

Salisbury, North Carolina
June 21, 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 5:00 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 observance:

COMMEMORATION OF THE 50th ANNIVERSARY OF
THE VIETNAM WAR

June 26, 2016

CHANGES TO THE AGENDA

Mayor Alexander noted the following changes to the Agenda:

Omit Item 11 – Council to consider a request to the Rowan County Board of Commissioners regarding a \$40,000 appropriation for a dog park.

Change 6b to read – Amend the FY2015-2016 Financial Plan for the Workers Compensation Fund.

Change 6d to read - Adopt a Budget Ordinance amendment to the FY2015-2016 budget in the amount of \$25,885 to appropriate donations for the All-America City trip.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of June 7, 2016 and the Recessed Meetings of June 9, 2016.

(b) Financial Plan – Employee Health Care Fund

Amend the FY2015-2016 Financial Plan for the Workers Compensation Fund.

(c) Budget Ordinance Amendment – Parks and Recreation

Adopt a Budget Ordinance amendment to the FY2015-2016 budget in the amount of \$11,200 to appropriate various Parks and Recreation donations.

ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS FOR PARKS AND RECREATION DEPARTMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 25, and is known as Ordinance 2016-23.)

(d) Budget Ordinance Amendment – All American City

Adopt a Budget Ordinance amendment to the FY2015-2016 budget in the amount of \$25,885 to appropriate donations for the All-America City trip.

ORDINANCE AMENDING THE 2015-2016 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATIONS FOR ALL AMERICAN CITY TRIP.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No.26, and is known as Ordinance 2016-24.)

(e) 2016 Justice Assistance Grant

Approve an application for a 2016 Justice Assistance Grant in the amount of \$37,749.

(f) Public Right-Of-Way Request – AT&T

Approve a request from AT&T to place 125 handholes and 16,358 feet of innerduct in the public right-of-way in accordance with Section 11-24(27) of the City Code.

(g) Industrial Building Revitalization Grant – Southmark Limited III, LLC

Set a public hearing regarding an Industrial Building Revitalization Grant in the amount of \$25,000 for Southmark Limited III, LLC located at 408 Long Meadow Drive.

Thereupon, Mr. Miller made a **motion** to adopt the Consent Agenda as presented. Mr. Hardin seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

BUDGET ORDINANCE FISCAL YEAR 2016-2017

Mayor Alexander asked for a motion regarding the Budget Ordinance for Fiscal Year 2016-2017.

Thereupon, Mr. Miller made a **motion** to adopt a Budget Ordinance of the City of Salisbury for the fiscal year beginning July 1, 2016 and ending June 30, 2017. Mr. Hardin seconded the motion.

Councilmember Post stated as Council adopts the City's budget it is also approving Fibrant's budget. He added Fibrant drives the City, and its budget consumes \$10,000 per day. He indicated Fibrant is a business, and it must be run like a business. He noted the City must determine how to market Fibrant and regulate its business pricing.

Mr. Post referenced the City's financial audit, and he noted from 2013 to 2014 Fibrant expenditures dropped from \$4.6 million to \$2.9 million which should have raised questions. He indicated Fibrant is the best internet provider in the City, and he stated the market share must increase from 20% to 35% for Fibrant to break-even and cover its debt service payment.

Mr. Post commended City Manager Lane Bailey for his transparency regarding Fibrant.

Mayor Alexander noted Council is committed to Fibrant, and she pointed out Fibrant is the infrastructure of the future. She stated the Rowan County Board of Commissioners voted to allow

Fibrant to serve companies outside the City who requested the service. She added Council is investing in the community through Fibrant.

Mayor Pro Tem Blackwell pointed out letters recently submitted to the newspaper stated three council members were not liable for Fibrant. She noted she and Councilmember Miller were elected in 2009 and Fibrant was approved in 2006. She stated the \$32,000,000 to finance Fibrant had already been borrowed before she and Mr. Miller took office.

Mayor Alexander indicated Council realizes the importance of Fibrant, and it supports transparency and advancing Fibrant as efficiently as possible.

