

Salisbury, North Carolina  
September 6, 2022

## **REGULAR MEETING**

**PRESENT:** Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Tamara Sheffield, Council Members Harry McLaughlin, David Post, and Anthony Smith; City Manager Jim Greene, Jr., City Clerk Kelly Baker; 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 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.

## **ADOPTION OF THE AGENDA**

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt the Agenda as presented. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

## **PROCLAMATIONS**

Mayor to proclaim the following observances:

GO TRANSIT MONTH  
LIBRARY CARD SIGN-UP MONTH  
SUICIDE PREVENTION MONTH

September 2022  
September 2022  
September 2022

## **CONSENT AGENDA**

(a) **Minutes**

Approve Minutes of the regular meeting of August 16, 2022.

(b) **Voluntary Annexation – Southgate**

Receive the Certificate of Sufficiency for the voluntary annexation of Southgate, Tax Map 064 Parcel 003, and adopt a Resolution setting the date of the public hearing for October 4, 2022.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF SOUTHGATE (OLD CONCORD ROAD), PARCEL 064 003 PURSUANT TO G.S. 160A-31.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 62-63, and is known as Resolution 2022-44.)

(c) **Voluntary Annexation – The Wilde**

Receive the Certificate of Sufficiency for the voluntary annexation of The Wilde, Tax Map 330 Parcels 021 and 040 and adopt a Resolution setting the date of the public hearing for October 4, 2022.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF THE WILDE SUBDIVISION, PARCELS 330 021 AND 330 040 PURSUANT TO G.S. 160A-31.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 64-65, and is known as Resolution 2022-45.)

(d) **Incentive Request – Project Finishing**

Receive an incentive request for a North Carolina Rural Building Reuse Grant, One NC Fund Grant, and a Level 1 Incentive Grant for Project Finishing and set a public hearing for September 20, 2022 to receive public input. The company will apply for the North Carolina Rural Building Reuse Grant in the amount of \$150,000, and a \$50,000 grant from the State's One NC Fund. If approved the grants would be awarded to the City of Salisbury to disburse to the company. The City is also requested to hire a grant administrator in an amount not to exceed \$6,000.

(e) **Resolution of Support – Surface Transportation Block Grant**

Adopt a Resolution of Support for an application to the Cabarrus-Rowan Metropolitan Planning Organization for Surface Transportation Block Grant Program – Direct Attributable funds, with a 20% City match, for the Downtown Salisbury Main Street Improvement Project.

RESOLUTION SUPPORTING DOWNTOWN SALISBURY MAIN STREET PROJECT.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 66, and is known as Resolution 2022-46.)

(f) Contract – Ramsay, Burgin, Smith Architects

Ratify a contract with Ramsay, Burgin, Smith Architects in the amount of \$243,198 for completion of construction plans for new Fire Station 3.

(g) Contract – Tyler Technologies

Authorize the City Manager to execute a contract with Tyler Technologies in an amount not to exceed \$295,762 for the implementation of Enterprise Permitting and Licensing software (Energov).

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

**PUBLIC COMMENT**

Mayor Alexander opened the floor to receive public comments.

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

**VOLUNTARY ANNEXATION – 770 EARNHARDT ROAD**

City Engineer Wendy Brindle addressed Council regarding a request for the voluntary annexation of 63.108 acres located at 770 Earnhardt Road, Tax Map 058 Parcel 089. She referenced the annexation map and noted the request is for a single-family subdivision. She stated a left turn lane will be built into the subdivision from Earnhardt Road.

Councilmember Post asked how many single-family homes will be constructed and if the current road could accommodate the traffic. Ms. Brindle stated there would be 204 homes in the subdivision, and Earnhardt Road would be able to accommodate the additional traffic.

Councilmember Post asked about the size and price range of the lots. Development Services Manager Teresa Barringer noted the minimum lot size would be 36-feet to 50-feet wide, with the homes in the \$275,000 to \$350,000 price range.

Councilmember Smith asked if an increase in emergency service personnel would be needed. Ms. Brindle stated the City would incur costs for emergency services provided to the area.

Mayor Alexander convened a public hearing after due notice regarding the voluntary annexation of 770 Earnhardt Road.

