

REGULAR MEETING

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

ABSENT: Mayor Susan W. Kluttz; Councilman Mark N. Lewis

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Woodson led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Pro Tem Woodson recognized all visitors present.

PROCLAMATION

Mayor Pro Tem Woodson proclaimed the following observances:

FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN	September 25, 2006	FIRE PREVENTION
WEEK October 8-14, 2006		

CONSENT AGENDA:

- (a) Approve Minutes of the regular meeting of September 5, 2006 and the Special Meeting of September 13, 2006.
- (b) Approve final subdivision plat S-11-06 for Salisbury Shopping Center LLC subject to receipt of a guarantee of improvements in accordance with section 5.03.2 of the Subdivision Ordinance.
- (c) Approve group development site plan G-18-06 The Grand on Julian LLC, 1310 Julian Road.

Thereupon, Mr. Burgin made a **motion** to approve the Consent Agenda. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, and Woodson voted AYE. (3-0)

REPORT ON 2005-2006 CONSOLIDATED ANNUAL PLANNING AND EVALUATION REPORT (CAPER)

(a) Ms. Janet Gapen, Senior Planner, presented the Consolidated Annual Planning and Evaluation Report (CAPER) which summarizes the City's community development activities and accomplishments for Fiscal Year 2005-2006. She explained that the activities are funded by Housing and Urban Development (HUD) grants and include Community Development Block Grant (CDBG) funds and grants from the HOME Investment Partnership program. The programs are implemented by the Salisbury Community Development Corporation (CDC) and funds must be used to benefit low to moderate income persons who are at or below eighty (80) percent of median family income.

Ms. Gapen stated that the CAPER seeks to show the total number of units that the City was able to produce in affordable housing using the HUD funds; how many people benefited from the activities implemented with the funds; and what areas of the City have been most impacted.

Ms. Gapen reviewed the funding available for FY2005-06:

<u>Grant Amounts:</u>	
Community Development Block Grant (CDBG)	\$375,798.00
Home Investment Partnership (HOME)	<u>\$153,351.00</u>
	\$529,149.00

<u>Program Income:</u>	
CDBG	\$ 85,740.94
HOME	<u>\$384,620.56</u>
	\$470,361.50

Ms. Gapen informed Council that strategic plan goals were identified in the five (5) year Consolidated Plan and she reviewed how some of those goals are addressed in the CAPER.

Increase the supply of quality affordable housing:

Housing Activity	FY2005-06 Target	Accomplished
Substandard acquisition/redevelopment or rehabilitation/resale	4	5
Owner-occupied rehabilitation	5	4
Emergency Rehabilitation (owner-occupied)	6	3
New Construction		4

Assist low-to-moderate income households towards homeownership and greater self-sufficiency:

Activity	FY2005-06 Target	Accomplished
Homeownership assistance	4	3

Revitalize neighborhoods through non-housing improvements:

Activity	FY2005-06 Target	Accomplished
Sidewalks	W. Horah Street	Yes
Drainage Study	Fairview Heights	No

Ms. Gapen indicated that a percentage of the CDBG funds are awarded to public service agencies that serve low to moderate income households. She reviewed the agencies that were funded last year and the number of people that benefited:

Public Service Funding (CDBG)

Rowan Helping Ministries	(\$25,750)	548
Family Crisis Council	(\$16,100)	142
Community Care Clinic	(\$11,520)	521
Summer Youth Employment	(\$7,500)	6
West End Youth Garden	(\$3,000)	274
Total Beneficiaries		1,491

Ms. Gapen summarized the total safe, affordable units produced:

- Rehabilitation
 - Owner-occupied 4
 - Vacant 2
 - New Construction 4
- 10

Total Safe, affordable units produced	10
Total assisted by other housing activities	
Downpayment/closing costs	3
Emergency rehabilitation (owner-occupied)	3
Homeownership classes	51
Foreclosure prevention counseling	110
<u>Fair Housing Seminar</u>	<u>23</u>
	190
Funding to public service agencies	1,491
Total Beneficiaries	1,691

