

## **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. Tremé; 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 Mayor Pro Paul Woodson.

### **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 that a public hearing regarding Z-06-06 had been advertised to be held today but it will be postponed and re-advertised for the July 18, 2006 meeting.

Mayor Kluttz also indicated that item 13 – Council to consider an appointment to the Salisbury-Rowan Human Relations Council will be postponed to a later meeting.

### **CONSENT AGENDA**

- (a) Minutes

Approve Minutes of the regular meeting of June 20, 2006.

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

### **PRESENTATION FROM RANDY WELCH OF DUKE POWER**

Mr. Randy Welch, District Manager with Duke Energy, and Ms. Jessica Bednarcik, Environmental Project Manager with Duke Energy, discussed a manufactured gas plant remediation project at the Piedmont Natural Gas Operations Center located at the corner of Liberty and Long Streets. Mr. Welch stated that the project will remove an estimated nine thousand (9,000) tons of contaminated soil and will begin July 10, 2006 and will last approximately six (6) to eight (8) weeks. He explained that the soil was contaminated from manufactured gas plant residue many years ago, and although the compounds in their current buried state are not a health risk, Duke Energy, the Environmental Protection Agency, and the North Carolina Department of Environment and Natural Resources (NCDENR) have a mission to remediate all manufactured gas plant sites in North Carolina to help restore the environment.

Ms. Bednarcik reviewed the history for the manufactured gas plant and noted it was located on the site at North Long and East Liberty Streets from approximately 1900 until 1950. She explained that the process was to heat coal and extract gas which was then purified and used to light street lamps and provide lighting to the City. She noted that some of the by-products discovered during the gas extraction were nylon, other synthetic textiles,

dyes, roofing tars and wood preservatives. She displayed two Sanborn Fire Insurance maps from 1902 and 1931 which showed the location of the plant and indicated these have helped determine where the structures at the plants were located.

Ms. Bednarcik informed Council that many times when the manufactured gas plant sites were decommissioned, the above ground structures were removed but the underground structures were left in place. As a result, some of the by-products were left on-site. Ms. Bednarcik indicated that the residue is carbon based and in its current state is not a threat to public health, but has contaminated the soil and groundwater.

Ms. Bednarcik explained the remediation plan noting that the project will start July 10, 2006 and will last six (6) to eight (8) weeks. She stated that she expects approximately three (3) to four (4) trucks per hour to move the soil off the site and take it to the BFI Landfill in Concord, North Carolina. She noted that a security fence with an attached black cloth has been installed on the site to aid in security and keeping the dust levels down. A water tank will be located on-site to collect rain or ground water from the excavation area and the water will then be taken off site for treatment. Work is anticipated to take place Monday through Friday from 8:30 a.m. until 7:00 p.m.

Ms. Bednarcik indicated that the potential impact to the community will be the truck traffic and a noticeable odor, similar to the smell of mothballs, and dust. She explained that while the odor is noticeable, it is not harmful. Air monitors will be located around the site and each construction worker will wear a personal air monitor to determine Total Health Index (THI) readings. If the THI should approach one (1), the site will be shut down using biodegradable foam to help mitigate the odors and dust until weather conditions change. Ms. Bednarcik stated that there will be a weather station on site to help monitor the humidity and wind speed. The black security cloth will also help contain the dust and odor.

Mr. Welch indicated that Duke Energy has been in contact with City Manager David Treme, Environmental Services contacts for the City and County, Emergency Services, key City staff and others in the area that may be impacted by the project. He provided contact information for Council and urged Council or staff to contact them if any questions should arise.

Mayor Pro Tem Woodson asked Ms. Bednarcik how much truck traffic she anticipates on the streets per day. Ms. Bednarcik responded that she estimates three (3) to four (4) trucks per hour but it will be sporadic throughout the day.

Councilman Kennedy commented that Ms. Bednarcik indicated that citizens should not be affected by the remediation but asked what type of symptoms they would exhibit if they were affected. Ms. Bednarcik stated that Duke Energy has developed a risk assessment that indicates if the THI should be above one (1) for a long period of time then citizens might have common cold type symptoms. She clarified that the main hazard is exposure above a THI of one (1) for over five (5) years.

Mr. Kennedy asked how the ozone levels affect the THI levels. Ms. Bednarcik responded that there will be a weather station located on site to continuously monitor and if more vapors should come off of the soil and if the THI levels even approach one (1) then the site is shut down until the conditions change.

City Manger David Treme indicated that staff met with Mr. Welch and Ms. Bednarcik and he is impressed with the thorough job Duke Energy has done to inform the community and to provide protection during the project. He added that he feels very good about the plan and it should present no health risk to the citizens if it is followed.

Mayor Klutz thanked Mr. Welch and Ms. Bednarcik for sharing this information with Council and for their thorough preparations for the project.

#### **GROUP DEVELOPMENT SITE PLAN G-10-06 SALISBURY SHOPPING CENTER, LLC IN THE 900 BLOCK OF FREELAND DRIVE**

(a) Mr. David Phillips, Zoning Administrator, indicated that the case before Council is group development site plan G-10-06 located in the 900 block of Freeland Drive. He reviewed a vicinity map and aerial photographs of the site and noted the site's location adjacent to Wal-Mart, Bojangle's and I-85. He stated that the site is zoned B-4 Highway Business and is located outside of the Gateway East Innes Street Overlay. The site plan is for the creation of a parent tract with two (2) building units of approximately twenty-nine thousand (29,000) square feet with three (3) additional outparcels. Two (2) will front Freeland Drive and one (1) will have a driveway access.

Mr. Phillips reviewed the landscape plan for the site and noted that the plan meets requirements. He stated that the developer has proposed additional landscaping along Arlington Street to help soften a proposed retaining wall in the area. Mr. Phillips also reviewed a grading plan and indicated that the site will require extensive grading. He stated that the highest point on the site is seven hundred thirty-five (735) feet with an average elevation of seven hundred twenty (720) feet. He noted that there will be a steep grade along the back of the property and along Arlington Street, with a retaining wall on Arlington Street. Mr. Phillips stated that the retaining wall will be an average of twenty-one (21) feet in height with a height of twenty-eight (28) feet at its highest point. He displayed a rendering provided by the developer depicting the wall and how the landscaping will attempt to soften the view from Arlington Street. He stated that the wall will be constructed with a fence at the top in some places and at other places there will be a guardrail. There will be a swell area to help distribute water and there will be vegetation on top of the wall and at its base to soften its appearance. The vegetation on top of the wall will also help screen the back of the building which will face Arlington Street.

