

Salisbury, North Carolina
November 15, 2005

REGULAR MEETING

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

ABSENT: None.

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

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.

RECOGNIZE SALISBURY HIGH SCHOOL GIRL'S GOLF TEAM - STATE 1A/2A/3A CHAMPIONSHIP

Mayor Kluttz recognized the Salisbury High School Girl's Golf Team who won the State 1A/2A/3A Championship and noted that the team had begun only five years ago. The team members are Allison Lee, Lauren Smith, Ashley Jordan and Megan Ming. Mayor Kluttz read a Proclamation proclaiming November 15, 2005 as Salisbury High School Hornet's Golf Day. Mayor Kluttz then presented Coach Dale Snider with a framed copy of the Proclamation.

RECOGNIZE VARIOUS BUSINESSES/ORGANIZATIONS FOR THEIR SUPPORT OF SALISBURY FIRE AND POLICE DEPARTMENTS

Mayor Kluttz recognized several special groups that have shown appreciation to the men and women of the Fire and Police Departments by hosting cookouts, luncheons and services in their honor. Mayor Kluttz then presented Certificates of Appreciation to Ms. Jane Kinard of Autumn Care of Salisbury; Ms. Lynn Carlyle of Lutheran Home at Trinity Oaks and Trinity Oaks Retirement Center; a resident of Yadkin House accepting for Mr. Richard Smith; Ms. Pam Lippard of Stallings Memorial Baptist Church; Mr. Gary Burris of Community Baptist Church; and Dr. Kenneth Lance of First Baptist Church. She expressed Council's gratitude for their support of the Police and Fire Departments throughout the year.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

SMOKE AND STEEL DEDICATION October 28, 2005

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of October 1, 2005.

(b) Oakview Commons Section 3, Phase 1-B - Street/Utilities Maintenance

Approve acceptance of the streets and utilities for maintenance in Oakview Commons Section 3, Phase 1-B and adopt an Ordinance establishing stop conditions.

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. 20, Traffic, at Page No.85, and is known as Ordinance No. 2005-52.)

(c) Fire Station 50

Adopt a Capital Project Ordinance to revise Capital Project Ordinance No. 2005-47 for the construction of Fire Station 50.

CAPITAL PROJECT ORDINANCE TO REVISE ORDINANCE #2005-47

(The above Ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 86, and is known as Ordinance No. 2005-53)

(d) Police Department

Adopt a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$26,840 to appropriate restricted asset forfeiture funds for the Police Department.

AN ORDINANCE AMENDING THE 2005-2006 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. 20, Budget, at Page No. 87, and is known as Ordinance No. 2005-54.)

(e) Police Department

Adopt a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$11,078 to appropriate various donations received by the Salisbury Police Department and to appropriate asset forfeiture funds.

AN ORDINANCE AMENDING THE 2005-2006 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA, TO APPROPRIATE FUNDS FOR THE PURCHASE OF POLICE EQUIPMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 88, and is known as Ordinance No. 2005-55.)

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

STAFF REPORT - HYBRID VEHICLES

Mr. Ted Phillips, Fleet Division Manager, presented to Council a report on two new vehicles purchased by the City. The first is a 2006 two-wheel drive Ford Escape Hybrid. Mr. Phillips informed Council that the vehicle will be used for the City's mail route, water meter readings and fire inspections. In comparing gas consumption of the hybrid vehicle versus a gas powered vehicle, the hybrid is estimated to save approximately \$17,817 in fuel costs over the life of the vehicle. Mr. Phillips stated that the second vehicle is a pure electric vehicle and will be used to collect water samples at Grant Creek Wastewater Treatment Plant, and may also be used by Parks & Recreation and the Police Department. He pointed out that at today's price of gasoline, the fuel savings on the electric car will be approximately \$1.78 per gallon.

Mayor Kluttz congratulated the staff for obtaining these cars, adding that the City is committed to cleaning up the environment.

RECOGNIZE PUBLIC SERVICES DIRECTOR VERNON SHERRILL

Mayor Kluttz read a Resolution to Council recognizing Public Services Director Vernon Sherrill who will retire from the City of Salisbury after twenty-five (25) years of service.

