

Salisbury, North Carolina
October 4, 2005

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 Attorney, F. Rivers Lawther, Jr.; and City Clerk, Myra B. Heard.

ABSENT: City Manager, David W. Treme

The meeting was called to order by Mayor Kluttz at 4:00 p.m. Councilman Burgin thanked the Mayor for the Mayor's Spirit Luncheon held today at Noon. Mayor Kluttz commented that the outpouring of support for the Pascagoula and Jackson County area from non-profits, businesses, and individuals has been tremendous and asked everyone to remember that the need continues. The invocation was then given by Councilman Burgin.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Add – 11(a) – Request for use of temporary dumpster at 109 West Fisher Street.

RECOGNIZE FLOYD RUSHER - WATER OPERATOR OF THE YEAR

Mayor Kluttz recognized Mr. Floyd Rusher, Water Treatment Plant Supervisor, for being named Water Operator of the Year by the North Carolina Waterworks Operators Association. She recognized Mr. Rusher's wife Martha and his parents Floyd and Ruby Rusher. Mayor Kluttz then presented Mr. Rusher with a plaque and thanked him for his work for the City.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

ROWAN BLUES AND JAZZ SOCIETY DAY	October 8, 2005
FIRE PREVENTION WEEK	October 9-15, 2005
NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH	October, 2005
CRIME PREVENTION MONTH	October, 2005

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of September 20, 2005 and the Special Meetings of September 20, 2005 (2) and September 29, 2005.

(b) Street Closing - Cox Lane

Receive a petition to close Cox Lane and adopt a Resolution setting a public hearing for November 1, 2005.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF COX LANE AND TO SET A PUBLIC HEARING FOR NOVEMBER 1, 2005.

(The above Resolution is recorded in full in Resolution Book No. 12, Page No. 34, and is known as Resolution No. 2005-29.)

(c) Street Closing - Lord Salisbury Festival

Approve the following street closures in conjunction with the Lord Salisbury Festival October 6-9, 2005:

- Northbound right lane of the 100 block of South Main Street from Fisher Street to Innes Street Friday, October 7, 2005 from 4:00 p.m. until 10:00 p.m.
- 100 Block of West Fisher Street from Main Street to Church Street Friday, October 7, 2005 from 5:00 p.m. until 10:00 p.m.
- A portion of the 200 block of West Fisher Street from Church Street to just east of the Wrenn House parking lot Saturday, October 8, 2005 from 10:00 a.m. until 11:00 p.m.
- 300 Block of West Bank Street from Jackson Street to Fulton Street Saturday, October 8, 2005 from 6:00 a.m. until Sunday, October 9, 2005 at 7:30 p.m.

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

ALLEY CLOSING - 1900 BLOCK OF JAKE ALEXANDER BOULEVARD

Councilman Burgin indicated that he needed to be excused from this item due to a conflict of interest.

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

(a) Ms. Wendy Brindle, Traffic Engineer, indicated that on September 6, 2005 Council adopted a Resolution of Intent to close an alley located in the 1900 block of Jake Alexander Boulevard, West. She reviewed a site plan depicting the alley and reminded Council that the petitioner did not have a petition with all of the signatures of property owners. She added that this is not required by State Statute, but a City requirement. She stated that the petitioner sent letters to the property owners describing the development plan and City staff sent letters via certified mail notifying property owners of the public hearing.

Ms. Brindle explained that there must be two (2) findings in order for Council to close the alley. These are that closing the alley must not be contrary to the public interest and it must not deprive anyone of a reasonable means of egress or ingress to their property. She pointed out one parcel that is stand alone but noted that an easement has been granted to allow this parcel access to Wood Avenue. She informed Council that because the easement has been provided staff feels the conditions of the State Statute have been met.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider closing an alley located in the 1900 block of Jake Alexander Boulevard.

