

REGULAR MEETING

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

ABSENT: Councilman William (Pete) Kennedy.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Burgin.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following change to the Agenda:

Postpone item 11 – Council to consider an appeal from John Leatherman regarding conditional approval of subdivision plat S-10-06. Mayor Kluttz commented that Mr. Leatherman requested this item be postponed until October.

RECOGNITION OF PRESTON MITCHELL

Mr. Joe Morris, Planning and Community Development Manager, recognized Senior Planner Preston Mitchell and informed Council that Mr. Mitchell recently completed a three (3) part course of study offered by the Form Based Code Institute. He noted that Mr. Mitchell attended three (3) different courses over the past year in Arlington, Virginia where he received advanced training in design, administration and the legal aspects of form based codes. Mr. Morris pointed out that this is particularly beneficial to the City as staff is in the process of rewriting the Land Development Ordinance. He stated that the inaugural class of the Form Based Code Institute was comprised of individuals from all over the Country and only fifty (50) other participants have received certification by the Form Base Code Institute.

Mr. Mitchell expressed his gratitude to Council for the opportunity to receive this training.

Councilmen Lewis and Burgin, who serve on the Land Development Ordinance Committee, indicated that this training has been very advantageous to the City.

Mayor Kluttz thanked Mr. Mitchell for his work and congratulated him on his accomplishment.

CONSENT AGENDA:

- (a) Approve Minutes of the regular meeting of August 15, 2006 and the Special Meeting of August 23, 2006.
- (b) Approve a request from the Fulton 99 Masonic Lodge to reverse the flow of traffic on Water Street Thursday, October 26, 2006 for its annual barbeque sale.
- (c) Approve closing the 700 block of South Caldwell Street from Thomas Street to McCubbins Street Saturday, September 9, 2006 from 2:00

p.m. until 8:00 p.m. for a block party sponsored by the Outreach Ministry of Gethsemane Missionary Baptist Church.

(d) Receive an application from Terry and Sherry Page for The Rock Bottom Saloon for a permit to operate a pool hall, located at 723 Klumac Road, and set a public hearing for September 19, 2006.

Mayor Kluttz requested the following correction to the Minutes: On Page 20 under Mayor's Announcements, instead of reading:

"Mr. Lewis has been chosen as the representative from Salisbury and Rowan County to participate in the American Leadership Forum Charlotte Region and that on September 19, 2006 he will be attending the Center for International Understanding."

She stated that the Minutes should read:

"Mr. Lewis has been chosen as the representative from Salisbury and Rowan County to participate in the American Leadership Forum Charlotte Region on September 19, 2006."

Thereupon, Mr. Woodson made a **motion** to approve the Consent Agenda and make the change on Mr. Lewis in the Minutes. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

REPORT ON VOLUNTARY ANNEXATION OF 50.596 ACRES ON HENDERSON GROVE CHURCH ROAD

Mayor Kluttz noted that a public hearing on the proposed voluntary annexation for Henderson Grove Church Road was held at Council's August 15, 2006 meeting. She stated that Council then toured the site on August 23, 2006 and requested Ashland Paving and Construction (APAC) representatives meet with the neighbors. She noted that Council also had several questions that have not yet been answered regarding a possible rezoning on the property.

Mayor Kluttz stated that this case has been complicated by the fact that the property has already gone through the Planning Board process for rezoning. She noted that Council's action today regards only annexation and not rezoning. She commented that she wants to make it clear that if the property is annexed there is no guarantee of how it will be zoned.

Mayor Kluttz reported that she received a letter from Ms. Nancy Shue requesting a meeting be set up between Council and the neighbors regarding the business. She noted that there was a misunderstanding of the notification of the tour of the Henderson Grove Church Road property that Council took on August 23, 2006. She explained that although the date and time of the tour was announced publicly, there was a misunderstanding by some of the neighbors that thought they would be able to sign-up to be notified, but there was not a sign-up and so they were not notified. She added that staff followed all legal requirements for public notification.

Mayor Kluttz asked Council members if they were ready to vote on the annexation or if they would prefer to study the issue further and vote at a later meeting. She indicated that there were several questions raised by Council during the tour but they referred to rezoning and not to the annexation itself.

