

Salisbury, North Carolina
March 6, 2018

REGULAR MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller and Tamara Sheffield; City Manager W. Lane Bailey; City Clerk Diane Gilmore, and City Attorney F. Rivers Lawther, Jr.

ABSENT:

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Heggins led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

CHANGE TO THE AGENDA

Omit – Item 12 Council to authorize the City Manager to communicate with the University of North Carolina Chapel Hill (UNC) School of Government (SOG) to identify and retain a qualified facilitator for the City Council Annual Retreat scheduled for Wednesday, March 21 and Thursday, March 22, 2018.

Thereupon Mayor Pro Tem Post made a **motion** to omit item number 12 of the Council Agenda. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular meeting of February 6, 2018.

(b) Establish a speed limit on a portion of West Bank Street.

Adopt an Ordinance to amend section 13-336 of the City Code to establish 20 mph on a portion of West Bank Street.

ORDINANCE AMENDING SECTION 13-336, ARTICLE X, CHAPTER 13 OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS-GENERALLY.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 16 and is known as Ordinance 2018-11.)

(c) Temporary Road Closure

Adopt an Ordinance declaring a temporary road closure on North Main Street between Council and Miller Streets for the Salisbury Police Department Foot Pursuit 5K event.

ORDINANCE DECLARING A TEMPORARY ROAD CLOSURE FOR A SALISBURY POLICE DEPARTMENT FOOT PURSUIT 5K EVENT.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 17 and is known as Ordinance 2018-12.)

(d) Construction Contract

Concurrence award of a contract in the amount of \$718,296 for construction of a new road between Innes Street and Faith Road, TIP Project U- 5820B.

(e) Dixonville-Lincoln Memorial Project Task Force – Memorial Walk Project

Award a construction contract to Unit Paving, Inc. in the amount of \$251,890 for the Dixonville-Lincoln Task Force Memorial Walk Project along Old Concord Road.

(f) Contract for Elliott Davis, PLLC.

Approve a contract to Elliott Davis, PLLC for auditing services for Fiscal Year ending June 30, 2018.

(g) Resolution

Adopt a Resolution establishing a public hearing for March 20, 2018 to receive public comment regarding the proposed lease for Fibrant.

RESOLUTION FOR PUBLIC HEARING ON FIBRANT LEASE PROGRAM.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 6, and is known as Resolution 2018-05.)

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

PRESENTATION – FISCAL AND ECONOMIC BENEFIT REPORT REGARDING THE EMPIRE HOTEL REDEVELOPMENT.

Planning Director Janet Gapen introduced Economic strategist Ms. Lucy Gallo who provided an economic analysis of the Empire Hotel Redevelopment Project.

Ms. Gallo explained fiscal benefits are revenues generated by the Empire Hotel project that affect the City's budget through property and sales tax. She stated economic benefits to a community are measured through employment and it is estimated the Empire project would create 62 market-rate apartments and 20,000 square feet of commercial space. She noted the Empire Hotel Project will take approximately 24 months to complete.

Ms. Gallo stated once the project is completed it is estimated to have a construction value of \$17 million. She commented if the property receives a historic landmark designation it would reduce the property tax value to \$61,000, or 50% of fair market value. She stated the redevelopment would generate an estimated revenue of \$103,000 annually for the City. She noted construction of the project could create 202 jobs, 94 temporary jobs and 102 permanent jobs.

Mayor Pro Tem Post asked for clarification regarding the estimated 100 jobs and the 62 residents. Ms. Gallo stated those impacts have been combined in the outcome of the 102 permanent jobs. She commented the analysis was created to capture the portion of new residents that would spend money at the Empire. Councilmember Miller asked if the estimate is conservative. Ms. Gallo agreed, and she noted the conservative estimate was an intentional approach.

Councilmember Sheffield asked if apartment occupancy was based on single residence. Ms. Gallo noted the estimate includes a majority of single residence units but does include a few two bedroom apartments. Councilmember Sheffield asked how 62 tenants were estimated. Ms. Gallo stated an overall net was based on new residents that would be absorbed in the area. Councilmember Sheffield asked how much revenue the current property generates. Ms. Gallo stated the property has no revenue and the City owns the property.

