

Salisbury, North Carolina  
May17, 2016

## **REGULAR MEETING**

**PRESENT:** Mayor Karen Kirks Alexander, Presiding; Mayor Pro Tem Maggie A. Blackwell; Council Members Kenneth Hardin, William Brian Miller, and David Post; City Manager W. Lane Bailey; City Clerk Myra B. Heard, and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The invocation was given by Councilmember Miller. The meeting was called to order by Mayor Alexander at 4:00 p.m.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Alexander welcomed all visitors present.

## **PROCLAMATIONS**

Mayor Alexander proclaimed the following observances:

CATAWBA COLLEGE DAY	May 14, 2016
ROWAN BLUES AND JAZZ SOCIETY DAY	May 14, 2016
VETERANS MEMORIAL DAY	May 30, 2016
MENTAL HEALTH MONTH	May 2016
SALISBURY PRIDE DAY	June 25, 2016

## **CONSENT AGENDA**

(a) Approval of Minutes

Approve Minutes of the Recessed Meetings of April 28, 2016 and April 29, 2016.

(b) Roofing Contract

Approve a contract with Interstate Roofing in the amount of \$227,000 for roof replacements at the Civic Center, West End Business Center and Miller Center.

(b) Temporary Road Closure

Adopt an Ordinance declaring a temporary road closure on North Main Street between Innes Street and Kerr Street for the Slide the City event beginning Saturday, July 9, 2016 from 4:00 a.m. until 11:59 p.m.

ORDINANCE DECLARING A TEMPORARY ROAD CLOSURE FOR A SLIDE THE CITY EVENT.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 17, and is known as Ordinance 2016-17.)

## **2015 TREE CITY USA AWARD**

Mr. Jason Walker from the North Carolina Forest Service informed Council that Salisbury is one of 84 cities to be named a Tree City USA in North Carolina. He added this is the 30<sup>th</sup> year the City has received this recognition, and he commended Council and staff for the hard work to make it possible. Mr. Walker then presented the 2015 Tree City USA award to Mayor Alexander.

Arborist Mark Martin displayed signage denoting the City as a Tree City USA for the 30<sup>th</sup> year. He noted the signs will be placed at approximately 13 locations around the City.

Mayor Pro Tem Blackwell acknowledged Tree Board members Johnny Safrit and Rodney

Queen who were in attendance and thanked them for their work.

Mayor Alexander thanked Mr. Walker for his presentation and the Tree Board members for their work throughout the year.

### **HOMELESS VETERANS TASK FORCE**

Mr. Sam Foust, Executive Director of the Salisbury Housing Authority, discussed an initiative to address homelessness among veterans. He noted the Rowan Homeless Task Force is a multi-agency committee that was created following a Rapid Results Boot Camp held in Raleigh as part of Governor Pat McCrory's initiative to end veteran homelessness.

Mr. Foust noted there are an estimated 50,000 homeless veterans nationwide and 2,500 in North Carolina. He stated the goal of the Task Force is to identify and house 30 homeless veterans in 100 days. He indicated 56 homeless veterans have been identified in Rowan County, and 17 veterans have been successfully housed. He pointed out the Task Force is struggling to find one-room apartments for the veterans, which are usually the size most affordable for the veterans.

Mr. Foust stated the Task Force is working to identify landlords willing to accept Housing and Urban Development (HUD) Veteran affairs Supportive Housing (VASH) vouchers and who allow service dogs. He indicated donations are being sought from the community for clothing, furniture or financial gifts.

Mr. Foust indicated the Task Force has challenged Rowan County Mayors to join the White house initiative to end veteran homelessness, and he thanked Mayor Alexander for accepting the challenge.

Mayor Alexander thanked Mr. Foust for his leadership on this important initiative.

### **SPECIAL USE PERMIT – 612 SOUTH MAIN STREET**

SUP-02-2016 – 612 South Main Street

(a) Swearing In

Mayor Alexander indicated anyone who wished to speak for or against this item must be sworn in, and she asked those who would like to speak to come forward. She administered the oath to the following:

Mr. David Phillips  
Ms. Janet Nekoosl  
Mr. Scott Robinson  
Mr. Robert Van Geons

(b) Ex Parte Disclosure

Mayor Alexander asked Council members if anyone had knowledge of this case they wished to disclose. There were no ex parte disclosures.

(c) Mayor Alexander convened a public hearing, after due notice thereof, to receive testimony regarding SUP-02-2016.

Zoning Administrator David Phillips explained the case before Council is for a Special Use Permit (SUP) for property located at 612 South Main Street to allow the sale and on-site consumption of alcohol. He noted the primary use of the property will be a pool hall, which received previous approval from Council. He added the business would also like to sell alcohol.

