REGULAR MEETING

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

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:00 p.m.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

CHANGE TO THE AGENDA

Mayor Heggins noted the following changes to the Agenda:

Correction – to the time in the Small Business Saturday Announcement, Item 21 (b). The time and should read 11:00 a.m. until 3:00 p.m.
ADOPTION OF THE AGENDA

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

PROCLAMATION

Mayor to proclaim the following observances:

INTERNATIONAL SURVIVORS OF SUICIDE LOSS DAY November 17, 2018
SMALL BUSINESS SATURDAY November 24, 2018

Mayor Heggies read and presented the International Survivors of Suicide Loss Day Proclamation to Ms. Vickie Eddleman.

Mayor Heggies read and presented the Small Business Saturday Proclamation to Downtown Salisbury, Inc. Director Larissa Harper.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the Special meetings of October 2, October 3, and October 23, 2018 and the Regular meetings of October 2 and 16, 2018.

(b) Resolution – Black & Veatch agreement

Approve a Resolution authorizing the City Manager to execute an amendment to the engineering agreement with Black & Veatch for an amount not to exceed $50,000.

RESOLUTION EXEMPTING ENGINEERING SERVICES FOR SALISBURY-ROWAN UTILITIES FROM G.S. 143-64.31.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 54, and is known as Resolution 2018-33.)

(c) Agreement and Budget Ordinance Amendment– Cardno, Inc. and

Authorize the City Manager to execute a Master Professional Services agreement with Cardno, Inc. in the amount of $291,500 and adopt a Budget Ordinance Amendment to the FY2018-2019 budget in the amount of $300,000 to appropriate revenue from Federal grants.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM FEDERAL GRANTS.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 233, and is known as Ordinance 2018-55.)

(d) Capital Project Budget Ordinance

   Adopt a Capital Project Ordinance for the construction of Fire Station 6 in the amount of $7,500,000.

CAPITAL PROJECT ORDINANCE ESTABLISHING A GENERAL CAPITAL PROJECTS FUND FOR CONSTRUCTION OF FIRE STATION NUMBER 6.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 234, and is known as Ordinance 2018-56.)

(e) Interest Revenue

   Adopt a Budget Ordinance Amendment to the FY2018-2019 budget in the amount of $64,771 to appropriate additional interest revenues.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM INTEREST.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 235, and is known as Ordinance 2018-57.)

(f) 2019 Meeting Schedule

   Adopt Council’s meeting schedule for 2019.

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

DEMOLITION – 403 NORTH MAIN STREET

   City Planner Kyle Harris presented Council with information regarding a demolition permit for the structure located at 403 North Main Street in the Downtown Local Historic District. He explained the Historic Preservation Commission (HPC) approved demolition in October and waived the option to delay since the building does not present historical or architectural significance. Mr. Harris pointed out the parcel is located on the peripheral of the district and the
proposed demolition will not adversely affect other historic buildings or the overall characteristics of the district.

Mr. Harris stated the site is being considered for redevelopment for a Sharonview Federal Credit Union branch due to the prime location of the parcel. He added the existing building cannot be adapted to meet their needs.

Mr. Harris shared the report from the applicant’s structural engineer, and he pointed out the collapsed roof, non-craftsman material ceiling, water intrusions, cracked and separated brick, collapsed ceiling, and dirt flooring. Mr. Harris also noted a Certificate of Appropriateness (COA) was issued for the demolition as required.

Sharonview Credit Union Chief Operating Officer Ricky Otey reviewed the plans for the site that would include building the Sharonview Federal Credit Union to fit the community and the Historic district.

Councilmember Alexander asked if the site had environmental hazard issues. Mr. Harris explained there are environmental issues, but the parcel has been through the Brownfields Program but may need additional environmental assessments.

(b) Mayor Heggies convened a public hearing, after due notice thereof, to receive comments regarding the demolition of a structure located at 403 North Main Street.

Ms. Sue McHugh stated she has watched the building deteriorate the past several years. She added she supports demolition and moving forward with something positive the community can be proud of.

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

Thereupon, Councilmember Miller made a motion to approve the demolition of the structure located at 403 North Main Street. Councilmember Alexander seconded the motion. Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT Z-07A-2018 – TWENTY-FIVE PROPERTIES

Development Services Coordinator Teresa Barringer presented Council with a petition to rezone 25 properties from Community-oriented and Institutional properties to the new Community and Institution (CI) zoning district. She noted the proposed rezoning is considered phase one to include properties along major roadways and boulevards.

Ms. Barringer commented the Planning Board voted in favor of the rezoning at its October 23, 2018 meeting.
Ms. Barringer reviewed the area zoning, and she pointed out 25 properties that are primarily of church and institutional type zonings.

Ms. Barringer referred to Trinity Wesleyan Church, Carmel Baptist Church and Gospel Light Baptist Church as three properties located along Mooresville Boulevard proposed for zoning from Rural-Residential (RR) to CI. She reviewed the conversion would allow CI zoning uses such as elderly housing, daycare, group care, Post Office, studio, theater, universities, hospital, and wireless facilities, and she added no changes would be made to the types of buildings allowed.

Ms. Barringer presented seven proposed zonings from General Residential (GR) to CI at 1908 and 1630 Statesville Boulevard, 2975 and 2970 West Innes Street, 2515 East Innes Street, 1910 Mooresville Road, and 1238 Colonial Drive. She pointed out zoning conversions would allow CI uses such as commercial daycare, group care, Post Office, Studio, cultural and meeting facilities, indoor recreation, universities, hospitals, and wireless facilities. She commented home, institutional and public landmark buildings would be permitted.

