

Salisbury, North Carolina

August 20, 2002

REGULAR MEETING

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

ABSENT: Councilman Robert (Bob) Martin

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

CONSENT AGENDA

(a) Minutes

Minutes of the Regular meeting of August 6, 2002.

(b) Minor Subdivision Plat

Approve Minor Subdivision Plat for the following:

- S-04-02 - O.T. Lingle, Jr., dividing a 3.32 acre tract of land on Sherrill's Ford Road into two parcels.

(c) Group Development Site Plan

Approve Group Development Site Plan for the following:

- G-15-02 - Gateway Area Parking Lot, 100 block North Lee Street.

(d) Final Subdivision Plat

Approve Final Subdivision Plat for the following:

- S-6-01 - Rowan Regional Medical Park, subject to receipt of an appropriate guarantee of construction.

(e) Pre-development Grading Permit

Approve a Pre-development Grading Permit on South Arlington Street Extension (beside new Super Wal-Mart).

Thereupon, Mr. Woodson made a **motion** to approve the Consent Agenda. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

UPDATE ON WATER CRISIS

Mr. John Vest, Utilities Director and Mr. Matt Bernhardt, Assistant Director Salisbury-Rowan Utilities Department, briefed Council on the break between the 16" and 24" raw water line Monday, August 19, 2002. The line has been repaired and somewhat close to normal operation again, they said. Mr. Vest thanked all departments that assisted during the crisis.

Mr. Bernhardt told Council that, as of this morning (Tuesday, August 20, 2002), the main tank level was at 20 feet, with full being 24 feet. The system did fill back up during the night; however, the City's supplies were exhausted of repair materials for the 16" raw water line and crossover. Based upon current conditions, the City of Salisbury remains at a Level 2 water emergency. The system is still not completely full and the City is stressing to our customers cooperation in reducing water use wherever they can.

Mr. Vest told Council staff would like to recommend a change to the water emergency management ordinance by adding a Mandatory Level 1. He said this would include all the voluntary requirements under Level 1 but add "irrigation of lawns and ornamental trees or plants shall not be done except during the hours between 9:00 p.m. and 4:00 a.m. Variances for commercial irrigation may be issued and revoked by the utilities management, depending on the severity of the situation."

City Manager Treme observed this may prevent the City from going to a Level 2 or Level 3 in the future which could be more severe. We are only adding another alternative to allow irrigation during the night, Mr. Treme noted.

Mr. Vest added this gives the City more flexibility. He said he would like to commend all the corporate citizens, as well as our customers, for their prompt response to the City's emergency by cutting back on their usage.

Mr. Treme pointed out if corporate citizens and the citizens of Salisbury had not responded to the City's request, the City would have run out of water for 15,000 customers. He said they literally cut back about 3 million gallons worth of use that expanded the water available from 4 hours to 8 hours. This allowed staff find the cracked 16" connector, to drain the river away from it, and repair it, Mr. Treme said.

Mayor Klutz said, "On behalf of the City Council, 'Thank You' to everyone who cooperated in this situation." Councilman Burgin added our utility historically is very reliable and we are going to keep it that way. This Council has made some decisions regarding expenditures of spending a large amount of money to keep our system reliable, Mr. Burgin noted.

Thereupon, Mr. Burgin made a **motion** to adopt the amendments to the Water Emergency Management procedures. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING CHAPTER 25, UTILITIES, OF THE CODE OF THE CITY OF SALISBURY, NORTH CAROLINA, SECTION 25-156, WATER EMERGENCY MANAGEMENT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter 25, Utilities, at Page No. 2, and is known as Ordinance No. 2002-60.)

PRESENTATION FROM MR. BOB HAYNES, DIRECTOR OF RISK MANAGEMENT SERVICES, NORTH CAROLINA LEAGUE OF MUNICIPALITIES

Councilman Kennedy, who serves on the Board of Directors of the North Carolina League of Municipalities for Risk Management, introduced Mr. Bob Haynes, Director of Risk Management Services for the North Carolina League of Municipalities.

Mr. Haynes thanked the City of Salisbury for support and participation in the League's property and liability insurance program. He told Council that the Board of Trustees felt this year they would provide a special premium credit back to the membership. The Board has authorized \$1.6 million to go back to the membership to reward those members, based on their longevity, as well as their risk management and loss control, during the past five (5) years. He said that 271 members are receiving one of these checks. Those receiving the greatest portion are those that have been able to keep their loss ratio below 25%. The City of Salisbury has been able, over the last 5 years, to keep its loss ratio at 13%, Mr. Haynes reported. He then presented to the City of Salisbury a check in the amount of \$34,276.00.

Mayor Klutz congratulated the local Risk Management staff of Richard Kelly and Kim Treece for the work they have done.