Thereupon, Mr. Burgin made a **motion** to pass the Resolution recognizing Public Service Director Vernon Sherrill's retirement. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION RECOGNIZING PUBLIC SERVICES DIRECTOR VERNON SHERRILL'S RETIREMENT AFTER 25 YEARS OF SERVICE.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 40, and is known as Resolution No. 2005-35.)

Mayor Kluttz then presented a framed copy of the Resolution to Mr. Sherrill.

City Manager David Treme, on behalf of the Management Team, expressed appreciation to Mr. Sherrill and presented him with a framed print of the Steeple of Salisbury, adding that Mr. Sherrill had been a blessing to the City and would be missed.

Each Councilmember expressed their appreciation and gratitude to Mr. Sherrill for his work throughout the years.

Mayor Kluttz commented that under the leadership of Mr. Sherrill, Public Service has done an outstanding job, adding that he has been a valuable member of the Management Team. Mayor Kluttz expressed her appreciation in his making the City a better place and extended best wishes to Mr. Sherrill and his family in the future.

ZONING TEXT AMENDMENT - USED CAR SALES AND SERVICE IN B-7 DISTRICT

(a) Mr. Preston Mitchell, Senior Planner, stated that this request is for a zoning text amendment and was heard by the Planning Board on October 11, 2005. The Petitioner is Affordable Cars of Hickory and Statesville with the applicants being Mr. Stephen Blackstock and Mr. David Powell. The request is to amend the current zoning code to permit used car sales and service as a permitted by right use. Mr. Mitchell reviewed with Council the current B-7 (limited business) zoning code restrictions:

B-7 (Limited Business) District

- Designed as a non-cumulative zone that permits a specific list of uses, and all uses in this district are required to initially undergo Group Development site plan review
- Small amount of B-7 district properties throughout the City of Salisbury
- The largest section would be in the area of the mall

Signage and Landscaping Requirements

- Signage
 - Ground
 - Thirty-five (35) square feet maximum
 - Ten (10) feet in height
 - Wall
 - Two (2) square feet per lineal foot of building wall
 - Sides/Rear capped at one hundred (100) square feet
 - Wall signs may face parking or pedestrian area
- Landscaping (if required)
 - Eight (8) foot planting strip

Current Zoning Code

- “Automobile sales and services with the sale of used cars permitted only as an accessory use to the sales of new cars and with the major repair and overhaul of motor vehicles being conducted entirely within the structure. (C).”

Proposed Language

- “Automobile sales and services with the major repair and overhaul of motor vehicles being conducted entirely within the structure. (C).”

Mr. Mitchell indicated that the Planning Board unanimously recommended approval of the requested text amendment.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add used car sales by right as a permitted use in the B-7 zoning district.

Mr. Steve Blackstock, Affordable Cars of Hickory and Statesville, stated that the text amendment being requested is not different than what is currently included in the B-7 text other than it would not require his business to be an accessory to new car sales. He noted that the text was written in 1962 and no one is sure why it included the requirement of used car sales as an accessory to new car sales. He noted that Affordable Cars does not plan to do any service work at this location, it will be for the sale of used cars only.

There being no one else to speak **for** or **against** the amendment, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 8.43 Article VIII Zoning Appendix of the Code of the City of Salisbury for the purposes of permitting used automobile sales and service as a by right use within the district. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ZONING APPENDIX, OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING ARTICLE VIII (USE REQUIREMENTS BY DISTRICT), SECTION 8.43 (LIMITED BUSINESS DISTRICT, B-7), FOR THE PURPOSES OF PERMITTING USED AUTOMOBILE SALES AND SERVICE AS A BY RIGHT USE WITHIN THE DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Zoning & Planning, at Page No. 89, and is known as Ordinance No. 2005-56.)

TIME WARNER CABLE RATES

Mr. Mike Crowell, Information Technology Manager, stated that each year Time Warner Cable reviews their rate structure and makes proposed rate changes. Mr. Crowell added that each year the City seeks an audit of the rate change proposals and noted that Mr. David Harris of the Piedmont Triad Council of Governments, was asked to perform the audit this year.

