

Salisbury, North Carolina

February 18, 2003

## **REGULAR MEETING**

**PRESENT:** Mayor, Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; Robert (Bob) Martin; William (Pete) Kennedy; City Manager, David W. Treme; City Attorney, F. Rivers Lawther, Jr.; and Acting City Clerk, Swannetta B. Fink.

**ABSENT:** Myra B. Heard, City Clerk

The meeting was called to order by Mayor Kluttz at 4:00 p.m. Councilmember Burgin gave the invocation.

## **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.

## **ADDITION TO THE AGENDA**

Mayor Kluttz noted the following changes to the Agenda:

Addition of a Closed Session for the purposes as allowed in North Carolina General Statute 143-318.11(5) for the negotiation of property acquisition.

## **RECOGNITION OF COUNCILMAN KENNEDY**

Mayor Kluttz congratulated Councilman Kennedy who was inducted into the Livingstone College Alumni Hall of Fame. Councilman Kennedy is one of only eleven (11) individuals to be recognized.

## **RECOGNITION OF HUMAN RESOURCES DIRECTOR - MS. MELISSA HASTY TAYLOR**

Mayor Kluttz recognized Ms. Melissa Hasty Taylor for receiving the Senior Professional of Human Resources designation. This certification is awarded through the Human Resource Certification Institute and is a national recognition.

## **CONSENT AGENDA**

(a) Minutes

Minutes of the Regular meeting of February 4, 2003.

(b) Alley Closing - 100 Block of Statesville Boulevard

Council received a petition to close an alley in the 100 block of Statesville Boulevard, and set a public hearing for March 18, 2003.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN ALLEY IN THE 100 BLOCK OF STATESVILLE BOULEVARD.

(The above Resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 8, and is known as Resolution No. 2003-8.)

(c) Group Development Site Plan G-3-86 - Food Lion #435

Approve Group Development Site Plan G-3-86, Food Lion #435, 2104 Statesville Boulevard.

Thereupon, Mayor Pro Tem Woodson made a **motion** to approve the Consent Agenda as read. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Mrs. Klutz voted AYE. (5-0)

**HIGHLIGHTS AND GOALS FROM THE PLANNING BOARD, HUMAN RELATIONS COUNCIL, HURLEY PARK ADVISORY COMMITTEE, AND ZONING BOARD OF ADJUSTMENT**

Salisbury Planning Board

Dr. Fred Dula, Chairman of the Salisbury Planning Board, reviewed the Planning Board's highlights and goals for 2002-2003.

Highlights 2002

- Twenty-two (22) Meetings
- Twenty-eight (28) Zoning Cases
- Thirty-nine (39) Group Development Site Plans
- Three (3) Subdivisions (preliminary plats)
- Four (4) Special Use Permits
- Sixty-six (66) Committee Reports

Special Programs and Training

- Regional Planning/Centralina COG – Bill Duston
- Downtown Master Plan – Randy Hemann
- EPA Sustainability Project – Video Presentation
- "XYZ's of Planning" – Workshop in Mooresville
  - Seven (7) board members attended
  - Three (3) staff members attended

Rezoning Cases

- Park Avenue Committee - worked to rezone several properties from M-1 (Light Industrial) and R-6A (Multi-Family) to R-6 (Two-Family)
- Wilson Road Committee - successfully rezoned twenty-five (25) properties between Livingtone College and Salisbury High School from R-6A (Multi-Family) to SFC (Single Family Conservation)
- Burgess and Associates – rezoned approximately seventy (70) acres off of Faith Road from A-1 (Agricultural) to RDB (Residential Development) to allow for a planned retirement community

Site Plan Reviews

- Drummond Village – mixed use development
- Eckerd on East Innes Street
- Auto parts Store near Salisbury Mall
- Water Plant Expansion
- New apartment complexes

- Gateway Area Parking Lot

#### Subdivisions

- Forest Glen Phases 3, 4, 5

#### Text Amendments

- Sign Ordinance
  - Projecting signs in B-5

- Sidewalk signs
- Downtown pole displays
- Abandoned signs
- Church banners
- Barber poles that spin
- 250 Fest signage

#### Other Studies/Ordinance Amendments

- Convenience stores in the B-CS district (require a special use permit)
- Parking reduction for large developments
- Pool Halls
- Racetracks
- Currently studying Group Homes

