

REGULAR MEETING

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

ABSENT: City Clerk Myra Heard

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.

RECOGNITION OF SERGEANT PAUL P. JOHNSON

Salisbury Police Chief Mark Wilhelm recognized Sergeant Paul P. Johnson for receiving the Officer of the Year Award by the Optimist Clubs of Rowan County. Chief Wilhelm stated that Sgt. Johnson was selected for Officer of the Year by his fellow officers at the Salisbury Police Department who then submitted his name to the Optimist Clubs of Rowan for consideration. Chief Wilhelm then presented Sgt. Johnson with the Officer of the Year plaque.

Mayor Kluttz congratulated Sgt. Johnson and thanked him for his years of service for the City of Salisbury.

RECOGNITION OF POLICE CHIEF MARK WILHELM

Mayor Kluttz indicated that the Optimist Clubs of Rowan County join together each year to recognize law enforcement officers from each agency. The Paul Wilson Award is given to the overall outstanding Officer of the Year and she announced that this year Police Chief Mark Wilhelm was named the Paul Wilson Officer of the Year. Mayor Kluttz congratulated Chief Wilhelm and presented him with the Officer of the Year plaque.

PROCLAMATIONS

Mayor Kluttz proclaimed the following observances:

NATIONAL WOMEN'S HEALTH WEEK	May 13 – 19, 2007
LET'S GET CONNECTED DAY	May 19, 2007
VETERANS MEMORIAL DAY	May 28, 2007

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Special meeting of April 26, 2007 and Minutes of the Regular meeting of May 1, 2007.

(b) Group Development Site Plans

Approve the following group development site plans:

- G-11-01 Salisbury YMCA Buck Hurley Youth Center, 828 Jake Alexander Boulevard West
- G-03-07 Salisbury Pediatric, 129 Woodson Street

(c) Temporary Street Closing – Beard Street

Approve closing Beard Street from 1301 Beard Street to 1225 Laurel Street Saturday, August 4, 2007 from 12:00 noon until 9:00 p.m. for the Gaston family reunion.

(d) Alley Closing – 100 Block of Woodson Street

Receive a petition to close an alley located in the 100 block of Woodson Street and adopt a **RESOLUTION** setting a public hearing for June 19, 2007.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN ALLEY IN THE 100 BLOCK OF WOODSON STREET AND SETTING A PUBLIC HEARING FOR JUNE 19, 2007.

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 35 and is known as Resolution No. 2007-16.)

(e) Budget Amendment – Insurance Proceeds

Adopt a budget Ordinance amendment to the FY2006-2007 budget in the amount of \$73,400 to appropriate insurance proceeds for two wrecked police cars and a wrecked sanitation packer.

A N ORDINANCE AMENDING THE 2006-2007 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 118, and is known as Ordinance No. 2007-21.)

(f) Budget Amendment – History & Art Trail Donations

Adopt a budget Ordinance amendment to the FY2006-2007 budget in the amount of \$8,000 to appropriate donations received from the Woodson Foundation for the History and Art Trail.

A N ORDINANCE AMENDING THE 2006-2007 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATION FOR HISTORY AND ART TRAIL

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 119, and is known as Ordinance No. 2007-22.)

Councilman Burgin indicated that he needed to be excused from item (b) Group Development Site Plan G-11-01 Salisbury YMCA Buck Hurley Youth Center, 828 Jake Alexander Boulevard, West.

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

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

Thereupon, Mr. Woodson made a **motion** to approve G-11-01 Salisbury YMCA Buck Hurley Youth Center, Jake Alexander Boulevard. Mr. Lewis seconded the motion. Messrs. Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (4-0)

PUBLIC HEARING - CITY BUDGET FY2007-2008

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments on the proposed City budget for fiscal year 2007-2008.

Those who addressed Council regarding the proposed budget were:

Ms. Dee Dee Wright, 418 South Caldwell Street, stated that she is not against a budget increase but is concerned about some of the reasons for the increase. Some items of concern are the water/sewer rate increase, the amount of debris on streets and in gutters, and several of the proposed new staff positions. She concluded by stating that she feels more Police Officers should be hired and more emphasis should be placed on the Police and Fire Departments.

Ms. Sally Keeney, Rowan Arts Council, stated that the State of North Carolina allocates grass roots funds and educational grants to arts councils and commissions. She indicated that City funds allocated to the Rowan Arts Council can be used as evidence to apply for these matching educational grants. Ms. Keeney reviewed several community projects in which the Rowan Arts Council is involved and thanked Council for their

support.

There being no one else present to speak to Council, Mayor Kluttz closed the public hearing.

Mayor Kluttz announced that Council will hold a budget worksession on Monday, May 21, 2007 at 12:00 Noon in Council Chambers at City Hall and invited the public to attend. She noted that if a second session is needed it will be held Tuesday, May 22, 2007 at 12:00 noon.

TAXICABS

(a) Sergeant Rodney Harris, Salisbury Police Department, indicated that at the May 1, 2007 Council meeting a report was presented regarding proposed amendments to City Code Chapter 23 relating to Taxicabs. He explained that the amendment defines tax vehicles as:

- Taxicab
 - Motor vehicle seating nine (9) or fewer passengers
 - Accepts or solicits passengers indiscriminately
- Contract Vehicle
 - Motor vehicles or vans that provides transit service to passengers for compensation by prearrangement with a passenger vehicle for hire
 - Does not accept passengers indiscriminately
- Para-transit Vehicle
 - Motor vehicles that provides transit service to passengers with disabilities or physical impairments for compensation by prearrangement with the passenger vehicle by hire company
 - Does not accept passengers indiscriminately

Sgt. Harris stated that Para-transit and Contract Vehicles were defined in order to exempt them from the taxi meter requirement.

St. Harris stated that taxicab permits will be in effect from the date of issue until the birth date of the applicant and will be renewed subject to review. He stated that the fares will be set by the taxi companies and the meters will display the charge so that it will be in full view of the passenger. He added that the amendment also calls for taxicab companies to establish a flat rate for certain areas outside of the City, such as airports, with the condition that the meter runs while inside the City limits in the event the passenger terminates the cab service before leaving the City.

Mayor Pro Tem Woodson asked if the change was requested by the taxicab companies. Sgt. Harris confirmed that Safety Taxi Company contacted the City in regards to requiring meters in each taxicab. He added that the taxi companies affected by the amended Ordinance are Safety Taxi, Latino Express and Reserve-A-Ride.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments regarding amendments to City Code Chapter 23-Taxicabs.

Mr. James Boyd, Safety Taxi Company, stated that the purpose of the taxicab meters is so passengers will be charged the same price by all taxicab companies and the passengers will be able to see the meter and the fare being charged. He added that he wants to ensure that the customers receive the best quality service.

There being no one else to speak to Council, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Chapter 23, Taxicabs of the Code of the City of Salisbury. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING CHAPTER 23, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO TAXICABS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 120-122, and is known as Ordinance No. 2007-23.)

VOLUNTARY ANNEXATION OF 10.793 ACRES -THE GABLES AT KEPLEY FARM, PHASE 2

(a) Mr. Patrick Ritchie, Staff Engineer, stated that Council has received two (2) requests for voluntary annexation. The first is from The Gables at Kepley Farm, Phase 2 and the second is Stoneridge, Phase 2A. He indicated that these developments are new and expanding subdivisions by Burgess and Associates. He reviewed an aerial map of the area and pointed out the two (2) subdivisions.

Mr. Ritchie stated that the first annexation request is from The Gables at Kepley Farm, Phase 2 and noted that it is a satellite annexation as allowed under General Statute 160A-58, and consists of just over ten (10.793) acres.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments regarding the request for annexation of 10.793 acres for The Gables at Kepley Farm, Phase 2 located in the 1900 block of Faith Road.

There being no one to address Council, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, to

include 10.793 acres, The Gables at Kepley Farm, Phase 2 located in the 1900 block of Faith Road effective June 30, 2007. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, TO INCLUDE 10.793 ACRES (THE GABLES AT KEPLEY FARM PHASE 2)

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 123-125, and is known as Ordinance No. 2007-24.)

VOLUNTARY ANNEXATION OF 20.443 ACRES - STONERIDGE, PHASE 2A

(a) Mr. Patrick Ritchie, Staff Engineer, stated that Stoneridge, Phase 2A is considered a contiguous annexation as allowed by General Statute 160A-31 and consists of twenty (20.443) acres. He noted that the requested effective date is June 30, 2007.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments regarding the request for annexation of 20.443 acres for StoneRidge Phase 2A located off of Old Concord Road.

There being no one present to speak to Council, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, 20.443 acres to include Stone Ridge, Phase 2A located off Old Concord Road effective June 30, 2007. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, 20.443 ACRES TO INCLUDE STONE RIDGE PHASE 2A

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 126-127, and is known as Ordinance No. 2007-25.)

Councilman Lewis stated that the City has recently approved several annexations and asked if these will require additional sanitation trucks and staff. City Manager David Treme stated that the City currently has adequate trucks and staff to cover the annexed areas.

SECOND READING ZONING MAP AMENDMENT Z-03S-07 - LEONARD SCHILLACI

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

Thereupon, Mr. Woodson made a **motion** to excuse the two Councilmembers. Mr. Kennedy seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. (3-0)

Mayor Kluttz pointed out that the information regarding Zoning Map Amendment Z-03S-07 was received and approved by Council at its May 1, 2007 meeting. She noted that because only three (3) members were eligible to vote, the ordinances required a second reading.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending the official zoning map of the City of Salisbury, North Carolina by rezoning approximately 0.54 acres encompassing three parcels and identified as Tax Map 013, Parcels 168, 169, and 170 located at 1020 and 1026 South Fulton Street, from R-6A (Multi-family Residential) District and B-RT (Business Retail Trade) District to B-RT-S (Special Business Retail Trade) District. Mr. Kennedy seconded the motion. Messrs. Kennedy, Woodson, and Ms. Kluttz voted AYE. (3-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 0.54 ACRES ENCOMPASSING THREE PARCELS AND IDENTIFIED AS TAX MAP 013, PARCELS 168, 169, AND 170, FROM R-6A (MULTI-FAMILY RESIDENTIAL) DISTRICT AND B-RT (BUSINESS RETAIL TRADE) DISTRICT TO B-RT-S (SPECIAL BUSINESS RETAIL TRAE) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 113-114, and is known as Ordinance No. 2007-17.)

It was necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance of the City of Salisbury, North Carolina granting a Special Use District Permit to allow all uses permitted in the B-1, Office Institutional District and cumulative lesser intensive districts, unless otherwise authorized to a different extent by a specific permitted use reference or stipulation for this district, as well as all uses permitted in the B-RT Business Retail Trade District except for the following: Car Detailing, Car Rental, and Auto Sales/Service; Motorcycle/Moped Sales/Service; and Service/Filling station including any vehicle repair work. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

A N ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, GRANTING A SPECIAL USE DISTRICT PERMIT IN CONJUNCTION WITH ORDINANCE 2007- 17; PROVIDING FOR PERMITTED USUES; PROVIDING FOR MODIFICATION OR TERMINATION; AND PROVIDING FOR AN EFFECTIVE DATE.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 115, and is known as Ordinance No. 2007-18.)

- *It was necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council.*

CABARRUS-ROWAN METROPOLITAN PLANNING

- Mr. Dan Mikkelson, Director of Land Management and Development, stated that the Cabarrus-Rowan Metropolitan Planning Organization (MPO) is interested in accelerating proposed improvements to I-85. The MPO has requested that member communities adopt a Resolution supporting acceleration of the construction along I-85.

Councilman Lewis stated that many municipalities have already adopted the Resolution and added that he feels it is critical that I-85 be widened from Charlotte to Davidson County.

- Thereupon, Mr. Lewis made a **motion** to adopt a Resolution requesting the acceleration of I-85 in Rowan and Cabarrus counties. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION REQUESTING THE ACCELERATION OF I-85 IN ROWAN AND CABARRUS COUNTIES

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 36-37, and is known as Resolution No. 2007-17.)

AMENDMENT TO ARTICLE 13 OF THE CITY CODE RELATING TO PARKING LOTS

- Mr. John Sofley, Management Services Director, noted that the City has added numerous parking lots throughout the City over the past twenty (20) years. He added that it has come to staff's attention that the existing City Code does not cover these new lots and that the Code is also very limited in its regulations for the old lots. Mr. Sofley stated that the only enforcement the City has had is the ability to tow a car if it is illegally parked.

Mr. Sofley informed Council that staff has worked with the City Attorney to draft a new Ordinance to update and amend the City Code. The new Ordinance will list each lot owned by the City. He stated that rather than list parking requirements for each individual lot, the Ordinance designates the City Manager to establish those regulations. He explained that this will allow specific regulations to be established for a specific lot as conditions require. He added that the Ordinance also allows the City Manager to lease any of the parking spaces. Mr. Sofley stated that staff feels this change will allow flexibility while still providing authority to regulate the parking lots.

- Thereupon, Mr. Woodson made a **motion** to set a public hearing Tuesday, June 5, 2007 to receive comments regarding amendments to the City Code, Sections 13-363, 13-363, and 13-364. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CONTRACT FOR THE PURCHASE OF LET2-40 CRANE CARRIER CAB AND CHASSIS

- Mr. Dewey Peck, Purchasing Manager, referred to a Resolution before Council for the purchase of a Crane Carrier cab and chassis from Southern Truck Service. He stated that North Carolina State Statutes allow the City to purchase without separate bidding procedures when the need for standardization or compatibility is the overriding consideration. He noted that the City has operated this type of unit for over seven (7) years and have found it most efficient. He stated that staff desires to standardize with this model of Crane Carrier. He pointed out some of the benefits of the truck, such as having the lowest first step of any truck on the market, and having walk-through cab and dual steering so that the unit can be operated from either side.

Mr. Peck informed Council that Southern Truck Service has agreed to sell this unit for \$94,600 and he noted that the funds are available in the vehicle replacement fund.

- Thereupon, Mr. Woodson made a **motion** to adopt a Resolution awarding a contract in the amount of \$94,600 to Southern Truck Service for the purchase of a LET2-40 Crane Carrier cab and chassis. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A LET2-40 CRANE CARRIER CAB AND CHASSIS FOR THE SANITATION DIVISION OF THE CITY OF SALISBURY PUBLIC SERVICES DEPARTMENT

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 38, and is known as Resolution No. 2007-18.)

AGREEMENT BETWEEN SALISBURY-ROWAN UTILITIES AND TOWN OF CHINA GROVE

- Mr. Matt Bernhardt, Assistant City Manager for Utilities, stated that the project before Council is a partnership with Salisbury-Rowan Utilities (SRU) and the Town of China Grove. He explained that the project is for a second connection to the South Rowan water line at Bostian Road and is one hundred (100) percent funded by the Town of China Grove. He noted that SRU will manage and coordinate the project if approved.

Thereupon, Mr. Kennedy made a **motion** to authorize the Mayor and City Clerk to execute an agreement between the Town of China Grove

and Salisbury-Rowan Utilities to manage and construct an additional water supply connection at Bostian Road. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE – CHINA GROVE ADDITIONAL WATER SUPPLY CONNECTION AT BOSTIAN ROAD

Mr. Kennedy noted that this Ordinance is in regards to the previously approved project.

Thereupon, Mr. Kennedy made a **motion** to adopt a capital project Ordinance in the amount of \$84,700 for the China Grove additional water supply connection at Bostian Road. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

CHINA GROVE ADDITIONAL WATER SUPPLY CAPITAL PROJECT ORDINANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 128, and is known as Ordinance No. 2007-26.)

CONTRACT FOR PURCHASE OF A TOWER PRESS MODEL TP22-44S SLUDGE DEWATERING BELT PRESS

Mr. Dewey Peck, Purchasing Manager, reviewed a photograph of an existing plate press and noted that the City is in the process of updating equipment handling capacities at Towne Creek Wastewater Treatment plant. He stated that the existing sludge dewatering plate press being used at the plant is approximately twenty (20) years old and has reached its useful life. He explained that replacement parts must be handmade and are very expensive and make the replacement of this press a financially sound decision.

Mr. Peck indicated that the City has a belt press in operation at the Grant Creek Wastewater Treatment Plant which will be identical to the press proposed for the Towne Creek plant. He stated that the sludge dewatering process is very abrasive and requires many replacement parts. He noted that having identical belt presses at each plant will allow replacement parts to be stocked in order to service both belt presses.

Mr. Peck stated that Carter Machine Company has offered the belt for \$198,892 and staff recommends approval of the purchase.

Mayor Pro Tem Woodson commented that this need was discussed at Council's Retreat last year. Mr. Jim Behmer, Utilities Engineering Manager, responded that staff did make a presentation to Council during the Retreat and this belt press is part of the overall implementation of capital improvement projects for the wastewater treatment plants. He noted that staff will bring the other improvements for Council's consideration in July.

Councilman Kennedy asked if the funds for the purchase will be from the Utility fund. Mr. Behmer responded that this is correct.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution awarding a contract in the amount of \$198,892 to Charter Machine Company for the purchase of Tower Press Model TP22-44S sludge dewatering belt press. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A SLUDGE DEWATERING BELT PRESS FOR THE SALISBURY ROWAN UTILITIES DEPARTMENT

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 39, and is known as Resolution No. 2007-19.)

CAPITAL PROJECT ORDINANCE –WASTEWATER TREATMENT PLANT IMPROVEMENTS

Mr. Jim Behmer, Utilities Engineering Manager, indicated that Salisbury-Rowan Utilities presented a plan to perform necessary upgrades at the existing wastewater treatment facilities during Council's 2006 retreat. He noted that staff has been working on the plan and anticipates seeking bids in the near future. He added that staff hopes to bring proposals to Council in July. He asked Council to adopt a capital project budget Ordinance in order to be prepared for the next phase of the project.

Thereupon, Mr. Lewis made a **motion** to adopt a capital project Ordinance in the amount of \$850,000 for upgrades and improvements to the existing wastewater treatment plant. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

WASTEWATER TREATMENT PLANT IMPROVEMENTS CAPITAL PROJECT ORDINANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 129, and is known as Ordinance No. 2007-27.)

Councilman Kennedy noted that it is sometimes hard for citizens to understand why water rates increase and noted that Council just approved over \$1 million to improve the service provided by the Utility.

REBANDING PROJECT FOR CITY'S 800 RADIO TRUNKING SYSTEM

Telecommunications Manager Terry Buff and Mr. John Enright from Computer Science Corporation (CSC) reviewed the 800 MHz rebanding project being undertaken by the City of Salisbury. Mr. Buff noted that in 2004 the Federal Communication Commission (FCC) mandated Nextel repair

problems it created with the 800MHz spectrum. He stated that as part of this process Nextel will replace a great deal of the City's equipment.

Mr. Enright explained that Sprint/Nextel will:

- Pay to relocate the 2000 licensees in the affected bandwidth which includes Public Safety agencies as well as other small cellular operators and other users
- FCC estimates this will cost Sprint/Nextel up to \$2.5 billion over three (3) years
- In return for relocating its 80 MHz operations and giving up 4.5MHz of bandwidth in the 800 MHz range Sprint/Nextel is receiving two (2) 5MHz chunks of bandwidth in the 1.9GHz band. This new higher bandwidth is valued at \$4.8 billion. Sprint/Nextel will pay the government the difference between the \$4.8 billion and the cost of relocating the 2000 licensees (estimated to be \$2.5 billion).

Who is affected?

- All radio licensees in the 806-824MHz band in the country
 - Public Safety (example – just in the surrounding DC area – Motorola estimates 150,000 radios are impacted)
 - Municipal/County/State governments
 - Utilities

What needs to be done?

- Planning Services
- Reconfiguration Services

Who are the major players?

- Federal Communications Commission (FCC)
- Sprint Nextel
- Transition Administrator
 - BearingPoint, Inc.
 - Squire, Sanders & Dempsey LLP
 - Baseline Telecom, Inc.

Equipment Manufacturers

- Motorola with about eighty (80) percent of impacted 800MHz equipment
- M/A-Com with about fifteen (15) percent of impacted 800Mhz equipment
- Remaining five (5) percent split among smaller manufacturers (EF Johnson, Kenwood, etc.)

Mr. Enright reviewed the steps for the rebanding process for the City:

- Step 1 – Develop Team and Plan
 - Identify Impact
 - Secure Consultant
 - Motorola Planning information
- Step 2 – Prepare and Submit RFPF
 - Identify City/County personnel
 - Identify labor rates and hours
 - Incorporate Motorola POE
 - Finalize RFPF document
 - Negotiate with Sprint/Nextel deal manager
 - Conduct legal review of Planning Financing Agreement (PFA)
 - Execute PFA
- Step 3 – Planning Phase
 - Inventory Assessment Document
 - Physical Inventory Checks
 - Subscriber Equipment
 - Infrastructure Equipment
 - Interoperability Environment
 - Evaluate Proposed Channels
 - Transition Document
 - Migration/Cutover Schedule
 - Equipment Replacement Matrix
 - Detailed Cost Schedule
 - Test and Acceptance Plan
 - Site Documentation Plan
- Step 4 – Negotiation of Frequency Reconfiguration Agreement (FRA)

- Negotiation with Sprint/Nextel
- Step 5 – Reconfiguration/Implementation
 - FCC License Applications
 - Monitor Nextel Returning
 - System Returning and Testing
 - FCC Surrender Applications
 - Certificate of Completion
 - FCC Notice of Construction

Radios to be replaced:

- Identified approximately seven hundred fifty (750) radios that require replacement
 - Two hundred fifty (250) City radios
 - Five hundred (500) County radios
- Radios will be replaced with “rebanded or dumb-downed” version to meet the FCC’s “comparable facilities” mandate
- City and County have an opportunity to upgrade the replacement radios to full-feature and digital capability
 - System is currently mixed mode (analog/digital) and is planned to be all digital by 2012
 - If the City receives “rebanded” replacement radios – these radios will need to be replaced with digital units to support the 2012 plan
- Upgraded replacement radios can save the City significant monies
 - New digital portable radio approximately \$3,500
 - Digital upgrade cost of replacement portable radio \$500
- City cost to upgrade two hundred fifty (250) replacement radios to full-feature and digital - \$125,000
- City cost to purchase two hundred fifty (250) new digital portable radios - \$875,000
- Cost savings of \$750,000

Councilman Lewis asked about the useful life of the radios to be replaced. Mr. Enright responded that ten (10) years is the approximate life to receive support from Motorola. Mr. Buff noted that the radios to be replaced are the original radios from the early 1990s. Mr. Enright pointed out that the radios still work well but when the system is reconfigured they will no longer work on the system. Mr. Buff added that the majority of the units to be replaced are mobile units used by Police, Fire and Utilities.

Mr. David Treme, City Manager, commented that this appeared to be an opportunity to have Sprint/Nextel support the City’s capital replacement program and provide an opportunity for the City to move from analog to digital. He noted that the City obtained twenty (20) channels on the system during the 1980s and the chance of getting these today is non-existent.

Councilman Burgin asked if the digital radios being proposed are new or used. Mr. Buff responded that all of the replacement radios will be new. Mr. Enright noted that the radios will be new but will have like capabilities, which unless they are upgraded, will be limited.

Mayor Klutz thanked Mr. Buff and Mr. Enright for presenting this information.

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COMMENTS FROM THE CITY MANAGER

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(a) NCDOT Supplemental Funding – South Square Streetscape Project

Mr. Joe Morris, Planning and Community Development Manager, informed Council that the City has been awarded supplemental funding by the North Carolina Department of Transportation. The funds will help complete the South Square Streetscape Improvement Project as originally designed. The supplemental funding is in the amount of \$117,583 and will require a local match of \$29,396.

(b) Temporary Street Closure – 100 Block of South Church Street

City Manager David Treme informed Council that a request was received to close the 100 block of South Church Street June 2, 2007 from 1:00 p.m. until 11:00 p.m. for the Pops at the Post event. He estimated that three thousand (3,000) people will be in attendance and recommended approval of the street closure.

Thereupon, Mr. Burgin made a **motion** to approve closure of the 100 block of South Church Street during the Salisbury Pops event from 1:00 p.m. until 11:00 p.m. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

(c) Temporary Street Closure – 600 Block of West Fisher Street

City Manager David Treme indicated that a request has been received from Brightmoor Nursing Home to close the 600 block of West Fisher Street May 15, 2007 from 2:00 p.m. until 4:00 p.m. He noted the request is to accommodate the parking of a fire truck and Sparky the Fire Dog to celebrate Nursing Home Week. He noted that approximately thirty (30) people would be in attendance and recommended Council approve the request.

Thereupon, Mr. Woodson made a **motion** to approve the 2:00 p.m. to 4:00 p.m. street closing for the fire truck and the festivities. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

(d) Salisbury’s Comments to Alcoa’s Response to Federal Energy Regulatory Commission

City Manager David Treme stated that the City of Salisbury has submitted its comments and recommendations regarding Alcoa's comments to the City's filing with the Federal Energy Regulatory Commission (FERC). He stated that staff feels confident in its assertions in the report and noted that he will present this in further detail at a later Council meeting.

(e) HazMat Agreement with Rowan County

City Manager David Treme noted a proposed agreement between the City of Salisbury and Rowan County to establish and operate a cooperative Hazardous Material Emergency Response Team. He stated that the agreement is very similar to past agreements and covers costs paid by the County to the City for joint operation of the HazMat Team. He recommended Council approve an agreement between the City and the County to establish and operate a cooperative Hazardous Material Emergency Response Team and allow the City Manager to sign the agreement.

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

(f) Westridge Place Subdivision Plat Approval

Director of Land Management and Development Dan Mikkelson noted that Westridge Apartments is located behind the Salisbury Mall and its group development plan was previously approved by Council. He stated that staff has worked with the developer and recently received a subdivision plat. He explained that the property owner needs to subdivide the property in order to sell it to the developer of the apartments. Mr. Mikkelson indicated that staff has completed its technical review and recommends approval of the subdivision plat subject to a guarantee of improvements.

Councilman Burgin asked if subdivision plat approvals such as this are normally placed on the Consent Agenda. Mr. Mikkelson responded that they are usually placed on the Consent Agenda but this request was not received in time to place it on the regular agenda.

Mayor Tem Woodson commented that it seems this project has been in development for quite some time. Mr. Mikkelson stated that the project encountered delays because the available water to the site did not provide sufficient fire flow protection and the developer had to redesign the waterline.

Thereupon, Mr. Woodson made a **motion** to approve final subdivision plat S-05-07, subject to receipt of a guarantee of improvements in accordance with section 5.03.2 of the Subdivision Ordinance. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(g) Designation as Certified Local Government

- City Manager David Treme noted that the City of Salisbury has been redesignated by the North Carolina Department of Cultural Resources as a Certified Local Government (CLG) in North Carolina's Preservation Program.

PUBLIC COMMENT

- Mayor Kluttz opened the floor for public comment. There being no one present to address Council, Mayor Kluttz closed the public comment session.

MAYOR'S ANNOUNCEMENTS

(a) North Carolina Historical Marker

Mayor Kluttz announced that the unveiling and dedication of a North Carolina Highway Historical Marker commemorating the life and ministry of Reverend Harry Cowan will be held Tuesday, May 22, 2007 at 11:30 a.m. in the 400 block of North Main Street.

(b) Pops at the Post

Mayor Kluttz announced that the 3rd Annual Pops at the Post concert will be held Saturday, June 2, 2007 8:00 p.m. – 10:00 p.m. in the Salisbury Post parking lot. Downtown Salisbury, Inc. will host Prelude to the Pops – A Downtown Celebration from 5:00 p.m. – 7:00 p.m. prior to the concert.

(c) Salisbury-Rowan United: Creating an Action Agenda for a Safer Community and a Positive Future for Our Youth

- Mayor Kluttz announced that the City of Salisbury will host "Salisbury-Rowan United: Creating an Action Agenda for a Safer Community and a Positive Future for Our Youth" Thursday, June 14, 2007 at 6:30 p.m. at the Salisbury Civic Center, 315 South Boundary Street.

Mayor Kluttz stated that she will travel to Raleigh Thursday, May 17, 2007 to testify before the House Judiciary Committee regarding proposed legislation. The legislation is titled "Street Gang Prevention Act" and will provide stricter punishment for gang related crimes and funding for gang prevention.

(d) Cheerwine 90th Birthday

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Mayor Kluttz announced that Cheerwine will hold a celebration in honor of its 90th birthday Saturday, May 18, 2007 at 1:00 p.m. on Easy Street in Downtown Salisbury.

(e) Castlewood Condominium Concerns

Mayor Kluttz noted that she has received concerns from residents of Castlewood regarding required buffers for Salisbury Village Apartments. She stated that she has asked staff to investigate to ensure the developer is following the approved requirements.

(f) Let's Get Connected Day

Mayor Kluttz announced that the Covenant Community Connection will host Let's Get Connected Day Saturday, May 18, 2007 at Salisbury City Park from 11:00 a.m. – 2:00 p.m. A special circle of prayer, which will be inclusive of all religions, will be held at 12:00 Noon.

CLOSED SESSION – PROPERTY ACQUISITION AS ALLOWED BY NCGS 143-318.11(5)

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Thereupon, Mr. Burgin made a **motion** to go into Closed Session as allowed by North Carolina General Statute 143-318.11(5) regarding acquisition of property located on Tax Map 059 Parcels 049, 055, 060, 061-02, 95, and 107. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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RETURN TO OPEN SESSION

Thereupon Mr. Burgin made a **motion** to come back into Open Session. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz stated that no action was taken in Closed Session.

RECESS OF MEETING

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Motion to recess the meeting until Monday, May 21, 2007 at 12:00 Noon in City Council Chambers, 217 South Main Street was made by Mr. Kennedy, seconded by Mr. Burgin. All council members agreed unanimously to recess the meeting. The meeting was recessed at 5:48 p.m.

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Mayor

City Clerk