

Salisbury, North Carolina

February 4, 2003

REGULAR MEETING

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

ABSENT: None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. Mayor Pro Tem Woodson gave the invocation.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Addition of a Closed Session for the purposes of consultation with an attorney and negotiation of property acquisition.

RECOGNITION OF THE COMMUNITY MULTICULTURALISM TRAIN-THE-TRAINERS

Ms. Melissa Taylor, Human Resources Director, and Ms. Angela Bryant of Visions Inc. gave Council a brief presentation on the City's Multiculturalism Program. Ms. Taylor explained that the Multiculturalism program began five (5) years ago as a response to the City's Vision Statement. Ms. Taylor indicated that since inclusion and diversity are a top priority, they wanted to partner with the Salisbury Human Relations Council whose mission is "harmony and mutual respect among all citizens of Salisbury and Rowan County".

The Multiculturalism Program was put together to:

- Recognize, understand and appreciate one's own culture and the culture of others
- Help to provide a common language and approach to differences
- To explore personal feelings and differences
- Identify prejudice and misinformation
- To look at forms of systemic oppression and discrimination
- To look at developing and implementing a Train-the-Trainer program

- To look at open, non-threatening forums where people can talk about issues of diversity
- To discuss current issues, problems and strategies regarding racism and other isms
- To promote and some day have a cooperative and pluralistic community

Ms. Taylor said that the objectives could not have been developed without the work of Visions, Incorporated. Their model was chosen as one that will work best with the City of Salisbury. She reported that the City had conducted sixteen (16) employee training sessions, and all but approximately thirty-five (35) employees have been through the training programs. Ms. Taylor added that over 500 citizens have been trained in the community sessions.

Ms. Taylor noted that \$145,000 in grants have been received from the Z. Smith Reynolds Foundation, Inc. The last grant received totaled \$60,000 and was used to fund the Multicultural Program Coordinator's salary.

The City of Salisbury's Multiculturalism Program has received the National Cities Diversity 2000 Award, as well as a North Carolina award. Ms. Taylor added that notification has been received that the program was awarded \$10,000 from the Salisbury Community Foundation Grant.

The Train-the-Trainer Program was implemented to carry on the diversity training programs and expand to the citizens of Salisbury and Rowan County. There were two (2) training groups with a total of fourteen (14) people involved. The volunteers completed nineteen (19) days of training within an eighteen (18) month period, as well as make a two (2) year commitment of training upon completion to provide their services to the citizens of Salisbury and Rowan County.

Ms. Taylor explained that the Community Training Program was put together to provide citizens a method of recognizing, understanding and appreciating differences and to provide a safe, open and non-threatening forum for the discussion of race relations and other multicultural issues. She indicated that their goal was to go from a monocultural society to a multicultural society, and in doing so to move from a society where differences are rejected to one where they are accepted, appreciated, utilized and celebrated. Ms. Taylor went on to explain that the approach was thought of as a "salad bowl" approach versus a "melting pot" approach.

Ms. Taylor indicated some of the major highlights that have occurred since the inception of the program:

- Rowan County Employee Training
- Rowan County Observance of the Martin Luther King, Jr. Holiday
- The Covenant Community Connection who sponsored the Mayor's Spirit Breakfast
- The Mayor's Sister Cities Program
- Two (2) Pan American Day Celebrations
- Honor America Day
- Established the Hispanic Coalition, which is partnering with the Hispanic

Community.

Ms. Taylor then recognized Joe Eagle, Reverend Ellen Harkey, Catherine Rivens, Margarita Bentley, Rodney Harrison, Christy Sorrell and presented them with certifications for the completion of the Train-the Trainer program. She noted that she, Yvonne Tracey and Ray Finger had also participated in the program and had received certification.

Ms. Angela Bryant, with Visions Incorporated, Rocky Mount, NC, told those present that Visions has truly enjoyed working with the City over the last five (5) years. She lauded the investment the City, the community and the Human Relations Council have put into the effort to make multicultural diversity work in the community. She thanked Council for the opportunity to partner with them on the program.

Mayor Klutz thanked Ms. Taylor, Ms. Bryant and the volunteers who have completed the Train-the-Trainer program. Mayor Klutz indicated that the City would no longer have to pay for professional trainers, which would save money. She added that this has been recognized as a program that works and she thanked everyone for their work.

RECOGNITION OF RISK MANAGER RICHARD KELLY

Mayor Klutz recognized Risk Manager, Richard Kelly, for receiving certification as an Odor Assessor. Mayor Klutz explained that in order for Mr. Kelly to become a Certified Odor Assessor, he had to participate in classroom training to become familiar with detection and classification methods. She noted that this training was a result of the problems with the asphalt plant and odor in neighborhoods and the City was fortunate to now have their own Odor Assessor on staff.

CONSENT AGENDA

(a) Minutes

Minutes of the Regular meeting of January 21, 2003.

Thereupon, Mr. Burgin **moved** to approve the Consent Agenda as read. Mayor Pro Tem Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AWARD CONSTRUCTION CONTRACT TO SUMMIT DEVELOPERS, INC. FOR THE PARK AVENUE COMMUNITY CENTER

Mr. John Brooks, Community Development Consultant, addressed Council concerning the project for the renovation of two (2) buildings located at 632 Park Avenue as part of the proposed Park Avenue Community Center. Mr. Brooks reviewed the floor plans, and a site and landscaping plan for the buildings.

