

Salisbury, North Carolina
October 19, 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. Tremé; 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 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 change to the Agenda:

Add – Council Committee report on Fulton Heights traffic issues.

RECOGNITION OF SENIOR PLANNER PRESTON MITCHELL

Mr. Joe Morris, Planning and Community Development Manager, introduced Mr. Preston Mitchell who will serve as Senior Planner. Mayor Kluttz welcomed Mr. Mitchell and noted that he is joining an excellent staff.

RECOGNITION OF DR. WINDSOR EAGLE AND SALISBURY HIGH SCHOOL FOR ACADEMIC AND ATHLETIC ACHIEVEMENTS

Dr. Windsor Eagle, Salisbury High School Principal, reviewed recent academic achievements at Salisbury High School. He briefly discussed the Federal and State testing programs, as well as the No Child Left Behind Program and reported on Scholastic Aptitude Test (SAT) and ABC test results for the 2003-04 year. He pointed out that Salisbury High School has consistently scored the rank of High in ABC growth and was designated as a School of Distinction and High Growth for its overall proficiency performance of 84.9%.

Mayor Kluttz thanked Dr. Eagle for his report and invited him back for a presentation on athletic achievements.

Mayor Kluttz stated that Dr. Eagle has been selected as the Wachovia 2005 Principal of the Year. She then presented a Certificate of Recognition to Dr. Eagle for this achievement and thanked him for his contributions.

PRESENTATION FROM SALISBURY COMMUNITY DEVELOPMENT CORPORATION AND NORTH CAROLINA HOUSING FINANCE AGENCY

Mr. Dave McCoy, President Salisbury Community Development Corporation (CDC), informed Council that CDC staff and board members

recently attended the annual North Carolina Housing Finance Agency Conference in Raleigh, NC. During this conference the Salisbury CDC and the City of Salisbury received the North Carolina Housing Award for the Jersey City revitalization program. Mr. McCoy reviewed the Jersey City program and noted that to date eleven (11) houses have been built and one (1) house rehabilitated. He then presented Mayor Kluttz with a plaque recognizing achievements in affordable housing.

Mayor Kluttz thanked the CDC for their work to improve neighborhoods and the entire City.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

ROWAN BLUES AND JAZZ SOCIETY DAY October 9, 2004

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of October 5, 2004.

(b) Budget Ordinance - Depot Street Mosaic

Adopt a budget ordinance amendment to the FY2004-2005 budget in the amount of \$25,000 to appropriate funds received for the installation of the Depot Street Mosaic.

AN ORDINANCE AMENDING THE 2004-2005 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE DONATIONS FOR DEPOT STREET MOSIAC PROJECT.

(The above ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 164 and is known as Ordinance No. 2004-74.)

(c) Budget Ordinance - ArcGIS Training

Adopt a budget ordinance amendment to the FY2004-2005 budget in the amount of \$2,350 to appropriate funds received for ArcGIS training.

AN ORDINANCE AMENDING THE 2004-2005 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE FEES RECEIVED FOR ARC-GIS CLASS.

(The above ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 165 and is known as Ordinance No. 2004-75.)

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

POOL HALL APPLICATION - CHARLES LEON VALLEY - 900 MOORESVILLE HIGHWAY

(a) Lt. Hodge Coffield informed Council that Mr. Charles Leon Valley has filed an application for a permit to operate a pool hall at 900 Mooresville Highway. Lt. Coffield referred to City Code Chapter 4 Sections 26-64 and stated that, to the best of his ability, he has determined that Mr. Valley meets all conditions set forth in the Ordinance. He added that he has inspected the business and it appears to be clean and orderly and the Police Department has no objections to the issuance of the permit.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider an application from Charles Leon Valley for a permit to operate a pool hall located at 900 Mooresville Highway.

Ms. Gretta Saunders, 1832 Rosemont Street, stated that she did not know about the pool hall until it was already open. She raised concerns about parking for the facility and the possibility of noise. She stated that she has not heard any noise yet but questioned how the business could be opened without getting prior permission. She noted that she has seen young people outside of the bar drinking beer.

Ms. Michelle Antosek, 1828 Rosemont Street, stated that the neighbors never knew there was a bar being built near them until reading about it in the newspaper. She stated that it is encroaching into their neighborhood and it seems the owner has done what he wants to do, and then is asking for forgiveness and a permit. She commented that the neighborhood is in jeopardy of extra foot traffic and extra noise. Ms. Antosek stated that there are children in the neighborhood and neighbors are very concerned about a bar in the area.