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

BUDGET ORDINANCE OF THE CITY OF SALISBURY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 27-46, and is known as Ordinance 2016-25.)

ORDINANCE AMENDING CHAPTER 5 AND CHAPTER 14 OF THE CITY CODE

Mayor Alexander stated citizens expressed concerns regarding Chapter 5 (Animal and Fowl), and Council will only consider Chapter 14 (Nuisances) today. She explained Chapter 5 (Animal and Fowl) will be placed on a later Agenda and will include a public hearing.

Planning and Development Services Manager Preston Mitchell explained the request before Council is to amend the City Code related to Code Enforcement and nuisance abatement. He stated Code Enforcement is inundated with high grass and weed complaints during the summer months. He pointed out many of the complaints are for repeat offenders, many of whom are absentee property owners. He added the property owners are given a warning to cut the grass before a citation is issued. He explained if the grass is not cut, the City will step in to mow the grass and abate the property.

Mr. Mitchell reviewed the current provisions and the proposed changes:

- Current provisions
 - Anything over 24 inches is considered a nuisance
 - Separate sections in the Code state lawns over 12 inches are considered a nuisance
 - 15 day compliance period
 - Abatement can take over a month
 - Maximum 7 inches at the right-of-way is considered a nuisance
- Proposed changes
 - Clarify 24 inches to be wooded areas and reduce lawn heights to 10 inches
 - 5 business days for compliance if notices are hand delivered
 - 10 business days for compliance if the notice is mailed.
 - Eliminate the 7 inches at the right-of-way

Mr. Mitchell noted vacant lots that are less than one acre must be completely mowed. He explained vacant lots that are over one acre require a 100-foot strip be mowed around the perimeter of the property, including any right-of-way frontage.

Mr. Mitchell stated if the proposed Ordinance is adopted it would become effective immediately.

Mayor Alexander asked if the proposed changes would affect both residential and commercial properties. Mr. Mitchell stated the nuisance abatement is City-wide and would affect residential and commercial customers.

Councilmember Hardin asked if the proposed changes would include City owned and maintained properties. Mr. Mitchell indicated they would. Mr. Hardin asked who will monitor the properties to make sure they are maintained. Mayor Pro Tem Blackwell explained the process is complaint driven. Mr. Mitchell agreed and noted Code Enforcement also performs systematic patrols. He stated it is the responsibility of the property owner to maintain the property. He commented if the City abates the property and it is allowed to become overgrown again, the property owner will be cited, and a lien could be placed on the property if the fees are not paid.

Mr. Mitchell stated the City currently has two Code Enforcement Officers and is in the process of hiring a third. He explained each Code Enforcement Officer currently patrols approximately 18 square miles.

Ms. Blackwell commented the City provides lawn service for a few errant landowners. She pointed out there is a \$50 civil fine, in addition to the abatement cost, if property owners do not comply. She asked if the fines could be accelerated. Mr. Mitchell noted the City cannot increase the abatement amount, but it can increase the fines. He suggested staff review the fines and bring a recommendation back to Council.

Ms. Blackwell explained the City hires a contractor to mow and clean-up when property owners do not comply with regulations. She added the City can only charge what it pays the contractor to clean up a property. She commented the City also charges a fine that could be increased for repeated offenders. She suggested Council pass the Ordinance as proposed and ask staff to research graduated fines.

Councilmember Miller asked if the cost of staff time it takes to manage a case could be passed onto the property owner. Mr. Mitchell explained only the contracted price of abatement can be passed to the property owner.

Mayor Alexander requested staff study surrounding communities to determine their fine structure. Mr. Mitchell noted staff contacted other communities and consulted with the Housing Advisory Commission regarding the proposals before Council. He added staff also discussed injunctive relief with the Housing Advisory Commission.

Councilmember Post asked if the proposal would require naturally wooded areas to be cleaned out. Mr. Mitchell noted it would not.

Thereupon, Ms. Blackwell made a **motion** to adopt an Ordinance amending the Salisbury City Code of the City of Salisbury, North Carolina, specifically Chapter 14, Nuisances, related to nuisance abatement. Mr. Miller seconded the motion.