Mr. Brooks explained that at a meeting on November 14, 2002 Council was approved for a Section 108 loan, which allowed the City to borrow against Entitlement money for a period of five (5) years. Mr. Brooks noted that the City has opted to borrow only up to two (2) years. He added that the City was eligible to borrow up to \$1.8 million but chose to borrow \$650,000 for the project. He stated that in previous years money had been budgeted for the Park Avenue Redevelopment and these unused monies would be used for some of the possible overruns.

Mr. Dewey Peck, Purchasing Manager, stated that bids were opened on January 10, 2003, at which time it was discovered that the lowest responsible bidder was considerably over the budgeted amount.

The bids received were:

Summit Developers Inc. \$673,000

Wagoner Construction Company \$736,000

Lee Morgan, Inc. \$754,560

Mr. Peck noted that N.C. General Statutes allowed negotiations with the lowest bidder, who was Summit Developers Inc., and through negotiations and value engineering the cost has been reduced to \$647,759. Mr. Peck noted that there was a lead paint abatement portion of the project that would be taken into consideration under a separate contract.

Councilman Burgin questioned the resolution of the lead paint abatement. Mr. Peck explained that the lead paint abatement would be handled through the removal of exterior siding and the interior would be encapsulated with sheet rock, and added that he did not have a cost figure at this time.

Thereupon, Mayor Pro Tem Woodson made a **motion** to approve the contract with Summit Developers for \$647,759. Councilman Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

HIGHLIGHTS AND GOALS FROM THE TREE BOARD, GREENWAY COMMITTEE AND DOWNTOWN SALISBURY, INC.

Tree Board

Mr. Perry Hood, Chairman of the Tree Board, reviewed the goals and highlights of 2002.

Highlights

- The winter ice storm of 2002, which created over 270 service calls to remove trees from public right-of-ways. He added that this work was completed by dedicated City employees and the Tree Board appreciated their hard work
- The continuation of the tree planning along Council Street as part of the sidewalk improvement project
- Arbor Day celebration held at Bell Tower Park, where the City received the Tree City USA award for the 16th consecutive year

Goals

- Continue funding for tree planting as part of the Downtown Master Plan
- Continue funding for the Neighborhood Tree Planting Projects
- Initiate the Development of the Brown-Wiseman Boxwood property located on Old Mocksville Road
- Continue the Awards Program in conjunction with the Community Appearance Commission
- Continue to seek alternative funding sources including grants and donations

Mayor Klutz thanked Mr. Perry and the Tree Board for their work.

Greenway Committee

Dr. John Wear Jr., Chairman of the Greenway Committee, reviewed the goals and highlights for 2002.

Highlights

- Education and Awareness Staff developed a tri-fold Greenway brochure that was printed and distributed in February 2002
- Funding for Memorial Dedication to be located at the Memorial Park Cemetery
- Greenway Exploration Day a program developed through the cooperation of Horizons Unlimited and Catawba College Center for the Environment
- 5K Run/Walk for the Greenway – a successful fundraiser and awareness event with nearly 200 walkers/runners participating
- Expanded partnerships with the Rowan County Health Department and Rowan-Salisbury Schools
- Hired Brad Gorman who took over Greenway/Landscape responsibilities in August, 2002
- An Evening Among the Stars astronomy program, which was held in cooperation with Horizons Unlimited and the Rowan County Astronomical Society

Goals 2003

- Earth Day Celebration to be held in April
- Secure easements along the Greenway Trail
- Complete Phase 2 (Prescot Drive to Forestdale Drive)
- Continuation of design funding for phase development along the Greenway
- Continuation of the 5K Run/Walk event to raise funds for the Greenway
- Continuation of partnerships with Catawba College Center for the Environment and Horizons Unlimited to offer educational programs

The Greenway Committee members for 2002 were Dr. John Wear, Jr., Chairperson, Jean Wurster, Vice-Chairperson, Bob Allen, Dr. Sashi Sabaratnam, Darryl Blackwelder, Amy Smith, Lisa Wear, Richard Franklin, and Pat Cooke. Staff liaisons were Kenny Roberts, Keith Trawick, and Gail Elder-White.

Mayor Klutz thanked Dr. Wear and the members of the Greenway Committee and congratulated Dr. Wear on being named N.C. Conservationist of the Year by the Governor.

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Downtown Salisbury, Inc.

Mr. Steve Fisher, President of Downtown Salisbury Incorporated, presented the highlights and goals for 2002-2003.

Highlights - 2002

- Building rehabilitations
- Municipal Service District (MSD) Tax Base Increase
 - 2001/2002 private investment \$9,902,864
 - \$41,199,412 1992 MSD Value
 - \$57,026,903 2002 MSD Value
 - 40% increase in the last 10 years
 - Will likely increase to \$65,000,000+ within the next two (2) years
- Promotions
- Special Projects to include the Historic District and Sidewalk/Signage Ordinances

Goals 2003

- East Innes Median
- Plan for Improvements to the Square
- Lee Street Warehouse Area
- Facades/Building Infrastructure through Innes Street Grants and MSD Grants
- Trolley Operation with a partnership with Downtown Salisbury, City of Salisbury, and the Convention and Visitors Bureau to operate a downtown trolley tour
- Empire Hotel and Convention Center
- Build greater capacity for downtown events
- Provide Pro Forma analysis to encourage redevelopment
- Recruit traffic generating businesses
- Sidewalk amenities:
 - Trash cans and benches
- Maintenance
- Traffic mast arms
- Standardization
 - Sidewalk Improvements
 - Visual Corridor Overlay District:
 - Downtown to I-85
- Vision 20/20 Plan
- Randall Travel Marketing
- Downtown Master Plan
 - 250 Fest Celebration