Ms. Gapen reviewed the amount of private funds that were leveraged through cooperative arrangements between the CDC and various agencies:

Private Funds Leveraged	
Lenders (below market rates, waived PMI)	\$30,000.00
Robertson Foundation (home maintenance program)	\$10,000.00
Alcoa Foundation (home computers)	\$5,000.00
Credit Counselors	\$4,800.00
Architect services (home designs)	\$2,000.00
Guest speakers (homeownership classes)	\$1,000.00
Altrusa (home computers)	\$300.00
	<u>\$53,100.00</u>

Ms. Gapen noted the areas of the City that have been most impacted by the activities funded through HUD funds:

Projects	West End	Park Avenue	East End	Jersey City	Other Areas
Owner-occupied Rehabilitation		1		1	2
Emergency Rehabilitation	2			1	
Rehabilitation Project for Resale		2			
Property Acquisition	2				
Property Development	5			1	
New Construction	5				
Downpayment/Closing cost Assistance					2
Sidewalk Projects	1				

Councilman Kennedy commended staff for their work and noted that he feels it makes a great difference in the community.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice and advertisement thereof, to receive comments on the Consolidated Annual Planning and Evaluation Report.

There being no one to address Council, Mayor Pro Tem Woodson closed the public hearing.

Mayor Pro Tem Woodson thanked Ms. Gapen for her CAPER presentation.

PUBLIC HEARING - POOL HALL PERMIT- TERRY AND SHERRY PAGE

(a) Police Chief Mark Wilhelm and Lieutenant Melonie Thompson informed Council that an application has been received from Sherry and Terry Page to operate a pool hall at the Rock Bottom Saloon located at 723 Klumac Road. Lt. Thompson stated that she reviewed the owner's criminal backgrounds and found nothing that would prohibit them from being permitted for the pool hall. She noted that she also investigated the calls for service for this location from August 2004 through August 2005 and although the establishment was under different ownership it was the same type of venue with the same type of patrons. She stated that since opening in August there has been one call for service and explained that the call happened during a charity motorcycle run when there were more clients than normal present. Lt. Thompson noted that the call concerned a noise complaint and the owners immediately complied.

Lt. Thompson informed Council that the owners are in compliance with their ABC permit as well as the building, zoning, and fire capacity Codes. She noted that the owners are requesting two (2) pool tables and the Police find no reason the request for the pool hall permit should be denied.

(b) Mayor Pro Tem Woodson convened a public hearing, after due notice and advertisement thereof, to consider an application for a pool hall permit.

There being no one present to speak to Council, Mayor Pro Tem Woodson closed the public hearing.

(c) Councilman Kennedy indicated that he attended a cookout earlier today at Trinity Oaks, which is located across the street from this establishment, and the employees at Trinity Oaks were in support of the application.

Thereupon, Mr. Kennedy made a **motion** to approve a permit for Terry and Sherry Page to operate a pool hall located at 723 Klumac Road. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, and Woodson voted AYE. (3-0)

CAPITAL PROJECT ORDINANCE FOR THE CONSTRUCTION OF FIRE STATION 50

Mr. John Sofley, Management Services Director, indicated that last year Council approved the construction of a new fire station to be located on Highway 70 using fund balance. He stated that in June 2006 Council received bids for construction of the project and funds were appropriated for the

construction phase. Mr. Sofley noted that staff decided not to budget architectural fees in order to wait until closer to completion of the project in the event there were any unanticipated contingencies. He requested Council appropriate the final \$88,000 for architectural fees for the project.

Councilman Kennedy asked if this is the total amount of fees to be paid to the architect. Mr. Sofley responded that this was correct and that the contract was a fixed dollar contract.

Mayor Pro Tem Woodson asked Mr. Sofley if he feels the project is going well. Mr. Sofley responded that the project is going well and noted an unanticipated item regarding road elevation in regards to the driveway for the fire station. He stated that staff initially thought contingency funds would have to be used to address the issue but the Street Department will be able to rectify the situation without having to spend additional funds.

Thereupon, Mr. Kennedy made a **motion** to adopt a Capital Project Ordinance amendment in the amount of \$88,000 for the construction of Fire Station 50. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, and Woodson voted AYE. (3-0)

CAPITAL PROJECT ORDINANCE AMENDMENT IN THE AMOUNT OF \$88,000 FOR THE CONSTRUCTION OF FIRE STATION 50.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Budget, at Page No. 133, and is known as Ordinance No. 2006-45.)

PRESENTATION OF PROPOSALS TO PROVIDE BANKING SERVICES

Mr. Wade Furches, Finance Manager, informed Council that the City has historically had one local bank that provides its primary banking services. He explained that although the City is not required to solicit bids for the banking services, it is a recommended practice by the Government Finance Officer's Association and staff also feels it is a good practice to solicit competitive bids. He stated that the City has been with its current bank for approximately five (5) years and based on an earlier recommendation from Councilman Lewis, five (5) years is a good time frame between the solicitations of bids. He noted that in June 2006 staff sent Request for Proposals to seven (7) banks. Five (5) bids were received. He noted that the proposals that were received were very comprehensive and staff spent a great deal of time reviewing each one. He pointed out that as part of the Request for Proposals staff also requested information regarding lockbox services. Mr. Furches explained that with lockbox services utility payments sent through the mail will be sent to a Charlotte Post Office box where they will be processed and deposited directly into the City's bank account. He stated that although the payments will be going to Charlotte, the payments will actually be posted to the City's bank account more quickly. He noted that this will reduce "float" time that occurs when staff has to open the mail, process payments and make deposits and added that staff will have more time to devote to customer service.

Mr. Furches stated that the proposals were analyzed based on the amount of interest earned, fees charged for banking services, and fees charged for lockbox services. The following proposals were received:

	Bank of America	First Bank	First National	SunTrust Bank	Wachovia Bank
Average monthly interest earnings	\$3,138.68	\$3,318.81	\$3,178.75	\$3,477.74	\$3,084.40
Projected monthly charges for primary services	(1,342.05)	(1,000.00)	(1,869.70)	(1,374.01)	(990.42)
Net monthly earnings before lockbox services	\$1,796.63	\$2,318.81	\$1,309.05	\$2,103.73	\$2,093.98
Projected monthly charges for lockbox services	(1,294.73)	(1,294.73)	No bid	(1,481.00)	(1,440.50)
Net monthly earnings	\$501.90	\$1,024.08		\$622.73	\$653.48

Mr. Furches noted that staff asked the banks to assume there was \$1,000,000 on deposit for the purpose of calculating the City's interest earnings and also provided the banks with the City's daily banking transaction for use in projecting fees for services. He noted that banking fees are generally based on volume but First Bank has offered a flat rate of \$1,000 per month and even if the volume increases over the next five (5) years, the rate will be fixed for the first three (3) years and then the rate can be adjusted no more than five (5) percent.

Mr. Furches indicated that First Bank and Wachovia were invited to meet with City staff to demonstrate their online banking product and to answer any other questions staff may have. He noted that SunTrust was not invited because the City currently banks with SunTrust and is very familiar with their products. He stated that staff was impressed with both First Bank and Wachovia's online banking products but First Bank appeared more user friendly. Mr. Furches indicated that First Bank impressed upon staff that they wanted to provide the best level of customer service for the City. He stated that based on staff's review of the proposals and the analysis of the banks financial impact he recommends a five (5) year contract be awarded to First Bank.

Thereupon, Mr. Burgin made a **motion** to award a five (5) year contract to First Bank for banking and lockbox services consistent with their proposal. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, and Woodson voted AYE (3-0)

Thereupon, Mayor Pro Tem Woodson asked for a motion to authorize City Manager David Treme, City Clerk Myra Heard, Management Services Director John Sofley, and Finance Manager Wade Furches to execute the City's banking business and sign City checks. Mr. Kennedy so **moved**. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy and Woodson voted AYE (3-0)

AUTHORIZATION OF THE TRANSFER OF REAL PROPERTY

- Mr. Joe Morris, Planning and Community Development Manager, informed Council that the Salisbury Community Development Corporation (CDC) has identified a first time homebuyer to purchase property located at 511 Park Avenue. He noted that this property formerly served as a Police substation and the value of the property is approximately \$85,000. He stated that the proceeds from the sale of the property will go back into the Community Development Block Grant (CDBG) program, but in order to facilitate the sale, the property needs to be transferred from the City to the CDC. Mr. Morris explained that the property was purchased prior to the existence of the Salisbury CDC and the transfer will enable the CDC to sell it to a first time homebuyer.

- Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the Mayor or Mayor or Pro Tem to execute the transfer of property identified on Tax Map 16 Parcel 73 to the Salisbury Community Development Corporation pursuant to General Statute 160A-274. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, and Woodson voted AYE. (3-0)

- **RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY TO THE SALISBURY COMMUNITY DEVELOPMENT CORPORATION.**

- (The above Resolution in full in Resolution Book No. 12, at Page No. 37, and is known as Resolution No. 2006-23.)

- **RECOGNITION OF OFFICER DAVID CARROLL**

Mayor Pro Tem Woodson recognized Officer David Carroll who will retire September 30, 2006. Officer Carroll introduced Officer Dan Kennerly who will assume Officer Carroll's position. Mayor Pro Tem Woodson thanked Officer Carroll for his service and wished him the best in retirement.

- **COMMENTS FROM THE CITY MANAGER**

- (a) Planning Board

- Council received the Planning Board recommendations and comments from the September 12, 2006 meeting.

(b) Temporary Street Closing – Oak Road

City Manager David Treme noted a request has been received by the Police Department to close a portion of Oak Road from 19 Oak Road to the dead-end of the street, Saturday, September 30, 2006 from 5:30 p.m. until 9:00 p.m. for a neighborhood party.

Thereupon, Mr. Kennedy made a **motion** to approve closing the street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, and Woodson voted AYE. (3-0)

(c) Nuisance Abatement 405 Windsor Drive

City Manager David Treme informed Council that there is a nuisance abatement issue on Windsor Drive that may be necessary to abate before the required notification time necessary to begin abatement.

Mayor Pro Tem Woodson indicated he has received calls regarding a stagnant pool that contains frogs and mosquitoes and asked staff to investigate.

Mr. Jeff Benfield, Nuisance Abatement Officer, indicated he visited the property and the pool has frogs, tadpoles and is full of algae. He added that there is also a mosquito problem. Mayor Pro Tem Woodson asked Mr. Benfield if he found the conditions undesirable. Mr. Benfield responded that he did.

Public Services Director Tony Cinquemani stated that this property has been placed into the City's normal nuisance abatement process but it takes up to fifteen (15) days in order to take action. He noted that State Statute 160A-193 gives the City the authority to abate a situation immediately if it is a health risk and the governing board of the City orders it.

City Attorney Rivers Lawther indicated that there needs to be additional information determining this as a public nuisance and that it requires immediate attention.

Mr. Cinquemani stated that the water itself can be an issue for public safety and he deems the property a public nuisance just in reference to the water itself. Mr. Benfield stated that he too judges the property as a nuisance and he feels it is a hazardous health issue.

Thereupon, Mr. Woodson **made** a motion that Council deems this a nuisance immediately and the pool be drained as quickly as it can to alleviate the problem. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, and Woodson voted AYE. (3-0)

Mayor Pro Tem Woodson thanked staff for investigating this issue and taking care of it so quickly.

