

Salisbury, North Carolina
February 5, 2019

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 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 Heggins at 6:05 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.

AGENDA CHANGE

Mayor Heggins made a motion to add a Recognition of the Public Services Department to the Agenda. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Councilmember Miller then made a motion to add an announcement that the Free Speech Committee will meet Monday, March 4, 2019 at 5:30 p.m. at 1 Water Street. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RECOGNITION – PUBLIC SERVICE EMPLOYEES HURRICANE FLORENCE

Mayor Heggins stated six employees from the Public Services Department traveled to New Bern, North Carolina for two weeks to assist with cleanup from Hurricane Florence. She recognized Solid Waste Supervisor Danny Rogers, Fleet Services Supervisor Keith Redman, Mechanic Matthew Toney, Equipment Operator James Horne, and Maintenance Workers Adam Mowbray and Jonathan Durham. She explained the group assisted the New Bern Public Works Department with debris removal and hurricane relief efforts.

Mayor Heggins thanked the group for representing the City so well.

PROCLAMATION

Mayor to proclaim the following observance:

AFRICAN-AMERICAN HISTORY MONTH

FEBRUARY 2019

Mayor Heggins read and presented the African-American History Month Proclamation to Ms. Dee Dee Wright.

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Special meeting of January 15, 2019 and the Regular meeting January 15, 2019.

(b) Budget Amendment – Miscellaneous Revenue

Adopt a Budget Ordinance amendment to the FY2018-2019 budget in the amount of \$65,502 to appropriate miscellaneous revenue.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM MUTUAL AID TO THE CITY OF NEW BERN.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 7, and is known as Ordinance 2019-07.)

(c) Contract – Atlantic Coast Contractors

Authorize the City Manager to execute a change order with Atlantic Coast Contractors, Inc in the amount of \$400,000 for construction related to the second phase of the Sanitary Sewer Rehabilitation project. Funding for this item is included in the adopted FY2018-2019 Budget.

(d) Contract – Charles R. Underwood, Inc.

Authorize the City Manager to execute a contract with Charles R. Underwood, Inc. in the amount of \$210,529.06 for services associated with the Raw Water Pump #3 Design-Build Project. Funding for this item is included in the adopted FY2018-2019 Budget.

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

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Mr. James White stated he is concerned about the tar smell near Woodleaf Lanes on Jake Alexander. He added he has noticed the smell for several years, and he asked if anything can be done to address the situation.

Ms. Dee Dee Wright thanked the City for the sidewalks on Old Plank Road.

Mr. Tony Overcash shared his concern regarding relationships in the community. He pointed out citizens need to look forward and not backward. He thanked Council for all it does for the community.

Ms. Whitney Peckman requested an update regarding the empty, fenced in lot at the intersection of Lee and East Innes Streets.

City Manager Lane Bailey explained the developer is working to determine if the soil issues at this location will affect the height of the building. He added the developer is trying to decide if the site will support a two or three-story building.

Councilmember Miller pointed out the project is taking place in phases. He explained the building that was taken down will be reconstructed. He added development in the middle of the lot may occur before construction takes place at the corner of the lot.

Ms. Peckman commented people in the neighborhood have asked about progress at that location. Councilmember Miller added the developer is working through changes in the plans, but there will be a building at the location.

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

COMPREHENSIVE ANNUAL FINANCIAL REPORT

Elliot Davis, PLLC Senior Manager C.J. Palmer, addressed Council regarding the City's 2018 Comprehensive Annual Financial Report (CAFR) for the fiscal year ending June 30, 2018. Mr. Palmer thanked Council for allowing Elliott Davis to perform the City's audit, and he commended Finance Department staff for their cooperation throughout the audit process.

Mr. Palmer explained Elliot Davis provided an unmodified opinion of the financial statements which is the highest level of assurance that can be provided. He commented the report outlines management's responsibility for the financial statements and the auditor's responsibility to audit and provide opinions based upon fair presentation of financial statements in accordance with Generally Accepted Accounting Principles (GAAP). He noted Elliot Davis provided internal control reports regarding financial reporting and compliance that included programs for Federal and State grants to the City. He added changes were made to post-employee benefits as a result of the Governmental Accounting Standards Board (GASB) impediment number 75.

Mr. Palmer indicated Elliott Davis began the audit process in the spring of 2018 with a focus on material risk regarding the financial statements. He pointed out the required risk assessment testing and internal controls regarding financial reporting were performed. He reviewed compliance review reports that included programs for Federal and State grants awarded to the City.

Mr. Palmer reported on a repeated finding for the Broadband Services Fund due to the Fund's deficit net position from the previous fiscal year. He explained the State requires all deficits and new positions be appropriated in the subsequent year.

Mr. Palmer referenced General Fund revenues which increased by \$2.7 million. He reviewed the General Fund revenues by source and the General Fund expenditures and transfers, and he added the General Fund is higher than the City's policy of 10%. Mr. Palmer explained revenue continued to increase over the past several years as well as the capital outlay expenditure funds. He noted funds remained consistent with last year. He reviewed the General Fund revenues by source and the General Fund expenditures and increased transfers.