Mayor Pro Tem Woodson stated that if the property owners want to come into the City and the City can collect additional taxes he feels it is Council's responsibility to annex. He commented that he has not made up his mind regarding how he might vote on rezoning, but he does not have a problem annexing the property. He pointed out that there is no guarantee on the rezoning but if the property owners are willing to pay the City taxes it is their right.

Councilman Lewis commented that Council typically receives a report with annexation cases that shows the costs of services to be provided, and noted that at this point there is no development on the property so there would be little service involved. He stated that at some point in the future the property will be developed and services will have to be provided. He indicated that he asked staff if the City is prepared to provide services and if the cost associated to provide them is similar to other annexations. Mr. Lewis noted that staff indicated the City was prepared to provide services and the costs were in-line so he has no reason not to vote on the annexation today.

Mr. Lewis stated that since Council toured the site as a potential site for an asphalt plant he did not want to mislead the developer in regards to approval of rezoning and a conditional use permit. He noted he is not prepared to discuss those issues but is comfortable voting on the question of annexation. Mr. Lewis commented that if the annexation is approved it will give APAC enough time to meet with the neighbors and share the information that was shared with Council.

Councilman Burgin indicated he had brief contact by the owners of the property who confirmed that they wanted the property annexed and they clearly understand there are no promises related to the rezoning request that will follow. He stated that Council would be remiss if it did not take the opportunity to bring a piece of property into the City voluntarily. He reiterated that the property owners clearly understand that there is no connection between the annexation and the rezoning and he is prepared to vote for the annexation.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, to include 50.956 acres of property owned by Fowler, Safrit and Eller on Henderson Grove Church Road. Mr. Lewis seconded the motion. Mayor Kluttz reiterated that if Council approves the annexation it is no guarantee to the neighbors, the owners or business that this property will be zoned a particular way or for a particular use. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

Mr. Dan Mikkelson, Director of Land Management and Development, asked Council to clarify the effective date of the annexation. City Attorney Rivers Lawther noted that the effective date should be part of the motion.

Mr. Woodson then indicated he would like to add to his motion the annexation effective date of September 30, 2006.

Mayor Kluttz requested representatives from APAC to meet with the neighbors. City Manager David Treme indicated that he had spoken with representatives from APAC and Mr. Glenn Ketner, attorney for the property owners, and shared City Council's desire that they hold a public information session. He suggested a member of Council and staff also be present to ensure that the same information that was shared with Council is shared with the neighbors. Mayor Kluttz requested at least one member of Council be in attendance for the meeting.

Mayor Kluttz asked members of the public who wished to be contacted regarding a meeting to contact City Clerk Myra Heard at 704-638-5224. Ms. Heard indicated she will place their names on a list to be contacted in the event of any meetings with APAC.

Mr. Burgin asked if staff could supply a list of neighbors to APAC and the property owners. Mr. Treme responded that staff could use the GIS system and will coordinate with APAC and Mr. Ketner so that property owners can be identified. He added that the information can also be placed on the City's website.

Mr. Lewis suggested that Mr. Woodson restate his original motion in order to vote on the clarification regarding the effective date.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, to include 50.956 acres of property owned by Fowler, Safrit and Eller on Henderson Grove Church Road effective September 30, 2006. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, TO INCLUDE 50.956 ACRES (THE FOWLER, SAFRIT AND ELLER PROPERTY) ON HENDERSON GROVE CHURCH ROAD.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Miscellaneous, at Page Nos. 128-130, and is known as Ordinance No. 2006-42.)

CLARIFICATION OF CONDITIONS OF GROUP DEVELOPMENT SITE PLAN G-10-06 SALISBURY SHOPPING CENTER LLC

(a) Mr. David Phillips, Zoning Administrator, stated that this case is a clarification of conditions on previously approved group development site plan G-10-06. He noted that the site plan is for the Salisbury Shopping Center located at the intersection of Arlington Street and Freeland Drive. He stated that at the last Council meeting there was discussion on one of the outparcels of the development and during the plan review it was noted that notes shown on the site plan did not meet the intention of what City Council had discussed in regards to the entire development site. Staff was then directed to return to the developer and request that the notations be revised to meet Council's intent.

