

Salisbury, North Carolina
October 6, 2009

REGULAR MEETING

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

ABSENT: None

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

RECOGNITION – POSITIVE YOUTH INITIATIVE-UPDATE REGARDING PROJECT SAFE FAMILY DAY

Deputy Police Chief Rory Collins and Ms. Jackie Harris, Project SAFE Community Intervention Team Member presented an update regarding Project SAFE Family Day and displayed a video of the event. Deputy Chief Collins stated that the event was great fun for the children and there were educational workshops for the parents. He indicated that the intent of the workshops was to enhance the community and promote safety. He stated that the positive impact this event may have on the community may never be known. Deputy Chief Collins thanked Council for its willingness to provide

funds for the event again this year and he also thanked the Project SAFE Family Day Organizing Committee.

Ms. Harris stated that she was grateful for all the help received and thanked the members of the Project SAFE Committee:

Ms. Karen Carpenter
Ms. Carol Ann House
Ms. Teresa Vincent
Officer Ann Cooper
Mr. Zack Kyle
Ms. Liz Tennent
J. F Hurley YMCA

Ms. Sandy Flowers
Ms. Karen Peck Harris
Deputy Chief Rory Collins
Mr. Henry Diggs
Mr. William Peoples
Ms. Karen Wilkinson

Ms. Harris indicated that it was difficult to predict attendance but approximately 620 people were served at the event. She noted that all of the workshops were full and the information provided kept the parents engaged. She stated that the event improves each year and she hopes Project SAFE will be able to do it again next year. Ms. Harris thanked Council for all it has done to make the event a success.

Mayor Kluttz stated that she is grateful to Project SAFE for hosting the event and she feels the funds were well spent. She agreed that these events are making a difference in the community, although there is no way to measure how many people have been reached. She thanked the Project SAFE Committee for its continued hard work and dedication and noted that there is nothing more important than the children of the community and the safety of its citizens.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meetings of September 15, 2009 and the Special Meetings of September 23, 2009 and September 30, 2009.

(b) Temporary Street Closing – Oak Road

Close a portion of the 200 block of Depot Street Friday, October 9, 2009 from 2:00 p.m. until 5:00 p.m. for the unveiling of the Sparks Circus History and Art Trailer Marker.

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

DISTRICT MAP AMENDMENT – LDOZ-2-07-2009, JENNIFER WOOMER

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding a request to

rezone approximately 0.19 acres at 310 Mocksville Avenue from Residential Mixed-Use (RMX) to Neighborhood Mixed-Use (NMX). He reviewed aerial photographs and pointed out the site's location along the east side of Mocksville Avenue and north of Circle Drive. Mr. Mitchell indicated that the properties in the area are currently zoned RMX and he noted that the property next to the subject site is zoned NMX.

Mr. Mitchell presented an onsite report explaining that the properties surrounding the subject site are primarily used for medical offices or clinics and are zoned RMX and are house type and commercial type properties. He explained that house type properties are existing residential structures that have been converted to medical offices or clinics and commercial type properties are those where the houses have been torn down and developed with low rise, small scale commercial buildings. He indicated that a property adjacent to the subject site is an infill lot which will remain zoned RMX. Mr. Mitchell explained that the difference between RMX and NMX zoning is that RMX allows for professional services, office, medical, institutional, and all residential uses and NMX also provides for those uses but includes retail up to 3,500 square feet with standards for new development. He stated that there are no proposed changes to the site and the proposed uses for it will be general retail with seven parking spaces in the rear.

Mr. Mitchell stated that the request is consistent with the Vision 2020 Comprehensive Plan and reviewed policies pertaining to this request:

- Policy N-7: Appropriately located and pedestrian oriented, designed and scaled stores and services providing basic necessities to residents of the City's older neighborhoods shall be encouraged
- Policy N-12: Appropriate commercial and other services may be permitted to locate at the corners of neighborhood planning area. Existing, less intensive development located at the intersection of major streets forming the corner of the neighborhood planning area may be allowed to undergo an orderly transition in this regard
- Policy C-2: The City shall encourage a flexible, yet compatible development environment that supports new business formation and growth in the City's older commercial areas
- Policy C-24: Small scaled, pedestrian-oriented shopping and work places shall be encouraged in the design of new neighborhoods

Mr. Mitchell indicated that the Planning Board voted unanimously to recommend approval and stated that the petition is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed district map amendment LDOZ-2-07-2009.