Mr. Miller added the Ordinance is intended for lots with street frontage, or neighbors, but not for wetlands and parks.

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

ORDINANCE AMENDING THE SALISBURY CITY CODE OF THE CITY OF SALISBURY, NORTH CAROLINA, SPECIFICALLY CHAPTER 14, NUISANCES, RELATED TO NUISANCE ABATEMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 47-49, and is known as Ordinance 2016-26)

CD-01-2016 – THE ABBEY

Mayor Alexander asked for a motion regarding the second reading of CD-01-2016, The Abbey, to rezone approximately 1.5 acres at 128 North Fulton Street from Urban Residential (UR-12) to Residential Mixed-Use (RMX) with a Conditional District (CD) Overlay.

Mr. Hardin stated the City of Salisbury hereby finds and determines that denial of the Land Development district map amendment is consistent with the Vision 2020 Comprehensive Plan, and that denial furthers the goals, objectives, and policies for growth and development of the City of Salisbury. Thereupon, Mr. Hardin made a **motion** to deny Land Development district map amendment CD-01-2016. Ms. Blackwell seconded the motion. Mr. Hardin and Ms. Blackwell voted AYE and Messrs. Miller and Post, and Ms. Alexander voted NAY (2-3). The motion failed.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein is reasonable, in the public interest, and consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan for the following reasons:

- (1) The proposed plan supports the preservation, rehabilitation, and appropriate adaptive reuse of older commercial properties, and
- (2) The proposed plan proposes to preserve and rehabilitate all existing permanent structures with no new construction or additional square footage; thereby, avoiding incompatibility concerns with scale and massing in the area

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina, rezoning one parcel at 128 North Fulton Street, approximately 1.5 acres, from Urban Residential (UR-12) to Residential Mixed-Use (RMX) and establishing a Conditional District Overlay. Mr. Post seconded the motion. Messrs. Miller and Post and Ms. Alexander voted AYE. Ms. Blackwell and Mr. Hardin voted NAY (3-2).

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL AT 128 NORTH FULTON STREET, APPROXIMATELY 1.5 ACRES, FROM URBAN RESIDENTIAL (UR-12) TO RESIDENTIAL MIXED-USE (RMX) AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 21-22, and is known as Ordinance 2016-21.)

***It was necessary to have a second reading on the above ordinance due to the lack of an affirmative vote of two-thirds of all members of the City Council required to pass an ordinance at its first reading*

CONTRACT – DOWNTOWN SALISBURY INCORPORATED

Community Planning Services Director Janet Gapen and Downtown Salisbury, Inc. (DSI) Executive Director Paula Bohland addressed Council regarding a contract for services in the Municipal Service District for FY2016-2017. Ms. Gapen explained the request is to award a contract to DSI to manage services in the Municipal Service District. She added the General Legislature made changes that require an open bid process and a public hearing to engage a private entity to provide services to the downtown Municipal Service District.

Ms. Gapen explained the process also required staff conduct a survey to gather input from downtown stakeholders. She stated staff received 72 responses to the survey, and she noted the priorities:

- Improve the overall appearance of downtown
 - 50% of property owners
 - 63% of residents
- Rehabilitate vacant buildings
 - 58% of property owners
 - 50% of residents

Ms. Gapen reviewed the top public improvements:

- Property owners
 - Public restrooms – 58%
 - Additional parking – 45%

- Residents
 - Enhanced lighting – 50%
 - Additional greenspace – 38%

Ms. Gapen noted business owners listed their priorities as reducing the downtown vacancy rate, recruiting new businesses, and continuing to market downtown.

Ms. Gapen stated the survey was conducted March 2016, a request for proposal was published in the *Salisbury Post* and on the City website, and a public hearing was held at Council's June 7, 2016 meeting. She commented the City received one proposal from DSI. She explained the contract will be for \$131,500 in addition to Municipal Service District tax proceeds.

