

Salisbury, North Carolina
September 20, 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. Tremé; 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 RETIRING DEPUTY CHIEF KEN STUTTS - SALISBURY POLICE DEPARTMENT

Police Chief Mark Wilhelm informed Council that Deputy Chief Ken Stutts will retire after almost thirty (30) years of service on September 23, 2005, and he thanked Deputy Chief Stutts for his service to the Police Department. Mayor Kluttz noted that Deputy Chief Stutts has been an important part of the City of Salisbury and read a Resolution of Appreciation for his years of service that presented him with his service weapon and badge.

Thereupon, Mr. Woodson made a **motion** to adopt a Resolution of Appreciation for Kenneth L. Stutts and in accordance with General Statute 20-187.2 present him with his badge and duty weapon as a token of appreciation for his service. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RESOLUTION OF APPRECIATION - DEPUTY CHIEF KEN STUTTS

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 33, and is known as Resolution No. 2005-28.)

RECOGNIZE CITY EMPLOYEES PARTICIPATING IN HURRICANE KATRINA RELIEF EFFORTS IN THE GULF COAST

Fire Chief Bob Parnell noted that six firefighters have participated in the Hurricane Katrina relief efforts in the Gulf Coast. Captain Jeff Youngblood, Captain Tim Hurlock, Fire Control Specialist Tristin Turner and Fire Engineer Rick Fleming were part of the initial team that served under the Rowan County Sheriff's Department and Rowan County Rescue Squad. A second team comprised of Captain Jeff Youngblood, Captain David Deal and Captain Mark Thompson returned to the Gulf Coast last week to deliver supplies donated by the citizens of Salisbury and Rowan County.

Chief Parnell commented that all of the members of the Salisbury Fire Department have worked to load supplies and support the team members who visited the area. He thanked Public Services and Mr. Dewey Peck, Purchasing Manager, for their assistance to the teams traveling to the Gulf Coast.

Captains Jeff Youngblood, David Deal, and Tim Hurlocker presented a slide presentation to Council showing the destruction and devastation they encountered in the Waveland, Mississippi area.

Mayor Kluttz stated that on behalf of City Council she wished to express their pride in the firefighters and how grateful Council is for all that they

have done.

City Manager David Treme offered special thanks to Freightliner for the donation of the truck, driver and gas and to The Real Reel Corporation for pallets and packaging materials. He also thanked the United Way, Rowan Regional Medical Center, local churches and everyone who has worked to coordinate this disaster relief effort.

Mayor Pro Tem Woodson asked Captain Youngblood if he had an idea of how long it will take this community to rebuild. Captain Youngblood responded that the water system is working again but it will be several months for power to return. He added that he feels it will be five (5) to ten (10) years for a total recovery because the community has been totally destroyed.

PROCLAMATION

Mayor Kluttz proclaimed the following observance:

CONSTITUTION WEEK September 17-23, 2005

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of September 6, 2005.

(b) Fulton 99 Masonic Lodge - Barbecue Sale

Approve a request from the Fulton 99 Masonic Lodge to reverse the flow of traffic on Water Street Thursday, October 27, 2005 for its annual barbecue sale.

(c) Final Subdivision Plat S-09-04

Approve final subdivision plat S-09-04 for Olde Salisbury, Phase 3, subject to the receipt of a guarantee of improvements in accordance with Section 5.03.02 of the Subdivision Ordinance and accept 0.27 miles of streets into the City System and adopt an Ordinance to establish the 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. 78, and is known as Ordinance No. 2005-45.)

(d) Group Development Site Plans

Approve the following Group Development Site Plans:

- G-10-05 - City of Salisbury, 1400 and 1402 West Bank Street
- G-11-05 - Tilley Harley Davidson, 653 Bendix Drive
- G-09-03 - The Gables at Kepley Farm, 1900 block of Faith Road

Thereupon, Mr. 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)

GROUP DEVELOPMENT SITE PLAN - G-05-05 - WALGREENS, 1505 EAST INNES STREET

- Councilman Lewis indicated he needed to be excused from this issue due to a conflict of interest.

Thereupon, Mr. Kennedy made a **motion** to excuse Councilman Lewis from deliberation. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

(a) Mr. David Phillips, Zoning Administrator, informed Council that this request involves group development G-05-05 for a proposed Walgreens to be located at 1505 East Innes Street. He reviewed a vicinity map and photographs of the area. He noted that the property is zoned B-6 with the East Innes Street Gateway Overlay, and pointed out that the Overlay requires a different set of standards outside of the standard B-6 zoning.

Mr. Phillips reviewed the site and noted that the front of the building faces East Innes Street and the parking lot faces Faith Road. He pointed out that this site is unique because it is a three (3) sided site. He stated that the site has interconnectivity with the adjacent property as encouraged by the Gateway Overlay. Mr. Phillips stated that access to the site will be right in, right out only from East Innes Street and on Faith Road the developer will remark it to allow for turn lanes into the property. He informed Council that the site plan meets the parking requirements as well as the landscaping requirements.

Mr. Phillips indicated that staff could not give a favorable recommendation to the Planning Board because of concerns staff had with several

issues. These included:

1. The twenty (20) foot pick-up drive does not comply with City Code. Section 15.06(f) states that if a circulation drive is provided, the drive shall not exceed ten (10) feet.
2. Staff is concerned that the intent of “pedestrian design” is being circumvented by the heavy vehicular activity adjacent to East Innes Street. City Council will need to address whether or not the “pedestrian orientation” is being met. This would be less of a concern if the stacking of vehicles were on the side of the building instead of the front.
3. Staff is concerned that the intent of 15.09-B ‘Street Entrance’ – “A primary entrance façade shall be oriented toward the street (Innes Street) to be designed for the pedestrian and be distinguishable from the rest of the building,” has not been met. However, this is a subjective measure which the developer may discuss with Council.

Mr. Phillips explained that after Planning Board discussion staff determined that the drive-through could be considered part of the structure and would meet the Code if the awning for the drive-through included all of the transitional paving. He stated that the Planning Board felt the developer has made a strong effort to meet the intent of the Code and unanimously approved the site plan. He added that several of the Planning Board members commented that they preferred the original design that was first presented to Council. He reiterated that the Planning Board unanimously recommends approval; however, staff still has concerns and is not making a favorable recommendation.

Mr. Dan Mikkelson, Director of Land Management and Development, stated that of the three (3) concerns staff had with this site plan one was a technical issue and can be dealt with. He commented that the other two (2) concerns are subjective and noted the question is if they meet the intent of the Ordinance.

(b) Mayor Kluttz opened the floor for public comment.

Mr. Mike Kelly, 1076 West Fourth Street, Winston-Salem, stated that he has worked with staff and several Council members over the past few months to gain a better understanding of the Gateway Overlay District. He noted that since the original plan was presented to Council glass features have been added, as well as a canopy feature so the building will be pedestrian friendly. He stated that columns have been added in the back of the building to give the building a better feel. Mr. Kelly stated that he has spent a great deal of time with the North Carolina Department of Transportation (NCDOT) and has resolved the Faith Road access issues. He commented that he and his staff have worked for the past few months to develop a project that Council can be proud of and he thinks Council will be happy with it.

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

Councilman Burgin stated that he thinks this is a better site plan, even though members of the Planning Board preferred the original site plan. He added that as it relates to the Overlay it accomplishes getting the building closer to East Innes Street and addresses windows on the Innes Street side. He stated that the building also has towers that give a pedestrian entry facing Innes Street. He commented that he is disappointed that the drive-through became a double drive-through, but he understands that the North Carolina Department of Transportation was pushing for this in order to give more stack space for the drive-through. Mr. Burgin stated that this is a difficult site and even though the plan is not perfect, given the circumstances he thinks it is good. He pointed out that other sites will not have the same justifications of this corner site so he does not feel Council is setting a precedent that it cannot live with on the East Innes Street Corridor.

