

Salisbury, North Carolina  
June 21, 2011

## **REGULAR MEETING**

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

**ABSENT:** Mayor Susan W. Kluttz

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Pro Tem Blackwell at 4:00 p.m. The invocation was given by Councilmen Woodson.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Pro Tem Blackwell welcomed all visitors present.

## **CHANGES TO THE AGENDA**

Mayor Pro Tem Blackwell noted the following change to the Agenda:

Deletion of Item 8 - Council to consider a request to temporarily close the 100 block of East Fisher Street, from 12:00 a.m. Wednesday, June 22, 2011 until 11:00 p.m. Thursday, June 23, 2011, and to close the 100 and 200 blocks of South Lee Street from 4:00 p.m. until 11:00 p.m. Thursday, June 23, 2011 to accommodate a Brick Street Live outdoor concert event.

## CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of June 7, 2011.

(b) Budget Ordinance Amendment – Insurance Proceeds

Adopt a budget **Ordinance** amendment to the FY2010-2011 budget in the amount of \$17,958 to appropriate insurance proceeds.

ORDINANCE AMENDING THE 2010-2011 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 35, and is known as Ordinance 2011-22.)

(c) Temporary Street Closure for neighborhood event

Close the 400, 500, and 600 blocks of South Fulton Street Saturday, July 2, 2011, from 2:00 p.m. until 4:00 p.m. for a neighborhood event.

Thereupon, Mr. Woodson made a **motion** to adopt the Consent Agenda as presented. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

## ECONOMIC INCENTIVE GRANT FOR UNIVERSAL FOREST PRODUCTS

Mayor Pro Tem Blackwell introduced Mr. Scott Shelton, Project Manager for Salisbury-Rowan Economic Development Commission (EDC) and Mr. Jeff Richards, General Manager of Operations for Universal Forest Products. Mr. Shelton spoke to Council regarding a request for grant funds for Universal Forrest Products.

Mr. Shelton noted the City has an opportunity to partner with an existing industry to occupy a vacant building and add 49 new jobs. He noted this project would represent a \$1,000,000 investment in equipment, and an additional \$1,600,000 for the acquisition and renovation of the building. He reviewed a summary of the expansion.

- Potential \$2.6 million investment in Salisbury by the Company
- New business personal property of \$1,000,000
- An estimated \$62,250 of new tax revenue for the City, over the next 10 years
- An opportunity to further diversify the industrial tax base
- An opportunity to refurbish and occupy a vacant building in Salisbury
- Rapid creation of 49 new jobs in Salisbury

Mr. Shelton provided Council with information about Universal Forest Products:

- Established in 1955 in Grand Rapids, Michigan
- Universal Forest Products is the leading producer of pressure-treated wood and the largest manufacturer of engineered roof systems for manufactured housing and site-built construction in North America
- Universal Forest Products is a publically-traded company with over 6,000 employees and nearly 80 facilities in North America
- Since 1974, the Company has operated a facility in Rowan County. The current operation is located at 358 Woodmill Road and employs 144

Mr. Shelton explained the Potential Project:

- Universal Forest Products seeks to purchase the former Maxon Furniture building on Grace Church Road for their proposed expansion
- Universal Forest Products would establish a new, separate and additional location at the building
- Project would involve approximately \$1 million in building construction, site improvements and new equipment
- Company would employ 49 at the new facility by 2014

He displayed a map showing the proposed location, noting the site is within the City limits and is compliant with existing zoning regulations.

Mr. Shelton reviewed the Grant Eligibility:

- Universal Forest Products is in discussions with the State of North Carolina for possible grant assistance through the One NC Fund. These grants require a local match through non-State sources
- The EDC is requesting the City of Salisbury contribute \$37,500 as part of the local match
- Rowan County has agreed to contribute \$37,500 toward the project, to be combined with assistance from Duke Energy

Mr. Shelton stated the project is competitive in nature, and Universal Forest Products is looking at locations in South Carolina, Virginia and North Carolina. He commented the incentive package is necessary to keep the project in Salisbury. He noted the annual economic impact of the 49 jobs created would be \$2,820,770 and the state and local tax impact would be \$283.814.

