

REGULAR MEETING

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

ABSENT: None.

The meeting was called to order by Mayor Kluttz at 4:00 p.m. The invocation was given by Councilman Lewis.

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:

Postpone item 15 – Council to consider appointments to the Historic Preservation Commission.

RECOGNITION OF STUDENTS AND BUSINESSES THAT PARTICIPATED IN SUMMER YOUTH EMPLOYMENT PROGRAM

Ms. Kathy Seybold, Parks and Recreation Department, informed Council that the Summer Youth Employment Program is an initiative funded through the City of Salisbury's Community Development Block Grant (CDBG) program. She explained that the program is designed to provide youth with job skills and training and enable youth to earn income while receiving exposure to a work environment. She added that it also allows the participants to earn a work related reference and increase positive self-esteem while instilling a sense of pride and self-respect.

Ms. Seybold recognized the businesses and students who participated in the program: Ms. Joanne Russell and Chartwell Services/Catawba College who employed Ms. Shari White, Mr. Justin Brown and Ms. Brooke Waller; Mr. C.M. Yates and the Salisbury Parks and Recreation Maintenance Division who employed Mr. Curtis Presnell; Ms. Brenda Stevenson and Rowan Vocational Opportunities who employed Ms. Minka Cortez; and Mr. Paul Woodson and Vogue Cleaners who employed Mr. Salih Begic.

Mayor Kluttz thanked the businesses and the students for their participation in the Summer Youth Employment program.

RECOGNITION OF PAUL MOORE

Mr. Kenny Roberts, Recreation Program Manager, informed Council that Mr. Paul Moore, Recreation Coordinator for City Park, has completed requirements to receive certification as a Parks and Recreation Professional. He noted that Mr. Moore is the tenth City employee to receive national certification.

Mayor Kluttz congratulated Mr. Moore and thanked him for his work for the City.

RECOGNITION OF ELANEY HASSELMANN

Parks and Recreation Director Gail Elder White introduced Ms. Elaney Hasselmann who is the new Marketing and Communications Manager for Parks and Recreation.

Mayor Kluttz welcomed Ms. Hasselmann and indicated that the City is excited to have her on staff.

PROCLAMATION

Mayor Kluttz proclaimed the following observances:

ROWAN BLUES AND JAZZ SOCIETY DAY	October 14, 2006
CRIME PREVENTION MONTH	October 2006
NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH	October 2006

CONSENT AGENDA:

(a) Approve Minutes of the regular meeting of September 19, 2006, Special Luncheon Meeting and Special Joint Council Meeting of September 28, 2006.

(b) Adopt a budget Ordinance amendment to the FY2006-2007 budget in the amount of \$19,375.00 to appropriate various donations received by Parks and Recreation.

A N ORDINANCE AMENDING THE 2006-2007 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. 21, Budget, at Page No. 134, and is known as Ordinance No. 2006-46.)

(c) Consider partially closing the 200 block of West Fisher Street to just east of the Wrenn House parking lot Saturday, October 14, 2006 from 10:00 a.m. until 11:00 p.m. for a musical event sponsored by Rowan Blues and Jazz Society.

(d) Consider closing the 300 block of West Bank Street from 6:00 a.m. Saturday, October 14, 2006 until 7:00 p.m. Sunday, October 15, 2006 to allow vendors to set up for the October Tour.

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

ZONING MAP AMENDMENT Z-09-06, JOHN MAUNEY, FOWLER AGENCY, INC., HENDERSON GROVE CHURCH ROAD

Mayor Kluttz asked City Clerk Myra Heard to address several petitions that were received regarding zoning map amendment Z-09-06. Ms. Heard stated that she received three (3) protest petitions totaling approximately four hundred sixty-two (462) names, and according to North Carolina State Statue 160A-385.3, protest petitions filed against zoning of newly annexed property do not invoke the super majority voting requirement at the initial zoning of said property.

(a) Mr. Preston Mitchell, Senior Planner, indicated that case Z-09-06 has been requested by Mr. John Mauney and the Fowler Agency to establish City zoning on approximately fifty (50) acres located on the west side of Henderson Grove Church Road. The request seeks to have the property split zoned between M-1 Light Industrial and M-2 Heavy Industrial. Mr. Mitchell reviewed an aerial map of the property and noted its location along Henderson Grove Church Road, Peach Orchard Road and adjacent to I-85. He reviewed a topographic map of the site and indicated that there is a forty (40) foot drop on the property from the front along Henderson Grove Church Road to the back of the property at Town Creek.

Mr. Mitchell indicated that this piece of property was a voluntary annexation and was annexed effective September 30, 2006. He noted that the property is located outside of the City's extraterritorial jurisdiction (ETJ) boundary which means it is outside of the City's zoning jurisdiction. Mr. Mitchell stated that the City zoning for the area adjacent to the site is primarily A-1 Agriculture and M-1 Light Industrial. The County has jurisdiction on the south side of the property and the property is currently zoned 85-ED-3, a County district. The City must now establish zoning for the site after approving the annexation. The area adjacent to the site is zoned by the County as CBI Commercial Business Industrial which Mr. Mitchell noted is similar to the City's M-1 district. RR Rural Residential is in place along Peach Orchard Road and Mr. Mitchell stated there are a variety of other zonings throughout the area.

Mr. Mitchell provided Council with details about the current zoning districts:

- County 85-ED-3
 - "Corporate Park District"
 - Manufacturing, Transportation, Service
 - All uses require PUD Planned Unit Development approval and have a minimum acreage requirement
- City M-1 and M-2
 - Wholesaling, Distribution, Assemblage
 - Manufacturing, Fabricating
 - Transportation Terminals

Mr. Mitchell pointed out that the Code is cumulative so the M-1 and M-2 districts also allow less intensive uses from the Code.

Mr. Mitchell reviewed the Code requirements for the M-1 and M-2 districts:

- Landscaping/buffering
 - M-1 and M-2 require:
 - F-buffer yard (the most restrictive) against the A-1 district
 - A-buffer yard against M-1 and CBI
 - Both require complete visual separation
- Setbacks
 - No front setback with side and rear requiring a four (4) foot setback
 - No height maximum

Mr. Mitchell reviewed the “notification area” or that area that is considered the “affected area”. He noted that North Carolina law requires notice to abutting properties to the subject site. The City of Salisbury requires a notice to all properties one hundred (100) feet from the property boundary. He indicated that urban areas are different from rural areas where there tend to be large tracts of land. He stated that the notification area for rural areas includes large acreage amounts and the notification may not always reach everyone in a rural community. Mr. Mitchell reviewed a map of the property in question and those properties surrounding it that are part of the notification area, which was a total of one hundred forty-six (146) acres.

Mr. Mitchell indicated that the site totals fifty and nine tenths (50.9) acres and the owner proposes to zone the front seven and seven tenths (7.7) acres as M-1 and the remaining forty-two and two tenths (42.2) acres as M-2.

Mr. Mitchell reviewed the Planning Board observations from its September 26, 2006 meeting and noted its concerns:

- Intensity of heavy industrial uses on the area
- Traffic concerns along Henderson Grove Church Road
 - Industrial traffic
 - Potential bus traffic related to Elizabeth Koontz Elementary School
- Drainage and impact on Town Creek
- Impact on Koontz Elementary School and if a new school will general new residential areas

Mr. Mitchell stated that the Planning Board did find that the site would be appropriate because of the recognized economic development importance of this I-85/US 29 rail corridor that has been recognized by both the City and the County, and because it is located beside a major transportation network.

Mr. Mitchell gave Council considerations as to why staff recommends approval:

- Land is physically suitable for light and heavy industrial development
- Locational advantages to the major transportation network
- Rural setting provides large tracts for industrial development and for more natural buffering
- No clearly predominant development pattern in the corridor area or evidence that the area will continue as a major housing source
- Comparable zoning in corridor area, but no clearly predominant zoning pattern
- M-1 along Henderson Grove Church Road with M-2 in the rear creates compatible zoning along frontage, allowing larger area in rear to carry M-2 uses

He then offered considerations as to why staff would not recommend approval:

- Comparable zoning in the corridor area does not necessarily mean it is compatible
- Must decide if both heavy and light industrial will represent an orderly conversion to compatible alternative land uses
- Will potential industrial development diminish desirability of planned and existing non-industrial uses
- Will industrial development producing noise, odor, and other concerns be effectively mitigated under the City zoning districts of M-1 and M-2
- Some uses in both districts require Special Use Permits while others are by-right

Mr. Mitchell informed Council that the Planning Board voted 10-2 to recommend denial of the proposed split districts and did not find the proposal to be consistent with the Growth or Comprehensive Plan due to school and neighborhood concerns. He added that staff recommends approval and suggests that the proposal is consistent with the Growth and Comprehensive Plan.

