

Salisbury, North Carolina  
July 1, 2008

**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 Kennedy.

**PLEDGE OF ALLEGIANCE**

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

**RECOGNITION OF VISITORS**

Mayor Kluttz recognized all visitors present.

**ADDITIONS/DELETIONS TO THE AGENDA**

Mayor Kluttz noted the following change to the Agenda:

Add – Council to go into closed session concerning acquisition of property located on Tax Map 017 Parcel 071-01 as allowed by NCGS 143-318.11(5).

## **RECOGNITION – CRAIG POWERS FOR RECEIPT OF HIS PROFESSIONAL ENGINEERING LICENSE**

Mr. Dan Mikkelson, Director of Land Management and Development, introduced Mr. Craig Powers, Civil Engineer. Mr. Mikkelson informed Council that Mr. Powers recently obtained his Professional Engineering license for the State of North Carolina. He explained that in order to obtain his license Mr. Powers had to earn his degree in Civil Engineering, obtain four years of increasingly responsible engineering experience and successfully complete two, eight hour exams. He added that as a licensed engineer Mr. Powers is committed to safeguarding life, health, property, and the welfare of the public.

Mr. Mikkelson also recognized Mr. Powers' mother, father and family members who were in attendance.

Mayor Kluttz stated that the City is fortunate to have Mr. Powers as an employee and noted that one of Council's goals is for Salisbury to be a place that young people come home to. She expressed Council's pride in Mr. Powers and how fortunate the City is that he returned home.

## **CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Special Meeting of June 4-10, 2008 and the Regular meeting of June 17, 2008.

(b) Proposed Alley Closing – 1200 block of Blair Street

Receive a petition to close a portion of an alley in the 1200 block of Blair Street and adopt a Resolution setting a public hearing for August 5, 2008.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF A PORTION OF AN ALLEY IN THE 1200 BLOCK OF BLAIR STREET AND SETTING A PUBLIC HEARING FOR AUGUST 5, 2008.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 40, and is known as Resolution No. 2008-26.)

(c) Temporary Street Closing - Crossroads Classic Bike Race

Approve closing the 100-500 blocks of North Main Street, 100-200 blocks of East Council Street, 200 block of Depot Street, 100-200 blocks of East Liberty Street, 100 block of West Cemetery Street, 400 block of North Church Street, and the 100 block of West Kerr Street Thursday, July 31, 2008 from 5:00 p.m. until 11:00 p.m. for the Crossroads Classic Bike Race.

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

### **ZONING MAP AMENDMENT – CD-5-04-08 – 625 CORPORATE CIRCLE**

Councilmen Burgin and Lewis asked Council to be excused from deliberation due to a conflict of interest.

Thereupon, Mr. Kennedy made a **motion** to excuse Councilmen Burgin and Lewis. Mr. Woodson seconded the motion. Messrs. Kennedy, Woodson and Ms. Klutz voted AYE. (3-0)

(a) Mr. Preston Mitchell, Senior Planner, indicated that a petition has been received from Mr. Todd McNeely, owner of Competitive Sports, for a Conditional District Overlay at 625 Corporate Circle.

Mr. Mitchell reviewed the definition of a Conditional District Overlay and noted that it is a zoning tool used as an overlay on top of base zoning. He noted that the petitioner for a Conditional District is required to be the owner of the property and this petition meets that requirement. He added that a master plan was also submitted with the rezoning petition.

Mr. Mitchell then reviewed an aerial photograph and site plan for the property and noted that the property, as well as the surrounding properties, is zoned Highway Business (HB). He pointed out that water and sewer service is available to the site and that the site has very little topography.

Mr. Mitchell noted that the existing building is 14,998 square feet and the proposal is for the construction of a 10,000 square foot addition. He stated that the Planning Board has recommended that additional shrubs be installed between the street yard trees to further screen parked vehicles. He indicated that the Petitioner has voluntarily agreed to meet this recommendation.

Mr. Mitchell commented that when requesting Conditional Districts a petitioner has the opportunity to propose alternative designs. He stated that the plan proposes an alternative design to the building materials requirement for commercial buildings. He noted that the existing facility is clad with vertical metal siding and the Petitioner seeks the continued use of the metal siding on the addition. The Petitioner also seeks an alternative to the building design standards by minimizing the amount of ground floor display windows along the street façade.

