposed zoning is PSP Public/Semi Public and Mr. Poole indicated that this is consistent with the surrounding zoning. Mr. Poole informed Council that the Planning Board unanimously approved the zoning.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-03-04, Salisbury-Rowan Utilities, 955 Hannah Ferry Road.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt the Ordinance amending the official zoning map of the City of Salisbury, North Carolina by zoning to PSP Public/Semi Public a lot identified as the Salisbury Water intake and pump station located at 955 Hannah Ferry Road, further identified as parcel 11 on Franklin tax map 307, which is owned by the City of Salisbury. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING TO PSP PUBLIC/SEMI-PUBLIC A LOT IDENTIFIED AS THE SALISBURY WATER INTAKE AND PUMP STATION, LOCATED AT 955 HANNAH FERRY ROAD, FURTHER IDENTIFIED AS PARCEL 11 ON FRANKLIN TOWNSHIP TAX MAP 307, WHICH IS OWNED BY THE CITY OF SALISBURY AND ANNEXED INTO THE CITY OF SALISBURY THROUGH ARTICLE 4A EXTENSION OF CORPORATE LIMITS, PART 4 ANNEXATION OF NONCONTIGULUS AREAS, OF G.S. 160A-58-58.8, WHICH WAS ANNEXED INTO THE CITY OF SALISBURY WITH AN EFFECTIVE DATE OF DECEMBER 31, 2003.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 14, and is known as Ordinance No. 2004-14.)

### **ZONING TEXT AMENDMENT - FARMERS MARKETS**

(a) Mr. Harold Poole, Senior Planner, indicated that he is presenting a unanimous favorable recommendation from the Planning Board for a minor zoning text change for Farmers Markets. He noted that Farmers Markets are currently permitted in B-5 Central Business and because of the cumulative ordinance they are also allowed in B-6 and the Industrial Districts. Mr. Poole noted that there are four (4) provisions in the Ordinance, which deal with solid waste disposal, toilet facilities, parking and erosion matters, and the uses that can go on the property.

Mr. Poole discussed the solid waste disposal units and noted that currently two (2) units are required on the site. Mr. Poole stated that staff would like to change the requirement from two (2) units to one (1) unit available for every twenty-five (25) persons selling in the market. He indicated that this mirrors the provision for toilet facilities, which requires one (1) unit for every twenty-five (25) persons selling in the market.

Councilman Burgin noted the reference in the ordinance to twenty-five (25) persons and stated that perhaps the term should be booths instead of persons since some booths have more than one person selling. Mr. Poole stated that the change can be easily incorporated.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement, to consider a zoning text amendment for Farmers Markets.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Burgin made a **motion** to adopt the text amendment with the one reference to people being changed to the appropriate term. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO MAKE AN AMENDMENT TO THE USE "FARMERS MARKETS" IN SECTION 8.39 CENTRAL BUSINESS DISTRICT (B-5).

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 15, and is known as Ordinance No. 2004-15.)

### **GROUP DEVELOPMENT SITE PLAN - G-01-75 - SALISBURY HIGH SCHOOL**

G-01-75 - Salisbury High School  
500 Lincolnton Road

Councilman Burgin asked to be excused from this issue due to a conflict of interest.

Thereupon, Mr. Kennedy made a **motion** to excuse Councilman Burgin from discussion and vote on this issue. Mr. Lewis seconded the motion. Messrs. Lewis, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

(a) Mr. David Phillips, Zoning Administrator, reviewed a group development site plan for classroom and cafeteria additions and renovations to existing buildings at Salisbury High School. Mr. Phillips stated that staff reviewed the plan and recommended the plan to the Planning Board with the addition of sidewalks on South Caldwell Street from Lincolnton Road to Taylor Street. The Planning Board approved the plan with the addition of sidewalks as recommended.

(b) Mayor Kluttz opened the floor to receive public comments on the proposed group development site plan G-01-75, Salisbury High School, 500 Lincolnton Road.