Mr. Clay Lindsay, 401 Richmond Road, informed Council that he is one of the developers of this property and noted that the corner of the property is being developed as a First National Bank. He stated that during the planning process the developers approached the North Carolina Department of Transportation (NCDOT) to seek access through the alley and were told that NCDOT opposed using the alley as means of access because of its proximity to the intersection. He noted that NCDOT saw this as a major safety concern and would not allow the developers to use the alley as an entrance to the development. The entrance has been moved further down Jake Alexander Boulevard and Mr. Lindsay commented that NCDOT feels it aligns well with Salisbury Mall and feels it is the safest access to the development. Mr. Lindsay stated that the developers worked with staff to determine what to do with the existing alley, which is ten (10) feet wide and does not allow much access. He stated that as they worked with staff they realized there was a parcel that would lose access and the developers voluntarily created an easement to provide access to the landlocked piece of property. Mr. Lindsay indicated that the developers attempted to contact property owners to explain the plan and request their support. He commented that the developers received a signed petition of support from Ms. Waller, who owns property directly beside the development. Mr. Lindsay stated that the developers' intentions are to be a good neighbor and to support the public interest.

Mr. Hugh Thompson, 4913 Quail Hollow Drive, Raleigh, stated that this alley has existed since 1924 when a plat for a subdivision was put on record at the Register of Deeds. He stated that there is a curb cut on Jake Alexander Boulevard and it is not a restricted access road. He questioned how much authority NCDOT has to say that the alley can not be used since it has been used in the past. Mr. Thompson stated that when the 1924 subdivision was recorded, lots were also conveyed that referenced the recorded plat. He stated that North Carolina law states that when a developer subdivides property, records the plat, and conveys the property all of the streets and rights-of-way are dedicated to the use and benefit of any entity thereafter owning property shown on the subdivision plat. He stated that this is a property right and a state, county, or municipality cannot arbitrarily take it away or it is considered inverse condemnation. Mr. Thompson stated that if Council grants what the petitioner is requesting he feels it will be inverse condemnation and the property owners can proceed against the City for compensation and attorney fees. Mr. Thompson pointed out that the alley proposed for closing provides access to Jake Alexander Boulevard for the landlocked parcel and he feels access onto Jake Alexander Boulevard has

more benefit to the property than access to Wood Avenue. Mr. Thompson asked Council not to grant this petition and not take this property right away. He added that this is not a public alley, but a private alley that exists for the benefit of each person who owns property adjacent to it.

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

Mayor Pro Tem Woodson clarified the size of the landlocked parcel noting it appears to be two thousand two hundred seventy-five (2,275) feet or 65 x 35 feet. Ms. Brindle stated that this small parcel is the only parcel whose only access is the alley, noting that the owner of the landlocked parcel also owns two adjacent parcels with access to Statesville Boulevard.

Mr. Woodson asked Mr. Thompson which property owners he represented. Mr. Thompson responded that he represents Wanda Redding, Trustee, who owns three (3) lots, one of which is the landlocked parcel.

Councilman Lewis asked Mr. Thompson if he is seeking compensation from the City or if he just wants to preserve the alley. Mr. Thompson responded that he would just like to preserve the alley because he feels closing it will be taking a private individual's property right away.

Mr. Lewis then asked City Attorney Rivers Lawther about inverse condemnation. Mr. Lawther responded that the statutory procedure requires two (2) findings, which are that no one is being denied reasonable access and it is not contrary to the public interest. He stated that if Council makes these two (2) findings it can close the alley. Mr. Lewis then asked if all of the lots have reasonable access and if they have curb cuts as a means of ingress and egress to their property. Ms. Brindle responded that this is correct, except for the small landlocked parcel.

Mr. Woodson commented that the landlocked parcel is small and a substandard lot.

Mayor Kluttz indicated that she has concerns about safety because of the proximity of the alley to the intersection and because NCDOT has recommended that it be closed. She added that this area has changed drastically and continues to change as it grows.

Councilman Kennedy asked Ms. Brindle if the alley is being used on a regular basis. Ms. Brindle responded that it is not being used at the current time.

Mr. Lewis commented that the subdivision was filed in 1924 and Jake Alexander Boulevard was not as it is today. He noted that he feels access to Wood Drive is more desirable than Jake Alexander Boulevard because of safety and the ease of access. He stated that he does not see how closing this alley is contrary to the public interest or damages the property values, noting that with the easement that has been granted it does not prohibit access.