AWARD CONTRACT - TWO 16.5 MGD ACTIFLO WATER FILTRATION SYSTEMS - SALISBURY-ROWAN WATER UTILITIES DEPARTMENT

Mr. John Vest, Director of Utilities, informed Council that staff has embarked on a major construction project for improvements to our water system to help out the southern part of the county as well as work with Rowan County to extend service to U.S. 70. During all the projects, all are under contract except the project for expansion/upgrade of our water treatment plant, he said. The following three (3) proposed contracts are sole source providers.

Mr. Dewey Peck, Purchasing Agent, informed Council staff has found that by bidding these items out, the general contractor does not get to add a 10% fee to them, and the City can control the quality of what it is getting. These three (3) particular items are sole source. State Statutes allow the City to purchase through sole source, which requires an advertisement and approval of Council, Mr. Peck explained.

Councilman Burgin noted the proposal is to purchase two of these water filtration systems and asked if one was for backup. Mr. Vest replied that in the case of the ACTIFLO Water Filtration System, the two treatment units will allow the City to treat at the rate we are allowed to filter at the plant which will be initially 18 million gallons a day and later 24 million gallons a day. Ultimately, the City might be able to go to 33 million gallons a day, with changes in our system, he said. Mr. Vest noted that on the CLORTEC sodium hypochlorite system, one is a backup because the City does have to disinfect continuously. Mr. Burgin asked "Will that change the taste of our water?" to which Mr. Vest responded that it would not.

Councilman Kennedy asked staff how many companies in the U.S. provide the first system. Mr. Vest responded the ACTIFLO is a sole source provider, and no one else makes it.

Thereupon, Mr. Burgin made a **motion** to accept the price for the two ACTIFLO Water Filtration Systems at \$1,647,500.00. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4--0)

RESOLUTION AUTHORIZING THE PURCHASE OF TWO 16.5 MGD ACTIFLO WATER FILTRATION SYSTEMS FOR THE SALISBURY-ROWAN WATER UTILITIES DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 158, and is known as Resolution No. 2002-23.)

AWARD CONTRACT - TWO CLORTEC MC-750 SODIUM HYPOCHLORITE SYTEMS - SALISBURY-ROWAN WATER UTILITIES DEPARTMENT.

Mr. Burgin made a **motion** to authorize the purchase of two CLORTEC MC-750 sodium hypochlorite generation systems, for the price of \$548,355.00. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

RESOLUTION AUTHORIZING THE PURCHASE OF TWO CLORTEC MC-750 SODIUM HYPOCHLORITE GENERATION SYSTEMS FOR THE SALISBURY- ROWAN WATER UTILITIES DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No .159, and is known as Resolution No. 2002-24.)

AWARD CONTRACT - CAL FLO STANDARD LIME SLURRY STORAGE AND DELIVERY STYSTEM - SALISBURY-ROWAN UTILITIES DEPARTMENT

Mr. Burgin made a **motion** authorizing the purchase of a CAL FLO Lime Slurry Storage and Delivery System, for a price of \$187,740.00. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A CAL FLO STANDARD LIME SLURRY STORAGE AND DELIVERY SYSTEM FOR THE SALISBURY- ROWAN WATER UTILITIES DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 160, and is known as Resolution No. 2002-25.)

AWARD CONTRACT - WATER TREATMENT PLANT IMPROVEMENTS AND EXPANSION

Dr. Michael S. Acquesta, with Peirson & Whitman, Architects and Engineers, told Council that the project bids amount to about \$7 million. He explained the City will be going from 12 million gallons a day (MGD) to 18 MGD. With approval from the State, in

about a year or so, the City will be able to go to 24 MGD, he said. Mr. Acquesta further explained that going at a 6 million gallon a day increment for about a \$1.00 a gallon is unheard of these days. To increase the capacity of Salisbury's plant for a \$1.00 a gallon is unheard of, Dr. Acquesta said. To go from 18 to 24 million gallons a day doing nothing additional is going to be about 50 cents a gallon which is absolutely unheard of these days, according to Dr. Acquesta.

Mayor Pro Tem Woodson asked if the river could support 24 MGD. City Manager Treme replied "yes."

Councilman Kennedy noted that, even though the citizens are being good, the City still can't reduce rates because we have to pay for the system. Dr. Acquesta pointed out the rates are not going to go up as much as they would otherwise. If a conventional plant was built, the rates would have gone up a lot more, he said.

