

Salisbury, North Carolina
January 16, 2024

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 Connie B. Snyder; and City Attorney J. Graham Corriher.

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Alexander at 6:00 p.m. A moment of silence was taken.

Mayor Alexander recognized the passing of former Councilmember David Clay.

PLEDGE OF ALLEGIANCE

Mayor Alexander recognized members of Scout Troop 448 who led participants in the Pledge of Allegiance to the United States flag.

ADOPTION OF THE AGENDA

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

RECOGNITION – SALISBURY-ROWAN UTILITIES AREA WIDE OPTIMIZATION AWARD

Council recognized Salisbury-Rowan Utilities (SRU) Water Treatment Plant employees for receiving the Area Wide Optimization Award. SRU Director Jim Behmer noted that the North Carolina Division of Water Resources recognized SRU for surpassing all federal and state drinking water standards for 2022. He stated the award is given annually to water systems that demonstrate outstanding turbidity removal which is a critical drinking water quality test. He presented the award to Water Treatment Plan Supervisor Jeff Parker.

Mayor and Council congratulated SRU Director Jim Behmer and SRU employees for receiving the Area Wide Optimization Award.

PROCLAMATIONS

Mayor to proclaim the following observances:

NATIONAL DAY OF RACIAL HEALING
SCHOOLS CHOICE WEEK
CATHOLIC SCHOOL WEEK

January 16, 2024
January 21-27, 2024
January 28, 2024 - February 3, 2024

CONSENT AGENDA

(a) Minutes

Approve Minutes of the special meeting of and regular meetings of January 2, 2024.

(b) Tolling Agreement Lamar Advertising

Authorize the City Manager to sign a tolling agreement with Lamar Advertising.

(c) Contract Modification – Cardno, Inc.

Authorize the City Manager to approve a contract modification with Cardno, Inc. in the amount of \$55,000 for professional services related to the Kesler Mill site.

(d) Local Assistance for Stormwater Infrastructure Investments Program Planning Grant

Adopt a Resolution authorizing the City Manager to execute a Funding Offer and Acceptance of a Local Assistance for Stormwater Infrastructure Investments Program (LASII) Planning Grant in the amount of \$400,000 from the North Carolina Department of Environmental Quality for stormwater services.

RESOLUTION BY GOVERNING BODY OF RECIPIENT.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 37, and is known as Resolution 2024-29.)

(e) Voluntary Annexation – 285 Peach Orchard Lane

Receive the Certificate of Sufficiency for the voluntary annexation of 10.88 acres located at 285 Peach Orchard Lane, Tax Map 407B Parcel 043, and adopt a Resolution setting the date of the public hearing for February 20, 2024.

RESOLUTION SETTING DATE OF A PUBLIC HEARING ON THE QUESTION OF THE ANNEXATION OF 285 PEACH ORCHARD LANE, PARCEL 407B043 PURSUANT TO N.C. G.S. 160A-58.1.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 37, and is known as Resolution 2024-29.)

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

Ms. Caren Lightfoot expressed concerns regarding a proposed voluntary annexation on Hawkinstown Road. She asked Council to consider providing opportunities for citizens to learn more about the annexation process and how it may affect them.

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

City Attorney Graham Corriher explained the annexation process for those in attendance.

ANNEXATION AGREEMENT WITH TOWN OF SPENCER

City Attorney Graham Corriher asked Council to consider adopting an Ordinance approving an Annexation Agreement between the City of Salisbury and the Town of Spencer.

Mr. Corriher explained citizens living in the City of Salisbury's Extra-Territorial Jurisdictions (ETJ's) are outside the City limits, but are subject to City zoning and land development regulations. He clarified if a property is within a City's ETJ, it would not receive municipal services but would be required to abide by municipal zoning rules. He noted as municipalities grow and areas urbanize, zoning and land use categories need to be consistent.

