

Salisbury, North Carolina
February 1, 2022

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Tamara Sheffield; Council Members Harry McLaughlin, David Post, and Anthony Smith; Interim City Manager Brian Hiatt, 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.

ADOPTION OF THE AGENDA

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

PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

AFRICAN AMERICAN HISTORY MONTH
NAACP BIRTHDAY COMMEMORATION

February 2022
February 12, 2022

CONSENT AGENDA

(a) Budget Ordinance Amendment – Joint Operations Funds

Adopt a budget Ordinance Amendment to the FY2021-2022 budget in the amount of \$5,000 to appropriate Joint Operations funds from the U.S. Secret Service for the purchase of equipment used in criminal investigations.

AN ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE JOBS SECRET SERVICE FUNDS

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 44, and is known as Ordinance 2022-12.)

(b) Voluntary Annexation – Cloninger Investments

Receive the Certificate of Sufficiency and adopt a Resolution setting the date of the public hearing for March 1, 2022 for the voluntary annexation of Cloninger Investments located at 645 Julian Road.

RESOLUTION SETTING THE DATE OF THE PUBLIC HEARING ON THE QUESTION OF THE ANNEXATION OF CLONINGER INVESTMENTS, INC. PURSUANT TO N.C.G.S. 160A-31.

(The above Resolution is recorded in full in Ordinance Book No. 16 at Page Nos. 6-7, and is known as Resolution 2022-05.)

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

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

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT

Development Services Manager Teresa Barringer addressed Council regarding Land Development Ordinance Text Amendment (LDOTA) LDOTA-02-2021 to amend Chapter 4 (Subdivisions and Infrastructure), Chapter 6 (Lot, Infill, Additions and Accessory Provisions), Chapter 9 (Environmental Provisions), Chapter 16 (Development Plan Requirements), and Chapter 18 (Definitions) of the Land Development Ordinance.

Ms. Barringer pointed out Chapter 4 of the Land Development Ordinance (LDO) relates to Subdivisions and Infrastructure. She referenced Section 4.5, and she noted the proposed revision states that upon completion of construction, streets and public utilities will be accepted into the City system, at which time the guarantee of construction will be released.

Ms. Barringer stated Section 4.9 relates to sidewalks, and she pointed out the proposed revision clarifies instances where sidewalk installation is impractical due to environmental barriers such as adjacent streams or topography and a payment-in-lieu of sidewalk construction may be approved. She explained the pay-in-lieu program is included in the LDO and staff is proposing changes to streamline the approval process. She pointed out the current pay-in-lieu program has a priority index scoring system that is used to determine the payment amount. She noted pay-in-lieu payments are kept in priority zones and cannot be used in a different zone.

Ms. Barringer explained the pay-in-lieu program is not available for new construction. She added new developments that construct roads are required to install sidewalks on both sides of the street per current zoning regulations. She indicated the pay-in-lieu program is available when development takes place on an existing public street. She commented if a sidewalk exists near the development, developers may opt to pay-in-lieu and the City could use the funds to install the sidewalk, to repair sidewalks, or apply to a capital improvement sidewalk construction the City is completing.

Ms. Barringer reviewed sidewalk payment in-lieu inventory, and she pointed out the proposed text amendment would better use available funding. She stated the City has \$117,688.89 in pay-in-lieu funds from developments that have taken place since 2008. She explained the funds are for a specific zone and staff recommends flexibility so the funds can be used within the general area of the City.

Ms. Barringer noted staff is proposing payment-in-lieu be calculated based upon the current year's adopted fee schedule per linear foot which would encourage sidewalk installations.

Councilmember Post pointed out the cost of concrete continues to increase. Ms. Barringer suggested the verbiage of the text amendment be changed to calculate per the time of year and material costs of the proposal. Mayor Alexander agreed, and she added the cost should be calculated when the work is being done. Mr. Post agreed.

Mayor Alexander clarified the priority zones will remain in place and the proposed changes will allow flexibility for future pay-in-lieu projects. Ms. Barringer stated the sidewalk priority index zones would be removed from the LDO. She added prior funding would be subject to the priority zones. Mayor Alexander asked how staff will make sure the funding that is assigned to a priority zone will be used in that zone. Ms. Barringer explained the Finance Department will keep a record of how the funding is used.

Ms. Barringer noted proposed changes to Section 6.3.E, would simplify the provisions regarding lot width averages. She explained one lot can eliminate a developer's ability to subdivide property and meet or exceed the minimum standards for the zoning district. She indicated the wording has caused developers to go through an additional process for approval. She added staff recommends simplifying the process to the minimum lot frontage which is equal or greater to the frontage of the smallest lot.

