

Salisbury, North Carolina
May 4, 2004

REGULAR MEETING

PRESENT: Mayor Susan W. Kluttz, Presiding; Mayor Pro Tem, Paul B. Woodson, Jr.; Councilmen William (Bill) Burgin; William (Pete) Kennedy; Mark N. Lewis; City Manager, David W. Treme; 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 Councilman Lewis.

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 and welcomed new Fire Chief Bob Parnell.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Delete Item 17 (b) – Report on the Plaza.

Addition of a Proclamation – National Drinking Water Week May 2-8, 2004.

REPORT FROM STAFF - PROJECT SAFE SALISBURY

Mayor Kluttz reviewed the Project Safe Salisbury program and noted that a second notification meeting was recently held.

Lt. David Belk stated that there are nineteen (19) clients put on notification and the Project Safe Salisbury Team recently held a follow up meeting with them to review the community portion of the program. He stated that community members did a one-on-one meeting and needs assessment with the clients, and received a commitment from each client that they would no longer be involved in crimes. Lt. Belk introduced Ms. Teresa Vinson, Project Safe Salisbury Resource Coordinator, who will work to coordinate resources for the clients from the community. Mayor Kluttz noted that this position is funded by a Federal grant through the Project Safe Program and welcomed Ms. Vinson.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

MUNICIPAL CLERKS WEEK	May 2-8, 2004
NATIONAL DAY OF PRAYER	May 6, 2004
NATIONAL POLICE WEEK	May 9-15, 2004
PEACE OFFICERS MEMORIAL DAY	May 12, 2004
BETTER HEARING AND SPEECH MONTH	May, 2004

CONSENT AGENDA(a) Minutes

Approve Minutes of the regular meeting of April 20, 2004.

(b) Group Development Site Plan - G-04-04 - Team Chevrolet

Approve Group Development Site Plan G-04-04, Team Chevrolet, 404 Jake Alexander Boulevard.

(c) Budget Ordinance Amendment - Parks & Recreation Department

Adopt a budget ordinance amendment to the FY2003-2004 budget in the amount of \$16,056 to appropriate various donations received by Parks and Recreation.

AN ORDINANCE AMENDING THE 2003-2004 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 35, and is known as Ordinance No. 2004-23.)

(d) Budget Ordinance Amendment - Salisbury Police Department

Adopt a budget ordinance amendment to the FY2003-2004 budget in the amount of \$3,000 to appropriate restricted asset forfeiture funds for the Salisbury Police Department.

AN ORDINANCE AMENDING THE 2003-2004 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. 20, Budget, at Page No. 36, and is known as Ordinance No. 2004-24.)

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

SPECIAL COMMUNITY EFFORTS GROUPS - 2004-2005 CITY BUDGET REQUESTS

Mayor Klutz informed Council that requests for funding would be received from "special community efforts groups" concerning their FY2004-2005 Budget.

Ms. Janet Smith, Board of Directors for the Rowan Partnership for Children, and Ms. Karen Campbell spoke to Council concerning the Partnership for Children program.

Ms. Campbell reviewed the goal of Smart Start in the community and noted that the Rowan Partnership for Children received acceptance for Smart Start funding in 1997. The Partnership contracts with non-profit and state government organizations to provide early care, education and family support and health care. Ms. Campbell told Council that they receive \$2.6 million in Smart Start funds from the State of North Carolina, as well as approximately \$400,000 in More at Four funds from the State. She stated that they are required to meet a ten percent (10%) match to the Smart Start funds so they must raise \$260,000 in community resources to match the state money. Ms. Campbell thanked Council for the opportunity to speak with them and requested \$10,000 in funding for this budget year.

PUBLIC HEARING - RESURFACING OF MAIN STREET

(a) Mr. Dan Mikkelson, Director of Land Management and Development, reviewed the North Carolina Department of Transportation (NCDOT) resurfacing project for Main Street and noted that it is resurfaced once every fifteen (15) to twenty (20) years. He stated that the project is scheduled to begin in Summer 2004 and will run from the Spencer city limits to Jake Alexander Boulevard. Mr. Mikkelson pointed out that the areas with angled parking will be milled off and the work will be restricted to Sunday afternoons in order to minimize the impact on businesses and churches.

Mr. Mikkelson stated that the project will completely remove the current street markings and gives the City an opportunity to make changes. He reviewed the planning process for the project and noted that citizen input was given through the Downtown Master Plan, a Downtown Salisbury, Inc. (DSI) Square Charette held August 2003, a DSI public workshop held March 2004, and a "Frequently asked Questions" sheet distributed by DSI. He noted that there have been misunderstandings about the issues before Council and stated that the two issues before Council today include recommended guidelines for the Americans with Disabilities Act (ADA) Parking, which require one (1) van space per block face, and the proposal to change from a four (4) lane cross-section to a three (3) lane cross-section. The cross-section will run from Kerr Street to Knox Street. Mr. Mikkelson reviewed how

the three (3) lane cross-section would fit into each block downtown and how the lanes would be marked. He noted that in the 200 block of South Main Street the street is narrower and if the plan is adopted one side of the block will be parallel parking.

