

Salisbury, North Carolina  
May 1, 2012

## **REGULAR MEETING**

**PRESENT:** Mayor Paul B. Woodson Jr., Presiding; Mayor Pro Tem Susan W. Kluttz, Council Members Maggie A. Blackwell, William (Pete) Kennedy, and, William Brian Miller; City Manager Doug Paris; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** None

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

## **PLEDGE OF ALLEGIANCE**

Mayor Woodson led those present in the Pledge of Allegiance to the United States flag.

Mayor Woodson announced the Patriots Flag Concourse and Memorial Dedication was held earlier today at City Park. He stated the site is a beautiful addition to the Park, and he encouraged everyone to visit the site.

## **RECOGNITION OF VISITORS**

Mayor Woodson welcomed all visitors present.

## **CHANGES TO THE AGENDA**

Mayor Woodson noted the following change to the Agenda:

Delete – Item 16 – Council to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3).

## **RECOGNITION OF CITY CLERK**

Mayor Woodson recognized City Clerk Myra Heard and Deputy Clerk Kelly Baker for their work with the City. He read a Proclamation proclaiming April 29, 2012 through May 5, 2012 as Municipal's Clerk Week. He then presented a copy of the Proclamation to Ms. Heard and Ms. Baker.

## **RECOGNITION OF SALISBURY HIGH SCHOOL PRINCIPAL WINDSOR EAGLE**

Mayor Woodson recognized Dr. Windsor Eagle for 32 years of service as Principal at Salisbury High School. He read a Proclamation proclaiming May 1, 2012 as Dr. N. Windsor Eagle Day and presented a framed copy of the Proclamation to Dr. Eagle.

Councilmember Blackwell shared comments from her granddaughter who is a student at Salisbury High School. She noted her granddaughter stated Dr. Eagle is the face of Salisbury High School and she thinks students will have to learn to trust the new principal. Ms. Blackwell indicated her granddaughter felt the students trust Dr. Eagle because he pushes them academically and through school spirit, and she felt Dr. Eagle is leaving big shoes to fill. Ms. Blackwell thanked Dr. Eagle for his impact on the community.

Mayor Woodson commented his daughter attended Salisbury High School and the University of North Carolina at Chapel Hill, and she stated Salisbury High School was tougher than college. He acknowledged all that Dr. Eagle has done for Salisbury High School, and he wished him the best in his retirement.

Councilmember Kennedy thanked Dr. Eagle for the quality education his children received at Salisbury High School. He stated thousands of students have enjoyed success in their chosen professions due to Dr. Eagle's commitment to education. He acknowledged all that Dr. Eagle has done for the community, and he thanked his family for supporting him throughout his career.

Councilmember Miller thanked Dr. Eagle for making it his life's work to prepare children for their future. He acknowledged the impact Dr. Eagle has had on countless lives throughout the community.

Mayor Pro Tem Klutz stated it is difficult to put into words what Dr. Eagle has meant to Salisbury High School and to the City. She explained she has watched him from different

perspectives through the years, and he has worked to defend the school, and make sure it is all it can possibly be. She pointed out his students have continuously excelled in academics and athletics, and he is always there to support them. She thanked him for all he has meant to the school, the community and to his students. She noted Dr. Eagle will be missed but he has made a tremendous impact on the community.

Dr. Eagle thanked Council for the Proclamation and the kind words. He stated his time as Principal has been exciting and challenging. He recognized his staff and the students he has encountered throughout his tenure as Principal.

### **NATIONAL MAKE A DIFFERENCE DAY AWARD**

Urban Design Planner Lynn Raker addressed Council regarding the Community Appearance Commission's (CAC) receipt of the \$10,000 National Make a Difference Day Award for the BlockWork Project. She thanked the CAC, Neighborhood Leaders Alliance, various City departments, and everyone who contributed to the BlockWork project. She explained the CAC received a National Make a Difference Day award in Washington D.C. on Thursday, April 19, 2012. She noted along with Mayor Woodson, and CAC Chair Barbara Perry, she traveled to Washington D.C. to receive the award on behalf of the CAC and the City of Salisbury.

