

Salisbury, North Carolina
April 7, 2009

REGULAR MEETING

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

ABSENT: None

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

PLEDGE OF ALLEGIANCE

Mayor Kluttz asked that the local men and women serving in the Armed Services overseas and the members of Salisbury's 991st Army Reserve and the Air National Guard be remembered. She welcomed home the members of the 846th Army Reserve Transportation Unit and led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present. She recognized Mr. Seth Culp with Boy Scout Troop 448 who attended the meeting to achieve a merit badge.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following changes to the Agenda:

Move Item 11 – Council to consider a request for a one year extension for group development site plan G-23-07 Kelley-Salisbury, 1100 Block of East Innes Street will be heard after the Consent Agenda.

Move Item 9 – Council to receive a presentation from the Salisbury-Rowan Economic Development Commission regarding 2009-1020 City Budget requests. This item will be heard later in the meeting.

Add Item – Council to consider a request for a temporary carnival permit for the J. C. Price American Legion Post, 1433 Old Wilkesboro Road for its annual Memorial Week Celebration to be held May 25-31, 2009. This item will be heard after Item 11.

Omit Item 18 – Council to consider appointments to the Transportation Advisory Board.

RECOGNITION OF THE SALISBURY HIGH SCHOOL GIRLS BASKETBALL TEAM

Mayor Kluttz recognized the Salisbury High School Girls Basketball Team, North Carolina 2A State Champions. A video that was prepared for the Mayor’s Spirit Luncheon held March 31, 2009 recognizing the team’s coach, Mr. Andrew Mitchell was shown. Mayor Kluttz read a Proclamation declaring April 7, 2009 as Salisbury High School Lady Hornets Basketball Day. She presented the framed proclamation to Coach Mitchell and the team and congratulated them on their accomplishment.

RECOGNITION OF RETIRING SERGEANT JERRY GREEN

Police Chief Mark Wilhelm recognized Sergeant Jerry Greene who retired April 1, 2009 after 20 years of service with the Salisbury Police Department. He noted that Sergeant Greene began working in June 1986. He asked Council to authorize him to present Sergeant Greene, who was not in attendance, his badge and sidearm as a token of appreciation for his service to the City.

Thereupon, Mr. Kennedy made a **motion** to authorize issuing Sergeant Green his badge and sidearm for his service to the City. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

CHILD ABUSE PREVENTION MONTH

April 2009

CONSENT AGENDA

(a) **Approval of Minutes**

Approve Minutes of the Regular meeting of March 17, 2009 and the Special Meeting of March 30, 2009.

(b) **Budget Amendment – Salisbury Police Department**

Adopt a budget Ordinance amendment to the FY 2008-2009 budget in the amount of \$4,515 to appropriate funds from the restricted asset forfeiture funds for the Salisbury Police Department.

AN ORDINANCE AMENDING THE 2008-2009 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE RESTRICTED ASSET FORFEITURE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page No. 56, and is known as Ordinance No. 2009-20.)

(c) **Ordinance Amendment**

Amend Ordinance 2009-19 to clarify Section 1.01 regarding membership of the Salisbury Transportation Board.

AN ORDINANCE AMENDING THE CODE OF THE CITY OF SALISBURY, NORTH CAROLINA BY AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1 AND APPENDIX D BOARDS, COMMITTEES, COMMISSIONS, ETC.

(The above Ordinance and is recorded in full in Ordinance Book No. 22 at Page Nos. 57-59, and is known as Ordinance No. 2009-21.)

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

GROUP DEVELOPMENT SITE PLAN G-23-07 – KELLEY-SALISBURY

(a) Mr. David Phillips, Development Services Manager, addressed Council regarding a request for a one year extension for group development site plan G-23-07 Kelley-Salisbury located in the 1100 block of East Innes Street. Mr. Phillips reviewed maps of the area and indicated that the approved plan expired March 18, 2009. He indicated that the developer has requested a one year extension of the site plan. He recommended Council approve the one year extension with the condition that all infrastructure be installed by December 17, 2009 or the guarantee of construction be extended. He noted that the Planning Board recommended approval of the extension and added that the Planning Board's motion but did not include the condition that the guarantee be extended.