Mr. Charles Valley, 900 Mooresville Highway, stated that he is the owner of the business and he passed all inspections required to open the business. He stated that the building is metal with very thick walls and noise can not be heard. Mr. Valley noted that drinking outside is not allowed and staff works as fast as possible to head off any problems. He stated that he patrols the parking lot to ensure trash is not thrown onto neighbors property. Mr. Valley told Council that he only wants to have two (2) pool tables and does not see where this will be a problem.

There being no one else to speak for or against the permit, Mayor Kluttz closed the public hearing.

Mayor Kluttz asked staff if the bar is zoned properly. Mr. David Phillips, Zoning Administrator, responded that the property is zoned B-6 General Business and is properly zoned. He noted that because the facility was an existing business, parking was already in place. Mayor Kluttz clarified that the discussion today is not whether to allow the business, but only the request to add an additional pool table.

Councilman Lewis stated that since Mr. Valley only wants two (2) pool tables Council can issue the permit to be inclusive of two (2) and not two (2) or more. He noted that this is a business that is allowed by right in the B-6 zoning and the tenant followed the rules in opening it.

Councilman Kennedy commented on consistency and stated that at the last meeting Council issued a pool hall permit on a temporary basis because of neighborhood complaints and he feels the same thing should be done in this case.

Mayor Pro Tem Woodson encouraged the neighbors to call Council if problems arise and noted that it sounds like there have been no problems so far.

Mr. Kennedy asked how long the business has been open. Mr. Valley responded that the business has been open for three (3) weeks.

(c) Thereupon, Mr. Burgin made a **motion** to issue a temporary, thirty (30) day permit for a second pool table and review the status of the business after that. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COMMUNITY TRANSPORTATION PROGRAM GRANT APPLICATION FY2005-2006

(a) Mr. Steve Martin, Transit Manager, addressed Council concerning the Community Transportation Program grant for FY2005-06. He explained that the proposed budget is comprised of \$230,218 in federal funds for administrative and operating assistance, \$36,090 in federal capital funds, and \$160,282 from the State Maintenance Assistance Program. He noted that the City's required ten percent (10%) match will be the same as the previous year.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider the Salisbury Transit System's proposed Community Transportation Program Grant application for fiscal year 2005-2006.

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

(c) Thereupon, Mr. Woodson made a **motion** to adopt a Resolution seeking permission to apply for Community Transportation program funding and enter an agreement with NCDOT. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION SEEKING PERMISSION TO APPLY FOR COMMUNITY TRANSPORTATION PROGRAM FUNDING WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TO PROVIDE THE NECESSARY ASSURANCES.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 44, and is known as Resolution No. 2004-30.)

GROUP DEVELOPMENT SITE PLAN - G-05-04 - CITY OF SALISBURY

G-05-04 - City of Salisbury, Police Department
130 East Liberty Street

(a) Mr. David Phillips, Zoning Administrator, reviewed aerial views and photographs of the Salisbury Police Department located at 130 East Liberty Street. He stated that the site plan shows a fourteen thousand (14,000) square foot, two-story addition that will be constructed on the front of the building. He pointed out that Council previously approved rezoning the property to B-5 to allow the structure to be brought up to the sidewalk.

Mr. Phillips reviewed the sidewalk and landscape plans and noted that the streetscape will be designed to blend with what is located across the street.

Mr. Phillips informed Council that the site plan went through the Technical Review Committee (TRC) and staff had concerns regarding the encroachment of the handicap ramp on the Lee Street side of the building. The ramp encroaches into the right-of-way approximately five (5) feet. He explained that staff was concerned about setting a precedent for future developments and added that staff wanted to show that they will be just as stringent on City projects as with other developers.

Mr. Phillips indicated that when the plan was presented to the Planning Board there was a split vote of 4-3 to approve the plan. He noted that those who voted against the site plan did so because of the encroachment into the right-of-way. He explained that if Council approves the site plan additional action will also need to be taken to allow the encroachment into the street right-of-way based on City Code.

Mr. Phillips informed Council that the site plan has gone through the Historic Preservation Commission (HPC) and their only concern was the reflective glass used on the street level of the facility. After receiving further information on the glass, the HPC approved the project.

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

Ms. Karen Alexander, Architect, spoke to Council concerning the reasons for the need for the encroachment into the right-of-way. She noted that the site is very small and pointed out a water main on the left side of the site plan which prohibits moving the building any further to the left. Ms. Alexander commented that she has committed to the City to build a fourteen thousand (14,000) square foot facility, but there is not a lot of lee-way for the architects. She pointed out that this new section will match the topography and the floor level of the existing building. Ms. Alexander stated that she reviewed the option of moving the ramp to the front of the building but because of aesthetic reasons and the lack of space needed for the ramp, she did not feel it was feasible.