Ms. Raker explained the City of Salisbury was one of three cities to receive the national award. She reviewed the BlockWork project which was held October 22, 2011 in the 200 and 300 blocks of South Shaver Street, and she noted 85 volunteers worked on 13 properties. She indicated the \$10,000 received from the award will be used for the next BlockWork project to be held October 27, 2012. She thanked everyone who worked on the project, and she thanked Council for its support.

Mayor Woodson stated it was inspiring to see people from across the country win various awards. He thanked Ms. Raker and Ms. Perry for their work on the BlockWork project.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the 2011-2012 Budget Ordinance of the City of Salisbury, North Carolina, to appropriate Make a Difference Day Award in the amount of \$10,000 to appropriate the award. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

**AN ORDINANCE AMENDING THE 2011-20012 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE MAKE A DIFFERENCE AWARD DAY.**

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 24, and is known as Ordinance 2012-15.)

Councilmember Blackwell noted Ms. Raker's role in the BlockWork Project. She pointed out Ms. Raker made sure each work site was equipped with the tools and the necessary

equipment needed for each job. She commented the day ran like clockwork because of Ms. Raker's dedicated management of the Project.

## **PROCLAMATIONS**

Mayor to proclaim the following observances:

NATIONAL DAY OF PRAYER	May 3, 2012
NATIONAL POLICE WEEK	May 13-19, 2012
PEACE OFFICER'S MEMORIAL DAY	May 15, 2012

## **CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of April 17, 2012, and the Special Meeting of April 23, 2012.

(b) Brick Street Live Concert

Close the 100 block of East Fisher Street from 6:00 a.m. until 12:00 midnight, Thursday May 3, 2012 to accommodate a Brick Street Live concert.

(c) Pride Celebration

Close the 100 block of South Lee Street Saturday, June 23, 2012 from 8:00 a.m. until 8:00 p.m. to accommodate the Salisbury PRIDE celebration.

(d) Budget Ordinance Amendment – Various Donations Parks and Recreation Department

Adopt a budget **ORDINANCE** amendment to the FY2011-2012 budget in the amount of \$2,436 to appropriate various donations to the Parks and Recreation Department.

AN ORDINANCE AMENDING THE 2011-2012 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE VARIOUS RECREATION DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 25, and is known as Ordinance 2012-16.)

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

## H.R. 1746 THE COMMUNITY ACCESS PRESERVATION ACT

Public Information Officer Elaney Hasselman and Access 16 Station Manager Jason Parks addressed Council regarding the Community Access Preservation Act (CAP).

Mr. Parks explained the CAP Act is a bi-partisan bill that provides community television stations with dedicated funding and ensures community television stations will be viewable by cable television subscribers. He stated the CAP Act is a national bill that will remove the distinction between capital and operating expenses, and Public, Educational, Government Channels (PEG) support fees. He asked Council to consider adopting a Resolution supporting the CAP Act, and he pointed out, if approved, the Resolution will be sent to State officials for support.

Mr. Parks updated Council on Access 16, and he noted the facilities are being relocated to City Hall. He stated a new TV server will be launched later this year with expanded capabilities. He stated the station continues to create promotional videos for City departments and to explore funding options.

Thereupon, Ms. Klutz made a **motion** to adopt a Resolution in support of H.R. 1746 The Community Access Preservation Act. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Klutz voted AYE. (5-0)

RESOLUTION IN SUPPORT OF H.R. 1746 THE COMMUNITY ACCESS PRESERVATION ACT.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 20, and is known as Resolution 2012-07.)

## APPLICATION FOR 2012 JUSTICE ASSISTANCE GRANT (JAG)

Police Chief Rory Collins announced an opportunity to receive a Justice Assistance Grant (JAG) from the United States Department of Justice. He stated the total of the grant is \$38,332, and it is to be shared with the Rowan County Sheriff's Office. He noted the allocation to the Salisbury Police Department will be \$24,221, with \$14,111 being allocated to the Rowan County Sheriff's Office. He pointed out this is a non-competitive grant and does not require a match.

Chief Collins stated the Police Department plans to use the funds to acquire needed equipment, and he requested a public hearing be set to receive comments on the proposed grant.