(b) Mayor Kluttz opened the floor to receive public comment.

There being no one to address Council, Mayor Kluttz closed the public comment session.

(c) Thereupon, Mr. Woodson made a **motion** to approve a one year extension for group development site plan G-23-07 Kelley-Salisbury with the condition that all infrastructures be completed by December 17, 2009 or the developer must extend the guarantee of construction. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

J.C. PRICE CARNIVAL PERMIT

Police Chief Mark Wilhelm and Ms. Mae Carroll, Commander, J.C. Price American Legion Post 107, addressed Council regarding a temporary carnival permit. Chief Wilhelm reviewed a security plan that was developed for the J.C. Price Post Memorial week festivities. He indicated that he met with several members of the Post to discuss security measures for this year's event. He stated that in the past the Post provided two officers for security and the amusement provider provided four security officers for a total of six security officers each night. Chief Wilhelm proposed that an additional five officers be provided by the Salisbury Police Department. He also proposed that funds previously used to pay the six security guards be paid to the City to be placed in the Police overtime fund and he will assign officers who will work the entire week in order to add stability and security to the event. He pointed out that all alcohol sales and consumption will be contained to one building and people will be scanned for weapons prior to entering the building. He indicated that he feels this is a good plan and noted that Ms. Carroll has also reviewed the plan and is in agreement.

Ms. Carroll reviewed the history of the J.C. Price event. She pointed out that the Post has been part of the community since 1921 and this annual celebration is to honor the memories of those who gave their lives for this country. She stated that the Post supports community youth programs for underprivileged and at-risk youth. She indicated that a large portion of the Post's funding comes from this event and that the Post also funds crime prevention, Halloween, Easter, and Christmas programs as well as provides support for the Children's Home in Oxford, North Carolina. She noted that the Post has been honored with various awards and recognitions for service. She requested Council approve the carnival permit and she stated that the citizens and youth of the community look forward to the Memorial week festivities. She indicated that the Post has worked with the Police Department and has a comprehensive security plan that will ensure maximum safety for those attending the event.

Mayor Kluttz stated that she wants the public to understand that Council is a voice for the community in assuring safety at public events for citizens. She indicated that these types of permits are routine, provided there is no problem. She noted that last year

a complaint was filed by a citizen attending the event which prompted a police investigation. She stated that Council received a very thorough report and was alarmed by the incidents that took place. She pointed out that as a result of the report Council requested a formal security plan be submitted before the permit would be approved. She stated that she understands the carnival is a treasured community tradition and would not want to see this event end because of the action of a few people. She noted that the community has seen tragedy in the past and she does not want that to happen again. She stated that safety is a high concern for Council and if the permit is granted and there are problems, the community needs to understand that this event may have to end.

Councilman Lewis stated that he appreciates the history given by Ms. Carroll and the Post's participation with the Police Department is commendable. He indicated he would like to give the event another chance to be a success.

Mayor Pro Tem Woodson indicated he liked the plan detailed earlier to provide a continuity of officers for the week and that safety of the citizens is Council's responsibility.

Councilman Burgin stated that he did not understand the connection between serving alcohol and the carnival. He stated that he thinks the incidents that occurred last year were not carnival related, but alcohol related. He asked if alcohol was a necessary component of this event. Ms. Carroll indicated that the building where the alcohol will be served is separate from the carnival grounds. She stated that entrance into the building is contingent upon age verification and a weapon search. She also stated that alcohol cannot be carried onto the carnival grounds. She indicated that there will be two security guards and three policemen patrolling the building. Mr. Burgin asked if there is any type of alcohol consumption control. Ms. Carroll noted that bartenders will adhere to all Alcohol Law Enforcement (ALE) rules.

