

Salisbury, North Carolina  
July 17, 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 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 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**

Mayor Heggins noted the following change to the Agenda:

Independent Retailer Proclamation to be presented at 6:30 p.m.

**PROCLAMATION**

Mayor to proclaim the following observance:

CHICKWEED WEEK

July 15 – 21, 2018

Mayor Heggins read and presented the Chickweed Week proclamation to the President of Chickweed, Inc. Ms. Sue McHugh.

**RESOLUTION HONORING RETIRED CITY ATTORNEY F. RIVERS LAWTHER**

Mayor Heggins recognized City Attorney F. Rivers Lawther who retired after 33 years of service to the City and the community.

Thereupon, Mayor Pro Tem Post made a **motion** to adopt a Resolution honoring F. Rivers Lawther. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION HONORING F. RIVERS LAWTHER.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 23, and is known as Resolution 2018-16.)

Mayor Heggins and Mayor Pro Tem Post presented F. Rivers Lawther with a Key to the City in recognition of his service and dedication to the City of Salisbury.

Mr. Lawther addressed Council and recognized the courage it takes for Council members to run for office, and he thanked Salisbury citizens and Councilmembers for allowing him to serve and be a part of the Salisbury family.

**CONSENT AGENDA**

(a) Minutes

Approve Minutes of the Special meetings of January 8 and January 30, 2018, February 20, 2018, March 5 and March 6, 2018, April 3, 2018, and May 24, 2018, and the Regular meeting of June 5, 2018.

(b) Sidewalk Encroachment 201 East Innes Street

Approve a sidewalk encroachment at 201 East Innes Street, along East Innes Street and South Lee Street, for installation of balconies.

(c) Ordinance – Amending Chapter 13 Traffic Control Signals and Stop Signs

Adopt an Ordinance amending Chapter 13, Article X, Section 13-326 relating to Traffic Control Signals and Section 13-332 relating to Stop Signs, of the City Code.

ORDINANCE AMENDING CHAPTER 13, ARTICLE X, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO TRAFFIC CONTROL SIGNAL LIGHTS.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 88-113, and is known as Ordinance 2018-33.)

(d) Ordinance – Amending Chapter 13 No Turn on Red and Pedestrian Crossing Signals

Adopt an Ordinance amending Chapter 13, Article X, Section 13-327 relating to No turn on Red and Section 13-328 relating to Pedestrian Crossing Signals, of the City Code

ORDINANCE AMENDING CHAPTER 13, ARTICLE X, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SCHEDULES.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 114-115, and is known as Ordinance 2018-34.)

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

**UPDATE – POLICE CHIEF**

Police Chief Jerry Stokes reviewed the Salisbury Police Department's first and second quarter updates. He indicated a decrease to available staff positions and he recognized staff efforts to provide a diverse department. He commented on the increased crime rates from 2017 to 2018, and he noted a specific increase to robbery and shooting into occupied dwellings. He mentioned the increases in commercial and residential burglaries, and he noted increased automotive thefts with a decrease in motor scooters and trailer thefts. He reviewed an overall 7.2% increase in crime. He shared his concern and that staff is seeking opportunities and strategies to prevent violent and property crimes.

Chief Stokes stated the Police Department requested the Office of Justice Programs (OJP) assessment assistance to receive training to allow for better dispatch, response times, crime scene, and prosecutions. He commented officers are developing strategies, and he added the Department has applied for Federal Public Safety Partnerships.

Mayor Heggins asked if the OJP assessment would help the Police Department develop communication strategies. Chief Stokes commented the OJP would help and provide feedback during training. He noted staff works closely with the Communications Director Linda McElroy

to develop a collaborative work plan. Mayor Heggins asked how community members were selected to be a part of the interview process. Chief Stokes commented the OJP provided criteria, and he helped to facilitate those interviews.

