

Salisbury, North Carolina

September 17, 2002

REGULAR MEETING

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

ABSENT: William (Pete) Kennedy

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

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.

PROCLAMATIONS

The following observances were proclaimed by Mayor Kluttz:

CONSTITUTION WEEK September 17-23, 2002

POW/MIA DAY September 20, 2002

RECOGNITION OF BEATTIE FAMILY and BEATTIE'S OPEN KITCHEN RESTAURANT September, 2002

Mayor Kluttz recognized Mr. Jim Beattie and Mr. Rick Beattie who were present and thanked them and their family members for their years of serving the Salisbury community.

CONSENT AGENDA

(a) Minutes

Minutes of Regular meeting of September 3, 2002.

(b) Group Development Site Plan

Approve Group Development Site Plan G-11-02, Hedrick Industrial Avenue Park, 634 Industrial Avenue.

Thereupon, Mr. Woodson made a **motion** to approve the Consent Agenda. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

RECOGNIZE MR. JOE MORRIS, URBAN RESOURCE PLANNER

Mr. Joe Morris, Urban Resource Planner, was recognized by Council for being accepted into the American Institute of Certified Planners (AICP).

COMMENTS FROM MR. DAVID HARRISON CONCERNING THE SIGN ORDINANCE

Mr. David Harrison, owner of Harrison's Florist, recognized those present to support him (approximately fifteen people stood). Mr. Harrison explained that he has come before Council "to dispute the 1986 zoning sign regulations, the over enforcement and lack of leniency in the sign regulations, and the vagueness in the understanding of the sign regulations." Mr. Harrison presented Council with material related to the matter being addressed and a petition (having approximately 500 names according to Mr. Harrison) which states as follows: "The undersigned support the family owned business of Harrison's Florist allowing the continuance of a sign that has been in place for many years. We also feel that the City of Salisbury has gone overboard with the sign enforcement. After viewing the 'grandfathered' signs both East and West Innes Streets, the simple, low to the ground sign identifying the florist is not objectionable and is consistent for the neighborhood."

His parents started Harrison's Florist fifty-seven years ago, with the business being in their back yard before zoning was put into place, and the business is supposed to be "grandfathered" according to Mr. Harrison. He told Council that apparently the term "grandfathered" confuses the current sign code officer and that the current 1986 sign code regulation doesn't acknowledge "grandfathered" businesses. Mr. Harrison identified "grandfathered" businesses as those with grassroots to business principles.

When he fined Harrison Florist \$350.00, the code officer explained that Harrison Florist could not expand the size of its building since it is "grandfathered" even though the volume of business has outgrown the size of the building, according to Mr. Harrison. Mr. Harrison then asked Council what the volume of business has to do with being "grandfathered" or with the sign regulations.

Mr. Harrison told Council that the sign enforcement officer found his business in violation of a backyard banner and some small portable signs. He expressed he has concern that the enforcement officer does not have an understanding of the signs he is

enforcing and referenced the copies of citations provided to Council including those given to him (Mr. Harrison for Harrison's Florist) for a banner (warning and 4 violations totaling \$350.00) and a portable sign warning. Mr. Harrison also provided copies of City of Salisbury Civil Citations issued to College Inn Barber Shop for a rotating light (warning); Billy & Timmy Garris DBA Hendrix Bar-B-Que for ceramic statue of pig in a planting area...(warning); Gerry Wood Autocentre for display and flying of balloons (Violation 1). Mr. Harrison cited the current zoning law Section 9.09 as saying written notice of 30 days is required for the repair or removal of signs in violation of this section, and then said he was given 24 hours to comply regarding the backyard banner and was given 10 days to comply regarding the portable sign. Mr. Harrison further said the code enforcement officer allowed College Inn Barber Shop 24 hours to comply for a turning barber pole; Hendrix Bar-B-Que 26 days to comply for a concrete pig in front of the business; and Gerry Wood Autocentre had 24 hours to comply on several violations. Mr. Harrison further said 6 of the citations to Harrison's Florist were written to the wrong business and 7 to the wrong address. Mr. Harrison continued to question, under these circumstances and others which he described and included in material to Council, how this person continues to be a sign code officer. Mr. Harrison told Council this officer harassed and threatened his business, and told Council the fines could possibly have ruined a good credit history of the last 57 years. By making up his own rules, the code enforcement officer denied the Harrison's Florist business the Seventh Amendment rights to the Constitution, according to Mr. Harrison, and he read that section of the Constitution.