Chief Wilhelm indicated that there are actually two events taking place on one property. Mr. Burgin asked if there were incidents of taking alcohol onto the carnival grounds last year. Chief Wilhelm responded that there were no reports of that happening last year and assured Council that steps will be taken to ensure it does not happen this year.

Mayor Kluttz indicated that Council can add a condition to the permit that prohibits alcohol on the carnival grounds.

Mr. Lewis stated that because of the Post's good faith effort to craft a comprehensive security plan to ensure public safety he can support the permit.

Councilman Kennedy stated that the new security plan will negate the types of problems that occurred last year. He indicated that this is a lifetime event that he attended as a child and has taken his children and grandchildren to enjoy. He stated that he can support the permit.

Mayor Kluttz reiterated that if there are any problems the Police Chief will have the authority to close the carnival down immediately.

Chief Wilhelm indicated that they were understaffed last year and this year staff will be doubled. He stated that he is comfortable with the plan.

Thereupon, Mr. Burgin made a **motion** to allow for the permit with two conditions 1) that no alcohol will find its way into the carnival area 2) upon any trouble at all that the closure of the event can be made by the Police Chief on the spot. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

BUDGET REQUEST – “SPECIAL COMMUNITY EFFORTS GROUPS”

Mayor Kluttz opened the floor to receive requests from Special Community Efforts Groups.

Ms. Marietta Smith, 4745 Sherrills Ford Road, stated that she represents the Rowan Arts Council and their nine affiliate organizations; Carolina Artists, Carolina Baroque, The Concert Choir, Piedmont Players Theater, Rowan County Concert Association, Rowan Blues and Jazz Society, Salisbury-Rowan Choral Society, Salisbury-Rowan Symphony Society and the Water Works Visual Arts Center. Ms. Smith indicated that a recent study identified the need for coordination and communication among the local arts groups and art education for children. As a result, the Rowan Arts Council has established the Art Leaders Round Table which consists of 15 organizations who meet quarterly to share ideas and coordinate programs. Ms. Smith stated that organizations need local funding for basic operations. She requested Council’s continued support in funding the local arts.

Mayor Kluttz thanked Ms. Smith and the Rowan Arts Council for what they do for the community.

2009 JUSTICE ASSISTANCE GRANT (JAG)

(a) Deputy Chief Steve Whitley and Mr. Greg Pannell, Finance Specialist, addressed Council regarding an application for a Justice Assistance Grant (JAG) Recovery Act grant in the amount of \$214,140. Deputy Chief Whitley stated that the Salisbury Police Department is requesting permission to enter into an agreement with the Rowan County Sheriff’s Department to seek funding in the amount of \$214,140 through the Byrne Justice Assistance Grant. He indicated that this grant is comprised of Federal funds to be used for police equipment. Deputy Chief Whitley pointed out that the Justice Department determines funding based on population and crime statistics. He indicated that the City proposes to purchase radios, handguns, holsters, vehicle tracking program, and pawn shop ticket software and that the City’s share of the funds totals \$161,498. Deputy Chief

Whitely recommended Council authorize the City Manager to enter into an agreement with Rowan County.

(b) Mayor Kluttz convened a public hearing, after due notice thereof, to receive comments on the application for a 2009 Justice Assistance Recovery Grant in the amount of \$241,140.

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

(c) Thereupon, Mr. Woodson made a **motion** to approve an application for a JAG Recovery Act grant in the amount of \$214,140. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

TEMPORARY STREET CLOSURE – 300 BLOCK EAST COUNCIL

Lt. Melonie Thompson and Mr. Mark Martin, Landscape Development Manger, addressed Council regarding a request to close the 300 block of East Council Street. Lt. Thompson stated that staff received a request for a street closing permit for Friday, May 1, 2009 through Sunday, May 3, 2009 for an event to be held at Gateway Park located at the corner of Depot and Innes Streets. She indicated that there is a problem with the street closure on Saturday, May 2 because of an outdoor wedding at the Salisbury Depot that has been scheduled since October 2008. She indicated that the request for Friday, May 1 could be granted if permission to use the park is given. She asked Mr. Martin to give details regarding the request to use Gateway Park.