Ms. Barringer reviewed 432 South Long Street and 501 Old Concord Road as locations proposed for zoning from Urban Residential (UR) to CI. She noted the conversion would allow for commercial daycare, group care, Post Office, Studio, cultural and meeting facilities, indoor recreation, universities, hospitals, and wireless facilities, and she added a home, institutional, and public landmark buildings are permitted.

Ms. Barringer presented the proposed downzoning of 1825 Statesville Boulevard, 100 Dan Street, and 1988 Lutheran Synod Drive from Residential Mixed-use (RMX) to CI. She stated when a property is downzoned more uses are lost rather than gained during the conversion of districts. She noted the conversion would allow for CI uses such as medical clinics, studios, outdoor recreation, theaters, universities, hospitals, and public safety buildings. She noted downzoning from RMX to CI would allow for residential, institutional, and public landmark type buildings.

Ms. Barringer indicated properties located at 613 Statesville Boulevard and 2210 North Jake Alexander Boulevard are proposed for a downzoning from Neighborhood Mixed-use (NMX) to CI. She pointed out the CI conversion adds home occupation, medical clinic, studio, outdoor recreation, theater, university, hospital, and public safety zoning type uses.

Mayor Heggies asked if apartments or townhomes could be used as housing for colleges and universities. Ms. Barringer commented homes would be included with primary overall use of a campus and not as a secondary or standalone parcel.

Ms. Barringer reviewed 514 East Innes Street and 123 North Shaver Street as a part of the proposed downzoning from Corridor Mixed-use (CMX) to CI. She indicated these properties are in the public safety districts. She indicated the CI conversion adds home occupation, medical clinic, studio, outdoor recreation, theater, university, hospital, and public safety zoning type uses.

Ms. Barringer commented properties located at 2320 and 2325 Statesville Boulevard, and 2312 and 817 South Main Street are proposed downzonings from Highway Business (HB) to CI.
She pointed out with the CI conversion uses such as Single family dwellings, home occupation, medical clinic, studio, outdoor recreation, university, hospital, public safety, and elementary school would be gain.

Ms. Barringer commented the proposed rezoning allows each property the same base zoning district for the use of Electronic Messaging Centers (EMC) to help promote events and safety announcements. She noted several of the properties are located along major thoroughfares and boulevards and the Land Development Ordinance (LDO) permits EMC placement for commercial uses but not for residential districts.

Councilmember Sheffield asked if the 25 properties owners requested a rezoning. Ms. Barringer commented the properties located along major roadways were considered for the rezoning, and she added in phase one staff consider properties along certain roadway types.

Councilmember Sheffield asked if the CI rezoning conversion prohibits any properties or businesses from continuing to operate as they had been. Ms. Barringer commented it would not and indicated the properties are identified as churches, public safety stations, and schools.

Councilmember Sheffield asked about the benefits of proposed CI rezoning. Ms. Barringer commented the rezoning provides a consistent and uniform based zoning district for civic and community-oriented benefit and permits a property the option for an EMC sign.

Councilmember Sheffield asked if property owners who did not apply for the rezoning could seek rezoning in the future. Ms. Barringer stated they could if the property meets the required criteria.

Former Community Planning and Development Manager Preston Mitchell added community and institution uses are unique and have a broader spectrum of zoning districts, and the rezoning allows the properties to have the same zoning platform that can operate with the same development standards.

Councilmember Alexander asked about specific roads such as thoroughfares along Statesville Boulevard that run through historic districts. Ms. Barringer commented properties located within a historic district have not been proposed to be included in the rezoning conversion. Ms. Barringer pointed out St. John’s Lutheran Church Community Development Center (CDC) is located outside of the Historic District and would be eligible to request EMC signage and be apart of the rezoning. She added St. John’s church campus is located within the local Historic District does not propose any rezonings within the local Historic Districts.

Mr. Mitchell commented St. John’s Lutheran Church could request CI rezonings. Councilmember Alexander asked if a historic property would have to be included in the future. Ms. Barringer commented stated it would not.

Mayor Pro Tem Post asked if the proposed rezonings are considered spot zonings and if property owners have been notified. Ms. Barringer indicated property owners had been notified. Mayor Pro Tem Post asked if property owners were aware of the Planning Board meeting. Ms.
Barringer agreed, and she added Council recently amended notification limits to 500 feet of a property considered for rezoning. She indicated 643 notifications letters were mailed to property owners.

Mayor Pro Tem Post asked if responses from neighborhoods were received. Ms. Barringer commented staff has received no opposition to the rezoning. She indicated several phone calls about the notification letters were received and after staff explained the proposed rezoning and EMC placement no opposition was presented to staff.

Mayor Pro Tem Post asked if it would be considered spot zoning if a newly built church were to request a change in zoning. Ms. Barringer commented it would not because the request could be considered a general rezoning request for the specific site plan and its uses would need to coincide with the existing CI criteria.

Mr. Mitchell commented the 25 properties being proposed for rezoning are developed as institution or community-based institutions, and he added none of the properties are vacant.

Councilmember Miller asked if the word “wireless” refers to a wireless tower. Ms. Barringer commented it did not, and she added new wireless and cellular towers are required to be processed through a special use permit and be presented to Council for consideration. She noted wireless refers buildings that are side-by-side or if an existing tower adds antennas. Councilmember Miller commented he is in favor of the proposed rezoning.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding Z-07A-2018.

Mr. Rodney Queen commented his property is used for agriculture and it neighbors a property being considered for rezoning. He shared his concerns regarding zoning changes from RR to CI and asked if his property uses would be eliminated with the proposed rezoning. Ms. Barringer commented the rezoning applies only to the 25 properties and not surrounding properties.

Ms. Sue McHugh shared her opposition for EMCs placement. She commented electronic signs could create an issue for residential neighborhoods and asked Council to consider the impact of these signs.

Mr. Duran Merrell stated he is a member of Maranatha Bible Church, and he pointed out the property was recently rezoned for HB to allow an EMC sign. He commented the church members have enjoyed the convenience of an electronic sign.

Ms. Dottie Hoy asked if notification letters specifically stated that EMC signs would be a part of the proposed rezoning. Ms. Barringer stated they did not but the letter indicated a public hearing for a rezoning and included a date, time, and contact information.

Pastor Jeff Cannon shared he is the minister of the West Innes Church of Christ and noted EMC signs would provide an easier way to display local events to benefit the community.
Ms. Linda Holshouser shared her concerns regarding safety and distraction of EMC signs and asked Council to consider future development plans for Mooresville Road.

Ms. Barringer indicated mailed notices did include the consideration for EMC signage. Mayor Heggins asked if Ms. Barringer would like to read the letter for the record. Ms. Barringer read, “The City of Salisbury, case number X-07A-2018: Request to rezone numerous “community-oriented” uses (typ. School, church, government, etc.) located along major roads to the new ‘Community and Institution’ zoning district. This would allow ground signs to include electronic message boards. Various community-oriented and institutional sites along major roads throughout the city at City Council meeting on November 20, 2018, at 5:00 p.m. at 217 South Main Street, City Hall. You received this notice because you are a part of, or own property within 500 feet of, the 25 community or institutional land uses proposed for rezoning and for questions to contact Community Development Planning department.” Mayor Heggins thanked Ms. Barringer for reading the notification letter.

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

Mayor Pro Tem Post asked if EMC signs have lumens and size requirements. Ms. Barringer indicated the Sign Code in Chapter 12 relating to daytime and nighttime illumination of pixels includes strict EMC criteria and requirements. She pointed out EMC messages must remain displayed for 30 seconds or more, and she commented staff monitors EMCS displays.

Ms. Barringer shared at this time staff has not received oppositions regarding current EMC signs.

Councilmember Alexander asked if the black background on the EMC signs help reduce the luminosity. Mr. Mitchell commented a black background is not required however black backgrounds help with imaging contrast.

Mr. Mitchell commented there has been a lot of conversation around the proposed rezonings. He noted Council’s suggestion to present rezonings in three phases was a great idea, and he indicated staff and the Planning Board realized that the rezoning could pose potential stresses if phase one is not considered. Councilmember Miller asked if phase two would have to be considered by Council if phase one is approved. Mr. Mitchell stated it did not. He noted Council does not have to consider phase two or three. Councilmember Miller pointed out development uses of a location can be determined, and future properties proposed for rezonings can be reviewed case-by-case and considered by the Council.

Mayor Heggins commented Council should be clear about the reasons if future rezonings are declined.

Ms. Barringer commented if Council desires to decline a rezoning petition that indicates compatible uses with CI rezoning districts, a property owner can request Council’s consideration for specific parcel rezoning.
Councilmember Miller asked if sign sizes are consistent or based on property development. Ms. Barringer commented sign size is determined by the Sign Code and sizes are based on road types, and she provided an example of boulevards and major thoroughfares are uniform with a maximum sign size of 80 square foot.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan as it relates to promoting architecturally-compatible and residentially-scaled institutional development along the sides and corners of neighborhood planning areas. Therefore, Councilmember Miller made a motion to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, rezoning twenty-five properties from Community or Institutional Land Use to Community and Institution (CI) zoning district. Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING TWENTY-FIVE PROPERTIES OF COMMUNITY OR INSTITUTIONAL LAND USE TO ‘COMMUNITY & INSTITUTION’ (CI) ZONING DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 236, and is known as Ordinance 2018-58.)

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Ms. Vickie Eddleman thanked Council for honoring and supporting the proclamation request for Mental Health Awareness. She shared her experience with the loss of a loved one and encouraged all to educate themselves regarding mental health and awareness.

Mr. Rodney Queen shared he is a member of the Alternate Method of Design Commission (AMCD) and it often receives requests for signs. He thanked Mr. Mitchell and the Planning Board chair Mr. Bill Wagner for reviewing his request and submitting a report to the Planning Board for consideration to modify an Ordinance to add diversity in the City and attract outside developers.

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

POOL HALL PERMIT – 612 SOUTH MAIN STREET

Police Chief Jerry Stokes referred to a pool hall permit requested for the property located at 612 South Main Street approved by Council in 2017. He commented the owner of Shark Tanks pool hall recently passed away, and he added pool hall permits require a new permit be issued to
a new owner. He stated the department performed a background check for new owners Mr. Paul Hudson and Ms. Bobbie Jo Watson and found no issues. He introduced Lieutenant Lee Walker as the officer in charge of the permit investigation. He noted the last call for service at the property was in 2013.

(b) Mayor Heggies convened a public hearing, after due notice thereof, to receive comments regarding a pool hall permit.

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

Thereupon, Councilmember Miller made a motion to approve a permit to Mr. Paul Hudson and Ms. Bobbie Jo Watson to operate a pool hall located at 612 South Main Street. Councilmember Sheffield seconded the motion. Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

DEMOLITION – SIX PROPERTIES

Code Services Enforcement Officer Michael Cotilla commented the department was asked to identify properties for potential demolition, and he noted 16 properties have been identified for consideration. He commented demolition notices were issued and 10 of the 16 properties were rehabilitated, sold, or privately demolished. He presented Council six properties to be considered for demolition. He indicated the properties conditions pose sufficient safety and health concerns to the general public and are negativity affecting neighboring properties values due to fire, weather, or property owner neglect. He noted Code Services and the Police department have received numerous calls for illegal occupation and trespassing.

Mr. Cotilla reviewed the property located at 208 Myron Place and noted no one attended the public hearing held June 6, 2018. He presented Council photographs of the structures poor condition.

Mr. Cotilla reviewed the property located at 306 Institute Street and pointed out the Centralina Council of Governments (CCOG) held a telephone conference with the property owner on June 6, 2018, that concluded the owner has no interest to make repairs to the structure. He provided Council photographs of the homes poor condition and noted structure failure due to fire damage.

Mr. Cotilla reviewed a property located at 424 Partee Street and indicated notices were issued and a public hearing was held May 29, 2018, and the owner was informed of Code violations and compliance procedure. He indicated members from the West End Pride and the Salisbury Neighborhood Alliance Group (SNAG) were present and provided comments. He presented Council photographs and reviewed structure damage due to a fire.

Mr. Cotilla reviewed the property located 504 East Liberty Street and commented notices were issued and a public hearing was held May 29, 2018. He commented the owner of the property
was informed of violations and Code procedures, and the hearing concluded the owners are unable
to demolish the structure due to financial reasons. He added the property has severe fire damage.

Mr. Cotilla reviewed the property located at 711 East Liberty Street and indicated no one
attended the public hearing held May 29, 2018. He presented Council photographs and indicated
the property has sufficient fire damage. He added staff has boarded the property on several
occasions and those boards were removed by trespassers.

Mr. Cotilla reviewed the property located on 1408 South Fulton Street and commented no
one attended the public hearing held on May 29, 2018. He reviewed the property poses vacancy
and trespassing issues. He reviewed the structures poor condition.

Mayor Heggins thanked Code Enforcement for its work in the community.

Former Community Planning and Development Manager Preston Mitchell announced that
Mr. Cotilla has recently been promoted to Code Services Coordinator and acknowledge Mr. Cotilla
for his performance. He noted staff consulted with CCOG’s Senior Community and Economic
Development Coordinator James Luster to assist with home inspections, finding of facts, and
reports.

Mayor Heggins commented many citizens have shared their gratitude for Mr. Cotilla’s
work in the community.

Thereupon, Councilmember Sheffield made a motion to adopt an Ordinance directing the
housing inspector to remove or demolish the properties located at 208 Myron Place, 306 Institute
Street, 424 Partee Street, 504 East Liberty Street, 711 East Liberty Street, and 1408 South Fulton
Street in the City of Salisbury, North Carolina described as unfit for human habitation and directing
that a notice be placed thereon that the same may not be occupied until demolished. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and
Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE
PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE
OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 237 and 238, and
is known as Ordinance 2018-59.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE
PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND
DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE
OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 239 and 240, and
is known as Ordinance 2018-60.)
ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 241 and 242, and is known as Ordinance 2018-61.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 243 and 244, and is known as Ordinance 2018-62.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 245 and 246, and is known as Ordinance 2018-63.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 247 and 248, and is known as Ordinance 2018-64.)

Councilmember Sheffield thanked Mr. Cotilla on behalf of the Housing Advocacy Commission (HAC) and Community Appearance Commission (CAC) for his work in the community.

**UPDATE – POLICE CHIEF**

Police Chief Jerry Stokes presented Council with a Police Department update. He commented the department is 95% staffed because of Council’s recent increased staffing number to 97 from the previous 81 authorized positions. He stated the department is working to fill four vacancies. He noted he is working to fill two of those positions for civilian positions that do not necessarily provide police services but could provide services to the community in different ways.
Chief Stokes provided Council a crime data comparison of 2018 and 2017. He noted violent crimes are decreasing, and he indicated a slight increase to property crime rates.

Chief Stokes reviewed the public safety partnership with the Department of Justice (DOJ). He indicated a retired Police Chief will be the Site Coordinator and noted staff from the Sherriff’s Office, District Attorney’s Office, and State and Federal Law Enforcement staff will be present for the assessments and criminal justice partnership. He pointed out Project Safe Neighborhoods (PSN) will be a part of the public safety partnership. He commented staff will be on site December 5, 2018, to provide training and technical assistance in the department’s data management area. He reviewed PSN is an initiative authorized by the Council and the Rowan County Board of Commissioners, and he noted a current county-wide violent incident review and gang assessment partnership with the United States Attorney’s Office for the Middle District of North Carolina located in Greensboro. He commented a research team with the University of North Carolina Greensboro will perform the assessment and visit Salisbury and surrounding localities to review violent crimes within a three to five year period with the intent to enhance prosecution and help those who need services or other assistance to avoid being a victim or suspect.

Chief Stokes reviewed the department would be implementing Project Santa Patrol to begin Friday, November 23, 2018, with enhanced patrolling in high traffic and shopping areas, and he noted it is a data-driven initiative to direct resources to areas of concerns for robberies, larceny, and residential burglary. He indicated teams of officers would patrol by foot, surveillance, and plainly clothed. He noted the department will use the Rowan County’s Incident Command Post as a place for shift meetings and be located throughout the City to help reduce theft and enhance police presence.

Mayor Heggies thanked the department for its works in the community.

**TASK ORDER – HDR ENGINEERING, INC OF THE CAROLINAS**

Stormwater Manager Chris Tester requested Council consider authorizing the City Manager to execute a Task Order regarding the Sunset Drive Storm Drain Improvement Project located on Sunset Drive between Hamilton Drive and Birdie Drive. He indicated Public Services and the Finance Department performed a Request for Qualifications (RFQ) for a drainage study and design of the area, and he noted HDR Engineering, Inc. of the Carolinas was selected for the project.

Mr. Tester explained the study identified three areas that experience flooding partially due to the increased development along Jake Alexander Boulevard. He noted HDR Engineering, Inc. of the Carolinas is currently at 90% design on the central Sunset Drive portion of the project area, and he added the next phase of the project is for a Task Order to be approved for the design of the south section of Sunset Drive. Mr. Tester pointed out the project is included in the FY 2018-2019 budget.
Mayor Pro Tem Post asked if the amount is included in the budget and if the item before Council authorizes the City to enter into a contract to complete what has already been approved. City Manager Lane Bailey agreed.

Thereupon, Councilmember Miller made a motion to authorize the City Manager to execute a Task Order to an existing professional service agreement with HDR Engineering, Inc. of the Carolinas, for an amount not to exceed $102,570. Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, Sheffield voted AYE. (5-0)

**421 STATESVILLE BOULEVARD – STORMWATER GRANT**

Stormwater Technician Michael Hanna addressed Council regarding a Stormwater Incentive Grant for drainage repairs located at 421 Statesville Boulevard. Mr. Hanna explained the City maintains storm drainage systems within public right-of-ways and on City-owned properties. He added systems located on private properties are the responsibility of the property owners and the City may award a grant up to 50% of the costs for construction repairs. Mr. Hanna explained that the Stormwater Drainage Incentive Grant funds are for improvements or repairs on private property and made possible through the City’s Stormwater Utility. He added the City bears no responsibility for perpetual liability or maintenance of the drainage system.

Mr. Hanna displayed photos of corrosion of corrugated metal pipe in the drainage system and a sinkhole located at 421 Statesville Boulevard. He added the repairs will consist of installing aluminum plates to cover the rusted parts of the corrugated metal pipes, adding polyurethane underneath the aluminum plates to seal the joints, and building a headwall to prevent further erosion.

Mr. Hanna noted the office of Dr. Stephen D. Proctor is requesting $19,350 to fund 50% of the $38,700 total construction cost. He added $25,000 is budgeted for the Stormwater Drainage Incentive Grant and available for distribution.

Councilmember Alexander asked who installed the drainage system. Mr. Tester stated there is no engineering evidence of who conducted the installation.

Thereupon, Councilmember Miller made a motion to award a Stormwater Drainage Incentive Grant in the amount of $19,350 to Stephen D. Proctor, MD located at 421 Statesville Boulevard. Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE. (5-0)

**FAIR HOUSING STEERING COMMITTEE**

Planner Kyle Harris addressed Council regarding the establishment of the Fair Housing Steering Committee. He noted in 2018 the City partnered with Legal Aid of North Carolina to conduct fair housing testing across the City. He explained the testing revealed unlawful disparate treatment in the housing market within the City.
Mr. Harris stated the proposed Resolution will establish a Fair Housing Steering Committee to study the problem and affirmatively further fair housing within the City’s jurisdiction. He explained the Committee will consist of:

- Four members of the Human Relations Council (HRC)
- Four members of the Housing Advocacy Commission (HAC)
- Seven at-large members with demonstrated interest or expertise in fair housing

Mr. Harris noted the Fair Housing Steering Committee will work to update the City’s Analysis of Impediments Report. He added the City is required by the United States Department of Housing and Urban Development (HUD) to update the report every five years. He indicated the Committee will leverage its collective expertise to advise and support Centralina Council of Governments (CCOG), who serves as the project consultant, to develop goals and recommendations for addressing impediments to fair housing in the City. He stated a final draft of the City’s updated Analysis of Impediments Report will be brought before Council in April or May 2019. He added the future role of the Fair Housing Steering Committee will be determined by Council.

Councilmember Miller stated in the past when a Committee was established it had a defined mission scope and membership criteria. He suggested making the Fair Housing Steering Committee a temporary task force until the mission scope and membership criteria can be established. He added if Council decides to create the Fair Housing Steering Committee it could also create the scope, membership criteria and guiding documents. He then suggested limiting the scope of the Fair Housing Steering Committee while the details are considered. Mr. Harris explained the proposed Resolution limits the scope of the Committee to the Analysis of Impediments Report until it receives additional guidance.

Councilmember Sheffield pointed out fair housing is too important not to have a Council liaison serve on the Committee. She agreed that the scope needs to be defined if the Committee continues long-term. She asked how Council will appoint the seven at-large members and determine the criteria if it is not involved in the process.

Mayor Heggins asked if criteria has been set for the seven at-large appointments. She stated since members are appointed from the HRC and HAC and she and Councilmember Sheffield serve as Council liaisons to the respective committees, it would make sense for them to also serve as Council liaisons to the Fair Housing Steering Committee.

Councilmember Alexander pointed out the Resolution does not include any criteria for the seven at-large members. Mr. Harris stated the seven at-large members must have a demonstrated interest or expertise related to fair housing. He indicated it will be the Council’s responsibility to identify the seven at-large members, and he noted additional criteria has not been established at this time. Mayor Pro Tem Post asked if Council should set the criteria. Councilmember Miller agreed, and he noted if the criteria is agreed upon by Council and put in writing it clarifies everything.
Councilmember Miller asked about the 15-member make-up of the Fair Housing Steering Committee. Mayor Heggins noted Council wanted to make sure the group was diverse. Councilmember Miller asked if a designee from the Community Development Corporation (CDC) would be the 16th member of the Committee.

Councilmember Miller pointed out when the HAC was established clear directions were given regarding intent and staffing. He suggested in the next 30 days asking those who are interested in serving on the Committee to apply. Councilmember Alexander pointed out Council may need to establish the criteria before citizens apply for the Committee. She suggested Councilmember Sheffield work with Mayor Heggins on this Committee. Mayor Heggins stated she would like to work with Councilmember Sheffield on the Committee. Councilmember Sheffield asked if Mr. Harris will be the staff liaison if the Committee is established. Mr. Harris explained he is working with Human Relations Manager Anne Little on the Committee. Councilmember Sheffield indicated Mayor Heggins, herself, Mr. Kyle and Ms. Little should be the starting point for the Committee. Councilmember Miller asked if 30 days is enough time to establish the Committee and if there will be time to hold the first meeting in January. Mr. Harris pointed out the final report must be submitted to HUD by May 2019. He stated the Steering Committee should hold its kick-off meeting in January, and if the Committee members are set by that point it should be able to meet the HUD timeline.

Councilmember Sheffield stated the item was brought before Council at its August 7, 2018 meeting, and she indicated Council discussed the CDC having some involvement in the Committee. Mr. Bailey pointed out the CDC’s involvement is noted in the proposed Resolution.

Mayor Heggins stated Council must be careful not to confuse landlord-tenant and fair housing issues, and she pointed out the Fair Housing Steering Committee should focus on fair housing issues. She suggested passing the Resolution and letting the four members meet to consider the criteria for the seven at-large members. Councilmember Alexander stated the Resolution should include the criteria for the seven at-large members. Mayor Heggins stated the proposed Resolution establishes the task force.

Mayor Heggins stated she believes it will be okay to establish the task force and develop the criteria for the seven at-large members. Mr. Bailey stated the four members could get together before Council’s December 4, 2018 meeting and report back to Council regarding the criteria. Mr. Harris noted staff can work with CCOG regarding criteria for membership.

Mr. Harris indicated the Committee is on a strict timeline and membership should be completed in January if possible. Mayor Heggins noted the first Steering Committee meeting needs to be held in January. Mr. Harris agreed, and he pointed out 30-day public notice requirements must be met before the item is brought before Council. Mr. Bailey suggested trying to set the criteria by Council’s December 4, 2018 meeting and accepting applications through the month of December. He noted appointments could be made on January 2, 2018 and the first meeting held shortly afterward in January.

Thereupon, Councilmember Miller made a motion to adopt a Resolution of Intent establishing a Fair Housing Steering Committee and to authorize a City Council Committee...
consisting of Mayor Heggins and Councilmember Sheffield to make recommendations regarding the criteria for the at-large appointments to the Committee on or before December 4, 2018. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION OF INTENT ESTABLISHING A FAIR HOUSING STEERING COMMITTEE.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 55, and is known as Resolution 2018-34.)

SIDEWALKS – ALONG SOUTH MAIN STREET

City Engineer Wendy Brindle reviewed that the City entered into a municipal agreement with the North Carolina Department of Transportation (NCDOT) for Federal funding known as Congestion Mitigation and Air Quality (CMAQ) for sidewalk construction. She noted staff completed the design of one of the projects in-house, and she noted the municipal agreement included a 20% match by the City for $134,000 with offsetting funds received by NCDOT not to exceed $107,200.

Ms. Brindle commented the bidding environment is different than normal due to the market flooding with construction needs and bid amounts are higher than normal. She commented four bids were received and staff advertised twice. She noted the amount of the lowest apparent bidder of $239,160 with the next lowest bid of $499,646.

Ms. Brindle commented, due to the market, the project has exceeded the $134,000 budgeted amount by $105,160. She referenced a conversation with the Finance department about projected savings in the special projects fund that could help with sidewalk construction overages. She added the project was submitted to NCDOT for concurrence because of Federal and State funding. She noted NCDOT does not typically approve projects that exceed 10% of the engineer’s estimated cost but since NCDOT has experienced the same type of bidding environment the department has indicated it will consider awarding project authorization subject to Council’s support.

Ms. Brindle requested Council consider authorizing the City Manager to enter into a unit price contract with Trull Contracting, LLC., the lowest responsive and responsible bidder in the amount of $239,160 to construct sidewalks along South Main Street and it be subject to concurring approval by NCDOT.

Councilmember Alexander asked if the contractor has a performance bond because of the large amount variance between the four bids amounts. Ms. Brindle commented performance bond was a requirement.

Councilmember Miller asked if the contingent from the NCDOT needed to be added to the motion for approval. Ms. Brindle agreed.
Thereupon, Mayor Pro Tem Post made a motion to adopt a Resolution authorizing a unit price contract to be awarded to Trull Contracting, LLC for construction of Project C-4908H, sidewalk on South Main Street subject to concurring approval by North Carolina Department of Transportation. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION AUTHORIZING A UNIT PRICE CONTRACT BE AWARDED TO TRULL CONTRACTING, LLC FOR CONSTRUCTION OF PROJECT C-4908H, SIDEWALK ON SOUTH MAIN STREET.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 56, and is known as Resolution 2018-35.)

Mayor Heggins shared that she received inquiries about installing crosswalks near Salisbury High School. City Manager Lane Bailey asked if she is inquiring about raised medians or crosswalks. Mayor Heggins commented the request was for crosswalks. Ms. Brindle indicated staff would look into the request.

BOARDS AND COMMISSIONS

Transportation Advisory Board

Upon a motion by Councilmember Alexander. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Transportation Advisory Board for a term to begin March 31, 2018:

Mr. Brandon Najarian

Term Expires 3/31/20

Planning Board

Upon a motion by Councilmember Alexander. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Planning Board for a term to begin March 31, 2018:

Ms. Jayne Land

Term Expires 3/31/21

CITY ATTORNEY’S REPORT

There was no report.

CITY MANAGER’S REPORT

(a) Introduction Interim Planning Director Brian Hiatt
City Manager Lane Bailey introduced Mr. Brian Hiatt who will serve as Interim Planning Director. He noted Mr. Hiatt is a retired City Manager who recently served the City of Concord.

Mr. Bailey explained the City is conducting a nationwide search to fill the Planning Director’s position.

Mayor Heggins welcomed Mr. Hiatt to the City.

(b) Discussion Tax Rates for 2018 Tax Bills

City Manager Lane Bailey referenced a clerical error regarding property tax billing for the current fiscal year. He explained the property tax rate was set at $0.7196 per $100 and the amount billed was $0.7169 per $100 creating a difference of $0.0027 and a shortage of approximately $70,000.

Mr. Bailey stated the current property tax is $19,909,000 and the $70,000 shortage will equate to one-third of one percent. He added to prevent similar errors in the future two individuals will sign off on the amount and the Budget Ordinance will be attached to the documents that are sent to the County tax office.

Mr. Bailey explained the City has four options:

- Option 1 – Reduce the tax rate to the amount that was actually billed
  o This may not be able to be done legally
- Option 2 – Waive the amount that is due which could also create legal issues
- Option 3 – Immediately send a supplemental bill
  o It would cost $20,000 to send out a second supplemental bill for $70,000
- Option 4 – Recognize a clerical error occurred and when the tax bills for the coming fiscal year are sent out include a supplemental bill for the current billing error

Mr. Bailey pointed out the median home price in the City is $135,500 and the supplemental tax bill would be approximately $3.66. He explained with Option 3 citizens could receive bills for less than $1 which would create additional frustration. Mr. Bailey clarified the County sends out the tax bills, but the City made the clerical error. He added if Council approves the Resolution it can also waive any interest and penalties that would accrue.

City Attorney Graham Corriher stated the City cannot reduce the tax rate. He explained the tax rate can only be reduced by a court order or if the Local Government Commission (LGC) tells the City it must reduce the tax rate. He added the City has some authority to reduce the tax rate if it receives a significant amount of money from the Federal or State governments. He added the City does not have statutory authority to change the tax rate to reflect what was actually billed. He explained the City can release or waive taxes on a case-by-case basis if a mistake is made on an individual taxpayer’s bill. He added the Statute is less clear regarding the City releasing 22,000 parcels based on a clerical error. He indicated there is good argument that it can be done because it is a clerical error, but the Statute is not set up to deal with this type of situation. He added there
are significant penalties for acting outside of Council’s authority to release taxes and there could be an individual liability for Councilmembers, attorney fees, and other charges.

Mr. Corriher pointed out the practical problems for sending a supplemental bill at this time. He added he does not see a legal issue with sending the supplemental tax bill in the coming fiscal year’s tax bill. He stated staff has worked with the County to consider the difficulties that a supplemental tax bill would create.

Mayor Pro Tem Post requested clarification regarding Option 2. He added the City can waive the clerical error on one person, but it was unclear if the clerical error can be waived on all the citizens affected. He noted it was pointed out the City could receive criticism from the public that the tax rate was too high. Mr. Corriher explained the Statute for releasing taxes is structured if a citizen receives a bill a request can be made in writing to correct an error that was made by the City. He added the Statute is not structured for the City to take affirmative action to release the taxes on its own motion. He clarified instead of one case coming from a citizen the City would be taking action on its own for everyone. He pointed out the taxes would be released for everyone and no one would receive favorable treatment.

Mr. Bailey pointed out the City needs the tax rate that was established, and he noted during the current fiscal year staff has come before Council on multiple occasions to appropriate additional Fund Balance for over $800,000. He added the overall Fund Balance is very solid, but he recommends keeping the tax rate as intended.

Councilmember Miller stated the City made a tax error, and he thanked Mr. Bailey and Mr. Corriher for meeting with Councilmembers individually to explain the issue. He pointed out the person who created the error found it and brought it to the proper channels proactively to help create a remedy. He added it is important to deal with the error, but he indicated there is no malice intended. He pointed out staff is working to create a process where a similar error will not occur. He stated Option 4 appears to be the least painful way to remedy the situation and the least costly method of securing the expected tax revenue. He added it is not a significant percentage of what was expected, the City can manage and it will eventually recover the funding. He added the proposal is sound and steps will be taken to prevent the mistake in the future. He pointed out some in the community will interpret that the City did not need the rate, but the City has already dipped into its Fund Balance for $800,000 to meet the needs that have arisen. He stated he supports Option 4.

Councilmember Alexander indicated she also supports Option 4. She added transparency is very important, staff made the mistake and the City is acknowledging the error and taking steps to correct the mistake and implement a new procedure.

Councilmember Miller noted the Resolution provides an opportunity to waive any penalties and fees and it is fair and appropriate. He requested staff be fully available to address questions that may arise.

Mayor Pro Tem Post referenced Option 2 to waive the unbilled property taxes. He pointed out the unbilled property tax is $77,000 out of $20 million, approximately one-third of one percent.
He added the City has a Fund Balance of $19 million, and he stated he does not see the necessity of making the decision right away. He noted the City could have a higher collection rate or tax base increase with re-evaluation making it unnecessary to ask the taxpayers to pay the unbilled property taxes. He pointed out when citizens receive their tax bills with the property taxes from the previous year many will question the charge. He pointed out the supplemental bill would not be added to the current tax bill until June 2019. Mayor Heggies asked if Mayor Pro Tem Post is suggesting Council postpone the decision to determine if the unbilled tax charges can be waived. Mr. Post stated he believes the charges can be waived, and he is not worried about the City being sued. Mr. Miller stated he is concerned about the liability of Option 2. He added the City approved the tax rate and if the tax evaluation rate increases in the future the City can adjust the tax rate accordingly. Mr. Post stated the decision does not have to be made at this time, and Mayor Heggies noted there is no reason to put the decision off. Mr. Post stated he would like to see an opinion from the LGC and the University of North Carolina School of Government (SOG).

Mr. Bailey stated Mr. Corriher has received opinions from the LGC and the SOG. He pointed out if Council approves Option 4 the City would bill the County for $.0027 in January. He noted the bill would not go out at that time but would be on the record. He explained if after that time a citizen sold their home the attorney checking tax records would see the bill and properly divide the taxes. He added if Council waits to do this the City will have to notify the Bar, attorneys, and realtors to let them know of the situation.

Thereupon, Councilmember Miller made a motion to adopt a Resolution to retroactively bill, collect, and waive the interest on the difference in the tax rate assessed and the tax rate levied for 2018-2019 based on clerical errors. Mayor Heggies and Councilmembers Alexander, Miller, and Sheffield voted AYE. Mayor Pro Tem Post voted NAY. (4-1)

RESOLUTION TO RETROACTIVELY BILL, COLLECT, AND WAIVE THE INTEREST ON THE DIFFERENCE IN THE TAX RATE ASSESSED AND THE TAX RATE LEVIED FOR 2018-2019 BASED ON CLERICAL ERROR.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 57 and 58, and is known as Resolution 2018-36.)

ANNOUNCEMENTS

Communications Director Linda McElroy announced Downtown Salisbury, Inc. will host the biggest shopping night of the year, Friday, November 23, 2018, from 5:00 p.m. until 9:00 p.m. Fisher Street will convert into a snowy village where children of all ages can visit with Santa and the Grinch, make their own ornaments at "Santa’s Workshop" crafting station, enjoy hot cocoa, live music, caroling, hayrides, snowball fights and more!

Communications Director Linda McElroy announced support your neighbors by shopping and dining in downtown to celebrate Small Business Saturday on Saturday, November 24, 2018. In addition, to the festive atmosphere join us at the Bell Tower from 11:00 a.m. until 3:00 p.m. for ornament making at "Santa's Workshop" craft station, hot cocoa, and a chance to have your photo
taken with Santa and the Grinch! Enjoy free horse and carriage rides through downtown from 11:00 a.m. until 3:00 p.m.

Mayor Heggins noted the Christmas Parade will be held Wednesday, November 21, 2018. She thanked everyone who is working to make the Tis the Season Spectacular parade a success and invited everyone to attend.

COUNCIL COMMENTS

Councilmember Sheffield stated the Election Process Committee will reconvene December 5, 2018 at 5:30 p.m. at One Water Street if the location is available. She added the meeting will be properly noticed.

Councilmember Sheffield referenced the Proclamation for International Survivors of Suicide Loss Day, and she noted the importance of recognizing those affected by suicide. She pointed out 20 veterans a day commit suicide. She added the concern is very important and reaches many in the community. She thanked Ms. Eddleman for her passion and sharing her personal story.

Councilmember Sheffield noted today is National Transgender Day of Reembrance for lives that have been lost across the Country. She indicated 22 transgender people have been murdered in 2018 to date and today is the National day to remember those victims.

Councilmember Alexander relayed a message from Ms. Marjorie Sisk who would like someone to contact her regarding a sinkhole in her backyard.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post had no comments.

MAYOR’S COMMENTS

Mayor Heggins thanked staff and Council for all it does for the City. She also thanked citizens for their attendance and participation in Council meetings, and she recognized young people who were in the audience.

Mayor Heggins referenced a recent train derailment in the City, and she thanked staff for its quick response.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller seconded by Mayor
Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:49 p.m.

[Signature]
Al Heggins, Mayor

[Signature]
Diane Gilmore, City Clerk