

Salisbury, North  
Carolina

September 2, 2003

## **REGULAR MEETING**

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

**ABSENT:** Councilman Robert (Bob) Martin

The meeting was called to order by Mayor Klutz at 4:00 p.m. The invocation was given by Councilman Burgin.

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### **PLEDGE OF ALLEGIANCE**

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

### **RECOGNITION OF VISITORS**

Mayor Klutz recognized all visitors present.

### **ADDITIONS/DELETIONS TO THE AGENDA**

Mayor Klutz noted the following change to the agenda:

Deletion: Item 20 – Report from the County regarding the sale of the former Superior Yarn/Cartex Mill property located at 1301 Richard Street.

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### **RECOGNITION OF AWARD TO TRINITY OAKS RETIREMENT COMMUNITY**

Mayor Klutz introduced Ms. Susan Williamson, President and CEO of the North Carolina Association of Nonprofit Homes for the Aging. Ms. Williamson explained that the North Carolina Association of Nonprofit Homes for the Aging is made up of non-profit long-term care facilities across the state.

Ms. Williams went on to explain that every year, the Association presents a Social Responsibility award to a member facility that does an outstanding job of serving and bringing together the community through demonstration of collaboration and collegial support within the community. She noted that in May, 2003, the Trinity Oaks Retirement Center was recognized to receive the award for the very innovative and creative project that they implemented in collaboration with both Catawba and Livingstone Colleges. All three entities were recognized for having accomplished outstanding social responsibility in the community, she stated.

Ms. Meg Dellinger, Executive Director of Trinity Oaks, explained that a visionary group from the community had come forward to form a partnership. She identified members of the group as Mr. Ted W. Goins, Jr., President of Lutheran Services for the Aging; Dr. Algeania W. Freeman, President of Livingstone College; Dr. Robert Knott, President of Catawba College; former President of

Catawba College, J. Fred Corriher; and Ms. Yvonne Tracey, Dean of Livingstone College. She noted that these two colleges had aligned with the Lutheran Services for the Aging mission, vision, and values. An agreement was signed with the colleges in January 2002, which, in part, stated "we desire to maximize our impact on the gospel ministry through collaborative efforts and have agreed to promote education, growth, understanding, and opportunities to serve between these organizations". Ms. Dellinger explained that they have opened their facilities to individuals and groups for volunteering, educational and personal growth opportunities, internships, and classes in special projects. She noted that all of the sites with Lutheran Services for the Aging will be participating in these projects in their various communities all over the state.

## **CONSENT AGENDA**

### **(a) Minutes**

Approve Minutes of the regular meeting of August 19, 2003.

### **(b) Block Party - 600 block of West Council Street**

Approve closing of the 600 block of West Council Street, from 5:00 p.m. until 11:00 p.m. on Saturday, September 6, 2003 for a block party per a request from the Ellis Graded School Historic District.

Mayor Klutz indicated that with respect to Item (b), she felt holding a block party until 11:00 p.m. was a late hour when trying to maintain peace and quiet in a neighborhood. She noted that she had discussed this request with an individual on the party planning committee and had discovered that the party and cleanup would be completed no later than 9:00 p.m. She recommended to Council that they consider changing the time of the party closing from 11:00 p.m. to 9:00 p.m. before taking action on the request.

Thereupon, Mr. Burgin made a **motion** to accept the Consent Agenda with the amendment to item (b) to read 9:00 p.m. instead of 11:00 p.m. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0).

## **TIME WARNER CABLE FRANCHISE RENEWAL NEGOTIATIONS**

Mr. Mike Crowell, Information Technology Manager, informed Council that the City is in the process of negotiations with Time Warner to renew the current franchise agreement. Mr. David Harris, Piedmont Triad Council of Governments(PTCOG) will update Council on negotiations with Time Warner. Dr. Alan King, Associate Superintendent for the Rowan-Salisbury School System is present and will offer comments regarding the educational channel, Mr. Crowell noted.

Mr. Harris explained that the information which he can bring to Council about the negotiations is very positive right now. He reminded Council that a cable regulatory ordinance had been adopted in December, 2002 and the rules for doing cable business within the City were set and some of the negotiations were taken away from both sides.

Mr. Harris stated that currently the City has tentatively agreed with Time Warner for a fifteen-year, non-exclusive franchise agreement with a 5% franchise fee paid on a quarterly basis. He noted that, in this agreement, there will be no-cost cable to all government buildings and accredited schools, and that Time Warner will maintain a state-of-the-art cable system. He commented that the majority of the other items being discussed in negotiations are those that will assist local governments in their communications, and that no agreement has yet been reached with Time Warner.

Mr. Harris commented that the issue which the City Manager had asked him to bring before the Council is that of a combined education-government channel and would like to receive Council thoughts, opinions, and guidance about which direction to proceed reference an education channel. He explained that currently Channel 7 is actually a government channel which is not used exclusively for government announcements. Mr. Harris stated that Time Warner is currently looking at that channel for providing information such as Council Meetings and recreational programs to the citizens. He noted that discussions have been held with the schools about combining the government channel with an education channel thus giving the educators an opportunity to disseminate information such as job announcements and teacher awards.

Mr. Harris explained that Time Warner has some limited access for numbers of channels that they can afford to give for public general access. Time Warner has placed some artificial barriers stipulating that the City would have to provide 80 percent original programming before being allowed to have a second channel. He commented the City could split the government channel and education channel. He noted that it generally takes some time before the local governments and the educators can bring everything together to fill up a channel, and that negotiations are ongoing in that area.

Mr. Harris commented that he would remind Council that the negotiations are for the County and all of the towns and cities within the County, and that this would be a joint-use project. He noted that meetings have been held with the Managers and the Clerks of the towns and cities within. The best possible way to operate that type of channel is to bring together the educators and representatives from local governments in some form of committee to set the rules, schedules, and other guidelines. He indicated that the issue before Council today is whether or not the desire is for further discussion about the educational channel, the desire is not to have an education channel, or the desire is to continue the negotiations and make it easy to have initially a government and education combined channel and then move forward at some time in the future to split those in half.

City Manager Treme indicated that the franchise under discussion is for fifteen(15) years, and that if the agreement states that it is necessary to wait until 80 percent original programming has been attained before being able to have an access channel, we might not ever have one. He indicated that it was his thought that Time Warner needed to be a little bit more permissive. Mr. Treme indicated that there has been discussion in the past about putting together a task force or consortium of representatives from higher education,

the public schools, the City and the County, and at some point having an access channel like many of the other communities around the state. He noted that, obviously, with what has been happening at the state level in the last several years, there have been no opportunities to initiate and energize this type of activity. In the next several years, the time might be ready to start something like that. He pointed out that if there is a roadblock or an obstacle in the franchise, we may well have sold ourselves short in 2003 for something that we want to accomplish in 2006.

Mr. Treme indicated that he would like to share with Time Warner officials and the state that the agreement calls for 80 percent programming. Time Warner knows it is going to be very difficult for us to meet that requirement before it would supply the access channel. He commented that it has been a goal of the Council to encourage Time Warner to make this requirement more permissive so that when the time is right, we can go forward with the full support of Time Warner. He noted that these particular channels do not pay a lot of money, and that for Time Warner, it is a cost and may require more from them, but that it is an offering to the public. He explained that he would hate to see a fifteen-year decision made without bearing down more on Time Warner to come across with a requirement that is fairer.

Mayor Klutz clarified that what we decide now will lock us into this agreement for fifteen years. She indicated a problem doing that because she felt like, even though we might not be able to afford it right now, it would be a wonderful service for the community. She said that she would not want us to be locked in to not being able to do it down the road when we might be able to afford it.

Dr. Alan King indicated that he was not comfortable with commenting on behalf of the Board of Education, because there had not yet been an opportunity to discuss it with them. He noted that he lives in the China Grove community and has access to viewing the Kannapolis program. He explained that it is aired with both educational and government issues, and appears to be a very positive way in which their schools are promoted, information is shared with parents, and job vacancy announcements are posted. He commented that in looking at the goals of the school system relating to hiring the very best personnel and communication with the community and parents, the ability to give more public access to happenings in the schools certainly seems to be in line with what they would want to see happen. He indicated that Ms. Linda James of Time Warner had discussed this with him, and has shared with school personnel that the contract can be drawn to basically meet school system needs. Dr. King commented that it seemed to be a very positive opportunity for which he would hate to see the door closed early before an opportunity for a task force or others becoming involved in making this decision.

