

Salisbury, North Carolina
February 4, 2020

REGULAR MEETING

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

ABSENT: City Clerk Diane Gilmore.

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

RECOGNITION OF VISITORS

Mayor Alexander welcomed all visitors present.

ALTERATIONS TO THE AGENDA

Mayor Alexander noted the following changes to the Agenda;

Remove – Consent Agenda item 6(c): Authorize the City Manager to execute a change order with Atlantic Coast Contractors, Inc. in the amount of \$400,000 for construction related to Phase 4 of the Sanitary Sewer Rehabilitation Project.

Change – Agenda item 9 to include Section a. Parks and Recreation pickleball update, Section b. public input, and Section c. discussion.

Replace – Agenda item 14 with a Resolution in Support for the 2020 Rowan County Bond Referendum.

Add – Council will go into closed session following Agenda item 20.

ADOPTION OF THE AGENDA

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

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Special meeting of January 7, 2020 and the Regular meeting of January 21, 2020.

(b) Budget Ordinance Amendment – Automatic Passenger Counters

Adopt a Budget Ordinance amendment to the FY2019-2020 budget in the amount of \$40,114 to appropriate fund balance for automatic passenger counters.

ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE FOR AUTOMATIC PASSENGER COUNTERS.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 10 and is known as Ordinance 2020-10.)

(c) Change Order – Atlantic Coast Contractors

Authorize the City Manager to execute a change order with Atlantic Coast Contractors, Inc. in the amount of \$400,000 for construction related to Phase 4 of the Sanitary Sewer Rehabilitation Project.

(d) Resolution – Intent to close a portion of an alley duct on Birdie Avenue

Adopt a Resolution declaring City Council's intent to close a portion of an alley off the 100 Block of South Lee Street and set a public hearing for March 3, 2020.

RESOLUTION DECLARING CITY COUNCIL'S INTENT TO CLOSE A PORTION OF AN ALLEY OFF THE 100 BLOCK OF SOUTH LEE STREET AND SET A PUBLIC HEARING FOR MARCH 3, 2020.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 5, and is known as Resolution 2020-03.)

(e) Right-of-Way Encroachment

Approve a Right-of-Way Encroachment by Level 3 for the installation of directional bored duct on Birdie Avenue per Section 11-24 (27) of the City Code.

(f) Parking Restrictions

Adopt an Ordinance amending Chapter 13, Article X of the City Code relating to parking to remove the parking prohibited at all times for portions of the south side of the 200-300 blocks of West Franklin Street.

ORDINANCE AMENDING CHAPTER 13, ARTICLE X OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 11, and is known as Ordinance 2020-11.)

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

Mr. Howard Doby noted he is proud repairs were made to the City Lake. He expressed his concerns regarding the street repaving on Confederate Avenue and the street lighting on Stokes Ferry Road near Sills Drive. He added a structure on Depot Street near the bus stop needs to be repaired.

Ms. Luann Nordine pointed out she spoke with two male residents on West Miller Street and two female residents on North Jackson Street regarding the pickleball and tennis ball court conversion. She noted their concerns were with the noise, traffic and safety in the neighborhoods, and she added each resident was against the permanent conversion. She demonstrated how the game of tennis and pickleball pose different noise levels.

Mr. Bryan Wymbms noted he is in favor of both pickleball and tennis. He stated as a Salisbury Academy tennis coach his team has to pay to use the Country Club's tennis courts due

to the condition of the tennis courts in the City. He pointed out other schools in the City could benefit with the resurfaced courts. He stated he hopes the tennis and pickleball community can develop a compromise to benefit the entire community.

Ms. Margaret Lipe indicated she is a real estate broker for the Wallace Realty Company and represents the Granberry family in the sale of property to Preston Communities, LLC. She added the proposed apartments by Preston Communities, LLC will provide affordable housing, and she noted numerous apartment complexes in Salisbury have waiting lists. She explained Preston Communities, LLC is a private development company willing to invest money in the community to provide affordable housing and to spur economic growth.

Ms. Emily Rivers point out over the past two years she has been pleased to see police patrol on her street at least three times a day, and she hoped to see it continue. She expressed concerns regarding the picture of people standing in front of the Fame Statue with confederate flags. She commented she does not want people visiting Salisbury to get the wrong message about the City.

Ms. Ashley Honbarrier commented she is the Executive Director of Happy Roots who manages local community gardens and works with Horizons Unlimited and the Rowan-Salisbury School System (RSSS) to implement school gardens. She noted Happy Roots practices environmental stewardship, and she expressed concerns regarding litter. She commented Happy Roots started a Facebook group called Clean Up Salisbury to recognize the outstanding citizens who regularly pick up trash. She added she hopes the City can help promote and encourage residents to clean up the City.

Mayor Alexander noted a previous conversation with Public Works Director Craig Powers about incorporating information regarding the litter issue during the fourth grade tours. She added students will develop solutions once they hear a staff presentation regarding the City's litter conditions. She thanked Ms. Honbarrier for her ideas.

Mayor Pro Tem Heggins thanked Ms. Honbarrier and Happy Roots for the tremendous work they do throughout the community.

Councilmember Sheffield referenced information she provided at the previous Council meeting regarding litter. She pointed out events that took past last year and events coming up this year. She encouraged citizens to attend a Community Appearance Commission meeting or a Neighborhood Leadership Alliance meetings to learn ways the City is working to improve the litter issue. She commented the City has things in place but needs more participation to implement the ideas. She thanked Ms. Honbarrier for her efforts.

Mayor Pro Tem Heggins commented she hopes efforts to assist communities that have trash dumped in them can be reviewed, and she added dumping is an issue the City faces.