Mr. Harrison told Council if common sense and leniency had been shown, that he would not be before City Council. He thanked Mr. Hubert Furr, Development Services Manager, for the fact that all charges and fines were dropped when he (Mr. Harrison) complied with moving the banner. He said he only complied to keep his perfect credit rating of 57 years. He also referenced that he had unnecessary expenses because of the manner in which the Code Enforcement Officer handled the matter, and spoke of the advertisement he (Mr. Harrison) placed in the local newspaper which he said cost him \$615.00. Mr. Harrison strongly requested a letter of apology from the Code Enforcement Officer and, in addition, strongly requested that this person be severely reprimanded and re-trained.

The people signing the petition presented by Mr. Harrison feel the sign regulations are over enforced and show no leniency, Mr. Harrison told Council. He agreed that sign regulations are needed, but pointed out instances where he thinks something is wrong with the sign regulations, such as when small businesses such as Whittaker Peaches can't display a sign that says "Peaches" or College Inn Barber Shop can't display a barber pole that turns, or Hendrix Bar-B-Que can't display a pig at the front of the business, or Gerry Wood Autocentre can't display flags or balloons which is common for an automobile dealership to do. He told Council small businesses don't need over enforcement of sign laws, lack of leniency, or unnecessary government harassment. Mr. Harrison proposed a Citizens Review Board and gave Council (in the packet of materials he presented Council) four points proposed for a Citizens Review Board.

Mr. Harrison reiterated some points he had previously made: that the current sign regulations need to be revised, unnecessary government harassment needs to be eliminated; and a Citizen Review Board needs to be considered for all to work together.

Mayor Klutz thanked Mr. Harrison for bringing his concerns to Council. She reminded him that any personnel matters are a part of the City Manager's responsibility. She then asked staff to respond to some of Mr. Harrison's presentation.

Councilman Martin said Mr. Harrison has some valid points and he would like a committee to look at the sign ordinance. Mayor Pro Tem Woodson suggested issuing a permit for short term sales by businesses.

Mr. Dan Mikkelson, City Engineer and interim Director of Land Management and Development along with Mr. Hubert Furr, Zoning Administrator, responded to Mr. Harrison's presentation. Mr. Mikkelson said Mr. Furr is the person in the City who has to make the call on whether or not enforcement of a particular code item is being done properly. Mr. Mikkelson noted it appears Mr. Harrison and the Code Enforcement Officer had much dialog and things that led to a citation were those things which Mr. Harrison was instructed to do with the full authority of the City. Otherwise, the City was not exercising its full authority, he pointed out. Mr. Mikkelson pointed out Mr. Harrison had referenced that the enforcement actions had cost him extra money. He asked Mr. Harrison if that was for newspaper advertisements and observed they looked like advertisements to gain business, and would be voluntary.

Mr. Hubert Furr addressed the matter of "grandfathered" clauses in the zoning ordinance. He advised the term "grandfathered" is not in any of the ordinances. What is spoken of as "grandfather" or "grandfathered" is addressed in the ordinances as nonconforming use, signs, or structures, Mr. Furr advised. He further noted they are legal nonconforming. The "grandfather clause" is just a catch phrase. The sign ordinance does address signs that can be legal nonconforming, he pointed out, such as the cinema sign on Statesville Boulevard, and the McDonald's and Hardee's signs. All of these signs were to come down in May, 1993 but the ordinance was changed so these signs would become legal nonconforming until specific things happen, he told Council. In 1986 when the sign ordinance was passed, there were dates given for portable signs to be down. Those in place after that date became illegal signs. Hundreds of portable signs were removed in the late 1980's and early 1990's. Mr. Furr advised staff has worked hard to enforce the ordinance the way it is written. He further noted that banners, streamers, pennants, and

balloons were prohibited before 1986, but for whatever reason, this was not being enforced. No banner or portable sign would come under the "grandfather clause" as the phrase has been used, he noted.

Mr. Furr advised the ordinance allows 30 days to appeal. Giving someone 24 hours to take down a banner is not unreasonable, Mr. Furr noted and said he thinks the City Attorney would agree. The appeal is to the Zoning Board of Adjustment which does have an appeal cost of a \$150.00 fee. He said Mr. Harrison was advised of this process but chose not to go that route. Mr. Mikkelson pointed out Mr. Harrison did appeal to the Zoning Officer (Mr. Furr) and they came up with a resolution regarding the matter (a letter was signed by both Mr. Furr and Mr. Harrison).

Mr. Mikkelson indicated he sees two issues: the level of enforcement (City staff may need to develop clearer policy) and the actual requirements of the ordinance. He indicated the sign ordinance could be reviewed if Council feels a need for this. Mr. Mikkelson reminded those present that this sign ordinance was basically championed by the Community Appearance Commission of citizen volunteers which is appointed by City Council. He also indicated that the Planning Board does get involved. Councilman Martin observed that the manner of enforcement is a possible problem and that Mr. Harrison's is not an isolated incident. He recommended that Council be sensitive to the citizens.

Mr. Ernest Curtis told Council he lives near Harrison's Florist and wonders how anyone could object to this (the florist) being an asset to the City and how one could disagree with their sign. Mr. Furr responded that Mr. Harrison is in complete compliance at this point, and Mr. Mikkelson responded that the sign to which Mr. Curtis is referring was not the issue of the enforcement action. Mr. Furr said there was not a problem with the main sign and the sale of roses at \$19.99 a dozen was ruled part of the main sign.

Mr. Woodson asked for a clarification as to whether there was any problem at all with the main sign of Harrison's Florist which has been in the same location for years and Mr. Furr responded "No sir, no problem at all." He clarified that the violation was the little sign to the side saying rose sale and the banner. Mr. Woodson expressed that he thought it may be time to look at the sign ordinance again.

Mr. Burgin indicated that if the ordinance is vague, it needs to be cleared up, but the sign ordinance is not a bad one and he doesn't want to "throw out the baby with the bath water." Mr. Burgin explained how hard it is to apply the ordinance across the board when there are fine lines at times such as between sizes that are similar but not exactly the same on signs. He supported staff working on the enforcement aspect, and applying the ordinance evenly to our citizens. He expressed concern that things may be tightened up, and referenced twenty years ago when things were getting out of hand with signs. Now we're close to getting the sign situation cleaned up, he noted. Studying the sign ordinance could bring change which would be more stringent, he said. Addressing the small situations "in house" was what Mr. Burgin suggested. He agreed Planning Board and Community Appearance Commission would be good places to start if the Council wants to look at the sign ordinance again. He indicated he did not see a need for another Citizen Advisory Committee since we already have qualified citizens serving on the already existing Planning Board, Community Appearance Committee and other committees.

Mr. Gerry Wood of Gerry Wood Autocentre told Council a business can do whatever they want by disobeying the ordinance and owing the fines, even though he does not expect to pay any more fines.

Mayor Klutz reminded everyone that this Council does try to bring about compromises and often puts things into committee for review.

Thereupon, Mr. Woodson made a **motion** to send the request to the Planning Board and Community Appearance Commission to review the sign ordinance concerning ways businesses can do special sales. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

Mr. Max Kent expressed disturbance regarding business sign exposure. He went on to describe how business signs cannot be seen when trees are planted in front of windows where the signs are. He indicated this hurts small businesses where people need to be able to see the business and the signs. He asked for a re-thinking regarding this situation and taking the common sense approach.

