

REGULAR MEETING

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

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.

ADDITIONS/DELETIONS TO THE AGENDA

- Mayor Kluttz noted the following change to the Agenda:

Add to Item 18: Council to go into closed session regarding condemnation of sewer easements located on Tax Map 373 Parcels 002 and 006 as allowed by NCGS 143-318.11(5). Mayor Kluttz stated that during the closed session Council will also consider acquisition of property in the 300 block of South Main Street.

-
RECOGNITION OF RANDY CAUBLE

- Mr. Matt Bernhardt, Assistant City Manager for Utilities, recognized Mr. Randy Cauble who retired March 30, 2007. He noted that Mr. Cauble has worked for the City for over thirty-two (32) years and the last six (6) years he has been the Plant Operations Manager.

Mayor Kluttz presented Mr. Cauble a plaque from Salisbury-Rowan Utilities honoring him for his work.

-
RECOGNITION OF CAROL HAMILTON

- Mr. Matt Bernhardt, Assistant City Manager for Utilities, recognized Ms. Carol Hamilton, Environmental Services Manager, who retired March 30, 2007 having worked for the City for over twenty (20) years.

Mayor Kluttz presented Ms. Hamilton a plaque from Salisbury-Rowan Utilities honoring her for her work.

PROCLAMATION

- Mayor Kluttz proclaimed the following observances:

CHILD ABUSE PREVENTION MONTH April, 2007

CONSENT AGENDA

-
(a) Minutes

Approve Minutes of the regular meeting of March 20, 2007.

(b) Group Development Site Plan

Approve the following group development site plan:

- G-02-07 Town Creek Self Storage, 1339 Bringle Ferry Road

(c) Budget Amendment – Dixonville Cemetery Donation

Adopt a budget Ordinance amendment to the FY2006-2007 budget in the amount of \$720 to appropriate donations received from the Civitan Club of Salisbury for repairs to monuments in the Dixonville Cemetery.

AN ORDINANCE AMENDING THE 2006-2007 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS FOR DIXONVILLE CEMETERY.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 21, and is known as Ordinance No. 2007-10.)

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

Mayor Kluttz expressed her appreciation to the Salisbury Civitan Club for its generous donation for the Dixonville Cemetery project.

PRESENTATION FROM “SPECIAL COMMUNITY EFFORTS GROUPS”

-
Mayor Kluttz opened the floor to receive comments and requests from special community efforts groups.

Mr. Robert Cooper, Alpha Omega Ministries and Rowan-Salisbury League Basketball Team Coach, stated that Alpha Omega Ministries ministers to the needs of men and youth and see the need for involvement because of the growing gang problem in the City. Mr. Cooper requested funding for the Rowan County Police Athletic League (PAL), a juvenile gang, crime and violence prevention program relying on educational and athletic activities for youth from ages five (5) to eighteen (18) years. He explained that their mission is to reduce youth crime, apathy and gang involvement or membership. He explained that PAL was established in 1910 in New York and has been in the Rowan County community since 2001. Mr. Cooper reviewed the reasons why youth join gangs and indicated that PAL plans to open a youth employment station. He requested \$102,155 for FY2007-2008 to fund the anti-gang youth violence prevention and intervention portion of the program.

Ms. Elizabeth Smith, Executive Director of the North Carolina Transportation Museum, introduced Mr. Chuck Hotchkiss, Development Director for the North Carolina Transportation Museum. He informed Council that approximately 103,000 people visited the museum in 2006 generating approximately \$5 million in revenue to the local and regional economy with the majority of the money being spent in Salisbury. He explained that the Museum's past marketing strategy has targeted the Charlotte/Mecklenburg and Winston-Salem/Triad areas with future plans to market the Asheville and Raleigh areas in an attempt to attract more people. In order to do this the museum will need to increase their advertising budget and Mr. Hotchkiss requested Council's assistance for this funding.

Dr. Ronald Hash, Executive Director of the Love Center for Community Enhancement, requested \$3,000 in financial assistance to provide a part-time counselor for the veterans in their program. He indicated that most of these veterans are homeless and the Love Center program provides housing and support services for a minimum of three (3) months and a maximum of two (2) years. He explained that the program has eight (8) homes and can house up to fifty-five (55) residents. The average length of stay is nine (9) months. He pointed out that this is the largest facility in Rowan County for the homeless and the purpose of the program is to help the residents become self-sufficient. He stated that these homes serve a vital role for the City of Salisbury by relieving some pressure and demands off of Rowan Helping Ministries.

Ms. Micah Melton, Prevent Child Abuse Rowan introduced Board member Ms. Adina Martin, and Ms. Carol Dunlap who is the Terri Hess House Coordinator. Ms. Melton distributed ribbons to Council recognizing Child Abuse Awareness month. Ms. Martin described the child abuse prevention program and noted that they host two (2) annual fund raisers to support community education efforts. She indicated that the majority of the initial funds were used to hire a coordinator for the Terri Hess House, which is Rowan County's only child advocacy center designed to address the needs of alleged child sexual assault victims. She added that the center has been operational since March 2005 and has seen approximately one hundred and fifty (150) alleged child sexual assault victims. She explained that for the last three (3) years they have assisted with the Historic Salisbury Criterium Race held in Salisbury in August and have benefited from the funds raised. She noted that the expenses to host the race have increased each year. She presented a detailed budget for the cost of hosting the race for six (6) days and indicated that the overall event budget is over \$155,000. Prevent Child Abuse Rowan is requesting \$3,500 to help offset the cost of hosting the race in August.