(c) Thereupon, Mr. Woodson made a **motion** to adopt a Resolution accepting offers of dedication for the alley in the 1900 block of Jake Alexander Boulevard, West. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF AN ALLEY IN THE 1900 BLOCK OF JAKE ALEXANDER BLVD. WEST.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 35, and is known as Resolution No. 2005-30.)

(d) Ms. Brindle then read the following Order:

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	
	*	
	*	ORDER CLOSING OF AN ALLEY
CLOSING OF AN ALLEY IN THE	*	PURSUANT TO GENERAL STATUE
1900 BLOCK OF JAKE ALEXANDER	*	OF NORTH CAROLINA SECTION
BLVD. WEST	*	160A-299
	*	

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on October 4th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said alley is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on Sept. 9, 16, 23 and 30th.

And it further appearing to the Council and the Council finding as a fact, that the closing of the alley, as described in the Petition filed in this cause, is not contrary to the public interest or the property rights of any individual, and that no individual owning property in the vicinity of said alley or in the subdivision in which they are located will be deprived of reasonable means of ingress and egress to his property by the closing of said alley; and it further appearing to this Council that the relief prayed in the Petition should be granted.

IT IS NOW, THEREFORE, ORDERED AND DECREED by the City Council of the City of Salisbury, Rowan County, North Carolina, pursuant to and in accordance with the authority vested in this Council by the General statutes of North Carolina, Section 160A-299.

Beginning at an existing iron on the eastern right of way line of Jake Alexander Blvd., said iron also being the north west corner of Rowan Savings Bank property Deed Book 995 Page 644, said iron also being S 42° 11' 38" E, 320.35' from the N.C.G.S. Monument "McDonald's", thence with the right of way of Jake Alexander Blvd., N 08° 51' 42" W, 11.47' to an existing iron pin, thence two lines with SBJA, LLC (1) S 73° 30' 28" E, 65.87' to an existing iron, (2) S 73° 50' 53" E, 60.35' to an existing iron, thence with Irene S. Waller's southern line S 73° 26' 32" E, 94.79' to an existing iron pin, thence two lines with Wanda S. Redden, Trustee (1) S 73° 03' 07" E, 99.93' to an existing iron (2) S 15° 58' 04" W, 10.32' to an existing iron, thence with the northern line of Rowan Savings Bank N 73° 25' 03" W, 316.12' to the point and place of beginning and being 0.078 acres as shown on survey and map by Shulenburg Surveying
 Be and the same is hereby forever closed.

This the 4th day of October, 2005.

CITY COUNCIL OF THE CITY OF
 SALISBURY, NORTH CAROLINA

BY: Susan W. Kluttz
 Mayor

Myra B. Heard
 City Clerk

(d) Thereupon, Mr. Woodson made a **motion** to adopt the Order as read to close the alley in the 1900 block of Jake Alexander Boulevard, West and finds that closing the alley does not deny anyone ingress or egress to their property. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

UPDATE FROM STAFF ON TRAFFIC CONDITIONS IN FULTON HEIGHTS

Ms. Wendy Brindle, Traffic Engineer, noted that in October 2004 City Council voted to install four (4) way stops in Fulton Heights. Three (3) were installed on Mitchell Avenue, two (2) on Maupin Avenue, and one (1) on Elm Street. She stated that after the signs were installed speed data was collected and compared to the baseline data which was collected before the installation. She pointed out that on all of the streets the speed has dropped. Volume counts were also taken after the installation and compared to baseline data collected prior to installation. Ms. Brindle stated that Maupin Avenue had a slight increase in volume in the 100 block, while the 100 block of Mitchell Avenue saw a decrease of approximately two hundred (200) vehicles per day. She pointed out that this traffic has moved to Wiley Avenue. The volumes for Elm Street and Heilig Avenue remained about the same.

Ms. Brindle informed Council that because of the proposed park in Fulton Heights, staff recommends installing a four (4) way stop at Stanley Street and Wiley Avenue. She added that staff would also like to keep the location of a four (4) way stop at Fries Street as an option and to continue to collect data in the neighborhood.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-332, Article X, Chapter 13 of the Code of the City of Salisbury relating to stop signs to add a stop sign on Wiley Avenue before entering Stanley Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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. 20, Traffic, at Page No. 81, and is known as Ordinance No. 2005-48.)