Mr. Shelton presented the Proposed Incentive Agreement:

- Universal Forest Products agrees to create 49 new jobs by December 31, 2014
- Salisbury would provide a "Job Creation" grant of \$765.31 per job created, until the maximum grant is reached
- Universal Forest Products may request one grant installment per fiscal year, with a maximum of three payments

- Maximum amount of the total grant will be \$37,500
- Agreement shall not extend beyond four years from the initial date
- Universal Forest Products may only request payment after all real and personal property taxes assessed against the Property and the Company, by the City, have been paid

Mr. Shelton noted the agreement has a draw-back provision that if the company should cease operation, or eliminate the majority of its workforce (51% reduction or more within a 12-month span), the Grant Agreement will be terminated, and the Company will be required to repay all grant proceeds provided during the 36 months prior to the cessation or reduction.

Mr. Shelton informed Council the 49 new jobs and the tax revenue generated would benefit the City of Salisbury and Rowan County. He noted the project would allow Universal Forest Products to purchase, refurbish, and occupy a vacant industrial building in Salisbury. He concluded by stating it would be a win-win for the City, Universal Forest Products and Rowan County.

Councilman Woodson stated Council is always pleased to see a vacant building occupied.

Councilman Miller commented he is very happy to see job creation. He thanked Mr. Roberts and Universal Forest Products for investing in the community, and concluded by stating he thinks this project is a great thing.

Mayor Pro Tem Blackwell convened a public hearing, after due notice thereof, to receive comments regarding the Economic Incentive Grant for Universal Forest Products.

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

Councilman Kennedy stated he supports the incentive grant. He noted this is an opportunity for the City to provide a small amount to create jobs that will have a tax impact of over \$280,000. He asked City Manager David Treme from which fund the grant funds will be taken. Mr. Treme responded the money will come from development funds budgeted for this reason.

Thereupon, Mr. Kennedy made a **motion** to approve an Economic Incentive Grant for Universal Forest Products up to a maximum grant award of \$37,500. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

**TEMPORARILY CLOSE THE 100 BLOCK OF NORTH MAIN STREET FOR A BRICK STREET LIVE OUTDOOR CONCERT EVENT**

Police Chief Rory Collins addressed Council regarding a previously approved closure of the 100 block of North Main Street to accommodate an outdoor concert event. Chief Collins noted when this item was presented to Council a public hearing was held and Council approved

the request to close the 100 block of North Main Street August 27, 2011 for a concert. He noted this event was brought to Council because of the location for the requested closure, and because there are residential apartments in the area. He added staff also took into consideration the fact Main Street is a main thoroughfare and a detour route from Interstate 85. Chief Collins indicated the North Carolina Department of Transportation (NCDOT) must also approve closures that take place on Main Street.

Chief Collins indicated Council approved the request for the street closure with the stipulations that the businesses and residents in the area be made aware of what is taking place. He stated Council also wanted to ensure the Police Department could manage the closure and the event taking place. He noted all of these stipulations were met, and staff was waiting to receive approval from NCDOT. He stated staff has now received a response from NCDOT indicating it is not comfortable with the closure because of the timeframe required to remove the stage if there is an emergency on the interstate, and the detour must be instituted. He added NCDOT also expressed concern because it believes the chance of having to implement the detour is greater with the construction of the Yadkin Bridge. Chief Collins indicated NCDOT did not state the event could not take place, but did indicate it would remove itself from all liability if Council should move forward with the event, and this is why the request is back before Council.

Chief Collins displayed a map of the detour used during normal conditions. He stated traffic traveling from Spencer along Main Street will travel to the intersection at Council Street, and turn left or right. He pointed out trucks will be asked to turn two blocks earlier onto Kerr Street. He stated cars traveling from South Main Street will be required to turn right onto Innes Street.

Chief Collins pointed out there is an alternate detour route which is also used in the event of an emergency on the interstate. He noted this route runs from the Interstate to Long Ferry Road to Long Street, and is used as a secondary detour in the event Main Street is not available. He stated if the request is approved as it stands, the Police Department will use the Long Street detour until the stage could be moved.

Councilman Kennedy asked the rationale for using North Main Street for the concert rather than a different location. Chief Collins indicated the request for this location was submitted by Miller-Davis Studios.