Mr. Corriher noted over 10 years ago, North Carolina cities had the authority to annex involuntarily, but laws were changed to restrict involuntary annexation.

Mr. Corriher commented the annexation agreement before Council is an agreement with the Town of Spencer. He stated the property owner is requesting to be annexed by the Town of Spencer. He explained the parcel is closer to Salisbury than it is to the Town of Spencer, however it is in Spencer's ETJ. He clarified in order for the property to be annexed into the Town of Spencer, Salisbury must grant permission.

Mr. Corriher displayed a map of the area, and he noted the annexation agreement for Hawkin's Meadow is for a 22 acre-residential subdivision that will include approximately 153 townhomes. He explained the property is within the Town of Spencer's ETJ and is subject to Spencer's land use development laws. He stated staff has reviewed the request and recommends Council approve the annexation agreement.

Mr. Corriher noted if Council approves the annexation agreement, it would give the Town of Spencer permission to proceed with the annexation process. He pointed out residents would be allowed to speak during the required public hearings that will take place in the Town of Spencer. He stated if Council does not approve the annexation agreement, the Town of Spencer will not be allowed to annex.

Councilmember McLaughlin asked how Hawkinstown residents would access Salisbury-Rowan Utilities' (SRU) services. SRU Director Jim Behmer explained if public services are available residents can tap into the extended water line to receive water and sewer service. He explained if public services are not available within the ETJ then residents can request cost estimates for extending water lines to their property. Mr. Behmer noted once the subdivision is built, citizens can call the City's One Stop Shop to ask questions regarding water and sewer availability.

Mayor Alexander convened a public hearing, after due notice, regarding the proposed annexation agreement with the Town of Spencer.

Ms. DeeDee Wright asked if the Planning Board must approve the annexation request. Mr. Corriher explained the property is outside the City's planning jurisdiction and the City can only give permission to the Town of Spencer to continue its annexation process.

Mr. Carl Martin from Hawkinstown Community Development Center addressed Council regarding his concerns about the proposed development. He stated 153 additional townhomes could increase traffic flow and the need for police and fire services. Mr. Corriher encouraged Mr. Martin to voice his concern at the Town of Spencer public hearing regarding the proposed annexation.

Ms. Caren Lightfoot expressed concerns about the proposed Hawkins Meadow residential development's impact on the City of Salisbury and the Town of Spencer.

Councilmember Smith encouraged Hawkinstown residents to bring their concerns to the Town of Spencer and attend public hearings.

Mayor Pro Tem Sheffield stated the Town of Spencer meets the second Tuesday of each month starting at 6:00 p.m. She recommended Hawkinstown residents who have concerns attend those meetings and speak at public hearings.

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

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt an Ordinance approving an Annexation Agreement between the City of Salisbury and the Town of Spencer. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT BETWEEN THE CITY OF SALISBURY, NORTH CAROLINA AND THE TOWN OF SPENCER, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 8-15, and is known as Ordinance 2024-04.)

FIRE DEPARTMENT YEAR IN REVIEW

City Manager Jim Greene, Fire Chief Bob Parnell, and Human Resources Business Partner Jennifer Silvia provided a 2023 review of the Fire Department. Mr. Greene noted questions and concerns have been raised regarding the Fire Department. He stated the Fire Department does a fantastic job under Chief Parnell's leadership.

Chief Parnell noted the Fire Department received its Class 1 Insurance Services Office (ISO) rating in June 2021. He pointed out less than 1% of fire departments in the nation have a Class 1 ISO rating. He explained the inspection was conducted by officials from the Department of Insurance Office of the State Fire Marshal (OSFM) and reinspection is required every five-years as part of the North Carolina Response Rating System (NCRRS). He added the score is based on staffing and equipment levels, equipment maintenance, communications capabilities, availability of a water source, and firefighter performance. Chief Parnell pointed out the Class 1 ISO rating relies upon multiple City departments, Rowan County 911 and investments made by Council. He added commercial properties inside the City limits can contact their insurance companies to inquire about lower insurance rates due to the Class 1 ISO rating. He reviewed emergency calls received around the City, and he commented Fire Station 1 is the busiest fire station.

