

Salisbury, North Carolina
August 4, 2020

REGULAR MEETING

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

ABSENT: Councilmember William Brian Miller.

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VIEWERS

Mayor Alexander welcomed all viewers.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular meeting of July 21, 2020.

(b) UBS Financial Services

Approve UBS Financial Services to serve as an investment broker for the City and authorize Finance Director Shannon Moore and Finance Manager Wade Furches to initiate investment activity on behalf of the City.

(c) 2020 Justice Assistance Grant

Approve an application for a 2020 Justice Assistance Grant (JAG) in the amount of \$32,740.

(d) Right-of-Way Use Permit- North Main Street

Approve a Right-of-Way Use Permit for the use of sidewalk along North Main Street for work being performed at the Plaza Building through November 3, 2020 and grant staff the ability to establish conditions as the project progresses.

(e) Right-of-Way Encroachment- South Jackson Street

Approve the encroachment of three gas lights in the right-of-way adjacent to 226 South Jackson Street in accordance with Sections 22-18 and 22-19 of the City Code.

(f) Sub-recipient of CARES Act Community Development Block Grant funding

Endorse the Human Relations Office as a sub-recipient of CARES Act Community Development Block Grant funding in the amount of \$4,000 to purchase back-to-school materials and supplies for distribution at the Community Resource Fair.

(g) Voluntary Annexation-Rowan Woodlands Apartments

Receive the Certificate of Sufficiency and adopt a Resolution setting a public hearing for September 1, 2020 for the voluntary annexation of Rowan Woodland Apartments.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF ROWAN WOODLAND APARTMENTS, LLC, PURSUANT TO G.S. 160A-31.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 33-34, and is known as Resolution 2020-20.)

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comment. She noted written comments would not be read aloud during the meeting and have been shared with Council.

Mr. Randy Lasseter stated the Salisbury Police Department should be supported and allowed to use all tools necessary to ensure the safety of police officers and the public.

Ms. Sharon Grant indicated there has been an increase in deaths caused by police officers and funding to the Police Department should be redirected and used to improve the quality of life for citizens within historically marginalized communities.

Dr. Seth Holtzman pointed out instead of banning the use of chemical agents by the Police Department the City should identify ways to improve training to prevent the unnecessary use of force.

Mr. Douglas Isham stated he is not in favor of banning the use of chemical weapons by the Police Department.

Mr. Mark Lajoi indicated the City should not ban the use of chemical weapons by the Police Department without providing other options to disperse violent crowds.

Mr. Kim Porter stated tear gas should not be used by the Salisbury Police Department because the gas will harm both violent and peaceful protesters.

There being no more comments, Mayor Alexander closed the public comment session.

TOWN OF EAST SPENCER-WATER CREDIT

East Spencer Mayor Barbara Mallet stated in 2000 the Town of East Spencer went into receivership based on information from the Local Government Commission (LGC). She explained the Town was required to enter into an agreement with the City of Salisbury to pay the debt with money and equipment. She added over the past several years the town has worked toward decreasing the debt by making continuous payments and selling equipment.

Mayor Mallet indicated in 2000 the City of Salisbury took over the maintenance and collection of the Town of East Spencer's water system and the Town was required to pay the City \$10,000 per month. She pointed out the payment to the City is approximately \$120,000 per year. She added in 2015 the original debt was paid in full, and the Town is continuing to pay Salisbury for water service and the balance on remaining debt.

East Spencer Grant and Project Manager Macon Sammons pointed out finances of East Spencer are fragile with thin margins. He added years of revenue loss from water and sewer service has devastated the town financially. He noted in 2016 and 2017 the revenues were approximately \$24,000 per month but in 2018 and 2019 there was a decline to approximately \$9,900 per month. He added the total net receipts for 2019 to 2020 was approximately \$7,900 per month.

Mr. Sammons stated the Town of East Spencer is required to pay \$10,000 per month to the City for the management of its water system. He stated the rate is above what the City is charging retail customers and is included in the contract the Town has with the City. He explained in addition to the payment for managing water and sewer services the Town is paying other debt totaling \$87,000 per year. He added the two expenses together total approximately \$207,000 per year and has a great impact on East Spencer's finances.

Mr. Sammons stated East Spencer is unable to handle the charges it is required to pay. He explained the Town purchases water from the City because it has confidence and trust in the City. He added the Town has experienced a loss in revenue as the result of the contract with the City and the increasing costs associated with the water system.

Mayor Mallet indicated a leak test was conducted over a 22-month period, and the Town had been paying for water that was not accounted for. East Spencer Town Administrator James Bennett explained approximately 85,000 gallons of water was being lost per day. He added the Town receives and pays for 100% of its water from Salisbury-Rowan Utilities (SRU). He noted 40% of the water was lost every day for several months due to leaks. He added paying for leaks has caused the Town to be in a financial crisis.