#### Goals – 2003

- Consider text amendments that are consistent with the policies in the Salisbury 2020 Plan
- Consider recommendations from the 2020 Implementation Committee
- Encourage the hiring of a consultant in the preparation of new zoning and subdivision ordinances
- Assist in the development of a traditional neighborhood development (TND) ordinance
- Conduct two (2) or three (3) corridor studies
- Conduct two (2) or three (3) neighborhood, or small area studies
- Promote affordable housing
- Promote open space and greenways
- Consider design guidelines that blend in with the historic character of the City
- Encourage adaptive reuse of our older buildings that are suitable for preservation

Members of the Planning Board for 2002-2003 are Fred Dula, Chairman, Sean Reid, Vice-Chairman, Len Clark, Lou Manning, Brian Miller, Ken Mowery, Rodney Queen, Sandy Reitz, Jeff Smith, Elaine Stiller, Jerry Wilkes, and Eldridge Williams.

Mayor Klutz thanked Dr. Dula for his leadership and all the members of the Planning Board for their work throughout the year.

#### Salisbury-Rowan Human Relations Council

Mr. Carl Repsher, Chairman of the Salisbury-Rowan Human Relations Council, presented the Council's goals and highlights for 2002-2003.

### Goals – 2003

- Serve the community by identifying and preventing potential human relation problems, and by leading efforts to resolve tensions and conflict when problems arise
- Provide and facilitate communication within the Council, elected officials and the community at large
- Identify and develop methods to celebrate diversity within the community
- Improve the effectiveness of the Council

### Highlights – 2002

- The Law Enforcement Committee of the Covenant Community Connection established eight (8) different officer/church pairings that includes both Rowan County and Salisbury to encourage positive relationships between the police and the community
- Co-sponsored Multicultural Training with nearly two hundred (200) participants
- Completed eighteen (18) month train-the-trainer program with seven (7) certified facilitators
- Presented written comment to the Salisbury Rowan Board of Education regarding the proposed school redistricting process and related issues
- Instituted pairings of Human Relations Council individuals that are of different races/cultures to allow them time to get to know each other as individuals
- Co-sponsored with Four Square Church, Food Lion and the Altrusa Club a food distribution center for the Hispanic Community
- Co-sponsored the "Pan American Fiestas in Your Neighborhood" and a HIV/Aids education program at soccer games
- Sponsored the Martin Luther King, Jr. Humanitarian breakfast and celebrated record attendance featuring Dr. Roy Hudson and Dr. Nolo Martinez
- Re-organized the Covenant Community Connection, affirmed the vision and mission and identified focus areas/issues of concentration
- Established the Hispanic Coalition and developed a vision and mission
- Initiated a process to update the Standing Rules and the budgeting process

Members of the Salisbury-Rowan Human Relations Council (SRHRC) for 2002-2003 are Freida Nikolai, Chairman, Elia Gegorek, Vice-Chairman; City Representatives, Chris Chaney, Ida Finger, Braze Gilmore, Elizabeth Greene, Algena Heggins, Dianne Scott; County Representatives, Bob Freeman, Ellen Harkey, Kenneth Miller, Harold Thomas; HRC Representatives Mae Carroll, Dorothy Gill Smith, Betty Jo Hardy, Earl Smith, Henry Diggs, and Carl Repsher.

Mayor Kluttz thanked Mr. Repsher and all the members of the Human Relations Council for their work with the Council, especially the Martin Luther King, Jr. breakfast. Mr. Repsher told Council that he greatly appreciated the help from Melissa Taylor, Human Resources Director.

### Hurley Park Advisory Board

Ms. Elaine China, Chairman of the Hurley Park Advisory Board, presented Council with their highlights of 2002 and their goals for 2003-2004.

### Highlights 2002

- Held Spring Celebration, with 400 in attendance
- Held annual Summer Lecture with 60 in attendance
- Continued routine maintenance of gardens
- Paths resurfaced
- Hosted weddings, The Blessing of the Animals, Brownie Fly-up ceremony

### Goals 2003-2004

- Continue Spring Celebration and Summer Lecture \$1,600.00

- Renovate main entrance garden \$3,000.00
- Add water fountain and trash can between Lake  
and Club Drives \$4,000.00
- Replace sign in main entrance garden \$2,500.00  
(destroyed in ice storm)
- Initiate and support pet waste disposal ordinance

Ms. China read an article from the Salisbury Post noting the need for a way to deal with animal waste. She stated that staff ended up picking up the waste and it not only damaged plants but also was unpleasant for walkers.

