

Salisbury, North Carolina
February 3, 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 Mayor Pro Tem Woodson.

PLEDGE OF ALLEGIANCE

Mayor Kluttz asked that the local men and women serving in the Armed Services be remembered, especially Salisbury based U.S. Army Reserve 846th Transportation Unit, the 991st Transportation Unit, and the North Carolina National Guard Combat Aviation Brigade 449th lead by Colonel Paul Barbee, as she 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 receive introduction to the City’s new Human Resources Director.

HUMAN RESOURCES DIRECTOR

Mr. Joe Eagle, Interim Human Resources Director, introduced Mr. Zechariah (Zack) Kyle as the new Human Resources Director for the City. He noted Mr. Kyle’s background in human resource management spans 28 years and that Mr. Kyle comes to Salisbury from a position as Human Resources Manager for the City of Radford, Virginia.

City Manager David Treme indicated that staff worked over the past year to fill this position and that over 100 resumes were received. He stated that the applications were narrowed to four candidates to participate in a panel assessment and that Mr. Kyle was the outstanding choice. He pointed out that the Human Resources Director will also work with the Human Relations Council and he is delighted to introduce Mr. Kyle to Council.

Mayor Kluttz commented that this is very exciting news for the City. She noted that she is aware of Mr. Kyle’s reputation and experience and knows that he will be a wonderful asset to the City. She added that she feels it will be a perfect match and she is delighted to have him join the City staff.

Mayor Kluttz thanked Mr. Eagle for the excellent job he has done over the last year as the Interim Human Resources Director.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of January 20, 2009.

(b) Budget Amendment

Adopt a budget Ordinance amendment to the FY 2008-2009 budget in the amount of \$10,275 to appropriate insurance proceeds for a wrecked Police car.

AN ORDINANCE AMENDING THE 2008-2009 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 5, and is known as Ordinance No. 2009-04.)

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

HIGHLIGHTS AND GOALS PRESENTATION – GREENWAY COMMITTEE, HUMAN RELATIONS COUNCIL, AND PLANNING BOARD

Greenway Committee

Ms. Carole Massey, Greenway Committee member, and Mr. Stephen Brown, staff liaison, presented the Greenway Committee 2008 highlights and 2009 goals:

2008 Highlights

- Signed Easements – Crescent to Meadowbrook Trail
- 7th Annual Earth Day on the Greenway – Prescott Section
- 11th Annual Run Walk for the Greenway 5K
- Paws in the Park – Prescott Section
- Supervised Walking Program – Prescott Section
- Cooperative Programming
 - Rowan-Salisbury School System
 - Salisbury-Rowan Runners Club
 - Catawba College & The Center for the Environment
 - Fisher-Harris Construction
 - Land Trust for Central North Carolina
 - Livingstone College
 - North Carolina Cooperative Extension
 - Master Gardner Program
 - Overton Elementary School
 - Rowan Regional Medical Center
 - The Statewide Title
 - Summerset Funeral Home

2009 Goals

- Greenway trail markers installation and GIS mapping
 - Start the markers beginning at Memorial Park
 - Placed every tenth of a mile
- Continue Phase Two construction of Greenway
 - From Forestdale Drive in Meadowbrook to Hogans Valley Way in The Crescent

Mayor Kluttz thanked Ms. Massey and the Greenway Committee for their work throughout the year.

Human Relations Council

Mr. Wilson Lopez, Human Relations Council Chairman, presented the 2008 highlights of the Human Relations Council:

2008 Highlights

- Coordinated the Dr. Martin Luther King, Jr. Breakfast
- Coordinated the Elizabeth D. Koontz Humanitarian Awards Banquet
- Coordinated the Mayor's Spirit Luncheon
- Coordinated Let's Get Connected Day
- Coordinated La Fiesta de Rowan

Mr. Lopez stated that the Human Relations Council will need Council's continued and increased financial support for their programs.

Reverend Whayne Hougland, Human Relations Council Co-Chairman, reviewed the City Ordinance that chartered the Human Relations Council (HRC). He indicated that the HRC could better serve the community if a City staff position was created to help oversee and coordinate their efforts by providing pro-active expertise in mediation, counseling and response to complaints. He presented the HRC 2009 goals:

2009 Goals

- Enhance community harmony and promote awareness of Salisbury-Rowan's growing multiculturalism and diversity
- Improve community relations in the Salisbury-Rowan area
- Improve internal and external communications and operations of the Salisbury-Rowan HRC.
- FY2009-2010 Goals Requiring Funding
 - Covenant Community Connection Activities \$3,000
 - Dr. MLK, Jr. Breakfast \$2,500
 - Salisbury-Rowan HRC Training \$2,000
 - Elizabeth D. Koontz Award Banquet \$2,500
 - Youth Human Relations Programs \$1,000
 - Hispanic Coalition Activities \$3,000
 - Administrative Expenses \$1,350

Mayor Kluttz thanked the members of the HRC for their dedication and recognized the members present. She pointed out the importance of the HRC and indicated that the City cannot be successful unless its citizens get along. She noted that the Human Relations Council request for funding will be taken seriously and that the Council is grateful to them for wanting to do more.