Mr. Phillips reviewed various ground level photographs and noted photographs of two retaining walls approximately fifteen (15) feet and twenty-six (26) feet in height. He pointed out that the wall for the proposed site plan is approximately twenty-eight (28) feet at its highest point. He stated that staff had three concerns when it presented the plan to the Planning Board. One concern regarded connectivity. Mr. Phillips stated that based on the information given in the submission of the application, the developer was aware of a twenty (20) foot grade change between the proposed site and the adjacent hotel site that fronts East Innes Street. Mr. Phillips noted that during all discussions with developers regarding the two sites, there was always

discussion about the need for connectivity to East Innes Street from Freeland Drive. When the plan was submitted staff was informed that it would not be feasible to provide the connectivity because of the twenty (20) foot grade change between the sites and because the adjacent property owner was not willing to help with the connectivity. Mr. Phillips stated that at the Planning Board meeting comments were received from the public and from the adjacent property owner, who all indicated they were in favor of the connectivity. He explained that the Planning Board felt that, as far as the development of the site plan, it did not see the connectivity as being important.

Mr. Phillips indicated that staff also had a concern with the increase in traffic and asked the developer to perform a traffic impact study. Mr. Phillips commented that the study evaluated only the volume of traffic and did not take into account any connectivity with adjacent properties. He stated that based on the numbers for traffic generated from the proposed site, a traffic signal at Arlington Street and Freeland Drive was warranted. Mr. Phillips noted that staff has determined that if there is a secondary or alternative access to the site the need for the traffic signal may be marginal.

The third concern from staff regarded the retaining wall. Mr. Phillips stated that staff is concerned about the wall being located along Arlington Street and asked the developer to do something to soften the appearance of the wall. The developer has proposed additional landscaping but staff still feels there may be other options to help soften the wall.

Mr. Phillips informed Council that the site plan was presented to the Planning Board with staff's concerns and the Planning Board voted 7-1 to approve the site plan as submitted.

Mayor Pro Tem Woodson asked who would be responsible for the cost of the traffic signal. Mr. Phillips responded that it will be the developer's responsibility and indicated the cost is estimated to be \$80,000 - \$100,000.

(b) Mayor Klutz opened the floor to receive public comment regarding site plan G-10-06.

Mr. Glenn Ketner, 121 East Kerr Street, stated that he is an attorney representing the Spectra Group from Memphis Tennessee. He stated that his client has been working with City staff on this project since February 2006 and his client has moved forward in good faith and has addressed at least thirty-five (35) issues raised by the Technical Review Committee (TRC). He stated that staff indicated the site plan meets Code but raised three (3) non-Code issues. Mr. Ketner commented that regarding the visual impact of the wall it will be located two (2) football fields away from Innes Street and all that will be visible from Innes Street are the existing structures of the gas station and the hotel. He stated that on Arlington Street only a small portion of the wall will be visible because of the level of Arlington Street and the existing guardrail. He indicated that Spectra Group has agreed to do what is required to soften the wall even though it is not required by the Code. Mr. Ketner informed Council that Kimley-Horn Associates performed a traffic study at a cost of \$7,000 to his client and it recommends a traffic light. He noted that if a traffic light is desired his client will pay for it. Mr. Ketner stated that connectivity is a policy issue and not in the Code and added that his client does not object to connectivity. He commented that it seems that an area parallel to the I-85 ramp would be appropriate if connectivity is to occur and distributed an aerial photograph of the area to Council. He noted that there has been an access road parallel to I-85 for some time and reiterated that his client has no objection to connectivity, but cannot grant it. He offered to provide this in writing if it is deemed necessary. Mr. Ketner stated that his client needs Council's help as he has a site plan that meets Code and a 7-1 recommendation from the Planning Board. He stated that his client is the property owner and has paid a substantial amount of money for the property and with construction costs rising he needs Council's help. He stated that he feels his client has done everything that could be reasonably expected of anyone to do when working with staff and he needs approval of the plan so the project can go forward and not be placed in jeopardy.

Mr. Richard Finch, 5851 Ridgebend Drive, Memphis, TN, owner and developer of the property, stated that coming into the process he felt it would be straightforward because he knew he could not grant access to the adjacent parcel and he did not feel the grades tied in very well. He stated that he has indicated several times that he is willing to grant access where the adjacent property owners had asked for it, contingent upon the deed restrictions. Mr. Finch stated that he has developed approximately sixty (60) shopping centers adjacent to Wal-Mart Super Centers and feels he has been ultimately cooperative with the City. He stated he is under a pressure of time and must deliver pad sites to tenants and has made obligations in order to get the project off of the ground. He added that an additional two (2) weeks will devastate the project and if the project fails it will just remain a vacant piece of land. He asked for Council's help in approving the plan to allow him to get started and he will work out the other issues as the project gets underway.

Mr. Chip Bridges, 236 Confederate Avenue and Mr. Curry Krider, 109 Sixth Street, Spencer spoke to Council and Mr. Krider indicated he is the previous owner of the property in question. He stated that he has had problems developing the property since 1978. He referred to a meeting in 1985 to work out an entrance to Arlington Street. He noted that he had worked with staff to look at an entrance from the Dunkin Doughnuts site and comparing the two entrances City staff recommended the Arlington Drive entrance. He stated that it was filed on the State Transportation Improvement Plan (TIP) in 1996 for construction in 2005. Mr. Krider stated that the initially proposed Arlington Street was much smaller than what is in place today and noted that Wal-Mart met with City and State personnel regarding the street and the State offered \$1.4 million to help construct it. He stated that the State indicated that it would take a year before construction could begin and Wal-Mart indicated that it could not wait for the State money. Mr. Krider stated that he tried to get owners of the Hotel property and the 76 gas station property to give an entrance into his property, but with no luck. He stated that the Waffle House is the only property that offered money to help keep gravel and pavement and even when the State announced in 1995 that a median would be constructed he tried to get the property owners to attend a meeting but none would support him. Mr. Krider stated he has dealt with approximately twenty (20) developers who visited his property and the only developer who wanted connectivity was Kelly Properties. He noted that if the property owners adjacent to the property want connectivity it would be feasible. Mr. Krider stated that he asked Mr. Finch, current owner, for references and a list of projects and he checked all of them out because he wanted a good development for Salisbury. He noted that he had several offers in hand for the project but chose Mr. Finch who has done everything he has said he would do.