Mayor Pro Tem Post asked if the Department knows why there has been an increase in crime and if there is a plan in place to address the increase, and he asked if Council could help assist. Chief Stokes responded the department is looking into particulars for the increased crime rate. Chief Stokes noted the Department has applied for various grant funding and is working with Mr. Bailey for Police Department needs.

Mayor Heggins asked about community incentives. Chief Stokes commented problem-solving and engagement activities are helping officers become involved with community members, and he reviewed Salisbury Neighborhood Action Group (SNAG) meetings, Chiefs advisory board, community classrooms, Ice cream Truck visits, and National Night Out as community engagement opportunities.

### **PRESENTATION – CITY AND ROWAN-CABARRUS COMMUNITY COLLEGE CLASSES**

Parks and Recreation Director Nick Aceves introduced Rowan-Cabarrus Community College (RCCC) Lead Program Manager in Training Services Tricia Staggers, and the Health Occupations Program Manager Casey Hinson.

Mr. Aceves shared City officials and staff met to discuss the idea of implementing trade skills programs. He commented he and other staff members from RCCC visited Opportunities Industrialization Center (OIC) for feedback on its program. He stated RCCC chose to offer forklift, certified billing coding, and light construction programs. He commented the City provided supplies, transportation, financial assistance, and a student graduation.

Ms. Hinson shared the City sponsored 20 students, and she noted 15 students successfully achieved National Health Care Association certifications. She indicated classes will start back in July 2018. She commented the Medical Billing course would prepare students to become entry-level medical billing clerks. She shared once students complete the programs, three credit hours would go toward an Associate's Degree or a diploma in the Medical Office Administration field.

Ms. Staggers shared four, two-day forklift classes had been offered, and she noted two additional classes will be offered in 2018. She noted the programs have received State funding to purchase equipment for the Light Construction program, and she shared the City of Kannapolis was so inspired by RCCC and Salisbury's programs that it decided to sponsor a similar program. She noted after a 20-week course students received a National Center for Construction Education Certification (NCCER).

Mr. Augusto Escoto thanked Council for offering classes for people to learn trade skills.

Mr. Sidney Smith stated the programs taught him skills and how to communicate with others.

Ms. LaraBeth Rodriguez thanked Council for the opportunity to take classes to learn a trade. She noted often times people are not able to afford school.

Mr. Alvin Merritt shared that the program was an awesome experience and helped increase his confidence.

Mayor Al Heggins thanked everyone for having a part in the success of the trade skills program.

Mayor Pro Tem Post asked if the program helped enhance student resumes and improve job prospects. Ms. Rodriguez added she recently received a job offer.

Councilmember Miller suggested Human Resources staff meet with the students, and he congratulated them on their achievement.

Councilmember Alexander asked if there were partnerships with the program and distribution centers in the community. She added RCCC partners with North Carolina Works (NCWorks) that allows students additional opportunities. Ms. Staggars commented students were given an opportunity to work on a Habitat for Humanity house in the community.

Mayor Heggins noted it was an inspiration to see the growth in the program.

## **PUBLIC COMMENT**

Mayor Heggins opened the floor to receive public comments.

Mr. Ronnie Smith thanked retired Attorney Rivers Lawther for his service to the City. He thanked Council for its support for the enlargement of the National Veterans Cemetery, and he noted Rowan County veterans have received pre-approval from Washington, D.C. to enlarge the cemetery with support from the Greenway and Carolina Thread Trail. He asked for Council's support for the Veterans Memorial wall and its placement, and he added the Yadkin River Park plans to create a 4,000-acre park.

Mr. Louis Chamber stated he resides at 120 West Bank Street and he shared a concern regarding the use of fireworks during holiday celebrations. He noted he has been in contact with the Police Department, but the persons setting off the fireworks stop when Police officers arrive to his neighborhood. He asked Council to consider banning the use of fireworks on City streets.

City Manager Lane Bailey commented the use of fireworks is prohibited in the City, and he suggested staff could help.

Mr. Jerry Shelby shared he resides in the Morlan Park area, and he expressed a need for affordable senior housing.