Since no one was present to speak **for** or **against** the above proposal, Mayor Kluttz closed the public comment session.

(c) Thereupon, Mr. Woodson made a **motion** to approve Group Development G-01-75 with the addition of sidewalks. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

Councilman Lewis stated he felt the inclusion of sidewalks is important in keeping with the policies of the Vision 2020 Plan to promote connectivity.

**SECOND READING - ORDINANCE NO. 2004-07 AND ORDINANCE NO. 2004-08 - AMENDMENT Z-02-04 - SALISBURY VILLAGE CENTER**

Z-02-04 - Salisbury Village Center  
1000 Block of Mooresville Highway

Thereupon, Mr. Kennedy made a **motion** to excuse Councilmen Burgin and Lewis from discussion and vote on this issue. Mr. Woodson seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. (3-0)

(a) Ordinance No. 2004-07 - Part A - From R-8 Single Family to B-7 Limited Business

Thereupon, Mr. Kennedy made a **motion** to rezoning Part A from R-8 Single Family to B-7 Limited Business and to adopt the Ordinance amending the official zoning map. Mr. Woodson seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. (3-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 160,000 SQUARE FEET (3.67 ACRES), WITH ABOUT 1600 FEET ALONG REAR PROPERTY LINES TO PROPERTIES FACING SUNSET DRIVE AND 100 FOOT DEPTH INTO LOT 176 ON SALISBURY TOWNSHIP TAX MAP 61, FROM R-8 SINGLE FAMILY-8 RESIDENTIAL TO B-7 LIMITED BUSINESS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 7, and is known as Ordinance No. 2004-07.)

It was necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council.

(b) Ordinance No. 2004-08 - Part B - High Density Overlay

Thereupon, Mr. Kennedy made a **motion** to adopt the zoning of Part B Application of High Density Overlay as recommended by the Planning Board for the same parcel. Mr. Woodson seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. (3-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY ADDING THE H D HIGH DENSITY OVERLAY TO APPROXIMATELY 16.21 ACRES TO MOST OF THE BACK PORTION OF LOT 176 ON SALISBURY TOWNSHIP TAX MAP 61, AS INDICATED BELOW.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 8, and is known as Ordinance No. 2004-08.)

It was necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council.

**REPORT FROM STAFF - WEST END SIDEWALKS**

Mr. Dan Mikkelson, Director of Land Management and Development, informed Council that several years ago the City had received a petition for sidewalks on West Horah Street and at the time the City did not have a sidewalk program. He indicated that a member of Council has requested a report on where that request stands today.

Mr. Mikkelson stated that he has worked during the past seven (7) years to try to develop a comprehensive sidewalk program. He noted that there are two ways to get money from the North Carolina Department of Transportation (NCDOT). The first avenue is to get a grant from NCDOT and Mr. Mikkelson noted that competition has increased for the monies. Mr. Mikkelson stated that the requests for grants began seven (7) years ago when Council established nine (9) priority locations. This list used to apply towards the NCDOT grants and to date seven (7) of the priority locations have been completed, with one (1) being partially completed. He added that he has just received notification that the City will receive funding for one (1) more project. This project is the extension of sidewalks at the Rowan County Health Department on East Innes Street.

The second program with NCDOT allows the City to participate in road widening projects by paying thirty percent (30%) of the cost of the sidewalk installation. The State pays for the remaining seventy percent (70%). This is the program used for sidewalks at the Innes Street and I-85 project. Mr. Mikkelson explained that the sidewalks competed through NCDOT have to be completed to NCDOT criteria and must be on state maintained roads or on a city street that connects one state road to another. He added that this limits where the NCDOT money can be used.

Mr. Mikkelson told Council that during the current fiscal year money was taken out of the Housing and Urban Development (HUD) fund and set aside for sidewalks in qualifying neighborhoods. The money set aside for this year has been earmarked for Brenner Avenue, which is being coordinated with the installation of the Greenway on Brenner Avenue.