Mr. Phillips reviewed the revised note that has been placed on the site plan and noted it addressed two conditions. The first condition is access to the adjacent property and the note states, "Access connectivity will be granted to the adjoining landowner's property for no monetary compensation." The second condition regards backfill along a proposed retaining wall. The note now states, "The adjoining landowner has the right to backfill against the retaining wall in accordance with a design that will not damage the retaining wall, sealed by a professional engineer." Mr. Phillips stated that staff feels the notes now meet the intent of City Council.

(b) Mayor Kluttz opened the floor to receive public comment regarding site plan G-10-06 Salisbury Shopping Center, LLC.

Mr. Richard Finch, 5851 Ridge Bend Road, Memphis, Tennessee, indicated he is with the Spectra Group, developer for the site. Mr. Finch stated that he hopes Council realizes that the Spectra Group has tried to meet, not only the letter of the law, but the spirit of what Council desired. He stated that he is concerned about time and wants to begin construction and asked Council to approve the plan as submitted.

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

Thereupon, Mr. Lewis made a **motion** to clarify the conditions of group development site plan G-10-06 to state (1) access connectivity will be granted to the adjoining land owner's property for no monetary compensation; and (2) the adjoining land owner has the right to backfill against the retaining wall in accordance with a design that will not damage the retaining wall, sealed by a professional engineer. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

Councilman Burgin thanked Mr. Finch for meeting the spirit of what Council requested and welcomed him to Salisbury.

GROUP DEVELOPMENT SITE PLAN G-14-06 CRACKER BARREL, 900 BLOCK OF FREELAND DRIVE

(a) Mr. David Phillips, Zoning Administrator, reviewed group development site plan G-14-06 for Cracker Barrel and noted that it is an outparcel to the group development just discussed by Council. He explained that this group development came to Council at its last meeting but was tabled because of a note placed on the site plan regarding access connectivity that did not reflect Council's intent. He stated that the note now reads, "Access connectivity will be granted to the adjoining land owner's property for no monetary compensation."

(b) Mayor Kluttz opened the floor to receive public comment regarding site plan G-14-06.

Mr. Kevin Kerbo, Site Manager for Cracker Barrel, stated that he hopes the plan is now acceptable to receive approval by Council.

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

(c) Thereupon, Mr. Woodson made a **motion** to approve group development site plan G-14-06 for the construction of 11,531 square foot restaurant and country store located in the 900 block of Freeland Drive. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

Mayor Kluttz thanked Mr. Kerbo for traveling from Tennessee to attend the meeting and welcomed him to Salisbury.

GROUP DEVELOPMENT SITE PLAN G-17-06 SHOPPES ON JAKE, SALISBURY VILLAGE CENTER, 475 JAKE ALEXANDER BLVD., WEST

Councilman Lewis indicated he needed to be excused due to a conflict of interest.

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

(a) Mr. David Phillips, Zoning Administrator, explained that group development site plan G-17-06 Shoppes on Jake in the Salisbury Village Center located at 475 Jake Alexander Boulevard West, was approved with conditions at Council's last meeting. The conditions were to reduce parking in front of the building in order to move the building forward. He stated that during the public comment session held at Council's last meeting the developer did not address Council and has requested an opportunity to speak to Council to address the conditions of Council's approval.

(b) Mayor Kluttz opened the floor to receive public comment regarding site plan G-17-06.

Mr. Scott Copeland, 822 McKendry Road, Mooresville; Mr. John Morrow, 126 Lake Spring Loop, Mooresville; Mr. Robbie Nelson, 109 Finney Marie Road, Mooresville addressed Council regarding the group development site plan. Mr. Copeland stated that Five Guys restaurant wants to be in Salisbury and at this particular location. He noted that he appreciates Council's approval at the last meeting and explained that the condition on the approval to move the building twelve (12) feet forward will take away quite a few parking spaces. He stated that if the building is moved forward it will change the radius of the turn for the drive-through and it would not be a workable drive-through. Mr. Copeland commented that moving the building would also change the entrance and he asked Council to remove from the approved site plan the condition that the building be moved twelve (12) feet.

