REGULAR MEETING

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

ABSENT: City Clerk Diane Gilmore and Deputy City Clerk Emily Michael.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 6:00 p.m.

PLEDGE OF ALLEGIANCE

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

ALTERATIONS TO THE AGENDA

Mayor Heggins noted the following changes to the Agenda:

Add – Proclamation for Lee Street Theatre performance, Blood Done Sign My Name.

Add – Consent Agenda Item 7i to adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $11,400 to appropriate Parks and Recreation donations.

Amend – Consent Agenda item 7g to appoint Joe Fowler and Lamont Massie-Simpson to the Dixonville Lincoln Memorial project Task Force and to add Mahogany Koontz as a member of the Task Force.

Amend – the fourth paragraph in the Better Utilizing Investments to Leverage Development (BUILD) Grant application for the North Carolina Department of Transportation
(NCDOT) to read pedestrian access instead of pedestrian overpass. NCDOT Rail Division will use pedestrian connection to describe the Salisbury project in its correspondence regarding the application.

ADOPTION OF THE AGENDA

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

PROCLAMATION

Mayor to proclaim the following observance:

SALISBURY PRIDE DAY  
LEE STREET THEATRE  
PERFORMANCE BLOOD DONE SIGN MY NAME  
75th ANNIVERSARY OF D-DAY

JUNE 22, 2019  
JUNE 18, 2019  
JUNE 6, 2019

Mayor Heggins read and presented the Salisbury Pride Day Proclamation to members of the Salisbury Pride organization. A Salisbury Pride member thanked the City of Salisbury for the recognition of LGBTQ+ community members.

Mayor Heggins read and presented the Lee Street Theatre performance, Blood Done Sign My Name Proclamation to members of the Lee Street Theatre. Members of the Lee Street Theatre shared how proud they are to represent Salisbury, and they added Lee Street Theatre will continue to represent theatre and arts in the community.

Mayor Heggins read and presented the 75th Anniversary of D-Day Proclamation to World War II Veteran Jim Deal. Mr. Deal shared his experience during World War II and D-Day.

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Special Meetings of May 30, 2019 and June 4, 2019 and the Regular Meeting of May 21, 2019.

(b) Budget Ordinance – Police Department Donations

Adopt an Ordinance amending the FY2018-2019 budget in the amount of $3,900 to appropriate Police Department donations.
ORDINANCE AMENDING THE 2018-2019 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. 28 at Page No. 158, and is known as Ordinance 2019-33.)

(c) **Budget Ordinance – The Fibrant Capital Reserve**

Adopt an Ordinance amending the FY2018-2019 budget in the amount of $166,770 to appropriate fund balance in the Fibrant Capital Reserve Fund.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE IN THE FIBRANT CAPITAL RESERVE FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 159, and is known as Ordinance 2019-34.)

(d) **Budget Ordinance – Community Development Block Grant Fund**

Adopt an Ordinance amending the FY2018-2019 budget in the amount of $59,069 to appropriate program income received into the Community Development Block Grant Fund.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE CDBG PROGRAM INCOME.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 160, and is known as Ordinance 2019-35.)

(e) **Contract and Budget Ordinance – McAdams**

Authorize the City Manager to execute a contract with McAdams in the amount of $138,920 for services associated with the Downtown Main Street Plan and adopt a budget Ordinance amending the FY2018-2019 budget to appropriate revenue from interest.

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

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 161, and is known as Ordinance 2019-36.)

(f) **Budget Ordinance – Public Art Committee**

Adopt a budget Ordinance amending the FY2018-2019 budget in the amount of $25,290 to appropriate revenue for the Public Art Committee.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE SCULPTURE SHOW DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 162, and is known as Ordinance 2019-37.)

(g) Dixonville-Lincoln Memorial Task Force Appointments

Appoint Joe Fowler, Lamonte Massie-Sampson, and Mahogany Koontz to the Dixonville-Lincoln Memorial Project Task Force.

(h) Resolution – BUILD grant application

Adopt a Resolution of Support for a Better Utilizing Investments to Leverage Development (BUILD) grant application for improvements at the Salisbury and Kannapolis Depots.

RESOLUTION SUPPORTING A PARTNERSHIP WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A BUILD GRANT APPLICATION.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 15, and is known as Resolution 2019-12.)

(i) Budget Ordinance – Parks and Recreation Donations

Adopt a Budget Ordinance amending the FY2018-2019 budget in the amount of $11,400 to appropriate revenues for Parks and Recreation donations.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE PARKS AND RECREATION DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 163, and is known as Ordinance 2019-38.)

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

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Ms. Mary James noted the improvements at City Park are great ideas, but she suggested completing them at a later date. She added she hoped the tennis court resurfacing and the installation of a separate pickleball facility would be a top priority of Council.
There being no one else to address Council, Mayor Heggins closed the public comment session.