Dr. Acquesta told Council six (6) bids were received for the general construction and four (4) for the electrical construction of the water treatment plant improvements and expansion. There was also one (1) bid for single prime but it was higher than the sum of the other two, he said. He said the low bidder was Seaside Utilities, Monk's Corner, S.C. (which has a office in Raleigh, N.C.), in the amount of \$6,721,446.00. The Division A-2 Electrical was Robertson Controls, Shelby, N.C., in the amount of \$331,100.00. These totals are slightly over \$7 million, and there is an additional 10% contingency. Dr. Acquesta stated he has not done any work with either of these contractors, but has checked the references for these companies and learned they both do acceptable work. Dr. Acquesta recommended awarding a contract to Seaside Utilities, Monk's Corner, S.C. in the amount of \$6,721,446.00 for the general construction and award a contract to Robertson Controls of Shelby, N.C., in the amount of \$331,100.00 for the electrical construction.

Councilman Burgin asked about the time frame for construction. Dr. Acquesta replied "450 days." The project should start about October 1 and be done the end of December, 2003.

Thereupon, Mr. Woodson made a **motion** recommending awarding a contract to Seaside Utilities for \$6.7 million and to Robertson Controls for \$331,000.00. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

ZONING MAP AMENDMENT - Z-10B-02, PHASE 3

SALISBURY PLANNING BOARD

Z-10B-02 - Phase 3 - Salisbury Planning Board

West side of the 300 block of North Boundary Street

The request is to rezone approximately 24,000 square feet (4 lots), located at 202, 204, 206, and 208 North Boundary Street, from B-6 General Business to R-6 Two-Family Residential.

(a) Mr. Harold Poole, Senior Planner, informed Council this rezoning request is Phase 3 of the Park Avenue Neighborhood. The location is 202, 204, 206, and 208 North Boundary Street from rezoning from B-6 General Business to R-6 Two-Family Residential. There appear to be four (4) single-family units that have managed through all these years, to be in B-6 zoning, he said. He said there was no objection from the property owners or Planning Board for the rezoning, and the R-6 is in accordance with the neighborhood. Mayor Klutz noted this was initiated by the Planning Board.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on the following zoning map amendment Z-10B-02, Phase 3, Salisbury Planning Board, west side of the 300 block of North Boundary Street.

No one was present to speak **in favor** or **against** the above proposal. Mayor Klutz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** since the Planning Board voted unanimously 8-0 and there was no opposition, that

the property be rezoned from B-6 to R-6. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 34,762.5 SQUARE FEET, WITH FOUR (4) LOTS HAVING ABOUT 192.5 FEET ALONG THE WEST SIDE OF THE 200 BLOCK OF NORTH BOUNDARY STREET, AND A DEPTH RANGING FROM 100 TO 160 FEET, WITH THE STREET ADDRESSES IDENTIFIED AS 202, 204, 206, AND 208 NORTH BOUNDARY STREET, WHICH CAN BE FURTHER IDENTIFIED AS LOTS 114, 115, 116, AND 321 ON SALISBURY TOWNSHIP TAX MAP 16, FROM B-6 GENERAL BUSINESS TO R-6 TWO FAMILY RESIDENTIAL.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 87, and is known as Ordinance No. 2002-61.)

ZONING TEXT AMENDMENT - ADD PERMITTED USES IN B-5 CENTRAL BUSINESS DISTRICT AND OTHER DISTRICTS AND TO ADD A NEW PROVISION FOR GROUND SIGNS IN B-5 DISTRICT

The request is to consider a zoning text amendment to add permitted uses in the B-5 Central Business District and other districts and to add a new provision for ground signs in the B-5 district.

(a) Mr. Harold Poole, Senior Planner, reviewed with Council the following uses to be added in the B-5 Central Business District:

- bicycle sales & repair (retail establishments)
- dry cleaning & laundry establishments (size increase from 3,500 sq. to (10,000 sq. ft.)
- depots (or railroad stations)
- bus stations (or bus terminals)
- taxicab offices or stands
- upholstery shops
- emporiums
- farmers markets (with 4 restrictions already listed in B-6 districts)
- ground sign amendment (reduce maximum height from 20 feet to 5 feet and retain maximum size of 40 sq. ft.)

Councilman Burgin asked where the number came from in Section 16, item 2 - adequate toilet facilities (one unit for every 25 persons). Mr. Poole noted this has been in the ordinance all along in the B-6 and staff has now put these requirements in B-5 also. Council can make a change if necessary, he said. Mr. Burgin explained those things happen on a sliding scale. When you have 300 people, you don't need as many if you just have 50.

Mayor Pro Tem Woodson also mentioned that the Rouzer's have a machine shop (presently M-1) which is not in B-5. Mr. Poole responded this would have no affect on the Rouzer's machine shop. Other uses were looked at by the committee and at this time, machine shops, because of the nature of the business, would probably not fit into B-5 Central Business, he said.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, on a zoning text amendment to add permitted uses in the B-5 Central Business District and other districts and to add a new provision for ground signs in the B-5 district.

Those speaking **in favor** of the above proposal were:

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. (DSI), told Council these are all changes that Downtown Salisbury, Inc. support. He said these are things DSI had the committee look at, and yes, there were some things discussed that did not make it on the list. However, this is a very good list of changes and they are in full support of it, he said. The proposed changes pave the way for some future changes, the study area looked at may not be where future changes will be, but this does open the door, he shared with Council. The committee came up with a good plan and DSI is in full support of it, Mr. Hemann said.

No one else was present to speak **for** or **against** the above proposal. Mayor Kluttz closed the public hearing.

Councilman Burgin spoke in support stating this is an excellent list that's been looked at and an excellent revision to our ordinance. He said the only question he has goes back to the toilet facilities for the farmers market. He indicated he would feel comfortable leaving it like it is or even adding an amendment to add a maximum of eight (8) units required. The farmers market itself would have a certain amount of knowledge of what they might need beyond the minimum, he said. He stated he feels eight (8) units would be sufficient.

(c) Thereupon, Mr. Burgin made a **motion** to adopt the text amendments with the addition of a maximum of eight (8) units required. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO MAKE CHANGES IN ARTICLE VIII: USE REQUIREMENTS BY DISTRICTS, IN THE PERMITTED USES AND RESTRICTIONS ON THOSE PERMITTED USES, WHERE APPROPRIATE, AND A CHANGE IN ARTICLE IX: SIGNS, SECTION 9.05(3) PERTAINING TO MAXIMUM HEIGHT OF GROUND SIGNS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page Nos. 88-90, and is known as Ordinance No. 2002-62.)

SECOND READING - ORDINANCE 2002-53

ZONING MAP AMENDMENT Z-12-02 - WILSON ROAD AREA - PHASE 2

Mr. Harold Poole, Senior Planner, gave a brief review to Council on Zoning Map Amendment Z-12-02, Salisbury Planning Board, Wilson Road area (Phase 2). The area is bounded by Old Plank Road, Torrence Street, Locke Street and Wilson Road with the exception of property already zoned SFC. Also tied in with this is the rear properties of R-6 and R-6A between Wilson Road and Grace Street, he said. The proposal is to rezone this property from R-6A to SFC. It was noted at the last meeting (8-6-02) that there would be some non-conforming uses created which includes two duplexes on Locke Street, and an apartment building on Old Plank Road. Both the duplexes and apartment complex, according to City ordinance, are too small for the lot anyway, Mr. Poole said. He said if something were to happen, such as a fire, they could not be replaced right now as duplexes or apartments even in R-6A. There is a negligible change in going from R-6A to SFC, he said. A public hearing was held on this matter August 6, 2002 at the City Council meeting.

Mr. Poole told Council that the Planning Board felt that SFC would provide more protection for the neighborhood. There are a number of undeveloped properties. The neighborhood has asked for more single-family development which the SFC would give them, he said. There is concern about R-6A and the undeveloped properties. He said if those were to be combined, a number of apartments might be put there. The neighborhood has said they don't want to see this happen, he said.

Thereupon, Mr. Burgin made a **motion** to approve the rezoning as presented for the R-6A and R-6 and SFC. Mr. Woodson seconded the motion. Messrs. Burgin, Woodson, and Ms. Kluttz voted AYE. Mr. Kennedy voted NAY. (3-1)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING APPROXIMATELY 6.3 ACRES IN AN AREA BOUNDED BY OLD PLANK ROAD, TORRENCE STREET, LOCKE STREET, AND WILSON ROAD, IDENTIFIED AS PARCELS 338, 339, 340, 341, 341-1, 342, 343, 345, 346, 347, 347-2, 347-1, 348, 349, 351,

352, 415, 325-A, 414, 448, 356, AND 357 ON SALISBURY TOWNSHIP TAX MAP 9, FROM R-6A MULTI-FAMILY RESIDENTIAL DISTRICT TO SFC SINGLE-FAMILY CONSERVATION DISTRICT, AND BY REZONING APPROXIMATELY 10,100 SQUARE FEET WITH APPROXIMATELY 100 FEET ON WILSON ROAD, IDENTIFIED AS A PORTION OF PARCEL 40 ON SALISBURY TOWNSHIP TAX MAP 13, FROM R-6 TWO-FAMILY RESIDENTIAL DISTRICT TO R-6A MULTI-FAMILY RESIDENTIAL DISTRICT, AND BY REZONING APPROXIMATELY 8,900 SQUARE FEET WITH APPROXIMATELY 70 FEET ON GRACE STRET, IDENTIFIED AS A PORTION OF PARCELS 34, 35, AND 36 ON SALILSBURY TOWNSHIP TAX MAP 13, FROM R-6A MULTI-FAMILY RESIDENTIAL DISTRICT TO R-6 TWO-FAMILY RESIDENTIAL DISTRICT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page Nos. 79-80, and is known as Ordinance No. 2002-53.)

It was 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 City Council.

VOLUNTARY ANNEXATION - OAKVIEW COMMONS, PHASE 3

Mr. Dan Mikkelson, City Engineer, informed Council that a petition has been received for voluntary annexation of Oakview Commons, Phase 3. If approved, the effective date of the annexation would be December 31, 2002, Mr. Mikkelson stated.

Thereupon, Mr. Kennedy **moved** to adopt the resolution. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G. S. 160A-31, FOR VOLUNTARY ANNEXATION.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 161, and is known as Resolution No. 2002-26.)

BUDGET AMENDMENT - 2001-2002 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

(a) Mr. John Brooks, Community Development Consultant, informed Council that the City of Salisbury is the owner of the Community Service Building. He said it has been determined that the outside of the building does not meet the Americans with Disability Act (ADA). Adequate funds are available in the 2001-2002 Community Development Block Grant Funds to do the exterior renovations, Mr. Brooks said. He said he has met with the director and KKA Architecture about this and they have estimated the cost to be approximately \$50,000.00. The reason for the public hearing is that these funds were not appropriated in last years budget, he said. HUD does require a public hearing in order to do a budget amendment and have Council approval of the changes, he stated. Once the project is bid out, staff will come back with the actual cost. Today, we are only notifying the public that staff would like to appropriate the funds for this project.

Councilman Burgin questioned the ramp that staff is proposing. He stated he had always understood that for ADA compliance, the ramp has to be provided at the main entrance and not at a secondary entrance. He wanted to know if the main entrance is on the back or front. Mr. Brooks replied that the main entrance is on the front, but KKA Architecture indicated the area selected for the ramp would be sufficient because of the sidewalk. Mr. Burgin asked Mr. Brooks to check with Ms. Alexander of KKA Architecture about this matter. The problem, as he understands it, would be that you can't segregate the entrance for the handicapped and he wants to be sure.

Mr. John Sofley, Finance Director, noted that because the project is expected to be under \$50,000.00, it will not be brought back to Council.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, on a budget amendment to the 2001-2002 Community Development Block Grant (CDBG) budget in the amount of \$50,000.00.

No one was present to speak **for** or **against** the above proposal. Mayor Kluttz closed the public hearing.

Councilman Kennedy pointed out there is a dire need for handicapped personnel to get into the facility.

(c) Thereupon, Mr. Kennedy **moved** to adopt a budget amendment to the 2001-2002 Community Development Block Grant (CDBG), in the amount of \$50,000.00. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING THE CDBG BUDGET OF THE CITY OF SALISBURY, NORTH CAROLINA, TO TRANSFER BUDGETED FUNDS FOR NEW PROJECT.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 82, and is known as Ordinance No. 2002-63.)

REVISED RESOLUTION - CABARRUS-IREDELL-ROWAN COUNTY CONSORTIUM AGREEMENT

Mr. John Brooks, Community Development Consultant, told Council the Consortium Agreement was adopted in June, 2002. However, when HUD received the information, they discovered that the City of Kannapolis was left out as a new member. Each jurisdiction has to re-adopt a resolution and three year agreement to include the City of Kannapolis, he said.

Thereupon, Mr. Kennedy **moved** to adopt. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

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

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page Nos. 162-163, and is known as Resolution No. 2002-27.)

REVISED CONSORTIUM AGREEMENT

Mr. Kennedy **moved** to adopt the revised Consortium Agreement. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

AWARD CONSULTING CONTRACT

JERSEY CITY NEIGHBORHOOD PROJECT

Mr. John Brooks, Community Development Consultant, informed Council that Mr. Ted White and Ms. Sylvia Patton, of the Ezra Nehemiah Group is the same group that staff worked with in the Park Avenue Neighborhood. He said staff recommends that the same group be used to help Jersey City identify itself as a neighborhood and revitalization efforts to follow.

Mayor Kluttz noted that a significant number of new residents will be moving into the Community Development Corporation houses. She emphasized that she hopes they will be a part of this planning group for the neighborhood. Mr. Brooks assured her they would.

Thereupon, Mr. Woodson made a **motion** award the contract to Ezra Nehemiah Group in the amount of \$19,800.00 for the Jersey City Project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

UTILITY AGREEMENT WITH NCDOT - RELOCATION OF WATER LINE IN CONJUNCTION WITH REPLACEMENT OF INNES STREET BRIDGE

Mr. John Vest, Director of Utilities, informed Council that even though the Innes Street Bridge contract has been delayed, when the bridge is replaced and constructed, the existing water line, which is attached to the bridge, will have to be relocated. NCDOT has sent an agreement that includes provisions for them (DOT) to replace and relocate the water line. The estimated cost is \$72,208.00. The City will be obligated for actual cost if it exceeds that amount, Mr. Vest advised. The City will reimburse NCDOT at the end of the project in one lump sum payment, once the project is actually completed and the line is accepted by the City as satisfactorily built to our standards, Mr. Vest stated.

