

Salisbury, North Carolina

December 17, 2002

REGULAR MEETING

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

ABSENT: None.

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

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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 OF MS. LOU ADKINS, COMMUNITY DEVELOPMENT COORDINATOR - SALISBURY COMMUNITY DEVELOPMENT CORPORATION

Mayor Kluttz recognized Ms. Lou Adkins, Community Development Coordinator of the Salisbury Community Development Corporation, who received the 2002 Outstanding Counselor of the Year award from the North Carolina Association of Housing Counselors.

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RECOGNITION OF 2001-2002 CITY EMPLOYEES WITH 5, 10, AND 15 YEARS OF SERVICE

Ms. Melissa Taylor, Human Resources Director, recognized the following 2001-2002 City employees with 5, 10, and 15 years of service:

15 Years of Service

Ricky A. Barkley, Fire Department (Dept.)

Stephen M. Canzona, Police Dept.

Grady R. Driver, Public Services - Street Division

Calvin Ray.Finger, Police Dept.

Ronald Lynn Foster, Police Dept.

Jerry B. Greene, Jr., Police Dept.

Carol Hamilton, Utilities - Technical Services
Jamie D. Hoffner, Utilities - Meter Services
Margo L. MacIntyre, Public Services - Hurley Park
Joseph C. Morris, Land Management & Development Dept.
Greg T. Pannell, Finance Dept. - Purchasing Division
David B. Phillips, Development Services Division
Frank P. Sides, Utilities - Water Treatment Plant
John A. Sofley, Finance Dept. - Administration
Christy D. Sorrell, Fire Dept.
Mark A. Thompson, Fire Dept.
Jack B. White, III, Fire Dept.

10 Years of Service

Michael A. Dummett, Police Dept.
John A. Hamilton, Jr., Public Services - Landscape Division
Bradford W. Jordan, Police Dept.
Lance R. Montgomery, Police Dept.
David H. Morris, Fire Dept.
Christopher B. Smith, Fire Dept.
Melissa H. Taylor, Human Resources Dept.
William A. Torrence, Jr., Police Dept.

5 Years of Service

James C. Barringer, Utilities - Wastewater Plant
Steven R. Clark, Parks & Recreation Dept.
Paul Ken Clifton, II, Finance Dept. - Information Technology
Robert Andy Efird, Police Dept.
Jeffrey Emerson, Police Dept.
Robert Doug Ennis, Fire Dept.
Glenn M. Ford, Police Dept.
April D. Hawkins, Parks & Recreation Dept.
Mark L. Landerth, Utilities - Water/Sewer Maintenance
Michael L. Morgan, Utilities - Meter Services
Franklin L. Sifford, Utilities - Water Plant
Emanuel Spratt, Utilities - Water/Sewer Maintenance
Kimberly O. Treece, Administration Dept. - Risk Management
Robert A. Watson, Public Services - Fleet Management
Michael D. West, Utilities Administration
Robert P. Youngblood, Finance Dept.- Customer Service

CONSENT AGENDA

(a) Minutes

Minutes of the Regular meeting of December 3, 2002.

(b) Group Development Site Plans

Approve Group Development Site Plans for the following:

- G-20-02 - Randall Metals, 210 Ryan Patrick Drive
- G-02-97 - Alexander Place Apartments (Phase 2), 400 Hamilton Drive

(c) TEA-21 Project

Award of contract to Peter N. Glass & Associates, Concord, N.C., to purchase decorative streetlight poles for TEA-21 project as follows:

45 - Visco VI-C18-F/12'X3"X3' Tenon Factory Painted,

Dark Green Lampposts w/Duplex receptacle

Full freight allowed - \$1338.00 each = \$60,210.00

(d) Street Closing - 250 Fest

Approve closing Church Street from Liberty Street to Horah Street on December 31, 2002, from 5:30 p.m. until...for the 250 Fest.

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

FINAL SALE OF THE TRACTOR BUILDING

Mr. Joe Morris, Urban Resource Planner, told those present that by direction of City Council, staff has advertised a Notice of Sale of City-owned property in accordance with House Bill 1802 entitled "Salisbury Property Sales." He noted the advertisement appeared in the Salisbury Post on December 6, 2002.

Mr. Morris asked City Council to consider the final approval of the sale of the Salisbury Tractor Building. He said he has talked with Mr. Morefield, representing Salisbury Studios, Inc., and Mr. Morefield believes it would be possible to have a target date of January 31, 2003, to close the sale.

Councilman Kennedy noted the sale to be \$110,000. Mr. Morris replied yes.

Councilman Burgin indicated we should have a date at which closing has to occur. Mr. Morris informed Council that the City Attorney, Salisbury Studios, Inc., and the financial institution have all agreed that January 31, 2003 is an attainable closing date. Mr. Burgin indicated he would like the closing date to be part of the motion, and if the date changes, it will be necessary to bring this matter back before Council. Councilman Kennedy expressed concern regarding bringing the matter back to Council because January 31, 2003 was part of the original proposal. Mr. Morris confirmed January 31, 2003 was the closing date in the original proposal, however it was based on City Council's approval of the sale in October, 2002. Mr. Burgin suggested February 28, 2003, as the closing date to be included in the motion for closing the sale of the Tractor Building, and all Council members agreed.

Thereupon, Mr. Kennedy **moved** to approve the final sale of the Tractor Building to Salisbury Studios, Inc., for \$110,000, with a closing date no later than February 28, 2003. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

REPORT FROM STAFF CONCERNING GROUP HOMES

(a) Mr. Joe Morris, Urban Resource Planner, reminded Council that a 90-day moratorium was adopted September 17, 2002, on group homes and family care homes. During this 90-day moratorium City planning staff, with support from the Rowan County Planning Department, the Salisbury Police Department, and other agencies within the community, conducted extensive research on group homes and family care homes.

The following is an outline of the group home research:

- o Location
- o Number of clients
- o Type of treatment provided
- o Zoning type
- o Number of service calls provided by the Salisbury Police Department

Mr. Morris provided photos of several different types of residential units being used for group homes and family care homes in

the Salisbury area. These homes are located in a variety of neighborhoods and are all different in terms of size, age, style, and basically there is no discernment that can be made based on appearance, Mr. Morris explained.

Mr. Morris then provided the following data:

- Approximately 59 group homes are operating in Rowan County
- Approximately 43 are located within the Salisbury planning jurisdiction
- Approximately 139 clients are being served in Salisbury by these facilities

Based on data from the Department of Health & Human Services, Mr. Morris told Council there are two basic types of group homes:

- Residential treatment facilities - which provide services primarily to juveniles
(behavioral disorders, developmentally disabled, mentally ill)
- Supervised living - which provide services primarily to developmentally disabled
(in most cases these are adults)

Mr. Morris observed there are a few other facilities such as the Carter House on North Main Street, which is a day treatment facility for psycho-social rehabilitation and two other facilities for intensive residential treatment for children.

Mr. Morris informed Council that of the 43 homes operating within Salisbury's planning jurisdiction, 22 are residential treatment facilities, and 21 are supervised living or other type therapy facilities. He said during the period between September 27, 2001 and September 27, 2002, there were 283 calls for service from the Salisbury Police Department to these group homes. In the last year, there were 245 calls for service to the 22 residential treatment facilities, an average of approximately 11.1 service calls per facility, and only 38 calls to the supervised living facilities, an average of approximately 1.8 calls per facility, Mr. Morris stated.

Mr. Morris explained to Council that since City Council adopted the 90-day moratorium on September 17, 2002, several events have taken place; Rowan County has extended its moratorium and created a task force to study the impact of group homes, North Carolina has adopted Senate Bill 163, which requires reimbursement from home counties to host counties for educational expenses for group home residents. The adoption of Senate Bill 163 has some impact issues associated with our school system; students from other counties are being brought to Salisbury, and its reciprocal (students from Salisbury going to other counties). Mr. Morris went on to explain that students brought to group home facilities within our City limits are primarily taken to Salisbury and North Rowan High Schools.

Mr. Morris told Council staff is recommending that Council consider extending the moratorium for an additional 90 days. Mr. Morris provided a proposed resolution to Council which would refer the issue of group homes and family care homes to the Salisbury Planning Board for potential text amendments including the definition of family care homes and group homes, the permitting process, public notification and zoning.

Councilman Kennedy asked Mr. Morris to describe the clients that would be in the residential treatment facilities. Mr. Morris replied that typically these would be adolescent juveniles who have had experience with the court system and have been taken out of their own home environment and placed in the residential treatment facility. These children may have criminal records that are protected by court order and could include drug use, sexual offenses, and violent crimes, he said. There may also be clients in these residential treatment facilities who are developmentally disabled, Mr. Morris noted.

Councilman Martin asked Mr. Morris if most of the clients were local or from other counties. Mr. Morris replied that he has not been able to uncover that information. Mr. Morris went on to explain that in discussions with Mr. Windsor Eagle, Principal of Salisbury High School, Mr. Eagle indicated that when these students (students from group homes) appear on the doorstep of Salisbury High School, there is very limited information about the student, including criminal records. Councilman Martin asked how many group homes are in other counties. Mr. Morris stated he has not researched it on a statewide basis. Mr. Martin asked what types of issues were the majority of the service calls made to the Police Department. Mr. Morris replied there were a wide range of different types of activities including, episodes of violence involving two of the residents, violence between a resident and counselor, runaways, etc.

(b) Mayor Klutz told Council she has been notified that someone from the public would like to address Council concerning the moratorium.

Mr. Max Kent, of Kent's Development Corporation, told Council that his company operates three (3) group homes in Statesville, one in Salisbury, and one in Gastonia. He said he has a lot of capital involved in operating the homes. Mr. Kent explained he is on the board of the Department of Social Services and they are working to find solutions to these problems. Mr. Kent observed that if police officers weren't involved in the school system, there would be a lot of calls to high schools. The police officers are in schools because there were problems in the schools, he said. Mr. Kent stated that extending a moratorium would hurt group home businesses, since they have capital outlay and have waited 90 days to see where this is going. Mr. Kent referenced a case in Charlotte where the school system was sued for disallowing people with disabilities in their education system. Mr. Kent said he doesn't want the City or its neighborhoods to become defendants and try to defend themselves because they have been prejudiced for not allowing group homes. Mr. Kent suggested that any facility in question be referred to Facility Services in Raleigh for their investigation and inspection of the existing childcare unit. He said swift action will be taken if they are informed of any administrative impropriety regarding care-given homes of any description. Social Services or the Mental Health System may also be contacted regarding problems with any group home and they will respond swiftly, he noted. Mr. Kent told Council that he also went before the County Commissioners concerning group homes, and that he only operates adult homes which do not have these problems. Mr. Kent asked Council to consider exempting the adult group homes from the moratorium as did

Rowan County.

Mr. Windsor Eagle, Principal of Salisbury High School, concurred with the recommendation to extend the moratorium for an additional 90 day period. He said it is true the schools have resource officers but they have to expend more time proportionally to the students from the group home population than to other students. A lot of the students require a smaller number of students within their learning environment and it takes additional resources in the schools, exclusively for the group home population, he explained. Mr. Eagle said the School System Administrative office is investigating this matter and they need more time to get recommendations together to come before Council and also to present to the Department of Social Services (DSS).

Mayor Pro Tem Woodson asked Mr. Morris what the difference would be if the adult group homes were not included in the moratorium. Mr. Morris replied that both types of facilities need to be considered in any changes to the text amendment. We are trying to correlate the definitions of the different types of facilities with the services being provided to the facilities, he noted. Since the permitting process for both facilities will be changed, it will be necessary to include both of them in the moratorium, Mr. Morris noted.

Councilman Burgin asked if the moratorium would affect the ability of the group homes that are currently in existence to fill openings when a client is released or moves out. Mr. Morris replied he doesn't think it would because we are only considering the permit for the home itself and changes in clientele should not affect the permit as it is currently written. Mr. Woodson noted that the homes for children going to school are putting problems in our school system, and are we only talking about not opening new group homes? Mr. Morris replied, yes, for the next 90 days. Mr. Morris told Council as a professional planner he has an obligation to be cognizant of the needs of special populations. He said the City is not intending to discriminate in any way against developmentally disabled persons. The City has an obligation to the citizens of our community to identify how their property values and neighborhoods are being impacted by the inclusion of all these types of facilities, and to sort it out in a way that best serves the citizens of our community, he said.

Mayor Kluttz indicated further study is needed before she would be comfortable granting any more permits. She expressed concern about the 283 police calls and the impact on the safety and security of our community, and the impact on our school system.

(c) Thereupon, Mr. Burgin made a **motion** to extend the moratorium for 90 days. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

A RESOLUTION ESTABLISHING A 90-DAY MORATORIUM FOR THE ISSUANCE OF ZONING PERMITS OR GROUP HOMES AND FAMILY CARE HOMES.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 183, and is known as Resolution No. 2002-44.)

REPORT FROM THE SPECIAL SIGNS AND PROMOTIONS COMMITTEE

Ms. Lynn Raker, Urban Design Planner, and Mr. Preston Sale, Board Member of the Community Appearance Commission (CAC), gave Council a presentation on the Special Sales Signs and Promotions.

Mr. Sale reminded Council at Council's request a committee was formed to consider the possible uses of special sales signs with the existing Sign Ordinance. The committee was composed of Community Appearance Commission and Planning Board members, City staff, and Downtown Salisbury, Inc. and was to provide comparisons to other cities in North Carolina and answer feasibility and enforcement questions. The committee is recommending the proposed changes on a 12 month trial period, Mr. Sale said. This will give the committee a chance to assess the visual impact these changes will have on our City and to evaluate the ways in which the changes may be revised, he noted. Reluctantly, the committee made the following recommendations for changes which they feel tread dangerously close to further eroding the integrity of Salisbury, not just in its historic areas, but in all parts of the City, Mr. Sale told Council. The current Sign Ordinance has helped this problem but we still have a long way to go, he noted. Mr. Sale told Council the economy this year has been stressful for the City, most businesses, and residents who have lost jobs or have been hurt by the stock market. Mr. Sale explained it would be a shame to alter the future visual integrity of the place we all call home because of a bad economic year, which is why the committee proposes the following changes regarding special sales signs on a 12-month trial basis.

Ms. Lynn Raker reviewed with Council the proposed committee recommendations on Special Sales Promotions:

- o By permit only
- o One banner and/or balloons to advertise a special sales event
- o Maximum 6 permits per year
- o Maximum duration of 10 days each
- o Minimum 30-day interval between permits
- o One banner per business allowed
- o Banner must be firmly attached to the building façade
- o Banner may not be made of paper
- o Banner not greater than 32 square feet in size
- o Balloons not higher than 10 feet above ground
- o Balloons set back at least 20 feet from the right-of-way
- o Balloons no larger than 18 inches in diameter
- o Banner and/or balloons permitted in all zoning districts with the

exception of historic district overlays

- Twelve-month trial period

Enforcement

- Coordinated with City's standard citation policy
- First violation: verbal warning with explanation
- Second violation: written civil citation

- Third violation: written civil citation with \$50 fine, plus no additional permits given for 3 months

- Fourth violation: written civil citation with \$100 fine, plus no additional permits given for 6 months

- Additional violations followed with letter advising business owner of \$100/day fine for additional violations, and violating business will be turned over to City Attorney

Ms. Raker explained if Council is interested in adopting a text amendment related to the proposal, Council would need to refer the matter back to the Planning Board for their recommendation to Council. Ms. Raker went on to explain that 16 cities, similar in size to Salisbury, were researched. Banners were the most prevalent option being offered by these cities with very few of them allowing pennants or balloons. The cities were typically restrictive of the banners, one per business, with size and duration limited and allowed by permit only.

Mayor Pro Tem Woodson indicated he has been questioned regarding special sale signs for the past five years and he would like to try these new guidelines on a one year trial basis.

Thereupon, Mr. Burgin made a **motion** to refer the Special Sales Signs Committee's recommendation to Planning Board. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

STAFF REPORT CONCERNING THE TRAFFIC SIGNAL AT COUNCIL AND LEE STREETS

Ms. Wendy Brindle, Traffic Engineer, reviewed for Council history concerning the intersection at Crawford and Main Streets. She said approximately 98 vehicles per day use Crawford Street which is now a dead-end street due to the railroad crossings being removed. Ms. Brindle explained to Council that the North Carolina Department of Transportation (NCDOT) did a study of Crawford and Main Streets and requested that the City remove the traffic signal from operation. Ms. Brindle reported as of January 1, 2003, staff will bag the signal heads and the signal will be removed. Property owners have been contacted and they are in agreement.

Ms. Brindle went on to explain that Lee and Council streets are a similar type request and that staff addressed Council several months ago to inform them that this traffic signal did not meet warrants established by Manual on Uniform Traffic Control Devices (MUTCD). In conjunction with the TEA-21 grant project, staff was considering taking this signal down. Ms. Brindle reported the signal was placed on flash operation and traffic on Lee Street was required to stop. Within the first week, there were two (2) accidents, she noted. Staff observed the site and due to the many violations of the red signal, the signal was put back in normal operation, Ms. Brindle advised.

Ms. Brindle told Council that MUTCD recommends two options for evaluating the removal of a signal:

- Flashing of signal
- Bagging signal heads and putting stop signs up

Ms. Brindle told Council she has spoken with the Division Traffic Engineer with NCDOT and he recommends bagging signal heads, which he believes is the most successful method of traffic signal removal. Ms. Brindle told Council staff is recommending bagging the signal heads and placing 4-way stops at Lee and Council Streets. Staff will evaluate the location for 90 days beginning December 30, 2002, and then come back to Council with a final recommendation, Ms. Brindle explained.

Councilman Burgin asked if Council had the option to vote not to accept staff's recommendation. Ms. Brindle replied "yes." Mr. Burgin asked if staff is proposing that Council Street be given the right-of-way. Ms. Brindle replied no, staff is recommending evaluating a 4-way stop. Mr. Burgin asked if there was a reason Lee Street wasn't considered as a through street. Ms. Brindle

replied it was because of site distance, that when you stop on Council Street, you do not have the site distance to see the oncoming traffic on Lee Street. Mr. Burgin said his general feeling is that Lee Street is the main road.