Ms. China also reminded Council of the Spring Celebration to be held on April 6, 2003 from 2:00 – 4:00 p.m.

Mayor Kluttz thanked Ms. China and her board for all of their work.

#### Zoning Board of Adjustment

Mr. Graham Carlton, Chairman of the Salisbury Zoning Board of Adjustment, addressed Council with the Goals and Highlights of the Zoning Board of Adjustment for 2002-2003.

#### Goals for FY 2003

- Training for all Board members

#### Highlights – 2002

- Held eight (8) meetings
- Upheld three (3) Administrative Reviews
- Granted seven (7) Conditional Use requests
- Granted one (1) Variance request
- Denied two (2) Variance requests

#### Administrative Reviews

- Review of the Zoning Administrator's ruling that a quarter midget recreational facility is a proper use in M-1 zoning on National Guard Road
- Review of Zoning Administrator's ruling that the structure located at 715 North Main Street can be renovated as an existing duplex
- Review of the Historic Preservation Commission's ruling to deny a Certificate of Appropriateness at 107 South Main Street to remove plywood windows and replace with brick

#### Conditional Uses

- Reduction in parking spaces for an elderly project at Whispering Oaks Development located at 805 Newsome Road
- Reduction in off-street parking spaces for a community center located within the National Register Historic District located at 620 Park Avenue
- Off-premise directional sign at 2251 Statesville Boulevard for Laurel's Rehab and Nursing facility
- Used auto sales in B-RT district located at Statesville Boulevard and Majolica Road
- Off premise reader board to be placed on an existing directional sign located at Forbes Avenue and South Main Street
- Off-premise directional sign at 2201 Mooresville Road for Salem Lutheran Church
- Off-premise directional sign for Agape Faith Christian Center at 800 West Innes Street

#### Variances Granted

- Construction of storage building in side yard at 1223 Beachnut Lane

### Variances Denied

- 4.8 inch encroachment of Building 16 into right side yard at Woodland Creek Apartments located on Statesville Boulevard
- 11.23 foot reduction from front yard setback requirement at 111 Spring Drive

Mr. Carlton thanked Mr. Hubert Furr, Zoning Administrator, and staff for their work with the Zoning Board of Adjustment.

Mayor Kluttz thanked Mr. Carlton and his Board for what they do for the City, noting that it is a hard job.

### **REQUEST FROM MR. BRUCE JONES AND MR. PETE TEAGUE**

#### **ROWAN COUNTY CHAMBER OF COMMERCE**

Mr. Bruce Jones and Mr. Pete Teague, Co-Chairmen of the Chamber of Commerce's Focused Future Campaign, reviewed the Focused Future campaign with Council. Mr. Jones explained that the Focused Future initiative began in 1998 as a five (5) year campaign to raise over \$2.5 million dollars. He informed Council that over 325 Rowan County businesses and individuals had pledged the monies to help them reach their goal.

Mr. Jones explained that the money received through the campaign was used for the following:

- Workforce Skills Assessment Study, co-sponsored by the Chamber and Rowan Cabarrus Community College to look at the Workforce Development needs in the community
- Thirty (30) Leadership Rowan Scholarships awarded
- Communities in Schools program started
- Education Foundation endowment increased
- A Business Resource Center opened in the Gateway Building
- Gateway Building was constructed and now houses Communities in Schools, Convention and Visitors Bureau, Economic Development Commission, and Rowan County Chamber of Commerce

Mr. Jones told Council that the Focused Future leaders held a strategic planning process and launched a new Focused Forward campaign with the two (2) main emphasis of the campaign being Workforce Development and Education Advocacy.

Mr. Jones remarked that last year a group was established to review the need for jobs in the community resulting from the rising unemployment rate in the County. The group concluded that there is no quick fix and it will take a long-term approach. Mr. Jones said part of the approach is Workforce Development, which is a major goal of the Chamber of Commerce.

In regards to Education Advocacy, Mr. Jones explained that the business community had been involved during the bond campaign this past November, and due to everyone's help the bond had passed. He then added that they felt a group needed to be in place year round to work on ideas to improve education in the community.

Mr. Jones also mentioned the Communities in Schools program and the Chamber's desire to see it continued. Mr. Jones said that the Chamber has funded Communities in Schools for the past five (5) years, but fills that the program needs additional dollars.

Mr. Jones informed Council that the goal for the new Focused Forward campaign is to raise \$1.25 million and to date they have received pledges from 42 businesses and individuals, collected \$720,450, and reached 58% of their goal.