Ms. Madison Burke, a Senior at Salisbury High School and a Student Business Manager at Students in Training (SIT) located at 112B North Main Street, introduced the Student Operations Manager for SIT, Mr. Brian White who is a student at Catawba College. Mr. White stated that SIT is a non-profit after-school and summer program for middle school through college age children from Salisbury and the surrounding communities. He indicated that SIT provides a safe learning environment to learn essential computer skills and to build computers that are donated to low-income families. He added that in a little over a year SIT has donated over two hundred and seventy (270) computers to members of the community. He explained that SIT accepts all computers donated from businesses or individuals and uses them to educate youth on how to rebuild new computers. He indicated that all unusable parts are recycled according to Environmental Protection Agency (EPA) standards. Mr. White stated that SIT requests two (2) grants in the amount of \$5,000 each. One (1) grant will be used for loading dock improvements and the other grant will be used to pay for three (3) interns as the SIT program continues to expand. He invited Council members to visit the SIT office.

Ms. Lori McMahon, Executive Director of the Waterworks Visual Arts Center, stated that the Waterworks Visual Arts Center has reworked its mission and vision statements to have more of a regional focus which is important to their long term economic development plan for the City and the County. She explained that their new mission will focus on significant art of our time. She noted that the Center has held focus groups to determine the type of programs art audiences want and that they will make sure these issues are taken into consideration in developing new exhibits. She indicated that this year the Center will host exhibits on faith and religion as well as an exhibit on above ground cemeteries in the New Orleans area.

2007-2008 CDBG AND HOME PROGRAM FUNDS BUDGET

Ms. Janet Gapen, Planner II, stated that each year the City receives Community Development Block Grant (CDBG) funding from the Department of Housing and Urban Development (HUD) which is used to fund the City's Community Development activities. She added that these activities include building and rehabilitation of affordable housing to provide to eligible low and moderate income families, to help support public service agencies, and to construct projects that benefit neighborhoods. She explained that today is the second reading of the 2007-2008 budget. She noted that on April 8, 2007, the complete budget and action plan budget will be available for public review and the plan will be submitted to HUD on May 11, 2007. She reviewed the proposed budget:

The sources for income are:

CDBG	\$327,526
Program Income	\$75,000
HOME	\$123,890
Total	\$526,416

Ms. Gapen then reviewed the draft budget for the CDBG program

<u>Project Activities</u>		
Acquisition/Rehabilitation/Resale	\$126,335	
Owner-Occupied Rehabilitation	\$50,000	
Emergency Rehabilitation	\$30,000	\$206,335
<u>Public Services</u>		
Rowan Helping Ministries	\$25,000	
Family Crisis Council	\$15,600	
Community Care Clinic	\$11,050	
Salisbury Youth Employment	\$7,200	
West End Youth Garden	\$1,528	\$60,378
Program Administration		\$80,505
Debt Service – Section 108 Loan		\$55,308
Total CDBG Funds		\$402,526
<u>HOME Program</u>		
<u>Project Activities</u>		
New Construction	\$76,147	
Homeownership Assistance	\$40,000	\$116,147
Program Administration		\$7,743
Total HOME Funds		\$123,890
Total CDBG & HOME Funds		\$526,416

Ms. Gapen provided Council with a comparison of the CDBG and HOME program budget from FY06-07 to FY07-08:

<u>BUDGET COMPARISON</u>	<u>FY06-07</u>	<u>FY07-08</u>	<u>+/-</u>
CDBG			
Project Activities	\$214,523	\$206,335	-4%
Public Services	\$62,468	\$60,378	-3%
Program Administration	\$83,290	\$80,505	-3%
Debt Service Section 108 Loan	\$56,169	\$55,308	-2%
Total CDBG Funds	\$416,450	\$402,526	-3%
HOME			
Project Activities	\$116,803	\$116,147	-1%
Program Administration	\$10,123	\$7,743	-24%
Total HOME Funds	\$126,926	\$123,890	-2%

Thereupon, Mr. Kennedy made a **motion** to approve the second reading of the 2007-2008 budget for the Community Development Block Grant and HOME program funds. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

REPORT REGARDING PARTICIPATION IN THE COOL CITIES PROGRAM

Mr. Joe Morris, Planning and Community Development Manager, reviewed the Cool Cities Program with Council. He explained that the Cool Cities Program is a partnership sponsored between the U.S. Conference of Mayors, The Sierra Club, and the International Council for Local Environmental Initiatives. It encourages local governments to proactively address environmental sustainability on a local basis and to join with other local governments for a common purpose.

