

REGULAR MEETING

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

ABSENT: Mayor Susan W. Kluttz

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Woodson led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Pro Tem Woodson recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Pro Tem Woodson announced the following additions to the Agenda:

Council to consider a Resolution supporting House Bill 274 - Street Gang Prevention Act.

Council to go into closed session regarding acquisition of property located at 603 North Fulton Street as allowed by NCGS 143-318.11(5).

INTRODUCTION OF SALISBURY-ROWAN UTILITIES ENVIRONMENTAL SERVICES MANAGER SONJA BASINGER

Assistant City Manager for Utilities Matt Bernhardt introduced Ms. Sonja Basinger, new Environmental Services Manager for Salisbury-Rowan Utilities (SRU). Mr. Bernhardt stated that Ms. Basinger has local government experience and has worked most recently with the North Carolina Department of Environment and Natural Resources (NCDENR). He noted that SRU is fortunate to have Ms. Basinger join its staff as she will bring knowledge and experience to the position.

Mayor Pro Tem Woodson welcomed Ms. Basinger and wished her well in her new position.

CONSENT AGENDA:

(a) Approval of Minutes

Approve Minutes of the regular meeting on June 5, 2007 and special meetings of June 6, 2007 and June 14, 2007.

(b) Group Development Site Plans

Approve the following group development site plans:

- G-06-07 Arc of Rowan Apartments, Site 2, 210 East 15th Street
- G-07-07 Autumn Care of Salisbury, 1505 Bringle Ferry Road
- G-07-02 Drummond Village Phase I, 2800 Block Stokes Ferry Road
- G-08-07 Piedmont Eye Physicians and Surgeons, P.A., 530

Corporate Circle

(c) Budget Amendment – Restricted Asset Forfeitures

Adopt a budget Ordinance amendment to the FY2006-2007 budget in the amount of \$11,950 to appropriate restricted asset forfeiture funds to purchase two Segways for the Police Department.

A N ORDINANCE AMENDING THE 2006-2007 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE RESTRICTED ASSET FORFEITURE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 155, and is known as Ordinance No. 2007-35.)

(d) Budget Amendment – Gang Awareness Donations

Adopt a budget Ordinance amendment to the FY2006-2007 budget in the amount of \$5,600 to appropriate donations received for Gang Awareness.

A N ORDINANCE AMENDING THE 2006-2007 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS FOR GANG AWARENESS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 156, and is known as Ordinance No. 2007-36.)

(e) Temporary Street Closings – Crossroads Classic Bike Race

Approve closing the 300 block of North Main Street, 100 block of East Liberty Street, 200 block of North Lee Street, 100 block of East Council Street, 200 block of North Main Street, 100 block of West Liberty Street, 300 block of North Church Street, 400 block of North Church Street, 100 block of West Cemetery Street, 400 block of North Main Street and the 300 block of North Main Street, Thursday, August 2, 2007 from 5:00 p.m. until 11:00 p.m. for the Crossroads Classic Bike Race.

(f) Street Acceptance Drummond Village

Approve accepting .31 miles of streets in Phase 1 of Drummond Village and adopt an **ORDINANCE** establishing stop conditions.

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

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 157, and is known as Ordinance No. 2007-37.)

(g) Street Acceptance The Gables at Kepley Farm

Approve accepting .34 miles of streets in Phase 2 of The Gables at Kepley Farm and adopt an **ORDINANCE** establishing stop conditions.

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

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 158, and is known as Ordinance No. 2007-38.)

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda as presented. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

CLOSE A PORTION OF ALLEY - 100 BLOCK OF WOODSON STREET

(a) Ms. Wendy Brindle, Traffic Engineer, indicated that at its May 15, 2007 meeting Council adopted a Resolution of Intent to close a portion of an alley located in the 100 block of Woodson Street. She noted that State Statutes for street closings mandate that the closing will not deprive any individual of a reasonable means of ingress or egress to their property and that closing the alley is not contrary to public interest. She stated that staff has found that both of these requirements have been met.

Ms. Brindle reviewed a map of the proposed alley to be closed and noted that the closure is proposed to end at an adjacent property line.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice and advertisement thereof, to consider closing a portion of an alley located in the 100 block of Woodson Street.

Mr. Jay Dees, 121 West Kerr Street, indicated that he represents the owners, Salisbury Pediatric Associates, who have requested the closure. He stated that the alley was platted in the 1940s but has never been opened or used. He noted that the applicant proposes to close the alley at the rear of the Salisbury Pediatric property. Mr. Dees stated that the purpose of the request is to allow a shift in the approved site plan to save some of the canopy between the lot to the west and the existing Salisbury Pediatric practice. He indicated that he attempted to obtain signatures of all property owners along the entire easement area and was able to obtain four (4) out of (6). He stated that Dr. Bill Webb is one of the owners that did not sign and the other property has an ownership issue and he has been unable to determine the owner in order to obtain the signature.

Dr. Chris Magryta, 129 Woodson Street, thanked Council for hearing the request and noted that the reason of this request is to save two beautiful old oak trees.