Mr. Pete Teague, spoke to Council concerning the Workforce Development and Education Advocacy issues. Mr. Teague noted that the Chamber has been concentrating in Workforce Development for several years. He referenced the "Geared Up 4 Success" (a workforce development program) kick-off that was held the previous week.

Mr. Teague noted that the initial stage of the Focused Forward campaign is to raise awareness of the options available for the students after high school. The workforce development option will allow students to become trained in a skill that will make them marketable upon graduation. Mr. Teague told Council that he did not like to think of this as a program but as a process to help the community at large to understand the issue. He explained that they would work with businesses to identify their needs, as well as with the schools, to communicate the options to the students and parents.

Mr. Teague discussed Education Advocacy as a newer issue to be brought to the table. He recognized Mr. Jeff Smith, Chamber of Commerce Board Member, as a local champion for Education Advocacy. Mr. Teague explained that Education Advocacy would work to support education by getting behind programs they feel will be beneficial and to help promote the programs to the community.

Mr. Teague added that Education Advocacy should be in place to help hold school leaders accountable to the community. Mr. Teague told Council that the whole issue is to help ensure the education system in Rowan County is the best it can be.

Mr. Jones then asked Council to consider a contribution investment to the Focused Forward campaign of \$10,000 a year for the next five (5) years for a total of \$50,000. He added that the Chamber and business community is stepping forward to take a

leadership role.

Mayor Kluttz lauded Mr. Jones and the Focused Future leaders for their efforts to help the community, the economy, and individuals.

### **PARKING - BARKER AVENUE**

Ms. Wendy Brindle, Traffic Engineer, informed Council that a petition was received from property owners on Barker Avenue to restrict parking on the north side of the street between Mocksville and Highland Avenues. She noted that parking is currently restricted on the south side. Ms. Brindle added that the petition was signed by 100% of the property owners and staff recommended approval.

Councilman Burgin asked Ms. Brindle if she was aware of who used the parking on the north side. Ms. Brindle answered that in the request it was stated that hospital employees were getting to work early and taking the parking spaces. Ms. Brindle added that the hospital's signature was required and obtained for this petition.

Mayor Pro Tem Woodson confirmed that staff recommended approval. Ms. Brindle said that when parking restrictions are requested, staff requires the petition to determine property owners support, and this request received 100% support from the property owners.

Thereupon, Mayor Pro Tem Woodson made a **motion** to amend Section 13-338 of the City Code to prohibit parking on Barker Avenue between Mocksville and Highland Avenues. Councilman Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-338, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED AT ALL TIMES

(The above referenced Ordinance is recorded in full in Ordinance Book No. 19, under Chapter X - Traffic, at Page No. 6, and is known as Ordinance No. 2003-18.)

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### **MUNICIPAL MAINTENANCE AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR TRAFFIC CONTROL DEVICES**

Ms. Wendy Brindle, Traffic Engineer, explained to Council that the North Carolina Department of Transportation (NCDOT) is charged with the responsibility of maintaining the state highway system. However, within municipalities, General Statutes permit NCDOT to delegate the maintenance to the municipality if the municipality is qualified to perform the work.

Ms. Brindle said that the City had been maintaining its signals since the late 1970's and did so under a Schedule C Maintenance Agreement. She noted that NCDOT was implementing changes to the schedule (including the reimbursement rates and duty specifications) for the first time since 1986.

Ms. Brindle informed Council that with the change in the schedule, the City should receive a 47% increase in its reimbursements. Ms. Brindle referred to figures received from NCDOT, which stated that the City currently receives approximately \$29,000 annually, and under the new agreement should receive approximately \$43,000 annually.

Ms. Brindle noted that NCDOT would implement a change to begin reimbursement under a level of service provided. Everyone in the division would start at Level of Service F and the level should increase to Level of Service C over the next seven (7) years.

Councilman Burgin asked if this was something the City wanted to do. City Manager Treme answered that it was a positive agreement, would start everyone on a baseline, and will increase the reimbursement as well as recognize in future years, the increased level of service for increased reimbursements. He added that he felt this was a step in the right direction, and staff was whole-heartedly in support.

Thereupon, Mayor Pro Tem Woodson made a **motion** to approve the resolution to authorize the Mayor to execute the agreement with NCDOT for Traffic Control Devices. Councilman Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION CONCERNING MAINTENANCE OF TRAFFIC CONTROL DEVICES, SCHEDULE C – SIGNALS.