Thereupon, Ms. Blackwell made a **motion** to set a public hearing for May 15, 2012 to receive public comment regarding an application for a 2012 Justice Assistance Grant (JAG) in the amount of \$38,332. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Meses. Blackwell and Klutz voted AYE. (5-0)

**LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-02-2012 ROWAN HELPING MINISTRIES HOMELESS SHELTER**

Senior Planner Trey Cleaton addressed Council regarding Land Development District Map Amendment CD-02-2012, Rowan Helping Ministries Homeless Shelter. He explained the previously adopted Ordinance did not enumerate the base rezoning of the 16 parcels in the Conditional District (CD) area. He noted upon closer review of the geography it was determined the correct number of parcels is 16 instead of the 17 parcels listed in the previous Ordinance. He stated the new Ordinance will clarify and replace Ordinance 2012-11 adopted April 3, 2012.

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, by rezoning 16 parcels that total approximately three acres from Neighborhood Mixed-Use (NMX) and Urban Residential (UR8) base districts to Corridor Mixed-Use (CMX) and Residential Mixed-Use (RMX), to remove a portion of the General Development-A (GD-A) overlay from the petition area boundary, and to establish a conditional district (CD) overlay to permit the development of a 31,507 square foot Homeless Shelter; identifying the development documents; identifying permitted uses: providing an effective date; and for other purposes. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Blackwell and Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY REZONING 16 PARCELS THAT TOTAL APPROXIMATELY THREE ACRES FROM NEIGHBORHOOD MIXED-USE (NMX) AND URBAN RESIDENTIAL (UR8) BASE DISTRICTS TO CORRIDOR MIXED-USE (CMX) AND RESIDENTIAL MIXED-USE (RMX), TO REMOVE A PORTION OF THE GENERAL DEVELOPMENT-A (GD-A) OVERLAY FROM THE PETITION AREA BOUNDARY, AND TO ESTABLISH A CONDITIONAL DISTRICT (CD) OVERLAY TO PERMIT THE DEVELOPMENT OF A 31,507-SQUARE FOOT HOMELESS SHELTER; IDENTIFYING THE DEVELOPMENT DOCUMENTS; IDENTIFYING PERMITTED USES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Pages No. 26-29, and is known as Ordinance 2012-17.)

**RECYCLING CONTRACT**

Assistant City Manager John Sofley, Purchasing Manager Anna Bumgarner, and Public Services Director Tony Cinquemani addressed Council regarding a contract for curbside recycling services.

Ms. Bumgarner explained staff accepted bids for the curbside recycling services project, and she noted the City asked for three options in its bid:

- Stay as is with 14-gallon bins
- Bi-weekly collection using 96-gallon carts
- Allowing business customers to participate in the recycling program

Ms. Bumgarner stated staff recommends the bi-weekly 96-gallon cart recycling option.

Mr. Sofley indicated staff has received feedback from citizens who state they would recycle more if the City provided larger containers. He noted citizens have complained that in rainy weather the paper and boxes get wet, and in windy weather the recyclables can blow out of their containers.

Mr. Sofley explained the City decided to require vendors to incorporate the 96-gallon carts into their pricing. He stated the quotes were less than the City currently pays for its weekly recycling pickup.

Mr. Sofley pointed out the advantages to citizens for using 96-gallon recycling carts:

- Allows for more recycling
- Larger items will fit in the 96-gallon carts
- Material is contained due to lids
- Cart has wheels making it easier to get to the curb
- Reduces the number of trips/trucks in the neighborhoods
- No increase in fee
- Offered to businesses
- Higher level of recycling should result in reduction in waste stream

Mr. Sofley explained the cons of the bi-weekly recycling for citizens:

- Adjusting to bi-weekly pickup schedule
- Storage of larger container

Mr. Sofley noted the new vendor will provide information to each household explaining the new process, and will also allow the City to add additional information to the packet. He indicated the recommended vendor will also allow customers to continue to use the 14-gallon container.

Mr. Cinquemani noted the recommended vendor will offer back yard pick up to residents unable to push their cart to the curb.

Mr. Sofley displayed a 96-gallon recycling cart similar to the ones that will be utilized if Council approves the contract.

Mayor Woodson stated bi-weekly pick-up is a good thing. He noted the larger carts may create storage problems for citizens, and he is pleased the smaller bins can still be used.

Councilmember Miller asked if the amount of the contract is good for one year. Mr. Sofley replied the contract price is for the first year, but can be renewed for a total of three years. He explained the contract does not have a provision for fuel surcharges, and is based on the number of households.