Mr. Morrow commented that during the engineering process there was consideration given to easements and setback requirements for utility purposes. He stated that the developers have already gone past the required set back footage and feel the additional twelve (12) feet would be restrictive in making the plan work.

Mr. Nelson pointed out that there is a deceleration lane in front of the proposed development and the road narrows as it travels to the bank. He stated that he feels it will look better with the current design and appear closer to the road.

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

Councilman Burgin stated that at Council's last meeting his comments were based on what he thought would be a better design and what would be consistent with the direction the new land development ordinance being developed is going. He noted that there are also important issues such as the setbacks, additional buffers and drive-through that Council did not hear at that meeting. He commented that in the new ordinance the issues he raised will be part of the administrative approval process. Mr. Burgin stated that if Council feels the issues raised by the developer are more important than aesthetic issues he raised he can support approving the plan as submitted.

(c) Thereupon, Mr. Woodson made a **motion** to approve group development G-17-06 as submitted for the construction of a 10,500 square foot commercial retail building located at 475 Jake Alexander Boulevard, the original plan that was submitted. Mr. Burgin seconded the motion. Messrs. Burgin, Woodson, and Ms. Kluttz voted AYE. (3-0)

APPEAL OF CONDITIONS LEATHERMAN SUBDIVISION

This item was postponed until Council's October meeting.

ESTABLISH A 25 MPH SPEED LIMIT ON SOUTH MCCOY ROAD AND REPORT ON ALL WAY STOP CONDITIONS IN AREA NEIGHBORHOODS

Ms. Wendy Brindle, Traffic Engineer, indicated that the request before Council has two parts. The first is a petition received from property owners along South McCoy Road, in the Milford Hills neighborhood, requesting the posted speed limit be reduced to 25 mph between Statesville Boulevard and Wilkesboro Road. Ms. Brindle stated that the petition was signed by approximately seventy-seven (77) percent of the property owners and is consistent with similar requests that have been approved by Council. She noted that in 1998 Council approved reducing the speed limit on East Colonial Drive which is in the same neighborhood.

Ms. Brindle informed Council that in addition to the request to lower the speed limit, residents have also requested traffic calming measures along South McCoy Road. She stated that in 1998 when traffic counts were taken for the neighborhood this road had an 85th percentile speed of 44 mph and is ranked second on the City's current list. She noted four (4) way stops have been suggested and the residents have requested the four (4) way stops at the intersections of South McCoy Road and Wilshire Drive and South McCoy Road and West Colonial Drive. Ms. Brindle stated that staff would like to collect data on the neighborhood as a whole and return to Council in October to share results from this study, as well as the studies being done in Fulton Heights and Eagle Heights.

Councilman Burgin commented that when Council approved the last speed limit change he felt by making the speed limit 25 mph it only made cars travel at 35 mph instead of the 45 mph they were driving when the speed limit was 35 mph. He noted that he understands the City has approved requests from neighborhoods in the past but he feels there has to be a better way to determine which roads are neighborhood streets, which ones are connecting links and which ones thoroughfares. Mr. Burgin stated that he has no doubts there are speed control problems on South McCoy Road but he feels better about the four (4) way stops than he does about reducing the speed limit. He added that he senses that the speed limit is not the problem but the fact that people drive ten miles per hour above the speed limit. He commented that if the speed limit is lowered to 25 mph people will begin to get tickets and then Council will begin to receive complaints. He questioned if there is another way for Council to handle this type of request.

Mayor Kluttz commented that she feels this road goes directly through the middle of a neighborhood and it is not a State road or alternate highway link through town. She stated that if she votes for 25 mph she wants the drivers to drive 25 mph and she is not lowering the speed limit to get the drivers to drive 35 mph.

Mr. Burgin stated that he feels the four (4) way stops will solve the speed problem and noted that 25 mph is slow.

Mayor Pro Tem Woodson questioned how the lower speed limit will be enforced and added that Council will be inundated with complaints when the speed limit is enforced.

