

Salisbury, North Carolina
April 7, 2020

REGULAR MEETING

PRESENT: Mayor Karen Alexander, Presiding; Mayor Pro Tem Al Heggins; Council Members David Post and Tamara Sheffield; City Manager W. Lane Bailey; Deputy City Clerk Tiffany Crook; and City Attorney J. Graham Corriher.

ABSENT: Councilmember William Brian Miller and City Clerk Diane Gilmore.

In response to the State of Emergency declaration related to the spread of Coronavirus 2019 (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 6:10 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. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Post and Sheffield voted AYE. (4-0)

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular meetings of March 3, 2020 and March 17, 2020 and the Special meetings of March 3, 2020 and March 17, 2020.

(b) Budget Ordinance Amendment – Camera Project

Adopt a Budget Ordinance amendment to the FY2019-2020 budget in the amount of \$10,000 to appropriate funds received for a camera project at Brenner Crossing.

ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE POLICE DEPARTMENT DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 25, and is known as Ordinance 2020-21.)

Thereupon, Councilmember Post made a **motion** to adopt the Consent Agenda as presented. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Post and Sheffield voted AYE. (4-0)

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.

POLICY AND PROCEDURE FOR ELECTRONIC MEETINGS

City Attorney Graham Corriher referenced documents regarding policy and procedures for conducting electronic meetings. He stated the North Carolina Attorney General has recognized electronic meetings as lawful during the current health crisis to limit physical interaction and large gatherings. He noted adopting a policy and procedure for conducting electronic meetings will inform the public of the process and how they can participate.

Mr. Corriher explained a triggering event must take place, such as a State of Emergency, before the policy is invoked and it will not apply under normal conditions. He noted the policy is for the City's current crisis and for future emergency conditions when it is necessary for Council to meet electronically. He stated a policy for remote participation of Council members under normal conditions should be considered at a later date.

Mr. Corriher stated the electronic meeting policy will only apply to City Council, and he

added Boards and Commission meetings are to be postponed unless there is a legal need to meet. He stated situations will be addressed on a case by case basis to determine if a meeting is necessary.

Mr. Corriher reviewed a provision in the policy stating electronic meetings are to be noticed separately from the regular meeting notice to identify the meeting as electronic. He stated the notice will include information regarding how to view and participate in the meetings.

Mr. Corriher explained a quorum will include participants who are physically present and those participating remotely. He mentioned all participant's votes will be counted, and there will not be a default vote for Councilmembers who fail to vote.

Councilmember Post expressed his concern with the policy only considering electronic meetings during emergency situations. He asked if the policy could include procedure under normal conditions to eliminate the need to amend the document in the future.

Mr. Corriher explained there are several items that have to be reviewed in regard to electronic meetings under normal conditions and adopting a policy to address the current situation is in the best interest of the City.

Thereupon, Councilmember Post made a **motion** to suspend the rules and procedure for the Salisbury City Council as it relates to remote participation in Council meetings. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Post and Sheffield voted AYE. (4-0)

Thereupon, Mayor Pro Tem Heggins made a **motion** to adopt an Ordinance amending the rules and procedure for the Salisbury City Council as it relates to remote participation in Council meetings. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Post and Sheffield voted AYE. (4-0)

ORDINANCE AMENDING THE RULES AND PROCEDURE FOR THE SALISBURY CITY COUNCIL AS IT RELATES TO REMOTE PARTICIPATION IN COUNCIL MEETINGS.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 26, and is known as Ordinance 2020-22.)

Thereupon, Councilmember Post made a **motion** to adopt a policy and procedure for electronic meetings of the Salisbury City Council. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Post and Sheffield voted AYE. (4-0)

CITY ATTORNEY'S REPORT

(a) Update - Resolution to protect the City's water supply

Mayor Alexander stated the City received a letter from the Town of Granite Quarry in support of the Resolution to protect the City's water supply adopted by Council at its February 11, 2020 meeting. She noted the letter will be included with information that will be submitted to the

Federal Energy Reservation Commission (FERC). She mentioned attending an electronic meeting with County Commissioner Greg Edds, Senator Carl Ford, and State Representative Harry Warren regarding the City's request for assistance in urging the North Carolina Department of Environmental Quality (DEQ) to support the City's plan to flood proof the river pump station. She stated Mr. Warren was able to speak with Ms. Joy Hicks, Senior Policy Director at DEQ, who was supportive and would be taking the issue to the DEQ General Counsel.

Mr. Corriher noted the City received a letter from FERC stating Cube Hydro's plan had been approved, but the City has objections to the plan. He explained the plan was found to be inadequate in addressing flood concerns at the river pump station which can potentially stop water operations and leave thousands of citizens without water. He mentioned the City has 30 days to request that FERC rehear and reconsider its decision, and on April, 13, 2020 the City will file a request for a re-hearing with FERC.

Mr. Corriher stated Cube Hydro operates the High Rock Dam under a federal license. He added DEQ has included a state water certification requirement in the federal license that requires the company to submit a plan to protect the river pump station from flooding and sedimentation caused by the dam. He noted as part of the re-hearing by FERC, the City is requesting that DEQ inform FERC that Cube Hydro's plan does not comply with the state water certification requirement.

CITY MANAGER'S REPORT

(a) Essential and Non-essential personnel

City Manager Lane Bailey requested Council adopt a Resolution to ratify the City Manager's designation of essential and non-essential employees. He also requested discretion to adjust categories if necessary.

Thereupon, Councilmember Post made a **motion** to adopt a Resolution authorizing the City Manager to make the determination as to which employees are essential and non-essential. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Post and Sheffield voted AYE. (4-0)

RESOLUTION AUTHORIZING THE CITY MANAGER TO MAKE THE DETERMINATION AS TO WHICH EMPLOYEES ARE ESSENTIAL AND NON-ESSENTIAL.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 15-16, and is known as Resolution 2020-11.)

(b) Project Gage

City Manager Lane Bailey explained Project Gage is a project requesting a tax incentive grant for a facility that was scheduled to close which would result in the loss of jobs. He stated the company plans to acquire the business, retain current employees, and create new jobs. He requested Council schedule a public hearing for Project Gage on April 21, 2020.

Councilmember Sheffield expressed concern with holding public hearings without participation from the public. She asked if the project can be postponed.

Mr. Bailey stated the project is time sensitive. He noted many people have lost jobs due to the current health crisis, and the project will benefit the community by retaining existing jobs and creating new jobs.

Mayor Alexander requested staff explore ways to notify the public of the hearing and allow them to respond in advance through multiple platforms.

Thereupon, Councilmember Post made a **motion** to hold a public hearing for Project Gage on April 21, 2020. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Post and Sheffield voted AYE. (4-0)

(c) Operational Updates

City Manager Lane Bailey provided an operational update to Council and noted the Public Works Department has postponed the spring cleanup for bulky collections.

Mr. Bailey stated the Police Department has noticed an increase in the number of vehicle burglaries, and he reminded everyone to remain safety conscious and to keep vehicles locked. He mentioned there has also been a rise in domestic disputes, and he encouraged anyone who needs help to contact the Police Department or the Family Crisis Center.

Mr. Bailey noted the Parks and Recreation Department created videos to engage the public during social distancing that include information on family activities which are fun and safe. He stated the department has closed City Park tennis courts after receiving recommendations from the United States Tennis Association.

Mr. Bailey mentioned Downtown Salisbury Inc. (DSI) is continuing to provide services through the mobile first website.

Mr. Bailey added Council adopted a temporary Ordinance at its March 17, 2020 meeting to suspend utility disconnections for nonpayment. He stated there was also an executive order to suspend disconnections for 60 days.

Mr. Bailey stated he is very proud of City employees and that everyone is doing a fantastic job during this difficult time.

ANNOUNCEMENTS

(a) Rowan County Department of Health and Human Services Question and Answer Session

Mayor Alexander announced Ms. Nina Oliver, Director of Rowan County Department of Health and Human Services, will host a question and answer session for the COVID-19 crisis on April 15, 2020 at 1:00 p.m. Information on how to participate will be released prior to the meeting.

(b) Housing and Urban Development COVID-19 Funds

Mayor Alexander announced the City received a letter from the United States Housing and Urban Development (HUD) allocating funds to be used in regard to the COVID-19 pandemic. She stated there are currently no guidelines on how the funds should be used, but information will be shared as it is received.

COUNCIL COMMENTS

Councilmember Sheffield stated the City's municipal code on litter should be reviewed. She noted she would like to identify or implement an ordinance to clarify what pollutants are and address items being released into the air that will return to the ground as litter. She commended Rowan County's Public Health and Emergency Services agencies for a fantastic job in keeping everyone informed with the most current information regarding COVID-19.

Councilmember Post stated he would like to acknowledge all those who are continuing to risk their lives so that the City can function. He added it may enhance public engagement in electronic Council meetings if a notice is posted to inform citizens of the timeframe the City expects to conduct meetings electronically.

Councilmember Post encouraged landlords who have tenants who cannot pay rent to seek assistance from the Small Business Association (SBA). He stated the government stimulus package did not include assistance to state and local governments. He suggested submitting a request to Congressman Budd, Congressman Hudson, and State Senators for funding to assist with the impact of COVID-19 on the City's budget.

Mayor Alexander stated she is in communication with the National League of Cities and United Congress of Mayors regarding local funding.

MAYOR PRO TEM COMMENTS

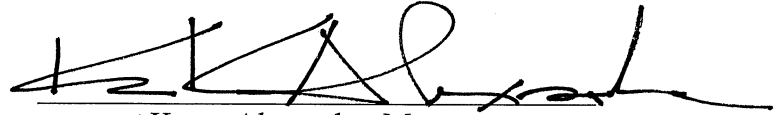
Mayor Pro Tem Heggins stated the City should receive a stimulus package, and she is relieved work has been started to request funding. She thanked citizens, staff, and Council for their continued efforts throughout the COVID-19 crisis and reminded everyone to participate in the United States Census.

MAYOR'S COMMENTS

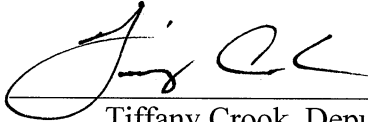
Mayor Alexander thanked staff and citizens for their dedication and willingness to step up to challenges. She stated throughout the health crisis there has been an outpouring of care and generosity. She mentioned everyone is affected by COVID-19 and we will all get through it by working together.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:25 p.m.



Karen Alexander, Mayor



Tiffany Crook, Deputy City Clerk