

Salisbury, North Carolina
June 2, 2009

REGULAR MEETING

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

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 asked that the local men and women serving in the Armed Forces be remembered as she led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

RECOGNITION – SALISBURY HIGH SCHOOL BOYS TRACK TEAM

Mayor Kluttz recognized the Salisbury High School Boys Track Team who was the North Carolina 2A State Champion. Mayor Kluttz read a Proclamation declaring June 2, 2009 as Salisbury High School Hornets Boys Track Day. She presented Proclamations to the coaches and team members and congratulated them on their championship. She indicated that she is proud of Salisbury High School for its many

accomplishments. Mayor Kluttz pointed out that this is the first time since 1955 that 3 teams from Salisbury High School have won a state championship in one year.

RECOGNITION – POLICE AND FIRE DEPARTMENTS/EMPLOYEE OF THE YEAR

Police Chief Mark Wilhelm recognized the Veteran Officer of the Year, Rookie Officer of the Year, and Employee of the Year for 2008 from the Salisbury Police Department:

Veteran Officer of the Year	Master Officer Wiley Lamm
Rookie of the Year	Police Officer Rebecca Sexton
Employee of the Year	Police Dispatcher Dianna Gonzalez

Fire Chief Bob Parnell recognized the Veteran Firefighter of the Year and Rookie Firefighter of the Year:

Veteran Firefighter of the Year	Engineer Bobby Burleyson
Rookie Firefighter of the Year	Fire Control Specialist Chet Hedrick

Mayor Kluttz congratulated each individual and stated that the City is grateful for all that the Police Department and Fire Department do for the City.

RECOGNITION – SALISBURY OPTIMIST CLUB

Mayor Kluttz explained that the Optimist Clubs of Rowan County annually honor an Officer of the Year from each agency throughout the County as well as an overall Officer of the Year. Mayor Kluttz announced that Deputy Chief Steve Whitley was named the Paul G. Wilson Law Enforcement Officer of the Year, which is the Overall Law Enforcement Officer for the County. She announced that Master Police Officer Wiley Lamm was named the Salisbury Police Officer of the Year. Mayor Kluttz presented plaques to each officer and congratulated them for their recognitions.

POSITIVE YOUTH INITIATIVES

Livingstone College – Gang Prevention Grant

Attorney Ginger Cartwright from Livingstone College updated Council regarding the Rowan County Gang Prevention Study at Livingstone College. She reviewed several aspects of the program:

Program Objective

- The Rowan County Gang Prevention Study at Livingstone College is designed to provide the tools and training to enable Rowan County Organizations to extend their reach and influence with regard to gang participation.

Partnerships

- Local Churches
- Rowan-Salisbury School System
- Rowan-Cabarrus Community College (RCCC)
- Rowan County Court System
- Local Civic Organizations
- Renown Anti-Gang Experts

Livingstone College's Role

- To provide classrooms, tutors, computers, and instructional material
- Provide students from the Criminal Justice Department and those with Social Work majors.
- To work in conjunction with RCCC to provide a coordinated program of study that will ultimately lead to the completion of the GED diploma.

RCCC's Role

- To provide internet seating for each student
- To monitor student activities on the internet
- To administer Pre and Post test for students
- To provide diagnostics on each student so that Livingstone College can better prepare lesson plans
- To set up and administer the Official GED Exam, once the student qualifies

Student's Role

- To attend all scheduled classes , on time and for the entire length of time
- To work a minimum of 10 hours per week on the internet programs
- If the student is a minor (age 16 or 17), to submit the Minor packet to RCCC and attend the Minor interview with a parent or guardian
- To conduct themselves as responsible adults

Mayor Klutz stated that she is very proud of Livingstone College for taking the initiative to help solve the gang problem.