Mr. Harris presented Council with the audit report on the rate adjustment as proposed by Time Warner. He began by reviewing the current rate regulations by the Federal Communications Commission (FCC) and Federal Statutes. He noted that in 1992 the Cable Act was adopted which set rate regulations and imposed upon Council an authority to regulate cable television rates. In 1996 the Competition Act was adopted in which Congress mandated that there would be competition within the cable industry. This resulted in deregulation and Council, acting as a franchising authority, was no longer able to regulate rates. The only authority Council now has is to audit the rates cable operators submit on the FCC forms to ensure that they have the correct rate.

Mr. Harris stated that his audit revealed that Time Warner has adjusted their rates correctly, noting that the rate increase will be \$.27 for basic cable from \$8.63 to \$8.90. He presented to Council a copy of rate comparisons of other cities the same size as Salisbury.

Mr. Harris informed Council that during the last year, telephone operators have looked at coming into the cable business without a franchise agreement, without franchise fees, and without any management of the public right-of-way, but so far this has been stopped. He noted that this has reached the Federal level and asked that the City correspond with legislators to ensure that the City still has rights under the public right-of-way, that it has franchise fees, and that the franchise is kept whole. The current move is to have the FCC be the manager of all public rights-of-way in the United States. This would reduce franchise fees by as much as fifty (50%) percent and would allow telephone operators to come into the cable business without a franchise fee. Customer service standards would also be handled by the FCC.

Councilman Burgin noted that according to the rate comparison chart of area cities and counties, the 2005-2006 rate increase for Salisbury was twenty-seven (27) cents with the next highest rate increase being eighteen (18) cents and the lowest being thirteen (13) cents. He asked Mr. Harris why Salisbury will have a twenty-seven (27) cent increase. Mr. Harris stated that this increase was due to the fact that Salisbury had no rate increase in 2004-2005.

Councilman Kennedy reiterated the fact that as long as Time Warner falls within the rate range approved by the FCC, Council cannot do anything but receive the audit report.

Mr. Harris concluded by informing Council that under current Federal Statutes cities and counties are not allowed to dictate channel capacity or type of programming.

City Manager David Treme noted that the new Federal legislation is trying to take a direct attack on the cities' authority and responsibility with regards to right-of-ways and franchises. He stated that without this authority operators could come in and make installations around Salisbury's streets with little or no communication to the City. He added that if this happens the City would lose its franchising ability. Mr. Treme commented that money received from this franchise helps the City with the right-of-way maintenance and road work.

Mayor Klutz thanked Mr. Harris for presenting the audit report to Council.

SPEED LIMIT - TRUCK TRAFFIC ON CONFEDERATE AVENUE, CLUB HOUSE DRIVE AND ELEVENTH STREET

Ms. Wendy Brindle, Traffic Engineer, reviewed a route consisting of Confederate Avenue, Club House Drive and Eleventh Street. She noted that this route was historically part of the US 70 corridor and was classified as a major thoroughfare. Ms. Brindle informed Council that this route is no longer a part of the US 70 corridor and is now mainly residential. She explained that since this area has been reclassified as residential the City now has the ability to establish speed limits. She informed Council that staff received a petition from property owners in the area to lower the speed limit to 25 mph, as well as a request to restrict truck traffic along the route. Ms. Brindle indicated that staff collected data regarding truck traffic, but in review of the data noticed discrepancies and has begun collecting new data. She stated that staff would like to return to Council with a recommendation for truck traffic on December 20, 2005, but saw no reason to delay the speed limit request.

Ms. Brindle stated that a portion of Confederate Avenue currently has a 25 mph speed limit and reiterated that the streets are mainly residential. She added that lowering the speed limit would be consistent with similar requests approved by Council in the past.

Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending Section 13-236, Article X, Chapter 13 of the Code of the City of Salisbury lowering the speed limits from 35 to 25 mph. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN 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. 20, Traffic, at Page No. 90, and is known as Ordinance No. 2005-57.)

Councilman Kennedy noted that it seems these requests come to Council on a regular basis and asked if it is possible to set all neighborhood speed limits at 25 mph. Ms. Brindle responded that the State Statutes do not allow the speed limits to be set in that way, and must be handled on a case by case basis.