Mr. Mitchell stated that the plan proposes two alternatives to the parking provisions. He noted that the minimum number of required parking spaces is 49 and the plan proposes a reduction to 45. In addition, the plan proposes one inter-lot connection.

The Planning Board issued two recommended conditions and Mr. Mitchell noted that the Petitioner has agreed with both. The recommended conditions were:

1. Taller trees/shrubs along the south wall of the new addition
2. Parking lot shrubs between existing street-side trees to further screen on-site vehicles

Mr. Mitchell indicated that if Council adopts the rezoning Ordinance it will become the guiding development document for the site and he noted that it runs with the land, not the owner. He stated that the Planning Board recommends consistency and unconditioned approval of the rezoning.

(b) Mayor Susan Kluttz convened a public hearing, after due notice thereof, to receive comments regarding zoning map amendment CD-5-04-08.

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

(c) Mr. Kennedy stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein to establish a Conditional District Overlay on Highway Business (HB) base district 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, by rezoning approximately 1.19 acres, identified as Tax Map & Parcel 060-139, to establish a Conditional District (CD) Overlay on Highway Business (HB) Base District to permit the development of a 10,000 square foot addition to an existing indoor recreational facility; identifying the development documents; providing an effective date; and for other purposes. Mr. Woodson seconded the motion. Messrs. Kennedy, Woodson and Ms. Kluttz voted AYE. (3-0)

City Clerk Myra Heard indicated that it will be necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the Council.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 1.19 ACRES, IDENTIFIED AS TAX MAP & PARCEL 060-139, TO ESTABLISH A CONDITIONAL DISTRICT OVERLAY ON (HB) HIGHWAY BUSINESS OF A 10,000 SQUARE FOOT ADDITION TO AN EXISTING INDOOR RECREATIONAL FACILITY; IDENTIFYING THE DEVELOPMENT DOCUMENTS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 87-89, and is known as Ordinance No. 2008-35.)

*\*Due to the lack of an affirmative vote of two-thirds of all members of the Council, it will be necessary to have a second reading on the above ordinance before it can be ratified.*

## **ENCROACHMENT OVER A PUBLIC ALLEY – 115 EAST INNES STREET**

Mr. Dan Mikkelson, Director of Land Management and Development, indicated that a request has been received for a projection over a public alley at 115 East Innes Street. He reviewed an aerial photograph of the site and noted that there are a series of alleys in the area. He indicated that he reviewed the site with Fire Chief Bob Parnell to determine if the obstruction in the alley would cause any difficulty for the Fire Department. He noted that the Fire Chief has determined that if the Fire Department needs to gain access to the rear area of the buildings, they will use the alley from Lee Street that connects to the alley in question.

Mr. Mikkelson reviewed the standards of Section 22-18 of the Salisbury City Code that allows Council to approve the requested projections. The standards are:

1. Must not “hinder, obstruct or delay or in any way endanger the free and safe use” of alley
2. Non-combustible materials
3. Not a sight obstruction for motorists
4. Project less than five feet. Mr. Mikkelson noted that the proposed projection will be approximately four feet.
5. Eight foot minimum clearance. Mr. Mikkelson stated that the proposed projection exceeds the minimum by having a clearance of ten feet, six inches.

Mr. Mikkelson then reviewed the standards of Section 22-19 which state that the petitioner must:

- Maintain projections in good repair
- Keep projections in safe condition
- “Assume, in writing, responsibility for any injury or death of persons or damage sustained as a result of the use of such projections” Mr. Mikkelson indicated that the petitioner has agreed to provide a letter to this effect if approved by Council.

Mr. Mikkelson displayed several photographs of the alley in question and the proposed location of the projection. He noted that the proposed projection will have a ten foot, six inch clearance, which exceeds the Code standard of eight feet. He noted that there is another alley located downtown that has a sign stating, “No trucks over ten feet” and he feels this has set a precedent for a vertical obstruction at a similar elevation. Mr. Mikkelson commented that the Fire Department has reviewed this site and feel they have a better, alternative access to the site.

Mr. Mikkelson stated that if Council finds the projections would not obstruct, delay or endanger free and safe use of the alley, then staff recommends approval of the projection, subject to a letter from the petitioner satisfying Section 22-19. Mayor Kluttz asked if Mr. Mikkelson had a staff recommendation on the approval. Mr. Mikkelson

responded that he feels Council should decide if the projection would be an obstruction or delay for the safe use of the alley. He commented that in reviewing the request he found that there are some delivery trucks that are the same height as the proposed projection and others that are taller. He stated that because of the narrowness of the alley a tall truck would not be able to get through with the projection.

Mayor Pro Tem Woodson stated he feels this would be a chance the property owners would have to take because he feels at some point someone will likely knock out the projecting vent at an expense to the owners.

Mayor Kluttz commented that her major concern was that the request received approval from the Fire Department and she noted that the Fire Chief has indicated there is an alternative access. She stated that she feels that if Council wants to develop the downtown it needs to be flexible to accommodate good developers that are bringing new businesses. She added that since there is another entrance to the alley it may just be a matter of inconvenience for a truck to drive to a different entrance and she feels that the request should be allowed.

Councilman Burgin referred to the alley Mr. Mikkelson mentioned that had a sign barring trucks over ten feet and asked where the sign is located. Mr. Mikkelson responded that the alley is located beside the Sweet Meadow Café located at 118 W. Innes Street. He stated that the sign hangs across the alley and is connected to the two buildings on each side. He noted that since the sign is allowed to swing it bumps oversize vehicles as they try to enter. Mr. Burgin asked the petitioners, Michael and Dianne Young, if they would be willing to install a sign. They indicated that they will install a sign.

Councilman Lewis asked if there has been any notification to adjacent property owners. Mr. Mikkelson responded that there has not been any additional notification.

Mr. Burgin stated that it is consistent that a taller truck would also be wider and he noted that the alley is quiet narrow. He added that he feels this will be self-adjusting and taller, wider trucks will not use the alley. He reiterated that he feels it would be wise to install a sign if the owners can get approval from their neighbors.

Thereupon, Mr. Mr. Burgin made a **motion** that Council authorize the encroachment of a public alley at 115 East Innes Street in accordance with Section 22-18 and 22-19 of the City Code and encourage the applicant to investigate the installation of a sign. Mr. Kennedy seconded the motion. Mr. Lewis asked Mr. Burgin if he would accept an amendment to state that the approval is subject to a letter from the petitioner satisfying Section 22-19. Mr. Burgin accepted the amendment. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**PERMANENT ALL-WAY STOP CONDITION – COUNCIL AND DEPOT STREETS**

Ms. Wendy Brindle indicated that in February 2008 Council approved the evaluation of an all-way stop at the intersection of Council and Depot Streets. She stated that on February 25, 2008 City crews installed stop signs and covered the traffic signal heads to begin a 90 day evaluation. She noted that the evaluation included observation of the site and accident history. Mr. Brindle stated that staff has seen compliance with the stop signs and have received no complaints from the public. She added that there have been no reported accidents at the intersection.

Mr. Brindle stated that staff would like to install a small traffic island at the intersection in order to install the permanent stop sign where it can be easily seen by motorists. She stated that staff recommends making this a permanent all-way stop.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending section 13-326, Article X, Chapter 13 of the Code of the City of Salisbury, relating to traffic-control signal lights. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-326, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO TRAFFIC-CONTROL SIGNAL LIGHTS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 90, and is known as Ordinance No. 2008-36.)

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-332, Article X, Chapter 13 of the Code of the City of Salisbury, relating to stop signs. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO STOP SIGNS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 91, and is known as Ordinance No. 2008-37.)

**JOINT COOPERATION AGREEMENT – HOME INVESTMENT PARTNERSHIP PROGRAM**

Ms. Janet Gapen, Senior Planner, informed Council that the City of Salisbury has been a member of the Cabarrus/Iredell/Rowan HOME Consortium for approximately ten years. She explained that the HOME Consortium is a group of cities and counties that

enter into an agreement to receive funds from the Federal Housing and Urban Development (HUD) office for affordable housing activities.

Ms. Gapen stated that the agreement that establishes the Consortium must be renewed every three (3) years and it is now time for renewal. She noted that other members of the Consortium are Cabarrus County, Iredell County, Rowan County, the towns of Mooresville and Davidson, and the cities of Statesville, Kannapolis and Concord. She pointed out that the City of Concord is the lead entity that receives the allocations from HUD and then distributes the funds to the participating members.