Projects 2002-2003

- Parking Deck Plan
- Parking Ordinance Revisions
- Urban/History Trail
- Increased Levels of Sidewalk Maintenance
- Expand the Angels of Salisbury Program
- East Street Concert Series
- Way Finding Signage Program
- Parking lot/space Redesign
- Convention Center Analysis and Design
- Fisher Street Streetscape
- Downtown Farmers Market
- Continue Web Page Redesign
- Redesign the Downtown Shopping Guide
- 1753 Boundary Markers

- Cemetery Marker Restoration Program
- Rezoning B-6 areas to B-5
- Bell Tower Restoration
- Hand Held Computer for Parking Enforcement Officer
- Continue Special Events
- Continue to Purchase and Revolve Properties
- Lee Street Charette Implementation
- Assist with Coordination of Groups/Plans for Confederate Prison
- Continue Funding Downtown Salisbury Inc. (DSI) at current level
- Fund those projects described in the Level of Service (LOS) projections submitted by the City Urban Planner and the Community Appearance Commission
- Continue Staff Assistance with Special Projects in the Downtown

The 2002-2003 members of Downtown Salisbury Incorporated were: Steve Fisher, President; Foster Owen, Vice President; Denny Mecham, Secretary; Brian Miller, Treasurer; Mike Fuller, Past President; Rev. Murray Edward, Dr. Catrelia Hunter, Joe Morris, Gray Stout, Janie Allen, Gus Andrews, Bill Burgin, Jane Wise Crosby, Gerald Dillard, Jeff Gniadek, Kate Morgan, Ed Norvell and Bruce Wilson.

Mayor Kluttz thanked Mr. Fisher and added that she felt that what had happened downtown has been wonderful and she and Council are very supportive of their efforts.

Mayor Kluttz then thanked all of the presenters, Mr. Perry Hood, Dr. John Wear, Jr., Mr. Steve Fisher, and all the members of their respective boards.

ZONING MAP AMENDMENT Z-22-02 - RODNEY QUEEN (WOODSTONE)

Z-22-02 – Rodney Queen (Woodstone)

Old Mocksville Road and 7th Street Extension

The request is to rezone approximately 5.65 acres located at the northeast corner of Old Mocksville Road and 7th Street Extension from R-8 Single Family-8 Residential to B-RT Retail Trade Business.

(a) Mr. Harold Poole, Senior Planner, informed Council that Rodney Queen (for a project known as Woodstone) has requested a change in zoning for property located at the corner of Old Mocksville Road and 7th Street Extension from R-8 to B-RT. He informed Council that the Planning Board has unanimously approved the request with the addition of a GDA (General Development-A) overlay. Mr. Poole noted that there had been three (3) previous attempts to rezone the property, in 1986, 1987, and 1989, by an out-of-state company and all three received staff support. However, there was substantial neighborhood opposition and the requests were denied.

Mr. Poole explained that there had been a concern raised about the traffic capacity on Old Mocksville Road. He pointed out that Old Mocksville Road did not appear to be near capacity. He also said that the Planning Board has approved the request by a vote of 10-0, with Rodney Queen (a planning board member) abstaining.

- b. Mayor Kluttz then opened the public hearing for those who wished to speak **in favor** of the zoning map amendment to come forward. Those speaking in favor of the zoning map amendment were:

Mr. Warren Rice, 102 Polo Drive, expressed his concern that in order to buy anything he has to drive three (3) miles or more. He added that Mocksville Road was lightly traveled.

Mr. Rodney Queen, Polo Drive, told Council that he was the developer seeking to develop the property. He stated that the property was currently zoned R-8 and it was evident that the property was not residential. He added that he felt it was appropriate to develop something for the neighborhoods in that area. Mr. Queen said that the property would be developed with projects that would be conducive with the community.

Mr. Mark Lewis, 136 Rugby Road, told Council that he felt the best and highest use for the property was retail/commercial. He noted that homeowners in the area have to drive over two (2) miles to reach basic services. Mr. Lewis noted that Planning Staff had recommended the rezoning of the property to retail/commercial in 1986, 1987, and 1989. He added that he had one concern about the adjacent properties and maintenance of proper buffers. Mr. Lewis said that adding a General Overlay-A, which would require site plan approval before anything could be constructed, would satisfy his concerns. He reiterated that the zoning amendment should be approved because it meets the vision set forth in the 2020 policy, is recommended by staff and by a unanimous vote of the Planning Board.

Mayor Kluttz then called for those who wished to speak **in opposition** to the rezoning amendment. Those who spoke in opposition were:

Ms. Jane Steinberg, Eagle Heights, expressed her concern that Dr. John Blount requested a rezoning request for property located down the road from the property in question and he was denied. She added that she realized the properties might not be in the same situations but Council should be fair to everyone.

Since no one else was present to speak for or against the above proposal, Mayor Kluttz closed the public hearing.

Councilman Martin pointed out that the Planning Board had a unanimous vote on the request and he felt it would be a win-win deal with the overlay and that this is not anything that is detrimental to the neighborhoods.

Mayor Pro Tem Woodson stated he had ridden by the property and it seemed to be a good place to put retail. He added that with the overlay he felt they could protect the neighbors.

Councilman Kennedy stated he was in agreement with Councilmen Martin and Woodson.

Councilman Burgin agreed stating that the property is located adjacent to property zoned BCS and is located at an intersection. He noted that this situation is very different from that of Dr. Blount. Mr. Burgin suggested that if B-RT allows for any kind of B-1 type function, then perhaps Dr. Blount could work something out with Mr. Queen to locate in this area. Councilman Burgin said that the property was in a well-populated area, one with expendable income that could support this type of zoning, and he felt it was a good idea.

(c) Thereupon Councilman Burgin made a **motion** to adopt rezoning from R-8 to B-RT with GD-A overlay. Councilman Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 5.65 ACRES AT THE NORTHEAST CORNER OF THE INTERSECTION OF OLD MOCKSVILLE ROAD AND SEVENTH STREET EXTENSION, IDENTIFIED AS PARCEL 5 ON FRANKLIN TOWNSHIP TAX MAP 325, FROM R-8 SINGLE-FAMILY-8 RESIDENTIAL DISTRICT TO B-RT RETAIL TRADE BUSINESS DISTRICT WITH A GD-A GENERAL DEVELOPMENT-A OVERLAY.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter XI – Zoning & Planning, at Page No.11, and is known as Ordinance No. 2003-12.)

ALLEY CLOSING - 1400 BLOCK OF SOUTH BOUNDARY STREET

(a) Ms. Wendy Brindle, Traffic Engineer, stated that on January 7, 2003, Council adopted a resolution of intent to close an alley in the 1400 Block of South Boundary Street, which runs behind the Community Baptist Church. She stated that staff had made all necessary notifications to the public as required by General Statutes. Ms. Brindle said that G.S. 160A-299 regulated the closing of the streets or alleys and it states "no individual shall be deprived of reasonable means of ingress and egress to his property" and she added that these conditions would be met.

(b) Mayor Kluttz opened the public hearing for those who wished to speak **in favor** or **in opposition** to the alley closing to come forward.

Those who spoke to Council **in favor** of the alley closing were:

Pastor Chris O'Guin, 275 Kings Terrace, Pastor of Community Baptist Church, explained that the Church has petitioned for the alley to be closed, as the alley divides their property. He added that their long-term intent is to upgrade their facilities. Mr. O'Guin told Council that they did not realize an alley was there until they began research. After speaking with long-time residents it is apparent that the alley has not been open for at least sixty (60) years. He noted that there are trees and telephone poles located in what is suppose to be the alleyway.

Mr. Robert Boone, resident of Salisbury, stated that he owns property near the location. He urged Council to give consideration to the development of the East side of town. He said the alley could be used by the church and residents as a greenway or walk trail to connect with Railroad Street. He stated he strongly opposes closing the alley.

Since no one else was present to speak for or against the above proposal, Mayor Kluttz closed the public hearing.

Mayor Pro Tem Woodson stated that it sounded like closing the alley would benefit the church.

(c) Thereupon Mr. Woodson made a **motion** to adopt a RESOLUTION to accept the alley. Councilman Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF AN ALLEY IN THE 1400 BLOCK OF SOUTH BOUNDARY STREET.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 6, and is known as Resolution No. 2003-6.)

(d) Thereupon, Mayor Pro Tem Woodson made a **motion** to adopt an ORDER to close the alley. Councilman Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA * BEFORE THE CITY COUNCIL OF
ROWAN COUNTY * THE CITY OF SALISBURY
* NORTH CAROLINA
IN THE MATTER OF: *
* ORDER CLOSING AN ALLEY
CLOSING OF AN ALLEY IN * PURSUANT TO GENERAL
THE *
1400 BLOCK OF SOUTH * STATUTE OF NORTH
CAROLINA
BOUNDARY * SECTION 160A-299
*

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on February 4th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said alley is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on January 10, 17, 24 and 31, 2003.

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

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

Beginning at a 3/4" pipe found on the southern line of Carolina Avenue and the western line of a 10 foot alley; thence North 80 Degrees, 55 Minutes, 00 Seconds East, 13.80 feet, to a 1/2" pipe set; thence South 6 Degrees, 38 Minutes, 10 Seconds East, 36.02 feet, to a 3/4" rod found; thence South 11 Degrees, 39 Minutes, 15 Seconds East, 57.32 feet, to a 1/2" rod found; thence South 11 Degrees, 00 Minutes, 20 Seconds East, 100.04 feet, to a 1/2" rod found; thence South 10 Degrees, 06 Minutes, 05 Seconds East, 55.25 feet, to an angle iron found; thence South 9 Degrees, 09 Minutes, 25 Seconds East, 283.42 feet, to a 1/2" pipe found; thence South 7 Degrees, 39 Minutes, 35 Seconds West, 35.67 feet, to a right-of-way monument found on the northern boundary of south Boundary Street and the western line of a 10 foot alley; thence North 8 Degrees, 56 Minutes, 50 Seconds West, 114.77 feet, to a 3/4" pipe found; thence North 9 Degrees, 01 Minutes, 40 Seconds West, 99.99 feet, to a 1/2" rod found; thence North 10 Degrees, 18 Minutes, 50 Seconds West, 75.00 feet, to a 1/2" pipe set; thence North 10 Degrees, 18 Minutes, 05 Seconds West, 194.99 feet, to a nail set; thence North 11 Degrees, 48 Minutes, 25 Seconds West, 81.46 feet, to the beginning containing 0.135 acres (5890 square feet), more or less as shown on a survey by Norman G. Ribelin dated 12-23-02.

Be and the same is hereby forever closed.

This the 4th day of February, 2003

CITY COUNCIL OF THE CITY OF

SALISBURY, NORTH CAROLINA

BY: s/s Susan W. Klutz

Mayor

s/s Myra B. Heard

City Clerk

CLOSE AN UNIMPROVED STREET RIGHT-OF-WAY - 400 BLOCK OF DUNHAM AVENUE

(a) Ms. Wendy Brindle, Traffic Engineer, informed Council that on January 7, 2003, Council adopted a resolution of intent to close the 400 block of Dunham Avenue. She noted that it was an unimproved right-of-way and all necessary notifications to the public were made and all state statues requirements were met.

(b) Mayor Kluttz opened the public hearing for those who wished to speak **in favor** or **in opposition** to the right-of-way closing.

Since no one was present to speak in favor or in opposition of the above proposal, Mayor Kluttz closed the public hearing.

(c) Thereupon, Councilman Kennedy made a **motion** to adopt a RESOLUTION to accept the offer of dedication for the street. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF THE 400 BLOCK OF DUNHAM AVENUE.

(The above resolution is recorded in full in Resolution Book No. 11, under Chapter XII - Miscellaneous, at Page No. 7, and is known as Resolution No. 2003-7.)

(d) Thereupon, Councilman Kennedy then **moved** to adopt the ORDER to close the 400 block of Dunham Avenue. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

NORTH CAROLINA	*	BEFORE THE CITY COUNCIL OF
ROWAN COUNTY	*	THE CITY OF SALISBURY
	*	NORTH CAROLINA
IN THE MATTER OF:	*	
	*	ORDER CLOSING STREET
CLOSING THE 400 BLOCK OF	*	PURSUANT TO GENERAL STATUE
DUNHAM AVENUE	*	OF NORTH CAROLINA SECTION
	*	160A-299

THIS CAUSE, coming on to be heard and being heard before the City Council of the City of Salisbury, Rowan County, North Carolina, at the regular meeting of said Council held on February 4th at 4:00 p.m., in the City Office Building at 217 South Main Street, Salisbury, North Carolina, and it appearing to the Council that all persons, firms and corporations owning property adjoining the street described in the Petition filed in this cause are parties to this proceeding; and it further appearing that said street is not maintained by the Department of Transportation; and it further appearing that notice of this hearing was duly published in THE SALISBURY POST on January 10, 17, 24, and 31, 2003.

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

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

Being a 0.55 acre tract of land lying in the Salisbury Township, Rowan County, North Carolina, and being bounded on the north by Carolina Crown Properties, Deed Book 923, Page 246, on the east by W.B. Lawson & Kenneth W. Blackwelder, Deed Book 769, Page 586, on the south by Burke Street (30' Public Right-of-Way), and on the west by W.B. Lawson & Kenneth W. Blackwelder, Deed Book 769, Page 586.

Beginning on an ¾" existing iron rebar, said ¾" existing iron rebar marking the southeastern corner of the tract herein described and being located North 03 degrees 30 minutes 00 seconds East, 644.91 feet from an ¾" existing iron pipe located at the intersection of the northern right-of-way line of Gold Hill Drive (50' Public Right-of-Way) and the Western right-of-way line of Burke Street (30' Public Right-of-Way), thence from the point of beginning North 87 degrees 10 minutes 01 seconds West, 531.90 feet to a point not set, said point marking the southwestern corner of the tract herein described and being in the western property line of W.B. Lawson & Kenneth W. Blackwelder and Carolina Crown Properties, thence with the line of Carolina Crown Properties North 02 degrees 10 minutes 45 seconds East, 45.00 feet to a point not set, said point not set marking the northwestern corner of the property herein described, thence South 87 degrees 10 minutes 01 seconds East, 532.95 feet to an 1" existing iron pipe, said 1" existing iron pipe marking the northeastern corner of the property herein described and southwestern corner for the Kate E. Smith tract and being in the line of W.B. Lawson & Kenneth W. Blackwelder and the western right-of-way for Burke Street, thence with the western right-of-way line for Burke Street South 03 degrees 31 minutes 06 seconds West, 45.00 feet to the Point of Beginning, containing 0.55 acres by coordinate

geometry as surveyed by Clinton B. Osborne, NCPLS No. 3834, dated December 20, 2002 (Job No. PA020101).

Be and the same is hereby forever closed.

This the 4th day of February, 2003.

CITY COUNCIL OF THE CITY OF

SALISBURY, NORTH CAROLINA

BY: s/s Susan W. Klutz

Mayor

s/s Myra B. Heard

City Clerk

AMENDMENTS TO SECTIONS 13-338, 13-366, AND 13-357 OF THE CITY CODE RELATING TO PARKING CHANGES IN THE 100 BLOCK OF WEST FISHER STREET

Ms. Wendy Brindle, Traffic Engineer, informed Council that this request was to make legal the changes that were made in the fall to parking changes in the 100 Block of West Fisher Street.

Thereupon, Councilman Kennedy **moved** to amend sections 13-338, 13-366, and 13-357 of the City Code to reflect the current parking conditions in the 100 block of West Fisher Street. Councilman Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-338, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED AT ALL TIMES.

(The above Ordinance is recorded in full in Ordinance Book No. 19, under Chapter X - Traffic, at Page No. 3, and is known as Ordinance No. 2003-13.)

AN ORDINANCE AMENDING SECTION 13-357, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING LIMITED TO TWO HOURS BETWEEN 8 AM AND 6 PM.

(The above Ordinance is recorded in full in Ordinance Book No. 19, under Chapter X - Traffic, at Page No. 4, and is known as Ordinance No. 2003-14.)

AN ORDINANCE AMENDING SECTION 13-366, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO LOADING ZONES.

(The above Ordinance is recorded in full in Ordinance Book No.19, under Chapter X - Traffic, at Page No. 5, and is known as Ordinance No. 2003-15.)

AWARD CONTRACT - BRYANT ELECTRIC REPAIR & CONSTRUCTION - NEW ELECTRICAL POWER SERVICE AS PART OF RENOVATIONS AT THE YADKIN RIVER RAW WATER PUMP STATION

Mr. Charles Willis, Willis Engineers, informed Council that he and his company has worked with City staff on water planning activities for the past year and a half. Specifically the raw water intake and the process to draw more water from the Yadkin River. Mr. Willis stated that the first part of the process was to maximize the current facilities. He said they have designed an electrical bid package that was initially bid in December, but only two bids were received. Mr. Willis stated that the project was then rebid on January 9, 2003 and two competitive bids were received. Bids received were:

Contractor Electrical Service Auxiliary Backup Total

Bryant Electric Repair & Construction Inc. \$321,598 \$556,916 \$878,514

E.F. Belk & Son, Inc. \$489,892 \$522,953 \$1,012,845

Mr. Willis noted that funding was not available for both components and recommended Council awarding the electrical service in the Bryant Electric Repair & Construction Bid for \$321,598.00. If authorized, the work would start soon and all the components would be in service by August, 2003, he noted.

Councilman Burgin asked City Manger David Treme if staff was in agreement with the recommendation. City Manger Treme responded that this construction was part of the plan to increase the capacity from the river. He added that Council has asked that they maximize the existing facilities before additions are made and he felt this will accomplish Council's request.

Councilman Burgin raised a question about the high alternate bid. City Manager Treme answered that they wanted to determine the price of the generator in the project and felt they now have a reasonable budget figure for future planning.

Thereupon, Mayor Pro Tem Woodson made a **motion** to approve the contract with Bryant Electric Repair & Construction, Inc. for \$321,598.00. Councilman Martin then seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

SALE OF CITY PROPERTY TO N. C. DEPARTMENT OF TRANSPORTATION IN CONJUNCTION WITH THE WIDENING OF I-85

Mr. Larry Chilton, Land Consultant, addressed the Council concerning the Department of Transportation's request to purchase a 40 foot depth easement that would be approximately 1500 feet long in conjunction with the widening of I-85. NCDOT has offered the City \$18,000 for the purchase of 1.39 acres for a permanent right-of-way in the 14.5 acre tract across from Town Creek and adjacent to the Town Creek Wastewater Treatment Facility. Mr. Chilton noted \$18,000 was the MAI appraisal value and he recommended approval.

Councilman Burgin stated he felt Council has received a fair offer and made a **motion** to accept \$18,000 from NCDOT for the land in question. Mayor Pro Tem Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

BUDGET ORDINANCE AMENDMENT FY2002-2003 - TO APPROPRIATE DONATIONS TO THE FIREFIGHTERS MEMORIAL

Battalion Chief Bob Parnell informed Council that the Firefighters Memorial was built in 1944 to represent the four (4) fire departments in the County at that time. In light of the September 11, 2001 tragedy, Mayor Klutz formed a committee to research the local memorial to represent an updated number of the fire and emergency services agencies in the County. He noted that the committee developed a design and worked to raise money for the memorial to be completed by September, 2002.

Mr. Parnell informed Council that all thirty-two (32) emergency services agencies are now represented at the memorial site, along with 60 personal memorials in the form of bricks in the sidewalk. He added that the flag pole was erected in honor of the NY Firefighters and Police who lost their lives on September 11, 2001.

Mr. Parnell described various fundraisers that were held to support the memorial, including a booth at the County fair and informed Council that to date, the committee has raised \$31,600 for the memorial.

Mayor Klutz commended the members of the Committee along with the Fire Department for their hard work on the memorial.

Thereupon, Mayor Pro Tem Woodson made a **motion** to adopt the budget ordinance to appropriate \$31,600 in donations for the Firefighters Memorial. Councilman Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE DONATIONS FOR FIREFIGHTERS MEMORIAL.

(The above Ordinance is recorded in full in Ordinance Book No. 19, under Chapter II - Administrative, at Page No.8, and is known as Ordinance No. 2003-16.)

BUDGET ORDINANCE AMENDMENT FY2002-2003 - TO APPROPRIATE VARIOUS DONATIONS TO SALISBURY PARKS AND RECREATION

Ms. Gail Elder-White, Parks and Recreation Director, informed Council that Parks and Recreation has received \$10,159.28 from forty-seven (47) different contributors. She noted that Parks and Recreation will be making quarterly adjustments for contributions.

Thereupon, Mayor Pro Tem Woodson made a **motion** to accept the budget ordinance amendment of \$10,159.28 for Salisbury Parks and Recreation. Councilman Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above ordinance is recorded in full in Ordinance Book No. 19, under Chapter II - Administrative, at Page Nos. 9-10, and is known as Ordinance No. 2003-17.)

Mayor Klutz thanked those who raised money as well as the forty-seven (47) contributors.

COMMENTS FROM CITY MANAGER

(a) Planning Board recommendations and comments

Council received the Planning Board recommendations and comments from their January 28, 2003 meeting.

(b) Acting City Clerk

City Manager Treme informed Council that City Clerk Myra Heard would be attending school the week of February 17-21, 2003 to become a Certified Municipal Clerk and recommended Council appoint Ms. Swannetta Fink as Acting City Clerk during her absence.

Thereupon, Mayor Pro Tem Woodson made a **motion** to appoint Swannetta Fink as Acting City Clerk during the week of February 17-21, 2003. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

(c) North Arlington Street

Mr. Dan Mikkelson, Director of Land Management & Development/City Engineer, updated Council on the closing of North Arlington Street at Innes Street. Mr. Mikkelson reported that the closing is set for February 17, 2003 to install a storm water drainage pipe. He added that the Department of Transportation (DOT) had hoped to keep the street open during peak hours but due to the depth of the pipe, they would not be able to open the street during construction. Mr. Mikkelson added that DOT would contact all businesses affected.

Mayor Pro Tem Woodson asked if DOT was on schedule for the Innes Street construction. Wendy Brindle responded that the intermediate completion was set for May, 2003. Mayor Pro Tem also asked about the installation of a culvert under the road. Mrs. Brindle stated that the culvert was currently being installed and was the reason for the current traffic flow. Mr. Mikkelson added that upon completion of the installation of the culvert, Innes Street would return to four (4) lanes.

MAYOR'S ANNOUNCEMENTS

(a) Crime Control Summit

Mayor Klutz announced the Salisbury Crime Control Summit will be held at City Hall on Thursday, February 13, 2003 from 4:00 to 6:00 p.m.

(b) Federal Energy Regulatory Commission (FERC) Meeting

Mayor Klutz informed Council that four (4) representatives from the City along with the City's environmental attorney, Mr. Randy Tinsley of Brooks, Pierce, McLendon, Humphrey & Leonard, had traveled to Washington, D.C. to meet with representatives of the Federal Energy Regulatory Commission (FERC).

Mr. Tinsley and City Manager David Treme told those present that there had been concerns raised by Alcoa (a FERC Licensee) concerning the City's water and land rights, and they felt they needed to meet with FERC representatives to discuss the concerns. City Manager Treme explained that their main concern was to protect Salisbury's sole source of water.

Mr. Treme outlined Salisbury's concerns as:

- Salisbury owns land and water rights on the Yadkin River that are essential to its water supply
- Salisbury has owned those rights since 1916
- In 1958, the boundary of FERC Project 2197 was drawn around some of Salisbury's property
- FERC's licensee, Alcoa, has used the FERC license in an apparent effort to undermine Salisbury's rights
- The FERC Project causes on-going damage and provides no benefit to Salisbury's water supply system
- The current FERC license expires in 2008
- Salisbury is seeking information and support to help eliminate the threats to Salisbury's water supply

Mr. Treme said that a major concern was the health, safety, and the public welfare of our community. He estimated there are 120,000 citizens depending on the City of Salisbury for water.

Mr. Tinsley pointed out that Salisbury acquired an easement over The Point (that property of land at the Yadkin/South Yadkin River divide) that included the submerged land out to the center of the river. He noted that the City of Salisbury owns 1-acre upland and submerged land out to the center of the South Yadkin River and as an owner also owns all of the riparian rights.

City Manager Treme said that the City has owned the property and the easements since 1916. He stated that the pipeline predates

the Federal Power Act, High Rock dam, and FERC license and has been in continuous operation since 1917 (including industrial consumptive use). Mr. Treme went on to explain that at no time during these years has anyone indicated that Salisbury, serving all of Rowan County, had no rights to the water. He pointed out two comments from a letter from Alcoa dated December 16, 2002, which troubled him. The letter stated "...City does not own any riparian or other property rights to take water from the Yadkin River through the existing water intake structure." City Manager Treme stated they felt that the comment was ridiculous and the State Statutes of North Carolina, as well as State Constitution provide the rights. The other comment was "...FERC's mandate to enforce the Federal Power Act (FPA) controls..even provides for the condemnation of rights if necessary to effectuate the requirements of the statute." Mr. Treme stated the FERC representative could not remember or recall that FERC had used condemnation rights against any municipality that provided water.

Mr. Tinsley reviewed some of the property records to include three main areas for the City's land and water rights. These were The Point, where the two rivers join, the Pump Station Tract (which the City owns in Fee simple, including the South Yadkin River bottom), and Pipeline easements from the pump station to the water plant.

Mr. Tinsley said that Alcoa does own that portion of the land that is below elevation 655. He reiterated that in 1916 the City of Salisbury acquired a pipeline easement in The Point. In 1927 Alcoa acquired The Point but purchased the land subject to the easement and the language of the deed clearly acknowledged Alcoa did not acquire the easement. Mr. Tinsley added that after Alcoa purchased The Point they eventually sold the property (above elevation 655) and in those transactions made it clear that they were not selling the pipeline easements.

He read an excerpt from the deed which stated "to construct, operate, and maintain a water pipe line or lines over, through, under and across the above described land, together with the right of free ingress and egress for the purpose of inspecting, repairing, changing, and maintaining said water pipe line or lines, with the further right to construct additional water pipe line, or lines, on the above described land, as may be necessary for the proper operation of said water pipe line or lines". He noted that it was evident that through the wording for the construction and maintenance of the pipeline that water would go through the pipeline.

Mr. Tinsley stated that his conclusions about The Point were:

- Alcoa's riparian and other property rights in The Point are subject to Salisbury's pipeline easement
- No limitation on pipe diameter, withdrawal amounts, industrial customers, or number of pipes
- Easement, standing alone, provides sufficient rights for present and future withdrawals (plus, prescriptive rights – 85+ years of continuous use)
- Salisbury withdraws water based on vested property rights it has held pursuant to NC law since 1916

Mr. Tinsley then reviewed the Pump Station Tract, which the City has had Fee simple ownership of since 1916. He noted that one boundary stated "down the banks of" the South Yadkin River (Rowan County Deed Book 142, Page 27-8) and since the South Yadkin River is non-navigable, that kind of boundary always includes submerged lands of the non-navigable stream. He stated that this concludes that Salisbury owns the upland tract, adjoining river bottom, and all riparian rights.

Mr. Tinsley told Council that in relation to the pipeline from the pump station to the water plant, Alcoa apparently is not disputing the City's water rights. He noted that Alcoa concurred in pipe installation in 2002.

Mr. Tinsley noted that the tone of the relationship between Alcoa and the City of Salisbury had been very different in past years and offered hope that it could be reestablished.

