

Salisbury, North Carolina
September 2, 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 asked that those present to remember the local men and women serving overseas in the Army 991st Transportation Unit, Army 846th Transportation Unit, and the Blackhawk Army Air Reserves, as she led the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

RECOGNITION – DR. CAROL SPALDING, ROWAN-CABARRUS COMMUNITY COLLEGE PRESIDENT

Mayor Kluttz introduced Dr. Carol Spalding, new president of Rowan-Cabarrus Community College.

Dr. Spalding stated that her goal is to help build the future for Rowan-Cabarrus Community College (RCCC). She commented that she is happy to be in North Carolina and is very excited about the new Research Center in Kannapolis. She invited all citizens to participate with RCCC as they pursue the future.

Mayor Kluttz welcomed Dr. Spalding and stated that she is very excited about Dr. Spalding's plan for RCCC. She indicated that the City wants all citizens to be successful and RCCC is a wonderful opportunity for them to achieve this goal.

RECOGNITION – POSITIVE YOUTH INITIATIVES

Rowan One Church One Child Program

Reverend Jon Hunter, Department of Social Services (DSS), addressed Council regarding the Rowan One Church One Child Program. Reverend Hunter stated that the ministry is a partnership between DSS and local churches who seek to make a difference in the lives of children and families served by DSS. He noted that the program also recruits for foster and adoptive families from within the church congregations. He pointed out that the ministry began November 2006 and currently there are 31 churches from throughout Rowan County involved in the program.

Reverend Hunter stated that the program was selected as one of eight national programs to receive a Best Practice award at the national convention. The program was also selected as one of 12 programs featured nationally in the Best Practice Publication.

Reverend Hunter explained that the focus of the program is to identify and support families within congregations who are interested in becoming foster or adoptive families. The program also strives to help meet the needs of children in foster care and the families who care for children in Rowan County, while educating churches and the community about these needs. He pointed out that as a member of the program the church agrees to recruit a church coordinator and sponsor at least one project or program during the year.

Dr. Nilous Avery, Chairman of the DSS Board, thanked Council for setting an example by which DSS and this program seek to enrich the lives of children. He also thanked Reverend Hunter for his vision and hard work.

Mayor Kluttz thanked Reverend Hunter and Dr. Avery for the wonderful work they are doing. She indicated that this is a wonderful example of why citizens identified the faith community as an important factor to insure the success of the community's children.

Barnabas Connection

Pastor Jennifer Ginn and Dr. Shirley Ritchie reviewed the Barnabas Connection Mentoring Program. Pastor Ginn indicated that the Barnabas Connection is a mentoring ministry that offers young people the opportunity to receive instruction from artists on art projects. She stated that the program is sponsored by St. John's Lutheran Church who works in partnership with Rowan Youth Services Bureau and the Salisbury Arts Community.

Pastor Ginn stated that the program serves the community by assisting the City's mentoring initiatives as a means of counteracting gang activity and delinquency. She displayed photographs and reviewed the activities and art projects accomplished during the summer program.

Dr. Ritchie stated that dozens of volunteers have worked with the programs and indicated that students who have participated feel special and are proud of what they have created. She noted that this program is a wonderful example of group mentoring.

Mayor Kluttz stated that she is proud of the church and the volunteers. She commented that many people are more comfortable in a group setting and she encouraged the community to get involved with group mentoring.

Project SAFE Family Day

Mayor Kluttz stated that Project SAFE Family Day was held August 30, 2008 at the J. F. Hurley YMCA and was very successful with approximately 1,470 participants. She indicated that she is very excited about the efforts being made by the community.

Employee Mentoring Drive

Mayor Kluttz stated that the City held an Employee Mentoring Drive on August 25, 2008 and it was attended by over 40 employees who have expressed an interest in becoming a mentor.

RECOGNITION – SALISBURY-ROWAN UTILITIES GOLD AND SILVER PEAK PERFORMANCE AWARDS

Mr. Jim Behmer, Interim Utilities Director, stated that the Peak Performance Awards Program is presented by the National Association of Clean Water Agencies (NACWA) in recognition of wastewater treatment facilities for their outstanding record of compliance in the 2007 calendar year. He pointed out that Salisbury-Rowan Utilities has been recognized for their outstanding record of compliance in regards to the two wastewater facilities. He added that there were approximately 400 facilities nationwide that received this recognition and only 14 in North Carolina. He commended the

employees of the Utilities Plant Operations and Environmental Services Division for their success in meeting this high standard of environmental stewardship.