Mr. Dylan Horne expressed interest in joining the Bicycle and Pedestrian Advisory Board. He noted he lived in Oregon where residents would ride their bikes every day, and he added bike lanes were on 95% of the roads. He commented he was Chair to the Bicycle and Pedestrian

Advisory Board for the last three years in Oregon, and he added he would like to offer his services and ideas to the City.

There being no one else to address Council, Mayor Alexander closed the public comment session. She thanked everyone who spoke during the public comment session.

LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-03-2019

Senior Planner Catherine Garner presented information regarding land development district map amendment CD-03-2019 to rezone Rowan Woodland Apartments. She stated the petitioner is Preston Development Group represented by Mr. Steve Causey of Allied Design, Inc., and the property owner is Ms. Mary Granberry. She pointed out the property is located in the 2700 block on the south side of Statesville Boulevard.

Ms. Garner explained the request is for a multifamily residential campus style apartment development. She stated there is a need to rezone the property because it is currently located in three different zones: Corridor Mixed-Use (CMX), Residential Mixed-Use (RMX), and Open Space Primary (OSP). She stated the zoning of the area was completed in 2007-2008 as an attempt to develop the property for a mixed-use development. She added the request is to rezone the property to CMX district and allow a Conditional District (CD) on the two parcels nearby. She noted the two parcels being considered were combined as part of the engineering review, and she added the CD process allows for the applicant to request special design proposals and criteria.

Ms. Garner stated the proposed site plan will include 10 residential buildings, one community building, and several on-site accessory structures for facility maintenance and other site features. She added a pool is proposed as part of the neighborhood amenities along with an onsite mail kiosk, enclosed dumpster, and bus shelter. She reviewed the landscape rendering site plans, and she noted the buffers will change along the property lines as required by the ordinance based on the adjacent zoning districts, and she explained most of the proposed area will remain wooded which will provide a natural buffer.

Ms. Garner indicated the proposed development is not inconsistent with the Vision 2020 Comprehensive Plan specifically Policy N-16 that new development should include a neighborhood center and focal point; Policy N-18 that a mixture of housing types, sizes and prices shall be encouraged within the bounds of each neighborhood planning; and Policy N-19 for access to higher density housing shall not be through a lower density housing area.

Ms. Garner commented staff spoke with Transit Director Rodney Harrison regarding the possibility of bus services to the site. She added the closest bus stop is slightly over one mile down Statesville Boulevard at Lash Drive which could be a possible walk, but a future extension of the bus service may be possible depending on the budget and Council's directive.

Ms. Garner pointed out the Planning Board held a courtesy hearing on January 14, 2020, and she added members voted unanimously to recommend approval as proposed with the alternative design and found that it was not inconsistent with the Vision 2020 Comprehensive Plan.

Councilmember Post asked about the mixture of housing type, sizes, prices and square footage. Ms. Garner commented the proposal is for one, two, and three bedroom units depending on the size of the unit. Mr. Steve Causey of Allied Design, Inc. introduced Mr. John Cranford with Preston Development. Mr. Cranford stated the square footage ranges from 725 to 1,150 square feet with a rental rate range of \$850 to \$1,300 depending on the specific unit. Councilmember Post asked how many units will be included. Mr. Cranford explained there will be 240 units in total with a general mix of one, two, and three bedrooms.

Councilmember Miller asked if the rates are market rate. Mr. Cranford agreed.

Mayor Alexander asked if there is a concern with traffic and installing a stop light. Ms. Garner commented there has been conversation with the North Carolina Department of Transportation (NCDOT) regarding improvements that might be required, and she indicated she is not sure if a stop light is required, but there has been discussion about a taper lane within the right-of-way. She indicated NCDOT attended pre-application meetings and is aware of the plan. She added the developers are working with NCDOT regarding the driveway permit and its requirements.

Councilmember Miller commented according to the right in and right out conditions the traffic light should not be an issue. Mr. Causey commented a full access turning left in and left out was submitted for approval, but it was denied. He noted a median currently exists and will remain in place to only allow right in and right out traffic pattern with u-turns to be made at the signal.

Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding CD-03-2019.

Ms. Shania Scott asked if there is an occupant in the house that is planned to be demolished.

Ms. Dora Mbuwayesango shared her concerns regarding how the rent rates were determined in regards to affordable housing and the average job salaries in Salisbury. She asked about the percentage of residents who still reside at Brenner Crossing. She pointed out she is concerned the proposed apartment complex will bring new residents and not solve the problem of insufficient affordable housing.

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

Councilmember Miller pointed out the property owner has to be willing to sell its property to the developer before development can take place, and he added Council would never demolish a house without permission. He commented Council does not determine the rental rates, and he noted Council makes decisions based on the zoning criteria. He added the developer determines the amount of rent necessary to cover the construction costs.

Mayor Pro Tem Heggins asked about the percentage of low income units available at Brenner Crossing. She stated even though Council does not determine rental rates in communities,

Council can participate in how affordable housing is available for its citizens so that everyone has a place to live. Ms. Garner explained she does not have the percentage of available units at Brenner Crossing. She added staff is aware of several affordable housing projects that may be brought to Council in the next month with developers who are interested in affordable housing projects.

Mayor Alexander stated Brenner Crossing had to meet specific requirements in order to get a tax credit from the North Carolina Financing Agency. She added other projects such as the one proposed do not get any special financing or incentives, so the developer will use the market rate for rent. Mr. Causey pointed out the project is self-financed.

Councilmember Sheffield stated it is important for the City to pay attention to low income housing, and she requested for more information regarding Brenner Crossing be provided to Council. She also asked what the need is for affordable housing so that improvements are made to Fair Housing.