Planning Board

Dr. Mark Beymer, Planning Board Chairman, and Mr. Preston Mitchell, staff liaison, presented the highlights and goals for the Planning Board:

Planning Board Responsible For:

- Providing recommendations to the City Council on:
 - Rezoning petitions
 - Conditional District (CD) petitions
 - Text amendment petitions
 - Special Use Permit applications
- Developing Lane Use Policy Guides
- Developing Long-Range Plans
- Acting on CD Revisions

2008 Highlights

- Implementation of the Land Development Ordinance
 - Case reviews and recommendations
 - Technical Review Committee liaison
- Area Planning
 - Western Gateway Area Plan
 - Faith Road Area Plan

2009 Goals

- Review and provide a recommendation on the Comprehensive Bike Plan
- Completion of the Faith Road Area Plan
- Continue developing the Western Gateway Area Plan
- Continue monitoring implementation of the Land Development Ordinance via Technical Review Committee liaison
- Conduct a minimum of three training exercises

Mayor Kluttz recognized the Board members present and thanked Dr. Beymer, Mr. Mitchell and the Board members for the many hours and hard work they put into the Planning Board.

Councilman Burgin stated that he is excited that the Land Development Ordinance and administrative review now allows the Planning Board time to plan for areas such as the Western Gateway area, the Faith Road area, and the Bike Plan.

GROUP DEVELOPMENT SITE PLAN G-01-93 – HIDDEN CREEK SUBDIVISION

(a) Mr. David Phillips, Development Services Manager, presented Council with a revision to an approved group development site plan for Hidden Creek Subdivision. He

reviewed photographs of the area and indicated that the neighborhood has built out. He noted that when the subdivision started in 1993 the property was zoned Residential District. He indicated that this zoning classification allowed developers flexibility to develop the subdivision with private streets. He pointed out that since that time the City Code has changed and private streets are no longer allowed. He stated that staff has received a request from the Hidden Creek Home Owners Association (HOA) for the City to accept the subdivision's private streets into the City system for maintenance.

Mr. Phillips indicated that the HOA has amended its restrictive covenants to allow modifications of easements along street rights-of-way. He noted that these modifications create an area 44 feet wide to be taken over for maintenance and pointed out two parking areas that will remain private for maintenance by the HOA. He indicated that the revision has been reviewed by staff and the Planning Board, and both recommend modification of the site plan to assume maintenance of the streets.

(b) Mayor Kluttz opened the floor to receive public comment.

Mr. David Martin, 611 Hidden Creek Circle, President of Hidden Creek HOA Association, stated that it has been a year since the association came before Council with its request to begin this process. He indicated that the Association has worked with the City in regards to their covenants, and have amended them to allow for 10 foot easements on each side of the street in what is currently a utility easement. Mr. Martin thanked the City for the cooperation the homeowner's have received over the past year. He stated that the HOA is very earnest about the request and hopes that Council will act on it favorably.

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

Councilman Lewis stated that it is unusual to have an HOA request site plan amendments. He indicated that these types of requests are usually made by for-profit developers. He stated that he feels staff has worked well with the HOA and accepting the streets is the right thing to do. He added that this is an opportunity to support citizens in this neighborhood.

(c) Thereupon, Mr. Lewis made a **motion** to amend Group Development Site Plan G-01-93 Hidden Creek Subdivision for the acceptance of private streets into the City's system. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

STORM DRAINAGE INCENTIVE – 612 SOUTH JACKSON STREET

(a) Mr. Dan Mikkelson, Land Management and Development Director, addressed Council regarding a Storm Drainage Incentive Grant at 612 South Jackson Street. He explained that the house was built in 1928 over a storm drain and the drain has since

deteriorated. He noted that the soil is subsiding and the house is settling. He added that because of the threat to the home it qualifies for the Storm Drain Incentive Grant at the highest level.

Ms. Mikkelson reviewed the site plan and explained how the drain will be rerouted. He indicated that as part of the Grant Program the City will pay for half of the improvements, half of the engineering and all of the work in the right-of-way. Mr. Mikkelson explained that staff can approve these grants up to \$5,000 but any amount over this threshold must be approved by Council. He recommended that Council approve a Storm Drain Incentive Grant not to exceed \$31,300 and requested a temporary partial street closure during construction.

Councilman Burgin indicated that he has received calls from citizens regarding the bidding process for this work. He stated that citizens are concerned that the City is not being fair and indicated that if the City grants \$31,000 of tax payer money, there needs to be a higher standard of equity. He asked if the work was bid or negotiated.