Ms. Jennifer Woomer, 226 West Henderson Street (petitioner), stated that she plans to use the site as a yarn store for knitters and crocheters. She indicated that she moved to Salisbury June 2009 and is very impressed with the pedestrian oriented

atmosphere. She pointed out that the reasons she chose the property was because of the walking/biking distance from her residence, accessibility for older customers, proximity to the college and hospital, and the charm of the building. She stated that local shops can provide a tourist draw for the City and she thinks this will be a great addition.

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

Mayor Kluttz stated that she is excited about new businesses coming to Salisbury especially when it is a community friendly business.

(c) Mr. Woodson stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein and amend the Conditional District Overlay 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. Woodson made a **motion** to adopt an Ordinance amending the Land Development district map of the City of Salisbury, North Carolina, by rezoning approximately 0.19 acres, identified as tax map and parcel 006-463 from Residential Mixed-Use (RMX) District to Neighborhood Mixed-Use (NMX) 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 0.19 ACRES, IDENTIFIED AS TAX MAP AND PARCEL 006-463 FROM RESIDENTIAL MIXED-USE (RMX) DISTRICT TO NEIGHBORHOOD MIXED-USE (NMX) DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 158-159, and is known as Ordinance 2009-55.)

TEXT AMENDMENT – LDOA-07-2009, INFILL PROVISIONS FOR MINIMUM RESIDENTIAL LOT WIDTH

(a) Mr. Preston Mitchell, Senior Planner, addressed Council regarding an amendment to Section 6.3 of the Land Development Ordinance (LDO) of the City of Salisbury regarding infill provisions for subdivisions. Mr. Mitchell gave background information regarding infill provisions:

- Land Development Ordinance (LDO) Goals (few of many)
 - Encourage/Allow smaller lots
 - Increased Density
 - Mixed-Use
 - Protect character/development patterns of existing established neighborhoods
 - Infill Provisions

- Focus on Compatibility
 - Front yard setbacks
 - Location of drives and garages
 - Architectural Elements
 - Roofline
 - Foundation
 - Sidewalks (recent addition)
 - Subdivisions

Mr. Mitchell indicated that since January 2008 staff has received approximately 12 requests to subdivide land in existing neighborhoods. He reviewed an example of the calculations from the LDO used to determine frontage width for an actual case:

Bethel Drive: LDO First Calculation

- Current Lot – 237 foot frontage
- Request to subdivide into two 118.5 foot lots
- First calculation
 - Find comparison lots on same side 300 feet from edge
 - Drop widest and narrowest
 - Resulting average = minimum lot width for infill lot
 - Problem: Dropping widest and narrowest left too few lots for comparison; therefore
 - Add lots across street
 - Do not drop widest and narrowest

Bethel Drive: LDO Second Calculation

- Current Lot – 237 foot frontage
- Request to subdivide into two 118.5 foot lots
- Second calculation
 - Find comparison lots on both sides of street 300 feet from edge or to nearest intersection
 - Do not drop widest and narrowest
 - $1,410 \text{ feet} / 10 \text{ lots} = 141 \text{ foot minimum lot width for infill lot}$

Mr. Mitchell pointed out that using the existing formula the request would be denied. He indicated that the City received complaints regarding the formula and after hearing from a citizen the Planning Board sent the matter to a legislative committee for further assessment. He stated that after review the legislative committee recommended to create a process to allow the Planning Board to consider individual cases and grant exceptions to the calculated frontage width. He stated that the exception is similar to a variance and would be based on testimony and evidence provided at a quasi-judicial hearing. Mr. Mitchell reviewed the criteria for an exception:

Bethel Drive: Special Exception

- Applicant must answer the following
 - Is minimum width as requested:
 - Less than the minimum lot width for zoning in LDO(GR-6)
 - Less than the narrowest frontage of comparison lot
 - Creating/expanding any non-conformities
 - Uniform from front to back and substantially maintaining right angles to the fronting street
- Planning Board asks
 - Does the minimum width, as requested (or some modification) negatively impact provision of services
 - Do the applicable comparison lots adequately represent the larger surrounding area
 - Do natural/man-made features help or hinder the required versus requested minimum width

Mr. Mitchell indicated that the provision gives the Planning Board the authority to determine a minimum lot width. He pointed out that the Planning Board supports the provision and finds it to be consistent with the Vision 2020 Comprehensive Plan.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the proposed Land Development Ordinance text amendment LDOTA-07-2009.

Mr. Rodney Queen, 101 Polo Drive, stated that he spent many years on the LDO Committee and as a citizen had an opportunity to attend the Planning Board meetings when this provision was developed. He indicated that the LDO was created to be fair to all property owners. He stated that he is concerned with sending these issues to the Planning Board and that adjusting the formula would be a better option. He stated that he is concerned that sending things back to the Planning Board could be setting a bad precedent and indicated he would like a Council Committee to review the issue and determine if adjustments could be made in a way that would be fair and equal without sending it to the Planning Board.

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

Councilman Lewis indicated that he did not hear much discussion in relation to adjusting the formula and he would like an attempt to explore changing the formula. He pointed out that he would be willing to serve on a Council Committee and suggested that Councilman Burgin join him since they both served on the LDO Committee.

Councilmen Kennedy and Woodson agreed to send the issue to a Council Committee.

Councilman Burgin indicated that the LDO Committee understood there would be

situations when the LDO would need to be modified. He stated that there is currently a formula that calculates a minimum lot width, therefore the Council Committee would need to create a procedure that can be interpreted and managed in a way to keep the process administrative. He stated he would be pleased to serve on the Council Committee.

Mr. Mitchell stated that the Planning Board discussed the formula and possible adjustments in great detail and apologized if the minutes did not accurately reflect the detail to which it was discussed. He indicated that there will always be a situation where someone is not happy with the minimum width. He stated that the Planning Board Committee voted to adjust the formula so the new requirement would be 95% of the average but the motion was rejected.

Mayor Kluttz stated that she appreciates that information and understands the work put into this by the Planning Board but feels this decision is up to Council members. She asked if Council would like to proceed with a Council Committee.

By consensus, Council agreed to send this issue to a Council Committee for review.

ORDER – ENTERPRISE SYSTEM REVENUE BONDS, SERIES 2009

Mr. John Sofley, Management Services Director, addressed Council regarding an Order authorizing the issuance and sale of Combined Enterprise System Revenue Bonds, Series 2009, in the amount of \$6,000,000. He noted that Council previously approved a Resolution authorizing staff to proceed with the issuance of revenue bonds, and since that time, the Local Government Commission (LGC) has approved the application and bids have been received.

Mr. Sofley stated that the Order also includes a Fifth Supplemental Trust Agreement. He explained that this is the fifth issuance of water and sewer revenue bonds, and each time a new series is issued, a new trust agreement is produced to reflect an amendment of the previous trust agreement. He also noted that the Bond Order authorizes this issuance and puts into place the formal action required by Council for the City to proceed with issuance of the debt and to receive the funds.

Mr. Sofley explained that the Resolution accomplishes the following:

1. Confirms that City Council authorized the filing of an application with LGC.
2. Directs the LGC to sell the Series 2009 Bonds as a private sale without advertisement.
3. Determines that the Series 2009 Bonds not to exceed \$6,000,000 and are to be sold to Bank of America, N.A.
4. Confirms that a draft of the Fifth Supplemental Trust Agreement was presented to City Council.
5. Determines that the issuance and sale in the manner provided is in the best interest of the City.
6. Approves the Fifth Supplemental Trust Agreement.