Mayor Klutz asked staff to also look into the code enforcement rules.

SECOND READING - ORDINANCE NO. 2002-64

ZONING TEXT AMENDMENTS - SECTION 9.09, MAINTENANCE, REPAIR AND REMOVAL OF SIGNS AND SECTION 9.10, NONCONFORMING SIGNS

Mr. Harold Poole, Senior Planner, explained the need for a second reading regarding Zoning Text Amendments-Section 9.09, Maintenance, Repair and Removal of Signs and Section 9.10, Nonconforming Signs. He particularly explained that instead of the beginning date of September 3, 2002 with the 120 days running through December 31, 2002, there would now be a beginning date of September 17, 2002 with all existing signs that are abandoned, discontinued, or those becoming obsolete-whether conforming or nonconforming- would have to be in compliance with the ordinance by January 14, 2003 if this ordinance passes on second reading today. Mr. Woodson asked if this applies only if the same name of the business is kept. Mr. Poole responded that the name cannot be changed. He indicated if it does change, the sign would have to come into compliance.

Thereupon, Mr. Martin made a **motion** to adopt Ordinance No. 2002-64 on its second reading. Mr. Woodson seconded the motion. Messrs. Martin, Woodson, and Ms. Klutz voted AYE. Mr. Burgin voted NAY. (3-1)

AN ORDINANCE AMENDING APPENDIX B, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF SALISBURY, NORTH CAROLINA, TO AMEND PORTIONS OF ARTICLE IX, SIGNS, SECTION 9.09, MAINTENANCE, REPAIR, AND REMOVAL OF SIGNS, AND SECTION 9.10, NONCONFORMING SIGNS.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XI - Zoning & Planning, at Page No. 92, and is known as Ordinance No. 2002-64.)

It was necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council.

VOLUNTARY ANNEXATION - OAKVIEW COMMONS, PHASE 3

(a) Mr. Patrick Ritchie, Staff Engineer, explained to Council that Oakview Commons is a residential subdivision located on Faith Road. The owner of the property has requested voluntary annexation. At this meeting, there needs to be a public hearing and a consideration by Council to adopt the ordinance annexing Oakview Commons Phase III with a proposed effective date of December 31, 2002 which is recommended by staff.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to consider voluntary annexation of Oakview Commons, Phase 3.

No one was present to speak **for** or **against** the above proposal. Mayor Klutz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to adopt an ordinance annexing Phase III of Oakview Commons effective December 31, 2002. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, 55.582 ACRES TO INCLUDE OAKVIEW COMMONS PHASE 111.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter XV - Miscellaneous, at Page Nos. 39-40.)

FINAL SUBDIVISION PLAT S-5-02 - OLDE SALISBURY- PHASE 2 (G-17-99)

(a) Mr. Patrick Ritchie, Staff Engineer, presented to Council information that Olde Salisbury is a residential subdivision located off Old Concord Road. He indicated Phase 1 is complete and Phase 2 is now complete with the streets ready to be accepted. He also advised the contractor has posted a security to guarantee sidewalk installation within a two year period. He indicated staff recommends acceptance of Phase 2, as well as accepting the streets, and establishment of stop conditions.

(b) Thereupon, Mr. Woodson made a **motion** to approve final subdivision plat S-5-02 of Olde Salisbury, Phase 2. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

(c) Thereupon, Mr. Woodson made a **motion** to accept maintenance of the streets. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

(d) Thereupon, Mr. Woodson made a **motion** to adopt an ordinance establishing stop conditions. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO STOP SIGNS. (Olde Salisbury, Phase 2)

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter X - Traffic, at Page No. 8, and is known as Ordinance No. 2002-69.)

