

Salisbury, North Carolina
November 6, 2007

REGULAR MEETING

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

ABSENT: City Clerk Myra Heard

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.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following change to the Agenda:

Add – Council to recognize Master Police Officer Mark Hunter and Master Police Officer Mark Shue.

PROCLAMATION

Mayor Kluttz proclaimed the following observances:

VETERANS DAY	November 11, 2007
NATIONAL GIS DAY	November 14, 2007
GEOGRAPHY AWARENESS WEEK	November 11-17, 2007

Mayor Kluttz urged all children in Salisbury and Rowan County to participate in the GIS coloring contest and indicated that information is available on the City's website.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of October 16, 2007 and the Special meetings of October 20, October 22, October 25 (2 meetings) and October 30, 2007 (2 meetings).

Thereupon, Mr. Lewis 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)

RECOGNITION OF SALISBURY MASTER PATROL OFFICERS

Salisbury Police Chief Mark Wilhelm introduced Lieutenant Trevor Allen and Sergeant Rodney Harris.

Sergeant Harris explained that the Salisbury Police Department has two (2) tiers of awards. The first tier consists of awards for valor, life saving, and the Police Heart Award. The second tier includes departmental citations for outstanding performance of difficult tasks involving danger.

Sgt. Harris stated that on July 7, 2007 Master Patrol Officer Mark Hunter responded to a call to assist an officer on a traffic stop. Officer Hunter initiated a pat-down of a suspect and found and secured a weapon, saving the suspect from possibly using the weapon against the officers and citizens. Chef Wilhelm, Lt. Allen, and Sgt. Harris presented a Departmental Citation from the Salisbury Police Department to Officer Mark Hunter for his actions of observing the handgun concealed in the clothing of an unlawfully resistive person during a traffic stop.

Sgt. Harris stated that on June 30, 2007, Master Patrol Officer Mark Shue responded to a call regarding an elderly Alzheimer patient missing from Genesis Eldercare. Officer Shue coordinated efforts with other agencies to locate the missing

patient who was found in a wooded area near I-85 after having been missing twenty-two (22) hours. Sgt. Harris noted that during the time the patient was missing Officer Shue was persistent in his efforts to locate her. He pointed out that Officer Shue is a twenty-nine (29) year veteran with the Police Department and is a great influence on younger police officers. Chef Wilhelm, Lt. Allen, and Sgt. Harris presented a Departmental Citation from the Salisbury Police Department to Officer Mark Shue for coordinating a multi-agency search and rescue mission resulting in the successful location of an elderly Alzheimer patient missing for over twenty (20) hours.

Mayor Kluttz expressed Council's appreciation for these officers and their service to the community.

RENAMING BOUNDARY STREET – MARTIN LUTHER KING, JR. AVENUE

Mr. Dan Mikkelson, Director of Land Management and Development, explained that a City Council goal is to rename a street after Dr. Martin Luther King, Jr. and that the process started with a staff committee chaired by Councilman Kennedy. He pointed out that the committee evaluated five (5) different corridors and recommends renaming the portion of Boundary Street from Bringle Ferry Road to Jake Alexander Boulevard. Mr. Mikkelson indicated that City Council referred the recommendation to the Planning Board to evaluate four (4) specific items:

- Visual prominence of the street
 - Planning Board approved visual prominence of street due to crossing Innes Street and Jake Alexander Boulevard
- Evaluate the connection with diverse populations and businesses
 - Planning Board felt this was a good diverse corridor noting properties such as Cannon Park, site access to the Post Office, Civic Center, Housing Authority, Salisbury Sports Complex, Rufty Homes Senior Center and the fact that they are both residential and business properties located along the corridor
- Evaluate the history of Boundary Streets original name
 - Planning Board believes that Boundary Street coincided with the 1877 City limit boundary
- Evaluate the impact of address changes
 - Planning Board found that there are seventy-nine (79) properties and two hundred ten (210) addresses along the corridor that would be required to change their address

Mr. Mikkelson explained that some of the address changes can be handled administratively through the Post Office and that the North Carolina Department of Motor Vehicles (NCDOT) has a process that will allow an individual to retain their existing driver's license by notifying them of the address change.