Mayor Pro Tem Post asked if the increase to General Fund expenditures and transfers reflects the transferring of funds to cover the deficit of Fibrant. Mr. Palmer commented he believes that is correct, but he does not have the details at this time.

Finance Manager Wade Furches commented in the past Fibrant was supported with General Funds, and he added 2018 was the first year funds were budgeted this way with an estimated \$3 million difference.

Mr. Palmer commented the debt service continues to decrease and public safety increase, and he noted Fire Department projects that were deferred in 2017 occurred in 2018.

Mr. Palmer reviewed the Broadband Services Fund and indicated the fund continues to have a small operating loss including non-cash items such as depreciation. He stated operations

for 2018 were cash-flow positive. He noted a significant General Fund budget transfer that continues to be in a deficit net position.

Councilmember Miller pointed out the financial statements run June 30, 2018 through July 1, 2019. He noted the transfer from Fibrant to Hotwire Communications occurred mid-fiscal year in 2018 and the financial statements reflect amounts before the change occurred. Mr. Palmer reviewed the statement amount of approximately \$463,000 and amounts are a result of the GASB 75 implementation.

Mayor Pro Tem Post asked if Mr. Palmer refers to deficit depreciation as being cash-flow positive. Mr. Palmer agreed, and noted cash-flow is noted in operations. Mayor Pro Tem Post asked if some of the operating expenditures are considered non-cash. Mr. Palmer stated that is correct.

Mr. Palmer explained Enterprise Funds presented are on a full accrual basis that includes Water and Sewer, Stormwater, and Transit revenues, and he noted a positive net position and positive unrestricted net position.

Mayor Pro Tem Post thanked Elliot Davis, PLLC for its work on the audit. He indicated Fibrant was identified as a weakness because the Enterprise Fund did not breakeven and state law requires Enterprise Funds to breakeven.

City Manager Lane Bailey pointed out the City has had multiple good years regarding the General Fund, and he thanked the Finance Department for its work during the audit. He noted Fund Balance revenues may be spent this fiscal year, and he added next year may be a decrease or a breakeven year. He commented increased pay for police officers may create additional challenges in the next fiscal year, and he added the increased pay for police officers was a goal set by Council. He indicated the City is looking to add additional positions to the Fire Department. He noted he and Finance Director Shannon Moore discussed increasing the Transit Fund Balance. He shared there were concerns regarding Transit operations during the government shutdown. He indicated Transit has a strong Fund Balance and if Federal funds are not received operating expenses would not be an issue.

Mayor Pro Tem Post asked if the Local Government Commission requires a City to have a Fund Balance equal to 8% of monthly revenues. Mr. Bailey agreed.

Mr. Bailey recognized the Finance Department for receiving the Government Finance Officers Association Award (GFOA) for its budget presentation this year.

Mr. Furches referenced Mayor Pro Tem Post's question regarding the increase in General Fund expenditures. He indicated fund transfers with Transit and Fibrant funds increased by \$1 million, and he pointed out the City recently purchased two fire trucks. He commented public safety expenditures are up \$4 million with the mutual aid assistance from Rowan County Sheriff's Department.

PROJECT CARE – REVISED INCENTIVE GRANT AGREEMENT

Rowan Economic Development Commission (EDC) Vice President of Operations Scott Shelton reviewed recent changes to the proposed Project Care agreement that was presented to Council at its last two meetings.

Mr. Shelton reviewed the proposed changes to the Incentive Grant Agreement for Project Care. He noted Project Care is an existing employer in Rowan County and Council approved a Level 2 Grant in October 2018. He indicated the grant stated 80% of new taxes would be returned to the company in the form of a five-year grant. He indicated as a part of the original proposal the company would create 59 new jobs, maintain existing employment levels with an average annual salary of \$46,042, and invest \$68 million in new construction and equipment.

Mr. Shelton stated since the initial grant was approved by Council the project parameters have changed. He commented current revisions now propose the creation of 35 new jobs with a \$45.2 million capital investment. He stated there is a possibility of an additional \$20 million in new investment and 20 additional new jobs through the transfer of an existing production line to Salisbury, but the transfer is on hold indefinitely according to company representatives.

Mr. Shelton commented based on the current City incentive agreement it is estimated the City would collect \$1,467,983 million over five years and with an incentive grant of \$1,174,387 million the City would retain \$293,596. He pointed out the 10-year incentive analysis indicates the City would collect an estimated \$3,094,280 less the incentive grant of \$1,174,387 with \$1,919,893 estimated in City revenue.

Mr. Shelton indicated the new agreement would include revisions from \$68 million in capital investment to \$45.2 million and new job projections from 59 to 35 positions. He noted changes were made to the start date for the grant from FY2019-2020 to FY2020-2021 and the completion date was revised from December 31, 2018 to December 31, 2019. He added revisions and consolidations were made to the clawback section to help clarify the verbiage.