(d) Letters of Commendation for Staff

City Manager David Treme stated he has received a letter from Moms Offering Moms Support (MOMS) complimenting the Salisbury firefighters after the group's recent visit to the Fire station.

He noted that he also received a letter from Mr. Nathan Coil, AIA with Ramsey, Burgin, Smith Architects, complimenting Mr. David Phillips, Zoning Administrator, for his assistance with a project Mr. Coil was working on.

Councilman Kennedy also commended Emergency Services personnel for their work noting he had recently seen them in action when a young woman fell in a restaurant where he was having lunch.

PUBLIC COMMENT

Mayor Pro Tem Woodson opened the floor for public comment.

Mr. Harold Poole, 310 Winterlocken Drive, addressed Council regarding the City's Ordinance concerning Hot-Mix Asphalt (HMA) plants and existing M-2 zoned areas. He complimented Mr. Kennedy for stating he would not vote for the rezoning of the property. He stated that he thinks the Ordinance is extremely weak for such an intensive use and he does not feel a weaker ordinance could be found in the State of North Carolina. Mr. Poole stated that he feels the site was in mind when the Ordinance was drafted and he feels it was drafted by the industry because he could not imagine a Planner drawing up such an Ordinance giving no protection to a neighborhood. He noted that an HMA plant is only required to be five hundred (500) feet from a school which is only slightly over a block.

Mr. Poole reviewed a map of the areas currently zoned M-2 within the City's jurisdiction and noted that the Ordinance is so weak he feels it will encourage other asphalt plants to locate in Salisbury. He stated that there are quite a few areas zoned M-2 in the City and he feels the neighborhoods are being placed in jeopardy. He pointed out that the County has a stronger ordinance than the City and stated that the City typically had stronger ordinances because of the higher density and population.

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

Mayor Pro Tem Woodson stated that he had attended a meeting held by APAC for citizens to discuss APAC's plans for an asphalt facility and he felt the meeting went very well. He noted that City Manager David Treme, Director of Land Management and Development Dan Mikkelson, and Risk Manager Richard Kelly also attended the meeting. He noted that this is a difficult situation for Council because the community is growing and there is a need for asphalt and roads. He added that Salisbury needs growth to progress and to move the community forward.

MAYOR'S ANNOUNCEMENTS

(a) Mayor Pro Tem Woodson announced that The Mayor's Spirit Luncheon will be held Tuesday, October 3, 2006 at 12:00 Noon in Council Chambers at City Hall. The program is titled, "The Latino Initiative: Understanding the World to Better Serve Our Community."

(b) Salisbury England Visit

Mayor Pro Tem Woodson 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 Councillors of Salisbury, England and will participate in various cultural and social activities throughout the community.

(c) Joint Meeting with Salisbury, England

Mayor Pro Tem Woodson announced that a joint meeting of the Mayor and Councillors 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.

(d) Lord Salisbury Celebrates Autumn UK Days

Mayor Pro Tem Woodson announced that the Lord Salisbury Celebrates Autumn UK Days will be held September 29- October 1, 2006. Great Britain's Night Out will be held on Friday night from 5:00 p.m. – 10:00 p.m. with a special procession and music provided by The Spongetones and Marc Hoffman Trio. On Saturday, September 30, 2006, La Fiesta de Rowan will be held at the Civic Center from 11:00 a.m. – 5:00 p.m. At 7:30 p.m. there will be a concert "Made in America" at Keppel Auditorium featuring the Salisbury Symphony Orchestra. Community church services will be held on Sunday, October 1, 2006, at St. Luke's Episcopal Church beginning at 10:30 am and at 4:00 p.m. there will be a community concert and reception.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Kennedy. All council members agreed unanimously to adjourn. The meeting was adjourned at 4:57 p.m.

Mayor

City Clerk

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