7. Authorizes the Mayor, City Manager, Management Services Director, City Attorney and City Clerk to execute documents required for issuance of the Bonds.

Councilman Lewis clarified that the rate for the bond sale is 4.14%. Mr. Sofley confirmed that this was the rate.

Mr. Sofley stated that both 15 and 20 year options were reviewed, but by choosing the 15 year option, there will be a savings of almost 50 basis points.

Thereupon, Mr. Lewis made a **motion** to approve an Order authorizing the issuance and sale of Combined Enterprise System Revenue Bonds and authorizing the execution and delivery of certain documents in connection therewith. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT – TRAFFIC OPERATIONS DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, addressed Council regarding the purchase of a Versalift 42-foot Aerial Bucket Truck for the Traffic Operations Department. He indicated the funds have been budgeted in the 2009-2010 Vehicle Replacement Fund and noted that the truck to be replaced is 27 years old.

Mr. Peck stated that North Carolina General Statute 143-129 authorizes local governments to piggy-back on contracts awarded to another governmental unit during a 12 month period. He stated that the City of Charlotte recently awarded a contract to MAP Enterprises, Inc. for the purchase of a Versalift 42-foot Aerial Bucket Truck which meets the City's specifications. Mr. Peck stated that MAP Enterprises, Inc. has agreed to sell the City of Salisbury the same truck for the same price and he requested Council award a contract to MAP Enterprises in the amount of \$79,635.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution authorizing the purchase of a Versalift 42-foot Aerial Bucket Truck for the Traffic Operations Department at a price of \$79,635. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A VERSALIFT 42-FOOT AERIAL BUCKET TRUCK FOR THE TRAFFIC OPERATIONS DEPARTMENT.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 43, and is known as Resolution 2009-27.)

AWARD CONTRACT – VEHICLES FOR THE CITY

Mr. Dewey Peck, Purchasing Manager, addressed Council regarding contracts for the purchase of various vehicles for the City. He noted that a total of eight vehicles were bid and he recommends purchasing six of the vehicles from Cloninger Ford and two from Hilbish Motors.

Mr. Peck recommended a contract in the amount of \$302,523.51 be awarded to Cloninger Ford, who was the lowest bidder, for the purchase of six vehicles in various City departments.

Councilman Woodson commented that he is pleased a local dealer will be awarded the contract.

Thereupon, Mr. Woodson made a **motion** to award a contract to Cloninger Ford in the amount of \$302,523.51 for these six (6) vehicles for the City of Salisbury. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mr. Peck then reviewed the remaining two vehicles and recommended they be purchased from Hilbish Motors in the amount of \$50,046.

Thereupon, Mr. Woodson made a **motion** to award a contract to Hilbish Motors in the amount of \$50,046 for two (2) trucks for the City of Salisbury. Mr. Kennedy seconded the motion. Councilman Burgin commented that the bid from Hilbish Motors is close to that of Cloninger Ford and questioned whether the location of the dealership in regards to service for the vehicles is enough of an advantage to award the bid to the local dealer.

Mr. Peck recognized Mr. Jake Sterling, Fleet Services Manager, to respond. Mr. Sterling explained that even if the vehicles are purchased from a dealer out of town, Cloninger Ford will still perform service on the vehicles while under warranty.

Mr. Peck noted that State purchasing laws require the City purchase from the lowest bidder.

There being no further discussion, Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD CONTRACT – SALISBURY FIRE DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, addressed Council regarding the purchase of 70 sets of Globe Turn Out Gear for use by the Salisbury Fire Department. He pointed out that State Law requires a sole source or piggy-back purchase be approved by the local government. He stated that the Fire Department applied for and received a 90% matching grant under the Fire Act of the United States Fire Administration. He noted that the City's required 10% match has been budgeted in the General Fund.

Mr. Peck noted that the Fire Department currently uses Globe Turn Out Gear and explained that to purchase from another company could create the possibility of mismatched gear during a time of crisis. He indicated that the Occupational, Safety and Health Administration (OSHA) consider it a violation of the law to mismatch gear because of different quality controls for different companies.