Mr. Sofley explained the final cost could vary slightly since the contract is based on the estimated number of households, and the number will be finalized when the contract is awarded. He noted the contract provides for an annual increase based on the consumer price index.

Councilmember Blackwell pointed out the current vendor charges the City a fuel surcharge, which has been hard to budget. Mr. Sofley stated this is correct and indicated the last fuel surcharge was approximately \$4,000.

Mayor Pro Tem Kluttz stated the new contract is a win-win for the City and citizens. She pointed out there is no additional start-up cost, and the larger bins with lids can be rolled to the curb which will make recycling easier for citizens. She noted if pickup is conducted bi-weekly, the lids will cover the additional materials. She indicated the educational component gives the City an opportunity to remind people of the benefits of recycling.

Mr. Sofley stated the City does not plan to pick up the 14-gallon bins, but will allow citizens to continue to use them.

Ms. Blackwell stated citizens who are not able to roll their bins to the curb can call the Solid Waste Department at (704) 638-5256 to schedule back yard pickup.

Ms. Kluttz asked what will be done with the smaller bins if they are no longer needed. Mr. Cinquemani stated unwanted bins will be collected, some will be stored and others will be recycled.

Thereupon, Ms. Blackwell made a **motion** to award a contract in the amount of \$351,829.80 to Waste Pro of North Carolina, Inc. to provide services for curbside recycling. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

## **BOARDS AND COMMISSIONS**

### **Parks and Recreation Advisory Board**

Upon a motion by Ms. Kluttz, seconded by Mr. Miller, and with Messrs. Kennedy, Miller and Woodson and Mses. Blackwell and Kluttz voting AYE, the following appointment was made to the Parks and Recreation Advisory Board:

Mr. Jeff Jones

Term Expires 3/31/15



## CITY MANAGER'S COMMENTS

### (a) 3<sup>rd</sup> Quarter Financials

City Manager Doug Paris asked Assistant City Manager John Sofley to present the 3<sup>rd</sup> Quarter Financials to Council for the period covering nine months of the fiscal year. Mr. Sofley stated the largest revenue for the City is property tax, and he displayed a graph showing property tax values.

Mr. Sofley displayed a graph showing the Property Tax Collection percentage:

- FY2008 - 95%
- FY2009 - 95%
- FY2010 - 94%
- FY2011 - 94%
- FY2012 - 95%

Mr. Sofley reviewed Sales Tax Revenues:

- FY2008 - \$2,573,967
- FY2009 - \$2,461,754
- FY2010 - \$2,296,497
- FY2011 - \$2,371,229
- FY2012 - \$2,613,574

Mr. Sofley noted Sales Tax Revenue is strong, and the City should finish the year over the budgeted figure. He expressed caution regarding budget increases for the coming fiscal year due to the unpredictability in the economy. He reviewed a graph of Sales Tax Receipts, projected versus actual.

Mr. Sofley reviewed State franchise tax receipts and noted it is slightly lower than projected. He indicated the City may not reach its budget on this item due to the warm winter resulting in lower usages of natural gas and electricity:

<u>Year</u>	<u>Actual</u>	<u>Budget</u>
FY2007	\$958,373	\$1,992,533
FY2008	\$1,019,888	\$2,309,380
FY2009	\$1,031,455	\$2,431,490
FY2010	\$1,022,729	\$2,595,613
FY2011	\$1,080,445	\$2,595,613
FY2012	\$1,058,156	\$2,600,000

Mr. Sofley reviewed General Fund revenues compared to the amount budgeted. He explained the City has collected 80.3 percent, or \$27,183,928, of the budgeted \$33,859,104 due to the receipt of the majority of property taxes.

Mr. Sofley indicated General Fund expenditures were at 72.5 percent. He explained expenditures in the General Fund are front-loaded, meaning they occur during the first half of the year. He stated, based on nine months of data, it appears the General Fund will end on a positive note.

Mr. Sofley reviewed the Water and Sewer Fund monthly revenues. He displayed a graph and noted Water and Sewer sales are slightly below the budgeted amount. He explained this figure does not include peak-use customers. He stated peak-use customers use substantial amounts of water, but their usage is not budgeted due to its fluctuation. He noted with the addition of peak-usage customers water usage is slightly above the budgeted amount.