Mayor Pro Tem Blackwell recognized Mr. Mike Miller from Miller-Davis Studios. Mr. Miller stated one reason the event was moved from Fisher Street, where other concert events are held, is because the event is expected to draw between 3,500 and 4,500 people. He added the stage will also be larger and will be towed by a tractor trailer. Mr. Miller stated in the original petition for the street closure he indicated it would take approximately three hours to move the stage, but because it will be moved with the tractor trailer truck, he believes it can be moved within one hour. He commented many events take place on South Main Street and Fisher Street, and he has received requests for events to be held on North Main Street.

Councilman Miller noted NCDOT indicates it will not accept any level of liability if a negative incident should occur as a result of the closure if Council moves forward with the

request. He stated the event promoters will provide the City with a Certificate of Insurance to cover liability, and he asked if this coverage will be for the same liability issues mentioned by NCDOT. City Attorney Rivers Lawther stated he would have to review the Certificate of Insurance to determine its coverage, but he does not believe it would cover traffic operations by a municipality. He added the only difference in the detour is it will use Long Street rather than Salisbury Avenue from Long Ferry Road, and if there are any damages caused by using this route, NCDOT is indicating the City will be responsible. Councilman Miller asked about the type of damage for which the City might be liable. Mr. Lawther responded the type of incident would be a truck that cannot make a turn on that particular street and overturns, or if traffic is not moving quickly enough on Long Street and it causes a wreck.

Councilman Woodson commented he thinks the event will be good for Salisbury and bring recognition to the City. He asked Chief Collins for his guidance. Chief Collins stated that from a Police Department standpoint, the Department can manage the event and closure. He indicated if an event should occur on the interstate he feels more comfortable since Mr. Miller has indicated the delay will be reduced to one hour.

Thereupon, Mr. Woodson made a **motion** to temporarily close the 100 block of North Main Street from 12:00 a.m. Friday, August 26, 2011 until 6:00 a.m. Sunday, August 28, 2011 to accommodate a Brick Street Live outdoor concert event. Councilman Miller seconded the motion, and stated he would like to make sure the City receives the Certificate of Insurance for the event and Mr. Lawther can report to Council that it satisfies Council's concerns. Mr. Woodson added Council approves the request as long as it feels the insurance is covered, and the City Attorney can review.

Mayor Pro Tem Blackwell asked if Council would like to defer this item until July 7, 2011 to allow the insurance issue to be reviewed. Mr. Mike Miller commented his company needs to promote the event, and he asked Council's consideration to take action today.

Mr. Woodson indicated Mr. Lawther can review the insurance and let Council know if there is a problem.

City Manager David Treme stated insurance for the event will cover things that might take place during the event such as the crowd and property. He noted the liability referred to by NCDOT is regarding traffic operations. He indicated the stage can be moved within an hour and Main Street could be reopened within two hours. He stated although there is potential for some liability to occur it seems very small given the one to two hour timeframe the alternate detour would be used.

Mr. Lawther indicated the liability to the City will be based on negligence, and he would prefer Council make a determination that it is not creating a dangerous condition since Long Street is fairly wide. He pointed out the City has liability insurance, but there must be an underlying negligence by the City for it to pay in the event of an incident on the public streets. He added he does not think the concert insurance will cover a City street that is located away from the event. Mr. Lawther stated unless the City is negligent setting up the conditions that cause an accident, the City would not be liable.

Chief Collins commented the Police Department has used the Long Street detour as a secondary detour in the past, and it was used without incident.

Mr. Kennedy asked if Risk Manager Richard Kelly has reviewed the request since he coordinates insurance for the City. Mr. Treme responded Mr. Kelly has not had a chance to review. Mr. Kennedy stated he would like to have the event, but he is worried about liability for the City in case something happens.

Mr. Treme reiterated the concert event will have insurance to cover it, and the City has insurance as well. He stated the City would have to be shown to be negligent, and he does not know what conditions the City could create that would be negligent since the alternate detour has been used in the past. He commented if Council decides this event is not in the best interest of the City it will be a good decision, or if it decides to allow the event, staff will make sure it is handled with the utmost care to ensure there is no negligence on the City's part.

Councilman Miller noted there is a motion on the floor and asked that it be restated. Mr. Woodson asked if the motion should include the friendly amendment. Mr. Miller asked Mr. Woodson to state his original motion.

