

Salisbury, North Carolina
February 7 2006

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 Burgin.

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:

Delete item 6 – Council to recognize the City of Salisbury Customer Service Design Team.

Delete item 17 – Council to consider adopting a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$7,850 to appropriate a grant received from the Robertson Foundation for Hurley Park.

Delete item 20 – Council to receive a presentation from staff regarding the GIS Strategic Plan.

RECOGNIZE 2004-2005 CITY EMPLOYEES WITH 5 AND 10 YEARS OF SERVICE

Mayor Kluttz recognized employees with ten (10) years and five (5) years of service with the City.

10 Year Honorees

Garry L. Basinger – Plants Maintenance
Cynthia A. Botts – Police Department
Jack D. Carter – Fire Department
Rory B. Collins – Police Department
Sherri W. Curry – Police Department
Tamara H. Earnhardt – Fire Department
Vicki J. Hare – Police Department
Jerry S. Hogan – Information Technology Systems
Donna F. Isenhour – Utilities Administration
Michael R. Long – Water/Sewer Maintenance
Baxter L. Miller, III – Fire Department
Michael E. Spry – Fire Department
James C. Sterling, Jr. – Fleet Management Division

Gail Elder White – Parks and Recreation Department

5 Year Honorees

Robin R. Allen – Police Department
James D. Behmer – Utilities Administration
Jeffrey L. Benfield – Public Services Administration
David F. Brinkley – Utilities Administration
Kevin D. Bronson – Parks and Recreation Department
Raymond M. Chapman – Parks and Recreation Department
Robert E. “Robbie” Cochran – Parks and Recreation Department
Darren B. Cox – Plants Maintenance Utilities Department
Linda R. Davis – Cemetery Division
Barry N. Frazier – Fire Department
Charles L. “Lanny” Graham – Landscape Operations Division
Johnny R. Hawkins – Water/Sewer Maintenance Utilities
Bryan M. Hodgson – Police Department
Gregg D. Hughes – Fleet Management Division
Sibyl H. Hunt – Fire Department
Audrey A. Johnson - Police Department
Patrick “Shane” Karriker – Police Department
Jason R. Kluttz – Fire Department
Clint Mason – Street Division
Denny R. Morgan – Police Department
Busanda J. “Sandy” Miller – Management Services Department
Jeffery E. Miller – Fire Department
Paul A. Moore – Parks and Recreation Recreation Department
Garry R. Mills – Police Department
Michael G. Neely – Police Department
Andrew D. “Andy” Orphanoudakis – Fire Department
Troy L. Painter – Transit Division
Paul T. Penley – Wastewater Treatment Plant
Marianna V. Phillips – Police Department
Jason M. Robertson – Police Department
Charles W. Sherrill – Transit Division
Michael Lee Shoaf – Street Division
Nathan Todd Sides – Police Department
Patrick E. Snyder – Street Division
Jason A. Sparger – Fire Department
Wendy M. Spry – Development Services
Charles E. Wood, Jr. – Wastewater Treatment Plant

RECOGNIZE CITY OF SALISBURY CUSTOMER SERVICE DESIGN TEAM

This item was deleted from the Agenda.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of January 17, 2006 and the recessed meeting of January 31, 2006.

(b) Minor Subdivision Plat S-02-06

Approve minor subdivision plat S-02-06 for Shawn Orr and/or Greg Orr to subdivide a 4.9 acre tract on Forbes Avenue into two commercial lots.

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

HIGHLIGHTS AND GOALS

- Mayor Kluttz noted that Council would receive Highlights and Goals presentations from the Human Relations Council, the Planning Board and the Greenway Committee.

Human Relations Council

Ms. Mae Carroll, Chairman, presented Council with the 2005 Highlights for the Salisbury-Rowan Human Relations Council (SRHRC).

Highlights 2005

- Conducted two (2) Community Multiculturalism training sessions which included participants from local employers and community agencies
- Participated and provided support in the development and implementation of the "Project Safe" initiative
- Supported and assisted in a wide range of Rowan-Salisbury Schools multicultural activities
- Had active participation of William R. "Pete" Kennedy at Council meetings
- Celebrated a record crowd at the 2005 Martin Luther King Breakfast that featured Mr. Paul Fisher and Dr. George Battle
- Presented the Elizabeth Duncan Koontz Humanitarian Award before a record crowd that featured Mr. Eric Watson
- Provided a Elizabeth Duncan Koontz Public Library display to promote public awareness
- Conducted two (2) outstandingly successful Mayor's Spirit Luncheons that featured Dr. Albert Aymer and Dr. Windsor Eagle in the Spring and Mr. David Whisenant in the Fall
- Sponsored the Covenant Community Connection (CCC) "Let's Get Connected Day" Celebration
- Evaluated the progress of the Hispanic Coalition and redirected its goals and objectives
- Conducted a successful La Fiesta de Rowan with over five hundred (500) attendees
- Developed, published and distributed a bilingual Community Services Information Guide
- Provided a National Hispanic Heritage Month Public Library display to promote public awareness
- Sponsored outreach activities for the Hispanic community
- Assisted the Center for International Understanding on Latino Initiatives in planning and developing its plan with representatives from Cabarrus and Union Counties
- Partnered with the United Way to obtain Hispanic Leaders to assist in conducting a needs assessment
- Assisted with organizing and implementing the Bill Hefner VA Medical Center's National Hispanic Heritage Month celebration
- Partnered with the Salisbury Community Development Corporation (CDC) to sponsor a Fair Housing Workshop open to the public
- Gained an additional certified Multiculturalism Training Instructor
- Partnered and co-sponsored the Rowan Regional Medical Center Community Diversity Forum featuring Dr. Edwin Nichols
- Developed a newsletter
- Developed a historical scrapbook
- Provided monthly news releases of Council events and activities

Ms. Elia Gegorek, in-coming Chairman for the SRHRC, read the Vision statement for the SRHRC which states, "An inclusive community that lives with harmony, mutual respect and appreciation of diversity among all people." She then read their Mission statement, "To create a secure environment of hospitality, inclusiveness, acceptance and appreciation of the diversity of the community." She presented the Goals for 2006 to Council:

Goals 2006

- Improve Community relations in the Salisbury-Rowan community
 - Continue to assist with implementation of Project SAFE
 - Develop a process to receive, process and mediate community issues
 - Support the Salisbury-Rowan Community Development Corporation (CDC) to address equal housing opportunities in the community
 - Assist in promoting equal employment opportunities by providing multicultural training to employers, faith, individuals and community organizations
 - Provide mediation training on an as needed basis
 - Coordinate and facilitate events that enhance ethnic, cultural and linguistic understanding and acceptance in Salisbury-Rowan
 - Include schools, churches and other organizations in the work of the SRHRC's subcommittees
 - Develop and implement mentoring and career development activities with local schools ("Walk in My Shoes Day")
 - Develop and implement life skills training for the youth of the Salisbury-Rowan community (Active Listening, Conflict Management, Communication Styles, etc.)
- Enhance community harmony and promote awareness of Salisbury-Rowan's growing multiculturalism and diversity
 - Plan, coordinate and implement the annual Dr. Martin Luther King, Jr. Breakfast
 - Plan, coordinate and implement the annual Elizabeth Duncan Koontz Humanitarian Award Banquet
 - Coordinate a bi-annual Mayor's Spirit luncheon
 - Coordinate and sponsor the "Let's Get Connected Day" celebration
 - Support the goals, objectives and projects of the Hispanic Coalition for 2006
 - Support the goals, objectives and projects of the Covenant Community Connection for 2006
 - Provide at least two (2) community multiculturalism training sessions to be completed by December 2006
 - Enhance the policy making of the SRHRC by including the voice of the youth of Salisbury
- Improve the internal and external communications of the SRHRC
 - Publish at least two (2) SRHRC newsletters
 - On at least a quarterly basis, have City and County elected officials attend SRHRC meetings
 - Provide at least four (4) news releases related to SRHRC projects/events/activities in 2006
 - Develop a SRHRC speaker's bureau
 - Utilize the City-County Access 16 to publicize programs and activities
 - Develop a plan to promote the programs of the SRHRC
 - Create a SRHRC Website
 - Develop a "SRHRC Show on the Road" presentation to provide information about the Council to the Community'

Ms. Carroll reviewed the SRHRC Goals requiring funding:

Level I Goals Requiring Funding

- Covenant Community Connection Activities (includes Mayor's Spirit Luncheon) - \$3,000
- Martin Luther King, Jr. Humanitarian Breakfast - \$2,500
- Human Relations Council Training (includes community multiculturalism training) - \$2,000
- Elizabeth Duncan Koontz Award Banquet - \$2,500
- Fair Housing Program - \$1,000
- Youth Human Relations and Multicultural Awareness Programs/Activities - \$1,000
- Hispanic Coalition Activities (Includes La Fiesta de Rowan) - \$3,000
- Administrative Expenses - \$1,350
- Total Request - \$16,350
- Possible Alternative Funding Expenses - \$13,350

Mayor Kluttz thanked Ms. Carroll and Ms. Gegorek and all members of the Salisbury-Rowan Human Relations Council for their work for the City.

Planning Board

Mr. Brian Miller, Chairman, presented Council the 2005-2006 Highlights and the 2006-2007 Goals for the Planning Board. Members of the Planning Board are Mr. Brian Miller, Ms. Sandy Reitz, Mr. Bryan Duncan (ETJ), Mr. Charlie Walters (ETJ), Ms. Valerie Stewart, Ms. Diane Young, Ms. Kelly Vance, Mr. Lou Manning, Mr. Price Wagoner, Mr. Albert Stout, Mr. Bryce Ulrich, and Dr. Mark Beymer.

Highlights 2005

- Eighteen (18) Zone change petitions
- Nine (9) Zoning Text Amendment petitions
- Annexation effective and zoning completed
- Widespread development in City & ETJ
- Relatively quiet year leading to a new development Ordinance and more area planning
- Periodic rezoning
 - Z-13S-05
 - Z-01-05
 - Z-08-05
- Annexation zoning, two hundred fifty (250+) acres newly annexed on June 30, 2005
 - Airport Road area
 - South Main Street area
- Variety of zoning text amendments
 - Permanent banners downtown
 - Boat sales and service
 - ETJ representation
 - Asphalt plants
- Subdivision/Group Developments getting underway
- Planning Board lost but regained members in 2005. Continually striving for a diverse membership with widespread geographic representation
 - Members needed from south of I-85
- Great deal of development occurring south of I-85
 - The Gables at Kepley Farm
 - Tilley Harley Davidson
 - Power Curbers, Inc.
 - Walgreens – East Innes Street
 - Autumn Care Expansion
 - Drummond Village
- Significant planning related statutory updates
 - Clarification updates
 - Modernization updates
- Land Development Ordinance Committee to draft new zoning code
- Getting underway with the North Main Street Small Area Plan

2006 Goals

- Complete the Zoning Code re-write
 - Review and provide to City Council a recommendation of approval on the proposed Land Development Ordinance – Summer 2006
- Complete North Main Street Plan
 - Review and provide to City Council a recommendation of approval on the North Main Street Small Area Plan – Spring 2006
- Prioritize sidewalk needs
 - Complete the sidewalk prioritization plan for City Council approval – Summer 2006
- Importance of Micro-Planning & Macro-Planning
 - Define the difference between small area planning and large-scale subarea land use planning, and establish policies for

development of future Small area plans and Subarea plans – late summer 2006

- Proactively seek out areas of study
 - Provide a prioritized list of at least two (2) small area planning areas and at least two (2) Subarea Planning Areas to City Council – Fall/Winter 2006
- Always strive to make the process better
 - As part of Subarea Planning process, conduct a Planning Summit between the City, County, and local development community – Winter 2006 to early 2007
- Education is Key
 - Conduct a minimum of three (3) Board training exercises – year-round
- Continue to plan for and build an exceptional community.

Mayor Kluttz thanked Mr. Miller for his presentation and for the hours spent by the Planning Board on making Salisbury a better community.

Greenway Committee

Ms. Carol Massey, Salisbury Greenway member, presented Council the Goals and Highlights for the Greenway Committee.

2005 Highlights

- Forest Hills Park connector completed
- Phase 3 construction
- Phase 2 development
- Trail Sponsorship
 - Hap & Annette Roberts, Statewide Title
 - Summersett Funeral Home
 - Rowan Regional Medical Center
- Earth Day Celebration
- 8th Annual 5K Run/Walk for the Greenway

2006 Goals

- Complete construction of phase 2
- Complete design & construction documents for phase 4 development
- Continue to seek sponsorships, grants, and donations to improve the existing Greenway trail and future development
- Maintain level of service (i.e. maintenance & appearance) along the additional one and three-fourths (1 ¾) miles of new trail along the phase 2 & 3 sections
- Continue annual programming/events
 - Supervised Walking program – throughout the year
 - Earth Day Celebration – April
 - 5K Run/Walk for the Greenway – July
 - Continue to seek partnerships and cooperative arrangements with local organizations, institutions, and other groups to promote the use of the Greenway (i.e. the Land Trust, Horizons Unlimited, Catawba College Center for the Environment, Livingstone College, etc.)

Members of the Greenway Committee are: Dr. John Wear, Chairperson; Ms. Amy Smith, Vice-Chairperson; Mr. Benjamin Davis, Mr. Greg Greene, Ms. Carole Massey, Ms. Lisa Wear, Mr. Darryl Blackwelder, Mr. Richard Franklin, Dr. Sashi Sabaratnam

Mayor Kluttz thanked Ms. Massey and the members of the Greenway for their work throughout the year.

PRESENTATION FROM THE ROWAN COUNTY CHAMBER OF COMMERCE REGARDING ISSUES AFFECTING THE BUSINESS COMMUNITY

Mr. Dave McCoy, Chairman of the Chamber of Commerce, and Mr. Pete Teague, Board of Directors, addressed Council regarding issues affecting the business community. Mr. McCoy thanked Council for the support they have given to the Chamber and noted that with better cooperation between the two organizations there will be a better chance for success. He noted that the Chamber's members identified priority issues they felt of interest and asked Mr. Teague to present the issues to Council.

Mr. Teague read a prepared letter to the Board and offered the following for Council's consideration:

- Economic Development – The City of Salisbury has been extremely supportive of economic development for the community. An example is the City of Salisbury's efforts to develop a Business Incubator. The Chamber agrees that "growing our own" local businesses and industry is an excellent way to spur job growth and create new tax base. The Rowan County Chamber supports the development of a Business Incubator and offers full support in this venture

The Chamber would also like to encourage the Salisbury City Council to continue to support area economic development efforts. The Chamber would strongly urge Council's ongoing support of the economic development marketing plan being developed by the Rowan Jobs Initiative (RJI)

- Land Use Planning – The Chamber asks Council to continue its efforts in the development of an appropriate land-use plan, to encourage and promote growth and to be business friendly. The Chamber is pleased by the current efforts underway and look forward to the opportunity for

continued input in this process

- Workforce Development – Lack of an adequate workforce is a serious drawback to economic development efforts. The Chamber appreciates the City officials being aware of this issue and supporting the Chamber in its workforce development and education advocacy initiatives
- Water and Sewer – One of Rowan County's greatest assets is its water resources. Water is also critical to the development of new business and industry in Rowan County. The Chamber requests that the County and City work together on extending water and sewer to undeveloped areas of the county, particularly along key interstate and major highway corridors

Mayor Kluttz thanked Mr. McCoy and Mr. Teague and expressed Council's gratitude for the work performed by the Chamber of Commerce for Salisbury and Rowan County, adding that Council recognizes the importance of the business community.

ZONING MAP AMENDMENT - Z-18-05 - TODD HILDEBRAN

(a) Mayor Kluttz announced that a Protest Petition has been received regarding this Zoning Map Amendment. City Clerk Myra Heard stated that the protest petition is valid and will require a three-fourths (¾) vote from Council for approval.

Mr. Preston Mitchell, Senior Planner, informed Council that this petition is from Citrus Holding 1 and encompasses seven (7) parcels of approximately one hundred twenty-seven (127) acres. He reviewed aerial photographs of the area in the White Farm Road, West Innes Street (Highway 601) and Jake Alexander Boulevard North vicinity. He noted that there are several current zones within the property including A-1 Agricultural District; R-20 Low Density Single-Family District; R-8 Low to Medium Density Single-Family District; and B-7 Limited Business District. He noted that the request is to rezone the parcels to RD-A Residential, RD-B Residential, along with B-1 Office Institutional and B-7 Limited Business District, and he reviewed with Council the requirements of these zones.

Mr. Mitchell informed Council that the property is located in an Extra Territorial Jurisdiction (ETJ) area, noting that the property is bound by three (3) major highways. He stated that there is a quarter mile radius rule which states that an area where a compact neighborhood can develop should provide for mixed uses, where residents would be able to walk from residential areas to commercial areas resulting in a negative impact on the roadway system. He stated that the area in question almost meets the quarter mile radius rule.

Mr. Mitchell stated that the Salisbury Mall area is considered a regional commercial draw while the Ketner Center area is considered a community commercial draw. He noted that staff believes the property in question does not need to exceed a community draw and does not need a regional draw, adding that the proposed commercial development could produce two hundred thirty thousand (230,000) square feet.

Mr. Mitchell stated that there is currently no water or sewer serving the one hundred and twenty-seven (127) acres and the petitioner is requesting that the proposed area be annexed into the City.

Mr. Mitchell informed Council that the Planning Board approved the plan with a vote of five (5) to four (4). He added that staff also recommends approval as amended subject to two changes, that the B-7 be pulled from the center of West Innes Street and relocated along the north side of Jake Alexander Boulevard, and the B-1 and B-7 shift eastward along the south side of Jake Alexander Boulevard and West Innes Street.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-18-05 Todd Hildebran (Citrus Holdings I) Fountain Quarters Development, 126.61 acres located in the White Farm Road, West Innes Street (Highway 601), and Jake Alexander Boulevard North vicinity.

(c) Mr. Todd Hildebran, 240 MacIntosh Lane, stated that he is one of the principals in the development company of the project. He noted that the land design company used the Salisbury 2020 Plan for the concept and believes that it fits in the Salisbury Strategic Road Plan. He stated that the requested zoning adjustment will allow for a retirement community for over two hundred (200) active senior couples and business development along the key entry way into northwest Salisbury. He stated that the development would be known as Fountain Quarters and will voluntarily be annexed into the City.

Mr. Fred Voreh, 124 New Hampshire Court, Mocksville, noted that he is assisting Mr. Hildebran with the purchase, development and zoning of the property. He pointed out that they have worked with the Vision 2020 Plan, Salisbury Engineering Staff, Utility Staff and the Planning Staff since the beginning of this project in March 2005. He requested that Council approve the development.

Mr. Harold Poole, 310 Winterlocken Drive, stated that he was both in favor and opposed to the plan. He stated that the developers have done a good job and that the Planning Board has been very sensitive toward the neighbors. He stated that the area is undeveloped and will not infringe upon any neighborhood, and commends staff for the clustering of the commercial portion of the development. Mr. Poole stated that the RD-A zoning of ninety (90) residential acres would allow up to one thousand (1,000) housing units and he feels that this is too many, and added that it would also generate eight thousand (8,000) additional cars. He stated that he could support an RD-B zoning.

Mr. Hayden Simmerson, 675 White Farm Road, stated that he was speaking on behalf of residents of his community, known as Franklin, and asked those present to stand. He stated businesses need to fill the vacant shops in the Salisbury Mall and the Ketner Center before building new ones. He indicated that the traffic on White Farm Road is already overburdened. Mr. Simmerson stated that he is appalled at the proposal to totally isolate Mr. Larry Myers, Mr. Wayne Stiller, McDaniel Awning Co. and the Burtons who live on the corner of Highway 601 and Jake Alexander, adding that they live in nice houses on substantial lots. He noted that his community is not opposed to development, but prefer development that is consistent to their long-established lifestyle.

Mr. Russell Barber, 650 White Farm Road, stated that most of the people in attendance are not opposed to proper zoning or future annexation because it is necessary, adding they recognize the need for growth and recognize the property's potential. He stated that he feels there are some

potential problems that could evolve that will have to be addressed. He stated that there were three (3) malls within a mile and a half that serve their needs adequately, and questioned the need for another one. He stated that he feels this plan is not the best use for the property and that traffic is a major concern for the residents. He concluded by asking if this proposal achieves the goals and provides the standards that Council wishes for the City and the residents of this community.

Ms. Annette Morgan and Mr. Jessie Morgan, 3367 West Innes Street, stated that they live on the corner of the proposed development. She stated that they are not opposed to the residential proposal, but are concerned with the B-7 Commercial zoning along Jake Alexander Boulevard, noting that this will join their property on three (3) sides. She requested that the developer be required to install a privacy fence on the sides near their property which would shield them from the back of the commercial businesses. She noted that they have had a safe and quiet neighborhood for many years and thanked Council for listening to their concerns.

Mr. Marvin McDaniel, White Farm Road, stated that he is not opposed to the improvement but his interest is that in years from now the property will continue to be improved. He pointed out the location of his property on a map and stated that the two lots above his, which total approximately thirty (30) acres of land, have been waiting on water and sewer development for more than twenty (20) years because it does not perk.

Ms. Betty Young and Mr. Larry Young, 625 White Farm Road, stated that they have concerns with Mr. Hildebran because their property adjoins his and they have never received a letter or notice from him. She stated that they are also concerned with the traffic in the area. She noted that traffic on Highway 150 is bad and at 5:00 pm it is backed up for a considerable distance. She stated that she feels they have not had a voice because they were not informed. Mr. Young stated that they moved to their property seven (7) years ago and at that time had to build a turn-around driveway due to the heavy traffic. He stated that he is happy with the way things are and does not want more traffic. Ms. Young concluded by also requesting a privacy fence.

Ms. Fran Nisch & Mr. Willie Nisch, 220 White Farm Road, stated that they live on the corner across from McDaniel Awning Company and when they get home from work cars are backed up beyond the awning company attempting to get on Highway 601. Mr. Nisch added that he sees state troopers daily with cars pulled over. He stated that he would have to build a road from the back of his property to enable him to get out onto Highway 601. Ms. Nisch stated that this is a quiet, wooded area and is concerned with what will happen to the **animals in** nature.

There being no one else to speak to Council regarding the rezoning, Mayor Klutz closed the public hearing.

Councilman Lewis thanked the neighborhood residents for sharing their concerns and thanked the developers for working with staff and The Planning Board. He stated that he has been approached by a gentleman regarding a traditional neighborhood development including a community center or a commercial portal, along with high density housing. He noted that there were only two places within Salisbury and its ETJ where this could take place. The first, which has already been addressed, was Earnhardt Road and Stokes Ferry Road, where Drummond Village is currently under construction.

Mr. Lewis noted that Council is being asked to look at rezoning one hundred twenty-seven (127) acres into different zoning districts to accomplish the majority of the principals of the Salisbury 2020 Plan. He stated that he is concerned that the B-1 zoning does not require site plan review unless it is a certain size. He recommends an overlay to give Council an opportunity to look at the whole of the property. He stated that he feels growth is important to the City, that Council is committed to growth, and that we need to grow to increase tax base and increase the job market. He added that he favors a compact development plan that has densities that are at least five (5) units per acre. He pointed out that the Vision 2020 Plan advises against stripping-out the highway corridors and that he sees some of this stripping-out in this rezoning request and is uncomfortable approving this plan today. He noted that he agrees with staff to look at higher density housing at Jake Alexander Boulevard, which in the long-range transportation plan, will one day circle the entire city. He concluded by saying that he cannot vote to approve the rezoning today. He stated that there are some modifications that would allow him to vote for some parts of the rezoning, but if Council is willing to appoint a Council Committee for further study, he will be glad to serve on the Committee.

Mayor Pro Tem Paul Woodson stated that it is the job of the Council to listen to citizens. He pointed out that he feels eleven (11) homes per acre is too dense. He noted that he understands why people are requesting fences because the proposed development changes the whole complexity of this nice neighborhood. He stated that Council needs to be fair to the developers and look at what can be done, adding that he is not opposed to the rezoning if it can be done correctly, but since there is so much rezoning at one time on this issue he could not vote in favor of it today.

Councilman Pete Kennedy stated that the Council has a valid petition that requires a four (4) to one (1) vote to pass the rezoning, and already two (2) Council members have stated they could not support it today, therefore, he sees no reason to continue the discussion. He recommended the issue go to a Council Committee for further study.

Councilman Burgin stated that there are several levels of issues, and noted that the City wants to grow. He added that developers have the right to open businesses, create jobs, and create services. He stated that he appreciates the issue of living in a quiet community and the changes that this proposal would bring about, but added that there are opportunities here and feels that the perimeter loop around the City is a good place for this type of development. He stated that Council has a challenge to find a way to make this happen that does not over burden the community, yet still meet Council's objectives. He stated that a decision on this plan will not make everyone happy, but he feels a Council Committee will help Council move in the right direction.

Mr. Kennedy stated that he supports the development and feels that annexation will grow the tax base and provide employment for citizens. He noted that the land is currently vacant and needs to be developed, adding that the developer has looked at the RD-B zoning on the White Farm Road side and feels this will protect them. He stated that he agrees that White Farm Road is heavily traveled and it will have to be studied to find solutions to improve the traffic flow. He also noted that this development will provide water and sewer to the area.

Mayor Klutz extended thanks to the developers, the Planning Board, staff and all citizens who attended today's meeting. She noted that she

heard many legitimate concerns expressed from the neighbors and she shares some of them. She stated that this is a very important area because it is a gateway to the City and when developed, it needs to be developed correctly. She noted that she is also concerned about the neighborhood and the impact this would have on it, adding that Council realizes that homes and properties are most people's greatest investment and they depend on Council to protect them. She commented that rezoning should not be done lightly and pointed out that Council has no official plan submitted to them for consideration. Mayor Kluttz noted that if the property is rezoned, all permitted uses will be allowed with no guarantee of what will be developed, adding that Council has to be very careful before rezoning any property. She expressed concern about the impact on the already existing traffic problem. She stated that she has specific concerns about the Planning Board recommendation and how the rezoning fits into the entire plan of the area.

Mayor Kluttz appointed Councilman Lewis and Councilman Burgin to a City Council Committee to study the rezoning request.

Mr. Lewis stated that if anyone would like to be notified of the Council Committee meetings or serve on the Committee, they should notify City Clerk Myra Heard.

ZONING TEXT AMENDMENT - ADD HOT-MIX ASPHALT PLANTS TO THE M-2 HEAVY INDUSTRIAL DISTRICT

(a) Mr. Preston Mitchell, Senior Planner, reviewed T-01-06, a zoning text amendment regarding Hot-Mix Asphalt (HMA) plants in the City Code. He indicated that this item was taken to the Planning Board on December 13, 2005 but little discussion was held as staff was researching the issue. He noted that the Planning Board sent the text amendment to a legislative committee who met several times to discuss the amendment.

Mr. Mitchell informed Council that the committee requested additional information regarding the Division of Air Quality permitting process, details of how HMA facilities operate, and what other municipalities are doing to address these facilities. Mr. Mitchell referred to the Salisbury Air Quality Monitoring Survey that was conducted in 2003 as a result of calls and complaints received over several years in regards to the existing facility in Salisbury. He stated that the study found that the two major pollutants associated with HMA facilities were not being generated by the existing HMA facility. The pollutants, benzene and hydrogen sulfide, were found to be generated primarily by other sources. He indicated that the Division of Air Quality has presented the study in Washington, D.C.

Mr. Mitchell stated that at the committee meeting of January 13, 2006 staff presented its findings that the Division of Air Quality permits in North Carolina are some of the most difficult to obtain, adding that North Carolina has some of the most stringent regulations of any state on the eastern seaboard. He added that Salisbury and Rowan County are located in a non-attainment area, noting that a non-attainment area is a locality where air pollution levels persistently exceeds National Ambient Air Quality Standards. He explained that many of the municipalities and counties located along I-85 are classified as non-attainment and Division of Air Quality permits are even harder to obtain in these areas.

Mr. Mitchell indicated that Forsyth County recently amended their zoning code for HMA facilities to allow them in their heavy industrial zones but included a set of conditions as part of the text. After discussing the information presented from staff, Mr. Mitchell indicated that the committee moved to recommend approval to the Planning Board with a set of conditions. He stated that on January 24, 2006 the Planning Board received the information and voted to recommend the allowance of HMA facilities in the M-2 Heavy Industrial zone subject to the issuance of a special use permit. He added that this would not be a by-right use and only City Council could grant the special use permit. The conditions recommended for inclusion in the zoning text include:

1. That all state of North Carolina Division of Air Quality (DAQ) permits remain current at all times
2. That any portion of a HMA plant operation shall be located at least five hundred (500) feet from any school or licensed daycare facility
3. That administrative site plan approval shall be obtained
4. That a HMA plant is subject to inspection by the City

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add Hot-Mix Asphalt Plants to the M-2 Heavy Industrial District, subject to the issuance of a Special Use Permit.

There being no one to speak to Council regarding the text amendment, Mayor Kluttz closed the public hearing.

Councilman Burgin stated that he appreciates the requirement of a special use permit and the protection it gives Council, but he feels that, in regards to quality of life issues, the experience Council has had with these facilities has not been good. He noted that he supports zoning them completely out of the City because the essence of the City is that citizens live close together and he sees no good scenarios with these facilities inside the City. Mr. Burgin stated that he has no comfort leaning on the State or Environmental Protection Agency (EPA) standards because once the facility is operational it will take considerable effort to close it down. He asked if the Council has the option not to allow these facilities in the City.

City Attorney Rivers Lawther stated that since this is a legal business that exists in several municipalities and counties, Council cannot say that they cannot exist in Salisbury.

Mr. Burgin noted that there are several uses in the City's Ordinance where the business has to be further than five hundred (500) feet from a school or licensed daycare, such as convenience marts that sell alcohol. He indicated that he feels this use is potentially more hazardous than that use and he would like to add more than five hundred (500) feet for the distance requirement. He added that he would like to be more specific about the consequences if the facility fails to meet State standards.

Mayor Pro Tem Woodson indicated that he does not see why Council has to allow the use, adding that Council has had nothing but problems from this type of facility and would rather not allow the use until someone challenges the restriction.

City Manager David Tremé stated that the hot-mix asphalt plant has created little or no problem for the City at its current location, noting that it is different from other asphalt plants. He commented that if HMA facilities cannot be placed into M-2 Heavy Industrial, then it probably cannot be placed anywhere. He added that as unwelcome as it may be, asphalt is an important commodity for commerce and for businesses in the community. He added that allowing the use in M-2 with the proper permitting may cause the facility to locate to a better location than where it is currently located.

Councilman Kennedy asked Mr. Mitchell which areas in the City are currently zoned M-2. Mr. Mitchell indicated that he will provide Council with a map depicting all of the M-2 zones within the City. He pointed out that HMA facilities would not be able to locate in all of the M-2 zones because of the distance requirements and because during the special use permit process, Council has the authority to deny the permit if it feels it will be detrimental to the neighborhood or have a negative impact on the health and safety of the neighborhood. He stated that the special use permits will require a quasi-judicial hearing and as part of Council's Findings of Fact it can find that the facility will be detrimental and then act accordingly based on the Findings of Fact.

Mayor Klutz stated that Council has been told in the past that smell is not harmful and the problem is how to prove a smell is detrimental. She added that it seems easy to say Council will be able to deny a permit but in actuality it is not that easy.

Mr. Tremé stated that the problems in the past have not necessarily been with hot-mix asphalt plants. He commented that the existing hot-mix asphalt plant can run as it is but cannot expand and added that this commodity is needed in the community and Salisbury has to provide some basis for the business to operate. He stated that he felt that placing the facility in M-2 with conditions placed upon it by Council will ensure that the facility will operate properly.

Mr. Woodson suggested tabling this issue until Council can review the M-2 areas in the City.

Councilman Lewis commented that if someone wants to open an adult establishment Council has to allow it. He added that if Council places the right restrictions it can be restricted to specific places within the City. He asked staff to provide a map of the M-2 areas, as well as noting which areas are not within five hundred (500) feet of a school or licensed daycare facility.

(c) Thereupon, Mr. Kennedy made a **motion** to table the issue. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

ESTABLISHING TEMPORARY RESTRICTIONS ON DEMOLITIONS IN THE DOWNTOWN LOCAL HISTORIC DISTRICT

(a) Ms. Janet Gapen, Planner II, indicated the Ordinance before Council today will place temporary restrictions on demolitions in the downtown. She pointed out that the Ordinance will apply only to the Downtown Historic District and that it is a temporary protection of historic resources. If adopted it will be effective from the time of adoption until July 1, 2007. Ms. Gapen noted that at its January 7, 2006 meeting Council approved seeking permanent protection for the Downtown District through a local bill in the General Assembly that would establish criteria for City Council to review demolition permits for issuance or denial. She added that the temporary restrictions in the proposed Ordinance would not be a total ban on demolition but establishes criteria by which City Council would review each proposed demolition permit. The criteria include:

- Location of the structure within the historic district
- The architectural and historic significance of the structure
- The state of repair of the structure
- The overall impact of the demolition of the structure on the historic district
- The economic impact of the denial of the permit upon the owner of the structure

Ms. Gapen stated that other criteria as determined by City Council that is deemed appropriate to the specific situation may also be considered. She indicated that there are three (3) exceptions written into the Ordinance:

1. Any previous permits for demolition are waived from the restrictions
2. Any quasi-judicial decision by the Historic Preservation Commission already handed-down
3. The Ordinance specifies that properties at 117, 119 and 121 West Fisher Street are waived from the restrictions unless the properties are sold or transferred to another owner

Ms. Gapen reviewed a map depicting the boundaries of the Downtown Local Historic District noting that it runs just north of East Franklin Street extending to West Monroe Street and along North Jackson Street to just past the railroad tracks on East Innes Street.

(b) Mayor Klutz convened a public hearing, after due notice and advertisement thereof, to consider adopting an Ordinance establishing temporary restrictions on demolitions in the Downtown Local Historic District.

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. 314 Mitchell Avenue, stated that he is in favor of the moratorium. He commented that 2005 marked Salisbury's 25th year as a Main Street Community and stated that during this time there has been over \$87 million in investment, with over \$60 million of this coming from private investments. He stated that he feels a large portion of this has been in historic properties that used tax credits. He noted that the buildings that were renovated now house an extra nine hundred (900) jobs that were not here twenty (20) years ago. Mr. Hemann stated that when the Chamber of Commerce decided not to demolish buildings located at 210, 212, and 214 East Innes Street they helped create a space that now houses three (3) businesses and approximately eleven (11) jobs. He commented that this is not just people wanting to keep old buildings, but preservation economic development has been a mainstay in Salisbury and has created jobs. He requested Council to support the moratorium in an effort to continue to save buildings and create jobs.

Mr. Wayne Whitman, 218 West Glenview Drive, stated that he is in favor of the moratorium and would like to extend it to other historical factors in the town and not just buildings. He commented that when the State resurfaced Main Street and brick and trolley tracks were discovered, instead of tunneling under the trolley tracks they cut the tracks out. He reiterated that he would like the moratorium applied to more than buildings in Salisbury.

Mr. Foster Owen, West Square Historic District, indicated that he feels many of the things stated by Mr. Randy Hemann hold a lot of weight for those who are concerned with historic preservation. He stated that he has been working with this for over thirty years, noting that when he sold his house recently he sold it for almost fifteen times what he paid for it and he feels this indicates there is a story to be told. He encouraged Council to look at this to preserve a fundamental resource and commented that he feels preservation is the ultimate form of recycling.

Mr. Dick Huffman, 228 West Bank Street, stated that he feels revitalization of cities and neighborhoods creates a ripple effect and development spreads. He commented that he feels destruction in cities and neighborhoods works the same way stating that if there is a vacant house with a broken window it encourages other windows to be broken and encourages neighbors to take less care of their houses and causes a decline. Mr. Huffman stated that he understands that this moratorium does not affect the properties on Fisher Street although he is not optimistic that the buildings will be saved. He added that this sets a precedent and he can easily see a future where people feel Salisbury needs bigger buildings and are willing to tear down older buildings and he feels this will cause Salisbury to lose its character and its identity. He encouraged Council to vote for the moratorium and to work hard with the legislature to ensure the local bill gets passed.

Mr. Dave Collins, 109 Ashton Lane, stated that he agrees with the moratorium as long as there are rules to be followed and everyone knows the rules in the beginning. He stated that he feels Historic Salisbury is a great place but he feels everyone needs to know where the starting point is.

There being no one else to speak to Council regarding the moratorium, Mayor Klutz closed the public hearing.

Councilman Burgin noted that under the conditions for Council to consider demolition it lists "state of repair" and stated that he did not want this as a condition but would rather it fall under other considerations. He noted that if it is listed specifically, an owner might let a property fall into poor condition in order to meet the condition. Mr. Burgin stated that Council has endorsed this moratorium because it sees the need and it will generate rules that people buying property will understand from the beginning.

Councilman Lewis asked if this has been done elsewhere. Ms. Gapen responded that Salisbury actually used something almost identical to this in 2000 and 2001 prior to the establishment of the Downtown Historic District. Mr. Lewis commented that the City is seeking a local bill to give Council the authority to do this but are temporarily taking that authority with the moratorium and indicated he wanted to make sure this is legal. Mr. Rivers Lawther, City Attorney, responded that this is legal until someone proves it is not. He added that the State Statute indicates that an owner cannot be denied a Certificate of Appropriateness for demolition but can only be delayed for a one (1) year period and this will change the permitting authority.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance establishing new Article IV-A to the Salisbury City Code to temporarily restrict demolition of structures within the Downtown Local Historic District as amended **to eliminate the state of repair as a condition**. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE ESTABLISHING A NEW ARTICLE IVA, TO THE SALISBURY CITY CODE TO TEMPORARILY RESTRICT DEMOLITION OF STRUCTURES WITHIN THE DOWNTOWN LOCAL HISTORIC DISTRICT, OR 'H' OVERLAY ON THE OFFICIAL ZONING MAP.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Zoning & Planning, at Page Nos. 9-11, and is known as Ordinance No. 2006-08.)

PRESERVE AMERICA COMMUNITY DESIGNATION

Ms. Janet Gapen, Planner II, explained that Preserve America is a White House initiative to encourage greater involvement within the local community and historic preservation. She noted that it provides recognition and includes benefits such as use of a logo in tourism efforts, and a web-based listing of designated communities. She noted that the application process is quarterly and the City hopes to meet the March 1 deadline for application.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution in support of Preserve America Community designation. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

A RESOLUTION IN SUPPORT OF PRESERVE AMERICA COMMUNITY DESIGNATION.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 15, and is known as Resolution No. 2006-05.)

Mayor Klutz noted that an important component of this designation is it makes Federal money available to the Preserve America Communities. Ms. Gapen added that there are approximately seven (7) communities designated in North Carolina and approximately three hundred (300) nationwide.

ZONING TEXT AMENDMENT - ADD MOTOROCYCLES AND MOPEDS AS AN ALLOWABLE USE IN THE B-RT DISTRICT

(a) Mr. Preston Mitchell, Senior Planner, explained that this request is a text amendment to clarify the Zoning Ordinance. He stated that the Zoning

Administrator found that motorcycle and moped sales and service was only allowed in the B-RT zone and staff feels this is an error because there are motorcycle and moped dealers that are not in this zone and it creates non-conformities throughout the City. He added that there are other vehicle sales and services allowed in other zones and staff is not sure why motorcycles were relegated to one zone. He noted that the Planning Board unanimously recommended approval to allow motorcycle sales and service beginning in the B-RT district and moving cumulatively through the Code, with the exception of the non-cumulative zones.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add motorcycles and mopeds as an allowable use beginning in the B-RT district and subsequent cumulative districts.

There being no one to speak to Council regarding the text amendment, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the Code of Ordinances, Zoning Appendix, of the City of Salisbury, by amending Article VIII, various sections, for the purposes of permitting motorcycle and/or moped sales and service in specified zoning districts. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ZONING APPENDIX OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING ARTICLE VIII (USE REQUIREMENTS BY DISTRICT), VARIOUS SECTIONS, FOR THE PURPOSES OF PERMITTING MOTORCYCLE AND/OR MOPED SALES AND SERVICE IN SPECIFIED ZONING DISTRICTS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Zoning & Planning, at Page No. 8, and is known as Ordinance No. 2006-07.)

COUNCIL COMMITTEE REPORT REGARDING AN APPEAL FROM JOHN LEATHERMAN PROPERTIES - PRELIMINARY PLAT S-06-05

Mayor Kluttz noted that Mayor Pro Tem Woodson and Councilman Kennedy served as a Council Committee to study this request and asked for a report from Mayor Pro Tem Woodson.

Councilman Burgin indicated that he needed to be excused from this issue due to a conflict of interest. Mayor Pro Tem Woodson noted that there would be no action, only a report.

Mr. Woodson stated that he and Councilman Kennedy met with staff, Mr. Leatherman and Mr. Parks to discuss this issue. He stated that he feels they have made a little progress and have had many meetings and telephone conversations in an effort to get things resolved in order to put the right-of-way into the property. He noted that he has been approached by a property owner in the area who feels they have a right to have ingress and egress to their property but they did not want Rosemont Street opened and felt strongly it should be from South Main Street. Mr. Woodson indicated that Mr. Parks and Mr. Leatherman are working on a possible agreement and he will be in contact with them. He noted that the Committee does not have a recommendation at this time and will report back at the next meeting.

BUS LOADING ZONE - 400 BLOCK OF PARTEE STREET

Ms. Wendy Brindle, Traffic Engineer, indicated that the Salisbury-Rowan Head Start program has opened a new building in the 400 block of Partee Street and have two buses that transport children to and from the program. She noted that they have requested a bus loading and unloading zone in front of their property for certain hours. Ms. Brindle noted that there is a section in the Code that addresses this but it does not address the hours needed. She noted that staff is recommending Council amend the section of the Code to extend the hours of bus loading and unloading by one hour.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-353, Article X, Chapter 13 of the Code of the City of Salisbury, relating to school bus loading zones, parking prohibited during certain hours. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-353, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SCHOOL BUS LOADING ZONES, PARKING PROHIBITED DURING CERTAIN HOURS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Traffic, at Page No. 12, and is known as Ordinance No. 2006-09.)

STAFF REPORT CONCERNING BRENNER AVENUE AND GREENWAY CONSTRUCTION

Mr. Dan Mikkelson, Director of Land Management and Development, updated Council on the Brenner Avenue and Greenway construction project. He noted that this project began almost six (6) years ago and reviewed the history.

October 2000 Plan

- Treat Brenner Avenue on a corridor basis from Jake Alexander Boulevard to the railroad
- Conditions were appropriate for traffic, but not for pedestrians or bicycles
- Install pedestrian refuge islands
- Install Greenway Trail with North Carolina Department of Transportation (NCDOT) funds
- Install street lights

Mr. Mikkelson reviewed the traffic counts for Brenner Avenue and other comparable major thoroughfares:

<u>Street</u>	<u>Speed Limit</u>	<u>85th %</u>	<u>Top Speed</u>	<u>Volume</u>
Brenner Avenue	45	53	62	10,700
North Long Street	35	40	48	11,200
Bingle Ferry	35	44	50	5,300
Statesville Boulevard	45	53	63	17,000

He reviewed the original cross-section – circa 1988:

- Rural design
- No curb or gutter
- No sidewalks
- Center turn lane to nowhere
- Accommodates vehicles only
- Speed is a problem

Revised cross-section approved May 2003:

- Curb and gutter on both sides (Urban)
- Sidewalk on west side; greenway on east side
- Maximizes NCDOT funding
- Accommodates pedestrians, bicycles, wheelchairs, and vehicles
- Traffic calming elements

Mr. Mikkelson noted that with the original cross-section the 85th percentile speed was 53 mph with a top speed of 62 mph. He reviewed photographs of the area before and during construction and noted that some of the common complaints include:

- Traffic delays
- Confusing pavement markings
- Narrow lanes
- Too curvy
- Sidewalks to nowhere
- “Sidewalks are taking up valuable road space”

He explained that in the active work zone traffic is narrowed to a single lane with a flagman and it creates the worst delay in traffic. In the passive work zone there are two lanes open with a third lane available at the intersection. He noted that although the lanes are narrower, traffic is passing through with no delays.

Mr. Mikkelson referred to the complaint of confusing pavement markings and stated that the traffic has been shifted to the old center lane and the contractor attempted to cover the old lane markings with black paint and put in new yellow lines; however, with the amount of traffic on the road the paint has not held up and the old markings are showing through.

Regarding narrow lanes Mr. Mikkelson stated that before construction the lanes were twelve (12) feet wide. During construction the lanes have been reduced to ten (10) feet and after construction and repaving the lanes will be eleven (11) feet.

Mr. Mikkelson indicated that the old cross-section invited high speeds but the lane shifts are designed for 35 mph speed. He noted that the abruptness of the shifts has been accentuated during construction but will feel more appropriate after it is resurfaced and properly marked. He noted that the old speed limit signs indicating 45 mph speed limits were still in place so staff has replaced the 45 mph signs with temporary work zone 35 mph signs. He explained that the Police Department cannot currently enforce the lower speed limit because it is still listed as 45 mph in the City Code and staff recommends Council adopt a permanent Ordinance establishing the speed limit at 35 mph. He pointed out that the portion of the road from Jake Alexander Boulevard to the railroad tracks was posted at 45 mph but after the railroad tracks to Statesville Boulevard the posting went back to 35 mph, and adopting an Ordinance to change the 45 mph speed limit to 35 mph will set a uniform speed for the entire distance.

Mr. Mikkelson referred to the complaint that there are sidewalks to nowhere being constructed and referred to the grocery store and YMCA at one end of the project, both of which generate a lot of pedestrian activity. He pointed out that along the edge of the project there is the Zion Hill Apartments and many of those residents walk. Moving down the project there is the College Park Apartments which has a connector to the Salisbury Greenway, then Kelsey-Scott Park where there will be a future extension of the Greenway, and then the future sidewalk extension on West Horah Street that will tie into the project. Mr. Mikkelson commented that there have been comments that the sidewalks are taking up valuable road space but noted that the center turn lane that was in place was unable to be used and has been traded for space to accommodate pedestrians, bicycles and wheelchairs.

Mr. Mikkelson then presented a summary of the project:

- Traffic delays, confusing markings, and narrow lanes are real, but temporary
- Contractor completion date: March 3
- Resurfacing and new markings to follow
- Vehicular capacity will be the same
- Sidewalks, Greenways, and traffic calming are consistent with Vision 2020 Comprehensive Plan
- Staff recommends adopting an Ordinance establishing a 35 mph speed limit

Mr. Mikkelson explained that the Ordinance will delete any reference to Brenner Avenue from the speed limit portion of the City Code because there is a "blanket" Ordinance that states that unless otherwise posted the Citywide speed limit is 35 mph, so by deleting all reference to Brenner Avenue it will fall under the "blanket" Ordinance of 35 mph.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13 of the Code of City of Salisbury relating to speed limits in general. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13 OF THE CODE OF CITY OF SALISBURY RELATING TO SPEED LIMITS - GENERALLY.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Traffic, at Page No. 13, and is know as Ordinance No. 2006-10.)

BUDGET ORDINANCE AMENDMENT - HURLEY PARK

This item was deleted from the Agenda.

SUMMIT PARK ELEMENTARY SCHOOL - WATER AND SEWER EXTENSTION PROJECT

Mr. Jim Behmer, Utilities Engineering Manager, noted that in April 2005 Salisbury-Rowan Utilities (SRU) and Salisbury-Rowan Schools entered an agreement to extend water and sewer to serve Summit Park Elementary School. He explained that SRU designed the project in-house and solicited informal bids on February 3, 2006. Bids were received from:

Foothills Water & Sewer, Inc.	\$123,082.00
B.R.S., Inc.	\$153,934.00
Piedmont Pipe Construction, Inc.	\$191,924.18

Mr. Behmer pointed out that Foothills Water & Sewer, Inc. was the lowest bidder and the project is under budget.

Thereupon, Mr. Woodson made a **motion** to enter into a contract with Foothills Water & Sewer, Inc. in the amount of \$123,082.00 for the extension of water and sewer to serve the Summit Park Elementary School. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mayor Kluttz thanked staff for designing this project in-house.

STAFF REPORT REGARDING THE GIS STRATEGIC PLAN

This item was deleted from the Agenda.

RECOGNIZE MEMBERS OF THE HISPANIC COALITION

This item was postponed

PLANNING BOARD APPOINTMENT

Upon a motion of Mr. Kennedy, seconded by Mr. Woodson the following appointment was made to the Salisbury Planning Board as an ETJ member:

Mr. Tommy Hairston Term expires 3/31/08

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

Council received the Planning Board recommendations and comments from their January 24, 2006 meeting.

(b) Report on joint response to emergency calls

City Manager David Treme informed Council that he met with Mr. Arnold Chamberlain, Chairman of the County Commission, along with Salisbury Fire Chief Bob Parnell and Rowan Rescue Squad personnel to discuss a working agreement between the three (3) agencies to enhance call response in the City and to help outside of the City. He noted that this has always been done but the group discussed making this more formal.

(c) Meeting with Staff from Senator Dole's Office

City Manager Treme noted that he recently had an opportunity to meet with members of Senator Dole's staff where he shared Council's concern

regarding the exploration of funding possibilities for the I-85/US29 sewer extension. Information regarding Alcoa was also shared as well as funding for the business incubator and future funding for the Rowan County Airport.

(d) Loan Subordination for Park Avenue Apartments

City Manager Treme noted that at a previous meeting Council received a request from Mr. Dick Palmore to subordinate the City lien on the Park Avenue Apartments to facilitate an improved financing package. He noted that he and Mr. Rivers Lawther, City Attorney, have shared additional information from F&M Bank with Council and he recommends approving subordination of the loan to solidify the overall project.

Thereupon, Mr. Lewis made a **motion** for approval to subordinate the Dick Palmore **lien**. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

MAYOR'S ANNOUNCEMENTS

(a) 21st Annual Future Directions & Goal Setting Retreat

Mayor Kluttz announced that the 21st Annual Future Directions & Goal Setting Retreat will be held February 9-10, 2006.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 7:17 p.m.

Mayor

City Clerk

Salisbury, North Carolina
February 7 2006

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 Burgin.

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:

Delete item 6 – Council to recognize the City of Salisbury Customer Service Design Team

Delete item 17 – Council to consider adopting a budget Ordinance amendment to the FY2005-2006 budget in the amount of \$7,850 to appropriate a grant received from the Robertson Foundation for Hurley Park.

Delete item 20 – Council to receive a presentation from staff regarding the GIS Strategic Plan.

RECOGNIZE 2004-2005 CITY EMPLOYEES WITH 5 AND 10 YEARS OF SERVICE

Mayor Kluttz recognized employees with ten (10) years and five (5) years of service with the City.

10 Year Honorees

Garry L. Basinger – Plants Maintenance
Cynthia A. Botts – Police Department
Jack D. Carter – Fire Department
Rory B. Collins – Police Department
Sherri W. Curry – Police Department
Tamara H. Earnhardt – Fire Department
Vicki J. Hare – Police Department
Jerry S. Hogan – Information Technology Systems
Donna F. Isenhour – Utilities Administration
Michael R. Long – Water/Sewer Maintenance
Baxter L. Miller, III – Fire Department
Michael E. Spry – Fire Department
James C. Sterling, Jr. – Fleet Management Division
Gail Elder White – Parks and Recreation Department

5 Year Honorees

Robin R. Allen – Police Department
James D. Behmer – Utilities Administration
Jeffrey L. Benfield – Public Services Administration
David F. Brinkley – Utilities Administration
Kevin D. Bronson – Parks and Recreation Department
Raymond M. Chapman – Parks and Recreation Department
Robert E. “Robbie” Cochran – Parks and Recreation Department
Darren B. Cox – Plants Maintenance Utilities Department
Linda R. Davis – Cemetery Division
Barry N. Frazier – Fire Department
Charles L. “Lanny” Graham – Landscape Operations Division
Johnny R. Hawkins – Water/Sewer Maintenance Utilities
Bryan M. Hodgson – Police Department
Gregg D. Hughes – Fleet Management Division
Sibyl H. Hunt – Fire Department
Audrey A. Johnson – Police Department
Patrick “Shane” Karkier – Police Department
Jason R. Kluttz – Fire Department
Clint Mason – Street Division
Denny R. Morgan – Police Department
Busanda J. “Sandy” Miller – Management Services Department
Jeffery E. Miller – Fire Department
Paul A. Moore – Parks and Recreation Recreation Department
Garry R. Mills – Police Department
Michael G. Neely – Police Department
Andrew D. “Andy” Orphanoudakis – Fire Department
Troy L. Painter – Transit Division
Paul T. Penley – Wastewater Treatment Plant
Marianna V. Phillips – Police Department
Jason M. Robertson – Police Department
Charles W. Sherrill – Transit Division

Michael Lee Shoaf – Street Division
Nathan Todd Sides – Police Department
Patrick E. Snyder – Street Division
Jason A. Sparger – Fire Department
Wendy M. Spry – Development Services
Charles E. Wood, Jr. – Wastewater Treatment Plant

RECOGNIZE CITY OF SALISBURY CUSTOMER SERVICE DESIGN TEAM

This item was deleted from the Agenda.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of January 17, 2006 and the recessed meeting of January 31, 2006.

(b) Minor Subdivision Plat S-02-06

Approve minor subdivision plat S-02-06 for Shawn Orr and/or Greg Orr to subdivide a 4.9 acre tract on Forbes Avenue into two commercial lots.

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

HIGHLIGHTS AND GOALS

Mayor Kluttz noted that Council would receive Highlights and Goals presentations from the Human Relations Council, the Planning Board and the Greenway Committee.

Human Relations Council

Ms. Mae Carroll, Chairman, presented Council with the 2005 Highlights for the Salisbury-Rowan Human Relations Council (SRHRC).

Highlights 2005

- Conducted two (2) Community Multiculturalism training sessions which included participants from local employers and community agencies
- Participated and provided support in the development and implementation of the "Project Safe" initiative
- Supported and assisted in a wide range of Rowan-Salisbury Schools multicultural activities
- Had active participation of William R. "Pete" Kennedy at Council meetings
- Celebrated a record crowd at the 2005 Martin Luther King Breakfast that featured Mr. Paul Fisher and Dr. George Battle
- Presented the Elizabeth Duncan Koontz Humanitarian Award before a record crowd that featured Mr. Eric Watson
- Provided a Elizabeth Duncan Koontz Public Library display to promote public awareness
- Conducted two (2) outstandingly successful Mayor's Spirit Luncheons that featured Dr. Albert Aymer and Dr. Windsor Eagle in the Spring and Mr. David Whisenant in the Fall
- Sponsored the Covenant Community Connection (CCC) "Let's Get Connected Day" Celebration
- Evaluated the progress of the Hispanic Coalition and redirected its goals and objectives
- Conducted a successful La Fiesta de Rowan with over five hundred (500) attendees
- Developed, published and distributed a bilingual Community Services Information Guide
- Provided a National Hispanic Heritage Month Public Library display to promote public awareness
- Sponsored outreach activities for the Hispanic community
- Assisted the Center for International Understanding on Latino Initiatives in planning and developing its plan with representatives from Cabarrus and Union Counties
- Partnered with the United Way to obtain Hispanic Leaders to assist in conducting a needs assessment
- Assisted with organizing and implementing the Bill Hefner VA Medical Center's National Hispanic Heritage Month celebration
- Partnered with the Salisbury Community Development Corporation (CDC) to sponsor a Fair Housing Workshop open to the public
- Gained an additional certified Multiculturalism Training Instructor
- Partnered and co-sponsored the Rowan Regional Medical Center Community Diversity Forum featuring Dr. Edwin Nichols
- Developed a newsletter
- Developed a historical scrapbook
- Provided monthly news releases of Council events and activities

Ms. Elia Gegorek, in-coming Chairman for the SRHRC, read the Vision statement for the SRHRC which states, "An inclusive community that lives with harmony, mutual respect and appreciation of diversity among all people." She then read their Mission statement, "To create a secure environment of hospitality, inclusiveness, acceptance and appreciation of the diversity of the community." She presented the Goals for 2006 to Council:

Goals 2006

- Improve Community relations in the Salisbury-Rowan community
 - Continue to assist with implementation of Project SAFE
 - Develop a process to receive, process and mediate community issues
 - Support the Salisbury-Rowan Community Development Corporation (CDC) to address equal housing opportunities in the community
 - Assist in promoting equal employment opportunities by providing multicultural training to employers, faith, individuals and community organizations
 - Provide mediation training on an as needed basis
 - Coordinate and facilitate events that enhance ethnic, cultural and linguistic understanding and acceptance in Salisbury-Rowan
 - Include schools, churches and other organizations in the work of the SRHRC's subcommittees
 - Develop and implement mentoring and career development activities with local schools ("Walk in My Shoes Day")
 - Develop and implement life skills training for the youth of the Salisbury-Rowan community (Active Listening, Conflict Management, Communication Styles, etc.)
- Enhance community harmony and promote awareness of Salisbury-Rowan's growing multiculturalism and diversity
 - Plan, coordinate and implement the annual Dr. Martin Luther King, Jr. Breakfast
 - Plan, coordinate and implement the annual Elizabeth Duncan Koontz Humanitarian Award Banquet
 - Coordinate a bi-annual Mayor's Spirit luncheon
 - Coordinate and sponsor the "Let's Get Connected Day" celebration
 - Support the goals, objectives and projects of the Hispanic Coalition for 2006
 - Support the goals, objectives and projects of the Covenant Community Connection for 2006
 - Provide at least two (2) community multiculturalism training sessions to be completed by December 2006
 - Enhance the policy making of the SRHRC by including the voice of the youth of Salisbury
- Improve the internal and external communications of the SRHRC
 - Publish at least two (2) SRHRC newsletters
 - On at least a quarterly basis, have City and County elected officials attend SRHRC meetings
 - Provide at least four (4) news releases related to SRHRC projects/events/activities in 2006
 - Develop a SRHRC speaker's bureau
 - Utilize the City-County Access 16 to publicize programs and activities
 - Develop a plan to promote the programs of the SRHRC
 - Create a SRHRC Website
 - Develop a "SRHRC Show on the Road" presentation to provide information about the Council to the Community'

Ms. Carroll reviewed the SRHRC Goals requiring funding:

Level I Goals Requiring Funding

- Covenant Community Connection Activities (includes Mayor's Spirit Luncheon) - \$3,000
- Martin Luther King, Jr. Humanitarian Breakfast - \$2,500
- Human Relations Council Training (includes community multiculturalism training) - \$2,000
- Elizabeth Duncan Koontz Award Banquet - \$2,500
- Fair Housing Program - \$1,000
- Youth Human Relations and Multicultural Awareness Programs/Activities - \$1,000
- Hispanic Coalition Activities (Includes La Fiesta de Rowan) - \$3,000
- Administrative Expenses - \$1,350
- Total Request - \$16,350
- Possible Alternative Funding Expenses - \$13,350

Mayor Kluttz thanked Ms. Carroll and Ms. Gegorek and all members of the Salisbury-Rowan Human Relations Council for their work for the City.

Planning Board

Mr. Brian Miller, Chairman, presented Council the 2005-2006 Highlights and the 2006-2007 Goals for the Planning Board. Members of the Planning Board are Mr. Brian Miller, Ms. Sandy Reitz, Mr. Bryan Duncan (ETJ), Mr. Charlie Walters (ETJ), Ms. Valerie Stewart, Ms. Diane Young, Ms. Kelly Vance, Mr. Lou Manning, Mr. Price Wagoner, Mr. Albert Stout, Mr. Bryce Ulrich, and Dr. Mark Beymer.

Highlights 2005

- Eighteen (18) Zone change petitions
- Nine (9) Zoning Text Amendment petitions
- Annexation effective and zoning completed
- Widespread development in City & ETJ
- Relatively quiet year leading to a new development Ordinance and more area planning
- Periodic rezoning
 - Z-13S-05
 - Z-01-05
 - Z-08-05
- Annexation zoning, two hundred fifty (250+) acres newly annexed on June 30, 2005
 - Airport Road area
 - South Main Street area

- Variety of zoning text amendments
 - Permanent banners downtown
 - Boat sales and service
 - ETJ representation
 - Asphalt plants
- Subdivision/Group Developments getting underway
- Planning Board lost but regained members in 2005. Continually striving for a diverse membership with widespread geographic representation
 - Members needed from south of I-85
- Great deal of development occurring south of I-85
 - The Gables at Kepley Farm
 - Tilley Harley Davidson
 - Power Curbers, Inc.
 - Walgreens – East Innes Street
 - Autumn Care Expansion
 - Drummond Village
- Significant planning related statutory updates
 - Clarification updates
 - Modernization updates
- Land Development Ordinance Committee to draft new zoning code
- Getting underway with the North Main Street Small Area Plan

2006 Goals

- Complete the Zoning Code re-write
 - Review and provide to City Council a recommendation of approval on the proposed Land Development Ordinance – Summer 2006
- Complete North Main Street Plan
 - Review and provide to City Council a recommendation of approval on the North Main Street Small Area Plan – Spring 2006
- Prioritize sidewalk needs
 - Complete the sidewalk prioritization plan for City Council approval – Summer 2006
- Importance of Micro-Planning & Macro-Planning
 - Define the difference between small area planning and large-scale subarea land use planning, and establish policies for development of future Small area plans and Subarea plans – late summer 2006
- Proactively seek out areas of study
 - Provide a prioritized list of at least two (2) small area planning areas and at least two (2) Subarea Planning Areas to City Council – Fall/Winter 2006
- Always strive to make the process better
 - As part of Subarea Planning process, conduct a Planning Summit between the City, County, and local development community – Winter 2006 to early 2007
- Education is Key
 - Conduct a minimum of three (3) Board training exercises – year-round
- Continue to plan for and build an exceptional community.

Mayor Klutz thanked Mr. Miller for his presentation and for the hours spent by the Planning Board on making Salisbury a better community.

Greenway Committee

Ms. Carol Massey, Salisbury Greenway member, presented Council the Goals and Highlights for the Greenway Committee.

2005 Highlights

- Forest Hills Park connector completed
- Phase 3 construction
- Phase 2 development
- Trail Sponsorship
 - Hap & Annette Roberts, Statewide Title
 - Summersett Funeral Home
 - Rowan Regional Medical Center
- Earth Day Celebration
- 8th Annual 5K Run/Walk for the Greenway

2006 Goals

- Complete construction of phase 2
- Complete design & construction documents for phase 4 development
- Continue to seek sponsorships, grants, and donations to improve the existing Greenway trail and future development
- Maintain level of service (i.e. maintenance & appearance) along the additional one and three-fourths (1 ¾) miles of new trail along the phase 2 & 3 sections

- Continue annual programming/events
 - Supervised Walking program –throughout the year
 - Earth Day Celebration – April
 - 5K Run/Walk for the Greenway – July
 - Continue to seek partnerships and cooperative arrangements with local organizations, institutions, and other groups to promote the use of the Greenway (i.e. the Land Trust, Horizons Unlimited, Catawba College Center for the Environment, Livingstone College, etc.)

Members of the Greenway Committee are: Dr. John Wear, Chairperson; Ms. Amy Smith, Vice-Chairperson; Mr. Benjamin Davis, Mr. Greg Greene, Ms. Carole Massey, Ms. Lisa Wear, Mr. Darryl Blackwelder, Mr. Richard Franklin, Dr. Sashi Sabaratnam.

Mayor Kluttz thanked Ms. Massey and the members of the Greenway for their work throughout the year.

PRESENTATION FROM THE ROWAN COUNTY CHAMBER OF COMMERCE REGARDING ISSUES AFFECTING THE BUSINESS COMMUNITY

Mr. Dave McCoy, Chairman of the Chamber of Commerce, and Mr. Pete Teague, Board of Directors, addressed Council regarding issues affecting the business community. Mr. McCoy thanked Council for the support they have given to the Chamber and noted that with better cooperation between the two organizations there will be a better chance for success. He noted that the Chamber’s members identified priority issues they felt of interest and asked Mr. Teague to present the issues to Council.

Mr. Teague read a prepared letter to the Board and offered the following for Council’s consideration:

- Economic Development – The City of Salisbury has been extremely supportive of economic development for the community. An example is the City of Salisbury’s efforts to develop a Business Incubator. The Chamber agrees that “growing our own” local businesses and industry is an excellent way to spur job growth and create new tax base. The Rowan County Chamber supports the development of a Business Incubator and offers full support in this venture

The Chamber would also like to encourage the Salisbury City Council to continue to support area economic development efforts. The Chamber would strongly urge Council’s ongoing support of the economic development marketing plan being developed by the Rowan Jobs Initiative (RJI)

- Land Use Planning – The Chamber asks Council to continue its efforts in the development of an appropriate land-use plan, to encourage and promote growth and to be business friendly. The Chamber is pleased by the current efforts underway and look forward to the opportunity for continued input in this process
- Workforce Development – Lack of an adequate workforce is a serious drawback to economic development efforts. The Chamber appreciates the City officials being aware of this issue and supporting the Chamber in its workforce development and education advocacy initiatives
- Water and Sewer – One of Rowan County’s greatest assets is its water resources. Water is also critical to the development of new business and industry in Rowan County. The Chamber requests that the County and City work together on extending water and sewer to undeveloped areas of the county, particularly along key interstate and major highway corridors

Mayor Kluttz thanked Mr. McCoy and Mr. Teague and expressed Council’s gratitude for the work performed by the Chamber of Commerce for Salisbury and Rowan County, adding that Council recognizes the importance of the business community.

ZONING MAP AMENDMENT - Z-18-05 - TODD HILDEBRAN

(a) Mayor Kluttz announced that a Protest Petition has been received regarding this Zoning Map Amendment. City Clerk Myra Heard stated that the protest petition is valid and will require a three-fourths (¾) vote from Council for approval.

Mr. Preston Mitchell, Senior Planner, informed Council that this petition is from Citrus Holding 1 and encompasses seven (7) parcels of approximately one hundred twenty-seven (127) acres. He reviewed aerial photographs of the area in the White Farm Road, West Innes Street (Highway 601) and Jake Alexander Boulevard North vicinity. He noted that there are several current zones within the property including A-1 Agricultural District; R-20 Low Density Single-Family District; R-8 Low to Medium Density Single-Family District; and B-7 Limited Business District. He noted that the request is to rezone the parcels to RD-A Residential, RD-B Residential, along with B-1 Office Institutional and B-7 Limited Business District, and he reviewed with Council the requirements of these zones.

Mr. Mitchell informed Council that the property is located in an Extra Territorial Jurisdiction (ETJ) area, noting that the property is bound by three (3) major highways. He stated that there is a quarter mile radius rule which states that an area where a compact neighborhood can develop should provide for mixed uses, where residents would be able to walk from residential areas to commercial areas resulting in a negative impact on the roadway system. He stated that the area in question almost meets the quarter mile radius rule.

Mr. Mitchell stated that the Salisbury Mall area is considered a regional commercial draw while the Ketner Center area is considered a community commercial draw. He noted that staff believes the property in question does not need to exceed a community draw and does not need a regional draw, adding that the proposed commercial development could produce two hundred thirty thousand (230,000) square feet.

Mr. Mitchell stated that there is currently no water or sewer serving the one hundred and twenty-seven (127) acres and the petitioner is requesting that the proposed area be annexed into the City.

Mr. Mitchell informed Council that the Planning Board approved the plan with a vote of five (5) to four (4). He added that staff also recommends approval as amended subject to two changes, that the B-7 be pulled from the center of West Innes Street and relocated along the north side of Jake Alexander Boulevard, and the B-1 and B-7 shift eastward along the south side of Jake Alexander Boulevard and West Innes Street.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-18-05 Todd Hildebran (Citrus Holdings I) Fountain Quarters Development, 126.61 acres located in the White Farm Road, West Innes Street (Highway 601), and Jake Alexander Boulevard North vicinity.

(c) Mr. Todd Hildebran, 240 MacIntosh Lane, stated that he is one of the principals in the development company of the project. He noted that the land design company used the Salisbury 2020 Plan for the concept and believes that it fits in the Salisbury Strategic Road Plan. He stated that the requested zoning adjustment will allow for a retirement community for over two hundred (200) active senior couples and business development along the key entry way into northwest Salisbury. He stated that the development would be known as Fountain Quarters and will voluntarily be annexed into the City.

Mr. Fred Voreh, 124 New Hampshire Court, Mocksville, noted that he is assisting Mr. Hildebran with the purchase, development and zoning of the property. He pointed out that they have worked with the Vision 2020 Plan, Salisbury Engineering Staff, Utility Staff and the Planning Staff since the beginning of this project in March 2005. He requested that Council approve the development.

Mr. Harold Poole, 310 Winterlocken Drive, stated that he was both in favor and opposed to the plan. He stated that the developers have done a good job and that the Planning Board has been very sensitive toward the neighbors. He stated that the area is undeveloped and will not infringe upon any neighborhood, and commends staff for the clustering of the commercial portion of the development. Mr. Poole stated that the RD-A zoning of ninety (90) residential acres would allow up to one thousand (1,000) housing units and he feels that this is too many, and added that it would also generate eight thousand (8,000) additional cars. He stated that he could support an RD-B zoning.

Mr. Hayden Simmerson, 675 White Farm Road, stated that he was speaking on behalf of residents of his community, known as Franklin, and asked those present to stand. He stated businesses need to fill the vacant shops in the Salisbury Mall and the Ketner Center before building new ones. He indicated that the traffic on White Farm Road is already overburdened. Mr. Simmerson stated that he is appalled at the proposal to totally isolate Mr. Larry Myers, Mr. Wayne Stiller, McDaniel Awning Co. and the Burtons who live on the corner of Highway 601 and Jake Alexander, adding that they live in nice houses on substantial lots. He noted that his community is not opposed to development, but prefer development that is consistent to their long-established lifestyle.

Mr. Russell Barber, 650 White Farm Road, stated that most of the people in attendance are not opposed to proper zoning or future annexation because it is necessary, adding they recognize the need for growth and recognize the property's potential. He stated that he feels there are some potential problems that could evolve that will have to be addressed. He stated that there were three (3) malls within a mile and a half that serve their needs adequately, and questioned the need for another one. He stated that he feels this plan is not the best use for the property and that traffic is a major concern for the residents. He concluded by asking if this proposal achieves the goals and provides the standards that Council wishes for the City and the residents of this community.

Ms. Annette Morgan and Mr. Jessie Morgan, 3367 West Innes Street, stated that they live on the corner of the proposed development. She stated that they are not opposed to the residential proposal, but are concerned with the B-7 Commercial zoning along Jake Alexander Boulevard, noting that this will join their property on three (3) sides. She requested that the developer be required to install a privacy fence on the sides near their property which would shield them from the back of the commercial businesses. She noted that they have had a safe and quiet neighborhood for many years and thanked Council for listening to their concerns.

Mr. Marvin McDaniel, White Farm Road, stated that he is not opposed to the improvement but his interest is that in years from now the property will continue to be improved. He pointed out the location of his property on a map and stated that the two lots above his, which total approximately thirty (30) acres of land, have been waiting on water and sewer development for more than twenty (20) years because it does not perk.

Ms. Betty Young and Mr. Larry Young, 625 White Farm Road, stated that they have concerns with Mr. Hildebran because their property adjoins his and they have never received a letter or notice from him. She stated that they are also concerned with the traffic in the area. She noted that traffic on Highway 150 is bad and at 5:00 pm it is backed up for a considerable distance. She stated that she feels they have not had a voice because they were not informed. Mr. Young stated that they moved to their property seven (7) years ago and at that time had to build a turn-around driveway due to the heavy traffic. He stated that he is happy with the way things are and does not want more traffic. Ms. Young concluded by also requesting a privacy fence.

Ms. Fran Nisch & Mr. Willie Nisch, 220 White Farm Road, stated that they live on the corner across from McDaniel Awning Company and when they get home from work cars are backed up beyond the awning company attempting to get on Highway 601. Mr. Nisch added that he sees state troopers daily with cars pulled over. He stated that he would have to build a road from the back of his property to enable him to get out onto Highway 601. Ms. Nisch stated that this is a quiet, wooded area and is concerned with what will happen to the animals in nature.

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

Councilman Lewis thanked the neighborhood residents for sharing their concerns and thanked the developers for working with staff and The Planning Board. He stated that he has been approached by a gentleman regarding a traditional neighborhood development including a community center or a commercial portal, along with high density housing. He noted that there were only two places within Salisbury and its ETJ where this could take place. The first, which has already been addressed, was Earnhardt Road and Stokes Ferry Road, where Drummond Village is currently under construction.

Mr. Lewis noted that Council is being asked to look at rezoning one hundred twenty-seven (127) acres into different zoning districts to accomplish the majority of the principals of the Salisbury 2020 Plan. He stated that he is concerned that the B-1 zoning does not require site plan review unless it is a certain size. He recommends an overlay to give Council an opportunity to look at the whole of the property. He stated that he feels growth is important to the City, that Council is committed to growth, and that we need to grow to increase tax base and increase the job market. He added that he favors a compact development plan that has densities that are at least five (5) units per acre. He pointed out that the Vision 2020 Plan advises against stripping-out the highway corridors and that he sees some of this stripping-out in this rezoning request and is uncomfortable approving this plan today. He noted that he agrees with staff to look at higher density housing at Jake Alexander Boulevard, which in the long-range transportation plan, will one day circle the entire city. He concluded by saying that he cannot vote to approve the rezoning today. He stated that there are some modifications that would allow him to vote for some parts of the rezoning, but if Council is willing to appoint a Council Committee for further study, he will be glad to serve on the Committee.

Mayor Pro Tem Paul Woodson stated that it is the job of the Council to listen to citizens. He pointed out that he feels eleven (11) homes per acre is too dense. He noted that he understands why people are requesting fences because the proposed development changes the whole complexity of this nice neighborhood. He stated that Council needs to be fair to the developers and look at what can be done, adding that he is not opposed to the rezoning if it can be done correctly, but since there is so much rezoning at one time on this issue he could not vote in favor of it today.

Councilman Pete Kennedy stated that the Council has a valid petition that requires a four (4) to one (1) vote to pass the rezoning, and already two (2) Council members have stated they could not support it today, therefore, he sees no reason to continue the discussion. He recommended the issue go to a Council Committee for further study.

Councilman Burgin stated that there are several levels of issues, and noted that the City wants to grow. He added that developers have the right to open businesses, create jobs, and create services. He stated that he appreciates the issue of living in a quiet community and the changes that this proposal would bring about, but added that there are opportunities here and feels that the perimeter loop around the City is a good place for this type of development. He stated that Council has a challenge to find a way to make this happen that does not over burden the community, yet still meet Council's objectives. He stated that a decision on this plan will not make everyone happy, but he feels a Council Committee will help Council move in the right direction.

Mr. Kennedy stated that he supports the development and feels that annexation will grow the tax base and provide employment for citizens. He noted that the land is currently vacant and needs to be developed, adding that the developer has looked at the RD-B zoning on the White Farm Road side and feels this will protect them. He stated that he agrees that White Farm Road is heavily traveled and it will have to be studied to find solutions to improve the traffic flow. He also noted that this development will provide water and sewer to the area.

Mayor Kluttz extended thanks to the developers, the Planning Board, staff and all citizens who attended today's meeting. She noted that she heard many legitimate concerns expressed from the neighbors and she shares some of them. She stated that this is a very important area because it is a gateway to the City and when developed, it needs to be developed correctly. She noted that she is also concerned about the neighborhood and the impact this would have on it, adding that Council realizes that homes and properties are most people's greatest investment and they depend on Council to protect them. She commented that rezoning should not be done lightly and pointed out that Council has no official plan submitted to them for consideration. Mayor Kluttz noted that if the property is rezoned, all permitted uses will be allowed with no guarantee of what will be developed, adding that Council has to be very careful before rezoning any property. She expressed concern about the impact on the already existing traffic problem. She stated that she has specific concerns about the Planning Board recommendation and how the rezoning fits into the entire plan of the area.

Mayor Kluttz appointed Councilman Lewis and Councilman Burgin to a City Council Committee to study the rezoning request.

Mr. Lewis stated that if anyone would like to be notified of the Council Committee meetings or serve on the Committee, they should notify City Clerk Myra Heard.

ZONING TEXT AMENDMENT - ADD HOT-MIX ASPHALT PLANTS TO THE M-2 HEAVY INDUSTRIAL DISTRICT

(a) Mr. Preston Mitchell, Senior Planner, reviewed T-01-06, a zoning text amendment regarding Hot-Mix Asphalt (HMA) plants in the City Code. He indicated that this item was taken to the Planning Board on December 13, 2005 but little discussion was held as staff was researching the issue. He noted that the Planning Board sent the text amendment to a legislative committee who met several times to discuss the amendment.

Mr. Mitchell informed Council that the committee requested additional information regarding the Division of Air Quality permitting process, details of how HMA facilities operate, and what other municipalities are doing to address these facilities. Mr. Mitchell referred to the Salisbury Air Quality Monitoring Survey that was conducted in 2003 as a result of calls and complaints received over several years in regards to the existing facility in Salisbury. He stated that the study found that the two major pollutants associated with HMA facilities were not being generated by the existing HMA facility. The pollutants, benzene and hydrogen sulfide, were found to be generated primarily by other sources. He indicated that the Division of Air Quality has presented the study in Washington, D.C.

Mr. Mitchell stated that at the committee meeting of January 13, 2006 staff presented its findings that the Division of Air Quality permits in North Carolina are some of the most difficult to obtain, adding that North Carolina has some of the most stringent regulations of any state on the eastern seaboard. He added that Salisbury and Rowan County are located in a non-attainment area, noting that a non-attainment area is a locality where air pollution levels persistently exceeds National Ambient Air Quality Standards. He explained that many of the municipalities and counties located along I-85 are classified as non-attainment and Division of Air Quality permits are even harder to obtain in these areas.

Mr. Mitchell indicated that Forsyth County recently amended their zoning code for HMA facilities to allow them in their heavy industrial zones but included a set of conditions as part of the text. After discussing the information presented from staff, Mr. Mitchell indicated that the committee moved to recommend approval to the Planning Board with a set of conditions. He stated that on January 24, 2006 the Planning Board received the information and voted to recommend the allowance of HMA facilities in the M-2 Heavy Industrial zone subject to the issuance of a special use permit. He added that this would not be a by-right use and only City Council could grant the special use permit. The conditions recommended for inclusion in the zoning text include:

1. That all state of North Carolina Division of Air Quality (DAQ) permits remain current at all times
2. That any portion of a HMA plant operation shall be located at least five hundred (500) feet from any school or licensed daycare facility
3. That administrative site plan approval shall be obtained
4. That a HMA plant is subject to inspection by the City

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add Hot-Mix Asphalt Plants to the M-2 Heavy Industrial District, subject to the issuance of a Special Use Permit.

There being no one to speak to Council regarding the text amendment, Mayor Kluttz closed the public hearing.

Councilman Burgin stated that he appreciates the requirement of a special use permit and the protection it gives Council, but he feels that, in regards to quality of life issues, the experience Council has had with these facilities has not been good. He noted that he supports zoning them completely out of the City because the essence of the City is that citizens live close together and he sees no good scenarios with these facilities inside the City. Mr. Burgin stated that he has no comfort leaning on the State or Environmental Protection Agency (EPA) standards because once the facility is operational it will take considerable effort to close it down. He asked if the Council has the option not to allow these facilities in the City.

City Attorney Rivers Lawther stated that since this is a legal business that exists in several municipalities and counties, Council cannot say that they cannot exist in Salisbury.

Mr. Burgin noted that there are several uses in the City's Ordinance where the business has to be further than five hundred (500) feet from a school or licensed daycare, such as convenience marts that sell alcohol. He indicated that he feels this use is potentially more hazardous than that use and he would like to add more than five hundred (500) feet for the distance requirement. He added that he would like to be more specific about the consequences if the facility fails to meet State standards.

Mayor Pro Tem Woodson indicated that he does not see why Council has to allow the use, adding that Council has had nothing but problems from this type of facility and would rather not allow the use until someone challenges the restriction.

City Manager David Tremé stated that the hot-mix asphalt plant has created little or no problem for the City at its current location, noting that it is different from other asphalt plants. He commented that if HMA facilities cannot be placed into M-2 Heavy Industrial, then it probably cannot be placed anywhere. He added that as unwelcome as it may be, asphalt is an important commodity for commerce and for businesses in the community. He added that allowing the use in M-2 with the proper permitting may cause the facility to locate to a better location than where it is currently located.

Councilman Kennedy asked Mr. Mitchell which areas in the City are currently zoned M-2. Mr. Mitchell indicated that he will provide Council with a map depicting all of the M-2 zones within the City. He pointed out that HMA facilities would not be able to locate in all of the M-2 zones because of the distance requirements and because during the special use permit process, Council has the authority to deny the permit if it feels it will be detrimental to the neighborhood or have a negative impact on the health and safety of the neighborhood. He stated that the special use permits will require a quasi-judicial hearing and as part of Council's Findings of Fact it can find that the facility will be detrimental and then act accordingly based on the Findings of Fact.

Mayor Kluttz stated that Council has been told in the past that smell is not harmful and the problem is how to prove a smell is detrimental. She added that it seems easy to say Council will be able to deny a permit but in actuality it is not that easy.

Mr. Tremé stated that the problems in the past have not necessarily been with hot-mix asphalt plants. He commented that the existing hot-mix asphalt plant can run as it is but cannot expand and added that this commodity is needed in the community and Salisbury has to provide some basis for the business to operate. He stated that he felt that placing the facility in M-2 with conditions placed upon it by Council will ensure that the facility will operate properly.

Mr. Woodson suggested tabling this issue until Council can review the M-2 areas in the City.

Councilman Lewis commented that if someone wants to open an adult establishment Council has to allow it. He added that if Council places the right restrictions it can be restricted to specific places within the City. He asked staff to provide a map of the M-2 areas, as well as noting which areas are not within five hundred (500) feet of a school or licensed daycare facility.

(c) Thereupon, Mr. Kennedy made a **motion** to table the issue. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

ESTABLISHING TEMPORARY RESTRICTIONS ON DEMOLITIONS IN THE DOWNTOWN LOCAL HISTORIC DISTRICT

(a) Ms. Janet Gapen, Planner II, indicated the Ordinance before Council today will place temporary restrictions on demolitions in the downtown. She pointed out that the Ordinance will apply only to the Downtown Historic District and that it is a temporary protection of historic resources. If

adopted it will be effective from the time of adoption until July 1, 2007. Ms. Gapen noted that at its January 7, 2006 meeting Council approved seeking permanent protection for the Downtown District through a local bill in the General Assembly that would establish criteria for City Council to review demolition permits for issuance or denial. She added that the temporary restrictions in the proposed Ordinance would not be a total ban on demolition but establishes criteria by which City Council would review each proposed demolition permit. The criteria include:

- Location of the structure within the historic district
- The architectural and historic significance of the structure
- The state of repair of the structure
- The overall impact of the demolition of the structure on the historic district
- The economic impact of the denial of the permit upon the owner of the structure

Ms. Gapen stated that other criteria as determined by City Council that is deemed appropriate to the specific situation may also be considered. She indicated that there are three (3) exceptions written into the Ordinance:

1. Any previous permits for demolition are waived from the restrictions
2. Any quasi-judicial decision by the Historic Preservation Commission already handed-down
3. The Ordinance specifies that properties at 117, 119 and 121 West Fisher Street are waived from the restrictions unless the properties are sold or transferred to another owner

Ms. Gapen reviewed a map depicting the boundaries of the Downtown Local Historic District noting that it runs just north of East Franklin Street extending to West Monroe Street and along North Jackson Street to just past the railroad tracks on East Innes Street.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider adopting an Ordinance establishing temporary restrictions on demolitions in the Downtown Local Historic District.

Mr. Randy Hemann, Executive Director of Downtown Salisbury, Inc. 314 Mitchell Avenue, stated that he is in favor of the moratorium. He commented that 2005 marked Salisbury's 25th year as a Main Street Community and stated that during this time there has been over \$87 million in investment, with over \$60 million of this coming from private investments. He stated that he feels a large portion of this has been in historic properties that used tax credits. He noted that the buildings that were renovated now house an extra nine hundred (900) jobs that were not here twenty (20) years ago. Mr. Hemann stated that when the Chamber of Commerce decided not to demolish buildings located at 210, 212, and 214 East Innes Street they helped create a space that now houses three (3) businesses and approximately eleven (11) jobs. He commented that this is not just people wanting to keep old buildings, but preservation economic development has been a mainstay in Salisbury and has created jobs. He requested Council to support the moratorium in an effort to continue to save buildings and create jobs.

Mr. Wayne Whitman, 218 West Glenview Drive, stated that he is in favor of the moratorium and would like to extend it to other historical factors in the town and not just buildings. He commented that when the State resurfaced Main Street and brick and trolley tracks were discovered, instead of tunneling under the trolley tracks they cut the tracks out. He reiterated that he would like the moratorium applied to more than buildings in Salisbury.

Mr. Foster Owen, West Square Historic District, indicated that he feels many of the things stated by Mr. Randy Hemann hold a lot of weight for those who are concerned with historic preservation. He stated that he has been working with this for over thirty years, noting that when he sold his house recently he sold it for almost fifteen times what he paid for it and he feels this indicates there is a story to be told. He encouraged Council to look at this to preserve a fundamental resource and commented that he feels preservation is the ultimate form of recycling.

Mr. Dick Huffman, 228 West Bank Street, stated that he feels revitalization of cities and neighborhoods creates a ripple effect and development spreads. He commented that he feels destruction in cities and neighborhoods works the same way stating that if there is a vacant house with a broken window it encourages other windows to be broken and encourages neighbors to take less care of their houses and causes a decline. Mr. Huffman stated that he understands that this moratorium does not affect the properties on Fisher Street although he is not optimistic that the buildings will be saved. He added that this sets a precedent and he can easily see a future where people feel Salisbury needs bigger buildings and are willing to tear down older buildings and he feels this will cause Salisbury to lose its character and its identity. He encouraged Council to vote for the moratorium and to work hard with the legislature to ensure the local bill gets passed.

Mr. Dave Collins, 109 Ashton Lane, stated that he agrees with the moratorium as long as there are rules to be followed and everyone knows the rules in the beginning. He stated that he feels Historic Salisbury is a great place but he feels everyone needs to know where the starting point is.

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

Councilman Burgin noted that under the conditions for Council to consider demolition it lists "state of repair" and stated that he did not want this as a condition but would rather it fall under other considerations. He noted that if it is listed specifically, an owner might let a property fall into poor condition in order to meet the condition. Mr. Burgin stated that Council has endorsed this moratorium because it sees the need and it will generate rules that people buying property will understand from the beginning.

Councilman Lewis asked if this has been done elsewhere. Ms. Gapen responded that Salisbury actually used something almost identical to this in 2000 and 2001 prior to the establishment of the Downtown Historic District. Mr. Lewis commented that the City is seeking a local bill to give Council the authority to do this but are temporarily taking that authority with the moratorium and indicated he wanted to make sure this is legal. Mr. Rivers Lawther, City Attorney, responded that this is legal until someone proves it is not. He added that the State Statute indicates that an owner cannot be denied a Certificate of Appropriateness for demolition but can only be delayed for a one (1) year period and this will change the permitting authority.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance establishing new Article IV-A to the Salisbury City Code to temporarily restrict demolition of structures within the Downtown Local Historic District as amended **to eliminate the state of repair as a condition**. Mr. **Woodson** seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE ESTABLISHING A NEW ARTICLE IVA, TO THE SALISBURY CITY CODE TO TEMPORARILY RESTRICT DEMOLITION OF STRUCTURES WITHIN THE DOWNTOWN LOCAL HISTORIC DISTRICT, OR 'H' OVERLAY ON THE OFFICIAL ZONING MAP.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Zoning & Planning, at Page Nos. 9-11, and is known as Ordinance No. 2006-08.)

PRESERVE AMERICA COMMUNITY DESIGNATION

Ms. Janet Gapen, Planner II, explained that Preserve America is a White House initiative to encourage greater involvement within the local community and historic preservation. She noted that it provides recognition and includes benefits such as use of a logo in tourism efforts, and a web-based listing of designated communities. She noted that the application process is quarterly and the City hopes to meet the March 1 deadline for application.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution in support of Preserve America Community designation. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

A RESOLUTION IN SUPPORT OF PRESERVE AMERICA COMMUNITY DESIGNATION.

(The above Resolution is recorded in full in Resolution Book No. 12, at Page No. 15, and is know as Resolution No. 2006-05.)

Mayor Kluttz noted that an important component of this designation is it makes Federal money available to the Preserve America Communities. Ms. Gapen added that there are approximately seven (7) communities designated in North Carolina and approximately three hundred (300) nationwide.

ZONING TEXT AMENDMENT - ADD MOTOROCYCLES AND MOPEDS AS AN ALLOWABLE USE IN THE B-RT DISTRICT

(a) Mr. Preston Mitchell, Senior Planner, explained that this request is a text amendment to clarify the Zoning Ordinance. He stated that the Zoning Administrator found that motorcycle and moped sales and service was only allowed in the B-RT zone and staff feels this is an error because there are motorcycle and moped dealers that are not in this zone and it creates non-conformities throughout the City. He added that there are other vehicle sales and services allowed in other zones and staff is not sure why motorcycles were relegated to one zone. He noted that the Planning Board unanimously recommended approval to allow motorcycle sales and service beginning in the B-RT district and moving cumulatively through the Code, with the exception of the non-cumulative zones.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider a zoning text amendment to add motorcycles and mopeds as an allowable use beginning in the B-RT district and subsequent cumulative districts.

There being no one to speak to Council regarding the text amendment, Mayor Kluttz closed the public hearing.

(c) Thereupon, Mr. Kennedy made a **motion** to adopt an Ordinance amending the Code of Ordinances, Zoning Appendix, of the City of Salisbury, by amending Article VIII, various sections, for the purposes of permitting motorcycle and/or moped sales and service in specified zoning districts. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, ZONING APPENDIX OF THE CITY OF SALISBURY, NORTH CAROLINA, BY AMENDING ARTICLE VIII (USE REQUIREMENTS BY DISTRICT), VARIOUS SECTIONS, FOR THE PURPOSES OF PERMITTING MOTORCYCLE AND/OR MOPED SALES AND SERVICE IN SPECIFIED ZONING DISTRICTS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Zoning & Planning, at Page No. 8, and is known as Ordinance No. 2006-07.)

COUNCIL COMMITTEE REPORT REGARDING AN APPEAL FROM JOHN LEATHERMAN PROPERTIES - PRELIMINARY PLAT S-06-05

Mayor Kluttz noted that Mayor Pro Tem Woodson and Councilman Kennedy served as a Council Committee to study this request and asked for a report from Mayor Pro Tem Woodson.

Councilman Burgin indicated that he needed to be excused from this issue due to a conflict of interest. Mayor Pro Tem Woodson noted that there would be no action, only a report.

Mr. Woodson stated that he and Councilman Kennedy met with staff, Mr. Leatherman and Mr. Parks to discuss this issue. He stated that he feels they have made a little progress and have had many meetings and telephone conversations in an effort to get things resolved in order to put the right-of-way into the property. He noted that he has been approached by a property owner in the area who feels they have a right to have ingress and egress

to their property but they did not want Rosemont Street opened and felt strongly it should be from South Main Street. Mr. Woodson indicated that Mr. Parks and Mr. Leatherman are working on a possible agreement and he will be in contact with them. He noted that the Committee does not have a recommendation at this time and will report back at the next meeting.

BUS LOADING ZONE - 400 BLOCK OF PARTEE STREET

Ms. Wendy Brindle, Traffic Engineer, indicated that the Salisbury-Rowan Head Start program has opened a new building in the 400 block of Partee Street and have two buses that transport children to and from the program. She noted that they have requested a bus loading and unloading zone in front of their property for certain hours. Ms. Brindle noted that there is a section in the Code that addresses this but it does not address the hours needed. She noted that staff is recommending Council amend the section of the Code to extend the hours of bus loading and unloading by one hour.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-353, Article X, Chapter 13 of the Code of the City of Salisbury, relating to school bus loading zones, parking prohibited during certain hours. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-353, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SCHOOL BUS LOADING ZONES, PARKING PROHIBITED DURING CERTAIN HOURS.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Traffic, at Page No. 12, and is known as Ordinance No. 2006-09.)

STAFF REPORT CONCERNING BRENNER AVENUE AND GREENWAY CONSTRUCTION

Mr. Dan Mikkelson, Director of Land Management and Development, updated Council on the Brenner Avenue and Greenway construction project. He noted that this project began almost six (6) years ago and reviewed the history.

October 2000 Plan

- Treat Brenner Avenue on a corridor basis from Jake Alexander Boulevard to the railroad
- Conditions were appropriate for traffic, but not for pedestrians or bicycles
- Install pedestrian refuge islands
- Install Greenway Trail with North Carolina Department of Transportation (NCDOT) funds
- Install street lights

Mr. Mikkelson reviewed the traffic counts for Brenner Avenue and other comparable major thoroughfares:

<u>Street</u>	<u>Speed Limit</u>	<u>85th %</u>	<u>Top Speed</u>	<u>Volume</u>
Brenner Avenue	45	53	62	10,700
North Long Street	35	40	48	11,200
Bingle Ferry	35	44	50	5,300
Statesville Boulevard	45	53	63	17,000

He reviewed the original cross-section – circa 1988:

- Rural design
- No curb or gutter
- No sidewalks
- Center turn lane to nowhere
- Accommodates vehicles only
- Speed is a problem

Revised cross-section approved May 2003:

- Curb and gutter on both sides (Urban)
- Sidewalk on west side; greenway on east side
- Maximizes NCDOT funding
- Accommodates pedestrians, bicycles, wheelchairs, and vehicles
- Traffic calming elements

Mr. Mikkelson noted that with the original cross-section the 85th percentile speed was 53 mph with a top speed of 62 mph. He reviewed photographs of the area before and during construction and noted that some of the common complaints include:

- Traffic delays
- Confusing pavement markings
- Narrow lanes
- Too curvy
- Sidewalks to nowhere
- “Sidewalks are taking up valuable road space”

He explained that in the active work zone traffic is narrowed to a single lane with a flagman and it creates the worst delay in traffic. In the passive work zone there are two lanes open with a third lane available at the intersection. He noted that although the lanes are narrower, traffic is passing through with no delays.

Mr. Mikkelson referred to the complaint of confusing pavement markings and stated that the traffic has been shifted to the old center lane and the contractor attempted to cover the old lane markings with black paint and put in new yellow lines; however, with the amount of traffic on the road the paint has not held up and the old markings are showing through.

Regarding narrow lanes Mr. Mikkelson stated that before construction the lanes were twelve (12) feet wide. During construction the lanes have been reduced to ten (10) feet and after construction and repaving the lanes will be eleven (11) feet.

Mr. Mikkelson indicated that the old cross-section invited high speeds but the lane shifts are designed for 35 mph speed. He noted that the abruptness of the shifts has been accentuated during construction but will feel more appropriate after it is resurfaced and properly marked. He noted that the old speed limit signs indicating 45 mph speed limits were still in place so staff has replaced the 45 mph signs with temporary work zone 35 mph signs. He explained that the Police Department cannot currently enforce the lower speed limit because it is still listed as 45 mph in the City Code and staff recommends Council adopt a permanent Ordinance establishing the speed limit at 35 mph. He pointed out that the portion of the road from Jake Alexander Boulevard to the railroad tracks was posted at 45 mph but after the railroad tracks to Statesville Boulevard the posting went back to 35 mph, and adopting an Ordinance to change the 45 mph speed limit to 35 mph will set a uniform speed for the entire distance.

Mr. Mikkelson referred to the complaint that there are sidewalks to nowhere being constructed and referred to the grocery store and YMCA at one end of the project, both of which generate a lot of pedestrian activity. He pointed out that along the edge of the project there is the Zion Hill Apartments and many of those residents walk. Moving down the project there is the College Park Apartments which has a connector to the Salisbury Greenway, then Kelsey-Scott Park where there will be a future extension of the Greenway, and then the future sidewalk extension on West Horah Street that will tie into the project. Mr. Mikkelson commented that there have been comments that the sidewalks are taking up valuable road space but noted that the center turn lane that was in place was unable to be used and has been traded for space to accommodate pedestrians, bicycles and wheelchairs.

Mr. Mikkelson then presented a summary of the project:

- Traffic delays, confusing markings, and narrow lanes are real, but temporary
- Contractor completion date: March 3
- Resurfacing and new markings to follow
- Vehicular capacity will be the same
- Sidewalks, Greenways, and traffic calming are consistent with Vision 2020 Comprehensive Plan
- Staff recommends adopting an Ordinance establishing a 35 mph speed limit

Mr. Mikkelson explained that the Ordinance will delete any reference to Brenner Avenue from the speed limit portion of the City Code because there is a "blanket" Ordinance that states that unless otherwise posted the Citywide speed limit is 35 mph, so by deleting all reference to Brenner Avenue it will fall under the "blanket" Ordinance of 35 mph.

Thereupon, Mr. Lewis made a **motion** to adopt an Ordinance amending Section 13-336, Article X, Chapter 13 of the Code of City of Salisbury relating to speed limits in general. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

AN ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13 OF THE CODE OF CITY OF SALISBURY RELATING TO SPEED LIMITS - GENERALLY.

(The above Ordinance is recorded in full in Ordinance Book No. 21, Traffic, at Page No. 13, and is know as Ordinance No. 2006-10.)

BUDGET ORDINANCE AMENDMENT - HURLEY PARK

This item was deleted from the Agenda.

SUMMIT PARK ELEMENTARY SCHOOL - WATER AND SEWER EXTENSTION PROJECT

Mr. Jim Behmer, Utilities Engineering Manager, noted that in April 2005 Salisbury-Rowan Utilities (SRU) and Salisbury-Rowan Schools entered an agreement to extend water and sewer to serve Summit Park Elementary School. He explained that SRU designed the project in-house and solicited informal bids on February 3, 2006. Bids were received from

Foothills Water & Sewer, Inc.	\$123,082.00
B.R.S., Inc.	\$153,934.00
Piedmont Pipe Construction, Inc.	\$191,924.18

Mr. Behmer pointed out that Foothills Water & Sewer, Inc. was the lowest bidder and the project is under budget.

Thereupon, Mr. Woodson made a **motion** to enter into a contract with Foothills Water & Sewer, Inc. in the amount of \$123,082.00 for the extension of water and sewer to serve the Summit Park Elementary School. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

Mayor Kluttz thanked staff for designing this project in-house.
STAFF REPORT REGARDING THE GIS STRATEGIC PLAN

This item was deleted from the Agenda.

RECOGNIZE MEMBERS OF THE HISPANIC COALITION

This item was postponed

PLANNING BOARD APPOINTMENT

Upon a motion of Mr. Kennedy, seconded by Mr. Woodson the following appointment was made to the Salisbury Planning Board as an ETJ member:

Mr. Tommy Hairston Term expires 3/31/08

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

Council received the Planning Board recommendations and comments from their January 24, 2006 meeting.

(b) Report on joint response to emergency calls

City Manager David Treme informed Council that he met with Mr. Arnold Chamberlain, Chairman of the County Commission, along with Salisbury Fire Chief Bob Parnell and Rowan Rescue Squad personnel to discuss a working agreement between the three (3) agencies to enhance call response in the City and to help outside of the City. He noted that this has always been done but the group discussed making this more formal.

(c) Meeting with Staff from Senator Dole's Office

City Manager Treme noted that he recently had an opportunity to meet with members of Senator Dole's staff where he shared Council's concern regarding the exploration of funding possibilities for the I-85/US29 sewer extension. Information regarding Alcoa was also shared as well as funding for the business incubator and future funding for the Rowan County Airport.

(d) Loan Subordination for Park Avenue Apartments

City Manager Treme noted that at a previous meeting Council received a request from Mr. Dick Palmore to subordinate the City lien on the Park Avenue Apartments to facilitate an improved financing package. He noted that he and Mr. Rivers Lawther, City Attorney, have shared additional information from F&M Bank with Council and he recommends approving subordination of the loan to solidify the overall project.

Thereupon, Mr. Lewis made a **motion** for approval to subordinate the Dick Palmore **lien**. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

MAYOR'S ANNOUNCEMENTS

(a) 21st Annual Future Directions & Goal Setting Retreat

Mayor Kluttz announced that the 21st Annual Future Directions & Goal Setting Retreat will be held February 9-10, 2006.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 7:17 p.m.

Mayor

City Clerk