Mr. Bridges stated that several years ago the tract in question was under contract with Arlington Partners, with Mike Kelly and Curry Krider being the principals. He stated that when Mr. Kelly's group terminated the contract on the Spectra property they were asked if they wanted access to the adjacent property and were told no by Mr. Kelly and his attorney Margaret Burnham. He stated that he and his client, Mr. Krider, then presented this to Mr. Finch who purchased the property. Mr. Bridges stated that connectivity can be had because Mr. Krider and his family have lowered the

price and have retained a property right that can be purchased if the adjoining property owners would like to negotiate. He distributed to Council a plan that was in place at one time by the Arlington Group for the Spectra site and noted that it showed no connectivity and was marketed with no connectivity.

Mr. Krider displayed photographs taken from the bridge on Arlington Street and noted that the first twenty (20) feet of the retaining wall will drop below the street level and will not be seen.

Mr. Mike Kelly, 1076 West Fourth Street, Winston-Salem, and Mr. Don Gibbs, 5565 Centerview Drive, Raleigh addressed Council. Mr. Gibbs indicated that he is a civil engineer working with Arlington Properties. Mr. Kelly stated that he owns the hotel and Waffle House properties and noted that he is very familiar with the Vision 2020 Plan. He explained that when he began several years ago his plan was to determine how to take Mr. Krider's eight (8) acres of land and make it better by tying it to Wal-Mart and purchasing the hotel and Waffle House. He stated that from the very beginning it was his plan to determine how he and Mr. Krider could buy the hotel and Waffle House. He added that this took approximately two (2) years because the owners were not motivated to sell because they knew what was taking place in Salisbury. Mr. Kelly indicated that when he initially marketed Mr. Krider's property he did not have control of the hotel and Waffle House site and it was not shown at that time, but once he gained control of those properties it was his vision to connect the properties. He stated that he promoted it to the shopping center industry and indicated he could show Council the advertisement and how important it was to tie the properties together. Mr. Kelly added that it was always his and Mr. Krider's vision to take the hotel and Waffle House properties and develop one connected twelve (12) acre piece. He noted that the elevation at Freeland Drive is approximately seven hundred sixteen (716) feet and his proposal had an elevation of seven hundred seventeen (717) feet and no retaining wall would have been necessary. Mr. Kelly indicated that he attempted to market the property as one piece but found it was priced too high, but he continued forward because he considered the hotel and Waffle House piece as a gateway piece coming off of the Interstate. He stated that it has always been his vision to take his four (4) acres and Mr. Finch's eight (8) acres to make a twelve (12) acre site with interconnectivity. He commented that he would like to develop Salisbury the best shopping center possible and if he can have interconnectivity it will be a first class shopping center.

Mr. Gibbs informed Council that Arlington Properties performed heavy work in permitting and mitigating the wetlands that are present on the tracts. He noted that there is a small portion of the wetlands on the hotel site with a major portion on the Spectra site. He stated that Arlington Partners had to specifically permit with the State for a 401 and 404 permit and in September 2004 obtained approval for a Section 404 Corp of Engineers permit for the overall twelve and one half (12.5) acres balanced tract. Mr. Gibbs noted that in February 2005 Council approved a demolition and grading permit for the overall twelve and one half (12.5) acre tract, and in July 2005 he received approval of the 401 permit for the complete twelve and one half (12.5) tract. Mr. Gibbs stated that the permit notes that a final written stormwater plan must be approved in writing before any impact specified in the permit occurs. He noted that this refers to the wetland mitigation for both tracts. Mr. Gibbs stated that in July 2005 he received approval for the stormwater management plan for the overall twelve and one half (12.5) acre site. He informed Council that he recently reviewed the status of the permits with the Corp of Engineers and the permits are in the Arlington Partners, LLC name and he is the only developer that can use the permits; however, in May 2006 a payment was made by the Spectra Group for mitigation and referenced the permits in Arlington Partners, LLC name. Mr. Gibbs stated that the permits have not been transferred to the current developer and because the permits are Arlington Partners, Mr. Kelly is the solely responsible party if any issues should arise with the wetlands floodway. He added that whoever develops the site needs to obtain the permits in order to mitigate the wetlands.

Mr. Gibbs stated that he has concerns regarding the internal stability of a modular retaining wall and requested Council to consider installing a poured concrete wall in lieu of the modular wall. He noted that down the street from this site Mr. Kelly developed a Walgreen's and a brick face wall was installed to be aesthetically pleasing. He also noted that the new median installed on East Innes Street reduces the full access to the site and eliminates the ability to access downtown Salisbury. He added that interconnectivity will reduce trip generation and possibly eliminate the need for the traffic signal that was mentioned.

Ms. Margaret Burnham, 701 Green Valley Road, Suite 100, Greensboro, stated that she and her law firm represent Mr. Kelly and his various companies. She stated that everyone with Kelly Properties wants a shopping center adjacent to the property and support interconnectivity. She stated that she began this project by reviewing the Vision 2020 Plan and noted that there are several places where the Plan suggests interconnectivity so she feels it is not only their goal, but Council's goal. She commented that she recognizes that the goal is aspirational and not a legal requirement and referred to several policies in the Vision 2020 Plan regarding connectivity. She stated that although they are not officially in the Gateway Overlay they looked at it and how it affects interconnectivity. Ms. Burnham noted that during the Planning Board meeting she was guided to Section 12.06 in the Zoning Ordinance that does give Council authority over driveways. She stated that regarding cross-access there is a very easy point of cross-access but there is a "spite" easement that runs one (1) foot down the common boundary line. She stated that if this one (1) foot easement could be eliminated it would allow the cross-access that everyone desires. She asked Council to require the cross-access because the deed states that it is an easement and the owners created it and can undo it.