Mr. Sofley reviewed Water and Sewer Fund reserves versus the budgeted amounts. He noted the City has received 75.9 percent, or \$17,780,021, of the budgeted amount of \$23,433,974.

Mr. Sofley reviewed the Water and Sewer Fund expenditures versus the budgeted amounts. He pointed out the expenditures are at 60.2 percent, or \$14,120,922, of the budget amount of \$23,433,974. He explained the Water and Sewer Department has a large debt service payment that is due in the final quarter of the fiscal year.

Mr. Sofley then reviewed the Fibrant customers billed by month through March 2012. He noted the current customer base is over 1,800, and he pointed out Fibrant is continuing to add to its customer base and revenue. He explained some customers have been lost due to non-payment, and he noted the billings in February and March were level due to cutoffs and equipment fees in February.

Mr. Sofley reviewed Fibrant expenses versus revenue. He explained the numbers are the same due to the interfund loan authorized by Council. He noted he does not anticipate using more funds than authorized for the current fiscal year. He stated Fibrant billed in excess of \$250,000 per month for the last three months. He indicated expenses are less than the amount billed due to the debt-service payments being made earlier in the year.

Mr. Sofley then reviewed Transit fare revenues versus the budgeted amount. He noted revenue is at 66.3 percent, slightly behind the projected amount. He stated the Transit expenditures are slightly below the projected amount and noted a relation between the Transit revenues and expenditures.

Mayor Woodson stated he is pleased with Fibrant's progress.

Mr. Sofley noted Fibrant anticipates 2,000 active customers by July 30, 2012. He thanked the Fibrant staff for its hard work. He recognized Fibrant General Manager Mike Jury and stated he brings a wealth of knowledge and experience to Fibrant.

Councilmember Kennedy noted the termination of customers due to non-payment, and asked if the customers will be brought back provided the bill is paid and a co-signer is provided. Mr. Sofley stated over the last several months Fibrant has been able to retain approximately 60 to 75 percent of the disconnected customers.

Councilmember Miller asked if Transit expenses can be controlled or if the expenses are fixed. Mr. Sofley explained revenue is not recorded until it is received from the State. He noted the City has billed the State, but it has not received the revenues. He stated the revenue will shorten the gap between the revenue and expenditures.

Mr. Miller thanked Mr. Sofley for the informative report. He noted the quarterly financials helps Council make informed decisions.

(b) Broadband Update

City Manager Doug Paris asked Fibrant General Manager Mike Jury and Purchasing Manager Anna Bumgarner to address Council regarding a secondary connection for Fibrant. Mr. Jury requested Council award a sole contract in the amount of \$184,977.53, for a network upgrade that would allow an additional internet provider to be added to the Fibrant network. He explained the secondary provider will allow Fibrant to have a redundant internet link that will improve overall reliability. He added this addition will also help attract business customers.

Mayor Woodson asked if the purchase is less than the amount budgeted for a secondary connection. Ms. Bumgarner stated the price is less than the budgeted amount.

Mr. Paris explained staff prefers to bid items, but in this case a sole source purchase was used since the equipment is specialized and must be integrated into Fibrant's existing equipment.

Councilmember Kennedy asked if the contract is for a certain timeframe. Mr. Jury stated the purchase is a one-time fee.

Councilmember Miller stated the purchase will improve Fibrant's level of service and help improve sales. Mr. Jury added the secondary internet connection will attract business customers to the Fibrant network.

Thereupon, Mr. Miller made a **motion** to adopt a Resolution authorizing a contract in the amount of \$184,977.53 to CCI Systems to provide services and equipment for Fibrant. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Klutz voted AYE. (5-0)

RESOLUTION AUTHORIZING A CONTRACT WITH CCI SYSTEMS FOR SERVICES AND EQUIPMENT FOR FIBRANT.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 21, and is known as Resolution 2012-08.)

(c) 911 Consolidation

City Manager Doug Paris stated he attended the Rowan County Board of Commissioners meeting Monday, April 30, 2012. He indicated the Commissioners discussed the Memorandum

of Understanding between Rowan County and the City of Salisbury regarding the 911 Consolidation.