He requested Council approve, as a sole source, the purchase of Globe Turn Out Gear from Municipal Emergency Services in the amount \$180,691.14.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the award of the contract to purchase Globe Turn Out Gear for the use by the Salisbury Fire Department. Mr. Woodson clarified that the City will pay 10% of the cost with the remaining 90% coming from grant funds. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Councilman Burgin asked how the Fire Department disposes of the old gear.

Fire Chief Bob Parnell responded that the National Fire Protection Association (NFPA) regulations places a 10 year shelf life on turn out gear and require that it be replaced when the shelf life expires or when it can no longer pass tests. He stated that the gear is then disposed of according to State Law.

Mr. Peck explained that there was a time in the past when surplus fire and police gear could be sold on eBay or through other avenues, but because of safety issues this practice is no longer allowed.

Mr. Burgin commented that he thought perhaps the gear could be donated to fire departments with fewer resources.

City Manager David Treme explained that even if a new piece of turn out gear is never used it must be disposed of when it reaches the designated shelf life. He stated that new laws regarding fire equipment are very specific and do not allow for helping other departments, because that department would then be in violation of the same laws and the City could have liability. He noted that the City is required to provide a detailed paper trail of the proper disposition of the old gear.

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO PURCHASE GLOBE TURN OUT GEAR FOR USE BY THE SALISBURY FIRE DEPARTMENT.

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 44, and is known as Resolution 2009-28.)

ORDINANCE AMENDING CITY CODE – WATER AND SEWER CONNECTIONS

Mr. Jeff Jones, Utilities Planning and Research Manager, addressed Council regarding adoption of an Ordinance amending Section 25-4 of the Salisbury City Code related to Water and Sewer Connections. Mr. Jones stated that the 2008 North Carolina Drought Legislation contained provisions regarding how public water systems meter and measure the water. He noted that the law now requires separate metering of new inground irrigation systems installed on or after July 1, 2009. He stated that a notice has been posted at the Development Services Office where the irrigation taps and new water taps are permitted, but staff also wanted to amend the Code to reflect the changes.

Councilman Kennedy stated that he thinks the law is good and noted that those who have both types of taps appreciate the separate systems.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Chapter 25, Article 1, of the Code of the City of Salisbury, related to water and sewer connections. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE I, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO WATER AND SEWER CONNECTIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 160-162, and is known as Ordinance 2009-56.)

APPLICATION – ROWAN COUNTY – REZONE CITY OWNED PROPERTY AND LICENSE AGREEMENT – CAROLINA SAND, INC.

Mr. Jeff Jones, Utilities Planning and Research Manager, addressed Council regarding an application to Rowan County to rezone City-owned property located at Grant Creek Waste Water Treatment Plant and a license agreement with Carolina Sand Inc. for sand mining. He noted that in 2000, the City was approached by Carolina Sand Inc. to set up a sand mining operation near Grant Creek. He indicated that Rowan County controls the zoning on these properties and at that time the City applied for and received a conditional use permit for sand mining. He stated that the operation did not begin and the conditional use approval expired. Mr. Jones commented that Salisbury-Rowan Utilities (SRU) would like to reapply for the conditional use permit. He stated that the application authorizes Mr. Derek S. Goddard with Blue Ridge Environmental Consultants, Inc. to act as agent for the City. He noted that Mr. Goddard also coordinates the Yadkin Alcoa property and that this will be handled as one project.

Mr. Jones then reviewed the license agreement. He indicated that the license agreement requires zoning approval, along with all other approvals from State and Federal agencies. He stated that the license agreement gives Carolina Sand Inc. permission to use the City property for sand mining. He commented that there are conditions in the agreement regarding maintenance and improvement of the access road. He noted that the agreement also binds any agent or employee of Carolina Sand, Inc. to City policies. Mr. Jones commented that a major benefit the City receives from the sand mining is improved mixing at the waste water discharge which could potentially improve permit limits from the State.

Mr. Jones commented that SRU has a long working relationship with Carolina Sand, Inc. and noted that they are the company that keeps SRU's intake clear. He noted that Carolina Sand Inc. also has a mining operation on Hannah's Ferry Road where the water intake is located.

Councilman Burgin clarified that the property must be rezoned before an agreement can be made with Carolina Sand Inc.

Mr. Jones indicated that there is a provision in the agreement which states the property must be rezoned before operations can begin. He commented that there is also a provision in the license agreement that Carolina Sand Inc. must receive all necessary approvals which would include the rezoning.

Thereupon, Mr. Burgin made a **motion** to approve an application to Rowan County to rezone City owned property identified as tax map and parcel 322-030 and 1A 322-025 located at Grant Creek Waste Water Treatment Plant. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Thereupon, Mr. Burgin made a **motion** to approve a license agreement with Carolina Sand, Inc. for sand mining subject to successful rezoning of that property. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

PRESENTATION – WATER SHORTAGE RESPONSE PLAN

Mr. Jeff Jones, Utilities Planning and Research Manager, addressed Council regarding the Water Shortage Response Plan and requested that a public hearing be set for October 20, 2009. Mr. Jones noted that the 2008 North Carolina Drought Legislation required all public water systems to update their water shortage response plan. He explained that the City had a very workable plan in place and only minor revisions and reformatting was required to update it.

Mr. Jones noted that the Yadkin River Basin watershed provides water for Rowan County and that drought conditions in the upstream portion of the watershed determine the City's drought conditions. He stated that the criteria for response in the Plan are consistent with the Water Shortage Measurement Criteria and that the major change in the Plan was the development of a more sophisticated implementation strategy. Mr. Jones referred to information provided to Council depicting what the response would have been had this Plan been in effect during drought conditions in 2002, 2007 or 2008.

Mr. Jones stated that the Plan requires an opportunity for public comment and requested a public hearing be set for the next City Council meeting on October 20, 2009.

Thereupon, Mr. Lewis made a **motion** to set a public hearing regarding the Water Shortage Response Plan for October 20, 2009. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

PRESENTATION – UNITED STATES CENSUS AND ROWAN-SALISBURY COMPLETE COUNT COMMITTEE

Ms. Kathryn Clifton, GIS Coordinator, presented an update to Council regarding the United States Census and the Rowan-Salisbury Complete Count Committee. She reviewed the components of the Complete Count Committee:

- It is a partnership between Rowan County and the City of Salisbury with its purpose being to get the word out about the importance of the Census to the communities including the hard-to-count populations such as Hispanic individuals, African-Americans, Native Americans, the homeless, Senior Citizens, the illiterate, the functionally limited, and foreign born individuals
- It involves committee members from other sectors throughout the area: government, education, faith, media, community, business, recruiting for jobs
- Efforts of the Committee to date:
 - Airing of the video “A New Portrait of America” on Access 16. The video accommodates Spanish speaking populations
 - Provided information at events such as La Fiesta de Rowan, Rowan County Fair, Rowan County Head Start, Salisbury Nights Out, Salisbury Rotary Club, Rowan County Library Book Mark Program, and Contests

Ms. Clifton stated that the message for the community is that the census is important because the community benefits from each correctly completed census form. She noted that census numbers affect funding for the community, the community’s representation in Congress, and decisions made by local leaders when planning for the community.

She reviewed items contained on the form and commented that completion of the form takes approximately ten minutes. She commented that there are altered forms in circulation which ask for information not being sought by the Federal government. She indicated that citizens should be aware of the altered forms and she clarified that there are no questions regarding immigration status on the official form. Ms. Clifton noted the importance that everyone in the home, including children, be counted.

Ms. Clifton invited people to visit the local census website at <http://gis.salisburync.gov/census2010.asp> for updates or to sign up for a presentation for an organization. She also shared information on how to contact a local census liaison:

- Adrian Rollans, Rowan County GIS Coordinator
704-216-8605
Adrian.Rollans@rowancountync.gov
- Kathryn Clifton, City of Salisbury GIS Coordinator
704-638-526
katclif@salisburync.gov

Councilman Kennedy asked when the census forms will be distributed.