Mr. Shelton commented the proposed revisions are presented to Council for its consideration.

Mayor Pro Tem Post asked if the grant levels would increase to Level 2 if the company invests the additional \$20 million. City Attorney Graham Corriher commented the grant would remain 75% of the full dollar amount even if the dollar amount is above the Level 1 Grant threshold of \$50 million. He stated the initial grant level was 80% because the proposal exceeded \$50 million. He noted the agreement could be revised to increase the threshold to 80% if Council wishes to do so.

Mayor Pro Tem Post then asked if the company would automatically be eligible for a Level 1 Grant. Mr. Corriher indicated the company could return to Council and request a Level 1 Grant if it exceeds current thresholds, and he added it would be a second and separate agreement. Mr.

Shelton commented he believes the company would provide advance notification if its production line were to come to the City.

Mayor Heggins asked about the indefinite hold on the transfer. Mr. Shelton explained the decision was made on a corporate level and does not reflect on Salisbury or the other candidates. He added it is unclear why the decision was made.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding Project Care.

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

Thereupon, Councilmember Miller made a motion to approve the relocation and the expansion of the system agreement. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

LAND DEVELOPMENT ORDINANCE TEXT ADMENDMENT TA-06-2018 – UNCOMMON SIGNS

Development Services Coordinator Teresa Barringer addressed Council regarding Land Development Ordinance (LDO) Text Amendment TA-05-2018. She reviewed a recent Ordinance adopted by Council to rewrite the Sign Code identifying the ratio of Electronic Message Centers (EMC) signs to determine sign size based on road types. She explained 25 properties were converted from Institution Campus (IC) and Mixed-use zoning districts to Community and Institution (CI) zoning allowing property owners to request EMC when the property frontage is on a major thoroughfare or boulevard. She pointed out the changes have alerted staff to items that need to be addressed.

Ms. Barringer stated there are two CI campuses that include road frontage but who are not able to request an EMC sign under the current zonings requirements. She indicated Rowan-Cabarrus Community College (RCCC) has road frontage along Old Concord Road and a major thoroughfare. She noted there are provisions in place that could allow RCCC to request EMC for parcels along the major thoroughfare. She indicated Hood Theological Seminary has an adjoining road frontage that is considered a local road. She pointed out local road types require a 32 square foot wide by 5 feet tall sign, but a sign that small would not be reasonable along Interstate 85 corridor.

Ms. Barringer reviewed the two CI district parcels and their proximities to Interstate 85. She commented the proposed text amendment includes the language required to approve EMC sign placements. She proposed using Chapter 12.16.B related to Uncommon Signs for properties along the I-85 corridor that would allow for larger signs. She asked Council to consider the proposed text amendment to allow CI districts adjoining the I-85 corridor to have a large sign. She clarified the request is not to review or consider a specific sign size submittal. She added the EMC portion of the request would be subject to the ratio, design, and luminosity as outlined in section 12.11. She stated if the proposal is approved it would have to be heard through a quasi-judicial

process by the Alternate Method of Design Commission (AMDC). She commented AMDC would be required to identify general findings through a specific process by using the design criteria that is currently in place for EMC.

Councilmember Sheffield asked if any parties are requesting these signs, or if because these properties adjoin I-85, staff has recognized institutions might have future requests for signs larger than what the current zoning permits. Ms. Barringer commented RCCC has made requests in the past, and she noted the City's Ordinance did not permit EMC placement at that time. She stated recent IC conversions and Sign Code changes have presented various opportunities for EMC placements. Councilmember Sheffield asked if Ms. Barringer is suggesting Council adjust the language so the proposal may be submitted to the AMDC for its consideration. Ms. Barringer agreed.

Councilmember Alexander asked if the proposal would include any IC parcels that have similar road types and adjoin the I-85 corridor. Ms. Barringer agreed, and she added currently Hood Theological and RCCC are the only properties that would fall under this classification. She added if areas along the I-85 corridor were to redevelop the language would be in place for CI zonings.

Mayor Pro Tem Post asked if the proposal was approved by Planning Board. Ms. Barringer commented the Planning Board voted unanimously to approve the proposal.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding TA-06-2018.

An RCCC employee thanked Council and Ms. Barringer for considering the proposal. He added he supports the new sign, and he commented if RCCC is given approval it would like to add a sign that would make a great impression about the quality of education and experiences the community has to offer. He noted a sign could also provide informative and safety-related information.

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

Councilmember Alexander clarified this proposal does not approve or direct a single property approval. She noted this proposal would be applied to any IC zoning along the I-85 corridor. Ms. Barringer commented that is correct, and she added both campuses are aware this is not an approval for the proposal, but provides a way to request large EMC signs. She commented City Code requires a review and consideration by the AMDC.