He asked Fire Chief Bob Parnell, Police Chief Rory Collins, Rowan County Emergency Medical Services (EMS) Director Frank Thomason and Telecommunications Director Rob Robinson to address any questions Council may have. He noted two changes made to the agreement made by the County Commissioners:

- Both elected Boards will decide if the Compliance Review Committee is to be extended
- Language was added to provide or modify dispatch protocols and staffing levels as mentioned in Sections 1 and 2

Mr. Paris stated he recommends approval of the agreement pending any questions Council may have.

Mayor Woodson noted the changes seem to be minor. He asked if the Police Chief and Fire Chief are in agreement with the recommendation. Chief Parnell and Chief Collins indicated they agree with Mr. Paris' recommendation.

Councilmember Kennedy thanked Mr. Thomason and Mr. Robinson for their work on the 911 Consolidation Agreement.

Mayor Woodson thanked the Rowan County Board of Commissioners and staff for their work on the project. He stated the 911 Consolidation will save the City of Salisbury \$5.5 million over the next 10 years.

Councilmember Miller noted both the City and County receive benefits from the 911 Consolidation. He explained the City receives \$5.5 million in savings, and the County receives 911 fund allocations as a result of the City-County partnership. He thanked everyone for their work on the project.

Thereupon, Mr. Miller made a **motion** to approve the Interlocal Cooperative Agreement as provided by the City Manager. Mr. Kennedy seconded the motion.

Mayor Woodson pointed out Rowan County will receive \$1.2 million in funding for the 911 Consolidation. He stated the 911 Consolidation is a win-win for the County and the City.

EMS Director Frank Thomason stated the 911 Consolidation is a culmination of 27 years of work by both local governments. He explained it started in 1985, when 911 was realized as a goal of all local governments in Rowan County. He thanked Council on behalf of Rowan County, and he stated the County looks forward to a long working relationship with the City.

Mayor Pro Tem Kluttz stated this is an important day for the City of Salisbury and Rowan County.

Councilmember Miller stated the 911 Consolidation proves the City and County can find mutually beneficial opportunities to cooperate, ultimately benefiting the citizens.

Telecommunications Directions Rob Robinson stated construction is on schedule. He noted the completion date is planned for March 2013.

Messrs. Kennedy, Miller, Woodson, and Mses. Blackwell and Kluttz voted AYE. (5-0)

(d) High Rock Lake TMDL

City Manager Doug Paris asked Salisbury-Rowan Utility (SRU) Director Jim Behmer to address Council regarding Total Maximum Daily Load (TMDL) and Federal and State regulations that are being placed upon the City.

Mr. Behmer explained TMDL is a written plan for attaining and maintaining water quality standards, in all seasons, for a specific water body and pollutant. He stated in 2004 High Rock Lake was listed by the North Carolina Division of Water Quality (NCDWQ) as exceeding the standards for Chlorophyll-a and Turbidity. He noted a TMDL was developed to address these pollutants.

Mr. Behmer explained the Environmental Management Commission (EMC) has not deemed High Rock Lake as nutrient sensitive. He stated once High Rock Lake is deemed nutrient sensitive the TMDL process can be implemented. He displayed a map of the participants along the Yadkin-Pee Dee River. He noted in the High Rock Lake Watershed there are five communities that exceed populations of 10,000 residents and could be impacted by the TMDL:

- Winston Salem
- Thomasville
- Lexington
- Statesville
- Salisbury

Councilmember Blackwell asked Mr. Behmer to define Turbidity. He explained Turbidity is a measurement of the cloudiness of water.

Mr. Behmer addressed the impacts of TMDL:

- Chlorophyll-a addressed by nutrient control of nitrogen and/or phosphorus
- Turbidity addressed by erosion control and treatment of urban runoff (storm water)
- Measures will be included in National Pollutant Discharge Elimination System (NPDES) permits for wastewater and storm water process

Mr. Behmer explained the NCDWQ TMDL implementation process:

- Step 1 has been seven years in the making
  - Build the tools (models)
    - Systematic planning
    - Monitoring
    - Modeling
- Step 2
  - Develop the nutrient management strategy
    - Target setting
    - Allocations
    - Point and nonpoint strategies
    - Environmental Management Commission

Mr. Behmer noted the City has actively participated in the NCDWQ TMDL Process:

- Step 1
  - Advisory Committee formed
    - Salisbury, Winston Salem, Kernersville, and the North Carolina Department of Transportation (NCDOT) have been very active
  - Yadkin Pee-Dee River Basin Association key funding partner for monitoring and model review
  - Modeling is underway and currently in public comment period
- Next Steps
  - 2012-NC Nutrient Forum to be held at the end of May
  - 2013-High Rock Lake stakeholder forums
  - 2014-2015-Strategies complete
  - After 2015-Implementation

Mr. Behmer stated it is still too early to measure the potential capital impact on the City if a TMDL is implemented. He explained the waste water facilities may be able to handle one nutrient more than the other. He noted staff will have a better idea of the cost when it knows what nutrients to limit. He stated true cost could range from \$15 million to \$50 million for the establishment of a new waste water treatment plant. He noted the City will remain active throughout the TMDL process.

Mayor Woodson asked if the cost will be spread over all municipality water and sewer customers. Mr. Behmer stated this is correct.

Councilmember Miller asked if the City is the source of the issues. He noted the water the City puts back in the environment is cleaner than what is taken from the river. Mr. Behmer stated the City contributes to the nutrients, but there are other contributors such as farming and agriculture. He explained the City is a regulated body with a North Carolina Department of Environment and Natural Resources (NCDENR) permit, and it is easier to restrict the City than the agriculture community.

Mr. Paris stated it is still early in the planning process. He indicated the City plans to monitor the situation closely and litigate if necessary in an effort to limit the impact on the rate payers.

Mr. Behmer noted the City has partnered with other communities to monitor the situation and evaluate the results.

Mr. Paris indicated staff will continue to work on Federal and State regulations as they impact the City of Salisbury and its citizens. He noted the City will work to make sure any regulation placed on the City is legitimate.

Mr. Paris noted the mulch issue as one area that has been impacted by regulations. He explained in the past, leaves and limbs were picked up and taken to a material handling site for processing and when the process was complete citizens could pick up the mulch. He indicated NCDENR will not allow the City to continue the process due to a permitting issue. He noted in the upcoming budget it is recommended that a group of citizens and experts review the leaf and limb service before the City considers the large capital expense of acquiring the proper permit for mulching. He indicated instead of citizens being allowed to pick up mulch that was ultimately created in their yards, the City must pay to haul the debris to permitted sites.

Mr. Paris explained the mulch and storm water regulations are placed on the City without a funding source. He noted it is a goal of staff to make sure any regulations placed on the City are legitimate, and the impact to taxpayers is minimal.

Councilmember Miller stated since other municipalities are impacted by the regulations regarding permitted mulch sites, it would make sense to take a regional approach to the situation to help spread the cost over a larger population.

Mr. Paris stated the City plans to enter discussions with the County and other municipalities regarding the mulch issue.

## **MAYOR'S ANNOUNCEMENTS**

(a) **Spring Night Out**

Mayor Woodson announced Downtown Salisbury Inc. will host Spring Night Out Friday, May 11, 2012 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(b) **Oak Park Retirement Community Pie Contest**

Mayor Woodson announced he served as a judge in a pie baking contest held at Oak Park Retirement Community last week. He stated a group from the Salisbury Fire Department won the overall event by having the best pecan pie.

(c) Rowan-Salisbury School System Technology

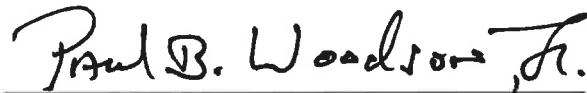
Mayor Woodson congratulated Rowan-Salisbury Schools for being ranked in the top ten in the nation for technology.

(d) Boards and Commissions

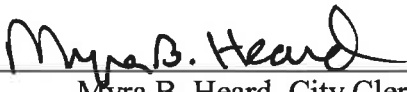
Mayor Woodson announced the City of Salisbury is seeking citizens who have an interest in serving on one of the City's Boards and Commissions. Information regarding the Boards and Commissions and applications are available online at [www.salisburync.gov](http://www.salisburync.gov) under the Boards and Commissions tab. Applications are also available at the City Clerk's Office located at 217 South Main Street, or by calling 704-638-5224.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Miller seconded by Ms. Kluttz. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:26 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk