

Salisbury, North Carolina
September 20, 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 6:10 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

ADOPTION OF THE AGENDA/ CHANGES TO THE AGENDA

Mayor Alexander noted the following changes to the Agenda:

Postpone Item 10 – Council to consider economic development incentive requests for Project Finishing consisting of applications to the State of North Carolina for a Building Reuse Grant in the amount of \$150,000, a One NC Fund grant in the amount of \$50,000, a local Level 1 Incentive Grant estimated to total \$136,814 over a five year period, and hiring a grant administrator in an amount not to exceed \$6,000

Postpone Item 14 – Council to consider Land Development District Map Amendment to rezone one parcel located at 1215 Old Concord Road from Corridor Mixed-Use to Corridor Mixed-

Use with a Conditional District Overlay to permit the construction of a 164-unit apartment complex.

Add – Item 7i – Authorize the City Manager to enter into a five-year contract with Axon to provide Police fleet cameras for a total cost of \$737,460. Axon will extend the contract for \$79,560 based on a five-year contract beginning in FY2024 at a cost of \$131,579.99 per year. There are sufficient savings in the current budget to cover the \$79,560 extension and the subsequent year's costs will be budgeted annually.

Add – Item 19f – Council's first meeting in October has been moved and will be held Monday, October 3, 2022 in observance of Yom Kippur.

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

RECOGNITION – PARKS AND RECREATION LIFEGUARDS

Recreation Coordinator Megan Simpson recognized Parks and Recreation lifeguards Sierra Braun, Lucas Berg, Luci Featherstone and Malakie Harris for providing medical attention to a child in distress at the Fred M. Evans Swimming Pool.

Ms. Simpson explained on July 7, 2022 the lifeguards on duty called 911 and provided medical aid to the child while emergency services were dispatched. She added the lifeguards used what they learned in their training to lower the child's temperature.

Ms. Simpson reported the child was okay and received the care needed at the time of the incident. She added there has been a nationwide lifeguard shortage which resulted in pools having to close for the season or lifeguards alternating shift hour; however, the eight life guards hired this summer were committed and exceeded all expectations.

Ms. Simpson thanked Mayor Pro Tem Sheffield for nominating the lifeguards for the Salisbury Civitan Hero Award, and she stated each lifeguard was gifted the "Hero of the Year" award.

Council thanked Parks and Recreation lifeguards Sierra Braun, Lucas Berg, Luci Featherstone and Malakie Harris for their heroic actions.

PROCLAMATIONS

Mayor to proclaim the following observances:

BREAST CANCER AWARENESS MONTH	October 2022
ROWAN COUNTY UNITED WAY MONTH	October 2022
DOMESTIC VIOLENCE AWARENESS MONTH	October 2022
NATIONAL BULLYING PREVENTION MONTH	October 2022
NATIONAL CRIME PREVENTION MONTH	October 2022
SUSTANCE ABUSE PREVENTION MONTH	October 2022

CONSENT AGENDA

(a) **Minutes**

Approve Minutes of the regular meeting of September 6, 2022.

(b) **Voluntary Annexation – Southgate**

Receive a request for voluntary annexation of 41.665 acres located on Hawkinstown Road, Tax Map 324 Parcel 060, and adopt a Resolution instructing the City Clerk to investigate the sufficiency of the request.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31, FOR VOLUNTARY ANNEXATION OF TAX MAP 324 PARCEL 060, 41.665 ACRES LOCATED ON HAWKINSTOWN ROAD.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 67, and is known as Resolution 2022-47)

(c) **Contract – Axon**

Authorize the City Manager to enter into a five-year contract with Axon to provide Taser and body cameras for a total cost of \$1,163,675. The first year expense is \$200,000 and is included in the FY2022-2023 budget. The subsequent year's costs of \$240,918 will be budgeted annually.

(d) **Sole Source Purchase – Badger Meter, Inc.**

Authorize a sole source purchase from Badger Meter, Inc. in the amount of \$610,000 for the purchase of 2,000 water meters and cellular endpoints. Expenses for the purchase of the meters will be offset by future tap fee revenues.

(e) Budget Ordinance Amendment – Police Department Controlled Substance Tax Funds

Adopt a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$23,034 to appropriate Police Department Controlled Substance Tax Funds for the replacement of duty pistols that are past service life.

ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE POLICE DEPARTMENT CONTROLLED SUBSTANCE TAX FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 181 and is known as Ordinance 2022-68.)

(f) Funding Agreement – Rowan Economic Development Commission

Approve a funding agreement for the allocation of special project funds to the Rowan Economic Development Commission.

(g) Application – North Carolina Department of Environmental Quality

Adopt a Resolution authorizing the City Manager to execute and file an application on behalf of the City of Salisbury for grant funding through the North Carolina Department of Environmental Quality Division of Water Infrastructure for the development of a Wastewater Treatment Master Plan.

RESOLUTION AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION FOR GRANT FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY DIVISION OF WATER INFRASTRUCTURE FOR THE DEVELOPMENT OF A WASTEWATER TREATMENT MASTER PLAN.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 68-69, and is known as Resolution 2022-48.)

(h) Purchase Order Approval

Authorize the City Manager to approve purchase order 230342 to Piedmont Truck Center for the purchase of two 2023 F450s in the amount of \$176,426. This is an ongoing equipment purchase that included in the FY2022-2023 budget.

(i) Contract – Axon

Authorize the City Manager to enter into a five-year contract with Axon to provide Police fleet cameras for a total cost of \$737,460. Axon will extend the contract for \$79,560 based on a five-year contract beginning in FY2024 at a cost of \$131,579.99 per year. There are sufficient savings in the current budget to cover the \$79,560 extension and the subsequent year's costs will be budgeted annually.

Thereupon, Councilmember Post made a **motion** to adopt the Consent Agenda with the noted changes. 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.

The following people spoke in support of a permanent American flag at Bell Tower Green Park:

- Jerry Davis
- Ronnie Smith
- John Fortune
- Kirby Ritchie
- Stephen Hubbard
- Scott Burton
- Jeff Mosingo
- Sandra Czaba
- Margaret Keller
- Karen Hobson

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

FLAG PLACEMENT – BELL TOWER GREEN PARK

City Manager Jim Greene explained in August Council approved the formation of a Bell Tower Green Park Advisory Committee and the first item on its agenda was to consider the installation of a permanent American flag at Bell Tower Green Park. He stated the committee has met twice where it deliberated and made a decision which is before Council for its consideration. He asked Councilmember McLaughlin, Council liaison to the Bell Tower Green Park Advisory Committee, to present the decision of the committee, and he asked City Attorney Graham Corriher to provide an update on the next steps in the process.

Councilmember McLaughlin noted the first meeting of the Bell Tower Green Park Advisory Committee took place August 23, 2022 and included the establishment of guidelines and the nomination of Chair Bill Wagoner and Co-chair Alvero Rosero. He added at its September 14, 2022 meeting the committee discussed the placement of a permanent flag at the park. He noted the Committee met with Land Design who shared a presentation regarding the history of the park and the design process. He added the goal was for the park to be seamless without natural barriers or a fence in place. He stated during the master planning process the placement of a flag was considered, and he indicated the committee saw a flag across the street and determined an

additional flag was not needed. He indicated the committee voted six to one against the placement of a flag at the park.

Mr. Corriher explained Bell Tower Green Inc. and the City entered into a Park Operations and Maintenance Agreement and it outlined expectations regarding park amenities and cleanliness. He pointed out changes are allowed in the agreement, but it requires the consent of both parties, and he noted the agreement does not include anything specific to the flag. He clarified if Council wants to make changes to the park it would request the consent of Bell Tower Green, Inc. He pointed out if the parties cannot reach an agreement the reasonableness standard requires the parties to operate in good faith to try and reach an agreement regarding how to make changes to the park.

