

Salisbury, North Carolina
March 16, 2021

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Al Heggins, Council Members William Brian Miller, David Post and Tamara Sheffield; City Manager W. Lane Bailey, City Clerk Kelly Baker; and City Attorney J. Graham Corriher.

ABSENT: None.

In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19 the Salisbury City Council met electronically. The meeting was called to order by Mayor Alexander at 6:00 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VIEWERS

Mayor Alexander welcomed all viewers.

CHANGES TO THE AGENDA

Mayor Alexander noted the following changes to the Agenda:

Add – Arbor Day Proclamation for April 4, 2021.

Add – Closed Session to consult with an attorney as allowed by NCGS 143-318.11(a)(3).

Mayor Pro Tem Heggins requested clarification regarding what is covered in NCGS 143-318.11(a)(3). City Attorney Graham Corriher explained NCGS 143-318.11(a)(3) covers consulting with an attorney. Mayor Pro Tem Heggins asked if the information Council addresses in closed session can be made public. Mr. Corriher noted that information is not typically addressed publicly.

ADOPTION OF THE AGENDA

Thereupon, Councilmember Post made a **motion** to adopt the Agenda with noted changes. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

TRANSGENDER DAY OF VISIBILITY
CIVITAN AWARENESS MONTH
ARBOR DAY

March 31, 2021
April 2021
April 4, 2021

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular Meeting of March 2, 2021.

(b) Resolution - LiveScan Fingerprinting Machine

Adopt a Resolution declaring a LiveScan fingerprinting machine as surplus and approving its donation to the Town of Spencer.

RESOLUTION DECLARING A LIVESCAN FINGERPRINTING MACHINE AS SURPLUS AND APPROVING ITS DONATION TO THE TOWN OF SPENCER.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 3, and is known as Resolution 2021-03.)

(c) Resolution – Morbark Rub Grinder

Adopt a Resolution declaring a Morbark Tub Grinder as surplus and authorizing disposition by electronic auction.

RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY WITH POTENTIAL VALUE OF \$30,000 OR MORE.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 4, and is known as Resolution 2021-04.)

(d) Contract – Elliott Davis, PLLC

Award a contract to Elliott Davis, PLLC in the amount of \$37,000 for auditing services for the fiscal year ending June 30, 2021.

(e) Budget Ordinance Amendment – ABC Revenues

Adopt a budget Ordinance Amendment to the FY2020-2021 budget in the amount of \$32,850 to appropriate ABC revenues in the General Fund.

ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE ADDITIONAL ABC REVENUE IN THE GENERAL FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 70, and is known as Ordinance 2021-21.)

(f) Budget Ordinance Amendment – Insurance Claims

Adopt a budget Ordinance Amendment to the FY2020-2021 budget in the amount of \$23,019 to appropriate insurance claims in the General Fund.

ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE CLAIM PROCEEDS IN THE GENERAL FUND FOR CLAIMS AND REPAIRS.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 71, and is known as Ordinance 2021-22.)

Thereupon, Mayor Pro Tem Heggins made a **motion** to adopt the Consent Agenda as presented. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

PUBLIC COMMENT

Mayor Alexander stated Council fully understands the community's concern for the health and well-being of K-9 Officer Zuul, and that Council takes any situation that would jeopardize the lives of any officers, whether human and canine, very seriously. She stated Council

is obligated by a disciplinary process that must be allowed to take its course and is limited by North Carolina Personnel Records laws in what can be shared. She assured citizens that Council's review and that of the third party investigation will continue to be thorough and fair to provide due process to everyone involved.

Mayor Alexander opened the floor to receive public comments.

Ms. Janine Evans noted her father is the late Fred M. Evans and the namesake for the Fred M. Evans pool. She noted the family has made donations to pay for the entrance fee for children. She thanked Parks and Recreation Director Nick Aceves and staff who ensure safety throughout the season. Ms. Evans asked Council to consider funding much needed upgrades at the pool.

Ms. Margaret Lee expressed her concerns over the video of the treatment of K-9 Officer Zuul. She added she is very concerned and has questions regarding the video and the investigation.

Mr. Dylan Horne noted staff is doing its due diligence to integrate comments regarding the Main Street Restriping Plan to create the best possible outcome. He requested Council support the plan to improve safety on Main Street.