BUDGET ORDINANCE FY2019-2020

City Manager Lane Bailey pointed out there are three versions of the recommended budget. He explained each version includes keeping the same tax rate to correct a clerical error from the previous billing cycle, and a $95,000 appropriation for the Rowan-Salisbury School System (RSSS) based on their presentation at the Budget Work Session.

Mr. Bailey pointed out version one of the recommended budget appropriates $75,000 for the Innovation Development Entrepreneurship Acceleration (IDEA) Center, $38,000 in General Fund contingency expenses, and $208,000 in additional revenue. He noted version two of the recommended budget will keep the current tax rate and will include a $95,000 appropriation for RSSS, and $113,000 in General Fund contingency expenses. He added the IDEA Center is not included in this version. He indicated version three of the recommended budget includes $208,000 in additional tax revenue, and a $95,000 appropriation for RSSS.

Mayor Pro Tem Post commented he attended an IDEA Center board meeting and was advised another budget was submitted based on a $75,000 appropriation instead of $125,000. He pointed out he would like to place a hold on the IDEA Center. He suggested Council continue the conversation about the IDEA Center before it appropriates money to them.

Councilmember Alexander noted version two of the recommended budget includes the same amount of money, but $113,000 is held in a general contingency fund until it is decided how it will be allocated. Mr. Bailey commented it could be used for something other than the IDEA Center, but he recommends having a conversation with Rowan County.

Mayor Pro Tem Post asked if Councilmember Alexander recommended version two. Councilmember Alexander agreed, but asked about version three. Mr. Bailey commented the difference between versions two and three is version three reduces the amount of Fund Balance being appropriated in the budget.

Councilmember Miller asked if Council agreed to keep the tax rate the same and include $95,000 in the General Fund special project expense for RSSS. By consensus, Council agreed.

Councilmember Miller stated the discussion about the IDEA Center should be earmarked. Mr. Bailey noted he would then recommend version one and have staff report back to Council regarding how the $75,000 will be allocated. He indicated there needs to be a conversation with Rowan County regarding the IDEA Center.

Councilmember Miller recommended version one of the budget proposal and for Mr. Bailey to come back to Council with specifics relative to where the City’s contributions are going to be allocated within its budget.
Councilmember Alexander commented $38,000 would be included in the General Fund contingency. Mr. Bailey agreed.

Mayor Heggins noted she did not have a problem with version one, but she wanted to make sure Council is in agreement. She pointed out Councilmembers requested additional information during the Budget Work Session regarding the plans for the City’s contributions. She commented version one gives Council the opportunity to obtain additional information before designating where the funds will be allocated.

Councilmember Sheffield clarified she is not saying funds should not be allocated to the IDEA Center, and she noted she agreed to put funds in a contingency fund. Councilmember Miller asked if funds could be put into a contingency fund for economic development or if it would be a general contingency fund. Councilmember Sheffield noted she could support putting funds into a general contingency fund.

Mayor Pro Tem Post suggested earmarking up to $75,000 for the IDEA Center project. He added he thinks staff should have a conversation with the IDEA Center and come back to Council with a proposal regarding the allocation of funds.

Councilmember Alexander suggested funds be put into a contingency fund and used for the IDEA Center or economic development.

Councilmember Miller suggested the contingency fund be labeled for economic development, and he added if the funds are not used for that, Council can vote to allocate it to something else.

Mr. Bailey recommended version one of the recommended budget, and he noted the IDEA Center could be removed and contingency funds be labeled for economic development. By consensus, Council agreed.

Mayor Heggins asked if economic development would be narrowed to downtown economic development or across the City. By consensus, Council agreed to economic development across the City.

Mr. Bailey referenced the capital items in the Parks and Recreation Department. He added Councilmember Miller asked about the possibility of an inter-fund loan, and he commented the Local Government Commission (LGC) might have issues with that. He explained Fund Balance appropriations could fund the entire amount and it would be better to spread the amount over a three year period. Mr. Bailey noted the total amount of money for Parks and Recreation capital. He pointed out additional revenue will be received and placed back in the General Fund for funds that were advanced to the North Carolina Department of Transportation (NCDOT) for projects. He explained once the Parks and Recreation Department completes its Land Design study, staff could bring Council additional ideas regarding the City’s park facilities. He indicated the list of projects is nearly equivalent to the money the City will receive from NCDOT. He recommended using Fund Balance if the funds from NCDOT are not received this fiscal year.
Mayor Pro Tem Post asked about the amount of the NCDOT reimbursement. Finance Director Shannon Moore noted the reimbursement will be approximately $800,000.

Mayor Pro Tem Post asked if the NCDOT project costs were taken out of the General Fund and if the reimbursement will be placed back in the General Fund. Ms. Moore agreed. Mr. Bailey noted Land Design is completing work on the projects and should have a report for Council mid-July or early August. He added the reimbursement would cover the capital portion of the Parks and Recreation projects, and he asked if Council would be comfortable waiting to hear from staff. Councilmember Alexander agreed, and she added she liked the idea of waiting until Council obtained the master plan and received community input. Mr. Bailey noted the design is from the same group that completed the Bell Tower Green Park design. Councilmember Sheffield pointed out while Council is waiting on the report from staff, the funds from NCDOT should be received, and the Parks and Recreation Department would have an opportunity to apply for a grant and have matching funds available.