Ms. Wendy Brindle, Traffic Engineer, reviewed the potential traffic impact based on the proposed zoning. Ms. Brindle indicated that comparing the allowed uses in the County’s ED-3 district and the proposed City zoning, both zonings have the same potential for traffic generation. She stated that questions were raised at the Planning Board meeting regarding maintenance of Henderson Grove Church Road. She noted that the road is maintained by the North Carolina Department of Transportation (NCDOT). Staff contacted NCDOT and, based on the zoning, NCDOT representatives had no particular concerns for the roadway. She stated that ideally NCDOT would have a road meet its current standards for road construction; however, this is an existing road and there are concerns because the road is twenty-two (22) feet wide and NCDOT would like to have guard-rail on the bridge and a review if the design of the asphalt thickness. She added that NCDOT is faced with this same situation throughout the State and have means to deal with

them.

Councilman Burgin asked if the traffic count for trucks has been confirmed. Ms. Brindle responded that the Institute of Traffic Engineers (ITE) trip generation manual does not specifically address an asphalt plant as a use so staff referred to production of asphalt and conducted interviews with the plant owners to generate the numbers. She indicated that the worse case scenario, based on a large production day, there would be approximately three hundred (300) trucks per day, although not all would use Henderson Grove Church Road. She stated that staff assumes approximately one hundred thirty (130) trucks per day would use Henderson Grove Church Road, with one hundred five (105) trucks using Peach Orchard Road and the remainder most likely using I-85. She reiterated that these numbers are based on assumptions. She stated that one hundred thirty (130) trucks per day on Henderson Grove Church Road would equate to about two (2) trucks every ten (10) minutes. On a large production day there would be approximately eight (8) percent added to the existing volume of one thousand four hundred (1,400) vehicles per day on Henderson Grove Church Road. She stated that staff has determined that the level of service on Henderson Grove Church Road and Peach Orchard Road will remain the same at a service level of B. She explained that levels of service are ranked A through F, with F being the worst.

Mr. Burgin asked if Ms. Brindle had this same information for an average day and not just a large production day. Ms. Brindle stated that on an average day there would be one hundred sixty (160) trucks, seventy (70) of those would use Henderson Grove Church Road, fifty (50) would use Peach Orchard Road and the remainder would travel to the south. She indicated that on Henderson Grove Church Road this would equate to approximately one (1) truck every ten (10) minutes and would add approximately four and one-half (4.5) percent new trucks to Henderson Grove and two (2) percent to Peach Orchard Road. She added that the level of service would remain at a level of service B for both roads.

Councilman Kennedy asked if the current truck traffic on Jake Alexander Boulevard, the current site of the APAC asphalt plant, is similar to figures just explained by Ms. Brindle. Ms. Brindle responded that she did not have the truck traffic figures for Jake Alexander Boulevard.

Mayor Pro Tem Woodson asked how many vehicles travel on Long Street. Ms. Brindle indicated she could not recall the volume for Long Street. Mr. Dan Mikkelson, Director of Land Management and Development, indicated that although he did not know the percentage of trucks there are approximately eleven thousand (11,000) vehicles per day on Long Street.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-09-06 to establish City zoning for the newly annexed area of Henderson Grove Church Road.

Mr. Ed Lockhart, 745 Peach Orchard Road, indicated that he worked for NCDOT for forty (40) years and informed Council that the bridge on Henderson Grove Church Road was built in 1961 and rehabilitated in 1998. He stated that the bridge is a timbered bridge and the bent rails on the bridge let him know that it is substandard for heavy trucks. He stated that he spoke with a bridge maintenance engineer who indicated that it would cost approximately \$300,000 to replace the bridge. Mr. Lockhart stated that, as it stands the bridge will last nineteen (19) to twenty (20) years but with the added trucks the life expectancy will be one (1) year. He commented that the roadway was built in the late 1940s as a farm to market road and is basically a tar and gravel. He added that it has received overlays which offer more stability but the road does not have a foundation and he feels the trucks will destroy the integrity of the road.

Mr. Vic Shue, 710 Peach Orchard Road, stated that he has based his calculations on truck traffic from statements that have been made by individuals and from the Department of Air Quality (DAQ). Mr. Shue reviewed statements made by Mr. Quigg, APAC representative, regarding traffic at its Concord facility. Mr. Shue noted that the DAQ reported six thousand three hundred ten (6,310) load-outs at the facility on Jake Alexander Boulevard. He noted that this equals one hundred one thousand (101,000) tons per day or one hundred sixty (160) tons per hour or ten (10) trucks. He stated that these figures do not include inbound traffic. If the inbound is included in the figure, it equals one (1) truck every three (3) minutes not including the aggregate. Mr. Shue indicated that asphalt mix is ninety-six (96) percent aggregate and four (4) percent liquid asphalt. He noted that using figures from DAQ it would equal twenty-two (22) trucks per hour outbound, with the same number of inbound trucks for a total of forty-four (44) trucks per hour. He stated that this equates to one (1) truck every one and four tenths (1.4) minutes for an eight (8) hour daily total of possibly three hundred forty three (343) truck trips. Mr. Shue stated that this number would increase if the trucks needed to haul aggregate are included. He stated that DAQ has permitted the Concord facility for one million four hundred eighty-eight thousand eight hundred seventeen (1,488,817) tons for a consecutive twelve (12) month period. Mr. Shue indicated that he felt the previous action by Council to down zone the facility on Jake Alexander Boulevard and to remove hot-mix asphalt plants from the zoning Code was based on cancer and suicide fears raised from Milford Hills' neighbors. He asked if the City considers the quality of life of a county resident less important than a voting City resident and noted that the Planning Board has voted against rezoning this property.

Ms. Nancy Shue, 710 Peach Orchard Road, stated that opponents of the M-2 zoning wrote a letter requesting a meeting with Council but it was not granted. She added that a fact finding meeting was afforded to APAC with no time limits imposed on their presentation. She stated that according to the Vision 2020 Plan it is Council's duty to protect neighborhoods and its residents against harm in zoning. She referred to efforts to slow traffic by reducing speed limits on City streets. She noted that those requests were for passenger vehicles and not for sixteen (16) ton trucks coming every two (2) minutes. She stated that theirs is a viable neighborhood. She referred to protest petitions that were submitted against M-2 zoning and asked if they will be considered to make their roads safer. She noted that Council saw no problem in approving a McCoy Road petition with sixty-five (65) names but their petition has four hundred sixty two (462) names. Ms. Shue commented that the difference between the petitions seems to be the ability to vote and hold Council accountable. She stated that Council was quick to protect Eagle Heights residents from a neglected swimming pool and added that they ask equal protection from noxious fumes, heavy truck traffic, and sixteen (16) ton vehicles traveling 45 mph. Ms. Shue stated that it seems that it is easy to force this asphalt plant on residents who have no vote. She added that if it is not compatible in the City it is not compatible in their neighborhood. She stated that Council will bear the blame if it votes to put this plant in their neighborhood.

Ms. Donna Lockhart, 745 Peach Orchard Road, reminded Council that County residents have rural mail delivery which means that half of the mail is delivered to boxes located on the opposite side of the road from residents' homes. She stated that children do not always pay attention to traffic and slower moving elderly residents may not see or hear clearly as they cross the two-lane road every day to pick up mail. She commented that when Council visited the Concord asphalt facility Mr. Quigg informed Council to be mindful of the trucks because the trucks may not be mindful of Council.

She stated that there is a memorial on Jake Alexander Boulevard that resulted from an encounter with an asphalt truck and questioned how many more would be erected on Henderson Grove Church Road. She noted that it is only a two (2) lane road and must be crossed daily by pedestrians just to receive their mail. She asked if Council has considered the school buses that travel the roads twice daily to pick up children. Ms. Lockhart stated that APAC has admitted that it has no control over the routes the trucks take. She commented that even though Council was told there would only be ten (10) to twelve (12) trucks running daily they have heard the true truck traffic figures that will be added on the two (2) lane country road.