Councilmember Sheffield asked what the next steps are if the rezoning request is approved. Ms. Garner pointed out if the rezoning request is approved, Preston Development and Allied Design would submit construction documents for construction review to ensure applicable City ordinances and utility ordinances are being met, and the property will need to be annexed into the City limits for water and sewer connections. She added the developer wanted to wait for annexation until the rezoning was approved. She noted then permits would be issued and construction can begin once all conditions have been satisfied.

Mayor Pro Tem Heggins asked what incentives the City gives to developers in order for their costs to be kept at minimum. Mayor Alexander pointed out she is pleased to have the developer with self-financing as it does not take away tax payers' resources to give the incentives. Mayor Pro Tem Heggins pointed out everyone is a tax payer no matter the amount of income, and she added as a local government it would great if the City could participate in a type of program or partnership to assist developers who want to provide quality housing.

Councilmember Post asked if the developers received any incentives from the City or County. Mr. Causey pointed out they did not receive any incentives. He noted he builds projects in North Carolina and was pleased how the One Stop Shop made the process easy, and he added it is nice to develop in communities that are welcoming.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the two parcels described herein from Corridor Mixed-Use, Residential Mixed-Use, and Open Space Primary to Corridor Mixed-Use district; and establishing a Conditional District Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies N-16; New development should include a neighborhood center and focal point; Policy N-18: A mixture of housing types, sizes, and prices shall be encouraged within the bounds of each neighborhood planning area; and Policy N-19: Access to higher density housing shall not be through a lower density housing area.

Thereupon, Councilmember Miller made a **motion** to adopt an Ordinance amending the Land Development Ordinance and the Land Development District Map of the City of Salisbury,

North Carolina rezoning two parcels from Corridor Mixed-Use, Residential Mixed-Use, and Open Space Primary to Corridor Mixed-Use and apply a Conditional District Overlay to subject parcels, approximately 21.535 acres, at 2715 Statesville Boulevard establishing a Conditional District Overlay to permit the development of a 240 unit multifamily residential campus style apartment development. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY NORTH CAROLINA REZONING APPROXIMATELY 21.535 ACRES ON THE SOUTH SIDE OF THE 2700 BLOCK OF STATESVILLE BOULEVARD FROM CORRIDOR MIXED-USE, RESIDENTIAL MIXED-USE, AND OPEN SPACE PRIMARY TO CORRIDOR MIXED USE AND ESTABLISH A NEW CONDITIONAL DISTRICT OVERLAY WITH A MASTER PLAN FOR A PROPOSED CAMPUS STYLE RESIDENTIAL DEVELOPMENT MASTER PLAN.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 12-13, and is known as Ordinance 2020-12.)

PICKLEBALL COURT CONVERSION

Parks and Recreation Director Nick Aceves introduced Recreation Coordinator Teri Shaw and Recreation Program Manager Sam Wilborn. Mr. Aceves addressed Council regarding the conversion of two tennis courts at City Park to six pickleball courts. He noted the item was originally brought to the Parks and Recreation Advisory Board in August 2018 and the Board voted unanimously to approve the conversion. He stated the item received additional discussion in the fall of 2018 with no opposition. He added in November 2019 a final vote was taken and the conversion was unanimously approved.

Mr. Aceves indicated staff presented the pros and cons of the proposed court conversion to the Parks and Recreation Advisory Board and it held open discussion regarding the various options. He explained the options that were discussed, and he added building a new facility at another location was also mentioned. He stated the Board voted unanimously to move forward with the court conversion to serve as many residents as possible which is in line with the Master Plan regarding infrastructure improvements. He clarified it was the recommendation of staff and the Advisory Board that a new facility would not be fiscally responsible and the money would be better spent to fix the Fred M. Evans Pool or the floor at Hall Gym.

Mayor Alexander asked Mr. Aceves to review the options. Mr. Aceves stated the tennis courts need to be resurfaced regardless of the proposed conversion. He noted if the court conversion is granted the remaining four tennis courts will need to be resurfaced. Councilmember Miller asked about the cost to resurface the tennis courts. Mr. Aceves explained the City could apply for a United States Tennis Association (USTA) grant for up to \$20,000 per court to resurface four to 11 courts. He noted the City would receive approximately \$40,000 or \$10,000 per court. Mayor Alexander asked about the criteria for receiving the USTA grant. Mr. Aceves explained a match is needed to apply for the grant and youth lines are required on the tennis courts. He added

some people in the tennis community did not want the youth lines, but it is a requirement for the USTA grant. He indicated one of the reasons for opposition to the conversion of the two tennis courts to pickleball courts is the lines on the courts.

Mr. Aceves reviewed the advantages of the proposed conversion: it provides an additional amenity for citizens at no cost to the Parks and Recreation Department, it will save on maintenance costs because the City will not be building and maintaining a separate facility, and it will increase park usage. Mr. Aceves pointed out there is limited parking in the area and if the park usage increases traffic will also increase. He added staff is looking for ways it can increase opportunities with a limited budget. He stated if the conversion progresses City Park will lose two tennis courts and the remaining four tennis courts will need to be updated.

Mr. Aceves explained there is an option to resurface the tennis courts and build an additional facility for pickleball at a cost of up to \$300,000. He noted the additional site would require Public Works to maintain both facilities and in five to seven years court resurfacing would be needed at two facilities. He pointed out it would create a separate amenity and give the City the ability to host a premier pickleball tournament. He commented there would be additional utility costs and maintenance costs associated with a separate facility.

