

Salisbury, North Carolina
October 21, 2014

REGULAR MEETING

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

ABSENT: Councilmember William Brian Miller

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 AME Zion Church Senior Bishop George Battle.

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.

CONSENT AGENDA

(a) Approval of Minutes

Approve Minutes of the Regular Meeting of October 7, 2014.

(b) Amended Dates – 30th Annual Future Directions and Goal Setting Retreat

Amend the adopted dates for the 30th Annual Future Directions and Goal Setting Retreat to February 19-20, 2015.

Councilmember Alexander requested the Minutes from the Regular Meeting of October 7, 2014 be removed from the Consent Agenda to allow Council additional time for review.

Thereupon, Ms. Blackwell made a **motion** to amend the adopted dates for the 30th Annual Future Directions and Goal Setting Retreat to February 19-20, 2015. Ms. Alexander seconded the motion. Messrs. Kennedy and Woodson, and Meses. Alexander and Blackwell voted AYE. (4-0)

RECOGNITION – SERVICE TO THE HURLEY PARK ADVISORY BOARD

Mayor Woodson recognized Ms. Gerry Hurley, Ms. Elaine China, and Ms. Lib Taylor for being long-serving inaugural members of the Hurley Park Advisory Board. He presented Certificates of Appreciation to Ms. China and Ms. Hurley for their 27 years of service to the Hurley Park Advisory Board and thanked them for all they do for the community.

Mayor Woodson also recognized Ms. Lib Taylor, who was unable to attend the meeting, for 21 years of service to the Hurley Park Advisory Board. He also acknowledged Ms. Jane Ritchie and Park Curator Daphne Beck for their work at Hurley Park, and he pointed out the park is an asset to the entire community.

Mayor Woodson displayed pictures of Hurley Park and announced three River Birch trees have been dedicated in recognition of Ms. China, Ms. Hurley and Ms. Taylor's combined 75 years of service.

Mayor Pro Tem Blackwell pointed out a plaque will be placed near the trees to honor Ms. China, Ms. Hurley and Ms. Taylor.

Councilmember Alexander noted Ms. Ritchie is responsible for the design of Hurley Park, and she thanked Ms. China, Ms. Hurley, Ms. Ritchie and Ms. Beck for their service to Hurley Park and the community.

Councilmember Kennedy commended Ms. Hurley, Ms. China, Ms. Ritchie and Ms. Beck for their years of service.

RECRUITMENT OF NEW CITY MANAGER

Assistant City Manager Zack Kyle noted at its last meeting staff presented Council with information on two consulting firms that could assist with the recruitment of a new City Manager.

Mayor Woodson stated he prefers Developmental Associates of Chapel Hill, North Carolina. He pointed out it is a local company that provides psychological testing of its applicants. He emphasized both firms are excellent, but he prefers a North Carolina company.

Councilmember Alexander agreed with Mayor Woodson and noted she was impressed with the detail Developmental Associates provided in its proposal. She pointed out the proposal presented the exact steps the company would take regarding the search for a new City Manager.

Councilmember Kennedy noted he also supports Developmental Associates because it goes beyond the normal selection process.

Mayor Pro Tem Blackwell agreed with Mr. Kennedy. She indicated Developmental Associates performs an emotional IQ test to evaluate an applicant's emotional maturity.

Mayor Woodson pointed out the other firm is outstanding with approximately 130 placements in North Carolina. He emphasized the psychological testing and the location of the company is important to Council.

Thereupon, Ms. Alexander made a **motion** to ask staff to prepare a contract with Developmental Associates to conduct the search for the new City Manager. Mr. Kennedy seconded the motion. He added he would like Council to determine the scope of the search before a contract is signed. He asked if Council could select Developmental Associates as the search firm and determine the scope of the search at a later date. Ms. Alexander agreed to the amendment for her motion. Messrs. Kennedy and Woodson, and Meses. Alexander and Blackwell voted AYE. (4-0)

APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

This item was postponed.

Mayor Woodson encouraged all citizens interested in serving on a Board or Commission to submit an application.

PUBLIC COMMENTS

Mayor Woodson opened the floor for public comment.

Reverend Grant Harrison, 412 Candlewick Drive, representing Soldiers Memorial AME Zion Church shared his concerns regarding issues with a drainage pipe the church shares with the City. He asked the City for support and cooperation as the Church determines a solution to the problem.

Mr. Fred Evans, Soldiers Memorial AME Zion Church Trustee Chair, explained a storm drain pipe that runs through the church property and connects to a canal behind the church parking lot has collapsed. He stated he has spoken to staff regarding the drainage issue to no avail. He noted the City will not accept responsibility to repair the line and indicated staff thinks the line may have been installed by the Church. He added he has been told the City has a policy that does not allow it to repair private property. Mr. Evans displayed photographs of damage to the former parsonage. He pointed out the heating and cooling systems may be compromised. Mr. Evans stated the Church submitted a claim to its insurance carrier, but the claim was denied. He added City staff submitted a claim to the North Carolina League of Municipalities that was also denied. He stated he is disappointed the City will not assume responsibility for the damage. He emphasized the City does not have a policy that prohibits it from making the repair. He displayed photographs of the Church and other properties throughout the City, and he pointed out repairs completed by the City. He emphasized if the City's liability insurance with the North Carolina League of Municipalities does not honor citizens' claims it may be time to look for a new insurance carrier. He noted the Church has been injured, and the City should take care of the problem.

Ms. Dee Dee Wright, 418 South Caldwell Street, noted she has continuing concerns regarding the number of police officers in the City. She pointed out there are 44 active police officers on duty at any given time. She stated she would like citizens to have an opportunity to provide input regarding the search for a new city manager.

Ms. Christina Lynch, 1512 Parkview Circle, stated bands performing at a local business have decreased quality of life and home values in her neighborhood. She added the bands play past midnight three nights a week, every week. She pointed out in a recent article the owner of DJ's restaurant claimed he is being harassed, but the residents who live in the area feel they are being harassed. She stated DJ's compared its offerings to the offerings in the Entertainment District, and she pointed out neither her home or the restaurant are in the entertainment district. She asked Council to help citizens regain the quality of life that they chose before their life changed without notice or reprieve and restore this residential neighborhood.

Mayor Woodson asked Ms. Lynch where her home is located. Ms. Lynch stated her home is located approximately two blocks behind DJ's restaurant.

Mr. Tom Lynch, 957 Confederate Avenue, explained his daughter is Christina Lynch and he recently visited her after 11:00 p.m., and the music was so loud he could not hear. He indicated his daughter called DJ's restaurant and asked them to turn the volume down, but the owner hung up on her. He added neighbors have been verbally accosted by the owner of DJ's restaurant. He explained staff noted one section in the Code addresses excessive noise and another section addresses unreasonable amplified sound. He stated the situation must be resolved. He pointed out if the situation at DJ's is addressed it will allow police officers to serve other areas of the community.

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

INTERIM CITY MANAGER'S COMMENTS

(a) Excessive Noise at DJ's

Interim City Manager John Sofley asked Police Chief Rory Collins to provide an update regarding DJ's restaurant. Chief Collins stated he met with the owner of DJ's restaurant Mr. Louie Mourouzidis, his attorney Mr. Shawn Walker, and business partner Mr. Wesley Stokes, and a temporary compromise has been reached. He explained the Police Department will measure the volume of noise and allow a decibel level of 70 as measured from the property line of the nearest residence. He emphasized the complaints received by the Police Department are from citizens in their homes late at night. He explained 70 decibels will be allowed from the nearest property line until 11:00 p.m. He added at 11:00 p.m. the decibel level must decrease to 60 and at 11:30 p.m. the music must stop. He noted the compromise was agreed to and will remain in place until the revised Noise Ordinance is approved by Council.

Chief Collins explained Mr. Mourouzidis has been taught to monitor the decibel levels at the restaurant using an application (app) on his phone. He noted Police Officers calibrated the app to the official decibel meter used by the Police Department so Mr. Mourouzidis can monitor the noise level. He emphasized the official calibration will be taken by Police Department equipment.

Mayor Woodson asked if the readings of the app and the actual meter were close. Chief Collins stated once the app was calibrated the readings were close.

Mayor Woodson asked Ms. Lynch if she noticed a difference last weekend when the compromise was initiated. Ms. Lynch stated there was a band on Saturday, but she could not hear them inside her home.

Mayor Woodson thanked Chief Collins for working to reach a compromise.

Ms. Lynch asked if the standards will remain in place each time a band is at DJ's. Chief Collins explained the same standard will be used across the City.

(b) Damaged Pipe at Soldiers Memorial AME Zion Church

Councilmember Kennedy requested Council address the damaged pipe at Soldiers Memorial AME Zion Church. He noted he examined the pipe personally, and it appears to be a City pipe. He pointed out the City will spend money to divert the water. He questioned why the City cannot go onto the property with the proper permission and correct the situation, without taking responsibility for the damage. He noted the City should do something to alleviate the situation.

Interim City Manager John Sofley stated staff is monitoring the situation. He noted there is a specific State Statute that prohibits government entities from working on private property.