Mr. Scott Shue, 620 Lake Wright Road, stated that this whole process seems to have been orchestrated to take this difficult task in small steps. He noted that adding hot-mix asphalt (HMA) facilities into M-2 zoning was first presented to the Planning Board in December 2005. He stated that the issue was assigned to a legislative committee for review. He noted that at that meeting the committee asked staff where APAC wanted to relocate, if the existing site could be upfitted, and what kind of noxious impacts would be placed on the citizenry if this use were permitted in the City's zoning jurisdiction. He stated that the minutes from the Committee meeting do not reflect the answers to the questions but he feels certain that sites where APAC was looking were given to the Committee. Mr. Shue stated that at a later Planning Board meeting there was discussion regarding amendments to M-2 zoning to allow hot-mix asphalt plants and he thinks it is suspect that two (2) representatives from APAC were present to answer questions. He noted that in April Council visited the Concord facility and he feels Council could have visited the plant at any point but did not do so until there was a desire to build a new one in the City. Mr. Shue indicated that during an informational meeting held by APAC Mr. Quigg was asked if the existing facility could be upfitted to meet APAC's needs and he responded that it could. Mr. Shue stated that staff presented figures to Council regarding truck traffic and indicated that only a percentage would use Henderson Grove Church Road. He commented that the entrance to the site is on Henderson Grove Church Road so one hundred (100) percent of the traffic will use the road. He added that the fuel to be used by the trucks will be low grade fuel oil which has a very pungent odor.

Ms. Melissa Parrish, 9903 Liberty Bell Court, indicated that she was disappointed that the majority of City Council did not attend the informational meeting held by APAC on September 18, 2006. She stated that the residents were told that the company only needed fifteen (15) of the fifty (50) acres for its facility and would seek light industrial zoning for the front portion of the property to mitigate its impact on the community. She noted that residents were surprised to find at the Planning Board meeting that only eight (8) acres of the front portion of the property were proposed for M-1 zoning. She questioned why APAC would need forty-two (42) acres for M-2 if they only required fifteen (15) acres for the plant. She commented that the road cannot handle traffic as it is and certainly cannot handle the increase if the company expands. Ms. Parrish indicated that residents were told the company reserved a two hundred (200) foot buffer around the property and that the existing foliage would virtually eliminate any smell or noise emanating from the site. She noted that the Special Use Permit only requires a thirty (30) foot buffer that is eight (8) feet high and questioned what would require APAC to maintain its two hundred (200) foot buffer. She stated that once the zoning and special use permit is issued the company could clear the property in any way it wished. Ms. Parrish stated that regardless of how far these fifty (50) acres are from the rest of the City, Council is responsible for making the area part of the City and is responsible for what is allowed. She stated that in the past three (3) years no zoning request denied by the Planning Board was submitted to City Council and she does not understand why this case is being heard. She commented that to expose oneself to City taxes without assurances of the zoning needed seems to be a huge risk on the part of the petitioner unless they feel it is a done deal to start with. She asked Council to prove this was not a done deal and vote against M-2 zoning.

Mr. Jessie Watson, 835 Peach Orchard Road, referred to the submitted petition with four hundred sixty-two (462) names and noted that it represents ninety-nine (99) percent of the residents living in the community within a one-half mile of the site. He stated he felt that perhaps the protest petition should be considered valid because the City had control of a portion of the property in 1997 and this is not the first time for the property to be zoned by the City. He stated that Henderson Grove Church was founded in 1812 and questioned how long they needed to be in the area to be considered established. Mr. Watson referred to a court case regarding spot zoning and noted it was defined as singling out one area of land to relieve it of restrictions of the rest of the area and he feels this is what is being done with this site. He stated that the County does not allow an asphalt plant within one-half (1/2) mile of a residence and the City needs a tougher zoning law on asphalt plants. He noted that within a one-half (1/2) mile radius of the site there are sixty-five (65) homes, two (2) churches and a new school. Mr. Watson stated that APAC should have hired a firm to find the best site possible and he feels there are other properties that would qualify for this plant that would not affect homes. He stated that he does not think APAC looked at this site, but that they were approached by the property owners and then staff lined up the rules in order to make this happen. Mr. Watson commented that M-2 zoning is alien in this area and in the City's new zoning districts there is nothing that includes M-2 zoning in this area. He informed Council that residents have been in contact with a law firm in Greensboro but hope they do not have to proceed.

Mr. Don Menius, 3317 Old Concord Road, indicated that most of his land is on Ritchie Road adjacent to the new school. He stated that the new school is a twenty-two (22) acre tract and there are six hundred (600) children in attendance daily. He noted that the playground is on the I-85 side and is approximately one thousand eight hundred (1,800) feet from the site. He indicated that any wind from the west will blow the dust pollution and odor over the school and the children. Mr. Menius stated that if the trucks enter Henderson Grove Church Road from Main Street they will have to cross railroad tracks and the tracks on Peach Orchard Road are only about one hundred (100) feet from Main Street and only two (2) or three (3) trucks could get through before being stopped. He added that the potential for a train collision is great. Mr. Menius indicated that the trucks will have to travel Jake Alexander Boulevard to bring rock from the Woodleaf quarry and with the increased traffic he feels there will be an accident. He stated that the Rowan County Commissioners zoned this land so that an asphalt plant could not be placed here and the School Board placed the new Koontz Elementary School in this area in order to control what is built around it. He stated that the children in the school need to be protected.

Ms. Jana Annas, 140 McCoy Road, stated that she lives in Milford Hills and she supports the people who are opposed to this site. She asked Council not to place on the Henderson Grove Church Road neighborhood what the Milford Hills neighborhood has faced for years. She asked Council not to place children in the new school in danger. Ms. Annas asked if it was more important for a company to make money or to save people's lives. She asked Council not to put an asphalt plant in this area.

Mr. Henry Sain, 1351 Henderson Grove Church Road, stated that staff has indicated there are many businesses on Henderson Grove Church Road, but there are only three (3) businesses which are light industrial. He asked Council to remember the three (3) buses that travel the road every day. Mr. Sain indicated that Vendor Supply is located across from this site and has trucks operating day and night. He added that these trucks have not been counted in the traffic counts. He stated that he feels that the neighborhood will not be served justice if this rezoning is passed. He noted that there is another school located on Peeler Road and he does not feel that all things have been taken into consideration and presented to Council. He asked

Council to preserve the neighborhood and vote against the rezoning.

Mr. John Daniels, 472 Ashbrook Road, stated that his mother and father-in-law live on Henderson Grove Church Road. He indicated that he was a member of the Planning Board when the down-zoning of the asphalt plant on Jake Alexander Boulevard was discussed. He stated that he thought the discussion at that time became an emotional decision and he voted against down-zoning the property because he felt that the property was properly zoned when the plant was built. He commented that down-zoning the property was due to emotion in favor of the Milford Hills neighborhood and asked Council to consider the emotion in favor of the neighbors on Henderson Grove Church Road. He stated he does not see the point in planting another seed for another battle to occur years from now. Mr. Daniels asked Council to oppose the zoning and leave it as it is for the property.

Ms. Shirley Hoosier, 406 Porter Road, read a list of names of residents from the Henderson Grove Church Road and Peach Orchard Road community who wish to state they are against the zoning but are unable to attend the meeting: Ms. Edna Watson, 955 Peach Orchard Road; Ms. Mae Porter, 408 Porter Road; Mr. and Mrs. Paul Haggerty, 350 Peach Orchard Road; Mr. and Mrs. Ray Beatty, 420 Peach Orchard Road; Ms. Geneva Gaskey, 410 Peach Orchard Road; Mr. and Mrs. Charles Parker, Henderson Grove Church Road; Ms. Lonnie Mitchem, 1340 Henderson Grove Church Road; Mr. and Mrs. Carl Shue, Peach Orchard Road.

Mr. Harold Poole, 310 Winterlocken Drive, stated that he feels this is a neighborhood issue and he feels to zone any part of this property M-2 will be the worst zoning decision made in the City in over forty (40) years. He stated that the property adjoins residential zoning and residential uses and noted that the Planning Board voted 10-2 against the M-2 zoning. He noted that there is property around the Rowan County Airport already zoned M-2. Mr. Poole pointed out that the asphalt plants in Concord and in Davidson County are also located near an airport. He stated that the County ordinance allows asphalt plants but not closer than one-half (1/2) mile from schools and residential areas. He asked why it seems that neighborhoods are more important to the County than to the City. He stated that the proposed facility would be within one-half (1/2) mile of the new Elizabeth Duncan Koontz school and the winds will blow the pollution over the school and children. He commented that neighborhoods in Salisbury are watching Council's actions since there are other neighborhoods in jeopardy because of their location adjacent to M-2 zoning. He stated that the neighborhoods will support each other and he feels it is unchristian to do this to these people.