Mr. Aceves stated there is an option to not move forward with the proposed conversion. He pointed out the lack of parking would not be impacted and tennis courts one and two would be available for tennis tournaments. He added the courts will still need to be resurfaced and the utilization is not there, but another group would increase the utilization. He noted if the temporary pickleball lines remain, pickleball players will be required to bring nets to play on the courts.

Mayor Pro Tem Heggins referenced the USTA grant, and she noted the youth lines are required. She asked if the youth lines and pickleball lines are the same. Councilmember Post noted the lines are different. Ms. Heggins commented if the two tennis courts are converted into pickle ball courts four tennis courts will remain in their current condition. Mr. Aceves noted the condition of the tennis courts needs to be addressed.

Mr. Aceves explained with the proposed conversion the City would have six pickleball courts. He added the tennis nets would be left in place so the courts could be converted back to tennis. He stated the remaining four courts would be as they are today and still need to be resurfaced.

Mayor Pro Tem Heggins asked what has contributed to the lack of tennis traffic at City Park. Mr. Aceves noted when he came to the City in 2015 the number had already decreased and interest had declined. He commented scanning cards were used for entry into the tennis courts and in August 2019 there were 115 scans to get on the courts and in comparison Hall Gym had 1,603 visits during the same month. He pointed out the scans at City Park could be for pickle ball or tennis and could include multiple players in each scan.

Mr. Aceves explained a tennis instructor had been available in the past. Ms. Shaw commented tennis is instructor based and the City does not have a staff member dedicated to tennis. She commented staff relies on the tennis instructor's expertise and the change in tennis instruction

impacted the programs the City is able to offer. Ms. Heggins pointed out the programming or lack of programming may be connected to the lower numbers. Mr. Aceves explained the programs are advertised through social media and the City's Play Book and low cost camps have been provided for children who may not be able to afford lessons. Mayor Alexander noted the tennis instructor is paid by the public and receives income from students. Ms. Shaw stated the instructor pays a monthly permitting fee for access to the tennis courts. Mr. Aceves clarified the cost has been lowered to try to improve numbers at the facility. Ms. Shaw explained the City covered additional pay for the tennis camps to keep the cost low. Mr. Aceves commented the City took a reduction in revenue to increase participation. He pointed out during the Rotary Tournament no fees are charged and the City sets up tents and tables for the event. He noted a fee is charged for tournaments at Community Park and it is a revenue generator.

Councilmember Post noted the last Rotary Tennis tournament took place two years ago, attracted approximately 65 people and raised \$1,000, but the money went to the Rotary Club and not to the City. Ms. Heggins noted the City donated the use of the tennis courts to the Rotary Club. Mr. Post agreed. Mr. Aceves clarified the City did not charge the Rotary Club a fee to host the tournament.

Councilmember Miller noted the courts need to be resurfaced and the Parks and Recreation Advisory Board has recommended converting two tennis courts into six pickle ball courts leaving four tennis courts in place. He asked if the proposal is just to convert the two tennis courts into pickleball courts or to convert the two courts and to resurface and repair and the entire six courts. Mr. Aceves noted the resurfacing needs to be done, but it is not included in the current budget. He commented when the donation was presented it brought an opportunity to consider a facility that is not in high use. He stated pickleball has become popular in the older adult active community and youth are also playing. He added he thinks more people would play if the courts had permanent pickleball nets.

Councilmember Miller asked how much it would cost to resurface all six courts. Mr. Aceves explained it would cost \$40,000 to \$50,000 to resurface all of the courts, but it may be possible to get a grant to cover a portion of the costs. He stated the City would commit approximately \$40,000 to be used with the \$25,000 donation the City received for a total of \$65,000. Mr. Miller clarified \$75,000 should cover resurfacing all of the courts at City Park. He indicated the City received a \$25,000 donation. Mr. Post noted several donors came together to donate \$25,000 and after two years the cost has probably increased and the donors have agreed to cover additional cost. Mr. Miller stated the courts need to be repaired and usage may be decreasing because of the conditions of the courts which must be addressed.

Councilmember Post pointed out courts 5 and 6 are in the best condition and the courts proposed to be converted to pickleball courts are courts 1 and 2. He noted a local professional has applied to teach tennis and is also working toward pickleball certification which would provide an opportunity for multiple programming if the two courts are converted to pickleball courts.

Mayor Pro Tem Heggins commented she did not want to set a precedent where public and private funds are combined because the private funds have a priority that is important to the donor and there is a priority from the private donors for pickleball courts. Mr. Miller clarified pickleball

has been a priority and someone has come forward to help fund the court conversion. Mr. Aceves explained the private donation would go toward converting the two tennis courts to six pickleball courts and the other funds would go toward repairing the four remaining tennis courts. He added the whole facility would be resurfaced. Ms. Heggins asked if the money is in the budget to resurface the four remaining tennis courts. Mr. Aceves noted the funds are not included in the current budget. Ms. Heggins pointed out until the money is located to fix the remaining tennis courts there would be an inequity.

Mayor Pro Tem Heggins stated if Council moves forward it needs to determine how to make the whole project work. Mayor Alexander stated Mr. Aceves wants to work toward a USTA grant. Ms. Heggins asked if the City has applied for the grant. Mr. Aceves indicated the City does not have a match, and he noted a letter of interest was submitted but without a match the City cannot proceed. He pointed out if a match was located there are other grants the City can apply for. Ms. Heggins clarified for the City to have the match Council would need to find the \$20,000. City Manager Lane Bailey explained if Council were to find \$20,000 with no strings attached it would be used for Hall Gym or other facilities where there is more public usage and a greater need. Mr. Aceves commented he can request the funding during the budget process.

Councilmember Sheffield asked when the courts were last resurfaced. Mr. Aceves indicated the courts were resurfaced in 2010. Ms. Sheffield stated tennis league play requires six courts, and she asked about the required number of courts for pickleball league play. Mr. Aceves noted whatever courts are available could be used for pickleball league play. Ms. Sheffield commented the two existing shared courts could be used for pickleball league play. Mr. Aceves agreed. Ms. Sheffield added with the shared courts and the remaining four tennis courts tennis league play could also take place in the City. Mr. Aceves agreed.

Mr. Aceves indicated staff has been asked about high school tennis, and he noted four courts are reserved for high school play. He pointed out when the tennis courts are reserved for the high schools and the remaining two courts are converted to pickleball the public would have to wait to use the tennis courts which is the same procedure currently used at Hall Gym. He stated staff reached out to the Rowan-Salisbury School System (RSSS) regarding how to partner with the School System to make their tennis courts accessible to citizens and to see if staff can work with the School System to determine if it is eligible for grants.

Councilmember Sheffield referenced the two clay tennis courts at Town Creek Park, and she asked if they are usable. Mr. Aceves indicated the courts are in disrepair. Ms. Sheffield asked where citizens can go to play tennis in the City. Ms. Aceves noted county schools use the City's tennis facilities. He added public tennis courts in the City are located at Knox Middle School, Henderson and Salisbury High Schools and City Park. He commented there are no permanent pickleball courts inside the City limits, but citizens can play at Hall Gym on temporary courts three times per week and on the temporary courts at City Park. Mr. Aceves pointed out citizens must bring their own net to play pickleball on the temporary courts at City Park. Ms. Sheffield asked about playing pickle ball at the YMCA. Mr. Aceves noted pickleball is available at the YMCA, but a membership or fee is required to play. Ms. Sheffield asked if citizens have access to the tennis courts at the schools. Mr. Wilborn noted staff is working with the School System to get a definitive answer regarding the School System's policy on public use of its tennis courts.

Councilmember Sheffield pointed out City Park currently has six tennis court, two are shared between tennis and pickleball. She added the goal is to resurface all of the courts used for tennis and pickleball. She commented if the pickleball courts are resurfaced with gifts from donors why is it no longer allowed to be a tennis court because the courts are currently shared. Mr. Aceves explained the courts would become permanent pickleball courts with the sleeves for the nets in the ground. He indicated making the nets removable has been discussed with the donors and the Board. Ms. Sheffield noted the courts would then be usable for league play for both sports. Mr. Aceves agreed.

Councilmember Sheffield stated the discussions have taken place for a year, and she asked why the City could not resurface the two courts for tennis and pickleball. She added she is not willing to sacrifice one sport for another. She thanked staff for its guidance.

Mr. Aceves responded to an email from Ms. Heggins where she asked who presented the information. He stated staff presented the information to Advisory Board. He indicated Ms. Heggins also asked about the November 2019 meeting and revote, and he explained staff's biggest recommendation was not to build a separate facility. He pointed out staff and the Advisory Board used the Master Plan information and invited members of the tennis group to provide their opinions regarding tennis.

Ms. Heggins noted the questions she presented to staff:

- What information was presented to the Parks and Recreation Advisory Board before its final vote
- Who were the presenters of the information
- With specific indicator how did the board arrive at its decision
- Did any voting member on the Parks and Recreation Advisory Board have a vested financial interest
- How was the decision best serving both tennis and pickleball communities
- How does this decision impact at-risk youth and low wealth communities who only have access to public courts
- What programming does the City offer to the pickleball and tennis communities

Councilmember Sheffield noted the City is working on getting an instructor who can offer services to the tennis and pickleball communities. Mr. Aceves explained the instructor left in December, and he added staff has met twice with a particular instructor and is working out the details of the proposal. He commented the work is contracted and staff thinks this option could foster growth and interest for both pickleball and tennis.

Councilmember Sheffield asked how the Parks and Recreation Advisory Board came to its decision. Mr. Aceves explained staff made its presentation and the board had discussions with the biggest concern being budget constraints, facility needs, a multi-use facility and the Master Plan. He added the Board voted unanimously to approve the proposal to convert the two tennis courts to pickleball courts.

Mayor Alexander noted the tennis group will make a presentation. Ms. Heggins asked if Councilmember Post should be allowed to vote on the decision. City Attorney Graham Corriher stated Mr. Post does not have a conflict regarding the matter before Council. He explained it is a legislative matter and councilmembers have a duty to vote and are only permitted to be excused from voting in limited circumstances. He indicated for legislative decisions like the one before Council it is only if they have a financial interest in the outcome and a donation for a project is not a financial interest in the outcome. He pointed out in a quasi-judicial setting bias must be considered and making a decision beforehand, which does not come into play in this situation. He emphasized the only question is if there is a financial interest in the outcome and in this case there is not a conflict of interest for any Councilmember, including Mr. Post, voting on the issue.

Ms. Mary Miller James stated the tennis community is grateful for the additional deliberation before Council renders a decision. She indicated she does not favor a private donation for a public taxpayer funded facility. She noted in this case six new pickleball courts will be resurfaced and the rest of the courts will be left in their current condition. She indicated Council should not consider accepting private funds in this situation unless it is committed to resurfacing the remaining tennis courts at City Park.

Ms. James indicated the tennis community acknowledges City Park usage has declined due to the deterioration of the tennis courts and the lack of a viable tennis program. She pointed out all six of the courts need to be resurfaced. She referenced a potential tennis instructor and noted he is proposing to offer individual and group lessons, junior play days, tennis in a weekend for adults, tennis academy for kids, summer camps, a minority outreach program and tennis tournaments. She commented tennis tournaments need to be held on six courts at a single location.