Mayor Kluttz presented the Peak Performance Gold Award for Salisbury-Rowan Wastewater Treatment Plant to Mr. Martin Trexler, Operator in Responsible Charge (ORC), for complete and consistent National Pollutant Discharge Elimination System (NPDES) permit compliance during calendar year 2007. She then presented the Peak Performance Silver Award for the Second Creek Wastewater Treatment Plant to Mr. Charles Wood, ORC, for its consistent NPDES permit compliance during the calendar year 2007.

Mayor Kluttz thanked the award recipients, supervisors and the department for all they do for the City.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of August 19, 2008.

(b) Temporary Street Closing – Family Night Out and United Way Kick-Off Campaign

Close the 100 block of East Fisher Street Friday, September 5, 2008 from 4:00 p.m. until 10:00 p.m. for Downtown Salisbury, Inc.'s Family Night Out and the United Way Kick-Off Campaign.

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

ZONING MAP AMENDMENT – LDOZ-5-03-08, CITY OF SALISBURY UNNUMBERED WEST RITCHIE ROAD

(a) Mr. Preston Mitchell, Senior Planner, stated that this zoning map amendment is a request by the City to rezone property from Rural Residential (RR) to Light Industrial (LI). He displayed an aerial map and a photograph and indicated that the petition area is located along West Ritchie Road adjacent to I-85. Mr. Mitchell explained that the property was rezoned in 2006 from A-1 Agriculture to M-1 Light Industrial, however, this zoning action was inadvertently omitted during the conversion from the old Zoning Map to the New Land Development District Map. He indicated that this map amendment is important to properly change the zoning of the property from RR to LI so that the new District Map reflects the rezoning action that occurred under the previous

zoning code and map. He reviewed the Land Development Ordinance (LDO) background:

- LDO District Map (Zoning Map)
 - LDO Committee recommended early to create a “conversion map”
 - Avoids mass changes in zoning as part of code adoption
 - Like-for-like zoning
- Z-07-06 changed from A-1 (RR) to M-1 (LI)
 - Error in mapping caused error in new map (conversion map)
 - This rezoning changes property to LI (like M-1)

Mr. Mitchell indicated that the City is requesting this change to make the map reflect the proper zoning. He reviewed the Comprehensive Plan:

- Protection of “existing, viable neighborhoods”
 - Area has not “become so completely infused or surrounded by non-residential uses that their continued viability as a housing resource has become questionable”
- Protection of Floodway and Floodplain Industrial growth supported, but only after advance planning for careful siting, Industrial to locate on “physically suitable land”

Mr. Mitchell stated that when the property was rezoned in 2006 the petitioner agreed to split-zone the property to A-1 (RR) on the northern portion and M-1 (LI) on the southern portion. Mr. Mitchell reviewed the 2006 Planning Board recommendation:

- 2006 – Board voted unanimously to recommend approval as amended:
 - Split-zone long parcel across from homes (TM&P 400-026)
 - Rezone all of bottom parcel (TM&P 402-004)
 - Board also stated that the rezoning, as amended, is consistent with the City’s adopted growth plans
- 2008 – Board again votes unanimously to recommend approval of 2006 approval

Councilman Lewis asked why the LI zoning was chosen instead of Highway-Business (HB) or Commercial Mixed Use (CMX). Mr. Mitchell answered that the precedent set by the Land Development Ordinance Committee (LDOC) was to make direct like-for-like conversions.

Councilman Burgin stated that he understands the direct conversion, but in this case there may be other uses that are appropriate if the property were zoned HB. He added that the new industrial district is more restrictive as opposed to some of the development in the area. Mr. Mitchell stated that there are opportunities in HB for retail and noted that the two businesses that have opened in the area are a farm implement facility and motorcycle repair shop and the LI zoning meets their needs. Mr. Burgin

stated that if the owners of these businesses are satisfied and the zoning meets their needs, he is fine with the rezoning request as presented.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on proposed zoning map amendment LDOZ-5-03-08.

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

(c) Mr. Lewis stated that this is an omission of procedure and the property owner is in agreement with the rezoning. He indicated that he feels it is appropriate for the City to correct this at its expense rather than at the property owner's expense.

Mr. Lewis stated that the City Council hereby finds and determines that adoption of an ordinance to rezone the property described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan and that adoption of the ordinance is reasonable and in the public interest. Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, by rezoning approximately 2.84 acres, located along the east margin of West Ritchie Road from Rural Resident (RR) District to Light Industrial (LI) District. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 2.84 ACRES LOCATED ALONG THE EAST MARGIN OF WEST RITCHIE ROAD FROM RURAL RESIDENTIAL (RR) DISTRICT TO LIGHT INDUSTRIAL (LI) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 102-104, and is known as Ordinance No. 2008-43.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT LDOA-03-2008

(a) Mr. Preston Mitchell, Senior Planner, stated that text amendment LDOA 03-2008 is the third amendment to the Land Development Ordinance (LDO) and explained the three-part amendment:

- Section 6.3.E.2 – Frontage width comparison procedures
 - If procedure for determining comparison lots results in four or less comparison lots, the process shall be modified to include lots on the opposite side of the street (excluding major and minor thoroughfares) in the area within the 300 foot boundaries
 - The minimum frontage width required for compatibility shall be the average frontage width of all lots selected by this method (do not exclude largest and smallest)

- Section 16.7 and 16.8 – Final Plat and Record Plat Certifications
 - Changes to the certification stamps that are placed on plats
- Section 2.6 Floating Overlay Districts: MHD – Manufactured Home District
 - In the early process of the LDO re-write, the Conditional District (CD), the Manufactured Home Development District (MHD) and the Traditional Neighborhood Development (TND) was a base district instead of a floating overlay district
 - During the re-write process the CD district became a floating overlay district and the MHD mistakenly became a floating overlay district. The MHD should have remained a base district
 - This amendment converts the MHD from a floating overlay district to a base district
 - Amendment will not change any of the standards or permit manufactured homes in any other base district than already permitted (RR, MHD)

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on proposed zoning map amendment LDOTA-03-2008.

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

(c) Councilman Burgin stated that the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury 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. Burgin made a **motion** to adopt an Ordinance amending the Land Development Ordinance of the City of Salisbury, North Carolina by amending Sections 2.4, 2.6., 6.3.E.2, 16.7, and 16.8. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING SECTIONS 2.4, 2.6, 6.3.E.2, 16.7, AND 16.8.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 105-114, and is known as Ordinance No. 2008-44.)

SPECIAL USE PERMIT – SUP-04-08 MIKEY’S CONVENIENCE STORE

SUP-04-08 Mikey’s Convenience Store, 1035 Mooresville Road

(a) Swearing In

Mayor Kluttz swore in the following persons to testify in this case:

Mr. David Phillips

(b) Receive Testimony

Mr. David Phillips, Development Services Manager, indicated that this request is for a Special Use Permit for Mikey's Convenience Store to be located at 1035 Mooresville Road. He provided background for Council in regards to what they should look for as far as evidence for the case. He reviewed the decision-making rules, stating that:

- The zoning ordinance (Land Development Ordinance - LDO) must spell out the standards for granting a Special Use Permit (SUP), and those decision-making standards cannot be developed on a case-by-case basis
- The decision to grant or deny the SUP, or to impose conditions on the approval, must be based solely on the LDO standards
- The standards must provide sufficient guidance for decision. The applicant, neighbors, and board(s) all need to know what the ordinance requires for approval

Mr. Phillips stated that during the production of evidence:

- The burden is on the applicant to present sufficient evidence to allow the board(s) to make findings that the required standards will be met
- The burden is on the opponent to present sufficient evidence that a standard will not be met
- If insufficient evidence is presented that the required standards will be met, then the SUP must be denied
- If uncontradicted evidence is presented that all of the standards will be met, then the SUP must be issued
- If uncontradicted evidence is presented that even one of the general or specific standards will not be met, then the SUP must be denied
- If there is conflicting evidence, the board decides what the facts are and decides accordingly

Mr. Phillips stated that in this case the property is zoned Neighborhood Mixed Use (NMU) and the only standard required by the LDO is that the applicant seek a Special Use Permit. He noted that the findings of evidence for this case will be based only on the three general standards required for all SUP's. He then reviewed those standards for decision:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area

3. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed

Mr. Phillips pointed out that the site is located at the intersection of Sunset Drive and Mooresville Road. He noted that Council may be more familiar with this site as being the former Classic Custom Wrecker Service facility that is not longer in operation. He reviewed an aerial map of the area noting that there is commercial zoning currently near the intersection. Mr. Phillips displayed a photograph of the existing building and noted that it will be retrofitted to become the convenience store. He also displayed ground photographs of the site and surrounding properties.

Mr. Phillips reviewed the current zoning map and pointed out the Corridor Mixed Use and Highway Business districts adjacent to the proposed site. He displayed a proposed site plan and noted that the existing building will be renovated and gas pumps will be added along the side of the property. He stated that there will be an entrance from Sunset Drive and an entrance from North Carolina Department of Transportation (NCDOT) owned road, Highway 150. He noted that NCDOT will require modifications to Highway 150 for the installation of a concrete median to allow right in, right out only access to the site. Mr. Phillips pointed out a Duke Power transmission line that separates the commercial zoning from the adjacent residential zoning.

Mr. Phillips indicated that the landscaping plans are still under review and noted that if the request for the sale of alcohol from the convenience store had not been made, the site would have been approved at a staff level.

Mr. Phillips stated that Council was provided information that stated the basis on which the Planning Board based its Findings of Fact. He noted that Council can use these Findings or may modify them to meet Council's Findings.

Mayor Pro Tem Woodson clarified that there is no median currently in place on Highway 150. Mr. Phillips responded that this is correct and NCDOT will require the median on Highway 150. Mr. Woodson asked if this is for safety purposes. Mr. Phillips stated that customers traveling on Highway 150 will have to turn onto Sunset Drive and enter from that direction. He noted that a customer can then exit onto Sunset Drive or right only onto Highway 150. He added that this may become a more heavily traveled intersection because of the median.

Mayor Kluttz then opened the floor to receive public comment regarding the Special Use Permit request.

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

Councilman Lewis clarified that Council is not approving the site plan, but only the sale of alcohol for the convenience store. Mr. Phillips responded that this is correct.

Mr. Lewis noted that the administrative approval will include sidewalks as required by Code. Mr. Phillips agreed.

Mr. Woodson commented that he feels a nice store will help this corner.

Mr. Phillips noted that Council may reference the site plan in regards to its standards for decision.

(c) Findings of Fact

Thereupon, Mayor Pro Tem Woodson made a **motion** for Findings of Fact that the use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; that the proposed plan as submitted and approved, will be visually and functionally compatible to the surrounding area; that the public health, safety, and welfare will be assured; and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed and that Council approve this. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mr. Burgin asked to clarify if a second motion was needed for the Special Use Permit. Mayor Klutz noted that the Findings of Fact and the motion were made together and Attorney Rivers Lawther indicated that this is acceptable because the Findings of Fact are connected with the SUP.

RESOLUTION PROHIBITING SEX OFFENDERS FROM ROWAN PUBLIC LIBRARY

Mayor Kluttz noted that Rowan County has requested the City adopt a Resolution enforcing Rowan County's Sex Offender Ordinance at the Rowan Public Library. She stated that since the library is located inside the City limits Council must adopt the Resolution to allow the County Ordinance to be applicable and enforceable.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution enforcing Rowan County's Ordinance prohibiting sex offenders from entering the Salisbury branch of the Rowan County Library. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION ENFORCING A ROWAN COUNTY ORDINANCE PROHIBITING SEX OFFENDERS FROM ENTERING THE SALISBURY BRANCH OF THE ROWAN PUBLIC LIBRARY

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 53, and is known as Resolution No. 2008-35.)

ORDINANCE TO REDUCE SPEED LIMIT IN WESTWOOD NEIGHBORHOOD

Mr. Dan Mikkelson, Land Management and Development Director, reminded Council that in past discussions regarding requests for reduced speed limits, Ms. Wendy Brindle, Traffic Engineer, recommended that if there is an isolated neighborhood with no through-street that a speed limit reduction should be considered. He stated that the Westwood neighborhood has submitted a petition to lower the speed limit to 25 miles per hour in the neighborhood. He noted that this neighborhood has become proactive and has also submitted a petition for street lighting and has started a neighborhood watch program. He commented that he feels this shows unity in the neighborhood and requested that Council support lowering the speed limit to 25 miles per hour.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13 of the Code of the City of Salisbury, relating to speed limits of 25 miles per hour in the Westwood neighborhood. Mr. Kennedy seconded the motion and stated that he hopes the residents who did not sign the petition understand that the speed limit is being lowered. He added that he hopes signs will be erected to ensure the citizens are notified. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

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

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 53, and is known as Ordinance No. 2008-45.)

MUNICIPAL AGREEMENT – LANDSCAPE IMPROVEMENTS EAST INNES AND I-85

Ms. Lynn Raker, Urban Design Planner, updated Council on the East Innes Street I-85 landscaping project. She noted that this specific project was put on hold last fall when the North Carolina Department of Transportation (NCDOT) had a statewide road planting moratorium. She stated that NCDOT notified her in the spring that there would be planting allowed on a case by case basis. She indicated that NCDOT has agreed to special enhancement funding outside of the funding for the interchange project.

Mr. Dan Mikkelson commented that there was an item in the Salisbury Post regarding the flooding on East Innes Street and questioning if the storm drain system was appropriate. He noted that staff does not believe the storm drain system installed by the State contributed to the flooding in any way. He explained that the rain event was considered one that would take place only once every 50 or 100 years and is not an event that is expected to occur frequently.

Ms. Raker displayed photos showing landscaping improvements in this area and noted that during the recent flooding on East Innes Street there was very little loss of the landscape plantings. She stated that approximately \$2,200 of the plantings were lost during the flood with the majority of the plants withstanding the water.

Ms. Raker reviewed the budget for the East Innes Streetscape Improvement project.

Revenues:	
Margaret C. Woodson Foundation	\$25,000
F&M Bank	10,000
Blanche and Julian Robertson Foundation	100,000
J.F. Hurley Foundation	5,000
Salisbury Community Foundation (SCF)	60,000
SCF – James F. & Geraldine T. Hurley III Advised	100,000
SCF – Holmes Investment Co. Donor Advised	25,000
SCF – William & Nancy Stanback Donor Advised	10,000
Total Donations	<u>\$335,000</u>
Expenses:	
Decorative Street Lights	\$89,000
Firestone Easement Curb & Planting	7,000
Decorative CA Fencing	28,000
Irrigation in medians and rights-of-way	10,000
Median and rights-of-way landscaping	27,000
Three year maintenance of landscaping	19,000
Total Expenses	<u>\$180,000</u>
Donations Fund Balance	\$155,000
Encumbered:	
Decorative CA Fencing	\$14,000
Shell, etc. easement curb and planting	20,000
Total encumbered	<u>\$34,000</u>
Projected Balance	\$121,000
Reimbursable by special NCDOT enhancement funds:	
Median and rights-of-way landscaping up to	\$50,000

Mayor Kluttz stated that it is important that the public understands the generosity of private citizens who have given money to improve the appearance of the East Innes Corridor. She stated that she is very proud of how the staff has applied the funds to make this a beautiful entrance into the City.

Thereupon, Mr. Woodson made a **motion** to authorize the Mayor and City Clerk to sign a Municipal Agreement with North Carolina Department of Transportation concerning landscape improvements at I-85 and Innes Street. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

BUDGET ORDINANCE AMENDMENT - \$476,500 FOR
TELECOMMUNICATIONS EQUIPMENT

Mr. John Sofley, Management Services Director, reminded Council that over the last 18 months the City has been working with Nextel Communications to reband and change frequencies for the City's telecommunications equipment. He stated that in May, Council approved a contract with Nextel to replace numerous radios because the existing radios would not work with the new frequencies. He indicated that in negotiating with Nextel staff requested that 66 Fire Department radios be replaced with new waterproof Motorola radios, but Nextel would not agree to do this.

Mr. Sofley also indicated that the City has 14 facilities which are equipped with Supervisory Control and Data Acquisition (SCADA) equipment in order to allow remote control of facilities. He noted that the SCADA equipment is 19 years old, but because the equipment continues to function, Nextel refused to replace these items in the new contract.

Mr. Sofley indicated that other municipalities in the County are also replacing radios and in order to simplify the ordering process have asked that the City purchase their radios along with the City's. He noted that the municipalities will fully reimburse the City for the expense.

Councilman Burgin asked for clarifications of why Nextel would not replace the SCADA units. Mr. Terry Buff, Telecommunications Manager, noted that Nextel is asking the City to reprogram the SCADA units in order to keep them working and because the equipment is not used for public safety, Nextel did not feel they should replace them. Mr. Burgin asked if Nextel provided a report concerning the equipment replacement. Mr. Buff indicated that Nextel did prepare a report and he will provide the report to Mr. Burgin.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the 2008-2009 Budget Ordinance in the amount of \$476,500 to appropriate revenues and expenditures for the purchase of telecommunications equipment. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE 2008-2009 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUES AND EXPENDITURES FOR THE PURCHASE OF TELECOMMUNICATIONS EQUIPMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 116, and is known as Ordinance No. 2008-46.)

SALISBURY DEPOT TRACKSIDE CANOPY AND PLATFORM PROJECT – INSURANCE AND LIABILITY

Mr. Dan Mikkelson, Land Management and Development Director, updated Council on the trackside canopy and platform improvements at the Salisbury Depot. He stated that he has not issued a notice to proceed for the contract due to administrative items that were incomplete. He noted that there was a delay in obtaining insurance because the improvements will be located on property owned by North Carolina Railroad or Historic Salisbury Foundation, but the completed improvements will be owned by the City of Salisbury. He indicated that North Carolina Department of Transportation (NCDOT) confirmed that this is usual for trackside improvements and proper insurance has now been obtained. City Manager David Treme pointed out that the cost of the insurance will be approximately \$1,000 per year.

Mr. Mikkelson stated that a license agreement for the property owned by North Carolina Railroad has been drafted and should be ready by Council's next meeting. He also stated that he needs an easement for the portion of the project that will be on Historic Salisbury Foundation's property and noted that the contractor has agreed to extend his bid for the time needed to obtain the completed information.

STAFF REPORT TO SET A PUBLIC HEARING FOR STREET FESTIVAL AND SPECIAL EVENTS

Mr. Joe Morris, Planning and Community Development Manager, reviewed proposed text amendments to the City Code to allow Street Festivals and Special Events. He stated that these events will be limited to the Municipal Service District and will be managed based on Alcoholic Beverage Commission (ABC) laws. He noted that ABC requires training for volunteers serving alcohol and this will also be required as part of the Street Festival Ordinance. He proposed that the policy be established by City Council and implemented by the Chief of Police or his designee. Mr. Morris indicated that Public Street Festivals are community based and Special Events are business driven and that each event will be handled differently. He stated that the proposed Ordinance has been endorsed by the Downtown Salisbury Inc. Board of Directors. He requested that Council set a public hearing to receive comments on the proposed Ordinance.

Thereupon, Mr. Lewis made a **motion** to set a public hearing for September 16, 2008 to receive public comment on a proposed Street Festival and Special Events Ordinance. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

BOARDS AND COMMISSIONS

Upon a **motion** by Mayor Kluttz, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Woodson, Lewis, and Ms. Kluttz voting AYE, the following appointment was made to the Planning Board:

Mr. Bill Wagoner

Term expires 03-31-2011

COMMENTS FROM THE CITY MANAGER

City Manager David Treme indicated he had no comments at this time.

MAYOR'S ANNOUNCEMENTS

(a) Salisbury-Rowan Firefighter Memorial

Mayor Kluttz announced that a Salisbury-Rowan Firefighters Memorial Service will be held Thursday, September 11, 2008 at 9:30 a.m. at the Fireman's Memorial located in the 1400 block of South Main Street.

(b) Westcliffe Sidewalk Committee

Mr. Lewis suggested he and Mr. Burgin serve as a Council Committee to determine feasibility of extending sidewalks in the Westcliffe neighborhood. Mayor Kluttz agreed and thanked Mr. Lewis and Mr. Burgin for their willingness to review this issue.

CLOSED SESSION

Mayor Kluttz requested a motion to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(3) and a personnel matter as allowed by NCGS 143-318.11(6).

Thereupon, Mr. Burgin made a **motion** to go into closed session as read. Mr. Woodson 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. Kennedy seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE (4-0)

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 6:52.

Mayor

City Clerk