

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 Kennedy.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Kluttz recognized all visitors present.

ADDITIONS/DELETIONS TO THE AGENDA

Mayor Kluttz noted the following change to the Agenda:

Add - Council to consider closing the 100 block of North Craige Street Saturday, November 25, 2006 from 5:00 p.m. until 12:00 Midnight for a wedding celebration to be held at Salisbury Motor Company.

RECOGNITION OF ROWAN COUNTY PARKS DIRECTOR JIM FOLTZ

Mayor Kluttz read a Resolution of Appreciation for retiring Rowan County Parks Director Jim Foltz. She noted how special it is for her to present the Resolution to Mr. Foltz and explained that when the first Parks and Recreation Board was established in 1970 her father was appointed Chairman and she knew firsthand of the outstanding things Mr. Foltz did for Rowan County. Mayor Kluttz added that she also served on the Parks and Recreation Advisory Board and knows how fortunate Rowan County is to have Mr. Foltz who has dedicated his life to the people of Salisbury and Rowan County. Mayor Kluttz presented the Resolution of Appreciation to Mr. Foltz and thanked him for his service and congratulated him on his retirement.

Mr. Foltz commented that Salisbury Parks and Recreation is at the top of the list for recreation in North Carolina and that the staff is respected and the City can certainly be proud.

INTRODUCTION OF PARKS MAINTENANCE MANAGER STEPHEN BROWN

Ms. Gail Elder White, Parks and Recreation Director, introduced Mr. Stephen Brown who joined the City on October 30, 2006. She stated that Mr. Brown was formally President of Lester Brown Nursery and Landscaping and will serve as the new Parks Maintenance Manager. She pointed out that Mr. Brown is a landscape architect, registered landscape contractor, and is a licensed pesticides applicator. She added that he is also a member of the Rowan County Parks and Recreation Board.

Mayor Kluttz thanked Mr. Brown for his service to the Rowan County Parks and Recreation Board and welcomed him to the City.

CONSENT AGENDA

- (a) Approve Minutes of the regular meeting of November 7, 2006.
- (b) Approve the following group development site plans:

- G-11-05 Tilley Harley Davidson, 653 Bendix Drive
- G-20-06 Westridge Place Apartments, Calvin Street

(c) Approve final subdivision plat S-13-06 for Drummond Village Phase I, subject to receipt of a guarantee of construction in accordance with Section 5.03.0 of the City Subdivision Ordinance.

(d) Receive a petition to close an alley located in the 800 block of West Henderson Street and adopt a **RESOLUTION** setting a public hearing for December 19, 2006.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN ALLEY IN THE 800 BLOCK OF WEST HENDERSON STREET AND SETTING A PUBLIC HEARING FOR DECEMBER 19, 2006.

(The above resolution is recorded in full in Resolution Book No. 12 at Page No. 43, and is known as Resolution No. 2006-28.)

Mayor Klutz indicated that she would like to remove item 7(b) G-20-06 Westridge Place Apartments, Calvin Street from the Consent Agenda.

Thereupon, Mr. Woodson made a **motion** to adopt the Consent Agenda as presented minus G-20-06 Westridge Place Apartments. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

GROUP DEVELOPMENT G-20-06 WESTRIDGE PLACE APARTMENTS, CALVIN STREET

(a) Mr. David Phillips, Zoning Administrator, reviewed group development site plan G-20-06 Westridge Place apartments located on Calvin Street. He informed Council that during a courtesy hearing at the Planning Board meeting a resident asked for a traffic study at the development site. He added that the Planning Board agreed and requested that a traffic study be performed by staff and the information presented to Council.

Mr. Phillips reviewed a vicinity map and aerial photographs of the site and surrounding properties and noted that the property is located near the Salisbury Mall and Jake Alexander Boulevard. He added that the entrance for the site will be off of Calvin Street and Clancy Street. He noted that Calvin Street will be extended and the unopened right-of-way will be improved. He reviewed the site plan showing that the development will be a multi-family complex and consist of sixty (60) units and a clubhouse. He reviewed the extension of Calvin Street stating that it will be built to City standards and that the complex will meet the landscaping and parking requirements. He pointed out that the plans will provide a pedestrian access to the Salisbury Mall area and will also provide a short walking trail to the picnic areas in the development.

Mr. Phillips stated that the buildings will be two (2) story units constructed with a combination of brick and siding. He noted that staff reviewed the site plans and made a recommendation to the Planning Board to approve as submitted. He explained that at the Planning Board meeting there was discussion regarding the traffic generated from the apartment complex to Jake Alexander Boulevard. He stated that the Planning Board made a recommendation to approve the site plan provided that staff evaluate the traffic and present the information to Council.

Ms. Wendy Brindle, Traffic Engineer, stated that staff looked at the impact of the proposed apartment complex on Calvin Street and Clancy Street. She noted that she was able to obtain the existing volumes and then project the future traffic volumes based on the Institute of Traffic Engineers (ITE) Trip Generation Manual. She noted that Calvin Street is eighteen (18) feet wide with no curb or gutter and carries approximately one hundred thirty (130) vehicles per day. She added that Clancy Street is eighteen (18) feet wide in one portion with no curb or gutter. The portion of the road adjacent to Clancy Hills Apartments is twenty-six (26) feet wide with curb and gutter on one (1) side and carries just over one thousand (1,000) vehicles per day. She indicated that the proposed apartments are expected to add an additional four hundred (400) vehicles per day in a twenty-four (24) hour period. She pointed out that between the current peak hour traffic of 4:00 p.m. and 5:00 p.m. there is a delay of twenty-nine (29) seconds and a queue length of two (2) vehicles to get from Clancy Street onto Jake Alexander Boulevard. She added that with the addition of the apartments the average delay during peak hour traffic would increase to approximately thirty-eight (38) seconds and an average queue length of three (3) vehicles.

Ms. Brindle stated that staff did not complete a speed study but that she did drive the streets and did not feel comfortable driving thirty-five (35) miles per hour through the neighborhood, especially in the curve past Loop Street. She indicated that she feels the roads can handle the additional traffic and that the narrow streets will actually assist to slow down traffic.

Councilman Burgin asked if there was any discussion of allowing an easement to the rear of the site that may one day connect to adjacent apartments. Mr. Phillips stated that connecting to Fern Cliff Drive was not discussed but the possibility of extending the easement across the parking lot and tying into Statesville Boulevard was discussed. He added that the developer felt that crossing the parking lot would not be a prime entrance to the complex but could be a possibility. He stated that he has not reviewed the topography of the Statesville Boulevard area to see if an easement and possible access is feasible.

(b) Mayor Klutz opened the floor for public comment regarding the site plan.

Ms. Dixie Dalton, 718 North Ellis Street, stated that she attends Mt. Zion Baptist Church located at 1920 Shirley Avenue. She explained that she attended the Planning Board meeting and has no concerns with the apartments but is concerned with the width of the streets. She pointed out that at Jake Alexander Boulevard she estimates Clancy Street to be approximately twenty-six (26) feet wide and that past Clancy Street Apartments the street narrows to an estimated nineteen (19) feet. She stated that the street has no curb, sidewalk or guttering and that she has to make a concerted effort to slow down due to the children playing in the neighborhood. She added that with the addition of over one hundred (100) cars she is concerned about the people turning left from Clancy Street onto Jake Alexander Boulevard.

Mr. Craig Stone stated that he works with the developer and that they are willing to consider an easement connecting the site to Fern Cliff Drive. He added that Mr. Leo Wallace owns the property and they can inquire about obtaining the easement. He indicated that he feels the easement would

work for future use.

There being no one else to address Council regarding the group development site plan, Mayor Kluttz closed the public comment session.

Mr. Burgin stated that he feels there should be the possibility of a future second exit from the site and he feels now is the time for Council to request the connection. He added that he thinks the logical route is toward the adjacent apartments.

Mayor Pro Tem Woodson agreed with Mr. Burgin and stated that he feels Clancy Street is too narrow to be adding one hundred (100) more cars to the traffic.

Councilman Kennedy stated that Council recently addressed the subject of narrow streets with Dodd Street and required a forty (40) foot wide road. He added that he feels Clancy Street is too narrow for the traffic.

Mayor Kluttz expressed concerned that it appears a lot of traffic from the apartments will be funneled into a narrow road and commented that she would like to see an additional outlet.

Councilman Lewis indicated that he feels the width of the street does not have any bearing on a second exit. He stated that there appears to be a paper street that would give the apartment complex an additional exit but there is still one way in and one way out off of Jake Alexander Boulevard.

Mr. Burgin stated that he is not asking the developer to purchase property for the easement but to provide one on his property so that future adjacent development can connect to it. He added that if staff is comfortable that Clancy Street is adequate to handle the additional traffic then he is comfortable with their recommendation.

Mr. Kennedy stated that the width of Dodd Street was not adequate and feels there is no difference in Dodd Street and Clancy Street.

Mr. Dan Mikkelson, Director of Land Management and Development, noted that Dodd Street is the only access to a commercial property and will be traveled by delivery trucks. He added that the width of Dodd Street proposed by the developer was sixteen (16) feet of asphalt and the width of Clancy Street is eighteen (18) feet of asphalt. He noted that the volume of traffic projected on Dodd Street was nine hundred (900) vehicles per day and after the apartment complex is completed the projected volume of traffic on Clancy Street will be approximately five hundred and thirty (530) vehicles per day. He explained that an eighteen (18) foot wide road is not uncommon for rural residential roads.

Mr. Kennedy asked if consideration was given to the heavy trucks using Clancy Street during construction. Mr. Mikkelson responded that this was not considered.

Mr. Lewis asked if Mr. Kennedy is suggesting that the developer improve the narrow portion of Clancy Street to City standards. Mr. Kennedy responded that he would like to see the narrow portion improved.

Mr. Mikkelson stated that if the road is widened to the standard width and with the length of Clancy Street being approximately two thousand three hundred (2,300) feet, speed may become a problem.

Mr. Lewis asked if Dodd Street is on the City system. Mr. Mikkelson stated that it is not maintained by the City. Mr. Lewis pointed out that this is a subtle difference between Clancy Street and Dodd Street because Clancy Street is already maintained by the City.

Mr. Burgin stated that he thinks it would be nice to have the street widened but that it would be a big burden to the developer that the City has not been willing to bear.

(c) Thereupon, Mr. Burgin made a **motion** to accept the proposal for Westridge Place Apartments with the addition of an easement to the property line beyond the dumpster. Mr. Lewis seconded the motion. Messrs. Burgin, Lewis, Woodson, and Ms. Kluttz voted AYE. Mr. Kennedy voted NAY. (4-1)

REPORT FROM STAFF REGARDING TRAFFIC CONDITIONS IN THE MILFORD HILLS NEIGHBORHOOD

(a) Ms. Wendy Brindle indicated that in September 2006 residents on McCoy Road petitioned for a 25 mph speed limit and requested traffic calming measures for their neighborhood. She noted that during review of the petition Council expressed concerns about posting speed limits with no results and directed staff to obtain traffic data for the neighborhood.

Ms. Brindle stated that one of the traffic calming measures requested by the residents was four way (4) stops on McCoy Road. She commented that four way (4) stops were installed in Fulton Heights in January 2005 and in Eagles Heights in October 2005. She noted that since these installations, engineering has received many requests for multi-way stops as a quick fix in other neighborhoods.

Ms. Brindle informed Council that the Manual on Uniform Traffic Control Devices (MUTCD) does not endorse stop signs for speed control. She added that there are numerous studies indicating that unwarranted multi-way stops have increased speed between stop locations and created a disregard for the stop sign.

Mr. Brindle explained that traffic calming measures are most effective when installed at approximately six hundred (600) foot intervals. In January 2005 the four (4) way stop signs in Fulton Heights were installed at six (6) locations with an approximate eight hundred (800) foot unobstructed length of travel way.

Mr. Brindle reviewed a summary of the four (4) way stop volume data for Fulton Heights and pointed out that the signs have been effective as volumes have decreased after installation. She also reviewed speed data for the neighborhood before and after installation of the four (4) way stops and noted that traffic speeds have reduced since installation of the signs.

Ms. Brindle then reviewed the four way (4) stop that was installed in the Eagle Heights neighborhood. She explained that unlike Fulton Heights, Eagle Heights does not have a grid pattern for streets. She explained that the four (4) way stop at Windsor Drive and Idlewood Drive created a one thousand two hundred (1,200) foot unobstructed travel length, which is two times longer than what is recommended by MUTCD for traffic calming. She reviewed the volume summary for the neighborhood before and after installation of the four (4) way stop and noted that there has been no significant change in the volume of vehicles in the neighborhood. Similarly, the speed data indicates no significant change, but rather a slight increase since the signs were installed. Councilman Burgin asked if the fact that no change in traffic volume could be attributed to this not being a cut-through area. Ms. Brindle responded that this did not necessarily mean this is not used as a cut-through area because during staff investigation it was noted that most of the traffic considered cut-through by the neighbors was coming from Idlewood Drive and Windsor Drive and the people actually cutting through the neighborhood were traveling Prescott Drive and Idlewood Drive where a stop condition was already in place. She added that conditions did not change for these travelers.

Ms. Brindle indicated that in regards to the Milford Hills neighborhood, there are three (3) routes to travel from Old Wilkesboro Road to Statesville Boulevard so staff focused its data collection on those three (3) roads: McCoy Road, E. Colonial Drive, and Milford Drive. She noted that staff had traffic counts from 1997-1998 and collected new counts in September 2006. She commented that residents have expressed concerns about an increase in the volume of traffic and stated that the data indicates there has been a significant decrease in volume. The 85th percentile speed in Milford Hills in 1997-1998 for McCoy Road was 44 mph, 40 mph on E. Colonial Drive, and no 85th percentile speed was recorded for Milford Drive. In September 2006 the speeds were: 40 mph on McCoy Road; 36 mph on E. Colonial Drive; and 34 mph on Milford Drive. She pointed out that since the initial data was collected the speed limit on E. Colonial Drive was reduced to 25 mph. A member of the audience asked how the speeds were collected. Ms. Brindle responded that speed is obtained using a radar gun by an individual in an unmarked vehicle parked so that it does not affect traffic.

Ms. Brindle reviewed a map of the Milford Hills neighborhood and noted that in 1998 E. Colonial Drive petitioned and received a 25 mph speed limit. She stated that a petition has also been received for a speed limit reduction on McCoy Road along with traffic calming measures. She explained that the residents requested a four way (4) stop to be located at Wiltshire Drive and Colonial Drive. Ms. Brindle commented that if the signs are installed staff feels they should also be installed on E. Colonial Drive and Milford Drive. She indicated that if the signs are installed staff predicts that they will not have a significant impact on speed and noted that conditions are similar to those in Eagle Heights. The unobstructed travel length will be approximately one thousand three hundred (1,300) to one thousand four hundred (1,400) feet between stop conditions and there is the potential for motorists to become complacent about the signs. Ms. Brindle noted that staff has received reports from two (2) residents on Mitchell Avenue that people have run the stop signs and the neighbors feel the signs are becoming ineffective.

Ms. Brindle informed Council that staff recommends responding to the speed limit petition and establishing a traffic calming budget for FY2007-2008. She added that if the traffic budget is established staff would like to conduct a comprehensive neighborhood traffic calming study.

Ms. Brindle presented Mayor Klutz with the names and comments received by telephone of two citizens in the neighborhood.

(b) Mayor Klutz opened the floor to receive public comment regarding traffic conditions in the Milford Hills Neighborhood.

Mr. Kevin Flannigan, 245 McCoy Road, indicated he lives just east of where Colonial Drive crosses McCoy Road and he has lived there for over three (3) years. He stated that he has been assaulted, spit on, and had to jump into the lawn to keep from being run over. He stated that he has also chased a car for forcing an eighty (80) year old man off of the road. He added that his wife was almost hit by a car coming from Industrial Drive, where there is no stop sign. He stated the average speed that he sees on their street is over 50 mph. He added that some of the biggest offenders are City trucks and school buses. He commented that he fears that a child will be killed because people will not slow down in the neighborhood. Mr. Flannigan stated that he has never seen a policeman stop anyone for speeding in the neighborhood and asked Council to please consider the requests. He described a recent accident at the intersection adjacent to his home and thanked Council for their consideration.

Mr. Lenny Wolfe stated that he agrees with Mr. Flannigan that McCoy Road is a speedway. He noted that when East Colonial Drive petitioned for the lower speed limit he also requested speed bumps because he does not feel there are enough policemen in Salisbury to patrol the area. He stated that during the school year Milford Drive is a speedway because the kids speed to get to school before the bell rings. He indicated that he has a problem with the traffic engineers because he has been present when the speed trailers have been set up and he feels staff needs to be there personally to see what is happening on the streets. He commented that the 25 mph speed limit does not slow traffic and people will still speed no matter what speed limit is posted. Mr. Wolfe stated that Wiltshire Village is located on East Colonial Drive and has approximately one hundred (100) cars coming in and out every day. He added that people coming off of Industrial Drive also cut through the neighborhood and do not slow down. He asked Council to put speed bumps in the neighborhood.

Mr. Billy Payne, 238 McCoy Road, indicated that he has lived in the neighborhood for almost forty (40) years and he cannot believe someone has not been killed on the roads. He stated that people come through the neighborhood as if they were on a highway and he does not feel they will pay attention to speed limit signs. He commented that McCoy Road is so wide and long and straight that people speed down the road and he does not think speed limits will help. He added that he feels the stop signs will at least slow the speeders down. Mr. Payne stated that he would like to have the road and railroad crossing at Industrial Drive closed because he does not feel people should cut-through. He commented that he drives through Fulton Heights almost daily and he has seen how the stop signs slow cars down and he feels it may help Milford Hills.

Ms. Jana Annas, 140 McCoy Road, stated that she agrees with the other speakers regarding speed. She noted that she signed the petition for the 25 mph speed limit but she does not really support 25 mph because she does not believe the speed limit will be observed. She stated that she knows what the stop signs have done for Fulton Heights and feels it might have an impact on the Milford Hills neighborhood. She stated that cars parked along

McCoy road are also a hazard. Ms. Annas stated that she is in favor of four (4) way stop signs being installed.

Mr. Jack Owens, 30 Winchester Circle, stated that he has felt the speed limit policy should be reviewed throughout the City but these neighbors have indicated that the speed limit is not the answer in this case. He added that enforcement and/or traffic calming would be reasonable because when the speed limit was reduced on East Colonial Drive it merely moved traffic to the side streets. He stated that he agrees with closing the crossing on Old Wilkesboro Road and feels it will stop the through traffic. He commented that when the access to Jake Alexander Boulevard was closed several years ago it caused the traffic to move to McCoy Road and this is part of the problem. Mr. Owens stated that he travels McCoy Road frequently and he feels the answer to the problem is not to arbitrarily put a speed limit on the road. He added that Council should study the neighborhood, how it is accessed and how the people in the neighborhood live and use the roads. He indicated that he thinks an interim answer for the problem is to enforce the speed limit in the neighborhood.

Mr. John Rink, 241 McCoy Road, stated he is against the petition to lower the speed limit. He commented that he owns property on McCoy Road and while he is not there at peak times, if speeders in the area are a problem he feels the Police should write tickets. Mr. Rink stated that if people will not pay attention to a 35 mph speed limit they will not pay attention to a 25 mph limit. He stated that he has not seen that many speeders in the area and questioned why everyone should be punished for a few that speed.

Mayor Klutz read comments by two (2) citizens who contacted Ms. Brindle but could not attend the meeting. Ms. Catherine Osborne, 1349 E. Colonial Drive, indicated that she would like Council to consider speed tables similar to those in Charlotte and feels that it is unnecessary to hire a consultant because City staff can make a recommendation regarding appropriate traffic calming. A second citizen who did not wish to be identified indicated that they feel the road is fine the way it is and would also like City trucks going to the landfill to use Brenner Avenue instead of McCoy Road. The citizen would also like to see trucks from Industrial Avenue stop using McCoy Road since it is posted for no trucks.

There being no one else present to speak to Council, Mayor Klutz closed the public comment session.

Councilman Burgin asked if McCoy Road is posted "No Trucks". Ms. Brindle responded that it is posted "No Trucks". Mr. Burgin stated that if City trucks are using the street and it is posted "No Trucks", he feels it is unacceptable. He commented that he feels there comes a point when something has to be done and he is not afraid to make a mistake in the effort because he feels it would be a bigger mistake to do nothing. Mr. Burgin stated that he recognizes Ms. Brindle's skill and wisdom and it may be a quick fix to suggest four (4) way stops, but he feels it is the only fix he is aware of right now. He stated that he feels Council also needs to put enforcement in the area. He indicated he would be willing to vote for four (4), four (4) way stops and to request the Police Department place cars in the neighborhood and enforce the speed limit. He added that as part of the enforcement he feels Council should ask the local radio stations to announce that there will be enforcement on McCoy Road and to be prepared for a ticket if drivers speed on that road.

Mayor Pro Tem Woodson commented that when the speed limit was lowered on Confederate Avenue people were upset and it is a frustrating situation. He added that he is in favor of the stop signs.

Councilman Kennedy stated that he supports enforcement and he feels concentrated efforts to give out tickets have calmed speeding in other areas. He added that if Council can stop the trucks that should not be traveling through Milford Hills it will help the situation. Mr. Kennedy commented that he also thinks the idea of closing the railroad crossing is attractive. He indicated he supports the enforcement and stop signs because he feels they have been effective in Fulton Heights.

Mr. Burgin stated that in regards to closing the street by closing the railroad crossing, he feels that perhaps too many railroad crossings have been closed in the past and the streets that are left open take a heavier traffic burden. He noted that he is not comfortable with the suggestion to close the railroad crossing because he feels it creates additional problems.

Councilman Lewis commented that this is a societal problem and is not just in this area. He added that until society finds a way to value the safety of those on the streets, Council will be constantly faced with this situation. He stated that Council must make its decisions based on empirical data and he supports staff with the information they provide. He indicated that the data from Fulton Heights seems to be accurate and although he thought the stops in Eagle Heights were working, he is not sure after seeing the data. He noted that he has doubts that the methodology of thinking that the four (4) way stops on this long street will have a significant effect, but he is willing to try. He stated that he feels enforcement is a great idea but it is a temporary, short-term solution. Mr. Lewis noted that to keep these problems from happening in the future new development should use proper street designs and traffic calming measures that makes sense. He commented that he is not sure if speed bumps will work, but he feels it might be worth a try. Mr. Lewis indicated that the only long-term solution is to close the access to Old Wilkesboro Road but he is concerned that this would extend traffic trips which would affect the cost of municipal services and air pollution. He reiterated that short-term he supports the enforcement and stop signs but he has doubt about their effectiveness after the first two (2) to three (3) months.

Mayor Klutz stated that there is no question that there is a problem but the question is what Council should do to address it. She referred to staff's recommendations to establish a traffic-calming budget and conduct a comprehensive neighborhood traffic calming study and asked if Council sees the stop signs as a temporary fix until the study can be completed. Mr. Burgin commented that he is in favor of finding better solutions but the stop signs seem to be the only solution that makes sense at this time. Mayor Klutz pointed out the length of time needed for the study and asked if Council supports the study in addition to the stop signs.

Mr. Lewis asked how many neighborhood traffic studies have been completed. Ms. Brindle responded that there have been (2) in the last ten (10) years since she has been employed with the City. These studies were for Sunset Drive and Dogwood Road. Mr. Lewis asked how many neighborhoods would like to have a traffic calming study. Ms. Brindle stated that there are approximately fourteen (14) to eighteen (18) neighborhoods on the list for traffic calming and these are ranked according to speed and volume, with Milford Hills being ranked near the top. Mr. Lewis asked who would perform the study. Ms. Brindle stated that in the past consultants have conducted the studies and explored traffic calming alternatives. Mr. Lewis then asked how much a comprehensive study costs. Ms. Brindle responded that the last study cost was approximately \$10,000 and staff would estimate \$10,000 - \$15,000 for the complete study and recommendations.

Mr. Kennedy asked if part of the traffic calming will be to direct traffic to more heavily traveled roads because growth is coming and traffic will have to keep moving. Ms. Brindle responded that traffic calming devices can accomplish different goals depending on the concerns being addressed and determining what is appropriate for the neighborhood.

Mayor Kluttz commented that it appears there are three (3) questions before Council: the stop signs, the speed limit petition, and the comprehensive neighborhood study.

Mr. Woodson indicated he supports the stop signs but is not sure lowering the speed limit will have any effect.

Mayor Kluttz asked if this request might need additional study by staff and noted her concerns for the inconsistencies of the speed limits on the streets in the neighborhood.

Mr. Lewis pointed out that it may cost \$10,000 - \$15,000 per traffic calming study and this does not include implementing recommendations from the study. He added that there are fourteen (14) to eighteen (18) neighborhoods on the list and he feels as this receives more attention there will be even more neighborhoods added.

City Manager David Treme stated that staff will begin notification efforts tonight to inform citizens that the speed limit will be enforced in the neighborhood. He added that staff will ensure that if any City vehicles travel through the neighborhood that are not working in the area the vehicles will be rerouted immediately.

Mr. Kennedy stated that Council also needs to look at this during the upcoming budget. Mayor Kluttz commented that perhaps reevaluating the streets and speed limits as a whole might be something Council can discuss during its retreat.

(c) Thereupon, Mr. Burgin made a **motion** to add four (4), four (4) way stops to the area in Milford Hills and that Council requests the Police Department to increase enforcement of the speed limits that are posted and that Council asks the two (2) local radio stations to advertise the enforcement piece in hopes that all of the efforts will reduce speed through these neighborhoods. Mr. Woodson seconded the motion. Mr. Lewis asked if the 25 mph will be addressed. Mr. Burgin stated that he does not see any evidence that the lower speed limit is effective and asked to try the stop signs first. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

Mr. Burgin commented that he agrees that looking at a traffic study City-wide to understand how traffic is managed in the neighborhoods is worthwhile. Mayor Kluttz stated that Mr. Kennedy made an excellent point that Council knows growth is coming to Salisbury and how it will be handled should be discussed.

Mr. Lewis stated that this is an educational issue adding he is also concerned about equity in choosing which neighborhoods receive the study.

Mr. Burgin commented that 35 mph is a reasonably safe speed and is the speed the State of North Carolina has adopted, adding that the problem is people do not drive 35 mph.

Mayor Kluttz thanked members of the neighborhood for providing input on this matter.

ZONING MAP AMENDMENT Z-12-06 HENDERSON GROVE CHURCH ROAD

(a) Mr. Preston Mitchell, Senior Planner, indicated that case Z-12-06 is a request to establish the City zoning district of M-1 Light Industrial on recently annexed property on Henderson Grove Church Road. He stated that the property was brought before Council in case Z-09-06 several weeks ago in a request for split zoning of M-2 and M-1, but the request was denied by Council. He noted the property's location is on Henderson Grove Church Road and adjacent to Peach Orchard Road and indicated it was annexed September 30, 2006. He explained that the previous request was by a third party petitioner and now the City is the petitioner in order to move forward to place zoning on the property within the time frame mandated by State Statutes. Mr. Mitchell stated that when the City acts as petitioner it has a policy of establishing zoning similar to the property's current County zoning. He noted that staff feels the request for M-1 will create like zoning on the property. Mr. Mitchell indicated that the only exceptions to the policy of creating like zoning are when the zoning is clearly inconsistent with the growth; if the existing development creates a nuisance or issue with health, safety and welfare; and if the like zoning expands a non-conformity. He added that none of these exceptions would apply in this case.

Mr. Mitchell indicated that the property is currently zoned 85-ED-3, which is a corporate park district that allows manufacturing, transportation uses and some service uses. He pointed out that staff feels the City's M-1 Light Industrial district is very similar to the County 85-ED-3. He referred to the County zoning map and the City zoning map and noted that the zoning to the south of the property is County and is primarily 85-ED-3 or Commercial Business Industrial (CBI). The zoning to the north is City zoning and consists of A-1 and M-1.

Mr. Mitchell informed Council that the Planning Board recommended that the proposed City district of M-1 is consistent with the City's present annexation zoning policy and with the objectives of the comprehensive growth plan and recommended approval of the petition to establish the light industrial district.

Mr. Mitchell noted that during the previous case for this property there was tremendous input from neighbors including one neighbor who sought a zoning that was not like zoning, but A-1. Another individual was concerned that a slaughter house or adult uses would be permitted in the M-1 district. He stated that it was confirmed at the Planning Board meeting that neither use would be allowed.

(b) Mayor Kluttz convened a public hearing, after due notice and advertisement thereof, to consider zoning map amendment Z-12-06, Henderson

Grove Church Road.

Mr. Glenn Ketner, 121 East Kerr Street, stated that his clients would like to have the property zoned M-1 as recommended by staff. He commented that he feels the zoning is clearly consistent with the character and nature of the area and the M-1 zone would be appropriate.

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

(c) Mayor Pro Tem Woodson stated that the City Council hereby finds and determines that adoption of an Ordinance to rezone properties as described herein is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan and that adoption of the ordinance is reasonable and in the public interest. Thereupon, Mr. Woodson made a **motion** to adopt an Ordinance amending the official zoning map of the City of Salisbury, North Carolina, by zoning approximately 50.381 acres of 1 parcel located along the west margin of Henderson Grove Church Road, identified as tax map number 407 and parcel 115, to establish M-1 (Light Industrial) zoning. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, BY ZONING APPROXIMATELY 50.381 ACRES ON ONE PARCEL, LOCATED ALONG THE WEST MARGIN OF HENDERSON GROVE CHURCH ROAD, IDENTIFIED AS TAX MAP 407, PARCEL 115, TO THE CITY OF SALISBURY M-1 (LIGHT INDUSTRIAL) ZONING DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 21, at Page No. 155-156, and is known as Ordinance No. 2006-52.)

REQUEST FROM ROWAN COUNTY HEALTH DEPARTMENT REGARDING SMOKE FREE CITY BUILDINGS

Mayor Kluttz informed Council that she met with Dr. Jim Cowan of the Rowan County Health Department regarding a request to list the City office buildings as smoke-free as part of a campaign being undertaken by the Health Department. She noted that the County has two (2) buildings that have agreed to go smoke free, including a fifty (50) foot area at the entrance of the buildings. Dr. Cowan has requested that the City also designate an area outside of its buildings, along with its parks, as smoke free.

Mayor Kluttz noted that staff has performed preliminary investigation of this issue. City Attorney Rivers Lawther stated that State Statutes indicate that if a City did not have regulations in place by October 1993, it could not pass legislation more stringent than what is allowed by State Statute. The State Statute limits cities to prohibiting smoking within buildings and on public transportation vehicles, but not outside of buildings. Mayor Kluttz asked if Council could request special legislation. Mr. Lawther confirmed that Council could ask.

Mayor Kluttz asked to clarify that the City policy, as established in 1993, states that City buildings are smoke free. Mr. John Sofley, Management Services Director, explained that the City adopted a policy in 1993 to make all of its facilities smoke free. He stated that if Council had not adopted the policy at that time it would only be allowed to make eighty (80) percent of the City's building smoke-free and would have to reserve twenty (20) percent of the facilities as smoking. He commented that the League of Municipalities, because of the push from Health Departments and smoke free organizations, will press the General Assembly to allow municipalities and counties the authority to regulate smoking within their corporate limits or within the county. He pointed out that at this point the City's facilities are smoke free but Council cannot designate the area outside of the facilities as smoke-free because the areas were not included in the 1993 policy.

Mayor Kluttz indicated she will report back to Dr. Cowan as well as follow up with the League during the next Board of Directors meeting to determine what is taking place with the State Legislature.

REQUEST TO ALLOW PARKING ON THE SOUTH SIDE OF THE 100 BLOCK OF NORTH PARK DRIVE

Ms. Wendy Brindle, Traffic Engineer, informed Council that Catawba College has submitted a petition to allow parking on the south side of the 100 block of North Park Drive. She noted that parking is currently restricted on both sides of the street but the College works with the Police Department to allow parking on the south side during special events and would like to make this a permanent allowance. Mr. Brindle stated that the College owns all of the property in the 100 block of North Park Drive except for one parcel and that property owner has signed the petition in support of the request. She indicated that there is a citizen present who is opposed to the restriction and would like to address Council.

Mayor Kluttz then opened the floor to receive public comment regarding the request to allow parking on the south side of the 100 block of North Park Drive.

Ms. Ann Palmer, 304 North Park Drive, stated that she has lived at this address for thirty-three (33) years and she feels there is a general disregard for rules and laws because cars park illegally on the street every day. She noted that occasionally the police will ticket the cars but it does not deter cars from parking there. Ms. Palmer commented that when the College collects leaves they are placed along this block of North Park Drive and the cars still park illegally, but park further out into the road. She stated that it is difficult for two (2) passing cars to get through this area and noted that it is difficult to get onto Innes from North Park Drive. She asked Council to continue the no parking zone and requested that it be enforced.

Mayor Pro Tem Woodson asked Ms. Palmer how many cars park in the area. She responded that she has counted as many as thirteen (13) cars parked in the no parking zone.

Ms. Palmer asked if Catawba College's public safety officers could be deputized to issue parking tickets for this street. Deputy Chief Whitley indicated that they cannot be deputized for this issue but could call a towing agency to remove the illegally parked cars.

Mr. Woodson asked to clarify that the College is the petitioner requesting the parking be allowed. Ms. Brindle responded that one of the safety

officers initiated the request and obtained the signatures for the petition from the College and the one property owner.

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

Councilman Kennedy noted that the cars are currently parking illegally and if this is changed by Council they will then be legally parked.

Mayor Kluttz asked Ms. Brindle why Catawba College was seeking the change to allow parking. Ms. Brindle responded that she was told the College currently works with the Police Department to allow parking during special events but it is needed all of the time and Catawba would like to make it permanent.

Councilman Burgin asked if the request was officially from Catawba College. Ms. Brindle responded that this is correct.

Mayor Kluttz questioned if Catawba College is aware that not all of the residents are in agreement with the request. Ms. Brindle explained that in the petition process only the signature of property owners in the affected block are required.

Councilman Lewis asked if staff had a recommendation for the request in regards to the width of the road. Ms. Brindle responded that the road is a standard width of twenty-six (26) feet and there is adequate room with cars parked along one side only.

Councilman Burgin asked if the City initially put up the no parking sign. Mr. Brindle noted that she is not familiar with the history of the street. Mr. Burgin noted that if the signs were put up it must have been at the request of someone and he would like to know who requested the no parking signs. He added that if Catawba College originally requested the no parking signs but has determined they need the parking, he would feel one way, but if the neighbors requested no parking he might feel differently.

Mayor Kluttz stated that she would like to have more information on the history of the no parking zone as well as ensure Catawba College realizes there is not agreement in the neighborhood for the request.

By consensus, Council agreed to table this issue until the next meeting in order to receive additional information.

AWARD A CONTRACT TO MORBARK INCORPORATED FOR THE PURCHASE OF A "USED" MORBARK TUB GRINDER

Mr. Dewey Peck, Purchasing Director, displayed pictures of a Morbark Tub Grinder and explained that it is a device used to grind trees. He pointed out that the City has been spending approximately \$50,000 per year for a contractor to grind trees at the landfill and that the Morbark Tub Grinder will allow the City to grind trees throughout the season. He added that the used grinder is expected to last approximately twenty (20) years and noted that the price is \$202,100.

Councilman Lewis asked where the money will come from to pay for the unit. Mr. Peck stated that the money is in the General Fund Vehicle Replacement Fund.

Thereupon, Mr. Kennedy made a **motion** to approve a contract in the amount of \$202,100 to Morbark Incorporated for the purchase of a used Morbark Tub Grinder for the Street Division. Mr. Woodson seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD A CONTRACT TO JAMES RIVER EQUIPMENT FOR THE PURCHASE OF A JOHN DEERE 1200 EXCAVATOR

Mr. Dewey Peck, Purchasing Director, stated that when tub grinders are purchased excavators are normally purchased as part of the unit. He explained that staff decided that it is more practical to purchase an independent excavator. He noted the unit can be used with the tub grinder as well as other uses. Mr. Peck added that this is a piggy-back purchase with a unit price of \$106,975 and that funding is available in the General Fund Vehicle Replacement Fund.

Thereupon, Mr. Woodson made a **motion** to approve a contract in the amount of \$106,975 to James River Equipment for the purchase of a John Deere 1200 Excavator for the Street Department. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

AWARD A CONTRACT TO ADAMS EQUIPMENT COMPANY FOR THE PURCHASE OF A STERLING MODEL L7500 VAC-CON SEWER VACUUM TRUCK

Mr. Dewey Peck, Purchasing Director, stated that the City's current sewer vacuum truck has been in service for sixteen (16) years and has been reconditioned several times. He informed Council that Fleet Management recommends the truck be replaced. He explained that the recommended contract is a piggy-back purchase with a unit price of \$185,890.70 and that funding is available in the General Fund Vehicle Replacement Fund.

Thereupon, Mr. Kennedy made a **motion** to approve a contract in the amount of \$185,890.70 to Adams Equipment Company for the purchase of a Sterling Model L7500 VAC-CON Sewer Vacuum Truck for the Salisbury Rowan Utilities Department. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

COMPREHENSIVE BICYCLE PLAN STEERING COMMITTEE

Mr. Preston Mitchell, Senior Planner, stated that in May 2006 the City was awarded a grant from the North Carolina Department of Transportation (NCDOT) in the amount of \$45,500 to develop a comprehensive bicycle plan to be completed by December 2007. He pointed out that in June 2006 the City entered into an agreement with the NCDOT to begin work on the plan. He explained that the grant application required the establishment of a steering committee compiled of interested citizens with familiarity or expertise in various areas including bicycle ridership, community planning, public health and environmental quality. Mr. Mitchell indicated that staff is in the process of gathering names of individuals who might be interested in serving on the committee to submit to Council for consideration. He stated that before Council today is a request to adopt a Resolution to establish the steering committee. He added that the committee will be working with consultants from Wilbur, Smith and Associates to develop the plan.

Mr. Mitchell requested that Council appoint a chairperson to the steering committee. Councilman Kennedy volunteered to chair the committee.

Thereupon, Mr. Lewis made a **motion** to adopt a Resolution of Legislative Intent authorizing the establishment of the Comprehensive Bicycle Plan Steering Committee. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

RESOLUTION OF LEGISLATIVE INTENT AUTHORIZING THE ESTABLISHMENT OF THE COMPREHENSIVE BICYCLE PLAN STEERING COMMITTEE.

(The above resolution is recorded in full in Resolution Book No. 12 at Page No. 44, and is known as Resolution No. 2006-29.)

Thereupon, Mr. Lewis made a **motion** to appoint Councilman William (Pete) Kennedy as the chair person of the Comprehensive Bicycle Plan Steering Committee. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

TEMPORARY CLOSING OF THE 100 BLOCK OF NORTH CRAIGE STREET

Mayor Klutz stated that the City has received a request to close the 100 block of North Craige Street on Saturday, November 25, 2006 from 5:00 p.m. until 12:00 midnight for a wedding celebration to be held at Salisbury Motor Company. She noted that this is not an outdoor street party, but is an indoor party and the request to close the street is for parking purposes.

Thereupon, Mr. Woodson made a **motion** to close the 100 block of North Craige Street on Saturday, November 25, 2006 from 5:00 p.m. until 12:00 midnight. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

COMMENTS FROM THE CITY MANAGER

(a) Planning Board

Council received the Planning Board recommendations and comments from the November 14, 2006 meeting.

(b) Federal Energy Regulatory Commission Update

City Manager David Treme provided Council with a copy of a letter from the City to the Chairman and Secretary of the Federal Energy Regulatory Commission (FERC). The letter includes Resolutions in support of the City's position in regards to the sedimentation and flooding problem on the Yadkin River and the threat to the City's water pump station. He noted that the pump station provides water from the Yadkin River to residents, businesses, and industries of Rowan County. He indicated that the City is requesting FERC's assistance with mitigation of the sedimentation problem and added that the letter has been posted to FERC's web page. He stated that he will continue to inform Council of the continuing City efforts.

(b) Council Retreat Discussion

City Manager David Treme stated that the Future Directions and Goal Setting Retreat is scheduled for February 15-16, 2007. He explained that the Management Team has submitted a list consisting of fifty (50) items they feel are important and could be considered for discussion at the two (2) day retreat. These included:

- Land Development Ordinance
- Transportation
- Diversity
- Customer Service
- High Performance Organization
- Courts
- Development
- Sewer
- Traffic
- Alcoa
- Branding and Wayfinding
- Strategic Plan for Public Services

Mr. Treme pointed out that at the last City Council meeting Councilman Lewis suggested that Council have some "brainstorming" time at the

beginning of the retreat rather than at the end of the retreat. He added that he wants to ensure that items of City Council's interest will be addressed at the retreat and asked for the consensus of City Council for items they would like included on the retreat agenda.

Councilman Kennedy stated that he would like to include a discussion regarding the Kannapolis Biotech Industry as it relates to the City of Salisbury. Councilman Woodson added that as more jobs are brought into the area as development in the City grows he feels the roads will be saturated.

Councilman Lewis stated that he had planned to bring a PowerPoint presentation on the Creative Communities workshop he attended with Randy Hemann and Joe Morris but until he can finish the presentation it will be difficult to suggest a topic. Mr. Lewis stated that he could probably have it ready by the December 5, 2006 Council meeting. He explained that Creative Communities deals with building community through intercultural relations rather than multicultural relations and how citizens of a diverse population relate.

Mayor Kluttz commented that when a Council member attends an educational meeting she feels it is important to share the information with the entire Council and she feels Mr. Lewis' presentation on the Creative Communities meeting is an excellent idea.

Mr. Lewis commented that if Council likes what they see in the Creative Communities presentation it may have an impact on what is done with the information as it relates to implementing recommendations and providing funding.

Mr. Treme stated that the staff would like to give Council an update on the continuing efforts regarding customer service and the Good to Great High Performance Organization. He added that this could be done at a Council meeting or included in the retreat agenda. He pointed out that staff is considering training for Boards and Commissions and Board-Council relations if Council is interested.

Mayor Kluttz stated that she may want to report on the Latino Initiative trip she and Personnel Analyst Ruth Chaparro took to Mexico. She stated that the group continues to meet in an effort to improve services with the growing Hispanic population.

Mr. Kennedy stated that in the past the City has been criticized for their employment diversity and inclusion and he would like to see an update on this matter.

Mayor Kluttz asked Council members to email their ideas for the retreat to Mr. Treme.

PUBLIC COMMENT

Mayor Kluttz opened the floor for public comment. There being no one to address Council, Mayor Kluttz closed the public comment session.

MAYOR'S ANNOUNCEMENTS

- (a) Holiday Caravan Parade

- The Holiday Caravan parade is scheduled for Wednesday, November 22, 2006 beginning at 2:00 p.m. in Spencer and at 3:00 p.m. in Salisbury.

(b) Lord Salisbury Celebrates Winter Holiday Homecoming

- Lord Salisbury Celebrates Winter Holiday Homecoming will be held November 24 - December 31, 2006. Holiday Night Out will be held Friday, November 24, 2006 from 5:00 p.m. until 9:00 p.m.

CLOSED SESSION AS ALLOWED BY NCGS 143-318.11(3)

Thereupon, Mr. Burgin made a **motion** to go into closed session as allowed by NCGS 143-318.11(3) to consult with an attorney regarding Rack Room Shoes vs. City of Salisbury. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

RETURN TO OPEN SESSION

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

Mayor Kluttz announced that no official action was taken during the closed session.

ADJOURNMENT

- **Motion** to adjourn the meeting was made by Mr. Paul Woodson, seconded by Mr. Burgin. All council members agreed unanimously to adjourn. The meeting was adjourned at 6:46 p.m.

Mayor

City Clerk