

Salisbury, North Carolina  
August 15, 2017

## **REGULAR MEETING**

**PRESENT:** Mayor Karen Kirks Alexander, Presiding; Mayor Pro Tem Maggie A. Blackwell; Council Members William Brian Miller, and David Post; City Manager W. Lane Bailey; Deputy City Clerk Kelly Baker, and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** Council Member Kenneth Hardin and City Clerk Myra B. Heard.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The invocation was given by Councilmember Miller. Mayor Alexander shared a quote from Dr. Martin Luther King, Jr. in reflection on the events that took place in Charlottesville, VA. The meeting was called to order by Mayor Alexander at 5:00 p.m.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Alexander welcomed all visitors present.

## **PROCLAMATIONS**

Mayor Alexander proclaimed the following observances:

LIBRARY CARD SING-UP MONTH

September 2017

## **CHANGES TO THE AGENDA**

Thereupon, Ms. Blackwell made a **motion** to appoint City Attorney Rivers Lawther to serve as parliamentarian for City Council. Mr. Post seconded the motion. Messrs. Miller and Post, and Meses. Alexander and Blackwell voted AYE. (4-0)

Mayor Alexander requested Council add a closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(6).

Add – Council to go into a closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(6).

## **CONSENT AGENDA**

(a) Approval of Minutes

Adopt Minutes of the Special meetings of May 15 and May 24, 2017 and the Regular meeting of August 1, 2017.

(b) Greenway Agreement

Approve an agreement with the North Carolina Department of Transportation regarding a Greenway between Catawba College and Kelsey Scott Park, EB-5619.

(c) 2018 Justice Assistance Grant

Approve an application for a 2018 Justice Assistance Grant (JAG) in the amount of \$23,723.

Thereupon, Mr. Miller made a **motion** to adopt the Consent Agenda as presented. Ms. Blackwell seconded the motion. Messrs. Miller and Post, and Meses. Alexander and Blackwell voted AYE. (4-0)

## **UPDATE – SALISBURY POLICE CHIEF**

Police Chief Jerry Stokes reviewed current staffing levels, and he pointed out the Police Department is at 90.1% sworn staffing and 85.7% civilian staffing. He noted five recruits will begin Basic Law Enforcement Training (BLET) later this month.

Chief Stokes discussed training and professional development for police officers. He noted supervisory staff spent the day with Drs. Roberto and Rachel Santos regarding stratified policing. He explained stratified policing infuses problem solving analysis and accountability into the Police Department's daily operation. He noted the Santoses are involved in the Community Oriented Policing Services (COPS) of the United States Department of Justice, and they received an

International Association of Chiefs of Police (IACP) award for their work to develop a stratified policing model.

Chief Stokes reviewed crime reduction initiatives, and he noted the Police Department is focusing on violent crime. He announced the formation of the Neighborhood Crime Abatement Team (NCAT):

- Pilot program, under Operations (Patrol) Captain during a trial period
  - If successful the program will be permanently staffed
- Initially staffed by a Sergeant with three extra duty police officers working under his direction
- Intent is to partner with Rowan County Sheriff Office (RCSO) Crime Reduction Team
- Scope of officer activities
  - To identify crime trends
  - Conduct anti-street crime activities
  - Develop corrective measures
  - Provide additional support to patrol

Chief Stokes noted opioid abuse is an emerging issue for the City. He stated there have been 65 known overdoses since January 1, 2017, with six overdoses resulting in loss of life. He pointed out the City has experienced more overdose incidents in the last six weeks than have taken place in the first two quarters of 2017. He explained the Police Department is working to gather information and develop a response to arrest offenders and target distributors of the drug. He pointed out community resources are critical to resolving the issue.

Chief Stokes stated seven homicides have taken place in the City in 2017, and he commented all of the homicides have been cleared by an arrest or an arrest warrant. He noted an arrest has been made regarding the homicide that took place on Link Avenue. He pointed out the Police Department continues to work with its law enforcement partners on all of its cases.

Chief Stokes noted the cold case reviews are progressing well. He explained 16 unsolved homicides have taken place in the City since 2010, and he added detectives have suspects in 12 of the 16 cases. He pointed out 42 homicides have taken place in the City since 2016, and he commented 26 homicides, or 61.9%, have been cleared. He stated the national average for cleared homicides is 61.5%. He requested the public continue to call the Police Department with any tips or information they may have.

Mayor Alexander asked how the new State law that holds drug dealers accountable will impact the opioid situation. Chief Stokes explained it is a step in the right direction, but he pointed out a connection with the drug dealer must be established.

Councilmember Miller referred to recent downtown events, and he asked what the City is doing to make sure police officers presence is felt in the areas of increased criminal activity. Chief Stokes noted foot patrols are being conducted, and staff is working to identify areas of concern. He commented improved dispatch protocol is helping police officers focus on their assigned beats.

Councilmember Post asked what Council can do to help police officers deal with the issues that face the City. Chief Stokes noted the Remedial Action Plan will be a helpful tool for police officers, and he pointed out staff is working to identify criminal activity hot spots, increase staffing, and effectively relay information to police officers. Mr. Post asked if Fibrant could be used to place cameras throughout the City. City Manager Lane Bailey noted staff is considering partnerships with the Salisbury Housing Authority and others agencies to place cameras at areas in the City.

### **UPDATE – PROJECT SAFE**

Police Chief Jerry Stokes noted funding for the Project Safe Coordinator ended in 2011. He explained a Project Safe Coordinator was included in the current budget to be funded \$50,000 from the City and \$38,000 from Rowan County. He stated the Project Safe Executive Board has created a job description, and the position will be posted in the near future. He pointed out the position will be housed at the Police Department, and the City will bill the County for its share of the funding.

Mayor Alexander clarified funding from the City and County will cover all the expenses for the position. Chief Stokes agreed, and he pointed out the Board will collect data to be sure the program is effective. He explained the position will serve as liaison between community correction, law enforcement agencies, the District Attorney (DA), and the United States Attorney offices. He commented the Project Safe Coordinator will provide resource referrals to offenders to help with job placement and educational assistance.

Councilmember Miller expressed Council's gratitude to Sheriff Auten for his support of the Police Department and the City. Chief Stokes stated the Sheriff's Department is a strong supporter of the Police Department and the City.

### **LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT HISTORIC LANDMARK DESIGNATION PROGRAM**

Development and Code Services Manager Preston Mitchell and Senior Planner Kyle Harris addressed Council regarding Land Development Ordinance (LDO) Text Amendment TA-05-2017 amending Chapter 15 (Development Process) as it relates to Certificates of Appropriateness, updates to quasi-judicial proceeding details, clarification of legislative procedures, the specification of a Local Historic Overlay establishment, and the creation of a Historic Landmark Designation program. Mr. Mitchell pointed out the proposed clerical changes to the Ordinance.

Mr. Harris reviewed the proposed text amendment that would establish the procedure for designating local landmarks in the City. He explained North Carolina General Statutes allow municipalities to create Historic Preservation Commissions (HPC) and designate local historic districts and landmarks. He noted the City has established local historic districts, but it has not acted on its authority to designate local landmarks. He commented landmark designation would help preserve local history and cultural resources.

Mr. Harris explained each landmark application will go through an extensive process, and only the properties with the most significant historic and architectural integrity will qualify for landmark status. He explained the landmark designation would provide up to 50% property tax deferral to encourage long-term maintenance of the property, and he pointed out any local landmark designation must adhere to local design guidelines. He pointed out local landmark designation is an honor that indicates the property deserves special recognition for its historical significance and architectural integrity.

Councilmember Miller asked if the designation could be used for public structures such as a bridge. Mr. Harris agreed. Mr. Miller asked if the structure had to be a certain age or of historic significance. Mr. Harris explained the State Historic Preservation Office requires a structure be 50 years old to qualify for landmark status, but there could be exceptions.

Councilmember Post asked who initiates the process for local landmark designation. Mr. Harris noted the property owner initiates the process. Mr. Post asked if it is possible for the City to designate a certain structure or location as a landmark to protect the structure and recognize its historic significance. Mr. Mitchell explained the City could request landmark designation for public property, but he pointed out it would be a rare situation.

Mr. Post questioned if an entire neighborhood could seek landmark designation for their historic homes. Mr. Harris explained the application and review process is so extensive it would be unlikely that more than a handful of residents would come forward and go through the entire process. Mayor Alexander pointed out the applicant would incur the cost of the reports that are submitted to the State Historic Preservation Office.

Mr. Mitchell stated Council would receive a recommendation for local landmark designation from the HPC and the State Historic Preservation Office. He noted the landmark designation would require a public hearing, and would be adopted by Ordinance which would place an overlay on the structure.

Mr. Miller asked about the standard for rehabilitation of local landmarks. Mr. Harris explained that when a local property is designated as a local landmark, the City's historic design guidelines will apply to exterior alterations. He stated if the scope of work exceeds the City's design guidelines, the North Carolina Secretary of Interior standards will apply.

Mayor Pro Tem Blackwell noted in local historic districts a Certificate of Appropriateness (COA) is required to remove an aged tree. She pointed out the language appears to have been stricken from the proposed text amendment. Mr. Mitchell explained the requirement is included in the Historic District Guidelines and was removed from the LDO to eliminate redundancy. Ms. Blackwell clarified the trees are still protected. Mr. Mitchell agreed.

(b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding TA-05-2017.

Ms. Karen Hobson, Historic Salisbury Foundation (HSF), stated the HSF supports the Historic Landmark Designation program.

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

Mr. Miller 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 goals, objectives, and policies of the Vision 2020 Comprehensive Plan and Historic Preservation Master Plan as it relates to further developing the City's methods of preservation as well as broadening economic opportunities for rehabilitation. Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending Chapter 15 (Development Process) of the Land Development Ordinance of the City of Salisbury, North Carolina related to updates to historic landmarks. Mr. Post seconded the motion. Messrs. Miller and Post, and Mses. Alexander and Blackwell voted AYE. (4-0)

ORDINANCE AMENDING CHAPTER 15 (DEVELOPMENT PROCESS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO UPDATES TO HISTORIC LANDMARKS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 154-168, and is known as Ordinance 2017-47.)

### **PUBLIC COMMENTS**

Mayor Alexander stated at the beginning of its meeting Council appointed City Attorney Rivers Lawther to serve as parliamentarian for City Council. She read the adopted rules of procedure for public comment periods. She then opened the floor to receive public comments.

Mr. Ronnie Smith noted nationwide celebrations will take place November 11, 2017 to celebrate the 35<sup>th</sup> anniversary of the Vietnam Wall located in Washington, D.C. He requested Council defer action regarding the location of the Vietnam Memorial monument at the Patriot's Flag Concourse.

Mr. Rodney Queen stated he is a disabled Vietnam veteran. He encouraged Council to support a Vietnam memorial in the City.

Reverend Bill Godair referred to a previous meeting, and he thanked Mayor Pro Tem Blackwell and Councilman Miller for supporting Mayor Alexander. He stated he was shocked by the behavior he witnessed, and he pointed out personal attacks are inappropriate and unnecessary.

Mr. Jonathan Barbee referenced events that have taken place across the Nation, and he asked about a contingency plan. He noted monuments across the nation that have been vandalized, and he pointed out local historical monuments could face threats.

Mr. Chris Sharpe addressed Council on behalf of NAACP President Gemale Black. He requested younger people be brought to the table during advisory discussions. He stated the NAACP would also like to be at the table during the discussions and offers its assistance to help combat crime in the community.

Reverend Latasha Wilks referred to events that recently took place in Charlottesville, Virginia, and she suggested training classes be offered regarding inequality and racism. She referenced the opioid epidemic, and she indicated guns are a bigger problem than gangs.

Ms. Carolyn Logan stated she believes her constitutional rights have been violated. Mayor Alexander noted decorum is established by Council, and she indicated Ms. Logan is out of order. City Attorney Rivers Lawther confirmed Ms. Logan was out of order.

Mr. Michael Kirksey noted the City is in a troubled time. He indicated African Americans have been called out without being given had an opportunity to speak.

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

### **PUBLIC HEARING – INCENTIVE GRANT PROJECT AERO**

Mr. Scott Shelton from Salisbury-Rowan Economic Development Commission addressed Council regarding an incentive grant request for “Project Aero.” He explained the company is an existing employer in the City, and he noted the initial investment will be approximately \$17.6 million. He stated the company will choose a location for a proposed expansion that would create 24 new jobs, with an average salary of \$50,000. He added future expansions could lead to an additional 25 to 30 jobs and \$40 million dollars of capital investment in the City.

Mr. Shelton explained Rowan Works is working with the State of North Carolina regarding possible incentives, and he pointed out North Carolina is in competition with other states for the expansion. He indicated local matches would be required, and he commented a decision should be made in October. He requested Council consider setting a public hearing for September 5, 2017 to consider an incentive request from Project Aero.

Thereupon, Ms. Blackwell made a **motion** to set a public hearing for September 5, 2017 to receive public comment regarding an incentive grant request for “Project Aero.” Mr. Miller seconded the motion. Messrs. Miller and Post, and Meses. Alexander and Blackwell voted AYE. (4-0)

## SITE PLAN – PATRIOT’S FLAG CONCOURSE

Parks and Recreation Director Nick Aceves and Public Services Project Manager Stephen Brown addressed Council regarding the site plan for the City Park Flag Concourse. Mr. Aceves noted the site plan creates a chronological progression to place monuments along the walkway at the Patriot’s Flag Concourse starting with a World War II monument and progressing to the current conflicts in the Middle East. He explained the major wars would have their own site while smaller conflicts would be bracketed into years. He added the proposal was approved by the Parks and Recreation Advisory Board on July 13, 2017. He reviewed the site plan for the proposed monuments, and he pointed out sewer lines that run under the park would not be disturbed.

Mr. Aceves noted the monuments do not have to be purchased in order. He stated the proposal begins with World War II because there are living veterans from the war. He pointed out the proposal honors all veterans with a focus on those killed in action or missing in action from Rowan County. He indicated anyone interested in purchasing a monument or making a donation can contact the Parks and Recreation Department for more information.

Mr. Brown pointed out staff worked to create a chronological order around the walkway to eliminate confusion.

Mayor Alexander asked if World War I would be included in the proposal. Mr. Aceves noted a combination wall is being proposed for World War I and World War II. He explained the site plan creates a plan for the future and provides order to the proposal.

Mayor Alexander noted designs would be submitted to the Parks and Recreation Advisory Board for approval. Mr. Aceves agreed. Mayor Alexander asked if criteria is in place regarding wall proposals. Mr. Brown noted staff is working on specifications for the wall and monument proposals.

Councilmember Miller noted there has been contention regarding the location of certain monuments. Mr. Aceves agreed. Mr. Miller asked when the applications will be accepted. Mr. Aceves noted staff can receive applications at any time.

Councilmember Post stated he likes the site plan and the concept of chronological order, but he questioned the placement of each memorial. Mr. Miller stated he likes the chronological element, and he pointed out he is confident in the work of the Parks and Recreation Advisory Board and Mr. Brown. He stated he wants to make sure it is a proper memorial and a testament to the veterans that served their County.

Thereupon, Mr. Miller made a **motion** to approve the recommended site plan for the City Park Patriot’s Flag Concourse. Ms. Blackwell seconded the motion.

Mr. Post asked if Council could have additional public comment regarding the proposal, and he pointed out Mr. Reid Leonard was critical in putting together the concourse, and he is in the audience. City Attorney Rivers stated if public comment is open for one it must be open for all.



Mr. Aceves noted on June 22, 2017 the Parks and Recreation Advisory Board held a special meeting and received two presentations regarding the placement of monuments in the park. He explained one plan called for the monuments to be placed in chronological order and the other placed the monuments out of order. He indicated the Parks and Recreation Advisory Board voted July 13, 2017 to recommend the monuments be placed in chronological order. He commented Mr. Leonard was one of presenters, and Mr. Leonard supports the plan presented to Council for chronological order.

Mayor Alexander asked if the Parks and Recreation Advisory Board reached a unanimous decision. Mr. Aceves stated the board did not reach a unanimous decision. Mr. Post asked if the Board approved the placement of the monuments in this location. Mr. Aceves agreed.

Messrs. Miller and Post, and Meses. Alexander and Blackwell voted AYE. (4-0)

### **SALISBURY 311- CITIZEN REPORTING APPLICATION**

GIS Coordinator Levi Coldiron explained the GIS Department discontinued 311GIS.com in favor of a similar web application Salisbury311 that is hosted and administered by the GIS Department. He explained the application will save money and allow staff to create enhancements and customizations.

Mr. Coldiron stated Salisbury311 would promote interaction between staff and the public. He explained Salisbury311 can be accessed at [www.salisburync.gov/311](http://www.salisburync.gov/311), and he stated mobile applications are currently under development. He provided a brief demonstration of the application.

Mayor Pro Tem Blackwell pointed out 311GIS accessed a user's location, and she asked if the proposed software will have location capabilities. Mr. Coldiron noted it will have location capabilities on mobile devices with GPS and location services. Ms. Blackwell asked if old requests will carry over into the new system. Mr. Coldiron agreed, and he noted the application will be ready in four to eight weeks.

### **BOARDS AND COMMISSIONS**

There were no appointments.

### **CITY MANAGER'S COMMENTS**

#### **(a) City Owned Property**

City Manager Lane Bailey recognized City Engineer Wendy Brindle. He noted Mayor Pro Tem Blackwell previously asked about City property and the possibility of selling properties that are no longer needed.

Ms. Brindle stated the City owns 267 parcels, approximately 1,300 acres, within the City limits. She added the managers of each department were provided a list of property to ensure parcels were properly identified according to their use. She explained 29 parcels, approximately 6.5 acres, were considered marketable. She reviewed a map of the City, and she pointed out the marketable parcels.

Ms. Brindle stated staff would like to begin marketing the parcels, and she noted the upset bid process will be used and each parcel will come back to Council for its approval for sale. She indicated staff has had some interest in the Plaza Building and she requested Council's approval to send a Request for Quotation for the Plaza building.

By consensus, Council agreed to send a Request for Quotation regarding the Plaza Building.

Councilmember Post referenced land proposed as marketable, and he pointed out the sale price could be minimal. He asked about the marketable value of the properties. Ms. Brindle stated the plan is to seek the minimum tax value although some of the properties may require an appraisal. Mr. Post asked about the total tax value of the marketable properties. Ms. Brindle noted staff will provide the information to Council. Mr. Bailey pointed out the marketable value is not significant.

Councilmember Miller asked about the sale of City-owned property. Mr. Bailey reviewed the upset bid process, and he pointed out the process would be repeated until the bid stands. Mr. Miller asked if the proposed sale of the Plaza Building would go through the public process. Mr. Bailey agreed, and he explained staff will seek professional services to solicit developers regarding interest in the Plaza. Mayor Alexander clarified the sale would go through the upset bid process. Mr. Bailey agreed.

Mr. Post asked about an inventory of abandoned houses in the City. Mr. Bailey noted staff can provide Council with a report regarding properties that are delinquent on property taxes or have code enforcement liens against them.

Planning and Development Services Director Janet Gapen explained staff is working on an updated inventory of dilapidated housing to bring to Council in the near future.

## **MAYOR 'S ANNOUNCEMENTS**

### (a) **"Music at the Mural"**

Mayor Alexander announced Parks and Recreation will host the next installment of the "Music at the Mural" Concert Series Saturday, August 26, 2017 at 8:00 p.m. on West Fisher Street. Live entertainment will be provided by The Lilly Brothers. Bring a chair and enjoy music in the heart of downtown Salisbury. This event is free and open to the public.

(b) Doggie Dip Swim Party

Mayor Alexander announced Parks and Recreation will host the Doggie Dip Swim Party Saturday, September 9, 2017 beginning at 1:00 p.m. at the Fred M. Evans Pool. This event is for all well-mannered dogs and their owners to enjoy sun and fun with all proceeds benefiting the DogPAWs fundraising efforts to construct Salisbury's first dog park. Swim times vary by dog size. For more information and a complete list of rules contact Parks and Recreation at 704-216-PLAY. Admission is \$5 per dog.

(c) Mayor's Play Ball Event

Mayor Alexander announced all local boys and girls ages 7 through 15 are invited to a free day of baseball and softball instruction as part of the Mayor's Play Ball event. The event will be held Saturday, September 9, 2017 in Newman Park at Catawba College from 9:00 a.m. until 12:00 noon. Baseball and softball instruction will be provided by the Catawba College baseball and softball teams. Transportation is provided from Hall Gym and the Civic Center at 8:30 a.m. Pre-registration is recommended by calling 704-638-5296.

(d) Little League World Series

Councilmember Post announced Rowan County Girls Softball Team is playing in the Little league World Series semi-finals tonight at 9:00 p.m.

**CLOSED SESSION**

Thereupon Ms. Blackwell made a **motion** to go into a closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(6).

Councilmember Miller noted the Special Permit Committee has not met and he asked if the Committee should continue to meet. Councilmember Post noted citizens have asked that the decision be delayed, but he pointed out the Committee has made progress. Mr. Miller agreed with Mr. Post, and commented the date of the meeting will be determined and the public will be made aware.

Mr. Miller seconded the motion. Messrs. Miller and Post, and Meses. Alexander and Blackwell voted AYE. (4-0)

**RETURN TO OPEN SESSION**


Thereupon Mr. Post made a **motion** to return to open session. Mr. Miller seconded the motion. Messrs. Miller and Post, and Ms. Alexander voted AYE. (3-0)

Mayor Pro Tem Blackwell was excused from the meeting during closed session.

Mayor Alexander noted no action was taken during closed session.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Post seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:01 p.m.



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Karen Kirks Alexander, Mayor



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Kelly Baker, Deputy City Clerk