Chief Parnell reviewed 2023 Fire Department highlights:

- Groundbreaking for Fire Station 3 took place in August
- A rescue fire truck was delivered in June
- City Telecommunications and events coordination transferred to the Fire Department

in January

- 3 replacement fire trucks were ordered, pending 46-month delivery
- Replaced turnout gear
 - Five-year goal completed in four years
- Six three-alarm fires in 2023

Chief Parnell referenced 2023 staffing levels, and he pointed out of the 14 firefighters who left the Department four had a career change, four went to neighboring fire departments, two retired, two were separated from the City, and two resigned during rookie school. He added there were 15 new hires in 2023. He reviewed fire truck staffing and firefighter work schedules. He explained the Fire Department has used the same staffing model for many years, but it was modified in 2021 due to the opening of Fire Station 6. He noted firefighters work 24-hour shifts and are then off for 48 hours. He explained 78 uniformed firefighters maintain A, B, and C shifts with 26 firefighters per shift covering seven fire trucks. He added the fire trucks can be minimally staffed with 22 firefighters, and he pointed out four additional positions are included to cover absences.

Chief Parnell explained Policy 1.02.25 which allows firefighters to be called in due to absences on the current shift, also known as a hire-back. He stated the policy requires firefighters to be available for a possible mandatory slot once every seven weeks. He referenced October through December 2023, and he noted 51 hire-backs were needed and 46, or 90%, were covered voluntarily and 5, or 10%, were mandatory. He indicated the firefighters receive overtime pay for the hire-backs and funds are budgeted to cover the costs. Mr. Greene explained the amount of overtime is not sustainable, and he indicated a portion of the overtime funds and possibly grant funding could be used to hire additional firefighters and reduce the overtime.

Chief Parnell referenced events that took place on December 26, 2023 when two firefighters had to leave work unexpectedly. He explained Ladder 4 was taken out of service for approximately 10 hours until the hire-backs could be called in. He stated 20 firefighters were on duty and no calls were missed. He noted firefighters responded in 1.58 minutes to an apartment fire that turned out to be an overheated dryer belt.

Chief Parnell stated firefighters work a 28-day cycle of 24 hours on and 48 hours off as required by the Fair Labor Standards Act with an overtime threshold of 212 hours. He explained the firefighters pay cycle includes scheduled overtime of four or 28 hours depending on their work schedule and hire-backs. He noted firefighters are scheduled to work 2,920 hours annually of which 144 hours are scheduled overtime and 2,778 hours are regular hours. He added the Fire Department has tried other operating models, but it proved difficult to staff the fire trucks.

Chief Parnell noted the Fire Department currently has 78 uniformed firefighters and it has four vacancies and one long-term military deployment. He pointed out a two-week notice is requested to leave the City, but it takes months to train a firefighter's replacement.

Mr. Greene reviewed the Fire and Police Department budgets, and he noted Council continues to invest in public safety.

Ms. Silvia reviewed Fire Department classification and compensation. She pointed out the normal work schedule for firefighters to Battalion Chief includes approximately \$4,800 of over-time per year per employee. Mr. Greene explained a new firefighter with the City would have a minimum salary of \$38,292 not including overtime. Ms. Silvia reviewed classification and compensation for other employees throughout the City. Mr. Greene stated it is important to look at salary opportunities for all employees. Ms. Silvia referenced salary increases at the Fire Department, and she pointed out firefighters can move up the pay range through merit increases and certification incentives. She then reviewed Citywide pay increases and bonuses.

Ms. Silvia noted three compensation reviews of the Fire Department have taken place in the past five years including a 2018 internal salary study that resulted in a 5% pay increase effective January 28, 2019. She stated in 2021, the MAPS Group did an initial review of the Fire Department that resulted in a salary increase based on comparable data from other cities along with a 2% Cost of Living Adjustment (COLA). She added the City-wide pay study conducted by the MAPS group and approved in October 2022 included a pay increase for 55 fire personnel. She reviewed Fire Department education incentives that include a pay increase for obtaining associates, bachelors and masters degrees. She noted there is a City-wide 2.5% pay increase offered for speaking Spanish that is based on department need. She reviewed specialized emergency services certifications and public life safety services that firefighters are compensated for obtaining. She commented a cross-departmental team is reviewing the education, incentive, and career development plan for all departments. Mr. Greene added the goal is to encourage education and specialized training for employees throughout the City.

Ms. Silvia reviewed the career development plan for firefighters, and she pointed out at each level firefighters receive a 5% pay increase or move to the minimum of the new pay grade whichever is higher.

Mr. Greene noted the City is focused on pay increases and education opportunities for all employees. He commented a pay study was implemented October 2022, but since that time other cities have completed pay studies. He added staff must continue to look at salaries and consider opportunities for employees to grow within the City. He noted the City has a very competitive benefits package. He pointed out the City is growing and additional positions are needed, but funding must be considered.

Council thanked Mr. Greene, Chief Parnell and Ms. Silvia for their presentation.

PURCHASE – 2025 PIERCE FIRE ENGINE

Division Chief Nicholas Martin addressed Council regarding the purchase of a 2025 Pierce fire engine from Atlantic Emergency Solutions, Inc. in the amount of \$842,057 that will include a \$50,000 equipment package to meet the City's needs. He pointed out the growth of the City is resulting in an increased call volume for the Fire Department and increased hours on the fire trucks. He stated staff has considered alternate opportunities to purchase fire trucks including stock units. He commented the fire truck before Council is similar to the fire engines previously ordered and meets the requirements of the Fire and Fleet Departments.

Chief Martin explained the fire engines Council recently purchased have a larger motor. He pointed out there was a change in emission standards in 2023 that require fire trucks to include a motor that can be converted to burn alternate fuels, at an extra cost of \$100,000. He added the fire truck for Council's consideration was originally ordered under previous pricing and does not include the alternate fuel capability requirement. Mr. Greene stated the proposed fire engine is approximately \$250,000 less than the previously purchased fire trucks and should arrive two years ahead of them.

Finance Director Wade Furches noted Council approved the construction of Fire Station 3 using \$2.6 million of Fund Balance to reduce the financing costs. He stated the City has been awarded a \$10 million state grant for public safety and the intent is to use the grant funding instead of Fund Balance to construct Fire Station 3. He added staff recommends using a portion of the Fund Balance allocated for the Fire Department to purchase the fire truck. .

Thereupon, Councilmember Smith made a **motion** to approve the purchase of a Pierce Fire Engine from Atlantic Emergency Solutions, Inc. in the amount of \$842,057 and to use Fund Balance from the General Fund to cover the cost of the purchase. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

UPDATE – NOISE ORDINACE

Code Services Manager Michael Cotilla provided an update Council on noise related Ordinances in the City Code, the violation notification process, and enforcements of the violations.

Mr. Cotilla stated the Building Construction Noise Ordinance can be found in Chapter 14 Section 14-55 of the City Code which includes excavating, demolition, alteration or repair of any building in a residential or business district, except emergency repair to utilities, is allowed only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturday. He added no work shall be permitted on Sunday, and any work performed outside of the stated hours shall be deemed to be unlawful and in violation of that article. He stated work may be permitted outside of stated construction hours only in urgent necessity, in the interests of public safety and with permit from City Manager or appointee.

Mr. Cotilla noted staff does not receive many construction noise Ordinance complaints, but if a complaint is received staff will contact someone on the work site and reiterate the Ordinance and the hours work is permitted. He noted once initial contact is made a courtesy notice is mailed to the developer or property owner making them aware of the violation. He explained if the violation continues then a civil citation will be issued for up to \$200 per day and in an extreme case, staff can issue a stop work order until the Ordinance is no longer violated.