Thereupon, Mr. Woodson made a **motion** to temporarily close the 100 block of North Main Street from 12:00 a.m. Friday, August 26, 2011 until 6:00 a.m., Sunday, August 28, 2011 to accommodate a Brick Street live outdoor concert event. Councilman Miller seconded the motion. Messrs. Miller and Woodson, and Ms. Blackwell voted AYE. Mr. Kennedy voted NO. (3-1)

**TEMPORARILY CLOSE THE 100 BLOCK OF EAST FISHER STREET AND THE 100 AND 200 BLOCKS OF SOUTH LEE STREET FOR A BRICK STREET LIVE OUTDOOR CONCERT EVENT**

This item was omitted.

**USE OF FISHER STREET POCKET PARK AND TEMPORARILY CLOSE THE 200 BLOCK OF SOUTH LEE STREET FOR EVENT AT THE NORVELL CHILDREN'S THEATER**

Police Chief Rory Collins and Parks and Recreation Director Gail Elder White addressed Council regarding a request to use Fisher Street pocket park and to temporarily close the 200 block of South Lee Street.

Chief Collins stated F&M Bank has submitted a request to close Lee Street from the intersection of Fisher Street to the entrance of the City Hall rear parking lot. He noted this request is to facilitate an event to be held at the Fisher Street pocket park, and the closure presents no issue or concern from the Police Department.

Ms. Elder White indicated pocket parks are not typically permitted for use, but staff felt this was a special request. She added because of the location of the park the street closure would be necessary to host the event and accommodate pedestrians.

Thereupon, Mr. Miller made a **motion** to allow the use of Fisher Street pocket park and parking lot and to temporarily close the 200 block of South Lee Street from the intersection of Lee and Fisher Streets to the entrance of City Hall rear parking lot, Wednesday, July 13, 2011 from 3:00 p.m. until 8:00 p.m. to facilitate an event at the Norvell Children's Theater. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

Mayor Pro Tem Blackwell pointed out this event is "Producer's Night" for the grand opening of the play "Grease" at the Norvell Children's Theater.

### **SPEED LIMIT ON INSTITUTE STREET**

Traffic Operations Manager Wendy Brindle addressed Council regarding a request to reduce speed on Institute Street. She explained the City has policies for speed limits and in primarily residential areas, petitions to reduce the speed limit are allowed. She stated Captain Melonie Thompson and members of the Police Department worked with the neighborhood to obtain signatures for the petition, and 62% of the property owners signed. Ms. Brindle noted over half of the properties where owners did not sign the petition were vacant lots, and the Police did not attempt to contact the owners.

Ms. Brindle stated the request is consistent with the City's policies and is supported by the Police Department, and she recommended approval of the request.

Councilman Miller asked what the current speed limit is for the street. Ms. Brindle responded the street is not posted, so it is 35 miles per hour.

Councilman Kennedy commented the street is very large and traffic does move speedily, and he thinks it is important to lower the speed limit.

Mayor Pro Tem Blackwell asked what steps will be taken to gain driver's attention to comply with the new speed limit. Ms. Brindle stated in the past when new speed limit signs were posted, the Police Department held a directed patrol in the area to warn drivers the speed limit has been reduced. She added the Police may also issue citations. Ms. Blackwell asked Police Chief Rory Collins if the directed patrol is his intention. He responded it is, and citations would depend upon the speed the car is traveling. He added Police will attempt to issue warnings first to make drivers aware of the change.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13, of the Code of the City of Salisbury, relating speed limits – generally. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms.



Blackwell voted AYE. (4-0)

ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS-GENERALLY.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 36, and is known as Ordinance 2011- 23.)

**PARKING ON OLD PLANK ROAD BETWEEN THOMAS STREET AND CRAIGE STREET**

Traffic Operations Manager Wendy Brindle indicated the request before Council is a follow-up to Council's decision to close a portion of Old Plank Road. She noted Livingstone College requested a portion of Old Plank Road be closed between Thomas Street and an adjoining property line. She indicated Livingstone College has now physically closed the street with fencing. She pointed out the majority of the road is now private, and the existing parking restriction for the south side of the street is no longer valid. Ms. Brindle stated the only remaining portion of the street that is open is 717 Old Plank Road, and the property owner has requested the restriction be removed. Ms. Brindle noted through traffic is no longer allowed, and staff recommends removing the restriction between Thomas Street and Craige Street on Old Plank Road.