STAFF REPORT REGARDING EAGLE HEIGHTS TRAFFIC CONDITIONS

Ms. Wendy Brindle, Traffic Engineer, noted that on July 19, 2005 Eagle Heights neighborhood representatives addressed Council regarding traffic conditions in their neighborhood. A request was made for a four (4) way stop at Idlewood Drive and Windsor Drive and for speed bumps on Prescott Drive, Knollwood Drive and Windsor Drive.

Ms. Brindle explained that in order to quantify conditions, staff collected volume and speed data and performed an origin/destination study. Staff also conducted site visits and an accident analysis. She stated that from January 2000 to the present there were six (6) accidents averaging one (1) per year, adding that they were scattered throughout the neighborhood and none were speed related. The Police Department indicated that from January 2004 to August 4, 2005 there were twelve (12) citations issued for moving violations. Four (4) of these were for stop sign violations and eight (8) for speeding.

Ms. Brindle reviewed the volume and speed data collected:

<u>Street</u>	<u>Volume</u>	<u>85th% Speed</u>	<u>Highest Recorded Speed</u>
Prescott Dr.	803 vpd	36 mph	38 mph
Knollwood Ave.	354 vpd	37 mph	41 mph
Wake Dr.	192 vpd	-	-

Idlewood Dr. (between Prescott Dr. & Windsor Dr.)	474 vpd	36 mph	37 mph
Idlewood Dr. (between Prescott Dr. & Camelot Dr.)	992 vpd	-	-
Windsor Dr. (between Idlewood Dr. and Knollwood Dr. – Dec. 2003)	351 vpd	35 mph	41 mph
Windsor Dr. (between Sells Rd. and Idlewood Dr.)	2133 vpd	37 mph	48 mph

Ms. Brindle commented that the 85th percentile speeds are very similar to those collected from other neighborhoods, with the streets from Eagle Heights falling into the middle of the list of streets for which staff had data.

On August 24, 2005, the day before school started, an origin/destination study was performed. An additional study was performed on August 25, 2005, the first day of school. Ms. Brindle noted that traffic distribution remained about the same and was not affected by the schools. She stated that nineteen (19) percent of the traffic was deemed cut-through traffic. Forty-three (43) percent of the traffic came from Country Club Hills down Idlewood Drive to Sells Road, but Ms. Brindle noted that this is not considered cut-through traffic because they have an origin or destination within the immediate area. Only two (2) percent of the traffic came from Country Club Hills out to Old Mocksville Road and approximately thirty-six (36) percent of the traffic had an origin or destination within Eagle Heights.

Ms. Brindle summarized that Eagle Heights does not have a grid street system such as Fulton Heights, so there is no street where a series of four (4) way stops could be installed to achieve the benefit of the repeated stops. She indicated that the majority of the traffic passing through the intersection where the four (4) way stop was requested is on the leg from Idlewood Drive to Sells Road, with half of the cut-through traffic using Prescott Drive to Idlewood Drive. Staff feels the benefit of the four (4) way stop would only affect the through vehicles because Idlewood Drive currently has a stop condition.

Ms. Brindle explained that the City currently has a policy that speed bumps are not installed within any rights-of-way within the City because they slow emergency response times and create liability and maintenance difficulties for the Street Division. She pointed out that staff has noted that this portion of the neighborhood between Idlewood Drive and Sells Road falls at the top of the traffic calming priority list but it is beyond the scope of this particular study. In order to look at specific treatments, neighborhood input meetings would be required to determine an appropriate traffic calming treatment.

Councilman Burgin asked to clarify the stop condition on Idlewood Drive and Windsor Drive. Ms. Brindle responded that the stop condition is on Idlewood Drive. Mr. Burgin commented that this intersection concerned him because it had two thousand one hundred thirty-three (2,133) vehicles per day and a highest recorded speed of 48 mph. He added that this would make him uncomfortable if he lived in the community. Ms. Brindle explained that staff does not feel a four (4) way stop would be helpful at this intersection because a great deal of the traffic is traveling from Country Club Hills and turning right where they already stop. She added that only about three hundred fifty (350) vehicles go straight through this intersection. Mr. Burgin indicated that he understands the resistance to speed bumps but he thinks four (4) way stops have helped in other situations and he feels it might help reduce the highest recorded speed.