There being no one else present to address Council, Mayor Pro Tem Woodson closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution pertaining to the acceptance of an offer of dedication for public use of a portion of an alley in the 100 block of Woodson Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF A PORTION OF AN ALLEY IN THE 100 BLOCK OF WOODSON STREET.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 41, and is known as Resolution No. 2007-21.)

(d) Thereupon, Mr. Kennedy made a **motion** to adopt an Order to close a portion of an alley in the 100 block of Woodson Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF	THIS CAUSE, coming on to be heard
ROWAN COUNTY	*	THE CITY OF SALISBURY	and being heard before the City Council of the
	*	NORTH CAROLINA	City of Salisbury, Rowan County, North
IN THE MATTER OF:	*		Carolina, at the regular meeting of said
	*	ORDER CLOSING A PORTION OF AN	Council held on June 19 th at 4:00 p.m., in the
	*	ALLEY PURSUANT TO GENERAL	City Office Building at 217 South Main Street,
CLOSING A PORTION OF AN	*	STATUE OF NORTH CAROLINA	Salisbury, North Carolina, and it appearing to
ALLEY LOCATED IN THE 100		SECTION	the Council that all persons, firms and
BLOCK OF WOODSON STREET		160A-299	corporations owning property adjoining the

portion of the alley described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said portion of alley is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on May 25, June 1, June 8 and June 15.

And it further appearing to the Council and the Council finding as a fact, that the closing of the portion of the alley, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said alley or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said alley; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General Statutes of North Carolina, Section 160A-299:

Beginning at a point, said point being N 88-45-43 W 142.80 feet from a spike marking the intersection of the southerly right of way margin of Woodson Street and the westerly right of way margin of Mocksville Avenue; thence S 00-25-31 E 181.01 feet to a point in the western line (rear) of Mary Jo Cusack property (DB 775-454); thence N 88-45-43 W 10 feet to a stake, being the southeastern corner (rear) of Salisbury Pediatric Investments, LLC property (DB 1019-187); thence N 00-25-31 W 181.01 feet to a stake in the southern right of way margin of Woodson Street, being the northeastern corner (front) of Salisbury Pediatric Investments, LLC (DB 1019-187); thence S 88-45-43 E 10 feet to the point of beginning.

Be and the same is hereby forever closed.

This the 19th day of June, 2007.

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

BY: s/s Susan W. Kluttz
Mayor

s/s Myra B. Heard
City Clerk

GROUP DEVELOPMENT SITE PLAN G-01-73 MITCHELL AVENUE MEDICAL PARK

(a) Mr. David Phillips, Zoning Administrator, indicated that group development site plan G-01-73 Mitchell Avenue Medical Park is located at 810 Mitchell Avenue. He reviewed a vicinity map and aerial map of the site and noted its location adjacent to Lincoln Road and Jake Alexander Boulevard. He stated that the property is zoned LOI Limited Office Institutional and has been previously approved for construction. He noted that the applicant has submitted a revision to the approved site plan to add a retaining wall that would form a barrier around the property between the adjacent residence. Mr. Phillips stated that the developer is also proposing a four (4) foot galvanized chain link fence on top of the retaining wall. He indicated that during the Technical Review Committee (TRC) meeting staff did not feel a galvanized chain link fence was appropriate and recommended a more decorative fence. Mr. Phillips stated that this recommendation was made to the Planning Board but after quite a bit of discussion the Planning Board felt it could not make a recommendation regarding the decorativeness of the fence. He added that the Planning Board has proposed an amendment to the recommendation to allow for a black coated chain link fence with a complete visual separation with additional plantings. Their recommendation also includes that the fence be placed between the parking area and the plantings so that the fence cannot be seen from the street.

Mr. Phillips reviewed photographs of the site and pointed out where the proposed retaining wall and fence will be placed. He noted that the wall will descend from approximately five (5) feet in height to grade level. Councilman Burgin asked if the retaining wall will be five (5) feet tall once it is built. Mr. Phillips responded that the highest point of the wall will be five (5) feet. He explained that the wall will be built to five (5) feet and then the contractor will backfill from the wall to the property line to create a gentle slope.

Mr. Phillips showed Council different photographs of the type of fencing the developer proposes to use. He stated that the Planning Board recommended approval of the site plan with additional landscaping to provide a complete visual separation and with a black coated fence on the inside of the landscaping by a vote of 8-1.

Mr. Burgin asked the length of the wall along Mitchell Avenue. Mr. Phillips responded that it will be approximately seventy (70) to seventy-five (75) feet.

(b) Mayor Pro Tem Woodson opened the floor to receive public comment regarding site plan G-01-73.

Ms. Dawn Isenberg, 721 Mitchell Avenue, stated that her house is less than one hundred (100) feet from the site in question and that she has lived in the house for over thirty (30) years. She stated that she disputes the request from Mitchell Avenue Medical Park for a chain link fence and that the encroachment from the medical facility into the established neighborhood has left many neighbors with a bitter taste. She noted that her property was previously screened from the buildings and noise on Jake Alexander Boulevard but over the years trees and lots have been cleared. She stated that TRC has recommended a decorative fence and she feels an aluminum picket, brick or stone fence would better suite the neighborhood. She added that vegetation on both sides of the fencing would further enhance the site. She asked Council to protect the beauty of the neighborhood by requiring a better fence, adding that the medical facilities are an extension of the Fulton Heights Neighborhood and the fence should look professional and not commercial. She asked Council to respect the wishes of the neighbors who live with this site daily.