Ms. Andrea Engleman, 310 Knollcrest Drive, Mocksville, stated that she previously provided packets of information to Council. She stated that everyone seems to be in agreement that Mr. Finch is a great guy and indicated she is the one who brought him to Mr. Krider. Ms. Engleman stated that she has marketed this property to Triple A tenants and has a great interest in this property because it is in the visibility corridor. She stated that it was targeted because it was adjacent to a proposed new bridge on I-85 and a big bridge system indicates future development. She stated that with the addition of Wal-Mart she felt it pulled the property together as a visibility corridor. She noted that each time she has shown the property, questions of when and how the property will be developed and if there will be full access to Innes Street area are always asked. She stated that it seems everyone agrees the access to Innes Street is needed and suggested that this go to a Committee for further study. Ms. Engleman commented that Mr. Finch is on the fast track but she has been marketing the property for five (5) years and wants the properties to be master planned for the value of the City's future retail. She commented that she drives a large truck and in order to access the property with tenants she has to make a u-turn or turn left onto Arlington and block traffic and stated that with full access this would not be necessary. She concluded that it seems everyone is on the same page regarding the connectivity.

Ms. Burnham informed Council that she was never shown a plan and declined access as previously stated by Mr. Bridges.

Mr. David Shelby, 122 North Lee Street, stated that he represents Mr. Steve Dematrokis, manager of Blue Bay Restaurant and the owners of the Blue Bay and former Dunkin Doughnuts property. He stated that his client needs help as an existing business that pays taxes and provides jobs. Mr. Shelby indicated that since the median was installed on East Innes Street Blue Bay has experienced a forty (40) percent decrease in sales. He stated that finding an easier way to provide access is essential for his client's survival at this location and without it, it is likely the restaurant will fail. Mr. Shelby pointed out the area parallel to I-85 and noted it provided some form of connectivity in the area and has been in use for years. He stated that his client's concern is one of economics and his own concern, as a citizen, is that he remembers Town Mall which was a "grayfield". He stated that he is concerned that if connectivity is not required a new grayfield will be created right at the entrance to the City. He stated that this is a major thoroughfare for the City and a lack of connectivity will likely cause failure of the development of these sites.

Ms. Leighann Angell, 4220 Woodleaf Road, stated that she is a patron of Blue Bay but cannot go to this location anymore because there is no connectivity. She commented that she feels it is ridiculous to travel four (4) or five (5) blocks to turn back around to enter the property. She reiterated that she agrees with connectivity.

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

Mayor Pro Tem Woodson commented that he can sympathize with the business owners trapped by the new median and he also worries about connectivity and feels the lack of it will cause the sites to deteriorate. He commented there seems to be a problem between the two (2) developers and hopes the issues can be worked out. Mr. Woodson stated that regarding the retaining wall, there is a similar wall on Highway 54 in Chapel Hill and he feels it is very unsightly. He stated that he could not vote for the development without the connectivity because he does not want to see other businesses hurt or the area deteriorate. He added that there also seems to be a problem with the ownership of the permits for the wetlands, and although he does not want to delay development, he feels there are problems that need to be addressed.

Councilman Burgin stated that this is an interesting case because there is so much potential for the City, as well as the two (2) developers. He stated that there are some real issues with this plan and without qualification he cannot support the site development plan as submitted. He commented that Council must insist on connectivity and he agrees that the creation of a grayfield is what will happen if the connectivity is not required. He stated that he expects the property owner to submit a site plan demonstrating the connectivity, and added that when the next development for the next piece of property comes to Council he will have the same expectation of that owner. He stated that until he sees the connectivity shown on the submitted site plan he cannot vote in favor of it. Mr. Burgin commented that he is also troubled by the retaining wall. He commented that this area is the entrance into Salisbury and is a seriously important piece of land. Mr. Burgin referred to Walgreen's located on West Innes Street and how Council required the installation of a brick wall in order for the appearance of the installation to be appropriate. He stated that he feels this site has far more impact on the City than the Walgreen's site, and he would not expect to see a wall built of that proposed height unless it is brick, is tiered, and the top fence is something better than a guardrail. He added that from his perspective he will not support a site plan that gives any less than that.

Mr. Burgin stated that this is a great opportunity for Salisbury because he believes this is the premier site for the City. He noted that citizens have invested a great deal of money in gaining access through Arlington Street, and although Wal-Mart paid for a large portion of the street, it could not have been done without the help of the City. He stated that access to the site is very important and if it requires time to establish and if tenants cannot make the schedule then other tenants will have to be found. Mr. Burgin added that Council cannot be pressured into approving something tonight that has taken the City fifty (50) years to correct. He reiterated that until he sees connectivity and a wall appropriate for the site he will not support the site plan.

Councilman Kennedy stated he feels Council must look at the entire area and feels it must have the connectivity. He indicated that he cannot support the site plan at this time but would like to see something that has the entire area connected.

Councilman Lewis commented that Council must look to its comprehensive plan which states unequivocally that new large scale commercial development shall have limited driveway access to major thoroughfares and shall connect to adjacent parking lots. He added that it is true that this is not mandated in the current Code but it will be included in the Code being drafted right now. He commented that the days of looking at an individual parcel to see if it meets Code are gone because the City is not developed in isolation. He stated that of all the places in the City that have to be master planned for the development of commercial real estate, this is one of them. He added that he feels it is mandatory for the connectivity to happen. Mr. Lewis indicated that he is also concerned about the retaining wall and is interested in a grade that would flow smoothly from the Wal-Mart parking lot to Innes Street. He noted that Council approved a demolition and grade change permit and asked what the grades were at that time. Mr. Burgin commented that regardless of the grades on the demolition plan, it did not include a retaining wall. Mr. Lewis asked if the site could be graded so that the need for a retaining wall is reduced, noting that it appears it is structurally possible but not sure it is economically feasible. He stated that his opinion is the grade needs to be as low as possible with the fewest number of retaining walls as possible and there must be connectivity, adding that he could not vote for a site plan until he is satisfied with these two (2) issues.

Mayor Klutz commented that it sounds as if Council is in agreement on several issues. She indicated that a lot of information has been presented since the Planning Board meeting and she feels the Planning Board approved the site plan without complete information. She added that she is not sure what their decision might have been if they had had all of the information that has come in during the past week. She stated that serious allegations regarding the permit and its legality have been made and should be investigated, even though it is not a City issue. Mayor Klutz indicated that she has a problem with the site being the entrance to the City and the fact that Council has raised a couple hundred thousand dollars of private money to improve the appearance of the East Innes Gateway. She noted that she is also concerned with the appearance of the retaining wall and prefers not to have one if possible. She added that she feels connectivity is essential and asked Council the best way to proceed from this point. She noted that staff has not had an opportunity to review the information that has been presented and she feels they should review it in order to provide an opinion, adding that she does not feel the issue is ready for a Council Committee.

Mr. Woodson commented that he feels this should go back to staff and to the City Attorney. He noted that the City has worked on this area for fifty (50) years and he does not think that two (2) to four (4) more weeks will make a difference.

Mr. Burgin suggested that the importance of the connectivity is such that he feels everyone needs to understand it and by voting to deny the site

plan it will make Council's position clear. He added that this would require the developer to bring back a new site plan addressing the issues.

(c) Thereupon Mr. Burgin made a **motion** to deny approval of the site plan. Mr. Woodson seconded the motion. Mr. Lewis commented that it is apparent that Council cannot support the site plan in its present state and asked what the process will be if the developer comes back with a different site plan that meets some of the issues. Mr. Phillips stated that the process would start over and the site plan would go back through the Technical Review Process and through the Planning Board and Council. Mr. Lewis noted that the Code allows Council to approve, reject, or modify a site plan and perhaps if Council is interested in modification then tabling the issue and allowing the developer to come back with a modified plan will help expedite the process for the developer. Mr. Burgin questioned how much Council could modify a plan without it going back through the Technical Review Process, noting that there are serious issues with this plan.

Mr. Kennedy commented that the developer has indicated he wants connectivity and asked City Attorney what Council can do to help speed the process. City Attorney Rivers Lawther stated that if Council wants to require connectivity it will have to be shown on the site plan.

Mr. Lewis asked Mr. Phillips for the grade levels of the site. Mr. Phillips stated that at Freeland Drive the grade is approximately seven hundred fifteen (715) feet and elevates to approximately seven hundred seventeen (717) feet at the property line between the two (2) sites, and then reduces to approximately seven hundred (700) feet as it gets closer to Innes Street. He noted that the pre-approved plan included the twelve (12) acres. Mr. Lewis asked about the grade for the site plan that has been submitted for the eight (8) acres. Mr. Phillips responded that the average grade elevation will be seven hundred twenty (720) feet.

Mr. Dan Mikkelson, Director of Land Management and Development, stated that if the grading and connectivity was being designed as a master plan for the twelve (12) acres it would have to go back through the Technical Review Process. He noted that staff is familiar with the site and the background work has been completed and a special Technical Review Committee meeting could be called to help accelerate the process.

Mr. Burgin stated that at the point the road comes off of the cul-de-sac the grade is not that different and connectivity might work just as well in that location. Mr. Mikkelson commented that he believes this area is in the North Carolina Department of Transportation right-of-way.

Mr. Kennedy indicated he would like to see a positive spin on the issue rather than denying the site plan and suggested referring it back to staff to work on the issues. Mr. Burgin noted that he is not sure it will speed the process by delaying action and reiterated that he expects connectivity and if the wall stays in place it must come back as brick with some type of cap rail other than a guard rail in order for it to be appropriate in this gateway. Mr. Burgin then **withdrew** his motion.

Thereupon, Mr. Lewis made a **motion** to table G-10-06 pending a staff report and TRC recommendation on the issues that Council has raised. Mr. Kennedy seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson and Ms. Kluttz voted AYE. (5-0)

#### **APPEAL FROM ROWAN REGIONAL MEDICAL CENTER REGARDING DENIAL OF S-09-06 BY THE PLANNING BOARD**

Mr. Patrick Ritchie, Staff Engineer, reviewed a site plan presented from Rowan Regional Medical Center to realign Grove Street to tie into Henderson Street. He stated that it will allow direct access to the medical center and explained that Grove Street currently dead ends into a parking lot. He stated that the proposed plan is considered a subdivision and is subject to subdivision review. He reviewed ground photographs of the area and noted that staff worked with the hospital to develop the plan and is in support of it. He stated that the plan was submitted to the Planning Board with staff's recommendation for approval with relief from standards to allow sidewalks on only one side of the street. He noted that residents have concerns regarding traffic on Henderson Street and pointed out that Ms. Wendy Brindle, Traffic Engineer, is currently conducting a traffic study of the area, but it has not been completed. He stated that the Planning Board voted 5-2 to deny the plan and Rowan Regional Medical Center is seeking an appeal of the denial.

Mr. Chuck Elliott, Chief Executive Officer of Rowan Regional Medical Center, stated that two and one half (2 ½) years ago the hospital presented a request to Council to detour Mocksville Avenue for hospital construction and added that a request was made by Council during that time to consider extending Grove Street to Henderson Street to ease traffic around the hospital. He noted that the hospital worked with City staff on a project regarding different routes to the hospital resulting in the realization that the Grove Street extension is a good alternative. He explained that the plan would provide a way to route Mocksville Avenue traffic, noting that emergency traffic would stay on Mocksville Avenue and non-emergency traffic would use Grove Street. He stated that the plan is to make Rutherford Street one-way from Mocksville Avenue to Henderson Street, but that this would be difficult to do without the Grove Street extension. He explained that the hospital owns the property and that it could use this property to expand its facilities, but using it to build a road extending Grove Street will act as a buffer between the hospital buildings and the neighborhood. He explained that over a period of time the hospital has met with neighbors and agreed to several issues in order to meet their concerns, except the hospital did not agree to build a deck and patio on one neighbor's property, or give financial consideration for intangibles such as noise that might be created. He stated that the neighbors on Circle Drive are concerned about Henderson Street and the hospital will work with them to put in additional trees or sound buffers along the back of the property.

He concluded by stating that he thinks this extension will improve access for the hospital as the community continues to grow, and added that the hospital would like to move forward as quickly as possible to provide better and safer care to the community.

Mayor Kluttz stated that as a courtesy, she will open the floor to receive public comment on the street extension.

Ms. Sharon Chaffee, 147 Circle Drive, stated that her property will suffer the greatest impact from the project and is opposed to the extension. She explained that her family relocated to Salisbury from Cincinnati and has lived here for one (1) year and hospital construction has been on-going since they moved in. She stated that if this plan is approved, several more months of construction noise will continue eighteen (18) feet from her bedroom window, they will lose the use of their driveway, and basically the use of their backyard. She explained that her home is on the corner bordered by two

(2) streets and this extension would surround her home by three (3) streets. She expressed her concern that a third (3<sup>rd</sup>) street will affect the property values. She asked Council to protect the neighborhood from an expanding hospital by denying the extension project.