Councilman Lewis pointed out that there are no sidewalks in the neighborhood and he feels speed is a problem, adding that unfortunately a majority of the speeders are the neighbors. He stated that the crucial part is the stretch between Sells Road and Idlewood Drive, noting that it is downhill coming from Country Club Hills. He added that he feels something has to be done and he is not sure a four (4) way stop is enough.

Mayor Klutz expressed concern because of the growth in this area and with no sidewalks for children and families she felt this is a safety issue for the neighborhood.

Councilman Kennedy commented that the neighborhood obviously feels there is a need because they are here today.

Mr. Lewis stated that he feels there is a lot of value in a Council Committee because it allows neighborhood participation in the decision making process.

Thereupon Mr. Lewis **recommended** a Council Committee to meet with traffic engineers and with the neighborhood to see what can be determined. Mr. Burgin stated that he feels a Committee is a great idea to explore the options but in the meantime he feels a four (4) way stop should be installed, even on an interim basis, while the Committee studies this issue in order to at least do something. He stated that he is in favor of the Council Committee and added, as a friendly amendment, for Council to proceed with a four (4) way stop at that intersection. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

Mayor Klutz appointed Councilmen Lewis and Burgin to serve as the Council Committee to study this issue with staff and neighbors.

Ms. Brindle noted that staff will return to Council's next meeting with an Ordinance to establish the stop condition.

REQUEST FOR TEMPORARY PARKING FOR DUMPSTER AT 131 EAST FISHER STREET

Ms. Wendy Brindle, Traffic Engineer, indicated that a request has been received from Friendly Cue Billiards to place a dumpster in the on-street parking area adjacent to the building at 131 East Fisher Street. The dumpster will be needed for approximately two (2) weeks and the property owner has agreed to postpone the placement of the dumpster until after The Lord Salisbury Festival. Ms. Brindle noted that the petitioner will be required to delineate the area around the dumpster with cones or reflectors so it can be seen at night.

Thereupon, Mr. Burgin made a **motion** to allow for the dumpster for two (2) weeks with the provisions required by Engineering Division and it begin after the weekend events. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

REQUEST FOR TEMPORARY PARKING FOR DUMPSTER AT 109 WEST FISHER STREET

Mr. Dan Mikkelson, Director of Land Management and Development, noted that a request has been received from Mr. Eric Singer regarding 109 West Fisher Street. Mr. Singer would like to place a dumpster on-site for two (2) days for building renovations. Mr. Singer has indicated that two (2) days will be sufficient and has assured staff that the dumpster will be removed by Thursday afternoon (October 6, 2005). Staff recommends granting approval for a two (2) day period with the dumpster to be removed by Thursday, October 6, 2005.

Thereupon, Mr. Woodson made a **motion** to allow the use of the dumpster and it must be out by Thursday afternoon for our Festival. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

Councilman Burgin thanked staff for their initiative to be business friendly.

AWARD CONTRACT - CLONINGER FORD - FOR PURCHASE OF VEHICLES FOR THE POLICE DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, informed Council that staff sought bids twice for the purchase of ten (10) police pursuit vehicles. He explained that bid specifications were sent to six (6) dealers and on the first bid opening held September 13, 2005, Cloninger Ford was the only vendor submitting a bid. Staff re-bid the contract and opened bids on September 23, 2005 and Cloninger Ford was again the only vendor who submitted a bid. He stated that the units are \$75 dollars less than the units bid last year and staff recommends awarding the contract to Cloninger Ford.

Thereupon, Mr. Woodson made a **motion** to award a contract to Cloninger Ford in the amount of \$200,750 for the purchase of ten (10) police vehicles for the Police Department. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COUNCIL GOAL - SALISBURY BECOMING THE CULTURAL, ENVIRONMENTAL, HISTORIC, AND ARTISTIC CENTER OF THE PIEDMONT

Mayor Kluttz indicated that Councilman Lewis requested this item be discussed and noted that staff needs clarification to determine which direction Council would like to proceed.