Mr. Martin indicated that the City's parks generally host events of approximately 100-250 people, and the organizers of the Cultural Arts Festival anticipate 2000 people to attend. He stated that the event will involve the park, parking lot, and the closed portion of the street. He expressed concern about adequate parking for an event with this anticipated attendance. He noted that there is also a bus stop with a regular service in this area. He indicated that staff issued the application and would like Council to review the information and give its opinion. Mr. Martin noted that staff recommended the event be moved to a different location for Saturday and Sunday because of the wedding on Saturday and a gourmet food festival already scheduled for Gateway Park on Sunday.

Lt. Thompson stated that staff determined this event should be categorized as a public street festival and needs to be permitted for that type of event. She stated that if the event is considered a street festival it requires a permit be obtained 30 days prior to the event along with a certificate of insurance. She noted that the Chief of Police will need to be involved in terms of traffic control and safety. She stated that another concern is in regards to older people who may attend the event and the need for handicap parking. She added that she feels when these types of events are planned handicap parking and accessibility should also be part of the plan.

Mayor Kluttz clarified that this event requires a festival permit and there is no reason to close the street unless the festival permit is granted. Lt. Thompson agreed.

Mayor Kluttz then asked the applicants to speak on the issue.

Mr. Thomas Morgan, Chairman of the Cultural Arts Foundation, and Mr. George Busby, Foundation member, addressed Council regarding the request. Mr. Morgan read a letter that was sent to the City requesting permission to use Gateway Park.

Mayor Kluttz stated that this is a wonderful idea but she is concerned that there is no festival permit on record. She asked the applicants if they have received a permit.

Mr. George Busby indicated that he thought they had the proper permit for the event and asked what was missing.

Lt. Thompson indicated that there is no street festival permit for the event. She stated that what Mr. Busby submitted is a request for a street closure.

Mayor Kluttz stated that as part of a festival permit a security plan, parking plan, insurance, and business licenses for vendors should all be in place prior to the event. Lt. Thompson indicated that she has received a map of the area, but has not received any insurance information and there is no security or parking plan in place.

Councilman Lewis addressed the parking issue stating that if the City takes this attitude regarding no immediate parking there will never be festivals in Salisbury. He indicated that people find parking during other City events. He pointed out that there is adequate parking in the City but a visitor may have to walk a few blocks to an event. He referred to Lexington and its annual BBQ festival where 100,000 people attend and noted that people will find a place to park. He added that he does believe handicapped parking needs to be addressed, but he does not believe the other parking is an issue.

Mr. Lewis indicated that this decision is a challenge because the event has been published in *Our State* magazine as well as online and people will have the expectation to participate in this event. He commented that if people come to Salisbury to attend the event and the event is not being held it will reflect poorly on the City. Mr. Lewis stated that the City will have to find a way to accommodate the event as much as possible and he suggested a committee be formed to quickly work through any issues. He asked if street festival permits were put in place before the issue of outdoor alcohol sales was discussed. Mr. Joe Morris, Planning Director, stated that there are two Ordinances related to the sale of alcohol and one is specifically associated with street festivals including the use of public properties such as parks and parking lots. He noted that the other ordinance regards sidewalks and sidewalk dining. He stated there has been only been one application for a street festival since the Ordinance was adopted and that may have caused some confusion in classifying this event. He indicated that Lt. Thompson made the correct classification and this event should be considered a street festival.

Mr. Lewis asked if alcohol would be sold. Mr. Busby indicated that there would be no alcohol sold at this event.

