

Salisbury, North Carolina
February 7, 2017

REGULAR MEETING

PRESENT: Mayor Karen Kirks Alexander, Presiding; Mayor Pro Tem Maggie A. Blackwell; Council Members Kenneth Hardin, William Brian Miller, and David Post; City Manager W. Lane Bailey; City Clerk Myra B. Heard, and City Attorney F. Rivers Lawther, Jr.

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The invocation was given by Councilmember Miller. The meeting was called to order by Mayor Alexander at 5:00 p.m.

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.

CHANGES TO THE AGENDA

Mayor Alexander noted the following change to the Agenda:

Add — Mayor to proclaim African American History Month.

PROCLAMATION

Mayor Alexander proclaimed the following observance:

AFRICAN AMERICAN HISTORY MONTH

February 2017

RECOGNITION – RETIRING POLICE OFFICER RITA RULE

Police Chief Jerry Stokes explained Police Officer Rita Rule served the Salisbury Police Department for 30 years. He asked Council to consider issuing Officer Rule her sidearm and badge. He noted Officer Rule was unable to attend the Council meeting,

Thereupon, Mr. Miller made a **motion** to authorize issuing retiring Police Officer Rita Rule her sidearm and badge. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

Mayor Alexander asked Chief Stokes to convey Council's appreciation to Officer Rule for her service to the City.

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meetings of January 3, 2017 and January 17, 2017.

Thereupon, Mr. Miller made a **motion** to adopt the Consent Agenda as presented. Mr. Hardin seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

CD-01-2016-21 – THE ABBEY

Development and Code Services Manager Preston Mitchell addressed Council regarding Conditional District (CD) Overlay CD-01-2016-21 The Abbey. He explained at its January 3, 2017 meeting, Council sent the item to a Council Committee consisting of Councilmembers Miller and Post. He noted the Committee met January 11, 2017 and January 24, 2017, and it discussed retail uses, hours of operation for the support services building, and the use of religious institution at the location.

Mr. Mitchell noted the Committee and staff met with the applicant and neighborhood advocates. He explained at the end of the first meeting the group reached a verbal agreement to remove retail use from the support services building. He pointed out the uses intended by the wedding venue for the support services building are considered professional services.

Mr. Mitchell explained by removing retail use from the support services building the hours of operation can be adjusted to 8:00 a.m. until 9:30 p.m. He indicated the group expressed concerns about the party atmosphere, and he commented the Committee recommended alcohol consumption cease at 10:00 p.m. anywhere on the premises.

Mr. Mitchell noted at the second Committee meeting it was recommended that studio use be removed from the support services building since it could generate a large assembly. He indicated Pastor Rollins of The Refuge Church and the applicants, Mike and Lori Diefenbach, agreed to limit the hours of operation to 9:00 p.m. He pointed out religious institution is not limited to hours of operation in the sanctuary building. He explained the church can operate in the support services building until 9:00 p.m. and then move to the sanctuary building if needed.

Councilmember Miller stated the Committee worked to address religious institution use for the support services building and to clean up the enforcement issues. He explained the Committee addressed neighborhood concerns by removing the retail use and limiting the hours of operation. He pointed out the uses as intended by the applicant more closely align with professional services rather than retail uses. He commented the applicant never intended to have a store front, and he added it is a better outcome than what was initially approved. He pointed out he received a text from the adjacent neighbors who are satisfied with the proposal. He recommended Council approved the request.

Mr. Post agreed with Mr. Miller. He explained after the CD Overlay was approved The Refuge Church renewed its lease. He pointed out uses were eliminated to allow the Church to do what it needed to do as a religious institution. He commented the Church has an active youth program that needs to operate after 6:00 p.m.

Mr. Miller pointed out no church within the City limits has restrictions on its hours of operation. He added unrestricted hours in the sanctuary building would allow the Church to conduct special events or services as needed.

Councilmember Hardin noted he is pleased the citizens who were impacted by the situation are comfortable with the proposed changes. He asked if the civil issues have been resolved. Mr. Miller indicated the payment for the fencing has been provided.