Mr. Morris stated that the Cool Cities Program has four (4) basic steps:

- Adopt the U.S. Mayors' Climate Protection Agreement
- Conduct a greenhouse gas emissions inventory
- Create a Solutions Plan
- Implement and monitor progress

He explained that the U.S. Mayors' Climate Protection Agreement encourages local actions such as:

- Conduct a greenhouse gas inventory
- Adopt sustainable land use policies
- Provide transportation options
- Facilitate alternative energy use
- Increase energy efficiency of public buildings
- Use Energy Star appliances
- Follow sustainable building practices
- Improve fuel efficiency of city fleets
- Increase pump efficiencies for utilities
- Increase recycling
- Promote tree planting
- Educate citizens

Mr. Morris stated that the City of Salisbury is already implementing many of the issues promoted in the U.S. Mayors' Climate Protection Agreement and recommended that Council consider participation in the Cool Cities Program and adopting the Agreement.

Mayor Klutz stated that the designation requires small steps for cities but when cities come together all over the nation they can have tremendous results. She added that the North Carolina Metropolitan Coalition plans to bring together Mayors from major cities in North Carolina and devote a day to the environment and what efforts can be initiated to improve the environment in North Carolina. She noted that she will be attending the meeting along with Planning and Community Development Manager Joe Morris and Facilities Manager Deb Young.

Thereupon, Mr. Woodson made a **motion** to adopt the Resolution recognizing the U. S. Conference of Mayors' Climate Protection Agreement and participation in the Cool Cities Program. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION RECOGNIZING U.S. CONFERENCE OF MAYORS' CLIMATE PROTECTION AGREEMENT.

(The above resolution is recorded in full in Resolution Book No. 12, at Page Nos. 21-23, and is known as Resolution No. 2007-06).

BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL AND THE BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL ASSEMBLIES AND DEVICES INSTALLATION MANUAL

Mr. Mike West, Finance Manager of Salisbury-Rowan Utilities, noted that on February 6, 2007 he shared with Council a presentation explaining backflow and how Salisbury-Rowan Utilities (SRU) is trying to comply with the new state regulations to protect the City's water system. He stated that a public hearing was held February 20, 2007 and before Council today is a request to adopt the revisions to the backflow ordinance.

Councilman Woodson stated that he has installed the backflow in his business and has seen its validity.

Councilman Lewis asked if this will be cross jurisdictional. Mr. West stated that the Utilities cross jurisdictional customers have adopted SRU's ordinances, abide by its policies and will be subject to the ordinance.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Chapter 25, Article VI of the Code or Ordinances for the City of Salisbury, North Carolina relating to backflow prevention and cross connection control. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING CHAPTER 25, ARTICLE VI OF THE CODE OF ORDINANCE FOR THE CITY OF SALISBURY, NORTH CAROLINA, RELATING TO BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page Nos. 22-35, and is known as Ordinance No. 2007-11.)

Thereupon, Mr. Lewis made a **motion** to adopt the Backflow Prevention and Cross Connection Control Assemblies and Devices Installation Manual. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

Thereupon, Mr. Lewis made a **motion** to delete Appendix D Backflow Prevention and Cross Connection Control of the Uniform Construction Standards Manual. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AWARD A CONTRACT TO MCKIM & CREED - 2005-2006 ANNEXATION WATER AND SEWER IMPROVEMENTS PROJECT

Mr. Jim Behmer, Utilities Engineering Manager, stated that Salisbury-Rowan Utilities (SRU) performed a qualification based selection of an engineering firm for the survey, design, and construction administration activities regarding the Salisbury 2005-2006 annexation projects. He stated that for the past six (6) months SRU has been negotiating with McKim and Creed regarding their scope and fees. He requested that Council consider awarding the engineering contract to McKim and Creed in the amount of \$420,000.

Thereupon, Mr. Woodson made a **motion** to award a contract in the amount of \$420,000 to McKim and Creed Professional Engineering Service relating to the 2005-2006 annexation water and sewer improvements project. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

FEDERAL ENERGY REGULATORY COMMISSION (FERC) SEDIMENTATION REPORT

Mr. Matt Bernhardt, Assistant City Manager for Utilities; Mr. Randy Tinsley, Environmental Counsel; Dr. Martin Doyle, Professor UNC-Chapel Hill; and Mr. Jeff Jones, Planning and Research Manager, presented a report to Council regarding the flooding and sedimentation impacts caused by Alcoa's Yadkin River Project.

Mr. Tinsley reviewed the History to date:

- 1917 Salisbury builds pump station
- 1927 Alcoa builds High Rock Dam
- 1958 Alcoa gets federal license
- April 2006 Alcoa applies for relicensing

He then reviewed the problems:

- Alcoa's Yadkin Project causes sedimentation and flooding:
 - Flooding that will damage and destroy
 - Salisbury's River Pump Station (RPS)
 - Salisbury's Grant Creek Wastewater Treatment Plant (WWTP)
 - Sediment buries the water intakes
- Yadkin Project produces a huge sediment delta in the Yadkin River that:
 - Continues to grow
 - Continues to increase flooding and sedimentation

The solutions are expensive:

- Alcoa's Goal:
 - Maximize profits from Yadkin Hydropower Project
 - Have someone else pay for the sedimentation and flooding problems that Alcoa causes
- Salisbury's Goal:
 - Protection of its critical facilities and the water supply lifeline for Rowan County and its communities
 - Alcoa pay for the problems Alcoa causes

The search for answers:

- Alcoa stakeholder negotiation process:

- Relicensing Settlement Agreement (RSA)
- Federal Energy Regulatory Commission (FERC) Relicensing Process
- N.C. Water Quality Certification
- Enforcement of existing agreements and rights
- Other remedies

Alcoa stakeholder negotiation process

- Alcoa's purpose:
 - Satisfy FERC requirements for FERC license
 - Obtain support for a license that maximizes Alcoa's profits
 - Minimize any costs or expenses resulting from relicensing
- Salisbury's purpose:
 - Have Alcoa properly study Alcoa's contribution to the flooding and sedimentation problems
 - Obtain Alcoa's commitment to mitigate the problems Alcoa causes
- Insight 1: Sedimentation and flooding on the Yadkin River may impact public health, safety, and welfare:
 - Intakes
 - River Pump Station
 - Grant Creek WWTP
- Insight 2: Alcoa will not conduct the necessary studies:
 - Salisbury must conduct its own studies
- Insight 3: Salisbury's studies conclusively show that:
 - Alcoa's High Rock Lake (HRL) and HRL Sediment Delta cause sedimentation and flooding that jeopardizes Salisbury's intakes, pump station, and WWTP
 - The HRL Sediment Delta has a massive environmental impact on the Yadkin River and the Yadkin River floodplain
- Conclusions:
 - Relicensing settlement agreement:
 - No mitigation of the sedimentation or flooding impacts
 - However, the process was useful:
 - Alcoa's lack of cooperation prompted Salisbury to retain nationally-recognized experts to study:
 - Problems
 - Causes
 - Solutions
- Result:
 - Salisbury now has state-of-the-art scientific and technical information that it has developed
 - Salisbury now fully understands the severity of the Yadkin Project's impacts on public health, safety, and welfare

Mr. Tinsley then reviewed the FERC Relicensing Process:

- FERC's Purpose:
 - Issue a license that is best adapted to a comprehensive plan for developing the waterway, including:
 - Water supply benefits
 - Equal consideration to environmental quality
- Salisbury's Purpose:
 - Provide a reliable scientific and technical basis for FERC to require Alcoa to:
 - Protect water supply from Yadkin Project impacts
 - Protect WWTP from Yadkin Project impacts
 - Offset massive environmental impact of Yadkin Project's Sediment Delta
- Salisbury:
 - Filed a Motion to Intervene
 - Filed a Request for Additional Studies
 - Offered our studies
 - Suggested FERC obtain peer review of studies
 - Hosted FERC and others at a pump station site visit
 - Received FERC Request for Study Results
 - Filed Scoping Comments (Study and related materials) and Response to Commission's Request for Study Results

Mr. Tinsley went over the FERC Relicensing Process Timeline:

- By May 14, 2007:
 - Salisbury will file its "Recommendations"
 - Recommend license terms and conditions that require Alcoa to mitigate the flooding, sedimentation, and other impacts
 - Set forth evidentiary basis for recommendations
- November 2007:
 - Salisbury will file comments on FERC's Draft Environmental Impact Statement (DEIS)
 - Salisbury will also file modified Recommendations if necessary
- April 2008:
 - FERC decision

- Rehearing? Appeals?

Mr. Tinsley described the N.C. Water Quality Certification:

- State's purpose: Protect water quality, including water uses
- Salisbury's purpose: Obtain the State's protection of water supply water use
 - North Carolina Department of Environment and Natural Resources (NCDENR) expects to receive an application from Alcoa in May
 - Salisbury has provided studies and other information
 - City staff plans to participate fully

He noted that there are other remedies available to Salisbury:

- Enforcement of existing agreements and rights:
 - After regulatory processes are concluded
 - As necessary
- Federal/State Grants (e.g. Federal Emergency Management Association FEMA)
- Federal/State appropriations
- Other sources of funding

Conclusions:

- Alcoa:
 - Has resisted appropriate studies
 - Denies obvious facts
 - Refuses to mitigate
- Salisbury
 - Has obtained and shared reliable scientific and technical studies
 - Only seeks to have Alcoa solve the problems that Alcoa causes
- FERC and the State of N.C.:
 - Should require Alcoa to:
 - Protect water supply and wastewater facilities from Yadkin Project's sedimentation and flooding impacts
 - Offset the massive environmental impacts of the Yadkin Project's Sediment Delta
- Other local governments and interest groups:
 - Can join Salisbury in asking FERC and the State to take action

Dr. Martin Doyle reviewed the scientific analysis of the data:

- What was studied:
 - Aerial photographs
 - Floods and flood stages
 - Channel geometry
 - Sediment and hydraulic modeling

Dr Doyle reviewed aerial photographs of the Yadkin River from 1936 to 1960 to 2006. He pointed out a railroad bridge immediately adjacent to the water in the 1936 photograph and noted that in the 2006 photograph the bridge is separated from the water by several hundred yards of sediment.

- Take home message from aerial photographs:
 - Very little sediment visible in 1930
 - Increasing sediment, particularly in upstream portions of reservoir by 1950s and 1960s
 - Large-scale sedimentation throughout reservoir by 1990s and 2000s
 - Questions aerials does not answer:
 - Did sedimentation extend upstream to water intakes
 - Does sedimentation affect flood stages to a degree to cause concern
 - Are there any other possible/realistic causes of this sedimentation
 - Note: Alcoa Power Generating, Inc. (APGI) has suggested bends in the river are the cause

Dr. Doyle explained flood frequency analysis for the Yadkin River - South Yadkin River confluence and displayed a graph depicting the analysis to Council. He noted that there is a ten (10) percent chance of a ten (10) year flood in any given year and a one (1) percent chance of exceeding the one hundred (100) year flood in any given year.

Dr. Doyle reviewed a chart depicting the stage-discharge curve at the pump station. He stated that in 1920 there was no chance of flooding the pump station but in 2004 the sediment accumulation has increased the water surface elevation and now in any given year there is a one (1) percent chance of inundating the water intake. He then explained data for "The Point":

- The 1927 Salisbury Pump Station profiles shows that Salisbury's 1917 intake was located more than twenty (20) feet from the river bank, and that the point of land that separates the Yadkin and South Yadkin Rivers ("The Point" or "The Spit" as observed by FERC personnel

during the field visit) would be covered by three (3) feet of water at full pond elevation

- Current topography shows that The Point has lengthened by several hundred feet and to have a surface elevation that is four (4) feet above full pond rather than three (3) feet below full pond
- Further, the 1917 intake has been buried on three (3) sides by the sediment that has accumulated at The Point

Dr. Doyle described Modeling for Council and explained why it is important to model:

- To document whether the dam is the cause of any sedimentation at specific locations
- Sensitivity analysis: what specific characteristics are responsible for the changes (sediment size, floods, etc.)
- Prediction: what is likely to happen in the future; how much concern should we have

He noted the caveats and limitations of modeling:

- There are always uncertainties, and in sediment transport these can be large
- River models are often better at predicting trends than at absolute values (unless there are data for calibration/verification)
- Goal: do honest, careful, and constrained modeling and interpret the results conservatively

Dr. Doyle explained the HEC-6 Model to Council:

- HEC – Hydrologic Engineering Center: US Army Corps of Engineers developed/approved model
 - Once a model is a HEC model, it is essentially an industry standard
- HEC-River Analysis System (RAS): standard for hydraulics (depth, velocity, etc.): many engineers do this analysis:
 - Salisbury used this standard, APGI used this standard
- HEC-6: Scour and Deposition in Rivers and Reservoirs
 - Developed by the US Army Corps of Engineers, and to a large part by William “Tony” Thomas, PE
 - Very few people have expertise in sediment modeling
 - Small circle to draw from

He then noted who performed the modeling:

- Dr. Ron Copeland from Mobile Boundary Hydraulics (MBH)
 - MBH started by Tony Thomas
- Ron Copeland, retired sediment/hydraulics engineer from US Army Corps of Engineers, Waterways Experiment Stations (WES), Vicksburg, Mississippi
 - Dr. Copeland did the modeling with input, guidance from Dr. Doyle and Mr. Jeff Jones, Planning and Research Manager for Salisbury-Rowan Utilities, with oversight from Tony Thomas
- Most importantly: very thorough, very conservative

Dr. Doyle stated that the modeling showed that the dam is the cause of sedimentation and elevated flooding at the water pump station and pointed to a graph depicting a significant increase in the bed elevation when the dam was constructed. He added that there has been a gradual increase in sedimentation since that time.

Dr. Doyle noted that Dr. Copeland used the large amount of available data to calibrate and validate the HEC-6 model and added that this amount of data for calibration is not normally available for river modeling studies. He pointed out that most of the sediment accumulation at water intakes has already occurred and the WWTP at Grant Creek remains a concern over time. He reviewed a graph from the HEC-6 model and stated that the water pump station is now within range of inundation and noted that it was not within range prior to sedimentation. He added that the pump station will have a one (1) percent chance per year of being flooded in the next twenty-five (25) years. He stated that there is now a ten (10) percent chance in any given year that the WWTP will be inundated.

Dr. Doyle reviewed his response to Alcoa and noted that he argued in the report that their previous studies were:

- Inadequate: to address this critical issue of sedimentation, Alcoa should have undertaken their own HEC-6 study
 - Note that they have only now contracted with a sediment transport engineer to critique Dr. Copeland’s report
- Inaccurate: they used data that did not represent the actual processes occurring at the site; placed the blame on unrealistic issues (e.g. bends in the river)
- Misleading: used studies and modeling that appeared to address the question, but in reality were addressing tangential issues

He noted the modeling predictions for the future:

- The historic conditions, current conditions, and all modeling points to increased flooding caused by dam sedimentation
- The science is solid
- FERC engineers at the field visit asked insightful questions
 - Specifically for our HEC-6 model files and results
 - Contrasted our level of analysis with Alcoa’s
- Dr. Doyle expects critique of our report from Alcoa that focuses on small details and continues to blame things on bends in the river and the railroad bridge.