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending section 13-338, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited at all times. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

ORDINANCE AMENDING SECTION 13-338, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING PROHIBITED AT ALL TIMES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 37, and is known as Ordinance 2011-24.)

**APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

This item was postponed.

**PUBLIC COMMENTS**

Mayor Pro Tem Blackwell opened the floor to receive public comments.

Mr. Clyde Overcash, Bank Street, stated he is trying to clean up the area in the 200 block of South Lee Street but has run into a problem. He indicated Fibrant conducted an installation on

the utility poles using metal and foam insulation, and Fibrant has told him the problem will be corrected. He stated he asked if he could paint the Duke Power pole but was told he could not. He added he understands the poles will not be painted by Duke Power because there is a problem with the banners in the downtown area. Mr. Overcash stated when Fibrant installed fiber it broke a water main on his property, and Utilities replaced the box with a large plastic box. Mr. Overcash stated there is no service or meter at the address where the box was installed. He noted he has asked for the meter box to be removed and has been told it would cost \$1,400. He asked for Council's help to have the box removed.

There being no one else present to address Council, Mayor Pro Tem Blackwell closed the public comment.

### **CITY MANAGER'S COMMENTS**

(a) **Adopt final FY2011-2012 Budget Ordinance.**

City Manager David Treme noted Council recently conducted two days of budget workshops where Council made several changes to the recommended budget. He noted these changes reduced the tax rate, which represents a reduction in taxes for the City. He then presented the FY2011-2012 Budget Ordinance for Council's consideration.

Councilman Woodson noted there was a great deal of work done on the budget this year, and he was pleased the tax rate could be reduced.

Councilman Miller thanked staff for their work on the budget, and noted he appreciated the debate conducted throughout the process.

Thereupon, Mr. Woodson made a **motion** to adopt the Budget Ordinance for the City of Salisbury for Fiscal Year beginning July 1, 2011 and ending June 30, 2012. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

**BUDGET ORDINANCE OF THE CITY OF SALISBURY FOR THE FISCAL YEAR BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2012.**

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page Nos. 38-56, and is known as Ordinance 2011-25.)

(b) **2011 SAFER Grant**

City Manager David Treme indicated staff has seen an effort from the United States Department of Justice and Homeland Security to provide grant funds for fire and police services because many departments across the country have made cuts in order to balance their budgets. He stated the City also had to adopt a budget that fit its income and this included a reduction in force. He indicated the City had an opportunity to apply for a grant from the Homeland Security to pay 100% over a two-year period for six firefighters. He noted in the third year there would

be a \$220,000 to \$230,000 cost the City would have to guarantee to cover.

Mr. Treme pointed out several weeks ago Council was presented information regarding a Community Oriented Police Services (COPS) grant for four police officers. He stated these positions would be no cost to the City for a three-year period, but in the fourth year the City would have to cover the \$181,409.64 cost.

Mr. Treme stated he wanted to share this information with Council given the uncertain economic times, in order to determine if Council would like to proceed. He added this would be an opportunity to replace positions that have been lost, but the City would be required to fully fund the positions in the third year. He noted the City would not be able to cut more positions from the Fire Department once accepted, because the City must show an increase of six firefighters on the roster from the beginning to end of the grant period.

Fire Chief Bob Parnell indicated the City applied for six firefighters because six is the number that will put the Fire Department in compliance with the National Fire Protection Association (NFPA) 1710 standard. He explained this is a staffing and resource standard which would require the City respond with four firefighters on each of the five fire trucks from each of the four fire stations. He noted up until this time, the Fire Department has not met this standard because it was short two firefighters per shift.

Chief Parnell noted staff has applied for this grant in previous years, but each of those applications were for three firefighters and each application was denied. Chief Parnell stated the applications were denied because the requested number of firefighters would not bring the Fire Department into compliance with NFPA 1710 standard.

Chief Parnell stated in the newly adopted budget there is a reduction of six firefighters, and as with the loss of any firefighting positions, it could impact the safety of the community and service delivery. He commented the grant would make up for those positions, at no cost to the City for two years.

Councilman Woodson commented the required cost to the City in the third year is approximately \$220,000, which equals almost a penny on the tax rate. He stated this is a risk the City will have to take in hopes of the economy improving.

Mayor Pro Tem Blackwell commented the Fire Department had to be aggressive in its staffing request to increase the likelihood of the grant application being approved. Chief Parnell agreed.