Councilman Lewis pointed out that during Council's retreat held February 2005 a goal was formulated to serve as a catalyst to create a cultural, historic, environmental and arts identity for the community. He noted that when the biotech campus is created in Kannapolis many of the future employees will be from academia and science and will be looking for a place to live. He pointed out that Salisbury is the home for three (3) colleges and a theological seminary and is a community rich in history, cultural activities, and environmental groups. He commented that Council should promote these aspects of the community and proposed discussing how to facilitate a group to develop strategies in support of Council's vision. Mr. Lewis indicated he did not want to wait until the next funding cycle in July, but wanted to work with the momentum of local groups such as Downtown Salisbury, Inc. and SURGE. He commented that there is so much to offer in Salisbury and so many groups offering it, but he feels the efforts needs to be pulled together into a common vision everyone can support. Mr. Lewis stated that some sort of facilitation needs to take place to bring the stakeholders together. He commented that he would like to talk with local artists to ask why they chose to locate in Salisbury and use this information to market the community.

Mayor Kluttz asked how much this will cost and how Council will fund it this year when it is not in the budget. Mr. Lewis noted that he is frustrated because Council identified this as a goal in February but funding will not take place until July 2006. Mayor Kluttz commented that this is something Council should have discussed during the budget workshops in order to get it into the budget.

Mr. Lewis stated he was not sure of the cost, and added he felt it could also take place outside of the government with perhaps help from staff resources.

Mayor Kluttz stated that Council also discussed pursuing additional events downtown and perhaps Council needs to first define who the community is in order to bring these things together.

Mr. Lewis stated that he would like to discuss Salisbury's assets and how they can be leveraged to brand the community and promote it to people outside of Salisbury.

Mayor Kluttz suggested bringing the stakeholders together for a luncheon and idea sharing session and then building on the session for the next budget.

Councilman Burgin noted that he felt that something as simple as listing the assets of the community will help meet the goal and will be beneficial. He stated that perhaps Downtown Salisbury, Inc. can assist Council to work with artists to determine why they chose this community and then put the information into a statement. He added that the Center for the Environment would also be a good resource and he feels it will be helpful to determine these assets in order to get started.

Mayor Kluttz expressed appreciation to Mr. Lewis for bringing this discussion to Council. She commented that many people may not view this as something that is City business but sometimes Council has to take the lead, even if it is outside of ordinary business.

Mr. Burgin stated that he is interested in the City identifying the stakeholders including staff, Downtown Salisbury, Inc., the Convention and Visitors Bureau, the Arts Community, and Historic Salisbury to meet for a luncheon and brainstorming session.

By consensus, Council agreed to ask staff to develop a recommendation and bring to Council at its next meeting.

COMMENTS FROM THE CITY MANAGER

(a) Raw Water Line Easement

City Attorney Rivers Lawther informed Council that in 2002 the City received an easement from W.B. Shellhorn for a raw water line. An additional easement was needed last year and staff discovered that the 2002 easement omitted information. Mr. Lawther indicated he has negotiated to include the language on a corrected easement.

Councilman Burgin read the correction to the easement which states, "the City of Salisbury for good and valuable consideration hereby amends the above described easement to include the following language: Willis Burke Shellhorn shall retain the right to pave and re-landscape the road area of the aforesaid easement and the City of Salisbury shall be responsible for repairing any damage to said paved road or landscape improvements as may be occasioned by the City of Salisbury's future service or repair of the forty-two (42) inch raw water pipeline." Mr. Burgin then offered that in the form of a **motion**. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(b) Land and Water Conservation Fund Grant (LWCF)

Ms. Gail Elder White, Parks and Recreation Director, informed Council that Salisbury was not selected as a recipient of the Land and Water Conservation Fund Grant. She stated that \$5 million worth of requests were received for \$1.2 million in available funds. She noted that she has contacted the Robertson Foundation to determine if the City can continue to use the Foundation's \$125,000 match with the City's \$125,000 to continue with the application process to the North Carolina Park and Recreation Trust Fund. She added that this will at least allow partial renovations to the park, with additional phases being added as funds are available. Ms. Elder White stated that the Robertson Foundation Board meets on October 10, 2005 and she will report to Council if they agree for the City to continue.

By consensus, Council agreed for staff to proceed.

