

Salisbury, North Carolina
February 6, 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 4:00 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

ADOPTION OF THE AGENDA

Thereupon, 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 – POLICE DEPARTMENT PROMOTIONS

Police Chief Patrick Smith addressed Council regarding recent promotions within the Police Department. The following people were promoted from Sergeant to Lieutenant: Jennifer Moreau, Brandon Casper and Jeremy Hill; and from Lieutenant to Major Justin Crews and Corey Brooks.

Chief Smith presented an award to Major Brooks from the FBI Academy recognizing his heroic actions when he pulled a truck driver to safety.

Council congratulated Police Department staff on their recent promotions and thanked them for all they do for the City.

PROCLAMATIONS

Mayor to proclaim the following observances:

AFRICAN AMERICAN HISTORY MONTH	February 2024
HUMAN RELATIONS MONTH	February 2024

CONSENT AGENDA

(a) Minutes

Approve Minutes of the special and regular meetings of January 16, 2024 and the special meeting of January 30, 2024.

(b) Budget Ordinance Amendment – Parks and Recreation Donation

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$2,000 to appropriate a donation to help with expenses related to the Bell Tower Green Christmas Tree.

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A PARKS AND RECREATION DONATION.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 16, and is known as Ordinance 2024-05.)

(c) Budget Ordinance Amendment – Police Department

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$25,000 to appropriate grant funds from the North Carolina Governor’s Highway Safety Program for traffic safety efforts.

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE NC GOVERNOR’S HIGHWAY SAFETY PROGRAM GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 17, and is known as Ordinance 2024-06.)

(d) Budget Ordinance Amendment – Police Department

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$51,500 to appropriate grant funds from Rowan County United Way for an opioid response initiative.

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A UNITED WAY COMMUNITY IMPACT GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 18, and is known as Ordinance 2024-07.)

(e) Right-of-Way Encroachment – AT&T

Approve a right-of-way encroachment for the installation of underground fiber optic cable by AT&T within the right-of-way of West Henderson Street at North Jackson Street per Section 11-24(27) of the City Code.

(f) Right-of-Way Encroachment – Spectrum

Approve a right-of-way encroachment for the installation of underground facilities by Spectrum within the rights-of-way of Troon Drive, Wilson Lane, Collins Court, and Langston Avenue per Section 11-24(27) of the City Code.

(g) Amendment to Easement Agreement

Authorize the City Manager to execute Amendment No. 1 in the amount of \$12,000 to an Easement Agreement with the property owner adjacent to Fire Station 3.

(h) Resolutions

Adopt a Resolution Establishing Rules of Procedure for Public Comment Periods and a Resolution to Approve the Policy and Procedure for Electronic Meetings of the City Council.

RESOLUTION ESTABLISHING RULES OF PROCEDURE FOR PUBLIC COMMENT PERIODS.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No.7-8, and is known as Resolution 2024-06.)

RESOLUTION TO APPROVE THE POLICY AND PROCEDURE FOR ELECTRONIC MEETINGS OF THE SALISBURY CITY COUNCIL.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No.9, and is known as Resolution 2024-07.)

(i) Parking Restriction – West Bank Street

Adopt an Ordinance amending Chapter 13, Article X, Section 13-338 of the City Code for the addition of a parking restriction on the north side of the 400 block of East Bank Street.

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

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 19, and is known as Ordinance 2024-08.)

Thereupon, Councilmember Post made a **motion** to adopt the Consent Agenda as presented. 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.

Mr. Acey Wothy addressed Council regarding the displacement of a historical building at 201 East Innes Street. He noted the Bogle Firm requested the City's permission to relocate the building to a lot on Innes Street where it sits as a pile of granite stone behind a chain link fence.

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

PANHANDLING

City Attorney Graham Corriher addressed Council regarding revisions to the ordinances related to panhandling, and he noted the City's prior Ordinance was repealed. He added citizens have complained about panhandling which raises public safety concerns.