Councilman Burgin commented that it is potentially very valuable for our community to have both education and government separate so viewers can turn directly to whatever they need, and there should not be such a high standard before it can be accomplished. He noted that he felt that more consideration be asked of Time Warner. He commented that he would hate to see us fabricate programming just to reach the 80 percent standard, and noted that that would be counter-productive. He commented that if there were not such a high standard, there would not be quite so much pressure on us to do just that.

Mr. Crowell clarified that the 80 percent refers to 80 percent full-motion locally produced programming. This means that if there is an hour of government and school notices that are like a power-point presentation, that does not count toward the 80 percent. He stated that his concern is that this is a very high standard to meet before a second channel could be accessed.

Mayor Klutz indicated that when visits are made to other communities and cities these types of channels are in place, and she would hate for us, fifteen years down the road, not to have the opportunity for these channels.

Mr. Crowell stated that where one channel might serve well for both purposes for fifteen years, we would like to have the option of having a second channel.

Mr. Burgin commented that we should just start with saying that we want two channels. The Council members resounded consensus.

City Manager Treme indicated that negotiations have been on a month-to-month basis with Time Warner. He commented that if it is the consensus of the Council, staff will share with Time Warner that this is an important issue to our city, our county, our public school system, higher education, and the community. He stated that Time Warner needs to know that we are trying to make this permissive rather than a roadblock and that 80 percent original programming is difficult to attain.

Mayor Klutz commented that she felt the consensus of the Council is loud and clear as to what they want.

## **ZONING TEXT AMENDMENT - ADD A GATEWAY-EAST INNES ZONING DISTRICT**

(a) Mr. Joe Morris, Planning & Community Development Manager, shared with Council that this is the culmination of about nine (9) years of work and that staff comes with a unanimous recommendation from the Planning Board for the adoption of the East Innes-Gateway Plan.

Mr. Morris provided Council with the history of this effort and the goals of the plan:

### Gateway Plan History

- o The 1995 UDAT/Innes Street Corridor Study identified the need to improve the functional entrance to Salisbury as a Gateway
- o The Salisbury Vision 2020 Comprehensive Plan contains no fewer than 11 separate policies reflecting the desire to

improve community entrances

- The 2000 Randall Travel Marketing Study conducted by the Convention & Visitors Bureau concluded that a good gateway is essential to creating a positive impression for tourist
- In 1998, the Salisbury City Council authorized a committee to create the Visual Corridor Overlay District (VCOD)
- The VCOD text amendment was adopted on December 19, 2000
- In March, 2003, the Salisbury City Council authorized the staff to conduct a study for a new district along the Innes Street Corridor
- Planning Board committee implemented the East Innes Gateway Plan

#### Gateway Plan Goals

- Respond to citizens' expectations by improving the character of East Innes Street as a gateway to Salisbury
- Facilitate development, over time, to create a more human scale environment
- Allow existing development the option of remaining, as is in the event of disaster, but following underlying zoning standards
- Create a safer and more attractive transportation corridor
- Establish a graphic code to communicate the plan

Mr. Morris identified and reviewed highlights of specific standards addressed in the code:

- Streetscape Standards - create a defined pedestrian realm
- Dimensional Standards - Locate buildings closer to the street
- Parking Area Standards - Requires parking on the sides or rear of buildings; encourages connectivity between parking areas
- Outdoor Lighting Standards: Improves the appearance of fixtures and minimize  
light pollution and glare adjacent to residential land use
- Site Landscaping/Screening Standards - Moderately enhances the existing landscape ordinance; the size of the trees along the street is increased and must be  
of an approved species
- Building Design Standards - Buildings will be oriented toward the street and will improve architectural character
- Alternate Methods of Compliance: Design options may be considered in certain circumstances
- Amortization - Existing non-conforming signs must meet the existing sign standards within 5 1/2 years of the adoption of the ordinance

Mr. Morris reiterated that in the event of a disaster, existing buildings that are damaged and are located within the corridor would be able to go back just as they are as long as they complied with the underlying zoning provisions.

Mr. Morris shared with Council that a town meeting was held on July 16, 2003 to explain the contents of the code to property owners within the corridor and address questions and concerns. A Courtesy Hearing was held on August 12, 2003 by the Planning Board at which time they made a unanimous recommendation in favor of this particular code.

Mr. Morris explained that there were some clarifications made by the Planning Board as follows:

- Overlay will be referred to as G-EI or Gateway-East Innes
- The Gateway-East Innes (G-EI) will replace the VCOD
- VCOD will be taken out of the zoning text.

Mr. Morris explained that the design review for properties within the corridor will be consistent with other policies in that there is the 10,000 square foot threshold or the fifty parking space threshold that would require design review. He noted that the zoning overlay will apply to all zoning categories within that particular geographic area that is designated.

Mr. Morris indicated that there have been several endorsements and resolutions of the Gateway Plan including: Downtown Salisbury, Inc., Salisbury-Rowan Economic Development Commission, Salisbury Community Development Commission, Rowan Business Alliance, Rowan County Chamber of Commerce, and Rowan County Convention and Visitor's Bureau.

Mr. Morris pointed out to the Council that this is a two-step process. He commented that parcel boundaries are an area where the zoning overlay district will be applied to the zoning map.

Mayor Pro Tem Woodson requested clarification reference amortization by asking that if this ordinance is approved, does that mean that in 5 1/2 years the non-conforming signs will come down. Mr. Morris indicated that if the effective date is today, notification would be sent to the property owners with non-conforming signs making them aware of the 5 1/2 year amortization.

Councilman Kennedy asked for a review of the corridor boundaries. Mr. Morris pointed out the boundaries on the presentation map.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning text amendment to add a Gateway-East Innes Zoning District.

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

Mr. Randy Harrell, 2814 Byron Drive, indicated that as Executive Director of the Salisbury-Rowan Economic Development Commission (EDC) he wanted to present to Council a resolution supporting the proposed East Innes Street Gateway Plan. He commented that EDC firmly believes the Gateway Plan will enhance the aesthetic appearance of East Innes Street and create future economic development activity. He stated that once implemented it will prove to be a catalyst for positive change in creating consistency, acceptable growth patterns, and pleasing development. Mr. Harrell told Council that the entrance to Salisbury is extremely important to the economic vitality of our great city and first impressions are very seldom forgotten. Mr. Harrell commented that as good stewards, we must send a positive message to those who will visit and do business in Rowan County. The EDC asks that you vote to support the East Innes Street Gateway Plan.

Ms. Judy Newman, 604 Maupin Avenue, indicated that as Executive Director of the Rowan County Convention and Visitor's Bureau, she wanted to comment that one of the things they have heard from everybody is how this is such an entrance into Salisbury, but it goes beyond that, and is the entrance into Rowan County. She noted that so many people, both community members and visitors, come through that corridor on a daily basis. It is very important for that corridor to be inviting and help folks understand what is just a mile down the road. She commented that at this point, it does not do that. Ms. Newman noted that the Rowan County Convention and Visitor's Bureau had also passed a resolution unanimously recommending support of the Gateway. She stated that the organization was very pleased to have been included as a part of the 2000 Randall Travel Marketing Study as they looked at that Innes Street Gateway area, because it came across loud and clear in that report that something had to be done to make that area more inviting. Ms. Newman indicated that the Tourism Development Authority would encourage Council to approve this zoning text amendment for the East Innes Street Gateway.

Mr. Randy Hemann, 327 Mitchell Avenue, and Executive Director of Downtown Salisbury, Inc. (DSI), informed Council that he would like to thank the Planning Board, staff, and others who have worked to create an ordinance that has wide-spread approval. He noted that in a city with a population of 28,000, there is no doubt that there will be a few people who will raise questions or concerns against the ordinance. Mr. Hemann commented that in his seventeen years of public service he has never seen an ordinance come before the Council for which such widespread support has been garnered. On behalf of DSI, Mr. Hemann asked Council to consider adopting this ordinance in order to help us create a better Gateway for Salisbury

Mr. Steve Fisher, 111 West Colonial Drive, Employee of F & M Bank and President of Downtown Salisbury, Inc., (DSI) explained to Council that he felt this was an opportunity which most communities only dream of. We have an opportunity to change the way the rest of the world views us, to renovate our City's facade, and to change our front door to match the rest of our community, he said. He noted that most cities do not get this opportunity, and that the DOT construction project at I-85 and Innes Street is a once in a lifetime opportunity. Mr. Fisher commented that every study, every public input, every visitor, and the Planning Board has indicated to Council that this needs to be done and that they all point to the Gateway as a pivotal component of the growth of our City and community. He explained that the issues of visual clutter, vehicle safety, pedestrian safety, residential impact, long-term property value and the aesthetic quality of the gateway itself dictate that this area be addressed. He commented that the community has spoken and has been heard. Mr. Fisher commented that he wanted to take a moment to commend Councilman Burgin who has championed this effort for the last several years, and did not let the vision die. He noted his willingness to listen and to be flexible and which you have before you is a plan that is good for Salisbury and good for business. He acknowledged that in a city of this size there will be naysayers, but that this is a greater-good question and the community has spoken as to which is the greater-good. Mr. Fisher indicated that the time is now, the opportunity is now, and this Gateway Plan is how. He voiced shame on us if we do not take advantage of this opportunity, if we do not embrace this opportunity as a chance to change the way the world views us, and if we do not embrace our own future and control our own destiny. He commented that he was asking that Council act on this plan today noting that the homework has been done, public input has been given, the communities have viewed it and spoken, and it is time to act. He said that this Gateway Plan needs to be enacted, it needs to be applied, and the Council should not let this opportunity slip away.

Ms. Dianne Dillon, Executive Director of Historic Salisbury Foundation, shared with Council the following phrase which she felt speaks to the Gateway Plan: "Visiting an historic site is the number one reason cited by non-residential tourists coming to North Carolina, and preservation visitors stay longer, visit twice as many places, and spend two and one-half times as much money as do other visitors." She noted this quote came from the book Profiting From the Past by Donovan Rypkema. Ms. Dillon commented that the Historic Salisbury Foundation had also passed a resolution in support of the Plan. She indicated to Council that the streetscape of East Innes Street did not reach its present appearance in a day or even a year. She noted that when she arrived in Salisbury in 1970, that area looked very much like, if not worse than, it does today. Ms. Dillon commented that it took many years to get that way, and that the longer this area goes without guidelines in place to reverse this trend, the longer it will take to see any constructive changes. She commented "how much longer can we afford to wait." Ms. Dillon noted that with the exception of the C.F. Parks Office at 531 East Innes Street and the Barnhardt House in the 300 block, nothing remains of the historic nature of this once grand entry-way into downtown. She stated that Council has an opportunity to enact something that will protect and enhance our City long after we are all gone and that the Board of Trustees of the Historic Salisbury Foundation encourages Council to support this plan.

Mr. Mark Lewis, 136 Rugby Road, indicated to Council that he was speaking to voice his support for the Gateway Overlay District and the map amendment. He noted that for the past nine years it has been repeatedly advised by architects, consultants, and citizens to clean up the East Innes Street Gateway. This front door to our City remains an eyesore and is a deterrent to economic growth, he said. He commented that for this reason, the leaders of our community have a responsibility to fix this problem. Mr. Lewis applauded the determination of Council to bring about a quality ordinance that meets the needs of our property owners on the corridor and still supports the Salisbury 2020 Vision. Mr. Lewis stated that the two key differences between this plan and the VCOD is the disaster relief provision and the alternate methods of compliance provision. He commented that it was never the intention of previous Planning Boards to require existing businesses to conform to the new overlays specifically due to a disaster that was beyond their control and that the new Gateway ordinance allows them to build back what was destroyed either under their underlying zoning or the new Gateway Standards. He indicated that the alternate methods of compliance eliminate the "one-size fits all" nature of the VCOD, and he assured Council that one size does not ever fit all. He noted that this provision allows developers and planners to use common-sense design for challenging parcels and that it has worked well in the landscape ordinance and will serve the Gateway as well. Mr. Lewis requested that Council stick "to their guns" with respect to the sign amortization. He commented that the few companies which are still using non-conforming signs are at a competitive advantage over those business that have either voluntarily or were required to meet the new current sign ordinance. He indicated that a lot has been invested in this ordinance, it is fair to everyone, and despite what the SALISBURY POST editorial stated, this Gateway ordinance will make a significant difference in the re-development of the City as we look toward the year 2020.

Mr. Ed Norvell, 128 South Fulton Street, and Chairman of the Salisbury Master Plan which was finalized in 2001 noted that during that process, the group looked at the viability of downtown which is very attractive and beautiful, the need to pull shoppers off of Interstate 85 and concern with respect to the appearance of East Innes Street. He indicated that he also served as a member of the original Community Appearance Commission back in the early 1980's and at that time, the group had also looked at the appearance of East Innes Street as a concern. He explained that this effort led to the creation of the original sign ordinance and landscape ordinance. Mr. Norvell commented that it was very heartening for him to see this plan before the Council today and that he knows of the hard work that the Planning Board and many other individuals have put into this plan and hopes that Council will support its passage. He noted that he also supports the amortization of signs on East Innes Street of which many are at least twenty or more years old and have lived their useful life.

Mr. Brian Miller, 428 Maupin Avenue, and Planning Board member, explained that the Planning Board looked at several things throughout this process. He noted that one such concern was that they wanted to give the opportunity for folks, as they buy the properties, to develop in a way that they felt they were protected as they go through the corridor. He noted that it was important to them that the market drives some of what you see here, and feels this has been accomplished with the Gateway Plan. He stated that it holds the existing business harmless from having to conform to a "one size fits all". Mr. Miller thanked those who carried the ball for this undertaking to get us to where we are. He specifically identified Mayor Pro Tem Woodson and Councilman Burgin whose committee work and visitations to each property to discuss how the plan applied to them, was the framework for how we got to where we are today. Mr. Miller expressed appreciation for Council consideration for this plan and all it has done.

Mr. Glenn Ketner, Jr., Attorney, and President of Rowan Investment Company indicated that he just wanted to make it known that he was "on this train". He said this plan was a far better product than the VCOD. He commended Mayor Pro Tem Woodson and Councilman Burgin for their hard work. Mr. Ketner commented that, as has been noted, this replaces the VCOD, and that he would like to see Council remove the VCOD from the books if the ordinance is passed. He noted that this is a far better way to approach the problem and it is tailored to the particular area that needed attention. Mr. Ketner commented that people may differ about whether pedestrian scale, human scale, or creating downtown all the way to Newsome Road is something that will work. He stated that it may work and that it is a theory. Mr. Ketner suggested that Council have some sort of review process, whether annually or not, to check with planning staff and others to see if the plan is working. He further explained that this review could show what good has happened or that here are five people who would have done something, but said they would not because of the plan. Mr. Ketner noted that his point is that he thinks it is a theory and needs to stand the test of time, that it may take years to do it, and if it is the right track the City should stay on it. He indicated that he had some concern over a few items in the specific ordinance. He explained that on the matrix reference Exterior Renovation Without Expansion is a trigger for some things. He noted that he had raised this point earlier and was not sure whether anything had been done or not, but that his question is what constitutes exterior renovation and whether painting or doing a facade to make something look better would presumably not be a trigger. Mr. Ketner indicated that the other point was in reference to Section 15.11, Alternate Methods of Compliance. He explained that he had some concern that that did not apply to all aspects of the ordinance, but was assured at the Planning Board level that it did, and if it does, so that latitude is given and flexibility applies to all parts of the ordinance, I think that is a positive.

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

Mayor Kluttz thanked all of the people present who took the time to attend this hearing to share their valuable opinions and suggestions with the Council. She expressed appreciation for all of the individuals including Councilman Burgin and Mayor Pro Tem Woodson, organizations, and groups who have worked so hard on this. She commented that she is very excited that the City is at this point where action can be taken, and that she enthusiastically supports and is in favor of the plan.

Councilman Kennedy indicated that since Councilman Burgin and Mayor Pro Tem Woodson have worked on this before, I say that I am in support of the East Innes Gateway Plan. He noted that it improves our gateway by making it more attractive and inviting to visitors, and it is also business-friendly in that if any current business is interrupted for any reason, it can be rebuilt without any penalties.

Mayor Pro Tem Woodson noted that three and one-half years ago, Mayor Kluttz assigned him and Councilman Burgin to this project. He commented that it started off rather rough with lots of business people following them and talking with them as they walked the streets. He stated that this new plan is business-friendly, and that he is happy with the amortization plan. He thanked Councilman Burgin for all of his work. He thanked Mr. Fisher for his kind words of appreciation. He commented that the points brought up by Mr. Ketner reference the VCOD and facades are good ones, that the plan has come a long way, and that he would support it fully.

Councilman Burgin stated that he thinks where we are today represents the way government works where we present ideas from both the left and the right and begin to look at what it is that both sides are trying to accomplish. He noted that he thinks in this case there is a stronger ordinance in front of us than we had before, and it is one that is not too scary. It is one that represents review by the community, because that is how government works, and that it takes a long time. He expressed appreciation to the Allens, Mr. Ketner, and others who have watched over the shoulders of the committee members and helped as they tried to do the committee work. He stated that these were people who recognized that we needed to try to do some things to improve this particular entry into Salisbury and Rowan County, and this will do it. It may take a little time and the Council is going to have to stick by their guns and let it happen, and there will be a little bit of pain, but when it is all over and all is said and done, this will improve the entry into this City and that is something we have been trying to do for at least six if not twelve years.

(c) Thereupon, Mr. Burgin made a **motion** to adopt the East Innes Street Gateway Plan as our ordinance for reviving our entry into our City as presented by the Planning Board. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO REMOVE THE VISUAL CORRIDOR OVERLAY DISTRICT (VCOD) AND TO ESTABLISH AND PROVIDE REGULATIONS FOR A GATEWAY-EAST INNES OVERLAY DISTRICT (G-EI).

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI - Zoning & Planning, at Page Nos. 43-55, and is known as Ordinance No. 2003-57.)

### **ZONING MAP AMENDMENT - Z-11-03 - GATEWAY-EAST INNES**

Z-11-03 - Gateway-East Innes

East Innes Street from railroad tracks to the future Newsome Road Extension

The request is to rezone approximately 82 acres by adding the Gateway-East Innes Overlay (G-EI) consisting of properties along both sides of East Innes Street beginning in the 300 block of East Innes Street at the railroad tracks and continuing to the 1500 block of East Innes Street.

(a) Mr. Patrick Kennerly, Planner 11, indicated that this would place an overlay district on the zoning map in the area of the East Innes Street Gateway Plan, and that the rules and regulations would apply. He stated that the corridor would start at the railroad bridge near downtown and continue to the Newsome Road Extension. This area would be about one property deep on both sides of the corridor. This district includes about seventy-five properties and approximately the same number of acres.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-11-03, Gateway - East Innes.

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

(c) Thereupon, Mr. Burgin made a **motion** to adopt the Gateway Overlay for the area that is designated. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY ADDING THE GATEWAY-EAST INNES OVERLAY (G-EI) TO APPROXIMATELY 82 ACRES CONSISTING OF PROPERTIES ALONG BOTH SIDES OF EAST INNES STREET BEGINNING IN THE 300 BLOCK OF EAST INNES STREET AND CONTINUING TO THE 1500 BLOCK OF EAST INNES STREET.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI - Zoning Planning, at Page Nos. 56-59, and is known as Ordinance No. 2003-58.)

### **ZONING MAP AMENDMENT - Z-9-03 - BELLE REALTY AND DEVELOPMENT COMPANY**

Z-9-03 - Belle Realty and Development Company

Property between Old Mocksville Road and Sells Road

The request is to rezone approximately 55 acres of property located between Old Mocksville Road and Sells Road from RD-A Residential Development-A to R-8 Single Family-8 Residential.

(a) Mr. Harold Poole, Senior Planner, pointed out to Council the Old Mocksville Road entrance to Country Club Hills which is actually Section 5 at Polo Drive. He explained that this request is to rezone an area that is currently RD-A and a part of Section 7. He noted that approximately 27 acres are zoned RD-A and R-8. He commented that the Planning Board is recommending the zoning change from RD-A. Mr. Poole noted that probably next month, staff will come back and look at the remainder of this area that has RD-A zoning. He explained that Section 5 is already developed with single-family houses. He noted that what is being requested now is the western part which is vacant property.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-9-03, Belle Realty & Development Company.

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

(c) Thereupon, Mr. Woodson made a **motion** to go from RD-A Residential Development - A to R-8 Single Family. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 25.8 ACRES, WEST OF COUNTRY CLUB HILLS - SECTION 5 (FRANKLIN TWP. TAX MAP 325-D), FROM THE RD-A RESIDENTIAL DEVELOPMENT-A DISTRICT TO THE R-8 SINGLE FAMILY-8 RESIDENTIAL DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI - Zoning Planning, at Page Nos. 60-61, and is known as Ordinance No. 2003-59.)

### **ZONING TEXT AMENDMENT - FRONT SETBACKS IN THE SFC ZONING DISTRICT**

(a) Mr. Patrick Kennerly, Planner 11, told Council that one of the major concerns was the appearance when the front yard setback is reduced to 20 feet, and existing houses on either side of the property are set back at 30 or 40 feet. He pointed out that a lot of the SFC zoning falls within the local historic districts and the Historic Preservation Committee (HPC) has the ability to regulate the setbacks of any new development. He noted that there are some areas that fall outside of those historic district boundaries. Mr. Kennerly stated that staff visited those areas and examined them on a block-by-block basis, looked at the existing structures, and measured the existing setbacks. He indicated that the average setback for any one block does not provide an accurate picture. For example, in one block the average setback was 24.7 feet, but the range was from 15 to 52 feet. He noted that there did not appear to be any set rule on how these properties were developed. He commented that after reviewing the study staff could not find conclusive arguments for the recommendations under consideration. Mr. Kennerly stated that the Planning Board recommendation was to reduce the setback to 20 feet based on recent modifications to the subdivision ordinance which will allow for narrower lots and lots which do not have as great a depth. He noted one may end up with lots as narrow or as shallow as 100 feet in depth. He noted that if lots are going to be that narrow or that shallow that you probably need to increase the building envelope to the 20 foot recommendation from the Planning Board. He stated that the original recommendation of the Planning Board was 25 feet. Mr. Kennerly commented that if Council is not sure which is the best choice, it could take no action and leave it at 30 feet.

Councilmember Burgin commented that he had studied the data and talked with several Planning Board members and felt comfortable with the 20 feet. He stated that in looking at the blocks that were reviewed, none of them in the historic district are of concern because they have a safety net that will protect anybody from bringing something in that is inconsistent with the neighborhood. There are only 4 of the 15 odd blocks that would have any real issue with this, and some of those range from 25 to 36 feet and from 18 to 40 feet.

(b) Thereupon, Mr. Burgin made a **motion** to accept the ordinance as presented. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING SECTION 11.01 TABLE OF REQUIREMENTS, COLUMN MINIMUM YARD REQUIREMENTS - FRONT YARD SETBACK IN FEET, FROM THE SFC DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No.19, under Chapter XI - Zoning & Planning, at Page No. 62, and is known as Ordinance No. 2003-60.)

### **GROUP DEVELOPMENT SITE PLAN - G-07-03 - ROWAN REGIONAL MEDICAL CENTER - PARKING LOT**

G-07-03 - Rowan Regional Medical Center - Parking Lot

501 Mocksville Avenue

(a) Mr. Dan Mikkelson, Director of Land Management & Development, introduced Mr. David Phillips, Interim Zoning Administrator. Mr. Phillips reviewed with Council the site plan for G-07-03, Rowan Regional Medical Center Parking Lot, located at 501 Mocksville Avenue. Mr. Phillips indicated that the parking lot would consist of 279 parking spaces. The property is zoned MED which allows the parking lot to be there. He stated that the request has gone through the Technical Review Committee and the Planning Board and that all landscaping requirements have been met and that approval was given for sidewalks along both Mocksville and Highland Avenues. He noted that lighting fixtures will be consistent with what is currently in use. Mr. Phillips informed Council that the recommendation of staff and the Planning Board is to approve the plan as presented.

(b) Mayor Klutz opened the floor for comments from the public for anyone desiring to speak **in favor** or **in opposition** to the proposed Site Plan G-07-03.

Those speaking in **favor** of the site plan were:

Mr. Rick Parker, 150 Dove Lane, Vice President of Clinical Support Services at Rowan Regional Medical Center informed Council that Rowan Regional Medical Center was in support of the parking lot as being requested. He noted that the primary reason for additional parking is that the Medical Center has received a Certificate of Need approval from the state to build a 30,000 square foot emergency department and add three additional stories so that all inpatient rooms can become private rooms. Mr. Parker commented that there will be changes and restrictions in the current parking areas as the medical center expands toward the requested parking area.

Since no one else was present to speak concerning the above proposal, Mayor Klutz closed the public comments.

Mayor Klutz commented that this Medical Center is a tremendous asset to our community and that she is very grateful for the work they do and noted that the Medical Center works hard with the surrounding neighborhood. Mayor Klutz pointed out that parking is a necessity, and that providing closer parking for our citizens is a service to them and a sign of progress and growth for which the Council is proud.

(c) Thereupon, Mr. Kennedy **moved** to approve Group Development Site Plan G-07-03, Rowan Regional Medical Center Parking Lot. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0).

### **SALISBURY EXTRATERRITORIAL JURISDICTION (ETJ)**

Mr. Joe Morris, Planning & Community Development Manager, informed Council that staff was directed to investigate the procedure for relinquishment of the Extraterritorial Jurisdiction (ETJ) in the Summit Industrial Park area as requested by Rowan County. He pointed out on the map that the area in question is at the southeastern quadrant of I-85 and Julian Road. The property was formerly known as the Summit Corporate Center and some adjacent properties owned by the County, he said. He noted that from the standpoint of zoning enforcement, clarity of mapping, etc. Staff recommendation is that the ETJ relinquishment be limited to this area. Mr. Morris indicated that in researching this, it was determined that there is a procedure that is driven by the North Carolina General Statutes, and that the following schedule is being suggested for Council consideration:

September 2, 2003 Report to City Council

September 9, 2003 Planning Board Courtesy Hearing

September 16, 2003 City Council Public Hearing/Adopt Resolution

September 22, 2003 Effective Date for Offer to Relinquish

Mr. Morris indicated that the North Carolina General Statute essentially provides for a sixty-day period during which the City would maintain zoning jurisdiction over the area, or until zoning is applied to the area by the County.

Thereupon, Mr. Woodson made a **motion** to approve the schedule for the ETJ relinquishment. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0).

### **RESTRICT PARKING - NORTH SIDE OF 100 BLOCK OF EAST CORRIHER AVENUE**

Ms. Wendy Brindle, Traffic Engineer, informed Council that a petition was received from residents in the 100 block of East Corriher Avenue to restrict parking on the north side of the block. Ms. Brindle noted that parking is already restricted on the west side between Hillcrest Place and Mahaley Avenue. Ms. Brindle indicated that the petition was signed by 82% of the property owners and is consistent with requests approved by Council in the past.

Thereupon, Mr. Kennedy **moved** to adopt an ordinance amending section 13-338 of the City Code. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0)

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 ordinance is recorded in full in Ordinance Book, No.19, under Chapter X - Traffic, at Page No. 10, and is known as Ordinance No. 2003-61.)

### **RESTRICT PARKING - EAST SIDE OF 1400 BLOCK OF PARKVIEW CIRCLE**

Ms. Wendy Brindle, Traffic Engineer, informed Council that on August 5, 2003, a request from residents in the 1400 block of Parkview Circle was received and approved to restrict parking on the west side of the block. Ms. Brindle noted that once signs were posted, the residents realized that they had intended for the restriction to be on the east side of the block. The residents submitted a revised petition signed by the same property owners and a request to change the restriction from the west to the east side. Ms. Brindle indicated that the revised petition was signed by 71 percent of the property owners and is consistent with requests approved by Council in the past.

Thereupon, Mr. Burgin **moved** to adopt an ordinance amending section 13-338 of the City Code. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson and Mayor Klutz voted AYE. (4-0)

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 ordinance is recorded in full in Ordinance Book, No. 19, under Chapter X - Traffic, at Page No. 11, and is known as Ordinance No. 2003-62.)

### **VOLUNTARY ANNEXATION - SALISBURY APARTMENTS**

Mr. Patrick Ritchie, Staff Engineer, informed Council that the Engineering Division is working with the developer for this voluntary annexation of this piece of property. He noted that requests for voluntary annexation typically come before Council on three separate

meetings and at the meeting on August 19, 2003, Council received the petition and asked the Engineering Division to investigate the sufficiency, and staff has found it to be sufficient. He explained that if Council wishes to proceed with the annexation, it would be necessary to receive the Certificate of Sufficiency and adopt a resolution setting a public hearing for September 16, 2003. Mr. Ritchie stated that if after the public hearing, Council proceeds to annex the area, it will become effective on December 31, 2003.

Thereupon, Mr. Woodson made a **motion** to receive the Certificate of Sufficiency from the City Clerk concerning annexation of a portion of Salisbury Apartments and adopt a resolution setting a public hearing for September 16, 2003. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0).

**RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF SALISBURY APARTMENTS (6.376 ACRES) PURSUANT TO G. S. 160A-31 AS AMENDED.**

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII – Miscellaneous, at Page No. 54, and is known as Resolution No. 2003-40.)

**VOLUNTARY ANNEXATION - YADKIN RIVER PUMP STATION - HANNAH'S FERRY ROAD**

Mr. Patrick Ritchie, Staff Engineer, informed Council that the Engineering Division is working with the Utilities Department for the annexation of the Yadkin River Pump Station located on Hannah's Ferry Road. He explained that the required procedure for this annexation is very similar to the procedure for other voluntary annexations, but because it is a City-owned property, no petition is involved.

Thereupon, Mr. Woodson made a **motion** to adopt a resolution of intent to annex the City-owned Yadkin River Pump Station on Hannah's Ferry Road and set a public hearing for September 16, 2003. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson and Ms. Klutz voted AYE. (4-0).

**RESOLUTION STATING THE INTENT OF THE CITY OF SALISBURY TO ANNEX PROPERTY OWNED BY THE CITY OF SALISBURY WHICH IS NOT CONTIGUOUS TO THE EXISTING MUNICIPAL BOUNDARIES AND SETTING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION.**

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII – Miscellaneous, at Page No. 55, and is known as Resolution No. 2003-41.)

**MAST ARM TRAFFIC SIGNAL SUPPORTS - PROJECT U-1859U**

Mr. Dan Mikkelson, Director of Land Management & Development, noted to Council that in 1996, as part of the Urban Design Assistance Team (UDAT) Study, the North Carolina Department of Transportation (NCDOT) provided the city with a \$70,000 grant to install mast arm traffic signals at several locations along East Innes Street. He commented that staff has spent time since then trying to get coordination between NCDOT and Duke Power. He explained that NCDOT began the design and ordered the poles, but when the poles came in NCDOT had changed their standard and these poles no longer met the standard. Mr. Mikkelson commented that Duke Power was hesitant to submit this design to NCDOT for fear of it being rejected, not just in Salisbury but also statewide, because they were able to use those poles at other locations across the state. He indicated that eventually Duke Power agreed to submit the design, and the Division Office agreed to support its approval, but it was ultimately denied by NCDOT at a higher level. Mr. Mikkelson commented Council was informed, at the time, that staff thought the cost to meet the new NCDOT standards would be about \$25,000 in addition to the \$70,000 grant money, and that Council was comfortable with that ratio. As staff received additional information over time, they have found out that the current cost to meet the DOT standards would actually be closer to \$150,000, and there is no money available for it in the budget of either the City or the state. He explained to Council that the state has adopted some program delivery goals that require funding from this source, Small Urban Funds, with projects to be completed in 18 months of the award. He noted that the City is being asked to either complete the project or return the money by October. Mr. Mikkelson stated that given the situation of being stuck between Duke Power and NCDOT and lacking additional funding, this is one the City will finally have to give up on. He noted that there has been progress in reduction of overhead utilities on East Innes Street with most of them between Cox Lane and Arlington Street having been relocated. The NCDOT project widening of Interstate 85 will be putting up mast arms at five locations, he said