Mr. Jones summarized solutions to the sedimentation issues that have been identified:

- The City of Salisbury contracted with three (3) independent engineering firms to propose mitigation measures to protect Salisbury's Raw Water Pump Station and Grant Creek Wastewater Treatment Plant
 - McGill Associates
 - Willis Engineers
 - Pease Associates
- Dr. Copeland evaluated four (4) sediment removal strategies as alternatives to engineered solutions.

He stated that McGill Associates was tasked with flood protection strategies of the existing Raw Water Pump Station and they proposed raising the ground level at the pump station approximately twelve (12) feet, building a wall around the Pump Station and raising the road into the pump station approximately twelve (12) feet. He noted that with this proposal:

- In-place fortification will be surrounded by flood waters
- Pump station access will be very dangerous as flood levels rise

Willis Engineers were asked to review relocation of the Raw Water Pump Station. Mr. Jones noted that relocating the Pump Station will remove all hazards associated with personnel entering flood waters and provides for continuous, safe operation of the Raw Water Pump Station.

Mr. Jones noted that Pease Associates looked at the flood protection of Grant Creek Wastewater Treatment Plant and developed strategies to protect critical components from inundation by flooding.

Mr. Jones reviewed sediment removal alternatives:

- Continue sand mining
 - Outcome: facilities destroyed
- Elimination of Sand Mining
 - Outcome: facilities destroyed – one (1) foot deeper
- Increase Sand Mining (2.5x)
 - Outcome: facilities destroyed – one (1) foot shallower
- Sediment Trap
 - Outcome: Facilities destroyed – one and one half (1.5) feet shallower
- Flood Relief Channel
 - Outcome: facilities destroyed – three (3) feet shallower

He noted that it was apparent that sediment removal on the scale that would be needed would not be effective in protecting the infrastructure and facilities.

Mr. Jones reviewed recommended solutions:

- Relocate Raw Water Pump Station
- Construct dike and other improvements at Grant Creek WWTP
- Excavate around 1917 intake to reestablish in-channel conditions
- Remove sand accumulation that blocks the mouth of Grant Creek
- Periodic dredging/sand mining at the intakes and Grant Creek

Mr. Bernhardt noted that the City hired the best qualified professionals and tasked them with the responsibility of finding the answer to the sedimentation problem.

Councilman Lewis commented that he appreciates the proposed solutions and asked if there is a cost associated with the recommendations. Mr. Tinsley noted that the estimates are included in the complete report. City Manager David Tremé added that in the complete report there is a series that discusses mitigation and includes the various alternatives and cost estimates. Mr. Jones commented that the total for protection at the River Pump Station and at the Waste Water Treatment Plant is estimated at \$22 million.

Mr. Lewis commented that the report appears to note that there is a problem and it appears the problem is caused by Alcoa. Because of the relicensing the City has an opportunity to bring the problem to the public's attention and if things continue as they are the City will have to spend over \$22 million to preserve its facilities from a problem that Alcoa created. He added that if Alcoa does not help pay for mitigation of the problem the utility customers will be the ones who will have to pay.

Mayor Klutz commented that Dr. Doyle stated he was trying not to be an alarmist, and noted she can assure him that Council is alarmed. She stated that this is more than a serious problem for Salisbury because it is a serious problem for forty thousand (40,000) customers throughout Rowan County who will have to pay for this and Council cannot allow that to happen. She stated that she has traveled with staff to Raleigh and Washington D.C. as they have presented this information to Federal and State officials to make sure that everyone understands the seriousness of the situation. Mayor Klutz noted that she appreciates staff recognizing the seriousness of this issue and not letting it pass. She stated that it is very apparent that the City of Salisbury was on the river long before Alcoa and have the rights to the water.

Mayor Pro Tem Woodson asked if the profit Alcoa obtains from the dam is known. Mr. Tinsley responded that the estimates published by Alcoa are approximately \$40 million per year net profit.

Mr. Woodson asked if the recommendation is to relocate the water intake or build a second one. Mr. Bernhardt responded that the recommendation is the relocation of the River Pump Station as the Intake is already located in the river.

Mr. Lewis questioned what will happen to other lands in this area if a flood occurs. Mr. Bernhardt responded that there will be other lands affected and noted that the Town of Spencer is already seeing the impact on some of its streets during flood events.

Mr. Woodson asked where the new Pump Station would be located. Mr. Bernhardt responded that Salisbury has already spent money to relocate a power supply and the Pump Station would be located near the power supply on Hannah's Ferry Road.

Councilman Burgin noted that Salisbury has already spent money on this problem by relocating the power supply and reworking the Intake. Mr. Burgin commented that Mr. Tinsley has stated that this evidence is as absolute as gravity. Mr. Tinsley responded that he is quite familiar with rivers and reservoirs and he feels that to say High Rock Lake did not cause the sediment delta or the sediment delta does not worsen the flooding is like denying gravity exists.