Mr. Corriher stated panhandling is legal and protected under the Constitution as a form of free speech, however governments can regulate speech by adopting and enforcing reasonable time, place, and manner restrictions. He explained restrictions must be content-neutral, serve a significant governmental interest, and leave alternative ways to communicate openly. He noted the proposed Ordinance would allow panhandling while imposing regulations related to:

- Time – cannot panhandle after dark
- Place – cannot panhandle in areas where there are reasonable safety or privacy concerns or in areas where there are reasonable public safety concerns like high-traffic roads
- Manner – cannot aggressively panhandle

Mr. Corriher stated under the time regulation, panhandling would be prohibited everywhere after dark, meaning the time between one-half hour after sunset and one-half hour before sunrise which is determined by the United States Naval Observatory. He explained manner regulations defined in the Ordinance as aggressive public solicitation, begging or panhandling is prohibited and means panhandling plus conduct:

- Causing fear of bodily harm
- Touching without consent
- Using obscene or abusive language
- Continuing after person says no
- Blocking someone's way
- Other conduct that a reasonable person would regard as threatening or intimidating

Mr. Corriher stated place regulations prohibit panhandling in the following areas:

- Within twenty feet of an ATM or bank
- Within ten feet of:
 - Bus stop, transit facility or transit vehicle
 - Sidewalk café during operating hours
 - A person waiting in line to enter any building
 - A nursery, daycare, or school
- Any other location which could give a reasonable person a reasonable, fear for personal security or privacy

Mr. Corriher stated place regulations also include unlawful activity in or near high-traffic or high-collision roads:

- Only applies on or near, within 100 feet, of high-traffic or high collision roads
 - High traffic means greater than 10,000 cars per day according to the North Carolina Department of Transportation (NCDOT) map
 - High collision means top 10 intersections for collisions
 - All but two are also high traffic

Mr. Corriher displayed a map of high-traffic and high-collision roads. Police Chief Patrick Smith explained staff identified the top 10 high-traffic and high-collision intersections in the City, and eight were selected as the most dangerous regarding traffic crashes and pedestrians struck. He stated that after identifying the top eight intersections, the Police Department looked to see if panhandling occurred. Mayor Alexander asked for clarification on the high-traffic areas. Mr. Corriher noted the high-traffic areas include Statesville Boulevard, Brenner Avenue, Mooresville Road, Jake Alexander Boulevard, Julian Road, Main Street and Innes Street.

Mayor Alexander asked if signage that restricts panhandling will be placed in the high-traffic areas. Chief Smith indicated high-traffic areas would be ideal for signage to educate motorists. Mr. Corriher noted that Ordinance restrictions would be placed in the identified high-traffic areas. He explained citizens are prohibited from standing on a median on any identified high-traffic road. He stated citizens are also prohibited from standing within 100 feet of the road.

He explained place Ordinance regulations prohibits anyone from standing on a median for any reason except when actively crossing the road and prohibits exchanging or attempting to exchange anything with an occupant of a vehicle.

Mr. Corriher reviewed proposed changes to Chapter 22 Section 5 of the City Code which prohibits blocking a street or sidewalk. Mr. Corriher noted the Ordinance removed references to prohibition of “congregating” and “loitering” on sidewalks because constitutional issues. He noted the Ordinance defines “blocking” as interfering with clearance required by ADA guidelines.

Councilmember Post asked if other municipalities enforce the 10-foot rule regarding panhandling place regulations. Mr. Corriher noted the 10-foot rule is standard across municipalities.

Councilmember Smith thanked Mr. Corriher his work to revise the Ordinance.

Chief Smith addressed Council regarding the enforcement of the Ordinance:

- First offense – a written warning with no fee or court appearance
- Second offense – state citation with no arrest but an actual criminal charge
- Third offense – arrested and taken before magistrate

Chief Smith explained if a homeless person who is panhandling receives a written warning, the City’s Homeless Liaison will reach out to see if the Police Department can provide resources.

Mr. Corriher reviewed non-regulatory signage the City could implement that would educate and notify the public that it is okay to say no to panhandling. He explained the signage would not be related to the Ordinance. He stated the signs would be placed around the City especially in high-traffic areas and would be available for the private sector to purchase at a cost of \$60 for a sign and \$45 for a sign post.

Mayor Alexander asked if private property owners can enforce trespassing laws for panhandling on their property. Mr. Corriher noted private property owners can place regulations on their property. He stated private property owners can work with the Police Department to create Trespassing Agreements.

Chief Smith indicated the Police Department recommends placing the educational signs near the eight major intersections due public safety concerns. He noted staff would like to purchase 50 signs, and he pointed out installing the signage in high-traffic areas would require 32 signs and the additional signs would be available to the private sector for purchase.

Mayor Alexander asked if Council has to adopt the Ordinance before staff can place the educational signs around the City. Mr. Corriher clarified the signs are not related to the Ordinance. Mr. Greene noted the signage fees can be brought to Council for approval. He added with Council’s permission staff could move forward with installing the signs in the public rights-of-way. Mr. Greene noted the estimated total cost would be around \$5,000.

Mr. Corriher explained the next steps in adopting the Ordinance revisions, and he noted since it includes criminal enforcement the request must be brought to Council over two consecutive meetings. By consensus, Council agreed to bring the ordinance request back to its February 20, 2024 meeting.

Councilmember Post stated panhandling takes place at the intersection of I-85 and Innes Street, and he asked if the signage could be placed on both sides of the intersection. Chief Smith stated NCDOT has no trespassing signs in the area and the Police Department can enforce those regulations.

EQUIPMENT PURCHASE

City Manager Jim Greene thanked staff for working together to find needed equipment, and he noted the first request would use General Fund Balance and the second request would use Salisbury-Rowan Utilities (SRU) Fund Balance.

Transportation Director Wendy Brindle noted the Transportation Department is responsible for the maintenance of 91 signalized intersections, 142 street and parking lot lights in the downtown area, the installation of various flags and banners, and also maintains the festoon lighting on Fisher Street. She indicated there is often a need for an aerial lift, and staff works with a 2010 and a 2017 model bucket trucks. She indicated in recent years both trucks have required numerous repairs, and she pointed out a bucket truck was rented to replace the mast arm on Innes and Church Streets. She commented the 2017 bucket truck has been out of service for about a month and a F-550 truck with an Altec aerial lift and amenities including a jib, a material lift, and four-wheel drive has been located for purchase. She indicated the truck can be delivered by July 2024 if Council approves the purchase. She explained the 2010 bucket truck would roll out of stock and the 2017 truck will be kept as a backup.

Utilities Director Jim Behmer pointed out SRU needs a new sewer vacuum truck and jetter, and he explained the current piece of equipment needs extensive repairs and should be taken out of service. He pointed out both SRU and the Stormwater Department can use the truck, SRU can use it to vacuum out wet wells and jet sewers and Stormwater can use for cleaning out stormwater culverts.

Thereupon, Councilmember Smith made a **motion** to authorize the City Manager to approve the purchase of an Altec model AT41M articulation aerial device mounted on a 2024 Ford F-550 chassis in the amount of \$195,978 using General Fund Balance and the purchase of a combination sewer cleaning truck for Salisbury-Rowan Utilities at a total cost not to exceed \$524,130. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

Thereupon, Councilmember Smith made a **motion** to adopt an Ordinance amending the 2023-2024 Budget Ordinance of the City of Salisbury, North Carolina in the amount of \$524,130 to appropriate Salisbury-Rowan Utilities Fund Balance to purchase a new sewer vacuum truck.

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

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA IN THE AMOUNT OF \$524,130 TO APPROPRIATE FUND BALANCE TO PURCHASE A NEW SEWER VACUUM TRUCK.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 20, and is known as Ordinance 2024-09.)

MAIN STREET PROJECT DESIGN

Transportation Director Wendy Brindle stated the City received a grant for the construction of the Main Street Improvement Project. She explained the design is being paid for by the City and decisions are needed regarding elements such as street lighting and mast arms. She presented a map of the lights that are owned by the City and those leased from Duke Energy along the corridor of Kerr Street and Horah Street. She pointed out there are 68 lights and 142 street/parking lot lights within the project limits that the City maintains along with the festoon lighting on Fisher Street. She explained the options of leasing lighting from Duke Energy or having City owned lighting:

- Leased lighting from Duke Energy
 - 15 fixture styles with seven pole choices to choose from
 - Initial cost estimated to be \$386,940 and does not include amenities such as flag or banner holders
 - Estimated monthly fee of \$2,480.68 in perpetuity
 - Duke Energy maintenance
- City-owned lighting:
 - Hundreds of options to choose from
 - Initial cost estimated to be \$399,880 for similar lights
 - Estimated monthly power cost average \$2,167.50
 - City maintenance

Ms. Brindle commented the electric system duct bank would need to be replaced and the consultant advised costs for the upgrade would be 20% higher if Duke Energy completed the work. She added the electric system would create an electric network behind the meter that could be used for other functions. She noted City maintenance would produce faster repair response times and staff would maintain a stock of the specific lights to be replaced. She indicated one additional employee would be needed at a cost of approximately \$65,000 including salary and benefits.

Ms. Brindle indicated smart technology would be an option with a City-owned system for the street lights and add-ons. She noted the smart system has not been priced because the consultant needs to know who will own the lighting. She asked Council to consider authorizing staff to proceed with a design to include City-owned lighting and mast arms for the Main Street Project so the consultant knows how to proceed.

Mayor Pro Tem Sheffield noted City owned lighting would be great for downtown, and she pointed out staff would have more control over the maintenance for better response time.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to authorize staff to proceed with a design for the Main Street Project to include City-owned lighting and mast arms. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

CONTRACT – CENTRAL CAROLINA UNDERGROUND, INC.

Salisbury-Rowan Utilities (SRU) Director Jim Behmer explained the intent of the proposed contract with Central Carolina Underground, Inc. is to hire a licensed utility contractor to provide a qualified four-person crew. He stated the crew would use City-owned equipment, supplies and materials to perform tasks typically completed by staff including the installation of water and sewer taps, repairs and to provide emergency responses.

Mr. Behmer noted SRU has experienced high vacancy rates in its distribution and collection systems for the past two years including six current vacancies. He noted to bridge the gap, a Request for Proposal (RFP) was sent out and two qualified bids received. He requested Council consider awarding the contract for the remainder of the fiscal year to Central Carolina Underground, Inc. to assist the department until it becomes fully staffed.

Councilmember Post asked if the funds would come from the SRU budget. Mr. Behmer agreed, and he noted the funds would be covered through vacancies and additional funding.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to award a contract to Central Carolina Underground, Inc. in an amount not to exceed \$250,000 for utility construction crew support services for Salisbury-Rowan Utilities. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher addressed Council regarding a proposed revision to the City Manager's contracting authority Resolution to increase the limit from \$100,000 to \$1 million in emergency situations as described in the Resolution and to include purchasing equipment. He explained unless a seller accepts a letter of intent to purchase, the seller would keep the item open which could cause the City to lose the item and have to pay substantially more for another item. He added there is an obligation for Council to be informed of the purchase.

Councilmember Post asked if the Resolution increases the limit due to the availability of purchasing apparatus, supplies, materials or equipment. Mr. Corriher agreed, and he said it is not for any contract, but this would be for level of urgency or time constraints that come with the purchase of equipment. Mr. Post asked if there needs to be a cosigner on the contract. Mr. Corriher

noted a co-signer is not required., and he explained the purchase must be pre-audited by the Finance Department.

Councilmember McLaughlin asked if Mayor Alexander of Council could be notified before the contract is signed. Mr. Corriher noted that can be added to the Resolution. Councilmember Post pointed out the Resolution will allow staff to act quickly to reserve equipment. Mr. Corriher agreed, and he indicated if a letter of intent will not work a signed contract is needed to hold equipment proposed for purchase.

City Manager Jim Greene noted his intent is to put the items on the Agenda for Council's approval and this authority would be rarely used. He reminded Council of the fire truck the City did not get to purchase, and he explained Council asked how the loss could be prevented.

Mayor Alexander commented she likes the idea of notifying all of Council. Mr. Greene stated he will notify Council if the need arises, and he thanked Council for its feedback. Mr. Corriher noted he will amend the Resolution to include prior notice to Council.

Thereupon, Councilmember Post made a **motion** to adopt a Resolution regarding City Manager contracting authority subject to notifications to City Council prior to purchase. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

RESOLUTION REGARDING CITY MANAGER CONTRACTING AUTHORITY.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No.10-11, and is known as Resolution 2024-08.)

CITY MANAGER'S COMMENTS

City Manager Jim Greene stated the update on Microtransit by Deputy City Manager Richard White will be postponed. He noted public comment there were questions regarding a pink granite building that was removed. He added staff will provide an update to Council at its next meeting.

COUNCIL COMMENTS

Council had no further comments.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield congratulated Officer Jacob Easler who was awarded the Salisbury Rotary Veterans Police Officer award last week. She thanked him for his hard work. Police Chief Patrick Smith noted Young Officer of the Year was awarded to Officer Azende King.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

(a) Neighborhood Beatification 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.

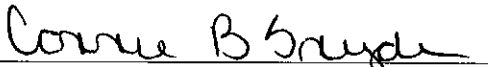
ADJOURNMENT

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 5:57 p.m.



Karen Alexander, Mayor



Connie B. Snyder, City Clerk