Councilman Burgin asked how NCDOT identifies that cost, and asked if it is bid separately or as an alternate. Mr. Vest replied they have done an estimate take-off based on alternate design they have for relocating the line based on recent contracts. Once the contract is led, staff will come back with the actual price, he stated.

Mayor Pro Tem Woodson asked staff when this was going to be put off. Mr. Dan Mikkelson, City Engineer, said that NCDOT has determined that they will have to conduct a 4-F study (historic preservation) on the Bernhardt House. This will delay the project so NCDOT is no longer attempting to advertise the bidding this year, Mr. Mikkelson stated. It will be delayed beyond the time Innes Street is disrupted because of the I-85 project.

(a) Thereupon, Mr. Kennedy **moved** to authorize the Mayor to execute the Utility Agreement with NCDOT for replacement of a water line in conjunction with the replacement of Innes Street Bridge. Mr. Burgin seconded the motion. Messrs. Burgin, Kenenedy, Woodson, and Ms. Klutz voted AYE. (4-0)

(b) Thereupon, Mr. Burgin made a **motion** authorizing the City Clerk to sign the resolution. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Klutz voted AYE. (4-0)

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A UTILITY AGREEMENT WITH NCDOT FOR THE RELOCATION OF A WATER LINE IN CONJUNCTION WITH THE REPLACEMENT OF THE INNES STREET BRIDGE.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 164, and is known as Resolution No. 2002-28.)

AWARD CONTRACT - SPARTAN FIRE PUMPER/LADDER TRUCK

SALISBURY FIRE DEPARTMENT

Mr. Dewey Peck, Purchasing Agent, informed Council this truck is to replace a 1961 American LeFrance unit. The vehicle replacement committee approved the purchase and funds are available in this year's budget. He said this purchase will be piggybacked on the City of Walker, Michigan. The City of Salisbury is buying a Spartan Gladiator custom chassis with an Independence 75 foot ladder, he said. The committee has looked at and inspected several of these ladders in North Carolina and has determined this is an excellent unit. Mr. Peck said Quality Fire Apparatus Company of Talladega, Alabama has agreed to sell the City of Salisbury, a Spartan Fire Pump/Ladder Truck, at the same price they sold to the City of Walker, Michigan, for \$466,350.00.

Mayor Pro Tem Woodson asked if the City needs this truck, especially when we are in a tight budget year. Mr. Treme said it is in our budget and is an essential fire equipment replacement. Fire Chief Sam Brady concurred the City needs it desperately. This truck was postponed from last year's budget, Mr. Treme replied.

Thereupon, Mr. Burgin made a **motion** to purchase the fire pumper/ladder truck for a price of \$466,350.00. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A SPARTAN FIRE PUMPER/LADDER TRUCK FOR THE SALISBURY FIRE DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 165, and is known as Resolution No. 2002-29.)

ADVERTISEMENT OF BIDS - TRACTOR BUILDING

Mr. Joe Morris, Urban Resource Planner, informed Council that on August 6, 2002, the Council elected to re-advertise the sale of the Tractor Building. The City of Salisbury has owned this building for approximately two years. The building is approximately 7500 sq. ft. Staff looked at the original Request for Proposal (RFP)'s that were initially sent out for proposed development, he said. The criteria included:

- amount offered
- amount of investment projected for the development
- number of jobs created
- quality of proposed improvements to the property
- quality and feasibility of business plan
- overall value of the project to continued downtown redevelopment
- ability of the project to meet City of Salisbury objectives for the property

Mr. Morris identified one other criteria which was added by Council: a minimum bid of \$100,000.00. Staff also recommends that the following additional criteria be added to the bidding process:

- an analysis of parking demand for the development and the ability to conform with existing city policies with regard to the lease or development of parking spaces
- ability to implement construction on the property with minimal impact to other construction projects within the immediate area
- ability to close on the sale of the property within 90 days of approval of the sale by Salisbury City Council
- a letter of credit from a responsible lending institution demonstrating the ability to purchase and develop the property as outlined in the proposal
- a deadline for proposals of October 18, 2002

Mr. Morris told Council that staff recommends Council approve re-advertisement of the sale of the Tractor Building based on the criteria presented. Councilman Kennedy wanted to know if there were people waiting to bid on this particular building. Mr. Randy

Hemann of Downtown Salisbury, Inc. said he has had a lot of people look at the project, and Mr. Morris stated he has had two calls about the property.