Mr. Phillips presented the standards for decision required for the SUP:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety, and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed
4. No such facility shall be located within 500 feet of any lot containing a school

Mr. Phillips reviewed an aerial photograph of the building located at 612 South Main Street and noted it has been several different establishments, including a night club, over the years. He stated the reason this has to come to Council is because the use for the sale of alcohol has not existed for over 180 days, and the site lost its grandfather clause and must meet all the current Code requirements.

Mr. Phillips explained the site is zoned Downtown Mixed Use (DMX), with Corridor Mixed Use (CMX) adjacent to the property with Residential zoning at the rear of the property. He pointed out the Residential properties are also included in the West Square Historic District. He reviewed street view photographs from Main Street.

Mr. Phillips reviewed the proposed floor plan, and he pointed out the location that will serve as a pool hall. He noted the full building will not be used at this time, and the applicant has plans to eventually expand and include a restaurant along with the portion of the facility to be used as a pool hall.

Mr. Phillips stated the applicant proposes to re-stripe the parking area to accommodate parking for the facility. He reviewed photographs of the existing outdoor lighting, and he stated security cameras have been installed around the facility. He indicated the pool hall permit has been issued by the Police Department, as approved by City Council.

Mayor Alexander referred to the zoning map and asked if the property is split by the zoning. Mr. Phillips indicated the property is split-zoned and added this has happened in several other areas in the City. He noted staff can review properties that are split-zoned for correction, and he added it occurs when property lines shift. Mayor Alexander asked if it is the City's responsibility to correct the split-zoning and if the issues were created by adoption of the Land Development Ordinance (LDO).

Mr. Phillips noted when the LDO was adopted it followed existing zoning lines for a direct conversion. He added the issues were not created by adoption of the LDO, and the issues existed prior to its adoption. He stated staff has discussed trying to determine all of the properties that have split-zoning, and it would require action from the Planning Board and City Council to correct.

City Manager Lane Bailey asked if the original intent for the line to be a certain distance from Main Street or if the zoning followed property lines. Mr. Phillips responded the zoning should follow property lines.

Councilmember David Post indicated that at one time there was a committee of the Planning Board to identify properties with split-zoning and with changing members and goals, it may no longer exist. He added this is something worth looking into. Mayor Alexander agreed and noted the City should be responsible for the correction.

Development Services Manager Preston Mitchell stated the zoning corrections are not the responsibility of the property owner, and he added the corrections are an on-going goal of the Planning Board. He noted there are hundreds of properties that have been split-zoned throughout the community. He stated if someone changes their lot by combining or subdividing, Planning staff does not always know because the changes are handled through the Register of Deeds. Mr. Mitchell commented prior to adoption of the LDO there was a practice of not always following parcel boundaries, but now parcel data is included for all rezonings. He stated the very small parcels that are split-zoned can be combined and presented to the Zoning Board of Adjustment (ZBA) for correction. He noted for larger parcels, such as this one, the City will have to go through the process to correct.

Mayor Alexander asked if the fact that there is Residential included in the property's zoning affects the application. Mr. Phillips responded it did not because the principal structure is located in the commercial district.

Mr. Post asked if the review committee still exists on the Planning Board. Mr. Mitchell indicated it did, although membership has changed.

Mayor Pro Tem Blackwell asked why trees and landscaping are not required for this property. Mr. Phillips explained when there is an expansion of existing development, the LDO requires certain items to be met, but in this case there are no changes to the building footprint that trigger the requirements. Ms. Blackwell commented it is a shame the changes are not required because the façade is bleak. Mr. Phillips indicated Council can place reasonable conditions on the site, and if landscaping is something Council wanted to make as a condition, it could.

Mr. Mitchell noted if Council places conditions on the permit they must be reasonable and tied to the evidence and findings made by Council. He indicated the second standard requires the site to be visually and functionally compatible, and if Council receives evidence to the contrary conditions could be added.

Mr. Post asked for clarification for colored dots on the displayed map. Mr. Phillips stated the red dots represent commercial lots, with black dots representing residential. He pointed out the back of the property is still being used as a body shop and is a separate business.

Ms. Janet Nekooasl, 1212 Kendrick Road, Gastonia, applicant, stated she is open to any questions Council might have and noted she met with Council before during the pool hall permit. Mayor Alexander asked if there were any changes since the pool hall permit was approved. Mr. Nekooasl indicated there had been no changes other than improvements. She stated tint has been added to the windows, flowers have been added, the smoking area has been upgraded, a privacy fence with decorative gate has been installed, no trespassing signs have been added, and the security system has been installed. She noted the security system cannot be fully completed until her application is approved.