Councilmember Hardin requested clarification regarding the survey methodology. Ms. Gapen noted Survey Monkey was used to conduct the survey. She commented downtown stakeholders were notified of the survey through email and a downtown merchants meeting. Mayor Alexander clarified only stakeholders in the Municipal Service District were invited to take the survey. Ms. Gapen explained State Statutes limit the survey to stakeholders inside the Municipal Service District. She commented staff also mailed letters to property owners.

Thereupon, Mr. Miller made a **motion** to award a contract to Downtown Salisbury, Incorporated in the amount of \$131,500 for services in the Municipal Service District for FY2016-2017. Mr. Hardin seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

BOARDS AND COMMISSIONS

This item was postponed.

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comment.

Mr. Jerry Shelby, Morlan Park neighborhood, indicated at its June 26, 2001 meeting Council adopted a Comprehensive Bicycle Plan that was never implemented. He noted the City funds other things, but continues to ignore the Comprehensive Bicycle Plan. He commented he may pass away before the Plan is implemented.

Mr. Tom Wolpert, 500 West Council Street, stated he lives at the intersection of West Council and North Ellis Streets. He noted the Ellis Street Graded School is the oldest public school building in the City and in the heart of a residential historic district. He pointed out the National Register of Historic Places lists properties that deserve to be preserved. He stated Council voted to infringe and not protect the historic district when it approved The Abbey. He thanked everyone who spoke in support of the neighborhood.

Ms. Latasha Wilkes, Fulton Heights community, associate minister Mt. Zion AME Church stated she grew up and currently lives in the West End. She addressed a false report in the *Salisbury Post* and a local blog that named her son as a west side shooter. She referenced other events that have taken place in the West End, and she commented her father's house has been hit with bullets. She indicated her son was choked and pushed by police during an arrest.

Karen Hobson, 215 Depot Street, Historic Salisbury Foundation (HSF), commented the HSF encourages adaptive reuses of historic property and supports economic development within the City. She added the HSF feels the City approved The Abbey without restrictions that would protect the Ellis Street Graded School historic district neighborhood. She pointed out older neighborhoods form the core of the community, and create the charm and character that makes the City distinct. She added off-street parking restrictions would help the neighborhood, The Abbey, and out of town guests.

Mr. Scott Teamer, 205 Bringle Ferry Road, president NAACP, indicated the NAACP has met with Council members and previous city managers regarding social and racial discrepancies in the City. He explained community members developed a grass roots organization "Justice Now Movement," to work with the NAACP to seek representation. He commented things are quiet in the City, but not peaceful.

Ms. Janette Sweat, noted her son, Kewan Sweat, and grandson were shot on Bringle Ferry Road. She added her son drove himself to the hospital, where he later died. She stated her grandson survived the shooting. Ms. Sweat explained her son texted people who were involved in the shooting to let them know what was happening. She stated the Police have her son's cell phone with the texts but no arrests have been made. She questioned why State investigators have not made an arrest. She added all parents love their children and want them to be treated fairly.

Mr. Teamer noted for the City to truly be an All-American City, people of color must have crime assistance and protection.

Ms. Jehan Allen, Bounce City, noted she shares the concerns of previous speakers. She added the City has a violence and crime issue that must be addressed. She explained she is developing a multi-cultural coalition where young people can voice their concerns. She noted a proactive stance must be taken to resolve the violence issues. She asked Council for its support, and she noted she will update Council periodically. She thanked Mayor Alexander and staff for meeting with her, and she added community youth need alternatives to violence.

Ms. Paula Bohland, Executive Director Downtown Salisbury, Inc. (DSI), stated DSI works to provide a diverse, culturally sensitive downtown community. She recognized the owners of Bounce City for providing a safe place for children to have fun and for working to address the violence issues that plague the City. She added Bounce City is a great addition to the downtown.

Mr. Chris Sharpe, commented he thought four votes were needed for The Abbey to be approved. Mayor Alexander explained when an Ordinance is approved with a 3-2 vote, it requires a second reading. She added a zoning Ordinance can pass with 3 votes after a second reading.

Mr. Sharpe asked if the mayor votes each time or in the event of a tie. Mayor Alexander noted she votes on each item that requires a Council vote.