Councilman Kennedy stated that he is excited about the new construction in this location and he feels it will be good for the City, the citizens and for taxpayers because it will create additional sales tax.

Mayor Pro Tem Woodson commented that he thinks the double drive-through is a great thing and asked Mr. Kelly if he would be in agreement to put the awning completely over the drive-through as suggested by staff. Mr. Kelly responded that he will take the information back to the Walgreens’ architect to determine a solution for this issue. Mr. Burgin commented that if the canopy is placed between the two (2) piers on the third elevation and the columns are strengthened he feels it would work. Mr. Kelly stated that, given Mr. Burgin’s insight he feels this is doable.

Mayor Kluttz stated that she appreciates the developers working with staff and that she understands staff’s concerns and appreciates their consistent efforts to be fair to everyone. She added that for such an odd shaped piece of property this is a good proposal.

(c) Thereupon, Mr. Burgin made a **motion** to approve group development site plan G-05-05 Walgreens located at 1505 East Innes Street with the amendment that there be discussion with staff relative to looking at the canopy. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Woodson, and Ms. Kluttz voted AYE. (4-0)

PRESENTATION ON CENTENNIAL PARK IN THE FULTON HEIGHTS NEIGHBORHOOD

Ms. Maggie Blackwell, President of the Fulton Heights Neighborhood Association, and Ms. Gail Elder White, Parks and Recreation Director, addressed Council regarding a park in the Fulton Heights Neighborhood.

Ms. Blackwell informed Council that the Fulton Heights Neighborhood originated in 1906 and was developed with a large park. She stated that the neighborhood will celebrate its centennial next year and she feels it would be fitting to start a park on its 100th anniversary.

Ms. Blackwell noted that there are not many vacant lots in the neighborhood but that with the help of City staff she has identified a lot at Wiley Avenue and Stanley Street which is owned by the City of Salisbury. She stated that she presented her idea of the park to Councilman Lewis who then brought Ms. Gail Elder White, Parks and Recreation Director, to walk the site. Ms. Blackwell stated that the idea of the park has been presented to the neighborhood and they enthusiastically endorse it. She added that at a recent neighborhood meeting residents voted fifty-nine (59) in favor and four (4)

against the park, noting that the four (4) who voted against the park indicated they just wanted more information.

Ms. White informed Council that this is a unique proposal because there is a community willing to put money behind the project, adding she felt that this neighborhood will be able to be successful in a public/private partnership. Ms. White commented that this will also give the City a good prototype of how to handle public/private partnerships and establish neighborhood parks in the future.

Ms. White reviewed the master plan for the proposed park and noted that the property owner adjacent to the park site has agreed to donate a portion of their property to be used for park expansion. She stated that in developing the plan for the park the consultant attempted to design it as if it were designed when the neighborhood originated in 1906.

Ms. White explained that if Council agrees, staff will begin working on Phase 1 of the park. She reviewed the terms of the agreement and noted that the City will construct and provide basic maintenance of the park and Fulton Heights will raise \$25,000 to \$30,000 for construction in Phase 1. The neighborhood will also be responsible for additional park features and provide detailed maintenance of the park. Ms. White noted that the following Phases do not incorporate many hard structures and the majority can be done by the residents themselves. She informed Council that the proposal was submitted to the Parks and Recreation Advisory Board who unanimously endorsed the project for recommendation to Council.

Mayor Klutz expressed her appreciation to Ms. Blackwell and the residents of the neighborhood, adding that it is exciting for Council to see people who love their neighborhood and are willing to invest their own funds for a project.

Mayor Pro Tem Woodson commented that he felt this is a great idea and appreciates Ms. Blackwell's hard work.

Councilman Lewis noted that this has been a rewarding project to work on and to have a neighborhood leader come forward with a dream and then facilitate it to bring the dream to fruition is a wonderful thing.

Councilman Kennedy stated that Council has worked to empower citizens to do what they can for themselves and he feels this is a great example of that and he supports it.

Councilman Burgin commented that he feels these types of projects build neighborhoods and commended Ms. Blackwell for her vision and tenacity.

Thereupon, Mr. Woodson made a **motion** to approve the Fulton Heights Neighborhood Park Master Plan and authorize the Parks and Recreation Director to complete a performance agreement with the Fulton Heights Neighborhood Association. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

PARKING RESTRICTIONS - 100 BLOCK OF EAST 12TH STREET

Ms. Wendy Brindle, Traffic Engineer, noted that in June 2005 Council adopted an Ordinance to restrict parking on both sides of 12th Street, adjacent to Henderson Independent High School. She stated that classes have started again and school officials have contacted her with a request to modify the parking restriction. She stated that she has been working with School Resource Officer Mike McCart to review the options.

Ms. Brindle explained that there are currently four (4) buses that exit the drive on 12th Street. The buses are having difficulty as they travel down 12th Street towards 11th Street and enter a curve in the street. Officer McCart has requested that parking be restricted along the north side to allow the buses to get through the curve. She noted that the School has leased the parking lot across the street from the school in case additional parking is needed.

Thereupon, Mr. Lewis 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 on 12th Street South from Main Street to a point 250' east of Main Street on 12th Street North from Main Street to a point 430' east of Main Street. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

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.

(The above Ordinance is recorded in full in Ordinance Book No. 20, Traffic, at Page No. 79, and is known as Ordinance No. 2005-46.)

AWARD CONTRACT - CAROLINA SITEWORKS - SALISBURY GREENWAY - PHASE 3

Mr. Dan Mikkelson, Land Management and Development Director, reviewed the history of Phase 3 of the Greenway. He explained that the Greenway was realigned after wetlands were discovered and will use a hybrid design which includes:

- Curb, gutter and sidewalk on the west side
- Curb, gutter and ten (10) foot Greenway Trail on the east side
- Eliminate center lane mid-block
- Resurface Brenner Avenue upon completion

Mr. Mikkelson noted the budget for the project:

North Carolina Department of Transportation (NCDOT)	\$400,000
General Fund	\$83,000
CDBG	\$75,000
Total	\$558,000

He pointed out that the low bid received on the project was \$628,260 which was over budget so staff began negotiations with the lowest bidder. Mr. Mikkelson explained that staff reviewed the bid and looked for items that could be completed by City forces.

These included:

Wooden bridge removal	\$1,000
Hydrant relocation	\$8,000
Asphalt roadway patch	\$29,580
Wheel chair ramps	\$38,100
Bollards	\$12,150
Total	\$88,830

These changes will bring the negotiated contract estimate to \$539,430 which is below the maximum budget amount of \$558,000 and will allow an available contingency for cost over-runs. He informed Council that staff recommends awarding a unit-price construction contract with an estimated value of \$539,430 to Carolina Siteworks, Inc.

Councilman Kennedy stated that he understands that construction prices continue to rise and questioned if the consultant determined the estimates that were so far from the bid prices. Mr. Mikkelson confirmed that a consultant did determine the estimate. He added that he felt one reason for the discrepancy was the estimates were prepared approximately one year before the project was bid. He stated that the estimates, such as the grading, included lump sum items rather than unit-price items which means the contractor takes on the risk. With a unit-price contract the City will accept a portion of the risk from the contractor.

Councilman Burgin cautioned staff on shifting the risk because it can only be done to a point and beyond that point the contractor will still come to the City to cover the cost. He stated that he is familiar with this contractor and he feels he is fair in his work and will do a good job.

City Manager David Treme commented that the different departments in the City have worked together as a team in order to leverage the higher cost items to get the cost down. He stated that this project has taken longer than anticipated because of the redesign and he has concerns that the State could decide to take back its money and he has asked staff to work to get this project completed.

Thereupon, Mr. Woodson made a **motion** to approve a contract with Carolina Siteworks, Inc. for construction of Phase 3 of the Salisbury Greenway in the amount of \$539,430. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

Councilman Lewis asked when construction will start. Mr. Mikkelson responded that the contractor feels he can begin in two (2) weeks and can be finished by Christmas.

AWARD CONTRACT - KKA ARCHITECTURE - FIRE STATION 50 LOCATED ON STATESVILLE BOULEVARD

Ms. Deb Young, Facilities Manager, noted that several months ago staff presented Council with information regarding estimates for the construction of a new fire station on Highway 70. She stated that staff is ready to proceed with a contract with KKA Architecture for design services for the construction of this project.

Ms. Karen Alexander, KKA Architecture, informed Council that after reviewing the budget for the fire station approved by Council she proposes to bring the building within sixty-five feet (65) of the street which will reduce the amount of fill and concrete needed for the project. This will reduce the cost and create additional funds for the building. She explained that this will allow for a masonry façade with everything behind being composed of a metal building structural system. Ms. Alexander stated that she will work closely with City staff to approve all floor plans and she feels this solution will be a permanent one that will last for fifty (50) to seventy (70) years. She informed Council that the building's electrical, plumbing and mechanical system will be designed to allow for additional equipment that can be installed as future budgets allow. Ms. Alexander noted that she feels the project can be completed on the City's original schedule with construction to begin in early March.

Councilman Kennedy inquired about the type of roof that will be used for the building. Ms. Alexander responded that she has not decided on the roof but has worked with engineers and may consider a metal roof since no heavy equipment will be going through it. Mr. Kennedy commented that many of the new schools have used flat metal roofs and have had leaking problems. Ms. Alexander noted that a sloped roof will be used regardless of the material used for construction.

Thereupon, Mr. Woodson made a **motion** to approve a contract with KKA Architecture in the amount of \$88,000 for the design of Fire Station 50 to be located on Statesville Boulevard. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE - FIRE STATION 50

Ms. Deb Young, Facilities Maintenance Manager, requested Council approve a budget amendment to allow staff to appropriately allocate funds to proceed with the construction of Fire Station 50.

Thereupon, Mr. Kennedy made a **motion** to adopt Capital Project Ordinance pursuant to section 13.2, Chapter 159 of the General Statutes of North Carolina hereby amending the project to reflect \$1,151,000 for Fire Station 50. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

CAPITAL PROJECT ORDINANCE - FIRE STATION 50

(The above Ordinance is recorded in full in Ordinance Book No. 20, Budget, at Page No. 80, and is known as Ordinance No. 2005-47.)

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

Council received the Planning Board recommendations and comments from their September 13, 2005 meeting.

(b) Update on sale of property - 210 South Long Street

City Manager David Treme informed Council that the advertising period for the sale of 210 South Long Street has passed and the sale of the property to the Historic Salisbury Foundation can now be completed.

(c) Street Closing - 100 Block of East Fisher Street

City Manager Treme informed Council that he has received a request to remove this item from the Agenda.

(d) Firehouse Urban Lofts

Ms. Wendy Brindle, Traffic Engineer, noted that Council previously approved closures of Fisher and Lee Streets for the installation of the brick façade on the Firehouse Urban Lofts and indicated that the approved time periods have passed. She stated that the contractor still needs periodic closures to complete the project over the next two (2) weeks. She explained that the contractor feels they can take only the parking lane on Lee Street but they will have to periodically close Fisher Street since there is no parking lane.

Thereupon, Mr. Burgin made a **motion** to allow for periodic closings within the next three (3) weeks to allow for some additional construction on this project. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(e) Temporary Closure on Park Avenue

City Manager Treme informed Council that a request was received to close one block of Park Avenue from Clay Street to Boundary Street Saturday, September 17, 2005 from 4:30 p.m. until 6:30 p.m. for the Park Avenue Fun Fest.

Thereupon, Mr. Burgin made a **motion** to approve a request from Lou Manning to close one block on Park Avenue from Clay to Boundary Street on September 17, 2005 from 4:30 p.m. until 6:30 p.m. for the Park Avenue Fun Fest. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

(f) Fiber to the Home Feasibility Study

City Manager Treme pointed out that a feasibility study is underway for a Fiber to the Home study and noted that Mr. Kennedy is involved with this issue as part of the Technology Committee for the National League of Cities. He indicated that Mr. Kennedy has agreed to work with staff on the feasibility study if Council agrees. By consensus, Council agreed for Mr. Kennedy to work with staff on the Fiber to Home feasibility study.

COUNCIL TO RECEIVE PUBLIC COMMENT

Mayor Kluttz opened the floor to receive public comments. Those who addressed Council were:

Mr. Titus King, Alderman of East Spencer, stated that he is requesting information to find solutions for water bill problems. He noted that water bills in the town of East Spencer are very high and he needs information in order to find out why the bills are so high. Mr. King commented that East Spencer buys water from Salisbury and in turn sells it to back to its citizens. He informed Council that his Town Board allowed him to create a task force to deal with the water issues and he has been trying to get information from Salisbury but has been told that the City cannot give him the

information. He asked for Council's help to get the data on utility customers in order for him to come up with a solution and help East Spencer citizens pay their water bills. Mr. King stated that forty (40) percent of the residents have moved from East Spencer because of the chaos.

There being no one else present to address Council, Mayor Klutz closed the public comment session.

Mayor Klutz asked staff to respond to Mr. King's concerns. City Manager David Treme informed Council that Mr. King's request was for Salisbury to share individual users' account information and explained that State Statutes changed approximately two (2) years ago regarding the privacy of these accounts. Mr. Treme explained that when Salisbury sells water it takes the water to the meter and then the homeowner is responsible for the other side of the meter, adding that if there are plumbing leaks they are the homeowner's responsibility.

Mr. John Sofley, Management Services Manager, reviewed the background of the law with Council and explained that the law states that utility billing information is not public record and cannot be released to anyone other than those who do the billing, financial agencies who provide underwriting, or the individual account holder. He reiterated that without a signed written waiver by the individual the information cannot be released. He stated that many of the problems are within the household and the City will work with individuals to make adjustments for leaks, but if the property owner does not repair the problems the City cannot continue to adjust the bills because it is unfair to spread the cost over the entire customer base. He pointed out that anything on the other side of the meter is the responsibility of the homeowner or renter and the City has no responsibility once the water gets to the meter.

Councilman Burgin asked if a renter has the right to access the billing information on their house and if East Spencer has a right to any information. Mr. Sofley stated that if the renter is the account holder they would have access to the billing information. He added that Salisbury can give East Spencer anything based on gross information as long as it is not account specific.

Mr. Treme suggested that one possible solution is to have individuals sign written waivers, through their own free will, requesting the City release their billing information. The individuals could then give the information to Mr. King if they wish. City Attorney Rivers Lawther agreed that this would be within the scope of the law. Mr. Treme noted that East Spencer does not have much leverage against landlords who do not repair faulty plumbing noting that it puts the burden on those who can least afford it.

MAYOR'S ANNOUNCEMENTS

(a) Salisbury-Rowan Utilities Luncheon

Mayor Klutz announced that the Salisbury-Rowan Utilities client communities luncheon will be held Thursday, September 29, 2005 at 12:00 noon in the Council Chambers at City Hall.

(b) Mayor's Spirit Luncheon

Mayor Klutz announced that the Mayor's Spirit Luncheon will be held Tuesday, October 4, 2005 at 12:00 noon in the Council Chambers at City Hall.

(c) La Fiesta Day Rowan

Mayor Klutz announced that the Hispanic Coalition will have its annual celebration La Fiesta Day Rowan 2005 Saturday October 8, 2005 at the Salisbury Civic Center from 11:00 a.m. until 5:00 p.m. She noted that this will be part of the events for the Lord Salisbury Festival and OctoberTour weekend.

(d) Trinity Oaks Tailgate Party

Mayor Klutz announced that Council attended a luncheon today at Trinity Oaks Retirement Community with students from Livingstone College and Catawba College. She expressed her pride in the partnership they have put together for this community.

(e) United Way Kick-Off

Councilman Burgin informed Council that he will participate in the dunking booth tonight at 7:00 p.m. as part of the United Way Kick-off at the YMCA.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Lewis, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:03 p.m.

Mayor

City Clerk