Councilmember Alexander 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 consistent with the Vision 2020 Comprehensive Plan relative to finding creative solutions for unique properties while protecting neighborhood interests. Thereupon, Councilmember Alexander made a **motion** to adopt an Ordinance amending Chapter 12 (Signs) of the Land Development Ordinance of the City

of Salisbury, North Carolina as proposed. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 12 (SIGNS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO UPDATE TO THE NEW SIGN ORDINANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 18-51, and is known as Ordinance 2019-17.)

LAND DEVELOPMENT ORDINANCE AND DISTRICT MAP AMENDMENT CD-05-2018 – CORNER OF MOCKSVILLE AND MAHALEY AVENUE

Development Services Coordinator Teresa Barringer addressed Council regarding Land Development District Map Amendment CD-05-2018, a proposal for the Wallace Cancer Center. She reviewed the eastern boundary of the property currently zoned General Residential (GR) and three parcels zoned Hospital Service (HS). She indicated Rowan Health Services Corporation is the petitioner.

Ms. Barringer indicated the proposal includes a one-story, 30,000 square foot medical center. She noted there would be a single parcel rezoing from GR to HS and a need to establish a Conditional District (CD) Overlay on all four parcels so a portion of the parcels could be used as an exception plat. She commented there are no special conditions requested at this time, and the construction review will verify all requirements of the Land Development Ordinance (LDO) are being met.

Ms. Barringer pointed out the property is currently a parking lot located at the intersection of Mahaley and Mocksville Avenues. She reviewed the proposed site plan and the future facility's footprint, and she added the proposal includes an on-site healing garden. She indicated all site conditions have been met, and she stated the proposal includes 130 parking spaces, a reduction from the current 279 parking spaces. She pointed out the landscape rendering includes a 20-foot perimeter yard buffering.

Ms. Barringer commented the full architectural drawing has not been completed at this time. She added the applicant is aware that those drawings must be submitted through the construction phase and those drawings must be at least 90% consistent with the current proposal.

Ms. Barringer indicated the proposal is neither consistent nor inconsistent with the Vision 2020 Comprehensive plan. She stated the proposal is aligned with the Vision 2020 policies C-3 and C-12. She noted the Planning Board voted unanimously to approve the request as not inconsistent with the Vision 2020 Comprehensive Plan.

Councilmember Sheffield asked if the CD Overlay would be applied to the parcel located along Mahaley Avenue. Ms. Barringer commented a CD Overlay would be applied to all four parcels. Councilmember Sheffield asked if the GR zoning would change. Ms. Barringer agreed.

She noted the GR parcel would be combined with the three HS zoned parcels and the entire tract would become one HS parcel with a CD Overlay. Councilmember Sheffield asked what is located on the current GR parcel. Ms. Barringer stated a parking lot is located on the parcel.

Mayor Pro Tem Post asked if the Folk family lives adjacent to the proposed property, and he indicated they have expressed concern regarding the proposed construction. Ms. Barringer stated the Folk family does not live adjacent to the property. Mayor Pro Tem Post commented Mr. Goodman, a nearby resident on Holmes Street has also shared concerns regarding the project. Ms. Barringer commented Mr. Goodman expressed concerns regarding the lighting and how it could impact his property. She commented Project Manager Luke Dickey assured the Planning Board that development will follow all LDO guidelines regarding lighting provisions.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding CD-05-2018

Mr. Luke Dickey, Project Manager for Stimmel Associates located in Winston-Salem, North Carolina thanked Ms. Barringer for her presentation. He indicated the majority of the site is currently zoned HS, but Novant wanted to bring the entire site plan before Council to rezone the GR parcel to HS. He pointed out a modification to the driveway entrance on Mahaley Avenue that would shift west from Mahaley and Mocksville Avenues to become a service entrance. He noted the proposed structure would be positioned on the property in a way to not disturb the façade of current buildings in the area. He indicated a majority of the impervious areas would be removed and in its place would be a healing garden. He added the reduction to on-site impervious areas would be more than a quarter of an acre.

Mr. Matthew Stiene stated he is a representative with Novant Healthcare, and he thanked Council for its time. He commented Novant is excited to offer a higher level of outpatient cancer services to the community that will provide convenience for Novant physicians and patients. He shared the facility would be built by Novant Health Rowan Medical Center and the name of the petitioner is the legal entity that owns the property.

Councilmember Miller asked if there would be Stormwater improvements in the proposed area to help address some of the property's current topography issues. Mr. Stiene commented developers are working on the Stormwater issue as a separate project, and he thanked City Engineers for their assistance. He noted the development includes reductions in impervious runoff by incorporating a healing garden and site plantings. He commented the developer is mitigating other projects to reduce the potential for flooding in the area.

Mayor Heggins commented she has spoken with Ms. Dari Caldwell President and Chief Operating Officer for Novant Health Rowan Medical Center regarding Stormwater concerns.

Councilmember Miller shared he likes the one-story building design for residential neighbors, and he thanked Novant Health Care for its sensitivity to neighboring residents.