Mr. Mikkelson stated that the West End Community Organization had expressed interest for sidewalks in the approach routes for Salisbury High School, as well as West Horah Street and Old Concord Road. Mr. Mikkelson told Council that criteria needed to be established for making a selection for sidewalk construction. He noted that the Jersey City Neighborhood and Park Avenue Neighborhood have also requested consideration. He reiterated that a method for establishing the priorities needed to be developed to include public input and ultimately City review and approval.

Mr. Mikkelson informed Council that the Ordinance was amended in 2001 requiring sidewalks on both sides of all newly constructed streets including Arlington Street, which is almost complete.

Mr. Mikkelson commented on use of the General Fund for sidewalk construction and indicated that this has mainly addressed maintenance of existing sidewalks. The Street Division policy is repair the worst locations first, but will move a sidewalk up on the list if an individual property owner participates in two-thirds (2/3) of the cost. He noted that he would like to see the General Fund establish a policy for filling in gaps and for installation of new sidewalks in locations where it would be beneficial. Mr. Mikkelson stated that these policies or funding sources are not currently in place.

Mr. Mikkelson told Council that staff took criticism for placing the Brenner Avenue sidewalks because it gave a perception of favoring one neighborhood over another.

Councilman Kennedy stated that he appreciated the City's work on sidewalks and asked exactly where the sidewalks on West Horah, one of the oldest neighborhoods in the City, stands. Mr. Mikkelson responded that staff recommends coming back to Council with recommendations of how to prioritize one request over another. He added that he recommends funding West Horah Street out of the HUD program and noted that there will be approximately \$66,000 for qualifying neighborhoods. He stated that West Horah will qualify but it will be in competition with a lot of other requests. Mr. Kennedy stated that this request has been on the table for the past six (6) or seven (7) years and it must be taken care of. He noted that this has been requested since 1999 and many of the other issues have just come up and he wants this to be worked out.

Mayor Klutz commented that Council discussed West Horah Street several years ago and there were unforeseen difficulties that sidetracked the project. Mr. Mikkelson stated that there was difficulty in how to get the sidewalks to fit on West Horah and staff sought citizen input. He noted that the West End Community Organization responded that there were other locations they would like to be considered, one of which was Salisbury High School. Mr. Mikkelson stated that staff asked the West End Community Organization if they would support using the HUD money for Brenner Avenue, and although it was a quick process, they did agree it was an appropriate use for the money.

Mr. Kennedy stated that developing a way to prioritize sidewalk requests in the future is good, but the West Horah sidewalk needs to be completed and this is the West End Community Organizations top priority.

City Manager Treme stated that he felt that there did need to be a priority system and as soon as the sidewalks are completed on West Horah the priority can be applied to all new requests.

By consensus Council agreed that the sidewalks on West Horah Street need to be constructed.

Councilman Burgin noted that in fairness to staff, Council has not been as clear about these particular sidewalks as it has been tonight.

Mr. Treme indicated that there was a great deal of emphasis in the past year on Brenner Avenue and monies have been accumulated over a two (2) year period. He added that the West Horah Street sidewalks will be next and staff will see how far the money can go for the work. Mr. Treme noted that the City will need cooperation from the property owners on things such as right-of-ways. Mr. Mikkelson added that input from the neighborhood will be needed because the road may have to be narrowed to accommodate the sidewalks.

#### **2004-2005 COMMUNITY DEVELOPMENT BLOCK GRANT (CDGB) AND HOME PROGRAM BUDGETS - FIRST READING**

Mr. John Brooks, Community Development Consultant, reviewed with Council the first reading of the 2004-2005 Community Development Block Grant (CDBG) and HOME Program Budgets.

The following participants are proposed to be funded for FY2004-2005:

#### **CDBG**

Acquisition/Rehab/Resale	\$100,000.00
Emergency Rehabilitation	50,000.00
Jersey City Neighborhood Development	50,000.00
Sidewalk Improvements	65,794.00

#### **Public Services**

Rowan Helping Ministries	\$28,000.00
Family Crisis Council	19,000.00
Rowan Community Care Clinic	12,000.00
Salisbury Youth Employment	7,500.00
Community Youth Garden	5,000.00
The Learning Curve	3,000.00
	\$ 74,500.00

Program Administration	\$ 99,400.00
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Debt Service Section 108 Loan	<u>\$57,306.00</u>
Total CDBG Funds	\$497,000.00

**HOME**

Acquisition/Resale	\$ 50,000.00
Housing Rehabilitation	36,180.00
Homeownership Assistance	60,000.00
Program Administration	<u>13,833.00</u>
Total HOME Funds	<u>\$160,013.00</u>
Total Community Development Funds	\$657,013.00

**SOURCES OF INCOME**

CDBG	\$397,000.00
Program Income	100,000.00
HOME	<u>160,013.00</u>
Total	\$657,013.00

Thereupon, Mr. Woodson made a **motion** to approve the first reading of the CDBG and HOME Program budget. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**AWARD CONTRACT - SALISBURY COMMUNITY PARK - LAKE TRAIL**

Ms. Gail Elder White, Parks and Recreation Director, and Mr. Dewey Peck, Purchasing Manager, addressed Council concerning bid tabulations for the construction of a trail at the Salisbury Community Park Lake. Ms. Elder White indicated that the trail is just short of a mile and the bids came in over budget, but staff was able to negotiate with Carolina Asphalt Paving since they were the lowest base bid, to bring the project within the funding level. She noted that all of the funds for the trail have been donated and privately raised. Ms. Elder White stated that the project is now within budget after the negotiated bid was reached.

Councilman Burgin stated that in looking at the bid tabulations, the combined base bid and two alternates for Carolina Site Works appears to be the lowest bid. He asked why staff chose to negotiate with Carolina Asphalt Paving. Mr. Peck explained that staff chose to work on the base bid. Mr. John Sofley, Finance Director, clarified that State Statute only allows the City to negotiate with the lowest base bid, which was Carolina Asphalt Paving. Mr. Burgin asked if staff is allowed to negotiate with more than one bidder. Mr. Sofley responded that staff can not, only the base bid can be negotiated. Mr. Burgin stated that he felt uncomfortable because it appears the lowest bid is not being considered. He asked if the requirement limits the City to either negotiate with the lowest base bid or re-bid the project. Mr. Sofley replied that those are the City's only two options.

City Manager Treme stated that staff was restricted in how to deal with this problem and did not want to re-bid the project not knowing what would be submitted. He noted that there are unintended consequences when following state law, but staff did what was required.

Carolina Asphalt Paving, Incorporated's initial bid and negotiated bid was:

Initial Base Bid: \$89,779.00	Revised Bid: \$85,285.34
5% Contingency: \$ 4,488.95	Revised %: \$ 4,264.26
Alternate 1: \$32,062.50	Alternate 1: \$32,062.50
Alternate 2: \$26,250.00	Alternate 2: \$26,250.00
Total: \$152,580.45	Total \$147,862.10

Mr. Burgin asked what figure staff was trying to reach during negotiations of the bid. Ms. Elder White responded that their funding is \$148,470. She noted that all of the negotiated changes were within the base bid construction.

Thereupon, Mr. Kennedy made a **motion** to award the contract to Carolina Asphalt Paving, Inc. in the amount of \$147,862.10 for the construction of the Lake Trail at Salisbury Community Park. Mr. Woodson seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE with Mr. Burgin voting NAY. (4-1)

**RESOLUTIONS OF INTENT FOR ANNEXATION**

(a) Mr. Bill Dustin, Planning Director with Centralina Council of Governments (COG), informed Council that three areas southwest of the primary city limits have been identified for possible annexation. The three areas are known as Area 1, which includes Rolling Hills Golf Course off of Rowan

Mills Road; Area 2, which incorporates a portion of the airport and development on Gaskey Road, Rachel Lane, Bayberry Drive and Airport Road; and Area 3, which is located on US 29 near Piper Lane and Fleming Candy Company. He told Council that the Centralina staff, along with Salisbury Planning staff, have qualified all three (3) areas.