He noted there is no agreement with the Church or any documentation that the City installed the pipe. He explained the pipe was installed in the 1930s or earlier. He indicated staff is working diligently to divert the water around the property.

Councilmember Alexander asked if the Church parsonage was built on top of the pipe. Mr. Sofley stated that is correct. Ms. Alexander noted the pipe was in place and the parsonage was built on top of the pipe.

Mr. Kennedy asked if the Church knew the pipe was on the property. He pointed out there are always exceptions, and Council should do what it can to help the Church.

Mayor Pro Tem Blackwell agreed with Mr. Kennedy.

Mr. Sofley noted when the Stormwater Fund was created, a Stormwater Grant program was established to provide a match to assist with repairs on private property. Ms. Alexander asked if the Church has applied for a Stormwater Grant. Mr. Sofley noted the Church was given the information but has not applied for the grant.

Ms. Blackwell pointed out the funds were recently depleted. Mr. Sofley indicated reserve funds are available.

(c) First Quarter Financial Update

Interim City Manager John Sofley asked Financial Services Director Teresa Harris to present the first quarter financial update. She pointed out staff has worked diligently to keep expenditures low. She added revenues are coming in as scheduled.

Ms. Harris referenced property tax values for the first quarter and noted \$2.782 million is budgeted, \$2.546 million had been billed, and \$2.788 million is projected to be billed. She explained the State collects the vehicle tax and distributes it to the cities on a monthly basis.

Ms. Harris stated General Fund revenue is at 38 percent, or \$14,069,769 of the projected \$36,772,414 received, and 21 percent, or \$7,811,996, expended.

Ms. Harris reviewed the Water and Sewer Fund revenue for the first quarter and the monthly usage trend. She explained Water and Sewer Fund revenue is at 27 percent received, or \$6,207,037, of the budgeted \$22,707,337. She noted the Water and Sewer Fund is at 19 percent expended, or \$4,333,865, of the budgeted \$22,707,337.

Ms. Harris reviewed Fibrant revenues verses expenditures for the first quarter. She pointed out revenues were at \$1,559,557 and expenditures were at \$1,346,778, which included a \$637,000 debt service payment. She noted Fibrant is billing additional customers each month. She added on Monday Fibrant billed 3,232 customers, which included 64 new customers. She stated the uptime for Fibrant is at 99.99 percent, and the average revenue per user remained solid.

Ms. Harris explained Transit fare revenues are at 27 percent, or \$31,988, of the budgeted \$118,000, and expenditures are at 18 percent, or \$196,772, of the budgeted \$1,116,936 for the first quarter.

Ms. Harris reviewed Stormwater revenues for the first quarter. She noted revenue is at 26 percent billed, or \$294,412, of the budgeted \$1,146,583 and expenditures are at 17 percent, or \$199,667. She pointed out collections have increased to 97 percent.

Mr. Sofley noted he is monitoring Fibrant signups. He pointed out if signups continue to increase staff may need to ask Council for additional funding to purchase installation equipment. He emphasized Fibrant revenue is slightly ahead of projections for residential and commercial customers due to additional signups.

Mr. Sofley noted Customer Service staff has worked diligently on collections. He pointed out collection percentages for Stormwater have risen from 90 percent to 97 percent.

Mayor Woodson noted when the Stormwater Utility was implemented Council had concerns, but it has proven to be an asset to the City. He stated he is encouraged by the number of citizens signing up for Fibrant. He emphasized Fibrant has come a long way in a short time.

Mr. Sofley explained the \$637,000 Fibrant debt service payment covered interest on the debt. He added in the spring staff will make another debt service payment that will include the same amount of interest and a large principal payment. He noted over \$3 million will be expended in debt service costs for the year.

Mayor Woodson thanked Mr. Sofley for the report, and he pointed out the City is in good financial shape.

(d) Ebola Preparedness

Councilmember Kennedy referenced an email he received from a Salisbury High School student regarding the City's plan in case of an Ebola outbreak. He pointed out City residents are served by the Rowan County Health Department.

Interim City Manager John Sofley noted the City has been in discussions with Rowan Regional Medical Center and the Health Department in regards to Ebola preparedness, and there is a plan in place.

Councilmember Alexander indicated the Health Department and Rowan Regional Medical Center are working with Emergency Medical Services (EMS) workers. She stated she answered the student's email noting there is a great plan in place. She explained an Ebola patient would be sent to a hospital in Charlotte or Winston Salem and would not be treated locally.

MAYOR'S ANNOUNCEMENTS

(a) 2014 BlockWork

Mayor Woodson announced the Community Appearance Commission will sponsor the BlockWork Neighborhood Improvement Project on National Make A Difference Day Saturday, October 25, 2014, in the 900 block of West Horah Street. If you are interested in volunteering for all or part of the day, please contact the Community Planning Office at 704-638-5242.

(b) Brown Bag Lunch Jam

Mayor Woodson announced the Salisbury Parks and Recreation Department will host the "Brown Bag Lunch Jam" concert series at Gateway Park every Wednesday through October 29, 2014. Entertainment will be from 12:00 noon until 1:30 p.m. Micah Cottingham will be playing on October 22 and Josh Sanders on October 29. Bring a lunch and enjoy some of Salisbury's best local talent. This event is free and open to the public.

(c) Halloween Fun Fest

Mayor Woodson announced the Salisbury Parks and Recreation Department will host Halloween Fun Fest in downtown Salisbury Saturday, October 25, 2014 from 3:00 p.m. until 6:00 p.m. in the Salisbury Post parking lot. Tickets are \$.50 each or \$5.00 for an unlimited games wrist band. The Halloween Carnival will feature music, costume contest, Halloween crafts, bounce house, face painting, candy and more. For more information call 704-216-PLAY.

(d) Housing and Community Development Plan Public Meeting

Mayor Woodson announced a public meeting to receive citizen input on the City of Salisbury's 2015 Housing and Community Development Plan will be held Thursday, October 30, 2014 from 5:30 p.m. until 7:30 p.m. in Council Chambers at City Hall.

(e) West End Community Fun Fest

Mayor Woodson announced the Salisbury Parks and Recreation Department will host the second annual West End Community Fun Fest at the Miller Recreation Center Friday, October 31, 2014 from 5:00 p.m. until 7:00 p.m. The event is free and fun for the entire family.

(f) 2013 Blockwork

Councilmember Kennedy announced the 2013 BlockWork event took place on East Franklin Street. He noted due to the renovations one of the tenants in the area purchased the home they were renting.

(g) Les Miserables

Mayor Pro Tem Blackwell extended congratulations to the Salisbury Symphony Orchestra, Piedmont Players, and the chorus for their production of Les Miserables.

Councilmember Alexander agreed and noted she attended with guests from out of town who were very impressed with the production.

CLOSED SESSION

Mayor Woodson asked for a motion to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3).

Thereupon, Ms. Alexander made a **motion** to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3). Ms. Blackwell seconded the motion. Messrs. Kennedy and Woodson, and Meses. Alexander and Blackwell voted AYE. (4-0)

RETURN TO OPEN SESSION

Thereupon, Ms. Blackwell made a **motion** to return to open session. Mr. Kennedy seconded the motion. Messrs. Kennedy and Woodson, and Meses. Alexander and Blackwell voted AYE. (4-0)

Mayor Woodson announced no action was taken in closed session. He asked if there was additional business to be addressed before Council adjourns.

SOLDIERS MEMORIAL AME ZION CHURCH

Interim City Manager John Sofley referred to the item discussed during public comment regarding Soldiers Memorial AME Zion Church. He clarified the City provides Stormwater grants up to 25,000 to address stormwater issues. He pointed out there is an application process but funds are available to issue a \$25,000 grant to the Church this year.

Mayor Woodson clarified the church must apply for the grant.

Councilmember Alexander stated since there is no estimate at this point the grant would be for up to \$25,000. Mr. Sofley added normally it is a matching process but staff does not have an estimate for the repairs.

Mayor Woodson clarified the City will reroute the storm water. Mr. Sofley noted staff will reroute the stormwater and will begin repairs in the coming weeks. Ms. Alexander asked if the grant will address the parsonage foundation. Mr. Sofley emphasized the grant can be used for repairs.

Mayor Pro Tem Blackwell added in addition to rerouting the stormwater the City will backfill the old culvert. Mr. Sofley agreed. Ms. Alexander asked if rerouting the stormwater and filling in the old culvert is part of the \$25,000 grant. Mr. Sofley stated it is not.


Mayor Woodson noted the City will reroute the stormwater pipe and fill in the old culvert. He added the Church can use the grant for repairs to the property. He pointed out the Church must apply for the grant.

Thereupon, Ms. Alexander made a **motion** to approve up to \$25,000 grant to repair the foundation of manse for Soldiers AME Zion Church provided an application is received. Ms. Blackwell seconded the motion. Messrs. Kennedy and Woodson, and Meses. Alexander and Blackwell voted AYE. (4-0)

Mr. Sofley stated he will let Council know when staff receives the application. Ms. Alexander stated the Church will have to present its estimate. Mr. Sofley noted an estimate is part of the application process.

ADJOURNMENT

Motion to adjourn the meeting was made by Ms. Blackwell seconded by Mr. Kennedy. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:00 p.m.



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk