

Salisbury, North Carolina
February 6, 2007

REGULAR MEETING

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

ABSENT: William (Pete) Kennedy

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by City Manager David Tremé. Mayor Kluttz noted that Councilman Kennedy was absent due to the death of his brother, John Kennedy.

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 changes to the Agenda:

Omit – item 14 – Council to consider appointments to the Comprehensive Bicycle Plan Steering Committee. She noted that this will be postponed until Council's next meeting in order to allow Councilman Kennedy, who is chair of the Committee, to present the report.

Add – a closed session to discuss litigation regarding Rack Room Shoes vs. The City of Salisbury.

RECOGNITION OF EMPLOYEES OF THE PLANT OPERATIONS AND ENVIRONMENTAL SERVICES DIVISIONS OF SALISBURY-ROWAN UTILITIES

Mr. Matt Bernhardt, Assistant City Manager for Utilities, informed Council that for the third year in a row Salisbury-Rowan Utilities received the National Association for Clean Water Agencies' Peak Performance Award at the Gold level. He stated that the Gold level represents facilities that achieve one hundred (100) percent compliance with their National Pollutant Discharge Elimination System (NPDES) permit. He noted that only two hundred sixty-three (263) systems in the United States achieved this award. Mr. Bernhardt stated that Salisbury-Rowan Utilities also received a Silver level award for the Highway 70 package treatment plant.

Mr. Bernhardt recognized Mr. Randy Cauble, Plant Operations Manager; Ms. Carol Hamilton, Environmental Services Manager; Mr. Mike Frick, Assistant Plant Operations Manager; Mr. Charles Wood, Chief Operator; and Mr. Martin Trexler, Wastewater Plant Supervisor for their work.

Mayor Kluttz presented the Peak Performance Awards to the Salisbury-Rowan Utilities staff and congratulated them on their achievement.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

CATHOLIC SCHOOLS WEEK January 28 – February 3, 2007

CONSENT AGENDA:

(a) Minutes

Approve Minutes of the regular meeting of January 16, 2007.

(b) Fit Community Designation Application

Authorize the Mayor to sign an application with North Carolina Health and Wellness Trust Fund and Blue Cross/Blue Shield of North Carolina for the Fit Community Designation recognizing efforts to support physical activity and healthy eating initiatives.

(c) Illicit Discharge and Connections Ordinance

Adopt an Illicit Discharge and Connections Ordinance to amend the Illicit Discharge and Connections Ordinance (2006-47) which was adopted on October 3, 2006 to include several sections which were omitted from the original copy.

STORMWATER ORDINANCE, THE CITY OF SALISBURY, NORTH CAROLINA, PART ONE: ILLICIT DISCHARGE AND CONNECTIONS

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 1-9, and is known as Ordinance No. 2007-01.)

(d) Temporary Street Closing for Chamber of Commerce Business After Hours

Approve closing the 100 block of East Liberty Street Monday, February 12, 2007 from 2:00 p.m. until 8:00 p.m. for the Rowan County Chamber of Commerce Business after Hours event.

(e) Temporary Street Closings for Cheerwine 90th Birthday Celebration

Approve closing the 100 block of East Liberty Street, the 100 block of East Council Street, and the 200 block of North Lee Street Saturday, May 19, 2007 from 1:00 p.m. until 6:00 p.m. for the 90th birthday celebration of Cheerwine.

(f) Awarding Retired Canines to Handlers

Award the custody of retired canines to handlers Officer Andy Efirid, Officer Bryan Hodgson, and Officer Justin Crews.

Thereupon, Mr. Woodson made a **motion** to approve the Consent Agenda as read. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

HIGHLIGHTS AND GOALS PRESENTATION FROM THE PLANNING BOARD, HUMAN RELATIONS COUNCIL, AND GREENWAY COMMITTEE

Mr. Brian Miller, Planning Board Chair, presented the Salisbury Planning Board Highlights for 2006 and Goals for 2007.

2006 Highlights

- Fourteen (14) zone change petitions
 - Eight (8) approved by City Council
- Five (5) zoning text amendment petitions
- Two (2) annexations and zoning completed
- Widespread development in City and Extraterritorial Jurisdiction (ETJ)

Mr. Miller stated that 2006 was a relatively normal year leading to a new land development ordinance and more area planning.