Ms. James noted other towns have converted tennis courts to pickleball courts and added pickleball lines to tennis courts, but never reduced the number of dedicated tennis courts below six. She stated the tennis courts at schools are locked and unavailable for public use. She commented the two clay tennis courts at the Civic Center are not in a usable condition. She pointed out all students should have the right to full use of the only dedicated six tennis facility in the County. She added the school that uses the City Park facility only uses four courts because there is a rule that no one can book more than four tennis courts. She indicated the schools should be allowed to use and reserve all six tennis courts. She commented local schools would use the City Park tennis courts if there were in better shape.

Ms. James explained Livingstone College is committed to using City Park tennis courts for its upcoming season, but requested no pickleball be played during their matches due to the noise it creates. She added if all the tennis courts were used for pickleball courts for an occasional tournament it would produce noise for the neighborhood. She added she is concerned pickleball could eventually take over the courts and leave no room for tennis. She indicated a separate facility is needed for pickleball and there are possibilities for partnerships in the community regarding a separate facility. She added the possibilities need to be explored. She requested the courts at City Park be resurfaced and dedicated to tennis and for the Parks and Recreation Department to bring someone on board who is interested in jumpstarting the City's tennis program. She asked Council to allow the tennis community one year to convert the City into a thriving tennis community like it used to be.

Mr. Jon Post noted he has no financial interest in the pickleball courts, and he explained he made a donation but no personal gain is involved. He added he has offered to Mr. Aceves to run Pickleball Tournaments, leagues and clinics, and teach lessons for free. He commented if the City hires the person who is being considered who knows tennis and pickleball it would be a great asset for tennis and pickleball.

Mr. Post stated he is concerned about the USTA and its guidelines for minimum number of courts for tennis activity. He added he contacted the USTA and the person he spoke to was unaware of minimum guidelines for tennis courts for USTA matches and league play. He noted he contacted the Southern Tennis Association which had no guidelines. He stated he then called the North Carolina Tennis Association and the person he spoke to did not know of minimum court guidelines. He called the North Carolina High School Activities Association but did not receive a response from the association. He added cities across the United States are converting a portion of the tennis courts to pickleball courts. He displayed photographs of other cities that have converted their tennis courts to pickleball courts.

Mr. Post indicated if four tennis courts are left there would be plenty of room for recreational tennis play. He agreed accommodations would be needed for tennis tournaments. He commented he has never seen more than two or three tennis courts being used during recreational play. He pointed out the Parks and Recreation Department continues to modify its offerings to accommodate as many people as possible and to keep up with changing times. He commented as a member of the Parks and Recreation Advisory Board one of the most important goals is to do much work with minimal funding. He added he believes the overall court conversion fits into the City-wide goals. He pointed out the ball is louder in pickleball, but both tennis and pickleball players make noise during play. He added the court conversion is not about tournaments, but about recreational play for the community.

Mr. Post referenced an article from *NBC News* which stated pickleball has had a 650% increase in numbers during the last six years. He referenced a *Salisbury Post* article that noted six dedicated and 17 temporary pickleball courts. He clarified the six permanent pickleball courts are located at Dan Nicholas Park and nine of the 17 temporary pickleball courts are located at the YMCA which can shift the play so that only three courts are available at a time unless a tournament is taking place. He added the three courts at Hall Gym are only available for three hours per day three times per week and the six courts at City Park require players to bring their own nets. He pointed out there is no place in the City where a person can play pickleball on the evenings or weekends if that person does not have a net or a YMCA membership. He added there is every reason to believe tennis and pickleball can work together to provide both activities for citizens.

Councilmember Post stated it does not make sense to issue a bond to build a pickleball facility. Mr. Aceves agreed, and he pointed out the money could be better used to build a pool, multi-use center or improve Hall Gym. He pointed out Public Works provides maintenance for the Parks and Recreation facilities and if new buildings are constructed without repairing the existing facilities it will fall into disrepair. Mr. Post asked how many courts would be needed to run viable pickleball and tennis tournaments. Mr. Wilborn explained the tournaments are scheduled around the facilities and the number of courts would not dictate the scheduling of the facility.

Councilmember Miller noted the courts are deteriorating and resurfacing the courts for everyone provides fairness. He added a viable tennis program is needed in the City, and he pointed out a good facility and programming around the facility will attract the use the City is looking for. He explained the City is facing significant budget pressures that will cause it to dip into its Fund Balance, and it does not have the funds to build a pickleball facility. He added Council serves the entire community and has an interest in both programs. He pointed out the courts will have to be resurfaced at a cost of \$60,000 to \$75,000. He indicated the City can keep its current programs and pay the entire amount or it can leverage donations from the community and grants to spend one-third of the proposed amount and have a facility that serves more people. He stated he supports moving forward with the Park and Recreation Advisory Board's recommendation. He commented the facilities need to be taken care of if the matching funds can be found. He indicated the City needs to convert two tennis courts to pickleball courts and resurface the whole facility, hopefully at a cost of approximately \$20,000 to the City.

Mayor Pro Tem Heggins stated she does not want to sacrifice either group and would prefer the City resurface the six courts and provide shared pickleball courts.

Councilmember Sheffield added Council is appreciative of the donation. She indicated she is concerned with the stipulation for permanent pickleball courts, but is at peace doing what Council and the Parks and Recreation Advisory Board recommends.

Councilmember Post explained in the beginning chalk lines were placed on the tennis courts to play pickleball and due to the lack of resources a donation was made. He added the donation was never intended to take anything away from the community.

