

Salisbury, North Carolina  
October 5, 2021

## **REGULAR MEETING**

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

**ABSENT:** None.

In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19 the Salisbury City Council met electronically. 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 participants in the Pledge of Allegiance to the United States flag.

## **RECOGNITION OF VIEWERS**

Mayor Alexander welcomed all viewers.

## **ADOPTION OF THE AGENDA**

Thereupon, Mayor Pro Tem Heggins made a **motion** to adopt the Agenda. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

## PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

BREAST CANCER AWARENESS MONTH	October 2021
NATIONAL BULLYING PREVENTION MONTH	October 2021
ROWAN COUNTY UNITED WAY MONTH	October 2021
SUBSTANCE ABUSE PREVENTION MONTH	October 2021

## CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular meeting of September 21, 2021.

(b) Policy and Procedure for Electronic Meetings

Adopt a Resolution revising the Policy and Procedure for Electronic Meetings to receive public comment 24 hours prior to a public hearing.

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

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 30, and is known as Resolution 2021-25.)

(c) Right-of-Way Use Permit – 115 East Innes Street

Approve a Right-of-Way Use Permit for the use of two parking spaces adjacent to 115 East Innes Street through November 19, 2021 for renovations.

(d) Right-of-Way Use Permit – 121 West Council Street

Approve a Right-of-Way Use Permit for the use of three parking spaces adjacent to 121 West Council Street through September 1, 2022 for renovations.

(e) Right-of-Way Use Permit – 215 DEPOT STREET

Approve a Right-of-Way Use Permit for the use of four parking spaces adjacent to 215 Depot Street through October 16, 2021 for Amtrak ADA upgrades.

(f) Parking

Adopt an Ordinance amending Section 13-338 (parking prohibited at all times) for the south side of East Council Street between Depot Street and the railroad tracks and Section 13-357 (parking limited to two hours between 8:00 a.m. and 6:00 p.m.) for the north side of East Council Street between Depot Street and the railroad tracks.

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. 150-152 and is known as Ordinance 2021-64.)

(g) Sale of Parcel – 300 Block of Grim Street

Authorize the sale of parcel 005-14001, located in the 300 block of Grim Street, to TruLand Development, LLC in the amount of \$1,000.

(h) Unimproved Right-of-Way Closure

Adopt a Resolution declaring the intent to close an unimproved right-of-way located in the 100 block of West 16<sup>th</sup> Street and set a public hearing for November 3, 2021.

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF THE 100 BLOCK OF WEST 16<sup>TH</sup> STREET, A 60' WIDE UNIMPROVED RIGHT-OF-WAY.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 31, and is known as Resolution 2021-26.)

(i) Stormwater Grant – 1801 Bellevue Road

Approve a Stormwater Grant in the amount of \$22,450 for improvements to 1801 Bellevue Road. Funds for the grant are included in the FY2021-2022 budget.

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

**PUBLIC COMMENT**

Mayor Alexander opened the floor to receive public comments.

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

## **REZONING – 475 FAITH ROAD**

Zoning Administrator Teresa Barringer addressed Council regarding a request to rezone one parcel located at 475 Faith Road for the construction of an 11,500 square foot Goodwill retail store. She stated the location will maintain Corridor Mixed-Use (CMX) zoning and apply a Conditional District (CD) Overlay to allow for an alternate design set back as permitted by the Land Development Ordinance (LDO) Section 15.23. She explained the design set back is needed for vehicular clearance of the drive through and for traffic safety.

Councilmember Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, is reasonable and is in the public interest. The proposal is fundamentally consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Policies C-8, C-16, and C-17. Thereupon, Mr. Post made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina rezoning approximately 1.77 acres located at 475 Faith Road, Tax Map 070 Parcel 012, maintaining the base zoning of Corridor Mixed-Use and creating a Conditional District Overlay for the construction of an 11,500 square foot Goodwill retail store. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING APPROXIMATELY 1.77 ACRES LOCATED AT 475 FAITH ROAD, TAX MAP 070 PARCEL 012, MAINTAINING THE BASE ZONING OF CORRIDOR MIXED-USE AND CREATING A CONDITIONAL DISTRICT OVERLAY FOR THE CONSTRUCTION OF AN 11,500 SQUARE FOOT GOODWILL RETAIL STORE.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 153-154, and is known as Ordinance 2021-65.)

## **CITY ATTORNEY'S REPORT**

City Attorney Graham explained the General Assembly enacted a new law, which was signed by Governor Cooper on September 10, 2021, that authorizes cities and counties to establish social districts within their jurisdiction. He added social districts are outdoor areas where the consumption of alcoholic beverages are allowed as long as the permittees and patrons abide by the requirements set forth in the legislation. He reviewed the requirements for social districts:

- Map of the social district
- Days and hours when alcohol can be consumed in the social district
- Signage
- “Management and maintenance” plan
- Submit map, days, hours to ABC Commission for review
  - Approval by the ABC Commission is not required

Mr. Corriher explained in order to establish the social district Council must designate the location and create a map of the area. He added Council must specify the days and hours alcohol can be consumed within the district, which must be consistent with alcohol sales in permitted establishments. He pointed out proper signage must be posted to let citizens know if they are inside or outside of the social district area. He indicated Council has to establish a management and maintenance plan. He pointed out there are no specific requirements for the plan other than to protect the public health, safety, and welfare, and he indicated the details are left to the individual jurisdictions. He noted the map, days, and hours must be submitted to the ABC Commission, but the legislation does not require their approval.

Mr. Corriher noted if patrons are outside of an establishment with an alcoholic beverage it must be in a special cup which must be less than 16 ounces and not made of glass. He indicated the City could create a special logo for the social district cup to identify the place of purchase.

Mr. Corriher explained patrons can walk around to the district, but they cannot enter another establishment that sells alcohol with their beverage or any establishment that does not want alcohol in their business. He reviewed requirements for possession:

- Must purchase from within the social district
- Must be in approved cups
- Must comply with days, hours, and location
- Must dispose of drink when leaving the social district to be compliant with open container laws

Mr. Corriher noted a staff review will take place tomorrow and will include Council's feedback. He stated Downtown Salisbury Inc. (DSI) has assigned a task force to review the proposal, identify community stakeholders, and consider the proposal from a business perspective. He indicated if Council is interested in the proposal, staff will work with the DSI task force to bring a recommendation to Council for its consideration.

Mr. Corriher stated the City of Kannapolis recently adopted a social district. He noted there is no limitation on the size other than it must be within the City's jurisdiction and creating more than one social distance area is allowed. He explained the City could have multiple social districts as long as it can maintain the requirements.

Councilmember Miller asked if patrons can currently carry an alcoholic beverage from place to place in the downtown. Mr. Corriher noted patrons cannot carry alcohol from place to place.

Councilmember Miller asked which areas of the City are being considered. Mr. Corriher indicated staff can develop a list of areas that may work. He added if multiple districts are considered policing between districts could become an issue. Mr. Miller commented it may be appropriate in certain areas but not the entire Municipal Service District (MSD).

Mayor Pro Tem Heggins asked if criteria for the DSI task force has been established. Mr. Corriher stated he can get the information for Council. Mayor Pro Tem Heggins asked about other advantages to the social districts. Mr. Corriher stated conversations will take place between staff and DSI to determine if social districts would be a driver of business and how it would affect the livability, walkability, and enjoyability of a social district area. He stated how the social district might affect downtown would be considered before a recommendation is brought to Council.

Councilmember Post clarified Mr. Corriher referred to the state ABC Commission in his presentation and not the local ABC board. Mr. Corriher agreed, and he added the local board would not have any rulemaking authority for the social district.

Councilmember Post asked if a patron can purchased an alcoholic beverage and walk five or six blocks with their beverage and then purchase another beverage and continue to walk around the MSD if the whole MSD is selected as a social district. Mr. Corriher explained a patron can only have one beverage at a time and they can walk around the entire social district area. He clarified a patron cannot go in another facility that serves alcohol with their cup unless the cup is empty. Mr. Post asked if each restaurant will have their own cup or if the City will adopt one cup for the entire social district. Mr. Corriher stated the details will be determined

Councilmember Post noted the drink must be disposed of when leaving the district or when a patron is walking from one restaurant to the next. He asked if a patron must also dispose of the cup and if there will be special receptacles. He then asked if social districts will require more engagement from Public Works, Parks and Recreation, and the Police Department. Mr. Corriher stated the cost to the City will be considered. He added a patron would not have to dispose of the cup, but they would have to dispose of the alcohol before they left the social district.

Mr. Corriher requested feedback from Council regarding social districts.

Councilmember Sheffield stated she is eager to see what DSI and the downtown stakeholders have to say about the proposal. She pointed out restaurants will be accountable for the alcohol they serve to patrons. She thanked Mr. Corriher for his work on the proposal.

Councilmember Post asked if Council will have to decide regarding whether to allow alcoholic beverages in the Bell Tower Green and if special receptacles will be needed. Councilmember Miller noted Parks and Recreation Director Nick Aceves indicated there was a way to allow alcoholic beverages at the park during special events so staff did not want to include it in the social district initially.

Councilmember Miller requested the group consider how the decision will impact restaurants and downtown residences. He suggested the proposal be event based. He added he does not see the need for the entire MSD to be a social district.

Mayor Alexander asked if it would be easier to start out small and then expand the district. She suggested the DSI task force join with a City task force to consider the proposal. Councilmember Post asked if the statute allows for a special tax to help cover additional costs to the City. Mr. Corriher noted it is not permitted as part of the ordinance. He added Kannapolis has

a licensing structure for participating businesses, and he indicated he is not aware of a fee associated with the licensing structure. He explained it will need to be determined if the City has the authority to charge a fee and if it is a good idea from a policy perspective. He commented he does not think a tax would be allowed, but a permit fee for participating businesses may be possible.

Councilmember Post asked if the City would be liable if someone gets hurt in the social district. Mr. Corriher noted staff will reach out to the insurance carrier.

### **CITY MANAGER'S REPORT**

City Manager Lane Bailey reminded Council that the first meeting in November will be held on Wednesday, November 3, 2021 at 6:00 p.m. Councilmember Sheffield asked if the meeting could be moved to 3:00 p.m. due to a personal conflict.

By consensus, Council agreed to change the meeting time to Wednesday, November 3, 2021 at 3:00 p.m.

### **COUNCIL COMMENTS**

Councilmember Post noted the free Wi-Fi offered at the Bell Tower Green will also supply Wi-Fi to churches within reach of the signal. He stated Lexington and other municipalities provide free Wi-Fi throughout their downtown, and he questioned if it might be a possibility for the City.

Councilmember Sheffield noted the Bell Tower Green is a great space that adds a new energy to the area.

Councilmember Sheffield thanked IT Manager Dale Waters for all he does for the City and for keeping Council and staff aware of cyber security.

Councilmember Sheffield asked when Council will receive information regarding the search for the next city manager. City Manager Lane Bailey noted responses to the RFP from recruiting firms should be received by October 14, 2021. He added the responses will be sent to Council and it can determine how it wants to proceed. Councilmember Miller stated he is unable to attend the next Council meeting. Mayor Alexander suggested the information be sent to Council and discussion take place on November 3, 2021.

### **MAYOR PRO TEM COMMENTS**

Mayor Pro Tem Heggins stated the opening of the Bell Tower Green was wonderful. She added she also enjoyed Woodstock, and she thanked Ms. Teresa Pitner for her work to make the event a success. She noted the butterfly release was fantastic. She commented it was a wonderful weekend in the City.

**MAYOR'S ANNOUNCEMENTS AND COMMENTS**

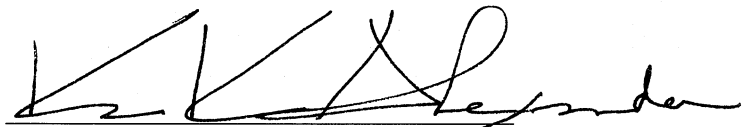
(a) 11<sup>th</sup> Annual BlockWork

Mayor Alexander announced the 11<sup>th</sup> Annual BlockWork neighborhood improvement project will be held Tuesday, October 19, 2021 and Saturday, October 23, 2021. This year's event will take place in the 600 and 700 blocks of South Ellis Street. Volunteers are needed to help with exterior repairs. T-shirts, gloves, masks, meals and drinks will be provided. To volunteer visit [www.salisburync.gov/blockwork](http://www.salisburync.gov/blockwork) by Friday, October 15, 2021.

Mayor Alexander noted it was thrilling to receive the key to the Bell Tower Green during the opening on Friday evening. She added it was exciting to attend the Busker's Bash and see people, musicians, and dancers throughout the downtown. She stated visitors were thrilled with the new park, and she thanked staff for all it does to provide great service to the citizens of Salisbury.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Councilmember Post. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)  
The meeting was adjourned at 7:04 p.m.



Karen Alexander, Mayor



Kelly Baker, City Clerk