

Salisbury, North Carolina
March 7, 2023

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Tamara Sheffield, Council Members Harry McLaughlin, David Post, and Anthony Smith; City Manager Jim Greene, Jr., City Clerk Connie Snyder; and City Attorney J. Graham Corriher.

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. 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.

ADOPTION OF THE AGENDA

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

RECOGNITION – FINANCE MANAGER MARK DRYE

Finance Director Wade Furches recognized Finance Manager Mark Drye for becoming a certified Local Government Finance Officer.

Council congratulated Mr. Drye and thanked him for his work and dedication to the City.

PROCLAMATIONS

Mayor to proclaim the following observances:

MUSIC IN OUR SCHOOL'S MONTH
WOMEN'S HISTORY MONTH
WOMEN IN CONSTRUCTION WEEK
TRANSGENDER DAY OF VISIBILITY

March 2023
March 2023
March 5-11, 2023
March 31, 2023

CONSENT AGENDA

(a) **Minutes**

Approve Minutes of the special meeting of January 25-26, 2023 and the regular meeting of February 21, 2023.

(b) **Budget Ordinance Amendment – Developer Fee Revenue**

Adopt a budget Ordinance amendment in the amount of \$2 million to appropriate developer fee revenue for engineering services related to the relocation of the raw water pump station outside of the flood hazard area.

WATER SUPPLY RESILIENCY PROJECT FOR SRU PUMP STATION ALONG YADKIN RIVER
PROJECT ID NO. EMA-2021-BR-005-0044 CAPITAL PROJECT ORDINANCE AMENDMENT

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 98, and is known as Ordinance 2023-18)

(c) **Budget Ordinance Amendment – Vehicle Tax Revenue**

Adopt a budget Ordinance amendment in the amount of \$150,000 to appropriate additional vehicle tax revenue to be used for street paving.

ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE OF THE CITY OF
SALISBURY, NORTH CAROLINA TO APPROPRIATE ADDITIONAL VEHICLE TAX
REVENUES.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 99, and is known as Ordinance 2023-19.)

(d) **Resolution – Execution of Opioid Settlements**

Adopt a Resolution authorizing the execution of opioid settlements and approving the supplemental agreement for additional funds between the state of North Carolina and local governments regarding proceeds relating to the settlement of opioid litigation.

RESOLUTION AUTHORIZING THE EXECUTION OF OPIOID SETTLEMENTS AND APPROVING THE SUPPLEMENTAL AGREEMENT FOR ADDITIONAL FUNDS BETWEEN THE STATE OF NORTH CAROLINA AND LOCAL GOVERNMENTS REGARDING PROCEEDS RELATING TO THE SETTLEMENT OF OPIOID LITIGATION.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No.6, and is known as Resolution 2023-04)

(e) Contract – Martin Starnes and Associates, CPA

Award a contract to Martin Starnes and Associates, CPA in the amount of \$42,700 for auditing services for the fiscal year ending June 30, 2023.

(f) 2023 Council Priorities

Consider adopting 2023 Council Priorities as identified during Council's annual retreat.

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

Ms. Cindy Fink, Executive Director of Meals on Wheels Rowan, asked Council to work with City and Rowan County senior service agencies to develop an aging plan that creates a senior citizen friendly Salisbury.

Mr. Michael Brooks, representing Salisbury Pride, thanked Council for the Transgender Day of Visibility Proclamation and invited Council to attend the Transgender Day of Visibility event on March 31, 2023 at Mean Mug Coffee beginning at 6:00 p.m.

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

LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT – DONNER DRIVE

Senior Planner Victoria Bailiff asked Council to consider amending the Land Development Ordinance to rezone approximately 1.34 acres located on the eastern side of Donner Drive from Highway Business (HB) and General Residential (GR) to General Residential (GR-6).

Ms. Bailiff displayed the Future Land Use Map and stated the property is designated as Traditional Neighborhood. She noted GR-6 zoning is not an associated zoning district with the

Traditional Neighborhood place type, and she pointed out the Associated Zoning Districts are Historic Residential and Urban Residential. She added staff recommends amending the Future Land Use Map from Traditional Neighborhood to Emerging Neighborhood.

