SALISBURY, NORTH CAROLINA
MARCH 5, 2019

SPECIAL MEETING

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

ABSENT: Council Member Karen Alexander.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 3:00 p.m. and a moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

Mayor Heggins announced the reason Council’s meeting began at 3:00 p.m. is because there is a North Carolina Department of Transportation (NCDOT) event this afternoon that she and Councilmember Sheffield will be attending. She added Councilmember Miller will need to leave early and Councilmember Alexander is out of the country, and she noted there would be no quorum.

ADOPTION OF THE AGENDA

Thereupon, Mayor Pro Tem Post made a motion to adopt the Agenda as presented. Mayor Heggins and Mayor Pro Tem Post and Councilmembers Miller and Sheffield voted AYE. (4-0)
CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular Meeting of February 5, 2019.

(b) Budget Ordinance Amendment – Sale of Assets

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $48,762 to appropriate revenue from the sale of assets.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM THE SALE OF ASSETS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 13, and is known as Ordinance 2019-12.)

(c) Budget Ordinance Amendment – Insurance Claims Proceeds

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $44,671 to appropriate from revenue from insurance claims proceeds.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA APPROPRIATE REVENUE FROM INSURANCE CLAIM PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 14, and is known as Ordinance 2019-13.)

(d) Budget Ordinance Amendment – Sale of Real Property

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $10,401 to appropriate from revenue from the sale of real property.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM THE SALE OF REAL PROPERTY.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 15, and is known as Ordinance 2019-14.)

(e) Budget Ordinance Amendment – Hurley Park Donation

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $4,500 to appropriate donation for Hurley Park.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATION FOR HURLEY PARK.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 16, and is known as Ordinance 2019-15.)

(f) Right-of-Way Permit – 228 East Kerr Street, Sidewalk

Approve a right-of-way use permit for Ms. Liz Ziebel, Ramsay Burgin Smith Architects, Inc. for the sidewalk in front of 228 East Kerr Street through May 11, 2019.

(g) Resolution – Armen Construction, LLC.

Adopt a Resolution authorizing the City Manager to enter into a unit price department contract with Armen Construction, LLC. for $682,633 to construct sidewalks in the West End Plaza Area, subject to concurring approval by North Carolina Department of Transportation (NCDOT).

RESOLUTION AUTHORIZING A UNIT PRICE CONTRACT BE AWARDED TO ARMEN CONSTRUCTION, LLC. FOR CONSTRUCTION FOR PROJECT C-4908G, SIDEWALKS IN THE WEST END PLAZA AREA. (PREVIOUSLY SALISBURY MALL)

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No.7, and is known as Resolution 2019-05.)

(h) Resolution – Passenger Rail Connection for Western Carolina

Adopt a Resolution in support of a statewide initiative for legislative funding to re-establish a passenger connection for Western North Carolina.

RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE FUNDING TO RE-ESTABLISH A PASSENGER RAIL CONNECTION FOR WESTERN NORTH CAROLINA.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 8 and 9, and is known as Resolution 2019-06.)

Mayor Pro Tem Post pointed out the contract award to Armen Construction, LLC. in the amount of $682,633, and he asked if Ms. Brindle would provide additional detail about this project.

City Engineer Wendy Brindle commented this project is a Congestion Mitigation and Air Quality (CMAQ) Project to construct sidewalks in the West End Plaza Area along Jake Alexander Boulevard and Statesville Boulevard. She explained sidewalks will be placed on the same side as the Woodleaf Lanes bowling alley and will begin at the railroad tracks and continue down to the United States Social Security Administration building where sidewalks will then be constructed.
on both sides of Jake Alexander Boulevard. She commented the sidewalks will continue from the intersection of Jake Alexander Boulevard and Statesville Boulevard to adjoin existing sidewalks.

Mayor Pro Tem Post asked if the City’s Transportation Services extend into the West End Plaza Area. Transit Services Director Rodney Harrison responded that Transit Services does go to the West End Plaza.

Mayor Pro Tem Post asked how many miles or square feet is the new sidewalk project. Ms. Brindle commented the project is a little over 4,200 square yards of sidewalk.