Mr. Post asked if evidence has been received regarding the four standards. Mayor Alexander noted the evidence was included in Council's packet as the applicant's submittal.

Mr. Scott Robinson, 104 West Colonial Drive, stated he is a real estate appraiser and has performed appraisals in and around Rowan County for 30 years. He referred to the second standard which states the site must be harmonious or expected for the area. He stated he thinks it is already harmonious with the area and something that would be expected to be seen. He noted if a use is not expected it is out of harmony, but the building, as it is to be improved, will be in harmony with the area.

Mr. Robinson referred to the standard regarding property values around the area. He noted people want to live, work and play in and around the downtown area. He added it is evident property values in the downtown area are not injured by a bar or nightclub, and added he believes it is the contrary and more people will want to live near downtown. He stated he does not see anything in the market that indicates there will be a negative impact to nearby or adjacent properties or anything to indicate there will be a marketability issue.

Mr. Post asked if this building was previously used as a bar. Mr. Robinson stated it was a bar, and there was a restaurant located across the street that sold alcohol.

Mr. Post asked how the bar use expired since SUPs remain with the property forever. Mr. Phillips stated this property has never had an SUP granted. He noted under the previous zoning ordinance a bar was allowed by right, and with adoption of the LDO that use now requires an SUP. Mr. Post clarified if the SUP is approved a bar can operate at the location until the end of time. Mr. Phillips agreed noting the SUP runs with the land.

Mr. Post stated he objects to SUPs in general. Councilmember Miller commented this use is now required to go through the process, and Council would have to either allow the use by right

or allow the use with an SUP. Mr. Post noted the use could change several times and then become a bar again in the future.

Ms. Blackwell indicated Council approved a different pool hall permit at its last meeting and that business indicated it would host American Pool Players Association (APA) and serious league play. She asked if that business will compete with this one. Ms. Nekooasl stated it is possible because APA teams compete to advance to city and national finals, and it is likely they will compete.

Mr. Robert Van Geons stated he is the adjoining property owner, and he does not oppose its use, but he has concerns. He stated since he purchased his property nine years ago there have been four bars and nightclubs in the location. He noted the first three caused no problems, but the fourth nightclub did. He stated bars and nightclubs are identified as one use, but he thinks they are very different uses. Mr. Van Geons indicated there were problems with music until 2:30 a.m., fights in the street, and trash. He stated, in his experience, 75% of the time this broader category is a great neighbor, but since this use goes forward in perpetuity there are issues he would like Council to consider. He suggested limiting music past a certain hour, especially on weeknights, and limiting outdoor activities. He noted the desire for bars and live music around homes is true, and he thinks a balance has to be found to integrate the use into the lives of the people around the use.

Mayor Alexander asked Mr. Van Geons if he had specific recommendations for Council to consider. Mr. Van Geons suggested a limit regarding the level of noise after a certain hour on weeknights. He recommended limiting the intensity after certain hours or limiting outdoor uses after certain hours. He added this is not in reference to the proposed use, but for what could come after this business in the future.

Mayor Alexander asked if Mr. Van Geons is suggesting 10:00 p.m. on the weekends and earlier during the week. Mr. Van Geons stated he thinks 10:00 p.m. would be fine during the week, he would be open to additional hours on the weekend.

Ms. Nekooasl stated there will be no bands or outdoor activities at her business. Mayor Alexander commented that because the request is for an SUP and not specifically for Ms. Nekooasl, Council is concerned about what could come after her business.

Ms. Nekooasl indicated she owns the property and plans to be at the location for a long time, adding this will be her retirement business. She stated she has been a mental health provider for 20 years, and no one is more concerned about community safety than her. She noted there will be no bands, outdoor activities, or noise.

Ms. Blackwell noted the SUP permit will outlive Ms. Nekooasl, and Council's concern is to protect the neighborhood beyond today.

Mayor Alexander asked Ms. Nekooasl if she was agreeable to Mr. Van Geons suggestions. Ms. Nekooasl stated she is fine with the suggestions.

Mr. Post commented there was another case that addressed the decibel level by the time the noise hits the property line. He stated the back-half of the lot is residential, and he asked if Council wanted to consider adding decibel levels to the permit.

Mayor Alexander asked Mr. Phillips if he had the decibel levels used to limit sound. Mr. Phillips responded he would have to refer to the Police Department. Interim Police Chief Brian Stallings stated he does not know the levels, but they are included in a policy the City approved in regard to the sound issues with DJ's Restaurant.