Mayor Pro Tem Post asked if the proposed parking areas would be for the cancer center. Mr. Dickey commented onsite parking would be for the cancer center, and he noted with the

current parking deck and remaining surface parking lots the project exceeds the required amount of parking. Mayor Pro Tem Post indicated Novant Health Rowan Medical Center will work with its staff to ensure they park in the correct locations. He asked if there would be sufficient parking with the loss of 275 parking spaces. Mr. Stiene commented the project has sufficient parking to meet the needs of the space, and he added the proposed plan includes parking spaces that will exceed Ordinance criteria. He pointed out parking is a priority for Novant Medical Center.

Mayor Heggins commented she is glad Salisbury will have a cancer center, and this facility will bring a lot of comfort to families.

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

Councilmember Miller noted there is a need for a cancer center in the community.

Councilmember Sheffield thanked Novant Medical Center and the Wallace family for making a cancer center possible for the community.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property located in the 600 blocks of Mocksville Avenue and Mahaley Avenue from GR-6 and HS districts to HS district, and to establish a Conditional District (CD) Overlay for the property as set forth in Petition No. CD-05-2018, is reasonable and in the public interest, considering the size and location of the property to be rezoned, the current zoning of the adjacent property, the potential benefits of the development to the community, and the potential for the development to greatly improve the public safety, health, and welfare. The rezoning proposal is also consistent with City's Vision 2020 Plan Policy C-3, which encourages rezoning in older commercial areas that is compatible with existing development in terms of size, scale, massing, fenestration, rhythm, setback, materials, context, and landscaping, and is consistent with Policy C-12, which encourages new infill development across the front street face of existing, oversized parking lots.

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance as set forth in Petition No. CD-05-2018, which is included in the materials presented to City Council. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL FROM GENERAL RESIDENTIAL TO HOSPITAL SERVICES AND COMBINE WITH THREE PARCELS AND APPLY CONDITIONAL DISTRICT OVERLAY TO ALL FOUR PARCELS, COMBINED PARCELS WILL BE APPROXIMATELY 3.75 ACRES, IN THE 600 BLOCK OF MOCKSVILLE AVENUE AND MAHALEY AVENUE ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A SINGLE STORY 30,000 SQ. FT. MEDICAL FACILITY.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 9 and 10, and is known as Ordinance 2018-09.)

UPDATE – POLICE CHIEF

Police Chief Jerry Stokes and Major Shon Barnes addressed Council regarding Salisbury Police Department staffing and crime statistics. Chief Stokes noted the Department has 80 sworn staff members of which 72 are active duty, six are in field training and two are in Basic Law Enforcement Training (BLET). He indicated the sworn staff is at 98.8% capacity with five vacancies, one budgeted and four over hire positions that were authorized by Council. He added staff is working to fill the civilian positions for a victim's advocate and crime analyst.

Chief Stokes reviewed current hiring levels and he noted 49 sworn positions have been filled since July 2016. He pointed out 24 sworn positions have been vacated and seven individuals retired from the Police Department. He compared the number of City sworn police officers per 1,000 citizens to neighboring communities. Councilmember Miller asked which community would be comparable to the City. Chief Stokes noted Statesville is comparable to the City of Salisbury regarding crime issues, but its population is smaller than the City's. He added comparisons can also be made to High Point and Hickory, but each community has issues that are unique to its size and population.

Chief Stokes then reviewed the sworn officer demographics, and he pointed out an increase in minority police officers. Mayor Heggins commended Chief Stokes and Major Barnes for their work to diversify the Police Department. Chief Stokes recognized City Manager Lane Bailey, Major Barnes, Sergeant Justin Cruise and Recruiting Sergeant Corey Brooks for their work to identify minority candidates and increase diversity in the Police Department.

Chief Stokes compared crime statistics for 2017 and 2018, and he pointed out a decrease in homicides, robberies and gun crimes. He noted an increase in shootings into occupied dwellings, auto theft, and rape. He added overall violent crimes decreased by nearly 1% and shots fired calls decreased by 36.6%.

Chief Stokes explained the Police Department answered 46,819 calls for service in 2018 that resulted in:

- 1,557 arrests
 - 352 felonies
 - 1,151 misdemeanors
 - 54 Ordinance violations
- 2,574 citations issued
- 10% of total arrests are homeless individuals
- 4.9% of total citations are issued to homeless individuals
- 51 application of force incidents
 - Down 42% from 2017
 - Use of Force Policy is being reviewed by Chief's Advisory Board and is scheduled to be published in 2019

Chief Stokes reviewed arrest and citation demographics for 2018, and he pointed out an 8.5% decrease in total arrest and a 23.1% increase in citations. Chief Stokes reviewed the top five

calls for service in 2018: 911 hang up calls, suspicious persons or vehicle, vehicle stops, alarm calls, and information request.