Mayor Klutz commented when the blinking lights were up, it didn't feel natural, and she is concerned because there were two (2) wrecks at this intersection. Mr. Burgin asked if you have to stop on Council Street, how is that changing the site lines. Ms. Brindle replied that when you stop on Council Street, you cannot see the approaching traffic on Lee Street to know if it is okay to cross. Mr. Burgin noted that either the light saves them or 4-way stop. Ms. Brindle replied "yes." Mr. Kennedy stated he does not see the need to change it. Mr. Woodson said he would try the 4-way stop first because you sit there too long waiting for the light to change. Mr. Burgin noted there may be some stop timing that needs to be adjusted but he feels it is better to have the green light for traffic than to stop everybody every time. Mayor Klutz noted this area is going to be developed more and she is concerned about the safety issue. Mr. Burgin said he would rather leave the light than try to change the system. Mr. Martin and Mr. Kennedy agreed.

Thereupon, Mr. Burgin made a **motion** to leave the light. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

Mayor Pro Tem Woodson mentioned to Ms. Brindle that he has had approximately 20 people question him about why we have a 4-way stop on Boundary Street near Ruffy-Holmes Center. Ms. Brindle told Council staff has recently been re-evaluating this 4-way stop. Ms. Brindle went on to explain that there was a 4-way stop at Ryan and Boundary Streets several years ago, and when this street was extended to Jake Alexander Boulevard, Boundary Street was made a thoroughfare type street and the 4-way stop was removed. Complaints were received from the neighborhood at that time, Ms. Brindle stated. Site distances were studied and staff found out they did not meet the required standards, she noted. Ms. Brindle reported that based on complaints and the fact that site distances did not meet standards, the 4-way stop was put back. The 4-way stop was placed at Vance and Boundary Streets because the alignment was changed at that intersection, Ms. Brindle advised. Ms. Brindle informed Council that staff is investigating to see if lane lines can be put in at Vance and Boundary Streets.

AUTHORIZE THE PURCHASE OF A CRANE CARRIER CAB AND CHASSIS - SANITATION DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, informed Council that the purchase of the refuse packer truck is a piggy-back purchase on a contract let earlier this year by the City of Charlotte. The City of Salisbury is able to take advantage of the contract and asked Council to approve the resolution authorizing the purchase of a Crane Carrier Model LET2 Cab and Chassis for \$87,820.00 from Southern Truck Service, Inc.

Councilman Burgin asked Mr. Peck in what economy did Charlotte purchase their truck because in the construction industry the deals are now better. Mr. Peck replied the contract was awarded in July, 2002. Mr. Burgin noted that was still within the same economy.

Thereupon, Mr. Woodson made a **motion** authorizing the purchase of a Crane Carrier Company Model LET2 Cab and Chassis for the Sanitation Department. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A CRANE CARRIER COMPANY MODEL LET2 CAB AND CHASSIS FOR THE SANITATION DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 184, and is known as Resolution No. 2002-45.)

AUTHORIZE THE PURCHASE OF A HEIL REFUSE PACKER BODY - SANITATION DEPARTMENT

Mr. Dewey Peck, Purchasing Manager, asked Council to adopt a resolution authorizing the purchase of a Heil Model DPF5000 Refuse Packer Body for the Sanitation Department. He said the purchase will be piggybacked on the Town of Cortlandt, New York. Carolina Environmental Service has agreed to sell to the City of Salisbury a Heil Model DPF5000 Refuse Packer Body for \$46,350.00.

Thereupon, Mr. Woodson made the **motion**. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION AUTHORIZING THE PURCHASE OF A HEIL MODEL DPF5000 REFUSE PACKER BODY FOR THE SANITATION DEPARTMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 185, and is known as Resolution No. 2002-46.)

City Manager Treme commented when Charlotte sends out a bid for these trucks, they are usually purchasing more than one and when we have an opportunity to piggyback on these large jurisdictions, we can get a superior price than if we tried to bid for just one truck. Mr. Treme went on to observe Mr. Peck follows prices very closely and does a good job at taking advantage of the

purchasing power of large cities. Mr. Peck informed Council that by purchasing the cab and chassis and the refuse packer separately, the City saved \$10,000.00.

REQUEST TO CLOSE THE 200 BLOCK OF KERR STREET TO FACILITATE THE WATER PLANT EXPANSION CONSTRUCTION

Ms. Wendy Brindle, Traffic Engineer, informed Council that the contractors working for the City of Salisbury Utilities Department has requested the 200 block of West Kerr Street be closed to facilitate construction at the new water treatment plant. The closure is requested from December 30, 2002 - February 28, 2003. Ms. Brindle explained that traffic would detour in the eastbound direction using Fulton, Liberty, and Main Streets and the westbound direction using Liberty to Fulton Streets. Access would be provided to businesses in the area, Ms. Brindle noted. Ms. Brindle went on to explain that the contractor would be required to notify emergency services and set up the detours to comply with Manual on Uniform Traffic Control Devices (MUTCD) standards.

Mayor Pro Tem Woodson told Council that he has been asked to speak on behalf of Shuler Fence Company and Vick Bost, Attorney, and relay their concern that the only access to their businesses is Kerr Street, and by closing the street they would be totally blocked. Mr. Jim Behmer, Utilities Engineering Manager, told Council notices will be posted stating "Local Traffic Only" before you get to the 200 block of Kerr Street and that customers will have access to these businesses. Ms. Brindle noted that the barricades will not block the entire street.

Councilman Burgin asked "Is the request because they need to work in the road or they find it easier to work in the road." Ms. Brindle stated she understands from the Utilities Department that the request to close the street is due to safety reasons. Mr. Burgin went on to express "If we have to inconvenience somebody, he chooses to inconvenience the person building the water department." Mr. Burgin indicated that if we have to close the street in order to do the construction, he understands that but, if we are closing the street to convenience the contractor at the expense of two Salisbury businesses, he chooses to inconvenience the contractor. Mr. Behmer informed Council the request was made due to staff's concern for safety, and that large equipment will be used during the construction.

Mr. Matt Bernhardt, Assistant City Manager for Utilities, told Council the Utility Department is requesting Kerr Street to be closed because of staff's concern for the safety of our citizens and the liability of the City. Mr. Bernhardt went on to explain that there are three (3) projects going on in this area: raw water line, piping and work in front of the plant, and the Actiflow Project. With three contractors there, things are more complicated and for the safety of the citizens traveling in this area the staff felt it was best to close the 200 block of Kerr Street while still maintaining access for the local businesses, Mr. Bernhardt noted.

Mayor Klutz noted if there is access to the local businesses, their customers driving in the construction zone would be more careful because they would know it is a dangerous area. Mr. Bernhardt stated that the area will be secured so that traffic entering to and from Kerr Street will be protected. Mayor Pro Tem Woodson indicated he understands the concern of these businesses and that the City needs to assure them that traffic will be able to get to them.

Councilman Burgin told Council "if you say to the contractor, I'm going to give you access to this road, then say to clients going to these businesses to go in at your own risk, does that save the City's liability? Or, does it lower the guard of the contractor and put the clients going in at their own risk?" Mr. Burgin said he would rather have the contractor know he has to stay out of the road. Mr. Bernhardt advised it will be the City's responsibility to make sure the contractor provides the necessary protection to prevent vehicles from entering into an unsafe area, while still allowing access to local businesses.

Councilman Kennedy observed the request to close the road would keep regular traffic from traveling through this construction, and would allow people to avoid the area. Mr. Kennedy commented that citizens do not want to be inconvenienced by having to stop and be held up by machinery moving in and out; they would rather detour and go another way. However, the people going in that particular area know they can still go into that area because the signs say "local traffic only", noted Mr. Kenendy.

Mr. Burgin said he would agree with the road closing if the contractor stays out of the road. "If the idea is to forewarn the general public that there is a better way around this area, then that is fine, but, if the idea is to turn loose the contractor in the road at the risk of the clients going to see these businesses, then that heightens the exposure the City has to liability," Mr. Burgin stated. Mr. Burgin went on to comment that the contractor should be held accountable for all the procedures he normally has to follow when he gets in the public right-of-way.

City Manager Treme told Council a lot of the work the contractors are doing is on the perimeter of the property and it is hard to get to the work from the deep holes, rubble, and debris from the interior of the property. One solution may be to close half of the road and leave the other half open to local traffic, which would allow the contractor to manage risky work on irregular terrain, suggested Mr. Treme.

Mr. Burgin indicated he understands the need to close the road if the work requires the contractor to be in the road, but to close the road for convenience is where he draws the line. Mr. Burgin said he would be willing to put a fence down the road, which could be helpful to both the businesses and the contractor.

Mayor Klutz asked if the contractor was carrying something heavy, would the other lane be safe? Mr. Bernhardt said the City can make it safe, but he believes it would be better to maintain their current method of operation (which is to close the road for a short period and then open it) than to divide the street.

By consensus Council agreed to use detour signs and not close the road.

APPOINTMENTS TO THE VISION 2020 IMPLEMENTATION TASK FORCE

Mr. Joe Morris, Urban Resource Planner, presented to Council an updated listing of appointments to the Vision 2020 Implementation Task Force as follows:

Current appointments

Mr. Mark Lewis, Chairman

Ms. Karen Alexander

Mr. Jake Alexander, Jr.

Mr. Steve Fisher

Dr. Bryant Norman

Mr. Johnny Safrit

Mr. Eldridge Williams

Mr. Bill Burgin

Mr. Steve Blount

Additional appointments

Mr. Bob Martin

Ms. Leigh Ann Loeblein

Mr. Herman Burney

Mr. Jason Walser

Mr. Rodney Queen

Mr. Chanaka Yatawara

Mr. Morris asked Council to approve these appointments.

Thereupon, Mr. Kennedy **moved** to approve the appointments to the Vision 2020 Implementation Task Force. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz mentioned that Mr. Morris gave a presentation on our Vision 2020 Task Force to a group visiting here from a 14-County Region from the William S. Lee Institute Class III of the American Leadership Forum from the Charlotte region of North and South Carolina. She said one of their comments was "we have seen a lot of strategic plans that cities have done and then we have seen them sit on the shelf; do you think this will happen to this one?" Mayor Kluttz noted she is proud the City of Salisbury is taking the next step of the implementation task force, and that we will be seeing the results from all the time and effort invested.

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from their December 10, 2002 meeting.

(b) Alcoa Power Generating, Inc. (APGI)

City Manager Treme informed Council that he had received a letter from Alcoa requesting that Council name a designee to keep Alcoa informed of the activity that is involved in their re-licensing in 2008. Mr. Treme explained he has been working on this re-licensing for the past 2-3 years, and if Council is agreeable, he is willing to serve as the contact for the City.

Thereupon, Mr. Kennedy **moved** to appoint City Manager Treme as the City's designee on the Alcoa Power Generating, Inc. Yadkin Project re-licensing. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

(c) Salisbury Water Plant Elevation

City Manager Treme asked Council to formally approve the elevation plans for the Salisbury Water Plant. The Group Development was approved by Council on October 15, 2002, but due to changes, the plans had to be corrected, noted Mr. Treme.

Thereupon, Mr. Burgin made a **motion** to approve the adjustments to the elevation of the new Water Plant. Mr. Martin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

(d) Federal Emergency Management Association (FEMA) Resolution

City Manager Treme informed Council that the City is working with Rowan County to issue a request for proposal to clean up the debris left from the ice storm. Mr. Treme went on to explain that if we pick up the debris ourselves, at an estimated cost of approximately \$400,000 to \$600,000, the only reimbursement we would receive would be from Federal Emergency Management Association (FEMA) overtime funds. The first step for reimbursement is to pass a resolution naming Salisbury as an applicant. The way FEMA has developed the reimbursement does not make it financially expedient for the City to use its own resources, Mr. Treme noted. Mr. Treme advised Council that the bids will be opened Friday, December 20, 2002, and it will probably be the first of the year before work can start for clean up of the debris.

Mr. Vernon Sherrill, Public Services Director, told Council that City staff toured the City with FEMA representatives. Mr. Sherrill informed Council that City staff has also met with state representatives who handle FEMA funding for the state of North Carolina, and he suspects it will be January before the cleanup can get underway. As of today, the Public Services Department has hauled 689 loads of materials off the streets, concentrating on main thoroughfares, and should be reimbursed for most of their work, he noted. Mr. Sherrill went on to explain that the Public Services Department was just beginning their large collection of leaves, so there is probably 1000 tons of leaves out on the streets they cannot get to because of the brush. Mr. Sherrill then asked Council to appoint Mr. Richard Kelly, Risk Management Manager as the primary agent to represent the City's general fund and Mr. Mike West, Finance and Administration Manager for Utilities Department, as the secondary agent to represent our Utility Department for FEMA reimbursements.

Mr. Mike West told Council that approximately 95 percent of the Utility Department's work is complete. When the storm hit and the power went out, they had to mobilize three shifts a day to cover all the facilities, he noted. Mr. West informed Council that pumps were damaged when the power came back on causing power surges that blew out circuit boards and damaged the motors. He said pumps are on order and the replacement costs will be covered by FEMA funds. Mr. West told Council daily diary sheets have been distributed to the supervisors in the Utilities Department for documentation of the work required and the equipment used to keep operations going throughout the storm. These expenses are also reimbursable from FEMA, he noted. Mr. West advised Council that FEMA will be meeting with the City again on January 6, 2003 at 2:00 p.m.

Mayor Klutz added that it is important for the public to realize that the debris is not going to be cleaned up before Christmas. Salisbury is usually very neat and has a beautiful appearance, and she hopes the public understands the City really doesn't have a choice other than to work with FEMA on the cleanup.

Councilman Martin asked Mr. Sherrill if they were still picking up leaves. Mr. Sherrill replied if they are bagged or if the street is clear of brush, they will be able to pick them up.

Thereupon, Mr. Kennedy **moved** to adopt the resolution naming the City of Salisbury as a FEMA applicant and designating Mr. Richard Kelly and Mr. Mike West as the primary and secondary designees for the City of Salisbury. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION, DESIGNATION OF APPLICANT'S AGENT, NORTH CAROLINA DIVISION OF EMERGENCY MANAGEMENT.

(The above resolution is recorded in full in Resolution Book No. 10, under Chapter XII - Miscellaneous, at Page No. 186, and is known as Resolution No. 2002-47.)

MAYOR ANNOUNCEMENTS

(a) Natural Disaster

Mayor Klutz noted that we have just been through a Natural Disaster which most of us haven't experienced in our lifetimes. Mayor Klutz extended thanks to everyone who helped someone else, and to all the City Departments who worked hard to help citizens through the disaster.

(b) Hispanic Newspaper

Mayor Klutz announced that Salisbury has a new newspaper for our hispanic population which is a big step in being able to communicate with a population that sometimes does not speak English. Pastor Bill Godair from Cornerstone Church and his church members are to be commended for taking on this project, which has sponsors for a year, Mayor Klutz noted.

GOALS REVIEW SESSION FOR FY2001-2002

City Manager Treme presented to Council, for their review, the Outcomes, Strategies, and Goals for fiscal year July 1, 2001 to June 30, 2002 and fiscal year July 1, 2002 to December, 2002.

RECOGNITION OF SWANNETTA B. FINK - CITY CLERK

Mayor Klutz recognized City Clerk, Ms. Swannetta B. Fink, who was recently accepted into the Master Municipal Clerk Academy of

the International Institute of Municipal Clerks.

RESOLUTION OF APPRECIATION - SWANNETTA B. FINK

Mayor Kluttz read a Resolution expressing appreciation and best wishes to Swannetta B. Fink, for serving as City Clerk for the City of Salisbury from January 13, 2001 to December 17, 2002.

RECOMMENDATION OF NEW CITY CLERK - MYRA B. HEARD

City Manager Treme recommended to City Council the appointment of Ms. Myra B. Heard as City Clerk for the City of Salisbury. Mr. Treme told Council that Ms. Heard has been employed with the City of Salisbury as Finance Specialist for the past 3 years.

Thereupon, Mr. Woodson made a **motion** to approve Myra B. Heard as the new City Clerk. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

Ms. Fink administered the oath of City Clerk to Ms. Heard.

CLOSED SESSION

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session concerning an economic development matter per NCGS143-318.11(4) and a personnel matter per NCGS143-318.11(6).

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

RETURN TO OPEN SESSION

Mayor Kluttz called the meeting to order.

ECONOMIC DEVELOPMENT MATTER

Mayor Kluttz reported that no official action was taken on this matter.

ANNUAL REVIEW - CITY MANAGER

Mayor Kluttz reported that the Council agreed unanimously that Mr. Treme has done an excellent job for the City during a very difficult and challenging year. Mayor Kluttz went on to say that Council is very grateful for the great job Mr. Treme does for the City of Salisbury.

Thereupon, Mr. Burgin made a **motion** to give City Manager Treme a 3.25 percent pay raise. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE (5-0)

Upon motion of Mr. Burgin, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voting AYE, the meeting was recessed at 7:05 p.m., until Friday, December 20, 2002, at 11:00 a.m.

Continued

December 20, 2002

11:00 a.m.

The City Council of the City of Salisbury met at 11:00 a.m., on Friday, December 20, 2002, in the Council Room of the Municipal Building pursuant to the recess of the regular meeting on December 17, 2002, with the following members being present and absent:

PRESENT: Burgin, Kennedy, Kluttz, Martin, Woodson

ABSENT: None.

Mayor Kluttz opened the meeting and Councilman Burgin gave the invocation.

Staff members present were the same as the December 17, 2002 meeting with the addition of: John Sofley, Finance Director; Matt Bernhardt, Assistant City Manager of Utilities; Myra B. Heard, City Clerk; and Jim Behmer, Utilities Engineering Manager.

CLOSED SESSION

Mayor Kluttz informed Council that she would entertain a motion for the Council to go into closed session to consult with an attorney per NCGS143-318.11(3).

Thereupon, Mr. Kennedy **moved** to go into closed session. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Martin, Woodson, and Ms. Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

Councilman Burgin made a **motion** to return to open session. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

Mayor Kluttz announced that Councilman Martin had to leave (11:30 a.m.) and that no official action was taken in closed session.

COMMENTS FROM CITY MANAGER

City Manager Treme announced that the bid openings for debris removal will be at 2:00 p.m. December 20, 2002 at the County office. Mr. Treme reported that the State of North Carolina or NCDOT will be removing debris for Rowan County, and that once the bids are opened, the City may work with the low bidder to do work just for the City of Salisbury.

Councilman Burgin asked if all costs for debris removal are covered by FEMA. Mr. Treme replied reimbursement is 75 percent FEMA and up to 25 percent State. The State has not said at this point that they will not fund the full natural disaster in the 2002 ice storm, Mr. Treme noted.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Kennedy. All Council members present (4) agreed unanimously to adjourn. The meeting was adjourned at 11:35 a.m.

Mayor

City Clerk