Mr. Mikkelson stated that the majority of the drainage work is on private property. He stated that one of the philosophies behind the Drainage Grant is that work on private property needs to be done under the control of the property owner. He indicated that the City will not go onto private property and exercise control and that the property owner has the right to select their contractor. He noted that staff has assisted the property owners in preparing specifications in order to receive bids in the same manner as the City. He also noted that the property owner is not bound to accept the lowest bidder. He stated that the City's participation in the Grant is based on the low base bid. He stated that the homeowners have chosen to hire one of the other bidders and the contract is between the two parties. Mr. Mikkelson stated that the public right-of-way work will be done by the City and the City will hire the same contractor to do the work because the amount is below the threshold for the bid process.

Mr. Burgin stated that although this is on private property it still uses tax payer money and he believes the bid process is expected to be at a different level and standard than if the homeowners were paying for this themselves. He asked the purpose of bidding the work if the bidding process can be circumvented. He stated that he takes exception to the process if someone gave the best bid but was not selected. He indicated that he thinks that this process should meet the same bidding standards that the City must meet in order to protect the City from the appearance of impropriety.

Councilman Lewis asked if the City funded any alternates. Mr. Mikkelson responded that the City's participation is not based on any alternates. Mr. Lewis asked if the grant amount is based on the low base bid. Mr. Mikkelson indicated that this was correct.

Mr. Burgin asked if the base bid plus alternate from the low bidder changed because the alternate was taken. He stated that there is a problem if the low bid was switched but does not reflect the public process for bidding.

Mr. Burgin suggested this issue be tabled until these questions can be resolved.

Councilman Kennedy asked if this will help other citizens in the area. Mr. Mikkelson indicated that staff approached other property owners to participate in the grant program and they elected not to participate. He stated that if the drainage system fails it will create unexpected drainage patterns for the surrounding neighbors, and repairing the damage now could benefit neighboring properties.

Mr. Burgin stated that he supports repairing the storm drain, but feels that the City needs to use the same bidding standards it follows when using public money.

(b) Thereupon, Mr. Kennedy made a **motion** to table the incentive grant for 612 South Jackson Street until the next meeting. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

PRESENTATION – FAT, OILS, AND GREASE POLICY

(a) Ms. Sonya Basinger, Environmental Service Manager, introduced Mr. Johnny Rogers, Fats, Oils, and Grease (FOG) Inspector, and Mr. Aaron Otten, FOG Coordinator. Mr. Otten reviewed the FOG program.

- What is FOG?
 - Fats, Oils, and Grease
 - Improperly managed, FOG can block wastewater collection and treatment systems.
- Why does FOG matter?
 - FOG blockages harm public health, the environment, and increase operating costs for the owner of the drainage line.
 - The owner of the home or business where FOG has caused a backup is often responsible for cleanup and maintenance costs

In 2008, 493 sanitary sewer overflows were reported across North Carolina due to FOG accumulation.

- Why a FOG Policy?
 - An increasing number of sewer overflows has caused the Environmental Protection Agency (EPA) and the North Carolina Division of Water Quality to develop new requirements.
 - The new collection system permit requirements include:
 - FOG prevention enforcement program
 - Education program for municipalities operating collection systems.

- Who Will Be Affected?
 - All food service establishments must operate and maintain a properly sized grease trap or interceptor
 - Plumbers, Developers, Grease waste haulers, and Engineers
 - Proposed timeline – two years to install grease interceptor and one year to install grease trap, if approved.

Note: The North Carolina Plumbing Code requires that all food service establishments install a grease interceptor or grease trap.

- Some of the New Policies Include:
 - Approval Process
 - Maintenance and Record-Keeping Requirements
 - Design Criteria
 - Responsibilities of Existing Food Service Establishments
 - Enforcement and Response Plans
- Guiding Principles in Policy Development
 - Consideration of impacts on business community while meeting State and Federal requirements and protection of Salisbury-Rowan Utilities (SRU) sewer
 - Adequate time for compliance
 - Sizing based on fixtures and not a set minimum
 - Options for space constraints
 - Consistent with State guidance
 - Clear and uniform standards
- FOG Control Policy Development Process
 - Reviewed existing programs in North Carolina
 - Met with several programs to discuss strengths and weaknesses of their policies
 - Developed draft policy
 - Sent draft policy to Stakeholder groups for review and comment
 - Held Stakeholder meetings to allow for discussion and questions
 - Revisions and edits were made based on feedback from Stakeholder groups
- Stakeholders
 - Internal
 - Land Management and Development Management
 - SRU Management
 - SRU Division Supervisors
 - External
 - Rowan County Building Inspectors
 - Rowan County Health Department
 - North Carolina Restaurant Association
 - Local Restaurants

- Plumbers
 - Engineers
 - Client Communities
 - Downtown Salisbury, Inc.
 - Veteran’s Administration Hospital
 - Rowan County Detention Center
 - Salisbury Housing Authority
 - General Contractors
 - Day Cares
- How to Prepare:
 - Become familiar with policy changes
 - Have your grease trap or interceptor checked and maintained
 - Implement a record keeping system – SRU can assist
 - How We Will Help:
 - Meetings with Food Service Establishments
 - Provide education to help Food Service Establishments become familiar with the new requirements
 - Adequate compliance time
 - Next Steps:
 - Public Hearing
 - Continue to receive comments and feedback from stakeholders
 - Propose revisions to Sewer Use Ordinance (SUO)
 - Propose revisions to Uniform Construction Standards Manual
 - Adoption of Policy

Councilman Burgin asked for clarification on the timeline for restaurants to comply with the new policy. Mr. Otten stated that he will visit the establishment to review its needs and at that point the timeline for compliance will begin. Mr. Burgin commented that this could be a substantial amount of money for a business owner and asked how the timeline was determined.

City Manager David Treme stated that staff has reviewed requirements for the collection options and wanted to give restaurant owners advanced notice to make provisions for what may be required. Mr. Burgin stated that he is optimistic that the new plumbing codes have newer restaurants already in compliance.

Mayor Pro Tem Woodson inquired about the cost of the grease traps and interceptors. Mr. Otten stated that grease traps range from \$2,000 to \$4,000, but can be as much as \$16,000 and the grease interceptors can be as much as \$30,000 depending on the model and size needed.

Mr. Treme stated that Salisbury is one of the last City’s to implement this type of policy and comply with the State’s requirements. He stated that he thinks this will give

restaurant owners the opportunity to review options to determine what is best for their business.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed FOG Policy.

Mr. Joe Mathis, restaurant owner, stated that he is concerned about the amount of time that will be given to fix problems. He stated that the cost involved in fixing these problems can be detrimental. He added that he feels FOG is an issue and needs to be addressed, and that a large amount of grease comes from homeowners. He stated that he hopes restaurant owners will have more time to fix the problems.

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

Councilman Lewis stated that this problem poses a regulatory risk and he believes it is an unfunded mandate. He stated that Council must be aware that when this policy is adopted it will impact restaurants and some may have to close because of this issue. He noted that this policy will also impact restaurants in surrounding municipalities who get water from the City.

Mr. Woodson stated that he hopes loans will be made available to assist businesses with these purchases.

Mr. Burgin stated that he thinks the City has no choice and has to do this from an environmental standpoint. He commented that he would like to set a compliance date to send a message of fairness across the board. He suggested that the City use a graduated system for compliance depending on the size of the restaurant. He noted that this needs to be managed closely in order to be fair to everyone.

Mr. Treme stated that staff will review the time period and ensure it is fair.

Councilman Kennedy suggested the City determine how much it spends repairing FOG issues and use that amount as an incentive grant.

Mr. Treme noted that he is very concerned about what restrictions may be placed on the City by the State if it does not make a good faith effort to comply. Mr. Burgin stated that the grant incentive could be used to encourage a more rapid compliance. Mr. Treme indicated that staff will review a compliance date and an incentive program and bring the information back to Council.

SECOND READING – VOLUNTARY ANNEXATION ROWAN CABARRUS COMMUNITY COLLEGE

Mayor Kluttz stated that due to the lack of an affirmative two-thirds vote required to adopt an annexation Ordinance on its first reading, Ordinance 2009-03 regarding the voluntary annexation of Rowan Cabarrus Community College has been submitted for a second reading. Upon approval of the second reading the Ordinance will be ratified with an effective date of February 3, 2009.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance to extend the Corporate Limits of the City of Salisbury, North Carolina, 99.931 acres to include Rowan Cabarrus Community College. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, 99.931 ACRES TO INCLUDE ROWAN CABARRUS COMMUNITY COLLEGE.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 3-4, and is known as Ordinance 2009-03.)

**It was necessary to have a second reading on the above Ordinance due to lack of an affirmative vote of two-thirds of all members of City Council required to adopt the Ordinance on its first reading.*

REPORT- LASH DRIVE BUS ROUTE EXTENSION

Mr. Tony Cinquemani, Public Services Director, and Mr. Rodney Harrison, Transit Division Manager, addressed Council regarding a request for transit service extension to Lash Drive. Mr. Harrison reviewed options for solutions:

- Option 1
 - Present changes as part of the Five Year Community Transportation Plan
 - Salisbury Transit is currently a top priority (1st round)
- Option 2
 - Add an additional route to our system before the Five Year Community Transportation Plan is complete

Mr. Harrison reviewed the current routes and the proposed route for Lash Drive. He also reviewed the strengths and weaknesses for adding the route:

- Strengths
 - Expand service area
 - Service more convenient for riders

- More frequent stops at existing destinations
- Create employment opportunities
- Improve Route 2 on-time performance
- Public Hearings

- Weaknesses
 - Funding
 - Reduce life expectancy of buses
 - Reduce spare buses
 - Increase in maintenance cost
 - More demand on mechanics
 - Intense route adjustments
 - Reorganizing daily work schedule
 - Turn around/exiting Lash Drive
 - New transfer site with shelter
 - Implementation/Marketing

Mr. Harrison also reviewed the projected expenses:

Projected Expenses						
Analysis WITHOUT Federal/State Assistance						
	FY 2009	Lash Drive Extension				
	Actual	Year 1	Year 2	Year 3	Year 4	Year 5
Administration	\$276,802	\$ -	\$ -	\$ -	\$ -	\$ -
Operating	740,262	180,914	186,901	193,094	199,500	206,125
Capital	34,927	-	-	-	-	-
Total	\$1,051,991	\$180,914	\$186,901	\$193,094	\$199,500	\$206,125
Analysis WITH Federal/State Assistance						
	FY 2009	Lash Drive Extension				
	Actual	Year 1	Year 2	Year 3	Year 4	Year 5
Administration	\$276,802	\$ -	\$ -	\$ -	\$ -	\$ -
Operating	740,262	144,731	149,521	154,475	159,600	164,900
Capital	34,927	-	-	-	-	-
Total	\$1,051,991	\$144,731	\$149,521	\$154,475	\$159,600	\$164,900

Mr. Harrison indicated that he presents this information to Council for use as it considers expansion of bus service to the Lash Drive area.

Mayor Pro Tem Woodson stated that this seems to be a great deal of money to extend the service an additional mile. Mr. Cinquemani stated that the current projected amount does not include capital but is for maintenance, reduced life of vehicles, and personnel costs.

Councilman Lewis asked why Route 2 could not be expanded to include Lash Drive. Mr. Harrison stated that Route 2 is the City's most heavily used route and has the

greatest issues with on-time performance. He stated that extending Route 2 will increase these delays and affect bus connections.

Mr. Lewis asked if it is possible for Lash Drive to become a higher priority than an existing area on the current route. He stated that an area with very low use could be eliminated in order to add Lash Drive. Mr. Cinquemani stated that this is a possibility. He indicated that the five-year plan will show where a concentration of riders may be and if an area is not using the service. Mr. Lewis asked when the five-year plan will be complete. Mr. Harrison explained that the plan is a State process and there are several systems requesting a plan. He added that he has spoken to the Mobility Specialist in Raleigh and was told that the State is diligently working on the plan and Salisbury is currently a top priority.

Councilman Kennedy stated that he would like to have service extended to Lash Drive on a temporary, limited basis to identify the ridership since Route 2 is currently going to the Mall. Mr. Treme stated that Route 2 is currently the busiest route and expanding it three miles will disrupt the entire schedule. He stated that the entire route will need to be evaluated to determine where the need is greatest.

Mr. Treme explained that the State funds 20% of operations and 90% of capital and the City needs their support in order to fund the system. He noted that the expansion of the bus route is more complicated than it appears. He stated that as the budget is being prepared, there will be an opportunity to determine if a temporary plan can be implemented.

Mayor Kluttz stated that this issue is frustrating because Council wants the bus system expanded but the City is dependent on the State and Federal government for funding and Council cannot arbitrarily make the decision without their support. She stated that staff will continue to work on this issue and bring it back to Council.

Mr. Treme stated that he will set a meeting with transportation officials in Raleigh for assistance with this issue.

DEMOLITION OF STRUCTURE – 1220 TABERNACLE STREET

Mr. Chris Branham, Code Services Manager, addressed Council regarding the demolition of a structure located at 1220 Tabernacle Street. He reviewed the location and photographs of the structure. He noted the dilapidated state of the structure and added that after receiving telephone calls from neighbors it was determined that the structure should be demolished. Mr. Branham requested an Ordinance to allow him to arrange demotion for this structure.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance directing the Housing Inspector to have demolished the structure located at 1220 Tabernacle Street, Salisbury, North Carolina, it being unfit for human habitation, and deteriorated to unsafe

condition. Councilman Kennedy asked how the City would recover its money from this demolition. Mr. Branham responded that once demolition is complete the City will place a lien on the property. He noted that the owners in both cases are aware of the situation and support the demolition process. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO HAVE DEMOLISHED THE STRUCTURE LOCATED AT 1220 TABERNACLE STREET, SALISBURY, NORTH CAROLINA, IT BEING UNFIT FOR HUMAN HABITATION, AND DETERIORATED TO UNSAFE CONDITION.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 6, and is known as Ordinance No. 2009-05.)

DEMOLITION OF STRUCTURE - 517 LINCOLNTON ROAD

Mr. Chris Branham, Code Services Manager, addressed Council regarding the demolition of 517 Lincolnton Street. He reviewed the location and photographs of the structure. He indicated that this property is directly across the street from Salisbury High School and noted that the property owners support the demolition of the structure

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance directing the Housing Inspector to have demolished the structure located at 517 Lincolnton Road, Salisbury, North Carolina, it being unfit for human habitation, and deteriorated to unsafe condition. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE DIRECTING THE HOUSING INSPECTOR TO HAVE DEMOLISHED THE STRUCTURE LOCATED AT 517 LINCOLNTON ROAD, SALISBURY, NORTH CAROLINA, IT BEING UNFIT FOR HUMAN HABITATION, AND DETERIORATED TO UNSAFE CONDITION.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 7, and is known as Ordinance No. 2009-06.)