Councilmember Smith thanked the Bell Tower Green Advisory Committee for its work regarding the placement of a permanent flag in the Bell Tower Green Park, the veterans and those who demonstrated for a flag at the park, staff and everyone who has been involved in the process. He noted he appreciates the Committee's suggestion, but Council has to make broader considerations beyond the design features of the park. He noted as a veteran he swore to protect this country and its Constitution, and to serve the republic and its people. He reminded veterans their service is to their fellow Americans and the country. He stated it is important to understand that the Bell Tower Green Advisory Committee is not un-American because they have design concerns about placing a flag in a public park, and he noted the flag should be a symbol that brings people together. He stated he is in favor of placing a permanent flag in the Bell Tower Green Park. He added the country is deeply divided and in need of ways to bring people together around a deeper meaning and purpose. He added he is voting for the symbol of the republic to be in the park which is a place for diverse communities to come together and tell the bigger story of the community's differences, distinctions, and diversity.

Councilmember Post thanked everyone who corresponded with him regarding the flag at the Bell Tower Green Park and those who have worked on the placement of the flag. He noted he is troubled that the placement of the flag at the park has become a political issue.

Councilmember McLaughlin noted the park is for everyone. He added North Carolina is ranked ninth regarding the number of veterans who live in the state, and Rowan County is ranked 24th in the state for the number of veterans who live here. He pointed out 3,000 veterans live in the City, which has a VA Hospital and a National Cemetery. He stated the park is meant for everyone and 10% of the City's population has requested a flag be located at Bell Tower Green Park.

Councilmember McLaughlin commended the Bell Tower Green Advisory Committee for its work, and he pointed out the Committee was not formed to vote on the flag. He explained the Committee felt, due to the design of the park, that the flag at the County building encompassed the park. He pointed out in 8 to 10 years visitors will not be able to see the flag at the County building in all areas of the park because of the trees. He added Bell Tower Green is a wonderful park where people come together on a daily basis with no division or animosity, just mutual enjoyment of the park. He indicated a flag is needed at the park.

Mayor Pro Tem Sheffield thanked everyone for their passion. She stated it is important for Council to make a fact-based decision for the greater good. She noted Council recognized National Bully Prevention Month, and she is saddened that the placement of a flag has become a political issue. She noted the City has over 20 parks, and she questioned if a precedent will be set to have a flag in every park. She added she is troubled by the divisiveness that this has caused, and she pointed out no member of Council has stated they were against the flag. She commented she fully supports a flag in the Bell Tower Green Park, and she added the flag is supposed to bring people together.

Mayor Alexander thanked Council for its insight. She pointed out the flag is a symbol of the representative government process. She noted when Council comes together to make a decision it is extremely important to make a decision that will bring the community together. She thanked everyone for their passion regarding the flag, and she challenged citizens to use their passion to help those who are suffering in the community. She stated she will vote in support of a flag at Bell Tower Green Park. She clarified the Bell Tower Green Advisory Committee was tasked with looking at one issue and Council's job is to look at this issue in context of the entire community.

Thereupon, Councilmember McLaughlin made a **motion** to place a permanent flag in Bell Tower Green Park. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

Councilmember McLaughlin stated the Bell Tower Park Advisory Committee considered the area and what would help the park be seamless. He added committee members should not receive backlash, and he pointed out it was Council's job to consider the bigger picture which resulted in a different vote.

Mayor Alexander commended Councilmember McLaughlin for his work as Council liaison to the Bell Tower Green Advisory Committee and the Parks and Recreation Advisory Board. She thanked everyone who serves on a City Board or Commission for their work to make the City a better place.

Thereupon, Councilmember Post made a **motion** to request the Bell Tower Green Advisory Committee to provide a recommendation for the appropriate location of a permanent flag in the Bell Tower Green Park within 30 days. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

RECESS

Mayor Alexander requested Council take a short recess. The meeting reconvened at 7:40 p.m.

PROJECT FINISHING

This item was postponed.

MID CAROLINA REGIONAL AIRPORT

Planning Director Hannah Jacobson addressed Council regarding the adoption of an Ordinance to release the Mid Carolina Regional Airport from the City's Extraterritorial Jurisdiction (ETJ).