Ms. Clifton stated that they will be delivered by mail in spring 2010 with April 1, 2010 being Census day.

Councilman Kennedy commented that it is important that the City works together with the County to make sure that everyone within the County is counted, because the whole County is affected and not just the City of Salisbury.

City Manager Treme commented that any civic club or community group desiring a presentation should call one of the numbers given by Ms. Clifton.

STAFF REPORT – DOWNTOWN PARKING LOTS IMPROVEMENTS UPDATE

Ms. Lynn Raker, Urban Design Planner, provided an update to Council regarding the Downtown Parking Lots Improvement project schedule. She indicated that the focus is still in the Central City Parking Lot and that the work is on schedule.

Week One (September 14-18, 2009)

- Saw-cutting & trenching for utilities
- Conduit installation
- Curb layout

Week Two (September 21-25, 2009)

- Curb installation
- Begin brick paver installation in pedestrian areas

Week Three (September 28 – October 2, 2009)

- Complete curb installation
- Set light pole bases

Weeks Four-Five (October 5 -16, 2009)

- Planter installation
- Paving
- Landscaping
- Set light poles (delayed until November)

Ms. Raker commented that the continued efforts of Public Information and Communications Manager Karen Wilkinson to inform the public that stores adjacent to the Central City lot are open have been successful. She noted that she received a comment from a merchant who indicated a recent Saturday was his best sales day even though it rained and the parking lot was being repaired.

Mayor Klutz expressed appreciation to Ms. Raker and Mrs. Wilkinson for the wonderful job they have done in coordinating the project and providing information to the public.

COMMENTS FROM THE CITY MANAGER

(a) Certificate of Appreciation Award from Downtown Salisbury, Inc.

City Manager David Treme stated that the City recently received an award from Downtown Salisbury, Inc. and recognized Engineer Bryan Alston and Engineering and Development Services Director Dan Mikkelson to share information regarding the award with Council.

Mr. Mikkelson explained that the City entered into a partnership with Soldiers Memorial AME Zion Church and Rowan County to construct a parking lot adjacent to the church. He noted that the church provided the property, the City and County shared in construction costs, and the County maintains the lot. He stated that the parking lot is open for public parking during the business day and the church uses it for weekends and church activities. Mr. Alston, who designed the project, displayed before and after photos of the site and noted the improvements that were made. He also displayed the Certificate of Appreciation presented by Downtown Salisbury, Inc.

Mayor Kluttz congratulated Mr. Alston for an excellent job, noting that the before and after views of the property are incredible. She also thanked Rowan County and Dr. Grant Harrison and Soldiers Memorial AME Zion Church for working on the plan and agreeing to partner on the project. She noted that the lot is located in a part of the City where parking is needed and where many complaints have been received regarding drainage into neighboring homes.

(b) Sidewalks – Old Wilkesboro Road

Engineering and Development Services Director Dan Mikkelson presented a report regarding a request for sidewalks along Old Wilkesboro Road. He reviewed an aerial photograph showing Brenner Avenue, Kelsey Scott Park, and Old Wilkesboro Road as it dead ends at Livingstone College. He reviewed the existing Greenway trail and the existing sidewalk along Brenner Avenue. He explained that staff decided to divide the area into two segments with one segment being the road from Kelsey Scott Park to Brenner Avenue and the other from Brenner Avenue to Livingstone College.

Mr. Mikkelson stated that estimates for construction of sidewalk along one side of Old Wilkesboro Road from Kelsey Scott Park to Brenner Avenue would cost approximately \$216,000. He explained that the estimate includes curb and gutter, a retaining wall, and repairs to a problem drainage area. He stated that the cost for sidewalk construction from Brenner Avenue to Livingstone College is estimated to be \$65,000, noting that curb and gutter already exists and if the sidewalk is built at the back of the curb, there will be fewer obstructions. Mr. Mikkelson commented that if Council desires, this project can be included in the budget request for the coming fiscal year.