Mr. Mikkelson reported that the Planning Board unanimously approved the recommendation that Boundary Street be renamed Martin Luther King Jr. Avenue. He

indicated that City Council has a policy on naming and renaming streets that establishes a thirty-day (30) period for public input and recommended that a public hearing be scheduled for November 20, 2007.

Thereupon, Mr. Burgin made a **motion** to set a public hearing for the purpose of discussing and receiving public input on the renaming of Boundary Street to Martin Luther King, Jr. Avenue on November 20, 2007. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

By consensus, Council agreed to take action on the renaming December 18, 2007.

Mayor Kluttz stated that there has been some discussion suggesting that Julian Road also be included in the renaming to Martin Luther King Jr. Avenue. Mayor Kluttz explained that the City's jurisdiction does not extend to Julian Road and only Boundary Street will be considered.

REPORT ON ZONING TEXT AMENDMENT T-02-07 AND ZONING MAP AMENDMENT Z-11-07 – NEW LAND DEVELOPMENT ORDINANCE

Mr. Preston Mitchell, Senior Planner, and Ms. Janet Gapen, Senior Planner, gave a presentation on the status of the proposed Land Development Ordinance (LDO) process. Mr. Mitchell pointed out that the ordinance will be a Unified Form-Based Development Code that moves from an emphasis on use to an emphasis on the built environment. He indicated that City Council adopted a Council goal to draft a Unified Form-Based Code that enables the Vision 2020 Comprehensive Plan and ensures a predictable development process.

- Vision 2020 Plan
 - Guiding document for proposed LDO
 - Eighteen (18) Community visions within plan looked at individually in the drafting of the LDO

- Adoption Schedule
 - August 21, 2007: Delivery of proposed LDO and map
 - August 28, 2007: Planning Board receipt of Resolution of Legislative Intent
 - October 4, 2007: Planning Board Public Hearing
 - October 18, 2007: First Courtesy Hearing
 - October 23, 2007: Second Courtesy Hearing
 - November 6, 2007: Planning Board report to City Council
 - November 20, 2007: City Council Public Hearing
 - December 4: City Council consideration
 - Effective Date – To be determined

- Public Notification Requirements - Mr. Mitchell noted that all of the requirements have been met.

- Per North Carolina General Statutes (NCGS) 160A-384, must place Zoning Petition signs in prominent locations
 - Placed thirty-four (34) signs
- Per NCGS 160A-384, if map amendment affects more than fifty (50) individual properties, may notify via a half-page ad in newspaper
- All property owners outside of Salisbury Post circulation (all of Rowan County) must receive written notice
 - Required to mail 2,277 letters
- Land Development Ordinance Committees requirements
 - Streamline the approval process
 - Increased administrative approval
 - Allow Vision 2020
 - More development options
 - Legislative Option
 - Creates the Conditional District
 - Protect edges of neighborhoods by carefully evaluating mapping
 - Carefully evaluated mapping
 - Reasonable Design standards
 - Chapter 5 – Architectural Standards
 - Increased residential density (new)
 - Smaller lot sizes allowed
 - Infill Protection
 - Chapter 4 – Additional Standards
 - Connectivity (reasonable)
 - Chapter 9 – Infrastructure, Platting Connectivity
 - Open Space
 - Chapter 7 – Recreational Open Space
 - Range of housing
 - Facilitates development of underutilized lots
 - Walkability
 - Encourages compact design and connectivity
 - Protect character of Salisbury
 - Creates Urban Residential – Preservation District
 - Not “one size fits all”
 - Master Plans with design flexibility

Mr. Mitchell explained that the proposed Land Development Ordinance reduces the City’s number of zoning districts from thirty-one (31) to seventeen (17).

Ms. Gapen stated that the Land Development Ordinance Steering Committee conducted an exhaustive review of the City’s current zoning map in order to convert from the current zoning designations to the most compatible districts within the new code. She displayed examples of the district conversions and reviewed the three (3) different conversions used:

- Direct Conversion
 - Looked at existing land use patterns
 - New district in new code was selected that most closely matched the existing development on the ground
 - Like for like zoning
- Selection of two (2) to three (3) possible districts with an effort to select the new district that most closely matched the development on the ground
- Prescribed change recommended
 - To avoid creating non-conformities

Ms. Gapen reviewed aerial maps depicting various proposed district changes.

Mr. Mitchell reviewed the procedural and code changes of the proposed Land Development Ordinance:

- Procedural Changes
 - Predictability for Developers and Affected
 - Administrative Approvals (Site Plan/Subdivisions)
 - Small to medium size projects
 - Clear, objective standards and formulas
 - Legislative Approval Option (same as current process)
 - Replaces the S-District zoning process
 - Rezoning and master plan all-in-one
 - Innovative design and market expectations
 - Special Use Permits for sensitive uses
- Code Changes
 - New zoning districts – thirty-one (31) to seventeen (17)
 - Similar Rural (RU), Residential (RES), Commercial (COMM), Industrial (IND)
 - New Mixed-Use districts
 - Infill standards
 - Intended to protect developed areas with vacant lots
 - Architectural Standards – Building Types
 - National Pollutant Discharge Elimination System (NPDES) Stormwater/Environmental Standards
 - Recreational Open Space
 - Connectivity and Traffic Impact Studies, depending
 - Lighting on Private Property

Dr. Mark Beymer, Planning Board Chairman, stated that the Planning Board spent considerable time working on the three (3) important issues City Council charged to the Planning Board and the six (6) member Land Development Ordinance Committee (LDOC): The evaluation of overarching intent to enable the Vision 2020 Comprehensive

Plan while retaining time proven and tested aspects of the current Zoning Ordinance; compliance with the principles of due process and the community's expectation and obligation to serve the public interest; and enumeration of any technical clarifications to facilitate administration of the code. Dr. Beymer indicated that the committee examined case studies to determine the effects of the proposed Ordinance on the community. He noted that on October 23, 2007 the LDOC forwarded their recommendation of support of the Land Development Ordinance to the Planning Board.

Dr. Beymer stated that the Planning Board found that both the Text Amendment T-02-07 and Zoning Map Amendment Z-11-07 were consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan, the Park Avenue Neighborhood Strategic Redevelopment Plan, and the North Main Street Small Area Plan of the City of Salisbury, and recommended approval by a vote of 10-0 on both issues. Dr. Beymer indicated that the Planning Board recommends that the proposed Land Development Ordinance be adopted effective January 1, 2008 and that all actions and petitions received December 31, 2007 or earlier be processed under the prior ordinance and that all actions or petitions received January 1, 2008 or later be subject to the new Land Development Ordinance.

Dr. Beymer stated that the Planning Board would like to thank the Planning and Community Development staff for their support during this process.

Mayor Klutz thanked the Planning Board and staff for accepting the responsibility of reviewing the Ordinance. She noted that she is grateful for the long hours that the Land Development Ordinance Committee put into the process.

Councilman Burgin thanked the Planning Board for their hard work and for quickly processing this review of the Ordinance. He noted that he drew pleasure from some of the conclusions stated in the proposed Ordinance in meeting the objectives that the City has struggled to meet.

Mayor Pro Tem Woodson asked if the new Ordinance will help with future growth. Mr. Burgin answered that the Ordinance will be in place when growth does happen and will help the community to grow in the right way.

Councilman Lewis stated that under the current process the City does not know what the final result of a new development will look like, and under the new Ordinance there are standards for developers to follow while allowing for deviation under the legislative process.

Councilman Burgin stated that the proposed Land Development Ordinance offers protection to the community in that the builders will be committed to the approved development plans.

Councilman Kennedy stated that he likes that the zoning process and site plans can be approved at one time.

Mayor Kluttz stated that she is excited about the potential of simplifying the process for the community and the City Council. She thanked Dr. Beymer and the Planning Board for their report. A public hearing has been set for November 20, 2007 to receive comment from the public on the proposed ordinance.

PARKING IN THE 100 BLOCK OF EAST BANK STREET

Ms. Wendy Brindle, Traffic Engineer, reviewed an aerial photograph of East Bank Street and pointed out that after the street was resurfaced, Downtown Salisbury, Inc.'s Parking Committee requested that the street be re-stripped to allow parking on one side. She noted that the current code does not allow street parking because the street has a left turning lane, but staff determined that by eliminating the left turning lane, twelve (12) parking spaces could be provided along East Bank Street.

Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending Section 13-338, Article X, Chapter 13, of the Code of the City of Salisbury, relating to parking prohibited at all times. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz 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. 21, at Page No. 201, and is known as Ordinance No. 2007-66.)

AGREEMENT WITH TOWN OF SPENCER – INNOSPEC WATER LINE

Mr. Jeff Jones, Utilities Engineer, reviewed an aerial map depicting the proposed twelve (12) inch water line along Hinkle Lane to serve Innospec, located along I-85 in the Town of Spencer. He explained that the line will be extended north from Long Ferry Road to Innospec. Mr. Jones pointed out that Commerce Finance Center suggested an Interlocal Agreement between the City of Salisbury and the Town of Spencer for the operation and maintenance of the water line during the project period. He stated that the Agreement has been unanimously approved by the Town of Spencer Board of Aldermen.

Thereupon, Mr. Lewis made a **motion** to adopt an Interlocal Agreement between the City of Salisbury and the Town of Spencer for the Innospec water line grant project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AGREEMENT WITH ROWAN COUNTY – RDH TIRE WATER LINE

Mr. Matt Bernhardt, Assistant City Manager for Utilities, introduced Mr. Willie Brow, General Manager of RDH Tire. Mr. Jones displayed an aerial map depicting a proposed water line along Gatton Road to serve RDH Tire, located off Highway 70 near Cleveland. He presented an Interlocal Agreement between the City of Salisbury and Rowan County for the operation and maintenance of the water line during the project period. He stated that the Agreement has been unanimously approved by the Rowan County Commissioners.

Thereupon, Mr. Burgin made a **motion** to adopt an Interlocal Agreement between the City of Salisbury and Rowan County for the RDH Tire water line grant project. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

APPOINTMENTS TO CULTURAL ACTION PLAN STEERING COMMITTEE

Councilman Lewis recommended the appointment of Mr. James Donaldson, Dr. Sarah Hensley and Dr. David Fish to serve on the Cultural Action Plan Steering Committee.

Thereupon, Mr. Lewis made a **motion** to nominate these three for appointment to the Cultural Action Plan Steering Committee. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COMMENTS FROM THE CITY MANAGER

(a) Update on FERC Relicensing of Alcoa Project

Mr. Matt Bernhardt, Assistant City Manager for Utilities, and Mr. Jeff Jones, Utilities Engineer, updated Council on the Federal Energy Regulatory Commission (FERC) relicensing of Alcoa's Yadkin Project:

- September 28, 2007
 - FERC issued Draft Environmental Impact Statement (DEIS)
 - Proposes to require Alcoa to protect Salisbury water infrastructure from the sedimentation and flooding effects of the Yadkin Project.
- October 5, 2007
 - Alcoa asked FERC to authorize Alcoa:
 - To interrogate (in writing and face-to-face) Salisbury officials, experts, and anyone who knows about scientific studies commissioned by Salisbury.
 - Alcoa says it has so little information about studies that it is “unable to submit meaningful comments” on the DEIS.

- October 15, 2007
 - Salisbury asked FERC to deny Alcoa’s request because it is apparent to Salisbury that the proposed Alcoa interrogations are:
 - Intended to intimidate
 - Part of Alcoa’s improper relicensing strategy
 - Not based on any legitimate need to conduct interrogations
 - An abuse of FERC procedures
 - Part of Alcoa’s history of abusing FERC procedures to coerce Salisbury into submission
 - Salisbury also offered to provide any additional information that FERC or its experts need:
 - Early in the relicensing process, Salisbury invited FERC to engage in scientific peer review to verify the Salisbury-commissioned studies
 - Salisbury believes that it has provided sufficient information for scientific peer review of Salisbury’s studies.
 - In the same spirit of openness that prompted Salisbury to request that FERC conduct scientific peer review, Salisbury said that it would be pleased to provide additional information to FERC or its experts.

- October 18, 2007
 - FERC sent a letter to Alcoa:
 - “Salisbury filed extensive information on their modeling assumptions, data sources, and results.”
 - Alcoa “has had ample opportunity to review and comment on the submissions by Salisbury and provide new modeling or arguments” supporting Alcoa’s position.
 - DEIS evaluated information submitted by Alcoa and Salisbury.
 - “...the information in the Draft Environmental Impact Statement and public record is sufficient for Alcoa Generating to provide meaningful comment on staff’s analysis of sediment deposition in High Rock Lake.”
 - “Please be advised that comments on the DEIS are due December 8, 2007.”

- October 31, 2007
 - Alcoa filed “Request For Clarification Of October 18th Letter Denying Discovery, Or in the Alternative, Application for Rehearing”
 - Salisbury’s Environmental Counsel and Salisbury-Rowan Utilities staff is evaluating whether and how to respond.

Mr. Bernhardt stated that FERC will hold a public meeting on November 14, 2007 from 7:00 p.m. until 9:30 p.m. in the James Varick Auditorium at Livingstone College to allow members of the public to make comments regarding the FERC plan to require Alcoa to mitigate the sedimentation and flooding impacts of the Yadkin Project on Salisbury’s critical water and wastewater infrastructure.

Councilman Burgin asked if the municipal neighbors will receive an invitation to the FERC public hearing. Mr. Bernhardt responded they will be notified and explained that Salisbury-Rowan Utilities Management Team members are assigned to client communities to attend meetings and provide information. He added that they have kept the client communities up to date on this process and noted that many of the communities have submitted letters to FERC in support of Salisbury's position.

(d) Drought Conditions and Water Supply

Mr. Jeff Jones, Utilities Engineer, stated that the community recently received three (3) days of rain which improved the Yadkin Basin by one drought level from exceptional drought to extreme drought. He pointed out that the intake grates are submerged with six (6) feet of water above the City's drought level one (1).

Mr. Jones reviewed the United States Seasonal Drought Outlook released for mid-October 2007 through January 2008 which indicates that the drought will persist but does not indicate that it will intensify.

Mr. Bernhardt stated that the drought forecast will continue through the winter months and perhaps through March 2008 and as a result our neighboring communities will need Salisbury's assistance to meet their water needs.

Mr. Kennedy asked how the drought has affected the City of Statesville. Mr. Bernhardt answered that he has been in contact with Statesville and they have indicated that they may need Salisbury's assistance.

City Manager David Treme stated that at the last Council meeting, Council approved a Good Neighbor Policy offering waster assistance with the neighboring communities. He indicated that the City has inter-emergency connections through Kannapolis, Concord and Statesville. With Council's permission, staff will proceed with the Good Neighbor Policy to aid the neighboring communities with their need for water. He stated that to date the City has not been called upon for assistance and that he will keep Council posted on actions taken with other communities.

MAYOR'S ANNOUNCEMENTS

(a) Salisbury-Rowan United II

Mayor Klutz announced that the City of Salisbury will host "Salisbury-Rowan United II: The Next Steps in Creating an Action Agenda for a Safer Community and a Positive Future for our Youth" a follow-up summit on gang and youth violence Thursday, November 29, 2007 at 6:30 p.m. at the Salisbury Civic Center, 315 South Boundary Street.

(b) Downtown Holiday Storefront Decorations

Mayor Kluttz announced that the Salisbury Community Appearance Commission will hold its third annual Downtown Holiday Storefront Decoration awards the first week of December. She stated that in 2006 there were fifty-four (54) participants and seven (7) awards in eight (8) different categories.

(c) Election Day

Mayor Kluttz announced that today is Election Day and urged the citizens to vote. She noted that voting poles are open until 7:30 pm. Mayor Pro Tem Woodson complimented Mr. Henry Bernhardt for parking a block away from the election office and walking with a cane in order to exercise his right as a citizen to vote. Councilman Lewis noted that he saw Mr. Leo Wallace, who is ninety-five (95) years old, voting at the Public Library. He indicated that everyone should vote.

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 5:23 p.m.

Mayor

City Clerk