Ms. M.T. Sidoli thanked the community for its participation in Salisbury Pride Celebration, Juneteenth Day, and the Jazz and Blues Festival.

Mr. Tenkomenin Crowder shared his concerns in regards to the increased crime rate.

Ms. Renee MacNutt shared she was a recent victim of a residential burglary, and she commended the Police Department for its service. She asked for more information about the Office of Justice Programs (OJP) shared by Chief Stokes that include four steps to reduce crime.

Mr. Michael Kirksey shared his concerns regarding trains blocking intersections, and he added a concern about opium use in the community.

Mayor Heggins asked if the City has any contacts with the Railroad. Mr. Bailey commented the City has no control over tracks and noted sometimes trains will park to allow other trains to pass. Mayor Heggins asked if contact could be made with the Railroad to ask about trains stopped at intersections. Mr. Bailey agreed.

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

### **CITY CODE AMENDMENT – CHAPTER 13 RESTRICTED TRUCK STREETS**

Engineer Technician Vickie Eddleman stated residents of Newsome Road have successfully made this roadway restricted to commercial trucks. She noted reports from citizens have proven how difficult it is to keep trucks from the roadway. She shared the Engineering Department is working with the Police Department and the trucking community in an effort to determine how the situation can be improved. She noted additional signage will be placed on Bringle Ferry Road prior to the intersection construction with Newsome Road. She shared additional signage will warn the truck drivers before turning onto Newsome Road. She explained portions of Newsome Road and East Innes Street currently do not have signs because trucks are allowed on the portion of Newsome Road between East Inness Street and Stokes Ferry Road. She noted staff would like to propose restricting truck traffic from the portion of Newsome Road from East Innes Street to Stokes Ferry Road. She shared the proposal allows additional signage to prevent drivers from accessing Newsome Road and staying on roadways which allow such traffic.

Councilmember Miller asked if Google Maps had been notified of the restricted area. Ms. Eddleman commented the Geographic Information System (GIS) staff has been in contact with Google Maps.

Mayor Pro Tem Post asked for clarification for the definition the word truck. Ms. Eddleman shared City Code defines a truck as a commercial vehicle of a certain description.



- Residential Utilities – 50% coverage of eligible cost, up to \$25,000, for installation or upgrade of water utilities where project cost exceed \$5,000.
- Fire Suppression – 50% coverage of fire line cost, up to \$25,000, for sprinkler system installation.

Mr. Harris commented incentive programs lower the cost of new residential construction projects and increase the demand for downtown retailers, restaurants, and services. He added programs help attract business and residents, increase tax base, and stimulate private investments.

Mr. Harris reviewed the construction would consist of a three-floor building with offices on ground level and four residential spaces on the second and third level. He noted the building will be at the intersection of East Innes and South Lee Street, and he noted the property has been vacant for an extended period of time. He noted a total estimated project cost is \$2,863,800, and the applicant is requesting up to \$142,204 to assist in the production of eight apartment units totaling 13,172 square feet.

Mr. Harris noted City tax revenue is estimated to be \$206,100 over a 10-year period with a 0.7196% tax rate, and he commented a Municipal Service District (MSD) tax revenue rate of 0.176% and a gross sum of \$50,400.

Mayor Pro Tem Post asked about the current budget for the incentive grant. Mr. Harris indicated the budgeted amount of \$150,000 is for a project previously approved and scheduled to be completed in FY19-20. He noted once projects are completed, the expenses will be paid as detailed in the Capital Improvement Plan (CIP). Mayor Pro Tem Post asked City Manager Lane Bailey if it was standard procedure to fund projects outside fiscal years. Mr. Bailey agreed, and he noted projects can extend beyond a fiscal year. Councilmember Alexander asked if funds are provided on a first come first served basis as noted in the CIP. Mr. Bailey agreed, and he commented grants are approved at the Council's discretion.

Mayor Pro Tem Post suggested Council require a refundable deposit for projects. Mr. Bailey indicated the Planning Department staff helps manage requested projects.