Councilman Kennedy stated that he would like for the City to move forward with this project. He commented that this has been a sore spot for the neighbors in that area for many years, and noted that he thinks a sidewalk from Brenner Avenue to Livingstone College would satisfy the neighbors.

Councilman Lewis commented that the \$65,000 section makes sense, while the expense for the Kelsey-Scott section does not, particularly with the existence of the Greenway. He noted that there is a short stretch of the Greenway Trail that might be an imposition, but it does provide access to Kelsey-Scott Park. He indicated that if City is attempting to create a walkway from Livingstone College to the Kelsey-Scott Park, this could be accomplished by construction of sidewalk from Livingstone College to Brenner Avenue.

Mr. Mikkelson indicated that there are no funds in the FY2009-2010 budget for this project and it currently does not qualify for any of the known grant sources. He stated that staff will continue to look for grant sources and will include this in the special projects budget request for 2010.

(c) Fiber To The Home

City Manager David Treme recognized Mr. Mike Crowell, Director of Broadband Services, to provide a Fiber to the Home (FTTH) update to Council. Mr. Crowell introduced Mr. Len Clark, new Sales and Marketing Manager for FTTH and noted that Mr. Clark will complete the FTTH management team. Mr. Crowell stated that Mr. Clark was recently employed by the Salisbury Post as Sales and Marketing Manager and has lived in Salisbury for the past 26 years.

Mr. Clark stated that he was pleased to be a part of such a far reaching and cutting edge project and he commended Council for its efforts.

Mr. Crowell commented that construction is moving ahead, noting that Atlantic Engineering Group (AEG) has completed 80% of the underground work, but only 5% of the aerial work. He stated that most of the delay is because AT&T has not completed the make-ready work on poles. He indicated that AEG is pursuing a solution with AT&T, and the delay has not yet impacted the construction schedule.

Mr. Crowell indicated that four bids have been received for the Middleware and Core Routing and that a contract is expected to be presented to Council in November.

Mr. Crowell noted that construction has started on the Customer Service Center with the lot having been cleared and a stormwater basin formed. He stated that a sign will soon be placed on the property to identify the project.

Mayor Kluttz welcomed Mr. Clark, noting that it is very exciting for the City to hire a well-respected professional and Salisburian as the FTTH Marketing Manager. She commented that she knows he will do an excellent job and that he joins an excellent team.

MAYOR'S ANNOUNCEMENTS

(a) Sparks Circus History and Art Trail Marker

Mayor Kluttz announced that the Public Art Committee will host a public

unveiling of the Sparks Circus History and Art Trail marker Friday, October 9, 2009 at 4:00 p.m. in the 200 block of Depot Street next to the Yadkin House. The public is invited to share in popcorn, peanuts, and Cheerwine. She noted that Mr. John Lowery will play a street organ while a calliope from Dan Nicholas Park will play circus music. She stated that tickets for free rides at Dan Nicholas Park and Downtown Dollars will also be given away.

(b) OctoberTour Night Out!

Mayor Kluttz announced that Downtown Salisbury Inc. will host OctoberTour Night Out! Friday, October 9, 2009 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(c) OctoberTour 2009

Mayor Kluttz announced that the Historic Salisbury Foundation's OctoberTour 2009 will be held Saturday, October 10, 2009 and Sunday October 11, 2009.

TOURISM DEVELOPMENT AUTHORITY APPOINTMENTS

Councilman Lewis stated that at Council's last meeting he and Councilman Burgin were appointed to a Council Committee to review the membership of the Salisbury Tourism Development Authority (TDA), but the Committee has not met. He encouraged individuals interested in serving on the TDA to submit an application to the City Clerk. He noted that the Committee will use the submitted information to make its recommendations to Council regarding membership for the TDA.

ADJOURNMENT

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

Susan Kluttz, Mayor

Myra Heard, City Clerk