In 1927 Alcoa asked the City of Salisbury for flooding rights during the construction of High Rock dam. The City granted the flooding rights over the portion of Salisbury's Pump Station tract below elevation 655, and no flooding rights were granted above elevation 655. Mr. Tinsley surmised that this was an indication that Alcoa acknowledged that the City owned that area below elevation 655. Mr. Tinsley noted that in the agreement Alcoa promised to raise (not raze) the City's works before impoundment and to remedy future sedimentation caused by the impoundment.

Mr. Tinsley discovered that in 1969 Alcoa told Salisbury that FERC requires Salisbury to obtain another easement to install two pipes and an intake structure at The Point and on Salisbury-owned river bottom and upland. Now, Mr. Tinsley pointed out, Alcoa says Salisbury has no right to withdraw water. He observed that there has been an obvious change in Alcoa's approach to the City of Salisbury.

City Manager Treme stated that the City's position was that in 1969 Salisbury trusted Alcoa's representation of a FERC mandate to get another easement from Alcoa and the easement was obtained. Mr. Treme said that he now understands that no such Alcoa easement was or is required. He added that Alcoa's current claims strike at the heart of Salisbury's vested rights for water supply to Salisbury and Rowan County.

Mr. Treme reviewed the project impacts which are: no storage benefit; damage from increased sand deposition; costs of responding to Alcoa attacks against Salisbury's vested land and water rights for its water supply; and the costs and delays in some of the projects caused by Alcoa is use of the FERC license.

City Manager Treme reviewed the views and opinions of the City of Salisbury as presented to FERC representatives. These views and opinions are:

- A FERC license should not be used to bully neighbors who rely on the Yadkin River or to obtain inappropriate concessions from the City
- A FERC licensee should be required to honor vested municipal water supply rights as stated in the Federal Power Act Section 27
- A FERC licensee should be required to be good stewards of the FERC license and water supply resources affected by a FERC license
- Salisbury needs FERC to substantially change the way Project 2197 is operated in order to protect Salisbury's water supply

Mr. Treme stated that they had also made requests of the FERC staff during the meeting and the requests are:

- Information on whether FERC actually mandated another easement in 1969. Mr. Tinsley stated that FERC staff has since stated that they could find no such mandate in their records
- FERC license conditions to protect Salisbury's land and water rights pursuant to North Carolina law
- FERC license conditions to protect system from sand deposition damage
- Information on how to seek the decommissioning of High Rock development or Project 2197 to a non-power operation. Mr. Tinsley clarified that the object was to make a transition to a non-power mode of operation
- Information on deadlines and procedures for competing license application for the High Rock development or for Project 2197
- Information on costs associated with a successful competing license application

City Manager Treme stated that during the trip to Washington the delegation met with FERC representatives for two (2) hours the first day and on the second day met with State Senator Elizabeth Dole and Mr. Scott Quesenberry who is with her legislative affairs staff.

Mr. Matt Bernhardt, Assistant City Manager of Utilities, noted that a significant point of discovery by Mr. Tinsley was a notation in the Session Laws of the General Assembly of North Carolina, granting a charter in 1883 to the Salisbury Water Works Company, which was the forbearer of the City's Water Utilities Department.

Councilman Kennedy asked if by seeking an additional easement in 1969 if the City had in some way given up its previous easement rights. Mr. Tinsley answered that he did not feel that was the case.

City Manager Treme reiterated that he wanted the Citizens to know that the trip to Washington D.C. was to protect Salisbury's sole source of water supply. He added that staff will be following up with Alcoa to try to find a resolution.

Mayor Klutz stated that Council has to make sure our water rights are not threatened, especially after entering the countywide agreement to provide water to all of Rowan County. She thanked staff and Mr. Tinsley for making the trip and presentation.

(c) Project Safe Neighborhoods Conference

Mayor Klutz reported that she had attended the Project Safe Neighborhoods Conference in Philadelphia. She stated that this was the largest conference on gun violence ever, and felt that Salisbury was best represented for a City its size. She added that those who attended were very enthusiastic about what they would be doing in Salisbury and they were committed to making Salisbury safer.

(d) City Council Retreat

Mayor Klutz noted that there has been a change in time for the Planning Retreat to be held Thursday February 20, 2003. She advised that Council would now meet at 1:00 p.m. for a luncheon at City Hall and would not meet that night. Mayor Klutz said that Charlotte Mayor Pat McCroy has been invited to talk about the Environmental Sustainability Plan. She added that they would meet for the luncheon from 1:00 p.m. until 2:30 p.m., and would move to the Center for the Environment to reconvene at 3:00 p.m. Dinner will not be served.

Mayor Klutz noted that to help promote the Environmental Sustainability Plan throughout Rowan County, that the County Commissioners, as well as Mayors and Council Members of surrounding municipalities, the Planning Board, Management Team, and Vision 2020 Implementation Task Force, have been invited to the luncheon portion of the retreat.

(e) Rowan County Retreat Presentation

Mayor Klutz reported that each municipality has been invited to make a presentation to the County Commissioners during their

retreat of their visions for the future. Mayor Kluttz will be making Salisbury's presentation at 3:50 p.m. on February 5, 2003, and all Council members are invited to attend.

CLOSED SESSION

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session to discuss the acquisition of property located in the 300 block of South Main Street as allowed by G.S. 143-318.11(5) and to consult with an attorney as allowed by G.S. 143-318.11(3).

Thereupon Mayor Pro Tem Woodson made a **motion** to go into closed session. Councilman Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

Mayor Pro Tem Woodson **moved** to return to open session. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz reported no action was taken in the closed session.

AJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All Council members agreed unanimously to adjourn. The meeting was adjourned at 6:40 p.m.

Mayor

City Clerk