Mr. Greg Williams, a representative of CC&W Land Development Group, clarified the lots would be a minimum of 50-feet wide, with the homes priced at \$275,000 to \$400,000. He explained the subdivision would have a secondary entrance that would tie into Shay Homes to ensure access for emergency services.

Mr. Williams added that a phase line will be included in the construction drawings if the secondary entrance into Shay Homes is running behind the initial development of the subdivision. He added if there is an issue with secondary entrance access, the project will stay in Phase One with a single neighborhood entrance.

Mayor Alexander asked how many homes are included in Phase One. Mr. Williams stated 100 homes would be constructed during Phase One. Mr. Williams clarified the subdivision would not exceed 100 homes unless there is access for emergency vehicles through Shay Crossing.

Councilmember Post inquired about the size of the homes. Mr. Williams stated the homes would range from 1,700 to 3,000 square feet.

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

Thereupon, Councilmember Smith made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, to include 63.108 acres located at 770 Earnhardt Road, Tax Map 058 Parcel 089. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, TO INCLUDE 63.108 ACRES LOCATED AT 770 EARNHARDT RD, TAX MAP 058 PARCEL 089.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 176-178 and is known as Ordinance 2022-66.)

### **VOLUNTARY ANNEXATION – STONE RIDGE ROAD**

City Engineer Wendy Brindle presented a request for the voluntary annexation of 16.797 acres located off of Stone Ridge Road, Tax Map 064 Parcel 00301. She referred to the annexation map and noted the request is for a 78 single-family home subdivision.

Mayor Alexander convened a public hearing after due notice regarding the voluntary annexation of Stone Ridge Road.

Mr. Greg Williams noted the lots would be at least 50-feet wide and start in the \$400,000 price range. He stated the development would be accessed through Stone Ridge and Old Salisbury streets.

Councilmember Post asked about the square footage of the homes. Mr. Williams stated the homes range from 2,400 to 4,000 square feet.

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

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, to include 16.797 acres located off of Stone Ridge Road, Tax Map 064 Parcel 00301. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, TO INCLUDE 16.797 ACRES LOCATED OFF OF STONE RIDGE ROAD, TAX MAP 064 PARCEL 00301.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 179-180 and is known as Ordinance 2022-67.)

### **SPECIAL USE PERMIT – 505 WEST FRANKLIN STREET**

Mayor Alexander commented a Special Use Permit (SUP) has been requested for the property located at 505 West Franklin Street to permit a commercial child care center for 30 or fewer children.

City Attorney Graham Corriher stated Council must follow the proper procedures for a quasi-judicial hearing which is required by the Land Development Ordinance (LDO). He pointed out a commercial child care center is allowed in the zoning district, but the proposal must come before Council to consider special circumstances that may need to be addressed.

Mayor Alexander explained in deciding an SUP Council follows quasi-judicial hearing procedures. She added the purpose of the hearing is to gather evidence to determine if the application is consistent with the standards set forth in the LDO. She noted in making this decision Council may not consider personal opinion or speculation. She pointed out the only evidence that Council is allowed to consider is evidence that is competent and material and directly related to the issue of whether the application complies with the standards in the Ordinance.

### **Ex Parte Disclosure**

To ensure that there are no conflicts of interest, Mayor Alexander asked Council the following questions:

- Does any member of Council have a fixed opinion on this matter that is not susceptible to change? Mayor Pro Tem Sheffield, Councilmembers Post, Smith, and McLaughlin, and Mayor Alexander all stated they did not have a fixed opinion on the matter that is not susceptible to change

- Has any member of Council had any ex-parte communication about the subject matter of this request with the applicant? Mayor Pro Tem Sheffield, Councilmembers Post, Smith, and McLaughlin, and Mayor Alexander all stated they had not had any ex-parte communication about the subject matter of the request with the applicant.
- Does any member of Council have a close familial, business, or other associational relationship with the applicant? Mayor Pro Tem Sheffield, Councilmembers Post, Smith, and McLaughlin, and Mayor Alexander all stated they do not have a close familial, business, or other associational relationship with the applicant.
- Does any member of Council have a financial interest in the outcome of this matter? Mayor Pro Tem Sheffield, Councilmembers Post, Smith, and McLaughlin, and Mayor Alexander all stated they do not have a financial interest in the outcome of this matter.