Mr. Burgin commented that he is not sure the community fully understands what could happen. He explained that the City has one (1) water intake and if it is flooded there will be no water. He noted that the City has two (2) sewage treatment plants and with a ten (10) year flood one (1) will be lost. He added that this means with a ten (10) year flood there could be businesses in the County that will be out of business because they have no water and the sewage cannot be treated. Mr. Burgin stated that it seems only fair and just that Alcoa help with the problems the dam creates from the money the dam generates. He indicated that an opportunity exists now that will not be available for the next fifty (50) years and if there is any hope for the economic development of the County and City, people have to support this effort and make sure Alcoa does what is right.

Mr. Burgin commented that he spoke with a developer who asked if water and sewer were available and he responded that they are available. He added that if there is a ten (10) year flood he may have given the developer misinformation. He stated that he hopes the City can gain support from as many of the citizens in the community as possible because he feels this is one of the most serious issues Council has dealt with.

Councilman Kennedy noted that the City provides water and sewer for over forty thousand (40,000) rate payers and asked if all of the municipalities are in support of the City's efforts to seek solutions. Mr. Bernhardt informed Council that all of Salisbury-Rowan Utilities client communities, those systems that the City owns and operates, have adopted resolutions in support of Salisbury's efforts and this process. He added that Rowan County also adopted a resolution of support. The resolutions have been submitted to FERC and are a part of the record. Mr. Bernhardt noted that the client communities are Granite Quarry, Rockwell, East Spencer, Spencer, and Rowan County. In addition, the Town of Cleveland adopted a resolution of support even though it operates its own system.

Mr. Treme thanked Council for recognizing several years ago this threat to the community's lifeline and for allowing staff to spend the resources necessary to prepare scientific data to prove the City's point before FERC. He stated that without Council's understanding and support the submission of this information would not have been possible.

Mayor Klutz asked about the next steps and where the City goes from here. Mr. Tinsley stated that by May 14, 2007 Salisbury will make recommendations to FERC on how the problem can be addressed. He added that the recommendations presented today will be presented to FERC with the request that they be added as requirements to Alcoa's license. He indicated that there may be other opportunities to file documents and present the evidence and requests but ultimately the decision will be in the hands of FERC. He stated another part of the process is the State of North Carolina's consideration of the water quality certification and what terms and conditions the State might require to protect the water supply.

Mr. Burgin asked if it will be considered a victory if the license comes back with certain requirements attached. Mr. Tinsley responded that this is correct and the license would have terms and conditions of how Alcoa will address the recommended solutions. Mr. Burgin asked if FERC will at least address the City's concerns if they do not grant relief in the license. Mr. Tinsley stated that the City has requested FERC to either replicate the study or have peer review of the studies and he knows this approach has been given serious consideration by FERC, adding that he believes FERC is engaging strongly in this issue.

Mr. Burgin asked if the City used Alcoa's data as the base data for the studies. Dr. Doyle responded that this is correct.

Mr. Bernhardt commented that the City has received remarkable attention from FERC but the response has been a little slower from NCDENR. He added that he is seeing the signs that NCDENR is giving consideration to the studies and both FERC and NCDENR have retained experts to evaluate the study and its conclusions and results.

Mr. Treme indicated that staff will keep Council updated and noted that the City has worked diligently to get to this point and will not stop until the last decision has been made by FERC.

Mayor Klutz recognized County Commissioner Jon Barber, County Manager Bill Cowan, and County Attorney Jay Dees and thanked them for attending the meeting to hear the report. She expressed Council's gratitude for their interest and support.

-

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

-

Greenway Committee

Upon a **motion** by Mayor Klutz, seconded by Mr. Lewis, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz vote AYE, the following reappointment was made to the Greenway Committee:

Ms. Carole Massey Term expires 3-31-2010

Historic Preservation Commission

Upon a **motion** by Mayor Kluttz, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz vote AYE, the following appointment was made to the Historic Preservation Commission:

Ms. Deborah Johnson Term expires 3-31-2010

Planning Board

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

Ms. Karen Alexander Term expires 3-31-2009

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

- Council received the Planning Board recommendation and comments from the March 27, 2007 meeting.

(b) Minor Plat S-04-07

Mr. Dan Mikkelson, Director of Land Management and Development, presented Council with a request to subdivide property located at 109 – 111 West Fisher Street. He stated that the developer would like to divide the property into two (2) different parcels so that they can be sold independently. He informed Council that all of the zoning standards have been met. Mr. Mikkelson noted that the Subdivision Ordinance has minimum lot sizes allowed and the property would not meet those minimums. He pointed out that Council has the authority to grant relief from the standards and has used its discretion in the past in the downtown area where the lot size is typically smaller. He stated that Council granted relief for 205 East Council Street and 123 North Main Street.

Mr. Mikkelson informed Council that staff recommends Council grant relief from the minimum lot size requirements in accordance with section 5.05.2 of the Subdivision Ordinance and approve minor subdivision plat S-04-07 subject to the owner installing separate water and sewer services for each building.

