

Salisbury, North Carolina
April 20, 2021

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Al Heggins, Council Members William Brian Miller, David Post and Tamara Sheffield; City Manager W. Lane Bailey, City Clerk Kelly Baker; and City Attorney J. Graham Corriher.

ABSENT: None.

In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19 the Salisbury City Council met electronically. The meeting was called to order by Mayor Alexander at 6:00 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VIEWERS

Mayor Alexander welcomed all viewers.

ADOPTION OF THE AGENDA

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

PROCLAMATIONS

Mayor Alexander proclaimed the following observance:

EARTH DAY

April 22, 2021

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular Meeting of April 6, 2021.

(b) Parking – Long Street and Old Concord Road

Adopt an Ordinance amending Section 13-338, Parking Prohibited at All Times, to remove the prohibition in some areas (primarily residential) and add the prohibition in areas where parking is not utilized and the bicycle lane was added; and adopt an Ordinance amending Section 13-339, Parking Prohibited Except Sundays, to remove the prohibition in the 400 block of South Long Street adjacent to First Calvary Baptist Church. The changes in the Ordinances also provide general corrections to these two sections of the Code for other areas of the City (for example, Boundary Street is being corrected to Martin Luther King Jr Avenue).

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

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 73-76, and is known as Ordinance 2021-24.)

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

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

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-01-2021

Development Services Manager Teresa Barringer addressed Council regarding Land Development District Map Amendment CD-01-2021. She noted the request is to rezone 9.227 acres, tax map 061 parcel 071, located in the vicinity of Jake Alexander Boulevard and South Main Street from Residential Mixed Use (RMX) and Highway Business (HB) and remove the existing General Development Overlay to RMX and establish a Conditional District (CD) Overlay to permit an 84-unit multi-family development.

Ms. Barringer pointed out the revised site plan includes a temporary gate to be installed at the development entrance off of Rosemont Street while cul-de-sac improvements and utility work are completed. She added a permanent gate will then be installed and construction vehicles will enter off of South Main Street. She noted a left turn lane was added to the site plan on South Main Street to comply with a North Carolina Department of Transportation (NCDOT) requirement. She pointed out improvements to the driveway include a 30-foot drive and a five foot sidewalk connection to South Main Street.

Councilmember Post asked if further feedback was received. Ms. Barringer noted no further feedback was received.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the parcel described herein from Residential Mixed Use with a General Development Overlay to Residential Mixed Use district, and establishing a Conditional District Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies N-16, Policy N-18, and Policy N-19. Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina rezoning approximately 9.227 acres by removing the existing General Development Overlay while rezoning the Residential Mixed Use and Highway Business to Residential Mixed Use and applying a Conditional District Overlay to the unnumbered West Jake Alexander Boulevard parcel, establishing a Conditional District Overlay to permit the development of an 84-unit multifamily residential campus style apartment development. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING APPROXIMATELY 9.227 ACRES BY REMOVING THE EXISTING GENERAL DEVELOPMENT OVERLAY WHILE REZONING THE RESIDENTIAL MIXED USE AND HIGHWAY BUSINESS TO RESIDENTIAL MIXED USE AND APPLYING A CONDITIONAL DISTRICT OVERLAY TO THE UNNUMBERED WEST JAKE ALEXANDER BOULEVARD PARCEL, ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF AN 84-UNIT MULTIFAMILY RESIDENTIAL CAMPUS STYLE APARTMENT DEVELOPMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 77-78, and is known as Ordinance 2021-25.)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-02-2021

Development Services Manager Teresa Barringer addressed Council regarding Land Development District Map Amendment CD-02-2021. She noted the request is to rezone 6.137 acres located in the 100 block of Brenner Avenue, tax map 062 and parcels 055 and 065, to maintain the underlying Corridor Mixed-Use (CMX) zoning, remove the existing, expired Conditional District (CD) Overlay and establish a new CD Overlay to permit an 84-unit multi-family development.