Ms. Gapen indicated that the City of Salisbury receives approximately \$100,000 each year through this Consortium. She noted that the funds are used for new construction of affordable housing and to provide down payment and closing cost assistance for low to moderate income, first time homebuyers. She stated that staff recommends entering into the agreement to extend it through 2011.

Councilman Burgin stated that many good things have come from receipt of these funds and have allowed houses to be turned into homes. He added that ownership helps the City's neighborhoods and he feels this is a good program.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution authorizing the Mayor of the City of Salisbury to enter into a joint cooperation agreement extending the Cabarrus/Iredell/Rowan Housing Consortium. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF SALISBURY TO ENTER INTO A JOINT COOPERATION AGREEMENT EXTENDING THE CABARRUS/IREDELL/ROWAN HOUSING CONSORTIUM.**

(The above Resolution is recorded in full in Resolution Book No. 13 at Page Nos. 41-42, and is known as Resolution No. 2008- 27.)

**RESOLUTION OF OFFICIAL INTENT TO REIMBURSE – CITY PARK TENNIS COURTS**

Mr. John Sofley, Management Services Director, addressed Council regarding a Resolution of Official Intent to Reimburse. He indicated that at its June 17, 2008 meeting, Council approved a contract to begin construction and renovation of tennis courts at City Park. He noted that since the lease financing is not yet in place this Resolution will allow the construction to begin and for the City to reimburse itself once the financing is complete.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution of the City of Salisbury to declare the intention to reimburse the issuer from the proceeds of a tax-exempt financing for certain expenditures to be made in connection with the construction

of parks and recreation facilities. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION OF THE CITY OF SALISBURY TO DECLARE THE INTENTION TO REIMBURSE THE ISSUER FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH THE CONSTRUCTION OF PARKS AND RECREATION FACILITIES.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page Nos. 43-44, and is known as Resolution No. 2008-28.)

**AWARD CONTRACT FOR THE LEASE PURCHASE FINANCING OF PARKS AND RECREATION FACILITIES**

Mr. John Sofley, Management Services Director, informed Council that the City has received a proposal from SunTrust Bank for the financing of \$225,000 for the construction of tennis courts at City Park. He stated that this project has been bid twice but each time the City only received one (1) bid. He noted that the bid is for a rate of 3.55% and he feels this is competitive. Mr. Sofley recommended that Council award the contract to SunTrust Bank contingent upon the approval of the Local Government Commission (LGC).

Mr. Woodson asked Mr. Sofley why only one bank would bid. Mr. Sofley responded that he felt banks did not want to finance tennis courts and were more comfortable with vehicles or buildings.

Thereupon, Mr. Kennedy made a **motion** to award a contract to SunTrust Bank in the amount of \$225,000 for lease purchase financing of Parks and Recreation facilities contingent upon the Local Government Commission approval. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

**RESOLUTION OF FINDINGS OF FACT – LEASE PURCHASE FINANCING CITY PARK TENNIS COURTS**

Mr. John Sofley, Management Services Director, indicated that in order to finance the construction of the tennis courts at City Park the Local Government Commission (LGC) requires certain Findings of Fact to be set forth by Council. The Findings of Fact are:

1. The proposed capital improvements are necessary
2. The proposed lease purchase financing is preferable to a bond issue for this purpose
3. That the cost of the facility improvements are not excessive
4. The City's debt management procedures and policies are adequate

5. Whether or not a tax increase will be necessary for the proposed financing
6. The City is not in default in any of its debt service obligations
7. The City's Attorney has rendered an opinion that the proposed project is authorized by law and is a purpose for which public funds may be expended
8. The method by which the cost of the financing will be funded

He reiterated that this Resolution is a requirement for the City to obtain financing with the LGC.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution of Findings of Fact for \$225,000 lease purchase financing. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### RESOLUTION OF FINDINGS OF FACT FOR \$225,000 LEASE PURCHASE FINANCE.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 45-46, and is known as Resolution No. 2008- 29.)

#### **RESOLUTION IN SUPPORT OF CENSUS 2010**

GIS Coordinator Katherine Clifton updated Council on Census 2010. She reviewed the importance of obtaining Census information and noted that the Census is mandated by the US Constitution. She informed Council that the next Census will be held in 2010.