Mr. Bennett stated the Town financed a water line system in 2011 for \$1.6 million from the United States Department of Agriculture (USDA) with a 4% interest rate and 40-year term. He indicated the rate was perceived to be reasonable, but hindsight suggested a 2% interest rate would have been better. He explained each year the Town pays \$87,627 of which \$20,000 is applied to the principle and the remaining toward interest. He added due to the size of East Spencer every percent counts and it would be greatly appreciated if the City of Salisbury could help with the debt.

Mayor Pro Tem Heggins asked Mayor Mallet if East Spencer is asking for an eight-month credit. Mayor Mallet stated the Town is asking for an eight-month credit instead of the six-month credit allowed by City Ordinance.

SRU Director Jim Behmer stated on January 2, 2020 a large leak was found in East Spencer and repaired. He explained the leak was approximately 80,000 to 85,000 gallons of water per day and a source of non-revenue water.

Mr. Behmer noted the two water meters going into East Spencer are smart meters. He explained he recommended the Town purchase smart meters to help identify non-revenue water and to assist with accurate billing. He added on February 10, 2020, following a 30-day cycle the

smart meters confirmed there was no reduction in water demand. He added the demand continued to be 80,000 to 85,000 gallons per day which indicated a leak.

Mr. Behmer commented he has worked for the City for approximately 20 years, and there has always been an issue with non-revenue water in East Spencer. He explained before and after the large leak was repaired, there were smaller sources of non-revenue water in East Spencer that have not been identified. He noted a leak averaging 80,000 to 85,000 gallons of water per day would not go unnoticed. He added a 90-day leak adjustment was offered as compensation for the large leak, and Mr. Bennett suggested reviewing records dating back to 2015 based on the Town's financial data.

Mr. Behmer indicated the City's Finance Manager Wade Furches met with East Spencer in March 2020 to discuss information regarding the leak and reviewed a monthly bill comparison. He explained the documents presented to the Town showed a reduction of the City's bill to the Town after the leak was repaired. He stated after reviewing the documents Mr. Furches recommended the City give the Town a five-month credit instead of a three-month credit.

Mr. Behmer presented documents to Council and explained why Mr. Furches recommended a five-month credit to the Town. He stated Mr. Bennett relayed the information to the Town Board who requested a 10-month credit. He noted a meeting was held on June 29, 2020 with East Spencer to discuss why a five-month credit was justified. He added SRU can justify a 90-day credit but he understands the challenges East Spencer is facing. He indicated he is in agreement with the five-month credit recommended by Mr. Furches if it will resolve this issue.

Mr. Behmer noted the Town has been proactive in trying to locate non-revenue water and has completed two projects that were unsuccessful. He explained when the projects were complete he spoke with East Spencer who hoped to see a decrease in non-revenue water. He added the amount of non-revenue water increased after the projects were completed and could not be explained by the engineers.

Mayor Mallet agreed with Mr. Behmer about the unsuccessful projects and asked for the current percentage of water loss the Town is experiencing. Mr. Behmer stated the water loss has continued to be approximately 30% over the last 20 years.

Mr. Furches pointed out net revenue for East Spencer may have decreased since 2018, but the gross revenue increased. He explained the gross revenue in FY2018 was \$789,000 and in FY2020 it was \$868,000. He added the change was in expenditures from the purchase of water from the City that increased from \$485,000 in 2018 to \$681,000 in 2019. He stated the City was issuing the town a 20% credit on sewer services because of leaks but the credits expired in July 2018. He explained the credit totaled approximately \$60,000 per year and he discussed the expiration of the credit with the Town after its last project was completed. He indicated the Town anticipated no longer needing the credit because the projects were supposed to drastically reduce water loss.

Mr. Furches stated a five-month credit is approximately \$123,750 and would increase the yearly net income for the Town from \$111,000 to \$235,000. He indicated the Town is required to

pay the City \$120,000 per year and other debt in the amount of \$87,000 per year which is approximately \$200,000 annually. He added the 5-month credit would provide the Town income to pay its debt for the year.

Councilmember Sheffield stated she would like the City to continue its partnership with the Town of East Spencer. She indicated she is comfortable allowing City Manager Lane Bailey and staff to work with East Spencer to identify a solution. She added a priority should be locating water loss to prevent East Spencer from paying for water it is not using.

Mayor Pro Tem Heggins indicated she has confidence in the City Manager and would like the issue to be resolved. She stated she would like staff to consider issuing East Spencer a six-month credit as allowed in the City Ordinance. She added the town has struggled financially and the City should consider assisting the Town whenever possible.

By consensus, Council agreed to allow the City Manager and staff to work with East Spencer and decide on the amount of credit that will be given.

Councilmember Sheffield stated East Spencer's water system needs several upgrades. She asked if there are grants or programs that may benefit the Town for which the City can assist with its application.

Mayor Alexander indicated one possible solution that may help East Spencer is for the County to take over its water system like it did in other local communities. She added the transfer would benefit the town and its citizens because the bills would decrease. Mayor Mallet stated the transfer is a great idea but she would not want the decision to impede the Town's growth and economic development. She added the transfer of the water system would have to be researched and discussed further.

Councilmember Post asked how East Spencer's net profit will be affected if the County takes over its water system. Mayor Alexander stated the transfer would be advantageous to the Town because the debt and interest would go away.

Mr. Bailey stated East Spencer has a large debt on a water system that has less value than the amount owed. He explained if the water system is transferred to the County the system will need to be repaired and require a significant investment to bring it up to standard.

Mayor Alexander stated a transfer of the water system would be a great option because it would eliminate the Town's debt and interest that would be paid over the next 40 years. Mayor Mallet stated it sounds like a good idea, but she does not want to lose the Town's boundaries. She stated she will speak to the Town Board regarding a transfer and how it may affect the Town's growth.

BUDGET ORDINANCE- DIXONVILLE CEMETERY

Dixonville Task Force Chair Emily Perry stated Dixonville has been a centerpiece in what was formally the Dixonville neighborhood on the east end of Salisbury. She explained the cemetery provided a final resting place for African American citizens of Rowan County and many others. She added the cemetery contains well-worn paths created by children who walked through on their way to Lincoln Elementary School and it provides heartfelt memories to those who grew up in the area.

Ms. Perry indicated Salisbury's east urban renewal began in 1963 and included the demolition of homes and structures to realign Long Street to accommodate anticipated industrial development. She explained the Dixonville neighborhood was dramatically changed and over 197 families were displaced over the five-year project and new highways separated families.

Ms. Perry thanked everyone who was involved with the Dixonville Project and organizations that assisted with funding. She stated the Dixonville Task Force has held many events and dedications at the cemetery and was proud to present photos of the groundbreaking for the Memorial Project that took place in the fall of 2017. She explained Phase I of the project included the installation of the memorial walk path by Unit Paving Inc. She added Phase II of the project included an interpretive walk path with interpretive stops along the way. She indicated there are also high points within the cemetery where visitors can gather, study and reflect on the history of the cemetery and the Dixonville community. She added story benches would be installed by December 2020. She encouraged everyone to visit the Dixonville-Lincoln Memorial website to learn more about the project.

City Manager Lane Bailey stated there was a \$200,000 Fund Balance appropriation for the project in the last fiscal year's budget that rolled back into the General Fund because the contracts could not be issued before July 1. He stated the cost for the project is reflected in the current budget and staff would need to re-allocate the funds.

Thereupon, Councilmember Sheffield made a **motion** to adopt a budget Ordinance amending the FY2020-2021 budget to appropriate Fund Balance in the amount of \$200,000 for Dixonville Cemetery and authorize the City Manager to execute an agreement with Unit Paving Inc. in the amount of \$257,289.24 for Phase II of the project. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Post voted AYE and Councilmember Sheffield voted AYE. (4-0)

ORDINANCE AMENDING THE FY2020-2021 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE IN GENERAL FUND FOR DIXONVILLE CEMETERY.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 67, and is known as Ordinance 2020-41.)

STORMWATER MANAGEMENT PROGRAM

Public Works Internal Services Manager Michael Hanna stated a stormwater audit was conducted October 14, 2019 by the North Carolina Department of Environmental Quality (NCDEQ). He explained during the audit four out of six minimum measures of the program were reviewed and found to be within regulation. He added a meeting took place following the audit and NCDEQ was impressed with the Stormwater Program, but noticed two documentation errors. He stated the errors were corrected and sent to NCDEQ within 10 days after the audit but the City still received a violation notice from NCDEQ after four months. He added the notice was for the documentation errors that had already been corrected so he sent NCDEQ a letter stating the City does not agree with the audit report but intends to comply with requirements.

Mr. Hanna stated one of the requirements is for the City to adopt a Resolution regarding support for a Stormwater Program. He explained once the Resolution is adopted staff will conduct a self-audit on minimal measures that were not inspected by NCDEQ which include elicit discharge detection and erosion control. He added staff would draft a new Stormwater Management Plan and submit it to NCDEQ for review. He noted once the plan is reviewed staff will apply for a new Phase II permit which will be active for five years. He added that an audit would be required every five years to receive a new permit.

Thereupon, Mayor Pro Tem Heggins made a **motion** to adopt a Resolution to declare support for a compliant Stormwater Management Program with the North Carolina Department of Environmental Quality (NCDEQ) National Pollutant Discharge Elimination System (NPDES). Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Post voted AYE and Councilmember Sheffield voted AYE. (4-0)

RESOLUTION TO DECLARE SUPPORT FOR A COMPLIANT STORMWATER MANAGEMENT PROGRAM WITH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY (NCDEQ) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 35-36, and is known as Resolution 2020-21.)

USE OF CHEMICAL AGENTS

Mayor Pro Tem Heggins addressed Council regarding a proposal to ban the use of chemical agents by the Salisbury Police Department. Mayor Alexander pointed out, as discussed earlier, Council does not have the authority to ban the use of chemical agents by the Police Department.

Mayor Pro Tem Heggins presented a Power Point presentation, and she pointed out Police Chief Jerry Stokes and Deputy Chief Shon Barnes have done an excellent job diversifying the Police Department. She referenced the National League of Cities (NLC) *City Officials Guide to Policing in the 21st Century*, and she noted nothing is more important than protecting citizen's safety and in a civil society elected officials bear the responsibility of managing a City's public

safety programs. She added trust between law enforcement and citizens is essential to the stability of communities, the integrity of the criminal justice system, and the safe and effective delivery of policing services. She commented City officials play a significant role in fostering trust and promoting transparency, equity and safety within communities. She referenced chemical agents, specifically tear gas, which she indicated is an umbrella term for riot control agents, and she noted the makeup and effects of tear gas on those who are exposed to it.

Mayor Pro Tem Heggins requested Council consider:

- Replicating what the City of Charlotte has done – not purchase chemical weapons
- Conducting a review of City policy regarding the deployment of chemical weapons
- Review the City's Use of Force Policy
- Review what other jurisdictions are doing to address riots that is innovative and not punitive to peaceful protestors

Mayor Pro Tem Heggins questioned if the use of chemical agents was necessary on the night of June 1, 2020, and she commented the entire crowd was punished. She suggested Council review what took place and have a conversation regarding other ways the Police Department can engage with citizens when the actions of a few undermine the actions of peaceful protestors.

Mayor Alexander asked Chief Stokes to review the events that took place on the night of June 1, 2020 and answer any questions Council may have. Chief Stokes reviewed the criteria to deploy chemical agents and the elements of an unlawful protest and use of force. He explained a riot is public disturbance involving an assembly of three or more persons which by disorderly or violent conduct or by the imminent threat of disorderly or violent conduct results in injury, damage to property or creates the danger of injury or damage to property. He explained the toxicity of chemical agents and its effects on the body. He pointed out the chemical agent used by the Police Department was a powder suspended in a nerve gas.

Chief Stokes referenced the events that took place June 1, 2020 and June 2, 2020, and he noted it was one of six times tear gas has been used since he assumed the role of Police Chief in 2016.

Chief Stokes displayed clips from police video that included security and body camera footage of the events that took place June 1, 2020 and June 2, 2020. He indicated two individuals were charged during the protests, and he added the video being presented to Council has been reviewed by the District Attorney's office and does not contain clips of pending matters. He added the City filed a petition in Superior Court to release the video clips as required by law, and it was released on the Superior Court Judge's Order based on the consent of all interested parties. He cautioned the video is raw and includes harsh language.

Chief Stokes explained on the morning of June 1, 2020 the Police Department received multiple tips and intelligence information regarding threats to life and property in the City. He added the threats included an assault on police officers and intelligence confirmed associated gang members planned to attend protests later that day and indicated violent action would be taken against police officers and those whose beliefs differed than their own.

Chief Stokes stated specific threats were made toward the Rowan County Jail, Rowan County Court House, the Salisbury Police Department, and threats were directed towards looting and damaging of property in the downtown area. He stated intelligence indicated militia groups would attend the event and react with violence towards protestors committing any act the groups deemed unlawful. He added intelligence bulletins were sent out to law enforcement in the area and locations for possible violence and looting included Walmart, Big Lots, the Rowan County Jail, and Rowan County Court House.

Chief Stokes noted on June 1, 2020 at approximately 9:00 p.m. people began to assemble in the Big Lots parking lot and around the same time protests in opposition assembled in the 200 block of South Main Street. He indicated several hundred protestors assembled at Big Lots walked toward the Square. He pointed out the Police Department was tempered in its response and people were allowed to lawfully assemble. He commented when the protestors arrived at the Square police officers were there to make sure people were allowed to peacefully protest. He pointed out protestors began to lay down in traffic and the Police Department would have been in its authority to issue arrests for blocking traffic. He noted vehicles were able to maneuver around protestors so police officers did not engage at this time even though it has the authority to do so. He pointed out at approximately 9:20 p.m. police officers responded to an incident in the 100 block of South Main Street. He explained he was working that night and directed police officer's response to the events taking place. He stated Major Barnes was also present and the patrol lieutenants were assisting and closer to police officers in action. He pointed out a patrol car dealt with a member of the crowd who had a rifle, and he commented the protestor took the rifle back to his car and returned to protest.

Chief Stokes explained the City had an agreement with the United Daughters of the Confederacy, who own the statue known as Fame, to enforce trespassing laws. He pointed out people were all around the statue, but police officers did not take action at this time. He referenced the location of police officers, and he pointed out protestors in opposition of moving the statue exercised their right to assemble. He indicated confrontations took place and police officers created a divide to make sure disagreements did not get out of hand. He added some of the people had firearms and were made to remove the weapons from the premises. He indicated the crowd started to move toward the church and there was a gentleman on the stairs who resembled the man who had fired shots in the air on Sunday. He stated it was not the same person, but the crowd identified him as the shooter and reacted. He noted police officers moved in to protect the gentleman from the crowd who surrounded him and several police officers. He commented the crowd began to move down Church Street toward Council Street, and the gentleman who was mistakenly identified was removed from the area. He clarified at this point the crowd was confrontational and began moving toward the rear of the Rowan County Jail which intelligence had confirmed was a target. He noted the crowd became loud and began cursing at police officers and additional police officers with shields were brought in to provide assistance. He added a street barricade, rocks, and water bottles were thrown at police officers, and he explained police officers intended to hold the line and prevent damage to the jail. He noted when the crowd began to push police officers a canister of gas was deployed.

Chief Stokes pointed out in 2019 the City was at a 20-year crime low and had increased training and accountability. He reviewed current crime data that included a 200% increase in

homicide, 20% increase in aggravated assault, a 93% increase in aggravated assault involving firearms, and a 34% increase in shots fired calls. He referenced a reduction in property crime, and he noted other categories of violent crime are down so there is a 15% reduction in overall crime. He called out the names of those killed by gun violence in the last few years, and he noted gun violence is an important issue that Council should consider.

Mayor Alexander thanked Chief Stokes for his presentation. Mayor Pro Tem Heggins asked about the tone Council wanted to set and what it wants to see happen in the City. She noted Council does not want to see an increase in crime, but wants to make sure when protests take place the agitators are removed instead of punishing peaceful protestors. She agreed intelligence is important, and she commented it is also important to know if someone is acting on that intelligence.

Mayor Alexander referenced letters Council received from citizens who do not want to ban the use of chemical agents by the Police Department. She referenced the videos and noted police officers threw the canisters on the ground away from protestors, and the people ran toward the canisters and threw them back at police officers which is unacceptable and the kind of behavior that needs to be controlled. She clarified the canister was thrown so people would not go toward the jail, and the people could have moved in the opposite direction of the canisters.

Mayor Pro Tem Heggins indicated her request is for Council to look at what the City of Charlotte is doing, to complete a review of City policy regarding the use of force, and to review what other jurisdictions are doing to address riots that is innovative and not punitive to peaceful protestors.

Mayor Alexander indicated police officers did not do anything to peaceful protestors, and she noted people were unruly, throwing rocks and cut a police officer's head. Mayor Heggins added the people who were not committing those acts were also exposed to chemical agents, and she questioned how to remove the agitators without exposing peaceful protestors to chemical agents.

Councilmember Sheffield asked how many canisters were deployed on June 1, 2020. Chief Stokes noted three small, pocket size gas canisters were deployed. Ms. Sheffield asked how many canisters were deployed in the incident involving the restaurant. Chief Stokes noted two large canisters were deployed that night. Ms. Sheffield stated she understands the need to secure the jail. She commented the Police Department has worked toward community policing. She indicated citizens are concerned about the national topic of defunding police departments. She pointed out the City added a Deputy Chief, an Advisory Committee, a Victim's Advocate position, and has a 20-year all crime low, partnerships with the National Association of the Advancement of Colored People (NAACP) on a cease-fire summer initiative, a branch patrol, resources to conduct in-school training and partnerships, and a department over budgeted by four police officers. She explained the conversation is not about defunding the Police Department, and she asked about the protocol for using chemical agents.

Councilmember Post noted it is easier to be critical of a video than during the heat of the moment. He pointed out it would be difficult to distinguish between the agitators and the peaceful protestors when dealing with a group of several hundred people. He added he received between 90

to 100 emails from citizens expressing their gratitude and support for the Salisbury Police Department and three that requested a need to control the Police Department. He added his biggest concern is the morale of the Police Department and City staff, and he indicated he does not believe it is the role of Council is to legislate procedure. He added he does not like second guessing the Police Department on a second by second basis. He commented the City had a hard time getting its Police Department to full staff. He pointed out the City has a cohesive unit and the neighborhoods appreciate the community policing. He noted bicycles have given police officers an opportunity to get closer to the public they serve, and if this demoralizes even one police officer it will be bad for the entire community. He added he is concerned about the attitude of some citizens toward leadership in the City. He stated he is proud to be a part of the City and he does not want employees to be demoralized by what is happening.

Mayor Pro Tem Heggins indicated she has the utmost respect for City Police Officers and she clarified the request is a critique of Council and what it is willing to do in terms of honoring public safety for everyone, including protestors. She reviewed her request for Council to consider.

Councilmember Post stated he is satisfied with the operation of the Police Department, and he likes the way it communicates with the public. He added he likes the way Chief Stokes backs up his presentations with facts, laws, data, and statutes and he does not want to get in the position of second guessing the Police Chief.

Mayor Pro Tem Heggins indicated she is not dissatisfied with the Police Department. She explained she has questions and is going to push Council to use a racial equity lens. She stated she is dissatisfied with what she saw on the video, and she has questions regarding why chemical weapons were deployed at this point during that particular protest.

Councilmember Sheffield stated she appreciates Chief Stokes presenting the video to Council, and she clarified she is not second guessing the events that took place. She indicated when anything like this happen it should be reviewed to determine if there is room for improvement and to continue community policing.

Mayor Alexander noted she spoke with Councilmember Miller and he requested she relay his support of the Police Department having all of the tools that are allowed by federal and state laws. She added Mr. Miller expressed his total confidence in Chief Stokes and the Salisbury Police Department. She stated she holds the same view, and she pointed out she saw nothing on the video that gave her any pause. She noted police officers reacted to events that were taking place, and she received over 100 texts and emails in support of the Salisbury Police Department. She commented the Police Department and its leadership should be allowed to do their job without Council micro-managing them. She indicated the majority of Council clearly supports the Police Department and its reaction to recent events. She added if Council has any feedback it needs to be shared with the Advisory Committee already in place which is diverse and has a good relationship with NAACP leadership and the Police Department.

Councilmember Sheffield stated she whole-heartedly supports the Police Department, and she added she wants the Advisory Committee to review this.

Mayor Pro Tem Heggins indicated this is a conversation about systems and institutions. She added Council is responsible for policies in the City and she wants to know what the policies are. She commented she whole-heartedly supports the Police Department, but as an elected official she has the right to ask questions.

City Manager Lane Bailey noted Chief Stokes plans for the Advisory Board to review the incident that took place on June 1, 2020 and June 2, 2020. He added the Advisory Board will meet with Chief Stokes to go over what happened that night and offer input.

UPDATE – EQUITY AND DIVERSITY MURAL

Mayor Pro Tem Heggins addressed Council regarding a follow up to the Diversity, Equity and Inclusion Mural presentation that was made at the previous Council meeting. She noted the first meeting took place on Thursday, July 30, 2020 at 6:00 p.m. She noted those who attended the meeting or wished to participate were: Councilmember Sheffield, Ms. Bailey Wingler, Ms. Whitney Peckman, Ms. Emma Duncan, Ms. Kayla Hunt, Ms. Candy Torres, Ms. Jenn Selby, Mr. Torian Parker, Ms. Whitney Wallace Williams, Ms. Taylor Ellerbee, and Ms. Linda Hunt.

Mayor Pro Tem Heggins indicated the next meeting will take place Thursday, August 6, 2020 at 5:30 p.m. and a representative from the Public Art Committee will attend the meeting. She added participants are excited about the prospect of developing a mural and the conversations were diverse and inspiring. She thanked all those who are participating in the process.

Councilmember Sheffield stated the participants are volunteers that came together with ideas beyond crosswalks. She referenced the Salisbury Sculpture Show and noted the benefit it provides to the City. She pointed out the City currently has a downtown mural and it would be great to have another one, but in the meantime smaller things can happen. She commented she is excited to see the group move forward.

Councilmember Post noted he spoke to Downtown Salisbury, Inc. (DSI) and Council about artwork in the streets and crosswalks and he is glad a citizen group has decided it may be a good idea. He requested a copy of the slide show presentations from the current and previous Council meeting. He clarified he would like to use the systems and institutions the City has in place including the Public Art Committee. He added he hopes the group will consider raising money to fix the existing downtown mural because it is an iconic mural in need of repair.

Mayor Alexander asked if the meetings should be noticed since two members of Council are involved in a project that will eventually be brought back to Council and to give the public an opportunity to participate. City Attorney Graham Corriher explained if Council establishes a body even if it is less than a quorum, that body would be a public body and have to comply with open meeting requirements. Mayor Alexander asked if the meetings need to be noticed. Mr. Corriher explained if Council has designated two members to participate in the meetings it should be noticed. Councilmember Sheffield clarified her involvement was to offer names of other committee members to the group. She added making the Public Art Committee an official Board and Commission should be explored in the future. Mr. Corriher clarified the distinction is if some

members are formally appointed by Council. He indicated if a member or quorum of Council shows up to a meeting that does not by itself make it a public meeting.

Councilmember Post noted Council created a nonprofit called Mural Preservation, Inc. 40 years ago that is currently unmanned but could be a vehicle for something like this. He indicated it is already in place, but would require some legal work because the members have passed away. He explained it was originally created by the City to raise money for the Mural on West Fisher Street. He pointed out the structure is in place and could possibly be revitalized. Mayor Alexander noted it would be a good place to hold grant money. She added she is the Council liaison to the Public Art Committee and happy to be involved in the process.

Councilmember Sheffield questioned if the Mural group mentioned by Councilmember Post still exists. Mr. Post explained the corporation has not been dissolved but the board members have passed away, and he added there are legal ways to reappoint board and members and continue the work to promote murals in the City. Mayor Alexander stated staff should look in to that, and she thanked Mayor Pro Tem Heggins for the update.

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher had nothing to report to Council.

CITY MANAGER'S REPORT

(a) Update- Utility Billing Delinquencies

City Manager Lane Bailey noted at its last meeting Council discussed the local Ordinance it adopted to suspend disconnections for nonpayment and its impact on the City. He asked Finance Director Shannon Moore to address Council regarding Executive Orders 124 and 142 from the office of Governor Roy Cooper in response to COVID-19 and utility disconnections. Ms. Moore explained Executive Order 124 allowed residential customers to defer their payments on past due balances incurred between March 31, 2020 and July 29, 2020. She noted the Executive Order also prohibited disconnections for residential customers for late payments and non-payments, and it prohibited charging penalties or interest on overdue residential accounts during the same dates.

Ms. Moore explained the Executive Order allowed utility providers to continue sending late notices and with the July 29, 2020 expiration, local utilities were required to make a six-month payment arrangement plan available to all delinquent customers. She added Finance staff worked with the Communications team to provide detailed communications to customers which continued for two to three months. She noted on August 1, 2020 the Lamplighter included a message asking customers to contact the City regarding payment plans for delinquent accounts.

Ms. Moore pointed out staff made multiple calls over the delinquency period to inform customers of the expiration of the Executive Order on July 29, 2020. She explained the City is

using a suggested sample payment plan that was released by the University of North Carolina School of Government (SOG) legal team.

Ms. Moore indicated after the Executive Order came into place average balances per customer increased by approximately \$20 to \$30 per month. She pointed out from June 2020 to July 2020, 138 accounts were added to the delinquency list and 179 customers made their accounts current. She noted the City had 317 additional accounts become delinquent, and at the end of last week of the 880 delinquent customers 78 had payment arrangements in place. She added staff reached out to community agencies such as Rowan Helping Ministries, the Salisbury-Rowan Community Action Agency, Rufty Holmes Senior and the United Way and are waiting to hear from the Salvation Army and Main Street Mission.

Ms. Moore reviewed the payment schedule for surrounding towns and cities including the Cities of Concord and Kannapolis and the Town of Mooresville. She pointed out one of the options Mr. Bailey would like to explore is a Share the Water Program. She noted staff had extensive conversations with Orange Water and Sewer Authority (OWSA) regarding the administration of its plan and staff developed three options:

- A round up option
- A fixed amount customers could add to their bill as a donation
- Donation campaign

Ms. Moore indicated the round up option would be the most difficult and possibly the most costly option. She added the fixed amount option would have to be manually managed in the City's billing system creating room for error, and the donation program would be the quickest to implement. She stated staff is recommending the donation campaign be considered as the quickest, easiest, and least costly option to implement. She pointed out the City is in the process of switching accounting and billing software, and staff has spoken to the new provider to discuss options and what the provider has done for other clients. She added the new provider is hoping to program a round up and fixed amount option that would provide flexibility in the future. She pointed out the go live date is scheduled for February 1, 2021.

Salisbury-Rowan Utilities (SRU) Director Jim Behmer stated staff had discussions with OWSA Raleigh and Brunswick Regional Water and Sewer and learned from what other communities experienced trying to set up a water program. Ms. Moore noted OWSA had a round up program that received limited donations, and she added the company switched to a donation campaign that increased funding to the program. She explained staff would come back to Council to implement any of the proposed programs with a policy regarding how the funds would be managed. She explained a separate fund would be set up and staff would work with a partner agency to administer the funds. She noted customers have to request inclusion in a water program.

Ms. Moore pointed out Council adopted an Ordinance on March 17, 2020 that is in place until it is repealed or modified by Council. She noted all water polices must be uniformly applied to all residential customers despite their ability to pay or income level. She indicated North Carolina law does not allow staff to distinguish ability to pay or income in providing any type of discounted rates or debt forgiveness for customers. She stated staff suggests implementing a utility

assistance program through donations from the community and allowing all past due balances as of July 29, 2020 to be included in the payment arrangement. She added a six month and 12 month payment schedule could be considered, and she commented staff recommends setting a threshold so that small balances are not stretched out over 12 months. She noted a deadline for disconnection would be needed and would be announced to citizens if a payment plan is not in place for past due balances. She recommended a date of September 1, 2020 and all interest and late payments could be waived through January 2021. She commented a City appropriation could be considered, and she pointed out the funds would have to come from the General Fund and could only be used for citizens over 60 years of age or citizens of low to moderate income. She stated staff is requesting Council consider rescinding the local Ordinance temporarily suspending disconnections so the City can enter the repayment phase.