Mayor Alexander asked if Council could indicate the level must not exceed the decibel level in the Police Department's established policy.

Ms. Blackwell commented 65 decibels is normal conversation at three feet. She added a telephone dial tone is 80 decibels and recommended using the established number in the policy.

Mr. Van Geons stated using that policy would adequately meet his concerns.

Mayor Alexander clarified the time will be 10:00 p.m. for any outside activities, music or otherwise, and Council will refer to the policy for noise.

Mr. Post asked if the City policy has a decibel level attached to certain types of zoning. Mr. Phillips indicated it is attached to zoning districts, and refers to commercial properties adjacent to residential properties.

There being no one else present to give testimony, Mayor Alexander closed the public hearing.

Councilmember Miller asked Mr. Phillips if an SUP can be revoked by Council. Mr. Phillips stated Council can revoke an SUP if there are violations regarding the standards. He added the applicant can be brought back to Council for discussion. Mr. Miller clarified the behavior has to be inconsistent with the approved permit for it to be a violation. Mr. Phillips agreed. Mr. Miller asked if receiving police calls about a nuisance is sufficient to be non-compliant. Mr. Phillips commented that would be part of the rescission findings. He stated if this business should close, whoever opens a business in this location will be required to meet the exact guidelines as Ms. Nekooasl, unless they seek a change from Council.

Mayor Pro Tem Blackwell stated, based on the evidence presented, Council finds the following:

1. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit as evidenced by the following testimony:
  - The site characteristics currently fit within the surrounding area.
  - The main use of the business is for individual and team pool competition. Most members will be serious APA (American Pool Players Association) Billiard players associated with league play and tournaments.

- The planned use as a bar is compatible with the current business and surrounding businesses.
  - The proposed use is intended to be a private bar for members only.
  - The use will allow for alcohol consumption inside the establishment and within a designated area approved by the ALE officer.
  - Adopt 10:00 p.m. outdoor curfew level on weekends and the decibels as per City policy.
2. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area as evidenced by the following testimony:
    - The use will be located within an existing commercial building that is visually and functionally compatible to the surrounding area.
    - Serving of alcoholic beverages will be conducted during the business hours only.
    - Alcohol consumption will be provided inside the establishment and within a designated outside smoking area behind the business that will be screened by a fence that will be a minimum of 60 inches in height.
  3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where purposed as evidenced by the following testimony:
    - The establishment will have 24/7 recorded video surveillance with recordings to be kept for 20 days. 6 cameras will be located outside and 6 cameras inside.
    - No weapons will be allowed, including concealed weapons.
    - Employee will be assigned to work the front door to check for proper ID and membership card.
    - A Private Club application shall be completed and approved before a membership card is issued.
    - Employee/Server has received training courses provided by ALE.
    - Adequate exterior lighting is provided within the parking area.
    - Hours of operation will be: Tuesday through Saturday 3:00 p.m. to 1:00 a.m. There will be no bands.
    - The value of adjoining properties should not be affected based on testimony by a licensed appraiser.
    - The applicant has been evaluated by the Salisbury Police Department and they found the applicant to be compliant with all mandates and criteria from the local law enforcement phase
    - ABC laws and regulations have been studied and reviewed and will strictly be abided by
  4. The proposed establishment is not located within 500 feet of any lot containing a school, public or private.

Thereupon, Ms. Blackwell made a **motion** that the suggested findings support the general requirements as required by the Salisbury Land Development Ordinance. Mr. Miller seconded the motion.

Mr. Post stated it is his understanding that the restriction on noise beyond 10:00 p.m. and the decibel issue are not part of the evidence, and are a part of the condition placed on the SUP

permit. City Attorney Rivers Lawther stated the conditions will be part of the permit. He added the Findings of Fact allow Council to issue a permit, and the permit granted has additional restrictions that Ms. Blackwell has set forth.

Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Thereupon, Ms. Blackwell made a **motion** to issue a Special Use Permit SUP-02-2016 to permit a bar with alcohol sales and on-site consumption of alcoholic beverages at 612 South Main Street, Salisbury, North Carolina based on all general standards of the Salisbury Land Development Ordinance having been met with requirements that there is no outside music after 10:00 p.m. and the decibel levels follow City of Salisbury policy. Mr. Post seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

### **RENAMING – CEDAR SPRINGS AND PEELER ROADS**

Zoning Administrator David Phillips indicated at the April 5, 2016 Council meeting Council received a request from the North Carolina Department of Transportation (NCDOT) to rename streets that were created with the construction of the South Main Street overpass. He noted the proposed names are Cedar Springs Road and Peeler Road. He stated a 30 day comment period was held, and no comments were received.

Thereupon, Mr. Miller made a **motion** to approve the naming and renaming of streets along the South Main Street bridge overpass to Cedar Springs Road and Peeler Road. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

### **PUBLIC COMMENTS**

Mayor Alexander opened the floor to receive public comments.

Ms. Tamara Sheffield, 301 Maupin Avenue, noted last May over 19 people spoke to Council to publicly request a proclamation for Salisbury Pride. She thanked Council for their support for the proclamation today. She noted May 17 is also international day against homophobia, transphobia, and biphobia. She stated the proclamation is important because it is about recognition, visibility, education and all citizens living with dignity. Ms. Sheffield noted Salisbury Pride remains aligned in its mission statement as well as that of the City of Salisbury. Ms. Sheffield commented she is not proud of her state, but she is very proud of her city and its support for equality for all. She thanked Council for recognizing the work and contributions of Salisbury Pride and the LGBT community.

Ms. Cheryl Goins, 101 South Main Street, stated she was one of the allies who spoke in favor of the proclamation last year. She noted the Mayor who issued the proclamation is the mayor for all people.

Ms. Maryjay Mee, 301 Maupin Avenue, thanked Mayor Alexander and Council for proclaiming June 25, 2016 as Salisbury Pride Day on behalf of herself and those too afraid to speak up. She thanked Council for recognizing the group as part of the community.

Ms. Cathy Puhuric, 117 Elizabeth Street, China Grove, stated she also attended the meeting last year to request the proclamation. She thanked Council for issuing the proclamation and commented at a time when it seems the state is taking two steps backwards, the City has taken two steps forward on the right side of history.

Ms. Beth Meadows, 175 Knollwood Drive, stated she attended the meeting last year and was upset when she left and knew the proclamation would not be issued. She commented she felt there was an indifference last year, and she does not feel that way today. She stated she thinks the City has seen the group as a proud part of the City.

Mr. Jeffery Hoy, Maupin Avenue, thanked Mayor Alexander and Council. He stated it is good to be a part of a city that is on the right side of history today.

Mr. Jon Planovsky, 124 South Ellis Street, stated as a taxpayer, resident, property owner, business owner and homeowner of Salisbury he wanted to thank Council for issuing the proclamation this year.

Mr. Guanah Davis, stated he is the owner of Bounce City, 120 North Church Street. He indicated the business was opened a little over 18 months ago, and since that time there have been over 100,000 visitors and over 1,000 birthday parties. He stated they have received a great deal of support since opening. He indicated on October 21, 2015, he and his wife received approval from Council to expand the business to provide a place for teenagers. Mr. Davis noted since that time they have hosted approximately 15 parties, and he believes they have gone well. He stated in the last 30 days the business has been attacked by false reports of shootings that did not take place at Bounce City. He added many of the reports have been changed once the facts were found.

Mayor Alexander indicated she and other members of Council may meet with Mr. Davis and Interim Police Chief Brian Stallings at a later date to discuss, and she thanked him for providing the information.

Ms. Jehan Davis stated she is an attorney and owner of Bounce City. She commented the business has undergone a media assault that included comments from Councilman Hardin, and Bounce City has suffered from these harmful statements. She referred to reports on a local blog that indicated there was a shooting at the business and implicated Livingstone College. She stated the inaccurate statement was eventually taken down, but after she initiated legal action. She noted this week she thinks there was a smear campaign during an interview between Councilman Hardin and the media, in which he called for the suspension of their business license. She added the comments were unwarranted. She shared her concerns about comments made by Mr. Hardin on social media, and she asked for the comments to be stopped. She asked that the matter be investigated as a violation of Council's Code of Conduct.

Mr. Jerry Shelby, Morlan Park, shared his concerns regarding a plan he believes will barricade the intersection of Morlan Park Road. He extended an open invitation to drive through the area to see the potential danger. He noted a petition for a street light and traffic signal was presented years ago, and nothing has been done. He referred to a meeting with the North Carolina Department of Transportation (NCDOT) and his concerns that NCDOT will not address. He requested turn lines be painted at Morlan Park Road and Jake Alexander Boulevard and noted only the City can make this request of NCDOT. Mr. Shelby noted there have been more crashes at intersection with traffic signals than at Morlan Park Road.

Ms. Mary Frances Edens, 619 Laurel Valley Way, yielded her time to Mr. Shelby.