Mayor Heggins commented items that are listed under the Consent Agenda include a brief description to help make the public aware. She asked if staff would add more descriptive information about the expenditure for the public to have more information.

Thereupon, Mayor Pro Tem Post made a motion to adopt the Consent Agenda as presented. Mayor Heggins and Mayor Pro Tem Post and Councilmembers Miller and Sheffield voted AYE. (4-0)

Councilmember Miller asked if there should be a dollar amount set so staff has a guideline of when to add more detail to a Consent Agenda item.

Mayor Pro Tem Post commented he is not suggesting that staff provide a presentation or that an item is removed from the Consent Agenda, but to add more information for the public.

Mayor Heggins commented if staff could add more detail in the description area under the Consent Agenda to provide the public with more information.

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Ms. Carolyn Logan expressed her concerns regarding Monroe and Horah Streets where the streets were closed because of major road construction. She shared residents are upset because they were notified about of the road construction late.

Public Services Director Tony Cinquemani addressed Council about the sinkhole located on Monroe and Horah Streets. He stated the sinkhole happened last week and as soon as staff found the sinkhole they began working on it. He commented he is confident the department informed as many people as they could, but it was not considered a planned construction. Ms. Logan asked Mr. Cinquemani how people were informed. He stated staff informed people by going door-to-door.

Mr. Bailey commented a sinkhole is not a scheduled project and the street would need to be repaired as soon as possible. Councilmember Sheffield asked what is the typical notification process for planned projects. Mr. Cinquemani commented when there is a planned construction
staff will determine road closures and go to surrounding locations, and he added Salisbury Transit services help make the public aware. He noted the sinkhole was not planned, and Monroe Street was affected as well. He explained two different pipes washed away underneath the roadways and creating a dangerous situation, and action was needed immediately.

Ms. Dottie Hoy shared her concerns about the recent United States Immigration and Customs Enforcement (ICE) statements and activity from Council and the community. She asked if the Police Department has a policy or practice regarding ICE, and she asked if there is policy regarding what the Mayor can or cannot say publically without Council’s approval or notification.

Mayor Heggins commented there is no policy in place regarding what the Mayor can or cannot say publically. She stated there was a conversation with Police Chief Jerry Stokes and City Attorney Graham Corriher, and the City does not engage in 27-G.

Police Chief Jerry Stokes stated there are no written policies regarding ICE, and he noted a Police practice is to recognize there are people who may be reluctant to call Police because of their citizenship status. He stated Police do not ask people about their immigrant status, and he pointed out the City does not operate a detention center and there are no agreements with ICE for detainees. He stated he does not recall staff being asked to participate with any ICE raids. He commented he could not say he would never ask for assistance from ICE for an operation because the City has identified there are Mara Salvatrucha (MS-13) gang members who might be illegal immigrants in the area. He noted his job is to make sure the City is safe, and if that means removing people from the City and or the Country who commit violent acts because of gang involvement, he would use every resource possible. He stated he would call on ICE if Police had an identified gang member or a violent criminal who is determined to be here illegally, and staff would take measures to remove those persons from the community. He stated if ICE were to approach the City with a request for assistance staff would review and determine if ICE plans would be applicable. He shared the only time ICE may request local law enforcement assistance is if a person has been identified as a gang member or known as a violent criminal and is in the country illegally.

Mayor Heggins asked Chief Stokes for clarification when he stated he would call ICE. She asked if he was talking about not calling ICE to conduct a raid. She then asked if he would contact ICE after information had been gathered relating to the violent or undocumented individual in the community who may already be apprehended by police so that ICE can come and collect them. Chief Stokes stated it depends if Police were to make an arrest because the individual is involved in some type of violent crime and staff has determined they are in this country illegally. He stated staff would likely then call ICE and to make them aware of the situation. He reviewed Salisbury does not have a detention center so if an arrest is made they will go to a detention center and ICE would likely be notified at that point. He stated if Police learn that an individual is a violent criminal who is involved in drug dealing and things that plague the community, and it is determined that the suspect is an illegal immigrant, the department would then call ICE as one way of problem-solving. Mayor Heggins asked if this was in regards to violent criminals. Chief Stokes commented he does not want to narrow the focus are but there are people who are involved with criminal activity, particularly those who are involved in violent crimes, gangs, and or drug dealing.
and if it is determined the individual is in this country illegally, Police would then use every resource available to address that issue.

Mayor Heggins commented she believes that the immigrant community wants clarification regarding their safety with the Police Department and that staff does not ask about their status. Chief Stokes commented that is correct. Mayor Heggins noted the City’s Police Department is not asking about the status of citizens, but if the department might be made aware of someone’s status because they have committed a violent or criminal act, the Police reserve the right to notify ICE to have those individuals removed from the community. Chief Stokes stated that is correct.

Ms. Whitney Peckman commented she attended a meeting for the recently established Fair Housing Committee, and she noted during that meeting the Centralina Council of Governments (CCOG) provided information on the current draft version of the 2019 Analysis of Impediments (AI). She shared she does not think the public was given notice about the meeting and no minutes were taken. She reviewed information for the AI for 2014 provided during that meeting.

Ms. Susan Lee addressed Council about Fair Housing, and she stated she is a member of the Human Relation Council (HRC) who was recently appointed to serve the newly established Fair Housing Committee. She stated she attended the recent Fair Housing Committee meeting and the Analysis of Impediments (AI) Action Report was reviewed with intentions that the information would be provided to Council for its review and then be sent to the United States Department of Housing and Urban Development (HUD). She expressed her concerns regarding the limited time frame that was provided to review the action report and the City’s delayed reaction to the results of the AI results.

Ms. Renee Wimbish shared her concerns regarding Fair Housing, and she stated she submitted an application to be a part of the Fair Housing Committee, and she asked why the City would hold a committee meeting if the committee does not meet parameters adopted by Council. She asked why it is taking so long for Council to determine appointments for the Fair Housing Committee, and stated there was a recent Fair Housing Committee meeting that was not properly noticed. She expressed her concerns regarding the negative results of the Analysis of Impediments Action Report, and she asked why the City waited five years before acting.

Mr. Tom Kisor stated he is a project manager of a home located at 806 North Fulton Street that is being remodeled. He shared there is an issue regarding Code and an existing sewer line relating to the required distance. He stated he has spoken with Salisbury-Rowan (SRU) Utilities about the option to connect to the sewer pipe further down the Street, and he shared there is a connection fee of $1,975.

Mayor Heggins asked Mr. Kisor references to clarify Code. Mr. Kisor commented it is a building code, and he believes it would be considered a national code. Mayor Heggins asked Mr. Bailey if he and SRU Director Jim Behmer would take another look at Mr. Kisor’s request. Mr. Bailey commented fees cannot be waived because fees are determined and set in the budget, but he will discuss with Mr. Behmer and would let Council know what evolves from that discussion.
Mr. Mike Martelli commented Council recently passed a Resolution in support of policies of equality relating to the Fair Housing Committee, and he read sections of the Resolution. He pointed out all five Councilmembers voted in support of the Resolution.

Mr. Larry Ford referenced a commented made by Ms. Logan regarding the lack of notification relating to road construction because of an area’s location. He stated he lives one block from the country club and recently the roads were closed because of construction, and noted he was not made aware of the closure. He pointed out there are no areas in the City that are more desirable than another relating to services.

Ms. Karen Stephens commented she recently moved to Salisbury. She asked Council to consider repaving Newsome Road because of its poor conditions, and she shared it would be nice to have bike lanes or sidewalks. She expressed her concerns in regards to littering in the area.

City Attorney Graham Corriher commented the North Carolina Department of Transportation (NCDOT) is still working to obtain clarification for a few of the properties located along Newsome Road. He stated sidewalks and bike lanes along Newsome Road are one of Engineering’s top priorities. Ms. Stephens asked if there was a date that the project would be completed.

City Engineer Wendy Brindle commented there have been delays on the project that relate to right-of-way issues, and she added there has been work this week to help resolve some of those issues. She stated work will soon begin by Duke Energy to relocate power lines, and she noted there is a process that must be followed because of the federal funds involved. She stated staff will submit a request to NCDOT for construction that will allow the City to advertise for construction bids by April, and she noted it could take a month for the request to be approved. She stated construction may begin in the summer and would last for about a year. Ms. Brindle provided her business card to Ms. Stephens.

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

Mayor Heggies stated she and Councilmember Sheffield will meet to discuss feedback that was provided at this Council meeting, and she noted she has contacted the Centralina Council of Governments (CCOG) to request feedback and information that was shared during the recent Fair Housing Committee meeting. She commented once she receives that information she will share it with Council. She explained fair housing is important to Council and it will continue to move forward and address those issues.

Councilmember Miller addressed Ms. Hoy’s question relating to the Mayor’s requirements to notify Council before speaking publicly. He stated the Mayor can say whatever he or she desires, but Council acts as a body and the majority of the body decides policy. He commented Council works better when it has an opportunity to collaborate. He suggested Council work together to make its citizens proud of its unity as opposed to separate and individually. He commented Council members are citizens who can speak to whatever they desire. Mayor Heggies
agreed. She stated she hopes Council has demonstrated that it does work and make decisions as a team.

**CITY ATTORNEY’S REPORT**

(a) **Update – Extraterritorial Jurisdiction (ETJ)**

City Attorney Graham Corriher commented there is an issue relating to the extraterritorial jurisdiction (ETJ) that was noted during the Planning Board’s presentation. He stated there are two ETJ members who are serving voluntarily on expired terms for the Planning Board and staff is working to find applicants who live within the City’s ETJ area.

Mr. Corriher explained that the Planning Board is made up of twelve seats and two of those seats represent the ETJ. He provided Council a handout with a listing of all the citizens who reside within the City’s ETJ area. He stated the Chairman of the Planning Board Bill Wagoner requested the list be sent to the Planning Board so it could review and possibly find someone who would be a potential ETJ member for the Planning Board. He stated if this option does not work the General Statutes allows the City to appoint a member from Rowan County, but he would like to exhaust other options first. He stated the County would make the appointment. He stated the ETJ seat cannot be completely eliminated because the state statutes require at least one. He stated the Board could be reduced to 10 member’s one ETJ member and nine Planning Board members. He noted a reduction to the Board would provide a ratio of 3,500 citizens to one Board member. He noted to reduce the Board’s size would require a text amendment. He noted there was a conversation with the Board’s chairman regarding the size of the Board, and the chairman believed there are benefits to having a large board. He suggested hearing feedback from the Planning Board before anything is decided. Mr. Corriher stated he would like more feedback from the Planning Board regarding the option whether or not to keep the ETJ members, and he added this option would be considered a drastic step. He suggested providing the list of the ETJ residents to the Planning Board for its review and input. He reviewed the City sends its recommendations and out of courtesy the county reviews City recommendations, and then appointments are made.

Mayor Pro Tem Post asked if business owners that are included on the ETJ list would be applicable to serve the Planning Board as an ETJ member. Mr. Corriher commented he thinks the business owner would need to reside within the ETJ limits.

Councilmember Miller asked if there is knowledge of cities that have abandoned their ETJ requirements due to the changes in annexation laws. He commented the ETJ was first established because it gives zoning jurisdiction to a portion of territory that will eventually come under a City’s control so there are no drastic zoning changes. He asked if analysis on whether or not it makes sense for the City to even have an ETJ could be provided to Council.

City Manager Lane Bailey commented he does not know of any City that has abandoned its ETJ area and noted a City could have voluntary annexation rights. He added citizens who live in the ETJ generally prefer municipal zoning versus county because they feel there are more protections available.
Councilmember Miller stated he thinks two ETJ members can be found.

Mayor Heggins asked Mr. Corriher if he could provide the pros and cons when considering removal of the ETJ boundaries. Mr. Corriher commented that request might be something that could be added to a Planning Board’s Agenda for its discussion and feedback. He stated he would provide the Board the ETJ listing and return to Council with those responses.

CITY MANAGER’S REPORT

Fair Housing Deadlines

City Manager Lane Bailey commented the issues have been addressed relating to the short-time response with the United States Department of Housing and Urban Development (HUD), and he shared Interim Planning Director Brian Hiatt has requested an extension. Mayor Heggins asked if the extension is in regards to Fair Housing. Mr. Bailey agreed.

