

Salisbury, North Carolina  
January 19, 2016

## **REGULAR MEETING**

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

**ABSENT:** 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 Post. The meeting was called to order by Mayor Alexander at 4:00 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.

## **PROCLAMATION**

Mayor proclaimed the following observance:

CATHOLIC SCHOOLS WEEK

February 1-5, 2016

## **CONSENT AGENDA**

### (a) Certificate of Public Convenience and Necessity for Taxi Owners

Approve the first reading for a Certificate of Public Convenience and Necessity for Taxi Owners for Miss Neeco Jimmerson, DBA as Essential Taxi Service.

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

## **HIGHLIGHTS AND GOALS – HISTORIC PRESERVATION**

Mayor Alexander announced the Historic Preservation highlights and goals will be presented at Council's February 16, 2016 meeting.

## **HIGHLIGHTS AND GOALS – HURLEY PARK ADVISORY BOARD**

Hurley Park Advisory Board Chair Jane Ritchie and Ms. Daphne Beck, staff liaison, presented the Hurley Park Advisory Board highlights for 2015 and goals for 2016. Ms. Ritchie reviewed the 2015 highlights:

- Hired Assistant Park Curator Emily Michael
- Held 27<sup>th</sup> Annual Spring Celebration
- 28<sup>th</sup> Annual Spring Celebration to be held April 10, 2016
- Hosted Arbor Day Celebration with the Tree Board
- Annual Lecture and plant giveaway
- Held park maintenance workdays with Rowan-Cabarrus Community College SOAR Program
- Updated the park's brochure and map
- Published two newsletters
- Hosted five weddings, and two events
  - Bark for Life
  - Shelter Guardians Dog Walk
- Hosted area high school prom pictures
- Continued routine maintenance on the 18-acre park
- Continued Phase III planting
- Received a grant from the Hurley Park Foundation for new picnic tables

Ms. Ritchie reviewed the level 1 goals for 2016-2017:

- Continue Spring Celebration and Annual Lecture – \$2,000
- Irrigation upgrade – \$1,800

- New plants for garden renovations – \$1,500
- Replace broken sundial – \$800

Ms. Ritchie noted the Hurley Foundation will reimburse the City 50 percent of the costs associated with the irrigation upgrade and the sundial replacement. She thanked the Hurley Foundation, the community, staff, and Council for its continued support of Hurley Park.

Mayor Alexander commended Ms. Ritchie, Ms. Beck, and the Hurley Park Advisory Board for all they do for the City.

### **HIGHLIGHTS AND GOALS – PARKS AND RECREATION ADVISORY BOARD**

Col. Jack Brunton, Jr., Parks and Recreation Advisory Board member, and Mr. Paul Moore, staff liaison, presented the highlights and goals for the Parks and Recreation Advisory Board.

Mr. Brunton reviewed the highlights for 2015:

- Relocated the weight room from the Civic Center to City Park
- Staff offices returned to recreational facilities
- Park Avenue acquired as a rental facility
- Administrative offices located at Park Avenue
- HVAC installed at Hall Gym
- Painted the exterior of the Miller Center
- Dog Paws group raised \$6,000 towards Dog Park project
- Recreation Aide promoted to Recreation Specialist – Delando Clowney, Jr.
- Hired Hurley Park Assistant Curator – Emily Michael
- Hired Parks and Recreation Director – Nick Aceves

Mr. Brunton noted the new activity offerings:

- 13 fitness/wellness programs
- 7 athletic programs
- 9 specialty camps
- 7 general programs
- 4 skill building/mentoring programs
- 3 special events
- Attractions added to the Halloween Fun Fest and New Year's Eve Bell Tower Celebration

Mr. Brunton pointed out the Salisbury Parks and Recreation Department:

- Hosted 21 softball tournaments at Community Park
- Community Park served as home field to the 2015 Little League Girls Softball World Series Champions

- Built two additional graffiti walls and two chalk walls for programming
- Landscaped new medians on East Innes Street
- Built floats for Martin Luther King, Jr. Parade and Holiday Caravan Parade
- Added floatation devices at City Park Lake, Hurley Park Pond, Memorial Park Pond and Salisbury Community Park Lake

Mr. Brunton then reviewed the 2016 goals:

- Uniform signage throughout the park system
- Additional landscaping at recreation facilities
- New roof at the Civic Center and/or Hall Gym
- Repair and paint eaves and overhangs at City Park
- Outdoor restroom facilities at select parks
- Installation of outdoor activities such as volleyball, horseshoes, etc.
- Permanent concession structure at J.C. Optimist Sports Complex
- Permanent graffiti park
- Completion of Dog Park project

Mr. Brunton reviewed the 2015 goals for programming and events:

- Implement additional fitness opportunities at recreation facilities and select parks
- Research and develop teen driven programs
- Increase awareness and participation in athletic programs
- Revamp and increase marketing strategies
- Seek a working partnership with the Home School Association
- Research and identify new or trending programs
- Commission for Accreditation of Parks and Recreation Agencies (CAPRA) Re-Accreditation
- Increased collaborative efforts with the Rowan County Parks and Recreation Department

Mr. Brunton noted the 2015 maintenance goals:

- Replace play structures at Salisbury Community and Morlan Parks
- Assist engineering with planning for the newest Greenway section at Grant's Creek
- Siding and repairs to the Community Park concession building
- Construction of 96 niche columbarium at Memorial Park Cemetery
- Assist Facility Maintenance with repairs to the Rebecca at the Well Fountain

Mayor Alexander thanked members of the Parks and Recreation Advisory Board for their work in the community.

Councilmember Hardin invited citizens to explore the activities offered by the Parks and Recreation Department. He recognized Parks and Recreation Advisory Board Member Johnnie Leach and Recreation Coordinator Steve Clark for all they do for the City.

Mayor Pro Tem Blackwell stated she was pleased to see the new programs offered by the Parks and Recreation Department. She asked if Movies in the Park will continue in 2016. Mr. Moore noted Movies in the Park will be offered in 2016.

Councilmember Miller asked about pickle ball. Mr. Moore explained pickle ball is a combination of racquet ball, volley ball, and badminton and is available on Mondays and Fridays at Hall Gym. Mr. Post suggested converting a tennis court at City Park into a pickle ball court due to the increased popularity of the game. Mr. Moore stated staff is exploring options to convert a tennis court at City Park into a pickle ball court as well as a tennis court for 10 and under.

### **STREET CLOSURE – PORTION OF HIGHLAND AVENUE**

City Engineer Wendy Brindle stated at its December 15, 2015 meeting Council adopted a Resolution of Intent to permanently close a portion of Highland Avenue. She pointed out the portion of Highland Avenue to be closed and its proximity to the hospital, Mocksville Avenue, and Baker Street.

Ms. Brindle explained a public hearing was set as required by North Carolina General Statute 160A-299, and all notifications were made to the public. She stated in accordance with the statute, closing of a portion of the street must not be contrary to the public interest and no individual shall be deprived of reasonable means of ingress and egress to his property.

Ms. Brindle pointed out public utilities are located in the right-of-way, and she noted a utility easement must be established to meet the General Statute requirements.

(a) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding a request to close a portion of Highland Avenue.

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

Thereupon, Mr. Miller made a **motion** to adopt a Resolution pertaining to the acceptance of an Offer of Dedication for public use of a portion of Highland Avenue. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

### **RESOLUTION PERTAINING TO THE ACCEPTANCE OF AN OFFER OF DEDICATION FOR PUBLIC USE OF A PORTION OF HALL STREET.**

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 4, and is known as Resolution 2016-03.)

Thereupon, Mr. Miller made a **motion** to adopt an Order closing a portion of Highland Avenue. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)



Councilmember Hardin noted seven people contacted him by email requesting a later starting time with a consensus of 5:00 p.m. He noted he received approximately 20 Facebook responses in support of a later meeting time and none in opposition. He added he also spoke with downtown business owners who support a later meeting time. He commented he supports a 5:00 p.m. or 6:00 p.m. meeting time which could increase civic participation.

Mayor Pro Tem Blackwell noted the issue was brought up in 2010, but Council did not receive any feedback. She stated this year she received three emails in support of a later meeting time.

Councilmember Miller stated he would support a later meeting time. He noted 5:00 p.m. is a compromise, and he added many citizens attend Council meetings that include items they are passionate about. He indicated public comment could be offered at every meeting, possibly at a certain time. Mayor Alexander stated she supports having public comments at a certain time during the Council meetings.

Ms. Blackwell explained the City filed an Ordinance with the State when it implemented public comment. She asked if the City would need to change the Ordinance to allow public comment at every meeting. Deputy City Clerk Kelly Baker stated changing the public comment periods would be an internal policy. She noted if Council decides to change its meeting time, staff would advertise the time change and bring a text amendment back to Council as required by City Code.

City Manager Lane Bailey pointed out a set time for public comment could disrupt the business of the meeting. He suggested keeping public comment as it is with an understanding it could be changed if the need arises. Mr. Miller noted if public comments are moved at the last minute, a citizen planning to speak could come in late and miss their opportunity to address Council. He asked if notice could be made that public comment had been moved when the Agenda is released. Mr. Bailey explained Council meetings are advertised in advance, and he pointed out the order of the Agenda can be changed at the start of the meeting without public notice. He noted Council can add an item to the Agenda unless the meeting is called for a single purpose then that item is all that can be discussed.