Mr. Shelby asked Council to cancel the project at Morlan Park Road and Jake Alexander Boulevard. He also requested a street light be placed closer to the intersection and noted he hopes to hear from the City by July about what will be done.

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

## **BOARDS AND COMMISSIONS**

### **Tourism and Cultural Development Commission**

Upon a motion by Mr. Miller, seconded by Ms. Blackwell, and with Messrs. Hardin and Post, and Ms. Alexander voting AYE, the following reappointments were made to the Tourism and Cultural Development Commission:

Ms. Kelly Alexander  
Ms. Whitney Wallace

Term Expires 06/30/19  
Term Expires 06/30/19

## **CITY MANAGER'S COMMENTS**

### **(a) FY2016-2017 Proposed City Budget**

City Manager Lane Bailey presented Council the FY2016-2017 proposed City Budget. He noted the City lost the privilege license tax for this current fiscal year which accounted for \$320,000 or 1.18 cents of property tax. He indicated Fund Balance was budgeted to cover the lost revenue this year, but the City cannot replace a reoccurring revenue with Fund Balance each year. He added there has also been a significant increase in the City's health insurance and workers compensation insurance for a combined total of over \$810,000. Mr. Bailey stated because of these pressures, he is recommending a 1.2 cent increase in property taxes, and he pointed out this would be less than \$1.36 per month for the average homeowner in Salisbury.

Mr. Bailey indicated the recommended budget includes funding for sidewalk improvements for the downtown area that concentrate on Innes Street with any remaining funds

to be used on Main Street. He noted that in addition to Innes Street sidewalk improvements, the recommended budget contains funding for various sidewalk improvements utilizing Congestion Mitigation and Air Quality (CMAQ) grant funds.

Mr. Bailey noted the recommended budget continues funding for the housing stabilization program, and includes \$100,000 for the Dixonville Cemetery. He reviewed the following recommended one-time appropriations totaling \$1,180,000, to be made from Fund Balance:

- Newsome Road - \$550,000 (reimbursement by 2020)
- Fire station construction - \$300,000 (reimbursed through future debt financing)
- Roof for Head Start building - \$330,000

Mr. Bailey explained the proposed budget includes the replacement of equipment from the General Fund Capital Replacement Fund, and he noted the following large pieces of equipment:

- 2000 Platform Ladder Truck for Fire Dept. - \$1,502,006
- 1988 Pumper Truck for Fire Dept. - \$627,006
- 2002 Knuckleboom for Streets Dept. - \$142,406
- 2005 Rear Loader with Knuckleboom for Streets Dept. - \$140,406
- 2006 25 Yard Packer Truck for Waste Management - \$260,706

Mr. Bailey recommended working with the Salisbury Community Foundation to allocate funds for Special Community Organizations. He noted a lump sum for the non-profit requests will be budgeted, and the Salisbury Community Foundation will receive applications and assist in vetting the requests and determining the appropriations.

Mr. Bailey stated he also recommends a 3% average merit increase for employees. He commented this needs to be done to reward great service and to retain quality employees. He noted President's Day has also been included as a proposed addition to the City holiday schedule.

Mr. Bailey indicated the City's water and wastewater infrastructure and treatment facilities continue to age and require regularly scheduled maintenance and replacement. He noted Salisbury-Rowan Utilities (SRU) has proposed a 10-year Capital Improvement Plan that will adequately fund the infrastructure needs while maintaining competitive rates in the region. He stated in this year's budget, there is dedicated funding to begin the process of relocating and replacing the wastewater headworks and influent pump station at the Grants Creek wastewater facility. He explained this infrastructure was originally constructed in 1964 and is at the end of its useful service life. He added the proposed budget also continues the incentive fund for public/private fire lines to spur downtown residential development as well as offer more substantial fire protection in this historic district.

Mr. Bailey commented SRU is struggling to maintain fair and equitable rates for consumers, while still meeting required regulations and delivering excellent service. He noted he recommends a 2.50% water and sewer increase, and he noted an average monthly residential water and sewer utility bill, for a customer using 5,000 gallons, would increase \$1.61.

Mr. Bailey stated the proposed budget does not include an increase in the residential stormwater fee; however, a 20% increase in the commercial stormwater rate is recommended in order to fund additional rehabilitation projects and to purchase stream monitors. He noted the funding increase will help address infrastructure needs and improve flood control systems to protect citizens and other City infrastructure. He stated, as part of the existing National Pollutant Discharge Elimination System (NPDES) permit, the City is required to reduce pollution in impaired streams. He pointed out the stream monitors will allow staff to determine where problems are occurring in order to plan or engineer solutions to address the impairments. He added that even with the rate increase, Salisbury would have the lowest commercial rates in the area.