Mayor Alexander stated she serves as the liaison to the Parks and Recreation Advisory Board, but she does not vote. She explained the Parks and Recreation Advisory Board makes its decisions based on how it can leverage the available funds to serve the most people in the community. She noted she is proud of the deliberations that were carefully considered. She pointed out the board voted unanimously twice to proceed with the project and it was pulled to be opened to the public. She thanked the tennis and pickleball communities for their presentations to Council. She added City Park has six tennis courts and the request is for one-third of the courts to provide an opportunity for a demographic of the community that clearly uses the facility. She clarified the request is to make the courts permanent pickleball courts because there are players who cannot haul the long poles to set up the pickleball courts. She added Council needs to find a match in its budget to apply for the USTA grant to resurface all six of the courts at City Park but it cannot build a standalone pickleball facility.

Mayor Pro Tem Heggins asked if shared courts are counted as permanent. Mr. Aceves explained permanent courts mean the poles are in the ground, and he noted the board discussed making the courts where the poles could be pulled out to accommodate a tournament. Ms. Shaw stated of the six tennis courts at City Park there are no pickleball nets, there are only lines. She added tennis can be played because the nets are in place and if one wants to play pickleball they must bring their own net. Ms. Heggins asked if the City could provide the nets if the courts were shared. Mayor Alexander noted staff would be needed to install the nets every time someone plays due to their weight.

Councilmember Miller then called for the question. Ms. Sheffield pointed out a vote is not scheduled on the Agenda. Mayor Alexander explained a vote is not required because Council can move forward and let the vote of the Parks and Recreation Advisory Board stand. She indicated Council wanted to discuss it as a Council and make the final decision.

Thereupon, Mr. Miller made a **motion** that Council proceed with the Parks and Recreation Advisory Board's recommendation to convert two tennis courts into six pickleball courts, and he further requested the City Manager bring a plan to Council to allocate \$25,000 from Fund Balance toward the resurfacing of the remaining courts on the condition that the City apply and receive the grants that were mentioned as a matching contribution to the work. He requested staff come back to Council if it is not able to secure the mentioned grants. Mayor Alexander and Councilmembers Miller, Post and Sheffield voted AYE. Mayor Pro Tem Heggins voted NAY (4-1)

Mayor Alexander thanked staff and citizens for their input and participation.

SALE OF PARCEL 005 140-01

City Engineer Wendy Brindle pointed out a Resolution authorizing the upset bid process for the sale of parcel 005 140-01 in the 300 Block of Grim Street was approved at Council's January 7, 2020 meeting. She stated no upset bids were received, and she asked Council for its decision of the final sale. She commented the offer from Truland Development, LLC is for \$3,500. She indicated Truland Development, LLC owns the parcel with a two story apartment complex directly beside this vacant parcel. She added prior to Truland Development, LLC purchasing the apartment complex property many code violations were found, but since they purchased it no code violations have been found according Code Services Manager Mike Cotilla.

Thereupon, Mayor Pro Tem Heggins made a **motion** to authorize the sale of Parcel 005 140-01, located in the 300 block of Grim Street, to Truland Development, LLC in the amount of \$3,500. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post and Sheffield voted AYE. (5-0)

UPDATE - SALISBURY POLICE DEPARTMENT

This item was postponed.

FORWARD 2040 COMPREHENSIVE PLAN VISION

Planning Director Hannah Jacobson presented information regarding the Forward 2040 Comprehensive Plan and opportunities available for citizen input for the vision statement. She commented the vision statement will provide guidance for the entire Comprehensive Plan and will help determine the goals and policies of the City and to reflect broad community participation.

Ms. Jacobson pointed out the two visioning activities are the Big Idea and the Big Picture. She explained the Big Idea activity is intended to help establish high-level community priorities for economic development, environmental sustainability, and community character. She noted citizens are asked to rank their ideas from most important to least important to get a sense of overall priority and emphasis for the plan. She added the Big Picture activity is intended to begin a conversation about areas of Salisbury that might need to evolve or remain the same and will help develop a growth development framework. She commented the goal of the activities is to be quick and accessible for community members and can also be completed online.

Senior Planner Catherine Garner indicated citizens can also participate by using a meeting-in-a-box or attending pop-in meetings. She explained the meeting-in-a-box includes instructions and materials to conduct the Big Idea and Big Picture activities to obtain survey results by hosting a quick meeting. She added the information gathered during the meeting would be placed in the box and the full box should be returned to staff.

Mayor Pro Tem Heggins commented she liked the idea, and she pointed out the options are innovative and creative. Mayor Alexander agreed, and she asked if other committees will be participating. Ms. Jacobson agreed. Councilmember Miller suggested giving a box to each of the Boards and Commissions as they may be interested to provide feedback.

Ms. Jacobson pointed out the other way to participate is in person through information sessions called pop-in-meetings to speak with staff and Steering Committee members. She noted there are five meetings already scheduled at different times and locations throughout the City.

Mayor Alexander asked if information regarding the 2020 Census could be included with the rest of the Steering Committee material. Ms. Jacobson agreed.

Councilmember Sheffield asked what the time frame is for staff receiving the results. Ms. Jacobson noted results should be returned by the end of March.

Mayor Pro Tem Heggins asked if any schools have been asked to participate in the study during parent and student open houses. Ms. Jacobson commented they had not, and she added it is a great idea. She indicated the Steering Committee will create a key audience and stakeholder's spreadsheet where certain populations can be identified where staff wants to reach out to brainstorm with people and organizations. She added information on ways to participate and contact information will be provided to them.

