

Salisbury, North Carolina  
December 2, 2003

## **REGULAR MEETING**

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

**ABSENT:** None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Dr. Murray Edwards, Soldiers Memorial AME Zion Church.

## **PLEDGE OF ALLEGIANCE**

The Police Honor Guard presented Colors and Mayor Kluttz led those present in the Pledge of Allegiance to the United States flag.

## **RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present, as well as friends and family of former and present Council members. Jeff Barger, Clerk of Court and Gus Andrews, Chairman of the Rowan County Board of Commissioners were also recognized.

## **RECOGNIZE 2002-2003 CITY RETIREES AND CITY EMPLOYEES WITH 20 AND 25 YEARS OF SERVICE**

Mayor Kluttz recognized the following 2002-2003 Retirees and 2003 Service Award Recipients:

### Retirees

John H. Angle - 17 years - Solid Waste Division  
Hubert E. Furr - 25 years - Development Services Division  
Peggy J. Glover - 24 years - Transit Division  
Floyd A. Kerr, III - 23 years - Parks and Recreation Department  
Charles J. Neely - 21 years - Street Maintenance Division  
Mary A. Shaver - 5 years - Environmental Services Division  
Franklin L. Sifford - 6 years - Plants Maintenance Division

### 25 Year Honorees

David B. Belk - Police Department  
James W. "Bo" Geter, Jr. - Fire Department  
James Ray Griffin - Street Maintenance Division  
Stephen A. Martin - Transit Division  
Matthew Kenny Payne - Fire Department

### 20 Year Honorees

Timothy W. Arey - Street Maintenance Division  
Alan L. Armour - Police Department  
James Mike Frick - Wastewater Treatment  
Michael D. Morgan - Traffic Operations Division  
Floyd G. Rusher, Jr. - Water Resources Division  
Walter Sam Russell - Police Department  
Mark W. Shue - Police Department  
Leon Smith - Street Maintenance Division  
Susan E. Wales - Police Department

Mayor Kluttz congratulated each employee and expressed Council's gratitude for their work.

**CONSENT AGENDA**

(a) Minutes

Approve Minutes of the regular meeting of November 18, 2003.

(b) Group Development Site Plan - G-07-72 - Tire Kingdom

Approve Group Development Site Plan G-07-72, Tire Kingdom, 310 Faith Road, an outparcel of the Salisbury Township Shopping Center.

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

**RECOGNITION OF RETIRING COUNCIL MEMBER ROBERT G. (BOB) MARTIN**

Mayor Kluttz stated that on behalf of the City of Salisbury and Salisbury City Council she wished to express appreciation to Councilman Martin. She noted that Mr. Martin joined City Council during difficult economic times and had definite ideas of how he wanted to improve the city. She commented on his particular interest in developing ideas to become more business friendly, economic restraint and law enforcement. Mayor Kluttz stated that Councilman Martin remained firm in his beliefs and influenced policies in all of these areas, while being respectful, always being a gentleman, and always being a friend to each Council member.

Mayor Kluttz stated that the City of Salisbury and Rowan County has been very fortunate to have Mr. Martin serve as Sheriff and as a City Council member. She then read a resolution thanking Councilman Martin and asked for Council's consideration for adoption.

Thereupon, Mr. Burgin made a **motion** to adopt the Resolution thanking Robert G. (Bob) Martin. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION - ROBERT G. (BOB) MARTIN

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 72, and is known as Resolution No. 2003-54.)

Mayor Kluttz then presented a framed copy of the Resolution to Councilman Martin. Mr. Martin thanked the citizens of Salisbury for allowing him to serve on City Council. He noted that it had been a great experience to work with the Councilmen and Mayor and noted that each is hard working and their sole purpose is to do what is good for Salisbury. Mr. Martin also recognized City Manager David Treme and City staff for their hard work and expressed his pleasure in working with them.

City Manager David Treme commented that during Councilman Martin's term he learned that Mr. Martin loves parades. On behalf of the Management Team and City Employees Mr. Treme presented Mr. Martin with a framed banner of the Rowan 250 Fest Parade of the Century, which was also signed by members of the Management Team.

Mayor Pro Tem Woodson, Councilman Kennedy, and Councilman Burgin spoke briefly regarding their shared experiences with Mr. Martin and wished him luck in the future.

Mayor Kluttz then presented Councilman Martin with a framed print by Robert Toth titled "The Plaza". She stated that she presented the print to Mr. Martin, on behalf of City Council, with love and best wishes.

**ADJOURNMENT**

A **motion** was made by Mr. Woodson, seconded by Mr. Burgin, to adjourn the meeting for the induction of the recently-elected Council. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

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Mayor

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City Clerk

### **NEW COUNCIL CONVENES**

William R. Burgin, William R. Kennedy, Susan W. Kluttz, Mark N. Lewis, and Paul B. Woodson, Jr., who were elected as City Council Members in the November 4, 2003 Regular Municipal Election for a two-year term, assembled in the Council Room of the Municipal Building at 4:00 p.m. on December 2, 2003, for the purpose of being inducted into office.

Mr. Jeffrey R. Barger, Clerk of Superior Court, administered the oath of office to the recently-elected City Council Members.

Ms. Kluttz appointed Mr. Kennedy, as longest serving Council member, to serve as Temporary Chairman to preside over the meeting for the purpose of electing a Mayor.

Temporary Chairman Kennedy opened the floor for nominations for the office of Mayor for the City of Salisbury. Mr. Woodson nominated Susan Wear Kluttz for the office of Mayor. Mr. Burgin seconded the nomination. There were no other nominations. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. By unanimous vote of the Council, Susan W. Kluttz was elected Mayor for a two-year term beginning December 2, 2003.

The oath of office of Mayor was administered to Susan W. Kluttz by Mr. Jeffrey R. Barger, Clerk of Superior Court. Mr. Vernon Crawford presented Mayor Kluttz with an arrangement of roses in congratulations for her election as Mayor.

Mayor Kluttz opened the floor for nominations for the office of Mayor Pro Tem.

Mr. Burgin nominated Paul B. Woodson, Jr. to serve as Mayor Pro Tem. Mr. Kennedy seconded the nomination. Messrs. Burgin, Kennedy, Lewis and Ms. Kluttz voted AYE. By unanimous vote of the Council, Paul B. Woodson, Jr. was elected Mayor Pro Tem for a two-year term beginning December 2, 2003.

The oath of office of Mayor Pro Tem was administered to Paul B. Woodson, Jr. by Mr. Jeffrey R. Barger, Clerk of Superior Court.

Mayor Kluttz then opened the floor to Council to speak and recognize family and friends.

Mayor Kluttz recognized City Manager David Treme and the City staff stating that she felt they were the best. She stated her gratitude for the opportunity to continue to serve as Mayor and pledged to do her best to continue to promote the wonderful things that happen in Salisbury, while continuing to work with Council to look for ways for improvement.

### **NEW BUSINESS**

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

Mayor Kluttz noted that the following items will be postponed:

Item 6 – Council to receive an update concerning the Innes Street Bridge over the Norfolk Southern Railroad.

Item 8(b) – Update on Downtown parking issues.

### ZONING MAP AMENDMENT - Z-17-03 - SALISBURY-ROWAN UTILITIES

Z-17-03 - Salisbury-Rowan Utilities  
320 - 324 North Jackson Street

(a) Mr. Harold Poole, Senior Planner, informed Council that this request was from Salisbury-Rowan Utilities to rezone 320-324 North Jackson Street from R-6A Multi-Family Residential to PSP Public/Semi-Public. He indicated that their intent is to construct a paved parking lot with appropriate landscaping. Mr. Poole noted the expansion to the water plant and surrounding facilities and the increasing need for parking in the area.

Mr. Poole commented that there were several choices the applicant could have sought for approval, but this seemed the most appropriate. He stated that PSP is considered a specialty use and is similar to an Office/Institutional use. Mr. Poole indicated that PSP may appear to be odd in this area, but is not spot zoning because the uses are similar but more restrictive than the uses allowed on the adjacent M-1 Industrial property.

Mr. Poole explained that the area has been used as informal parking for several years. He informed Council that the Planning Board unanimously recommended rezoning the property to PSP Public/Semi-Public.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider Zoning Map Amendment Z-17-03 Salisbury-Rowan Utilities, to rezone property located 320-324 North Jackson Street.

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

Mr. Patrick Kennerly, 640 Par Drive, GIS Coordinator for Salisbury-Rowan Utilities, addressed Council regarding the request. Mr. Kennerly stated that staff felt the proposal will result in a much more attractive piece of property than what is present. He indicated they did not foresee any type of negative impact on the surrounding community. Mr. Kennerly stated that staff had spoken with neighbors who they felt might have concerns, and there was no opposition to the plan. He added that many felt it will look better than what is there now. Mr. Kennerly showed Council a conceptual site plan for how the parking will look if approved.

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

(c) Thereupon, Mr. Woodson made a **motion** to rezone the property from R-6A Multi-Family Residential to PSP Public/Semi-Public. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mr. Kennedy noted that, as with any rezoning request, even the City of Salisbury has to go through the process.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 19,200 SQUARE FEET, LOCATED AT 320 AND 324 NORTH JACKSON STREET, IDENTIFIED AS PARCELS 437-1 AND 437-2 ON SALISBURY TOWNSHIP TAX MAP 6, FROM R-6A MULTI-FAMILY RESIDENTIAL TO PSP PUBLIC/SEMI-PUBLIC.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI - Zoning & Planning, at Page No. 74, and is known as Ordinance No. 2003-79.)

### ENCROACHMENT ONTO SIDEWALK - 100 BLOCK OF NORTH MAIN STREET

Ms. Wendy Brindle, Traffic Engineer, indicated that the Plaza Building is located on the northwest corner of Innes and Main Streets and the City of Salisbury will have maintenance performed on the building. She noted that this maintenance will include a waterproofing treatment and the contractor responsible for the work has requested a covered sidewalk in case of falling debris.

Ms. Bringle indicated that the walkway will be scaffolding, with debris netting and a seven (7) foot walkway underneath. She noted that the contractor anticipates starting the project as soon as possible and the work will last approximately thirty (30) days. Ms. Brindle stated that in order to ensure the safety of pedestrians, staff recommended approval of the request.

Councilman Burgin asked if the walkway will consist of seven (7) foot scaffolding. Ms. Brindle replied that the scaffolding is actually wider, but the walkway underneath is seven (7) feet wide. She noted that the walkway will extend from the building to the curb and pedestrians will have to walk underneath.

Thereupon, Mr. Kennedy made a **motion** to allow temporary encroachment on the public sidewalk located at The Plaza in the 100 block of North Main Street according to Section 22.17 of the City Code. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

### SPEED LIMIT - FAIRVIEW STREET

Ms. Wendy Brindle, Traffic Engineer, informed Council that a petition has been received from residents along Fairview Street to lower the speed limit to twenty-five (25) miles per hour. The petition is signed by approximately 81% of the property owners. Ms. Brindle stated that the request is

consistent with requests approved by Council in the past.

Thereupon, Mr. Woodson made a **motion** to grant the 25 mile per hour speed limit for Fairview Street. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**AN ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS - GENERALLY.**

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter X - Traffic, at Page No. 13, and is known as Ordinance No. 2003-80.)

**AWARD CONTRACT - SUMMIT DEVELOPERS, INC. - RENOVATION OF THE POLICE DEPARTMENT COMMUNICATIONS CENTER**

Mr. Dewey Peck, Purchasing Manager, informed Council that on November 18, 2003 a contract was approved with KKA Architecture for the renovation and addition to the Police Department facility located on East Liberty Street. He noted that this is the first step of the plan. On November 20, 2003 bids were opened for the renovations of the Communication Center. Mr. Peck noted that new communication equipment will be delivered in February. He indicated that the renovation will mirror the rest of the facility.

Mr. Peck asked for Council's approval to award the contract to the lowest bid from Summit Developers, Inc. in the amount of \$137,700. He stated that work will begin immediately.

Thereupon, Mr. Burgin made a **motion** to accept the low bid and award the contract to Summit Developers, Inc for \$137,700 for the Communications Center renovation. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mr. Kennedy noted that all of the bids were from local developers.

**SPECIAL USE PERMIT - CTC TO CO-LOCATE AN ANTENNAE ON TOWER LOCATED 832 JAKE ALEXANDER BLVD.**

Mr. Michael Crowell, Information Technology Manager, indicated that CTC Wireless has requested a special use permit to install an antennae on the water tower located behind the Hurley Family YMCA. Mr. Crowell stated that the new antennae will be located ten (10) feet below the existing antennae and CTC has submitted all the appropriate studies and paperwork along with the application fee. Mr. Crowell recommended that Council allow City Manager Tremé to sign the special use permit for the antennae.

Thereupon, Mr. Woodson made a **motion** to issue a special use permit for CTC for an antenna at 832 Jake Alexander Boulevard. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**COUNCIL LIAISON APPOINTMENTS**

Mayor Kluttz suggested the following appointments:

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| (a) Tourism Bureau                               | Mark Lewis   |
| (b) Centralina Council of Governments            | Paul Woodson |
| (c) Salisbury-Rowan Community Service Council    | Pete Kennedy |
| (d) Economic Development Commission              | Paul Woodson |
| (e) Ruffy-Holmes Senior Center                   | Pete Kennedy |
| (f) Downtown Salisbury, Inc.                     | Bill Burgin  |
| (g) Fireman's Relief Fund Board                  | Paul Woodson |
| (h) Parks and Recreation Advisory Board          | Bill Burgin  |
| (i) Human Relations Council                      | Pete Kennedy |
| (j) Community Appearance Commission              | Susan Kluttz |
| (k) Tree Board                                   | Susan Kluttz |
| (l) Sustainable Community Development Commission | Mark Lewis   |
| (m) Rowan County Air Quality Commission          | Mark Lewis   |
| (n) Metropolitan Planning Organization           | Bill Burgin  |
| (o) Rowan County Strategic Plan                  | Bill Burgin  |

By consensus Council agreed to the above appointments.

**COMMENTS FROM THE CITY MANAGER**

- (a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their November 25, 2003 meeting.

**MAYOR'S ANNOUNCEMENTS**

(a) Holiday Tree Lighting Ceremony

Mayor Kluttz announced that the Salisbury Parks and Recreation Department will hold a holiday tree lighting ceremony at City Park Lake on Friday, December 5, 2003 from 6:00 p.m. - 6:30 p.m.

(b) Christmas Luncheon

Mayor Kluttz announced that the annual Christmas luncheon for City employees will be held Thursday, December 11, 2003 from 11:30 a.m. - 1:30 p.m. at the Salisbury Civic Center.

(c) Reception for Newly Elected Council

Mayor Kluttz invited all those in attendance to the reception honoring the newly elected Council.

**ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:03 p.m.

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Mayor

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City Clerk