Mr. Miller read the message he received from the adjacent property owners, the Carltons, "if the discussion on The Abbey matter continues and is adopted as we understood at the Committee meeting, we accept Council's decision. Please let us know if there are any changes."

Mayor Pro Tem Blackwell thanked the Committee for removing the retail use, which was a major concern for the neighborhood.

Mayor Alexander noted she heard from several neighbors who were satisfied with the proposed amendment. She indicated Capstone Recovery supports the religious institutional use and the improvements the Diefenbachs have made to the property. She thanked Mr. Miller and Mr. Post for their work on the Committee.

Mr. Miller stated at the last Committee meeting it was noted public comment would be allowed when the item was brought before Council. Mayor Alexander asked if anyone would like to speak regarding amendments to CD-01-2016-21. There was no one in the audience who wished to speak.

Mr. Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property as described herein by amending an existing Conditional District Overlay is reasonable, in the public interest, and not inconsistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan because according to the proposed petition and observations provided by City planning staff, there are no policies directly related to the specific request. Thereupon, Mr. 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 one parcel at 128 North Fulton Street, approximately 1.5 acres, amending an existing conditional district overlay (CD-01-2016-21) to modify site-specific standards or conditions. Mr. Post seconded the motion. Messrs. Hardin, Miller, and Post, and Meses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL AT 128 NORTH FULTON STREET, APPROXIMATELY 1.5 ACRES, AMENDING AN EXISTING CONDITIONAL DISTRICT OVERLAY (CD-01-2016-21) TO MODIFY SITE-SPECIFIC STANDARDS OR CONDITIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 11-12, and is known as Ordinance 2017-09.)

BOARDS AND COMMISSIONS

Housing Advocacy Commission

Upon a motion by Ms. Blackwell, seconded by Mr. Miller, and with Messrs. Hardin and Post and Ms. Alexander voting AYE, the following appointment was made to the Housing Advocacy Commission for a term to begin April 1, 2017:

Ms. Andrea Anders

Term Expires 3/31/20

PUBLIC COMMENTS

Mayor Alexander opened the floor to receive public comments.

Ms. Susan Lee spoke about no-knock warrants, and she commented Mr. Ferguson Laurent, Jr.'s death was a tragic result of the execution of a no-knock warrant. She asked what actions are being taken to create real change in the community, and she requested Council suspend the use of no-knock warrants.

Mr. Jeff Sharpe spoke in regard to the no-knock warrant and questioned what evidence was presented to the judge who authorized the warrant. He asked if hollow-point bullets, like the ones used on Mr. Laurent, are standard practice for the Salisbury Police Department. He asked Council to suspend the use of no-knock warrants.

Dr. Nan Lund referenced national headlines regarding police officer actions that have harmed citizens. She asked Council to suspend the use of no-knock warrants in the City.

Mr. Anthony Smith referred to the vigil for Mr. Laurent, and he noted many of the participants were met with anger from the community. He added he is concerned about the community, and he asked Council to suspend the use of no-knock warrants.

Ms. Al Heggins expressed concern regarding no-knock warrants and the danger they pose to police officers and the community. She stated no-knock warrants do not benefit the public, and she pointed out many in the community live in fear. She asked Council to suspend the use of no-knock warrants.

Minister Latasha Wilkes addressed Council regarding 17 unsolved murders in the City, the death of Mr. Laurent, and the use of no-knock warrants. She indicated there is a disconnect between the government, City officials, and citizens. She asked Council to suspend the use of no-knock warrants.

Mr. Dora Mbuwayesango referred to the death of Mr. Laurent. She requested the use of no-knock warrants be suspended in the City.

Ms. Regina Dancy referenced an incident where a police officer came to her home in error and treated her harshly. She commented she is concerned about the community, and she asked Council to suspend the use of no-knock warrants.

Ms. Whitney Peckman commented she and others have addressed Council repeatedly regarding violence in the community. She noted public forums do not create change in the community. She asked that the use of no-knock warrants be suspended.

