

Salisbury, North Carolina  
April 17, 2007

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

**ABSENT:** None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was 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.

### **RECOGNITION OF HORACE BILLINGS**

Mayor Kluttz recognized Mr. Horace Billings, recipient of the Master's Major Achievement Award honoring fifty (50) years of coverage of the Augusta Masters Golf Tournament. She indicated that Mr. Billings has covered the tournament for fifty-two (52) years for the Salisbury Post, and is one (1) of fourteen (14) media members who has covered the tournament for more than forty (40) years. She pointed out that Mr. Billings worked for the Salisbury Post for over fifty-two (52) years and was inducted into the Salisbury-Rowan Sports Hall of Fame in 2001. Mayor Kluttz then presented Mr. Billings with a Certificate of Appreciation on behalf of Council.

### **RECOGNITION OF YVONNE WAITERS DIXON**

Mayor Kluttz recognized Ms. Yvonne Waiters Dixon who was honored along with seventeen (17) other professionals from across the State with the Diversity in Business Award presented to those who promote diversity throughout business. She explained that the award was sponsored by the University of North Carolina Charlotte Business School and presented by the Charlotte Business Journal. She noted that Ms. Dixon began work at Rowan Regional Medical Center as a nurse and is currently the Diversity Director. Mayor Kluttz then presented Ms. Dixon with a Certificate of Appreciation on behalf of Council.

### **RECOGNITION OF 2005-2006 RETIREES AND SERVICE YEARS OF EMPLOYEES**

Mayor Kluttz recognized City employees with five (5), ten (10), fifteen (15), twenty (20), twenty-five (25) and thirty (30) years of service, and those employees who retired in 2005-2006. She stated that they were honored at a reception earlier in the day and asked that the employees with years of service to stand and be recognized.

Mayor Kluttz recognized the employees who have retired since January 2006. She explained that beginning with these retirees, the City will install commemorative bricks in the sidewalk outside of City Hall with each brick bearing the name, department and years of service of the retiring employee. She added that the initial installation will bear the names of the employees that have retired beginning in the year 2000, and each year thereafter, retirees each year will be recognized.

Mr. Joe Eagle, Personnel Analyst II, introduced the following employees who have retired since 2006:

Mr. James R. Vinson (absent)

Ms. Sue Wales (absent)

Mr. Randy Cauble  
Ms. Aggie Peninger  
Mr. Thomas J. Stancil  
Mr. Bobby Harrison  
Ms. Vicky Jordan

Ms. Carol Hamilton  
Mr. Emanuel Spratt  
Mr. David Carroll  
Mr. John Hamilton

Mayor Kluttz congratulated the retired employees and expressed her pride and appreciation for their service to the City.

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**PROCLAMATION**

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Mayor Kluttz proclaimed the following observances:

ARBOR DAY	April, 2007
THE WEEK OF THE YOUNG CHILD	April 23-27, 2007
NATIONAL SPORTSCASTERS AND SPORTSWRITERS DAYS	April 28-30, 2007
NATIONAL DAY OF PRAYER	May 3, 2007

**CONSENT AGENDA**

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(a) Minutes

Approve Minutes of the regular meeting of April 3, 2007 and recessed minutes of April 9, 2007.

(b) Voluntary Annexation – The Gables at Kepley Farm

Receive a petition requesting voluntary annexation of 10.793 acres in Phase 2, The Gables at Kepley Farm located in the 1900 block of Faith Road and adopt a **RESOLUTION** directing the City Clerk to investigate the sufficiency of the petition.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1, FOR VOLUNTARY ANNEXATION OF THE GABLES AT KEPLEY FARM PHASE 2

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 29, and is known as Resolution No. 2007-12.)

(c) Voluntary Annexation – Stone Ridge

Receive a petition requesting voluntary annexation of 20.443 acres Phase 2A, Stone Ridge located off Old Concord Road and adopt a **RESOLUTION** directing the City Clerk to investigate the sufficiency of the petition.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31, FOR VOLUNTARY ANNEXATION OF THE STONE RIDGE PHASE 2A

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 30, and is known as Resolution No. 2007-13.)

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

**PRESENTATION FROM THE FAMILY OF FORMER POLICE CHIEF RANKIN TO THE SALISBURY POLICE DEPARTMENT**

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Police Chief Mark Wilhelm stated that several years ago the family of former Police Chief R. Lee Rankin contributed his service revolver to the City to be displayed at the new Police Department. He explained that Chief Rankin was the Salisbury Police Chief from 1927 to 1937. He added that he was well known throughout the State for holding several offices in State police organizations but is perhaps best known for apprehending Mr. Otto Wood, who had escaped from prison four (4) times.