Mr. Mikkelson stated that staff asked for input from the Fire and Police Departments and both felt that they could provide similar service with the three (3) lane proposal. Mr. Mikkelson added that parking accidents would be similar to the accident rate now but with fewer parked vehicles being struck by moving cars.

Mr. Mikkelson reviewed truck deliveries and noted that the deliveries are made by either rear loading or side loading trucks, such as drink trucks. He stated that delivery trucks could park in the center turn lane and safely cross one lane of traffic. The side loading trucks would still be able to pull over to the curb in the through lane with cars passing the truck using the center turn lane.

Mr. Mikkelson stated that the advantages of three (3) lanes are:

- Longer angled parking spaces
- Left turns onto Innes Street
- Making Salisbury a destination rather than a highway

The disadvantages are:

- The “learning curve” for citizens to get used to the change

Ms. Wendy Brindle, Traffic Engineer, displayed a traffic simulation showing the noon peak traffic and how traffic will move on both the four (4) lane and three (3) lane scenarios. Mr. Mikkelson noted that the simulator takes into account the parking motion but can not display it visually. He added that it does not take into account the vehicles that are longer than the angled parking space and the simulator assumes there are four (4) full-width lanes.

Mr. Mikkelson told Council that staff projects the overall same level of service for twenty (20) years for both cross-sections. He stated that there has been a concern about traffic being re-routed from I-85 and noted that if traffic is detoured from I-85 onto Main Street both the four (4) lane and three (3) lane cross-sections “fail” because the capacity is exceeded and because of the number and proximity of traffic signals downtown.

Mr. Steve Fisher, Chairman of the Downtown Salisbury, Inc. (DSI) Board of Directors and Mr. Randy Hemann, Executive Director, made a presentation to Council on the three (3) lane cross-section. Mr. Fisher stated that the proposal being discussed today came from the Downtown Salisbury, Inc. Parking and Traffic Committee. He noted that over the past few years the Committee has worked to improve the traffic flow and parking in downtown. Mr. Fisher stated that the proposal has the potential to create a more attractive, safer and more pedestrian friendly experience for shoppers. He noted that their presentation is based on the views of the Parking and Traffic Committee and Downtown Salisbury, Inc. has not yet taken a position on the issue.

Mr. Hemann stated that the Parking Committee felt that:

- Drive time through the Downtown would not increase
- Vehicles would not sit through multiple lights
- People would not avoid the area due to increased congestion
- I-85 detours would not be impacted
- Emergency vehicles would not be impacted
- It would not change the number of parking spaces in the downtown
- People backing out of parking spaces would not have to wait longer to back out
- Changing the angle of parking to accommodate longer vehicles is not an option
- Twenty-two (22) accidents involving parked cars in the last twenty-seven (27) months would be reduced
- Parked customers would no longer need to worry about their vehicles being hit
- Parked customers would no longer be blocked in by delivery vehicles
- Drivers would no longer need to change lanes to avoid hitting parked cars
- Drivers would no longer need to change lanes to pass delivery vehicles
- Drivers would no longer need to switch lanes after getting stuck behind people turning left

- Traffic would move steadily but at a slower pace, increasing visibility for business
- Customers' accessibility to the downtown would be improved
- Drivers would face fewer vehicular conflicts on the road
- The driving experience for those passing through is improved
- The experience for downtown customers is improved
- Three (3) lane-cross sections have been proven successful in other localities with similar circumstances

Mr. Hemann reviewed similar streets in Athens, Georgia; Decatur, Georgia; and Greenville, South Carolina. He also noted that this is an opportunity that will not occur for another twenty (20) years and that DSI wants citizens to know what is in the proposal and make an informed decision.

Mr. Fisher stated that he had received many letters and faxes concerning the proposal and many included issues that are not part of the proposal. He told Council that Downtown Salisbury, Inc. will support any decision about the cross-section and urged the decision to be based on facts. Mr. Fisher stated that DSI would like to have an opportunity to have additional input and asked Council to delay a decision until its next meeting so that DSI could sponsor another open forum on the issue. He thanked the downtown merchants for their enthusiasm and passion for downtown Salisbury.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to consider potential revisions to traffic markings during the resurfacing of Main Street.

Those speaking to Council in **favor** to the above proposal were:

Mr. Scott Robinson, 104 West Colonial Drive, stated that he was on the fence about the issue when he first came to the meeting but feels that downtown has been successful because citizens have continually searched for ways to make it better. He added that he felt we had to stop looking at Main Street as Highway 29 but a place that people choose to go. Mr. Robinson said that he feels the plan improves the consistency of the traffic flow which improve safety for pedestrians and will improve parking efficiency.

Mr. Gray Stout, 5 Acorn Lane, stated that he is the Chairman of the DSI Parking and Traffic Committee and he stands behind the proposal. He noted that he felt the plan, along with future improvement plans, will take Main Street from a conduit for cross town traffic to a specific and unique destination. He thanked Mr. Mikkelson and Ms. Brindle for their work in bringing the proposal to Council today.

Mr. Bob Isenhour, 122 North Main Street, told Council that he has observed traffic flow since 1945. He stated that he has been told that visitors think the four (4) lane road and wide sidewalks are wonderful and he feels that this is historically how it has been and how it should stay. Mr. Isenhour said that NCDOT has established Highway 29 as the overflow oversize route and he questions how this will work on Main Street. He questioned how parked cars will back up when the wide loads are sent through Main Street. Mr. Isenhour stated that he feels drivers will not unload from the middle lane. He suggested cutting into part of the wide sidewalk to enable the long vehicles to park out of traffic. Mayor Klutz clarified that Mr. Isenhour is in opposition to the plan. Mr. Isenhour confirmed that he is opposed to the plan as it stands but in favor of finding solutions to the problems.

Ms. Janet Smith, 221 North Main Street, stated that she is on the Board of Directors for DSI and is a proponent of the three (3) lane proposal. She stated that Salisbury is touted as a model city and this is because the City leverages opportunities to strengthen the City and grow. Ms. Smith added that the three (3) lanes will shift downtown to a more pedestrian friendly City and will create an ambiance for those who want to stay in the downtown area. Ms. Smith thanked DSI for trying to protect the growth and prosperity of downtown merchants.

Mr. Brendan Davidson, 110 Par Drive, informed Council that he works and walks downtown. He stated that he thinks three (3) lanes will make walkers feel better when having to cross traffic. Mr. Davidson stated that he is leery of the left turns on Immes Street but he feels this will benefit Salisbury and will bring walking tourism to the City. He stated that he felt the markings were just paint and if the proposal did not work it could be easily changed.

Mr. Paul Fisher, 221 South Main Street, asked citizens to have an open mind, get the facts and make a decision but not to make a decision from misinformation or fear. He stated that he does not feel the success of Salisbury is due to the four (4) lanes. Mr. Fisher stated that he thinks Salisbury is successful because of people who are willing to think out of the box and who have a vision of where things could be. Mr. Fisher mentioned several downtown projects over the past decade and the improvements they created. He added that he thinks the three (3) lane proposal will create synergy. Mr. Fisher stated that F&M Bank will make a grant to DSI for all interested merchants and City Council to travel to Greenville, South Carolina to talk to City officials and merchants about changing to a three (3) lane cross-section.

Those speaking in **opposition** to the above proposal were:

Mr. Charles Shuler, 604 North Main Street, stated that he is in favor of vision for the future but he does not feel this is the right vision. He noted that the proposal presented tonight has changed from the initial proposal by DSI and he feels the change is better but he can not agree with it. Mr. Shuler stated proponents have used theories and not facts in their presentation. He commented that the traffic simulator does not take everything into consideration. Mr. Shuler expressed concern that staff has known of the change since August but merchants did not find about it until March. He added that he did not think this was presented to the merchants as it should have been. Mr. Shuler stated that this is not just paint but the merchants' livelihood.

Mr. Clyde Overcash, 220 East Bank Street, read a list of approximately one hundred twenty five (125) businesses who he polled and he said would like Main Street to remain four (4) lanes. He noted that they had no other issues. Mr. Ed Norvell objected to two of the names read by Mr. Overcash, Rowan Museum and Piedmont Players, and indicated that the Board of Directors for both have not taken a stand on the issue. Mr. Overcash

presented the list to the City Clerk.

Mr. Bill Safrit, 207 Gallerie Place, read a statement for Mr. Ralph Baker of Ralph Baker Shoes. Mr. Baker feels the risk to change to three (3) lanes from four (4) is far greater than the benefits. He feels the traffic simulator can not foresee problems encountered with actual vehicles. Mr. Baker feels that if the level of service will be similar and with the projected growth for twenty (20) years indicating a need for four (4) lanes, then it should not be changed in the first place. Mr. Baker indicated that he had never heard Main Street referred to as a through-way and he did not see the need for left turns on Innes St. He added that he felt this may hinder rather than help bring customers to downtown Salisbury.

Mr. Barry Eddinger, 250 Anthony Road, stated that he has been delivering downtown for UPS for almost eighteen (18) years. He commented that he felt this change will put delivery drivers in harms way, adding that ninety percent (90%) of his deliveries are done through the side door. Mr. Eddinger commented that block-ins do happen but most people are courteous. He told Council that he depends on the curb and the use of a hand cart to help with the deliveries and it has worked well for many years.

Mr. Pierre Johnson, Owner/Operator FedEx Ground, told Council that he is concerned about safety. He stated that he does not think this proposal makes sense as far as safety is concerned. He commented that the traffic simulator did not show some of the situations that occur downtown.

Mr. Michael Thomas, 308 Home Road, stated that he moved to Salisbury in December 2003 and one of the first stops he made was downtown. He told Council that he felt Main Street should be kept as four (4) lanes. Mr. Thomas said that he drives a full size pick-up truck and has never encountered any problem. He added that he has always viewed downtown Salisbury as a destination.

Mr. John Watkins, 110 Hampshire Court, told Council that his staff unloads approximately 50,000-60,000 pounds each week and most of the packages are in excess of four (4) to seven (7) feet high. He stated that he feels the City has a legal obligation to provide safe roads and safe circumstances for pedestrians. Mr. Watkins commented that motor carriers will not embrace this change and will charge the merchants if they are delayed. He commented on the difficulty in unloading for the business and questioned who will pay for an employee that gets injured while trying to unload. He asked Council to take the safety issue into consideration.

Ms. Pam Hylton-Coffield, 104 South Main Street, thanked staff for working with NCDOT to work out a schedule that will reduce the effect from the repaving on the businesses downtown. Ms. Coffield commented that the three (3) lane proposal will allow longer parking spaces and reduce accidents. She noted that in the past two (2) years there have only been twelve (12) accidents associated with the longer vehicles. Ms. Coffield noted that in comparison the super center on Avalon Drive has an accident nearly every day. She stated that she did not feel the number of accidents was excessive or a reasonable and prudent reason for the change. She told Council that in her twenty-nine (29) years on Main Street she has never had a customer complain about being blocked in by a delivery truck. Ms. Coffield demonstrated for Council the difficulty employees will have trying to carry deliveries and cross traffic. She asked Council to imagine a delivery truck with sixty (60) twenty-eight (28) pound boxes. The boxes would be cumbersome and have to be carried in one at a time. She noted that this means it would not be sixty (60) trips across the traveling lane but one hundred twenty (120) trips, which creates a safety issue for her employees.

Mr. Deal Safrit, 716 South Fulton Street, told Council that tractor trailer services are only required to bring freight to the back of the truck so the business employees are the ones who unload those deliveries. Mr. Deal stated that he has a problem with traffic simulators because they portray rational behavior of vehicles and behavior can not be portrayed with computer simulations. He added that there are a lot of issues that are not shown on the simulator. Mr. Deal referred to two (2) medical emergencies in the last thirty (30) days and how it would have affected traffic if the lanes were reduced to three (3) lanes. He commented that downtown businesses are fragile and he does not know if they can survive a plan that could take fifteen (15) years to change.

Mr. Glenn Ketner, Jr., 121 East Kerr Street, stated that Council should retain four (4) lanes and the existing traffic movement. He noted that he can change lanes easily with two (2) lanes of traffic going in the same direction and without the two (2) lanes in each direction his ability to get where he is going will be significantly impaired. Mr. Ketner said that he felt this issue is too serious a matter to be done just because of an imminent repaving. Mr. Ketner distributed photographs made on April 26, 2004 when traffic was rerouted from I-85. He stated that the City needed to continue to build on what it has done for the downtown appearance to keep it viable.

Mr. Mickey Black, 6378 US 601, noted a similar traffic pattern change that was made in Burlington, North Carolina. He read a letter from his sister who was a business owner in Burlington concerning the effect the change had on their business and they felt it was a mistake. Mr. Black stated that he has never had a customer comment on it being hard to get through Main Street but none of his customers have expressed any positive feedback about the change. He added that his shop keepers are all in favor of keeping Main Street four (4) lanes.

Mr. Kevin Watkins, Owner Club Zidis, stated that he is opposed to the three (3) lane proposal. He commented on the growth of Salisbury and how this change would affect the growth adding that it may take away potential businesses.

Mr. Frank Broadway, 107-109 Main Street, told Council that he is opposed to the change and he has listened to the presentations but he feels that there has not been enough notice about the meeting. He stated that he has concerns about customers who bring things to his pawn shop and are inexperienced with unloading in traffic. Mr. Broadway stated that he felt the data being presented is not solid. He added that he has only heard good comments about the current size of the lanes downtown and he feels it would be foolish to change it now if it will have to be changed again in fifteen (15) years.