Mr. Burgin commented that he questions if 35 mph is a dangerous speed and that he feels the four (4) way stops will solve the cut-through traffic.

City Manager David Treme asked Council if they would like staff to complete the traffic studies and return with both issues to give Council additional information.

Mayor Kluttz pointed out that the speed limit has already been reduced on East Colonial Drive and noted that the residents have requested the lower speed limit on McCoy Road.

Councilman Lewis commented that as neighborhoods decide to become active about what they consider to be speeding problems they will continue to bring them one by one to Council. He stated that Council needs to be proactive about making decisions going forward.

Mr. Treme stated that in the past the neighborhood initiatives have garnered a response from Council. He noted that staff still needs to obtain data regarding the four (4) way stops and can bring that information back to Council if they would like to consider the requests as a whole. He stated that Council could adopt a uniform policy for the entire City at a later meeting. Mayor Kluttz suggested Council discuss a uniform policy when staff brings the information regarding four (4) way stops back.

Mr. Burgin stated he could support four (4) way stops today rather than waiting. Ms. Brindle informed Council that staff has received telephone calls from residents who have expressed concerns about the four (4) way stops and staff would like to have more neighborhood involvement before making a recommendation.

Mayor Kluttz confirmed that Council will take no action today and wait to take action when the staff report is complete.

Mr. Burgin commented that he would like the neighbors to know that he understands there is a problem that needs to be solved but his preference is for the four (4) way stops.

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RECOMMENDATION TO RESTRICT PARKING IN THE 200 BLOCK OF SUMMIT AVENUE

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Ms. Wendy Brindle, Traffic Engineer, stated that the Fire Department has recommended a parking restriction in the 200 block of Summit Avenue. She explained that a new fire line was recently installed along Summit Avenue that serves several of the Catawba College dormitories. The Fire Department has requested a twenty (20) foot space be reserved as no parking to allow the fire connection to remain clear.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending section 13-338, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited at all times. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

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

(The above Ordinance is recorded in full in Ordinance Book No. 21, Traffic, at Page No. 131, and is known as Ordinance No. 2006-43.)

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CAPITAL PROJECT ORDINANCE FOR THE EAST ELEMENTARY SCHOOL WATER AND SEWER EXTENSION PROJECT

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Mr. Jeff Jones, Senior Engineer, stated that the project budget amendment before Council is for the East Elementary Water and Sewer Project.

He explained that it covers the portion of the project that was added with the developer agreement to serve the nearby residential development approved by Council at its last meeting.

Thereupon, Mr. Burgin made a **motion** to adopt a Capital Project Ordinance in the amount of \$400,000 for the East Elementary School Water and Sewer Extension Project. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

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EAST ELEMENTARY SCHOOL WATER AND SEWER EXTENSION CAPITAL PROJECT ORDINANCE AMENDMENT.

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(The above Ordinance is recorded in full in Ordinance Book No. 21, Budget, at Page No. 132, and is known as Ordinance No. 2006-44.)

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AWARD A CONTRACT TO ALLIED WASTE SERVICES FOR THE REMOVAL OF SOLID WASTE

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Mr. Dewey Peck, Purchasing Manager, explained that the contract being presented today is for removal of solid waste from dumpsters at various businesses and apartments within the City. He stated that the City has contracted with Allied Waste for the last twelve (12) to fourteen (14) years and noted that they have requested a price increase of approximately sixty (60) percent. He pointed out that the project was sent to five (5) vendors for bids but only two (2) bids were received. The two (2) bids submitted were from Republic Services of NC and Allied Waste Services. Mr. Peck recommended that the contract be awarded to Allied Waste and noted that the City saved six and five tenths (6.5) percent from the bidding process. He explained that the contract is for \$15.28 per unit and is a thirty-six (36) month contract with a thirty (30) day announcement and bail-out clause. He added that the contract also contains a fuel surcharge.

Mayor Pro Tem Woodson asked Mr. Peck why he thought only two (2) bids were received. Mr. Peck responded that several companies had an interest to establish business in Salisbury but he feels this was a very expensive bid package to submit.