HISTORIC PRESERVATION COMMISSION - DEMOLITION IN THE DOWNTOWN HISTORIC DISTRICT

Mr. Michael Young, Chairman of the Historic Preservation Commission, addressed Council with a request to seek legislation regarding demolition in the downtown non-residential historic district. He stated that citizens buy property in gated communities and in Historic Districts where the

City has zoning and land use guidelines because they have a quality of life that they want protected. He stated that in the local historic districts property owners are afforded protections of the Historic District Design Guidelines which is an objective guide that preserves and protects the architectural assets of neighborhoods and communities. Mr. Young commented that he feels Salisbury is proof that economic development within the context of historic preservation works and displayed photographs of various restoration projects that have taken place.

Mr. Young noted that the Historic Preservation Commission (HPC) cannot deny demolition within the Non-Residential Historic District, only delay it for three hundred sixty-five (365) days. He explained that in the past when the HPC has received a request for Certificates of Appropriateness (COA) the three hundred sixty-five (365) day waiting period is invoked and the HPC begins work with the property owner, as well as the Historic Salisbury Foundation, Downtown Salisbury, Inc. and other interested parties to find viable ways to donate, sell, adaptively reuse, move or renovate the property. He noted that a property owner can choose to wait through the three hundred sixty-five (365) day waiting period and then proceed with demolition and without a counterbalance there is no incentive for the property owner to have an objective conversation and a third party needs to intervene.

Mr. Young informed Council that the City of Statesville had a bill passed through the North Carolina General Assembly that would give its City Council the ultimate decision on demolitions in historic districts. He stated that by unanimous consent the HPC requests Council to consider drafting and introducing a similar bill that will give City Council the final decision on demolitions in the Non-Residential Historic District. He noted that if this bill is passed it will not affect the current controversy over the First United Methodist Church (FUMC) and the Historic Fisher Street properties, but will only apply to future COA's for demolition.

Mr. Young then addressed Council with a second request dealing with the current controversy over the COA for demolition of 117, 119, 121 West Fisher Street by First United Methodist Church. He stated that the three hundred sixty-five (365) day waiting period will expire in early January 2006 and at that time the Church will need to obtain a separate demolition permit from the Fire Department. He requested Council to place a moratorium on the issuance of all demolition permits in the Municipal Service District for two (2) years or until a mutually agreeable solution to the demolition can be reached. He added that the Church has not obtained a demolition permit and suggested a moratorium decision be retroactive to today's date.

Mr. Young indicated that the HPC does not feel a moratorium will harm the Church because they have not yet sought a COA for new building plans and the Pastor of the Church has stated that he does not anticipate the demolition taking place for several months. Mr. Young concluded by saying that the best interests of the Church, neighborhood, downtown and the community were at heart when formulating this request.

Mayor Pro Tem Woodson asked Mr. Young if the HPC is seeking an additional twelve (12) months. Mr. Young responded that they seek as much time as needed to find a mutually agreeable solution.

Mayor Klutz clarified that the first part of the request dealing with legislation will not affect these specific properties. Mr. Young agreed. She noted that the second request was to declare a moratorium for two (2) years. Mr. Young responded that the HPC is seeking a moratorium for up to two (2) years or until a mutually agreeable solution can be reached regarding demolition in the Municipal Service District.

Councilman Burgin disclosed that his firm interviewed for the work with First United Methodist Church but was not selected for the job; however, the Church asked Mr. Burgin to serve as a local representative for the project during construction. He stated that this issue is so important to this City that he would rather be in a position to render an opinion as a Councilmember rather than perform the work with the Church and he will defer the work to someone outside of his firm. He noted that this Council has been hugely supportive of historic preservation efforts and it was this Council that created the Historic District for downtown. Mr. Burgin commented that he considers the buildings in question as critical and a vital fabric for the downtown and is very supportive of seeking legislation to be able to offer more protection for the downtown buildings. He stated that in regards to the second request, there seems to be a question of fairness. He pointed out that FUMC purchased the buildings for use and have waited the three hundred sixty-five (365) days in order to request demolition. He added that he cannot, in good faith, deny the request, but he hopes that the Church will continue to work with the community to allow the investigation of moving the buildings or to keep the buildings until their plans are approved by the HPC. Mr. Burgin noted that as part of this process the Church may find a way to use the buildings as part of their plans but he feels it is the Church's decision. He asked the Church not to tear down the buildings until they have their plan in place.