- Variety of rezoning requests
 - Z-07-06 Rainy Day Investments A-1 to M-1
 - Z-01S-06: Neely A-1 to R-6A-S with High Density Overlay
- Variety of zoning text amendments approved including:
 - Asphalt plants in M-2 with a Special Use Permit
 - Motorcycles/mopeds in B-RT
 - Criteria for removing a Special Use Permit
 - Clarification changes (State)
- Statutory annexation of Cedar Springs Road/Airport Road Area effective June 30, 2006 – Zoned July 18, 2006
- Voluntary Annexation on Henderson Grove Church Road effective September 29, 2006 – Zoned November 21, 2006
- Subdivisions and group developments approved or under construction
- Continually striving for a diverse membership with widespread geographic representation (members needed from South of I-85)
- Great deal of development occurring south of I-85, such as:
 - The Gables at Kepley Farm
 - Tilley Harley Davidson
 - Power Curbers, Inc.
 - Walgreens – East Innes Street
 - Autumn Care Expansion

- Drummond Village
- Land Development Ordinance Committee drafting new Zoning Code
- On-going design work with the North Main Small Area Plan
- Completed Sidewalk Prioritization Plan
- Comprehensive Bicycle Plan kick-off

2007-2008 Goals

- Review and provide to City Council a recommendation of approval on the proposed Land Development Ordinance within sixty (60) days of receipt by Land Development Ordinance Committee (LDOC)
- Review and provide to City Council a recommendation of approval on North Main Small Area Plan – 2nd Quarter 2007
- Begin reconsideration of the US 70/Statesville Boulevard Corridor Plan – 3rd Quarter 2007
- Review and provide a recommendation to City Council on the Comprehensive Bicycle Plan – 4th Quarter 2007
- Begin investigation of large-scale subarea planning for industrial areas and industrial corridors – 1st Quarter 2008
- Conduct a minimum of three (3) board training exercises – Year-round

Mayor Kluttz thanked Mr. Miller and the Planning Board for their work noting that as the City grows their job becomes more complicated.

Salisbury-Rowan Human Relations Council

Ms. Clara Corry, Chairman of the Salisbury-Rowan Human Relations Council (SRHRC), presented the 2006 Highlights and Goals for 2007 for the SRHRC.

2006 Highlights

- Successfully coordinated the Martin Luther King, Jr. Breakfast
- Successfully coordinated the Elizabeth Duncan Koontz Award Banquet
- Provided an Elizabeth Duncan Koontz library display
- Coordinated a successful La Fiesta de Rowan
- Published a bilingual Community Services directory
- Sponsored outreach activities for the Hispanic community
- Participated in Project SAFE Neighborhood Initiative
- Supported the Center for International Understanding on Latino Issues activities
- Supported the Project SAFE Salisbury Initiative
- Provided Salisbury-Rowan Human Relations Council (SRHRC) monthly news releases
- Continued to sponsor and conduct Community Multiculturalism training sessions
- Supported a wide range of Rowan-Salisbury School System multicultural events
- Coordinated two (2) Mayor’s Spirit Luncheons
- Sponsored the “Let’s Get Connected Day”
- Partnered with Salisbury Community Development Corporation to sponsor a Fair Housing workshop

2007-2008 Goals

- Enhance community harmony and promote awareness of Salisbury-Rowan’s growing multiculturalism and diversity
- Improve community relations in the Salisbury-Rowan Community
- Improve external and internal communications of the Council

2007-08 Goals Requiring Funding

• Covenant Community Connection Activities	\$3,000
• MLK, Jr. Breakfast	\$2,500
• SRHRC Training	\$2,000
• Elizabeth Duncan Koontz Award Banquet	\$2,500
• Youth Human Relations/Multicultural Programs	\$1,000
• Hispanic Coalition Activities	\$3,000
• Administrative Expenses	<u>\$1,350</u>
Total Expenses	\$16,350
Alternative Funding Resources	\$13,350

Mayor Kluttz thanked Ms. Corry for her report and for all that the Human Relations Council does for the City. She added that Councilman Kennedy has suggested that the Human Relations Council coordinate all of the various events held to honor Dr. Martin Luther King, Jr. Ms. Corry indicated she has spoken with Mr. Kennedy and they are working on that request.

Salisbury Greenway Committee

Mr. Darrell Blackwelder, member of the Greenway Committee, presented the Greenway Committees Highlights and Goals for 2006-2007:

2006 Highlights

- Phase 4 construction completed (including pedestrian crossings and signage). Mr. Blackwelder noted that this section includes the Kelsey-Scott Park and Brenner Avenue.
- Phase 2 easements – Catawba College, Crescent Golf Community
- Grant’s Creek Stream Stabilization

- Trail Sponsorship
- Earth Day Celebration
- 9th Annual 5K Run/Walk for the Greenway
- Land Trust for Central NC Tree Ceremony

2007 Goals

- Complete construction of phase 2: Crescent to Meadowbrook
- Acquire easements for phase 3 trail alignment
- Complete survey and utilization study of greenway users
- Apply for the Kodak American Greenway and the NC Adopt-A-Trail grants
- Continue annual programming/events
 - Supervised Walking program – year-round
 - Earth Day Celebration – April
 - 5K Run/Walk for the Greenway – July
- Continue to partner with local organizations to promote the greenway trail system

Mayor Klutz thanked Mr. Blackwelder for his report and noted that Council looks forward to continued progress on the Greenway in the next year.

SUBDIVISION PLAT S-09-06 GROVE STREET EXTENSION

(a) Ms. Wendy Brindle, Traffic Engineer, indicated that in 2006 Rowan Regional Hospital presented a plan to Council to extend Grove Street, which at that time, came to a dead-end in a parking lot. She displayed photographs of the area before construction on the project began and after noting that the project is now complete. She stated that the final plat has been submitted for approval and all of the punch list items have been completed. She added that staff recommends approval of the final plat and acceptance of Grove Street from the former dead-end to Henderson Street into the City Street system for maintenance. Ms. Brindle noted that Grove Street was designed for 25 mph and staff recommends Council adopt an Ordinance to establish the speed limit on Grove Street, along with an Ordinance to establish a stop condition on Henderson Street.

Thereupon, Mr. Woodson made a **motion** to approve final subdivision plat S-09-06 Grove Street Extension, accept portions of Grove Street for City maintenance, and adopt an Ordinance amending Section 13-332, Article X, Chapter 13 of the City Code of the City of Salisbury relating to stop signs and also on the speed limit 13-336 at 25 mph. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

AN 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. 10, and is known as Ordinance No. 2007-02.)

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. 21, at Page No. 11, and is known as Ordinance No. 2007-03.)

RESOLUTIONS OF INTENT FOR ANNEXATION

Mr. Bill Duston, Centralina Council of Governments, and Planning and Community Development Director Joe Morris addressed Council regarding proposed Resolutions of Intent for Annexation for four (4) areas under consideration for annexation.

Mr. Duston reviewed a proposed annexation calendar. He stated that if Council chooses to adopt a Resolution of Intent for Annexation it indicates that Council wishes to move forward with an annexation as well as sets dates for a public informational meeting and a formal public hearing. He noted that the public informational meeting has been tentatively scheduled for March 26, 2007 and then a formal public hearing for the April 9, 2007 Council meeting.

Mr. Duston stated that at least thirty (30) days prior to the public informational meeting Annexation Reports must be adopted which means the reports must be presented at Council's February 20, 2007 meeting. He noted that this is a two (2) week turn around from today if Council adopts the Resolutions of Intent but this is necessary to meet requirement for an effective date of June 30, 2007 for the annexation.

Mr. Duston explained that there are four (4) areas proposed for annexation and stated that all four (4) have strong qualification data. The areas are the Camp Road area, Harrison Road area, Old Mocksville Road area, and the Hawkinstown Road area. He noted that the Hawkinstown Road area was originally to be three (3) areas but based on conversations with the Institute of Government, staff found there is case law from Shelby that supports combining the three (3) areas into one (1) Hawkinstown Road area. He added that this area is basically a doughnut hole in the City's boundaries and this will close in the hole.

Mr. Duston informed Council that Resolutions of Intent may be adopted for one (1) or up to all four (4) of the proposed areas. He stated that if the Resolutions are adopted but after receiving the Annexation Reports Council determines it does not wish to continue the annexation process, Council can choose not to adopt the Annexation Report and the annexation process will stop.

Mayor Kluttz asked about the population estimates for the proposed areas. Mr. Morris responded that the Camp Road area has approximately six hundred twenty-one (621) people; the Harrison Road area has approximately seven hundred forty-three (743) people; the Hawkinstown Road area has approximately twenty-nine (29) people; and the Old Mocksville Road area has approximately twenty-four (24) people.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution stating the intent of the City of Salisbury to consider annexation of the Camp Road Area described herein and fixing the date of a public information meeting for March 26, 2007 at 7:00 p.m. and a public hearing date for April 9, 2007 at 4:00 p.m. on the question of annexation. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Kluttz voted AYE (4-0)

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 1-6, and is known as Resolution No. 2007-01.)

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution stating the intent of the City of Salisbury to consider annexation of the Harrison Road Area described herein and fixing the date of a public information meeting for March 26, 2007 at 7:00 p.m. and a public hearing date for April 9, 2007 at 4:00 p.m. on the question of annexation. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Kluttz voted AYE (4-0)

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 7-11, and is known as Resolution No. 2007-02.)

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution stating the intent of the City of Salisbury to consider annexation of the Old Mocksville Road Area as described herein and fixing the date of a public information meeting for March 26, 2007 at 7:00 p.m. and a public hearing date for April 9, 2007 at 4:00 p.m. on the question of annexation. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Kluttz voted AYE (4-0)

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 12-15, and is known as Resolution No. 2007-03.)

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution stating the intent of the City of Salisbury to consider annexation of the Hawkinstown Road Area described herein and fixing the date of a public information meeting for March 26, 2007 at 7:00 p.m. and a public hearing date on April 9, 2007 at 4:00 p.m. on the question of annexation. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Kluttz voted AYE (4-0)

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 16-19, and is known as Resolution No. 2007-04.)

SALISBURY SIDEWALK PRIORITIZATION PLAN

Mr. Preston Mitchell, Senior Planner, noted that Council has been presented with a proposed copy of the Sidewalk Prioritization Plan and reviewed a summary of the Plan provided to Council.

Mr. Mitchell stated that Council asked the Planning Board to review sidewalks in order to create an inventory and a prioritization plan for their construction. The Planning Board then created a Committee to review sidewalks who developed policies and guidelines for prioritization based on percent of usage as well as proximity to schools, shopping and other pedestrian factors.

Mr. Mitchell informed Council that the sidewalk inventory project will be large-scale. He stated that in 2006 a study was received from the Institute for Transportation Research and Education (ITRE) that included sidewalk inventory data for all North Carolina Department of Transportation (NCDOT) maintained streets but the other streets were not included which created missing gaps of information. He stated that the Committee decided to move forward with prioritization while continuing work on the inventory and developing a guide for new, infill and maintenance of sidewalks within priority areas over a five (5) year period.

Mr. Mitchell shared the mission statement developed by the Committee which states, "recognizing the need for a well-maintained unified sidewalk and greenway network, the Sidewalk Prioritization Plan establishes five (5) year priority areas for sidewalk construction within the City's zoning jurisdiction."

Mr. Mitchell noted that the Sidewalk Prioritization Plan implements elements of the Vision 2020 Plan and both recognize the importance of multi-modal transportation resources. Both also recognize the interrelatedness of improved health, safer streets and safer neighborhoods. He stated that policy guideline in the Vision 2020 Plan states that where no sidewalks are present in existing developed areas, sidewalks shall be provided on a priority basis to connect residential areas to major pedestrian destinations.

Mr. Mitchell indicated that the Plan was developed in a planning context and looks at pedestrian generators. The purpose of the Plan is to provide policy guidance to City Council and the Planning Board regarding new and infill sidewalks within priority areas over five (5) year periods. Mr. Mitchell added that the Plan can also assist in channeling state and federal resources and in prioritizing infill and maintenance by the Street Division. He pointed out that the Plan is not a survey of existing conditions but prioritizes the need for sidewalks based on certain factors.

Mr. Mitchell reviewed how the Plan scores sidewalk needs to determine prioritization. The first included district factors:

Downtown B-5	16
Commercial Nodes (1/4 mile radius)	12
Historic Overlay	12
High-Density Overlay	8

East Innes Gateway Overlay	4
Low-Density R-20	-4
Rural A-1	-8

He stated that the second scoring criteria are trip generating factors which included the ¼ mile distance from certain establishments:

Schools	
College	16
Mid/High	12
Elementary	8
Greenways and Parks	12
Transit	12
Groceries and Health Clubs	8
Civic	4
Medical Facilities	4

Mr. Mitchell noted that the third scoring factor is major thoroughfares which has a score of four (4) and missing sidewalk segments, which also has a score of four (4).

Mr. Mitchell explained that the scores associated with each factor are what are used in the Sidewalk Priority Index (SPI) which uses a layering of the criteria or factors to determine a composite score for each area. He then reviewed an area on North Main Street to illustrate how each portion of the streets would be scored and prioritized in the Plan. He stated that this will eventually be done for every area of the City.

Mr. Mitchell indicated that on November 28, 2006 the Planning Board voted unanimously to recommend adoption of the Sidewalk Prioritization Plan to City Council. He noted that the Plan was also shared with the Street Division Manager who also recommended adoption of the Plan with the revision that Medical be scored at an eight (8) rather than a four (4). Staff also recommends adoption of the Plan with the revision to add Minor Thoroughfares at a score of (4).

Councilman Lewis asked Mr. Mitchell if the recommendations from the Street Division Manager and staff have been included in the Plan. Mr. Mitchell responded that they have not been included and if Council decides to move forward with it the Plan will be amended.

Mayor Klutz questioned why elementary schools scored lower than middle and high schools and colleges. Mr. Mitchell responded that elementary school students do not walk to school as they did in the past and the majority of elementary students are driven or bused to school. He noted that colleges score higher because they tend to generate heavy pedestrian activity because of a young population, many of whom do not own automobiles and live in close proximity to the college. Mayor Klutz commented that she is still concerned that the areas around elementary schools are not a priority in the Plan. She stated that Council encourages walkable communities yet scoring the elementary schools lower seems to discourage the students from walking. Mr. Mitchell indicated that the scores will be reviewed annually and amended if necessary. Every five (5) years the entire Plan will be reviewed and he hopes the Plan will be treated similar to a Transportation Improvement Plan (TIP).

Mr. Lewis stated that the Plan will give Council an idea of where it is most important to allocate funds for sidewalks when deciding how to distribute funds. He asked if there is a particular number that will let Council know if sidewalks should or should not be placed in a particular area once it has been scored. Mr. Mitchell responded that there is no threshold built into the Plan but as Council works with the Plan and the scores they will become more familiar with the numbers. Mr. Dan Mikkelson, Director of Land Management and Planning, added that the numbers are relative and the more Council works with them Council will begin to build a reference base and establish a sense of what is high or low.

Mayor Klutz commented that she feels this Plan will be extremely helpful to Council as they make decisions regarding sidewalks since it is a substantial document with numbers assigned to the areas.

City Manager David Treme stated that he feels the Plan will improve Council's decision making ability for sidewalk planning and as the data base builds the numbers will be more relative to Council.

Councilman Burgin noted that in looking at the trip generator factor he feels grocery stores and health clubs should be scored higher than medical, noting that when people are sick and seeking medical help they rarely feel like walking. He added that he did not feel staff should incentivize sidewalks for medical facilities that people visit periodically more than a grocery store which is a regular activity.

Mr. Treme asked Council if they would like to review the scoring system and bring the Plan back or if they would they like to adopt it and amend it as needed. Mr. Mitchell cautioned Council in changing the scoring numbers, noting they should take care not to homogenize the numbers or the Plan will not prioritize the needs.

Mr. Burgin noted that he understands the Plan can be amended and will be continually tweaked as needed.

Thereupon, Mr. Burgin made a **motion** to adopt the Sidewalk Prioritization Plan with the following amendments: the elementary facilities category elementary and middle/high are combined with a value of twelve (12); add a line for minor thoroughfares at four (4); and groceries and health clubs are increased from eight (8) to twelve (12); and medical facilities stay at four (4) Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL AND THE CROSS-CONNECTION CONTROL ASSEMBLIES AND DEVICES INSTALLATION MANUAL

Mr. John Vest and Mr. Mike West from Salisbury-Rowan Utilities addressed Council regarding the backflow prevention and cross-connection control program. A video was shown to Council regarding backflow prevention and cross-connection control and Mr. West noted that the video has been airing on ACCESS 16.

Mr. Vest explained why a backflow prevention and cross-connection control program was necessary:

- Compliance with State Code
 - In 1974, Congress passed the Safe Drinking Water Act (SDWA) to protect the public health by regulating the nation's public water supply
 - Amended in 1986 and 1996
 - Salisbury adopted and has been enforcing its own backflow prevention program since 1995
 - Under SDWA, Salisbury-Rowan Utilities (SRU) is prohibited from installing or maintaining a water service connection to a customer's water system unless the public potable water supply is protected against backflow by an approved prevention assembly(s) installed at the service connection or point of delivery
- Compliance with State Code – The purpose of the new program would be to achieve the following:
 - To update the City's 1995 Ordinance to align it with the current State standards
 - To maintain compliance with Federal Safe Drinking Water Act
 - To set clear standards and guidance for staff and public
- Protection of our water system
 - Upgrading existing installations to new standards over time (two year amortization)
 - Requiring annual inspection and testing
- Protection of public health and safety of our customers
 - Protection based on degree/level of hazard
 - Reduces the risk to our citizens and communities of contamination of water system due to accidental cross-connection or backflow into system

Mr. Vest noted who is already required to have backflow prevention in place:

- Commercial customers: type based on degree of hazard (required since 1995)
- Industrial customers: type based on degree of hazard (required since 1995)
- All customers with a fire line/sprinkler system (required since 1995)
- Private water systems: connected to public system (required since 1995)

He then noted that those who will be newly affected will be residential customers with irrigation systems or pools. He stated that SRU installs backflow protection with the meter assembly for residences.

Mr. Vest reviewed what SRU's peers do regarding backflow prevention:

- All communities in North Carolina are mandated to develop and adopt an ordinance, and most have already adopted one
- Any system that has more than five (5) backflow devices in place is required to have an ordinance, a prevention program, and an Operator in Responsible Charge (ORC) to run that program
- SRU's proposed ordinance is similar to those in Concord, Charlotte, Durham, Fayetteville, Gastonia, Greensboro, Raleigh, and Winston-Salem

Mr. Vest explained how this program should be handled:

- SRU recommends that Council adopt the ordinance and the installation manual (after setting and holding a public hearing at its next meeting)
- SRU has already
 - Held numerous focus group meetings to obtain broad-based input from community
 - Developed and show backflow video on ACCESS 16
 - Developed guidance documents (adopted with Standards Manual)
- Additional public education (mailings/flyers) and presentations planned

Mr. Vest reviewed what the ordinance will do:

- Gives customers two (2) years to update their backflow prevention assemblies to comply with the new rules. (SRU will notify and work with them to achieve compliance)
- Annual inspection and testing will be required
- A list of certified testers will be provided to customers and test records will be required and kept for five (5) years

He then explained how the City should handle this program:

- Development Services has been provided information from this ordinance and an installation manual to assist in the development review process (which will be expedited by having these standards and design details in place for staff to use)
- SRU Meter Services staff have been trained and certified in preparation for this requirement
- Good news: many installations have already been upgraded and new installations are already following guidance documents

In summary, Mr. Vest stated that the proposed ordinance and installation manual:

- Complies with State mandate
- Gives the staff, customers, and contractors clear guidelines on standards and testing
- Allows flexibility and up to two (2) years for upgrades

- Protects the City's system and customers
- Reduces the City's liability

Mayor Pro Tem Woodson asked if homeowners will have to be in compliance. Mr. Vest responded that only those with irrigation systems or swimming pools that are not protected, which are typically those installed prior to 1995 because SRU has required they be installed on those added after that date.

Councilman Burgin commented that he appreciates allowing residential properties to place the valve box closer to the home because he feels it enhances the appearance of the property.

Mr. Woodson asked if sprinkler systems are considered a danger. Mr. Vest explained that they have potential to be a danger because they are typically located below grade and contamination from fertilizers can pond around the sprinklers and then contaminate the public water supply.

Thereupon, Mr. Lewis made a **motion** to set a public hearing for February 20, 2007 regarding the amendment of City Code Chapter 25, Article I – In General and Article VI – Backflow Prevention and Cross-Connection Control Assemblies and the adoption of the Backflow Prevention and Cross-Connection Control Assemblies and Devices Installation Manual. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

GIS STRATEGIC PLAN UPDATE

Ms. Kathryn Clifton, GIS Coordinator, introduced Dr. Garry Cooper of Appalachian State University, who will present the GIS Strategic Plan Update. She indicated that the plan was a multi-departmental effort and will serve as a guide for the five (5) year budgeting process. She noted that one of the high priority projects identified is to better manage the current centralized address data base. Additional projects include developing additional data layers to support departments throughout the City and making the information available for analysis to make better decisions.

Dr. Cooper provided an update on the GIS Strategic Plan:

- Project Background
 - Changing times
 - GIS story and guiding values – Dr. Cooper stated that the first GIS Strategic Plan was completed December 2004.
 - Vision – Dr. Cooper indicated that part of the initial plan included a four (4) part vision.
 - Collect, maintain, and display data
 - Utilize data analysis/modeling to make better decisions
 - Provide necessary resources
 - Implement GIS-based work order system
 - Projects
 - Twelve (12) projects over a five (5) year period.
- 2006 Process Framework for the GIS Strategic Plan Update – asked four (4) specific questions
 - What we said we would do in 2004
 - What was actually done
 - How conditions have changed
 - How we should adjust our plan
- Action Planning Steps and Accomplishments
 - Validate the Vision
 - Collect, maintain, and display data
 - Utilize data analysis/modeling to make better decisions
 - Provide necessary resources
 - Implement GIS-based work order system
 - Review the 2004 Projects
 - Infrastructure mapping
 - Data layer maintenance/display
 - Potential annexations - Completed
 - Economic development area - Completed
 - County-wide data (police dispatch)
 - Real-time GPS tracking (police) - Deferred
 - Modeling, scenario analysis, incident review/evaluation
 - Maintenance of utility systems
 - Work order system
 - Mobile GIS access
 - GIS staff/budget – Completed
 - Data access and on-line – Completed
 - Action Planning (Data Layers)

- Existing layers requiring updating
- Prioritization of new layers already on the listing
- Develop prioritized listing of new layers not on the listing
- Action Planning (Projects)
 - Update task requirements for eight (8) projects (from 2004) not yet completed
 - Identify new projects – additions to the 2004 listing
 - Twelve (12) initial projects
 - Four (4) completed projects
 - One (1) deferred project
 - Forty-one (41) new projects
 - Twenty-four (24) lower priority new projects
 - Twenty-four (24) higher priority projects
- Meaning and Significance of success (moving from good to great)
 - GIS applications cross all departmental/organizational lines and intersects functionally in a variety of ways between departments
 - GIS applications and terminology are generally technical
 - GIS project development in Salisbury has become fast moving train
 - Need both right mix of projects and projects that bring all departmental users equitably on board GIS train
 - GIS is a tool versus an end
- Future Directions – Sharing the success story with others
 - Community level
 - Professional level

Councilman Burgin commented that GIS is a tremendous tool for the City and commended staff for their accomplishments. He added that he hopes City Council will continue to encourage GIS.

City Manager David Treme stated that the City has an excellent professional staff and that Kathryn Clifton has brought groups together to understand how different parts of the system inter-relate and to lead staff in prioritizing projects. He indicated that a GIS system is no longer a luxury but an absolute necessity and is a tool used in providing excellent customer service to our citizens.

Mayor Kluttz thanked Dr. Cooper for his help on the plan and extended her appreciation to the staff for the work they have done.

- **APPOINTMENTS TO THE COMPREHENSIVE BICYCLE PLAN STEERING COMMITTEE**

- This item was postponed until the February 20, 2007 Council meeting.

- **APPOINTMENTS TO THE SALISBURY-ROWAN HUMAN RELATIONS COUNCIL**

- Upon a **motion** by Mayor Kluttz, seconded by Mr. Woodson and with Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voting AYE (4-0) the following appointment was made to the Salisbury-Rowan Human Relations Council:

Reverend Wayne Hougland Term expires 3/31/08

- **COMMENTS FROM THE CITY MANAGER**

(a) **Street Closure for Salisbury City Park Criterium**

- Lt. Melanie Thompson and Judge Charlie Brown addressed Council requesting approval for street closure for the Salisbury City Park Criterium. Lt. Thompson stated that the cycling race is sanctioned by the United States Cycling Federation and is scheduled for Sunday, March 25, 2007 from 8:00 a.m. until 5:00 p.m. She added that the race course will be around Salisbury City Park. Lt. Thompson requested closure of Lake Drive, portions of North Jackson Street, Miller Street, Club House Drive and Annadale Drive. She indicated that Salisbury Police officers and volunteers will work each intersection to assist the approximately twenty-seven (27) affected residents with access to their homes. She noted that notification letters will be sent to these residents prior to the event.

Lt. Thompson stated that Food Lion and The Salisbury Post are corporate sponsors and the event will benefit Rowan Helping Ministries. She indicated that they are expecting around three hundred (300) racers and spectators for the event.

Judge Brown stated that this event is the kick-off for the competitive racing season and is sanctioned by the United States Cycling Federation and the Carolina Cycling Association. He added that he is excited Salisbury is the host site for the kick-off of the competitive season, which runs from March through mid-October. He pointed out that this will be a wonderful course around City Park and noted that the start/finish will be staged at the picnic area adjacent to the Parks and Recreation Center.

Mayor Kluttz expressed Council's excitement that Judge Brown has worked to bring this event to Salisbury.

Thereupon, Mr. Burgin made a **motion** to create a one (1) mile circuit by closing Lake Drive, portions of North Jackson Street, Miller Street, Club House Drive and Annadale Drive on Sunday, March 25, 2007 from 8:00 a.m. until 5:00 p.m. for the purpose of hosting the Salisbury City Park Criterium. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Klutz voted AYE. (4-0)

(b) Airport Development Plan Review

City Manager David Treme indicated that the development of an Airport Development Plan is an adopted goal of City Council. He explained that he has met several times with the City Attorney, County Attorney, County Manager, and Management Services Director John Sofley to work on a concept of an Airport Development Zone Economic Incentive Grant Agreement. He noted that there will be continued discussions between the Salisbury City Council and the County Commissioners to establish an agreement and assist the County in providing immediate development in and around the airport in order to become more competitive with surrounding airports.

Mr. Sofley stated that the agreement addresses two (2) of the City Council's adopted goals: Working with the County in promotion and development of the airport, and the creation of an airport development zone. He explained that the proposed agreement:

- Defines an area which would initially be those properties zoned in Rowan County.
- Provides a mechanism to expand the zone in the future if the City and County desire
- Defines airport-related businesses which will be allowed
- Provides a mechanism which states the City and County will jointly share in the program
- Provides that the County will voluntarily annex all the airport property areas that are outside the City limits
- Specifies that qualified taxpayers may choose between the terms provided in this agreement or the City's Investment Grant Program and the County's Investment Grant Program, but not both
- Provides a mechanism that will extend the agreement
- Provides an Airport Development Fund established by City and County
 - Fund to support future localized development needs of the airport
 - Fund shall be administered by the County

Mr. Sofley indicated that the draft agreement presented to Council has also been sent to the County Commissioners and is still subject to change.

Mr. Treme stated that this is a matter of information to City Council and does not require any action. He stated that he feels this agreement will enhance the development of the airport and will require the cooperation of the City and the County in terms of providing incentive grants for the development. Mr. Sofley added that the proposed agreement treats all development in the area equally, whether it is new or existing development.

(c) Update of City parking lot Ordinance

Mr. John Sofley, Management Services Director, explained that there are parking lots throughout Salisbury that the City has developed over a number of years, such as the parking lot behind City Hall, another lot behind The Plaza, a lot that is adjacent to St. Luke's Episcopal Church, and two (2) parking lots that are adjacent to the Depot. He pointed out that the City does not have an established ordinance to regulate parking within these lots or to address parking times and violations. He noted that currently the only recourse the City has is towing, and this is not always the best action to take. Mr. Sofley indicated that staff will be presenting a draft ordinance to Council to establish what is acceptable for each of the lots.

Mayor Pro Tem Woodson asked if the parking lot behind Bernhardt Hardware is privately or City owned. Mr. Sofley responded that it is City owned.

(d) Property Rights

City Manager David Treme stated that there have been recent discussions regarding authority for property access and pursuit of public purpose projects, especially as it relates to the I-85 and Highway 29 sewer line. He noted that Salisbury-Rowan Utilities depends on its ability to notify the citizens when conducting property surveys. He explained that once the locations for easements are established, property owners are notified and negotiations begin for the purchase the easements. If an agreement cannot be reached, the determination of value is made through the Superior Court.

Mr. Treme stated that he received a letter from Today's Trading Company, Inc. and Mr. Jim Sides who is a Rowan County Commissioner, demanding \$2,222.22 from Salisbury-Rowan Utilities for damages to his property that he feels was caused by surveyors. Mr. Treme read his response to Mr. Sides for Council stating, "This letter responds to your letter dated January 23, 2007, which makes allegations about the survey work for the I-85 sewer project and demands that the City and County pay you \$2222.22 for cutting vegetation that you characterized as six "trees."

I-85 Sewer Project

The I-85 sewer project was identified as a high priority by Rowan County, the City of Salisbury, the Salisbury-Rowan Economic Development Corporation, and the Committee of 100. This project will promote growth and job creation within Rowan County by extending sewer service to four interchanges of Interstate 85. In fact, the Board of Commissioners on which you sit not only approved, but agreed to be an equal partner in the funding of the I-85 sewer project.

Survey Work for the I-85 Sewer Project

The agreement signed by your board on March 20, 2006 assigned to Salisbury's Salisbury-Rowan Utilities Department ("SRU") responsibility for all of

the necessary steps and tasks to construct and complete the City/County I-85 sewer project, including the hiring and deployment of surveyors. In that agreement, the City and County promised to fully cooperate in all phases and aspects of this project.

Advance Landowner Notice of Survey Work

It is very important to Salisbury that landowners be given advance notice of survey work on their property, even if the statutory procedures that we follow do not require it. Some situations may cause us to rethink and improve our procedures for notification.

We understand that you were present at the meetings and deliberations leading to the execution of the City/County agreement for the I-85 sewer project. That agreement makes at least four references to the surveyors for the I-85 sewer project. The agreement includes a map that shows the project is located along Town Creek where your property is located. Further, SRU sent you a notice letter on April 17, 2006 to let you know well in advance that survey work for the I-85 sewer project would occur on your property.

Survey Work on Your Property

A survey crew visited your property on June 10, 2006. The most "cutting" that the survey crew could have done was the cutting of underbrush. They had no equipment for tree-cutting.

As you know, the General Assembly has enacted laws that squarely state that survey work like the survey work performed on your property is not a trespass; and those laws are constitutional. Given the importance of the I-85 sewer project, statements to the contrary in my opinion are unfounded.

Demand for Payment

The area where the survey work occurred on your property is within an area where an easement will be acquired for the I-85 sewer project and cleared for the installation of the line. The City and County will pay you fair market value for the easement, hopefully as a matter of negotiation. Your demand for \$2,222.22 will be considered at that time. If negotiations are unsuccessful, the payment will be made in the context of a condemnation action in the Rowan County Superior Court.

Conclusion

As the County's partner, the City of Salisbury is fully committed to fair treatment of landowners and the completion of a project that will promote jobs for Rowan County. However, our commitment does not mean that we will make payments to individuals who are not legally entitled to them. Such payments would ultimately come out of the pockets of the taxpayers and utility customers in Salisbury, in Rowan County, and in our neighboring communities served by Salisbury's SRU water and sewer system."

Mr. Tremé commented that Mr. Sides' letter demanding payment and his response have been shared with Council and he also has copies of the "Authority for Property Access in Pursuit of a Public Purpose Project" that was prepared by the City's environmental attorney. He stated that if the City moves forward with the I-85 sewer project and the location of the easements are determined there will most like be nothing left on Mr. Sides' easement because a sewer line will be installed in that location. He added that if there are any damages after the installation, he feels they can be handled during the negotiation process. Mr. Tremé stated that he does not feel SRU entered anyone's property illegally and he feels the City has a constitutional right to do so, but noted that SRU will take every opportunity to give notice to the property owners. Mr. Tremé stated that he does not feel this demand for payment is in order and he has rejected this particular payment.

MAYOR'S ANNOUNCEMENTS

- Mayor Kluttz did not have any announcements.

CLOSED SESSION

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session.

Thereupon, Mr. Burgin made a **motion** to go into closed session as allowed by NCGS 143-318.11(3) to consult with an attorney regarding Rack Room Shoes vs. the City of Salisbury. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

RETURN TO OPEN SESSION

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

Mayor Kluttz announced that Council took no official action in closed session.

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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 6:37 p.m.

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Mayor

City Clerk

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