Councilman Burgin asked about the grade for the topography and the ramp on the Lee Street side. Ms. Alexander noted there was a stair tower on that side and if the ramp was installed at that location it would encroach into the parking lot. He noted that the back door to the Police Station is at grade. Ms. Alexander commented that the back door is indeed at grade but the ramp is at the front edge of the building.

Mr. Jeffrey Sowers, 117 Circle Drive, informed Council that the architectural drawing does not show a second level of stairs that will actually be needed.

Mr. Michael Young, Vice-Chair of the Historic Preservation Commission, stated that the HPC is excited about the building and design but their main concern was the use of reflective glass windows. He noted that based on the special needs of the Police Department for security and privacy the HPC felt the use of the glass was warranted as an exception.

Since no one else was present to speak to Council concerning this matter, Mayor Kluttz closed the public comment session.

Mr. Burgin asked if the existing ordinance allows for encroachment up to a certain limit. Mr. David Treme, City Manager, responded that the limit is five (5) feet. He commented that while trying to place the handicap ramp at different locations on the building it created a safety and security issue for handicap persons entering the building. Mr. Treme added that he felt this location will enhance the ability of handicapped citizens to enter the building where everyone else will enter. He stated that the City tried, through the architects, to meet every requirement of the City Code and this was one that was difficult, adding that in the long run he felt it would be beneficial to the public and help with safety and security of the building.

(c) Thereupon, Mr. Burgin made a **motion** to approve the group development. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Thereupon, Mr. Burgin made a **motion** to allow for the encroachment of five (5) feet into the public right-of-way for the building of the handicap ramp. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

GROUP DEVELOPMENT SITE PLAN - G-17-04 - SALISBURY CONE, LLC

G-17-04 - Salisbury Cone, LLC
705 South Railroad Street

(a) Mr. David Phillips, Zoning Administrator, reviewed aerial photographs of the property in question and noted that it is zoned M-1 Light Industrial. He pointed out that the property is comprised of several different warehouses and buildings. Mr. Phillips indicated that the property owner would like to use the warehouses, and possibly the main facility, for numerous tenants. He noted that under the current ordinance a business is allowed to have up to two (2) tenants before it becomes a group development. The owner currently has two (2) tenants on the property and wishes to add a third tenant. Mr. Phillips stated that the owner wants to take the individual warehouses on the property and be able use them for individual tenants.

Mr. Phillips indicated that this request went through the Technical Review Committee (TRC) who saw no problems with it. The Planning Board approved the request by a vote of 5-2. He explained that the concern of the Planning Board members who voted against it was the possibility of the different tenants and uses that would be allowed without any control over approving them.

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

Mr. Phillip Pritchard, Asheboro, stated that he is one of the partners who own the facility and indicated that they have few plans for the buildings but would like to lease the warehouse space.

Mayor Pro Tem Woodson stated that he is pleased something is being done with the property to stop its deterioration. He asked Mr. Pritchard how many square feet are on the property. Mr. Pritchard responded that there are six hundred forty thousand (640,000) square feet, but he feels only about three hundred thousand (300,000) to three hundred fifty thousand (350,000) are usable.

Since no one else was present to speak to Council concerning this issue, Mayor Kluttz closed the public comment session.

(c) Thereupon, Mr. Woodson made a **motion** to approve group development G-17-04 Salisbury Cone, LLC. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Councilman Lewis asked Council if anyone shared the concern of the Planning Board regarding the number of tenants and asked what would trigger it being brought back to the Planning Board or Council for further review. Mr. Phillips responded that the only reason the site plan would go back through the group development process would be if a building was enlarged or changed.

Councilman Burgin noted that the property is zoned M-1, which means most things are allowed. Mayor Klutz commented that the owner bought the building as M-1 and she is pleased to see there are uses being found for the vacant facility.

REQUEST FROM ROWAN REGIONAL MEDICAL CENTER - INSTALLATION OF COMMUNICATION FIBER

Mr. Rick Parker, Vice-President of Clinical Services, informed Council that Rowan Regional Medical Center has purchased a building at 229 Woodson Avenue to be used for radiation/oncology. He explained that the hospital has an accelerated radiation vault on its campus and they will relocate the vault to the newly purchased building. Mr. Parker indicated that the hospital would like to install fiber optic cable to connect the building to the hospital campus. In order to do this the cable will run down Henderson Street to Rutherford Street, run under Mocksville Avenue to Woodson Avenue to the new facility. He noted that the fiber optic cable will allow the transmission of radiographic images. Mr. Parker informed Council that he anticipates the maximum time for running the cable to be eight (8) hours and the work will be done during a low traffic volume time.