Councilman Kennedy asked if there is a photograph of the rear of the building. Mr. Mikkelson responded that he does not have a photograph because the rear of the building was not easily accessible.

Councilman Burgin asked if the common wall was original to the building, noting that he would not want to divide historic buildings. He added that if the wall was original to the building it would not be a problem. After reviewing the photographs it was determined that because of the roof line of the building it appears the common wall was original.

Thereupon, Mr. Burgin made a **motion** to grant the subdivision requested and recommended by staff. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

MAYOR'S ANNOUNCEMENTS

(a) Dedication and Open House for Salisbury Fire Station No. 4

- Mayor Kluttz announced that the dedication and open house for Salisbury Fire Station No. 4 will be held Saturday, April 14, 2007 at 11:00 a.m. at 2325 Statesville Boulevard, Salisbury, N.C.

(b) Spring Spruce Up Week

- Mayor Kluttz announced that the Community Appearance Commission and the Public Services Department will hold their Spring Spruce Up Week April 16-20, 2007.

(c) Police Department Dedication

Mayor Kluttz congratulated those involved with the Police Department Dedication and thanked Chief Wilhelm for his leadership.

(d) Mayor's Spirit Luncheon

Mayor Kluttz thanked everyone who was involved with the Mayor's Spirit Luncheon held March 27, 2007. She noted that one of the speakers at the luncheon was Reverend Richard G. Stewart who was a Livingstone student and was arrested forty-five (45) years ago during a sit-in to protest segregation. Also speaking was former Mayor Paul L. Bernhardt who served as Mayor during the sit-in. He described public reaction and how City leaders worked to keep peace in the City during the protest. She also thanked the Covenant Community Connection for their help in sponsoring the

luncheon.

Mayor Kluttz thanked the Public Art Committee and History and Art Trail for the Integration plaque unveiling that was held the same day as the Mayor's Spirit Luncheon. She noted that Andre Springs and Larry Frost were also recognized as the first African-American winners of the Labor Day Golf Tournament in 1987. Councilman Kennedy and Human Resources Director Melissa Taylor were also recognized for their work over the last ten (10) years on diversity efforts.

(d) March of Dimes

Mayor Kluttz noted that Ms. Vicki Eddleman from Public Services is serving as the City's Team Chairman for March of Dimes and announced that the March of Dimes Walk will be held April 14, 2007.

(e) Gang Prevention Summit

Mayor Kluttz noted that Council indicated at its last meeting that it wants to address gang violence and since that time she has received numerous telephone calls from citizens who have offered assistance and advice. She stated that this problem is multi-layered and suggested that the City hold a summit on gang prevention with the help of a facilitator, possibly in May. She noted that she will present more information about ideas for the summit at Council's next meeting and added that she would like for the City to sponsor the event but she feels it needs to be inclusive of the County and any group or individual who would like to participate to formulate a plan. Mayor Kluttz stated that once a plan has been developed Council will be able to commit financial resources, as well as find funds in other places.

Mayor Kluttz thanked Cornerstone Church and the AME Zion Church who have already taken steps to address this problem. Mayor Kluttz asked Councilman Kennedy to explain the initiative taken by the AME Zion Church to address the gang issue.

Councilman Kennedy noted that he sat with North Carolina Secretary of Crime Control Bryan Beatty at the Mayor's Spirit Luncheon and Mr. Beatty indicated that his department has funds available to assist with initiatives to help with gang prevention.

Mr. Kennedy stated that the Salisbury District for the AME Zion Church consists of seventeen (17) churches in the area and they invited youth to attend church and participate in a prayer vigil. He noted that there were also members of First Baptist Church who attended and it was decided that this is something that can be done to show youth positive activities. He encouraged other churches to invite youth and provide activities for them to encourage their participation.

Mayor Kluttz commented that the summit should include churches, youth services, the Police Department, civic groups, PTA's, parents, students, concerned individuals and Project SAFE Salisbury because she feels it will take everyone to find a solution to this problem.

CLOSED SESSION – CONDEMNATION OF SEWER EASEMENTS

Mayor Kluttz made a **motion** to go into closed session regarding condemnation of sewer easements located on Tax Map 373 Parcels 002 and 006 as allowed by NCGS 143-318.11(5) and also for consideration of acquisition of property located in the 300 block of South Main Street. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

Thereupon, Mr. Burgin made a **motion** to go back into open session. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

Thereupon, Mr. Woodson made a **motion** that Council needs to condemn a water line easement and a sewer line easement over Tax Map 373 Parcel 002 and a sewer line easement over Tax Map 373 Parcel 006 to condemn that property to help the school out to get this line and get this school open. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

RECESS OF MEETING

Mayor Kluttz asked for a motion to recess the meeting until Monday, April 9, 2007 at 4:00 p.m. in City Council Chambers, 217 South Main Street.

Thereupon, Mr. Lewis so moved. Mr. Burgin seconded. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0). The meeting was recessed at 6:33 p.m.

