

Salisbury, North Carolina  
January 2, 2008

## **REGULAR MEETING**

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

**ABSENT:** None

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

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present.

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

Delete Item 13 – Council to go into closed session to consult with an attorney as allowed by NCGS 143-138.11(3).

## CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of December 18, 2007

(b) Budget Ordinance Amendment – Project SAFE Neighborhoods

Adopt a budget Ordinance amendment to the FY2007-2008 budget in the amount of \$10,000 to appropriate a donation received for the Project SAFE Neighborhood's Holiday Family Day.

AN ORDINANCE AMENDING THE 2007-2008 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATION OF PROJECT SAFE.

(The above Ordinance is recorded in full in Ordinance Book No. 22, at Page No. 1, and is known as Ordinance No. 2008-01.)

(c) Sufficiency of Annexation Petition for Wallace Commons

Receive a Certificate of Sufficiency from the City Clerk concerning the voluntary annexation of Wallace Commons and adopt a Resolution setting a public hearing for January 15, 2008.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF WALLACE COMMONS (45.322 ACRES) LOCATED AT THE INTERSECTION OF KLUMAC ROAD AND JULIAN ROAD, PURSUANT TO G.S. 160A-31 AS AMENDED.

(The above Resolution is recorded in full in Resolution Book No. 13, at Page Nos. 1-2, and is known as Resolution No. 2008-01.)

Thereupon, Mr. Kennedy made a **motion** to adopt the consent agenda as presented. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

## HIGHLIGHTS AND GOALS PRESENTATION FROM THE TREE BOARD, HURLEY PARK ADVISORY BOARD AND ZONING BOARD OF ADJUSTMENT

### Salisbury Tree Board

Ms. Mary Ellen Turner, Salisbury Tree Board Vice Chair, and Planning and Community Development Manager Joe Morris, reviewed the Salisbury Tree Board highlights for 2007-2008 and goals for 2008-2009:

#### Highlights of 2007-2008

- Conducted neighborhood tree planting projects
  - Status: A small inventory of trees is available for planting on a case by case basis
- Conducted Arbor Day/Earth Day program as part of South Main Street Planting program
  - Status: Complete
- Updated the approved tree list
- Developed a concept plan for the Brown Wiseman Boxwood property
- Prepared educational brochures for mailing to property owners
- Assisted with tree plantings at Centennial Park in Fulton Heights

#### Level 1 Goals – 2008-2009

- Provide funding for tree planting to offset loss of tree canopy due to drought conditions - \$10,000
- Provide funding for purchase of portable irrigation bags for new tree plantings - \$2,500
- Install marker, fence and gravel drive/parking surface at the Brown Wiseman Boxwood property - \$5,000
- Continue educational programming for tree trimmers and general public - \$3,000
- Use CityGreen software for tree canopy analysis related to the development of tree preservation policies for inclusion in the new Land Development Ordinance
- Participate in a neighborhood pilot project addressing removal and replacement of trees in conflict with overhead utility lines - \$5,000

#### Level 2 Goals – 2008-2009

- Continue to seek grants and alternative funding for urban forestry programming
- Support the Community Appearance Commission's efforts to increase the number of benches and trash receptacles in the downtown area
- Continue to participate in Tree City, USA and Arbor Day programs
- Continue to assist neighborhood groups with efforts to plant trees

Mr. Morris noted that the Tree Board undertook an initiative to distribute educational material for property owners and commercial arborists. He explained that the informational brochures were developed in conjunction with the North Carolina Urban Forestry Council and will be included in water bills for the next several months.

Mayor Kluttz thanked Ms. Turner and Mr. Morris for their report.

## Hurley Park Advisory Board

Ms. Laura Thompson, Hurley Park Advisory Board Vice-Chair, and Hurley Park Curator Lana Bird, presented the Hurley Park Advisory Board highlights for 2007-2008 and the goals for 2008-2009.