Mr. Bailey noted the Parks and Recreation Department could look for grants or United States Tennis Association (USTA) funding to resurface the tennis courts. He added if mechanical dredging takes place at City Lake there would be an opportunity for boardwalks and other enhancements to be installed that hydro dredging would not allow.

Councilmember Sheffield asked if Salisbury-Rowan Utilities (SRU) funds itself and if the 1.6% increase in water and sewer rates has to take place. She pointed out tax rates affect homeowners and water rates create a direct impact on people already having a hard time. She indicated a $.05 per day increase occurred last year and the increase this year will add $.04 for a total of $.09 increase per day within the last two years.

Mr. Bailey indicated the 1.6% increase is based on the inflation rate and the increased cost of the chemicals. He added if there is not a rate increase this year it could cause a higher rate increase at another time. He recommended the City increase the rates based on the inflation rate.

Councilmember Alexander noted she supports the water and sewer rate increase, and she pointed out what has happened in other cities that did not keep up with their water and sewer infrastructure.

Mayor Pro Tem Post stated if the City does not keep up with inflation rates it could create a huge capital replacement at a later time because operating income would have to cover the depreciation costs to replace capital equipment.

Councilmember Sheffield clarified she does not support raising taxes in the future, and she added her request was not to have a rate increase and for the amount to be reviewed if an increase takes place. She pointed out lower tax rates would affect some, but the water and sewer rate affects everyone. She noted citizens will know about the increased tax rate, but not about the increase of the water, sewer and trash rates.

Mayor Heggins asked about the risks if the water and sewer rates are not increased. Mr. Bailey pointed out it would not be devastating to the SRU Fund if rates were not increased, but if
it happened several years in a row it could create problems. Mayor Heggins asked if the City would have to catch up at some point. Mr. Bailey agreed. Councilmember Alexander noted the issue is the replacement of the whole plant and pump station, and she added the City cannot afford to fall behind.

Mayor Pro Tem Post asked about the impact on an average water bill. Mr. Bailey noted it would be a $1.12 increase on a monthly water bill with an average of 5,000 gallons per month. He added an average water bill will increase from $69.75 to $70.87. Mayor Pro Tem Post noted the average household will have to pay nearly a $1 more a month or $13 a year to keep up with inflation and costs incurred by our water system. Mr. Bailey agreed.

SRU Director Jim Behmer commented the Environmental Finance Center reports that the median rate is $76 for a water bill on a monthly average of 5,000 gallons. Mayor Pro Tem Post indicated half of the cities charge more and half of the cities charge less.

Mr. Behmer noted rate increases have occurred across the area due to construction costs and cities catching up on infrastructure repairs. He commented Charlotte is increasing its water and sewer rates by 3.54%, Lexington by 5.5% and Kannapolis by 18%. Mayor Heggins asked if cities had to increase the rates by a large amount since they are not gradually increasing the rates. Mr. Behmer agreed.

Councilmember Sheffield asked how the percentages were calculated. Mr. Behmer commented the percentages are based on the total number of water connections.

Senior Management Analysis Anna Bumgarner stated on page 17-7 the $25 fee under police for picket permits has been removed since the fee is no longer charged.

Thereupon, Mayor Pro Tem Post made a motion to adopt the Budget Ordinance for the City of Salisbury for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020.

Mayor Heggins noted Council voted for version one of the City Manger’s recommended budget. Councilmember Alexander seconded. Mayor Pro Tem Post commented an amendment with the special project expense was updated from the IDEA Center to economic development.

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

BUDGET ORDINANCE FOR FISCAL YEAR 2019-2020 BUDGET FOR THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Pages No. 164-181, and is known as Ordinance 2019-39.)
RECESS

Councilmember Miller made a motion to take a five minute recess and all Councilmembers in attendance agreed unanimously to recess.

The meeting reconvened at 7:37 p.m.

ECONOMIC CHARRETTE

Livingstone College Special Assistant to the President for Community Development Pete Teague presented information regarding the Salisbury Economic Charrette held on March 15, 2019. He commented Salisbury has issues, challenges, and opportunities that need to be addressed. He noted the charrette gave participants an opportunity to brainstorm on how current assets can be utilized to enhance economic development in the City. He pointed out President of Fountainworks Warren Miller assisted and facilitated the charrette.

Mr. Miller presented information from the economic charrette noting the assets the groups focused on included Hotwire Communications, downtown, proximity to Charlotte, minority business development, innovation, growing healthcare presence, and opportunity zones.

Mr. Miller pointed out Hotwire Communications is an asset to the City and the groups discussed how Hotwire could be leveraged to the free market to assist with economic development.

Mr. Miller commented participants discussed improving curb appeal and the addition of amenities to downtown. He noted cities such as Statesville completed streetscaping and increased occupancy, Hendersonville narrowed roads and widened sidewalks to create a thriving downtown, and Goldsboro brought live music and events downtown. He added ideas were discussed on how to enhance what is already downtown.

