

Salisbury, North Carolina
December 7, 2004

REGULAR MEETING

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

ABSENT: City Clerk, Myra B. 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 and welcomed Ms. Courtney Hill from the Salisbury Post.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Add – Recognition of Utilities water plant staff

Add – Recognition of employees with fifteen (15) years of service

RECOGNIZE WATER TREATMENT PLANT STAFF

Mayor Kluttz recognized the Salisbury-Rowan Utilities water treatment plant staff for receiving a commendable inspection from the Public Water Supply Section Division of Environmental Health of the North Carolina Department of Environment and Natural Resources. Mr. Matt Bernhardt, Assistant City Manager for Utilities, recognized Mr. Randy Cauble, Mr. Mike Frick, and Mr. Floyd Rusher and noted his pride in the water treatment plant staff for their accomplishments.

RECOGNIZE PATRICK KENNERLY - PLANNING MANAGER - SALISBURY-ROWAN UTILITIES

Mayor Kluttz recognized Mr. Patrick Kennerly, Planning Manager for Salisbury-Rowan Utilities, for receiving certification from the American Institute of Certified Planners (AICP) and noted the requirements that he accomplished in order to achieve the certification. Mayor Kluttz thanked Mr. Kennerly and presented him the framed AICP certificate.

RECOGNIZE 2003-2004 CITY RETIREES AND CITY EMPLOYEES WITH 15, 20 AND 25 YEARS OF SERVICE

Mayor Kluttz recognized the following 2003-2004 retirees and employees with 15, 20, and 25 year of service:

Retirees

William Baker
Samuel I. Brady
Shirley P. Hoosier
Harold P. Poole
Willie C. Poplin
Frank Sides

25 Year Honorees

Karen S. Barbee – Police Department
James D. Barber – Police Department
Paul Parrish – Traffic Operations Department
Kenneth L. Stutts – Police Department
Martin T. Trexler – Wastewater Treatment Plant
J. Steve Weatherford – Street Department
L. Mark Wilhelm – Police Department

20 Year Honorees

Carton “Currie” Butler – Fire Department
K. Joe Eagle – Human Resources Department
Roy A. “Sonny” Eagle, Jr. – Transit Division
Ronald T. Herion – Fire Department
Diame W. Johnson – Police Department
Marshall D. Lancaster – Fire Department
Gareth L. Overcash – Street Division
Robert A. Parnell – Fire Department
Kathleen L. Seybold – Recreation Department
Douglas Stevens – Fire Department
John C. Vest – Utilities Administration

15 Year Honorees

Eddie W. Byers – Wastewater Treatment Plant
Daniel R. Dyles – Police Department
James W. Farley – Fire Department
Gregory C. Kincaid – Utilities Administration
Sheila S. Lingle – Police Department
Rita K. Rule – Police Department

Mayor Kluttz thanked the employees for their contributions and service to the City.

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CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of November 16, 2004.

(b) Minor Subdivision Plat S-11-04 - Tommy Long

Approve minor subdivision plat S-11-04 to subdivide a 7.5 acre tract located on Richard Street into two (2) commercial lots for Tommy Long.

(c) Final Subdivision Plat S-15-04 - Forest Glen Phase 3

Approve final subdivision plat S-15-04 for Forest Glen Phase 3, accept maintenance responsibility of Andover Court, Ardsley Way, Brighton Lane, E. Glenview Drive, and Hermitage Place, and adopt an Ordinance establishing stop conditions.

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. 177, and is known as Ordinance No. 2004-84.)

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

PUBLIC HEARING - RECEIVE COMMENTS ON SKATEBOARDING AS IT RELATES TO PUBLIC SAFETY AND SECURITY OF PUBLIC/PRIVATE PROPERTY

Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to receive comments on skateboarding as it relates to public safety and the security of public and private property.

Ms. Melinda McHone, 7575 Bringle Ferry Road, stated that she is a mother of a skateboarder and co-owner of Skate City Skate Shop. She noted that the average age of a skateboarder is between 10-14 years of age, and reviewed the amount of time they spend practicing and skating each month. She commented that the children are getting exercise and are dedicated to their sport, adding that in a nation of obese children these children are doing what adults want them to do by being active. Ms. McHone stated that the children are not doing drugs or robbing people but are practicing their

sport. She stated that they do not have a place to go to practice so they use the downtown area. Ms. McHone noted that skateboarding is a growing sport and indicated that in 2002 there were an estimated sixteen (16) million skateboarders in the United States. She commented that the skateboarders are coming downtown from other communities and they are spending tax dollars downtown. She asked Council to look at the skateboarders as athletes and consumers and challenged the community to be a part of a solution to find a place where the skaters can go.

Ms. Theresa Laib, 5175 Long Ferry Road, noted that she is a mother of a skateboarder and stated that telling the kids 'no' is not effective and the town has supported many other team sports. Ms. Laib commented that not everyone has an interest in organized group sports. She stated that schools have provided opportunities for children to succeed academically but have taken away recreation, which is part of becoming a well-rounded human being. She asked Council to put together a group to help provide resources for these kids to get what they need.

Mr. Alex Kinder, 735 Hallmark Estates Drive, stated that he did not think skateboarding should be banned because it is a hobby that he does for fun. He commented that at least the skateboarders are not on the street selling or doing drugs. Mr. Kinder stated that the available skateparks are not very good and charge too much to use.

Mr. Bill Safrit, 207 Gallery Place, indicated that he is the property board chairman for St. John's Lutheran Church. He stated that the skateboarders have a terrific talent and he feels it is a good sport and a good way for children to get outside. He noted that St. John's Lutheran Church has sandstone steps which have been damaged by skateboarders. He added that he feels there should be a place for the skateboarders but would prefer they not be on church property.

Mr. David Thompson, 434 South Fulton Street, told Council that he has not watched television or been on the computer as much since he started skateboarding. He commented that if he did not start skateboarding his life could have been different and asked Council not to ban skateboarding.

Mr. Rick Morgan, 7575 Bringle Ferry Road, stated that he is the co-owner of Skate City Skate Shop and he agrees with what has been said. He noted that he understands the problems with damage to property and feels a person should respect other people's property. He stated that the kids need a place to practice their sport and there are no good facilities in the County, adding that the City needs to look into building a place for the kids to skate. He noted the municipal parks in Asheville and Wilmington and stated it would behoove the City to look into something similar. Mr. Morgan then presented Council with a petition concerning an interest for a skatepark facility.

Mayor Klutz noted that several e-mails were received concerning this issue and read them into the record. E-mails were received from

Mr. Mike Fuller, Innes Street Drug, stated that as a business owner in downtown Salisbury he does not support skateboarding in the downtown area. He stated that he felt skateboarding should not be allowed from Jackson Street to Lee Street and from Kerr Street to Horah Street. He cited the danger for pedestrian traffic and noted that many of his customers were elderly. Mr. Fuller stated that he did not feel it is the responsibility of City Council to provide a safe skateboarding location for the youth but would support a public/private partnership.

Mr. Gray Stout, Stout Studio, stated that his son and his son's friends skateboard and he is proud that Salisbury has a clean and safe downtown where he can feel comfortable with the boys skateboarding without fear of being hurt. He indicated that the idea of a City skatepark should be investigated and offered to assist, pro bono, to develop a site plan and design.

Mr. Ralph Baker, Sr., Ralph Baker Shoes, asked Council to give this issue careful consideration before a youngster runs into an elderly person and causes them injury. He stated that he feels there is a time and place for everything but he feels the merchants do not need to scare away customers because the sidewalks are not safe.

Ms. Pam Hylton Coffield, The Stitchin' Post, stated that she and her employees are opposed to allowing skateboarding in the downtown area. She stated that the skating is loud, fast, and dangerous to anyone walking or standing on the sidewalks. She noted the damage that has been done to property and asked Council to end this dangerous sport in the downtown area.

Mr. Lane Yates, Yates Development, stated that he has had damage from skateboards at several of his properties. He indicated that there should be plenty of places to skateboard other than decorative garden walls, granite bases, and in front of stores and sidewalks downtown.

Mr. Bruce Wilson, Fine Frame Gallery, indicated that he did not mind young riders using the sidewalks. He suggested inviting the young people to meet with the City's urban planners to see if a low cost railing could be placed in Robertson Park. He urged Council to make the riders part of the solution and not the problem.

Mr. Jay Whittington, Central Carolina Insurance, expressed concern over skateboarders on First Presbyterian Church property. He noted damage that has been done and asked Council to monitor this problem closely. He asked Council to consider a skateboard park to give young people a place to gather and play.

Ms. Becky Lowery, First Presbyterian Church, explained the problems the church has encountered trying to deal with skateboarders on their property. She concluded that Salisbury needs an ordinance against skateboard and rollerblade use on private property, city streets, sidewalks, and public buildings.

Mr. Rick Morgan, 7575 Bringle Ferry Road, noted that there are laws against vandalism and trespassing and he felt instead of adding more laws, the laws that are in place should be enforced.

Ms. Ruth Meade, 157 Lilly Avenue and First Presbyterian Church, indicated that she envies the abilities of the skateboarders and that they do not want the skateboarders to stop skating but to stop destroying the property. She noted that their attitude seems to be that the church asking them to

stop is a big joke and that part of skateboarding is doing what you are not supposed to do. Ms. Meade stated that the City needed to seriously look at a place for skateboarders.

Ms. Theresa Laib, 5175 Long Ferry Road, stated that she has an issue with restriction of the children's ability to transport themselves from one area to another. She noted that this is a mode of transportation for them and to state that they can not come to town with their skateboards affects their civil liberties.

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

Councilman Burgin stated that Council understands that not all kids who skateboard are bad, but Council is faced with dealing with the ones who are and Council's options are limited. He stated that he feels there are places in the City where things are not compatible, adding that he did not know what could be done in a moderate way to solve the problem. Mr. Burgin noted that, to date, the ability of the skateboarders to respect others and operate within reasonable limits has not happened. He stated that he could support developing an overlay that defines an area where skateboarders would have to carry their boards to walk through, adding that he would be willing to sit down and explore the possibilities but he did not think the City had the resources to provide a public place. Mr. Burgin stated that if skaters can not set limits that are reasonable he feels Council will have to do it for them. He noted that in the downtown area there are too many conflicts for skateboarders to have free reign.

Councilman Kennedy stated that he understands the problems of the church and the places the skateboarders should not be, but he also felt there is a need for a place for them to be. He noted that there are limited resources and suggested a Council Committee to meet with others who may have resources to solve this problem.

Mayor Pro Tem Woodson stated that passing a law against skateboarders would create more for the Police to keep up with. He noted that something has to be done and it seems there needs to be somewhere for the kids to go. He stated that he feels it is fair that the property owners do not want their property damaged but he can not support banning skateboarding today.

Councilman Lewis indicated that looking into a skateboard park will take a political sponsor but he does not think that a park will change what is happening downtown.

Mayor Kluttz commented that Council's first priority is safety for citizens and noted that Salisbury does not have a modern downtown and this is adding to a dangerous situation. She noted that she would like to see an area that could be designated for skating, although resources are limited. She asked if Council would like to form a Committee or send to staff to help find a solution.

City Manager David Tremé informed Council that he has contacted the University of North Carolina School of Government for assistance from a graduate student to work with the City on this issue. He noted that he would like the opportunity to gather information and at some point possibly conduct a workshop to develop creative solutions. Mr. Tremé encouraged those in attendance who had an interest in this issue to sign the sheets located in the foyer so they can be included.

Mayor Kluttz asked if Council preferred for staff to proceed and report back to Council or appoint a Council Committee. Council agreed for staff to study and bring a recommendation back to Council.

RECEIVE REPORT ON TEMPORARY POOL HALL PERMIT ISSUED TO CHARLES LEON VALLEY - 900 MOORESVILLE HIGHWAY

(a) Lt. Hodge Coffield updated Council concerning Jersey's nightclub located at 900 Mooresville Road and noted that there have been no calls for service concerning this operation since the temporary pool hall permit was issued. He stated that he has not received any calls from residents or business neighbors and upon inspection the property has been kept in an orderly fashion. He stated that the Police Department has no opposition to the permanent issuance of the pool hall permit.

(b) Mayor Kluttz opened the floor to receive public comments concerning the operation of a pool hall at 900 Mooresville Highway.

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

(c) Thereupon, Mr. Burgin made a **motion** to allow the second pool table on a permanent basis. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

2004 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Mr. Victor Blackburn, accountant with McGladrey and Pullen, spoke to Council concerning the annual audited financial statements for Fiscal Year 2003-2004. He informed Council that the firm has given an unqualified opinion, which is the best opinion that a government entity can receive from an accounting firm.

Mr. Blackburn pointed out that the City's assets exceeded the liabilities by approximately \$112 million dollars. This represents an approximate \$2.3 million increase from last year. He stated that within the City's net assets the general fund portion represents about \$5.6 million and of this amount approximately \$3 million can be used as an unreserved fund balance.

Mr. Blackburn noted that one of the City's efforts has been the revitalization of the downtown and stated that he felt it is starting to pay off because over the past twelve (12) months the gross retail sales have increased by approximately \$30 million, which is a 4.5% increase from the prior year. He stated that compared to Rowan County, their increase percentage was only about 1%.

Mayor Pro Tem Woodson noted that the revenue for 2004 was \$28,419,565 and this is less than the \$29 million budgeted and asked about the difference. Mr. Blackburn explained that these were funds that were actually received and the difference is a timing difference with grant funds. The expenditures were not made prior to June 30, therefore the money was not received, but will be received this year.

City Manager David Treme stated that the increase in the fund balance is different from years past and he feels this year's results were the best in the past five (5) years.

Councilman Kennedy asked how much of the increase in sales tax could be contributed to Wal-Mart. Mr. Treme commented that Wal-Mart conducts approximately \$100 million in sales each year and along with Lowe's are very strong businesses in the community.

TAXI CAB APPLICATION - LATINO EXPRESS OF ROWAN, INC.

Ms. Sue Wales, Police Department Planning and Research Director, presented a request for a Certificate of Public Convenience and Necessity for Latino Express of Rowan, Inc. She stated that the three operators, Mr. Ramon Jimenez, Mr. Melvin Bonilla and Mr. Oscar Bonilla have approximately fifteen (15) years of experience. She informed Council that she has inspected the three (3) vehicles to be used for the service and has performed background investigations and everything is in excellent order. Ms. Wales noted that the drivers and owners of the operation speak both English and Spanish and would be the first Latino taxi service in Salisbury.

Mayor Kluttz commented that Mr. Melvin Bonilla has joined the Hispanic Coalition and she is impressed with his willingness to be part of the community. She added that she feels it is important to have a taxi service with drivers who speak Spanish.

Thereupon, Mr. Kennedy made a **motion** to approve Latino Express of Rowan, Inc. for taxi cab services. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

SALISBURY PARKS AND RECREATION UPDATE

Mr. Evans Ballard, Budget and Benchmark Analyst, and Ms. Gail Elder White, Parks and Recreation Director presented an update on Parks and Recreation services to the Council. Mr. Ballard asked Council to consider economic development as the back-drop for parks and recreation in the Twenty-First (21st) Century.

Ms. Elder White gave Council a review of the Parks and Recreation Department.

Current Environment and Future Challenges:

- Continuing to provide current levels of service to community
- Continue to seek outside funding sources and sponsorships for our programs and park development
- Continue necessary repairs and renovations with limited capital funds
- Seventy-six percent (76%) of survey participants had a neutral to favorable impression and appreciate the value of the Nationally Accredited Salisbury Parks and Recreation Department

Parks and Recreation Budget:

- \$1.8 million average budget
- Community expectations are to provide quality at a reasonable price
- Quality Parks and Recreation services equal economic development

City-owned Park Space (approximately 505 acres):

- Implement the Parks and Recreation Master Plan – additional neighborhood parks for equitable distribution of facilities and services
- Greenway Expansion
- Upgrading of existing Parks and facilities

Programs Offered:

- Seven hundred eighty-five (785) programs offered – through sponsorships and volunteers
- Forty-three (43) partnerships are a vital component to our programs
- Volunteer hours totaled four thousand four hundred eighty-seven (4,487). Ms. Elder White noted that this is the equivalent of two (2) full time staff

Community Interest:

- Average two hundred seventeen (217) participations per program
- Increased diversity and quantity of program offerings while maintaining a high quality
- Working to increase number of programs versus number of events

Ms. Elder White informed Council that Ms. Karen Wilkinson, Public Relations Manager, has changed the Park Partner program and it now pays for the distribution of the Parks brochure as well as produces approximately \$6,000 in revenue. She noted that this revenue goes directly back into the Park's programs.

Demands on Facilities and Long-Range Planning:

- Parks and Recreation Master Plan implementation according to the Vision 2020 Plan
- New parks and gymnasium to meet community needs
- Open space, Greenway and hiking trails to connect residential areas providing for a walk-able community
- Expansion of the Salisbury Community Park
- Continue maintenance and upkeep of existing parks and facilities

Ms. Elder White stated that Parks and Recreation has very talented staff who have found ways to do things in-house that would normally be contracted out. She noted that the Parks Facility Maintenance crew completed the classroom renovation at Hall Gym, completely renovated the kitchen at the City Park Recreation Center, and built a new reception desk at the front counter.

Next Steps:

- The Parks and Recreation Department will strive to meet the City Council's goal of providing quality parks and recreation services to the citizens of Salisbury
- To implement Parks and Recreation Master Plan as funding is provided
- Develop Salisbury Community Park on pay-as-you-go basis
- Complete National Re-Accreditation

Mr. Ballard noted that he will be attending a meeting concerning performance measures at a semi-annual Budget Association Conference. He stated that Parks and Recreation are not currently a part of this process, but with Salisbury at the forefront, it is conceivable in the next three (3) years Salisbury will provide workload efficiency and effectiveness measures that will be used by the state.

Mr. Treme noted that there are forty-six (46) parks and recreation agencies in the United States that are nationally accredited, with three (3) in North Carolina. The three (3) in North Carolina are Salisbury, Asheville and Cary.

BYRD ROAD WATER AND SEWER PROJECT AGREEMENT

Mr. Matt Bernhardt, Assistant City Manager for Utilities, stated that earlier in the meeting when he introduced the Water Plant staff he failed to introduce Mr. Jeff Parker and Mr. David Barrier, who are Class A certified operators. He added that Ms. Radenka Dragas, Mr. Clint Mishak, and Mr. John Cornelison comprise the remainder of the Water Plant staff.

Mr. Bernhardt discussed an agreement for a water and sewer extension project along Byrd Road in Granite Quarry. The agreement will extend one thousand five hundred twenty (1,520) linear feet of eight (8) inch ductile iron water pipe and one thousand eight hundred (1,800) feet of eight (8) inch sewer pipe along Byrd Road towards Faith Road. This will add approximately twelve (12) properties and customers to the line. The approximate cost is \$368,160. He noted that Granite Quarry will pay \$322,560 or eighty-eight percent (88%) of the cost with Salisbury-Rowan Utilities (SRU) paying the remaining \$45,600 or twelve percent (12%). SRU will manage the project and the line will be owned by SRU.

Thereupon, Mr. Woodson made a **motion** to adopt the agreement between Salisbury-Rowan Utilities and the Town of Granite Quarry for the extension of water and sewer lines along Byrd Road, adjacent to the Town of Granite Quarry's corporate limits. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

ALCOA POWER GENERATING GROUP, INC. - APPOINTING AUTHORIZED REPRESENTATIVE

Thereupon, Mr. Woodson made a **motion** to designate the City Manager as the authorized representative and adopt the resolution. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION APPOINTING SALISBURY'S AUTHORIZED REPRESENTATIVE IN THE FERC PROJECT NO. 2197 STAKEHOLDER NEGOTIATIONS.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page Nos. 47-51, and is known as Resolution No. 2004-33.)

COMMENTS FROM THE CITY MANAGER

(a) Town of Landis Water System

City Manager David Treme noted that the Town of Landis has asked the City to help determine how the City might work with the Town of Landis on their water system. Proposals include the City taking over the water system or the City providing water rates that would allow them to continue to operate. He stated that since the City is in the process of working on this issue with China Grove it makes sense to work with Landis as well to create a service area. Mr. Treme stated that staff will proceed and report back to Council.

MAYOR'S ANNOUNCEMENTS

(a) Mayor Kluttz announced that the annual Christmas luncheon for City employees will be held Wednesday, December 8, 2004 from 11:30 a.m. - 1:30 p.m. at the Salisbury Civic Center.

(b) Resolution of Intent

Mayor Kluttz stated that Council discussed a change in term lengths from four (4) years to two (2) years and noted that Council decided it wanted to hear from the public before making a decision. She stated that the next step would be to adopt a Resolution of Intent stating Council's intent to change its Charter. The Resolution would then require a public hearing be set for public input. Mayor Kluttz added that by putting the Resolution on the agenda it does not bind the Council to change the Charter. Mr. Rivers Lawther, City Attorney, explained the Resolution and noted that it states Council's intent to change its charter to allow four (4) year terms. After adoption of the Resolution a public hearing must be held and then following the public hearing Council can choose to adopt an Ordinance if it wants to change the charter. Councilman Lewis asked what the timeframe would be for adopting the Ordinance. Mr. Lawthers responded that he believes it must be adopted within thirty (30) days of the public hearing. Mr. Lewis noted that he is not comfortable with the timeframe because Council is interested in obtaining feedback from the community and he did not feel the thirty (30) days would enough time.

City Manager David Treme noted that Council considered several options related to changing the term lengths and by adopting the Resolution of Intent it will state that the Council only seeks to change the Charter to reflect four (4) year terms versus two (2) year terms. Mr. Lawther noted that once the Resolution is adopted Council can wait sixty (60) days to hold the public hearing. Council agreed to place the Resolution of Intent on the next Council Agenda.

COUNCILMAN KENNEDY'S COMMENTS

Councilman Kennedy noted that he placed a pamphlet titled "Strengthening the American Family – What Municipal Leaders Must Do" at each Council member's seat, which he brought back from the National League of Cities Conference. He noted that he is happy that Council agreed to go on record to do something to support the skateboard issue, adding he feels it is a way to strengthen families.

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 5:58 p.m.

Mayor

City Clerk