### Public Hearing

Mayor Alexander convened a public hearing, after due notice thereof, to receive testimony regarding SUP-01-2022. She indicated anyone who wished to speak for or against this item must be sworn in.

Mayor Alexander administered the oath to Development Services Manager Teresa Barringer.

Ms. Barringer started the petitioner, Ms. Richelle Dill, has requested an SUP to operate a commercial child care center located at 505 West Franklin Street. She indicated LDO 2.7.C Use Matrix requires an SUP/Conditional District (CD) for commercial child care centers operating in the Residential Mixed-Use (RMX) zoning district.

Ms. Barringer referenced Chapter 18 of the LDO that defined commercial child care center as an individual agency or organization providing supervision or care in a non-residential environment where at any one time there are three or more preschool aged children or nine or more school aged children receive child care.

Ms. Barringer displayed a map of the area, and she pointed out the property's proximity to West Franklin, North Ellis, North Caldwell, and West Cemetery Streets, the hospital and new townhomes in the area. She indicated the property is in a heavy residential area with businesses and hospital services nearby.

Ms. Barringer presented street view photographs of the property, and she pointed out the existing commercial structure includes a parking lot. She then presented an aerial photograph, and she indicated the structure is approximately 3,600 square feet and the lot is .64 acres.

Ms. Barringer noted Ms. Dill provided an improvement plan of the interior of the building that includes classrooms and the age groups that will be served. She pointed out a kitchen up-fit will take place, and she indicated prepackaged meals will be served until the upgrades are complete. She stated staff will conduct zoning reviews to determine if other requirements are applicable. She commented Ms. Dill is proposing to add a playground area with a fenced enclosure that will meet state requirements.

Ms. Barringer presented the standards for decision required for the SUP:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.

Ms. Barringer reviewed supporting evidence submitted by the applicant:

1. The use will provide child care support to the surrounding community
2. The existing primary structure will remain in its current state
3. The child care will be licensed and abide by state regulations and will be subject to an inspection prior to operating as well as unscheduled inspection for continued compliance
4. Additional standards to be completed prior to operating:
  - Kitchen updates
  - Playground with fenced enclosure
  - Mold, HVAC, electrical, and plumbing inspections
  - Building, fire and sanitation inspections

Mayor Alexander then administered the oath to Mr. Ryan Evans and Ms. Richelle Dill.

Mr. Evans stated he has been a licensed realtor in the state of North Carolina since 2018 and in his experience child care centers have reflected favorably on the surrounding neighborhood. He pointed out families gravitate towards areas that have child care and future growth tends to follow with ancillary services such as pharmacies and grocery stores.

Mr. Evans referenced property values in the area which have increased over time. He pointed out a house that sold twice in the last five years, and he commented during the second sale the property sold for an additional \$50,000. He added he looked into an area near the VA Hospital with an existing commercial daycare center, Noah's Play Loft, and homes in the area are selling for the asking price or above the asking price, indicating that people want to be in the area.

Councilmember Post clarified the question before Council is whether a child care center at this location will substantially injure neighboring property values, and Mr. Evan's testimony is that converting this property into a child daycare center will not substantially injure surrounding property values. Mr. Evans agreed.

Ms. Dill stated she started a child care center in her home approximately four years ago and the business has grown and needs a new location. She added she is excited to bring value, community events, resources, jobs, and new experiences to children in the community.

Councilmember Smith thanked Ms. Dill for investing in the development of children in the community.

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

### Deliberation

Mayor Alexander noted deliberation will include asking supplemental questions. She opened the floor to receive questions from Council.

Councilmember Post indicated Ms. Dill met the standards for decision and he supports the proposed child care center which is needed in the community.