Ms. Jacobson stated in 2013 the General Assembly passed a local bill that de-annexed the airport from the City limits. She explained the airport was not removed from the City's ETJ, where it has zoning and planning authority, and there have been challenges trying to fit airport regulations into the City's Light Industrial (LI) zoning district. She indicated approximately one year ago, staff began meeting with County airport and planning staff regarding the challenges and it was decided that the best approach was to remove the airport from the City's ETJ.

Ms. Jacobson noted on May 16, 2022 County Commissioners adopted a resolution requesting the City release the airport from its ETJ, and a letter was sent to Mayor Alexander on June 2, 2022 explaining the rationale of the request. She stated staff requested that LI zoning be replaced and the County created an Airport Industrial zoning district. She indicated staff reviewed the zoning to determine its compatibility to the surrounding area. She noted staff determined the proposed zoning changes would have little impact to the surrounding areas, which are predominantly zoned for industrial use. She commented the residential area is separated by Grants Creek, which serves as a large natural buffer.

Ms. Jacobson indicated the County Commissioners met on September 19, 2022 and voted to approve amendments to their Land Development Ordinance (LDO) regarding the Airport Industrial zoning district. She added the Commission also expressed its appreciation to the City for its cooperation.

Mayor Alexander convened a public hearing after due notice regarding releasing the Mid Carolina Regional Airport property from the City's ETJ.

Mr. Ed Muire, Rowan County Planning Director, thanked Council for its cooperation regarding the initiative.

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

Thereupon, Councilmember Post made a **motion** to adopt an Ordinance releasing the Mid Carolina Regional Airport from the Salisbury Extraterritorial Jurisdiction. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE RELEASING THE MID-CAROLINA REGIONAL AIRPORT FROM THE SALISBURY EXTRATERRITORIAL JURISDICTION, INCLUDING TAX MAP 460 PARCELS 063, 165, 184; and TAX MAP 461 PARCELS 077, 185, 187; and TAX MAP 462 PARCEL 012; and TAX MAP 469 PARCELS 020, 024, 039, 049, 055, 063, 064; and TAX MAP 470 PARCELS 0010000001, 037, 042; and TAX MAP 471 PARCEL 043.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 182, and is known as Ordinance 2022-69.)

UPDATED LOCAL HISTORIC DISTRICT STANDARDS

Planner Emily Vanek asked Council to consider the proposed Local Historic Design Standards. She reviewed the current standards of the local Historic District Guidelines adopted in 2015, and the Certificate of Appropriateness levels of review.

Ms. Vanek reviewed the areas included in the Local Historic Landmark Districts. She pointed out the proposed Local Historic Design Standards will provide clarity to applicants, updates for Landmarks and modernize standards.

Ms. Vanek explained a Standards Update Subcommittee was formed in July 2021. She noted public hearings were held and the application was sent to the State Historic Preservation Office for review. She noted in July a preservation link newsletter was sent to each property owner in the district. She added the Historic Preservation Commission (HPC) approved the Local Historic Design Standards at its September meeting. She indicated drafts were available for review on the City Website, the HPC's webpage and a physical copy was available at Development Services.

Mayor Pro Tem Sheffield asked if any concerns were received. Ms. Vanek noted staff received questions about concrete, and she stated concrete is allowed as paving material and should be consistent with the main building.

Mayor Alexander asked about new materials such as cementitious siding being used. Ms. Vanek commented cementitious siding is allowed in new construction and can be used on an existing building, but not the majority of the finish.

Councilmember Post pointed out some standards may make it hard for people to renovate their property due to the costs and could lead to dilapidated situations.

Mayor Alexander convened a public hearing after due notice regarding the update of Local Historic District Standards.

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

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt the updated Local Historic District Standards. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

NOMINATION INTO THE NATIONAL REGISTER OF HISTORIC PLACES CITY MOTOR COMPANY BUILDING

Planner Emily Vanek presented information regarding the eligibility for listing the City Motor Company building located at 419 South Fulton Street in the National Register of Historic Places. She pointed out the Historic Preservation Commission (HPC) and Council are required to receive public comment and provide a report to the State Historic Preservation Office (SHPO) for its nomination into the Register.