Mr. Kim Porter stated he chose to retire in Salisbury because the City seemed diverse and the community worked together. He commented the acceptance he initially felt only goes so deep. He asked Council to be more active in the community.

Ms. Thomasina Paige agreed with the concerns expressed by other speakers, and she asked to suspend the use of no-knock warrants in the City.

Mr. Miko Martelli asked Council to focus on what is moral rather than what is legal. He stated the City is in crisis, and it important for police officers to establish trust within the community. He asked that the use of the no-knock warrants be suspended in the City.

Ms. Andrea Cantrell stated she is frightened by the use of hollow-point bullets and the idea that someone could burst into her home. She questioned what can be done to help citizens feel safe in their communities. She asked Council to suspend the use of no-knock warrants.

Mr. Joel David reiterated other citizen's comments regarding no-knock warrants. He pointed out no-knock warrants are dangerous, and Council should do all it can to change the law. He commented more programs are needed for young people in the City.

Mr. Isaac Jerome Heggins noted his son is a police officer. He added he wants to do all he can to protect police officers and the citizens they serve. He referenced City Code, and he noted Council should discourage the use of no-knock warrants.

Ms. Margaret Love agreed with previous speakers, and she noted eliminating no-knock warrants would protect everyone.

Mr. Bradley Taylor stated he moved back to the community to be a part of the solution. He indicated the use of no-knock warrants should be suspended so the community can come together to heal. He asked Council to hear the cry of the community.

Mr. Todd Paris inted out the City spends a great amount of money to train officers that are lost to other communities. He asked Council to consider dropping the Police Officers Physical Abilities Test (POPAT) requirement until the Police Department is fully staffed. He commented it is time to rebuild the Police Department and bring public safety back to the community

Ms. Emily Rivers indicated she is concerned about the lack of compassion in the community and the no-knock warrant policy. She questioned how businesses are allowed to come into the community.

Ms. Carolyn Logan expressed concerns about crime in the community, and she added she wants to work toward a solution. She noted crime is rampant, people are being murdered, and houses are being broken into.

Mr. Michael Kirksey commented he thinks the town is racist, and he has had problems with the Police Department.

Mr. Vernon Perry noted many years ago he was attacked by a police officer, and he is here to support his fellow citizens. He pointed out the community wants and deserves answers.

Ms. Sharon Brandt indicated she is new to the City. She added Council has a moment to be exceptional and suspend the use of no-knock warrants.

Ms. Ashley Love stated she is concerned about the community, and she asked Council to suspend the use of no-knock warrants.

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

Councilmember Hardin noted it has been a hard week, and he does not think Council or the community understand the black community's fear and frustration. He noted Council must get past feeling uncomfortable when citizens speak from their heart. He indicated Council should take the matters seriously and stop patronizing the community.

Thereupon, Mr. Miller made a **motion** to take a brief recess. Mr. Hardin seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Mayor Alexander reconvened the meeting.

CITY MANAGER'S COMMENTS

(a) Police Department Update

City Manager Lane Bailey indicated citizens have asked about the Attorney General's opinion regarding Council's authority to direct or suspend specific tactics used by the Police Department. He explained a letter was sent to the Attorney General last week, but staff has not received a response.

Mr. Bailey asked Chief Stokes to share his goals regarding the issues the community faces.

Chief Stokes stated an arrest was made in the murder of Albert Brice Shelton, Jr. that took place December 17, 2016. He referenced the murders that took place December 4, 2016, and he indicated detectives have shared information with the District Attorney. He commented the murders are under review, but he is optimistic the killers will be brought to justice.

Chief Stokes noted on November 30, 2016 he met with Police Department Captains and Lieutenants to develop the Department's goals for 2017:

- To enhance the Salisbury Police Department adherence to the 21st Century Policing Community Policing and Crime Prevention Pillar
 - To build and maintain a 90 % workforce by December 31, 2017
- To resolve the unsolved homicides in the City
 - To solicit information from the State Bureau of Investigations (SBI) for inclusion in a cold-case program by February 1, 2017
 - Determine the feasibility of using reserve officers to review pending homicide cases by February 1, 2017
 - To develop a plan to devote resources to unsolved homicides by April 30, 2017
- To deploy a patrol beat system by June 30 2017
- To develop a faith-based partnership and a Chief's Advisory Board
 - The Police Department will join local pastors to assist with community engagement by June 30, 2017
- To update departmental directives
 - Directives will be reviewed to ensure Commission on Accreditation for Law Enforcement Agencies (CALEA) standards are met by December 31, 2017

- To review the department's internal and external procedural justice system
 - Staff will develop a transparent procedure for dealing with internal discipline by March 31, 2017
 - Staff will explore a citizen satisfaction and employee performance survey by June 30, 2017
 - Partner with the Human Resources Department to develop a performance evaluation tool by March 31, 2017
- To enhance community engagement through social media
 - Staff will develop a plan for a social media presence by June 30, 2017
- Expand the current training program
 - To increase the budget allocation for department training beginning in the 2018 Fiscal Year
 - 80% of patrol officers complete training in Crisis Intervention Team skills for handling persons in mental health crisis by December 31, 2017
- To effectively implement the Police Officer Physical Abilities Test (POPAT) for current sworn staff by May 30, 2017

Chief Stokes explained the SBI is developing a cold-case program, and the City has been deemed a priority. He stated recruiting and staffing are the Police Department's top priority, and he pointed out the Police Department is inhibited by staffing issues. He noted in 2016 the City processed 99 applications and hired 8 police officers. He commented the City has 54 applications that are being processed, and 3 police officers have been hired in 2017. He stated staff is working with Human Resources regarding the possibility of using reserve officers.

Chief Stokes noted in 2016 a refresher training course regarding community policing was held for all staff, and in January 2017 all officers completed de-escalation training. He stated police officers will attend fair and impartial policing training developed by the Department of Justice in March 2017.

Chief Stokes pointed out expungements are being considered for certain offences. Councilmember Post explained the law is very limited regarding expungements. He noted he contacted the University Of North Carolina School Of Law who suggested law students come to the City to help with an expungement workshop, although a date for the workshop has not been set.

Councilmember Miller thanked Chief Stokes for the update, and he suggested updates be brought to Council on a regular basis. He asked if the Police Department could offer events and trainings for the community, and he noted the City must build trust and relationships in the community.

Chief Stokes explained the staffing shortage limits what the Police Department can do in the community. He noted once the Police Department is staffed a team of police officers will be dedicated to problem solving and community engagement. He pointed out as police officers are hired, the Police Department will do all it can to work with the community.

Mr. Bailey pointed out being understaffed is driving most issues within the Police Department. He added staff is working to right-size the Police Department budget, but he pointed out the biggest need is to hire police officers.

Mayor Pro Tem Blackwell commented several years ago nine positions were eliminated from the Police Department Budget. She noted the sitting City Manager at the time made the cuts and informed Council afterwards.

Councilmember Hardin thanked Chief Stokes for his presentation. He noted he would also like updates on the Police Department's accomplishments. He commented the Police Department needs to address immediate issues such as gun fire in the community. He commented citizens in the West End hear gun shots every night, and they are very frustrated. Chief Stokes noted the Police Department is working on many things and have asked the Federal government for assistance.

Mr. Hardin asked how the effectiveness of police officer training is measured. Chief Stokes noted internal discipline procedures and citizen input help the Police Department monitor community satisfaction. He added the Police Department is working with Rowan-Cabarrus Community College (RCCC) to determine if students could assist with a citizen satisfaction survey. He noted the Police Department investigates all complaints and may also periodically review body camera footage.

Mr. Hardin stated people who complain are not condemning law enforcement. He recommended the Police Department establish relationships beyond local pastors. He noted he would like to see a monthly report regarding the Police Department's progress in the community.

Chief Stokes noted the Police Department recently upgraded its record system which better reviews crime trends in the community. He indicated staff could address Council on a monthly basis. He pointed out the local pastors have reached out to the Police Department, and it is a good starting point in building community relationships. He indicated the Police Department will focus on building relationships with other community groups as well.

Ms. Blackwell stated the new Salisbury Neighborhood Action Group (SNAG) report is very detailed and provides reactive data. She suggested the SNAG report be included in Council's Agenda Packet.

Ms. Blackwell referenced what Council has heard from citizens in the last month, and she pointed out the citizens affected were people of color. She commented there is an endemic mistrust of police officers across the nation that is unfortunate but understandable. She indicated the community needs understanding and compassion. Mr. Bailey agreed, and he added he is confident Chief Stokes will lead the Police Department in the right direction.

Mayor Alexander noted it may appear that Council does not understand or care about what is happening in the community, but she pointed out Councilmembers spend many hours away from their families to serve the community. She asked citizens to work with Council to craft solutions that will make the community a better place for everyone. She stated Council has a huge responsibility to do what it can to mitigate the injustice while working within the guidelines of the laws it swore to uphold. She asked the community for patience and understanding.

Mr. Post explained no-knock warrants are a tool in the law enforcement tool box. He suggested staff prepare an amendment to the Ordinance that would suspend the use of no-knock warrants until the City receives an opinion from the Attorney General. He noted Council has an obligation to listen to the public. He indicated 60,000 to 90,000 no-knock warrants, or 30 per county, are issued in the United States annually. He pointed out the City is averaging less than one no-knock warrant per year. He noted if the tool is taken out of the tool box it will be a tool that is not used very often.

Mr. Miller pointed out Council has heard every citizen, and he noted to take action before the SBI concludes its investigation would be inappropriate. Mayor Alexander pointed out the judge signed the no-knock warrant and Council does not have any information regarding the case. Mr. Miller stated he did not know no-knock warrants existed until after the incident. Mr. Post pointed out no-knock warrants have not been abused in the City.

Mr. Bailey indicated the SBI report regarding the officer involved shooting will go to the District Attorney for review. He cautioned it would be difficult to have a discussion regarding the merits of no-knock warrants without talking about the case that is under criminal investigation. He added staff can contact other communities regarding their no-knock warrant policy and bring the information back to Council at a later meeting.

Mr. Miller pointed out Council is not ignoring the issue, but has been instructed to delay its discussion. He noted Council will address the issue at the appropriate time.

Mr. Post asked how suspending the use of no-knock warrants would impede an investigation. He commented he believes temporary suspension of the use of no-knock warrants is the right thing to do.

Mr. Bailey clarified the SBI is investigating the officer involved shooting and will not give an opinion on the City's right to suspend the use of no-knock warrants. He added the Attorney General will give its opinion regarding the suspension of no-knock warrants in the City.

Ms. Blackwell noted no one has explained why no-knock warrants are needed. She requested an impartial official address Council to explain the issue. She pointed out Council has heard from citizens and in order to make an informed decision it needs to hear from the law enforcement community. Mr. Bailey noted staff is working to gather the information for Council.

Mayor Alexander agreed with Ms. Blackwell, and she pointed out the issue must be considered from all sides before Council makes its decision.

(b) Second Quarter Financial Update

This item was postponed.

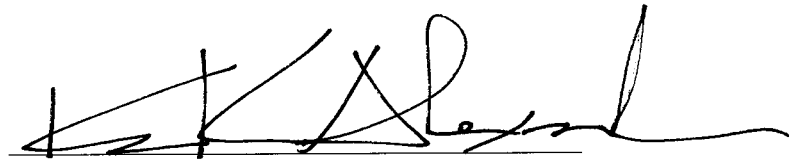
MAYOR 'S ANNOUNCEMENTS

(a) Special Event Permit Committee

Councilmember Miller announced the Special Event Permit Committee will meet Wednesday, February 8, 2017 from 5:00 p.m. until 7:00 p.m. at City Hall.

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Post seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:20 p.m.



Karen Kirks Alexander, Mayor



Kelly Baker, Deputy City Clerk