City Manager Treme indicated that the staff has tried very hard to work with both NCDOT and Duke Power in trying to get problems resolved. He indicated that he knew of nothing else that could be done to make this work. Mr. Treme explained that as we draft a letter back to NCDOT, he would like to explain to them in some detail why the City is having to do this. He noted that they should understand that the standards changed, we had appropriated the money, we were led to believe it would go through, and by October, 2003 we will either have to have spent the money or give up the grant. He commented that the time has run out on this, and he does not know what might have expedited this other than to come up with an additional \$80,000. He expressed regret at having the grant run out on us, but explained that, somehow, between Duke Power and NCDOT, the City got caught in the middle.

Councilman Burgin suggested that in the letter back to NCDOT it should be clearly stated as to how disappointed the City Council is because this is part of what the City will have to try to do to really bring the entry to the City to the level for which we are striving. Mr. Burgin noted that there is certainly no other choice, because the City cannot come up with \$80,000 when it was thought the cost was only \$25,000. He stated that he still feels if NCDOT is going to raise the bar, they need to raise the ante too.

It was the consensus of Council for staff to respond back to NCDOT and express the disappointment of the City Council.

**STREET LIGHT POLICY**

Mr. Dan Mikkelson, Director of Land Management & Development, informed Council that this was a request of Councilman Burgin and he would like to report some background information on the scope of the streetlight policy. He noted that currently about \$300,000 per year is spent to light City streets and City-owned property. The lights are owned and operated by Duke Power and they charge the City a special governmental rate, he said. He stated that in the past, the City has usually experienced about a 5 percent annual increase for expansion of the lighting system or to make improvements in existing neighborhoods where request have come through the petitioning process. He commented that due to the budget situation over the last three years, expansion has not been funded. Staff has tried to keep alive during the budget cutbacks, the ability to install lights in newly developed subdivisions, he said.

Mr. Mikkelson explained that the most typical lights installed are the NEMA fixture which is seen in most neighborhoods and the Cobra fixture which would be seen in an urban environment. He noted that the NEMA fixture is mounted on a wooden pole and the Cobra could be mounted on a pole of either wood, metal, or fiberglass. He stated that the lights are installed by Duke Power at no installation cost to the City and that for each of the lights we pay \$6.66 per month to keep them operating.

Mr. Mikkelson indicated that some of the new subdivisions are requesting to go to pedestrian scale decorative lighting and showed pictures of the four fixtures offered by Duke Power. He commented that some of those used in the downtown because of the mast, scale, and resistance to vandalism, actually cost \$7,000 to \$8,000 each. Mr. Mikkelson stated that for the decorative lights which would go in a typical residential neighborhood, the cost would be in the \$450 to \$3,500 range and if they are installed at the time the development is being developed there is no installation charge. He noted that for the decorative lights being installed in an existing neighborhood, where it is necessary to bore under streets or driveways, there would be additional installation charges.

Mr. Mikkelson informed Council that at this time, the Duke Power Policy offers an option that the City has elected not to take advantage of. He noted that Duke Power gives the City the choice of either paying the extra material and installation charge up front, which is what the City has adopted as its standard procedure. He explained that they will provide another option which they call the decorative adder. He explained that one pays an added fee each month and finances the cost of the added material and installation. He remarked that the cost for a decorative adder can be as low as \$4.50 per month or as high as \$10-\$20 per month. Mr. Mikkelson stated that if one takes the option with the decorative adder, the installation charge and the material charge is usually paid off in about a ten-year period, but the decorative adder remains in place for the life-span of the fixture. He commented that staff has not considered this option to be an appropriate way of keeping lighting cost as low as practical. The City uses this policy not only for residential properties, but also on City projects. If we have a city project that wants to put in decorative fixtures, we have that project pay the up front material and installation charge, and the City picks up the ongoing monthly fee of \$6.66 for the lighting.

Mr. Mikkelson explained that the standard fixtures are mounted about 24 feet high and the decorative lights are mounted about 12 feet high. He indicated that to go to the decorative fixtures takes about twice as many units to get the same level and uniformity of lighting as one gets with the standard fixtures. He noted that the current policy reads that if a neighborhood wants the decorative lights, and it requires a higher number of fixtures, they will have to pay for the materials, installation, and the \$6.66 per month charge on the extra number of lights.

Mr. Mikkelson noted that in looking at the Vision 2020 Comprehensive Plan, there is an entire chapter dealing with street lighting. He stated that it encourages the use of decorative, pedestrian scale lights. He commented that it specifically indicates that the developer or the neighborhood ought to be paying the material and installation charges. He noted that it also recommends that the City make a change in its policies and pick up the added monthly fee of \$6.66 for the number of fixtures used. He indicated that that way they pay for the fancy, decorative fixtures and we pay to keep it lighted. Mr. Mikkelson noted that currently we pay the amount to keep the standard lights burning and they have to pay for the extra number of fixtures to go to the decorative. He commented that Vision 2020 recommends an option in which the City pay for more lights, and this can be absorbed into the \$300,000 lighting budget, he said.

Mr. Mikkelson explained that another available option is to go ahead and allow developers to do the Duke Power decorative adder where the monthly fee per light will be higher, because they are essentially financing it over time. He commented that the City has the ability to charge this added fee to the developer and once the developer has established a homeowners association the fee can be transferred to the association. He noted that the disadvantage to this program is that once the lighting system has been in place for over ten years, the neighborhood is now paying a much higher life-cycle cost for the lights and that staff does not recommend that as an option.

Mr. Mikkelson indicated that a third option that was looked at which could promote more use of decorative fixtures would be to let the City finance the up front material and installation charge and once it was paid off, you would be back to just the operating expense and the life-cycle cost for the lights would not go up. He commented that this was discussed with the Finance Department and it was discovered that in order to guarantee payment, the City would need to require some kind of bond. He noted that if the City were able to offer a better interest rate than the developer could attain on his own, the cost he would have to pay on the bond premium would probably offset any benefit he would have by the City financing it. In implementing it, the City would have to develop a policy that establishes how much money it is going to set aside for new developments or neighborhoods who are trying to implement decorative lighting, Mr. Mikkelson stated.

Mr. Mikkelson noted that those are three options if Council wants to implement some changes to promote more use of the decorative, pedestrian scale lights that is in keeping with Vision 2020. He stated that his recommendation would be to stick with Vision 2020 plan and if we made any change at all, it should be just to pick up the monthly cost of the added number of decorative lights, which could not be implemented until the next budget year.

Councilman Burgin asked whether or not anyone has approached Duke Power about the decorative adder charge remaining for the life span of the fixture.

Mr. Mikkelson commented that Duke Power's response is that in theory the ten-year time period pays off that first light, and then you begin a new ten-year time period. Sometime during that ten year time period, that light is going to need to be replaced and fixtures upgraded. He noted that whether or not those lights will be replaced every ten years was in doubt.

City Manager Treme informed Council that he asked staff to look at the option of the City financing to see if that might be a workable plan in the Vision 2020 Plan. He commented that with the bond requirement, the City could be stuck holding hundreds of thousands of dollars of debt with no way to recover. He indicated that the other thing which has disturbed him relates to situations that occasionally arise when roads are developed. The developer puts in a road which does not meet approved requirements, and then unsuspecting homeowner groups discover that the road in front of them is not a public road, but rather a private road, he said. He noted that groups have come back time after time and Council has taken the roads back over even though they were not quite what the City wanted. He stated that this could happen with lighting just as with roads. Mr. Treme noted that given the budget for the streetlights, the City can probably absorb the \$6.66 for the decorative lights. He noted that there has been lots of conversation across the state with Duke Power reference their coming up with some new standards on streetlighting. He noted that this might be an interim step until the City can find a better way to accomplish its objective so that the taxpayers are not put at risk or an undue burden is put on the homeowners associations after a ten-year period. He stated that he thinks the recommendation from staff is sound and is a half-step forward to address some immediate concerns.

Councilman Burgin asked for clarification on whether or not, if the developer buys the lighting fixtures up front, does Duke Power replace them when they go bad in ten years.

Mr. Mikkelson stated that the light is maintained by Duke Power and if the light gets damaged to the point that it no longer operates, Duke Power will repair it. He explained that in a neighborhood that has had their decorative lights for ten years, it is doubtful that Duke Power would replace one that looks bad from aging. He noted that if one just failed to work, and Duke Power found that the only repair was to replace it, they would do so.

Mr. Burgin noted that he was thankful for staff looking at this, and stated that it is a step forward. He commented that it is fairly gracious, but that there ought to be some way the City can encourage better looking lighting. He stated that it may be that the City has to talk with Duke Power and remind them of their place in the world of community support.

City Manager Treme indicated that the City just needs to press this issue with Duke Power, and that the persistence we have shown in the past on things has generally always paid off. He noted that at the local level, Mr. Bob Allen has been very supportive, but he thinks this is a decision that is not made locally. He stated that the \$6.66 per month can be absorbed in the budget and noted that is the best that can be done to facilitate the Council's policy.

Councilman Burgin asked if it was necessary to have a motion and does it apply to this budget year or next year.

Mr. Mikkelson responded that if Council likes the option recommended in Vision 2020, he would come back next year with the FY 2004-2005 budget and recommend it as a special project.

## **ANNUAL REPORT - SALISBURY FIRE DEPARTMENT**

Fire Chief Sam Brady and Battalion Chief Robert Parnell gave Council a review of the annual report for the Salisbury Fire Department.

Fire Chief Brady shared the mission and intent of the Fire Department as follows and indicated that they feel that they have been very successful in meeting their objectives:

- To provide capable, well-trained personnel and necessary, specialized equipment to suppress fires, and effectively mitigate Hazardous Materials accidents that may occur in our community related to transportation or industry
- To provide rescue services as needed and life support, through an updated First Responder Program
- To continue to work toward a more fire-safe community through loss prevention activities, including Minimum Housing responsibilities, building inspections, code enforcement and public education programs

## **FIRE CONTROL DIVISION**

Fire Chief Brady explained that the Office of the Chief oversees overall Management and day-to-day operations, supervises and evaluates performance of physical and personnel resources, budget and logistics, and oversees the Fire Department Strategic Plan. Chief Brady noted that the highlight of the Strategic Plan calls for the addition of a fourth fire station for which the property has already been acquired on Highway 70. He stated that the firefighters, engineers, and equipment required to operate the newly planned station will be determined by Council as plans proceed.

Chief Brady explained that the Fire Control Operations Division is under the direct supervision of the Assistant Fire Chief Rick Fesperman who operates the Department in the absence of the Chief. Chief Brady noted that the Assistant Fire Chief oversees all aspects of the company operations, and on multiple alarm fires, he is usually the person that commands those incidents. He stated that the Assistant Fire Chief monitors closely the situation during incidents to assess needs which could be addressed through training and arranges for these opportunities through the Training Division.

## **Pre-fire Plan Program**

Fire Chief Brady noted that they operate out of three fire stations located on South Main Street, East Innes Street, and West Innes Street. He explained that the department has undertaken a Pre-fire Plan Program in which businesses are inspected, information is collected, and a comprehensive study is made of all of the hazardous factors that may be considered to effectively manage an emergency. He noted that the pre-plan includes information such as water sources, any special or hazardous materials on the site, life-safety needs, special ways in or out of the structure, sprinkler systems, and much more. He stated that since the inception of the

program in 1992, there are currently 362 pre-plans which are in regular notebooks at this time, but which he hopes in the near future to have on mobile, data terminals that will enable instant retrieval of a pre-plan for a site.

Community Projects

Fire Chief Brady reviewed the following community projects in which they participate: United Way Day of Caring, United Way Campaign, Rowan-Cabarrus Community College (RCCC) Trike-a-Thon, Burned Childrens' Fund, Free Blood Pressure Clinics at each station, Walk America, Red Cross, and Project SAFE (Safety Assessment for Emergencies) which includes the smoke detector program. He indicated that to date, they have placed approximately 750 smoke detectors in homes and apartments, and have installed carbon monoxide detectors, house-numbering systems, flashing lights for the hearing impaired, and others which are all included in Project SAFE.

Call Types

Fire Chief Brady identified the call types and showed the number for each in 2002:

|  |          |
|--|----------|
| All fires                                | 171      |
| Overpressure Rupture, Explosion, No Fire | 46       |
| EMS, Rescue, Medical Incidents           | 1687     |
| Hazardous Conditions                     | 253      |
| Service Assignments                      | 105      |
| Good Intent Calls                        | 245      |
| False Calls                              | 412      |
| Severe Weather, Natural Disaster         | 3        |
| <br>Grand Total                          | <br>2922 |

He noted that the Emergency Management Services (EMS), Rescue, Medical Incidents calls are by far the largest number of calls and comprises nearly 60% of their work load.

Call History

Fire Chief Brady presented pertinent data from the Call History for the last ten years. He noted that over the last ten year there had been about a 5% increase in the total number of calls, a 41% increase in EMS calls, and a 14% increase in other calls. He indicated that these increases were probably due to EMS awareness, population increase, and changes in the medical community standards as relates to when response to calls will be made.

Fire Loss History

Fire Chief Brady showed data for Fire Loss History over the last four years.

| Fire History | Loss | Loss Totals | At Risk Totals | Property Saved |
|--------------|------|-------------|----------------|----------------|
| 1999         |      | \$1,853,214 | \$ 7,684,966   | \$ 5,831,752   |
| 2000         |      | \$2,326,589 | \$60,731,808   | \$52,132,804   |
| 2001         |      | \$ 752,200  | \$ 4,501,150   | \$ 3,748,950   |
| 2002         |      | \$1,635,340 | \$25,370,940   | \$23,735,600   |

Chief Brady commented that overall, losses have been kept to a minimum compared to property that was at risk.

District Responses & Mutual Aid

Fire Chief Brady showed the number of responses of each station including mutual aid responses. He noted that the first three stations are those which comprise the Salisbury Fire Department, and that the uptown Station 51 has, as would be expected, the largest number. He commented that Stations 52 and 53 are well-balanced and that they try to keep the territories into which they answer fairly even.

|            |      |
|------------|------|
| Station 51 | 1095 |
| Station 52 | 829  |
| Station 53 | 891  |

|                             |    |
|-----------------------------|----|
| Station 47, East Spencer    | 13 |
| Station 55, Franklin        | 6  |
| Station 57, Granite Quarry  | 9  |
| Station 61, Locke           | 42 |
| Station 64, Miller Ferry    | 11 |
| Station 74, South Salisbury | 21 |
| Station 75, Spencer         | 18 |

Response Times per District

Fire Chief Brady noted that the overall average response time for all districts is approaching 5 minutes all over town. He commented that they would not like to see that number become any greater than it is. He stated that the Opticom System which turns the lights green as we approach them makes our response time faster and provides stronger safety for all. He commented that it is going to be difficult to maintain this overall average response time for all districts since the recent annexation, and suggested that response time to the new area could be as high as 7 minutes.

|   |                      |
|---|----------------------|
| Station 51                                      | 3 minutes 55 seconds |
| Station 52                                      | 5 minutes 3 seconds  |
| Station 53                                      | 4 minutes 52 seconds |
| Overall Average Response Time for all districts | 4 minutes 51 seconds |

Loss Prevention /Investigation Division

Fire Chief Brady explained that this division is under the supervision of Fire Marshal Tom Murphy. The type and number of activities is as follows:

|                                 |      |
|---------------------------------|------|
| Routine Business Inspections    | 1627 |
| Re-inspections                  | 747  |
| Business License Inspections    | 1627 |
| School Inspections              | 20   |
| Day Care Inspections            | 30   |
| Burning Permits Issued          | 4    |
| Foster Care Inspections         | 63   |
| Group Home Inspections          | 62   |
| Tank Inspections/Site Reviews   | 5    |
| Final Inspections for Occupancy | 35   |
| Complaints Handled              | 91   |
| Fire Investigations             | 58   |
| Fire Education Classes          | 88   |
| Minimum Housing Inspections     | 395  |
| Demolition Permits              | 18   |
| Moving Permits                  | 0    |

Public Fire Education

Fire Chief Brady commented that the public fire education program, under the supervision of the Fire Marshal, has been very successful, and noted that the newest addition is "Sparky the Fire Dog". He commented that Sparky came through a grant from Partnership for Children. The house trailer and the truck came through grants from the Robertson Foundation and the Salisbury Community Foundation, he said.

#### Inspections and Investigations

Fire Chief Brady explained that inspections and investigations fall under the supervision of the Fire Marshal. He noted that the numbers for Routine Business Inspections and Business License Inspections are exactly the same. He stated that anytime they go into a business to inspect, they also inspect for business licenses. He commented that this has saved the city almost one position over the years.

#### Training Division

Fire Chief Brady commented that the Training Division is under the supervision of Battalion Chief Parnell who is one of the few Level IV Trainers in the state. He noted that he has been assured that every firefighter and officer in the department is certified at the appropriate level.

#### Training Highlights - 2002

Fire Chief Brady commented on several of the following training highlights during the past year. He noted that almost all of the firefighters have now completed AED training which is for automatic external defibrillation to victims. He noted that Salisbury has one of the best and highest trained departments in the state, and commented that the state only requires thirty-six hours of training per year.

- AED training for firefighters to administer early automatic defibrillation to victims of cardiac arrest
- Taught Life Saving CPR, First Aid, and Respiratory Protection classes for other City departments. Many of the City's firefighters are certified to deliver CPR training to our citizens
- Conducted specialized training sessions in Rescue Air Bags, Hazardous Material Emergencies
- The Salisbury Fire Department also provides IRT and EPR training for the City's supervisor training program
- Fire Department personnel received on-duty and off-duty training for a total of 18,273 contact hours; this is an 273 hours averaged per employee
- NC Fire Service Benchmarking Project.

#### Fire Department Highlights - 2002

Fire Chief Brady reviewed four highlights of the Salisbury Fire Department for 2002. He noted that the Salisbury-Rowan Firefighter Memorial at Chestnut Hills Cemetery was virtually unknown to most people until the September 11 event. He commented that the Mayor took it upon herself to be personally involved with the updating and re-dedicating of the memorial. He indicated that recognition bricks are being sold for those who wish to place one there as memorials to family members.

- Received a \$577,816 grant from FEMA which made it possible to update our aging PPE and SCBA inventory to bring us into the NFPA and OSHA guidelines
- A rare 5th alarm industrial building fire at Cartex Mills during the ice storm of the century. Ladders froze up and we had to beat ice off to move them. Operated 80 firefighters, 6 ladder trucks, and 5 pumpers with no injuries
- 1 civilian fire death in 2002
- Updating and re-dedicating of the Salisbury-Rowan Firefighter Memorial

City Manager Treme noted Salisbury enjoys the finest fire protection in the State of North Carolina. He noted that there is only one city rated higher and that is Greensboro. He indicated that Salisbury is one of five or six other cities that have a Class II rating in the state and this impacts fire insurance.

City Manager Treme indicated that when the City is in need of adding the substation on Highway 70, there will be a need for additional manpower if the City desires to maintain the rating it now enjoys. He stated that Salisbury has an outstanding Fire Department and that Fire Chief Brady does an outstanding job. He commented that when there was no money available, Fire Chief Brady went out and found a grant for \$577,000.

Mayor Klutz commented that on behalf of the Council, she would like to thank Chief Brady and the department for all they do, for their professionalism, and for their dedication. She remarked that September 11 made everyone in our City and throughout the nation realize that we cannot take for granted what the Fire Department does for us and the risk they take for our safety. She stated the Council is very appreciative and cannot say thank you enough.

### **COMMENTS FROM CITY MANAGER**

#### (a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their August 26, 2003 meeting.

(b) Economic Disaster Relief

City Manager Treme informed Council that he had received a request from the County to pass a joint resolution between the Commissioners and the Mayors and the Councils of Salisbury, Kannapolis, Landis, and China Grove. He explained that it is a resolution requesting specific actions for the economic crisis of the layoff of Pillowtex and other employees across our County. He commented that it requests that the groups share with our state and federal governments some suggestions of what they can do to offer economic disaster relief. He stated that if the Council feels comfortable with this, he would recommend approval of this joint resolution. He commented that the Mayor and members of the City staff have been working with the United Way, both federal and state agencies, and other counties during the recent events that occurred in Kannapolis.

Mayor Klutz commented that the County is asking for this passage. Landis has already passed theirs, and this is something to help Salisbury with economic disaster relief, she said.

Councilman Burgin indicated that the key word in the resolution is accelerate. I think we need as a Council to do all we can to help get the message as fast as we can to as many people as we can that we do need help here that double-digit unemployment is unacceptable.

Mayor Pro Tem Woodson stated when he was in Chapel Hill last week and mentioned that he was from Salisbury, Rowan County, people responded with words indicating the area appeared to be in dire straits. He noted that word of the situation here has reached all across the state.

Thereupon, Mr. Burgin made a **motion** to adopt the resolution and be a part of this joint group of Rowan County, Kannapolis, China Grove, and Landis. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

A JOINT RESOLUTION BETWEEN ROWAN COUNTY BOARD OF COMMISSIONERS, THE MAYORS AND COUNCILS OF KANNAPOLIS, SALISBURY, LANDIS, AND CHINA GROVE REQUESTING SPECIFIC ACTIONS FOR ECONOMIC DISASTER RELIEF.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page Nos. 56-57, and is known as Resolution No. 2003-42.)

(c) Vehicle Replacement Policy - Salisbury Police Department

City Manager Treme reported to Council that Salisbury has a ten-year (10) replacement policy for police vehicles. The average age on our police vehicles is approximately 6-1/2 years, he said. Mr. Treme stated that Council approved the purchase of 17 police vehicles in the budget for this year. The City has purchased from the state contract before for replacement police cars.

Mr. Treme recommended that Council approve the purchase of 17 Crown Victoria vehicles at \$20,415 per vehicle as replacement police vehicles. Mr. Treme commented that he thinks the City will benefit by going with the state contract in terms of price per vehicle.

Mr. Dewey Peck, Purchasing Manager, stated that another good reason for purchasing sooner than later is because orders are filled on a first-come basis.

Mayor Pro Tem Woodson asked where the vehicles came from. Mr. Peck replied Capital Ford in Raleigh, Iredell County, and Wayne County.

City Manager Treme commented that the state contract can be bid on by any dealer in North Carolina.

Mayor Pro Tem Woodson indicated that he would like to see a local dealer get the contract. Mr. Peck noted that they have been encouraged to bid on the state contract. He commented that it is a huge contract involving a lot of money and a lot of handling, and that is probably why local dealers chose not to bid.

Thereupon, Mr. Kennedy **moved** to approve the purchase of 17 vehicles at \$20,415 each from the North Carolina state contract from the vehicle replacement fund for a total cost of \$347,055.00. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson and Mayor Klutz voted AYE. (4-0)

(d) Population - Salisbury, North Carolina

City Manager Treme shared with Council a letter received from the Office of State Budget and Management of North Carolina stating that the population of Salisbury, North Carolina for July 1, 2003 is 28,199. He noted that this figure includes the annexed area. Mr. Treme explained that this number is important because many categories of money are distributed to our city based on the population.

**MAYOR'S ANNOUNCEMENTS**

(a) Downtown Salisbury, Inc. Annual Meeting

Mayor Kluttz informed Council that the Downtown Salisbury, Inc. (DSI) Annual Meeting will be held on Thursday, September 4, 2003, at 5:30 p.m., at Easy Street.

**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 6:38 p.m.

\_\_\_\_\_  
Mayor

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