Ms. Dee Dee Wright, 418 South Caldwell Street, stated that this rezoning is not consistent or reasonable and referred to various sections of the Zoning Ordinance. She stated that zoning is supposed to protect the health, welfare, property and values. Mr. Poole interjected that if anyone thinks this rezoning will not lower property values that person is a fool or a liar. He stated that if Council approves this they will not only be violating the City Ordinance but also State Statutes. Ms. Wright continued by referring to portions of the Salisbury 2000 and Vision 2020 Plan that regard property and neighborhood protection.

Mr. Rodney Eldridge, 305 White Oaks Drive and Pastor of Henderson Grove Church, indicated that he came to the meeting with an open mind in order to find benefits for putting the asphalt plant in this area. He stated that it appears the only benefit is the ease of access to I-85. He commented that three hundred (300) trucks per day along with the existing one thousand four hundred (1,400) vehicles per day traveling Henderson Grove Church Road concerns him in regards to the residents and his church members. He stated that entering Henderson Grove Church Road from Main Street there is often a back-up of traffic at the railroad tracks and noted that there is a blind spot when entering a curve on the road. He stated he is concerned about the senior citizens who travel the road, especially at night when there is minimal lighting. He indicated he is concerned about the traffic and the congestion added when there is a church function being held. Mr. Eldridge stated that he once lived off of Clancy Street adjacent to where the current facility is located and the odors can be bothersome. He stated that he has witnessed someone being killed by one of the asphalt trucks traveling on Jake Alexander Boulevard and he feels the traffic will be even worse on the two (2) lane road (Henderson Grove Church Road). He stated that he feels there is a better place to put the company other than Henderson Grove Church Road.

Mr. Todd Quigg, 2020 Stoney Creek Drive, noted that the issues raised by local residents include noise, odor and truck traffic. He stated that no existing dwelling will be closer than nine hundred (900) feet from the operation. He noted that the site design limits the amount of odor permitted to leave the site and pointed out that ninety-five (95) percent of the product is crushed rock. He stated that Council has visited the Concord facility during production and should understand the lack of odor. Mr. Quigg commented that the operation is highly regulated including air permits and stormwater permits by which they must comply to remain in operation. He stated that the most notable indicator of development of the property will be the traffic. He noted that using the worst case scenario of three hundred (300) trucks per day it would still mean less than a five (5) percent increase on Peach Orchard Road and less than a ten (10) percent increase on Henderson Grove Church Road. He stated that if another manufacturing facility were to locate on this road and had three hundred (300) employees it would equal the asphalt facilities' impact, but would be more conspicuous. He noted that the asphalt facilities' work is seasonal and indicated that the Concord facility produced two hundred twenty-five thousand (225,000) tons of asphalt last year. He stated that this equates to six hundred sixteen (616) tons per day or thirty-four (34) loads. He stated that using a one hundred eighty (180) day season it would equal seventy (70) loads per day and the company anticipates the actual average to be between those two figures. Mr. Quigg stated that even at the worst case scenario APAC's impact on Henderson Grove Church Road would not change its level of service below its current rating. He indicated that APAC's site was designed to mitigate any issues to their locating to this facility and he feels the facility can be compatible with and aid the growth of Salisbury and Rowan County.

Mr. Jay Dees, 121 East Kerr Street, indicated he is one of the attorneys representing the property owner. He stated that to turn this into a day about APAC violates the intent and the law of general zoning. He noted that today is only to consider a general zoning and not about a specific use. Mr. Dees indicated that everyone is aware that this property will be used for industrial purposes and noted that it has been zoned industrial since April 2003 when the zoning was adopted by the County after public hearings and a public workshop. He stated that a specific use can be addressed through a special or conditional use permit and that is the appropriate place to discuss these issues. He commented that this site is and will remain appropriate for industrial development. He added that it is a large tract and allows room to create additional buffers to mitigate the issues being raised today. He noted that staff does not anticipate further residential development in the area. He stated that during the conditional use process the burden is on the applicant to meet and address all of Council's concerns and to prove they can comply with conditions and be good neighbors. Mr. Dees indicated that the industrial zone is appropriate for this area and for the future planned growth of Salisbury.

Mr. Glenn Ketner, 121 East Kerr Street, indicated that he is also an attorney representing the property owner. He noted that technically what is

before Council is for the initial zoning of a fifty (50) acre tract that was annexed by Council at the request of his client. He stated that the decision to zone should be made on the nature and character of the area and its suitability for M-1 and M-2 zoning without regard to specific use. He stated that he feels the area is appropriate for the requested zoning because it is one-half (1/2) mile from I-85 and is located at one end of both Henderson Grove Church Road and Peach Orchard Road. Mr. Ketner commented that extensive information has been provided to Council including a visit to a modern hot-mix asphalt plant in Concord. He noted that such a facility when properly designed is clearly compatible with neighborhoods and schools. He added that APAC and the property owners also provided an onsite visit to the potential site and provided an opportunity for residents to hear APAC's presentation and to have the residents' questions answered. Mr. Ketner indicated that the owner has modified his initial request from all M-2 to the split zone to include M-1 along Henderson Grove Church Road frontage. He reiterated that the issue today is the propriety of the requested zoning for this site.

Mr. Ed Lockhart who previously addressed Council indicated that the cost of \$300,000 to replace the bridge on Henderson Grove Church Road will be borne by the residents of this community and the residents who are against the rezoning.

Mr. Steve Fisher, West Colonial Drive, stated that he lives in Milford Hills near the existing asphalt facility and the neighbors in the Henderson Grove Church Road are afraid of exactly what he lives with. He stated that he loves his neighborhood and asphalt plants, when run correctly, can be decent neighbors. He added that they must be run correctly and it is Council's job to ensure this happens. He noted that all of the points raised today are valid and he believes there must be an asphalt facility but whether it is located on Henderson Grove Church Road is Council's tough decision. He disagreed with Mr. Poole's statement regarding the effect on property values. He stated that he has owned two (2) homes in Milford Hills and his property values continue to rise because the neighbors fought hard to make the asphalt plant run cleanly. Mr. Fisher indicated that this is a growing community and it must have an asphalt facility and added that if Council makes the decision to approve the zoning it will not be the worst zoning decision made in forty (40) years. He stated that he feels the worst decision was made by Mr. Poole when he administratively approved the expansion of Associated Asphalt near the Milford Hills neighborhood.

Mr. Poole addressed Council again and indicated that he did not make an administrative decision regarding the asphalt plant. Mayor Kluttz indicated that Mr. Poole was out of order but allowed him to finish his thought. Mr. Poole stated he feels the zoning protest petition should be declared valid because the City had zoned the property prior to the County taking it over and it is not an initial zoning.

Ms. Beth Kesler informed Council that her family has been in the area for one hundred fifty (150) years and this facility will be in her parent's back yard. She indicated that her parents live in the curve on the road and traffic is very bad. He stated that she has tried to back out of the driveway and is unable to do so because of the traffic. She noted that the dump trucks cannot slow down or stop quickly because of their size. Ms. Kesler indicated that several years ago a trucking terminal looked at this area for a facility but listened to the neighbors and found a different site for their business. She stated that her family has suffered from various health problems and a doctor has suggested that the problems are due to pollution from a company located on Grace Church Road. She commented that she cannot imagine that Council would want to take a chance of contaminating the water and she feels a different site needs to be found for the asphalt facility.

There being no one else to address Council, Mayor Kluttz closed the public hearing.

Mayor Kluttz asked City Attorney Rivers Lawther to respond to the validity of the protest petition. Mr. Lawther stated that the protest petition is not applicable to this rezoning because this is an initial zoning for the City.

Mayor Kluttz noted that Ms. Dawn Fulcomb, 1430 Henderson Grove Church Road, telephoned because she was unable to attend the meeting and expressed her opposition to the rezoning.

Councilman Lewis asked for those in attendance who were opposed to the zoning to please stand and an estimated number of eighty (80) people stood. He then asked those in favor to stand and an estimated number of ten (10) people stood.

Councilman Kennedy stated that he took the tour in Concord with Council as well as an additional tour on his own. He commented that he noticed that the trucks entering and exiting the plant in Concord did not pass one residence because the residential areas are located beyond the plant. He noted that the plant was adjacent to I-85 and the Concord airport and it did not affect any residential areas. He stated that he would also like to see the asphalt plant move from Jake Alexander Boulevard and he was part of the Council that voted to down-zone the plant to keep it from growing in this location. He commented that Jake Alexander Boulevard is very busy and the proposed area is only a narrow two (2) lane road. He stated that the zone of M-2 would be far less restrictive than it is currently zoned by the County and he feels this is unusual for Council. He stated that he cannot support the rezoning because of the traffic, the width of the road, the number of trucks that will travel the road, the location of the railroad tracks and the possible back of traffic onto Main Street, and for the health and safety of the neighborhood. He stated that this is a viable neighborhood and while he could possibly support M-1 zoning he cannot see how M-2 could be placed in this area. He agreed that an asphalt plant is needed, but he feels there must be a better location than this one.

Councilman Burgin stated that he appreciates the neighbors' presentation of information and noted that by keeping the process moving Council had hoped to identify what kind of location might be appropriate for an asphalt plant. He indicated that Council did not seek this piece of property but it was brought to Council by an owner who wanted to develop it. Regarding the question of how Council received this request since it was denied by the Planning Board, Mr. Burgin stated that while it is unusual it is not something that has not happened in the past. He noted that the neighbors have made very good points and in between the emotion and the insinuations he feels the points are real. He stated that the projected traffic is significant and cannot be ignored. Mr. Burgin stated that he feels with the Environmental Protection Agency (EPA) standards the odors will not compare to those on Jake Alexander Boulevard. He commented that he felt the split zoning of the property was in response to Council's request that APAC have a two hundred (200) foot buffer around the site. He added that in attempting to achieve the buffer with the topographic areas and the setbacks on the site plan it probably resulted in the size of the area proposed for M-1. He stated that he believes the community must have an asphalt plant and at first he questioned why it could not be transported from the Concord facility. He noted that he has found out that asphalt cannot be transported that far because it must arrive at a site at a certain temperature and distances keep this from happening. Mr. Burgin stated that while a site must be found for an asphalt

facility he feels there are enough reasons that he would vote to deny the zoning for this particular site. He stated that he feels that the process has begun of establishing what it will take to establish a plant, but he feels this is not the place.

Mayor Pro Tem Woodson commented that he feels the community needs an asphalt plant in order to have growth, but added that he has been worried about the roads. He stated that he feels the bridge is a valid point and he is concerned about the traffic. Mr. Woodson noted that he does not feel odor will be an issue but he could not vote to pass this today because the neighbors have made a passionate plea. He indicated that the insinuation that this was a done deal was incorrect. He stated that staff has been encouraged to do all that they can to promote business because the City needs growth. He commented that he would not mind a Council Committee studying this issue further, but he could not vote for this today. Mr. Woodson indicated that he attended the APAC meeting and heard comments from APAC that they would patch the roads and if this moves forward, perhaps this requirement could be included in the special use permit.

Councilman Lewis stated that the difficult part of this decision is separating emotion from facts. He noted that Council is looking at a rezoning that allows multiple uses and not just the obvious asphalt plant, but it is difficult to deal with the issue because the proposed use has been submitted. He commented that because of the process this issue has taken he can understand why residents might have felt the zoning was already agreed upon. He indicated that M-2 seems to be the heart of the matter and whether it is appropriate for this area. He questioned if M-2 zoning is less restrictive than the current zoning of ED-3. Mr. Mitchell responded that the M-2 zoning would most likely be less restrictive based on the fact that the ED-3 zone requires minimum acreage and PUD approval for all uses.

Mr. Lewis commented that the difference between the City and the non-incorporated areas of the County is density. He stated that the closer citizens live together it seems there should be more rules and he feels it is unusual that in regards to asphalt plants the City's standards are less restrictive than the County's. He noted that he did not realize this was the case when the language was approved earlier in the year. He commented that he feels the only reason M-2 zoning was requested for this site was to have an asphalt plant in the City because the County would not allow it here because of the proximity of the houses. He added that he feels this was wrong and he will not support this request.

Mr. Woodson reiterated that the community needs an asphalt plant in order to grow. Mr. Lewis noted that Council should not lose sight of the fact that the City does have an asphalt facility, although it is not as large or contemporary as it needs to be, and requested staff to look into the hot-mix asphalt plant restrictions.

Mayor Klutz commented that she feels one of the most difficult parts of being an elected official is sitting in judgment of issues, especially when emotions are involved in trying to balance a decision. She stated that she did not feel the Planning Board had the information that Council did when it voted to deny the request. She noted that this is now City property and Council will not do anything to jeopardize anyone. She commented that one of the allegations made was that Council would rezone this site because the residents in this area could not vote. She stated that she does not make any decision based on who votes for her and she has tried very hard to balance this decision. She commented that her greatest concern is the two (2) lane road and with the mail delivery on the opposite side from the residences. She indicated that Council needs to be one hundred (100) percent sure this is the right location, and while she does think an asphalt plant is needed, she is not one hundred (100) percent sure this is the location. Mayor Klutz noted that the owners took a risk when they asked the City to annex this property and Council made it clear that there were no guarantees for zoning. She stated that she wants to be sure when an asphalt plant is sited but she feels this is the wrong location and she cannot vote in favor.

Mr. Burgin asked if the site will need to have zoning established since this request is for initial zoning. Mr. Mitchell indicated that Council has until November 30, 2006 to establish zoning for the property and if Council votes to deny the request, staff will come back at a later date with a proposed zone for the site. He noted that new proposed zoning will go back through the Planning Board and Council process. Mr. Burgin stated that he feels the landowner should be given the opportunity to present a different zoning. Mr. Lewis added that he would like to have staff and Planning Board input for any proposed zone as well.

(c) Mr. Lewis stated that the City Council finds and determines that denial of the rezoning request is consistent with the goals, objectives and policies of the adopted Strategic Growth Plan and Comprehensive Plan and that denial of the rezoning request is reasonable and in the public interest. Thereupon, Mr. Lewis **made** a motion to deny zoning map amendment Z-09-06. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

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STORMWATER ORDINANCE – NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II

(a) Mr. Patrick Ritchie, Staff Engineer, explained that the City currently operates under a federally mandated National Pollutant Discharge Elimination System Phase II (NPDES) permit which requires the City to perform six (6) minimum measures with a timeline for each measure. He stated that the item before Council regards the permit requirement pertaining to illicit discharge detection and elimination. He pointed out that within the first (1st) year of the permit the City is required to adopt an ordinance establishing legal authority to enforce the illicit discharge detection and elimination program. He reviewed the steps required in the first (1st) year of the permit:

- Develop and implement an illicit discharge detection and elimination program by December 1, 2006
- Public workshop held on September 20, 2006
 - Workshop advertised in Salisbury Post
 - Citizens did not attend
 - No comments received by staff
- Public hearing to allow input on stormwater plan - October 3, 2006 City Council Meeting
- Establish legal authority to enforce the program (adopt ordinance)
 - Ordinance based on model ordinance prepared by the Environmental Protection Agency (EPA) and endorsed by the State of North Carolina

- Begin public education and outreach programs
- Continue mapping of streams and outfalls

Mr. Ritchie stated that the ordinance will apply to school sewer systems within the City limits and does not cover those schools in the Extra Territorial Jurisdiction (ETJ). He noted that it is to be administered by the City and prohibits discharge of pollutants into the storm sewer system and prohibits illicit connections. He explained that property owners will be required to maintain water paths, such as pipes or ditches, through their property to control pollution. He noted that the ordinance will give the City right-of-entry to inspect private property and industrial sites and authorizes the City to take action to mitigate any problems that are found. He added that it also gives the City the right to declare property a public nuisance in order to take action to permanently remedy the situation.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a Stormwater Ordinance as part of the National Pollutant Discharge Elimination System permit.

Ms. Karen Alexander, 419 S. Fulton Street, stated that she is in favor of the ordinance and feels it is an important step to protect the water system from pollutants.