Gang Prevention Core Group

Mayor Kluttz indicated that the Gang Core Group held a meeting June 18, 2009 and heard a report from Detective Todd Sides regarding gang activity in Salisbury. She recognized Sergeant Brian Stallings who read a prepared letter from Detective Sides, who was unable to attend the Council meeting. In the letter Detective Sides indicated:

- The initial explosion of gang activity has seemed to level off
- The efforts that the City of Salisbury, the community, and the Salisbury Police have implemented have helped slow the growth of gangs
- Programs such as Gang Resistance Education And Training (GREAT), Gang Summits, and Project Safe's Family Day have helped keep children out of gangs
- Some youth are still succumbing to the gang lifestyle and the fight to save them must continue
- There has been an increased level of structure and violence
- Gangs have become more selective about the members they allow in their ranks due to the threat of "snitching"
- Gang operations are taking a more streamline businesslike approach to maximize profits and avoid detection and arrest

Mayor Kluttz thanked Sergeant Stallings for reading Detective Sides' report. She indicated that this is the first time the Police Department has indicated that the efforts of Council may have made a difference. She stated that she would like to continue to encourage the community to be involved and that the City will continue these efforts.

Youth Protection Ordinance

Mayor Kluttz stated that the Gang Core Group unanimously endorsed a proposed curfew for the City and asked Chief Mark Wilhelm to report on the Youth Protection Ordinance. Chief Wilhelm stated that at the direction of the Gang Core Group he investigated the possibility of drafting a Youth Protection Ordinance. He indicated that the purpose of the Ordinance is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of 16 in the City of Salisbury. He stated that he feels enforcement will be manageable for youth under the age of 16. He noted that the restricted hours are 11:00 p.m. – 6:00 a.m. Sunday through Thursday and 12:01 a.m. – 6:00 a.m. on Saturday and Sunday. He pointed out that the Ordinance holds parents, juveniles, and property owners accountable for any violations that they knowingly commit or allow to take place.

Mayor Kluttz asked Chief Wilhelm if he recommends a curfew for the City. He indicated that he does recommend a curfew.

Mayor Pro Tem Woodson asked Chief Wilhelm if he thinks under 16 is the appropriate age because those over 16 will be driving and it may be more difficult to

enforce. Chief Wilhelm indicated that it would be more difficult to enforce, but the age can be increased if problems arise.

Councilman Kennedy stated that studies have shown success in education rests with the parents and any way Council can help parents stay with their children and teach them, the better the community will be. He added that this will be a great item for discussion.

Thereupon, Mr. Woodson made a **motion** to set a public hearing on the second meeting of this month. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Special Meeting of May 11, 2009 and the Regular meeting of May 19, 2009.

(b) Pool Hall Permit

Receive an application from Darryl Dees and Brian Fox for a permit to operate a pool hall located at 2168 Statesville Boulevard, and set a public hearing on June 16, 2009.

(d) Pool Hall Permit

Receive an application from Julio Nunez for a permit to operate a pool hall located at 425 East Lafayette Street, and set a public hearing for June 16, 2009.

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

PUBLIC HEARING – FY2009-2010 CITY BUDGET

Mayor Kluttz explained that Council received the proposed FY2009-2010 City Budget at its May 19, 2009 Council meeting. She indicated that Council has not discussed the budget and noted that Council will meet for a budget workshop Thursday, June 4, 2009.

Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed FY2009-2010 City Budget.

Mr. Lenny Wolfe, indicated that he would rather pay more on property taxes than pay \$3 for garbage pick-up. He stated that in the last 10 years the average water rate has

increased by 6.035%. He noted that 30%-35% of Salisbury citizens live on a fixed income and will have to pay a garbage fee and receive an increase in water rates. He pointed out that there are cities that give discounts to Senior Citizens. He stated that he objects to the increases.

Mr. Jim Gandy, 326 Riverburch Drive, stated that he feels the same as Mr. Wolfe and that there must be a better way to overcome a budget deficit. He indicated that when he moved to Salisbury he was offered Fire and Police protection and garbage service. He stated that he has no problem with taxes but the garbage fee seems like a tax upon a tax. He indicated that he hopes Council will consider other options.

Ms. Dee Dee Wright, 418 South Caldwell Street, stated that she questions the logistics relative to the trash pickup. She asked how people would be billed the \$3 fee and the penalty for not paying. She stated that Council should look at these things carefully. She indicated that the City Manager should consider decreasing City staff to balance the budget.

Mr. Jerry Shelby, Salisbury resident, stated that he feels Council can find a better way to budget other than assessing a garbage fee. Mr. Shelby encouraged Council to create a bus route on the east side of Salisbury. Mr. Shelby suggested that Council base garbage fee on family size.

Mr. Deal Safrit, 716 South Fulton Street, stated that he does not have a problem with user based fees. He indicated that he does not feel the landfill fee or garbage fee is equitable. Mr. Deal suggested applying a different fee to different sized containers and making the fees user equitable rather than a flat fee for everyone.

Mr. Clyde Overcash, Salisbury resident, stated that he thinks 9,000 residents pay all the taxes for the 30,000 residents. He indicated that it is not fair to tax citizens for garbage. He stated that Council must realize when they vote on the budget that someone will have to represent the citizens. He concluded by stating that he feels it is punishment to add the garbage fee to the water bill.

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

Mayor Kluttz thanked everyone who spoke.

POOL HALL PERMIT – 612 SOUTH MAIN STREET

(a) Lt. Melonie Thompson addressed Council regarding an application for a pool hall permit for Attractions located at 612 South Main Street. She indicated that Stephen Poole and Ashley Honeycutt are the new owners of and are applying for a pool hall permit for two pool tables at this establishment. Lt. Thompson noted that she completed a background on each of the subjects, as well as a location check for a 12 month period for this location. She stated she found that officers only responded to the establishment

on four occasions and each was for a disturbance in the parking lot. She pointed out that she has worked closely with Mr. Poole and Ms. Honeycutt concerning security for the business and she believes they will be responsible owners.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the application to operate a pool hall at 612 South Main Street.

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

(c) Thereupon, Mr. Woodson made a **motion** to approve a permit for Steven R. Poole and Ashley Honeycutt to operate a pool hall located at 612 South Main Street. Mr. Lewis seconded the motion and noted that the previous owners had two pool tables as well. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

ZONING MAP AMENDMENT LDOZ-4-01-09 – 718 FAITH ROAD

(a) Mr. Preston Mitchell, Senior Planner, noted that the City received a request to rezone a single piece of property located at 718 Faith Road from UR-8 Urban Residential District to RMX Residential Mixed-Use District. He displayed aerial photographs of the site and explained that it is located on the east side of Faith Road at the intersection of Woody Avenue.

Mr. Mitchell reviewed photographs of the site and noted it includes a residential structure with parking off of Woody Avenue. He reviewed the Land Development Ordinance (LDO) guidelines that would be considered if the site was a new development:

- Permitted Uses
- Building Types
- Recreational Open Space
- Landscaping
- Signage

Mr. Mitchell reviewed Policy N-11 of the Vision 2020 Comprehensive Plan which states, “architecturally compatible, residentially scaled office and institutional development may be permitted to locate along the sides of neighborhood planning areas. Under specified conditions, this policy may be applied to the conversion of pre-existing residential properties located along major streets where, due largely to traffic exposure, homes have become unsuitable for residential occupancy. In such instances, adaptive reuse of existing residential structures shall be viewed more favorably than demolition and new construction.”

Mr. Mitchell stated that the Planning Board recommended denial of the request by a vote of 6-1 and based their decision on their interpretation of Policy N-11. He explained that the City is currently developing a Small Area Plan for the Faith Road community and that staff is still gathering information through meetings with the

residents. He noted that at the first meeting, staff received information regarding what the community is looking for, which included adaptive reuse of properties along Faith Road and Innes Street. He indicated that this suggestion of reuse would allow residential properties to convert to a light intensity office type of zoning.

Mr. Mitchell stated that the Planning Board felt the homes in the Faith Road community have not become unsuitable for residential occupancy and if the conversion was allowed it would discourage residential occupancy. He noted that from a different perspective, staff feels allowing homes along a major corridor to deteriorate beyond adaptive reuse would encourage demolition. He explained that the development pattern of the area is primarily single family residential and that Policy N-11 of the Vision 2020 Comprehensive Plan, allows for homes to be adaptively reused through the conversion of zoning from Residential to Residential Mixed-Use. He displayed an expanded aerial photograph of the area and reviewed its characteristics:

- Intense commercial node one half mile to the North
- Growing office and institutional node to the South at the intersection of Jake Alexander Boulevard and Faith Road
- Major thoroughfares
 - Innes Street
 - Faith Road
 - Jake Alexander Boulevard

Mr. Mitchell reviewed the Planning Board's recommendation which stated that "the Planning Board finds and determines that denial of rezoning petition LDOZ-4-01-2009 is consistent with the goals objectives, and policies of the Vision 2020 Comprehensive Plan, and hereby recommends denial. Specifically, it has not been determined that the properties along Faith Road have become unsuitable for residential occupancy, and we continue to protect that corridor until such time as we have a plan in place or other indication that would support this revised zoning."