### Highlights 2007-2008

- Held Summer Lecture with fifty (50) in attendance
- Continued routine maintenance and hosted eleven (11) weddings
- New brochure
- Updated map on podium
- Installed new bench in the Parrott Ornamental Fruit Collection

### Level 1 Goals – 2008-2009

- Continue Spring Celebration and Summer Lecture - \$2,000
- New plantings - \$5,000
  - Replacements for trees and shrubs killed during drought
- Replace existing bridge in annex with an ADA compliant and safe Chippendale bridge - \$12,000

### Level 2 Goals – 2008-2009

- Further development of the Hurley Park website
- Create a “walking tour” brochure with map
- Continue to seek funding through grants

Mayor Kluttz thanked the Hurley Park Advisory Board members and expressed the City’s pride in Hurley Park.

## Zoning Board of Adjustment

Mr. Chris Bradshaw, Zoning Board of Adjustment (ZBA) Chairman, and Zoning Administrator David Phillips reviewed the Zoning Board of Adjustment highlights for 2007-2008 and the goals for 2008-2009:

### Highlights 2007-2008

- Held four (4) meetings
- Two (2) Conditional Use request granted
  - Intersection of Julian Road and West Ritchie Road – off-premise directional sign for Extreme Motorcycles
  - Enon Church Road – Salisbury Holding Group – Authorization to exceed the height limitation in the B-1-S District for the construction of a new three (3) story retirement residence
- Two (2) Variance request granted
  - 1330 Meadowbrook Circle – Request for a two and one half (2.5) foot encroachment of the back left corner into the cul-de-sac radius

- 1010 South Fulton Street and 201-208 East 15<sup>th</sup> Street – Request from ARC of North Carolina for the reduction of required parking at each location from eight (8) parking spaces to four (4) parking spaces (one (1) space per unit). East 15<sup>th</sup> Street site had the condition of parking spaces being located in the rear.
- One (1) Administrative review over-turned
  - 722 South Fulton Street – Appeal of the Historic Preservation Commission’s ruling for the installation of an eight (8) foot wide gravel driveway on the south side of the property

Goals for 2008-2009

- Continue training opportunities for all Board members with assistance from the Institute of Government and Centralina Council of Government.
- Becoming familiar with the Land Development Ordinance. Zoning Board of Adjustment will be the appeals board for most actions ranging from zoning permits to construction drawings

Mr. Bradshaw recognized Zoning Administrator David Phillips, Zoning Board of Adjustment Secretary Judy Jordan and members of the Zoning Board of Adjustment for their work and support throughout the year.

Mayor Kluttz thanked the ZBA members for what they do for the City and commented that the ZBA is very important to the City.

**TRAFFIC ON JULIAN ROAD**

Mayor Pro Tem Woodson stated that he has received two (2) minor complaints regarding an increase in traffic at Julian Road and West Ritchie Road. He noted that when Wallace Commons builds in this area it could create a traffic problem and this might be a project for the City in the future.

**COMMUNITY TRANSPORTATION PROGRAM GRANT APPLICATION**

(a) Mr. Rodney Harrison, Transit Manager, and Mr. Mark Drye, Management Analyst, reviewed the Community Transportation Program Grant for Fiscal Year 2008-2009. Mr. Harrison explained that this grant is applied for yearly through the North Carolina Department of Transportation (NCDOT) and is a major source of funding for the Transit System.

Funding allocations:

|                | Federal | State | Local |
|----------------|---------|-------|-------|
| Administrative | 80%     | 5%    | 15%   |
| Operating      | 20%     | 0%    | 80%   |
| Capital        | 80%     | 10%   | 10%   |

|                |                  |
|----------------|------------------|
| FY2009         |                  |
| Administrative | \$201,683        |
| Operating      | \$758,359        |
| Capital        | <u>\$200,470</u> |
| Total          | \$1,160,512      |

City's share \$656,986

|                |                  |
|----------------|------------------|
| FY2008         |                  |
| Administrative | \$170,203        |
| Operating      | \$661,203        |
| Capital        | <u>\$847,002</u> |
| Total          | \$1,678,408      |

City's Share \$625,968

Grand total difference \$-517,896

City's share of difference with reimbursement \$31,018

Budget Changes (Before Reimbursements)

- Administration

|      |                  |
|------|------------------|
| FY09 | \$201,683        |
| FY08 | <u>\$170,203</u> |
|      | \$ 31,480        |

- Operating

|      |                  |
|------|------------------|
| FY09 | \$758,359        |
| FY08 | <u>\$661,203</u> |
|      | \$ 97,156        |

- Capital – FY09

|   |                 |
|---|-----------------|
| Personal Computer & Software-expansion  | \$2,800         |
| Copier/printer/fax                      | \$4,595         |
| Vehicle lift                            | \$33,645        |
| Air conditioner refrigerant             | \$3,142         |
| Spare parts for buses                   | \$25,000        |
| Bus axle jack low profile               | \$3,221         |
| Overhead reel                           | \$4,313         |
| Mechanic toolbox                        | \$4,754         |
| Automated voice annunciation system (4) | \$28,200        |
| Vehicle logo/lettering (4)              | \$2,000         |
| Passenger counter/standalone (4)        | \$28,800        |
| Electronic fareboxes (4)                | <u>\$60,000</u> |
|   | \$200,470       |

|                |           |
|----------------|-----------|
| Requested FY08 | \$847,002 |
| A Decrease of  | \$646,532 |

Funding Allocations

|                       | Federal    | State      | Local      |
|-----------------------|------------|------------|------------|
| Administrative        | <u>80%</u> | <u>5%</u>  | <u>15%</u> |
| 2008-2009 (\$201,683) | \$161,346  | \$10,084   | \$30,253   |
| 2007-2008 (\$170,203) | \$136,162  | \$8,511    | \$25,530   |
| Operating             | <u>20%</u> | <u>0%</u>  | <u>80%</u> |
| 2008-2009 (\$758,359) | \$151,672  | \$0        | \$606,687  |
| 2007-2008 (\$661,203) | \$145,465  | \$0        | \$515,738  |
| Capital               | <u>80%</u> | <u>10%</u> | <u>10%</u> |
| 2008-2009 (\$200,470) | \$160,376  | \$20,047   | \$20,047   |
| 2007-2008 (\$847,002) | \$677,602  | \$84,700   | \$84,700   |

City of Salisbury CTP grant commitment:

Salisbury Transit System shared expenses \$656,986

Less:

Projected State Maintenance Assistance Program -205,000

Projected Fare and Other Revenue - 81,000  
 City of Salisbury Commitment \$370,986

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, regarding the Salisbury Transit System's proposed Community Transportation Program grant application for Fiscal Year 2008-2009.

There being no one to speak to Council, Mayor Kluttz closed the public hearing.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution seeking permission to apply for Community Transportation Program funding and enter into an agreement with the North Carolina Department of Transportation to provide necessary assurances. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION.

(The above Resolution is recorded in full in Resolution Book No. 13, at Page No. 3, and is known as Resolution No. 2008-02.)

## **INSPECTION OF THE TRANSIT DIVISION BY NORTH CAROLINA STATE INSPECTORS**

Risk Management Manager Richard Kelly explained that on July 31, 2007 the City received notification from the North Carolina Department of Transportation (NCDOT) that it would audit and inspect the City's Transit System. Mr. Kelly described the criteria required to qualify for Federal and State funds which are approximately eighty-five (85) percent of the Transit System's operating budget. He indicated that the audit lasted two (2) days and used six (6) core elements for the rating process:

- Driver/employee training
- Driver/employee selection
- Data collection and analysis
- Drug and alcohol testing
- Fleet maintenance
- Facility security

Transit Manager Rodney Harrison stated that the NCDOT auditors performed a very detailed inspection which included:

- Facility
- Buses
- Policy manual
- Driver's daily checklist
- Training records
- Maintenance records

Mr. Harrison pointed out that the auditors were pleased with the cooperation of the City departments during the audit. He added that they were also pleased with the monthly safety training offered by Mr. Kelly.