Mr. Bailey noted one of the most significant challenges ahead is to improve the financial performance of Fibrant, and he stated its reliability is second to none. He commented staff is working to make the utility more transparent, and to accomplish this goal have worked to break out Fibrant expenses from the General Fund and place all of these expenses in the Fibrant Fund. He indicated in the current fiscal year, it is estimated Fibrant will cost the General Fund \$3.5 million, and he stated that contribution has been reduced to \$2.9 million in the recommended budget.

Mr. Bailey explained this is the second year that the City's Transit System has been classified as an Urban Transit system. He stated staff has been working closely with the State, MPO, and other transit systems within the MPO to secure funding for the Transit System.

Mr. Bailey stated the budget includes one major capital item for Transit, which is \$280,000 for an Automated Vehicle Location System (AVL). He explained AVL systems track the location of each bus using GPS, and the information provides real-time tracking of each bus on a map. He added the system includes software that can be downloaded to mobile devices and personal computers to provide live bus tracking, next bus arrival time, and on-street signs that show estimated real-time arrival of the next few buses. He pointed out because of the cost of the AVL system, \$150,491 of Transit Fund reserves are budgeted this year.

Mr. Bailey thanked the Management Team and staff for their assistance in preparing this year's budget. He noted the Management Team is committed to working with Council to develop a budget that meets the needs of the community and the goals of City Council.

Thereupon, Mr. Miller made a **motion** to set a public hearing for June 7, 2016 to receive comments regarding the Fiscal Year 2016-2017 proposed budget. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Councilmember Post commented the proposed \$1.2 cent increase in taxes is the amount the State Legislature took away from the City without providing any replacement revenue.

(b) Street Paving

City Manager Lane Bailey recognized Public Services Director Tony Cinquemani and Street Division Manager Craig Powers for an update on the City's street paving process.

Mr. Powers reviewed a Powell Bill map and noted some of the City streets in the City are maintained by the North Carolina Department of Transportation (NCDOT). He indicated approximately 57 miles are maintained by NCDOT and include streets such as Long Street and Old Mocksville Road. He noted the City maintains 172.33 miles, which equates to approximately 345 lane miles. Mayor Alexander asked if the map could be placed on the City's website to provide the information to citizens.

Mr. Powers reviewed the history for the number of lane miles resurfaced and their cost for the past five years. He also reviewed the history of petroleum pricing. He stated the prices spiked during the recession and although petroleum prices have come down, the asphalt prices have not. He commented he thinks it relates to how busy the contractors are and the number and size of jobs they have scheduled.

Mr. Powers noted the average cost of resurfacing a lane mile is \$67,000, and he pointed out the resurfacing cycle is dependent on the funds allocated. He reviewed data for surrounding communities and stated Salisbury is in the middle regarding lane miles paved.

Mayor Pro Tem Blackwell asked if there is a standard used for street paving, similar to the type of standards used in traffic engineering. Mr. Powers responded that most engineering manuals give an average lifespan of 20 years for a street before resurfacing is needed. He indicated thoroughfares and industrial streets typically need resurfacing approximately every 15 years. He noted residential streets can last longer, and City crews are used as much as possible to stretch the paving funds.

Mr. Powers referred to a Pavement Condition Rating schedule that is conducted by an engineering firm who evaluates pavement ratings, maintenance costs, and changes to existing conditions for all City streets. He noted the last schedule was done in 2010, and staff is in the process of sending out requests for an updated version. Mr. Powers stated each street segment is rated, and when a rating drops to approximately 66 staff begins to receive complaints. He clarified a 100 rating is excellent, and 0 is very poor.

Mr. Powers indicated since 2010, 27.84 lane miles have been paved. He added for the segments that were rated below 50, 20.14 lane miles have been resurfaced.

Councilmember Post noted the cost to resurface was approximately \$49,000 per mile and now it is \$67,000, and he asked why there was a significant increase. Mr. Powers commented he thinks it depends on which contractor is bidding on the work and the demand in the community.

Mayor Pro Tem Blackwell thanked Mr. Powers for the information, and she thanked him for his department's quick response whenever an issue is reported.

Mayor Alexander asked if there are opportunities for grant funds for street maintenance. Mr. Powers indicated the funds are typically tied to a goal and not for maintenance. Mr. Bailey added especially for municipally owned streets because it is difficult for NCDOT to maintain its own roadways.

(c) Police Chief Search

City Manager Lane Bailey informed Council staff is continuing work on the Police Chief hiring process. He noted there are three candidates who will be in town later this month for interviews, and he hopes to make a decision by the end of the fiscal year.