Mr. Steve Fisher, 111 West Colonial Drive DSI Chairman, stated that today has been a very informed discussion on an idea to make downtown better. He stated that the intent of both proposals is to improve downtown. Mr. Fisher stated that he and Mr. Hemann have discussed the issue and the DSI Traffic and Parking Committee will withdraw the proposal. He thanked everyone for their input and stated that he stands opposed to the three (3) lane proposal.

Mr. George Busby, Town Planner and Architect, suggested trying the three (3) lane proposal for a week and allowing citizens to vote.

Mayor Kluttz noted that Council received several letters concerning this issue and they will be placed into public record. She added that as of today they had received twenty-seven (27) opposed and two (2) in favor.

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

Mayor Kluttz stated that she felt it was very important for Council to hear the proposal and to hear what everyone had to say. She thanked DSI for exploring ways to make the City better and thanked Mr. Paul Fisher for his generous offer. Mayor Kluttz commented that Council had to weigh the benefits of the proposal with the harmony of the community adding that she felt it was important to listen to the merchants because they are the ones who have made an investment on Main Street. She added that she felt prolonging a decision would be harmful and felt that Main Street should be left as it is.

Mayor Pro Tem Woodson stated that he thinks DSI and staff did a great job and he appreciated the offer from Mr. Fisher. He added that he had been contacted by forty-four (44) people and forty-one (41) of them were against the proposal. Mr. Woodson said that he supports keeping Main Street the way it is.

Councilman Lewis expressed his appreciation for being contacted on this issue over the past few weeks. He stated that he felt traffic simulations are good for evaluation but with the points made about taking into account the lowest common speed and rational driving, the traffic simulator can not take this into account. Mr. Lewis stated that he hopes DSI holds on to the idea that downtown is a destination. He added that he is not in favor of the change.

Councilman Kennedy commented that he was on Council when they purchased the old Bamby Bakery building and Towne Mall and resold them and now there are prosperous businesses in these locations. He stated that he feels for the movement of the traffic, the safety of delivery trucks and the desire of most of the business owners, he supports keeping the four (4) lanes.

Councilman Burgin noted that he sits on the DSI Board and he knows that regardless of the vote they will continue to look for ways to improve the downtown experience. He stated that he knows that traffic does not move in a logical way but believes the improvements mentioned using three (3) lanes do exist. Mr. Burgin indicated that there is a time and place he can support fresh ideas but given the other NCDOT improvements and the stress of the economy it would be difficult for him to support the change to three (3) lanes.

(c) Thereupon, Mr. Woodson made a **motion** to ask DOT to keep Main Street four (4) lanes. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

SECOND READING - FRANCHISE ORDINANCE AGREEMENT 2004-22 - TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP

Thereupon, Mr. Lewis made a **motion** to approve the cable franchise agreement with Time Warner Cable as presented two weeks ago. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE BY THE CITY COUNCIL, CITY OF SALISBURY, NORTH CAROLINA, CONSENTING TO THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF SALISBURY AND TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP.

(The above ordinance is recorded in full in Ordinance Book No. 20, Miscellaneous, at Page Nos. 22-34, and is known as Ordinance No. 2004-22.)

It was necessary to have a second reading on the above ordinance as required by North Carolina General Statute 153A-46.

ZONING MAP AMENDMENT - Z-6-04 - GRAY STOUT

(a) Ms. Janet Gapen, Planner II, reviewed a request to rezone three (3) parcels located at the intersection of East Fisher and Lee Streets. She stated that the property is currently zoned B-6 General Business and the request is to rezone to B-5 Central Business. The property is located in the Historic District Overlay and will require a Certificate of Appropriateness from the Historic Preservation Commission. She noted that the property is also located in a Parking Exempt Overlay which waives the off-street parking requirements. Ms. Gapen indicated that all of the parcels are currently vacant and pointed out that the key difference between B-6 and B-5 zoning is that under B-6 a front yard setback of thirty-five feet (35') is required. In the proposed B-5 District buildings can be pulled directly to the street right-of-way.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-6-04, Gray Stout, South Lee Street and East Fisher Street intersection.

Those who spoke to Council in **favor** or **against** the above proposal were:

Mr. Max Spear, 607 Anderson Avenue, told Council that he and Mr. Gray Stout are the developers for the property and he feels it will add a great deal to downtown Salisbury. He noted that the project has up to seven (7) retail spaces and fourteen (14) residential spaces, along with thirty-two (32) parking spaces. He added that he would appreciate Council's approval.

