

Salisbury, North Carolina  
July 15, 2014

## **REGULAR MEETING**

**PRESENT:** Mayor Paul B. Woodson, Jr., Presiding; Mayor Pro Tem Maggie A. Blackwell, Council Members Karen Kirks Alexander, William (Pete) Kennedy, and William Brian Miller; Interim City Manager John Sofley; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

**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 Woodson at 4:00 p.m. The invocation was given by Mayor Pro Tem Blackwell.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Woodson welcomed all visitors present.

## **PROCLAMATION**

Mayor Woodson proclaimed the following observance:

CHICKWEED – CELEBRATING INDESTRUCTIBLE      July 13-19, 2014  
WOMEN WEEK

## CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of June 17, 2014 and the Special Meeting of June 23, 2014.

(b) Pool Hall Permit – Shawn Wheeler

Receive an application from Mr. Shawn Wheeler for a permit to operate a pool hall located at 122 Avalon Drive, and set a public hearing for August 5, 2014.

(c) Pool Hall Permit – Glenda Zambrano

Receive an application from Ms. Glenda Zambrano for a permit to operate a pool hall located at 2168 Statesville Boulevard, and set a public hearing for August 5, 2014.

(d) Voluntary Annexation – Julian Road

Receive a Certificate of Sufficiency from the City Clerk regarding the voluntary annexation of 25 acres on Julian Road and adopt a **RESOLUTION** setting a public hearing for August 5, 2014.

RESOLUTION SETTING THE DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF 25 ACRES ON JULIAN ROAD, TAX MAP 402 PARCEL 088, PURSUANT TO G.S. 160A-58.1 AS AMENDED.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 13-14, and is known as Resolution 2014-12)

(e) Budget Ordinance Amendment – Brownfields Grant

Adopt a Budget **ORDINANCE** Amendment to the FY2014-2015 budget in the amount of \$400,000 to appropriate an Environmental Protection Agency Brownfields Grant.

ORDINANCE AMENDING THE 2014-15 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE GRANT FUNDS FROM THE UNITED STATES ENVIROMENTAL PROTECTION AGENCY.

(The above Ordinance is recorded in full in Ordinance Book No. 24 at Page No. 88, and is known as Ordinance 2014-24)

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

## LOCAL WATER SUPPLY PLANS

Senior Engineer Jeff Jones explained a Local Water Supply Plan is required of all public water systems. He noted the Local Water Supply Plan is adopted every five years with annual updates and was last approved in 2007. He stated the Local Water Supply Plan presented to Council tracks water supply and usage for 2012.

Mr. Jones noted the Local Water Supply Plan includes local water systems information and management practices and projects supply and demand for 50 years. He explained the Local Water Supply Plan includes demand as a percent of total water supply to ensure water sources are able to meet the projected need. He stated the City uses approximately eight percent of its available water supply which comes from the Yadkin River.

Mr. Jones explained the gallons of water per capita per day is reviewed to measure the efficiency of the water system regarding leak and use patterns. He noted Salisbury-Rowan Utilities (SRU) is using 52 gallons of water per person per day. He added the usage includes industrial, commercial, and residential customers. He pointed out the State is targeting systems that use over 100 gallons of water per person per day.

Mr. Jones stated there are two Resolutions before Council, one for the City of Salisbury and another for the Town of China Grove. He explained a separate water system identification is required for the Town of China Grove because a portion of its water is supplied from wells.

Thereupon, Ms. Alexander made a **motion** to adopt a Resolution approving the Local Water Supply Plan for the City of Salisbury. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

RESOLUTION APPROVING THE LOCAL WATER SUPPLY PLAN FOR THE CITY OF SALISBURY.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 15, and is known as Resolution 2014-13)

Thereupon, Ms. Alexander made a **motion** to adopt a Resolution approving the Local Water Supply Plan for the Town of China Grove. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

RESOLUTION APPROVING THE LOCAL WATER SUPPLY PLAN FOR THE TOWN OF CHINA GROVE.