Ms. Barringer noted 6.3 – Infill provisions includes lot frontage width and architectural compatibility standards. She explained under the current infill provisions staff reviews the proposed development to determine the roof pitch of a house to help maintain the bulk and scale within an area. She noted there are state statutes that prevent such involvement, and she added the City only has the authority over historic districts and properties recognized by the National Register of Historic Places. She explained the current provisions could violate session law and staff recommends removing the provision.

Ms. Barringer referenced Section 6.5.D, and she pointed out the privacy fence regulation has raised discussion during swimming pool reviews. She explained the LDO requires a fence with a self-latching gate, and she noted some homeowner's associations have different standards for fences. She stated staff is proposing to remove the word "private" and state that pools shall be enclosed by a fence (with a self-latching gate) at a minimum height of four feet and a maximum height of eight feet.

Ms. Barringer reviewed Chapter 9 – Environmental Protection, and she explained the proposed revision is to remain consistent with a recently approved change to the Uniform Construction Standards. She commented the proposed revisions would ensure erosion controls is being satisfied for single-family residential units on lots under one acre.

Ms. Barringer stated the only change to Chapter 16 is to eliminate five paper copies of design plans and to encourage digital submission. She pointed out staff can review the plans digitally.

Ms. Barringer noted language was added to Chapter 18 to better define a bar/tavern/nightclub. She noted the LDO defines a bar/tavern/nightclub as a business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant use or other permitted-by-right primary use with alcoholic consumption being secondary to the primary use. She stated staff is proposing the addition of permitted by right primary use with alcohol consumption being secondary to primary use. She explained the proposal would eliminate the need for businesses that are not restaurants from needing a special use permit from the City in

addition to Alcohol Beverage Control (ABC) regulations. She pointed out steps are in place to ensure compliance.

Mayor Pro Tem Sheffield clarified the proposal would clean up the language and eliminate a step. She pointed out applications will still go before the ABC board for consideration. Ms. Barringer agreed.

Ms. Barringer noted the Planning Board recommended unanimous approval of LDOTA-02-2021 at its January 11, 2022 meeting with minor revisions that have been met.

Mayor Alexander convened a public hearing after due notice regarding LDOTA-02-2021.

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

Councilmember Post asked about the penalties for the erosion control standards. Ms. Barringer explained the goal is to make sure the applicant understands the severity of the impact to the environment, and she pointed out other measures would take place before fines are issued. She added the penalties proposed are consistent with state requirements.

Mr. Post stated the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and not inconsistent with the Vision 2020 Comprehensive Plan. Thereupon, Councilmember Post made a **motion** to adopt an Ordinance amending Chapters 4 (Subdivisions and Infrastructure), 6 (Lot, Infill, Additions, and Accessory Provisions), 9 (Environmental Provisions), 16 (Development Plan Requirements), and 18 (Definitions) of the Land Development Ordinance of the City of Salisbury, North Carolina with noted change to 4.9C as sidewalk pay-in-lieu per time and material cost at the time of the proposal. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (5-0)

ORDINANCE AMENDING CHAPTERS 4 (SUBDIVISIONS AND INFRASTRUCTURE), 6 (LOT, INFILL, ADDITIONS, AND ACCESSORY PROVISIONS), 9 (ENVIRONMENTAL PROVISIONS), 16 (DEVELOPMENT PLAN REQUIREMENTS), AND 18 (DEFINITIONS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page Nos. 45-59, and is known as Ordinance 2022-05.)

WORKING AG LANDS PLAN SURVEY

Rowan County Cooperative Extension Director Amy Lynn Albertson addressed Council regarding the “Working Ag Lands Plan” survey. She explained in 2019 the Rowan County Agriculture Advisory Board received a grant to create a farmland preservation plan for Rowan

County. She reviewed Rowan County agriculture statistics, and she noted Rowan County has 925 farms and 118, 914 acres of farmland. She requested the public take the survey by March 17, 2022. She explained survey data will help with the development of a Working Agricultural Land Plan which will show the state of agriculture and forestry, challenges and opportunities, and provide recommendations to help sustain local farms and forests. She indicated the survey can be taken by visiting go.ncsu.edu/rowanworkingaglands.

Mayor Alexander thanked Ms. Albertson for her presentation.

KIVA UPDATE

Councilmember Post presented an update on the Kiva platform. He shared the history of KIVA, and he explained how the model operates. He indicated the City has paid the \$20,000 fee to join KIVA and has set aside \$60,000 in matching funds which have not been used.

Mr. Post noted typical borrower profiles include minority or women, those who have low credit ratings, no collateral, or the loans are below the bank minimum lending limit, and those who have no access to financing or capital.

Mr. Post explained how a funder and matching funds are supposed to work, and he reviewed the borrowing process. He added the program includes matching funds raised on the Kiva platform, where each dollar raised is matched with another dollar. He stated the Self-Help Credit Union has had changes in its Capital Access Manager (CAM), its leadership, and that the manager is a part-time teller who lacks time to get out into the community.