Thereupon, Councilmember Smith made a **motion** to find the following Finding of Fact:

1. The property is located at 505 West Franklin Street. It consists of an approximately 0.64 acre lot with an approximately 3,600 square foot existing commercial building and an existing paved parking lot
2. The property is currently zoned RMX, which allows commercial child care centers subject to City Council issuing a Special Use Permit
3. The applicant proposes to update the kitchen facilities and add a fenced-in playground facility
4. The property is in close proximity to a residential neighborhood and will provide convenient access for nearby residents using the child care services
5. The child care center is subject to building, fire, sanitation, mold, HVAC, electrical, and plumbing inspections prior to opening
6. The child care center is subject to additional regulations of the NC Division of Child Development and Early Education
7. Based on the testimony provided by an expert witness, using the property for a commercial child care center will not substantially injure property values in the area

And, based on those Findings of fact, the following Conclusions of Law:

1. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit
2. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area
3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed

Mayor Alexander referenced the playground which will be located in front of the building and fenced in, and she questioned if there will be any requirement regarding the type of fencing used. Ms. Barringer stated fencing is not prohibited in the LDO.



Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

Thereupon, Mayor Pro Tem Sheffield made a **motion** to issue a Special Use Permit to permit a commercial child care center at 505 West Franklin Street. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

Council thanked Ms. Dill for investing in the City and its children.

### **UPDATE – MICROTRANSIT**

City Manager Jim Green noted during its Retreat Council set microtransit as a priority for the City. He reviewed the benefits and challenges of microtransit, and the partnership models Software-as-a-Service (SaaS) and Transportation-as-a-Service (TaaS). He commented an outside company will be involved with either model to assist with service implementation.

Mr. Greene noted on June 7, 2022, Council approved an in-house microtransit pilot project utilizing the SaaS model and then transitioning to the TaaS model if funding is awarded through the United States Department of Transportation's Rural Surface Transportation Grant Program. He stated a Request for Proposal (RFP) was sent out, and on August 16, 2022 staff provided an update to Council.

Mr. Greene reviewed the launch process, and he noted a successful launch will involve both staff and the service provider. He stated staff has not recommended a service provider because it wanted to make sure Council was still supportive of proceeding with the pilot project. He pointed out during its last meeting Council had questions regarding the pilot project. He added SaaS was recommended because the City has the employees and equipment in place to implement the pilot project. He noted if the City receives grant funding the goal is to transition to the TaaS model.

Mr. Greene requested Council consider hiring a third-party contractor who has experience in microtransit, to evaluate staff's proposal and provide a recommendation to Council. He pointed out hiring a third-party contractor would prevent the City from implementing the pilot program as initially scheduled in December or January.

Councilmember Post indicated he had trouble finding cities operating the SaaS model or any cities that have transitioned from SaaS to TaaS. Mr. Greene noted the TaaS model is more prominent.

Mayor Alexander stated Council would have a better understanding of the costs to implement the project and whether it would be best to have a pilot project or transition the entire system. Mr. Greene agreed, and he indicated the consultation would include evaluating SaaS versus TaaS, looking at a pilot project versus a system wide implementation, costs of both options, and consideration of what has been implemented in other cities.

Councilmember Smith indicated hiring a consultant is wise, and he pointed out the transition will be a major change to City infrastructure.

Mayor Pro Tem Sheffield asked if the pilot project will be implemented in December. Mr. Greene explained it will take a couple of months to complete the study and it would be difficult to implement the pilot project in December or January.

Mayor Pro Tem Sheffield asked about a timeframe for the consultation. Mr. Greene noted the consultation will be completed as soon as possible, and he pointed out the cost was not included in the budget but staff will identify funding.

Councilmember McLaughlin asked when the City will be notified if it receives grant funding for the project. Transportation Director Rodney Harrison stated staff anticipates being notified in December or January, and the funds should be available in July. Mayor Alexander noted the grant schedule would allow time to work with the consultant. Mr. Greene agreed.

Councilmember Post pointed out some municipalities have adopted the TaaS model and also maintained a fixed route model for heavy traffic corridors. He added the consultant may need to consider if the City should keep a fixed route. Mr. Greene agreed, and he thanked Transit staff for its work on the project.

Thereupon, Councilmember McLaughlin made a **motion** to authorize the City Manager to enter into a contract for Microtransit service evaluation. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

### **CONTRACT – KTS STRATEGICS**

Administrative Services Director Kelly Baker pointed out in May Council approved issuing a Request for Proposals (RFP) for a state lobbyist. She added five proposals were received, three firms were interviewed, and staff recommends Council approve KTS Strategics for its state lobbying services. She stated KTS Strategics is highly recommended and seems to be the best fit for the City's needs. She added KTS will help build relationships with the City's local delegation and help identify funding opportunities. She noted the proposal is for a one-year contract with an initial term of \$72,000 annually.

Councilmember Post asked if KTS Strategics was the consulting firm that provided assistance with a previous issue. City Manager Jim Greene agreed. He noted KTS Strategics has promised to have good, open communication with staff and Council. He added if the contract is approved lobbyists with the firm want to meet with staff and Council to learn about its priorities.

Councilmember Post asked if KTS Strategics was chosen based on its price or for its quality of work. Mr. Greene pointed out KTS Strategics was chosen based on quality and experience. Ms. Baker noted KTS Strategics serves the City of Charlotte, City of Fayetteville, City of Lexington, and several counties across the state, and was recommended by the North Carolina League of Municipalities.

Mayor Pro Tem Sheffield asked if the federal and state lobbyists would work together. Ms. Baker noted federal and state levels are different, however, Strategics, the federal lobbyist firm, has committed to working with the state lobbyist however it can. She added priorities will overlap on both levels. She explained there are more policies on the state level that would impact the City compared to the federal level which tends to be grants and funding. She added a state lobbyist would provide assistance through issues that could impact the City

Thereupon, Mayor Pro Tem Sheffield made a **motion** to award a one-year contract in the amount of \$72,000 to KTS Strategics for state lobbying services. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

## **BOARDS AND COMMISSIONS**

### Community Appearance Commission

Upon a motion by Mayor Pro Tem Sheffield. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointments were made to the Community Appearance Commission to fill an unexpired term:

Cindi Graham  
Sharon Wilkins

Term Expires 3/31/2025  
Term Expires 3/31/2025

### Hurley Park Advisory Board

Upon a motion by Mayor Alexander. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment was made to the Hurley Park Advisory Board to fill an unexpired term:

Anna Hurley

Term Expires 03/31/2025

### Parks and Recreation Advisory Board

Upon a motion by Councilmember McLaughlin. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post, and Smith voting AYE, the following appointment was made to the Parks and Recreation Advisory Board to fill an unexpired term:

Sylvia Fosha  
Nnamdi Osakwe

Term Expires 3/31/2024  
Term Expires 3/31/2025

## **CITY ATTORNEY'S REPORT**

City Attorney Graham Corriher had nothing to report to Council.

### **CITY MANAGER'S REPORT**

City Manager Jim Greene stated he has enjoyed getting to know the citizens and working with staff and Council over the past few months. He noted his family is moving to the City and he looks forward to becoming more involved in the community.

### **COUNCIL COMMENTS**

Councilmember Smith thanked the Parks and Recreation Department for its hard work at the event for the Hamiltones and Destiny Stone that took place at the Bell Tower Green Park. He added it was great to see the positive energy of those who attended.

Councilmember McLaughlin thanked Parks and Recreation Department for its hard work this summer with the programing at the Bell Tower Green Park.

Councilmember McLaughlin also thanked developers for their work to build homes in the community. He noted he would like to see houses built for affordable housing. Councilmember Post agreed.

Councilmember Post commented he is glad the City is transitioning to microtransit services.

### **MAYOR PRO TEM'S COMMENTS**

Mayor Pro Tem Sheffield thanked staff for the great work it does for the City. She also thanked the Communications Department for its work developing and mailing City Resource Guides to citizens. She commented she has heard from citizens who stated the guide is a great tool to know who to contact when situations arise.

### **MAYOR'S ANNOUNCEMENTS AND COMMENTS**

Mayor Alexander thanked the Communications Department for attending the Mayor's Cup football game. She commented it was a great event, and it was nice to see the attendees sitting together as a diverse group in support both teams.

Mayor Alexander thanked staff for all it does for the citizens, and she added she receives accolades of staff going beyond what is expected. She stated she has received requests from realtors who want the City Resource Guide and are willing to pay for printing so it can be provided to those interested in coming to the community.

## **ADJOURNMENT**

Motion to adjourn the meeting was made by Councilmember Post. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

The meeting was adjourned at 7:33 p.m.

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Karen Alexander, Mayor

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Kelly Baker, City Clerk