Councilmember Miller asked Ms. Gallo her opinion regarding the Empire Hotel Redevelopment Project and the transformation it could provide the community. Ms. Gallo noted the Empire Hotel project makes sense, and she pointed out there are 23 restaurants in the downtown area and the district appeals to people from all walks of life.

Mayor Heggins asked about marketing efforts for the property. Ms. Gallo stated a financial feasibility analysis that pertains to the residential and retail market has not been completed at this time. She explained the analysis was generated as if the Empire Hotel was in current operation.

Councilmember Miller asked City Manager Lane Bailey if third party experts were being consulted to review the feasibility plan. Mr. Bailey noted the Centralina Council of Governments (CCOG) is assisting in the review. He stated a meeting is planned with the North Carolina State Treasurers office to discuss the Empire Hotel project.

Ms. Gapen asked Ms. Gallo to address the Downtown incentive program. Ms. Gallo reviewed North Carolina incentives, and she noted the programs can be used to encourage growth. She pointed out there are tools available to highlight risk, and communities compare incentive programs to returned revenues.

Councilmember Miller asked if the Empire Hotel project could qualify for Tax Increment financing. Ms. Gallo commented the Tax Increment financing market no longer exists. She indicated the City could qualify for a Tax Increment Grant program to help stimulate new and large scale re-development projects. She noted the grant program could be a program the City could consider and she explained the City of Mooresville and the City of Durham have current policies in place. She commented the downtown area is accessible and has convenient parking. She explained a Special Assessment District Bond is a type of bond that is classified as a risk only to developers, and she commented it would not be appropriate for the Empire Hotel Project, but could be an option for future large redevelopment in the area.

Mayor Heggins thanked Ms. Gallo and Ms. Gapen for their presentation.

NAMING OF FIRE STATION NO. 6

Fire Chief Bob Parnell addressed Council regarding the naming of Fire Station 6 as the Justin Monroe and Vic Isler Fire Station and Academy and he introduced Chair of the Fireman's Relief Board, Mr. Brent Lyerly. Mr. Lyerly reviewed the feedback received from the public hearing regarding Fire Station 6 which will be located at 310 Cedar Springs Road. He explained

Mr. Monroe and Mr. Isler lost their lives, in the line of service on March 7, 2008. Mayor Heggins thanked the Board and the fire department for their commitment and service to the community.

Thereupon, Councilmember Alexander made a **motion** to approve the naming of Fire Station 6 as the Justin Monroe and Vic Isler Fire Station and Fire Academy. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Chief Parnell announced a memorial service will be held to honor Mr. Monroe and Mr. Isler on March 7, 2018 at 8:30 a.m. at Fire Station 5 located at the 1400 Block of South Main Street.

UPDATE – SOLID WASTE SERVICES

Public Services Director Tony Cinquemani introduced Assistant Director of Public Services Craig Powers. Mr. Powers commented on the changes in policy approved in June, and he noted no changes were made to operations, recycling, and yard waste collections. He indicated the policy change was to define bulky yard waste collections, and he noted one truck load per week for residents is allowed. He reviewed the fee schedule, and he pointed out staff operations have become more efficient. He noted that the Public Services Department has received positive and negative feedback regarding the change to solid waste services.

Mr. Powers stated the department would like to review the City Code related to abatements and nuisances to determine ways to advance the process. He explained abatements are served five days after an in-person conversation or 10 days after an abatement notice is mailed. He noted abatements are served to residents when bulky items are left for collection that do not fall under waste collection guidelines. He proposed a change of three and five day abatement service terms. He commented the department will provide quarterly Spruce-up Week collections, and he indicated Public Services would like to partner with the Community Appearance Committee (CAC) regarding neighborhood cleanups.