Mr. Harold Poole, 310 Winterlocken Drive, stated that he supports the neighborhood and the TRC recommendation for a decorative fence. He stated that he thinks if there is a question regarding the type of decorative fence to be used the Neighborhood Association would work with the developers to find something reasonable. Mr. Poole noted that there continues to be pressure for development on the outskirts of the Fulton Heights Neighborhood, particularly this edge near the RoMed facility. He asked Council to be sensitive to the neighborhood's wishes.

Ms. Carol Acue Cavalier, 700 Wiley Avenue, pointed out a lot at the end of Wiley Avenue and noted that the once wooded lot has been cleared. She stated that RoMed has cut down several trees and now neighbors see buildings and traffic rather than greenery. She noted that Wiley Avenue is a dead-end street but cars speed down it believing it is a through street. Ms. Cavalier stated that she would like to know RoMed's plan for the entire property and how they will create a buffer between the commercial and residential zones. She added that she did not feel a chain link fence is appropriate.

Mr. John Isenberg, 721 Mitchell Avenue, stated that he has dealt with RoMed's partners and they have assured him that they will use the highest standards. He added that he does not feel a chain link fence is a high standard. He stated that he is disheartened to see the developer going to a lower standard and feels they should use something more suitable to make the neighborhood feel better.

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

Councilman Burgin commented that he has worked with the developer performing the construction and he does not think it is too much to ask of them to provide a fence that looks good for the neighborhood. He stated that he feels Council should ask the developer to provide a four (4) foot aluminum picket fence, similar to what is installed at First Presbyterian Church but without the brick columns. He added that he feels the developer will understand that this is a reasonable request. He noted that Council has supported the medical facility by allowing them to develop the property and he feels they will support the request.

Councilman Lewis commented that he is not surprised that the neighbors are in attendance at the meeting because citizens have indicated one of the things they like about Salisbury is the way it looks. He noted that Salisbury has a high standard and Council should expect people to live to this standard as best as possible. He stated that when Council previously approved the site plan they were presented with two (2) dimensions instead of three (3). He commented that he does not think Council could envision what was coming and this retaining wall and fence would have been a part of the negotiations before approval was given. Mr. Lewis stated that he concurs with Mr. Burgin and thinks Council should support a higher standard.

Councilman Kennedy stated that he agrees with the neighbors and does not think a decorative fence is too much to ask of the developer.

Mayor Pro Tem Woodson stated that he also agrees with the neighbors and supports the decorative fence.

(c) Thereupon, Mr. Burgin made a **motion** to approve the site plan as modified with the additional expectation that the fence be an aluminum picket fence similar to First Presbyterian. Mr. Lewis clarified that the motion is to support the Planning Board's recommendation but use the black aluminum rail instead of the chain link. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

Mr. Burgin commented that in regards to the property that was cleared at the end of Wiley Avenue, Council has not been made aware of any plans for development and he is not sure it involves the same group of doctors from the Mitchell Avenue Medical Park.

GROUP DEVELOPMENT SITE PLAN G-04-07 WALLACE COMMONS

(a) Mr. David Phillips, Zoning Administrator, informed Council that Wallace Commons is a proposed group development to be located at the

intersection of Julian and Klumac Roads, adjacent to I-85. He reviewed aerial photographs of the site and the proposed site plan and noted that the site is currently zoned M-1 Light Industrial. He stated that approximately three hundred sixty thousand (360,000) square feet of commercial retail space is proposed for three (3) parcels. Six (6) outparcels will also be created. Mr. Phillips noted that the main access will be from Klumac Road and there will be one driveway per parcel of land. The North Carolina Department of Transportation (NCDOT) will allow a right in, right out access from Julian Road. He commented that the developer has held numerous meetings with staff and with NCDOT and many of the details and concerns have been addressed through those meetings.

Mr. Phillips stated that the staff review committee has approved landscaping through alternate methods of compliance. He explained that the interior property lines are along the parking areas so staff suggested giving the parking areas more of a vestibule look by adding planting islands. He noted that when the outparcels are developed they will have tree canopy and extra landscaping will be added to the entrances. Mr. Phillips pointed out that the creek area will be left undisturbed. He indicated that the developer will also provide pedestrian walkways throughout the site and to Klumac Road. The walkways will also extend to the other phases of the development.

Mr. Phillips noted that the site plan makes provisions for outdoor display areas and these areas will not take any of the required parking spaces so all Code requirements will be met in the future.

Mr. Phillips reviewed the proposed building elevations and noted that the plan was approved by the Planning Board by a vote of 9-0.

Councilman Lewis asked if any retaining walls will be necessary for the site. Mr. Phillips responded that he believes there will be retaining walls, but they will be located along the creek area and at the back of the property and will not be visible from the street.

(b) Mayor Pro Tem Woodson opened the floor to receive public comment regarding site plan G-04-07.