Mr. Dustin told Council that the first step in annexation is to adopt a separate Resolution of Intent for each area. He added that this does not bind Council to complete the annexation, but it sets a date for a public informational meeting and a date for a public hearing. Mr. Dustin stated that the public informational hearing is tentatively scheduled for May 6, 2004. He noted that this is an informal meeting and allows staff to explain the annexation and answer questions from citizens. The formal public hearing is tentatively scheduled for May 18, 2004. Mr. Dustin stated that no action can be taken that night, but if Council chooses to annex any or all of the areas, this would most likely take place in June 2004. Mr. Dustin pointed out that once Council has the public hearing it may decide to annex an area smaller than indicated on the Resolution of Intent but it can not change the area to increase the size. If the annexation ordinances are adopted the effective date will be June 30, 2005.

Mr. Dustin told Council that COG and City staff will work to prepare an annexation report that will project the estimated costs and revenues associated with the annexation. This report is tentatively scheduled to be presented to Council on April 6, 2004. If Council approves the annexation reports, Mr. Dustin urged them to hire a surveyor to perform metes and bound surveys of each area, since this information is required to be included in an annexation ordinance.

Mayor Pro Tem Woodson asked about the population of the proposed areas. Mr. Joe Morris, Planning and Community Development Manager, replied that there are approximately one thousand (1,000) people in the combined areas.

Councilman Kennedy referred to Map 1, Area 2 and asked why a large parcel had not been included in the proposed area. Mr. Dustin explained that the large parcel is developed only on the front of the lot but the rear is undeveloped. With involuntary annexation the City cannot take in large tracts of undeveloped land.

Mr. Dustin indicated that he had given Council a revised Resolution for Area 2 because there had been a discrepancy between the tax maps and the tax listings. In the Resolutions of Intent each area is described by tax map and parcel number and the revised Resolution now contains the correct information.

City Manager Treme stated that by adopting the three (3) Resolutions of Intent, the cost of services will be determined and brought back to Council, and Council can then choose to adopt all, a portion, or none of the proposed areas.

(b) Map 1, Area 1

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution of Intent Area 1. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

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

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 5-8, and is known as Resolution No. 2004-04.)

(c) Map 1 Area 2

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution of Intent of Annexation for Area 2 as distributed at the meeting. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

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

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 9-13, and is known as Resolution No. 2004-05.)

(d) Map 1, Area 3

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution of Intent for Area 3. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

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

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 14-17, and is known as Resolution No. 2004-06.)

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE 2 - STORM WATER PERMIT**

Mr. Patrick Ritchie, Staff Engineer, informed Council that the National Pollution Discharge Elimination System (NPDES) is an unfunded federal



mandate with which the City must comply. In order to do this an application must be submitted to have the City's stormwater system permitted. The application must be submitted by May 1, 2004. He stated that staff has worked with the League of Municipalities to develop the application and has produced a twenty-three (23) page document that details what the City must do in order to meet the requirements of the permit. If the application is accepted the City will have five (5) years to implement the measures listed in the application. These measures include:

- Public Involvement
- Public Education
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

Mr. Ritchie asked Council to establish a public hearing at its next meeting on April 6, 2004 to receive public input on the application. He noted that a copy of the application is on file in the City Clerk's office and in the Engineering Office located at 110 North Main Street.

Thereupon, Mr. Woodson made a **motion** to set a public hearing on April 6, 2004 to receive comments from the public on the NPDES Phase 2 Stormwater Discharge Permit. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

### CONVENTION CENTER TASK FORCE

Mayor Klutz reminded Council that at its Retreat they set a time frame for appointing a Task Force to explore the feasibility of a Convention Center. She appointed Mayor Pro Tem Woodson and Councilman Kennedy to serve as a Council Committee to meet before the next Council meeting to review recommendations for members to the Task Force. Mayor Klutz added that it may be beneficial to include representatives from different groups that use the present Civic Center for annual events.