(The above Resolution is recorded in full in Resolution Book No. 14 at Page No. 16, and is known as Resolution 2014-14)

## **LOCAL COORDINATED TRANSIT PLAN**

Public Services Director Tony Cinquemani and Transit Manager Rodney Harrison addressed Council regarding the Local Coordinated Transit Plan for Rowan County and the City of Salisbury. Mr. Harrison explained:

- A Local Coordinated Transit Plan is required for State and Federal funding
- The coordination of public/private transit and human service transportation extends transportation funds by identifying efficiency opportunities
- The Plan includes recommendations to enhance mobility options meeting the needs of elderly, disabled, and low-income individuals
- Public Forum was held August 29, 2013
- Local Coordinated Plan Approval
  - Rowan County Transportation Advisory Board approved the Plan March 19, 2014
  - Rowan County Commissioners approved the Plan April 21, 2014
  - The City's Transportation Advisory Board (TAB) approved the Plan March 13, 2014

Mr. Harrison explained during the public forum stakeholders noted the Plan's:

- Strengths
  - Reasonable fares
  - Clean vehicles
  - Safety
  - Connectivity
  - Friendly drivers
  - Covered outlying areas
- Operating Improvements
  - Increase service hours
  - Weekend service for both transit systems
  - Western Rowan Express Route
  - North Rowan Express Route
  - Expand connectivity to the Charlotte Area Transportation System (CATS)
  - Expand services
  - Additional funding to job sites
- Technology
  - Mobile data computers to increase scheduling efficiency
  - Real-time vehicle tracking displayed on a website
  - Safety technology: back-up cameras
  - Electronic fare boxes
  - Software applications: mobile phone applications for real-time tracking
- Capital/Equipment
  - Passenger shelters, benches, bike racks
  - Expansion vehicles with additional seating and bike racks for new routes
  - Alternative fuel vehicles with additional seating and bike racks
  - Replacement vehicles with additional seating and bike racks

- Marketing/Public Outreach
  - Interactive maps
  - Monitors that display business advertising inside vehicles
  - Advertise on television and radio

Mayor Woodson asked about the cost of back-up cameras. Mr. Harrison noted back-up cameras are used by Rowan Transit System for small vehicles, but are not available for large buses. He explained City buses have inside and outside cameras, but are not equipped with back-up cameras. He indicated he will research the technology, and if back-up cameras are available for buses, he will present the information to Council.

Councilmember Kennedy stated transit service is important to County and City citizens. He noted the Local Coordinated Plan for Transit is a partnership between Rowan County and the City that improves technology and efficiency.

Thereupon, Mr. Kennedy made a **motion** to adopt the revised Rowan County and City of Salisbury Local Coordinated Plan for Transit. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

#### **TITLE VI PLAN FOR THE SALISBURY TRANSIT SYSTEM**

Public Services Director Tony Cinquemani and Transit Manager Rodney Harrison addressed Council regarding the Title VI Plan for the Salisbury Transit System. Mr. Harrison reviewed Title VI responsibilities and objectives:

- To ensure transportation projects do not have a disproportionately negative impact on disadvantaged populations
- To achieve environmental justice protection for all communities

Mr. Harrison noted the North Carolina Department of Transportation (NCDOT) Office of Civil Rights (OCR) is responsible for the Title VI Compliance Review. He stated the Salisbury Transit System must meet requirements outlined in the:

- Federal Transit Administration (FTA) Circular 4702.1B
  - Title VI Requirements and Guidelines for FTA Recipients
- 49 Code of Federal Regulations (CFR) 21
  - Nondiscrimination in Federally-assisted NCDOT programs

Mr. Harrison noted a Title VI Officer completed the review on November 6, 2013 and noted deficiencies:

- Deficiency 1 – did not provide signed Title VI Assurances
  - Corrective Action: Title VI Assurances were submitted upon review by the Title VI Officer, City Attorney Rivers Lawther, and signed by Mayor Woodson

- Deficiency 2: did not provide Title VI related meeting minutes
  - Corrective Action: Reported there were no meetings discussing civil rights related issues
- Deficiency 3: Incomplete list of agencies on complaint form
  - Corrective Action: Added NCDOT OCR and FTA to the complaint form

Mr. Harrison indicated the following deficiencies included new requirements established by Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21):

- Deficiency 4: Incomplete Limited English Proficiency (LEP) Plan
  - Corrective Action: A four-factor analysis was added to the LEP Plan
- Deficiency 5: Quantitative measures
  - Corrective Action: Quantitative measures were updated and reviewed by Title VI Officer
- Deficiency 6: Service policies were not provided
  - Corrective Action: Service policies were created and reviewed by Title VI Officer

Mr. Harrison stated staff worked to address all deficiencies. He noted the revised Title VI Plan was reviewed and approved by the Transportation Advisory Board (TAB) on March 13, 2014.