Ms. Barringer pointed out the revised site plan includes a crosswalk from the egress and ingress point at Milford Hills Road and a sidewalk along the entire perimeter of Milford Hills Road. She added the developer has agreed to work with staff on a future traffic study and any potential egress and ingress changes that may result from the study.

Councilmember Miller suggested a crosswalk at Milford Hills Road across Brenner Avenue. By consensus, Council agreed. Ms. Barringer noted the plan can be revised and submitted to staff for verification.

Councilmember Miller asked if there is adequate room for a left turn only lane. Ms. Barringer commented she would speak with City Engineer Wendy Brindle, and she indicated a roundabout has been discussed along with possible grant funding. She explained a roundabout may be more beneficial than a proposed turn lane as traffic may bottleneck coming from the Jake Alexander Boulevard intersection.

Ms. Brindle pointed out a previous traffic study of the area may provide insight because it included the area of Brenner Avenue and Jake Alexander Boulevard. She noted the potential roundabout would include a median to restrict left turns out of the shopping centers. She added a grant may be available and could be considered before requesting the developer conduct a specific study or other requirements.

Councilmember Miller noted a left turn only lane would be less expensive than a roundabout. Ms. Brindle commented the turn left only option has been considered, but would be difficult due to the egress and ingress. She commented safety would not be improved unless left turns were prohibited, and she added a roundabout would provide a way to Jake Alexander Boulevard without making a left turn from the shopping centers.

Councilmember Miller noted there are two other egress and ingress points where the development is proposed. He commented the roundabout would solve various issues especially if left turns are restricted. He noted a roundabout would be a more expensive solution, but hopefully grants would help with the costs.

Mayor Alexander referenced a letter Council received from a property owner on Milford Hills Road. She asked if the existing row of trees would be cleared during construction. Ms. Barringer noted the landscape plan shows the existing trees will be removed and new plantings will be added. She noted it may be possible to ask the developer to plant a tree species that grows at a faster rate. Mayor Alexander then asked if the lighting criteria will be met. Ms. Barringer agreed.

Councilmember Post asked if the intersection is large enough for a roundabout. Ms. Barringer agreed. Councilmember Post then asked if staff could provide an image of what the area would look like with the roundabout and cars circling around it. Ms. Brindle commented staff will look at the area and determine the size of the roundabout that would be most feasible.

Councilmember Miller pointed out he supports the roundabout, and he requested staff determine if grant funding is available for the project.

Councilmember Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the parcel described herein from Residential Mixed Use with a General Development Overlay to Residential Mixed Use district, and establishing a Conditional District Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies N-16, Policy N-18, and Policy N-19.

Councilmember Miller suggested an amendment to include a crosswalk to extend across Brenner Avenue at Milford Hills Road.

Thereupon, Councilmember Post made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury, North Carolina rezoning two parcels with a combined total of approximately 6.137 acres by maintaining the underlying zoning of Corridor Mixed Use and establishing a Conditional District Overlay to permit the development of an 84-unit multifamily residential campus style apartment development. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING TWO PARCELS WITH A COMBINED TOTAL OF APPROXIMATELY 6.137 ACRES BY MAINTAINING THE UNDERLYING ZONING OF CORRIDOR MIXED USE AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF AN 84-UNIT MULTIFAMILY RESIDENTIAL CAMPUS STYLE APARTMENT DEVELOPMENT

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 79-80, and is known as Ordinance 2021-26.)

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AGREEMENTS – GREENWAY PROJECTS

City Engineer Wendy Brindle explained the Cabarrus-Rowan Metropolitan Planning Organization (MPO) and the City solicited funds for the extension of Grants Creek Greenway from Meadowbrook to Kelsey Scott Park. She noted project funding was obtained through Transportation Alternative Program (TAP) funds and Surface Transportation Block Grant (STBG) funds, and Phase A – Project EB-56198A will begin construction in May 2021.

Ms. Brindle provided an overview of the Grants Creek section of the Greenway, and she noted the project started at Catawba College moving toward Kelsey Scott Park. She explained the trail was divided into sections to make the best use of the funding. She noted in May a connection to Catawba College will extend the sidewalk to the parking lot and a low water bridge will be constructed across Grants Creek to allow users to access the trail from the College.

Ms. Brindle pointed out Section B of the Greenway is in the design phase and the plans are approximately 65% complete. She added Section B will extend from the existing trail to Section C to connect to Kelsey Scott Park.

Ms. Brindle indicated Project EB-5619B has approximately \$323,000 left in TAP funding. She stated the City has been awarded approximately \$1.2 million in STBG funds. She noted the supplemental agreement is for \$1.47 million will allow the City to construct Section B. She pointed out for Section C, Project EB-5619C, the City has been awarded \$2.176 million in STBG funds with an 80% City match for a total of \$2.72 million. She commented when the new funding is received the City will have over \$4 million for the Greenway expansion. She added staff is requesting Council allow the City Manager to sign a supplemental agreement for EB-5619B, and the new agreement for EB-5619C.

Councilmember Miller clarified the City is receiving \$4.7 worth of Greenway funding at a cost of approximately \$1.1 million. Ms. Brindle agreed.

Thereupon, Councilmember Miller made a **motion** to authorize the City Manager execute agreements with the North Carolina Department of Transportation for Grants Creek Greenway Projects. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AGREEMENT – SIGNAL SYSTEM NETWORK UPGRADE PROJECT

City Engineer Wendy Brindle stated the City was awarded grant funding through the Cabarrus-Rowan Metropolitan Planning Organization (MPO) Surface Transportation Block Grant (STBG). She explained the City applied for this grant at the same time it applied for the grant for the Greenway and was fortunate to receive both grants.

Ms. Brindle stated the City has been awarded \$343,000 in federal funding and it has a required match of \$86,000 for a total of approximately \$429,000. She noted some of the items qualify for a prorated reimbursement through Schedule D with the North Carolina Department of Transportation (NCDOT). She explained NCDOT pays for 85% of the maintenance costs because it owns 85% of the traffic signal systems in the City. She explained the City's match will be less than 20% because a portion of the match will be refunded to the City through Schedule D.

Thereupon, Councilmember Sheffield made a **motion** to authorize the City Manager execute agreements with the North Carolina Department of Transportation for a Signal System Network Upgrade Project. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

BOARDS AND COMMISSIONS

Human Relations Council

Upon a motion by Mayor Pro Tem Heggins. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post, and Sheffield voting AYE, the following appointments were made to the Human Relations Council:

Ms. Brunetta Franklin	Term Expires 3/31/2024
Mr. Preston Sale	Term Expires 3/31/2024

Community Appearance Commission

Upon a motion by Councilmember Sheffield. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post, and Sheffield voting AYE, the following appointments were made to the Community Appearance Commission:

Mr. Jeffery Martinez	Term Expires 3/31/2024
Mr. Michael Mills	Term Expires 3/31/2024
Ms. Kelly Vanager	Term Expires 3/31/2024

Housing Advocacy Commission

Upon a motion by Councilmember Sheffield. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post, and Sheffield voting AYE, the following appointment was made to the Housing Advocacy Commission:

Ms. Susanna Hollingsworth	Term Expires 3/31/2024
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Planning Board

Upon a motion by Councilmember Sheffield. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post, and Sheffield voting AYE, the following reappointments were made to the Planning Board:

Mr. John Struzick	Term Expires 3/31/2024
Mr. Dennis Rogers	Term Expires 3/31/2024
Mr. Jon Post	Term Expires 3/31/2024
Ms. Jayne Land	Term Expires 3/31/2024
Mr. Timothy Norris (ETJ)	Term Expires 3/31/2024

Historic Preservation Commission

Upon a motion by Councilmember Sheffield. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post, and Sheffield voting AYE, the following reappointments were made to the Historic Preservation Commission:

Mr. Jon Planovsky	Term Expires 3/31/2024
Mr. Steven Cobb	Term Expires 3/31/2024

Upon a motion by Councilmember Sheffield. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post, and Sheffield voting AYE, the following appointment was made to the Historic Preservation Commission:

Mr. Marcelo Menza	Term Expires 3/31/2024
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CITY ATTORNEY'S REPORT

City Attorney Graham Corriher had no report for Council.

CITY MANAGER'S REPORT

(a) FY2021-2022 Budget Preparation Process

City Manager Lane Bailey addressed Council regarding the proposed FY2022 City Budget. He noted in an earlier budget meeting Council discussed having a Capital Improvement Plan (CIP) meeting, but staff is not ready for another CIP due to the financial issues associated with the pandemic.

Mr. Bailey pointed out the current year's budget included approximately \$2.6 million in Fund Balance appropriation. He added it does not look like the Fund Balance appropriation will take place, and the City should finish the current fiscal year with a \$1.5 to \$1.7 million surplus. He pointed out sales tax is projected to be \$1.5 to \$2 million over the budgeted amount. He added

property taxes are projected to be \$200,000 to \$300,000 over budget. He referenced \$850,000 in savings in vacant salaries comprised mostly from Police Department and Public Works. He noted the proposed FY2022 budget will include \$1 million in other expenditure savings and will also include:

- 5% increase for sworn Police Department positions effective July 1
- 5% to 15% for select employees in the Public Works Department effective July 1
- 2% Cost of Living Adjustment (COLA) for all employees effective January 1

Mr. Bailey reviewed items not funded in the proposed FY2022 budget:

- Additional pay raises for the Police Department to remain competitive
 - Funded with a tax increase
- An increase in discretionary spending which has remained the same for five plus years
- New CIP projects

Mr. Bailey pointed out significant cuts were made to discretionary spending in many departments. He added he plans to meet with staff to discuss the cuts. He indicated some departments are being allowed to purchase items in the current fiscal year instead of the next fiscal year to bring the budget in line. He stated the FY2023 budget could be challenging and new items may be needed in the CIP at that time.

Mr. Bailey reviewed Police Department salaries in neighboring communities, and he noted the Police Department has a number of vacancies. He stated a few years ago Council increased compensation for the Police Department to make the salaries more competitive. He pointed out there are 18 vacancies in the patrol division and police officers are being taken off of investigation to meet the current need. He pointed out the City is no longer a leader regarding salaries and fewer people want to be police officers making the demand even greater.

Mr. Bailey reviewed the Public Works staffing challenges:

- Currently there are 50 full-time positions and two additional positions for the Bell Tower Green
- 24 employees have left in the past 21 months
 - 9 employees left for other cities or counties
- Currently there are 8 vacancies
- No employees were hired in 2020 due to uncompetitive salaries
 - 3 have been hired since September.
- Strong competition from the private sector and higher salaries in neighboring cities has created challenges for the department

Mr. Bailey stated the City is training employees to operate heavy equipment and then losing them to the private sector or neighboring jurisdictions. He noted staff is requesting an increase in pay for that area in order to be competitive. He noted the starting pay for entry positions and CDL operators is considerably higher in neighboring communities.

Mr. Bailey indicated the FY2022 proposed budget is approximately \$1.5 million out of balance. He commented the City will finish FY2021 with a projected surplus of \$1.5 to \$1.7 million. He requested Council's guidance, and he expressed concern about using Fund Balance to balance the budget.

Mr. Bailey indicated the City has challenges regarding its tax values and transfers to other funds. He referenced the City's tax base compared to neighboring communities, and he added the second part of the challenge are the transfers into other funds. He added the City does things other communities do not do such as the broadband network. He commented the Hotwire lease is a good thing, but the City is transferring a significant amount of money to meet the need. He indicated the projections for FY2022 are to transfer \$2.9 million to the broadband fund which is equivalent to \$.095 on the tax rate.

Mr. Bailey stated the City is the smallest community in North Carolina that has a fixed route transit system and it will transfer \$630,000 to the Transit Fund. He noted a portion of the funds will be transferred through a vehicle tax. He clarified if the vehicle tax is deducted the transfer is \$.0164 on the tax rate.

Mr. Bailey noted staff anticipates receiving \$7.16 to \$8 million from the American Recovery Plan and is waiting for guidance regarding how the funds can be spent. He indicated if there are no limitations on how the money can be used, he recommends refinancing the Fibrant debt while keeping the same termination date. He explained paying the debt down by \$7.1 million would have the greatest effect on the General Fund. He added he does not think the City will be able to use the money for this purpose, but it may be able to use it for capital expenditures. He noted the largest item in the CIP is Fire Station 3, which was placed on hold last year. He stated if the funds cannot be used for Fire Station 3 and Council wishes to pursue the project a tax increase would be needed. He added three fire trucks will also be needed in the next three years, and the telecom system will need an upgrade in 2024. He indicated he is hopeful staff will receive guidance regarding the possible uses of American Recovery Plan funds by end of this month or the first of May. He added he would like to meet with Council for guidance on how to finish the budget.

Councilmember Post stated one of the hazards of using this year's savings to cover next year's budget is that the need catches up the following year. He clarified the City can save \$1.5 million this year and then next year Council is facing the lack of the \$1.5 million along with the budget pressures at that particular time.

Councilmember Post indicated the City owes approximately \$21 million on the Fibrant debt. He added if the City was able to pay off one-third of the debt it could refinance the remaining debt to free up approximately \$1 million annually or cut three years off of the loan. Mr. Bailey indicated the Fibrant debt is approximately \$19.5 million.

BOARDS AND COMMISSIONS

Parks and Recreation Advisory Board

Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0), the following appointment was made to the Parks and Recreation Advisory Board:

Mr. Dennis Rivers

Term Expires 3/31/2024

COUNCIL COMMENTS

Councilmember Sheffield thanked the Community Appearance Commission (CAC), the Tree Board, and others who helped with the tree giveaway that took place this past weekend. She noted it was a successful event, and she thanked Fine Frame Gallery and Godley's for their support of the raffle.

Councilmember Sheffield reminded citizens to keep their grass clipping away from the road as it is hazardous to people walking, riding motorcycles, and biking.

Councilmember Post thanked staff for the work it does for the City. He pointed out when he provides staff contact information for citizen complaints he often receives feedback regarding how friendly and willing staff was to resolve the issue.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Heggins thanked staff for the work it does for the City. She commented she was relieved when the monumental decision regarding the Derek Chauvin trial was rendered. She indicated the outcome is a great way to propel relationships between the community and the Police Department forward.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander commented she is grateful for the professionalism of staff and for the great work it does to take care of the public.

Mayor Alexander announced the Public Art Committee invites artists to submit designs for consideration for the first Salisbury Paint the Pavement Project. Entries will be accepted through Friday, April 30, 2021. Designs will be selected by a local and diverse selection committee, and teams will paint their design on one of five crosswalks in the Rail Walk Arts District. Winning designs will reflect the history, culture and vibrancy of Salisbury and display creativity and diversity. For more information please visit www.salisburync.gov/paintthepavement.

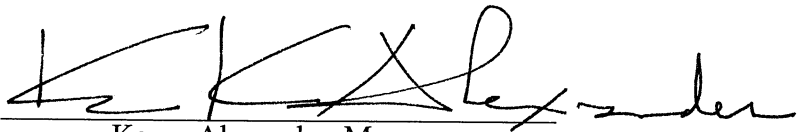
RETURN TO OPEN SESSION


Mayor Alexander reconvened the meeting in open session.

Mayor Alexander announced that the City Council gave instructions to the City Attorney concerning the settlement of a pending workers compensation claim.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Sheffield. All Council members in attendance agreed by roll call vote to adjourn. The meeting was adjourned at 5:37 p.m.


Karen Alexander, Mayor


Kelly Baker, City Clerk