

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 Councilman Kennedy.

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.

RECOGNITION OF WILL COLLINS - SALISBURY HIGH SCHOOL

Mayor Kluttz recognized Mr. Will Collins of Salisbury High School for winning the North Carolina 2A Golf Championship. She recognized Mrs. Debbie Collins, Mr. Collins' mother; Dr. Windsor Eagle, Salisbury High School Principal; Mr. Chris Boylan, Assistant Principal; Mr. Joe Pinion, Athletic Director; Mr. Dale Snyder, Golf Coach; and teammates, Mr. Johnny Kiger, Mr. Jacob Alexander, Mr. John Corrier and Mr. Will Campbell.

Mayor Kluttz read a Proclamation declaring June 6, 2006 as Will Collins Day. She presented the framed proclamation and congratulated Mr. Collins on his accomplishment.

CONSENT AGENDA

- a) Approve Minutes of the regular meeting of May 16, 2006 and the recessed meetings of May 23, 2006 and May 24, 2006.
- b) Adopt a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$205,000 to appropriate funds for the purchase of property.
- c) Adopt an amendment to a Capitol Project Ordinance in the amount of \$82,787 to appropriate funds for the construction of Fire Station 4.
- d) Adopt a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$18,240 to appropriate funds received by the Police Department for ballistic vests settlement.
- e) Approve closing Wiley Avenue from Jordan Street to the dead-end, Stanley Street from Elm Street to Mitchell Avenue, and Boyden Road from Elm Street to Mitchell Avenue Saturday, June 10, 2006 from 8:30 a.m. until 2:00 p.m. for the Fulton Heights Centennial Celebration.
- f) Adopt a **RESOLUTION** authorizing the auction of certain surplus items on June 6, 2006 by the Purchasing Manager.

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

ANNOUNCEMENT FROM STEVE JARRETT – SUPERIOR OLD COMPANY

Mr. Steve Jarrett, Superior Oil Company, introduced Mr. Bill Wallin, Texas Refinery Corporation stating that they have a concern regarding the pollution and negative emissions reports received for the Salisbury and Rowan area. He announced that in a joint venture the two (2) companies will help

reduce pollutants and develop public awareness of the new Environmental Protection Agency's (EPA) diesel regulations in regards to the Clean Air Act.

Mr. Wallin stated that he specializes in preventive and predictive maintenance strategies to help end users of diesel power equipment reduce maintenance costs and downtime. He explained the EPA regulations, noting that ultra-low sulfur diesel fuel must be ready to sell by June 19, 2006. He stated that Superior Oil Company is expanding the Salisbury Clean Air project by adding a product from Texas Refinery Corporation called DZL-PEP to its diesel fuel and bio-diesel blend fuel. He explained that this fuel treatment will help improve fuel economy and reduce emissions and is an asset to those who use bio-diesel. He noted that Superior Oil Company is the first dealer in the Charlotte region and the State of North Carolina to provide this fuel additive.

Mr. Jarrett explained the EPA labeling requirements and reviewed samples of labels which are now required on fuel pumps.

Mayor Kluttz stated that this is an exciting announcement for our environment and air quality. She added that this brings statewide recognition to Salisbury and Council is grateful to Mr. Jarrett for looking out for the City.

PARKING RESTRICTION – FILBERT STREET

Ms. Wendy Brindle, Traffic Engineer, stated that the Engineering Department received a petition from property owners on the East side of Filbert Street to restrict parking for approximately two hundred and fifty (250) feet. She reviewed a vicinity map showing the location of Filbert Street and a photograph of the street. She noted that residents of the neighborhood are in attendance and would like to address Council.

Mayor Kluttz opened the floor for public comment regarding the request for restricted parking.

Ms. Helen Goodman, 132 Willow Street, stated that she owns approximately one hundred fifty (150) feet of property along Filbert Street. She indicated that due to the parking on Filbert Street, pointing out a large truck in the photograph displayed for Council, Summersett Funeral Home is unable to use its parking garage and that the use of its entrance is inconvenienced. She added that she has been harassed by neighbors who rev their engines and blow their grass trimmings toward her property.

Mr. Benny Hilliard, 5850 South Main Street, stated that he is a friend of Ms. Goodman, as well as her pastor. He stated that Filbert Street is fairly narrow and added that a large van and trailer parked on the street near Ms. Goodman's property creates a difficult driving pattern. He supports Ms. Goodman's request that the parking be restricted.

Mr. Danny Page stated that he is speaking for his mother, Ms. Margaret Page, who lives at 1400 Filbert Street and could not attend today due to her health. He stated that Ms. Page supports the petition to restrict parking and thinks it will help the neighborhood.

Mr. Tracy Kinser, 1415 Filbert Street, stated that he is the owner of the truck displayed in the picture shown to Council and noted that the truck is used to pull race cars. He stated that the petitioner called the police because the truck was parked in his driveway, so he moved the truck to the street curb next to the Summersett Funeral Home parking lot fence. He noted that the funeral home does not use this lot and that it stays locked and added that during busy hours funeral home visitors use Filbert Street for parking. He stated that all of the driveways on Filbert Street are single-car driveways. He noted that there is a laundry-mat and an apartment complex at the end of the street and traffic from these locations speed down the street. He stated that with vehicles parked on the street it slows the traffic down. Mr. Kinser stated that there are eight (8) people who live on Filbert Street and he has a petition signed by five (5) people who are against the ordinance. He indicated that this problem is between him and the petitioner. He explained that Ms. Norma Peacock signed the petition for the parking restriction, but she came to him and said she felt pressured to sign it and asked to sign the petition against the restriction.

Mayor Kluttz asked if the City had received notice from Ms. Peacock that she wanted her name removed from the petition. Ms. Brindle stated that she has not received notice.

Mr. George Cohen, 1424 Filbert Street stated the neighbors do not have any complaints about the truck being parked on the street. He added that he does not mind the petitioner having an ordinance against parking along her property, but two hundred fifty (250) feet is cutting into his property and that he is against the petition.

Ms. Contessa Finley, 1415 Filbert Street, stated that the petitioner has family that visits every day and that they park on the street and added that she understands and respects not parking along the petitioner's one hundred twenty-five (125) feet of property. She noted that Summersett Funeral Home installed the fence to block the lot along Filbert Street and that it is gated and locked. She stated that blocking two hundred fifty (250) feet of parking on the street would cause a hardship on the funeral home when it is needed for extra parking. She stated that she feels the problem is with the petitioner harassing her family and does not agree with the two hundred fifty (250) foot parking restriction.

Mr. Benny Hilliard stated that Summersett Funeral Home has experienced problems with broken gates, fire crackers being thrown into the parking lot and having to escort ladies back to their cars after evening visitation. He added that he thinks restricting the parking along this portion of the street would solve some of these problems.

Ms. Finley explained that the van is parked across the street so that she can watch for cars while she is watching her children play in the front yard.

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

Mayor Kluttz noted that Mr. Carter, owner of Summersett Funeral Home, did sign the petition in favor of the ordinance.

Councilman Woodson indicated that he feels there is more of a personality conflict than an actual parking problem involved in this issue.

Councilman Burgin agreed that this is a neighbor to neighbor issue and he does not think a case has been presented to support the ordinance. He noted that he does not see any reason relative to the public right-of-way to take away parking along the street and is not in favor of the petition.

Mayor Kluttz stated that Council's decision cannot be made based on conflicts between neighbors, that Council must look at it as a public right-of-way issue for which the City is responsible.

Councilman Lewis stated that this is also an appearance issue. He added that the Community Appearance Committee has discussed boats and trucks being parked on front lawns and streets and noted that this size truck would probably be required to be parked beside or at the rear of the house. Mayor Kluttz stated that perhaps the City needed to look at the ordinance regarding appearance.

Mr. Burgin stated that this is a parking issue and to use parking to solve an appearance issue would create problems for Council. He added that he does not see any reason to take the parking from the public right-of-way based on what he has heard today.

Thereupon, Mr. Woodson made a **motion** to not restrict the parking on Filbert Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz stated that Council hopes the neighbors will work together to resolve the parking problem.

COMMENTS FROM THE CITY MANAGER

a) Budget Discussion

City Manager David Treme stated that Council discussed the FY2006-2007 City budget at the May 16, 2006 City Council meeting and continued the discussion in detail during Budget Workshops. He stated that Council requested he reduce the recommended \$.025 tax increase to no more than a \$.01 tax increase. He reviewed the items that were eliminated in order to present the new budget recommendation:

Budget Modifications Required to Reduce Tax Rate One Cent = \$233,524

- Budget Additions/(Subtractions)
 - Ruffy Holmes – Additional Funding \$ 8,000
 - Planning and Community Development
 - CAC Pocket Parks and Entrance Signage 5,000
 - Historic District Expansions (20,000)
 - Health Care – Budgeted 10%. Revised to 7.6 percent (62,507)
 - Fleet Management – Existing position replace with lower paid employee (27,129)
 - SAFETEA Matching Funds from Fund Balance (96,896)
 - Transfer to Transit Fund due to Fund 35 Reductions (2,444)
 - Public Service Strategic Plan (10,000)
 - Balance of Project SAFE grant – not expended at 6/30/06 (8,518)
 - General Fund Backflow Prevention Contract (20,000)
- Modifications for One Cent Reduction \$(234,494)

Budget Modifications Required to Reduce Tax Rate Additional Half Cent

- Budget Additions/(Subtractions)
 - Facilities Maintenance and Improvements:
 - Courtyard at Salisbury West Community Center \$ (5,000)
 - Repairs to accommodate HVAC change out at Plaza (30,000)
 - Carpet 1st floor Zimmerman (7,000)
 - Council Street parking lot repair (5,000)
 - Police Administration – Wellness Program Deferred (4,500)
 - Human Resources Employment Legal Counsel (12,000)
 - Eliminate balance of funding for BS degree in Fleet Services (1,828)
 - Reduce Community Appearance Commission Programs to FY06 level (800)
 - Goals Management Software (18,000)
 - Security System Upgrades (32,492)
 - Amounts Paid to Repair Radios in Police Department (15,000)
 - Economic Development Commission additional funding 15,828
- Modifications for Additional One Half Cent Reduction \$(115,792)

Total Modifications for One and a Half Cent Reduction \$(350,286)

Mr. Treme stated that he understands Council's wisdom in reducing the tax increase impact on the taxpayers, adding that staff will do its best to operate with the budget Council adopts. He stated that if Council is pleased with the changes he would recommend adoption of the FY2006-2007 City budget as submitted.

Councilman Lewis stated that he was pleased with the support for the Community Appearance Commission pocket parks and entrance signage. He noted that it was a small amount but it gives the neighborhood leaders something to work with.

Mayor Pro Tem Woodson stated that he appreciates the work the City Manager has done with the budget and that he is satisfied with a \$.01 tax increase.

Councilman Burgin questioned the \$15,000 budget reduction to repair radios in the Police Department. He expressed his concern for the safety of the police officers and that they have radios that work. Mr. Treme stated that the radios would be repaired in-house rather than contracted out. Mr. John Sofley, Management Services Director, stated that the City has bought new radios for the Police Department that do not require the level of service that was previously required.

Councilman Kennedy commended the City Manager and staff for building the fire station on the west side of the City and continuing the employee health care. He added that with this budget he does not think the citizens will see much difference in City services. He expressed his support for the budget.

Mayor Klutz stated that Council members have spent seven (7) to eight (8) hours reviewing the budget in an attempt to make it as lean as possible and added that this has been a difficult year. She pointed out that most major cities are facing tax increases because of rising prices. She stated that Council has taken into consideration the phone calls and emails received from citizens and the information gathered at the public hearing. She added that she thinks staff has worked hard on the budget and noted that it could not go much lower without hurting City services. She stated that she was in support of the budget.

Mr. Lewis stated that the tax increase is not totally due to the building and staffing of the fire station. He added that other municipalities have been going into their fund balances rather than raising taxes and added that the City did the same thing, noting that the construction of the fire station came out of the fund balance. He stated he felt a \$.01 tax increase over the last two (2) or three (3) years is reasonable.

Mr. Kennedy stated that the increase in the water rates is not much when considering the price people pay for bottled water and that the City offers hundreds of gallons of water for the same price.

b) Adoption of the FY2006-2007 Budget

Thereupon, Mr. Kennedy made a **motion** to approve the budget ordinance of the City of Salisbury for the fiscal year beginning July 1, 2006, and ending June 30, 2007 as the City Manager has proposed. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

BUDGET ORDINANCE OF THE CITY OF SALISBURY FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 AND ENDING JUNE 30, 2007.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Budget, at Page Nos. 97-113, and is known as Ordinance No. 2006-32.)

c) Kannapolis and Concord Water Issues

Mr. Treme stated that he met with the City Managers of Kannapolis and Concord to discuss their desire to secure water for the future. He noted that the increase in Salisbury's utility capacity will enable the City to work with groups by using some of the excess capacity to benefit the Salisbury-Rowan rate payers. He added that this will be a high priority for City staff to determine how to position the City to increase sales of the product. He noted that with Council's permission, he will continue to work with these municipalities regarding water sales.

d) Donation of Property – Craig Street

Mr. Treme stated that the City has received a donation offer from the Willard Fisher estate for a piece of property located on South Craig Street.

Mr. Joe Morris, Planning and Community Development Manager, stated that the donated property is located between Bank Street and Fisher Street. He pointed out that the Community Development Corporation (CDC) and the City of Salisbury own properties on either side of this parcel of land. He explained that as the CDC develops houses in the area this parcel will be surveyed and divided between the adjoining properties, giving the owners control of a small creek. He stated that it will help clean up this part of the neighborhood and staff recommends accepting the donation of property.

Thereupon, Mr. Kennedy made a **motion** to accept the generous donation from the Fisher estate. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

e) Water Rate Clarification

Mayor Pro Tem Woodson stated that he has been asked questions regarding the water rate increase and he wants to clarify that approximately one-half of the increase is for the debt service on the Interstate 85 line to recruit more industry and better paying jobs for the County.

MAYOR'S ANNOUNCEMENTS

a) City Council July, 4 2006 Meeting Schedule Change

Mayor Klutz reminded Council that it had previously adopted the Council meeting schedule to change Council's first meeting in July from Tuesday, July 4, 2006 to Wednesday, July 5, 2006 at 4:00 pm. and confirmed that this date is still acceptable for Council.

b) Report on meeting of Salisbury City representatives and State officials

Mayor Klutz reported that she and a City delegation comprised of Mr. David Treme, City Manager; Mr. Matt Bernhardt, Assistant City Manager for Utilities; Mr. Randy Tinsley, Environmental Attorney; and Mr. Doug Paris, summer intern, traveled to Raleigh, North Carolina on May 25, 2006 to meet with Mr. Bill Ross, Secretary of the North Carolina Department of Environment and Natural Resources, to share the City's concerns about Alcoa, their re-licensing and the threat to Salisbury's water intake facilities on the Yadkin River. She stated that she felt this was a very productive meeting. She added that the delegates also had a meeting scheduled with State representatives but they were held up in session and unable to meet.

c) Anniversary Announcement – Councilman Pete Kennedy

Mayor Klutz announced that today is Councilman Kennedy's forty-second (42nd) wedding anniversary and extended congratulations.

d) Presentation from Visiting Firefighter Luis Ferman

Fire Chief Bob Parnell introduced Mr. Luis Ferman, a visiting firefighter from Guatemala, and stated that he has completed the Firefighter one (1) and two (2) Certifications for the State of North Carolina. He noted that he will graduate from the Salisbury Firefighter Rookie School on Friday, June 9, 2006, and will be returning to Guatemala the following week.

Mr. Ferman extended his thanks to the City of Salisbury and to the people responsible for bringing him to Salisbury to attend the Rookie School. He congratulated the City for the variety of services offered and stated the staff at the Fire Department is very organized and he will take home many good experiences. Mr. Ferman presented gifts of coffee and souvenirs from Guatemala to Council members.

Chief Parnell stated that the graduation will be held June 9, 2006 at 7:00 pm at Rowan-Cabarrus Community College. He added that during the ceremony six (6) new firefighters will be sworn in and four (4) fire captains and two (2) battalion chiefs will be promoted. He invited all Council members to attend the graduation and pinning ceremony.

e) Ashbrook Road / Hendrix Barbecue Driveway

Councilman Burgin requested staff to report on the Hendrick's Barbecue driveway on Highway 70 at the next Council meeting. He stated that what is occurring does not seem to be in line with the approved zoning.

Councilman Lewis stated that Mr. Pat Ivey, Division Engineer for District Nine (9) of the North Carolina Department of Transportation (NCDOT), had questioned why the City would not grant Hendrix Barbecue access to Ashbrook Road. He stated that he, Mayor Klutz, City Manager David Treme and Land Management and Development Director Mr. Dan Mikkelson, met with Mr. Ivey and explained the history behind the rezoning of the property and the agreement with the neighborhood. He noted that Mr. Ivey shared a rendering of how the area will look once construction is complete. With the median in place residents from Westcliffe will have to make a left turn and then a U-turn to go back into Hendrix Barbecue. Mr. Lewis commented that they discussed allowing the Westcliffe residents to see the median in place in order to receive feedback from them before making a final decision to close the driveway. He stated that since the time of their meeting, the owner of Hendrix paved the parking lot, with permission from the local NCDOT representative to pave all the way to Ashbrook Road since he has a temporary access. Mr. Lewis stated that the owner may have to remove the driveway once the median issue has been reviewed by the residents, since the connection was to be a temporary access only. Mr. Lewis stated that Mr. Ivey has indicated the restaurant owner can not currently use the temporary driveway because there is access from its regular entrance from Highway 70. He commented he does not anticipate the neighborhood changing its mind once the median has been installed.

Mayor Klutz stated that it is her understanding that the owner has agreed that the temporary driveway will be closed once all construction has been completed.

Mr. Burgin commented that he would have preferred to add the driveway later if the resident desired to have access to the restaurant rather than having one added by default. Mr. Lewis pointed out that no one was given permission by the City to construct the temporary driveway. Councilman Kennedy reiterated that Council has not changed its position regarding the access to Ashbrook Road.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Paul Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 5:23 p.m.

Mayor

City Clerk