CONSTRUCTION VARIANCE – RECYCLED CONCRETE

Mr. Craig Powers, Engineer, addressed Council regarding a request to allow recycled concrete base as an alternative to ABC stone for roadway construction in the Lone Hickory Village subdivision. He reviewed the request, findings, and recommendations:

- Request:
 - Use recycled concrete instead of ABC stone in a subdivision street

- Variance procedure outlined in the City's Construction Standard Manual

Mr. Powers stated that the Lone Hickory Village subdivision is a great test site because it is small and limits exposure to any problems with use of the new material.

- Findings:
 - North Carolina Department of Transportation (NCDOT) has allowed the product to be used since 1992
 - Received positive comments from everyone that has used the product
 - Able to use a product that is recycled at a lower cost
 - Product is not used in roadways often because of availability
- Staff Recommendations:
 - Allow the use of recycled concrete in lieu of ABC stone as a test case in Lone Hickory Village subject to the following conditions:
 - Meet NCDOT specifications
 - Gradation Test
 - Liquid Limit (35)
 - Los Angeles Abrasion Test
 - Private testing firm shall submit results and certify product
 - Identify on As-Built drawings

Councilman Lewis noted that it is a bonus anytime recycled materials can be used and this appears to be a win-win situation.

Thereupon, Mr. Lewis made a **motion** to approve a request to test the use of recycled concrete under the conditions established by staff in the Lone Hickory Subdivision. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

ORDINANCE AMENDMENT – BACKFLOW PREVENTION

Mr. Mike West, Assistant Systems Maintenance Manager, and Mr. Jim Behmer, Utilities Director, addressed Council regarding a Backflow Prevention Ordinance amendment. Mr. West reviewed the proposed amendments:

- Background
 - Major revision to Chapter was adopted April 3, 2007
 - Several industrial, commercial, and residential upgrades and installations have been updated or constructed
 - Received constructive input from contractors, plumbers and City staff
- Ordinance Update
 - Section 25-140 Installation and Testing

If it has been determined that a consumer/customer shall install a backflow prevention assembly, the Meter Services Supervisor shall provide the consumer/customer with a letter of notification and list of approved backflow prevention assemblies. The following time periods shall be set forth for the installation of the specified assemblies:

From	a. Severe Hazard	7 days
	b. Low to Moderate Hazard	14 days
To	a. Severe Hazards without existing backflow prevention, but without imminent threat	30 days to 1 year
	b. Moderate Hazards without existing backflow prevention, but without imminent threat	30 days to 1 year
	c. Low Hazards without existing backflow prevention	30 days to 2 years
	d. Existing, but non-conforming backflow devices without imminent threat	30 days to 2 years

- Revision to Encasement Policy
 - Standard BF-14
 - Encasement Pipe no longer necessary
 - Salisbury-Rowan Utilities (SRU) still recommends and encourages RP placement directly behind meter
 - Purple Pipe
 - Solid Color
 - Painted
 - Underground Utilities Location Request (ULOCO) standard color for irrigation or reclaimed water lines
- Addition of Reduced Pressure Detector Assembly (RPDA)
 - Standard BF-16
 - Device added to Standards Manual and Installation Guide
 - Space-saving
 - Compromise where standard meter cannot be used
- Minor Note Revision
 - Standards BF-1 to BF-15
 - Editing of diagram arrows to note references
 - No content changes

Mr. Behmer stated that this is a Council level goal to review construction standards and revise them to be equitable to all parties and requested that Council adopt the amendments.

Councilman Burgin asked if the purple colored water line could be retrofitted for existing installation or if it applies only to new installation. Mr. West stated that it will apply only to new residential installation.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Chapter 25, Article VI, of the Code of the City of Salisbury, relating to backflow prevention and cross-connection control. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE VI, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 8, and is known as Ordinance No. 2009-07.)

STAFF REPORT – FIRST YEAR REVIEW OF LAND DEVELOPMENT ORDINANCE

Mr. Preston Mitchell, Senior Planner, reviewed the first year of the Land Development Ordinance (LDO):

- LDO Adoption History
 - LDO adopted December 18, 2007
 - LDO effective January 1, 2008
 - Previous zoning, subdivision, and flood codes repealed February 29, 2008
- Development Processes
 - Administrative/Ministerial Review
 - Housing Permit (Administrative)
 - Low-Impact Pre-Development Grading (Administrative)
 - Minor Site Plan (Administrative)
 - Major Site Plan (Technical Review Committee)
 - Exception Plat (Administrative)
 - Minor Subdivision (Administrative)
 - Major Subdivision (Technical Review Committee)
 - Revision to existing Conditional District (Planning Board)
 - Quasi-Judicial Review
 - Administrative Appeal (Zoning Board of Adjustments)
 - Variance (Zoning Board of Adjustments)
 - Special Use Permit (Planning Board, City Council)

- Legislative Review
 - Text Amendment (Planning Board, City Council)
 - General Rezoning (Planning Board, City Council)
 - Conditional District (Planning Board, City Council)
 - Vested Right (Planning Board, City Council)

- The Numbers
 - Administrative/Ministerial Review
 - Housing Permits (starts):
 - Single-family 53
 - Duplex 11
 - Condos 4 buildings (11 units)
 - Apartments 2 buildings (8 units)
 - Manufactured 5
 - Low-Impact Pre Development Grading 0
 - Minor Site Plan 35 ^{**}(3)
 - Major Site Plan 2
 - Exception Plat 13
 - Minor Subdivision 1
 - Major Subdivision 1
 - Conditional District Revision 0 (1)

***Approximately 12 would have followed Group Development (Indicates plans are in the review process for 2009)*

- Quasi-Judicial Review
 - Administrative Appeal 1
 - Variance 3
 - Special Use Permit 5

- Legislative Review
 - Text Amendment 3 (2+)
 - General Rezoning 4
 - Condition District 8 (3)
 - Vested Right 0

- Fine Tuning
 - Use Matrix and Land Based Classification System (chapter 2)
 - Sidewalk requirement on infill lots (chapter 4)
 - Front “porch” requirement (chapter 5)
 - Infill subdivision requirement (chapter 6)
 - Sign Code (chapter 12)
 - Approval standards for Special Use Permits (chapter 16)

- Text Amendments – In House
 - Electronic Signs for Colleges in Institutional Campus District

- Clarify Amendment versus Revision for Conditional Districts
- Clarify voltage versus wattage for string lighting
- Clarify ‘pedestrian-scale street lighting’
- Text Amendment – Coming
 - Sight Triangles
 - Public Hearing notices for Appeals and Certificates Of Appropriateness
 - Quasi-Judicial voting procedures

Councilman Burgin stated that the Ordinance has fared well and reflects the time that went into its development.

Councilman Kennedy stated that he is concerned with the infill sidewalk requirement and that he has had complaints from citizens who would like to build homes but are concerned about this requirement. Councilman Lewis noted that the City Code requires new Subdivisions to install sidewalks.

Mayor Kluttz thanked staff for the report.

UPDATE – FIBER TO THE HOME AND CUSTOMER SERVICE FACILITY

Mr. John Sofley, Management Services Director, addressed Council with an update regarding the Fiber To The Home and Customer Service Facility. He indicated that last month Council awarded a contract to KKA Architecture and since that time the firm has worked diligently on design plans for the facility. He introduced Ms. Karen Alexander, KKA Architecture, and she presented a conceptual plan and rendering for the Salisbury Customer Service Center. Ms. Alexander displayed conceptual drawings depicting the proposed facility and its location adjacent to Martin Luther King Jr. Avenue.

Mayor Pro Tem Woodson asked about the square footage of the building. Ms. Alexander indicated that the building is approximately 26,000 square feet.

Mayor Kluttz thanked Ms. Alexander for her work on this project and stated that Council appreciates Ms. Alexander registering the building for possible future Leadership in Energy and Environmental Design (LEED) Certification.

Mr. Sofley asked for consensus of Council to proceed with the project. By consensus, Council agreed to proceed with the project.

STAFF REPORT – TRANSPORTATION AND PROGRAMS AT THE SALISBURY COMMUNITY PARK

Mr. Jeff Holshouser, Recreation Coordinator, and Mr. Rodney Harrison, Transit Division Manger, addressed Council regarding transportation to Salisbury Community Park. Mr. Holshouser stated that Parks and Recreation and Transit have worked together in an attempt to find a solution for transportation to the Salisbury Community Park. Mr. Holshouser indicated that staff would like to use the Outdoor Adventure Program as a pilot program in addressing the transportation issue. He reviewed the challenges and cost of the program:

- Transportation to Salisbury Community Park Challenges
 - Cost
 - Limited Supervision

- Outdoor Adventure Camp at Salisbury Community Park – Proposal
 - 8 week program
 - Dates: June 15 – August 7, 2009
 - Time: 9:00 a.m. – 1:00 p.m.
 - \$20 per participant (for structure and organization)
 - 10-14 participants daily
 - Supervised and structured activities provided (2 staff)
 - Different themes weekly
 - Transportation will be provided from our centers (Miller Center, Hall Gym, City Park, and Civic Center) or participants can meet at the Salisbury Community Park
 - Parents will have the option of placing their child in our summer camp after completion of Outdoor Adventure Camp each day

- Outdoor Adventure Camp – Cost Summary

○ Transportation	\$4,000
○ T-Shirts	768
○ Staff 1 (\$12/hour) 8:00 a.m. – 1:00 p.m.	2400
○ Staff 2 (\$8/hour) 8:00 a.m. – 1:00 p.m.	1600
○ Supplies (8 weeks x \$100)	<u>800</u>
TOTAL	<u>\$9,568</u>
○ Amount requested in grants	\$7,648
○ Participants Fee: 12 x \$20 (8 weeks)	1,920
○ Grant Received: Salisbury Community Foundation	3,500
○ Amount needed to fund October Adventure Camp	4,148

Mayor Pro Tem Woodson stated that he is in support of this and thinks it will be a good first year program.

Mayor Kluttz asked what the \$20 participant fee would cover. Mr. Holshouser indicated that it would cover the cost of one week at the camp. He stated that if additional grants are received the price could be lowered.

Mayor Kluttz stated that this is a wonderful idea and she is favor of it. She thanked Mr. Holshouser and Mr. Harrison for their report.

ONE-WAY TEMPORARY TRAFFIC PATTERN – WATER STREET AND 300 WEST CEMETERY STREET

Ms. Wendy Brindle, Traffic Engineer, addressed Council regarding a one-way temporary traffic pattern. Ms. Brindle indicated that she received a request from Andrew Jackson Masonic Lodge to convert the flow of traffic to one-way in the southbound direction and to restrict parking on Water Street and the 300 Block of West Cemetery Street for their annual Brunswick Stew Sale Thursday, February 26, 2009. She stated that the temporary traffic pattern reduces the congestion of parked cars in the area by allowing traffic to travel southbound on Water Street and remain in their vehicles for carry-out orders. Ms. Brindle recommended Council approval of the request.

Thereupon, Mr. Burgin made a **motion** to approve a request from the Andrew Jackson Masonic Lodge to make Water Street and 300 West Cemetery Street one-way in the southbound direction for its annual Brunswick Stew Sale Thursday, February 26, 2009 with the requirement that the Lodge provide the traffic control for the duration of the traffic pattern change at the intersections of Water Street and Kerr Street and West Cemetery Street and Fulton Street. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

BOARDS AND COMMISSIONS

This item was postponed.

COMMENTS FROM THE CITY MANAGER

(a) **Neighborhood Stabilization Grant Program**

City Manager David Treme announced that Ms. Janet Gapen, Senior Planner, delivered the Neighborhood Stabilization Grant to Raleigh February 2, 2009.

MAYOR'S ANNOUNCEMENTS

(a) 24th Annual Future Directions and Goal Setting Retreat

Mayor Kluttz announced that the 24th Annual Future Directions and Goal Setting Retreat will be held February 12-13, 2009.

(b) Neighborhood Revitalization

Mayor Kluttz announced that the City of Salisbury will receive public comments and proposals regarding the Fiscal Year 2009 Action Plan for neighborhood revitalization funded by the Community Development Block Grant and HOME programs. The meetings will be held Tuesday, February 3, 2009 at 6:00 p.m. at the West End Business and Community Center located at 1400 West Bank and Tuesday, February 10, 2009 at 6:00 p.m. at the Park Avenue Community Center located at 632 Park Avenue.

(c) US Conference of Mayors and Mayors Coalition Meetings

Mayor Kluttz reported on the United States Conference of Mayors and the North Carolina Metropolitan Mayors Coalition meetings held January 17-19, 2009 in Washington, DC.

Mayor Kluttz reported that Mr. Rahm Emanuel, White House Chief of Staff, Ms. Valerie Jarrett, White House Senior Advisor, and Mr. David Axelrod, White House Senior Advisor met with the US Conference of Mayors and explained that the new administration understands the importance of Cities and that they were enthusiastic about helping municipalities. She stated that she was delighted to hear Mr. Emanuel speak of innovative ways for economic recovery and the importance of universal broadband. Mayor Kluttz noted an excerpt from an article she received at the Conference indicating that for every dollar invested in broadband, the economy sees a ten-fold return on that investment. Mayor Kluttz stated that it makes her proud that Salisbury is ahead of the curve on this issue.

Mayor Kluttz stated that the North Carolina Mayors Coalition was organized for the purpose of lobbying the State. She indicated that the organization has become so strong that they have also decided to lobby the Federal government. She indicated that Coalition members visited Senators Kay Hagan and Richard Burr. She stated that each City represented at the Coalition presented the Senators with an information packet indicating how they would use the proposed economic stimulus funds. She noted that the Mayors wanted to inform the Senators that if funds are distributed directly to the City, and not through the State, jobs could be produced immediately.

CLOSED SESSION

Mayor Kluttz asked for a motion to go into closed session.

Thereupon, Mr. Woodson made a **motion** to go into closed session concerning a personnel matter as allowed by North Carolina General Statute (NCGS) 143-318.11 (6). 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 return to open session. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz reported that Council conducted its annual evaluation of the City Manager and Mr. Treme has received an excellent rating. She stated that Council feels the City has an excellent City Manager who is doing an outstanding job. She added that Mr. Treme makes Salisbury the best it can be and that Council believes the City is very fortunate to have him. She noted that a merit increase was discussed and a joint decision was made with Mr. Treme that because of current economic conditions no merit will be given this year.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:33 p.m.

Mayor

City Clerk