Mr. Miller noted Salisbury being in close proximity to Charlotte provides an asset to the community. He indicated the cost of living is 16.5% higher in Charlotte and Salisbury has median home costs that are 58% lower than Charlotte. He pointed out Salisbury will have increased frequency of the rail system and widening of roads for easier access to Charlotte. He added ideas were developed on ways to leverage existing connections to the Charlotte region.

Mr. Miller stated minority business development is an asset for the City, and he added ideas were discussed regarding what can take place to leverage minority businesses.

Mr. Miller commented culture innovation included Catawba College, Livingstone College, F&M Bank, Food Lion, the IDEA Center, and Integro Technologies. He noted ideas were discussed on how the City can leverage assets to help stimulate culture innovation in the City.

Mr. Miller pointed out the growing healthcare presence is an asset for the City. He commented healthcare is one of the largest industries in the county with the highest number of job
openings available each month. He added ideas were discussed on how the growing healthcare presence could be leveraged to the community.

Mr. Miller noted opportunity zones were created as part of federal legislation to encourage private investment in low income communities and to offer incentives to investors. He commented ideas were developed on how to increase incentives for opportunity zone development.

Mr. Teague asked Council for its consideration to provide assistance to further conversations and ideas developed during the charrette. He commented the Rowan Economic Development Commission (EDC) oversees economic development in Rowan County and was supportive of the charrette. He suggested Council create a group or partnership to implement the ideas discussed to enhance economic development in Salisbury.

Mayor Pro Tem Post indicated there were 75 participants in the charrette. He pointed out China Grove created an Economic Development Commission (EDC) as part of its Council. He commented the Rowan EDC is supportive if a group is developed to generate ideas, and he added the Rowan EDC is creating great things and it can be done in the City with assets already in place.

Councilmember Miller asked if a proposal was available for Council’s consideration. Mayor Pro Tem Post advised a proposal can be provided. Councilmember Alexander commented it is a great idea to include opportunity zones to attract people to renovate buildings or create businesses. Mayor Pro Tem Post added it would be in collaboration with the Rowan EDC and the IDEA Center.

Councilmember Miller requested a proposal be presented to Council for its consideration. He added he would assist if needed. Mayor Pro Tem Post pointed out a proposal was discussed, but the group wanted Council’s permission to move forward.

Mayor Heggins then requested ways to increase entrepreneurship, develop opportunity zones, and issues of poverty be addressed when the proposal is presented to Council.

Councilmember Miller asked for Downtown Salisbury, Inc. (DSI) to be included in the conversation to promote economic development downtown. Mr. Teague pointed out DSI attended the charrette. Councilmember Alexander noted she attended and thought it was a great charrette.

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT TA-03-2019**

Development Services Coordinator Teresa Barringer provided information to Council regarding Land Development Ordinance Text Amendment TA-03-2019 to amend Chapters 3 and 18 relating to bars, taverns and nightclubs, Chapter 6 relating to accessory structures, and Chapter 10 relating to parking requirements.

Ms. Barringer clarified the use standards and definition of a bar, tavern and nightclub. She pointed out the proposed amendments would include adding to Chapter 3.3d to include no such facility shall be located within 500 feet of any lot in the Neighborhood Mixed Use (NMX),
Corridor Mixed Use (CMX), and Highway Business (HB) zoning districts or within 50 feet of any lot in the Downtown Mixed Use (DMX) zoning district containing a public school, any nonpublic school as defined by Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, church, or commercial child care center.

Ms. Barringer pointed out the proposed changes to Chapter 18 regarding the definition of a bar, tavern and nightclub. She commented a section was removed because the City does not regulate gross receipt sales of a restaurant and the amount of food sold.

Mayor Pro Tem Post asked about larger primary use. Ms. Barringer explained larger primary use would be what a restaurant indicates as its day to day primary use. Mayor Pro Tem Post asked if larger could be removed from the definition of the bar, tavern or nightclub. City Attorney Graham Corriher agreed to remove the word larger and to keep primary use.

Councilmember Miller asked if the microbrewery tasting room would be a primary use or a secondary use. Ms. Barringer pointed out the primary use of the microbrewery would be brewing the beer and the tasting room would be the secondary use. Councilmember Miller asked if a microbrewery would be the bar, tavern or night club. Ms. Barringer commented it would not, and she explained the primary use would be manufacturing the beer.

Councilmember Sheffield pointed out Council is reviewing this text amendment due to the art gallery discussion, and she added the art gallery is not covered in this amendment. Ms. Barringer noted a reference in the definition of use of a cultural facility would include the gallery.