Councilman Kennedy noted some of the leaders in the Fire Department were cut in the Reduction in Force, and he asked if grant positions would be the people actually manning the fire equipment. Chief Parnell responded the Fire Department lost administrative staff positions in the Reduction in Force, and those three positions will not be replaced. He stated the City's rating response is based on the number of firefighters assigned to the trucks and that is where the six firefighters will be placed.

Mr. Kennedy stated he supports the grant and he hopes the economy will improve in the third year.

Thereupon, Mr. Kennedy made a **motion** to accept the 2011 Department of Homeland Security Staffing for Adequate Fire and Emergency Response (SAFER) grant. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Ms. Blackwell voted AYE. (4-0)

Councilman Miller asked Chief Parnell to remind Council of its commitment during the next budget process so Council can plan for the funds over two years.

Mr. Treme noted Salisbury is one of five Class 2 fire departments in the State of North Carolina, with Greensboro being the only Class 1 in the State. He added he thinks this will be an opportunity for the City to increase the service it provides, and he thanked Council for its support.

(c) Hill Street Tower Fire Protection

Assistant City Manager John Sofley noted the City owns a piece of property located on Hill Street in Granite Quarry. He stated this is where the City's 800 trunking tower and satellite broadcast equipment is located. He indicated staff thought the area was served by the Granite Quarry Fire Department, but it has come to staff's attention that the first responder for the location is the Rockwell Rural Fire Department. He commented Rockwell Rural Fire Department actually has to travel through Granite Quarry to get to the site.

Mr. Sofley stated staff is talking with Granite Quarry about possible steps to have Granite Quarry serve as the first responder for the site, since it is the closest in proximity, and the site is crucial for Salisbury's public safety and Fibrant operations. He stated he will meet with Granite Quarry representatives to see if an agreement can be drawn which will allow Granite Quarry to serve as the first responder, or the City could ask Granite Quarry to voluntarily annex the site. Mr. Sofley stated he will work with the option that will have the least financial impact to the City. He pointed out even if the property was annexed by Granite Quarry, there is no tax consequence since the City is tax exempt.

Mr. Sofley commented Rockwell Rural is a good fire department, but in this instance Granite Quarry is located much closer to the site. He stated he wanted to gain Council's consensus as staff begins working on this issue. By Consensus, Council agreed for staff to proceed.

(d) Arlington Street Sewer Easement

Community Planning Services Director Joe Morris indicated staff has been working with Faison Associates and MFW Real Estate for the past several months for the sale of City-owned property located on Arlington Street. He stated the property has now been surveyed, and the buyers have asked the City to address an easement issue. He noted the buyers have requested the

City execute a Release, Termination and Abandonment of Sanitary Sewer Easement Agreement. Mr. Morris indicated he has worked with Salisbury-Rowan Utilities to determine that the old utility pipes on the property are no longer in use. He noted in the original survey of the property there was a note by the City that the easement was to be abandoned, and the buyer is now requesting the City delete this from the survey. He confirmed the lines are no longer of any use to the City, and after consultation with the City Attorney, staff requests Council authorize Mayor Pro Tem Blackwell to execute the Release, Termination and Abandonment of Sanitary Easement Agreement. He pointed out this change will not affect the agreed upon price of the property of \$129,111.84.

Councilman Kennedy asked where the funds from the sale of the property will be placed. Mr. Morris stated he anticipates the funds will go into the General Fund.

Thereupon, Mr. Miller made a **motion** to execute the Release, Termination and Abandonment of Sanitary Sewer Easement document that has been presented, and authorize the Mayor Pro Tem as representative of Council to sign the document. Mr. Woodson seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. (4-0)

#### **MAYOR'S ANNOUNCEMENTS**

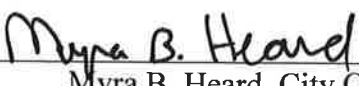
(a) Salisbury City Council meeting rescheduled

Mayor Pro Tem Blackwell announced The Salisbury City Council meeting scheduled for Tuesday, July 5, 2011 has been rescheduled for Thursday July 7, 2011 at 4:00 p.m.

#### **ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Kennedy, seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:08 p.m.

  
Susan W. Kluttz, Mayor

  
Myra B. Heard, City Clerk