Ms. Bailiff stated the Planning Board held a courtesy hearing on February 14, 2023, and voted unanimously to recommend approval as submitted. She pointed out this request is not consistent with the Future Land Use Map; however, staff finds this request is consistent with the overall Forward 2040 Plan and recommends approval of the rezoning request.

Councilmember Post asked about the difference between Traditional Neighborhood and Suburban and Emerging Neighborhoods. Ms. Bailiff noted Traditional Neighborhoods are more distinct including historic and older homes with a gridded street pattern. Mayor Alexander questioned why staff recommends Emerging Neighborhood instead of Suburban Neighborhood. Ms. Bailiff noted Suburban Neighborhoods have curvilinear streets with cul-de-sacs and are typically isolated to themselves, while Emerging Neighborhoods allow for interconnectivity. Councilmember Post pointed out Emerging Neighborhoods allow manufactured homes while Suburban Neighborhoods do not. Ms. Bailiff agreed.

Mr. Dan Timberlake, petitioner for the property, confirmed the zoning request is to take fifteen residential lots and create five single-family homes. He stated there are no plans for manufactured housing.

Mayor Alexander stated after reviewing the Future Land Use Map, she would prefer to amend the Future Land Use Map from Traditional Neighborhood to Suburban Neighborhood. By consensus, Council agreed.

Mayor Alexander convened a public hearing after due notice regarding the proposed text amendment.

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

Councilmember Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, as requested, is consistent with the goals, objectives, and policies of the Forward 2040 Comprehensive Plan due to the proposed petition, site characteristics, surrounding development pattern, and observations provided by City planning staff, identifying the policies that support the petition. Thereupon, Mr. Post made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina to rezone Tax Map 331B Parcel 08204 from General Residential and Highway Business to General Residential (GR-6), approximately 1.34 acres. Thereby also amending that same property in the Future Land Use Map of the City of Salisbury from Traditional Neighborhood to Suburban Neighborhood. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA TO REZONE TAX MAP 331B PARCEL 08204 FROM GENERAL RESIDENTIAL AND HIGHWAY BUSINESS TO GENERAL RESIDENTIAL (GR-6), APPROXIMATELY 1.34 ACRES. THEREBY ALSO AMENDING THAT SAME PROPERTY IN THE FUTURE LAND USE MAP OF THE CITY OF SALISBURY FROM TRADITIONAL NEIGHBORHOOD TO EMERGING NEIGHBORHOOD.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 100, and is known as Ordinance 2023-20.)

COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM FUNDS

Planning Director Hannah Jacobson reviewed information regarding the Community Development Block Grant (CDBG) and HOME Program funds from the United States Department of Housing and Urban Development (HUD). She noted the City anticipates receiving \$307,356 in CDBG funds, \$20,000 in CDBG Program income funds, and \$204,000 HOME Program funds for a total of \$531,356.

Ms. Jacobson noted in 2022 a low to moderate income of a family of four in Rowan County would have to earn less than \$55,750 to receive funding. She commented the types of activities the funds can go towards have to be consistent with the five-year consolidated plan to:

- Increase supply of decent affordable housing
- Improve public facilities and infrastructure
- Provide opportunities for homeownership
- Provide assistance to public service agencies at 15% of allocation
- Promote business growth and a robust workforce
- Affirmatively further Fair Housing
- Effectively plan and administer programs at 20% of allocation

Ms. Jacobson pointed out the grant application process is open for non-profit agencies that support low and moderate income individuals and families. She noted applications can be submitted online at www.salisburync.gov/housing by Friday, March 24, 2023.

Ms. Jacobson presented the 2023 CDBG and HOME Program Funds Action Plan timeline. She explained the proposed amendment to the 2020-2021 Annual Action Plan would reallocate previous years' funds that resulted from the cancellation of the budgeted Ryan Street Sidewalk Project. She pointed out the funds are proposed to be allocated to the 2020 Lash Drive Sidewalk Project which had an original allocation of \$46,000, but the total cost was \$100,656 and was paid through the General Fund. She added the amendment would allow the full project to be paid using CDBG funding. She noted a public hearing and a 30-day comment period ending April 4, 2023 is required.

Mayor Alexander convened a public hearing after due notice regarding the use of the accumulated CDBG and HOME program funds.