Mr. Cotilla noted the Animal Noise Ordinance can be found in Chapter 14 Section 14-50 of the City Code. He stated the Ordinance is the keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity shall be deemed to be unlawful and a violation of the provisions of this article. He noted staff typically does not get a lot of animal noise Ordinance complaints, but when a complaint is received

staff will visit the location to determine if the dog barking is excessive or frequent. He noted staff will try to determine if the dog is barking in distress, chained or caged, has food and water, and he added neglect cases are reported to animal control. He pointed out it may take several trips throughout the day and at different times to identify a violation.

Mr. Cotilla commented if staff concludes a violation, the Code Enforcement Officer will attempt to make contact at the home to make them aware a complaint has been filed and a violation has been observed. He added a courtesy notice or order of compliance is mailed, the officer will follow up with inspection in 10 business days and if the violation is still in place a \$50 civil citation will be issued for failure to comply, a \$100 citation will take place if violation still occurs after another 10 days. He noted if 10 days after that last inspection the violation still occurs then a \$250 citation will be placed and possibly a \$250 per day citation for violation of that Ordinance. He noted in cases where the dog barking is taking place outside of normal business hours of 8:30 a.m. to 5:00 p.m. citizens can call the Police Department's non-emergency phone line and request a law enforcement officer go to the location. He commented it is the police officer's discretion if the dog barking is excessive and the officer will contact the owner. He indicated the officer will then follow up with the Code Enforcement Office by email regarding what was observed and the Code Enforcement Office will begin the enforcement process. He pointed out the Animal Noise Ordinance also includes roosters.

City Manager Jim Greene thanked Mr. Cotilla for his presentation. He added Council has received complaints about barking dogs and he wanted Mr. Cotilla to explain the Ordinance and the process for violations. He thanked Mr. Cotilla for working closely with the Police Department.

UPDATE – TRAVEL POLICY FOR ELECTED OFFICIALS

Administrative Services Director Kelly Baker reviewed the travel policy for elected officials Council adopted in August 2023. She explained the funds are allocated for travel at 50% for Mayor, and 12.5% for each Councilmember. She indicated the policy requests Councilmembers make the other Councilmembers aware of their intent to travel. She explained once an elected official identifies the training or conference of interest, they should communicate with other Councilmembers via email, at a meeting, or by telephone, and then work with staff to ensure funds are available to register for the training or conference. She added the policy allows Councilmembers to share funds with other Councilmembers, if needed. She noted if travel exceeds an elected official's individual allocation a request to share funds from unused travel allocations can be approved by Council.

Ms. Baker noted with the upcoming training and conferences taking place she wanted to share the information with Council.

CITY ATTORNEY'S COMMENTS

City Attorney Graham Corriher advised Council at its next meeting the Public Comment Guidelines and the Remote Meeting Policy Rules will be on the Consent Agenda with no changes for consideration. He noted Council adopted a new comprehensive Rules of Procedure that moved the public comment period to the beginning of the meeting and continued the practice of having public comment period twice a month even though statute states once a month is required.

Mr. Corriher pointed out the Rules of Procedure should be re-adopted at the organizational meeting when a new Council is sworn in.

Mr. Corriher explained the Remote Meeting Policy has no changes. He commented the policy came about during COVID-19 and then changed when State statutes changed Council only having the ability to meet remotely during a declared State of Emergency. He indicated no further changes have been made since the revision was added and adopted.

Mr. Corriher clarified no changes were made to the Public Comment Period Guidelines or the Remote Meeting Policy Rules, and he added he wanted to let Council know they will be on the Consent Agenda at a meeting in February.

CITY MANAGER'S COMMENTS

City Manager Jim Greene recognized the great collaboration between staff at the Council meeting and when the recent storms came through the City.

COUNCIL COMMENTS

Councilmember Smith thanked Diversity, Equity, and Inclusion (DEI) Director Anne Little, the DEI Department, the Human Relations Council (HRC) and City staff that took part in the Dr. Martin Luther King, Jr. celebration weekend.

Councilmember McLaughlin thanked employees for their hard work during the celebration weekend and work related to the recent storm. He reminded the public about the Salisbury Police Department's \$800,000 grant for the West End, and he noted applications for the West End Youth and Family Summer Program grant are being accepted until February 16, 2024. He noted those who are interested can go to www.rcunitedwaygrants.communityforce.com or to salisburync.gov/bcji for further information.

Councilmember Post commented he will attend the Mayors Innovation Project meeting in Washington, DC this week. He pointed out he has attended the past several years and was asked to speak about the Bell Tower Greene. He thanked staff for its work during the Dr. Martin Luther King, Jr. celebration events.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield thanked staff for its work during the recent storm. She also thanked Diversity, Equity, and Inclusion Director (DEI) Anne Little for her work with the Dr. Martin Luther King, Jr. celebration events.

Mayor Pro Tem Sheffield shared condolences to former Councilmember David Clay's family. She thanked the Boy Scout Troop that led Council in the Pledge of Allegiance.

Mayor Pro Tem Sheffield pointed out there will be vacancies in March on the City's Boards and Commissions, and she encouraged those interested to apply to be a volunteer. She thanked members of the Boards and Commissions for their service to the City.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander thanked staff for its hard work to make the Dr. Martin Luther King, Jr. events successful including the parade, the resource fair and the breakfast. She also thanked Councilmember Smith for his work the Human Relations Council. She then thanked Mr. Tarik Woods for speaking again at the breakfast, and she added she is proud of his work to make a difference.

Mayor Alexander pointed out she will be attending the United States Conference of Mayors Winter meeting and the Mayors Innovation Project meeting this week in Washington, DC. She noted she also has been granted fellowship with Duke North Carolina Leadership Forum which will focus on community safety.

(a) 2024 Planning Retreat

Mayor Alexander announced City Council will hold its 2024 Planning Retreat Wednesday, January 24, 2024 from 8:30 p.m. until 4:30 p.m. and Thursday, January 25, 2024 from 8:30 a.m. until 4:30 p.m. The Retreat will be held at in Council Chambers at City Hall, 217 South Main Street. Council will travel to Concord at 11:15 a.m. on Wednesday, January 24 to tour the downtown Concord streetscape project and to meet with Concord staff to discuss best practices for municipal services.

(b) Council Meeting Time Change

Mayor Alexander announced the February 6, 2024 City Council meeting will begin at 4:00 p.m. to allow Council to attend "Where are We Now" hosted by Racial Equity Rowan. The event will begin at 6:30 p.m. and the guest speaker will be Ms. Dee Dee Wright.

(c) Neighborhood Beautification Grant

Mayor Alexander announced the Community Appearance Commission invites Salisbury neighborhoods to apply for a Neighborhood Beautification Grant. Selected neighborhood will receive funding to support implementing a neighborhood improvement project. The maximum award is \$2,500. There is no fee to apply and grant applications will be accepted through Friday, March 1, 2024. For additional information please call (704) 638-5235.


(d) 2024 BlockWork Event

Mayor Alexander announced the Community Appearance Commission and the Housing Advocacy Commission are accepting applications for the 2024 BlockWork event that will take place Saturday, October 26, 2024. The deadline for nominations is Wednesday, May 1, 2024. For additional information please call (704) 638-5235.

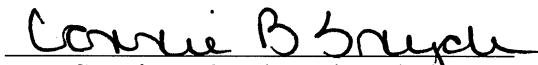
ADJOURNMENT

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 9:25 p.m.



Karen Alexander, Mayor



Connie B. Snyder, City Clerk