Mayor Heggins asked why incentives are provided on a first come, first served basis. Mr. Bailey noted it is at Council's discretion and is a budget consideration. Mr. Harris noted applicant project outlines are required to show progress within six months, and applications are processed with staff. Councilmember Miller noted once the market is ready, applicants present their projects to staff and indicated projects should meet the criteria and provide cost estimates. He noted applicants must be in a particular stage in order to progress with a project. Planning Director Janet Gapen commented Revitalization Incentive Grant applications are not common.

Mayor Heggins asked about market demands in relation to the proposed project ideas. Councilmember Miller noted anyone can apply for a project in the MSD. Mayor Heggins asked how grant opportunities are created for a variety of contractors. She also asked how the City looks into options for Minority and Women-Owned Business Enterprise (MWBE). She asked about the process and criteria. Mr. Harris commented suggestions or changes can be at Council's discretion.



(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding the request for a Downtown Revitalization Incentive Grant.

Healthcare Consultant Partner Stan Jordan addressed Council and indicated he had recently purchased a warehouse near the new construction at 201 East Innes Street. He commented it would allow access to South Lee Street to help provide after hour parking. He shared he appreciates the City and its grant programs to help with new development projects.

Architect Pete Bogle addressed Council regarding the project and how the development could provide a safe environment for the City. He noted a large interest in Downtown living and thanked Council for providing incentive grants.

Councilmember Miller thanked Mr. Jordan for his interest in the Salisbury's downtown area.

Ms. Renee MacNutt asked about the square footage and the approximate cost of rent. Mr. Harris noted the rent would be above market rate. Councilmember Miller noted the development would be the largest to scale for Salisbury.

Ms. M.T. Sidoli expressed a concern for affordable housing and its relation to tenants who will work at local shops and eateries. She asked Council to consider people's budget and their living arrangement needs.

Councilmember Alexander noted Yadkin House Apartments provide subsidized rental units for various budgets and square footage needs. She noted the City's transit as a great resource.

Ms. Keya Ruston stated she is a realtor with Keller William Reality and shared that local areas in this region are becoming over saturated. She expressed a need to make housing affordable and available to different needs. She asked Council about the portion of funds for first time home buyers. Mr. Harris indicated Ms. Ruston is referring to a different program.

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

Thereupon, Councilmember Miller made a **motion** to approve a request for a Downtown Revitalization Incentive Grant for up to \$142,204 for a mixed-use construction project located at 201 East Innes Street. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Mayor Heggins asked if a parking plan was in the works to address parking needs. Ms. Gapen agreed.

City Engineer Windy Brindle addressed Council regarding a downtown parking plan. She noted a discussion for on-street parking for Rowan County Library to help overcome its parking loss.

## RECESS

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

The meeting reconvened at 7:25 p.m.

## BOARDS AND COMMISSIONS

There were no appointments.

## CITY MANAGER'S REPORT

### (a) Update – Salisbury Fire Station 6

City Manager Lane Bailey presented Council an update regarding Fire Station 6 bids, and he noted the lowest bidder requested to withdraw its bid due to leaving items out of the offer. He indicated for the bidder to withdraw a public hearing date would need to be determined. He commented project Architect Bill Burgin will plan to meet with the second highest bidder to discuss the amount. He suggested adjustments be made to the Capital Improvement Plan (CIP) and noted an increase in material expenses and difficulties resourcing skilled labor. He asked Council to consider setting a public hearing Tuesday, August 7, 2018, to allow the withdrawal of the low bidder.

Thereupon, Councilmember Miller made a **motion** to set a public hearing for August 7, 2018, to excuse the low bidder from fire station 6. Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

## ANNOUNCEMENTS

City Manager Lane Bailey announced applications are now being accepted for the 2018 Salisbury Citizen's Academy. The academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 6, 2018, and ending with graduation November 1, 2018. Participants will meet at various city facilities and have an inside view of City operations. Applications are available online at [salisburync.gov/citizensacademy](http://salisburync.gov/citizensacademy) or by calling Kelly Baker at 704-638-5233. Applications are due by July 31, 2018.

## COUNCIL COMMENTS

Councilmember Miller announced a Golf Cart Committee meeting will be held Thursday, July 26, 2018 at 5:30 p.m. at 1 Water Street. He added the Free Speech Committee meeting will be held Thursday, August 9, 2018 at 5:30 p.m. and a location would be determined by staff.

Councilmember Sheffield encouraged citizens to participate in the Citizens Academy. She commended the programs presented by Rowan-Cabarrus Community College and the Parks and Recreation Staff. She commended the Salisbury Police Department and its bravery during a recent hostage situation. She commented Chickweed, Inc. and its celebration event week, and she announced a free mobile mammogram station Wednesday, July 18, 2018 from 2:00 p.m. until 7:00 p.m. would be on site.

### **MAYOR PRO TEM COMMENTS**

Mayor Pro Tem Post announced an Election Review Committee meeting will be held Wednesday, August 8, 2018 at 5:30 p.m. at 1 Water Street. Councilmember Alexander asked how the meeting is advertised to the public. City Manager commented a discussion could be had with Communications Director Linda McElroy.

### **MAYOR'S COMMENTS**

Mayor Heggins commended the Police Department for handling the recent hostage situation with bravery and continuing to keep the community safe.

Mayor Heggins commented Chit, Chat, and Chew community engagements and reminded staff of the City's Mission and Vision discussions.

Mayor Heggins stated she attended a Mayors Conference on Entrepreneurship July 10 through July 12, 2018 in Kansas City, Missouri. She noted the Kauffman Foundation paid for Mayors to attend and reviewed conference topics.

Mayor Heggins announced a Salisbury-Rowan Community Action Agency meeting on Tuesday, July 31, 2018 from 6:00 p.m. until 8:00 p.m. located at 1300 West Bank Street to discuss how funds are used in the West End Community.

Mayor Heggins asked Council to consider a Resolution at its August 7, 2018 meeting, and she noted the resolution is in regards to an African-American lynching in the early 1900s, and she commented she hopes the resolution can help move the community forward with restorative justice.

### **CLOSED SESSION**

Mayor Heggins requested a motion to go into closed session.

Thereupon, Councilmember Miller made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11 (a)(3) and concerning an economic development matter as allowed by NCGS 143-318.11(a)(4). Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

### RETURN TO OPEN SESSION

By consensus, Council agreed to return to open session.

Mayor Heggins announced no action was taken in closed session.

### HOTWIRE LEASE

City Attorney Graham Corriher provided Council an update in regards to the Hotwire Lease. He noted the LGC approved the refinancing of Fibrant's debt from nontaxable bonds to taxable bonds. He indicated the lease calls for a 20 year a surety bond and noted the first bond is three year with \$3 million and Hotwire would renew the bond in the first 90-days. He noted the owner of Hotwire, Inc. is willing to sign a guarantee for the performance of the lease. He commented Council has reviewed a Resolution to approve an amendment to the Fibrant's lease agreement.

Thereupon, Councilmember Miller made a **motion** to adopt a Resolution to approve an amendment to the Fibrant lease agreement. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

### RESOLUTION APPROVING FINANCING TERMS

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 24 and 25, and is known as Resolution 2018-17.)

Thereupon, Councilmember Miller made a **motion** to set a public hearing for Tuesday, August 7, 2018 to receive public comments regarding the proposed Master Lease Agreement with Black Point Development for the Empire Hotel Project. Mayor Pro Tem Post the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Councilmember Miller added in addition to the public hearing scheduled for August 7, two public input sessions will be held Monday, July 30 from 5:30 p.m. until 7:30 p.m. and Thursday, August 2 from 8:00 a.m. until 10:00 a.m. Both public input sessions will be held in Council Chambers at City Hall.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Councilmember Miller seconded by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:22 p.m.



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Al Heggins, Mayor



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Diane Gilmore, City Clerk