Mr. Lewis indicated that Council has discussed how it cannot be in charge of everything that takes place in the City and he feels that this is a case of a lack of collaboration between the event organizers who have the best intentions to try and bring people to Salisbury and demonstrate what is so wonderful about the City, and agencies in the City that could assist them. He stated that he feels these issues cannot be solved today, but perhaps staff can work with the group to find a solution.

Councilman Kennedy asked if the event was advertised. Mr. Busby stated that the event began to be actively advertised on the Internet during December and an ad was published in *Our State* magazine in April. He added that the event has been in development for a couple of years. He indicated that they filed applications as directed by the Parks Department and spoke to the Police Chief and filed the necessary paperwork.

City Manager David Treme indicated that he spoke to Downtown Salisbury Inc., the Tourism Development Authority and other agencies that normally participate in these types of events and each group commented that the festival is a great idea but to start advertising in December or January for an April event is not good planning. He indicated that in speaking with the local arts organizations, no one was familiar with Mr. Busby and he also found that the City logo was being used without the City's permission. He stated that this event has not had proper collaboration and coordination to be a success. He stated that other festivals and events Council is involved in usually take a year to plan. He pointed out that there is no security plan for this event that could bring up to 12,000 people to the City. He stated that if the City requires security plans for a small carnival of 300-400 people there needs to be security in place for an event of this size. He stated that the City is unprepared for this type of event at this time.

Mayor Kluttz suggested Council allow Mr. Busby to apply for a festival permit and waive the 30 day requirement and revisit the issue at the next Council meeting. She stated that she is concerned about setting a precedent with an event that does not have proper permitting but has already been advertised putting Council in a position of having to approve the permit.

Mr. Burgin stated that he shares Mr. Lewis' concern for wanting these types of events and festivals in the City. He stated that he only heard of the festival three days ago. He stated that Council needs to determine if it wants this event to take place and if it does then Council cannot wait two weeks to address the issues. He pointed out that the event cannot take place in the Park on Saturday due to the wedding, but can be held Friday and moved for the other two days. He commented that if the event organizers feel this is the only location the event can take place then he will not support it. He stated that there will have to be compromise from both parties and these issues will have to be addressed prior to the next Council meeting.

Councilman Lewis suggested authorizing the Mayor to sign the permit if all of the stipulations of the Ordinance are met. He commented that the event organizers could work with staff to ensure these issues are resolved. Mayor Kluttz clarified that the items to be resolved include the parking permit, business licenses, the \$1 million insurance certificate, parking plan and the security plan.

Mr. Lewis commented that Council wants to support actions to put a festival in place and not be a hindrance but at the same time has a responsibility to public safety. He stated that if all of the stipulations can be met he is comfortable with the Mayor signing the permit approval on Council's behalf.

Mayor Kluttz asked the speakers if they wanted to respond to Council's discussion. Mr. Busby thanked Council for its consideration and suggested the event could be moved to the Wallace Parking Lot located on Liberty Street for Saturday and Sunday.

Thereupon, Mr. Lewis made a **motion** that City Council authorize Mayor Susan Kluttz to sign an approval for a festival permit for the Salisbury Cultural Arts Festival on May 1, 2, and 3, 2009 pending satisfaction of the requirements of the Ordinance but waiving the 30 day prerequisite. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Thereupon, Mr. Lewis made a **motion** that Council authorize the Mayor to approve the closure of the 300 block of East Council Street Thursday, April 30, 2009 at 12:00 midnight until 12:00 midnight Friday, May 1, 2009 for the Salisbury BBQ Festival pending approval of the festival permit. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz asked for a staff person to serve as the primary contact for the event organizers. Mr. Treme indicated that Mr. Joe Morris will work with the organizers to address these issues. Mr. Morris requested that assistance may also be needed from the Police Department. Mr. Treme indicated the Chief of Police will also work with Mr. Morris.