BOARDS AND COMMISSIONS

Community Appearance Commission

Upon a motion by Councilmember Sheffield. Mayor Heggins, Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following re-appointments were made to the Community Appearance Commission:

Mr. Reginald Boland
Mr. William Mason
Mr. Chris McNeely

Term Expires 03/31/2023
Term Expires 03/31/2023
Term Expires 03/31/2023

RESOLUTION – IN SUPPORT OF THE 2020 ROWAN COUNTY BOND REFERENDUM

City Attorney Graham Corriher indicated Council, as a whole, is limited by state law and the ability to adopt a referendum in support or opposition to any political issue or candidate. He recommended Council not adopt the Resolution in support of the 2020 Rowan County Bond Referendum. He added the reasoning does not involve the merits of the Resolution, but the legality of Council adopting it.

Mayor Alexander removed this item from the Agenda. No action was taken.

CITY ATTORNEY'S REPORT

(a) Resolution – Terminate Utility Services Co. Contracts

City Attorney Graham Corriher presented a Resolution authorizing the City Manager to terminate existing tank maintenance agreements with Utility Services Co. He pointed out there are approximately 15 contracts that date back to the 1990's that the City entered into on its behalf or inherited from the municipalities the City collaborates with including China Grove and Granite Quarry. He commented there are various terminations provisions in each contract, but all are similar with required actions from either Council, Mayor, or the City Manager. He added terminating the contracts does not reflect the quality of the contractor's work, but will provide Salisbury-Rowan Utilities (SRU) the ability to have its engineer approve or recommend necessary maintenance and then conduct the bid process according to the City policy.

Thereupon, Councilmember Miller made a **motion** to adopt a Resolution authorizing the City Manager to send notice to Utility Services Co., to terminate existing contracts. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post and Sheffield voted AYE. (5-0)

RESOLUTION AUTHORIZING THE CITY MANAGER TO SEND NOTICE TO UTILITY SERVICES CO. TO TERMINATE EXISTING CONTRACTS.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 6, and is known as Resolution 2020-04)

(b) Worker's Compensation Settlement

City Attorney Graham Corriher indicated the matter of Ken Keller vs. the City of Salisbury, the North Carolina League of Municipalities (NCLM) has settled for \$110,000 with the release of liability from the City.

CITY MANAGER'S REPORT

City Manager Lane Bailey had nothing to report to Council.

ANNOUNCEMENTS

(a) 7th Annual Wine About Winter

Mayor Alexander announced Downtown Salisbury, Inc. will host the 7th Annual Wine About Winter event Friday, February 7, 2020 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury. Tickets are \$22.50 in advance or \$30 on the day of the event. To purchase tickets or for additional information visit www.downtownsalisburync.com or call 704-637-7814.

(b) Livingstone College Founders Day

Mayor Alexander announced the Livingstone College Founders Day will take place Thursday, February 6, 2020 beginning at 10:00 a.m. in the Varick Auditorium with a lunch following at 1:00 p.m.

COUNCIL COMMENTS

Councilmember Sheffield thanked Councilmember Miller for his foresight regarding a compromise for the pickleball and tennis courts, and she added she thinks it is the right thing to do for all community members. She thanked everyone involved including the donors, both communities, and the Parks and Recreation Department.

Councilmember Sheffield read a letter from a citizen asking, "That we all be kind, we all be accepting, and we all be forgiving." She noted the citizen wanted the whole community to know those things.

Councilmember Post pointed out he received a notice in the mail from a for-profit company selling water filtration systems. He commented there are no concerns with the City's water supply.

Councilmember Post commented he attended the Mayors Innovation Project meeting in Washington, DC. He noted the meeting covered topics such as designing for extremes, affordable housing, 2020 Census, and a Cradle to Preschool program. He added the Oakland, California Mayor spoke about a website called Kiva that provides entrepreneurs with small loans. He explained a sponsor would have to pay for the loans with an investment of \$25,000, and he added some cities are acting as sponsors so businesses can apply for the help they need to be able to grow. He noted Mr. Gemale Black mentioned in a previous campaign that nearly 50 small business entrepreneurs are located in the minority neighborhoods and the biggest issue is lack of capital. He stated he hopes to move this idea forward to brainstorm on how to finance and get entrepreneurship loans started locally.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Heggins pointed out Council did incredible work during the Retreat. She thanked staff and City Manager Lane Bailey for the work that was put into getting Council prepared for the Retreat. She extended condolences to Mayor Alexander for the loss of her brother.

MAYOR'S COMMENTS

Mayor Alexander thanked staff for their work for the Retreat, and she also thanked Council for their work at the Retreat and a great team they make.

CLOSED SESSION

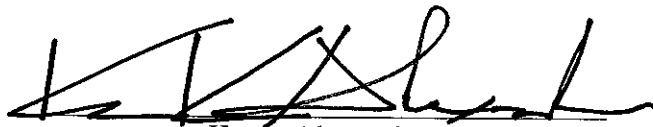
Thereupon, Councilmember Miller made a **motion** to go into closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(4). City Attorney Graham Corriher asked for motion to be amended to add an attorney client privilege conversation as well. Councilmember Miller accepted the amendment. Mayor Alexander, Mayor Pro Tem Heggins; and Councilmembers Miller, Post and Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

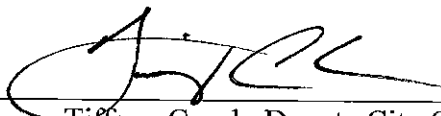
Council returned to open session. Mayor Alexander announced no action was taken during closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 10:00 p.m.



Karen Alexander, Mayor



Tiffany Crook, Deputy City Clerk