Thereupon, Mr. Kennedy **moved** to re-advertise the sale of the Salisbury Tractor Building based on the criteria presented. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

City Manager David Treme asked Mr. Morris to respond to Councilman Kennedy's question concerning the gas lines at the bakery building. Mr. Morris replied that a request has been received from the developer of the Cathey Buggy Building to look at upgrading the gas service to their building, and explained that currently the meters are on City property at the Tractor Building. There is a gas line strapped to the side of the building beside a set of stairs that is part of the Gateway Building, which turns inside the Tractor Building, Cathey Buggy Building, and also property owned by Michael and Diane Young. Mr. Morris said he has done some research and cannot find any legal terms in regard to an easement for the gas lines. He said in his opinion, the City has an opportunity through this construction, to upgrade those lines, make them safer, and bring them up to code. The gas lines will still be within the Tractor Building. This would be something the potential developers would have to take into consideration when they look at construction within the building. The alternative is to put new gas meters in front of the buildings on East Innes Street which, Mr. Morris stated, is not acceptable. This is something that can be done properly, and safely, and would not create a precedent that would lead the City to future liabilities, Mr. Morris advised.

Councilman Burgin expressed that he would like to get the gas line out of the Tractor Building, even if it runs on the outside. This makes him real nervous that two other buildings will be fed through our building, he said. Mr. Morris stated that he has looked at it with the contractor and there are some real difficulties there. Mr. Morris said he would welcome any input from Councilman Burgin, since he may have an alternative staff has not considered.

CHANGES TO CHAPTER 4 - SITE FEATURES "SIGN GUIDELINES" OF THE NON-RESIDENTIAL HISTORIC DISTRICT DESIGN GUIDELINES

Mr. Lynn Raker, Urban Design Planner, reminded Council that last month the Sign Ordinance was amended to add standards for projecting signs and sidewalk signs in the B-5 Central Business District. Much of that area is also in the Downtown Historic overlay, she said. She said those amendments mostly dealt with size, height, placement, and illumination. These are things that are easily measured in the signs, she noted.

Ms. Raker informed Council that previously the non-residential guidelines for the Historic District did not contain any official descriptions of allowable projecting signs and sidewalks signs. Staff is proposing additions to the guidelines that will address projecting signs and sidewalk signs.

Proposed additions are as follows:

Projecting Signs

- should be carefully designed to reflect the character of the building and be compatible with other adjacent signage.

- should have visually appealing elements such as shapes, painted or applied letters; two or three dimensional icons, etc. should be considered.

- mounting hardware should be an attractive and integral part of the sign design.

- may be constructed of a variety of materials including wood, metal, appropriate plastics and composites.

Sidewalk Signs

- within the allowable size, height, and dimensions, creative shapes that reflect the type or theme of the business being advertised are encouraged.

- the signs lettering should have a finished look. Signs with chalk boards or dry erase boards may be permitted.

- the signs should only be used to inform pedestrians about the business name, location, and type of goods available at the shop, sale items, or other similar factual and business-oriented messages.

- the signs should not include statements expressing political, religious, sexually explicit, or personal opinions that are not a component of the economic activity offered by the shop.

Ms. Raker added that these proposed additions to the non-residential guidelines are a compilation of suggestions made by Downtown Salisbury, Inc. (DSI), Historic Preservation Commission (HPC), and the Planning Board.

Councilman Burgin asked if anybody was afraid of the words "appropriate plastic." Ms. Raker replied that HPC didn't seem to be at all afraid of it because we do have a review.

Thereupon, Mr. Woodson made a **motion** to change Chapter 4, Site Features, "Sign Guidelines", of the Non-Residential Historic District Design Guidelines. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

HISTORIC PRESERVATION COMMISSION VACANCY

Mayor Kluttz informed Council that staff has recommended Mr. Lloyd Pace, who lives in the North Main Street Historic District to an appointment on the Historic Preservation Commission. Mr. Pace has agreed to serve on this board and he meets the criteria.

Thereupon, Mr. Burgin made a **motion** to appoint Mr. Lloyd Pace to the Historic Preservation Commission. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

STAFF REPORT - WIDENING OF INTERSTATE 85

Ms. Wendy Brindle, Traffic Engineer, reminded Council that the widening of I-85 project began in January, 2001. As part of the construction, East Innes Street is scheduled to get a new interchange, a wider cross-section, and realigned intersections between Arlington Street and Avalon Drive, she said. To make the improvements, Innes Street will have to be narrowed to one lane in each direction, Ms. Brindle informed Council. Originally, this was scheduled to happen in August, 2001 but various delays have

been encountered. NCDOT is anticipating a start date of September 9, with the work lasting about nine months, she told Council. Various traffic patterns changes will happen within that time but Innes Street will remain one lane in each direction. She said the construction activities will involve a major change in the traffic patterns. The critical intersection is at Bendix Drive between 6:30 a.m. - 8:30 a.m., and affects traffic at Innes Street and Faith Road. She said if traffic starts to back up at this interchange, people will take alternate routes. If about 30% of traffic can find alternate routes, things will flow more smoothly, Ms. Brindle reported. In response to a question from Councilman Woodson, Ms. Brindle indicated Faith Road will back up past Avalon Drive if all the traffic remains on Faith Road as it is now. Ms. Brindle stated staff would like the public to be aware that this is coming up, that they will experience delays, but hopefully, everyone can find alternate routes. Once traffic reaches Arlington Street, which will be two lanes in each direction, traffic will flow better, she said.