Councilman Kennedy commented that Councilman Burgin had articulated his position as well and he supports legislation to protect future buildings. He stated that the Church bought the property in good faith and he cannot support a moratorium to stop them from doing what they wish with their property.

Mayor Pro Tem Woodson stated that he had mixed emotions on the issue but he did support the first request to seek legislation. He added that he thinks this may be one of the toughest issues Council has addressed during his tenure. Mr. Woodson commented that he hopes the Church will not tear the buildings down in January but he could not support a moratorium. He noted that this case was handled exactly by the book and he hopes that everyone involved can reach a reconciliation to keep the buildings. He stated that he hopes the architectural plans of the Church will be acceptable to the HPC and he hopes the buildings will not be torn down until the money has been raised by the Church for their project.

Councilman Lewis commented that this appears to be one of the issues that tear at the soul of the City. He noted that through reading the letters that have been written concerning the project it appears that there are two (2) sides battling and it saddens him because they come across as harsh and he feels it lessens the City when this happens. Mr. Lewis stated that it appears that the purpose of the three hundred sixty-five (365) day waiting period is to give the community an opportunity to stop a demolition from happening immediately, and gives the community a chance to marshal its resources to find an alternative solution. He stated that one thing that makes Salisbury special is historic preservation and the fact that buildings are not torn down in this City, adding he feels Salisbury is a better City because of this. Mr. Lewis commented that he hopes mediation will take place that will benefit the community and he hopes all avenues are explored. He stated that he cannot support a moratorium, in part because of vested rights. He explained that the Church bought the property knowing the rules and has abided by them. He added that if the rules are changed mid-course it would not be fair. Mr. Lewis stated that he does support seeking legislation because if the rules are changed everyone will know what the rules are before they start. He asked

all those involved in the issue to have good, quality discussions recognizing that everyone wants what is best for all of the citizens.

Mayor Kluttz stated that she is an advocate for historic preservation and has seen the benefits of what historic preservation can do, adding that personally she would like to see every building downtown saved. She noted that she agrees Council should study seeking local legislation and to do all that it can to prevent this kind of situation from happening in the future. Mayor Kluttz stated that Salisbury is unique because people are so passionate in what they believe but it saddens her when passions collide as they have over this issue. She expressed her appreciation to the eleven (11) groups that have formed a coalition to find a solution, but added that she believes this decision is the Church's and not Council's. She noted that she wants to save the buildings but she feels this is an issue of fairness and it is important that everyone who comes before Council be treated equally and fairly. She stated that she feels the Church has followed the rules established by Council and to change them now would not be fair. Mayor Kluttz asked the Church to leave the buildings intact until their building plan is in place and noted that she hopes the buildings can be sold or moved instead of demolished but she understands this is the Church's decision. Mayor Kluttz stated that she could not vote in favor of a moratorium.

Mr. Burgin asked when the demolition can take place. Ms. Janet Gapen, Planner II, responded that the waiting period expires on January 13, 2006. Mr. Burgin noted that this leaves eight (8) weeks to obtain prices to see if it is feasible for Council to provide properties that may serve as a home for the buildings should moving them be the only solution.

Thereupon, Mr. Burgin made a **motion** that this Council begin the process of developing an Ordinance that does not allow demolition of buildings in the downtown area that are historic and of value to our fabric as it parallels a similar Ordinance in Statesville, in order to get started to get special legislation to allow this to begin. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

Council took no action on the second request for the moratorium.

NORTH CAROLINA GOVERNMENT DEBT SETOFF PROGRAM

Mr. Mark Drye, Management Analyst, and Ms. Clara Bost, Customer Service Manager, addressed Council regarding the North Carolina Debt Setoff Program. Mr. Drye noted that staff is recommending Council adopt a Resolution to allow the City to participate in the program and designate a person to conduct hearings. He stated that the Resolution will also authorize the Management Services Director to execute any documents or agreements necessary to participate in the program.

Mr. Drye explained that the program is through the State of North Carolina and the City will be able to submit delinquent debts, primarily Utility billing debts, to the State who will then match the information with income tax refund data. If a match is made, the debt will be withheld from the tax refund and remitted back to the City.

Mr. Drye noted that there is a \$15 collection assistance fee and a \$5 North Carolina Department of Revenue fee that is assessed, but it is the responsibility of the debtor and the City will incur no cost. He stated that to qualify the debt must be at least \$50 and the City will have to provide written notice that the information will be submitted to the State, as well as written notice of the two (2) fees associated with the program. He noted that a thirty (30) day appeal process then begins and at the end of the thirty (30) day period the information will be sent to the State for debt setoff.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution to participate in the North Carolina Government Debt Setoff Program. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION TO PARTICIPATE IN THE NORTH CAROLINA GOVERNMENT DEBT SETOFF PROGRAM.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 41, and is known as Resolution No. 2005-36.)

FIRE STATION 50 - EXTERIOR ELEVATIONS

Ms. Deb Young, Facilities Maintenance Manager, noted that the City has entered into a contract with KKA Architecture for the design of the new fire station to be located on Statesville Boulevard.

Ms. Karen Alexander, KKA Architecture, reviewed exterior elevations for Fire Station 50. She noted that the elevation was initially shown as pre-cast but because of the size of the bay doors pre-cast cannot be used. Instead, masonry with stucco finish can be used. She noted that she has also prepared an elevation depicting the use of brick masonry. She stated that she will evaluate the two materials based on the budget, adding that alternates will be provided for either the brick or the stucco down the sides of the building to match the façade that is chosen.

Councilman Lewis asked why the building depictions have changed from Fire Station 50 to Fire Station 4. Fire Chief Bob Parnell explained that since this is the City's fourth fire station, staff felt "4" would be more appropriate and 50 will be the call number assigned to the facility in the emergency dispatch system.

Mr. Lewis asked if the signage for the building will include City of Salisbury. Ms. Alexander responded that KKA is completely open to signage and will work with the Fire Chief and building committee and Salisbury can easily be included.

Councilman Burgin asked Ms. Alexander if she will take alternates for a brick façade under any circumstance. Ms. Alexander stated that she is leaning towards the brick façade being the standard on the front with an alternate for stucco. There will also be an alternate for brick masonry down the side of the building.

Mr. Burgin commented that he feels it is important to have the City of Salisbury in the signage because he hopes that one day residents of Westcliffe will vote at this station and will begin to feel that they are a part of the City.

Thereupon, Mr. Lewis made a **motion** to approve the proposed exterior for Salisbury Fire Station 4 as presented. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

UTILITY AGREEMENT - NCDOT FOR RELOCATION OF WATER LINE ON US 70

Mr. Jim Behmer, Utilities Engineering Manager, noted that the North Carolina Department of Transportation (NCDOT) is in the process of widening US Highway 70 and as part of the widening there are conflicts with proposed storm drainage culverts and existing utilities. He stated that Salisbury-Rowan Utilities (SRU) owns and operates a water line along US 70 and relocations for portions of the line are included in the project. NCDOT has requested Council adopt Resolutions approving utility agreements to reimburse NCDOT for SRU's portion of these costs. Mr. Behmer noted that SRU's estimated combined cost is \$69,963.25, noting that the projects are divided into two (2) portions and there are two (2) Resolutions.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution approving a utility agreement with the North Carolina Department of Transportation for the reimbursement in the amount of \$9,902 for a cost of relocating and adjusting various portions of a waterline in conjunction with widening of US 70. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION APPROVING A UTILITY AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF \$9,902 FOR RELOCATION OF A WATER LINE IN CONJUNCTION WITH THE WIDENING OF US 70.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 42, and is known as Resolution No. 2005-37.)

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution approving a utility agreement with the North Carolina Department of Transportation for reimbursement of \$60,061.25 for a cost of relocating and adjusting various portions of a waterline in conjunction with the widening of US 70. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION APPROVING A UTILITY AGREEMENT WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF \$60,061.25 FOR RELOCATION OF A WATER LINE IN CONJUNCTION WITH THE WIDENING OF US 70.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 43, and is known as Resolution No. 2005-38.)

UTILITY AGREEMENT - NCDOT FOR RELOCATION OF WATER LINE ON US 70

This item was combined and approved with the previous item.

STAFF REPORT - DEVELOPMENT REVIEW PROCESS

Mr. David Phillips, Zoning Administrator, indicated that the Technical Review Committee (TRC) meets monthly to review submitted subdivisions and proposed group development site plans, which are then forwarded to the Planning Board and City Council for approval. He stated that currently the deadline for plan submittal is the 15th of each month and the TRC meeting is then held the 4th Tuesday of the month. Mr. Phillips explained that after TRC meets they have approximately three (3) days for developers to return their comments back to the TRC in order for them to be submitted for the following Planning Board meeting. He recommended adjusting the schedule beginning in January to move the deadline for plan and subdivision submittal to the 10th of the month, with TRC meetings on the 3rd Thursday. He noted that this will give up to ten (10) days for developers to submit their comments to TRC. He stated that if Council agrees staff will notify developers to inform them of the scheduling change.

Councilman Burgin stated that he thinks this is a great idea and thanked staff for thinking through what he feels will help everyone.

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

Council received the Planning Board recommendations and comments from their November 8, 2005 meeting.

(b) Automobile Displays in Downtown Salisbury

City Manager David Treme stated that there has been recent interest for automobile shows in downtown Salisbury, noting that downtown restaurants and businesses have reported the shows have created a lot of business. He stated that he and Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. (DSI), met with organizers of the automobile shows and felt a permit should be issued for the displays and a set of rules established to make this work better for everyone.

Mr. Hemann informed Council that the automobile shows that have been tied into other downtown events has been very successful and has helped generate a lot of traffic downtown, which has been good for the downtown businesses. He stated that DSI is proposing to establish a set of rules to govern automobile displays in the future. One proposed requirement is the issuance of a permit, at a cost of \$10, for automobile shows. Mr. Hemann explained that the real cost in the proposed requirements would be the requirement for the use of two (2) off duty police officers. The proposal would also set hours for the shows from 5:00 p.m. until 9:00 p.m. and cars would not be allowed to park on the streets prior to 5:00 p.m., in order to not interfere with businesses. Mr. Hemann added that he has received a lot of good feedback on the automobile shows and would like them to continue in the future.

Councilman Burgin noted that citizens have commented how much fun they have had coming downtown to see the older cars and he thinks the shows are great. He added that he does not want to set a cost standard that would eliminate the shows. Mr. Hemann responded that he does not think the proposed rules would deter the shows.

Mr. Treme commented that he and Mr. Hemann met with the organizers several times in developing the proposed rules and asked if Council needed more time to review the proposal. Mayor Kluttz noted that Council has had the draft since last Thursday and she feels Council is prepared to act on the request.

Thereupon, Mr. Burgin made a **motion** to adopt the proposal for automobile displays in the downtown Salisbury area as presented. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

PUBLIC COMMENTS

Mayor Kluttz opened the floor to receive public comments. There being no one present to address Council, Mayor Kluttz closed the public comment session.

MAYOR'S ANNOUNCEMENTS

(a) Holiday Caravan Parade

Mayor Kluttz announced that the Holiday Caravan Parade is scheduled for Wednesday, November 23, 2005, beginning at 2:00 p.m. in Spencer and 3:00 p.m. in Salisbury.

(b) Holiday Night Out

Mayor Kluttz announced that a Holiday Night Out will be held Friday, November 25, 2005 from 5:00 p.m. until 9:00 p.m. in Downtown Salisbury.

(c) 3rd Annual Christmas Tree Lighting

Mayor Kluttz announced that the Land Trust for Central North Carolina will hold its 3rd Annual Christmas Tree Lighting on the Salisbury Greenway, Monday, November 28, 2005 at 5:00 p.m. at Carroll T. Overton Elementary School, 1825 Park Road West.

(d) Recycling Center

Mayor Kluttz announced that due to the permanent closing of the recycling center formerly located in the 300 block of East Council Street, Rowan County will accept aluminum recyclables at its recycling facility located at 1102 North Long Street until such time as a private business resumes recycling operations.

(e) New Council Oaths

Mayor Kluttz announced that the new Council will be sworn in at the December 6, 2005 meeting and boards and commissions liaisons will be appointed at that time. She requested Council members to think about which boards and commissions they would like to serve on and let City Clerk Myra Heard know.

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ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Burgin, seconded by Mr. Kennedy. All Council members agreed unanimously to adjourn. The meeting was adjourned at 5:50 p.m.

Mayor

City Clerk