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Thereupon, Mr. Woodson made a **motion** to award a contract to Allied Waste Services in the amount of \$363,113.92 for the removal of solid waste from the City of Salisbury. Mr. Burgin seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

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NEW FEE SCHEDULE FOR FRONT END COLLECTION

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Mr. John Sofley, Management Services Director, stated that during the budget preparation process the City established a new fee for front end collection based on the existing solid waste contract with the understanding that once the new contract was established the fee would be re-examined. He explained that Allied Waste Services' bid is for a flat fee per collection point. This will be a cost of \$58.11 each per month, regardless of the size of the bin. He informed Council that staff recommends approval of this new fee schedule.

Mayor Pro Tem Woodson asked if the prior cost was broken down by size. Mr. Sofley confirmed that it was based on the size of the container.

Mr. David Treme, City Manager, stated that the City has been receiving below market costs for front end pick up and he is not surprised that the contract had to be re-bid. He explained that the City pays for the first pick up with the customer paying for any additional pick ups. He added that he feels this is the best the City can do based on the market. He noted that the price increase is due to the cost of vehicles, manpower, and gasoline and that this price is not out of line with what other municipalities are paying.

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Thereupon, Mr. Woodson made a **motion** to adopt a revised fee schedule as presented for Front End Collection to be effective October 1, 2006. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

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RESOLUTION DECLARING FOUR (4) THOMAS BUSES AS SURPLUS AND AUTHORIZING DISPOSITION BY ELECTRONIC AUCTION

Mr. Dewey Peck, Purchasing Manager, informed Council that the State of North Carolina has approved the sale of four (4) City buses which are fifteen (15) years old. He noted that there is a market for these surplus buses on eBay and if approved by Council, this is how the City will dispose of them.

Thereupon, Mr. Burgin made a **motion** to adopt a Resolution authorizing the sale by public auction of four (4) surplus Thomas buses. Mr. Woodson seconded the motion and clarified that the sale was through electronic auction. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. (4-0)

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RESOLUTION AUTHORIZING THE SALE AT PUBLIC AUCTION OF CERTAIN SURPLUS PERSONAL PROPERTY.

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(The above resolution is recorded in full in Resolution Book No. 12, at Page No. 36 and is known as Resolution No. 2006-22.)

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REPORT FROM STAFF REGARDING THE STATUS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER PERMIT

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Mr. Patrick Ritchie, Staff Engineer, stated that the City received a National Pollutant Discharge Elimination System (NPDES) Phase II Discharge

Permit November 21, 2005. He noted that the permit specifies a time table for required items and that in the first year the City is required to develop and implement a discharge detection plan program and adopt an ordinance to enforce the program. Mr. Ritchie stated that staff recommends a public workshop on September 20, 2006 to obtain public input, followed by a public hearing and Council's consideration of an ordinance at the October 3, 2006 Council meeting.

Thereupon, Mr. Lewis made a **motion** to set a public hearing Tuesday, October 3, 2006 to receive comments on the City's plans for compliance with the NPDES Phase II Stormwater Discharge Permit. Mr. Woodson seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Klutz voted AYE. (4-0)

APPOINTMENTS TO THE BRANDING AND WAYFINDING STEERING COMMITTEE

Mr. Joe Morris, Planning and Community Development Manager, stated that a memorandum has been presented to Council requesting that they begin consideration of appointments of seven (7) to ten (10) members to a Branding and Wayfinding Steering Committee. He explained that this is congruent with Council's goal to expand the community's creative enterprise economy and the committee has the objective to create a unified community image which exemplifies Salisbury's cultural, educational, historic environment, entrepreneurial and arts attributes. Mr. Morris stated that the services of Arnett Muldrow & Associates of Greenville, SC, have been retained to provide planning services for the committee. He requested that Council begin considering appointments and indicated that the committee would like to begin work in early October 2006. Mr. Morris stated that he will work with Council members in identifying potential committee participants and added that Arnett Muldrow & Associates recommends that a member of the City Council serve as chairman of the Committee.