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

CITY MANAGER'S COMMENTS

(a) Property Purchase

City Manager Lane Bailey asked Council to consider the purchase of property located at 218 West Cemetery Street, also known as the Litman Mill Property. He explained the property is within the confines of the downtown water treatment facility. He noted the owner has agreed to sell the property for \$150,000. He stated the property owner would be allowed to remain in the facility for 18 months, and then he would be charged \$19.41 per day in rent.

Mr. Bailey explained the FY2016-2017 Budget includes funds to cover the purchase. He added the City would construct a fence around the perimeter of the property for increased security, once the current owner vacates the premises.

Thereupon, Mr. Miller made a **motion** to purchase the property as recommend by City Manager Lane Bailey for \$150,000 parcel 011-399. Mr. Blackwell seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

MAYOR 'S ANNOUNCEMENTS

(a) All-America City

Mayor Alexander announced the City did not win an All-America City Award, but took home a silver award. She added the City was 1 of 20 cities, out of 19,000 cities across the United States, to be chosen as an All-America City finalist. She thanked the sponsors and citizens who helped with the All-America City bid. She noted the Salisbury delegation was phenomenal, and the children represented the City well. She added a video of Salisbury's All-America City presentation will be available for viewing at a later date. She thanked staff, Communications Director Linda McElroy, Rowan County Chamber of Commerce Executive Director Elaine Spalding, and the steering committee for their work on the project. She added the competition is not about being the perfect community, it is about how the community and its government can come together to solve issues. She thanked everyone who works to make the City great.

(b) New Police Chief Jerome Stokes

Mayor Alexander announced City Manager Lane Bailey hired a new police chief, who will begin work in July 2016. She noted the new Police Chief is very committed to community policing.

(c) Downtown Salisbury, Inc. Open House

Mayor Alexander announced Downtown Salisbury, Inc. will host an Open House Thursday June 23 from 5:00-7:00 p.m. on the first floor of the Gateway Building located at 204 East Innes Street. The Open House is the first in a series to consider what public improvements, if any, should be made to ensure the long-term vitality of the downtown. Citizens are invited to drop-in anytime between 5:00-7:00 p.m.

(d) “Movies in the Park”

Mayor Alexander announced Salisbury Parks and Recreation will host Movies in the Park Friday, June 24, 2016 at City Park. Pre-movie entertainment will begin at 8:00 p.m. and the movie “Home” will begin at 9:00 p.m. Concessions will be available for purchase. This event is free and open to the public. For more information please call 704-216-PLAY.

(e) “Music at the Mural”

Mayor Alexander announced Parks and Recreation will host the Music at the Mural Concert Series Saturday, June 25, 2016 at 8:00 p.m. on West Fisher Street. Live entertainment will be provided by Motel Soap. Bring a chair and enjoy music in the heart of downtown Salisbury. This event is free and open to the public.

(d) 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.

(e) “Meet with the Manager”

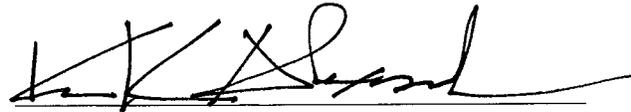
Mayor Alexander announced the next "Meet with the Manager" will be held Wednesday, July 6 from 9:00 a.m. until 10:00 a.m. in the first floor conference room at City Hall, 217 South Main Street. This is an open office hour for citizens to share their ideas or concerns regarding City services with the City Manager.

(f) July Council Meeting

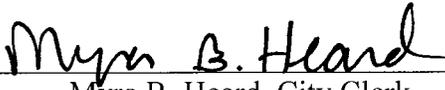
Mayor Alexander announced due to the July 4th Holiday, City Council will hold only one meeting in July. The next regularly scheduled meeting will be held Tuesday, July 19, 2016 at 5:00 p.m.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Miller seconded by Mr. Post. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:28 p.m.

A handwritten signature in black ink, appearing to read "Karen Kirks Alexander", written over a horizontal line.

Karen Kirks Alexander, Mayor

A handwritten signature in black ink, appearing to read "Myra B. Heard", written over a horizontal line.

Myra B. Heard, City Clerk