Councilmember Sheffield asked about the cultural facility definition. Ms. Barringer noted a cultural community facility includes facilities designed to promote cultural advancement and serve the community such as live theater, dance or musical establishments, art galleries, studios and museums, nonprofit civic or fraternal organizations, museums, exhibitions, or similar facilities, libraries, and community centers such as the YMCA or YWCA

Councilmember Miller requested the definition be re-written. Ms. Barringer asked for a directive and if cultural facility needed to be added in the text amendment. Councilmember Miller asked if adding the language of primary use and accessory use to the definition would be an option. Ms. Barringer commented the amendment could include primary and secondary uses.

Planning Director Hannah Jacobson pointed out she would like to refine the wording of the bar, tavern and night club definition and bring it back to Council for review. Councilmember Sheffield commented she would like to see secondary use and cultural community facility included in the proposed definition. Ms. Barringer agreed. Mayor Heggins indicated she was unsure if the cultural use event is needed. Councilmember Sheffield agreed.

Ms. Barringer presented Council information regarding Chapter 10.3 of the text amendment regarding required vehicle and bicycle parking. She commented in a recent plan review it was noted that the current ordinance states all square footage calculations are gross interior floor area, and she added restaurant and bar use facilities have maximum permitted parking of 20 parking spaces per 1,000 square feet of the dining area. She commented discussion took
place at a Planning Board meeting regarding if restaurants would be need to identify outdoor square footage during the site plan approval phase. She added the proposed amendment would state, with the exception of a restaurant or bar use, that both interior and exterior gross dining floor area would be used for square footage calculations.

Mayor Pro Tem Post asked if the change would have any effect on downtown restaurants. Ms. Barringer commented it would not.

Councilmember Sheffield asked if only allowing the interior gross dining area for square footage calculations for parking has been a problem. Ms. Barringer noted staff had a developer indicate it would be detrimental to their project. She added an alternative in the Land Development Ordinance (LDO) would be for the developer to propose pervious treatment for overflow parking, but overflow parking is not needed regular parking is needed. She commented the way it is currently written in the LDO the developer would install impervious treatment by the state standards for stormwater control and then maintain it on an annual basis.

Councilmember Sheffield asked if the amendment is making it more user-friendly for businesses in Salisbury. Ms. Barringer agreed, and she added it is intended for a very specific market-driven type of restaurant, and the amendment will provide the ability for extra parking for that use.

Ms. Barringer noted the proposed change to LDO Chapter 6.5.C.1 references accessory structures. She pointed out the previous text amendment allowed for gazebos and the placement of pergolas and trellises in the front yard.

Ms. Barringer commented under the current code no structures are allowed in the front or exterior side yard of a property unless the primary structure is 200 feet from a right-of-way. She added the text amendment would allow an arbor, pergola, or trellis to be placed in the front yard or exterior side yard if it meets the minimum setback requirements and is no larger than 20% of the primary structure. She noted a more prominent accessory structure such as a gazebo would still be subject to the 200-foot setback of the primary structure and the right-of-way.

Councilmember Miller asked if this amendment is in response to a request. Ms. Barringer agreed, and she added it is in response to a plan review regarding the Wallace Cancer Center’s healing garden which includes a pergola for patients. She noted under the current Code a pergola cannot be included in the plans because the exterior side yard and principle structure would not be 200 feet away from a right-of-way.

Councilmember Alexander noted the code should be written in relationship to the size of the lot and the setback of the home. She added the setback for most houses in the City is 35 feet.

Ms. Barringer asked if Council wanted to consider removing the 200 foot right-a-way but still include language that the arbor, pergola or trellis can be no larger than 20% of primary structure. Councilmember Alexander noted it should be in relationship to the setbacks. Ms. Barringer pointed out different districts have different setbacks.
Ms. Barringer indicated Planning Board recommended approval of the proposed amendments at its May 28, 2019 meeting.

Councilmember Alexander noted she would not allow a pergola or a gazebo. Mayor Pro Tem Post asked if she meant for the structures to not be included in front or side yard even if it meets the requirement of 200 feet from a right-of-way. Councilmember Alexander clarified to not include those structures in the front yard at all unless it attached as a porch or somehow tied into the house, and she recommended placing it in the back of the yard.

Councilmember Alexander asked if staff is trying to find a way to allow a structure of that sort in the front yard. Ms. Barringer noted structures could be included in the front yard or exterior side yard. Councilmember Alexander clarified it would be different if it is included with the side yard and would be behind the setback of the street.

Councilmember Miller noted the Wallace Cancer Center is the reason the amendment has been proposed and would be applied at the commercial setting and not necessarily to a residential lot. Councilmember Alexander agreed, and she pointed out the way the code is written it has to be considered for all use areas. Ms. Barringer explained it would have to meet the setback requirements and not be larger than 20% of the primary structure.

Mayor Pro Tem Post suggested staff speak with Councilmember Alexander regarding her architectural experience. Councilmember Alexander pointed out she would like staff to test the written ordinance against different scenarios.

Councilmember Miller asked if Council wanted to table all the recommendations and have staff report back to Council. Councilmembers agreed. City Manager Lane Bailey asked if the amendment to the parking requirement of Chapter 10 could be approved. All Councilmembers agreed and all other chapters were tabled.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding TA-03-2019.