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on zoning map amendment LDOZ-4-01-09.

Mr. Ken Harmer, 718 Faith Road, and Ms. Mary Arey, 415 West Marsh Street, addressed Council. Mr. Harmer, owner of site in question, stated that he is requesting the site be rezoned to allow mixed use. He explained that under the current zoning his business is limited to himself and one employee. He added that his business is growing and he would like to expand but cannot under the existing zoning. Mr. Harmer stated that he understands Council must apply the current guidelines, but he feels the Planning Board did not have the benefit of seeing photographs to understand the types of properties surrounding this site. He displayed photographs of dilapidated houses and an unmaintained AT&T equipment box adjacent to the property.

Ms. Arey also referred to the photographs and stated that she feels the neighborhood is in a state of decline.

Councilman Kennedy asked Mr. Harmer if he currently has a home office on the site. Mr. Harmer confirmed that the site is a home office.

There being no one else to address Council regarding the rezoning request, Mayor Kluttz closed the public hearing.

Mr. Kennedy stated that the Planning Board did a great job discussing this item but he sees it differently. He noted that he feels this area will eventually be business and commercial and instead of tearing down these homes, they should be reused. He added that he feels rezoning the area will help it and not take away from it. He noted that he supports the rezoning.

Councilman Burgin stated that in regards to residential property he is not sure that unsuitable needs to be defined as uninhabitable. He noted that he feels Faith Road, from Innes Street to Jake Alexander Boulevard, is clearly under strain from traffic and it will clearly begin to transition. He indicated that the Land Development Ordinance provides for transition zoning to light commercial and while the Faith Road Development Plan is being formulated, he does not feel rezoning this site to RMX will add to the strain of this section of Faith Road. He stated that he supports the rezoning.

Councilman Lewis stated that he agrees with Councilman Burgin. He questioned the point when properties on streets with major traffic exposure become unusable for residential purposes. He indicated that this property is only one and one half blocks from where adaptive reuse has already taken place. He pointed out that the Faith Road Development Plan needs to be in place so the community can give their guidance as to what they would like to see in the area. He added that this would enable people who want to make investments in the area feel good that they are doing what the community desires. Mr. Lewis noted that he feels it is appropriate to support the rezoning request.

(c) Mr. Kennedy stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the Ordinance is reasonable and in the public interest. Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the Land development District Map of the City of Salisbury, North Carolina, be rezoning approximately 0.3 acres, identified as tax map and parcel 071-197 from UR-8 (Residential) District to RMX (Residential Mixed-Use) District. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mr. Lewis asked if staff could send a letter to AT&T and encourage them to maintain their electrical boxes. He added that he feels the boxes need some landscaping to buffer their view. By consensus, Council agreed.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING

APPROXIMATELY 0.3 ACRES (1 PARCEL), IDENTIFIED AS TAX MAP & PARCEL 071-197 FROM, UR-8 (RESIDENTIAL) DISTRICT TO RMX (RESIDENTIAL MIXED-USE) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 78-79, and is known as Ordinance 2009-33.)

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG-R) PROGRAM BUDGET

Ms. Janet Gapen, Senior Planner, stated that the City is eligible to receive Federal Economic Stimulus Recovery Act funds under the Community Development Block Grant (CDBG-R) Program. She explained that the City is an entitlement community and is eligible to receive 27% of its regular CDBG allocation in additional CDBG-R funding, which totals \$87,747.00. She reviewed the program criteria and the project selection criteria:

Program Criteria

- Expedited review process and awarding of funds
- Priority to projects that can be under contract within 120 days of the grant award
- Stand-alone projects if possible

Project Selection Criteria

- Most projects eligible under regular CDBG
- Carefully select activities that are consistent with overarching goals
 - Job creation and retention in near term
 - Economic benefit in long term

Ms. Gapen pointed out that United States Housing and Urban Development (HUD) office strongly encourages grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. She reviewed the activities that are planned with the additional funds:

- Acquire foreclosed or abandoned home
- Low-moderate income neighborhood
- Rehabilitate to Energy Star standards
- Resale to eligible household earning less than 80% median income
- Area of concentration
 - Jersey City
 - Park Avenue
 - East End
 - West End

Ms. Gapen reviewed the Regular Community Development Block Grant budget:

• Acquisition and Rehabilitation	\$74,473.00
• Program Administration	<u>8,274.00</u>
Total	\$82,747.00

Ms. Gapen explained that the proposed budget meets the program goals and requirements by:

- Retaining jobs
- Conserving existing buildings
- Improving energy efficiency
- Benefiting low-moderate income households
- Completing project in short time frame

Ms. Gapen reviewed the citizen participation process under the program:

- May 19, 2009 – Public Hearing
- May 28, 2009 – Publish budget for comment
 - Newspaper
 - City offices and website
 - Rowan Public Library
- June 2, 2009 – Council to consider budget
- June 5, 2009 – Submit plan to HUD for approval

Councilman Kennedy stated that he supports the budget and urged Council to apply the planned activities in the East End and East Cemetery Street area. He noted that this area is now in a state of decline and properties are falling into disrepair.

Councilman Lewis stated that he supports the proposed budget and indicated that this plan is a gift that keeps giving by allowing houses to be bought, renovated and resold.

Thereupon, Mr. Lewis made a **motion** to approve the budget for the Recovery Act Community Development Block Grant funds (CDBG-R). Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT – TRIANGLE GRADING AND PAVING, INC.

Mr. Jason Wilson, Salisbury-Rowan Utilities Engineering Manager, stated that the City received 17 bids for the Harrison Road Outfall which is part of the the installation of sewer improvements for the Majolica Road and Harrison Road 2007 Annexation areas. He noted that the lowest bidder was Triangle Grading and Paving, Inc. of Burlington, NC in the amount of \$733,343. He added that this amount is below the initial engineering estimate.

Thereupon, Mr. Burgin made a **motion** to award a contract in the amount of \$733,343 to Triangle Grading and Paving, Inc. for the installation of sewer improvements in the Majolica Road and Harrison Road 2007 Annexation Area. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT – RAM DEVELOPMENT OF MOORESVILLE, INC.

Mr. Jason Wilson, Salisbury-Rowan Utilities Engineering Manager, stated that the City received 15 bids for the installation of sewer improvements to serve the Majolica Road and Harrison Road 2007 Annexation areas. He noted that the lowest bidder was RAM Development of Mooresville, Inc. in the amount of \$307,009. He pointed out that this amount is below the initial engineering estimate. Mr. Wilson noted that RAM Development is currently installing water and sewer improvements in the Old Mocksville Road 2007 annexation area.

Thereupon, Mr. Burgin made a **motion** to award a contract in the amount of \$307,009 to RAM Development of Mooresville, Inc. for the installation of sewer improvements in the Majolica Road and Harrison Road 2007 Annexation area. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE AMENDMENT – 2007 ANNEXATION AREA

This item is related to the previously approved contract.

Thereupon, Mr. Lewis made a **motion** to adopt a Capital Project Ordinance Amendment in the amount of \$2,488,300 for the 2007 Annexation area water and sewer construction project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

2007 ANNEXATION AREA CAPITAL PROJECT ORDINANCE AMENDMENT

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 80, and is known as Ordinance 2009-34.)

AWARD CONTRACT – OTIS ELEVATOR

Mr. Dewey Peck, Purchasing Manager, stated that the City received bids for modernizing the elevator at the City Office Building located at 132 North Main Street. He pointed out that Otis Elevator submitted the low bid of \$135,895 which included a five-year maintenance contract of \$350 per month. He explained that in completing this

project, there will be plumbing and electrical work required that Otis Elevator does not perform and that this additional work is estimated to cost between \$15,000 and \$20,000. Mr. Peck indicated that with the additional costs the bid submitted by Otis Elevator will exceed the proposed project budget of \$150,000.

Mr. Peck reported that staff contacted Otis Elevator about the possibility of rebuilding the existing lifting machine portion of the elevator instead of replacing it, which will result in a savings of \$16,074. He noted that a new bid was submitted by Otis Elevator in the amount of \$119,821 and he recommended Council award the contract to Otis Elevator. He pointed out that the City is currently paying \$945 a month for a service contract on the elevator and the savings realized from the contract with Otis Elevator will pay for the modernization in 16.8 years.

Councilman Kennedy thanked Councilman Burgin for his leadership in looking into this project. Mr. Burgin thanked Mr. Peck and his staff for their hard work.

Thereupon, Mr. Burgin made a **motion** to award a contract in the amount of \$119,821 to Otis Elevator Company to modernize the elevator located at the City Office Building. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CONSIDERATION OF SPEED LIMIT REDUCTION – KINGS FOREST SUBDIVISION

Ms. Wendy Brindle, Traffic Engineer, stated that the City received a petition from residents in the Kings Forest subdivision located in the Airport Road and South Main Street area. She noted that the petition was signed by 70% of the residents and is consistent with the City's established policies. She stated that staff recommends Council approve the request to reduce the speed limit to 25mph.

Ms. Brindle asked Council to consider placing petitions of this type from isolated neighborhoods on the Consent Agenda. She pointed out that only isolated neighborhoods that have no thru-traffic would be placed on the Consent Agenda.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13 of the Code of the City of Salisbury, relating to speed limits-generally. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS-GENERALLY

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 81, and is known as Ordinance 2009-35.)

Councilman Burgin stated that he feels requests from isolated neighborhoods should be added to the Consent Agenda. By consensus Council agreed.

UPDATE – TRANSIT SERVICE EXPANSION FOR CATAWBA COLLEGE

Mr. Tony Cinquemani, Public Services Director, stated that in 2008 Catawba College requested the City expand its transit service to the Catawba College campus. He noted that the City started a trial period in October 2008 and he asked Mr. Rodney Harrison, Transit Manager, to present an update and recommendation regarding this route.

Mr. Harrison stated that the Catawba College project began approximately two years ago as a class project to identify ways to improve public transportation, accessibility, increase awareness of public transportation, and to increase ridership among college students. He pointed out that the Transit System initiated a six-month trial period by adding three stops in the Catawba College area:

- Brenner Avenue and West Corriher Avenue
- Brenner Avenue and Summit Street
- West Innes Street and Summit Street

Mr. Harrison indicated that during the six-month trial period the route had an average of 33 riders per month. He stated that staff recommends discontinuing service to this area based on low ridership. He pointed out that the staff at Catawba College was wonderful to work with and the project was heavily promoted.

Mayor Pro Tem Woodson asked if Catawba College was surprised at the low ridership. Mr. Cinquemani indicated that they were surprised.

Mayor Kluttz stated that she is proud of the City for attempting to provide this service and she hopes it can be attempted again in the future.

Councilman Burgin noted that there are other areas in the City where there is a greater need for public transportation.

Thereupon, Mr. Burgin made a **motion** that the Transit Division discontinue the service because of low ridership to the Catawba route. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COMMENTS FROM THE CITY MANAGER

(a) Report on Street Festival Policy

City Manager David Treme stated that Council asked him to present a report on a recent festival held in downtown Salisbury. He asked Mr. Joe Morris, Planning Director, to share this information with Council.

Mr. Morris reported that the City received a number of complaints from vendors and participants expressing discrepancies between the advertising promotion and actual events associated with the independently produced Salisbury Cultural Arts Festival held in Salisbury May 1, 2009. He pointed out that those contacting the City expressed general displeasure in three broad categories:

- How the event was characterized, both on the event website and through subsequent correspondence, in terms of anticipated attendance and physical location
- How the event was promoted in terms of state and local advertisement
- How the event was executed with regard to some of the described programming, which apparently did not take place

Mr. Morris pointed out that there were also concerns, from the City's perspective, related to the use and unauthorized modification of the "Discover What's Inside" brand as well as use of brand and trademarked identities of other agencies. He indicated that the conditions of the street festival permit were met and noted that Council waved the 30-day notification deadline and authorized the permit based on delivery of a hold harmless agreement, a certificate of liability insurance, a proper business license for festival vendors, and coordinated plans for street closings, security and site sanitation.

