

Salisbury, North Carolina
November 15, 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; Deputy City Clerk Kelly Baker; and City Attorney F. Rivers Lawther, Jr.

ABSENT: City Clerk Myra B. Heard.

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.

2016 FIRE DEPARTMENT MEDICAL LIFESAVING COMMENDATIONS

Fire Chief Bob Parnell recognized Fire Department personnel who earned Medical Lifesaving Commendations for 2016:

- Battalion Chief Tim Hurlocker
- Captain Barry Frazier
- Lieutenant Chris Naylor
- Lieutenant Jeremy Cline
- Lieutenant Kevin Burges
- Lieutenant Robbin Moon
- Lieutenant Stephen Carter
- Lieutenant Ted Reaume
- Engineer Brantley Shanks
- Engineer Chris Damato
- Engineer Dustin Glisson
- Engineer Grayson Phillips
- Engineer Jacob Thompson
- Engineer Spencer White
- Fire Control Specialist Jacob Allen
- Fire Control Specialist Andrew Toms
- Fire Control Specialist Brianna Mitschele
- Fire Control Specialist Caleb Anderson
- Fire Control Specialist Casey Stiller
- Fire Control Specialist Chris Renfrow,
- Fire Control Specialist Curtis Summers
- Fire Control Specialist Donald Clark
- Fire Control Specialist Fred Weldon
- Fire Control Specialist James Garris
- Fire Control Specialist Josh Martin
- Fire Control Specialist Joshua Beard
- Fire Control Specialist Justin Roland
- Fire Control Specialist Stewart Morgan

Chief Parnell reviewed the incidents that led to the recognitions, and he pointed out many more citizens were saved by the firefighter's heroics.

Mayor Alexander, on behalf of Council, thanked the firefighters for all they do to keep citizens safe.

FIRE DEPARTMENT PERSONNEL DEPLOYMENT

Mayor Alexander noted members of the Salisbury Fire Department were recently deployed to eastern North Carolina to assist with the aftermath of Hurricane Matthew.

Chief Bob Parnell explained Hurricane Matthew brought severe flooding to eastern North Carolina. He stated North Carolina Emergency Management contacted surrounding fire departments to request assistance. He noted the following firefighters assisted the Lumberton Fire Department:

- Battalion Chief Tim Hurlocker
- Interim Battalion Chief James Farley
- Captain Barry Frazier
- Captain Chad Moss
- Captain Cory Orbison
- Lieutenant Chris Naylor
- Engineer Spencer White
- Fire Control Specialist Caleb Anderson
- Fire Control Specialist Chris Renfrow
- Fire Control Specialist David Keyser
- Fire Control Specialist Don Clark
- Fire Control Specialist William Weldon

Chief Parnell noted the following firefighters are currently assisting with wildfires in western North Carolina

- Battalion Chief Tim Hurlocker
- Fire Control Specialist Spencer White
- Engineer Halsey Hooser
- Lieutenant Eric Bost
- Lieutenant Lauren McCulla
- Engineer Andrew Hardister
- Fire Control Specialist Fred Weldon

Mayor Alexander thanked the firefighters for their willingness to serve communities throughout the State.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular meeting of November 1, 2016.

(b) Budget Ordinance Amendment – Parks and Recreation Donations

Adopt a Budget Ordinance amendment to the FY2016-2017 budget in the amount of \$5,000 to appropriate proceeds from the sale of Fire Department assets.

ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE PROCEEDS FROM THE SALE OF ASSETS.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 66, and is known as Ordinance 2016-41.)

(c) Contract – J.T. Russel and Sons, Inc.

Approve the asphalt bid to J.T. Russell and Sons, Inc. for a unit based contract with an estimated total of \$471,950 for paving streets in Salisbury.

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

SPECIAL EVENT PERMITTING ORDINANCE

Police Chief Jerry Stokes addressed Council regarding proposed changes to Chapter 22 of the City Code related to Parades, Picket Lines, and Group Demonstrations. He reviewed the proposed changes to the Code, and he pointed out the addition of a spontaneous demonstration section. He explained when an event takes place and citizens want to express their First Amendment right, they have a 24-hour timeframe to do so and then they would obtain a permit. He stated the permitting process helps staff ensure the appropriate City services and support will be available when it is needed.

Chief Stokes noted changes to the definitions, and he indicated a demonstration lasting less than 24-hours does not require a permit. He explained the current 72-hour time-frame gives staff little notice, and he pointed out the proposed changes would offset some of the event's costs.