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

Councilmember Miller stated the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury is reasonable, in the public interest, and consistent with the Vision 2020 Comprehensive Plan relative to continually refining the policies and provisions of the development process and finding creative solutions for unique properties while protecting neighborhood interests. Therefore, Councilmember Miller made a motion to adopt an Ordinance amending Chapter 10 of the Salisbury Land Development Ordinance, of the City of Salisbury, North Carolina. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)
ORDINANCE AMENDING CHAPTER 10 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE, OF THE CITY OF SALISBURY, NORTH CAROLINA. (PETITION NO. LDOTA-03-2019)

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 182-191, and is known as Ordinance 2019-40.)

**DOWNTOWN MASTER PLAN**

Planning Director Hannah Jacobson and City Engineer Wendy Brindle presented Council an update regarding the Downtown Master Plan. Ms. Jacobson commented the Planning Department is currently working on 17 downtown projects. She pointed out a framework of vision, strategy, action, programs, and projects was created for organization and to determine the relationships between each project.

Ms. Jacobson pointed out the Downtown Master Plan was originally adopted by Downtown Salisbury, Inc. (DSI) in 2001 and updated in 2010. She explained the North Carolina Main Street Program requires a conceptual plan be provided for future downtown development.

Ms. Jacobson noted DSI’s Design and Master Plan subcommittees are working on updates for the 2020 Downtown Salisbury Master Plan. She added the City and DSI are working together on the update to create a collective vision. She pointed out a new market plan analysis should take place since the last market research was conducted in 2001.

Ms. Brindle commented the last downtown parking study was completed in 2000 and the current downtown parking study should be completed in July. She noted the parking study will analyze existing parking areas regarding use, management, existing conditions and anticipated growth areas. She added the study will provide recommendations for parking improvements, layouts and locations, parking treatments, and parking management regarding time and enforcement. She indicated the study will assist in the development of the Main Street Plan and the Downtown Master Plan.

Ms. Jacobson pointed out McAdams was selected as the consultant for the Main Street Streetscape Plan that will take place in two phases from West Monroe Street to the railroad tracks. She indicated the first phase includes a restriping plan to take place in conjunction with the North Carolina Department of Transportation (NCDOT) resurfacing project scheduled for year 2021. She commented the second phase will create a conceptual streetscape plan to offer a new streetscape design and added amenities to enhance mobility and economic development downtown. She pointed out this phase will also leverage applications for state and federal funding, and a Better Utilizing Investments to Leverage Development (BUILD) Grant. She commented $20 million has been identified in future years of the Capital Improvement Plan (CIP) to potentially build the project or provide a local match for several grants to complete the project.

Ms. Brindle stated the Salisbury Depot project is funded by the State Transportation Improvement Program (STIP). She indicated the North Carolina Rail Division is conducting the
design and will fund the proposed second platform project. She added Council adopted a Resolution in the Consent Agenda to support an application for BUILD Grant funds in partnership with NCDOT to help close the funding gap. She noted the current STIP is $6.4 million and the City’s CIP has identified a $780,000 match. She added the current estimate for the project is $13.4 million and NCDOT is hopeful the BUILD Grant can fund the gap.

Ms. Brindle pointed out a Salisbury Station Connectivity and Feasibility Study conducted in 2017 identified street layout and parking needs associated with the Depot. She indicated the study also identified two passenger trains in use at that time, and she stated the number of passenger trains has increased to 10 per day and will increase to 12 per day in year 2023, and up to 14 a day in year 2025. She noted there are currently 32 freight trains a day with an anticipated increase to the low 40s in the future. She added it is important to consider transportation and freight in regards to the Downtown Master Plan.

Ms. Jacobson noted to reduce confusion and the amount of commitments made by citizens staff has worked to coordinate a timeline of activities. She provided Council a chart regarding potential opportunities for project coordination, and she commented coordination could take place during community engagements so residents could complete one survey or attend one meeting instead of several meetings.

Councilmember Sheffield asked for clarification regarding the restriping plan. Ms. Brindle explained the restriping plan was scheduled for 2020, but was delayed until 2021 due to NCDOT redirecting its funds for hurricane damage repairs. She noted McAdams will provide a design proposal for the layout between the curbs to include in the streetscape plan. Councilmember Sheffield asked if citizens and Council will have an opportunity to review the layout design. Ms. Brindle agreed.

Mayor Pro Tem Post asked if a tunnel concept is being explored instead of a bridge overpass. Ms. Brindle agreed, and she commented NCDOT is exploring a tunnel option.

Councilmember Sheffield asked if the change in the Resolution regarding the BUILD Grant stating pedestrian access instead of overpass was to have the ability to explore options instead of being committed to a bridge. Ms. Brindle agreed, and she added it would include the possibility of a tunnel.

Councilmember Miller encouraged staff to find ways to green the streetscape, and he added he has been a part of presentations that indicated a definite economic impact when a green environment is brought to the streetscape.

**UPDATE – CHEERWINE FESTIVAL**

Parks and Recreation Event Coordinator Vivian Koontz provided an update regarding the 2019 Cheerwine Festival that took place Saturday, May 18, 2019. She indicated there was an estimated 50,000 to 60,000 people in attendance from all over North Carolina and the Country. She added Cheerwine contributed drink sales from their official Cheerwine merchandise tents to
Meals On Wheels for a donation of $7,500. She indicated there were 84 food, craft, and beer vendors, eight community volunteer groups, and 12 sponsor booths.

Ms. Koontz indicated there was a focus on marketing this year, and she added there were over 22 million impressions made through online, broadcast, digital and print media which was an increase from 4.5 million last year. She noted over one million impressions were made on social media, 785,000 impressions were made on the Cheerwine Festival event Facebook page, and there were 131,000 page views on the Cheerwine festival.com website including 30,000 on the day of the event.

Ms. Koontz noted vendors and businesses had a successful day. She added downtown businesses commented it was the single best day of sales they ever had and those businesses have been in Salisbury a long time.

Ms. Koontz pointed out the Cheerwine Festival will take place Saturday, May 16, 2020, and she noted the Parks and Recreation Department is looking to host the festival annually on the third weekend in May.

Council commended Ms. Koontz and the volunteers for a job well job. Councilmember Miller added Ms. Koontz did a great job using last year’s feedback to make adjustments to this year’s festival.

D.E. WALKER CONTRUCTION COMPANY AND BUDGET ORDINANCE

Salisbury-Rowan Utilities (SRU) Director Jim Behmer presented information to Council regarding construction of the Fourth Street and Yadkin Avenue Waterline Replacement Project in the Town of Spencer. He commented the Town of Spencer has had several stormwater issues over the past few years, and he added the project started with a $400,000 stormwater grant from the North Carolina Department of Transportation (NCDOT). He noted the Town of Spencer’s engineer designed the water replacement project, and the City of Salisbury put the project up for bid twice. He indicated D.E. Walker Construction Company from Charlotte had the lowest base bid at $660,451.05, and he added other bids ranged from $1.2 to $1.5 million.

Mr. Behmer pointed out the City was able to appropriate most of the money from internal funds for the waterline services, but SRU needs to appropriate Fund Balance in the amount of $83,000 to fund the project.

Mayor Pro Tem Post asked if this project was not included in the budget or anticipated last year. Mr. Behmer noted it was known there would be a project, but staff was unsure how big it was going to be until the stormwater project was designed and finished. He added each year there are budgeted amounts for water line replacement, and he added funds are available for the project.

Mayor Pro Tem Post asked how the Water Sewer Fund Balance is relative to the General Fund. Finance Director Shannon Moore noted she does not have the exact amount of the Water
Sewer Fund Balance but it is higher than the General Fund Balance in both total dollar and percentage.

Thereupon, Councilmember Miller made a motion to authorize the City Manager to execute a contract with D.E. Walker Construction Company in the amount of $660,451.05 for the Fourth Street and Yadkin Avenue Water Line Replacement Project. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Thereupon, Councilmember Miller made a motion adopt the budget Ordinance amendment to the FY2018-2019 budget in the amount of $83,000 to appropriate Water Sewer Fund Balance Funds. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE WATER SEWER FUND BALANCE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 192, and is known as Ordinance 2019-41.)

**CONTRACT AAR OF NORTH CAROLINA**

City Engineer Wendy Brindle explained the City has a consultant that provides annual recommendations regarding roof maintenance and replacement. She pointed out funds are available for two roof replacements this year. She added the consultant recommended through a visual inspection and an infrared scan that the insulation barrier between the top coats and sheeting had deteriorated and the roofs have met the end of their life cycle. She indicated the roofs at City Hall and Fire Station 1 will be replaced. She added the roof at City Hall was originally installed in 1988 and the roof at Fire Station 1 was originally installed in 1996.

Ms. Brindle commented a bid opening was held with five submittals, and the lowest bid was submitted from AAR of North Carolina for $305,288. She indicated the amount includes $164,688 for City Hall and $140,000 for Station 1 with a 10% contingency and a max $24,000 for inspection. She asked Council to approve AAR of North Carolina as the roof contractor to perform the roof installations at City Hall and Fire Station 1 for a total cost of $329,488.

Thereupon, Councilmember Miller made a motion approve a contract with AAR of North Carolina for the replacement of roofs at City Hall and Fire Station 1 for a total cost of $329,488. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Mayor Pro Tem Post asked if the funds for the project were included in the FY2018-2019 budget. City Manager Lane Bailey indicated the funds are in the current budget, and he added the project will not be completed by July 1. He explained the City waits until the end of the year to see how the budget looks before work is completed on the roofs unless there are issues that need to be addressed.
CONTRACT – STRATEGICS

Administrative Services Director Kelly Baker and City Attorney Graham Corriher presented information to Council regarding a contract with Strategies for federal lobbying services. Ms. Baker pointed out a Request for Proposal (RFP) was sent out for federal lobbying services following a request at Council’s retreat, and she added eight proposals were received. She commented Strategies recently met with Council and discussed developing and implementing a federal agenda, and she added staff recommends Council contract with Strategies to develop and implement a federal agenda.