Mayor Klutz noted that staff has recommended the following conditions:

- All improvements and restoration shall be made at no expense to the City.
- Lane closures for construction shall be limited to weekends.
- Lane closures shall be coordinated with Tony Cinquemani of Traffic Operations. Flag men shall be utilized at any unanticipated lane closures.
- A metallic tape shall be installed with the fiber to facilitate future field location.
- Engineering "as-built" plans shall be maintained by the Hospital and made available to the City upon request.

She indicated that in accordance with Section 11.24 of the City Code, City Council must grant approval prior to installation, and the hospital shall pay an annual tax of \$0.10 per lineal foot within the public right-of-way. In this case, the tax would be \$75 through June 2005, and \$150 per year thereafter.

Thereupon, Mr. Kennedy made a **motion** to approve the request from Rowan Regional Medical Center concerning installation of communication fiber in the public right-of-way with the conditions read and the amount of money to be paid by them as stated. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

UPDATE FROM THE CONVENTION/CONFERENCE CENTER TASK FORCE

Councilman Bill Burgin stated that the Convention/Conference Center Task Force wanted to give Council a preview of their activities to date. He reviewed the charge that was given to the Task Force and members of the Task Force presented Council with a review of some of the work the Task Force has accomplished.

Members of the Task Force are: Mr. State Alexander, Ms. Leda Belk, Mr. Burt Brinson, Mr. Steve Chandler, Mr. Steve Fisher, Mr. Glenn Harbeck, Mr. Randy Harrell, Ms. Martha Hawkins, Mr. Randy Hemann, Dr. Stephen Hiatt, Ms. Pam Hylton-Coffield, Mr. Michael Miller, Ms. Judy Newman, Mr. Jack Owens, Mr. Nish Patel, Mr. Richard Perkins, Ms. Eleanor Qadirah, Ms. Vickie Wallace, Mr. Michael Young, Councilman Pete Kennedy, Councilman Bill Burgin. Staff members are: Mr. David Tremé, Mr. Joe Morris, Ms. Gail Elder White, Ms. Diana Moghrabi, and Ms. Kathy Seybold.

Mr. State Alexander reviewed the overall plan and schedule:

Phase 1 – Preparation and Strategy

- April 2004 – Staff and consultant planning
- May 4, 2004 – Council appointed task force and approved resolution
- May 26, 2004 – Kick-off meeting

Phase 2 – Site Visits

- June 18, 2004 – Tour of Hickory, Statesville & Mooresville
- June 28, 2004 – Tour of New Bern
- July 13, 2004 – Debriefing session from tours: What did we learn?
- August 4, 2004/September 8 & 22, 2004 – Mission strategies developed

Phase 3 – Focus Group Work

- August 26, 2004 – Focus group invitations sent to:
 - Seven (7) Hoteliers
 - Seven (7) Restaurateurs
 - Ten (10) Downtown businesses
 - Four (4) Area businesses
- September 8-9, 2004 – Focus group meetings
- September 22, 2004 – Task force review of focus results
- October 6, 2004 – Finalized Mission, Strategies & Summary of Focus Group input resulting in change of Task Force name to Convention/Conference Center.

Phase 4 – Market Feasibility & Design

- October 6, 2004 – Facility review and market possibilities (information review)
- November 3-4, 2004 – Design workshop/charette
- November 17, 2004 – Review of design workshop and market analysis

Phase 5 – Dissemination of Information

- December 1, 2004 - Complete summary of recommendation. Prepare public information PowerPoint
- December 15, 2004 – Complete information materials and speaker talking points
- December 21, 2004 – Final report to City Council

Dr. Stephen Hiatt, Catawba College, reviewed the site visits to the Hickory Metro Convention Center, Hickory, North Carolina; Statesville Civic Center, Statesville, North Carolina; Mack Citizen Center, Mooresville, NC; and the New Bern Riverfront Convention Center, New Bern, North Carolina.

Mr. Michael Young reviewed the Mission of the Convention/Conference Center which states: The Salisbury Convention and Conference Center shall target statewide organizations seeking a unique conference experience in a centrally located, historic and progressive community. Secondly, the Center may also serve trade shows compatible with a quality convention facility and local business, community and civic groups requiring a large gathering space. In exposing the unique quality of the community to out-of-town visitors, the Convention and Conference Center shall facilitate economic development and industry recruitment in Rowan County. Its presence in downtown Salisbury shall also foster continued economic growth and revitalization of the cultural and historic heart of the community.

He read the Strategic Directions noting that the new convention and conference center:

- Will not duplicate the purpose and function of Salisbury's existing civic center
- Could appeal to a number of medium-sized corporations and organizations seeking a unique place for annual meeting and retreats
- Should serve as a catalyst for economic development and industry recruitment in Rowan County
- Foster the continued revitalization, redevelopment, economic resurgence and cultural growth of downtown Salisbury
- Should be largely self-supporting
- Should have 65-70% of its business coming from out-of-town organizations and their guests
- Should also serve as a community facility to meet the large gathering needs of local businesses, organizations, and community events
- Will provide sufficient income to pay for on-going operation, maintenance and replacement (OMR) costs
- Will pay any debt related to initial construction costs through a combination of private donations, public bonds, a portion of an increased hotel bed tax, or other sources
- Will incorporate architectural design and building materials compatible and supportive of existing historic structures in the downtown area of Salisbury
- Will employ Green building concepts and sustainable materials as the preferred alternative
- Will actively seek local contractors and building supply sources
- Will be a two-to-three story structure with a pedestrian-oriented area
- Will provide parking located so as to not separate the facility from the downtown core
- Will provide a feeling of immersion in the downtown setting
- Will be capable of accommodating 750-1000 participants
- Will incorporate a design that anticipates the need for future expansion with a partnering hotel of 125-150 beds
- Will provide a full range of meeting space sizes and layouts to meet the needs of a variety of organizations
- Should effectively screen view and sound from the center's loading dock and dumpsters
- Should provide generous and convenient storage space to all meeting spaces
- Provide a prominent outside marquee sign

Ms. Pam Hylton-Coffield reviewed the focus group themes, which came from the following questions:

1. What if anything have you heard about a possible civic/convention center and how did you hear about it?
 - All participants are aware of the study
 - Most received information from the newspaper
 - Most were aware that the City had already purchased a site on South Main Street, leading some to believe that the center was a "done deal"
 - Many wondered if this was an unnecessary expense and merely a newer, better version of the City's existing Civic Center.
2. Types of civic/convention centers vary with orientation to trade shows, local community meetings and out-of-town conferences. Which would you choose for the City and why?
 - Near universal consensus that the convention center should primarily target professional conferences
 - A secondary target market would be trade shows
 - Rather than one new building, it may be possible to employ multiple venues in the downtown area for conference breakout sessions
 - A central convention center building could still provide for large group plenary sessions
3. Do you have any thoughts on funding of such a facility?
 - Clear consensus that the public would have little tolerance for any facility that would be a tax burden

- Public-private partnership
- Must be a high quality facility to establish a reputation and draw quality conventions to the area
- An increased occupancy tax on overnight accommodations would be one way to raise monies to help fund the facility

4. What activities for spouses and families would you include in a brochure suggesting Salisbury as a conference location?

- NC Transportation Museum, Dan Nicholas Park
- Lazy 5 Ranch, NC State Zoo, Concord Mills
- Downtown area: Rowan Museum, Meroney Theater, The Depot, The National Cemetery, Waterworks Visual Arts Center
- Downtown Salisbury and surrounding historic neighborhoods were identified as the major draw for its historic character, walk-ability and authentic, small town experience

5. City Council has stated its preference for a downtown area site. What is your view on this?

Two contrasting views emerged:

- Representatives of hotels located on Jake Alexander Boulevard felt that the center should be located convenient to hotels and restaurants on Jake Alexander Boulevard
- Transportation and parking were important considerations
- Other participants felt the center needed to be located downtown to offer an authentic experience unique to Salisbury and to differentiate from competing centers
- A downtown location is important to the on-going revitalization of the historic center of Salisbury

6. What would be some aspects of such a facility that would garner the support of the business community?

- Designed to complement but not compete with existing small conference facility venues in Salisbury
- Clearly defined for what it is and what it is not
- Fill an identifiable need
- Continually expanding the circle of the involved an informed citizens
- Local businesses need to receive consideration in facility planning, construction, operation and maintenance

Mr. Joe Morris informed Council that a design workshop will be held November 3-4, 2004 at The Plaza, 100 West Innes Street. A public presentation will be made in City Council Chambers on November 4, 2004 at 4:00 p.m., with the public invited to participate.

Council thanked the members of the Task Force for their hard work and investment of time on this issue.

COUNCIL COMMITTEE REPORT ON FULTON HEIGHTS TRAFFIC ISSUES

Councilman Mark Lewis indicated that he and Mayor Pro Tem Woodson had met with representatives of the Fulton Heights Neighborhood Association Traffic Committee, along with City staff, to discuss traffic issues. He noted that they reviewed four-way stops, evaluated the need for a \$10,000 traffic study, reviewed the speed limits, and discussed other items such as speed cameras.

Mr. Lewis reviewed a map with the existing speed limits and the suggested location of four-way stops. He noted that the committee is recommending the installation of four-way stops at the intersections identified on the map. He pointed out that there are also several intersections that they recommend to be monitored to determine if there is a need for four-way stops at those locations.

Mr. Lewis stated that the Committee discussed the need for a traffic study and felt the need did not warrant the expense at this time. He noted that they discussed the use of chicanes or planted median chicanes in the future as a traffic calming measure, but realize that this will also be a great expense.