Mr. Post commented the City has three options: the City can renew its contract with Kiva and Kiva will renew its contract with the Self-Help Credit Union, the City can change its Hub and CAM to a group such as the Community Development Corporation (CDC). He indicated the Blanch and Julian Robertson foundation will provide necessary funding to pay for a CAM centered at the CDC for at least first year. He noted the third option is for the City to bring the program in-house.

Mr. Post pointed out in 2021-2022, four borrowers used the Kiva platform but were unable to raise enough funds to receive a loan. He noted they estimate 10 loans are needed each year to make the program viable.

Mayor Pro Tem Sheffield asked about the options with Kiva. Councilmember Post clarified options are to stay with KIVA and the Self-Help Credit Union as the Hub, stay with Kiva platform and change the Hub and CAM, or the City becomes the Hub. He noted he recommends the City stay with the Kiva platform but change the Hub and CAM.

Mayor Pro Tem Sheffield asked where the additional funding would come from if the City chose to change its Hub and CAM to the CDC. Councilmember Post noted additional funds will be provided by the Blanche and Julian Robertson Foundation until other funds are identified.

Mayor Alexander expressed her concerns with continuing the relationship with Kiva, and she suggested putting it on hold until a plan is put together and Council has time to make a decision.

Councilmember Smith asked how much funding has been given for matching funds. Mayor Alexander noted no funds have been spent because applications were not successful.

Councilmember Smith agreed to pause on the program. He asked if the Chamber of Commerce or small businesses had expressed an interest in Kiva. Mr. Post noted the CAM is responsible to speak with the Chamber and other bands but that has not taken place.

Councilmember McLaughlin indicated he had gone through the Self-Help Credit Union and he was directed to Kiva. He noted information on the program should be shared because no one reached out to him as an applicant. He stated small businesses often have funds to get started but need help in their second or third years.

Mayor Alexander recommended the program be paused until additional plans can be made. She noted a survey for the community may be helpful. Mayor Pro Tem Sheffield also agreed to pause the program.

By consensus, Council agreed to pause its partnership with Kiva.

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher

CITY MANAGER'S REPORT

Interim City Manager Brian Hiatt thanked Council and staff for its hard work during the Planning Retreat. He noted the retreat can be viewed by the public on the City's website at www.salisburync.gov/webcast.

Mr. Hiatt commented COVID-19 trends are being monitored and Council will need to decide whether the February 15, 2022 meeting will take place in person, as a hybrid or by Zoom.

By consensus, Council agreed for the next meeting to take place virtually and to return to in-person hybrid meetings beginning March 1, 2022.

COUNCIL'S COMMENTS

Councilmember Post noted the importance of helping minority businesses and that it should continue to be a goal of Council.

Councilmember Smith agreed and he commented that to serve minority businesses and

communities there should be a focus on an equitable and sustainable way to access and distribute resources.

Councilmember McLaughlin expressed concern with disconnect in the communication between programs such as KIVA and their target demographic.

Mayor Alexander agreed that resources for minority businesses and communities should be easily accessible.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Sheffield recognized the celebration of Black History Month and the start of the Lunar New Year.

Mayor Pro Tem Sheffield thanked everyone who was involved and presented at the City Council Retreat for their hard work.

Mayor Pro Tem Sheffield pointed out in March there will be openings to serve on City Boards and Commissions. She noted applications can be found on the City's website.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

(a) Utility Payment Drop Boxes

Mayor Alexander announced the Salisbury Customer Service Center will phase out its utility payment drop boxes in Rowan County communities on Tuesday, March 1. Residents who utilize the drop boxes will be contacted personally by a representative. As a reminder, residents are encouraged to visit salisburync.gov/billpay to set up free electronic bill pay or contact the Customer Service Center at (704) 638-5300 for additional bill pay options.

Mayor Alexander updated Council on the United States Congress of Mayors meeting she recently attended. She stated she will be working with Interim City Manager Brian Hiatt to discuss available federal programs that would help homeless veterans. She recognized Housing Planner Candace Edwards for her work assisting vulnerable communities. She noted she will provide a detailed update at the next Council meeting.

CLOSED SESSION

Thereupon, Councilmember Smith made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3) and an economic development matter as allowed by NCGS 143-318.11(a)(4). Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (5-0)

RETURN TO OPEN SESSION

Council returned to open session, and Mayor Alexander reconvened the meeting. She stated no action was taken during closed session.

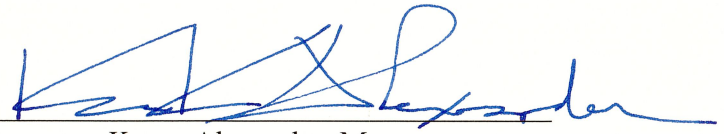
ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Smith. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (5-0)

The meeting was adjourned at 10:05 p.m.



Kelly Baker, City Clerk



Karen Alexander, Mayor