Community Care Clinic Executive Director Krista Woolley thanked Council for the 2022 CDBG funding which was used for healthy cooking demonstrations and the food pharmacy Lifestyle Medicine initiative. She referenced Medicare expansion, and she noted the needs of those who do not qualify for coverage will continue.

Ms. Cindy Fink with Meals on Wheels thanked the City for selecting Meals on Wheels as a CDBG recipient the past three years. She commented the Grocery Program was created with a group of volunteers to shop and deliver groceries once or twice a month to the client. She indicated the goal is to deliver nutritious food and work with clients regarding food choices.

Rowan Helping Ministries (RHM) Director of Community Relations Raeshawn Palmer reviewed statistics of the assistance RHM has provided homeless citizens, and she added through the assistance from the Salisbury Police Department Homeless Liaison and street outreach 229 individuals were connected to a variety of services. She commented in order to continue the work in the community requires a collaborative approach to address homelessness and provide support to create a more stable and thriving community that is safe for all.

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

Ms. Jacobson noted no other action is needed. Mayor Alexander thanked Ms. Jacobson for her presentation.

COUNCIL ELECTION PROCESS

City Attorney Graham Corriher explained the process for changing the City Charter to affect the municipal election process. He noted the General Assembly has given Council the authority to:

- Make stylistic changes to the name of Salisbury and its governing board
- Change the terms to either two or four years
- Change the size of Council from three members to no larger than 12 members
- Change the mode of election to include districts, wards and at-large members
- Change from nonpartisan to partisan elections
- Change the method of selecting its Mayor

Mr. Corriher stated a referendum was placed on the 2019 municipal election ballot and citizens voted to hold a separate mayoral election which went into effect in 2021. He noted changing the City Charter is a three-part process. He explained a Resolution of Intent would be adopted and a public hearing would be held after a 45-day notice. He explained once the public hearing takes place Council could adopt the Ordinance at its next scheduled meeting. He commented the Ordinance will take effect at the next election provided it is more than 90 days from the election or Council can make the Ordinance subject to a referendum vote to be placed on the ballot for the next election. He added if the change is approved it would not take effect until the 2025 municipal election.

Mr. Corriher stated if Council wants to make a change this year it would have until May 2, 2023 to adopt a Resolution of Intent to make a change and have a notice published 45-days before it conducts a public hearing. He noted Council would hold a public hearing and it could adopt an Ordinance and make it effective this year or submit it to a vote of the people for the upcoming election. He explained there is a discrepancy in the number of days so if Council wanted to make it effective without a referendum vote it must be completed 90-days before the election.

Mr. Corriher suggested Council make sure any change that is going to take effect this year be known before the filing period opens. He added in 2019 Council adopted an Ordinance and made it subject to a referendum. He explained the Ordinance was adopted in August which met the 70-day prior to the election requirement to be included on the ballot. He indicated Council has time to make changes on its own or make it subject to a referendum vote.

Mr. Corriher explained there is also a procedure where a citizen could petition that an Ordinance adopted by Council be submitted for a referendum vote. He indicated the petition would require signatures of 10% of the voting population to force a referendum. He reviewed data for Rowan County municipalities and similar size municipalities throughout the state regarding how the mayor is elected, term lengths, and the size of the governing board.

Mayor Pro Tem Sheffield noted the goal is to complete the work that was started years ago. She indicated Council needs to have the conversations now to receive feedback from the community so any changes could take place at the 2025 election.

Councilmember Smith commented a town hall would be a good way to engage citizens regarding this issue. He agreed the process should be completed and the voice of the people needs to be heard.

Councilmember Post suggested forming a Council Committee to receive public input. He added he previously recommended adding at least one member to Council so the Mayor does not have to vote, but the public did not agree with the proposal. He asked about the referendum timeline. Mr. Corriher stated August 29, 2023 would be 70 days prior to the election, and he pointed out Council meeting dates must be considered.

Councilmember Smith noted during the previous Council Committee meetings several topics were considered, and he questioned why all of the items were not included on the 2019 ballot. Councilmember Post explained a consensus of the public was not reached on the term lengths and the composition of Council. Mayor Pro Tem Sheffield noted the decision was made not to change more than one thing at a time. Mr. Smith asked if more than one item could be placed on a referendum. Mr. Corriher indicated there could be two items on the referendum, but it would require two Resolutions of Intent. He commented the items should not be paired because it would be approved or denied by the voters as one item and not separately.

Mayor Alexander asked how many people attended the Committee meetings. Mayor Pro Tem Sheffield indicated 15 to 25 people attended the Committee meetings. Mayor Alexander suggested having town hall meetings that all of Council could attend. City Manager Jim Greene noted staff can set up town hall meetings over the coming months so Council can receive feedback

from the public, and the item could then be placed on the Agenda for further discussion. Councilmember McLaughlin suggested the town hall meetings take place at multiple locations throughout the City.

Mr. Greene noted staff can work to schedule three town hall meetings during the evening to focus on Council terms and the number of Councilmembers. He added the town halls will be scheduled to provide enough time to bring the items back to Council to meet the deadline to be placed on the ballot. By consensus, Council agreed to conduct the town hall meetings.

Mayor Alexander asked if information in Mr. Corriher's presentation can be placed on the City's website. Mr. Corriher agreed.

BOARDS AND COMMISSIONS

Community Appearance Commission

Upon a motion by Mayor Pro Tem Sheffield. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following reappointments were made to the Community Appearance Commission:

Ms. Julia Apone	Term Expires 3/31/2026
Ms. Phylis Miller	Term Expires 3/31/2026

Greenway, Bicycle and Pedestrian Committee:

Upon a motion by Councilmember McLaughlin. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointments and reappointment were made to the Greenway, Bicycle and Pedestrian Committee:

Ms. Sharon Earnhardt	Term Expires 3/31/2026
Mr. Sean Meyers	Term Expires 3/31/2026
Mr. Andrew Pitner	Term Expires 3/31/2026
Ms. Mary Rosser	Term Expires 3/31/2026
Ms. Cora Greene	Term Expires 3/31/2026

Historic Preservation Commission:

Upon a motion by Mayor Alexander. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment and reappointment was made to the Historic Preservation Commission:

Mr. Larry Richardson	Term Expires 3/31/2026
Ms. Sue McHugh	Term Expires 3/31/2026

Housing Advocacy Commission

Upon a motion by Councilmember McLaughlin. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment was made to the Housing Advocacy Commission:

Ms. Bliss Green

Term Expires 3/31/2026

Human Relations Commission

Upon a motion by Councilmember Smith. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment and reappointment was made to the Human Relations Commission:

Ms. Evelyn Uddin-Khan

Term Expires 3/31/2026

Mr. Curtis Walker

Term Expires 3/31/2026

Hurley Park Advisory Board

Upon a motion by Mayor Alexander. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following reappointments were made to the Hurley Park Advisory Board:

Ms. Jane Riley

Term Expires 3/31/2026

Ms. Jane Ritchie

Term Expires 3/31/2026

Parks and Recreation Advisory Board

Upon a motion by Councilmember McLaughlin. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment and reappointments were made to the Parks and Recreation Advisory Board:

Ms. Nalini Joseph

Term Expires 3/31/2026

Ms. Mary Rosser

Term Expires 3/31/2026

Mr. Dan Goodnight

Term Expires 3/31/2026

Planning Board/Board of Adjustment

Upon a motion by Councilmember Post. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment was made to the Planning Board/Board of Adjustment:

Mr. David Midgley

Term Expires 3/31/2026

Public Arts Commission

Upon a motion by Mayor Alexander. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment and reappointments were made to the Public Arts Commission:

Ms. Barbara Perry	Term Expires 3/31/2025
Mr. Ed Norvell	Term Expires 3/31/2025
Ms. Gretchen Witt	Term Expires 3/31/2026
Mr. Hunter Safrit	Term Expires 3/31/2024
Ms. Jenn Selby	Term Expires 3/31/2026
Ms. Judy Kandl	Term Expires 3/31/2024
Ms. Raemi Evans	Term Expires 3/31/2025
Ms. Jane Creech	Term Expires 3/31/2026
Mr. Reg Boland	Term Expires 3/31/2024
Mr. David Gaines	Term Expires 3/31/2026
Ms. Shanna Glawson	Term Expires 3/31/2024

Transportation Advisory Board

Upon a motion by Councilmember Smith. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following reappointments were made to the Transportation Advisory Board:

Ms. Tammara Walker	Term Expires 3/31/2026
Mr. Quentin Woodward, Jr.	Term Expires 3/31/2026

Tree Board

Upon a motion by Councilmember McLaughlin. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following reappointment was made to the Tree Board:

Ms. Kelli Isenhour	Term Expires 3/31/2026
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CITY MANAGER'S REPORT

(a) Water Issue

City Manager Jim Greene pointed out Salisbury-Rowan Utilities (SRU) recently advised its customers of an issue with water testing based on state criteria. He thanked SRU Director Jim Behmer and the Communications Department on its great job getting information to the community.

Mr. Behmer stated the water is safe to drink and the water quality meets all state regulations. He explained Total Organic Carbon (TOC) is natural forming and is found in bottled and tap water. He added SRU is required to report the amount of the TOC over a quarterly period and the level was missed by .01.

Mr. Behmer explained SRU coordinated with the Communications and Finance Departments to share the public notice with all customers through mail, a press release and FAQ. He indicated if this were to take place again, they have plans to make revisions to the mailed notice. He pointed out to continue to meet the state maintained removal rate, the TOC will be tested each month instead of quarterly. He noted the test results are not immediate and take two to four weeks to receive results.

Councilmember Smith asked how often the state tests the water. Mr. Behmer noted the City conducts the test, sends it to a commercial lab, and then send the results to the state each quarter. Mr. Smith then asked what would cause the rise in the TOC levels in the water. Mr. Behmer pointed out it could have been caused by climate change which changes the removal rate at the treatment facility.

(b) New Police Chief Community Engagement

Mr. Greene commented the process to recruit a new Police Chief began with community engagement at a NAACP meeting where great conversations took place. He added he wants to continue the focus on community input and engagement in March. He pointed out on Monday, March 20, 2023 in Council Chambers at City Hall there will be a community forum to get feedback on a new Police Chief sponsored by Police Chief's Advisory Board. He stated he will look for other ways to engage the community with the focus to also engage with the City's police officers with face to face meetings. He added the goal to develop a brochure to advertise the position and start recruitment in mid April. He thanked the NAACP for hosting the first town hall, and he added he looks forward to next meeting.

COUNCIL COMMENTS

Councilmember McLaughlin noted he recently attended a School of Government Affordable Housing seminar. He reviewed what he learned during the seminar, and he noted there was discussion about the City creating an Affordable Housing Task Force. Mayor Alexander commented she has been in discussion with other Mayors in North Carolina about what they are doing about a Task Force. She suggested a meeting take place with Mr. McLaughlin and staff regarding the creation of an Affordable Housing Task Force. By consensus, Council agreed.

Councilmember Smith commented he is glad Salisbury is a City that recognizes Transgender Day of Visibility and the human rights and visibility of the LGBT and Transgender Community,

Councilmember Post commented Stephanie Alston who came to Council for a zoning change for a 24/7 daycare center on West Innes Street received assistance through KIVA and is moving forward with her project.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield thanked those who have served and continue to serve on the City's Boards and Commissions.

Mayor Pro Tem Sheffield thanked Ms. Cindy Fink for her work with Meals on Wheels, and she noted March is March for Meals month.

Mayor Pro Tem Sheffield announced the Downtown Bar and Restaurant guild is hosting a Shamrock Cheers St. Patrick's day crawl on March 17, 2023 in downtown Salisbury. She added at each place visited, the person will get a stamp and for each stamp turned in \$1 will be donated to the Terri Hess House for Prevent Child Abuse Rowan.

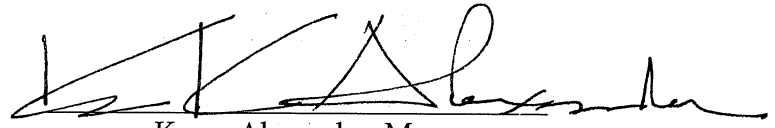
MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander agreed with Council on their comments.

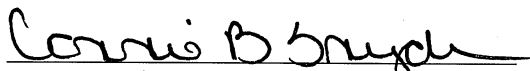
ADJOURNMENT

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

The meeting was adjourned at 8:07 p.m.



Karen Alexander, Mayor



Connie B. Snyder, City Clerk