Mr. Lewis commented that City Council has the authority to change speed limits within the City, but the policy of the City requires the residents of the street to sign a petition requesting Council to adjust the speed limit. He encouraged Council to urge the residents to go through this process to have the speed limits lowered.

Mr. Lewis stated that several other issues that were raised during the meeting involved speed cameras, the installation of a caution sign for a blind citizen who lives on Maupin Avenue, Children at Play signs, and the removal of Maupin Avenue as a through street in the City Code.

Mr. Dan Mikkelson, Director of Land Management and Development, indicated that he contacted the City of Charlotte, who use speed cameras, and found that the cameras require an officer to operate the radar gun. He stated that the cameras work well in areas with high traffic volumes but would not be applicable in a neighborhood setting, adding that he had hoped the speed cameras would be fully automatic but they are not.

Mr. Mikkelson stated that concerning the request for a caution sign concerning a blind citizen, he consulted the Manual on Uniform Traffic Control Devices (MUTCD), and the signs are allowed after an engineering study. He stated that staff would like to obtain updated speed and volume traffic counts and feels the sign will be justified. He added that the sign will need to be reevaluated each year to determine its applicability.

Mr. Mikkelson informed Council that the Children at Play signs are addressed very clearly by the MUTCD and are intended specifically for neighborhood playgrounds and staff would not recommend installation of these signs.

Mr. Mikkelson commented that there is a listing of through streets in the City Code and presented Council with an ordinance to remove Maupin Avenue from the list. He added that he felt the list was arcane and staff will further review it to determine if it needed to be in the Code.

Mayor Pro Tem Woodson commented that he had received a call from a resident who did not want the four-ways stops, but he explained to the person the work that has taken place and he supports the signs. He commended the neighbors for their hard work on this issue.

Mr. Lewis stated that it will take four (4) to six (6) weeks to purchase and install the stop signs. At this time the Committee recommends a six (6) month evaluation period to determine the stop signs effectiveness.

Thereupon, Mr. Lewis made a **motion** to approve the installation of six (6) sets of four-way stops as outlined on the map presented. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-331, Article X, Chapter 13, of the Code of the City of Salisbury, relating to through streets which deletes Maupin Avenue from Fulton Street to the west City limits. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

- AN ORDINANCE AMENDING SECTION 13-331, ARTICLE X, CHAPTER 13 OR THE CODE OF THE CITY OF SALISBURY, RELATING TO THROUGH STREETS.

(The above Ordinance is recorded in full in Ordinance Book No. 20 Traffic, at Page No. 166 and is known as Ordinance No. 2004-76.)

Mayor Kluttz noted that by consensus Council will require a petition from fifty percent (50%) of the residents of the streets to lower the speed limits. She thanked the Committee and the neighborhood for their work.

- **AWARD CONTRACT - SALISBURY POLICE DEPARTMENT**

Mr. Dewey Peck, Purchasing Manager, introduced Mr. Nelson Hall of Nelson Hall Roofing Associates, and noted that he and his company have been roofing consultants for the City for the past eight (8) years. He stated that they perform an annual evaluation of the roofs and provide repair and new installation schedules.

Mr. Peck explained that the City is in the process of renovating the existing Police Station but the existing roof is now leaking. He stated that staff bid the re-roofing of the existing facility as well as the installation of the new roof on the facility to be built. Mr. Peck commented that this will give the City an approximate fifteen percent (15%) savings and will allow the City to lock in the price.

Mr. Peck stated that there have been issues with the existing roof since its installation. Mr. Hall described the existing roof system and how the problems will be addressed with the re-roofing. He stated that a lightweight insulation assembly will be poured over the existing deck. A base layer of roofing material will then be attached and then a roofing membrane will be installed. Mr. Hall stated he felt this will provide a good slope to the drain and will be an improvement to the roof.

Mr. Peck informed Council that the new facility is listed as a separate price in the bid and if the City should chose not to build the facility the City will not be charged.