Mr. Robert Crum, 116 East Council Street, commented on the North Carolina Main Street Conference and that one of the speakers said that in order for a downtown to be a living and viable place it needs residents. He stated that he felt more downtown residents are needed to make it an even

better place. Mr. Crum said that he hopes some of the proposed retail will be evening retail.

Mr. Randy Hemann, 327 Mitchell Avenue, told Council that Downtown Salisbury, Inc. is excited about this proposal and the Board supports the rezoning.

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

Councilman Burgin stated that he felt this is very good for the downtown and for the City and he is excited about the project.

Mayor Kluttz commented that Council supports night life for downtown and passed an Ordinance about a year ago to allow sidewalk dining for this reason. She added that she is excited about this addition to downtown Salisbury.

(c) Thereupon, Mr. Kennedy made a **motion** to amend Zoning Map Z-6-04 intersection of South Lee and East Fisher Streets from B-6 General Business to B-5 Central Business. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 27,119 SQUARE FEET, LOCATED AT 119 AND 121 SOUTH LEE STREET AND 210 EAST FISHER STREET, FURTHER IDENTIFIED ON SALISBURY TOWNSHIP TAX MAP 10 AS PARCELS 299, 298, AND 322, FROM B-6 GENERAL BUSINESS TO B-5 CENTRAL BUSINESS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 37, and is known as Ordinance No. 2004-25.)

RESOLUTION FOR FEASIBILITY STUDY - CIVIC/CONVENTION CENTER

Mr. Joe Morris, Planning and Community Development Manager, discussed a Resolution of Legislative Intent and noted that it is a tool used to create and develop guidelines for a task force. He noted that this task force will be charged with conducting a feasibility study for a Civic/Convention Center.

Mayor Kluttz read the following Resolution into record:

RESOLUTION OF LEGISLATIVE INTENT AUTHORIZING A SPECIAL COMMITTEE TO CONDUCT A FEASIBILITY STUDY FOR A CIVIC/CONVENTION CENTER FOR DOWNTOWN SALISBURY

WHEREAS, the City Council of the City of Salisbury has adopted a goal to conduct a feasibility study for a Civic/Convention Center; and

WHEREAS, the City of Salisbury is committed to the process of public participation in carrying out community objectives; and

WHEREAS, the City Council, through numerous programs, projects and policies, has demonstrated on-going commitment to economic development in the downtown area; and

WHEREAS, the City of Salisbury recognizes the vital importance of providing adequate meeting space for our citizens and convention space for out-of-town visitors.

NOW, THEREFORE, BE IT RESOLVED, the Salisbury City Council hereby authorizes the establishment of Special Committee:

(1) To be composed of representatives from the City Council, the Rowan County Commission, Downtown Salisbury, Inc., the Rowan County Convention & Visitors Bureau, the Rowan Business Alliance, the Rowan County Chamber of Commerce, the Rowan County Economic Development Commission, Livingstone College, Catawba College and other interested organizations and individuals.

(2) To conduct a study of the feasibility of a Civic/Convention Center in downtown Salisbury based on the examination of facilities in other communities, market analysis, fiscal considerations and appropriate urban design.

(3) Based on the findings of the committee, provide a report to the Salisbury City Council within 180 days including market comparisons, facility components, preliminary developments costs, financial considerations and a proposed organization and management structure.

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

RESOLUTION OF LEGISLATIVE INTENT AUTHORIZING A SPECIAL COMMITTEE TO CONDUCT A FEASIBILITY STUDY FOR A CIVIC/CONVENTION CENTER FOR DOWNTOWN SALISBURY.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 23, and is known as Resolution No. 2004-12.)

CIVIC/CONVENTION CENTER TASK FORCE - APPOINTMENTS

Mr. Joe Morris, Planning and Community Development Manager, informed Council that the following people have agreed to serve on the Civic/Convention Center Task Force: Mr. State Alexander, Mr. Burt Brinson, Mr. Steve Chandler, Dr. Fred Dula, Mr. Randy Harrell, Mr. Randy Hemann, Dr. Stephen Hiatt, Ms. Judy Newman, Mr. Jack Owens, Ms. Eleanor Qadirah, Ms. Vickie Wallace, Mr. Richard Perkins, Ms. Martha Hawkins, Mr. Nish Patel, Mr. Michael Young, Mr. Michael Miller, and Ms. Leda Belk. He noted that the Chamber of Commerce has requested Ms. Pamela Hylton-Coffield be appointed as the Chamber of Commerce's representative.

Thereupon, Mr. Woodson made a **motion** to accept the list with the addition of Ms. Coffield. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz noted that Councilmen Burgin and Kennedy will also serve on the Committee.

REPORT FROM STAFF - TRANSPORTATION ENHANCEMENT GRANT

Mr. Joe Morris, Planning and Community Development Manager, informed Council that there is a new round of grants for transportation enhancement projects through the State. The program is called the Safe, Accountable, Flexible and Efficient Transportation Equity Act (SAFETEA) and is tied to Homeland Security measures. He indicated that there are approximately \$10 million available in North Carolina with about \$4 million available for this region. The application for the grants is due June 4, 2004.

Mr. Morris reviewed the area for the proposed enhancements and noted that there would be streetscape improvements. The area will be tied into the development proposed for the intersection of South Lee and East Fisher Streets. Mr. Morris noted that there is a twenty percent (20%) cash match involved with the grant.

Mayor Kluttz stated she is excited about the improvements because this is along the route that is the entrance to City Hall.

Mr. Morris informed Council that there are brick pavers under Fisher Street and as part of the project he would like to explore the possibility of exposing the pavers. He added that he does not know their condition but would like to consider this option.

CAPITAL PROJECT ORDINANCE - POLICE DEPARTMENT RENOVATION/ADDITION AND CITY OFFICE BUILDING UPDATES

Mr. Wade Furches, Accounting Manager, informed Council that in the current adopted budget for FY2003-04 there is included a lease purchase financing to pay for the renovations and addition to the Salisbury Police Station and small upgrades in the City Office Building. He told Council that under State Statutes the City has the option to budget in the general fund budget or a capital project budget. Mr. Furches stated that staff felt it would be better served for monitoring and tracking purposes to record this appropriation in a new Capital Projects Fund.

Mr. Furches noted that adopting the Capital Project Ordinance being presented will create a new general capital project fund and move the already approved budget for the project from the general fund to the capital project fund. He told Council that staff proposes for the general fund to loan money on a short-term temporary basis to the capital project fund for the expenses already incurred on the project. As soon as the lease purchase financing is completed the capital project fund will immediately reimburse the general fund.

Councilman Burgin asked about the advantage of making this change. City Manager Treme stated that he did not want to distort the general fund budget and a large item such as this project can do that. He added that he felt it is a prudent financial move and will help staff account for the money for the project. Mr. Furches commented that most projects in the general fund are smaller, generally under \$1 million dollars.

Thereupon, Mr. Burgin made a **motion** to create a capital projects fund to segregate the expenses for the Police Department from the general fund. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE, ESTABLISHING A GENERAL CAPITAL PROJECTS FUND FOR POLICE DEPARTMENT RENOVATION/ADDITION AND CITY OFFICE BUILDING UPDATES

(The above ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 38, and is known as Ordinance No. 2004-26.)

REVISIONS TO SALISBURY-ROWAN UTILITIES DEVELOPMENT POLICIES

Mr. Matt Bernhardt, Assistant City Manager for Utilities, told Council that as a part of their commitment to create a positive business environment and to be as business friendly as possible, the Utilities Department staff has reviewed some of their policies. He noted that they took into account comments from the development community and have developed recommendations for Council's consideration.

The recommended revisions include:

- Oversized lines reimbursement
- Tap fee reduction on developer installations
- Two inch (2") minimum tap requirement for all new residential connections

- Inspection fee initiation

Mr. Bernhardt reviewed the recommendation for oversized line reimbursement and noted:

- Current policy requires a developer to fund oversizing of water or sewer lines for future development of our utility system
- In some cases, this can result in much higher project cost to the developer, and has developers paying cost unrelated to their project
- Staff recommends that Salisbury-Rowan Utilities (SRU) pay the additional cost for oversizing lines
- Cost sharing should only apply to water and sewer lines, as it will be very difficult to fairly allocate additional costs for pumping stations, generators, etc.

He explained tap fee reduction on developer installed taps stating:

- Full connection fees are currently charged for water and sewer connections in all developments, even where the developer has already installed the water and sewer service stub-outs
- It is significantly better aesthetically and economically for the connections to be installed at the time of the initial water and sewer construction
- Staff recommends that the connection fee be reduced for developer installed taps to \$200 for water and \$250 for sewer
- Reduced fees would still cover remaining work SRU staff has to do in setting water meter package and completing sewer connection
- Saves cost for developer, and allows for taps to be made during construction at lower cost

Mr. Bernhardt reviewed the recommendation for two inch (2") tap requirements for all new residential connections:

- In new developments, all residential water services would be two (2) inch, with copper tubing
- Each two (2) inch service would then be adequately sized to provide both domestic and irrigation service as needed by the property owner

He noted that this policy change will:

- Reduce the need for additional street cuts in newer developments
- Save customer cost and staff time in the installation of irrigations taps
- Help preserve pipe integrity by not having as many taps as well as having them so close together

Inspection Fee Initiation:

- SRU (like all other Utility Systems) has been given much stricter requirements in its Collection System Permit by the State
- Important now more than ever to insure quality in initial construction to avoid later repair cost
- SRU recommends Inspection Fee of \$1.00 per linear foot of water and sewer line to be installed (based upon final approved plans)
- This fee would go to fund additional resources necessary to insure SRU presence at critical points during construction and at all tests
- This would still be less than the standard that SRU follows of full-time inspection on all its own construction projects
- Other jurisdictions charge similar fees ranging from \$.60 to \$1.00 (per linear foot – depending on level of presence and other factors)

City Manager Treme told Council that these recommendations have been shared with a great many of the local developers and they are pleased with the policy changes. He added that he felt this will help the City to be fair and equitable and will provide a stimulus for projects under consideration.

Councilman Lewis stated that he felt actions such as this will have a far reaching impact on the City. He added that this is business friendly development and even reaches into exploring affordable housing. Mr. Lewis stated he felt these are the types of things that Council needs to do.

Councilman Burgin asked if there is a good way to establish a base for an oversized line. Mr. Bernhardt stated that staff relies on modeling software and the requirement would be based on specifications from that program.

Mr. Burgin stated that with the inspection fees he had received calls of concern that the City was taking business from the private sector but Mr. Bernhardt had assured him the City would work as a supplement to private inspections. Mr. Treme noted that the City needs quality control because the City owns the asset and is responsible. He added that in speaking with the most critical of developers they did not see this as a detriment but as a positive.

Thereupon, Mr. Lewis made a **motion** to adopt the staff recommended revisions to the Salisbury-Rowan Utilities Development Standards. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COMMENTS FROM THE CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their April 27, 2004 meeting.

(b) Report on Plaza – Deleted from Agenda

(c) Report on the International Conference on Business Incubation

City Manager Treme informed Council that he, Mr. Joe Morris, Planning and Community Development Manager, and Mr. Chanaka Yatawara, Community Development Director attended a National Incubator conference in Atlanta, Georgia and they obtained a tremendous amount of information. He noted that there is a strong interest from business organizations and they are preparing a game plan for the feasibility of the incubator and loan pool.

(d) Mission Possible - Goals Game Planning Session

Mr. Treme told Council that Mission Possible, a goals game planning session was held with eighty (80) to ninety (90) members of staff to work on plans for Council's Goals and Missions. He stated that these game plans and implementation plans will be prepared and implemented through an automated goals system. Mr. Treme stated that the session was very beneficial and additional training will be held next month.

(e) FY2004-2005 Budget

Mr. Treme informed Council that the budget for the upcoming year is incredibly difficult and there were about \$15 million more in requests. He stated that he will try to prepare a budget with last year's level of service and the increases that will be required to continue the same level of service this year. In addition he will show all of the things Council and staff hopes to accomplish. He stated that Council will need to review levels of service and prioritize.

Mayor Kluttz asked Council to bring their calendars to the next Council meeting in order to schedule dates for the budget workshop.

MAYOR'S ANNOUNCEMENTS

(a) Annexation - Public Informational Meeting

Mayor Kluttz announced that an annexation public informational meeting will be held Thursday, May 6, 2004, at 7:30 p.m., in the Council Chambers at City Hall.

(b) Peace Officer's Memorial Service

Mayor Kluttz announced that a Peace Officer's Memorial Service will be held Wednesday, May 12, 2004, at 12:00 noon, at First Presbyterian Church.

(c) Rowan County Meth Watch Program

Mayor Kluttz announced that the Rowan County Meth Watch Program kick-off will be held May 25, 2004 at 10:00 a.m., in the F&M Trolley Barn.

(d) Duke Power Carolinas Competitiveness Forum

Mayor Kluttz reported on Duke Power Carolinas Competitiveness Forum held in Charlotte, on April 29-30, 2004. She stated that the forum brought together economist, economic developers, elected officials and educational leaders throughout North and South Carolina to discuss economic development and how to replace manufacturing jobs.

(e) Clean Air Lecture Series

Mayor Klutz announced that the next program in the Clean Air Lecture Series will be held Tuesday, May 4, 2004, at 6:45 p.m., in Room 300 at the Catawba College Center for the Environment.

(f) State Nursing Home Dedication

Mayor Klutz announced that Governor Mike Easley will speak at the State Veteran's Nursing Home dedication at the V.A. "Bill" Hefner Medical Center on Thursday, May 6, 2004 at 11:00 a.m.

(g) Swearing in for New Fire Chief

Mayor Klutz announced that the swearing-in and reception for new Fire Chief Bob Parnell will be held at 3:00 p.m. on May 18, 2004.

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 7:20 p.m.

Mayor

City Clerk