(c) South Fulton Street Bicycle Lane Proposal

Mr. Dan Mikkelson, Director of Land Management and Development, indicated that the Street Division has recently finished resurfacing a portion of Fulton Street from Lincolnton Road to South Main Street. He stated that a request has been received to consider adding bicycle lanes on this portion of Fulton Street when the street is re-stripped.

Mr. Mikkelson reviewed aerial photographs of Fulton Street and the section being recommended for bicycle lanes. He pointed out that staff recommends the bicycle lanes be added on both sides of the street to encourage bicycle riders to use the proper side of the road. Mr. Mikkelson noted that certain areas along Fulton Street have parking restrictions and bicycle lanes would be appropriate. Other areas of the street allow on-street parking and there are residences that sporadically use the on-street parking. Mr. Mikkelson indicated that staff has not had time to discuss the proposal with the property owners. He stated that beyond Johnson Street there are several businesses that use the on-street parking along Fulton Street and this would be in conflict with the bicycle lanes and staff would not propose the lanes for this area. He noted that the area between Johnson Street and Mitchell Avenue in the area of Chestnut Hill Cemetery would be feasible. He added that the area for the lanes would be short but would serve as an interesting pilot program for bicycle lanes.

Mr. Mikkelson recommended that Council set a public hearing for its next meeting, noting that this will give staff time to notify property owners along Fulton Street who would be impacted if parking was restricted. He stated that staff is anxious to begin putting lines back on the street and could begin marking the lines near the signalized intersections at both the north and south end since the bicycle lanes would not apply in these areas.

Thereupon, Mr. Woodson made a **motion** to set a public hearing on October 18, 2005. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz commented that she wants to be assured that staff contacts residents as soon as possible so Council has a chance to hear from them. She added that as a resident of downtown who depends on on-street parking she has concerns and wants to ensure that Council hears from the residents.

MAYOR'S ANNOUNCEMENTS

(a) La Fiesta de Rowan 2005

Mayor Kluttz announced that La Fiesta de Rowan will be held Saturday, October 8, 2005 from 11:00 a.m. until 5:00 p.m. at the Salisbury Civic Center, 315 South Boundary Street.

(b) Lord Salisbury Festival - October Tour

Mayor Kluttz announced that The Lord Salisbury Festival will be held October 6-9, 2005 throughout Downtown Salisbury and in conjunction with the 30th Annual OctoberTour to be held October 8-9, 2005.

(c) Crime Control Steering Committee

Mayor Kluttz announced that the Crime Control Steering Committee will meet Monday, October 17, 2005 at 6:15 p.m. at the Park Avenue Community Center, 634 Park Avenue.

(d) Fire Department Ground Breaking

Mayor Kluttz announced that a ground breaking ceremony will be held for Fire Station 50 to be located at 2325 Statesville Boulevard, October 18, 2005 at 11:00 a.m.

(e) Mayor's Spirit Luncheon

Mayor Kluttz noted that the Mayor's Spirit Luncheon was held today with a presentation from Mr. David Whisenant regarding Pascagoula/Jackson County, Mississippi hurricane relief efforts. She stated that there has been a tremendous response from the community and asked those who are participating in relief efforts to contact the Mayor's Office at 704-638-5233 to let staff know so that at some point Council can recognize everyone's efforts. She stated that Mr. Whisenant was honored for bringing the idea to Council, along with the firefighters who have worked in the Gulf Coast area, and Ms. Dianne Scott who is also coordinating relief efforts. Mayor Kluttz stated that all efforts to provide help are greatly appreciated and asked everyone to be mindful of the needs still present in Salisbury and Rowan County.

(f) Utilities Luncheon

Mayor Kluttz noted that a luncheon was held for Utilities' client communities and thanked staff for their presentation during the luncheon. She stated that this provided a chance for open communication between the various town council members that were present. She commented that an idea was discussed to assign each municipality their own "personal banker" who would be the municipalities' contact and attend their meetings. She stated that this was a very positive meeting with many good ideas coming from it.

Mr. Matt Bernhardt, Assistant City Manager for Utilities, informed Council that the "personal banker" concept has already begun and staff is being assigned to each municipality.

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 5:27 p.m.

Mayor

City Clerk