Chief reviewed the Community Action Team's goals and progress:

- Goal: 95% staffing rate for authorized sworn officer positions by 2018
 - Progress: Currently 98.7% staffing
- Goal: Reduce gun violence and assault by 5% annually
 - Progress: Homicides down 40% in 2018
 - Progress: Assault with dangerous weapon/firearms down 19% in 2018

Chief Stokes stated two detectives are assigned to the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Task Force, and an ATF Agent is assigned exclusively to Rowan County and the Salisbury Police Department. He added the Project Safe Neighborhood initiative is conducting a violent incident review. He noted Major Barnes brought a Stratified Policing Model to the City in 2017.

Major Barnes explained the Stratified Policing Model is an award-winning crime reduction prototype that consists of three components: problem-solving, analysis of crime and accountability. He noted problem oriented work groups use their expertise to identify problem locations and people and then deliver the information to sergeants who make sure the issues are addressed.

Chief Stokes reviewed the 2018 Santa Patrol. He noted 750 Police Officer staff hours were devoted to the initiative than ran from Black Friday to the end of the year. He noted a few arrests were made and he pointed out:

- South Arlington Street had an 85% reduction in shoplifting and a 50% reduction in overall calls
- Klumac Road had a 71.4% reduction in shoplifting and a 70% reduction in overall calls
- Innes Street Market had a 29% increase in shoplifting, but a 19% reduction in overall calls
- Downtown Business District had no change in shoplifting (0 in 2017, 0 in 2018), 20% reduction in overall calls
- Hotel Areas on Innes Street had a 40% reduction in theft from motor vehicles

Chief Stokes noted the Santa Patrol received positive feedback from the public. He added the initiative cost \$25,093 in overtime funding.

Major Barnes stated the Salisbury Police Department subscribes to a community policing philosophy that is rooted in community engagement. He added community engagement is an ongoing philosophy, and he displayed photographs from community engagement events in 2018.

Mayor Heggins thanked Chief Stokes and Major Barnes for their presentation and for all they do for the community.

Mayor Pro Tem Post thanked the Police Department for its work to change the community's attitude regarding the Police Department.

Chief Stokes stated Major Barnes' presence has been valuable to the Police Department's community efforts. He thanked everyone who works to make the Salisbury Police Department a success.

Councilmember Miller pointed out Chief Stokes hired over half of the police force. He pointed out many officers have retired in the last 10 years. He thanked Chief Stokes and Major Barnes for their work to hire the right police officers for the City.

Councilmember Alexander commented increasing the budget made a difference for the Police Department. Chief Stokes agreed.

Councilmember Sheffield thanked the Police Department for their increased patrols and presence in the community.

ASPHALT BID – HANES CONSTRUCTION

Engineer Chris Tester addressed Council regarding the 2018-2019 Street Asphalt Resurfacing Project. He provided Council with a list of streets in the City to be paved. He explained the list of streets is generated each year by staff using a 2010 outsource pavement rating, staff recommendations, public concerns and traffic usage.

Mr. Tester updated Council on the Salisbury Rowan Utilities (SRU) water line project on Fulton Street. He recommended it would be best to resurface the entire street due to the size of the water line patch and the amount of traffic on the street. He pointed out working on one neighborhood allows the City to pave the most area for the cost.

Mr. Tester reviewed bids from other vendors, and he noted Hanes Construction was the lowest bidder for the project.

Mr. Tester pointed out \$50,000 was included in the current 2018-2019 fiscal year budget for resurfacing asphalt. He provided Council a paid invoice for the resurfacing cost for the SRU water main replacement on South Fulton Street and he noted \$105,982.44 was spent. He informed Council the Finance Department has identified savings from another project to cover the remaining \$13,592.44. He asked Council to consider awarding an asphalt bid to Hanes Construction for \$407,610 for street paving in the City. Mayor Pro Tem Post thanked Mr. Tester for his presentation. Councilmember Alexander shared she likes the strategy of resurfacing asphalt in one neighborhood at a time.

Thereupon, Mayor Pro Tem Post made a **motion** to approve the Asphalt Bid to Hanes Construction for a unit based contract with an estimated total of \$407,610 for paving the list of streets Mr. Tester indicated in Salisbury. Councilmember Miller seconded the motion. Mayor

Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RIGHT-OF-WAY – 200 BLOCK OF WEST INNES STREET

City Engineer Wendy Brindle shared with Council information regarding the City Code section that allows downtown properties to request the use of right-of-way for construction activities. She noted City Code allows staff to approve certain issues, but if the project exceeds 14 days or involves a lane or sidewalk closure on Innes or Main Streets it must be approved by Council.

Councilmember Sheffield asked for clarification regarding the number of days before approval would be needed by Council. Ms. Brindle confirmed anything above 14 days would need Council's approval.

Ms. Brindle indicated the request is from Wagoner Construction on behalf of St. John's Lutheran Church to approve a right-of-way use permit for a sidewalk and lane closure in the 200 block of West Innes Street. She shared due to additional equipment onsite the request would include approval of four parking spaces in the 100 block of North Church Street from February 11, 2019 through March 15, 2019. She informed Council due to North Carolina Department of Transportation (NCDOT) standards the closures would be from 9:00 a.m. until 4:00 p.m.