Ms Clifton indicated that Census participation provides important data that can guide local decision-makers in community planning efforts, including where to build new roads, hospitals, and schools. She stated that each year Federal funds are awarded to states and communities based on Census data. She added that the Census can also affect the number of seats each state will have in the United States House of Representatives.

Ms. Clifton stated that the 2010 Census questionnaire will only ask a few simple questions and the Census Bureau will not release or share the information that identifies an individual participant or their household for 72 years.

She asked Council to support a Resolution in partnership with the US Census Bureau to help ensure a full and accurate count in 2010.

Thereupon, Mr. Paul Woodson made a **motion** to approve the Resolution in support of Census 2010. Mr. Bill Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### A RESOLUTION IN SUPPORT OF CENSUS 2010.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 47, and is known as Ordinance No. 2008-30.)

### **PROPOSED ORDINANCE AMENDMENT – SIDEWALK DINING**

Mr. Joe Morris, Planning and Community Development Manager, presented proposed amendments to Section 22-46 of the City Code related to sidewalk dining. He noted that sidewalk dining was originally enacted by Ordinance in March 2002. He stated that currently there are 16 restaurants in downtown Salisbury, with five engaging in some form of sidewalk dining.

Mr. Morris indicated that the proposed amendments are only for the Downtown Mixed-Use (DMX) zone and include a recommendation for an increase in insurance liability limits from \$500,000 to \$1,000,000. The amendments would also align sidewalk dining with the standards for indoor eating establishments as defined by the Alcoholic Beverage Control (ABC) standards. Other recommendations include:

- Extend hours from 9:00 p.m. to 11:00 p.m. Sunday through Thursday
- Extend hours from 11:00 p.m. to 12:00 Midnight, Friday and Saturday
- Allow sidewalk dining to extend up to 12 feet in front of an adjacent business with written permission
- Require that tables and chairs be removed from the sidewalk during non-operating hours
- No more than 50% of seating can be outside.

Mr. Morris stated that staff believes extending the hours will not create a noise issue because there are other ordinances dealing with disruptive behavior. He added that staff feels these Ordinances will address any violations that may occur.

Mr. Morris stated that the original request for the revisions was made by a downtown property owner and the concepts were reviewed and endorsed by the Downtown Salisbury, Inc. Board of Directors. He noted that the text revisions were also reviewed by the Technical Review Committee.

Mr. Morris recommended that Council conduct a public hearing at its July 15, 2008 meeting in order to receive public input on the proposal.

Thereupon, Mr. Lewis made a **motion** to set a public hearing Tuesday, July 15, 2008 to receive public comments on the proposed Ordinance amendments. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

## **BOARDS AND COMMISSIONS APPOINTMENTS**

This item was postponed.

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

(a) Request from the Town of China Grove

City Manager David Treme indicated that approximately one month ago he and Mayor Klutz met with China Grove Mayor Don Bringle and representatives from the Town of China Grove. He noted that they requested the City consider providing relief from the 300,000 gallons per day (gpd) they are contracted to buy from the City. He noted that the reason 300,000 gpd was established as a minimum was because of water quality.

Mr. Treme recognized Interim Utilities Director Jim Behmer to discuss the water quality issue and if China Grove could be allowed to use less water without affecting the water quality. Mr. Behmer indicated that when the agreements were written for the South Rowan water line, staff modeled the system to determine the minimum use required to keep the water fresh according to drinking water standards.

Mr. Jeff Jones, Planning and Research Manager, reviewed a graph depicting chlorine residuals from July 2007 through April 2008. He explained that the average temperature of the water and the usage affects the levels of the chlorine residuals. He noted that the line was designed to deliver 11.1 million gallons per day (mgd) to Southern Rowan County. He stated that to keep the system operational Salisbury-Rowan Utilities (SRU) is requesting usage of approximately 675,000 gpd divided between the three communities (Landis, China Grove, Kannapolis). He added that more usage results in higher chlorine residuals and higher quality water.

Mr. Jones stated that when chlorine residuals are down, SRU must perform supplemental flushing on the line just to meet the minimum chlorine residual requirement. He commented that if the usage is reduced SRU will be required to flush even more water in order to meet the minimum of what needs to flow through the line to maintain water quality.

Mr. Behmer indicated that representatives of China Grove also raised the issue of actual usage because they felt they were using less than the 300,000 gpd commitment. He noted that after reviewing records it was determined that China Grove continues to operate its municipal wells. He added that after reviewing data submitted from China Grove, staff found that China Grove's average usage is still over 300,000 gpd, even with the use of the municipal wells.

Mr. Behmer stated that the line is designed for 11 mgd flow and it would be beneficial for all of the South Rowan communities if additional use can be created.

Mr. Treme indicated that staff will meet with representatives from other municipalities in South Rowan to determine their interest in buying water. He stated that he realizes that China Grove would like to use its wells to avoid using SRU water in order to save money, but if this is allowed it creates a problem with water quality. He added that water ends up being wasted just to maintain the water drinking quality to State standards.

Mr. Treme commented that if Kannapolis or Concord decides to use additional water it will increase the flow and the City would be able to give consideration to China Grove's request, as long as it has no affect on the water quality. He indicated that he will respond to the representatives from China Grove to explain the issues being reviewed.

(b) Update on Drought 2008

Mr. Jeff Jones, Planning and Research Manager, indicated that Rowan County has been placed in Category D-3 Extreme Drought along with approximately two-thirds of the Yadkin River basin. He noted that flows are lower than normal but Rowan County is in much better shape than those counties in other river basins. He indicated that his interpretation of the data that has been provided is that he anticipates things to remain the same into September 2008.

Mr. Jones stated that the Salisbury-Rowan Utilities (SRU) water intake is at 44 inches above the voluntary restriction line, which is 50 inches above the first mandatory level. He noted that the ability to withdraw water is very good and the flows along the Yadkin River are approximately 500,000 mgd.

(c) Update on Fisher Street Two-Way Traffic Conversion

City Manager David Treme recognized Ms. Wendy Brindle, Traffic Engineer, to update Council on the process to convert the 100 block of East Fisher Street to two-way traffic. She noted that in order to make the conversion a new mast arm must be installed on the northeast corner of the intersection of Main and Fisher Streets, beside Wachovia Bank. She stated that Duke Energy will perform the work and they plan to begin Monday, July 7, 2008. The work is anticipated to last a minimum of two weeks but Ms. Brindle indicated that she feels it will take longer because of many old underground utilities in the area. She stated that much of the work will be performed at night and she is working with Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc., to notify area businesses and residences. She commented that Duke Energy plans to work from 7:00 p.m. until 3:00 a.m. but there will be some work performed during the day such as pouring concrete. Ms. Brindle stated that when work is done during the day approximately four parking spaces along Main Street and approximately half of the block of Fisher Street will be needed for equipment. She noted that there may be temporary overhead wires for the traffic signals, but Duke Energy is still determining if this will be necessary. She stated that the traffic signal at the intersection of Fisher Street and Main

Street will be dark during construction, so the heads will be bagged and stop signs installed for the eastbound traffic.

Mayor Pro Tem Woodson asked when the two-way traffic would begin. Ms. Brindle responded that once the mast arm is installed and the signal operational the 100 block of East Fisher Street can be converted. She stated that staff will need to discuss exactly how this will be handled and noted that cones will be placed in some current parking areas to allow citizens to become accustomed to not parking in those areas. She added that because of the brick street, staff is still unsure about pavement markings.

Councilman Kennedy asked how this will affect the businesses on Fisher Street. Ms. Brindle responded that there will be no road closures and any work to be done will be in the parking areas and sidewalks. She added that these work areas will be minimized and sidewalks will remain open for pedestrians. She noted that Urban Design Planner Lynn Raker has had initial contact with business owners and they are aware of the upcoming work.

### **MAYOR'S ANNOUNCEMENTS**

(a) Fourth of July

Mayor Kluttz wished everyone a happy and safe 4<sup>th</sup> of July.

### **CLOSED SESSION**

Thereupon, Mr. Woodson made a **motion** to go into closed session concerning the acquisition of property located on Tax Map 017 Parcel 071-01 as allowed by NCGS 143-318.11(5). Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

### **RETURN TO OPEN SESSION**

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

Mayor Kluttz announced that no action was taken during Closed Session.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:21 p.m.

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Mayor

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City Clerk