Councilmember Post commented he supports the 12-month option, and he suggested setting a middle or end of September deadline. He commended staff on its presentation, and he indicated it is troubling that over 800 homes are currently delinquent on utility bills in the City. He referenced the donation campaign, and he asked if the City has a plan on how to administer it. Mr. Bailey noted the internal conversation is to set up an account to receive funds, but it has not been considered by City Attorney Graham Corriher. He added Rowan Helping Ministries is active in working with City's customers regarding delinquent utility payments. He explained the idea is to provide a grant to Rowan Helping Ministries to assist clients and determine who is deserving of those funds so City staff is not involved in that part of the process. Mr. Post asked if Rowan Helping Ministries agreed to administer the program. Mr. Bailey explained staff has not spoken with Rowan Helping Ministries, but it already receives funds for this purpose.

Councilmember Sheffield asked if Council needs to take action. Mr. Bailey stated staff is concerned about the number of delinquent accounts and suggests rescinding the local Ordinance. He added moving the September 1, 2020 deadline to October 1, 2020 would give staff additional time to notify citizens who are affected.

Mr. Bailey stated staff does a wonderful job working with customers. He added the round up option could be complicated due to the change in software providers, and he suggested a better option would be to set up a fund where people can donate money and send the money to Rowan Helping Ministries for distribution. He noted staff's recommendation is to rescind the local Ordinance, change the deadline to October 1, 2020 and to work with delinquent customers on getting their bills caught up. Councilmember Post clarified customers would be given one year from October 1, 2020 to bring their accounts current. Mr. Bailey agreed. Mr. Post asked if customers will be disconnected between now and October 1, 2020. Mr. Bailey stated customers will not be disconnected. Mr. Behmer pointed out some customers have the funds to pay down their bill, and it would be good to start payment arrangements with those who can afford to pay.

Councilmember Post pointed out the City would have to collect 850 agreements within 25 days if Council approves the September 1, 2020 deadline. Ms. Moore explained the customer service team has made multiple calls to every customer on the delinquent list and has been making the calls for over two months. She added staff is now working on the 300 accounts that were added to cutoff in July. She commented Customer Service staff is working to remind customers the Executive Order has expired and that a payment arrangement must be made. She stated payment

arrangements can be made by mail, email, and in person. She added staff is working to provide as much flexibility as possible to remove barriers and get the payment arrangements to the City in a timely manner. Mr. Post asked if September 1, 2020 is enough time to get 850 payment arrangements in place. Ms. Moore indicated it is enough time to make individual connections with each customer and it is up to the customer to return the payment arrangement to the City. She added Finance Department staff can assist if additional help is needed.

Mayor Pro Tem Heggins thanked staff working with citizens and bringing options back to Council, and she pointed out many citizens are struggling.

Thereupon Councilmember Post made a **motion** to resend the Ordinance adopted on March 17, 2020 to amend the City of Salisbury Code of Ordinances to temporarily suspend utility service disconnections to ensure the public health during the COVID-19 public health crisis. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Post voted AYE and Councilmember Sheffield voted AYE. (4-0)

MAYOR'S ANNOUNCEMENTS

(a) Community Resource Fair

Mayor Alexander announced the annual Community Action Teams Community Resource Fair will be held Saturday, August 15, 2020 from 9:30 a.m. until 12:00 noon at the Civic Center located at 315 South Martin Luther King, Jr. Avenue. To remain in compliance with COVID-19 precautions, families will drive-through the parking lot to collect school supplies and other items from participating agencies. Walk-ups will also be welcome. For more information please contact Human Relations Manager Anne Little at 7040 638-5218 or anne.little@salisburync.gov.

COUNCIL'S COMMENTS

Councilmember Sheffield thanked citizens for reaching out, sharing their perspective, and caring about the City.

MAYOR PRO TEM'S COMMENTS

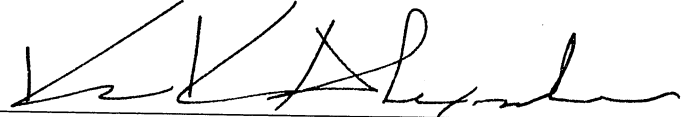
Mayor Pro Tem Heggins thanked staff for all it does for the City. She added she is grateful for the opportunity to present tonight, and she hopes to move forward with the Equity Mural in a way that is positive and supportive of all citizens.

MAYOR'S COMMENTS

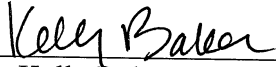
Mayor Alexander thanked Police Chief Jerry Stokes and the Police Department for all it does for the City.

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 10:50 p.m.



Karen Alexander, Mayor



Kelly Baker, City Clerk