(d) Street Light Petition

City Manager Lane Bailey noted a petition regarding street lighting was mentioned by Mr. Shelby during public comment. He stated he will follow-up to be certain, but it is his understanding the petition was submitted in 2008 for enhanced street lighting, and the work was completed in 2009. He added he will check the petition to see if it included a traffic signal.

(e) Other Comments

Councilmember Hardin responded to the comments made during public comment by Ms. Davis. He stated he is no stranger to controversy and thinks it can be helpful to heal and grow. He noted he appreciates Ms. Davis' passion and stated he wished it could be put into correcting the issues surrounding her business. He stated his comments on social media are not the issue, and if they help address crime and violence in the community, then he will not apologize.

Mr. Hardin commented he has two Facebook pages and people have continued to comment on his posts. He stated other local blogs have asked permission to repost information he has written and he agrees because he believes it helps keep citizens informed. He indicated he is concerned about the violence that has taken place in this area. He added if the business is a safe haven for children 13 years of age and younger, as advertised, then that is his expectation for the business. He commented this issue has been taken personally on Facebook and has been turned into a racial issue. He stated he thinks that is ridiculous and a distraction from the real problem of gun violence in this area. Mr. Hardin commented he wants the business to succeed and be a community partner, but he cannot deny there are issues taking place. He stated he is not trying to shut down a black business, but he is trying to shut down crime.

## **MAYOR 'S ANNOUNCEMENTS**

(a) "Movies in the Park"

Mayor Alexander announced the Parks and Recreation will host "Movies in the Park" Friday, May 27, 2016 at City Park. Pre-movie entertainment will begin at 8:00 p.m. and the movie "Inside Out" will begin at 9:00 p.m. The event is free and open to the public, and concessions will be available for purchase. For more information contact Parks and Recreation at 704-216-7529.

(b) Music at the Mural

Mayor Alexander announced the Parks and Recreation will host the first installment of the Music at the Mural Concert Series, Saturday, May 28, 2016 at 8:00 p.m. in the 100 block of

West Fisher Street. Bring a chair and enjoy entertainment from the band Live House. The event is free and open to the public.

(c) 2016 Salisbury Citizen's Academy

Mayor Alexander announced applications are now being accepted for the 2016 Salisbury Citizen's Academy. The academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 8 and ending with graduation November 10, 2016. Participants will meet at various city facilities and have an inside view of City operations. Applications are available online or by calling the City Clerk's office at 704-638-5224. All applications must be received by July 22, 2016.

(d) Let's Get Connected Day

Mayor Alexander announced Let's Get Connect Day 2016 will be held May 21, from 11:00 am until 1:00 pm at the Spencer Library Park located at 300, 4<sup>th</sup> Street in Spencer. This multicultural festival and 10<sup>th</sup> Peace Pole dedication will include music, dance, Circle of Prayer, children's activities and a free hotdog lunch. Bring a lawn chair and blankets and enjoy the event.

(e) Lincoln Park Pool Renaming

Mayor Alexander announced the renaming of Lincoln Pool to the Fred M. Evans Pool at Lincoln Park will be held Saturday, May 28 at 11:00 am at 1402 West Bank Street. Mr. Evans' family will be in attendance for the renaming and the public is invited to attend. A small reception will follow the ceremony.

### **CLOSED SESSION**

Mayor Alexander requested Council go into a closed session concerning an economic development matter as allowed by NCGS 143-318.11(a)(4).

Thereupon, Mr. Miller made a **motion** to go into closed session concerning an economic development matter as allowed by NCGS 143-318.11(a)(4). Mr. Post seconded the motion. Messrs. Hardin, Miller and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

### **RETURN TO OPEN SESSION**

Thereupon, Ms. Blackwell made a **motion** for Council to return to open session. Mr. Hardin seconded the motion. Messrs. Hardin, Miller and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Mayor Alexander announced no action was taken in closed session.

**COUNCIL COMMITTEE – THE ABBEY**

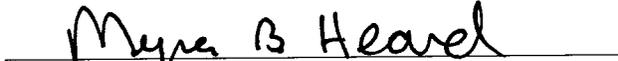
Mr. Miller updated Council regarding the Council Committee meeting to discuss CD-01-2016, The Abbey. He noted the Committee has met twice and discussed changes to the plan. He noted he thinks the developer and neighbors are in agreement with the changes, and he asked staff to place the item on the June 7 Council agenda with a courtesy hearing.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Hardin seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:30 p.m.



Karen Kirks Alexander, Mayor



Myra B. Heard, City Clerk