Mr. Kelly reviewed correspondence from NCDOT which was complimentary of the City, the City Manager, Mr. Harrison and City staff for their cooperation and readiness for the audit. He noted that NCDOT requested to use Salisbury's programs and policies as an example in training other entities. Mr. Kelly stated that in November 2007 the City received the audit results which stated that the Salisbury Transit System has a very good safety and training program and a fully implemented System Safety Program Plan Review (SSPPR). He noted that the auditors found no deficiencies that needed to be corrected.

Mr. Kelly pointed out that since the City implemented the City Manager's Safety Award Program in 1988, the Salisbury Transit System has received nineteen (19) awards in vehicular accident safety and personal safety. He added that they have also received three (3) awards from the North Carolina Public Transportation Association for outstanding performance in traffic and passenger safety.



Mayor Kluttz commented that this report is very impressive and she congratulated the Transit System and the City Manager.

### **AWARD CONTRACT – PURCHASE OF TWO GILLIG TRANSIT BUSES**

Purchasing Manager Dewey Peck informed Council that the City has a need for two (2) HD Gillig thirty-five (35) foot low floor transit buses and indicated that the funds for the purchase have been budgeted in the 2007-2008 Vehicle Replacement Fund. Mr. Peck noted that North Carolina General Statute 143-129 authorizes local governments to piggy-back on contracts awarded during a twelve (12) month period. He added that the North Carolina Department of Transportation awarded a contract to Gillig Corporation on March 22, 2007 that meets the City's specifications. Mr. Peck asked Council's consideration to award a contract to Gillig Corporation for the purchase of two (2) HD Gillig thirty-five (35) foot low floor transit buses for a total amount of \$721,286.58. Mr. Peck pointed out that the City will only pay ten (10) percent of the cost.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution authorizing the purchase of two (2) HD Gillig 35 foot low floor transit buses for the Transit Division. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

### **RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) HD GILLIG 35 FOOT LOW FLOOR TRANSIT BUSES FOR THE TRANSIT DIVISION.**

(The above Resolution is recorded in full in Resolution Book No. 13, at Page No. 4, and is known as Resolution No. 2008-03.)

### **UPDATE ON YADKIN PROJECT FEDERAL ENERGY REGULATORY COMMISSION (FERC) RELICENSING PROCESS**

Mr. Randy Tinsley, Environmental Attorney, updated Council on the Federal Energy Regulatory Commission (FERC) relicensing of Alcoa's Yadkin project.

- September 28, 2007 FERC issued a Draft Environmental Impact Statement (DEIS)
  - Proposes to require Alcoa to protect Salisbury water infrastructure from the sedimentation and flooding effects of the Yadkin Project.
- Alcoa's Discovery Requests
  - October 5, 2007 – Alcoa filed a motion for discovery (to interrogate Salisbury officials and experts)
  - October 15, 2007 – Salisbury filed an answer opposing Alcoa's motion

- October 18, 2007 – Commission staff sent a letter to Alcoa stating that Alcoa already had sufficient information to comment on the DEIS (without the requested discovery)
- October 31, 2007 – Alcoa filed a request for clarification or rehearing of the October 18 letter
- On December 20, 2007 FERC:
  - Dismissed Alcoa’s request for rehearing
  - Clarified that Alcoa’s discovery request was inappropriate and contrary to FERC rules
- FERC Stated:
  - “Alcoa has had the opportunity to file comments regarding the merits of the (Salisbury-commissioned) study, and also had the chance to prepare and file its own studies, which it apparently has chosen not to do.”
  - “Alcoa’s suggestion that our discovery rules apply to this proceeding is incorrect...We have made clear that the discovery rules apply only to trial-type hearings...and not to “paper” hearings such as this one.”
  - “And while we will not prejudge our response to any future request that we institute trial-type proceedings here, a party making such a request would bear a very high burden of proof, given that these proceedings have been underway for some eighteen (18) months, and that instituting a trial-type hearing now would most likely greatly delay the resolution of the proceeding.”

Councilman Burgin asked Mr. Tinsley if he knew the date the final report would be released. Mr. Tinsley responded that the report is scheduled to be released in March 2008. He added that the final Environmental Impact Study will be released and then the full FERC Commission will consider the application for relicensing.

Mayor Kluttz congratulated Mr. Tinsley and staff for their work on this issue.

### **COMMENTS FROM THE CITY MANAGER**

(a) **Rowan County Forum on Water Conservation**

City Manager David Treme stated that he received correspondence from Rowan County Commissioner Jon Barber indicating that a majority of the County Commissioners would like to hold a public forum on water conservation. Mr. Barber has asked the City if it would co-host the forum with the County. Mr. Treme stated that he is presenting this as information to Council and will share further information as it is received. He commented that Rowan County will hold a transportation summit on January 30, 2008 and Council has been invited to attend.

(b) 23<sup>rd</sup> Annual Future Directions and Goal Setting Conference

City Manager David Treme reminded Council that the 23<sup>rd</sup> Annual Future Directions and Goal Setting conference will be held February 14-15, 2008. He noted that he will keep Council posted on the schedule but the retreat will include time for topics such as Customer Service, Cultural Action Plan, Fiber To The Home, Budget Economics, Goals and Outcomes, Smart Communities, Downtown Salisbury, Inc. Maintenance Plan, Better Housing, Commercial Maintenance, Departmental Operating Strategic Plans, and Diversity Recruitment Retention. He commented that Kevin Foy, Mayor of Chapel Hill and Chairman of the Metropolitan Coalition, has been invited to the Retreat to discuss upcoming issues for cities in the coming year.

Mayor Pro Tem Woodson indicated that he would like to discuss how water conservation will impact the utility and what to expect in regards to how the rates might be impacted. Mr. Treme stated that it might be too early to determine how the rates will be affected and he will continue to monitor the trends in the coming months.

**MAYOR'S ANNOUNCEMENTS**

(a) Dr. Martin Luther King, Jr. Breakfast

Mayor Kluttz announced that the 22<sup>nd</sup> annual Dr. Martin Luther King, Jr. Humanitarian Breakfast will be held Monday, January 21, 2008 from 7:30 a.m. to 9:00 a.m. at the Salisbury Civic Center.

(b) Councilman Lewis - Planning Conference

Councilman Lewis reported that he participated in a panel discussion as a member of the American Leadership Forum during a conference at the University of North Carolina at Charlotte, Urban Land Institute in December 2007. The conference regarded a follow-up study to the Pierce Report, a study first released in 1999. Mr. Lewis noted that the report was an extensive evaluation of the Charlotte region that focused on transportation issues, social capital, poverty, and the environment. He stated that in 1999 the study area was an eleven (11) county region and Rowan was not included, but the follow-up study was expanded to fourteen (14) counties and now includes Rowan County. Mr. Lewis stated that he feels the leaders of the community have a responsibility to attend these regional planning conferences. He suggested being proactive to bring together a core group of leaders from the City, Rowan County and its municipalities who would be interested in attending these types of forums. He noted that the Centralina Council of Governments will sponsor, "A Framework for Our Future" along with the Charlotte Regional Partnership on Thursday, January 17, 2007 from 4:00 p.m. until 7:00 p.m. He added that he feels this is an opportunity for the community's leaders to have an impact on how the region grows.

(c) Land Development Ordinance Training

Councilman Burgin indicated that he has been asked by several developers if the City will hold a training session for the new Land Development Ordinance (LDO). Planning and Community Development Director Joe Morris responded that he and Senior Planner Preston Mitchell are working on a presentation regarding the LDO that they hope to have recorded and broadcast on Access16. He stated that a date has not yet been scheduled, but staff hopes to have one in the near future.

**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 4:58 p.m.

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Mayor

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City Clerk