Ms. Vanek explained details regarding the property, and she noted the property is located within the Downtown Local Historic District, but not within the National Historic District, which means it is subject to the Certificate of Appropriateness process and is not eligible for the State Historic Rehabilitation Tax Credits.

Mayor Alexander convened a public hearing after due notice regarding the nomination of the City Motor Company building to the National Register of Historic Places.

Clyde pointed out this building is historic as a part of the Rufty family's contributions to Salisbury.

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

Thereupon, Councilmember Smith made a **motion** to endorse the nomination of the City Motor Company building located at 419 South Main Street to the National Register of Historic Places. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT – 1215 OLD CONCORD ROAD

This item was postponed.

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher had nothing to report to Council.

CITY MANAGER'S REPORT

City Manager Jim Greene noted he will attend a Racial Equity Rowan training on Thursday and Friday. He thanked former City Manager Lane Bailey for his work in having all of the City's Management team participate in the training.

COUNCIL COMMENTS

Council had nothing to report.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield thanked Boards and Commission members and for their work that does not go unnoticed. She added she appreciates the work each person does for the community.

Mayor Pro Tem Sheffield commented BlockWork will take place soon, and she encouraged citizens to volunteer.

Mayor Pro Tem Sheffield pointed out Mr. Rip Kersey passed away. She noted he was in the same Citizen's Academy Class as she and Councilmember Smith. She added he was a great person who will be missed.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander thanked staff and Council for the hard work it does for the community.

(a) Cultivating Community Conversations

Mayor Alexander announced the Police Department will host its second "Cultivating Community Conversations" Thursday, September 22, 2022 at 5:30 p.m. at Fire Station 6 located at 310 Cedar Springs Road. Members of the Police Chief's Advisory Board will lead open discussion between officers and residents. Food will be served.

(b) Fall Spruce Up Week

Mayor Alexander announced Fall Spruce Up Week will be held October 3-7, 2022. This week is designated for residential customers who have City of Salisbury garbage service. Items must be placed at the curb no later than 7:00 a.m. on resident's regular garbage collection day. For additional information or for a list of items Public Works can and cannot collect please visit www.salisburync.gov/PublicWorks or call 704- 638-5260.

(c) 9th Annual Busker's Bash

Mayor Alexander announced the 9th Annual Busker's Bash will take place Friday, October 7, 2022 from 5:00 p.m. until 9:00 p.m. Buskers will display their talents from 5:30 p.m. until 8:00 p.m. Visitors can pick up their voting pic-pac and map from City Hall, Rowan Museum or in front of Hive. For more information please visit www.downtownsalisburync.com.

(d) BrewFest

Mayor Alexander announced the first Bell Tower BrewFest will be held Saturday, October 8, 2022 from 12:00 noon until 5:00 p.m. at Bell Tower Green. This ticketed event will allow attendees 21 years of age or older to experience various breweries from across North Carolina. The festival ends at 5:00 p.m. and is followed by a free concert with 20 Ride, a Zac Brown tribute band. For more information and to purchase tickets please visit www.downtownsalisburync.com.

(e) BlockWork

Mayor Alexander announced the 12th annual BlockWork neighborhood improvement project will be held Saturday, October 22, 2022 in the 500 block of West Council Street. The Community Appearance Commission and Housing Advocacy Commission are seeking volunteers to help with exterior home repairs like painting, carpentry, and landscaping. T-shirts, gloves, meals and drinks will be provided. Sign up to volunteer by visiting www.salisburync.gov/blockwork by Friday, October 14, 2022.

(f) October Council Meeting

Mayor Alexander announced Council's first meeting in October has been moved and will be held Monday, October 3, 2022 in observance of Yom Kippur.

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 8:05 p.m.

Karen Alexander, Mayor

Kelly Baker, City Clerk