Councilmember Miller asked if it might be less expensive to provide an extra recycling bin to residents instead of weekly recycling collection. Mr. Powers stated the department would take that option into consideration.

Mayor Heggins asked about existing solid waste service fees. Mr. Powers stated the policy was adopted several years ago. He indicated he spoke with an area waste collection company who indicated the City's fees were half the cost of bulky item pick-up in other areas.

Councilmember Sheffield commented a neighborhood alliance meeting will be held April 19, 2018, and she requested a Public Service Department representative to join the meeting to discuss the partnership with the roll-off bins. Mr. Powers agreed that a Public Service Department representative would attend.

Councilmember Alexander commended the Public Services Department for their service to the City.

REPORT – COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME PROGRAM FUNDS.

Planning Director Janet Gapen addressed Council regarding the Community Development Block Grant (CDBG) and HOME program that support low to moderate income housing opportunities. She explained the CDBG program was marketed through the City's Social Media outlets, and she pointed out a partnership with the Community Development Corporation (CDC) provided numerous marketing strategies. She reviewed CDBG grant funding since 2004 pointed out the funding fluctuated each year. She explained 2011 and 2012 were challenging years and funds decreased from \$335,000 to \$258,000. She indicated funds have stabilized over the last several years at approximately \$270,000. She commented funding amounts for this year have not been provided to the City.

Ms. Gapen clarified that Program Income is an income that is folded back into project activities. She stated Program Income totaled \$271,000 and \$30,000. She noted set expenses include a debt service for the loan for the rehabilitation to the Park Avenue Community Center with the expected debt to be paid in 2022. She indicated the United States Department of Housing and Urban Development (HUD) allows 20% of CDBG funds to be allocated for program administration. She stated the City has limited funds to help support public service agencies that serve low to moderate income households, and she pointed out a majority of funds were allocated to agencies serving the homeless populations.

Ms. Gapen reviewed available funding for activities and indicated \$117,000 was available for homeowner occupied rehab and \$40,000 for sidewalk projects in the West End community.

Mayor Heggins asked how amounts for each group are determined. Ms. Gapen noted the program has an application process and groups request funding amounts. Mayor Heggins asked if organization funding is restricted. Ms. Gapen agreed, and she noted funding is reimbursed with appropriate documents.

Mayor Pro Tem Post asked about new organizations or those that have been declined. Ms. Gapen stated the Gateway Freedom Center was the first new organization to submit an application in several years. She explained HOME program dollars have to be used toward affordable housing. She stated a total amount with both programs is approximately \$260,000.

Ms. Gapen reviewed sidewalk projects located between Partee Street and Brenner Avenue on Old Wilkesboro Road and sidewalk between Lynn Lane and College Park Apartments that were completed in 2015. She commented a current Greenway project between Old Wilkesboro Road and Jake Alexander Boulevard will include sidewalk extensions from College Park Apartments to the 1030 Jake Alexander Boulevard area. She indicated the \$40,000 project near Old Plank Road is in design phase and will transition to construction phase this spring.

Ms. Gapen reviewed the HUD measurements of funding and explained on May 2 a test is applied to review remaining CDBG funds. She commented the HUD standard is to have no more than one and one half times the most recent grant amounts.

Councilmember Sheffield asked about the decrease in funding. Ms. Gapen stated the amount of funding is determined by HUD. Ms. Sheffield asked if agencies that receive funding provide feedback. Ms. Gapen commented at the end of the year those agencies provide statistics that include how many people they served and type of services provided.

Mayor Pro Tem Post asked about the number of homes the program assists. Ms. Gapen stated she did not have the specific numbers. She noted the CDC will begin a series of Home Owner Occupied Rehabilitation program classes and noted last year less than ten active participants participated. She added in certain situations the program is not able to assist everyone due to the homes investment amount exceeding the areas housing market value. Mayor Pro Tem Post also asked if Ms. Gapen had the number of vacant homes in the City. Ms. Gapen noted she did not have the number of vacant homes currently. She explained the Code Enforcement Department has 15 demolition cases. She commented a study performed two years ago identified homes in the area that had no water service for an extended period of time, and she indicated the study provided an estimate of 200 to 300 vacant homes in the area.