Mr. Corriher noted the recommendation is to sign a one year contract for $48,000 to develop the federal agenda. He added there was also a previous discussion regarding a monthly fee of $4,000 to develop the federal agenda. He added either way the contract would include a 30-day termination clause that a notice could be given and the contract could be terminated if Council is not satisfied. He noted if Council enters into a monthly contract with Strategies to develop the federal agenda and is satisfied it would have to take action to extend the contract.

Mayor Pro Tem Post asked if the options are to either adopt a one year contract for $48,000 or use Strategies for a federal assessment. Councilmember Miller noted the second option would be to develop the federal agenda and then decide about continuing their services. Mr. Corriher indicated creating the federal agenda would be a monthly cost of $4,000.

Ms. Baker noted Strategies works with the Centralina Council of Government (CCOG) and is able to work on a federal level. She added Strategies is a local firm and very familiar with the Metropolitan Statistical Area (MSA), Empire Hotel Project, and other initiatives in the City.

Thereupon, Councilmember Alexander made a motion to approve a contract in the amount of $48,000 with Strategies for federal lobbying services to develop and promote a federal agenda.

Mr. Corriher recommended the contract with Strategies begin August 1, 2019 due to travel schedules in July. Mayor Pro Tem Post noted there is no one in Washington, DC in August and September. Mr. Corriher commented the process of developing the plan would involve the firm meeting with department heads and setting priorities. By consensus, Council agreed for the contract to begin August 1, 2019.

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

CITY ATTORNEY’S REPORT

City Attorney Graham Corriher indicated he had nothing else to report to Council.
CITY MANAGERS REPORT

City Manager Lane Bailey indicated he had nothing to report to Council.

ANNOUNCEMENTS

Gallery Gallop

Communications Director Linda McElroy announced Gallery Gallop, a celebration of art in downtown Salisbury will be held Friday, June 21, 2019 from 5:00 p.m. until 9:00 p.m. There will be live music, downtown gallery tours, and kid’s activities. Artists will be set up on the sidewalk alongside participating businesses downtown.

Movies in the Park

Communications Director Linda McElroy announced the Salisbury Parks and Recreation Department will hold Movies in the Park on Friday, June 28, 2019 at City Park. The movie, Hotel Transylvania 3, will begin at 9:00 pm. Concessions will be available for purchase. Bring a blanket or a chair and enjoy fun family time. This event is free and open to the public. For more information, please call (704) 216-PLAY.

22nd Annual Greenway 5K and Half-Mile Fun Run

Communications Director Linda McElroy announced the Salisbury Parks and Recreation Department will hold its 22nd Annual Greenway 5K and Half-Mile Fun Run on Saturday, July 13 beginning at 8:00 a.m. at Knox Middle School. This annual 5K race takes place on a certified 3.1 mile course that follows a portion of the Salisbury Greenway. Pre-registered participants are guaranteed a dry-fit t-shirt and race bag. Registration is $20 in advance and $25 the day of the event. The fun run is for ages 10 and under and the cost is $10. All proceeds benefit the Salisbury Greenway. Register at www.sportoften.com until noon on July 12.

2019 Salisbury Citizen’s Academy

Communications Director Linda McElroy announced applications are now being accepted for the 2019 Salisbury Citizen’s Academy. The Academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 5, 2019. Participants will meet at various City facilities and have an inside view of City operations. Applications are available online at salisburync.gov/citizensacademy or by calling Kelly Baker at 704-638-5233. All applications must be received by July 19.

COUNCIL COMMENTS

Councilmember Alexander advised Council she will send it a copy of an opioid Resolution she received from Michael Lazaro in support of the work being done by Attorney General Josh
Stein. She asked Council to read it and she noted it will have to be adjusted based on the community, but she thinks it is a good thing to support.

Councilmember Sheffield recommended residents take part in the Citizen’s Academy. She added it is a great program for anyone who has interest or questions regarding how or why things happen, and what the City does.

Councilmember Sheffield thanked Mayor Heggins for presenting the Salisbury Pride Proclamation, and she thanked Councilmember Alexander for starting that back up after a few years it did not take place.

**MAJOR PRO TEM COMMENTS**

Mayor Pro Tem Post pointed out Chewy will bring 1,200 jobs to Salisbury and there will be two announcements of companies bringing nearly 400 jobs to the area. He indicated there will be a need for economic development to provide housing for the people the jobs will bring to the City.

**MAJOR COMMENTS**

Mayor Heggins thanked staff, City Manager Lane Bailey and City Attorney Graham Corriher for everything they do for the City. She thanked Liz Moomey for attending the Council meetings. She also thanked Council for the tremendous work it does for the City.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:01 p.m.

Signed: 
Al Heggins, Mayor

Diane Gilmore, City Clerk