Ms. Jana Annas, 140 McCoy Road, stated that she is in favor of the ordinance but asked what is considered a pollutant. She questioned leaves and debris that collect in the water grates. Mr. Ritchie explained this is considered a pollutant and the City will have the authority to take action to limit this pollutant.

There being no one else present to speak to Council, Mayor Kluttz closed the public hearing.

Mayor Pro Tem Woodson stated that he understands that the City has to be stringent in providing good drinking water and is therefore in favor of the ordinance.

(c) Thereupon, Mr. Burgin made a **motion** to adopt an Ordinance regulating illicit discharge and connections to the storm sewer system effective November 30, 2006 as part of the City's National Pollutant Discharge Elimination System Phase II Stormwater Permit. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

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STORMWATER ORDINANCE, THE CITY OF SALISBURY, NORTH CAROLINA, PART ONE: ILLICIT DISCHARGE AND CONNECTIONS

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 (The above Ordinance is recorded in full in Ordinance Book No. 21, Miscellaneous, at Page Nos. 135-139, and is known as Ordinance No. 2006-47.)
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SOUTH SQUARE STREETSCAPE ENHANCEMENT PLAN

(a) Ms. Lynn Raker, Urban Design Planner, stated that in 2005 the City received a grant administered by the N. C. Department of Transportation (NCDOT) for pedestrian enhancements. She stated that the project area includes the one hundred (100) block of East Fisher Street, a portion of the two hundred (200) block of East Fisher Street and the one hundred (100) block of South Lee Street. She explained that the plan is to expose the bricks on the one hundred (100) block of South Lee Street and create a new Festival Park Plaza at the intersection of Lee Street. She explained that in July 2006 City staff met with property and business owners from the one hundred (100) and two hundred (200) blocks of East Fisher Street to discuss the appearance and function of the street. The main priority discussed at this meeting was to make the one hundred (100) block of East Fisher Street unique and to be flexible, with the ability to occasionally close the street. She noted that another priority discussed was changing East Fisher Street from one-way to two-way traffic. She indicated that the plan presented today captures these priorities.

Ms. Raker stated that the existing street is thirty-three (33) feet wide and cannot accommodate two-way traffic with parking on both sides, but can accommodate parking on one side of the street. She explained that the plan proposes two-way traffic with one side parking, alternating from one side to the other. The proposed plan also widens the sidewalk on the north side by two and one-half (2 ½) feet. She explained that the sidewalks on the south side cannot be widened due to the obstruction of a large Duke Power in-ground vault. She added that the plan proposes removable bollards to be able to close the street, brick sidewalks and crosswalks, and decorative pedestrian lighting. The lights will be made of the same materials as other City lights, but the style will be different.

Ms. Raker stated that the proposed plan will expose the brick under the current asphalt. She added that over time some of the brick has been removed but staff feels they can capture enough of the brick to expose the street. She explained that the paved parking area behind the Thread Shed is on private property and is not covered by grant funding, but the owners have indicated a desire to coordinate a project to improve the parking area. She noted that the street, as it exists, has twenty-eight (28) on-street parking spaces and the proposed design will have fifteen (15) spaces on the street and fourteen (14) new parking spaces in the new Festival Park Plaza. She explained that the utilities will be placed underground or relocated behind the properties. She noted that the park will be brick and granite paving with decorative lighting.

Ms. Raker explained that the one hundred (100) block of South Lee Street will be typical of previous streetscapes, consisting of brick sidewalks, street trees, new driveways and pedestrian lighting. She pointed out that since the plan has been developed, staff has met with many of the property and business owners and they are in strong support of the plan. She added that one restaurateur has reservations regarding immediate parking but all others are in support. She concluded by saying that there are a few items still to be worked out, but hopes that Council finds the plan will enhance the area and will adopt the plan in its intent.

Councilman Lewis asked if Council would approve the final construction plans. Ms. Raker stated that she did not think that it would be

necessary, but will offer it to Council if that is what they would like. Mr. Lewis asked how long the construction will take and what strategies will be in place to protect the existing clientele during construction. Ms. Raker stated that this is a strong consideration, especially for the restaurants, and staff has determined the best time to start construction is after the New Year's holiday is over. She added that staff will work with the clientele to determine a construction schedule that best meets their needs and will also assist them with signage or any other help they need.

Mr. Joe Morris, Planning and Community Development Director, stated that City Council will approve a construction contract and will see the final drawings at that time.

(b) Mayor Klutz opened the floor to receive public comment regarding the South Square Streetscape Enhancement Plan.

Mr. Randy Hemann, Downtown Salisbury, Inc., residing at 314 Mitchell Avenue, stated that the journey with the Fisher Street and Lee Street plan started in mid 1990s when a coalition met to discuss issues on Fisher Street. He explained that in 2001 the plan took a new turn when the City's Master Plan was adopted and the idea of the entertainment district emerged. He noted that there are now four (4) restaurants in the area and added that the fulfillment of the vision only lacks the streetscape. He stated that he likes the way the City asks property owners and businesses to participate in the planning process, adding that this is their plan to which they have given input and look forward to the distinct feeling of the proposed plan. He noted that there will be changes in traffic flow and parking, but the plan will add eight (8) parking spaces on Lee Street. Mr. Hemann stated that the plan was unanimously approved by the Historic Preservation Commission and the Downtown Salisbury, Inc. Board of Directors. He added that the people on Fisher Street, who have built and invested in the area, support the plan. He concluded that this change is appreciated by those who are working to better the community.

Mr. Brian Miller, President of Downtown Salisbury, Inc., residing at 428 Maupin Avenue, stated that there are aesthetic reasons why this is a great plan but the bigger issue is getting access to the south end of town. He noted that location and access drives economic development and people have to have the ability to get to the southern end of the town. He extended thanks to City staff and to those who have participated in the proposed plan.

Mr. Foster Owen, 315 W. Horah Street, stated that he is currently a member of the Downtown Salisbury, Inc. Board of Directors, and that this is an exciting day. He added that he can remember when the Main Street program was formed and over the years the City has struggled in its attempt to revitalize the downtown area and turn it into a City that is attractive to the creative class. He noted that he is thrilled to see the proposed plan that many people have worked on and encourages Council to endorse the plan.

Mr. Harold Poole, 310 Winterlocken Drive, stated that he is in favor of the plan and feels that it is excellent. He noted that after the Main Street plan began, City staff started talking about efforts to expose the street bricks and feels that this is an excellent start. He added that he feels the one-way traffic on East Fisher Street has always been awkward and feels the enhanced lighting will be great. He pointed out that the City will have to contribute less than twenty-five (25) percent of the cost of the project, and even if exposing the brick does not work, it can be fixed in the future. He stated that he hopes this initiative can move forward to other parts of the City.

Mr. Todd Littleton, 525 Pebble Point Road, stated that he owns Benchwarmers Sports Bar and Music Hall at 113 East Fisher Street, and has been there for eleven (11) years. He pointed out that he is truly excited about this plan and everything is turning out the way he feels it should. He noted that even though East Fisher Street will be losing some on-street parking the two-way traffic will make up for it.

Mr. Conner Coleman, 100 West Innes Street, stated that he is in favor of the project. He added that he enjoys living downtown and the accessibility it affords him. He feels this plan will draw more people to live downtown and stay in the area.

Ms. Karen Alexander, 419 South Fulton Street, stated that she owns a business located at 118 East Council Street, and is in favor of the plan. She stated that she feels it is important to have another node for pedestrian traffic. She noted that the Easy Street project has made a tremendous difference in pedestrian traffic in the area and added that visitors are impressed with Salisbury as a City that provides safe and beautiful places to walk.

Mr. Robert Crum, 116 East Council Street, stated that he considers this a part of the Council Street neighborhood and has looked at this project for the past four (4) years. He noted that a lot of time has been spent trying to decide what is best and added that he fully supports this project.

Mr. Ed Norvell, 128 South Fulton Street, stated that he is a tenant at 200 South Main Street and supports this plan. He pointed out that this is a critical piece of the Downtown Master Plan as the downtown entertainment district. He indicated that he is excited about the brick streets and restoring the brick sidewalks adding that he would like to see this expanded. He feels the lighting will be improved and noted that parking will be provided to replace the on-street parking.

Mr. Mike Miller, 2730 Patterson Road, stated that he owns a business in downtown Salisbury and employs twenty-eight (28) people, of whom nine (9) commute from Charlotte and Greensboro. He explained that these employees are the creative class and Fisher Street does not have the look or feel that they are used to. Mr. Miller urged Council to vote for the plan which he feels will be a vote for economic development in downtown Salisbury and Rowan County.

Ms. Whitney Becknam, 120 East Innes Street, stated that she lives in the Old Flowers Bakery Building. She noted that from a standpoint of living downtown, this is a wonderful edition and she is very excited about the plan. She added that she has lived in two (2) cities with pocket parks and stated that the people of Salisbury will be thrilled with it because it will be well lit, accessible and in a neighborhood. She indicated that the pocket parks within Salisbury could be advertised on tourist information.

There being no one else to address Council regarding the South Square Streetscape Enhancement Plan, Mayor Klutz closed the public comment session.

Mayor Kluttz reported that the City received emails and telephone calls of which thirty (30) were in favor of the plan and two (2) were in opposition. She added that one (1) of the opposed was an older citizen who is concerned about safety issues.

Councilman Burgin stated that he is excited about the plan and feels it is amazing what this can do for the City. He added that the City and the Council have worked hard to have entertainment downtown on a periodic basis and this is an opportunity to have it every night. He indicated that he feels it is a win-win situation and is strongly in favor of the plan.

Councilman Kennedy stated that he is also in favor of the plan and looks forward to reaching the four hundred (400) block of East Fisher one day.

Councilman Lewis stated that as Council's representative on the Downtown Salisbury, Inc. Board of Directors he applauds Council's continued support of the Downtown Master Plan.

Mayor Kluttz stated that it has been exciting to see new energy emerging on Fisher Street. She noted that Catawba College graduates are staying in Salisbury and living downtown and added that to have things alive at night is what makes a city thrive.

(c) Thereupon, Mr. Woodson made a **motion** to adopt the South Square Streetscape Enhancement Plan. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked those that have worked on the plan for so many years.

RESTRICT PARKING IN THE 700 AND 800 BLOCKS OF WEST KERR STREET

Ms. Wendy Brindle, Traffic Engineer, stated that in response to neighborhood concern, staff investigated a request to prohibit parking on both sides of the seven hundred (700) block and the south side of the eight hundred (800) block of West Kerr Street in the Jersey City neighborhood. She noted that as part of a community policing effort, petitions were sent to the property owners along the two (2) blocks and signatures were received from eight (8) of the twelve (12) owners. She indicated that the Police Department supports the parking restriction and believe it will help in their efforts to discourage other illegal activities in the area. She noted that the Parks and Recreation Department also supports the parking restriction adjacent to the neighborhood park because they feel it will enhance safety for the park users. She stated that staff recommends the restriction and would like to monitor the area for a period of six (6) months. She added that at the end of this period, if the Police Department feels there is an improvement, Council could approve removing the restriction.

Councilman Kennedy stated that he met with staff and was swayed by their comments on trying to improve the neighborhood.

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 in the 700 and 800 blocks of West Kerr Street. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

A N 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, Miscellaneous, at Page No. 140, and is known as Ordinance No. 2006-48.)

REPORT REGARDING CITY - WIDE SPEED LIMITS

Ms. Wendy Brindle, Traffic Engineer, stated that the subject of City-wide speed limits was raised at a prior Council meeting by a request from the Milford Hills neighborhood to reduce the speed limit. She stated that staff planned to address the Milford Hills request at this meeting, but a neighborhood representative was unable to attend so staff will delay their presentation until a later meeting.

She noted that staff would like to proceed with the City's policies relating to speed limits throughout the City. She explained that North Carolina General Statute 20-141 establishes a 35 mph speed limit, unless otherwise posted, within municipal limits. She added that the statute allows local authorities to change the speed limit for roads that are not maintained by the State. She noted that the City establishes speed limits based on street classifications, and that the City uses the thoroughfare plan classifications of major thoroughfares, minor thoroughfares and local streets. She explained that the primary function of a major thoroughfare is to move traffic and that most thoroughfares within the City are maintained by the North Carolina Department of Transportation (NCDOT).

Ms. Brindle reviewed the City's major thoroughfare and local street plan classifications:

- Major Thoroughfares
 - Primary Function is to move traffic
 - Most are maintained by the North Carolina Department of Transportation (NCDOT)
 - Generally follow the guidance and the Manual of Uniform Traffic Control Devices (MUTCD) which sets the speed limit within 5 mph of the eighty-fifth (85th) percentile speed.
 - Exceptions
 - Main and Innes Streets – 20 mph within downtown

- Brenner Avenue – 35 mph with traffic calming implementation
- Local Streets
 - Primary function is to provide access to adjacent property
 - 35 mph speed limit unless otherwise posted
 - Attempts to lower statutory city-wide speed limits to 25 mph have been rejected by state legislature
 - City Council established a policy to allow property owners on local residential streets to petition for 25 mph speed limit
 - Twenty (20) neighborhoods requesting traffic calming

Ms. Brindle stated that the Salisbury Police Department provided information stating that there were twenty-three (23) accidents involving pedestrians over the last three (3) years, seven (7) on residential streets and sixteen (16) on major or minor thoroughfares. She reviewed data collected from the Federal Highway Administration regarding pedestrian vehicle crashes:

- Speed and chance of pedestrian death
 - 20 mph – 5%
 - 30 mph – 37% - 45%
 - 40 mph – 83% - 85%

Ms. Brindle stated that minor thoroughfare classifications are somewhat complex:

- Minor Thoroughfares
 - Dual role:
 - Facilitating through-traffic
 - Providing access to adjacent property
 - Two styles:
 - Rural Minor Thoroughfares
 - Speed limits established per MUTCD (85th % speed)
 - Harrison Road, Woodleaf Road, portions of Boundary Street and Lincolnton Road posted at 45 mph
 - Urban Minor Thoroughfares
 - Transportation Research Board’s Highway Capacity Manual supports 25-35 mph speed limit depending on street design and character
 - Speeds vary, especially in the downtown grid

Ms. Brindle explained that in examining the speed limits and City Code, staff reviewed a section titled “Through Streets,” and reviewed her findings:

- Through Streets
 - Section 13-331 of City Code
 - Established in 1977
 - 25 streets on list
 - Not defined and not coordinated with Thoroughfare Plan
 - Apparently an attempt to establish an intermediate hierarchy

Ms. Brindle reviewed staff’s recommendations:

- Recommendations
 - Major thoroughfares – no change
 - Rural minor thoroughfares – no change
 - Urban minor thoroughfares – review downtown grid and recommend changes to Council at a later date
 - Local Streets – establish funding for neighborhood traffic calming studies and treatment to lower 85th % speeds
 - Through Streets
 - Remove Section 13-331 from City Code
 - Consider establishing “local routes” in conjunction with Comprehensive Bicycle Plan
 - Newly annexed areas – review and recommend changes to Council at a later date

Mayor Klutz stated that letters have been received from the community questioning the discrepancy in the speed limits between Horah Street and Monroe Street. She noted that she recalls that Livingstone College requested Council to lower Monroe Street’s speed limit and Catawba College requested West Innes Street’s speed limit to be lowered, but Council could not lower them because they are both state maintained streets. She added that the City was able to lower Horah Street because it is not state maintained.

Mayor Klutz explained that four (4) homeowners in the two hundred (200) block of Confederate Avenue requested and received approval to lower the speed limit to 25 mph for that neighborhood. She stated that Police Chief Mark Wilhelm warned that the residents should understand that the lower speed limit will result in people being stopped for speeding and this is what has occurred.

Mayor Klutz asked if staff’s recommendation is to study this further and come back with a recommendation for more consistency. Ms. Brindle responded that this is correct and noted that if Council wants staff to establish an intermediate hierarchy it can be done.

Mayor Pro Tem Woodson stated that it is sometimes hard to maintain speed limits. He added that he has heard comments on both sides of this

issue.

Mayor Kluttz recognized those in the audience who wished to address Council regarding the speed limits.

Ms. Janna Annas, stated that she thinks that the four (4) way stop signs in Fulton Heights have definitely cut down on the traffic. She added that McCoy Road is a cut-through and thinks that the road needs four (4) way stop signs.

Mr. Jack Owens, 30 Winchester Circle, stated that he has been involved with Council and speed limits over the years. He explained that he feels a certain level of reasonableness needs to be exhibited when establishing policies that affect people, and to arbitrarily set a speed limit on a through street that is hard to maintain is not reasonable. He added that staff has been gracious and responsive and suggested that as Council reviews speed limits and policies, it should study the neighborhood and find out which streets feed in and out of the neighborhood and then determine what type the streets should be.

Mr. Ronnie Smith, 113 Canterbury Drive, thanked Ms. Brindle for her responsiveness to his requests. He noted that he agrees and supports the report that has been presented. He indicated that there are a lot of inconsistencies with the current policies and he feels they should be reviewed and revised. He added that he thinks the traffic calming studies are a real issue. He noted that many cars were stopped for speeding on Confederate Avenue on Father's Day and he thought this was embarrassing and feels a review will make Salisbury a better place.

Mayor Kluttz thanked everyone for sharing their concerns and indicated that their input will be taken into consideration.

APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

- This item was omitted.

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

- Council received the Planning Board recommendations and comments from the September 26, 2006.

(b) Update on the Customer Service Goal

- City Manager David Tremé recommended that this item be postponed.

TOUR OF MCCUBBINS-MCCANLESS HOUSE

Mayor Pro Tem Woodson stated that the Historic Salisbury Foundation has asked Council to tour the McCubbins-McCanless home before it is opened to the public. Mayor Kluttz asked City Clerk Myra Heard to schedule the tour.

COMMENTS FROM COUNCILMAN MARK LEWIS

- Councilman Lewis indicated that he had an item he would like to place on the next Council agenda in order to give staff an opportunity to respond. He explained that the Salisbury Post ran a newspaper article October 2, 2006 stating that County Commission Chairman Arnold Chamberlain singled out City Councilman Mark Lewis as an instigator in the uproar regarding the County's Building Inspection Department. The article quoted Chairman Chamberlain as saying, "if we can't get a handle on this quickly, I would suggest we encourage the Salisbury City government to feel free to establish an inspection department within their authority."

Mr. Lewis stated that he feels the economy of scale suggests that it would be better for one (1) unit of government to perform all inspections. He stated that if the Chairman is suggesting that the City should study the possibility of conducting inspections within the City limits, he would encourage staff to research this issue to present to Council for consideration. Mr. Lewis stated that he thinks it is important because he does not want Council to think that he is being critical of County government. He indicated that many in the development community have indicated to him that they are afraid to speak to the County Commissioners for fear of retribution. He explained that the development community has asked him, as their elected representative and banker, for advice. He indicated that he does not want it to appear that the City is critical of the County. He added that he does not feel County staff would ever penalize someone for pointing out that more experienced inspectors are needed.

Mr. Lewis commented that he feels there needs to be some dialog between the City and County and proposed that he schedule a meeting with Chairman Chamberlain and County Manager Bill Cowen and share with them the concerns that have been presented to him over the last two (2) years. He added that he will offer Council's assistance in correcting any issues that they may have.

Mayor Pro Tem Woodson stated that a recent Rotary Club presentation indicated that thousands of people will be moving to the south end of Rowan County which will result in the construction of hundreds of new homes. He indicated that he agrees with Mr. Lewis that the building inspection concerns should be addressed now.

Mr. Lewis noted that building inspections is a profit center for the County because of fees paid by the development community.

Councilman Burgin stated that this is a level of service issue, and until recently, the County has had a good history of service. He indicated that he feels the problems are a result of growth. He noted that the reaction time to request for inspections will affect the development community and he feels Council should respond and help address the concerns. He stated that he feels dialog between the City and County is a good idea. He added that an answer must be found, and if that means inspections should be in the City, and the County agrees, then it should at least be investigated. Mr. Burgin stated that he feels it is better to have one (1) inspection department, but development cannot be allowed to suffer or slow down because it makes an economic impact on our community.

Mayor Kluttz asked Mr. Lewis, Mr. Burgin and City Manager David Treme to meet with County representatives. She added that it will be placed on the agenda for the next Council meeting.

MAYOR'S ANNOUNCEMENTS

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(a) Report on Visit to Mexico

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Mayor Kluttz reported that she traveled to Mexico as part of a nine (9) member delegation from Rowan County. She noted that the trip was funded by a grant from the Z. Smith Reynolds Foundation and the Robertson Foundation through the University of North Carolina Center for International Understanding. She explained that North Carolina is a unique state in that it has the only known program in the United States to send people each year to study the Hispanic population, particularly the locations the Hispanics lived prior to traveling to North Carolina. She noted that she traveled with Ms. Lillian Morgan, Rowan-Salisbury School System; Ms. Cheryl Marsh, Rowan-Cabarrus Community College; Ms. Yvonne Dixon, Rowan Regional Medical Center; Mr. Scott Flowers, Rowan County Sheriff's Department and School Resource Officer; Commissioner Jim Sides, Rowan County; Ms. Ruth Chaparro, City of Salisbury's Multicultural Director; Ms. Nancy Wyrick, F & M Bank; and Ms. Kyna Foster, Food Lion.

Mayor Kluttz stated that the task force will be using the acquired knowledge to try to improve services to the Hispanic community as well as the entire population that is served.

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(b) Visit from Salisbury, England

Mayor Kluttz announced that a delegation from Salisbury, England consisting of their Mayor and Councillors visited Salisbury for five (5) days and indicated that she is excited about what the visit did for the City. She noted that grant money was unavailable for this visit but she is amazed by the people and businesses that contributed and volunteered to help. She extended her thanks to Downtown Salisbury, Inc. and the Lord Salisbury Festival Committee, for coordinating the agenda. She also thanked Joe Morris, Karen Wilkinson, Lynn Raker, Steve Whitley and the Salisbury Police Department Color Guard, and the Rowan County Tourism Development Authority.

Mayor Kluttz expressed thanks to the citizens who housed the English guests: Mark and Barbara Perry, Dick and Dale Huffman, Mary Ellen Turner, Davis Cooke and Mark Bias; and Doug and Melissa Smith. She thanked those who provided meals: Donny and Ann Scott Clement; Mr. Franchot and Carol Palmer; Joe Lancione and Tom Wolpert from A Step In Time; Henry and Karen Alexander from KKA Architecture; Gianni and Mona Moscardini from LaCava; Foster and Jean Owen, Scott and Rick McCombs; and Bill Kluttz.

Mayor Kluttz thanked the businesses who contributed gifts to the visitors: A Place In Time Photography, Rhonda's Picture Place, Stitchin' Post, Thread Shed, Innes Street Drug Store, Queen's Gifts, Wallace Realty, The Wrenn House, Escape the Daily Grind, Frost Bites, F&M Bank, Rowan Museum, Salisbury Square Antiques, Robert Crum Fine Art, Cheerwine, Dragonfly's Candles and Gifts, Okey Dokey, Literary Bookpost, Senator Elizabeth Dole's Office, Salisbury-Spencer Trolley Works, the Public Art Committee for the History and Art Trail for the beautiful plaque, Livingstone College, Piedmont Players, Historic Salisbury Foundation, Goldminer's Daughter in Gold Hill, Salisbury High School, Hispanic Coalition and the Fiesta de Rowan, Waterworks, Salisbury Symphony, and Dan Nicholas Park.

She also thanked Dr. Phillip Burgess, St. Luke's Episcopal Church Choir Director, for coordinating a diverse group of downtown churches who participated in the choral celebration program. Those who assisted Dr. Burgess were Phyllis Partee, Ernestine Ingram, Adam Ward, Teresa Moore and the choirs of Crown and Glory Lutheran Church, First Baptist Church, First Calvary Baptist Church, First Presbyterian Church, First United Church of Christ, First United Methodist Church, Gethsemane Missionary Baptist Church, New Hope AME Zion Church, Sacred Heart Catholic Church, Soldiers Memorial AME Zion Church, St. John's Lutheran Church and St. Luke's Episcopal Church. She stated that the choir had over one hundred (100) diverse members and the message was a dream come true for those in the City who strive for diversity.

Councilman Lewis stated that Mayor Kluttz is a true ambassador for the City of Salisbury and exhibits a true love for the community. He added that he could not think of anyone better to represent the City as its chief host.

Mayor Kluttz stated that she is proud that the community celebrates its diversity because it creates beautiful harmony within the City. She thanked the Council members and staff for their support.

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ADJOURNMENT

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Motion to adjourn the meeting was made by Mr. Paul Woodson, seconded by Mr. Mark Lewis. All council members agreed unanimously to adjourn. The meeting was adjourned at 7:33 p.m.

Mayor

City Clerk

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