CONSOLIDATED ANNUAL PLANNING AND EVALUATION REPORT (CAPER)

-

(a) Mr. John Brooks, Community Development Consultant, explained that yearly the city is required to report to the public the state of the Community Development program and expenditures of the Community Development Block Grant (CDBG) received from the federal program of Housing and Urban Development (CDBG). He reviewed with Council highlights of the 2001-2002 fiscal year expenditures and activities of the CDBG program in the City of Salisbury. Some of those highlights are:

- o Salisbury is # 1 for the third year in a row in expenditure of its CDBG funds
- o Hosted record number of meetings, receptions and workshops at the West End Business and Community Center.
- o Received a Section-108 loan for \$650,000 for the future park Avenue Community Center
- o Provided home ownership assistance to 4 new home buyers
- o Rehabilitated five homes in the City of Salisbury and Rowan County
- o Finalized the Oakdale Cemetery project with West End leaders.

Highlights for fiscal year 2002-2003 are:

- o Developing a revitalization plan for the Jersey City Neighborhood
- o Provided over \$60,000 in funding to Rowan Helping Ministries, Family Crisis Council, Community Care Clinic, and Community Garden project.

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

No one was present to speak **for** or **against** the above proposal. Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Burgin made a **motion** to approve the Consolidated Annual Planning and Evaluation Report (CAPER). Mr. Woodson seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

STAFF REPORT CONCERNING THE TRAFFIC SIGNAL AT THE INTERSECTION OF COUNCIL AND LEE STREETS

Mr. Dan Mikkelson, City Engineer, explained to Council that in evaluating the traffic signal at the intersection of Council and Lee Streets, it has been determined that the volume of traffic using this intersection does not warrant having a signal there. The traffic signal will be put on a flashing mode and evaluated in the next month. If it appears that this signal is, indeed, not needed, Mr. Mikkelson will bring back to Council a proposal to remove the traffic signal and install stop signs.

STAFF REPORT CONCERNING MAST ARM TRAFFIC SIGNAL SUPPORTS FOR EAST INNES STREET

Mr. Dan Mikkelson, City Engineer, advised Council that the Innes Street UDAT study of 1995 recommended removal of overhead wires along East Innes Street to improve the appearance of this gateway into the City of Salisbury. He reminded Council that this recommendation led to a Council goal to provide mast arm traffic signal supports along the East Innes Street corridor. With the I-85 project underway, the Department of Transportation (DOT) is to install mast arms at five intersections along East Innes Street between Avalon Drive and Arlington Street.

Due to a change in DOT standards for the mast arm poles, the poles ordered by Duke Power were obsolete when they arrived. NCDOT provided the City with a \$70,000 grant to install mast arms at the Fire Station on East Innes Street and the intersection of Long and Innes Streets. In order to continue with this project using current standards, the City would have to provide approximately \$25,000 of local funds. Council, by consensus, agreed to go along with the local funding required. NCDOT will be contacted with a request to extend the grant of the \$70,000 for another year in order to get this project completed.

BUDGET ORDINANCE AMENDMENT - APPROPRIATE RESTRICTED CONTROLLED SUBSTANCES TAXES - SALISBURY POLICE DEPARTMENT

Police Chief Chris Herring asked Council for approval of an amendment to the 2002-2003 budget in the amount of \$9,434.00 to appropriate restricted controlled substances taxes to be used for two canines and equipment. He explained that a City-owned canine project was decided upon a few years ago so the City would own the dogs instead of the individual officers owning them. Chief Herring told Council one dog would be a replacement due to an officer being reassigned and one will replace a dog lost due to illness. This will bring the total to six dogs, four owned by the City and two by the handlers.

Thereupon, Mr. Woodson made a **motion** to amend the 2002-2003 budget ordinance to appropriate restricted controlled substances taxes in the amount of \$9,434.00, to be used for the Salisbury Police Department Canine Unit. Mr. Burgin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Klutz voted AYE. (4-0)

AN ORDINANCE AMENDING THE 2002-2003 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE RESTRICTED CONTROLLED SUBSTANCES TAXES.