BUDGET REQUEST – ECONOMIC DEVELOPMENT COMMISSION

Mr. Robert Van Geons, Executive Director of the Economic Development Commission (EDC), and Mr. Pete Teague, EDC Board member, addressed Council regarding the EDC 2009-2010 budget request. Mr. Van Geons pointed out that in 2008-2009 the City allocated \$99,500 to support county-wide economic development efforts by both the EDC and Rowan Jobs Initiative. He noted that Rowan Jobs Initiative is not requesting funding this year and he requested Council's consideration of \$69,498 for the 2009-2010 EDC efforts.

Mr. Teague stated that the Economic Development Commission is the most proactive and properly focused that it has ever been. He noted that the budget request reflects the EDC's desire to be a good steward of the City's money.

Councilman Burgin stated that the City is very fortunate to have Mr. Van Geons as Executive Director of the EDC. He thanked Mr. Van Geons for what he does for the community.

Mayor Kluttz thanked the EDC Board for their dedicated efforts.

LIVINGSTONE COLLEGE

Councilman Kennedy recognized students from Livingstone College who are in attendance.

FINAL SUBDIVISION PLAT – S-01-09 – HIDDEN CREEK SUBDIVISION

Ms. Vickie Eddleman, Engineer Technician, addressed Council regarding approval of final subdivision plat S-01-09 Hidden Creek Subdivision and acceptance of its streets into the City system. She indicated that the streets proposed to be accepted into the City system are:

- Court Side Drive
- Hidden Creek Circle
- Hidden Creek Drive
- Pond View Drive

Ms. Eddleman displayed an aerial map of the area. She stated that in August 2008 Council agreed the City would take over the streets within Hidden Creek Subdivision. She stated that the Hidden Creek Home Owners Association has submitted a revised subdivision plat. She recommended Council approve subdivision plat S-01-09, accept the streets into the City street system and adopt an Ordinance to establish the stop condition.

Thereupon, Mr. Lewis made a **motion** to approve final subdivision plat S-01-09 Hidden Creek Subdivision accepting the streets into the City System and adopt an Ordinance amending Section 13-332, Article X, Chapter 13 of the code of the City of Salisbury, relating to stop signs. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked the residents of Hidden Creek, staff, and Council for all they have done.

AN ORDINANCE AMENDING SECTION 13.332, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO STOP SIGNS

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 60-61 and is known as Ordinance 2009-22.)

ORDINANCE AMENDMENT – SEWER USE, GREASE, OIL, AND SAND INTERCEPTORS

Mr. Aaron Otten, FOG Coordinator, addressed Council regarding an Ordinance related to sewer use and grease, oil, and sand interceptors. Mr. Otten stated that staff came to Council with a Fats, Oils, and Grease (FOG) presentation in January and February 2009. He indicated that based on comments from the public, engineering consultants, environment counsel, and City Council, staff has made minor changes to the FOG Program. He stated that the Program is very user friendly and succinct. He gave an overview of the program:

FOG Control Program Documents

- Program requirements will be based on Sewer Use Ordinance Language
- User Guidance and Salisbury Rowan Utilities Implementation Plan:
 - Provides specific information about the program and its implementation including design standards
 - This document will be located in the Uniform Construction Standards Manual

Mr. Otten reviewed Council's comments made at a previous meeting:

Comments from February 3, 2009

- One compliance date for all existing users to install an approved device:
 - April 7, 2012 (3 years)
- Developed a proposed incentive program to encourage early compliance:
 - If installation is completed within:
 - 1st Year, food service establishment (FSE) may be eligible for \$1,500
 - 2nd Year, FSE may be eligible for \$1,000
 - 3rd Year, FSE may be eligible for \$500

Councilman Kennedy stated that he likes the idea of the incentive. He stated that it will save the City money by not having to clean the pipes and will also help the restaurants with the expense.

Mayor Klutz stated that she likes the idea of one compliance date for everyone.

Thereupon, Mr. Kennedy made a **motion** to amending Article III, Chapter 7, and Articles I and VIII, Chapter 25, of the Code of the City of Salisbury, relating to sewer use

and grease, oil, and sand interceptors. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING ARTICLE III, CHAPTER 7, AND ARTICLES I AND VIII, CHAPTER 25, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SEWER USE AND GREASE, OIL AND SAND INTERCEPTORS.