Councilman Burgin asked if we need an officer at the Faith Road intersection to help with the courtesy issues. Ms. Brindle noted she has been coordinating with Sergeant Rory Collins, of the Salisbury Police Department, and he is aware of the dates and what will be going on in the area. Councilman Kennedy asked if staff was notifying the businesses in that area and the response was that NCDOT and the contractors have been working closely with the businesses. Councilman Burgin asked about the school children in this area. Ms. Brindle said she has contacted Mr. Jim Christy of the Rowan-Salisbury Schools about this matter, and she will update him again. The contractor is aware that the new Wal-Mart is opening October 29 in the area being impacted by the construction, Ms. Brindle stated.

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from its August 13, 2002 meeting as information only.

(b) Zoning Map Amendment - Z-9-02 - Hilda P. Blount

City Manager David Treme informed Council that a letter has been received from Attorney Thomas D. Thompson requesting that the City Council and Planning Board allow for Dr. John and Hilda Blount to reapply for an amendment to the zoning code on their property.

Councilman Burgin said he doesn't know if any action is needed. Generally speaking, when you have a zoning case there is a reasonable time frame allowed to pass before the same rezoning case is revisited, he said. Mr. Burgin said he doesn't see any reason to shorten this. All the deliberations Council heard was an issue of a business in a residential area, he said. Nothing in the letter indicated that was changed from a business request, Mr. Burgin stated. He said he sees no reason to speed that up.

Mayor Pro Tem Woodson agreed with Mr. Burgin. There were a lot of people against it, he noted. Mayor Klutz also agreed. City Manager Treme stated there is a one (1) year time limit from when someone applies and comes back for rezoning on the same property. He indicated there have been circumstances in the past when Council discovered something a little differently that maybe had come forth through testimony or through presentation at the Planning Board or City Council. He said he could think of only one instance where some discretion was used on this in past years; that there was something very different about it. Councilman Kennedy suggested no action.

Mayor Klutz said that upon the consensus of Council, she will send Attorney Thompson a letter telling him of the one (1) year waiting period before bringing zoning cases back.

(c) Meeting with Governor Easley

City Manager Treme reminded Council he sent Governor Easley a letter concerning the City's water situation. Mr. Treme, Mayor Klutz, and staff have been invited to Raleigh to meet with the Governor's staff concerning the City's request for funding of projects that might benefit our role as a donor agency for the provision of water.

MAYOR ANNOUNCEMENTS

(a) September 11 Observance - Firefighter's Memorial Project Dedication

Mayor Kluttz asked Council's final approval of the September 11 observance which will be the Firefighters Memorial Project Dedication. The Committee for this project has met and are using national guidelines which fire departments have been asked to follow on September 11. The guidelines are for something to be held specifically at 10:05 a.m. and 10:28 a.m. These are the time the twin towers of the World Trade Center in New York City fell on September 11, 2001 due to terrorist attack, and when the majority of the firefighters at that location were killed, Mayor Kluttz shared. The Committee has requested the observance be scheduled from 10:00 a.m. until 10:30 a.m. at the Chestnut Hill site. Bells will be rung at 10:05 a.m. and 10:28 a.m. Rowan County has agreed to co-sponsor this event. The observance will be a brief remembrance of September 11, in addition to honoring our own people who risk their lives for us, she said. Mayor Kluttz reminded everyone that the fundraising efforts on this project are continuing.

(b) Salisbury Housing Authority

Mayor Kluttz told Council she talked with Mr. Layton Woodcock, Jr., Director of the Salisbury Housing Authority, who has informed her the former Lincoln Park Apartments will be developed as Fleming Heights. Mr. Woodcock informed Mayor Kluttz today that Salisbury Housing Authority has been granted \$2.7 Million for this project.

(c) Salisbury Parks & Recreation Department Fall Brochure

Councilman Burgin pointed out the 2002 Fall Brochure for the Salisbury Parks & Recreation Department has been distributed. He asked everyone to take time to look at it and recognize what our parks employees are doing.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Kennedy, seconded by Mr. Woodson. All members agreed unanimously to adjourn. The meeting was adjourned at 5:55 p.m.

Mayor

-

City Clerk