(The above referenced resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 9, and is known as Resolution No. 2003-9.)

**AGREEMENT WITH ROWAN LITTLE LEAGUE, INC. - INSTALLATION OF LIGHTING AND IRRIGATION ON BALLFIELDS AT SALISBURY COMMUNITY PARK**

Ms. Gail Elder White, Parks and Recreation Director, presented Council with a proposal from Rowan Little League, for the donation of \$89,264.00, for the installation and irrigation of the fourth little league field at the Salisbury Community Park, as well as for the lighting of the infield of the large field.

Councilman Burgin asked Ms. White if the amount was a loan. City Manger Treme answered that the money was a contribution from Little League, Inc. and the City would make a contribution back to them for actual expenses, not to exceed \$89,264.00. He added this would be done over a three (3) year period, but no later than June, 2006.

Thereupon, Mr. Kennedy **moved** to approve authorizing the Mayor to execute an agreement with Rowan Little League, Inc. in the amount of \$89,264.00. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

**BUDGET ORDINANCE AMENDMENT FY2002-2003 - TO APPROPRIATE DONATION FROM ROWAN LITTLE LEAGUE**

Ms. Gail Elder White, Park and Recreation Director, asked Council to approve a budget amendment to the 2002-2003 Budget Ordinance, to appropriate the donation from Rowan Little League, in the amount of \$89,264.00.

Thereupon, Councilman Kennedy made a **motion** to appropriate a donation of \$89,264.00 for the Salisbury Parks and Recreation Department. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE DONATION FROM ROWAN LITTLE LEAGUE.

(The above Ordinance is recorded in full in Ordinance Book No. 19, under Chapter II - Administrative, at Page No. 11, and is known as Ordinance No. 2003-19.)

**COMMENTS FROM CITY MANAGER**

(a) Planning Board recommendations and comments

Council received the Planning Board recommendations and comments from their February 11, 2003 meeting.

(b) Goal Setting Conference

City Manager Treme reminded Council that the Future Directions and Goal Setting Conference for the City will be held Thursday, February 20, 2003 at 1:00 p.m. Mr. Treme announced the meeting will begin at City Hall with Charlotte Mayor, Mr. Pat McCrory, speaking on the Regional Sustainability Project. The Conference will then move to Catawba College's Center for the Environment at 3:00 p.m. in room 300B.

**MAYOR'S ANNOUNCEMENTS**

(a) Crime Control Summit

Mayor Klutz informed Council that the Crime Control Summit was held on February 13, 2003 and that a report would be presented at the retreat.

(b) North Carolina Metropolitan Coalition Meeting

Mayor Klutz announced that she would be attending the North Carolina Metropolitan Coalition meeting in Raleigh on February 19-20, 2003.

**CLOSED SESSION**

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session to discuss the purchase of property located in the 300 block of South Main Street as allowed by G.S. 143-318.11(5).

Thereupon Mr. Burgin made a motion to go into closed session. Mayor Pro Tem Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

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**RETURN TO OPEN SESSION**

Mayor Pro Tem Woodson **moved** to return to open session. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

**PROPERTY - 300 BLOCK SOUTH MAIN STREET**

Mayor Kluttz announced that one of the long term goals of the City has been to purchase property for a convention center located in the downtown area. Mayor Kluttz said not only is this consistent with the City's Strategic Plan, but also with the Downtown Salisbury, Inc. Master Plan, and the Parks and Recreation Plan. The City has already purchased one piece of property in this block and now has the opportunity to purchase a second piece of property and lease it back to the present owners for the next thirty-six (36) months, Mayor Kluttz noted.

(a) Thereupon, Mr. Burgin made a **motion** to purchase all the real property owned by Rowan Health & Fitness, LTD located in the 300 block of South Main Street for the price of \$1Million and lease it back to Rowan Health & Fitness, LTD for thirty-six (36) months at \$2,500.00 per month all consistent with our planning. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

(b) Thereupon, Mr. Burgin made a **motion** authorizing the Mayor to execute the lease for the property purchased from Rowan Health & Fitness, LTD and execute all loan documents required to borrow the purchase money from Farmers & Merchants Bank. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

(c) Thereupon, Mr. Burgin made a **motion** for the Council to adopt a corporate resolution authorizing signatures by the Mayor and City Clerk for the loan. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All Council members agreed unanimously to adjourn. The meeting was adjourned at 5:45 p.m.

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Mayor

\_\_\_\_\_  
City Clerk