Chief Wilhelm recognized Chief Rankin's granddaughters, Ms. Karen Brower and Ms. Christina Rowland; his Great-grandson, Mr. Scott Rowland; and Great-Great-granddaughter, Ms. Ashley Rowland and thanked them for their contribution to the City.

Mayor Kluttz thanked the family for the honor of receiving this contribution. She also recognized Art and History Trail Committee members Ms. Betty Dan Spencer and Mr. Wayne Whitman, along with staff representative Ms. Lynn Raker, for their work to preserve and share the City's history.

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**URBAN PROGRESS ZONE 2007-2008**

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(a) Ms. Kathryn Clifton, GIS Manager and Ms. Benita Staples, GIS Technician, presented a report on the Urban Progress Zone. Ms. Clifton explained the Urban Progress Zone and how staff determined the multiple zones being proposed for designation:

Outline

- Urban Progress Zone Determining the Zone

- Areas for Consideration
  - Downtown
  - Industrial Avenue
  - West Jake Alexander Boulevard

#### Urban Progress Zone

- Article 3J
- Replaces the Lee Act
- Municipalities with a population of at least ten thousand (10,000) have the ability to define qualifying areas of poverty as Urban Progress Zone

#### Determining the Zone

- All land within the zone must be located in whole within the primary corporate limits
- Zone delineated by census tracts of block groups (all, or portion within corporate limits)
  - More than twenty (20) percent population below poverty level
  - Or, adjacent to a census tract or block group of which at least twenty (20) percent population below poverty level and fifty (50) percent zoned non-residential.
- Area zoned as non-residential does not exceed thirty-five (35) percent of the total area of the zone

#### Defining “Non-Residential”

- “Non-Residential” is not defined in the legislation or in the guidelines for defining an Urban Progress Zone.
- “Non-Residential” - City chose to define as zoning areas in which residential development is expressly prohibited. Ms. Clifton stated that these would include college and university districts, hospital services, limited light industrial, limited office institutional and medical services.

Ms. Staples reviewed the areas of consideration for designation:

#### Areas of Consideration

- Downtown: Qualifying the Area
  - Is located in whole within the municipal limits
  - More than twenty (20) percent of the population of the Census Tract is below the poverty level
  - Area zoned as “non-residential” does not exceed thirty-five (35) percent of the total area of the zone. Ms. Staples reviewed maps and an aerial view of the Downtown Zone.
  - Article 3J Business Opportunities
  - Offers excellent locations to support:
    - Call centers
    - Warehousing
    - Smaller manufacturing operations
- Industrial Avenue: Qualifying the Area
  - Is located in whole within the municipal limits
  - More than twenty (20) percent of the population of the Census Block Group is below the poverty level
  - Area zoned as “non-residential” does not exceed thirty-five (35) percent of the total area of the zone. Ms. Staples reviewed maps and an aerial view of the Industrial Avenue Zone.
  - Article 3J Business Opportunities
  - Offers excellent locations to support
    - Commercial development
    - Light Industrial development
- West Jake Alexander Boulevard.: Qualifying the Area
  - Is located in whole within the municipal limits
  - More than twenty (20) percent of the population of the Census Block Group is below the poverty level
  - Area zoned as “non-residential” does not exceed thirty-five (35) percent of the total area of the zone. Ms. Staples reviewed maps and an aerial view of the West Jake Alexander Boulevard Zone.
  - Article 3J Business Opportunities
    - Supports existing company headquarters (Food Lion)

Ms. Clifton reviewed the zone limitations and zone sizes:

#### Zone Limitations

- Zone can only exist inside the primary corporate limits
- Zone may not exceed fifteen (15) percent of the total area of the municipality.
- Area zoned as non-residential does not exceed thirty-five (35) percent of the total area of the zone

#### Zone Areas for Consideration

- Downtown - .40 square miles
- Industrial Avenue - .87 square miles
- West Jake Alexander Boulevard - .22 square miles
- Total for all zones – 1.49 square miles.

Ms. Clifton stated that additional zones may be identified at a later time. She added that the City is allowed to designate up to three (3) square

miles or fifteen (15) percent of the total municipal area. She indicated that if Council supports the three (3) zone applications a separate resolution is needed for each application and will be sent to the North Carolina Department of Commerce Division of Community Assistance.

Councilman Lewis asked the effective date of the zones. Ms. Clifton responded that the effective date will be the date the applications are approved by the North Carolina Department of Commerce and will be effective until December 31, 2008. She added that once the zones are defined, they may not be amended mid-year.

(b) Mayor Kluttz opened the floor to receive public comment regarding the proposed Urban Progress Zones.

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

(c) Thereupon, Mr. Woodson made a **motion** to adopt a Resolution endorsing the application to define the Downtown Urban Progress Zone. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### RESOLUTION ENDORSING THE APPLICATION TO DEFINE AN URBAN PROGRESS ZONE

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 26, and is known as Resolution No. 2007-09.)

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution endorsing the application to define the Industrial Avenue Urban Progress Zone. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### RESOLUTION ENDORSING THE APPLICATION TO DEFINE AN URBAN PROGRESS ZONE

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 27, and is known as Resolution No. 2007-10.)

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution endorsing the application to define the West Jake Alexander Boulevard Urban Progress Zone. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### RESOLUTION ENDORSING THE APPLICATION TO DEFINE AN URBAN PROGRESS ZONE

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 28, and is known as Resolution No. 2007-11.)

### AWARD A CONTRACT FOR THE SOUTH SQUARE STREETScape ENHANCEMENT PROJECT

Ms. Lynn Raker, Urban Design Planner, described the steps taken in the South Square Streetscape Enhancement Project since the initial application in June 2004. She stated that before Council today is a request to award a contract for the project. She explained that the initial project request included the 100 block of East Fisher Street, part of the 200 block of East Fisher Street, which includes the City-owned lot on the corner of Fisher and Lee Streets, and the 100 block of South Lee Street. She noted that in the 100 block of East Fisher Street two (2) way directional traffic is proposed, with parking split on each side of the street. The project also proposes to expose the brick under the existing asphalt, install granite pavers in the driveways, widen the sidewalk two and one half (2.5) feet on the North side, add brick sidewalks, decorative pedestrian lighting, street trees, new driveway aprons, and the ability to close the street for special events. She noted that in the 200 block of East Fisher Street a corner plaza is proposed with additional parking, brick sidewalks, street trees and decorative pedestrian lighting. In the 100 block of South Lee Street, brick sidewalks, new driveways, decorative pedestrian lighting and street trees are proposed.

Ms. Raker explained the SAFETEA Grant awarded by the North Carolina Department of Transportation (NCDOT):

SAFETEA Grant Award	\$387,584
City match	<u>96,896</u>
Total Project Budget	\$484,480
Project Cost Estimate (does not include restoration of brick street)	\$494,802
Estimate for restoration of brick street	\$166,860

Ms. Raker explained that when staff prepared the project estimate the cost of the brick street restoration was not included. She noted that even without the brick restoration the estimate is still approximately \$10,000 more than the available funds for the project.

Ms. Raker indicated that the budget was submitted to NCDOT and the bidding process was approved. She explained that the bid for the project was divided into three (3) parts:

- Base Bid – Ms. Raker explained that this is the major portion of the project.
- Add Alternate #1
  - Restoration of brick street and installation of granite paver parking area in the 100 block of East Fisher Street
- Add Alternate #2

- Provision of decorative light poles and other light fixtures

Ms. Raker noted that the bids received for Add Alternate 2 for decorative light poles and fixtures was higher than anticipated. She stated that staff will purchase the hardware directly at a reduced rate rather than using the contractor for this portion of the project. She pointed out that the City received five (5) bids and using the base bid with no alternates, Summit Developers was the low bidder.

Ms. Raker explained that the Add Alternates of exposing the brick street and adding the light fixtures are integral parts of the project. She stated that staff studied ways to manage the project and stay within a reasonable budget. To reduce costs, one of the recommendations is to postpone work on a section of South Lee Street where private redevelopment will likely occur over the next few years. She added that the contractor has suggested minor value engineering changes that will also help lower costs. Staff further recommends applying for supplemental funding from NCDOT.

Ms. Raker reviewed the Project Summary and noted that the revised base bid includes the elimination of a portion of the South Lee Street project and takes into account the value engineering changes:

Revised Base Bid (Summit Developers)	\$351,540.76
Miscellaneous Purchases by City of Salisbury (includes the decorative light fixtures)	85,200.00
Miscellaneous Fees for Design and Utility Services	<u>21,475.51</u>
Total Projected cost for Base Project	\$458,216.27
Alternate #1 Restore brick street in 100 block Fisher	<u>\$173,243.01</u>
Total funds needed	\$631,459.28
Available Funds (\$387,584 DOT + \$96,896 Local)	<u>\$484,480.00</u>
Balance needed	\$146,979.28
Supplemental funding request from NCDOT (80%)	\$117,583.00
Additional Local Match (20%)	<u>29,396.00</u>
Total additional funds for project	\$146,979.00

Mr. Joe Morris, Planning and Community Development Manager, stated that staff would like Council to consider awarding the base bid and then allow staff to discuss the possibility of applying for supplemental funding to help cover the cost of the brick restoration.

Mayor Pro Tem Woodson stated that this is a worthwhile project. He asked if there are any plans for development of the old fire station. Mr. Joe Morris, Planning and Community Development Director, stated that there are no current plans known for the old fire station.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution authorizing the Mayor to execute on behalf of the City of Salisbury a contract in the amount of \$458,216.27 and any change orders within the budgeted amount with Summit Developers for the project known as Salisbury South Square Streetscape Improvement Project. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF SALISBURY A CONTRACT AND ANY CHANGE ORDERS WITHIN THE BUDGETED AMOUNT WITH SUMMIT DEVELOPERS FOR THE PROJECT KNOWN AS SALISBURY SOUTH SQUARE STREETScape IMPROVEMENT PROJECT

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 24, and is known as Resolution No. 2007-07.)

**\*\* Council was asked to amend the motion later in the meeting to reflect the cost of the contract and not the entire project. See page 11.**

**RESOLUTION SUPPORTING TRANSPORTATION ENHANCEMENT SUPPLEMENTAL FUNDING**

Mr. Joe Morris, Planning and Community Development Director, stated that he received notification from the North Carolina Department of Transportation (NCDOT) that they are offering supplemental funding for enhancement projects. He pointed out that the City is \$146,979 short of funds needed to complete the South Square Streetscape Enhancement Project and explained that the City can apply to NCDOT for an additional eighty (80) percent of the amount needed to complete the project, with the City paying the remaining twenty (20) percent. He requested Council approve the application to NCDOT for supplemental funding.

Supplemental funding request from NCDOT (80%)	\$117,583.00
Additional Local Match (20%)	<u>29,396.00</u>
Total additional funds for project	\$146,979.00

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution in support of the City of Salisbury's application for transportation enhancement supplemental funding. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION IN SUPPORT OF THE CITY OF SALISBURY'S APPLICATION FOR TRANSPORTATION ENHANCEMENT

## SUPPLEMENTAL FUNDING

(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 25, and is known as Resolution No. 2007-08.)

Councilman Lewis inquired about the interruption to the area businesses during the street renovations. Ms. Raker stated that staff has met with all business owners in the project area who expressed concerns about the construction, and noted that these concerns were included in the bid specifications. She indicated that staff will meet with the business owners to work out an agreeable schedule. She added that Summit Developers has developed a strategy to complete the work with little disruption and has agreed to a ninety (90) day contract to help minimize the disturbance on the street.

### **REPORT REGARDING CHANGES TO RUTHERFORD STREET**

Ms. Wendy Brindle, Traffic Engineer, stated that Rowan Regional Medical Center (RRMC) has completed its new emergency department and relocated the emergency access to Rutherford Street. She added that RRMC has also opened an extension of Grove Street from Mocksville Avenue to Henderson Street to provide additional access to the hospital area. She stated that RRMC is requesting to convert Rutherford Street to one-way traffic from Mocksville Avenue to Henderson Street. They have also requested that a public hearing be held to discuss the change.

Thereupon, Mr. Kennedy made a **motion** to set a public hearing for May 1, 2007 regarding the proposed changes to Rutherford Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

### **REPORT REGARDING THE INTERSECTION OF JAKE ALEXANDER BOULEVARD AND MORLAN PARK ROAD**

Ms. Wendy Brindle, Traffic Engineer, stated that staff has received complaints regarding the intersection of Morlan Park Road and Jake Alexander Boulevard. She explained that staff conducted an initial traffic analysis and feels that the traffic accident frequency at the intersection does warrant treatment. She pointed out that Jake Alexander Boulevard is a State maintained road and staff is currently working with the North Carolina Department of Transportation (NCDOT) to explore feasible options to improve the intersection. Ms. Brindle indicated that staff will make a recommendation to Council regarding this intersection at a future meeting.

Councilman Lewis asked what options were being reviewed. Ms. Brindle responded that the options include installing a traffic signal at the intersection; prohibiting left turns from Morlan Park Road to Jake Alexander Boulevard and from Jake Alexander Boulevard to Morlan Park Road; and restricting left turns from Morlan Park Road but allowing left turns from Jake Alexander Boulevard.

Councilman Burgin asked if the option of realignment was being discussed. Ms. Brindle stated that realignment has not been considered but noted it could be reviewed. She added that options are limited due to the location of the railroad crossing on Jake Alexander Boulevard.

### **COMMENTS FROM THE CITY MANAGER**

#### **(a) Planning Board**

Council received the Planning Board recommendation and comments from the April 10, 2007 meeting.

### **\*\*AMENDMENT TO MOTION – SEE PAGE 9**

Mr. Joe Morris, Planning and Community Development Manager, noted that earlier in the meeting Council approved a contract with Summit Developers for the South Square Streetscape Enhancement Project. He pointed out that the figure given in the motion is incorrect and asked Council to amend the motion to reflect the cost of the contract rather the entire project cost.

Thereupon, Mr. Burgin made a **motion** to amend the previous motion relative to the contract with Summit Developers to correct the number for the base bid to \$351,540.76. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Klutz voted AYE. (5-0)

#### **(b) Update on Annexation Questions**

City Manager David Treme indicated that during the public hearing on the proposed annexation held during Council's April 3, 2007 meeting, several questions were raised regarding the proposed annexation. He recognized Planning and Community Development Manager Joe Morris, Management Services Director John Sofley, and Assistant City Manager for Utilities Matt Bernhardt to respond to the questions.

Mr. Morris reviewed general annexation questions:

Question: How might my property be excluded from the annexation area? Mr. Morris stated that the Salisbury City Council has the responsibility of evaluating the annexation qualifications to determine whether a property is to be included or excluded from a proposed annexation. North Carolina law allows cities to annex areas outside the municipal limits based on several criteria including adjacency and contiguity with municipal limits, that the area is not part of another incorporated municipality, population, lot sizes and, in the case of certain undeveloped properties, adjacency and contiguity of boundaries between the municipal limits and areas developed for urban purposes. Based on those qualifications, areas may, or may not, be annexed.

Mr. Morris indicated that those who requested to be exempt from the annexation because their property is farmland can obtain a farmland classification from the Rowan County Tax Assessor which would have a significant impact on their tax bills.

Question: Will property owners within the annexation areas be required to follow City rules? Mr. Morris responded that yes, all City ordinances will be enforced within successfully annexed areas.

Question: Will the residents of the annexation areas receive City services for their money? Mr. Morris responded yes. North Carolina law requires that the City of Salisbury provide services in newly annexed areas in a manner consistent with the levels of service provided to current City residents.

Question: Will zoning be changed if the property is annexed? Will property owners be allowed to discharge firearms and have bonfires in the City limits? Mr. Morris stated that the City of Salisbury is required to apply City zoning within sixty (60) days of the effective date of the annexation. The Salisbury City Code does not allow firearms to be discharged within the City limits. Bonfires may be allowed subject to a permit issued by the Salisbury Fire Department.

Question: Will streetlights be installed in the annexation area? Mr. Morris responded that the City of Salisbury provides streetlights to citizens based on a petition process and available funding.

Mr. Sofley addressed financial questions raised during the public hearing.

Question: Is the annexation worth the return that will be gained after the City's initial investment? Mr. Sofley responded yes, the City of Salisbury has evaluated the cost of extending services to the annexation area. The annexation will also provide the framework for future growth and the development of the City.

Question: Will residents in the annexation areas be able to afford a \$90 per month increase in their taxes? Mr. Sofley stated that this is difficult to answer because the exact amount of City taxes will be based on the value of the property as assessed by the Rowan County Tax Assessor and the rate for City residents established by the Salisbury City Council. There will be a reduction in the expense for garbage collection for residents living in the annexation areas and, potentially, a reduction in the cost of fire insurance. Residents are encouraged to contact their homeowner's insurance providers to ascertain how their rates may be affected.

Mr. Bernhardt then addressed questions raised regarding utility connections.

Question: Will the City be able to recoup its investment should residents decide not to connect to water and sewer? Will the City require residents to hook onto City water if their wells are condemned? Mr. Bernhardt stated that Salisbury-Rowan Utilities will base its design and construction of water and sewer system extensions upon the number and location of requests for water and sewer that it has received. However, there are other factors such as fire protection that will also be taken into account, such that a simple return on investment is not based solely on the number of customers added to the utility system. Salisbury-Rowan Utilities currently does not require property owners with properly operating wells or septic systems to connect to water and sewer utilities. The inspection of wells and septic systems is administered by the Rowan County Health Department, and is not a function of the City of Salisbury. He stated that the City does not require mandatory connection as long as the homeowner has a properly operating system.

Mr. Bernhardt commented that there are other reasons for annexation besides the addition of customers because certain areas may put the City in a better location for future growth.

Mayor Klutz asked to clarify one of the questions raised during the public hearing when a resident asked if the City will condemn everyone's well so they would be forced to connect to City water. She stated that the City does not condemn wells and this is handled by the Rowan County Health Department. Mr. Bernhardt responded that this is correct.

Question: Will residents of the annexation areas be eligible for the City of Salisbury's "Go with the Flow Program" (a 75% discount for connecting to water and sewer after 6 months)? Will residents along Old Mocksville Road be eligible for a 75% connection discount? Mr. Bernhardt responded that the policy of the City of Salisbury is to offer its "Go with the Flow" discount program to all newly annexed areas for a period of six (6) months after the installation of the new lines is complete. Residents of the annexation areas will be notified when this period begins. Salisbury-Rowan Utilities' current undiscounted connection fee is \$1,300 for a domestic water connection and \$1,300 for a domestic sewer connection.

Mayor Pro Tem Woodson commented that it appears it will be a quite a job to run the water and sewer lines to the Harrison Road area and asked if staff feels strongly that this will help the City expand in the future. Mr. Bernhardt responded that the water and sewer lines are designed from a master plan and from a strategic perspective. He added that getting service into the Second Creek Basin is a very smart move for the City for future growth.

Mr. Sofley commented that the City's largest growth is currently taking place along the Highway 150 area and this area does not have an outfall serving it. He stated that the Harrison Road system would be the first leg of the sewer outfall to serve the Highway 150 area where the City is growing.

City Manager David Treme indicated that sales tax revenue is distributed based on population and if the County's population grows and the City's does not, the revenue formula distributes less to the City. He added that staff looks at annexation annually as a way to obtain the City's strategic growth plan and population in urban areas. He stated that the City's growth is on Highway 150 and there are no lines in the area, but this annexation will provide the first leg of a line to begin to serve this large basin. He stated that in the future the City will be glad that it made this decision at this time.

Mayor Kluttz commented that annexation is very complex and she feels that we are fortunate to have annexation in the State of North Carolina because it leads to strong, healthy cities that have the ability to grow.

Mr. Woodson asked Police Chief Wilhelm his feelings about police protection for the annexation areas. Chief Wilhelm responded that there are challenges any time a new area is taken into the City but staff has always met the challenges. He stated that during the public information meeting regarding the annexation several residents indicated that they welcome the Police presence in the area.

Councilman Kennedy stated that he has been working with the recently annexed Rolling Hills and Westcliffe area and expressed his concerns with the process for obtaining streetlights by petition. He noted that he is not sure this process is working because the areas that petitioned four (4) years ago have yet to have streetlights installed. He added that he knows the design is complete but the lights are not in place. Mr. Kennedy stated he feels strongly that if an area is annexed the City must provide streetlights and the lights should be a part of the cost factor just as the water and sewer and other services are in the annexation reports.

Director of Land Management and Development Dan Mikkelson addressed the Westcliffe area and noted that staff has received a completed petition for one portion of the neighborhood including Ashbrook Road, Willow Road, Hemlock Drive, Post Oak Place and Tree Top Court. He stated that a design has been completed and submitted to Duke Power. He explained that when Duke Power went to perform the installation it found that the power lines are underground along the rear property lines, not within the street right-of-way. He noted that this delayed Duke Power and staff had to redesign the lighting plan so there would be less trenching through existing properties. Mr. Mikkelson stated that the redesign has been completed and presented to Duke Power and staff is now waiting on a response from Duke Power. He indicated that although the residents have noted it has been a four (4) year period, the timeframe included obtaining signatures for the petition, staff design and submission to Duke Power.

Mr. Mikkelson stated that Council established the existing streetlight policy and therefore Council can amend the policy. He noted that the existing policy states that if a neighborhood has substandard street lighting a petition signed by two-thirds (2/3) of the property owners of the area can be submitted for the installation of streetlights. As completed petitions are received, and funding is available, staff will respond and submit design plans to Duke Power. Duke Power then installs the streetlights. He explained that this program was in place for about fifteen (15) years but several years ago during state budget cuts that affected local budgets, the funding for the program was cut. Mr. Mikkelson commented that for the past several years the funding has fluctuated and staff has stopped advertising the petition process. He noted that there is funding in the current year's budget.

Mr. Mikkelson stated that in regards to annexation, the State Statutes state that the City must provide service at the same level it provides throughout the rest of the community. He noted that there are neighborhoods in the community that do not have standard streetlighting. He commented that there are some neighborhoods who like the appearance of no streetlights and staff also receives complaints from citizens who do not like streetlights shining in their windows. He stated that this is the main reason the two-thirds (2/3) petition process is in place, to ensure that the majority of the neighbors want the lights. Mr. Mikkelson stated that staff reserves the right to move areas to the top of the list for streetlights if requested by the Chief of Police where street lights would aid in the prevention of crime.

Councilman Burgin asked if there are other non-annexed neighborhoods that have filed petitions that have not received a response. Mr. Mikkelson responded that there is no backlog at this time for the petitions.

Mr. Kennedy commented that he feels the City dropped the ball with the Westcliffe area because it has been a process that has not worked. He commented that if there are other areas in the City that do not have street lights, he feels they should have them in place.

Councilman Lewis stated that it appears that the reason for the petition process is to ensure the majority of a neighborhood is in agreement. Mr. Mikkelson responded that the petition also served to limit the number of requests because when the program first began there was quite a backlog of petitions. He added that after fifteen (15) years staff finally eliminated the backlog, but then there was no funding available for the program.

Mr. Lewis asked if new subdivisions are required to have streetlights installed. Mr. Mikkelson responded that when new subdivisions are developed they are required to have streetlights installed. If the developer uses standard poles the City pays one hundred (100) percent of the cost but if the developer uses decorative poles the developer pays the difference with the City paying the electric bill for all of the lights.

Mr. Lewis commented that he agrees that streetlights should be viewed as a basic City infrastructure and is a quality of life issue. He added that he would like to review the policy and determine what can be done differently from what is being done now.

Mr. Mikkelson stated that he believes the City pays approximately \$300,000 per year to keep street lights burning. He noted that in past years the City's practice was to increase those funds by five (5) percent each year and this might help keep up with the current demand.

Mr. Treme stated that since the Westcliffe and Rolling Hills areas do not involve a developer, but are a result of annexation, the City would also pay for the hardware for the lights. Mr. Mikkelson responded that a standard pole would be installed which has no cost, just operational expense.

Mr. Burgin commented that the policy currently in place makes sense but the problem is the City has run out of money and he believes Council needs to make the commitment to provide the funds.

Mr. Treme stated that when the policy was initially started, the task of putting in streetlights was so large the petition process was started in order to give the City an opportunity to increase the budget incrementally as citizens requested the lights.

Mr. Sofley explained that when looking at annexation areas existing streetlights are included when determining costs to the City for the annexation.

Mr. Burgin asked what percentage of the City is lighted by streetlights. Mr. Mikkelson responded that he will have an answer for Mr. Burgin at

Council's next meeting.

Mr. Lewis clarified that there is no backlog of petitions right now. Mr. Mikkelson responded that staff does not have a back-og for design. Mr. Lewis asked if the City has a capital expense or if it just pays for the operational expense. Mr. Mikkelson noted that City pays the operational expense. Mr. Lewis commented that if an area is to be annexed this discussion needs to take place with those residents.

Mr. Kennedy asked staff to let citizens know the status of the streetlights in the Westcliff and Rolling Hills area.

Mr. Lewis asked staff to prepare a report on streetlights, specifically on Brenner Avenue. Mr. Mikkelson responded that staff does not know when or what style of lights will be used on Brenner Avenue and noted that staff is behind. Mr. Lewis asked if this can be moved up in staff's priority. Mr. Treme noted that additional Engineering staff has been added and with the Land Development Ordinance Committee coming to a close staff should be able to refocus its priorities.

Mr. Lewis commented that he heard the statement made that one of the benefits of annexation into the City is code enforcement. He stated that the City is currently undermanned in the code enforcement area. He added that when areas are added it only increases the problem and asked Council to be mindful of this when making plans for the new budget year. Mayor Kluttz stated that she felt Council should be mindful of street lighting and code enforcement during the budget workshops and encouraged Council members to think about the priority of the various items under consideration.

Mr. Burgin asked if staff still anticipates getting the loan costs from the volunteer fire departments for the annexations. He asked Mr. Bernhardt what percentage of hook-ups would be considered successful in the annexation area. Mr. Bernhardt stated that staff will design the water/sewer systems based on the surveys that have been received, noting approximately thirty-two (32) surveys were received. Mr. Treme indicated staff is looking at the annexation areas to see how to best respond and will have these figures for Council at its recessed meeting of April 20, 2007. Mr. Sofley stated that the loan costs for the volunteer fire departments will also be presented as part of the amended annexation reports to be presented April 20, 2007.

(c) Budget Presentation

Mr. Treme informed Council that he will provide a budget recommendation to Council at its May 1, 2007 meeting. Mayor Kluttz asked Council to bring their calendars so dates for budget workshops can be determined.

(d) Taxi Cab Ordinance

City Manager David Treme indicated that staff has been working with local taxi cab companies who have requested that meters be allowed in local taxi cabs. He noted that Mr. Kennedy has been a part of the meetings that have taken place over the last year and an ordinance has been developed and reviewed the by City Attorney. Mr. Treme noted that he will present this ordinance to Council in the near future.

Councilman Burgin asked if the ordinance addresses response times by the taxis. Mr. Treme commented that the larger taxi companies want to respond in a timely manner but the City does not dispatch the taxis. He added that each company is private and dispatches its own drivers adding that it is a market driven service.

(e) Bicycle Plan Steering Committee

Councilman Kennedy presented three (3) names to Council for their consideration as appointees to the Comprehensive Bicycle Plan Steering Committee. The names are:

Catherine Goodnight  
Gloria Blair  
Charlie Brown

Thereupon Mr. Kennedy made a **motion** to place these three (3) names into nomination for the Bicycle Plan Steering Committee. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**COUNCIL TO RECEIVE PUBLIC COMMENT**

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

**MAYOR'S ANNOUNCEMENTS**

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(a) Arbor Day Tree Planting Ceremony

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Mayor Kluttz announced that the Salisbury Tree Board will hold their Arbor Day Tree Planting Ceremony Friday, April 20, 2007 at 10:00 a.m. at the corner of Horah Street and South Main Street.

(b) Earth Day Out

Mayor Kluttz announced that the Lord Salisbury Celebrates Spring – Earth Day Out will be held Friday, April 20, 2007 from 5:00 p.m.-10:00 p.m. in Downtown Salisbury.

(c) History & Art Trail Marker Unveiling

Mayor Kluttz announced that the Elizabeth Maxwell Steele and John Steele markers will be unveiled at 1:30 p.m., Thursday, April 26, 2007 at 126 North Main Street.

(d) Fire Station 4 Dedication

Mayor Kluttz complimented the Salisbury Fire Department for its dedication ceremony held Saturday, April 14, 2007 for Fire Station 4. She noted that this was the first new station in over fifty (50) years and she thanked staff, Ms. Karen Ramsey of KKA Architecture and Mr. Clay Lindsay of Summit Builders for their work. Mayor Kluttz noted that the Salisbury High School Air Force JROTC, the first Air Force JROTC in Rowan County, served as the color guard. She stated that the Corriher-Lipe Middle School show choir provided a patriotic medley and Boy Scout Troop 320 participated in the official raising of the flag. Mayor Kluttz noted that this was a wonderful opportunity to thank the fire fighters for the risk they take to protect the City.

(e) Gang Prevention Summit

Mayor Kluttz stated a date and location for a proposed gang summit will be announced in the near future. She indicated that if anyone from the public is interested in participating they can contact her office. Mayor Kluttz lauded Reverend Nilous Avery from Mount Zion Baptist and Reverend Clary Phelps from Gethsemane Baptist Church who will hold a community-wide revival. She noted that there are seven (7) other churches that will participate and will be looking at what they, as church leaders, can do for youth. She commented that these are the types of efforts that will help Council find solutions for the gang problem. She stated that she will inform the public as soon as the City's plans are finalized.

**RECESS OF MEETING**

- Mayor Kluttz asked for a motion to recess the meeting until Friday, April 20, 2007 at 10:00 a.m. in the City Council Chambers, 217 South Main Street.

Thereupon, Mr. Kennedy so **moved**. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

The meet was recessed at 5:59 p.m.

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Mayor

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City Clerk  
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