Mayor Klutz asked if the potential participants should be those involved in a particular area such as historic preservation, education, arts and environment, or those who are involved in the community in general. Mr. Morris stated that it would be helpful to have a cross representation of those various agencies as well as members of the public at large.

Mayor Klutz asked Mr. Lewis if he would volunteer to serve as Chairman of the Branding and Wayfinding Steering Committee. Mr. Lewis agreed to serve.

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

Council received the Planning Board recommendations and comments from the August 22, 2006 meeting.

(b) Game Plans for City Council

City Manager David Treme stated that at the Future Directions and Goal Setting Conference held February 9-10, 2006, the City adopted a strategic plan which included eleven (11) Outcomes with thirty-one (31) associated goals. He stated that the City has a game plan for each of the thirty-one (31) goals and staff would like to review the game plans developed for Outcome 10: Streamlining the development review process and ordinances.

Mr. Dan Mikkelson, Director of Land Management and Development, stated that Outcome 10 is to streamline the development review process and includes four (4) goals which are interrelated. He noted that Mr. Warren Miller, Fountainworks Consulting, conducted a workshop with staff to deal with these closely related goals and to develop a game plan to work on the first three (3) goals which are:

- Review construction standards
- Seek local permitting authority for utility extensions
- Salisbury-Rowan Utilities to update and enforce existing State-mandated plans and programs.

He explained that the review of the construction standards will be broken into two (2) phases and is a prerequisite to working on the local permitting authorization.

Mr. Jim Behmer, Utilities Engineering Manager, reviewed the game plans of the first goal from Outcome 10:

Review Construction Standards

- Phase 1 by October 3, 2006
 - Identify corrections to standards manual
 - Identify additions to standards manual
 - Prerequisite for local permitting
 - Quick process, limited public involvement
- Phase 2
 - Complex additions
 - Reformatting
 - Extensive public involvement

Councilman Lewis asked what the process will be for involving the development community in the discussion of the standards. Mr. Mikkelson

stated that in phase one (1) staff will work to bring the standards current and in phase two (2) major changes will be made and extensive public input will be sought. He noted that in order to pursue local permitting authority the City is required to have the construction standards manual current. Mr. Behmer explained that phase two (2) will involve consultants, developers, and engineers in an effort to get their input on the current standards, as well as recommendations for future standards.

City Manager David Treme noted that projects involving water and sewer are delayed four (4) to six (6) weeks because the plans are sent to the State for approval. He is seeking a date from the State when Salisbury may expect to have the local review approved.

Mr. Mikkelson reviewed the second goal from Outcome 10:

Seek local permitting authority for utility extensions

- Phase 1 Standards Manual and Water System Management Program
- Salisbury Zoning Jurisdiction
 - Water line extensions
 - Gravity sewer extensions
- Salisbury-Rowan Utilities (SRU) Partner Jurisdiction
 - Water line extensions
 - Gravity sewer extensions

Mr. Treme stated that obtaining local permitting authority is not an easy task to undertake and he feels the local permitting authority will be a big benefit to the City.

Mr. Mikkelson explained that within the local permitting authority there are several processes that are applied for separately. He added that the City will concentrate on water line extensions and gravity sewer extensions. He noted that to ease the process the City will start within its own zoning jurisdiction and then reach out to the SRU partner jurisdictions. He explained the requirements for the jurisdictions:

- Standards manual
- Description of how the program will function
- Description of the enforcement ability
- Ordinance
- Application submitted to North Carolina Department of Environment and Natural Resources (NCDENR)

Mr. Mikkelson stated that once the programs are approved they will be maintained and audited by the State.

Councilman Lewis asked the target date for receiving local permitting authority. Mr. Mikkelson stated that a date has not been established.

