

Salisbury, North Carolina  
July 6, 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.

**ADDITIONS/DELETIONS TO THE AGENDA**

Mayor Kluttz noted the following change to the Agenda:

Addition of a special recognition for Miss Quinn Scarvey.

**RECOGNITION OF MISS QUINN SCARVEY**

Mayor Kluttz recognized Miss Quinn Scarvey who was the 2003 national winner for ages eleven (11) and under in an essay contest sponsored by the Andre Sobel River of Life Foundation. She stated that Miss Scarvey has been diagnosed with a brain tumor and has undergone chemotherapy for the past year and a half. Mayor Kluttz noted that, other than her doctor's visits, Miss Scarvey has not missed a day of school during the time of her treatment. She remarked on Miss Scarvey's positive attitude and presented her with a Certificate of Recognition.

**RECOGNIZE PARTICIPANTS IN THE OPENING OF THE FARMERS MARKET**

Mr. Joe Morris, Planning and Community Development Manager, reviewed the steps leading to the grand opening of the Farmers Market. He stated that because of the immediate time frame many people pulled together to implement the plan. The grand opening was held on June 26, 2004 and Mr. Morris indicated that it has been a tremendous success. Mr. Morris thanked Mr. Randy Herrmann and Ms. Cindy Owen, Downtown Salisbury, Inc.; Mr. Hall Steele, Rowan County Sustainable Community Development Commission; Mr. Darrell Blackwelder, Rowan County Cooperative Extension Service; Mr. Mike Turco, President of the Salisbury Rowan Farmers Market Association; Mr. Vernon Sherrill, Mr. Steve Weatherford, Mr. Tony Cinquemani, Mr. Mark Martin from Public Services; Mr. Jim Behner, Mr. Larry Lyerly, Mr. John Parrish from the Utilities Department; and Ms. Lynn Raker from Land Management & Development.

Mayor Kluttz thanked everyone that was involved with the Farmers Market and noted how proud she was with this accomplishment.

**PRESENTATION FROM PARKS AND RECREATION CONCERNING "CELEBRATE JULY"**



## PRESENTATION FROM ROWAN REGIONAL MEDICAL CENTER - EMERGENCY DEPARTMENT AND PATIENT TOWER

Mr. Dan Mikkelson, Director of Land Management and Development, introduced Mr. Chuck Elliott, CEO of Rowan Regional Medical Center. Mr. Elliott stated that the Medical Center is preparing to begin a project that has been in development for three (3) years and he feels the health services for the community will be greatly improved.

Mr. Ken Mowery from Rowan Regional Medical Center reviewed the architectural renderings and plans for the construction of a new emergency department and patient tower. He noted that this will be a \$43 million dollar construction investment by the Medical Center. He pointed out that approximately one hundred seventy thousand (170,000) square feet of new building will be added during this project. Mr. Mowery informed Council that there will be a helipad on the roof level of the new tower, which is a first for the Medical Center. He stated that the first phase involves closing the front entrance to the Wilson L. Smith building for approximately twelve (12) months.

Mr. Randy Goddard, Traffic Consultant, reviewed the traffic patterns around the Medical Center. He stated that he has been working with City staff on a proposed detour plan for the construction. He noted that a section of Mocksville Avenue in front of the Wilson L. Smith building will need to be closed. Mr. Goddard reviewed a detour plan to split traffic, with the northbound coming up Mocksville Avenue, turning onto Rutherford Street and back onto Henderson Street. The inbound flow will come down Mocksville Avenue turn onto Barker Street then onto Highland Street and back to Mocksville Avenue. Mr. Goddard told Council that one issue still under review is the on-street parking currently allowed on Rutherford Street. He stated that this on-street parking may need to be prohibited during construction. Another issue being studied is the intersection of Henderson Street and Confederate Avenue. He added that there is a sight distance issue and they are investigating ways to slow traffic in this area.

Mayor Kluttz thanked the Medical Center for their tremendous investment in the community. She noted that this area is already congested for traffic and any closing will have a significant impact and Council would like to hear from the public concerning the plan.

Mr. Mikkelson told Council that staff has received comments of concern for the parking on Rutherford Street. He stated that in order to carry the traffic volume he feels staff will have to recommend a restriction on the on-street parking. He asked Council to allow staff to finish their investigation of the parking issue and to find a way to address the intersection at Henderson Street and Confederate Avenue. Staff will return to Council at its next meeting with a recommendation. He noted that this will also give the public time to provide feedback and Council can receive public comments at its next meeting. Mayor Kluttz asked when Council will need to make a decision. Mr. Mikkelson responded that the contract is to begin in early August. By consensus Council agreed to ask for public comment at its next meeting.

Councilman Burgin asked about the construction staging area on North Mocksville Avenue and closing the road in this area. Mr. Mikkelson stated that in order to build the tower a construction crane will be brought in and placed in this area and it will also accommodate frequent deliveries. Mr. Burgin asked if the road could be closed during the early part of the project and possibly opened during the end. Mr. Mikkelson responded that the total construction project is estimated to take two (2) years and this element involving the road closure involves about one (1) year.

Mr. Burgin asked if it would be possible to use the traffic signal at Grove Street to bring traffic directly down to Henderson Street rather than turning onto Mocksville Avenue. Mr. Mikkelson stated that staff could not recommend using a private parking lot, which is located at the bottom of Grove Street. He added that no streets on the detour will be marked as one-way.

Mayor Kluttz asked staff to investigate all options before making their recommendation to Council.

## ZONING TEXT AMENDMENT - CLARIFY PAINTED WALL SIGNS, WALL MURALS, MOSAICS, WORKS OF ART, ETC.

(a) Mr. Harold Poole, Senior Planner, informed Council that this proposed text amendment is a clarification rather than a change in policy. He noted that there have been questions raised about painted wall signs. The current Ordinance states that painted wall signs are prohibited, except those painted prior to 1940 may be restored. The Planning Board unanimously recommends that the Ordinance be changed concerning Section 9.04 Signs Prohibited, making it clear that those that promote commercial enterprise are prohibited. The second recommended amendment addresses the definition of Sign under Section 9.04 to note that wall murals, mosaics and other works of art shall not be considered signs.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to clarify painted wall signs, wall murals, mosaics, works of art, etc.

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

(c) Thereupon, Mr. Burgin made a **motion** to approve the zoning text amendment on painted wall signs per the recommendation of the Planning Board. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO CLARIFY ALLOWANCES FOR PAINTED WALLS, WALL MURALS, MOSAICS, AND OTHER WORKS OF ART, WHILE CONTINUING TO PROHIBIT COMMERCIAL PAINTED WALL SIGNS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 133, and is known as Ordinance No. 2004-48.)

## GROUP DEVELOPMENT G-07-02 - DRUMMOND VILLAGE, 2800 BLOCK OF STOKES FERRY ROAD

(a) Mr. David Phillips, Zoning Administrator, reviewed the site plan for G-07-02 Drummond Village. He informed Council that this is a re-submittal

of a plan that was originally submitted and approved in 2002. He pointed out that the original plan showed four (4) phases and the re-submittal shows five (5), however only the four (4) phases will be considered. Mr. Phillips explained that staff considers development to be underway when water and sewer utilities begin. The developer has been in the planning stages of the project but had not begun the utilities construction and therefore his one year approval has expired.

(b) Mayor Kluttz opened the floor to receive public comments.

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

(c) Thereupon, Mr. Lewis made a **motion** to approve Group Development G-07-02 Drummond Village, 2800 block of Stokes Ferry Road. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

### **SPEED LIMIT - KENLY STREET**

Ms. Wendy Brindle, Traffic Engineer, informed Council that a petition has been received from residents along Kenly Street requesting the speed limit be lowered to 25 mph. The petition is signed by approximately sixty nine percent (69%) of the property owners and is consistent with other requests approved by Council in the past.

Thereupon, Mr. Kennedy made a **motion** to adopt the Ordinance amending Section 13-336, Article X, Chapter 13 relating to speed limits adding Kenly Street between Shaver Street and Bost Street at 25 mph. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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

(The above ordinance is recorded in full in Ordinance Book No. 20, Traffic, at Page No. 134, and is known as Ordinance No. 2004-49.)

### **PUBLIC AUCTION - SURPLUS PERSONAL PROPERTY**

Mr. Dewey Peck, Purchasing Manager, stated that the City of Salisbury has a collection of surplus property and requested Council to declare the property as surplus to be sold at public auction.

Thereupon, Mr. Woodson made a **motion** to declare the property as surplus and adopt a Resolution authorizing the sale at public auction. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE SALE AT PUBLIC AUCTION OF CERTAIN SURPLUS PERSONAL PROPERTY

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 31, and is known as Resolution No. 2004-20.)

Councilman Kennedy asked Mr. Peck how the sale of items on the website was going. Mr. Peck responded that the sale was going quite well.

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

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their June 22, 2004 meeting.

(b) Time Warner CableCard

City Manager David Treme noted information that was given to Council from Time Warner Cable concerning charges for a CableCard for encrypted digital services.

(c) Citizen Survey

Mr. Evans Ballard, Budget and Benchmarking Analyst, reminded Council that the City received a grant from the National Center for Civic Innovation in the amount of \$30,000. The first \$15,000 installment has been received. This money is to be used to poll the residents of the City of Salisbury and to incorporate this information into a publicly available annual report. He told Council that staff plans to contract with a survey firm to conduct a random mail survey of adult residents of Salisbury. Mr. Ballard explained that the goal of the survey is to hear from citizens as to what City services they value as important. He noted that approximately one thousand one hundred (1,100) surveys will be mailed by the vendor, ensuring that a cross section of City residents are reached. Mr. Ballard told Council that the results will be presented to Council in late September 2004 and will also be presented in a publicly advertised annual report. Two ads will also appear in the Salisbury Post to make the community aware of the surveys and to note that they are grant funded.

Mayor Pro Tem Woodson asked Mr. Ballard what he felt the response rate will be. Mr. Ballard stated that the survey vendor advocates using a one dollar bill to increase the response rate but staff did not feel this would be prudent. City Manager Treme stated that the anticipated response rate is

between twenty-five percent (25%) and forty percent (40%).

(d) Retirement of Mr. Harold Poole

City Manager Treme informed Council that Mr. Harold Poole, Senior Planner, will be retiring from the City after thirty-six (36) years of service. A reception will be held for Mr. Poole on July 15, 2004 from 3:30 p.m. – 5:30 p.m. in Council Chambers.

(e) Depot Street Mosaic

City Manager Treme told Council that Mr. Robert Crum, Artist for the Depot Street Mosaic project, has received a \$10,000 grant from the Robertson Foundation to begin the project. The Salisbury Community Appearance Commission has committed to raise an additional \$15,000 and may also receive an additional \$5,000 grant. He asked Council's permission to commission the start of the project with the \$10,000 in hand, and the additional \$15,000 to be raised. By consensus Council agreed to commission the start of the Depot Street Mosaic project.

(f) China Grove Water and Sewer System Billing Issues

Mr. Matt Bernhardt, Assistant City Manager for Utilities, reported to Council on sewer billing issues with the Town of China Grove. He reviewed the progression of the issues and work staff has done to date by noting:

- China Grove (since 1983) sends the accumulated wastewater from its own system to Salisbury-Rowan Utilities (SRU) for treatment
- System operates through:
  - Two (2) master sewer meters (Landis & China Grove)
  - Outfall sewer line owned by SRU
- Present System was agreed to by both SRU and China Grove in agreement dated July 1983 and amended in April 1991
- SRU reads master meters, subtracts Landis from China Grove flow, and bills each community – per agreement
- SRU contracts with third party – ADS Environmental Services for maintenance and support for Master Meters (installed by ADS)
- ADS utilizes state-of-the-art technology and states that existing meters are still current and best in industry for this application

He indicated that the problems are:

- China Grove has complained about Inflow and Infiltration (I&I) problems in SRU line and feels that they have been billed excessively
- China Grove has installed meters on approximately ten (10) connections (from their system) and claim that these meters show they are being over billed

SRU's response is:

- China Grove has acknowledged that its meters are for "trend analysis" only, and not for accurate (billing) use
- SRU does not allow or authorize this type of meter (for the exact reasons that China Grove has acknowledged) in our system
- China Grove has connected in sixteen (16) locations to the SRU line/system – most apparently with no authorization or notification to SRU
- Some of these improper and unauthorized connections are contributory to the I&I problem
- All sewer lines (and systems) have at least some I&I
- It is impossible to tell how much I&I comes from which system
- The existing situation was agreed to by both communities
  - China Grove insisted on current meter location (Corriher Gravel Road)
  - China Grove compounded the problem through proliferation of its connections (solution would have been easy otherwise)

Mr. Bernhardt pointed out that:

- SRU acknowledges that there is some I&I in SRU's line
- China Grove acknowledges that there is some I&I in their system
- Line replacement is cost prohibitive for either party at this time

In an effort to work on the problem:

- SRU spent \$5,670 on a system audit and analysis by ADS to reevaluate meters and determine problem
- System audit revealed that there was a blockage (found and removed by ADS staff) that created an artificial depth reading in SRU's line
- Addition of depth sensors to both meters will help to prevent future situations of this type
- SRU staff GIS-mapped and inspected the line and all connections
- SRU issued a credit to China Grove that by our calculations (based upon ADS Study) equates to the amount of overcharge (actually, it's 6% to their benefit)
- SRU agreed to an interim billing situation (based upon totaling up all metered water use) while these other measures are being put in place

Mr. Bernhardt explained that the interim billing situation will in place through the July and August billings and SRU hopes to have the other improvements in place by the September billing.

Mr. Bernhardt informed Council that effective July 1, 2004 SRU has amended its contract with ADS to:

- Continue monthly comprehensive service for two master meters

- Add pressure (depth) sensors at our current meter locations
- Add contracted service of monthly data processing
- Add rain monitoring station and perform monthly monitoring
- Prepare monthly rainfall analyses with sewer flows
- Prepare infiltration analysis

Mr. Bernhardt indicated that the total cost of the contracted services equals \$41,265. He commented that not all of this amount is additional cost but it did add to what last year's contract would have been.

Mr. Bernhardt concluded:

- Both SRU and China Grove systems have I&I (which both will need to work to address)
- China Grove has complicated both the problem and the solution by making many connections to our system
- Contrary to other reports, SRU has never been unresponsive or uncooperative in addressing what has turned out to be a compound-complex problem
- ADS metering is still the best, most accurate method to measure sewer flow for this type of situation
- Best solution is to utilize new technology to factor out storm events while both systems work to reduce their I&I

Mayor Kluttz thanked staff for the thorough explanation of the issues at hand.

#### **REQUEST FROM MAYOR PRO TEM PAUL WOODSON**

Mayor Pro Tem Woodson asked staff to contact the North Carolina Department of Transportation concerning the clean up of their construction area at Town Creek Commons.

#### **ADJOURNMENT**

**Motion** to adjourn the meeting was made by Mr. Kennedy, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:40 p.m.

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Mayor

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City Clerk