Councilmember Kennedy noted he serves as the TAB Council liaison and the City must be compliant with the Title VI Plan to receive funding.

Thereupon, Mr. Kennedy made a **motion** to adopt the revised Title VI Plan for the Salisbury Transit System. Ms. Alexander seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

### **CABARRUS/IREDELL/ROWAN HOME CONSORTIUM COOPERATION AGREEMENT**

Senior Planner Trey Cleaton stated the Cabarrus/Iredell/Rowan Consortium Cooperation Agreement is part of an annual plan to apply and receive Housing and Urban Development (HUD) grants. He explained the HOME portion of the grants provide down payment assistance, owner-occupied housing rehabilitation, and emergency housing repair for low to moderate income individuals and families. He noted membership is renewed on a three-year basis.

Thereupon, Ms. Alexander made a **motion** to approve membership renewal and participation in the Cabarrus/Iredell/Rowan HOME Consortium Cooperation Agreement. Mr. Kennedy seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Mses. Alexander and Blackwell voted AYE. (5-0)

## **TEMPORARY USE OF PUBLIC RIGHT-OF-WAY**

City Engineer Wendy Brindle explained Section 22-50 of the City Code allows permits for the use of public right-of-ways for construction and renovation in the downtown area. She indicated staff can issue the permit for up to two weeks, but longer requests require Council's approval.

Ms. Brindle stated the City received two requests from Central Piedmont Builders for the use of public right-of-ways. She indicated the first request is at 120 North Church Street for four parking spaces for three months. She pointed out the second request is at 113 through 117 North Main Street for three parking spaces for six months. She emphasized use of the parking spaces will be limited to work trucks necessary for construction or renovation.

Ms. Brindle pointed out Central Piedmont Builders began using the parking spaces on July 2, 2014. She explained the request would have been brought before Council at its July 1, 2014 meeting but the meeting was canceled, so staff issued temporary approval until Council could address the issue. She noted during the temporary approval the parking spaces were blocked while in use and available to the public at all other times. She stated staff recommends approval of the request.

Councilmember Miller emphasized during the holidays the City will need parking spaces, especially during the holiday parade. Ms. Brindle noted staff will work with the contractor regarding times the City will need the parking spaces.

Thereupon, Mr. Miller made a **motion** to approve a permit for Central Piedmont Builders for use of the public right-of-way for four parking spaces adjacent to 120 North Church Street beginning July 2, 2014 and expiring October 2, 2014, and for three parking spaces adjacent to 113-117 North Main Street beginning July 2, 2014 and expiring January 2, 2015. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Meses. Alexander and Blackwell voted AYE. (5-0)

## **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS**

### **Hurley Park Advisory Board**

Upon a motion by Ms. Alexander, seconded by Ms. Blackwell, and with Messrs. Kennedy, Miller, and Woodson voting AYE, the following re-appointment was made to the Hurley Park Advisory Board:

Ms. Jane Riley  
Ms. James Haymaker

Term Expires 03/31/17  
Term Expires 03/31/17

### **Community Appearance Commission**

Upon a motion by Ms. Blackwell, seconded by Ms. Alexander, and with Messrs. Kennedy, Miller, and Woodson voting AYE, the following appointment was made to the Community Appearance Commission:

Ms. Tamara Sheffield

Term Expires 3/31/17

### **PUBLIC COMMENTS**

Mayor Woodson opened the floor to receive public comment.

Mr. William Peoples, 522 North Fulton Street, stated as a tax payer and citizen he has questions regarding the sudden departure of the former City Manager. He noted in the last several weeks there have been articles in the *Salisbury Post* regarding the situation and there seems to be an oversight by Council. He pointed out Council supervises one employee and oversees tax revenue. He requested a formal investigation by the Attorney General regarding City affairs. He stated citizens received a tax increase and a utility rate increase while job titles were changed and employees were promoted without the public's knowledge. He noted the City has violated its employee policies. He indicated the City has checks and balances in its Human Resources and Finance Departments and something should have raised a red flag. He emphasized citizens deserve answers from the Council who serves them.

Mr. J.R. Dunkley, 3211 Winged Foot Drive, stated Council's only employee did as he pleased without any checks or balances. He emphasized the former City Manager received a no-cut contract, and delegation without accountability leads to disaster. He noted City policies were violated when a severance package was provided to an employee who resigned. He added since 2013 over \$500,000 was paid in severance and salary increases. He emphasized Ms. Hasselmann received a 300 percent plus salary increase, Fibrant General Manager Mike Jury received a 200 percent salary increase while the Police Chief and Fire Chief received a three percent salary increase. Mr. Dunkley stated Mr. Jury is a consultant. He asked why Mr. Jury is managing City business and received the three percent cost of living increase given to employees. He stated he looks forward to what will happen in 2015.

Mr. Tony Hoty, 229 South Long Street, emphasized Council has a difficult job and must learn from its mistakes. He stated he has confidence Council will learn, grow and improve as it works through these issues. He commended Council for its work in the community. He noted he trusts this Council and has the utmost confidence conditions in the City will continue to improve. He indicated he is pleased to have this Council represent the City.

There being no one else to speak, Mayor Woodson closed the public comment session.



Mayor Woodson read the following statement:

“My fellow Councilmembers and I are aware that some in the community feel the City has been less than forthcoming with details concerning the recent separations. I assure those who feel that way that no one is trying to hide anything or trying to be inappropriately secretive about these employee’s departures. The Council and I are bound by North Carolina Personnel and Public Record Laws and cannot speak further regarding any former employees. The City has a great staff in place and we look forward to accomplishing our goals for the new budget year.”

Mayor Woodson noted Fibrant has over 3,000 customers and is breaking even. He thanked Fibrant General Mike Jury for his work to ensure Fibrant’s success, and he pointed out Fibrant has its first Gigabyte (Gig) customer.

Interim City Manager John Sofley noted one of Council’s goals is to become a Gig City. He added during the recent upgrades a customer with a 100 x 100 Mg connection was moved to one Gig service. He stated the test customer is extremely satisfied with the service. He pointed out staff is working to upgrade the remaining 100 x 100 Mg connections to one Gig of service.

Mayor Woodson commended staff for its work to secure 3,000 Fibrant customers.

Mayor Woodson emphasized the City has 24 percent to 25 percent in its General Fund Balance and has gone from two million to five million in reserve during the last three years. He noted Fibrant is progressing and will prove to be a huge benefit to the City and its citizens in the future.

### **INTERIM CITY MANAGER’S COMMENTS**

There were no comments.

### **MAYOR’S ANNOUNCEMENTS**

(a) **Krazy Night Out**

Mayor Woodson announced the Rowan Convention and Visitors Bureau will host Krazy Night Out Friday, July 18, 2014 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

(b) **17<sup>th</sup> Annual Run/Walk for the Greenway 5K**

Mayor Woodson announced the 17<sup>th</sup> Annual Run/Walk for the Greenway 5K and Half-Mile Fun Run will be held at the Salisbury Greenway, Saturday, July 19, 2014. Register at [www.sportoften.com](http://www.sportoften.com) until 12 noon July 18, 2014. Contact 704 216-PLAY (7529) for additional information.

(c) “Movies in the Park”

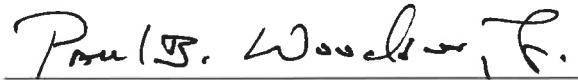
Mayor Woodson announced the Salisbury Parks and Recreation Department will host “Movies in the Park” at City Park Friday, July 25, 2014. Pre-movie activities begin at 8:00 p.m. The movie will begin at approximately 9:00 p.m. Bring a blanket or chair to watch the featured movie “Free Birds.” This free event is sponsored by Fibrant and open to the public.

(d) Bell Tower Concert Series

Mayor Woodson announced the new summer Bell Tower Concert Series will be held on the second and third Thursday of each month from 5:00 p.m. until 7:00 p.m. through October 16, 2014. The July 17, 2014 concert will feature music from the Blue Luv and the Seth Thomas Band. Bring a blanket or chair and enjoy this great time for the whole family. This free event is sponsored by Guitar USA.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Ms. Alexander seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:43 p.m.

  
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Paul B. Woodson, Jr., Mayor

  
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Myra B. Heard, City Clerk