PUBLIC COMMENTS

Mayor Heggins opened the floor to receive public comments.

Ms. Carolyn Logan shared concerns regarding the City's water testing and local crime. She asked Council to consider rehabilitating vacant homes.

Ms. Karen Bouger commended the solid waste department for their professionalism. She expressed she had confusion regarding the yard collections fee schedule.

Mr. Michael Kirksey expressed concerns about sidewalk projects in the West End Community.

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

RECESS

Mayor Heggins made a **motion** to take a five minute recess and all Councilmembers in attendance agreed unanimously to recess.

AGENDA ITEM REQUEST FORM

Mayor Heggins reviewed revisions she made to the agenda request form. She stated Mayor Pro Tem Post submitted an agenda request form to request a revision to the agenda request form. Mayor Pro Tem Post indicated the reason for his request is make revisions to the agenda and filter agenda items requested by the public through the appropriate staff channels. He explained Council recently took a course called the Essentials of Municipal Government and learned that no matter how a Mayor is elected the mayor's role is to preside during Council meetings, and Councilmembers have equal authority to make decisions.

Councilmember Miller suggested a discussion was needed in order to determine a procedure when submitting agenda items. Mayor Pro Tem Post explained he would like to switch the order of the agenda to determine a process to the Rules of Procedure before making edits to the agenda request form.

Councilmember Miller stated Council should have discussions when altering the normal processes. He commented Council should be transparent when changes are presented, and he noted what Council determines as a process should be followed.

Mayor Heggins suggested Council keep revisions to the agenda request form in order to allow the public to submit agenda items, and Council could then deny or approve the items submitted.

Mayor Pro Tem Post explained Rules of Procedure suggests that the first item on the agenda is to approve the agenda or determine if a change is needed.

Councilmember Sheffield asked if a Council member has to approve an item to be placed on the agenda. Councilmember Alexander explained approvals take place at agenda meetings and noted a change could be made prior to a Council meeting. Councilmember Sheffield stated a Council member could approve agenda items submitted by the public.

Mayor Heggins stated she did not present the revision to the agenda request form to Council to start a debate. Councilmember Miller commented Council is not in disagreement with the way the agenda request form was changed and noted it was the approval section that raised concerns.

Mayor Heggins commented allowing a Council member to approve agenda items submitted by the public could cause confusion. Councilmember Sheffield commented each situation could be different, and she noted it could allow the public to have a voice. Mayor Heggins asked if the public would be able to communicate with Council in regards to submitting agenda items. Councilmember Sheffield stated it is a duty of Council to provide connections and outreach to the community. Councilmember Alexander commented the City's webpage provides photos and contact information for Councilmembers.

Mayor Heggins tabled the agenda request form.

RULES OF PROCEDURE

Mayor Heggins commented that Robert's Rules of Order is the Council's current rules of procedure. Mayor Pro Tem Post commented the rules of procedure was adopted in 1979. Councilmember Miller noted after reading Roberts Rules of Order it is almost verbatim as to the Council's current procedure. Mayor Heggins noted City Code does not state the book can be followed verbatim. Mayor Pro Tem Post noted the rules could have been adopted without amending the code or ordinance.

Thereupon, Mayor Pro Tem Post made a **motion** to amend section 2.4 to the Salisbury Code to strike Roberts Rule of Order and to adopt the rules of procedure written by the North Carolina University of Chapel Hill (UNC) School of Government, fourth edition.

Mayor Heggins stated a recent committee was formed that included her and Councilmember Alexander with the understanding it was to review the Rules of Procedure and report back to Council with suggestions. Mayor Heggins asked Council to allow the Committee to meet and review the Rules of Procedure. Councilmember Miller asked if the committee has met. Mayor Heggins stated the committee had not met. Councilmember Miller noted Council could considered allowing the Committee to do the work or reviewing electronic meeting participation and other items for clarification. Mayor Heggins stated that Mayor Pro Tem Post had made the request to adopt and replace the Roberts Rules of Procedure in the Code.

Councilmember Alexander asked, as a member of the Rules of Procedure Committee, if there would be an objection for Council to use the SOG's Rules of Procedure book as a guide. Mayor Heggins commented she objected to that suggestion. Councilmember Miller asked how long Council should expect to wait for the Committee to meet. He added Council needs rules and procedures that will define how Council conducts itself and asked if it is reasonable to have recommendations by the next Council meeting. Mayor Heggins stated it is reasonable the Committee would have suggestions by the April 3, 2018 Council meeting.

Councilmember Miller asked that input be provide to Council during the first meeting in April. Mayor Heggins agreed.

BOARDS AND COMMISSIONS

Tree Board

Upon a motion by Councilmember Sheffield, seconded by Mayor Pro Tem Post. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Tree Board for a term to begin April 1, 2018:

Ms. Carolyn Brown	Term Expires 3/31/21
Mr. Edward Clark	Term Expires 3/31/21
Ms. Melisa L. Williams	Term Expires 3/31/21
Ms. Katherine Boyd	Term Expires 3/31/21

Parks and Recreation Advisory Board

Upon a motion by Councilmember Alexander, seconded by Councilmember Miller. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following re-appointment was made to the Parks and Recreation Advisory Board Commission for a term to begin April 1, 2018:

Mr. Roy Bentley

Term Expires 3/31/21

Upon a motion by Councilmember Alexander, seconded by Councilmember Miller. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Parks and Recreation Advisory Board Commission for a term to begin April 1, 2018:

Mr. Russell Smyre

Term Expires 3/31/21

Planning Board

Mayor Pro Tem Post noted Mr. Randy Reamer is an ETJ seat member on Planning Board. Councilmember Miller asked if a re-appointment was needed and commented Mr. Reamer would remain a member of Planning Board until a new seat member is nominated.

ANNOUNCEMENTS

Councilmember Miller announced a Special Permit Committee meeting will take place March 19, 2018 at 5:00 p.m. at Park Avenue Community Center to discuss the separation between special events and free speech and noted the meeting is open to the public.

COUNCIL COMMENTS

Councilmember Sheffield commented regarding the Election Review Committee and asked if a meeting time could be determined. Councilmember Sheffield stated the School of Government has provided guidelines for the meeting and requested a copy of the City's charter.

Mayor Pro Tem Post asked if a University of North Carolina School of Government or a North Carolina League of Municipalities facilitator would be available to attend and facilitate the meeting. Councilmember Sheffield commented a facilitator was available. Councilmember Sheffield stated the meeting could offer public input.

Councilmember Sheffield asked Council to consider naming a section of the Greenway in memory of Mr. Bill Stanback to recognize his contributions to the community. Councilmember Alexander stated she would take the request to the Parks and Recreation Advisory Board.

City Manager Mr. Bailey commented the process is similar to the recent renaming of the Fire Station 6 that includes a 30 day period for public input.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post asked Council to consider researching the cost to provide WiFi in economically disadvantage neighborhoods. Councilmember Alexander suggested e-rates might be an option.

MAYOR COMMENTS

Mayor Heggins commended Council for discussion and the service that councilmembers provide to the community.

CLOSED SESSION

Thereupon Councilmember Alexander made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(6). Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

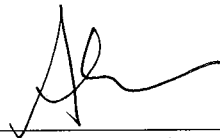
RETURN TO OPEN SESSION

Thereupon Mayor Pro Tem Post made a **motion** to return to open session. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem, and Councilmembers Alexander and Sheffield voted AYE. (4-0)

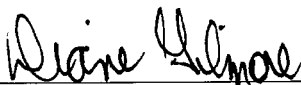
Mayor Heggins reported no action was taken during the closed session meeting.

ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Post seconded by Councilmember Alexander. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:38 p.m.



Al Heggins, Mayor



Diane Gilmore, City Clerk