Mr. Behmer reviewed the third goal from Outcome 10:

Salisbury-Rowan Utilities to update and enforce existing State mandated plans and programs

- Phase 1 Construction Standards
- Water System Management Plan
 - Complete review
 - Submit to City Council by October 3, 2006
- Backflow
 - Assist in review and update
 - Ordinance complete
 - Submit to City Council by December 19, 2006
- Fats Oils and Greases (FOG)
 - Complete review and update
 - Submit to City Council by December 19, 2006
- Emergency Response Plan (ERP)
 - Complete review
 - Submit to City Council by December 19, 2006
- Sewer Use Ordinance (SUO)
 - Complete review
 - Submit to City Council by June 30, 2007
- Standard Operating Procedures (SOP)
 - Complete review of plant operations SOP's by December 31, 2006
 - Development of Systems Maintenance SOP'S by June 30, 2007

Mr. Mikkelson reviewed the fourth goal of Outcome 10:

Develop a communication plan for sharing development processes and ordinances with stakeholders

- Backflow

- Outreach to users
- City Council Public Hearing
- Channel 16
- Website
- Users Manual
- Project Tracking
 - Documentation on line
 - Scheduling and automatic notice pending Customer Resource Management (CRM) implementation
- Land Development Ordinance
 - Committee input
 - Mapping
 - Text Workshop
 - Planning Board Courtesy Hearing
 - City Council Public Hearing
- Construction Standards Manual
 - Phase 1 City Council Public Hearing
 - Phase 2 Outreach to Users and City Council Public Hearing
- State Mandated Plans
 - City Council Public Hearings

Mr. Treme stated that the Land Development Ordinance Committee (LDOC) was formed two (2) years ago and looked into streamlining the development process with quicker approvals handled by staff. He noted that since the LDOC first began to review this issue, development in the community has increased as well as sensitivity of the impact of projects on the community. He commented that while there are many outside developers who will use the quicker process, he feels there are also developers who have come to appreciate Planning Board committees, extra public participation, and the role Council Committees have taken to solve community issues. He stated that he does not think Council's initial desire to make permitting administratively quicker will serve the concerns of the public in every instance. He noted that the City is trying to achieve a balance and give the citizens the opportunity to use either process.

Mr. Treme informed Council that he thinks the Land Development Ordinance may be ready for adoption during the first quarter of 2007 and asked for Council's patience in working through these goals.

Councilman Burgin stated that it is important to let Council know that the LDOC is back in full committee from a sub-committee and staff. He added that they are getting close to bringing information to the Planning Board for their review but noted that there is still work to be done.

Mayor Kluttz thanked staff for their work on this project and stated that it is important that the City be as effective as it can for the development community.

(c) Rowan County Airport

City Manager David Treme stated that the City has had preliminary discussions with Rowan County regarding items surrounding the Airport. He pointed out that support of the Airport is also one of Council's Goals and a game plan is being developed for it as well.

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MAYOR'S ANNOUNCEMENTS

(a) Salisbury England Visit

Mayor Kluttz announced that a delegation from Salisbury, England, the Official Sister City of the City of Salisbury, will be visiting Salisbury Wednesday, September 27, 2006 until Monday, October 2, 2006. The fourteen (14) member delegation will include the Mayor and Councilors of Salisbury, England and will participate in various cultural and social activities throughout the community. She added that she is grateful to the Lord Salisbury Festival and Downtown Salisbury, Inc. who have put together a five-day agenda and is also grateful to the individual volunteers who are providing housing and meals to the delegation. She noted that more details will be sent out by Ms. Karen Wilkinson, Public Information Director.

(b) Joint Meeting with Salisbury, England

Mayor Kluttz announced a joint meeting of the Mayor and Councilors of Salisbury, England and the Salisbury City Council will be held Thursday, September 28, 2006 at 3:00 p.m. in City Council Chambers located at 217 South Main Street.

(c) 9/11 Ceremony

Mayor Kluttz announced a 9/11 ceremony Monday, September 11, 2006 at 9:45 a.m. at the Fireman's Memorial in the 1400 block of South Main Street. She noted that the service is sponsored by the Rowan County Emergency Services and the Salisbury Fire Department. She urged the public to participate and honor both the memory of those who died in 9/11 in New York as well as the local firefighters.

(d) September 19, 2006 Council Meeting

Mayor Klutz announced that she and Councilman Lewis will not be present at the September 19, 2006 Council meeting as they will be out of town on City business.

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ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Woodson. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:39 p.m.

Mayor

City Clerk