(The above ordinance is recorded in full in Ordinance Book No. 18, under Chapter II - Administrative, at Page No. 86, and is known as Ordinance No. 2002-70.)

REPORT FROM CITY MANAGER

(a) Planning Board Recommendations

Council received the Planning Board recommendations and comments from its September 10, 2002 meeting as information only.

(b) Mitigation Project - City Park

Ms. Gail Elder White, Parks and Recreation Director, reported that some mitigation work has to be done by Wal-Mart along with their construction project. One of the projects involved, as part of the City Park Master Plan, is restoring the stream bed, specifically the concrete channel back to a natural setting. Ms. Elder White informed Council that Wal-Mart will be paying for all of the cost of the mitigation to repair and re-do the stream. The contractor should be on site to begin the work in approximately another week. Major work will be going on in the park.

(c) Group Homes and Family Care Homes

City Manager Treme told Council there have been a number of inquiries regarding group homes and family care homes in Salisbury. Mr. Treme told Council that Rowan County has taken action on a moratorium regarding this matter.

Mr. Joe Morris, Urban Resource Planner, advised Council there has been much public discussion recently regarding the impact of group homes and family care homes on land use and facilities, primarily our schools. Staff is proposing Council approval of A RESOLUTION ESTABLISHING A 90-DAY MORATORIUM FOR THE ISSUANCE OF ZONING PERMITS FOR GROUP HOMES AND FAMILY CARE HOMES. It was pointed out that there has been a recent increase in the number of applications for these kind of facilities. Mr. Morris gave the following information: of the 56 group homes operating in Rowan County, 46 of those are in the Salisbury planning jurisdiction. He went on to say that many of those in adolescent homes here are not from this county, but are brought into the community and are in the local schools.

Mr. Woodson asked about the difference in group homes and family care homes. Mr. Morris indicated that is part of what will be worked on during the moratorium, if approved. There are all kind of identifications for these homes, but the moratorium would give time to sort out the nuances between the group homes and family care homes, and address the impact on land use and other facilities in the community. It would also be an opportunity to have a policy similar to the county policy.

Mr. Woodson asked about the difference in group homes and family care homes and Mr. Morris indicated that is part of what will be worked on during the moratorium, if approved. Mr. Burgin indicated he wants to be sensitive to needs but also recognizes neighborhoods can be overburdened and Council has to look at rebuilding neighborhoods when all that should be happening is for us to carry our fair load.

Thereupon, Mr. Burgin made a **motion** to adopt A RESOLUTION FOR A 90-DAY MORATORIUM FOR THE ISSUANCE OF ZONING PERMITS FOR GROUP HOMES AND FAMILY CARE HOMES. Mr. Martin seconded the motion. Messrs. Burgin, Martin, Woodson, and Ms. Kluttz voted AYE. (4-0)

A RESOLUTION ESTABLISHING A 90-DAY MORATORIUM FOR THE ISSUANCE OF ZONING PERMITS FOR 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. 170, and is known as Resolution No. 2002-32.)

(d) Metropolitan Planning Organization (MPO) vs

Rural Planning Organization (RPO)

-

City Manager Treme explained to Council there is a policy issue coming to the forefront across Cabarrus County and Rowan County regarding Metropolitan Planning Organizations (MPO's) and Rural Planning Organizations (RPO's). Mr. Treme discussed with Council the possible options regarding this matter. At this time, one likely scenario is that we become a part of a Metropolitan Planning Organization (MPO) along with Cabarrus County.

Mr. Dan Mikkelson, City Engineer, told Council the most important thing is that DOT is trying to get the entire state covered by either an MPO or and RPO in the next two years. Under either program, 80% of funding would be received for transportation planning, he said, which makes this an almost funded mandate. The funding source is through the state. He further indicated these funds are guaranteed by federal guidelines for the MPO's. In his opinion, Mr. Mikkelson noted, the MPO would have a slightly stronger position in seeking transportation funding, and thinks Salisbury and Rowan County would have about an equal influence in the MPO if we do, in fact, join with Cabarrus County. He said he thinks an MPO would have more influence with the state than would an RPO.