The bids received were:

<u>Vendor</u>		<u>Bid Proposal</u>
Weathergard Roofing Service		\$292,600
Roofing Service		\$329,900
Cohen Roofing		\$342,500
Interstate Roofing		\$347,700
BIRS		\$364,978

The bids received for waterproofing the existing facility's walls were from:

<u>Vendor</u>	<u>Alternate 1</u>	<u>Alternate 2</u>	<u>Bid Proposal</u>
Southern Roof Maintenance	\$13,814	\$452	\$14,266
Strickland Waterproofing	\$20,700	\$5,800	\$26,500
Lesco Restorations	\$25,831	\$5,011	\$30,842

- (a) Weathergard Roofing Service

Thereupon, Mr. Kennedy made a **motion** to approve the contract with Weathergard Roofing Service for \$292,600. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(b) Southern Roof Maintenance

Thereupon, Mr. Kennedy made a **motion** to approve the waterproofing of the existing facility by Southern Roof Maintenance for \$14,266. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

VOLUNTARY ANNEXATION - PARKDALE HEIGHTS

Mayor Kluttz stated that the City Clerk has provided a Certificate of Sufficiency concerning Voluntary Annexation of a portion of Parkdale Heights.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution setting a public hearing for November 2, 2004. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF PARKDALE HEIGHTS (2.036 ACRES) PURSUANT TO G.S. 160A-31 AS AMENDED.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 45, and is known as Resolution No. 2004-31.)

STAFF REPORT ON TRANSPORTATION ENHANCEMENT GRANT

Mr. Joe Morris, Planning and Community Development Manager, stated that Council previously approved the application for a Transportation Enhancement Grant through the North Carolina Department of Transportation. He informed Council that the application has been approved and the City will receive \$387,584 for improvements to streetscapes in downtown Salisbury. Mr. Morris stated that these improvements will be in the 100 and 200 blocks of East Fisher Street and the 100 block of South Lee Street.

Mr. Morris indicated that brick pavers are located under the existing pavement in these areas and staff hopes to restore these pavers as well as make sidewalk improvements, decorative lighting, and tree plantings.

Mr. Morris stated that the grant requires a match of City funds of \$96,896 and the City will have three (3) years to complete the project. He noted that if Amendment One is successfully adopted there might be potential for financing the City's portion of this project.

ROCKWELL WATER MAIN AND UPGRADE OF TWO WASTEWATER LIFT STATIONS

Mayor Kluttz introduced the item for Council to consider rescinding the previously authorized agreement between the City of Salisbury, Town of Rockwell, Rowan-Salisbury Schools, and Rockwell Realty Associates, LLC, regarding the construction of a water main and the upgrade of two wastewater lift stations as noted in the Minutes of September 21, 2004 and to consider authorizing the Mayor to execute a revised version of the agreement between the City of Salisbury, Town of Rockwell, Rowan-Salisbury Schools, and Rockwell Realty Associates, LLC for the purpose of constructing a water main and the upgrade of two (2) wastewater lift stations.

Mr. Matt Bernhardt, Assistant City Manager for Utilities, informed Council that the agreement adopted by Council on September 21, 2004 stated that the Town of Rockwell will obtain a loan for its portion of the project. After consultation with other agencies, the Town of Rockwell elected to provide their portion of the project from their fund balance. He asked Council to rescind the first agreement and adopt a revised agreement which states Rockwell's portion will come from fund balance.

(a) Rescind Previous Agreement

Thereupon, Mr. Burgin made a **motion** to rescind the original agreement. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(b) Revised Agreement

Thereupon, Mr. Burgin made a **motion** to authorize the Mayor to execute the revised agreement. Mr. Lewis 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 October 12, 2004 meeting.

(b) Street Conditions Update

Mr. Steve Weatherford, Street Maintenance Manager, addressed Council with an update of the conditions of the City streets. He told Council some of the challenges facing the street department are progressing improvement to major roads leading into Salisbury. He stated that over the past five (5) years they have had an increase in the obligation for maintenance of lane miles, while experiencing a loss of Powell Bill revenues. He pointed out that as the revenues go down the lane miles of paving go down as well. Mr. Weatherford stated that the requirement of pavement milling has also become an issue.

Mr. Weatherford explained that lane miles are increased due to annexation, assuming maintenance of road systems from NCDOT, new construction, and additional construction phases in existing neighborhoods. He noted that lane miles maintained has increased from two hundred ninety four (294) to three hundred eight (308) in a matter of four (4) or five (5) years.

Ms. Teresa Harris, Budget and Performance Management Manager, stated that another factor contributing to the condition of the streets is the loss of Powell Bill revenues. She explained that these funds are appropriated annually from the State and are from the State Highway fund which is based on the one and three-fourths cents (\$.175) tax on each gallon of motor fuel. Ms. Harris noted that the Powell Bill allocation is based on population and mileage. She explained that Powell Bill funds can also be used for paving and resurfacing, street maintenance, curb and gutter installation and sidewalk repair, traffic control, and snow and ice removal. Ms. Harris noted that there has been a downward trend in receipts until this year when an increase was shown.

Mr. Weatherford reviewed a chart with Council that showed a decline in the lane miles paved due to the decline in revenues received. He noted that in prior years the increase in Powell Bill revenues was always budgeted to the paving line item.