City Manager David Treme noted that Ms. Gail Elder White, Parks and Recreation Director, and Mr. Joe Morris, Planning and Community Development Manager, will work with the Council Committee on recommendations for the Task Force.

### BOARDS AND COMMISSIONS APPOINTMENTS

#### Community Appearance Commission

Upon **motion** of Mr. Kennedy, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voting AYE, the following appointments and reappointments were made to the Community Appearance Commission.

Barbara Perry	reappointment	Term expires 3-31-2007
Bill Safrif	reappointment	Term expires 3-31-2007
Greta Connor	appointment	Term expires 3-31-2007
Judy Kandl	appointment	Term expires 3-31-2006

#### Historic Preservation Commission

Upon **motion** of Mr. Kennedy, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voting AYE, the following appointments and reappointments were made to the Historic Preservation Commission.

Mike Fuller	reappointment	Term expires 3-31-2007
Michael Young	reappointment	Term expires 3-31-2007
Wayne Whitman	appointment	Term expires 3-31-2006
Dr. Clara Jones	appointment	Term expires 3-31-2007

#### Human Relations Council

Upon **motion** of Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voting AYE, the following appointment was made to the Human Relations Council.

Bob Setzer	appointment	Term expires 3-31-2007
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#### Planning Board

Upon **motion** of Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voting AYE, the following appointments and reappointments were made to the Planning Board.

Brian Miller	reappointment	Term expires 3-31-2007
Rodney Queen	reappointment	Term expires 3-31-2007
Lou Manning	reappointment	Term expires 3-31-2007

Valerie Stewart	appointment	Term expires 3-31-2007
Dr. James Johnson	appointment	Term expires 3-31-2005
Albert Stout, Jr.	appointment	Term expires 3-31-2005

Hurley Park Advisory Board

Upon **motion** of Mr. Burgin, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voting AYE, the following appointments and reappointments were made to the Hurley Park Advisory Board.

Gerry Hurley	reappointment	Term expires 3-31-2007
Laura Lindsay	appointment	Term expires 3-31-2007

Parks and Recreation Advisory Board

Upon **motion** of Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voting AYE, the following appointments and reappointments were made to the Parks and Recreation Advisory Board.

Karen Morris	reappointment	Term expires 3-31-2007
Brendan Davidson	appointment	Term expires 3-31-2007
Norris Currence	appointment	Term expires 3-31-2007

Greenway Committee

Upon **motion** of Mr. Woodson, seconded by Mr. Burgin, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voting AYE, the following appointments and reappointments were made to the Greenway Committee.

Sashi Sabaratnam	reappointment	Term expires 3-31-2007
Carole Massey	appointment	Term expires 3-31-2007
Greg Greene	appointment	Term expires 3-31-2007

Tree Board

Upon **motion** of Mr. Kennedy, seconded by Mr. Lewis, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voting AYE, the following reappointment was made to the Tree Board.

Johnnie Leach	reappointment	Term expires 3-31-2007
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Zoning Board of Adjustment

Upon **motion** of Mr. Burgin, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voting AYE, the following appointments and reappointments were made to the Zoning Board of Adjustment.

Nora Faucette	reappointment	Term expires 3-31-2007
Dr. Murray Edwards	appointment (ETJ Alternate)	Term expires 3-31-2007

**COMMENTS FROM THE CITY MANAGER**

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their March 9, 2004 meeting.