Mr. Mikkelson pointed out that Rowan County and Cabarrus County have similar transportation needs and concerns. Since the counties are in two different DOT divisions, there would not be the competition for discretionary funding. If the MPO is accepted by Rowan County officials, a presentation will then be made to Salisbury City Council, according to Mr. Mikkelson. If approved, it would then go to the Rowan Municipal Association for presentation since all local governments in Rowan County would have to agree to the MPO. Mr. Treme reiterated that the Cabarrus/Rowan MPO would put us in the strongest position for transportation planning and funding. Councilman Burgin asked what would happen if we don't get an agreement. Mr. Treme responded that we are good at agreements but if we do not come to an agreement on the MPO, we would likely go join a RPO with likely a sliver of Cabarrus County, Stanley County, and possibly one other.

-

(e) Update I-85/ East Innes Street Project

Ms. Wendy Brindle, Traffic Engineer, updated Council on the status of the I-85/East Innes Street project, indicating that traffic has been cut to one lane each way in the I-85 bridge area. She has been monitoring traffic in this area closely and reported that things seem to be running smoothly after a few minor problems at the beginning of this traffic change.

(f) Right-of-Way Easements - Highway 70

City Manager David Treme advised Council that two sections of the Highway 70 water line have contracts in place for construction. The North Carolina Department of Transportation agreed to assist with obtaining right-of-ways for the middle section of the project. These right-of-ways were have not all yet been obtained. Mr. Treme indicated he has written to our new DOT Board member who has been most cooperative, and to our DOT division engineer. He pointed out the City of Salisbury has agreed to provide water to Progress Energy (Rowan Power) by March 1. If the contract cannot be awarded by October 7, Mr. Treme expressed concern about being able to meet the commitment of water to Progress Energy. Since the present circumstances appear to be beyond the control of the City (with DOT being the entity presently securing the easements), Mr. Treme suggested to Council that the City might be able to obtain right of entry on these properties (voluntarily from the property owners) to go on with the work necessary. He said he would do everything possible to meet the contract with Rowan Power. The cost factor, if the City is unable to get the DOT assistance could be from \$250,000 to \$750,000 for a pump through, Mr. Treme reported. The easiest way for the project completion would be for DOT to obtain the right-of ways, according to Mr. Treme.

Mr. Treme advised there was a drought meeting between various cities and towns, and that the main topic being addressed was interconnections. Right now, the City of Salisbury has no interconnections, he reported. The state is pleased our City is helping

other smaller towns nearby, but the state is looking at the possibility of Salisbury setting up an emergency connection to Statesville. Statesville has not asked yet for the emergency connection but it is a possibility. Mr. Treme reminded Council he has written to the Governor and he, along with others met with his staff members to explain the need for funds to make improvement to the City's plant in order to put the City in the position to help others on a short-term basis.

(g) United Way Kickoff

City Manager Treme, who is serving as Chairman of the United Way campaign for Rowan County this year, updated Council on the status of this year's campaign. He informed them that the City of Salisbury is a pacesetter for the campaign this year. Kickoff for the campaign is September 20 and that the overall goal is \$2,150,000.00.

(h) Local Reimbursements

City Manager Treme reported to Council that for the fiscal year ended June 30, 2002, the General Fund's expenditures exceeded revenues by \$931,358 putting the City's undesignated Fund Balance as of June 30, 2002 at 6.63%. He reminded Council there is an important vote in the General Assembly next week on the budget and it is important to support the reimbursements coming back to the cities (the extra ½ cent sales tax).

MAYOR ANNOUNCEMENTS

(a) Holiday Caravan Parade

Mayor Klutz reminded Council of the Christmas Parade, November 27, 2002, beginning at 1:45 p.m.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All Council members agreed unanimously to adjourn. (4-0) The meeting adjourned at 6:30 p.m.

Mayor

-

City Clerk