(The above Ordinance is recorded in full in Ordinance Book No. 22 at Page Nos. 62-63, and is known as Ordinance 2009-23.)

FAT, OILS, AND GREASE (FOG) PROGRAM

This item is continued from the previous item.

Councilman Burgin referred to pages 9 and 10 of the FOG Control Program User Guide and asked how it was determined to use 24 minutes as a retention time in the interceptor. Mr. Burgin asked if this means grease will be trapped in the fixture for 24 minutes.

Mr. Otten stated that 24 minutes is actually the retention time inside the device, not inside the fixture. He noted that the Universal Plumbing Code calls for a 30 minute retention time. He indicated that staff visited other municipalities and 24 minutes was the common period of time. He stated that local mechanical engineers were also consulted and were comfortable using this formula.

Mr. Burgin also asked about the capacity of the grease traps. He indicated that he is concerned the criteria for determining the size of the grease interceptors would create traps that are larger than what would be used by most food service establishments. Mr. Jeff Jones, Utilities and Planning Research Manager, explained that the calculations used to determine the size of the inceptor convert gallons into cubic feet and noted that the traps will not be as large as initially calculated by Councilman Burgin. He stated that staff has reviewed the design and most of the larger traps will have a six foot inside diameter and will be four feet wide by eight feet long. Mr. Burgin stated that he wants to be sure that the size is correct because the City will require the food service establishments to be equipped with the interceptor and it could be quite expensive.

Councilman Lewis asked about the size of the grease trap used for Olive Garden. Mr. Otten noted that the grease trap for Olive Garden was installed prior to the FOG program and is not based on the proposed formula.

Thereupon, Mr. Kennedy made a **motion** to approve a Fats, Oils, and Grease (FOG) Control Program as presented. Mr. Lewis seconded the motion. Mayor Kluttz asked if Council would rather wait until the next Council Meeting to vote on this.

City Manager David Treme stated that the City has to meet the State mandate for the FOG Program and that the City's water and sewer system has to be protected against FOG. He indicated that staff was requested to require the minimum needed for the program and pointed out that the program can be modified if Council wants to revise the process. He stated that staff used best practices in order to have the minimum negative impact to food service establishments. He indicated that Salisbury is among the last cities in the State to adopt a FOG Program and asked Council to approve the program.

Mr. Burgin stated that Council can approve the request, knowing that the program can be revised and asked staff to calculate the size of the grease trap for the new Olive Garden and share the information at Council's next meeting.

Mayor Pro Tem Woodson stated he would like a Council Committee to review the FOG Program.

Mr. Kennedy stated that he has seen employees cleaning the grease and fat from the sewer lines and it is not an easy job. He stated that having the grease traps is the cost of doing business. He indicated that it will have to be done or the City will continue to spend money for the cleanup.

Mayor Kluttz stated that Council has not discussed the cost of the cleanup to the rate payers. She indicated that each time there is a problem with the sewer system, the rate payers are paying and it is unfair to add this on to their cost.

Mr. Treme stated that the proposed FOG Program allows for the minimum requirements without putting a burden on food service establishments. He indicated that if the requirements are found to be difficult, then the program can be revised. He stated that he feels the parameters of the program are not unreasonable and will meet the State mandate.

Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked the Utility staff for their hard work. She stated that they are looking out for the rate payers and Council is grateful for what the Utility staff has done.