Mr. Morris stated that staff recommends initiating a collaborative effort with the City's development, cultural and tourism partners to establish comprehensive review and vetting criteria for public festivals beyond the current festival permitting process. He added that this comprehensive review would include, but not necessarily be limited to:

- A description of the program delivery capacity of the festival organization (i.e., annual budget, a recent financial audit, the number of organization members, a roster of the Board of Directors, the current status as a non-profit, etc.) – basic information that every IRS recognized non-profit organization maintains and freely shares
- The proposed budget for the festival or event, including the promotion and advertisement budget, ad placement strategy, press releases, feature article tactics, etc.
- A model contract between the event organizers and vendors stating the extent of due diligence and acceptance of terms

Mr. Morris concluded that staff believes an adopted policy requiring coordination and information sharing will help insure the performance and accountability of event organizers and create a higher level of satisfaction of vendors, participants and attendees.

Councilman Lewis stated that he feels this is a great response to a sad situation. He indicated that the community has had a great track record of successful, independently produced festivals but this time the festival did not meet expectations. Mr. Lewis noted

that no matter who produces an event it puts Salisbury's reputation on the line and he extended apologies to those who were disappointed.

Councilman Kennedy stated that he felt the festival was a good idea, but that the organizers did not have the planning experience needed to make it successful. He noted that the new policy can help organizers make future festivals successful.

Mayor Kluttz stated that she is in favor of the recommended policy. She indicated that while the City wants to encourage festivals, she is concerned about complaints from vendors who participated and felt they were given misinformation about the expectations of the event. She noted that while the City was not involved in the planning of the Salisbury Cultural Arts Festival, it did issue the permit.

Mayor Kluttz indicated that she and Councilman Lewis co-chaired the City's Cultural Arts Task Force which developed the Cultural Arts Plan and it is not surprising that there was confusion when the group that sponsored the festival called itself the Salisbury-Rowan Cultural Arts Foundation. She also noted that the group used the City's logo without permission. She explained that she will write letters to everyone who has expressed concerns about the event to apologize on behalf of the City and to assure them that Council will make necessary changes to avoid these problems in the future.

Mr. Morris stated that the City will bring the partners together and draft a policy to present to Council.

(b) Time Warner Franchise Termination

City Manager David Treme stated that the City has received a Notice of Termination of the Time Warner franchise effective May 31, 2009. He noted that pursuant to North Carolina General Statute 66-355(d), a cable company can terminate its local franchise if services are offered by another business. He pointed out that AT&T also offers cable service in Rowan County and Time Warner has terminated its local franchise and will only have a State franchise.

(c) FY2009-2010 Budget Workshop

City Manager David Treme stated that the Budget Workshop will be held Thursday, June 4, 2009 at 12:30 p.m. He pointed out that he has provided budget information to Council regarding adopted budgets for the past three years. He indicated that the City has had water rate increases but he feels they are competitive to the surrounding areas. Mr. Treme stated that information will be available to Council for discussion regarding the garbage fee and added that he feels the tax rate can remain the same if the garbage fee is not initiated. He indicated that he feels the proposed budget is a very responsible budget for Council's consideration.

(d) Stimulus Funds

City Manager David Treme stated that there is a possibility of receiving additional stimulus funds that could be positive for the City and staff will have more information at Council's next meeting.

(e) Citizen Survey

City Manager David Treme stated that the Citizen Survey has been completed and a report will be presented to Council during one of the next few meetings. He said that this survey will provide a good comparison from 2004 to 2009.

MAYOR'S ANNOUNCEMENTS

(a) Pops at the Post

Mayor Kluttz announced that the 5th Annual Pops at the Post will be held Saturday, June 6, 2009 from 8:00 p.m. until 10:00 p.m. at the Salisbury Post loading dock.

(b) All American Kids Fishing Derby

Mayor Kluttz announced that the All American Kids Fishing Derby will be held Saturday, June 6, 2009 from 9:00 a.m. until 12:00 noon at the Salisbury Community Park. Transportation will be provided and for more information call 704-638-5897.

(c) Salisbury Sports Complex

Mayor Kluttz announced that the Parks and Recreation Department and the Rufty-Holmes Senior Center invite the community to join them for the unveiling of the new outdoor fitness equipment at the Salisbury Sports Complex, located at 1113 South Martin Luther King, Jr. Avenue Saturday, June 13, 2009 beginning at 9:00 a.m.

RECESS

Thereupon, Mr. Woodson made a **motion** to recess the meeting until Thursday, June 4, 2009 at 12:30 p.m. in City Council Chambers, 217 South Main Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

The meeting recessed at 6:06 p.m.

Susan Kluttz, Mayor

Myra Heard, City Clerk