Councilman Burgin asked which year represents the vehicle tax supplement approved by Council. Ms. Harris responded that it is shown in Fiscal Year 2005. Mr. Weatherford pointed out that lane miles paved in Fiscal Year 2004 showed the Brenner Avenue project which was carried over from Fiscal Year 2003.

Mr. Weatherford discussed the planned action steps for the next year and informed Council that staff prioritizes the streets for maintenance. He explained that a survey is conducted by the Institute for Transportation Research and Education (ITRE) to provide a rating comparable to the street's condition. Staff then uses this as an instrument to help prioritize the road maintenance schedule. Mr. Weatherford noted that a survey is scheduled to be completed before the end of this budget year. He commented that staff is holding work on several of the downtown streets until some of the major projects, such as the Innes Street Bridge, are completed.

Ms. Harris stated that any increase that is received in Powell Bill funds will be allocated directly back to the roads along with the collection of the \$10 vehicle tax. She informed Council that the City has received approximately \$45,000 more in Powell Bill funds this year than had been budgeted. The funds will be re-appropriated for street maintenance.

City Manager David Treme commented that the data on the streets is about four (4) years old and there has been major work during this time. He noted that ITRE will come in to gather this data and NC State University will work with staff to put this data into the GIS system. This will allow staff to make better decisions on where to spend the money for street resurfacing.

Mayor Pro Tem Woodson asked how many miles of road are maintained in the City. Mr. Weatherford responded that the City maintains one hundred forty-five (145) miles of paved roads and there are forty (40) miles of State maintained roads.

Mr. Weatherford stated that other functions of the Street Division include:

- Concrete construction (driveways, sidewalks, handicap access, curb and gutter construction)
- Yard debris collection, grinding and composting
- Loose leaf collection
- Storm water system maintenance
- Utility "road-cut" patching
- Street cleaning
- Snow and ice removal

He commented that over one and one half (1 ½) miles of sidewalk was installed last year, along with over one hundred (100) Americans with Disabilities (ADA) ramps.

Mr. Woodson asked about the lane miles paved and asked if ten percent (10%) of the streets were paved last year. Mr. Treme clarified that the miles paved were lane miles which equal half of the total miles, or about five percent (5%). He added that the City has a little over three hundred (300) lane miles.

Mr. Treme reiterated that all additional Powell Bill funds received, as well as the additional vehicle tax, will go directly to street maintenance. He stated that he feels the condition of the streets is a major concern to the citizens.

(c) Skateboarding Issue

City Manger Treme informed Council that with their consensus he would like to place the issue of skateboarding on the next agenda for discussion. He stated that he has had conversations with people from the church community, business community, senior citizens and many others in the community regarding skateboarding and safety issues. By consensus Council agreed to discuss this issue at their next meeting.

MAYOR'S ANNOUNCEMENTS

(a) Salisbury Parks & Recreation Mascot

Mayor Kluttz announced that after holding a contest where over one hundred twenty (120) names were submitted, the Parks and Recreation mascot has been named. The winning name is Chipper the Squirrel and was submitted by six (6) year old Dakota Roseman from North Hills Christian School.

The public is invited to meet Chipper during the Halloween Funfest on Saturday, October 30, 2004 in the FirstBank parking lot from 3:00 p.m. to 6:00 p.m.

(b) Metropolitan Coalition - Amendment One

Mayor Kluttz reported to Council on the Metropolitan Coalition press conference which was held in Greensboro on October 13, 2004 concerning Amendment One. She stated that the Mayors of the Coalition have unanimously endorsed the passage of Amendment One as a way to create jobs by promoting private economic development. She added that the cities in North Carolina are at a disadvantage because North Carolina is one (1) of only two (2) states without this economic development tool. Mayor Kluttz encouraged citizens to consider voting for Amendment One.

(c) Sports Complex Park Renovation

Mayor Kluttz announced that a public input session for the renovation of the Sports Complex Park will be held on Thursday, October 21, 2004 at 6:45 p.m. at the Ruffy-Holmes Senior Center, 1120 South Boundary Street.

(d) City Council Luncheon

- Mayor Kluttz announced that City Council will hold a luncheon on October 29, 2004 at 12:00 p.m. in Council Chambers to review results from the citizens survey.

(e) Report from Councilman Kennedy

Councilman Kennedy reported that he met with Police Chief Mark Wilhelm to see if there is anything Council can do to show support for the Police Department. After meeting with the Police Management Team, Chief Wilhelm informed Mr. Kennedy that they felt Council is doing the best they can to support them.

RECESS

A **motion** to recess the meeting until Friday, October 29, 2004 at 12:00 p.m. in Council Chambers was made by Mr. Kennedy, seconded by Mr. Burgin. All council members agreed unanimously to recess. The meeting was recessed at 6:25 p.m.

Mayor

City Clerk