STATE LOAN ASSISTANCE REQUEST – AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009

Mr. Jeff Jones, Salisbury-Rowan Utilities Planning and Research Manger, addressed Council regarding a request for State loan assistance through the American Reinvestment and Recovery Act of 2009 for the Town Creek Interceptor Extension (I-85). He indicated that each local government applying for these funds is required to adopt a Resolution asking for the loan assistance. He stated that staff is requesting \$3 million in loan assistance, \$1.5 million will be funded with a zero percent interest loan, and the other

\$1.5 million will be a principal forgiveness loan. Mr. Jones indicated that the total cost of the project is \$6 million.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution to request State loan assistance for Town Creek Interceptor Extension (I-85). Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION TO REQUEST STATE LOAN ASSISTANCE FOR TOWN CREEK INTERCEPTOR EXTENSION (I-85)

(The above Resolution is recorded in full in Resolution Book No. 13 at Page No. 21, and is known as Resolution 2009-11.)

APPOINTMENTS TO TRANSPORTATION ADVISORY BOARD

This item was postponed.

BOARDS AND COMMISSIONS APPOINTMENTS

Human Relations Council

Upon a **motion** by Mr. Lewis, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis, Woodson and Kluttz voting AYE, the following appointment was made to the Human Relations Council:

Mr. Mitch Siegel

Term Expires 3-31-12

Hurley Park Advisory Board

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis, Woodson and Kluttz voting AYE, the following appointments were made to the Hurley Park Advisory Board:

Ms. Sara Hall

Term Expires 3-31-12

Mr. James Donaldson

Term Expires 3-31-12

Parks and Recreation Advisory Board

Upon a **motion** by Mr. Kennedy, seconded by Mr. Woodson, and with Messrs. Burgin, Kennedy, Lewis, Woodson and Kluttz voting AYE, the following appointment was made to the Parks and Recreation Advisory Board:

Ms. Vencia Benjamin

Term Expires 3-31-12

Zoning Board of Adjustments

Upon a **motion** by Mr. Woodson, seconded by Mr. Kennedy, and with Messrs. Burgin, Kennedy, Lewis, Woodson and Kluttz voting AYE, the following ETJ nominations were made to the Zoning Board of Adjustments:

Mr. Frank Thomason
Mr. Sam Meredith

Term Expires 3-31-12
Term Expires 3-31-12

***ETJ nominations will be sent to the Rowan County Board of Commissioners for appointment consideration.*

COMMENTS FROM THE CITY MANAGER

(a) China Grove Feasibility Study

City Manager David Treme reported that he met with Mr. Bill Pless, China Grove Town Manager, who requested a feasibility study for consolidation of the water and sewer lines. He stated that he asked Mr. John Sofley, Management Services Director to review the information for feasibility. He indicated that if there is no impact to rate payers then consolidation may be in order. He stated that he will meet with Mr. Pless and the China Grove representatives regarding staff's findings to determine if a recommendation should be made to Council. He asked Council's permission to proceed with the review of the feasibility study.

MAYOR'S ANNOUNCEMENTS

(a) Historic Art Trail Marker

Mayor Kluttz announced that the Public Art Committee will hold a dedication of the Historic Art Trail Marker celebrating the 100th Anniversary of the Travelers Club Thursday, April 9, 2009 at 3:00 p.m. at the Henderson Law Office located at the corner of Fisher and Church Streets.

(b) Earth Night Out

Mayor Kluttz announced that Downtown Salisbury Inc. will host Earth Night Out Friday, April 17, 2009 downtown Salisbury from 5:00 p.m. until 10:00 p.m.

(c) Prevent Child Abuse Month Peace Vigil

Mayor Kluttz announced that Prevent Child Abuse Rowan, in collaboration with Downtown Salisbury, Inc. will hold its 2009 Child Abuse Prevention Month Peace Vigil

Friday, April 17, 2009 at 7:45 p.m. at the Thread Shed parking lot located in the 100 block of East Fisher Street.

(d) Spring Spruce Up Week

Mayor Kluttz announced that the Community Appearance Commission and Public Services Department will hold Spring Spruce Up Week and Appliance and Tire collection April 20-24, 2009.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Kennedy, seconded by Mr. Burgin. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:05 p.m.

Susan W. Kluttz, Mayor

Myra B. Heard, City Clerk