Mayor Alexander asked if Council would like to change its meeting time to 5:00 p.m. and leave public comment at the end of the meeting with the understanding it could be moved if needed. She added the flexibility would be respectful of public time and allow the meeting to flow with fewer interruptions. She noted public comments would be held toward the end of both meetings unless Council has a large public issue that needs to be addressed.

Mr. Post pointed out if a citizen wishes to speak regarding an item on the Agenda, they are not allowed to speak until public comment which takes place after a decision is made. Mr. Hardin asked if there is legislation that only permits the public to comment at a certain time in the meeting. He added he wants transparency, engagement, interaction, and for citizens to be able to ask questions. He asked if there is a policy regarding public interaction during Council meetings. Mayor Alexander indicated Council does not want to create a debate during its meetings, and she noted staff may have information or need to research an item and get back with the citizens.

Mr. Miller pointed out many issues involve courtesy hearings, and he added there are opportunities for input beyond public comment. He explained Council listens to citizens but a meeting is not always the best format for conversation and feedback.

Mr. Hardin pointed out he wants citizens to feel they are being heard.

Thereupon Mr. Post made a **motion** to move the Council meeting start time to 5:00 p.m. beginning in March 2016. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Thereupon Mr. Post made a **motion** to move the public comment period to approximately 6:00 p.m. of each Council meeting beginning the first meeting of March 2016, or at the end of the meeting, whichever is earlier. Mr. Hardin seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

### **RENAME – LINCOLN POOL**

Parks and Recreation Director Nick Aceves and Parks and Recreation Maintenance Manager Stephen Brown addressed Council regarding the renaming of Lincoln Pool to the Fred M. Evans Pool at Lincoln Park.

Mr. Aceves explained the Parks and Recreation Advisory Board would like to rename Lincoln Pool to the Fred M. Evans Pool at Lincoln Park. He pointed out Mr. Evans was influential in the community and worked to ease young people's fears of water. He added Mr. Evans also served as one of the pools first lifeguards. He stated the Parks and Recreation Advisory Board voted unanimously to recommend the name change. He added staff would like to collaborate with the family to plan an event for the pool's opening in May. He noted a 30-day public comment period is required for the proposed name change.

Mayor Pro Tem Blackwell thanked Mr. Wilson Cherry for his idea to rename the pool in honor of Mr. Evans.

Councilmember Hardin thanked Mr. Brown and staff, on behalf of the family, for the patience and professionalism shown to Ms. Evans.

Thereupon Ms. Blackwell made a **motion** to establish a thirty-day period from January 19, 2016 for public input regarding the proposed renaming of the Lincoln Pool to the Fred M. Evans Pool at Lincoln Park. Mr. Hardin seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)



## HOGAN'S ALLEY – VEHICULAR TRAFFIC

Traffic Engineering Coordinator Vickie Eddleman and Downtown Salisbury, Inc. Executive Director Paula Bohland addressed Council regarding a request to restrict vehicular traffic on a portion of Hogan's Alley.

Ms. Eddleman explained staff received a request to restrict vehicular traffic along a portion of Hogan's Alley beginning at North Main Street and ending at the rear of a building located at 119 North Main Street. She noted 55 percent of the private property owners signed the petition to support the request. She pointed out two City-owned parcels in the area that include a public parking lot.

Ms. Eddleman explained DSI raised funds to provide pedestrian friendly treatments to the alley. She stated if the request is approved, the alley entrance would be blocked to eliminate vehicular access to the alley.

Ms. Bohland noted in 2014 DSI conducted focus group interviews with approximately 140 citizens who requested an increase in public art and public spaces, and she pointed out Hogan's Alley is a great candidate for the request. She added property owners on both sides of the alley support the alley closure. She displayed conceptual drawings of the proposed changes to the alley, and she pointed out DSI has obtained funding to provide design and installation of public art, greenery, bike racks, benches, and signage.

Mayor Alexander asked if sculpture in the area would be changeable so the area could be included in the Salisbury Sculpture Show. Ms. Bohland noted DSI is partnering with the Public Art Committee regarding the artwork and its possible rotation.

Mayor Pro Tem Blackwell noted Council received an email from an area property owner supporting the closure of Hogan's Alley.

Councilmember Hardin stated the area cannot accommodate pedestrian and vehicular traffic because of safety issues. Ms. Bohland agreed, and she pointed out the alley is no longer safe for vehicles.

Councilmember Post asked who owns the alley. Ms. Eddleman commented it is a public alley. Mayor Alexander clarified the City will still own the property if the alley is closed. Ms. Eddleman agreed, and she pointed out closing the alley will create one additional parking space on Main Street.

Mr. Post asked if other property owners in the 100 block of North Main Street support the alley closure. Ms. Bohland noted the area property owners are very supportive of the request.

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending Section 13-365, Article X, Chapter 13, of the Code of the City of Salisbury, relating to non-vehicular streets or alleys. Mr. Post seconded the motion. Messrs. Hardin, Miller and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING SECTION 13-365, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO NON-VEHICULAR STREETS OR ALLEYS.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 4, and is known as Ordinance 2016-04.)

**PUBLIC COMMENTS**

Mayor Alexander opened the floor for public comment.

Mayor Alexander noted several citizens are in attendance to address a comment she made regarding gun registration. She apologized for her comment and noted she has no authority to act alone. She pointed out Council is comprised of a body that makes decisions as a group. She noted gun registration is not on the Agenda and is not an issue dealt with as a City.

Mayor Alexander asked City Attorney Rivers Lawther if citizens who were present to discuss City business could speak before those who wish to address gun violence. She explained she must leave the meeting at 5:30 p.m. She added the meeting will be turned over to Mayor Pro Tem Blackwell and she wanted citizens to know she is not leaving the meeting to avoid the issue of gun registration. Mr. Lawther stated the Mayor can set priorities for public comments. Mayor Alexander first asked for public comments regarding any issue other than gun control and registration.

Mr. Todd Paris, 113 East Council Street, thanked Council for changing its meeting times and allowing public comments at both meetings. He presented Council with Rules of Procedure from Salisbury, Maryland and an article from the School of Government regarding Agendas. He asked Council to make sure everyone understands how items are placed on the Agenda. He added Council should have been given time to review the audit document before the Council meeting.

Mr. Andrew Poston, Republican Candidate for the North Carolina House of Representatives District 77, noted he is concerned about another death in the City. He added violence is ruining the community and must be stopped.

Mr. Miles H. Cannon, Rowan-Cabarrus Community College (RCCC) Early College student, requested a skate park be constructed to provide a safe place for people to skate. He pointed out a skate park is included in the 2009 Comprehensive Parks and Recreation Master Plan Update. He added young people should have input in City planning even though they cannot vote.

Ms. GeoRene Jones, 1608 Third Street, explained she researches poverty and has seen what works and what has not been successful. She asked Council to consider a “Bridges Out of Poverty” model that brings community stakeholders together to understand poverty and use resources in new ways to transform the City. She presented copies of *Bridges to Sustainable Communities, a system-wide, cradle-to-grave approach to ending poverty in America* to Council.

Mayor Alexander indicated she had to leave the meeting.

Thereupon, Mr. Hardin made a **motion** to excuse Mayor Alexander and exchange duties with Mayor Pro Tem Blackwell. Mr. Miller seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Mayor Pro Tem Blackwell continued public comments.

Mr. Christopher Waller, 3617 Bringle Ferry Road, indicated he came to discuss comments made regarding gun registration but would rather speak about violent crime in the City. He pointed out the City has the same number of patrol officers it had 20 years ago. He stated the call volume and population have increased yet the number of patrol officers has remained the same. He noted more patrol officers are needed on the street.

Ms. Vickie Benfield, 2875 Agner Road, stated she is concerned about the registration of guns as mentioned by Mayor Alexander. She pointed out concealed carry permits require the registration of guns. She added she is also concerned about crime in the City.

Mr. David Pruitt, 1854 Rosemont Street, noted he has a concealed carry permit. He pointed out carrying a gun makes him feel safer. He added gun registration is unconstitutional and unfair.

There being no one else to speak, Mayor Pro Tem Blackwell closed the public comment session.

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

There were no comments.

### **MAYOR 'S ANNOUNCEMENTS**

(a) 31<sup>st</sup> Annual Future Directions and Goal Setting Retreat

Mayor Pro Tem Blackwell announced Salisbury City Council will hold its 31<sup>st</sup> Annual Future Directions and Goal Setting Retreat January 27-28, 2016.

(b) Crime in the City

Councilmember Miller referred to previous comments about crime and noted Council takes crime in the City very seriously and the issue will continue to receive Council's attention.

Councilmember Hardin added he appreciates the citizen comments, and he noted he is also concerned about gun violence and the ability to buy or sell a gun. He challenged citizens to take their passion regarding Mayor Alexander's comments and work in the community to make a change and help stop the violence. He asked citizens to get involved in their community.

(c) Martin Luther King, Jr. Celebration

Councilmember Post thanked everyone who participated in the Martin Luther King, Jr. weekend celebrations, and he noted the events were a huge success.

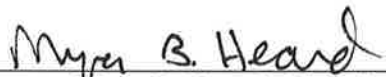
(d) Fibrant Bills

Mr. Post noted the Community Development Corporation (CDC) is having to refer citizens to Time Warner Cable because the City's water and Fibrant are on the same bill. He explained if citizens do not pay their Fibrant bill their water is also disconnected. He suggested discussing how the bills are handled at Council's Retreat.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Post seconded by Mr. Hardin. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 5:37 p.m.

  
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Karen Kirks Alexander, Mayor

  
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Myra B. Heard, City Clerk