Mr. Michael Smith stated that he is one of the developers for the project and has been working on this project for several years. He stated that he feels this project will be beneficial to both the City and County and will be a great source of new jobs. He added that he feels the nationally known retail stores will be an addition to the community and be beneficial to Salisbury.

Mr. Lewis asked if the site will be built-up. Mr. Smith responded that the grade of the site will actually be taken down. He explained that he is working with Duke Power to relocate the power lines into a mono-pole which will allow them to lower the grade of the site. He noted that the retaining walls will be located along the creek and in the un-developable area along the back of the property.

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

Councilman Kennedy stated that this is an exciting time for the City of Salisbury to have additional retail. He noted that Council will only be approving the site plan at this time and he supports the plan.

Mr. Lewis commented that the site plan is pedestrian friendly and thanked the developer for creating it this way. He noted that the landscaping plan looks outstanding and thanked Mr. Smith and his colleagues for working so closely with staff.

(c) Thereupon, Mr. Kennedy made a **motion** to approve group development site plan G-04-07 for the construction of a 358,235 square foot retail shopping center to be located at the intersection of Julian and Klumac Roads. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

GROUP DEVELOPMENT SITE PLAN G-05-07 ARC OF ROWAN APARTMENTS, SITE 1

(a) Mr. David Phillips, Zoning Administrator, stated that group development G-05-07 is for the Arc of Rowan to build a four (4) unit apartment complex at 1010 South Fulton Street. He pointed out the site's proximity to Lincolnton Road and Salisbury High School. Mr. Phillips noted that the site is currently a vacant lot and is zoned R-6A which allows multi-family residential. He explained that City Code requires two (2) parking spaces per unit but because the Arc of Rowan clients do not generally drive, the applicant went through the Zoning Board of Adjustment (ZBA) to seek a variance for only one (1) space per unit. Mr. Phillips indicated that the ZBA granted the variance.

Mr. Phillips informed Council that several citizens attended the Planning Board meeting and expressed concerns about the plan, but he feels staff and the applicant were able to address their concerns at that meeting. He commented that one concern was that the site is located at the edge of the Fulton Heights Neighborhood and neighbors felt the structure should be compatible with the other structures in the neighborhood. He noted that the architect has indicated that due to the type of funding for this project, the plans were required to be submitted to the State Historic Preservation Office (SHPO) for approval. He added that SHPO has approved the plan in regards to the style of the structure and the materials to be used.

Mr. Phillips stated that another citizen expressed concerns about additional apartments being built in the neighborhood and noted that the property is properly zoned for this use.

Mr. Phillips reviewed photographs of the site and surrounding properties and indicated that the Planning Board recommended approval of the site plan by a vote of 9-0.

(b) Mayor Pro Tem Woodson opened the floor to receive public comment regarding site plan G-05-07.

Mr. Ken Bell, 2706 Turner Grove Drive, Greensboro, stated that he is the architect for the project and is in favor. He added that he will answer any questions Council may have.

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

Councilman Lewis commented that he feels this is a good infill project for the City. He noted that the plan has SHPO's approval and he feels it will be compatible with the neighborhood.

(c) Thereupon, Mr. Lewis made a **motion** to approve group development site plan G-05-07 for the construction of a 2,668 square foot four (4) unit apartment complex to be located at 1010 South Fulton Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

REPORT FROM THE BRANDING AND WAYFINDING COMMITTEE

Councilman Lewis introduced Mr. Ben Muldrow, consultant with Arnett and Muldrow, to present a report from the Branding and Wayfinding Committee.

Mr. Ben Muldrow indicated that the Branding and Wayfinding Committee has worked very hard and has been through several revisions in developing the product to be presented to Council. Mr. Muldrow reviewed the goals of the project:

- Create a graphic system that connects organizations in the community in consumers minds so that the "place" begins to benefit from the individual efforts
- Create a recommendation for themed Wayfinding Signage with a list of potential destinations created by the committee
- Create a Brand Identity for Salisbury to use in its efforts to recruit human capital, whether residents, workers, investors or business owners

Mr. Muldrow displayed the proposed typography for the logo and how it can be incorporated into various organizations such as the Convention and Visitor's Bureau, Downtown Salisbury, Inc., and the Arts Council. He stated that the committee identified over one hundred (100) destinations in the community and from that list the group generated a comprehensive system of signage. He reviewed how the signage can be tied together using destinations, neighborhoods, and directional signs.

Mr. Muldrow stated that the committee crafted a message regarding the Salisbury Brand, which states, "Salisbury is a model City that blends small town charm and big city cultural opportunities. It is the intersection of living history and thriving arts, of higher education and everyday relaxation. Salisbury is what you make of it. Discover What's Inside." He then presented the proposed logo that uses the tagline "Discover What's Inside". He noted that the icon at the top of the logo uses the four (4) colors that symbolize the four (4) districts in downtown Salisbury and uses a stylized "S" that is reminiscent of a road or path. Mr. Muldrow then displayed how the logo could be used in various colors and with the various groups in the community. He stated that he feels that the committee has developed a system that is truly adaptable for Salisbury. He then displayed mock advertisements that depicted how the "Discover What's Inside" message could be used to promote the community's assets.

Mr. Muldrow commented that the committee discussed how to merge all of the assets that the community has to offer and what it determined was that Salisbury has everything anyone could want but it is up to the individual to explore.

Mr. Lewis asked the members of the task force to stand to be recognized for their hard work. He commented that he understands that there will never be one hundred (100) percent community concurrence with any brand, but what the committee found is that this tagline and logo really fit what Salisbury is as a community. He added that he feels the committee and the consultant have done a great job to bring all of the facets of the community together into the proposed logo.

Mayor Pro Tem Woodson thanked Mr. Muldrow for the presentation and for all of the work done by the committee.

Councilman Burgin commented that he feels the committee has done a good job and suggested Council delay reaching a consensus on the logo until the Mayor is present in order to have a consensus of five (5). He added that this will allow time for comments to be received from the public.

Mr. Lewis requested this be set as an agenda item for Council's next meeting.

AMENDMENT TO MOTION AND BUDGET ORDINANCE FOR THE PURCHASE OF 329 SOUTH MAIN STREET

At the June 5, 2007 Council meeting, Council made a motion to purchase property located at 329 South Main Street for \$209,000. It was later determined that the correct purchase price was \$209,500.

Thereupon, Mr. Burgin made a **motion** to amend the purchase price of 329 South Main Street from \$209,000 to \$209,500. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance amending the 2006-2007 budget ordinance of the City of Salisbury, North Carolina in the amount of \$209,500 to appropriate fund balance for the purchase of the property. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

AN ORDINANCE AMENDING THE 2006-2007 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE FOR PROPERTY PURCHASE

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 159, and is known as Ordinance No. 2007-39.)

REPORT REGARDING CONSTRUCTION OF AN EMERGENCY MEDICAL SERVICES STATION

Ms. Karen Alexander, KKA Architects, briefed Council on the progress for an Emergency Medical Services (EMS) station to be located on the corner of North Shaver and East Council Street. She displayed a depiction of the proposed building and its location on the site. She noted that she has worked with the Salisbury Fire Department and pointed out that Fire station 1 and the EMS station will share parking.

Ms. Alexander stated that she has worked with the Fire Department staff to ensure the tower located at Station 1 is protected so the Fire Department can continue to use the facility for training purposes.

Ms. Alexander informed Council that this will be the first building in the country to use a one hundred (100) percent recycled brick. She added that the brick is manufactured by a local company, Taylor Clay Bricks, and includes no new earth. She noted that the front of the station will be paved with pervious concrete which helps reduce water runoff.

Mr. Joe Morris, Planning and Community Development Manager, noted that this is not a site plan approval but just an update on the facility being proposed. Council thanked Ms. Alexander for her review.

TRANSFER OF REAL PROPERTY (NORTH SHAVER AND WEST COUNCIL STREETS) TO ROWAN COUNTY

Mr. Joe Morris, Planning and Community Development Manager, noted the EMS station previously discussed and stated that the current property needs to be recombined in order to proceed with the project. He stated that one corner of the property is owned by the Community Development Corporation and staff is requesting Council authorize the purchase of one half of the interest in that property for \$25,750 along with half of the closing costs, and approve its transfer to Rowan County. He noted that there is one parcel and a portion of another that is owned by the City of Salisbury that would also be recombined to create a lot. He added that the recombination has been approved but has not yet been assigned a new tax map and parcel number. Staff is also requesting that this property be transferred to Rowan County. He noted that the new parcel has been recorded in the Register of Deeds office on map 9995 page 6094.

Councilman Kennedy commented that this is a good example of the City of Salisbury and Rowan County working together to protect its citizens by placing this facility in the City limits to reduce response times.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the transfer of real property to the County of Rowan. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE COUNTY OF ROWAN

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 42, and is known as Resolution No. 2007-22.)

TRANSFER OF STREETS TO CITY SYSTEM FOR MAINTENANCE

Mr. Patrick Ritchie, Engineer, indicated that each year staff works with the North Carolina Department of Transportation (NCDOT) to transfer streets on the State system for maintenance to the City system so that they will qualify for Powell Bill funds. He stated that this year there are two (2) categories of streets to be transferred. The first category is from the Ultimate Systems Responsibility Agreement made with NCDOT several years ago to transfer a number of streets to the City system once repairs were made by NCDOT. He stated that the streets to be transferred this year are Old Wilkesboro Road and Partee Street, leaving only Monroe Street on the list to be transferred. The second category of streets are those from the statutory annexation areas which were identified in the Annexation Reports. He requested Council adopt a Resolution requesting NCDOT to transfer the 3.11 miles of streets from the State system to the City system. The streets to be transferred are:

<u>State Road Number</u>	<u>Street Name</u>	<u>Approx. Length (miles)</u>
SR1580	Alan Circle	0.55
SR1849	Dove Meadow Drive	0.15
SR1592	Drew Circle	0.11
SR1602	Elyse Avenue	0.18
SR1634	Mike Drive	0.53
SR1591	Sydney Drive	0.30
SR1590	Steven Drive	0.13
SR1703	Old Wilkesboro Road	1.11
SR1703	Partee Street	0.05

Mayor Pro Tem Woodson asked if the City requires the streets to meet City standards before they are transferred from the State. Mr. Ritchie responded that this is correct, and clarified that the statutory annexation areas are transferred without improvements.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution transferring certain roads from the State Secondary Road System to the City of Salisbury Road System. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION AGREEING TO THE TRANSFER CERTAIN ROADS FROM THE STATE SECONDARY ROAD SYSTEM TO THE CITY OF SALISBURY ROAD SYSTEM

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 43, and is known as Resolution No. 2007-23.)

INSTALLATION OF FIT COMMUNITY SIGN PANELS

Thereupon, Mr. Kennedy made a **motion** to adopt a resolution authorizing Fit Community sign panels to be installed at "Welcome to Salisbury" signs located on state-maintained roads. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION AUTHORIZING FIT COMMUNITY SIGN PANELS TO BE INSTALLED AT "WELCOME TO SALISBURY" SIGNS LOCATED ON STATE-MAINTAINED ROADS

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 44, and is known as Resolution No. 2007-24.)

RESOLUTION OPPOSING HOUSE BILL 1587 –"THE LOCAL GOVERNMENT FAIR COMPETITION ACT"

Mr. Mike Crowell, Technology Services Manager, stated that the "The Local Government Fair Competition Act" bill is pending in the North Carolina State Legislature. He explained that the bill was first proposed by the Public Utilities Commission and is currently on the floor of the Finance Committee. He pointed out that the Finance Committee has indicated that the bill may not be heard in this legislative session and he noted that there is considerable opposition gathering against the bill.

Mr. Crowell stated that he thinks this bill is unfair to local governments and will not lead to competition as the title might suggest. He indicated that the bill could prevent the City from having Fiber To The Home and free wireless hotspots downtown. He noted that it could also prevent use of the City's 800 trunking system which is also used by Rowan County, Rowan Regional Medical Center, and several municipalities. He added that if the trunking system is impacted it could greatly affect the City's public safety systems.

Mr. Crowell stated that Google, Intel, Alcotel, Telco and several other major companies have expressed opposition to the bill. Mr. Crowell requested that Council adopt a Resolution opposing House Bill 1587.

Councilman Burgin stated that it is interesting that the companies supporting this bill have had time to provide these services to communities and have chosen not to. He noted that the services are needed and it is up to government to provide these services when others do not. He indicated that Fiber To The Home is imperative to the City's economy and the City must have the ability to reasonably provide these services.

City Manager David Tremé stated that this bill could also impact broadbanding and the City's future capacity.

Mr. Crowell stated that the City currently uses Digital Subscriber Lines (DSL) and Road Runner cable lines. He explained that Road Runner offers six (6) mg connections and DSL offers three (3) mg connections and indicated that businesses cannot operate on the low six (6) mg connections. He noted that the City of Wilson has started Fiber To The Home and has offered BB&T Bank a one hundred (100) mg symmetrical connection. He pointed out that a statewide franchise bill has already been passed which states that a company can obtain a statewide franchise for Salisbury but it is not required to provide services to the entire community, only those areas it chooses.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution opposing House Bill 1587 "The Local Government Fair Competition Act." Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

RESOLUTION AGAINST HOUSE BILL 1587 "THE LOCAL GOVERNMENT FAIR COMPETITION ACT"

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 45, and is known as Resolution No. 2007-25.)

CAPITAL PROJECT ORDINANCE – CONSTRUCTION OF WATER AND SEWER LINES FOR THE HIGHWAY 29 ANNEXATION AREA

Mr. John Sofley, Management Services Director, stated that the next three (3) Budget Ordinances before Council are the result of the receipt of funds from bond sales. He noted that the balances of these funds need to be appropriated prior to June 30, 2007.

Thereupon, Mr. Lewis made a **motion** to adopt a Capital Project Ordinance in the amount of \$1,708,250 to appropriate funds for construction of water and sewer lines for the Highway 29 annexation area. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

HIGHWAY 29 ANNEXATION AREA WATER AND SEWER LINE EXTENSION CAPITAL PROJECT ORDINANCE AMENDMENT

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 160, and is known as Ordinance No. 2007-2007-40.)

CAPITAL PROJECT ORDINANCE – WASTEWATER TREATMENT PLANT IMPROVEMENTS

Thereupon, Mr. Burgin made a **motion** to adopt a Capital Project Ordinance in the amount of \$2,141,750 to appropriate funds for wastewater treatment plant improvements. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

WASTEWATER TREATMENT PLANT IMPROVEMENTS CAPITAL PROJECT ORDINANCE AMENDMENT

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 161, and is known as Ordinance No. 2007-41.)

CAPITAL PROJECT ORDINANCE – I-85 SEWER EXTENSION PROJECT

Thereupon, Mr. Lewis made a **motion** to adopt a Capital Project Ordinance in the amount of \$500,000 to appropriate funds for the I-85 sewer extension project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

INTERSTATE 85 SEWER LINE EXTENSION CAPITAL PROJECT ORDINANCE AMENDMENT

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 162, and is known as Ordinance No. 2007-42.)

IMPLEMENTATION OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROJECT C-4906

Mr. Rodney Harrison, Transit Manager, reviewed a program to promote the City’s “Help Clear the Air with Free Bus Fare” project. The project began June 1, 2007 and will continue until September 29, 2007. He explained that the City qualifies for Congestion Mitigation and Air Quality (CMAQ) funds to provide free transit service during code red and orange ozone days in Salisbury and Rowan County. He reviewed the benefits of the project and pointed out that citizens can contact the Transit Weather Hotline at 704-216-7537 to determine the ozone level for the day.

Mr. Harrison indicated that the grant is for three (3) years (2007-2009) and provides the following funds:

<u>Total Grant</u>	
CMAQ Funds	\$36,000
Local Match	\$9,000
Total Funding	\$45,000
<u>Yearly</u>	
CMAQ Funds	\$12,000
Local Match	\$3,000
Total Funding	\$15,000

Mayor Pro Tem Woodson thanked Mr. Harrison for the presentation and commented that this is a good program for our community.

RDH TIRE GRANT PROJECT

Mr. Matt Bernhardt, Assistant City Manager for Utilities, accompanied by Mr. Jeff Jones, Utilities Engineer, introduced Mr. Homer Huskins and Ms. Angela Bates of RDH Tire Company. Mr. Bernhardt reviewed the water extension project for RDH Tire Company:

- RDH Tire Company
 - Retreads and Repairs “Off the Highway” Tires
 - Produces 50+ tires per day using 3 million pounds of rubber compound annually
 - Currently more than 100 full-time employees
 - Planned \$2.5 million expansion (1st phase) will add 32 more full-time employees
 - Problem: RDH expansion requires water
- Water Extension Project
 - Proposed expansion will exceed capacity of existing well system
 - Increased process use (boilers)
 - Fire protection (sprinkler) system required for facility expansion
 - Existing system does not provide potable water for RDH employees
 - Project calls for extension of approximately 5,400 feet of 12” water main along Gatton Road
 - Estimated Project Cost: \$700,000
- Project Budget
 - Funding Source Funding

NC Rural Center Grant	\$281,000
CDBG-ED Grant	\$384,000
Local Match (required 5% of project total) (local match provided by RDH)	<u>\$ 35,000</u>

Project TOTAL: \$700,000

- Project Summary
 - Adds 32 new jobs in Rowan County
 - Adds to tax base of Rowan County
 - No direct cost for County (they serve as Grant Applicant)
 - SRU will manage project
 - Improves fire protection and provides safe water for RDH Tire
 - Sets stage for planned 2nd phase expansion (within approximately 2 years) estimated to be \$6-10 million

Mr. Bernhardt noted that the Rowan County Board of Commissioners approved the project at its June 18, 2007 meeting.

Mr. Huskins, owner of RDH Tire Company, stated that he appreciates Council hearing the water extension project presentation. He commented that the new expansion will enhance the business and explained that they will be able to freeze waste from old tires to create a powder that can be sold back to the tire companies. He added that he believes this will bring the company into the green zone.

SOUTH SQUARE STREETSCAPE IMPROVEMENT PROJECT UPDATE

Ms. Lynn Raker, Senior Planner, stated that the South Square Streetscape Improvement Project began June 18, 2007 on East Fisher Street. She noted that the contractors are coordinating with Salisbury-Rowan Utilities (SRU) to upgrade the lateral lines from the main line, and with the City's Technology Services Department and Time Warner Cable Company to install cable conduit for future services. She pointed out that the contractors have discovered that there are not really any of the old bricks from the previous brick street left under the asphalt. She added that while many people in the community remember the old brick street, no one has come forward who remembers when the brick street was removed. Ms. Raker commented that the focus of the project and a major interest of the business owners was the restoration of the brick. In response, staff has sent a letter to the North Carolina Department of Transportation (NCDOT) to see if the funds can be used to supplement the brick that are found with new brick product. She pointed out that Taylor Clay produces a recycled brick that is similar to the brick that has been uncovered. She added that if the request from NCDOT is approved, East Fisher Street will be the first street to use the recycled product. Ms. Raker indicated that one layer of the old brick has been found in the parking lot behind the Thread Shed. She stated that demolition work should be completed by June 20, 2007 and the contractors will begin resetting the curbs.

Ms. Raker indicated that the inconvenience to the business owners is the main concern of the project. She noted that the City has attempted to make the public aware that the businesses are still open during construction by running several ads in the Salisbury Post and airing a slideshow on Access Channel 16. She added that Downtown Salisbury, Inc. (DSI) has also distributed a newsletter with information regarding the project and sandwich boards have been placed in the downtown area with similar information. She added that letters with project updates will be hand delivered to the business owners on a regular basis.

Mayor Pro Tem Woodson thanked staff for their work on the project and for informing the citizens that the businesses are still open.

Councilman Kennedy thanked staff for the great job and commended Ms. Karen Wilkinson for the outstanding public relations work she does for the City.

COMMENTS FROM THE CITY MANAGER

(a) Grant Opportunity to Serve Business and Industry

City Manager David Treme congratulated Salisbury-Rowan Utilities for seeking grant opportunities to serve business and industry in Salisbury and Rowan County. He noted that the RHD Tire Company grant proposal will add to the City's system and allow the business to grow and create jobs.

(b) Drought Conditions and Water Supply

Mr. Matt Bernhardt, Assistant City Manager for Utilities, and Mr. Jeff Jones, Utilities Engineer, addressed the drought conditions and water supply in Salisbury. Mr. Jones indicated that Rowan County is in a moderate drought stage, and added that Salisbury's water supply is very strong and customers should not worry. Mr. Jones explained that after the drought of 2002 citizens are sensitive to drought conditions but during that event Salisbury was considered to be in an exceptional drought area whereas current conditions are only moderate. He commented that Salisbury is in the Yadkin River basin which is one of the largest in the State. He added that although some areas have instituted water restrictions those areas are located in different, smaller water basins.

Mr. Jones concluded by stating that the National Weather Service forecasts that the drought will ease by fall and that no water use restrictions are predicted for Salisbury and Rowan County.

Mr. Jones explained that Salisbury-Rowan Utilities replaces water that it draws from the Yadkin River because it has very little consumptive use

and the water is treated at the wastewater treatment plants and returned to the Yadkin River.

(c) Resolution in Support of HB 274

Mr. Treme stated that on Thursday, June 14, 2007, approximately four hundred and fifty (450) citizens attended "Salisbury-Rowan United: Creating an Action Agenda for a Safer Community and a Positive Future for our Youth", a community meeting held at the Salisbury Civic Center and The Salisbury Depot. He noted that fifty (50) City employees worked to facilitate small groups to identify solutions to youth and gang violence. He commended Ms. Karen Wilkinson, Public Information and Communications Manager, and Intern Carol Cooley for their dedication and work in making this a successful summit.

Mr. Treme stated that before Council today is a Resolution supporting House Bill 274 Street Gang Prevention Act.

Mayor Pro Tem Woodson stated that the meeting was attended by an outstanding, diversified group of citizens and he thanked the community for attending and supporting this effort. He pointed out that the recommendations from the meeting will be presented to Council at its July 3, 2007 meeting. Mr. Woodson then read the Resolution to Council for its consideration.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution to support House Bill 274 Street Gang Prevention Act. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, and Woodson voted AYE. (4-0)

Councilman Burgin stated that the Resolution is just one of a number of strategies to be taken by the community and the State. He added that non-profit organizations are discussing the issue of gangs by addressing preventive measures such as parenting, self-reliance, and offering hope in a positive way.

City Manager David Treme thanked Rowan County for their help in providing funding for the gang summit and added that this was a cooperative effort between the City and County. He noted that Rowan County Commissioner Chairman Arnold Chamber and the Honorable Bryan Beatty, Secretary of the North Carolina Department of Crime Control and Public Safety, attended the meeting.

Councilman Kennedy stated that it is important for the citizens to realize that the initiative is to stop the growth of gangs and give the youth some alternatives. He pointed out that support will be given to the Police Department as they crack down on existing gangs.

COUNCIL TO RECEIVE PUBLIC COMMENT

Mayor Pro Tem Woodson opened the meeting for public comment.

Ms. M. J. Simms-Maddox, 205 Sills Drive, stated that she and her neighbors are concerned about a sediment pond to be built adjacent to their backyards as part of the Drummond Village development. She explained that the natural barrier of trees has been cut down and they have a multitude of questions regarding the health and safety of the sediment pond.

Mr. Dan Mikkelson, Director of Land Management and Development, explained that the sediment pond will be installed to catch the soil that can erode during construction. He added that the pond will collect the muddy water and allow the mud to settle before the water runs downhill. He added that this is a standard construction technique used to protect downstream property owners. Ms. Sims-Maddox asked if there would be any chemicals in the pond. Mr. Mikkelson responded that there will be no chemicals in the pond. Mr. Mikkelson stated that the sediment basin will be monitored by Rowan County and if the contractor does not maintain the basin the neighbors should report it to Rowan County. He indicated that the basin will remain as long as the construction site has exposed soil and that it will be removed after the roads are built and the grass has been planted.

There being no one else to address Council, Mr. Woodson closed the public comment session.

MAYOR'S ANNOUNCEMENTS

(a) Hero Award at Cornerstone Church

Mayor Pro Tem Woodson announced that Councilman Pete Kennedy will be honored as a Hero of the Community at Cornerstone Church on Sunday, June 24, 2007.

(b) Customer Service

Mayor Pro Tem Woodson read a letter from Ms. Sarah Kellogg thanking the City's Maintenance Department for their efforts and assistance during the Guild's Spring Garden Tour.

CLOSED SESSION PROPERTY ACQUISITION

Thereupon, Mr. Burgin made a **motion** to go into closed session regarding acquisition of property located at 603 North Fulton Street as allowed by NCGS 143-318.11(5). Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

RETURN TO OPEN SESSION

Thereupon, Mr. Burgin made a **motion** to return to open session. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis and Woodson voted AYE. (4-0)

Mayor Pro Tem announced that no official action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Lewis, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:37 p.m.

-

Mayor

City Clerk

-

-