Ms. Meghan Ketterman stated she is an advocate for people with substance abuse, mental health, and domestic violence issues. She noted there are times when individuals do not feel safe contacting the Police Department or that police officers will help them if they reach out. She asked about police officer training.

Ms. Rachel Bellis, representative of People for the Ethical Treatment of Animals (PETA), stated the police officer who was filmed losing his temper with K-9 Officer Zuul must be held accountable for his actions. She noted the community deserves action and answers to its questions.

Mr. Jeff Hegy, representative for PETA, noted K-9 Officer Zuul did not deserve the treatment she received from her handler. He asked Council to ensure an outside agency with no ties to the Salisbury Police Department conduct a thorough criminal investigation and to take appropriate action.

Ms. Patty Lefevers thanked Council for proclaiming April as National Civitan Awareness Month in the City. She noted 2022 will mark 100 years of the Civitans serving the citizens of Salisbury, and she added the Civitans look forward to many more years of service to the City.

Ms. Heather Sweat voiced her concern regarding the leaked video of the abuse of K-9 Officer Zuul. She pointed out the questionable response of the other police officers on the video, and she asked why a police officer would turn their camera off.

Ms. Jan Misenheimer stated she is concerned about the treatment of K-9 Officer Zuul. She questioned how citizens of the City and County can trust police officers if the incident is not handled correctly.

Ms. Marybeth Smith stated she is concerned about the video of K-9 Officer Zuul being abused by her handler, and she noted the police officer's actions were wrong. She stated citizens are looking to Council and City leaders for answers and transparency.

Ms. Terry Davis stated there were other police officers present in the video of K-9 Officer Zuul. She questioned if a supervisor was present during the training. She asked why the other police officers in the video did not speak up, and she noted the video clearly shows abuse.

Ms. Nina Dix stated she saw the report regarding K-9 Officer Zuul having no signs of physical trauma or damage, and she questioned if Zuul could have physiological damage that could affect her behavior. She pointed out the human police officer is legally armed with no control over his anger or emotions.

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

USE OF FY2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM FUNDS

Housing Planner Candace Edwards addressed Council regarding the use of FY 2021-2022 Community Development Block Grant (CDBG) and HOME Program funds. She explained the monies are the City's regular appropriation of CDBG and HOME Program funds. She added the estimated funding for FY2021-20202 will be \$270,000 in CDBG funds and \$146,510 in HOME Program funds with an additional \$25,000 of program income. She noted the total budget is estimated at \$441,510.

Ms. Edwards reviewed a map of CDBG and HOME Program fund activities from 1997 to current year, and she pointed out targeted areas in the City. She added CDBG and HOME Program fund activities have extended throughout the City limits. She noted the activities and priorities for the City's 2020 - 2024 Consolidated Plan under CDBG and HOME Program funds are:

- Owner occupied housing rehabilitation
- Emergency rehabilitation
- Acquisition rehabilitation for homeownership
 - Vacant, abandoned, and foreclosed properties
- Sidewalks, public infrastructure, and park improvements
- Public services
 - 15% cap for public services

Ms. Edwards noted public services applications are due April 9, 2021, and she added applications will be available on the City's website on March 17, 2021. She noted public services agencies that have questions regarding the applications can contact her at (704) 638-5324. She commented a public input meeting will take place March 29, 2021 from 4:00 p.m. until 6:00 p.m. via Zoom and a registration link will be included on the City's website.

b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the use of FY2021-2022 CDBG and HOME Program funds.

There being no one to address Council, Mayor Alexander closed the public hearing and indicated comments regarding the use of FY2021-2022 CDBG and HOME Program funds can be directed to Candace Edwards at (704) 638-5324 or Candace.edwards@salisburync.gov and comments can be emailed to the City Clerk at kbake@salisburync.gov.

MAIN STREET STRIPING AND CONCEPT PLAN

Planning Services Director Hannah Jacobson, City Engineer Wendy Brindle, and Urban Design Planner Alyssa Nelson addressed Council regarding the adoption of the Main Street Striping Plan and the Main Street Concept Plan.

Ms. Brindle referenced the Main Street Striping Plan, and she pointed out the boundaries of the plan are from Harrison Street to Lafayette Street. She commented one of the major changes from the North Carolina Department of Transportation (NCDOT) was a minimum lane width. She added bike lanes will begin at Horah Street heading in the southbound direction, and she pointed out the loss of 13 to 14 parallel parking spaces depending on how closely the cars are parked.

Ms. Brindle noted staff received comments regarding the sharrows which were shifted to the left of the lane and out of the blind spot of drivers backing out. She pointed out a bus stop at Bank Street, and she noted the loading zone located at Fisher Street was removed to add a handicapped parking space. She indicated another handicapped parking space was added at the intersection of Main and Council Streets.

Ms. Brindle referenced the intersection of Kerr and Main Streets, and she noted there was discussion regarding the Koco Java driveway. She explained the area must have striping to designate the lane at the intersection so drivers do not try to use it as a large lane to make right turns on the right-hand side. She indicated the driveway goes all the way to the radius so it can be stripped with a triangle that would provide guidance for vehicles at the intersection.

Ms. Brindle explained the previous plan for the 100 blocks of North and South Main Streets included a hatched area for center turn and lane loading, but NCDOT said it could not be done. She stated it must be shown as a standard two-way left turn lane that can be used as a loading and unloading area.

Ms. Brindle noted she spoke with NCDOT and the contractor who are working on the resurfacing schedule. She stated staff will present the striping plan to NCDOT for a final review and will work closely with NCDOT and the contractor regarding small changes that can be made in the field.

Councilmember Post referenced three parking spaces in front of the Koco Java driveway. He indicated drivers come through the drive-through at Koco Java and then bear left in front of Koco Java to make a turn left onto Main Street. He noted when drivers turn in front of Koco Java

people turning into Koco Java cannot get into the business because of three parking spaces. He questioned if those three parking spaces are needed. Ms. Brindle noted staff can eliminate the parking spaces in question. Mr. Post requested staff consider removal of the three parking spaces. He added he does not want to hurt a business by making it difficult for customers to gain access to it.

Councilmember Miller added existing businesses are important and the plan must work to accommodate them. He stated he supports the plan and adjustments have improved it. He thanked staff for its response to business owners' needs.

Councilmember Sheffield requested clarification regarding why NCDOT would not allow the hatched delivery spaces. She then asked about the difference between hatched delivery spaces and the bus stop. Ms. Brindle stated NCDOT typically leaves the parking area and things along the edge up to the City. She added the bus stop is outside of the travel area and when she asked about the hatched delivery space she was not given a clear answer. She indicated NCDOT prefers the two-way left turn lane instead of hatching. Councilmember Sheffield noted delivery persons would welcome a designated place to deliver or at least park their vehicle. She thanked staff for its work on the plan.

Mayor Alexander referenced the middle lane, and she noted NCDOT was not saying delivery trucks could not temporarily park there only that it did not want it designated in any certain place. She noted a delivery truck driver would not receive a citation for unsafe movement because they chose to temporarily park their truck somewhere along that block. Ms. Brindle agreed.

Ms. Nelson referenced the Concept Plan, and she pointed out the project is two-part. She explained the Concept Plan includes bump-outs at the intersections and in the mid-block, replacing sidewalks with street trees, updating downtown trash and recycling bins, adding other streetscape amenities such as new furniture, lighting, bike racks, and additional landscaping elements. She explained the plan is in the concept stage and is a vision of what downtown could look like in the future. She pointed out more detailed plans would be based on funding. She added the plan will change and adapt based on public feedback, how engineering studies might change, and if NCDOT changes its mind regarding mid-block crossings.

Ms. Nelson noted the core elements of the plan include:

- Pedestrian bump-outs at the intersections to improve pedestrian visibility
- Space for streetscape amenities including places for people to gather, outdoor dining, and other kind of spaces
- Pedestrian bump-outs at key mid-block locations to allow for dining and seating
- Sidewalk reconstruction to allow for planting of new trees, landscaping and installation of new lights

Ms. Nelson stated staff requests Council consider adoption of the Main Street Concept Plan from Franklin Street to Monroe Street to serve as a guide for future study and as a basis to pursue funding opportunities.

Councilmember Miller asked if adjustments to the Main Street Striping Plan are being incorporated into the Main Street Concept Plan. Ms. Nelson agreed. Mr. Miller pointed out once the striping is done it is final. He added he wants to make sure the Striping Plan that Council approves is incorporated into the Concept Plan so the intent is clear when grant funding becomes available. He requested a provision be included to help businesses with any interruption they may face when the work is being completed, and he noted Councils does not want to undermine their investment to improve the landscape.

Mayor Alexander thanked staff for the time it has spent with business owners and building owners to find solutions. Councilmember Post noted staff has done a phenomenal job. He commented Ms. Pam Coffield, who does not support the restriping plan, could not access the meeting, and he requested staff reach out to her. Mayor Alexander requested City Clerk Kelly Baker read the email Ms. Coffield sent so it can be included in the record. Ms. Baker read Ms. Coffield's email regarding concerns about the proposed restriping and loss of downtown parking spaces in the 100 block of South Main Street.

Ms. Brindle noted thermal plastic will be used to restripe the lanes which is not easy to remove. She noted if the lanes are restriped after the project it would cost approximately \$300,000 to mill, resurface, and restripe the lanes. She noted the striping plan includes 50 regular parking spaces and two handicapped parking spaces. Mr. Miller clarified the total parking spaces in the 100 block of South Main Street have increased in the proposed restriping plan. Ms. Brindle agreed.

Thereupon, Councilmember Miller made a **motion** to adopt the Main Street Striping Plan. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

Thereupon, Councilmember Post made a **motion** to adopt the Main Street Concept Plan in general, as presented and addenda with the additional comments made tonight. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

BOARDS AND COMMISSIONS

Mayor Alexander pointed out voting on City Boards and Commissions will take place after further Council discussion.

Thereupon, Mayor Pro Tem Heggins made a **motion** to extend terms expiring March 31, 2021 until April 30, 2021. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher had nothing to report to Council.

CITY MANAGER'S REPORT

(a) Adoption of Council's 2021 Priority Goals and Outcomes.

City Manager Lane Bailey reviewed Council's priority and goals:

- Public Safety - A City that Exceeds Service Standards to Create a Safe and Secure Community
 - Support efforts to provide competitive salaries for public safety personnel to assist in recruitment and retention efforts
 - Create a Police Foundation to assist with private donations and recognition efforts for public safety initiatives
 - Seek funding options to begin construction of Fire Station 3 to improve the Insurance Services Office (ISO) rating and fire safety for the community
- Infrastructure and Human Capital: A City that Maintains Infrastructure to Reduce Waste and Promote Efficiency and that Cares for its Employees in Order to be an Organization of Choice
 - Support efforts to increase salaries to recognize and value skilled employees in order to remain competitive with other municipalities and the private market
 - Research efforts that promote sustainable recruitment and retention for all City departments
 - Improve infrastructure to promote pedestrian and bicycle transportation
- Economic Prosperity and Mobility A City that Leverages Assets for Economic Development to Support a Vibrant Downtown, Livable Neighborhoods and a Healthy, Active Community
 - Seek funding options to improve aging housing stock and support efforts to provide diverse housing stock options
 - Join and promote Kiva to encourage minority led entrepreneurial efforts
 - Support efforts for the redevelopment and sale of the Empire Hotel
 - Leverage broadband infrastructure and proximity to amenities to market Salisbury as the prime location to live and work remotely
 - Appoint more people of color to City boards and commissions to ensure they are part of the conversations regarding economic decisions
 - Support transit for neighboring communities and explore alternative transportation types
 - Support continued maintenance of parks and recreation venues for local initiatives and maximize economic development benefits of expanded tournament use of fields and facilities
- Community Partnerships: A City that Builds Partnerships and Values Fiscal Responsibility and Creative Solutions
 - Continue commitment to racial equity and inclusion training and initiatives
 - Explore a Non-discrimination Ordinance to ensure a safe space for all community members
 - Explore a Fair Housing Ordinance that complements state and federal law to promote fair and equitable housing
 - Seek options to provide eviction protection for homeowners at risk

- Continue to leverage existing partnerships to engage youth

Mayor Alexander thanked Council, staff, and FountainWorks Facilitator Warren Miller for working on the priorities and goals.

Thereupon, Councilmember Post made a **motion** to adopt Council's 2021 Priority Goals and Outcomes. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

COUNCIL COMMENTS

Councilmember Post commented KIVA will be announced to the public on Monday, March 22, 2021. Mayor Alexander thanked Councilmember Post for his work with KIVA, and she added she is proud of the support from City partners.

Councilmember Miller suggested those who want to apply for small business loans should contact their bank to be sure of the application deadline. He explained KIVA would be another platform to assist business owners.

Councilmember Sheffield thanked Mayor Alexander on behalf of Salisbury Pride for recognizing the transgender community and continuing to make Salisbury welcoming and inclusive for all. She also thanked Mayor Alexander for recognizing Civitan Awareness Month. She referenced the City Park Lake and the Public Works article featured in *Salisbury The Magazine*, and she thanked staff for the great work they do for the City. She thanked Ms. Janine Evans for speaking about the Fred M. Evans pool. She also thanked citizens for keeping Council aware of what is happening in the community.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Heggins thanked the citizens who spoke during public comment. She added it is important for Council to hear from citizens regarding their concerns, and she commented Council does not take the concerns lightly. She noted Council has handled difficult situations, but always reaches the best decision for the community. She thanked staff for all they do for the City.

Mayor Pro Tem Heggins commented she attended the transfer of the equipment of fallen firefighters Vic Isler and Justin Monroe on March 7, 2021 to Fire Station 6 for the dedication of Vic Isler and Justin Monroe Fire Station 6. She noted it was a beautiful ceremony, and the new fire station is great facility for firefighters and the community.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander commented she also attended the transfer of the equipment of fallen firefighters Vic Isler and Justin Monroe that took place on March 7, 2021 to Fire Station 6. She added she also attended the dedication of the Vic Isler and Justin Monroe Fire Station 6. She pointed out she received numerous compliments of Fire Chief Bob Parnell, and she thanked him and his team for their leadership. She added the station is a beautiful facility, and she congratulated Mr. Bill Burgin for his great design. She thanked the Fire Department for the Key to the City Axe which she accepted on behalf of Council.

Mayor Alexander provided information regarding the 1MBB program, created in 1992 by Mr. John Hope Bryant as Operation Hope to help minority business owners with literacy information and to create business opportunities. She explained she had to achieve goals on a work list for Salisbury to be considered a partner in the Operation Hope organization. She added Salisbury will be the first small city in the United States to be approved for the program. She noted she developed and met with a coalition of private and non-profit organizations and foundations that have agreed to partner with the City.

Mayor Alexander pointed out she met with NAACP President Gemale Black and other members of the NAACP, Mr. John Everitt at Hood Theological Seminary and liaison to the Rowan Chamber of Commerce Minority Business Council, Economic Development Commission (EDC) President Rod Crider, Livingstone College President Jimmy R. Jenkins and his team which will present to A.M.E Zion Church members, Rowan-Cabarrus Community College Director at the Small Business Center Megan Smit, and Mr. Brian Jordan at the New Horizons bank which is already an Operation Hope partner.

Mayor Alexander commented the next step is to present to staff and get their thoughts about the 1MBB program and how to move the City forward. She indicated it is an opportunity that would not cost any fees and the partnerships and community will be involved in raising the money to help. She added Mr. Jordan has pledged his support and staff support from the local bank. She pointed out local entrepreneurs who want to start a business could receive a \$25,000 loan to provide consulting and a platform on Shopify. She added she will provide details later but wanted to share how exciting it is that Salisbury will be the only city other than Memphis, Tennessee to have this program. She explained that this program along with Kiva can help the City build equity. She noted a Memorandum of Understand (MOU) and an announcement of the program will be out the first week of April.

CLOSED SESSION

Mayor Alexander asked for a motion for Council to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3). City Attorney Graham Corriher asked to amend the motion to add a personnel matter as allowed by NCGS 143-318.11 (a)(6).

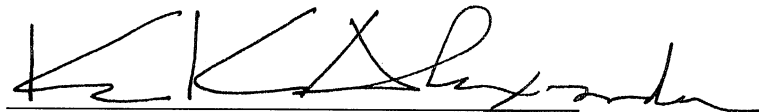
Thereupon, Councilmember Post made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3) and regarding a personnel matter as allowed by NCGS 143-318.11(a)(6). Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

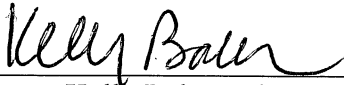
Mayor Alexander reconvened the meeting in open session. She noted no action was taken during closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:21 p.m.



Karen Alexander, Mayor



Kelly Baker, City Clerk