(b) East Innes Street Bridge Update

Ms. Wendy Brindle, Traffic Engineer, informed Council that she met with the North Carolina Department of Transportation (NCDOT) Project Inspector and Assistant Resident Engineer to review the signs and markings throughout the detour. NCDOT will add an advanced warning sign to each approach to Bank Street that warns cars of a new traffic pattern. Ms. Brindle noted that the left turn lane from northbound Long Street onto westbound Bank Street was not originally barreled-off, but this has been completed and should help prevent cars from turning left onto Long Street. She stated that staff continues to work with NCDOT to improve pavement markings at all of the intersections, and one method to achieve this is that raised reflective pavement markings will be added.

Ms. Brindle told Council that she has reviewed Police Department accident records and there have been no reported accidents along the detour route. She noted that one accident occurred but it was due to a vehicle's failure to stop at a red light. Ms. Brindle stated that the Police Department has

patrolled the area, and will put the speed trailer on Bank Street to encourage slower speeds. She noted that the Police Department has also attempted to stop left turns onto Fisher Street but the volume of cars making the turn have made it difficult.

Ms. Brindle informed Council that she has spoken with the two business owners located on Fisher Street, Noble & Kelsey Funeral Home and Safety Taxi. The owner of the taxi company indicated a preference for a barricade to stop the turns onto Fisher Street. Mr. Woodson stated he felt there is only a problem turning left onto Fisher during the peak hours of the day, but the majority of the time there was not a problem. City Manager Treme commented that it would be hard to be precise for the times of enforcement. Ms. Brindle told Council that the owners of Noble & Kelsey Funeral Home have requested that no prohibition be placed for turns onto Fisher Street. She recommended leaving the intersection as it currently is for the time being.

City Manager Treme asked Council to leave the detour as it is in order to allow more time to see how it is working. He noted that staff will give a report at the next meeting to update Council.

Mayor Kluttz commended Ms. Brindle for the work she has done with the detour and Council agreed that they felt the detour was working well.

Ms. Brindle informed Council that staff met with representatives of NCDOT to discuss the barricaded entrance to Taylor Tire in order to provide relief for their business entrance. She stated that NCDOT took the request to Raleigh, but due to safety reasons, the request was denied. Ms. Brindle added that NCDOT is continuing to keep in touch with Mr. Taylor, owner of Taylor Tire.

City Manager Treme suggested inviting a NCDOT representative to appear before Council to discuss the project issues. Ms. Brindle stated that Tim Canup, Assistant Resident Engineer, has volunteered to speak with Council concerning these issues.

(c) Main Street Workshop

City Manager Treme informed Council that Downtown Salisbury, Inc. will host a "Main Street" workshop March 30, 2004 at 6:00 p.m., at The Plaza, 100 West Innes Street.

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MAYOR'S ANNOUNCEMENTS

(a) Elizabeth Duncan Koontz Humanitarian Awards Banquet

Mayor Kluttz announced that the Elizabeth Duncan Koontz Humanitarian Awards banquet has been rescheduled to Sunday, March 21, 2004 from 3:00 p.m. to 5:00 p.m. at the Salisbury Civic Center.

(b) Mayor's Spirit Luncheon

Mayor Kluttz announced that the Mayor's Spirit Luncheon will be held Tuesday, March 30, 2004 from 12:00 p.m. to 1:30 p.m. in Council Chambers in City Hall.

Mayor Kluttz noted that both these events are sponsored by the Salisbury Community Foundation and the Z. Smith Reynolds Foundation. Rowan Regional Medical Center is also sponsoring the Humanitarian Banquet.

Councilman Kennedy urged Council members to attend the Elizabeth Duncan Koontz Humanitarian Awards Banquet because Mayor Kluttz will be honored.

CLOSED SESSION

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session for the purpose of consulting with an attorney as allowed by NCGS 143-318.11(3).

Thereupon, Mr. Kennedy made a **motion** to go into closed session for the purpose of consulting with an attorney as allowed by NCGS 143-318.11(3). Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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RETURN TO OPEN SESSION

Thereupon, Mr. Burgin made a motion to return to open session. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

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Mayor Kluttz announced that no action was taken during closed session.

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**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 7:15 p.m.

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Mayor

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City Clerk