Chief Stokes pointed out approximately 22 events take place in the City annually, and the majority happen during the summer months. He commented that events requiring additional staffing can strain the workforce, especially when a short notice is given. He stated Community Park has parking and 2K, 3K, 5K, and 8K courses that would not require police involvement or blocked streets.

Councilmember Hardin asked how many people were involved in the proposed Code revisions. Chief Stokes explained the process began before he arrived at the City. He noted staff from affected departments came together to work on the proposal. Mr. Hardin asked if members of the community were involved in the process. Chief Stokes indicated members of the community were not involved in the process.

Mr. Hardin pointed out the proposed Ordinance increased by several pages. Chief Stokes explained the definitions were revised and a few additions were made to the proposal. Mr. Hardin stated he wants to be sure an effort to save costs does not bring a negative perception of the City.

Mayor Pro Tem Blackwell asked if the event costs had been calculated. She also asked how much is spent on overtime to staff events and if the proposed Ordinance will supplement the cost. Chief Stokes noted the goal is to minimize staffing and alleviate the workforce strain and overtime expense. Ms. Blackwell clarified police officers work every other weekend unless they work an event, which can create fatigue in an understaffed department. Chief Stokes agreed.

City Manager Lane Bailey stated the Police Department is short-staffed, and police officers are called in to work events on their day off. He added the monetary amount is minimal. He explained other departments can be offered comp time, but the Police Department is understaffed and it can be draining for police officers to work additional days.

Ms. Blackwell asked how the proposed Ordinance addresses the time-off issue for police officers. Mr. Bailey explained the goal is to encourage event organizers to consider City venues that requires less staffing. He added the strain on police officers is a bigger concern than the financial expense. Ms. Blackwell asked how the proposed Ordinance will address the strain on police department manpower. Mr. Bailey explained the proposal would provide compensation for police officers who are required to work an event and possibly reduce the number of events they have to work. He added police officers are not able to take comp time like other departments.

Chief Stokes pointed out in the past volunteers have blocked streets for events, and volunteers are not trained in traffic control. He explained if a motorist drives onto a race course it could result in tragedy and create a liability for the City. He noted the proposed Ordinance gives staff more control over special events and will hopefully encourage the use of City facilities instead of roadways to create a safer, more cost-effective event for the organizer and the City.

Ms. Blackwell pointed out the proposal substantially increases event fees. She asked what the City is currently spending on events and how it compares to the increased fees. Chief Stokes stated he will get the information for Council.

Mr. Hardin stated he does not want to discourage people from having events in the City. Chief Stokes agreed, and he pointed out additional time is needed to plan for events and consider staffing schedules.

Councilmember Miller noted the proposal is a starting point, and he added the item has been recommended for additional study by a Council Committee. He commented he appreciates the work that has been done, but more work is needed. He indicated he is looking forward to additional conversation, and he feels a compromise can be reached.

Councilmember Post commented staffing cost for an event is minimal, and bringing 22 events to the City annually has a positive economic impact on the local economy. He pointed out there is a difference between a compensation issue and a fatigue issue. He commended Chief Stokes for his work on the proposal, which goes from a 30-day permitting process to a 120-day permitting process. He clarified additional time will help staff plan the City services needed for a particular event and to better assist with employee fatigue. Chief Stokes agreed. Mr. Post questioned if 120 days is needed for an event. Chief Stokes indicated the time frame seems reasonable, but it could possibly be reduced. Mr. Post asked if the fees are intended to offset costs or if they are included because other cities charge fees for events. Chief Stokes noted the fees would help compensate police officers for additional work. Mr. Post pointed out a fatigue issue is dangerous for citizens, and he asked if the fees collected will affect police officer compensation. Chief Stokes explained the funds would be channeled to police officers who work the events.

Mr. Miller pointed out additional events could take place in the City that require City services. Chief Stokes pointed out the goal is to work with event organizers, but he noted staff also needs time to plan and support the events.

Mr. Hardin commented additional time will not address every issue, and he added the real need is for additional resources.

Mayor Alexander noted she has heard from numerous citizens who have concerns about the proposed Ordinance. She thanked Chief Stokes and staff for their work on the proposal, and she added she feels a Council Committee is needed to study the issue. She stated it is important to know what other cities in our area are doing. She pointed out a balance is needed between the number of events and the need for City services. She asked Mr. Miller and Mr. Post to serve on the Council Committee. Mr. Miller and Mr. Post agreed to serve.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the proposed changes to the Special Event Permitting Ordinance. She noted Council will hear from the public, but will not comment at this time.

Mr. David Freeze, 3065 Weaver Road, China Grove, stated the City has a strong fitness community. He pointed out the Salisbury-Rowan Runners elected Salisbury its 2014 Corporate Partner. He noted Salisbury-Rowan Runners has organized races for 34 years, and he pointed out City staff does a terrific job supporting the races. He indicated 10 races are held in the City annually, eight of the races raise funds for local charities and two of the races raise funds for the City. He stated reasonable fees will encourage good events.

Ms. Molly Ruff, 411 Mirror Lake Road, agreed the policy needs to change, but she noted the proposal needs work. She suggested a committee, comprised of people with experience holding events in the City, work with staff to determine the best possible solution for all parties. She added the timeline seems extreme, and she pointed out Downtown Salisbury, Inc. (DSI) pays off-duty police officers \$25 per hour to provide event security. She offered to serve on the Council Committee.

Ms. Tamara Sheffield, 301 Maupin Avenue, asked who was involved in the development of the proposed policy. She added she understands the policy needs to be updated and there is cost involved, but she is concerned the City will appear difficult to do business with. She thanked Council for sending the proposal to a Council Committee. She also offered to serve on the Council Committee.

Ms. Beth Meadows, President Salisbury Pride, 175 Knollwood Drive, noted she understands the need for additional time to plan for events and how using venues that require less police support could benefit the community. She added she does not understand the benefit of the large increase in fees and paperwork, and she pointed out it can be difficult to plan an event four months ahead. She commented Council does not want to make it too difficult to bring an event to the City, and she added more events are needed to bring people downtown.

Ms. Dottie Hoy, 510 Maupin Avenue, stated the form is too complicated, and the fee increase is to extreme. She suggested civilian auxiliary police assist with City events. She requested Council simplify the form and reduce the fees.

Ms. Sue McHugh, 910 North Main Street, echoed the sentiments of previous speakers. She indicated the proposed fees are too high. She added the goal is to draw people to the City, and the proposal appears to penalize events for being successful. She offered to serve on the Council Committee.

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

Ms. Blackwell explained the public is welcome to attend Council Committee meetings, but are only allowed to speak at the pleasure of Council members serving on the Committee.

Mr. Miller pointed out different types of events are included in the proposal. He suggested considering each event separately. Ms. Blackwell stated she does not mind if the proposal is considered in phases, but she requested community representatives be involved. Mr. Miller agreed citizen input is needed.

Mayor Alexander stated the public is invited to attend the Committee meetings. She explained Mr. Post and Mr. Miller will serve as Council Committee members and decide the order in which issues are addressed. Mr. Miller indicated November 30, 2016 may be a good working date. Mr. Post agreed.

Mr. Bailey suggested Human Resources staff attend the Committee meetings to assist with issues related to staffing. Mr. Miller requested Chief Stokes also attend the Committee meetings.

DOG PARK LOCATION

Parks and Recreation Director Nick Aceves and Maintenance Manager Stephen Brown reviewed the dog park proposal for Forest Hills Park located at 230 Grove Street. He noted staff was recently approached about water runoff at the location. Mr. Brown explained the site and size of the proposed dog park changed and staff will modify the rain garden plan to keep pollutants out of the creek system.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding a dog park at Forest Hills Park located at 230 Grove Street.

Mr. Nathan Dickert, 1043 Emerald Avenue, presented Council with information from neighbors who could not attend the meeting. He stated Forest Hills Park is an active neighborhood park that includes a greenway connection. He pointed out Memorial Park Cemetery is across the street, and he indicated other less-congested locations were also considered for the dog park. He pointed out the proposed location is a major thoroughfare to the hospital and the sirens would cause the dogs to howl. He commented dogs barking in the park would stir up neighborhood dogs, and he is opposed to a dog park at Forest Hills Park.

Ms. Kristen Lynch, 1101 Emerald Avenue, stated she understands that pets are loved, but a dog park next to a cemetery would be disrespectful to mourners. She commented there are better choices for a dog park that would affect less residents.

Mr. Kjeff Hanson, 1138 Emerald Avenue, indicated the neighborhood is generally quiet. He pointed out neighborhood dog parks are a controversial topic, and most people would not chose to live near a dog park. He stated several neighbors did not know about the proposal, and he added there should be more thought before changing the greenway.

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

Councilmember Hardin stated he supports livability, but he also supports the proposal which has been discussed for one year. He commented he understands the noise concerns, but he pointed out noise cannot be completely eliminated. He added the benefits of a dog park must also be considered. He noted the dog park would help adoption rates at the shelter and provide a chance for the City to partner with the County. He sated he supports the proposed dog park location.

Councilmember Miller clarified the gate for the dog park could be set up similar to the tennis courts at City Park to provide access during operational hours. Mr. Aceves agreed. Mr. Miller asked about the hours of operation for the proposed dog park. Mr. Aceves noted City parks close at dark so the current hours of operation are from 8:00 a.m. until 5:00 p.m. Mr. Miller pointed out if a dog owner wants access to the dog park they must provide proof their dog is up to date on its shots. He added people cannot use the dog park until the requirements are met and access is granted. He reference a dog park in Davidson, North Carolina that serves as a community builder and provides an opportunity for neighbor interaction. He added he does not think a dog park will detrimentally impact noise in the community. He commented the dog park is not permanent and if it causes harm it could be removed.

Mayor Pro Tem Blackwell states she supports dog parks. She explained the City was approached by a County Commissioner who offered \$40,000 from the County to place the dog park at the proposed location. She indicated she does not think putting the park at the location the City prefers should harm the City's relationship with the County. She stated she supports strong neighborhoods, and the neighbors have said they do not want the dog park in their neighborhood. She pointed out there have been more than 10 police reports of excessive barking in this neighborhood during the last two year. She indicated dog parks are noisy, and she cannot support a dog park at this location. She commented she feels there are better locations in the City for a dog park. She stated the Parks and Recreation Advisory Board voted in favor of the proposed site, but there was a great deal of conversation before the vote was taken.

Councilmember Post commented other areas were being considered for a dog park, and he is not sure how the proposed site was selected. He indicated he has only received negative comments regarding the proposed location. He pointed out he does not see support from the community, and he cannot vote in favor of the proposed location.

Mayor Alexander indicated she received no positive reaction to a dog park at this location. She stated Council must be certain when something is going into a neighborhood that it aligns with the community. She added after listening to public comments she cannot support a dog park at the proposed location.

Thereupon, Mr. Hardin made a **motion** to approve a dog park at Forest Hills Park located at 230 Grove Street. Mr. Miller seconded the motion. Messrs. Hardin, and Miller voted AYE, and Mr. Post, and Mses. Alexander and Blackwell voted NAY. (2-3)

City Manager Lane Bailey suggested staff explore other options and contact the County to see if another area could be supported.

BOARDS AND COMMISSIONS

There were no appointments.

PUBLIC COMMENT

Mayor Alexander explained public comment allows citizens to share their concerns with Council. She noted Council will listen, but will not respond to public comment. She then opened the floor to receive public comment.

Ms. Carolyn Logan, stated she is concerned about the no-knock policy, and she added if someone burst into her home she would protect her family. She added she is concerned about violence and crime in the City and how it is addressed. She indicated she is concerned about safety in the community and racial issues.

Ms. Al Heggins, 1210 Old West Innes Street, indicated the use of a no-knock warrant in the black community has the look and feel of escalated violence. She pointed out the no-knock warrant resulted in a death and put the lives of police officers at jeopardy. She noted local government must be responsive and responsible to preserve the life of its citizens and employees. She added a no-knock warrant should be used as a last resort.

Mr. DeAndre Thompson, 810 South Main Street, noted he is a lifelong resident of the City and a graduate of Livingstone College. He added he has fought for representation regarding the way students are received in the community. He commented he does not feel included in event coordination or planning. He stated as a community we must include one another in decisions and events to decrease tension in the City.

Ms. Ashely Love, 111 Spring Drive stated she participated in a vigil on November 4, 2016 for the young man who was killed. She noted no-knock warrants are controversial across the nation, and she asked Council to consider how no-knock warrants impact the black community. She then asked Council to look for ways to engage the community and repair the relationship between the black community and the Police Department.

Mr. Michael Kirksey indicated the United States is experiencing changing times and police officers are enforcers of political demands. He asked people who are concerned about justice in the Country to make their voices heard.

Ms. Whitney Peckman, East Innes Street, commented no-knock entry is similar to a fuse in a powder keg. She noted in a State that allows open carry, a no-knock warrant is extremely dangerous.

Ms. Delilah Thomas, 502 South Shaver Street, commented her children are afraid to walk outdoors because of violence in their neighborhood. She stated a no-knock warrant in her neighborhood would feel like someone is breaking into her home and planning to harm her family. She added the natural instinct would be self-preservation, and she does not support no-knock warrants.

Mr. Jeffery Hoy, 510 Maupin Avenue, indicated the problems being addressed affects everyone and must be faced as a community.

Minister Latasha Wilkes indicated she does not support no-knock warrants. She added she personally knew the young man who was killed. She pointed out once students reach high school they are not included in after school programs. She indicated the City needs more things for teenagers to do.

Mr. DeAndre Thompson stated as a representative of youth in the community, he would support anything that would progress dialogue and move the community forward.

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

Mr. Bailey noted the State Bureau of Investigation (SBI) is investigating the incident, and the City will perform an internal investigation. He stated Chief Stokes is reviewing policy and will have more information at the appropriate time.

Mayor Alexander asked for clarification regarding Council's responsibility for a no-knock policy. She commented it is her understanding no-knock warrants are issued through the courts. City Attorney Rivers Lawther explained the no-knock policy is a tactical decision of the Police Department. Mayor Alexander asked if Council has the ability to make a decision regarding no-knock warrants. Mr. Lawther noted Council could direct the City Manager that Police should not use them, but it is not the general venue of Council to decide when and how investigations are conducted. He noted a judge or magistrate issues the no-knock warrant.

Mr. Bailey clarified a no-knock warrant is issued by a judge and is not Council's decision. He added Chief Stokes is reviewing policies and procedures based on recent events. He asked citizens to allow the SBI time to conduct their investigation. He added the City will then conduct an internal investigation and policy changes will be made if they are needed.

Councilmember Miller asked about the timeframe for the SBI investigation. Mr. Bailey indicated he does not have that information. Chief Stokes explained the investigation is fairly quick, but it may take longer for the medical examiner to provide autopsy results to the SBI. He noted once the investigation is concluded the SBI will share its findings with him to assist in the internal investigation.

Councilmember Hardin asked if Council has the ability to indicate it does not support a no-knock policy. Mr. Lawther agreed. Mr. Hardin requested Council consider the City's no-knock policy in the future when appropriate.

Councilmember Post asked how many times a judge allowed a no-knock warrant. Chief Stokes pointed out the Police Department has requested three no-knock warrants in the last three years. He noted the other two no-knock warrants were for residences that were a part of the same investigation. He added over the last several years the Police Department has conducted over 40 search warrants at residences with limited use of the Special Response Team.

CITY MANAGER'S COMMENTS

(a) Purchase of Self-Contained Breathing Apparatus for the Fire Department

City Manager Lane Bailey indicated staff had hoped to receive a grant for Self-Contained Breathing Apparatus (SCBA) for the Fire Department. He noted funds were included in the budget to purchase the equipment, and staff will appropriate \$523,879 of Fund Balance since the grant was not received. He stated the existing equipment will soon expire and must be replaced.

(b) Capital Improvement Plan Work Session

City Manager Lane Bailey stated the Capital Improvement Plan Work Session for the General Fund will be held Friday, November 18, 2016. He asked Council to notify him if it would like to eliminate anything from the draft CIP.

MAYOR 'S ANNOUNCEMENTS

(a) "Meet with the Manager"

Mayor Alexander announced the "Meet with the Manager" meetings are held the first Monday of each month. The next meeting will be held Monday, December 5 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.

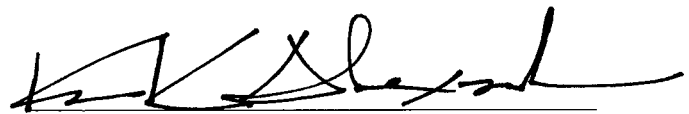
(b) *The Tipping Point* by Malcolm Gladwell

Councilmember Miller stated he recently read *The Tipping Point* by Malcolm Gladwell, which talks about how little things can make a big difference. He indicated there are people in the community who are centers of influence that must be leveraged. He added it is time to look for solutions and make connections. He stated no one on Council is pleased by the recent death or the tension that exists in the community. He added everyone must work together to build trust and relationships.

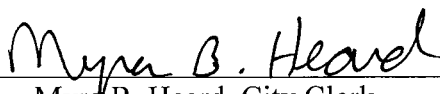
Councilmember Hardin agreed with Mr. Miller. He added the community needs to respect everyone's opinion and include everyone.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Hardin seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:06 p.m.



Karen Kirks Alexander, Mayor



Myra B. Heard, City Clerk