Ms. Melinda Kinslow, 147 Circle Drive, stated that she is opposed to the project because of the impact on her yard and its mature pecan, walnut and mulberry trees. She added that they do not need more asphalt and concrete at the possible cost of losing any of the trees. She explained that there are already three (3) approaches to the new emergency room and noted that existing curbs, gutters and asphalt will have to be removed and new ones installed under the canopy of their trees and there is no guarantee that the trees will not be harmed. She stated that she wants her grandchildren to play in the trees and not see concrete. She concluded by stating that this is important to her family and that the project is not worth the risk when it is not necessary.

Mr. Guy Chaffee, 147 Circle Drive, presented a petition signed by the neighborhood consisting of thirty-two (32) names who oppose the project. He stated that they have three (3) intangible problems with the project; noise, loss of privacy and loss of property value. He explained that they worked with the hospital to find solutions to the intangibles and the hospital wanted a dollar value on their needs in order to reach a resolution, which he failed to give them. He noted that the hospital spoke of a traffic study but did not speak of the impact the project would have on the neighborhood. He stated that he does not think the hospital has done their work, they have done a traffic study but have not done an environmental impact study, and he recommended that Council vote against the proposal.

Mr. Darrell Wagoner, 516 North Main Street, Salisbury Engineering and Planning, stated that he was hired by the hospital to prepare the construction drawings for the extension of Grove Street and that he used a book written by the American Association of State Highway and Transportation Officials in preparing the plan. He added that he believes it is a good design for the street and will provide for public safety. He stated that he has also addressed the storm sewer and a sidewalk on one side for pedestrians. He explained that field work was done in preparing the design and they were surprised at the amount of traffic on Henderson Street and how fast it traveled. He noted that the plan will raise the grade at the intersection of Henderson Street and Grove Street to give more site distance when crossing Circle Drive and added that creating a stop condition will slow the traffic down, improving safety for the area. He explained that he did not anticipate construction on Saturdays or Sundays and that the Mulberry tree in question is on hospital property but he does not believe it will be taken down. He stated that he believes it would be in the City's best interest to approve the design.

Mayor Pro Tem Woodson inquired about the possibility of Mr. Chaffee losing his fence. Mr. Wagoner stated that there is a chain link fence that is on the back side of Mr. Chaffee's property which is actually on the hospital's property and the fence will be temporarily taken down during construction, but will be replaced in the same location. He added that they have not addressed the fence along Mr. Chaffee's property facing Henderson Street. Mr. Ritchie noted that the fence on Henderson Street is on the City's right-of-way.

Mr. Rick Parker, 150 Dove Lane, Vice President of Clinical Support Services for Rowan Regional Medical Center, stated that he wanted to clarify the fact that there would not be construction seven (7) days per week. He added that the hospital has informed the neighbors that they will work with them and has agreed to take pictures of the Chaffee house to compare before and after construction to determine if any dust needed to be cleaned from the house. He explained that they have agreed to replace the white picket fence along Henderson Street, which is on the City's right-of-way, and move in onto the Chaffee's property, and will replace the chain link fence along the back of the property with a wooden fence. The hospital will also plant trees and shrubs along the outside of the fence allowing additional privacy and a noise buffer to the Chaffee's property. He concluded that the hospital will continue to be a good neighbor if the project is approved.

Mr. George Busby, 226 Confederate Avenue, stated that several years ago he was asked to look at traffic problems prior to the hospital expansion construction. He noted that this plan is close to what he preferred and added that it will do marvelous things for the traffic and neighborhood and thinks Council will be very pleased with the results.

Ms. Linda Arnold, 143 Circle Drive, stated that she and her husband live next door to the Chaffee's and that the traffic on Henderson Street and Circle Drive is a major problem. She noted that she feels this plan will lead to more traffic on Circle Drive, will eliminate privacy in their back yard, and will create noise. She stated that the stop sign will cause a backup of traffic on Circle Drive and make it difficult for the neighbors to back out of their driveways. She indicated that she is opposed to the project and asked Council to consider the neighborhood.

Mr. Floyd Moore, 209 Rutherford Street, stated that the hospital has a vacant lot beside his property and used this property as a staging deck during the hospital expansion construction. He explained that he has had some complaints and that Mr. Parker and the hospital staff has addressed these complaints to his satisfaction. He added that he has found that you can trust Mr. Parker and the hospital staff to do what they say they will do. He noted that this street extension will not affect his property except drainage, but he has been assured that the drainage will not increase. He stated he is neither in favor or opposed to the plan, but he wants Council to know that the hospital staff are good people and on a scale of zero (0) to ten (10) he would give them an eleven (11).

Ms. Colleen Grubb, 146 Circle Drive, stated that she has lived on Circle Drive many years. She explained that Ms. Hilda Foreman counted the number of cars from 6:00 a.m. until 10:00 a.m. and during the four (4) hour period there were seven hundred thirty (730) cars. She added that traffic on Circle Drive and Henderson Street is outrageous and that the traffic does not stop at the stop sign that is already in place. She pointed out that if Grove Street is made the right-of-way the emergency room will be overflowing with accidents. She concluded that the neighbors are opposed to the Grove Street extension.

Mr. Ronnie Smith, 113 Canteberry Drive, stated that the fact that this is a community hospital is a critical point. He explained that the expansion process began several years ago, when he was Chairman of the Board of Rowan Regional Medical Center, and the hospital worked then with the neighbors and the City, and continues to do so now. He added that the City has endorsed this plan. He noted that one key issue is the hospital's objective to provide the best healthcare possible to the citizens. He pointed out that the hospital now has a helicopter pad to aid in rapid transport and has a new heart center. He explained that time is of the essence in transporting patients to the hospital and added that this plan was designed with that in mind. He stated that the redirection of Grove Street will get patients to the medical center in a critical amount of time and to deny the plan will deny

citizens critical and fast access to the hospital. He stated that he feels the plan may actually help the traffic flow and it is in the best interest of the citizens.

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

Mr. Woodson stated that Circle Drive is a lovely street and he feels opening Grove Street will take traffic off Henderson Street and Circle Drive. He added that there may be a problem with the driveway for the Chaffee's house and suggested placing the stop sign on Grove Street instead of Henderson Street. He stated that he believes there may be some loss of property value to the Chaffee's and noted that it sounds as if the hospital is trying to work with the neighbors and hopes that the hospital will work closely with the Chaffee's. He expressed his support of the plan with hopes that the stop sign can be changed to Grove Street.

Councilman Kennedy stated that he supports the appeal for the hospital. He added that he can empathize with the neighbors and feels the hospital will do what they can to help the neighbors. He pointed out that there is already a concrete parking lot and the extension will not take away any trees. He stated that he thinks it will help traffic flow and supports the appeal.

Councilman Lewis stated that one reason Henderson Street is so heavily traveled is because it is a straight shot from Main Street to Confederate Avenue. He added that he is concerned about the traffic count and the speed at which people drive on Henderson Street where people cross from the hospital parking deck to the hospital. He noted that one way to approach traffic calming is to put in obstacles such as a stop sign and added that he thinks the stop sign and opening of Grove Street might alleviate some of the traffic. He stated that he has always wondered why there is not a planted median in the middle of Circle Drive.

Mr. Dan Mikkelson, Director of Land Management and Development, stated that during one traffic study in the hospital area, staff looked at installing a planted median and while staff supports the median, there was never funding for it. He added that one issue associated with the median would be the loss of parking on the street.

Mr. Lewis asked if the idea of a traffic circle at the intersection of Henderson Street and Grove Street had been studied. Mr. Mikkelson stated that this had not been evaluated but feels that it would take a larger amount of right-of-way.

Mr. Woodson asked Mr. Mikkelson if he felt people will use Grove Street more than Circle Drive if the plan is approved. Mr. Mikkelson stated that he feels the cars will begin using Grove Street and avoid Circle Drive and Henderson Street.

Mr. Lewis stated that since there is no funding for a planted median, perhaps a funding partner could be established through the hospital. Mr. Mikkelson stated that the hospital had been approached but they felt that it was out of their campus area.

Mr. Woodson suggested waiting to see if the traffic flow is improved after the extension and then revisit the idea of a planted median. Mr. Lewis stated that the hospital is a community asset and as the medical community expands there is a natural conflict between the expansion and the surrounding neighborhoods. He noted that access and proper traffic movement around the hospital is important and he supports the plan.

Councilman Burgin stated that this decision will not make everyone happy and that the issues raised by the neighbors cannot be ignored. He added that he thinks the extension of Grove Street will take traffic off of Circle Drive. He indicated that he is not sure what effect it will have on Henderson Street but does not feel the traffic will get worse. He noted that he feels Grove Street will become a boundary between the neighborhood and the hospital development and will protect the neighborhood. He added that the buffer of the street, the sidewalk, and the trees that align the street will be more pleasant for the residents than large buildings. He indicated that this plan offers more for the community, including the neighbors, and improves traffic to the new entrance of the hospital, and added that he feels the positive aspects outweigh the negative aspects in the long term.

Mayor Kluttz stated that this is a difficult decision because Council is an advocate for neighborhoods. She noted that the hospital has shared their long-range plans every step of the way. She indicated she supports the expansion of Grove Street. She is concerned about Henderson Street but noted that it is almost a separate issue. She pointed out that the traffic on Henderson Street and Circle Drive needs to be evaluated by staff, but feels that this is a connectivity issue and should be done after the completion of the extension of Grove Street. She stated that the Grove Street extension seems to be the logical answer to the hospital's expansion.

Mr. Burgin stated that with similar cut-through traffic at other areas of town, the City has placed four-way stops to discourage cut-through traffic. He noted that the City has tools and options that can be used to help the traffic problem.

Thereupon, Mr. Kennedy made a **motion** to approve S-09-06 concerning the extension of Grove Street and the realignment of Henderson Street as proposed with relief from standards to allow sidewalks on one side. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Kluttz voted AYE. (5-0)

#### **AWARD A CONTRACT TO MCKIM & CREED ENGINEERING FOR THE EAST ELEMENTARY WATER AND SEWER EXTENSION**

Mr. Jeff Jones, Senior Engineer, informed Council that this project is to provide water and sanitary sewer service to the proposed East Elementary School located off of Highway 152 in Rockwell. He indicated that an agreement has been executed with the School System and this request is to establish the engineering contract to begin work. Mr. Jones explained that one reason McKim & Creed was chosen for this project is because it provides good continuity to the on-going Salisbury-Rowan Utilities grant project in the Town of Rockwell and noted that the two (2) projects will be connected together.

Mayor Pro Tem Woodson asked if the School System is paying for this project. Mr. Jones responded that the Rowan-Salisbury Schools will



completely fund the project and referred to the next item on Council's agenda to adopt a Capital Project Ordinance.

Thereupon, Mr. Woodson made a **motion** to award a contract to McKim & Creed Engineering in an amount not to exceed \$293,961 for engineering services for the East Elementary Water and Sewer Extension Project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

**CAPITAL PROJECT ORDINANCE FOR THE EAST ELEMENTARY SCHOOL WATER AND SEWER EXTENSION PROJECT**

Thereupon Mr. Woodson made a **motion** to adopt a Capital Project Ordinance in the amount of \$1,300,000 for the East Elementary School Water and Sewer Extension Project. Mr. Burgin seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

**EAST ELEMENTARY SCHOOL WATER AND SEWER EXTENSION CAPITAL PROJECT ORDINANCE.**

(The above Ordinance is recorded in full in Ordinance Book No. 21, Budget, at Page No. 117, and is known as Ordinance No. 2006-36)

**AWARD A CONTRACT TO FOOTHILLS WATER AND SEWER, INC. FOR THE SETTLER'S GROVE SEWER EXTENSION PROJECT**

Mr. Jeff Jones, Senior Engineer, informed Council that the Settler's Grove subdivision is located off of Old Concord Road and when the project began the developer proposed a lift station. He stated that staff worked through an agreement with the developer and adopted a project budget which will avoid the construction of the lift station. He noted that the bids received were excellent and indicated that sixty (60) percent of the cost will be paid by the developer with forty (40) percent being paid by Salisbury-Rowan Utilities.

Councilman Kennedy noted that in looking at the credentials of the bidders they have submitted Identification of Minority Business Participation forms except for Foothills Water and Sewer, Inc. Mr. Jones explained that Foothills Water and Sewer did not include the form in their bid packet; however, they have given a commitment that before the contract is signed they will have the documentation to staff.

Thereupon, Mr. Kennedy made a **motion** to award a contract to Foothills Water and Sewer, Inc. in the amount of \$311,335 for the Settler's Grove Sewer Extension Project subject to receiving a Minority Business Participation form. Mr. Woodson seconded. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

**AWARD A CONTRACT TO ECON INTERNATIONAL CORPORATION FOR THE CONSTRUCTION OF SIDEWALKS ON WEST HORAH STREET**

Mr. Dan Mikkelson, Director of Land Management and Development, introduced Engineer Craig Powers who will be the Project Manager for the West Horah Street sidewalk project.

Mr. Powers indicated that currently Horah Street has sidewalks up to Partee Street and this project will construct sidewalks from Partee Street to Brenner Avenue. He then reviewed several photographs of the site on Horah Street. He stated that currently the cross section is thirty-four (34) feet curb to curb with two travel lanes and an offset center line to allow parking on one side of the street. He noted that typically sidewalks are installed on the shoulder of the road but in this area there are problems because on one side there are houses located only eight (8) feet from the back of the curb and on the other side of the street there are grade elevation problems. Mr. Powers reviewed a proposed cross section that will narrow the street to twenty-six (26) feet allowing for a three (3) foot planting strip and a five (5) foot sidewalk. He noted that this design was presented to the Westend Community Organization who approved the plan. Mr. Powers informed Council that residents will not lose parking with the new cross section because the center line will be removed to allow for parking on both sides of the street. He referred to a similar project on Grove Street and displayed photographs before and after the same treatment.

Mr. Powers informed Council that two (2) bids were received for the project and recommended awarding the unit priced contract to Econ International Corporation.

Councilman Kennedy noted that the neighborhood approved the plan and stated he feels that narrowing the street will also slow traffic making the neighborhood safer.

Thereupon, Mr. Kennedy made a **motion** to award a contract to Econ International Corporation in the amount of \$128,650 for the construction of sidewalks on West Horah Street. Mr. Lewis seconded the motion. Messrs. Burgin, Kennedy, Lewis, Woodson, and Ms. Klutz voted AYE. (5-0)

**APPOINTMENT TO THE SALISBURY-ROWAN HUMAN RELATIONS COUNCIL**

This item was postponed to a later meeting.

**COMMENTS FROM THE CITY MANAGER**

(a) Planning Board

Council received the Planning board recommendations and comments from their June 27, 2006 meeting.

(b) HUD CAPER

City Manager David Treme stated that the City has received a Housing and Urban Development Comprehensive Annual Performance Evaluation Report (CAPER) compliance letter which indicates the City is in compliance.

(c) Hendrix Driveway Report

City Manger David Treme reported that the North Carolina Department of Transportation has agreed to remove the driveway at Hendrix Barbecue and Ashbrook Road and will attempt to have it removed by the end of the week.

(d) Strategic Plan Review

City Manger David Treme noted that the Strategic Plan Review will be reviewed with Council at its July 18, 2006 meeting. He noted that July 1, 2006 was the start of the new fiscal year and plans are underway to prepare game plans for Council's thirty-one (31) goals.

(e) 22<sup>nd</sup> Annual Future Directions and Goal Setting Retreat

City Manager David Treme stated that it appears that February 15-16, 2007 will be the best dates for the 22<sup>nd</sup> Annual Future Directions and Goal Setting Retreat.

By consensus, Council agreed to the proposed dates.

(f) Presentation of Recycling Marketing Plan

City Manager David Treme noted that a copy of a proposed Recycling Marketing Plan has been shared with Council and staff will present this in more detail at the July 18, 2006 meeting. He pointed out that the City's recycling contract costs have gone up and one concern raised by Council is the lack of participation by residents. He stated that staff has developed a plan to inform the public on the importance of recycling to see if the number of residents participating in the recycling program can be improved.

(g) False Alarm Ordinance

City Manager David Treme indicated that a draft copy of the False Alarm Ordinance has been submitted to Council. He noted that staff intended to present the Ordinance to Council at its July 18, 2006 meeting; however, Mayor Pro Tem Woodson will not be in attendance and has requested the item be placed on the first meeting in August.

(h) Assistant District Attorney Bridge Funding

City Manager David Treme informed Council that a letter was received from District Attorney Bill Kennerly informing Council that the Administrative Office of the Courts has agreed to provide funding for two (2) Assistant District Attorneys through September 30, 2006 when the State budget takes effect. Mr. Kennerly thanked Council for their participation with the criminal justice system and indicated that hopefully assistance will not be required.

(i) Public Information Officer

City Manager David Treme announced that Ms. Karen Wilkinson has been named the City's Public Information and Communications Officer effective July 3, 2006. Mayor Klutz congratulated Ms. Wilkinson and indicated that Council is happy to have her in this position.

**MAYOR'S ANNOUNCEMENTS**

(a) Theo. Buerbaum Marker Dedication

Mayor Klutz announced that the Downtown Public Art Committee will be dedicating the Theo. Buerbaum marker on Friday, July 7, 2006 at 2:00 p.m. on the sidewalk outside 106 South Main Street. She noted that Council has been invited to attend a luncheon at 12:30 p.m. and the official unveiling of the plaque will be held at 2:00 p.m.

(b) O'Charley's Donation of Bullet Proof Vests

Mayor Kluttz announced that Councilman Burgin attended a presentation at O'Charley's where they presented a donation of bullet proof vests to the City. Councilman Burgin commented that the program is part of the In-vest program where corporate sponsors provide bullet proof vests for officers. He noted that three (3) were presented to the City of Salisbury Police Department and three (3) to the Rowan County Sheriff's Department. He stated that sixty (60) percent of the Police Officers in the country have bullet proof vests but that leaves forty (40) percent without. Mayor Kluttz expressed Council's gratitude to O'Charley's and noted that Council will recognize them at its next meeting.

(c) Mayor Kluttz Wedding Anniversary

Councilman Burgin expressed congratulations, on behalf of City Council, to Mayor Kluttz and her husband Bill in honor of her thirty-seventh (37) wedding anniversary.

**ADJOURNMENT**

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

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Mayor

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City Clerk