Mayor Pro Tem Post asked if an extension would be allowed beyond March 15, 2019 due to weather conditions. Ms. Brindle noted if there is a construction delay the request would come back to Council for an extension and be submitted to NCDOT for approval. Ms. Brindle clarified the lane closure would only take place when the crane is being used.

Councilmember Miller asked how far in advance the road closure would be posted. Ms. Brindle noted the first warning of the road closure would be posted a full block ahead. She added all traffic controls requirements have been provided to Mr. Wagoner. She noted the Engineering Department and NCDOT will make sure the requirements are being met.

Thereupon, Councilmember Sheffield made a **motion** to approve a sidewalk and lane closure in the 200 block of West Innes Street from February 11, 2019 through March 15, 2019 subject to NCDOT concurrence and to approve the use of four parking spaces in the 100 block of North Church Street adjacent to St. John's Lutheran Church for the same duration. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

BOARDS AND COMMISSIONS

Community Appearance Commission

Upon a motion by Councilmember Sheffield, seconded by Councilmember Alexander, Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following reappointments were made to the Planning Board for a term to begin April 1, 2019:

Ms. Laurie Klaus
Ms. Kim Hardiman

Term Expires 03/31/2022
Term Expires 03/31/2022

CITY ATTORNEY'S REPORT

Project Care

City Attorney Graham Corriher requested Council consider a clarifying motion regarding Project Care discussed earlier in the meeting to make sure the minutes reflect Council passing a 75% grant agreement. Mr. Corriher clarified level one is the lowest level, level two is 80% and level three is 85%.

Thereupon, Councilmember Sheffield made a **motion** to approve the relocation and expansion agreement substantially in the form presented to Council prior to this meeting, which is a level one grant pursuant to the City of Salisbury Investment Grant Program. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

CITY MANAGER'S REPORT

Historic Revitalization Subgrant Program Application

City Manager Lane Bailey asked Council to consider applying for the Historic Revitalization Subgrant Program through the National Park Service Department of the Interior. He indicated the grant would be used for the Empire Hotel and working with the developer. He added the Historic Revitalization Subgrant Program would not require a match from the City.

Thereupon, Mayor Pro Tem Post made a **motion** to authorize an application to the Historic Revitalization Subgrant Program. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Federal Lobbyist Services – Ferguson Group

Mr. Bailey commented members of Council previously met with a Federal lobbyist from the Ferguson Group and discussed engaging services with the firm. He shared since the initial

meeting, Mayor Heggins asked about using the Strategics Group offered through the Centralina Council of Governments (CCOG). He added information from both groups was included in the Agenda Packet. He noted if the City does not have a set Federal agenda, it does not have to use either since it already has some services with the CCOG. He indicated if Council wants an aggressive Federal agenda to pursue grants or other funds, it may make sense to hire a lobbyist.

Mr. Bailey noted there are three options: pursuing engagement with the Ferguson Group for \$5,000 a month; continue utilizing services of the CCOG at no additional cost; or further engage the Strategics Group for services above what the City has through the CCOG.

Councilmember Alexander noted she has worked with CCOG since she has been on Council and they do great work. She added CCOG will set up meetings locally to meet with Federal and State representatives. She indicated it would strengthen the City's relationship with CCOG to work with the Strategics Group. She pointed out the City already has a relationship with CCOG and it should engage them if something different is needed.

Mayor Heggins shared the North Carolina Metropolitan Mayors Coalition Executive Director Beau Mills is working to ensure cities have access to Federal representatives and the ability to pursue grants they may want to pursue.

Councilmember Alexander added the CCOG group has a great relationship with the United States Conference of Mayors.

Mayor Heggins stated both agencies are willing to provide assistance at the Federal level for specific things Council may want to pursue.

Mr. Bailey asked if the consensus is to stay with what is being done currently, and to look at the Ferguson Group or the CCOG if enhanced services are needed. Mayor Heggins agreed.

Mayor Pro Tem Post noted the Ferguson group would be able to point out things that may not have been previously considered. He added if the CCOG is continued to be used, it shifts a burden to Council to figure out what they want and to ask for help with it.

Councilmember Miller commented there is a Federal agenda and the projects Council is working on require advocacy lobbying with our Federal representatives in Washington, D.C., whether it is the train station, Empire Hotel, Brownfields or any Federal related projects. He added he does not have a preference of which group Council decides. He pointed out he would rather Council contact the group that it worked with in the past, and get specific services in certain areas as opposed to going under the CCOG membership. He suggested Council choose a project and hire someone as a paying client to create a specific relationship as opposed to a membership benefit.

Councilmember Alexander agreed. Mayor Heggins agreed, and she noted a hired lobbyist would have other clients. Councilmember Miller stated a paid client receives a different level of attention. He added he may not have seen what the others have seen, and he asked about the fees.

Mr. Bailey shared that the information is included in the packet. Mayor Heggins asked if the comparison is with the Ferguson group. Councilmember Miller commented there is a proposal for \$5000 a month with the Ferguson group.

Mayor Heggins asked if there are firms available other than the two presented. Mr. Bailey agreed. Mayor Heggins commented she would like to consider more firms than the two presented. Councilmember Miller noted there is past experience with one group and some individuals may have worked with the other group, but the firm needs to be the one that will provide the best coverage for the City. Mayor Pro Tem Post agreed, and he added he thinks strategically it would be best to consider the different options the firms can provide and their individual fees. He agreed with Mayor Heggins to consider other options. He added it would be good to receive alerts regarding grants that become available because there is no infrastructure to find out what grants may be available. Mayor Heggins asked if staff members monitor their particular department for Federal grants that may become available. Councilmember Alexander noted staff receives information from the CCOG. Mr. Bailey pointed out the information is sent to the various departments where it is appropriate.

Mayor Pro Tem Post noted he relies on the input of Mayor Heggins and Councilmember Alexander since as Mayors they would have received information the rest of Council may not have received regarding grants in the past.

Councilmember Alexander pointed out Transit Director Rodney Harrison received notifications from the United States Department of Transportation. She added there is a process in place, and Council needs to identify what it wants to focus on before they engage with a firm.

Councilmember Miller asked if there would be an opportunity to add a discussion regarding Federal issues to the Retreat agenda. Council agreed. Councilmember Sheffield noted the firm that will best serve the community and who is best equipped to do that for them should be chosen. She added comparing other firms than the two presented will need to be discussed.

ANNOUNCEMENTS

Communications Director Linda McElroy announced City Council will hold its annual Outcomes and Goal Setting Retreat Monday, February 11, 2019 from 6:00 p.m. until 9:00 p.m. and Tuesday, February 12, 2019 beginning at 9:00 a.m. until conclusion. The Retreat will be held at Livingstone College Department of Hospitality and Culinary Arts located at 530 South Jake Alexander Boulevard.

Communications Director Linda McElroy announced the Fair Housing Committee will meet Wednesday, February 20, 2019 at 4:00 p.m. until 6:00 p.m. at 132 North Main Street, 2nd Floor. Victoria Avramovic from the Centralina Council of Governments and City staff will work with the group on the Analysis of Impediments (AI). The AI survey is available online in English and Spanish at <http://salisburync.gov/Fair-Housing-Committee>. Please call (704) 638 -5218 for more information.

COUNCIL COMMENTS

Councilmember Sheffield asked about the Vision Steering Committee that started a few years ago. She noted the Committee is referenced often regarding Ordinances and is listed in Vision 2020. She commented she would like an update regarding the progress of the Committee and which department it is under.

City Manager Lane Bailey noted the Comprehensive Plan Steering Committee is under the Planning Department and near completion. He added Development Services Specialist Catherine Clifton who initially began work on the Committee a few years ago has returned to the City. He shared once a new Planning Director is hired, the updated Plan will be finalized and brought before Council.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post shared he attended the Mayors Innovation Conference in Washington, D.C. and learned about issues pertaining to the City such as: the impact of women's health on the community, the economic impact of not dealing with women's health, the environmental impact of transportation, looking at alternative transportation issues, and minority business development issues.

Mayor Pro Tem Post pointed out there are problems with the City's water connection and disconnection policies as discussed with staff. He commented problems with residents being able to get water turned on in their name when someone passes away without a will is a problem that needs to be addressed.

Councilmember Miller asked if there is something Council can do. Mayor Pro Tem Post commented staff can work to solve the issue because if someone is living in a house without a deed there needs to be a way for the water to be connected. He pointed out if the water is disconnected and a person cannot show ownership to get the water back on, houses will become abandoned and dilapidated. He added houses could be taken away from family members taking care of the property due to the conditions and water not being connected.

Councilmember Miller asked how water connection is handled when people rent. He noted renters do not have a deed to the house, but can get the water connected in their name. Mayor Pro Tem Post pointed out there are different rules for owning and renting. He noted there needs to be a way to turn the water on for responsible people.

Mr. Bailey indicated he will speak with Finance Director Shannon Moore and City Attorney Graham Corriher regarding this matter.

MAYOR'S COMMENTS

Mayor Heggins invited the public to attend and participate in the discussion regarding the Mission, Vision, and Core Values during the Council Planning Retreat on Monday, February 11, 2019 from 6:00 p.m. until 9:00 p.m. She added the Retreat will continue Tuesday, February 12, 2019, and she encouraged the public to participate and attend. Mayor Heggins thanked City staff, City Manager Lane Bailey, City Attorney Graham Corriher, Council and City Clerk Diane Gilmore for all they do for the City.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:34 p.m.

Al Heggins, Mayor

Diane Gilmore, City Clerk