Mr. Hiatt indicated the original deadline is mid-May and there is a concern about the short amount of time available because the Fair Housing Committee has just begun and would like time to review and provide feedback. He stated there is a need for a 30-day public comment period. He commented the committee will need to submit the final report to Council and with all the necessary steps the report will not be ready until Council’s July meeting. He noted he has requested a deadline extension of July 31, 2019. He commented he has not heard back from HUD at this time.

Mayor Heggins asked about the methodology that is being used for the Analysis of Impediments (AI). Mr. Hiatt stated currently the Centralina Council of Governments (CCOG) is using all federal reports that might be available. He commented there are challenges because the report has been put together with basic information but there is not enough time to respond to those reports. He noted there was a public meeting that allowed feedback from the community, and he added there is a desire to hold another public meeting before a public hearing. He commented if HUD approves the extended time request it would allow the Fair Housing Committee to hold a public meeting and gather feedback from the community.

Mayor Heggins asked if there will be a staff or committee member that will be designated to meet with some of the lending agencies that might help address lending practices. Mr. Hiatt commented many of the results that came from the report the committee will plan to take action and follow up. He indicated if HUD approves the request for extended time, more action could be implemented such as meeting with lenders.

ANNOUNCEMENTS

Communications Director Linda McElroy announced the North Carolina Main Street Conference will be held in downtown Salisbury March 12 through March 14, 2019. This three-
day conference is open to anyone interested in learning about downtown economic development. For more information or to register visit www.ncmainstreetcenter.com or call (704) 637-7814.

Communications Director Linda McElroy announced Downtown Salisbury, Inc. will host Ring in the Spring Saturday, April 6, 2019 from 11:00 a.m. until 2:00 p.m. at the Bell Tower located on the corner of South Jackson and West Innes Streets. A professional photographer will be onsite offering free photos with the Easter Bunny. Enjoy spring crafts, snacks, and family fun. For more information please call (704) 637-7814.

Communications Director Linda McElroy announced Salisbury Parks and Recreation Department and Hurley Park Advisory Board will host its 32nd annual Hurley Park Spring Celebration Sunday, April 7, 2019 from 2:00 p.m. until 4:00 p.m. at Hurley Park. Enjoy a wide variety of activities including music from the Salisbury Swing Band, a Bubble Circus, free horses and carriage rides, local art, wildlife and nature displays and much more. This event is free and open to the public. For more information please call (704) 638-4459.

Communications Director Linda McElroy announced Salisbury Parks and Recreation will hold its 13th Annual Touch a Truck event Saturday, April 13, 2019 from 10:00 a.m. until 1:00 p.m. in the City Hall parking lot at 217 South Main Street. Participants will have an opportunity to have a hands-on, up close and personal education experience with a wide variety of vehicles including dump trucks, monster trucks, a helicopter, ambulances, and more. The event is free and open to the public.

Mayor Heggies asked if anyone can attend the North Carolina Main Street Conference. Downtown Salisbury, Inc. Director Larissa Harper commented anyone from the public can attend the event. She noted many of the sessions are sold out, and she noted staff is working with the Communications Department to include Facebook Live video streaming for the Welcome and Keynote sessions. She commented there could be 700 people who will attend next week’s conference.

Mayor Pro Tem Post asked where people are lodging because there are not that many hotel rooms in Salisbury. Ms. Harper commented some people will stay in Lexington, and she added staff has worked with the Rowan Tourism Development Authority and was able to offer discounted rates for hotel accommodations. She stated some people have opted to stay in Air Bed and Breakfasts (Airbnb) and Bed and Breakfasts.

Someone from the audience asked if there is a charge for the general public to attend the conference. Ms. Harper indicated there is and more information regarding costs can be found on the conference’s website. Councilmember Miller commented people can visit www.ncmainstreetcenter.com for additional questions.

**COUNCIL COMMENTS**

Councilmember Miller announced the Council Committee relating to free speech will present a recommendation, and he asked City Clerk Diane Gilmore if an item could be added to
Council’s April 2, 2019 meeting. He noted City Attorney Graham Corriher and Administrative Services Director Kelly Baker have the most recent revisions made to the draft. He requested the meeting be properly noticed, and those who have participated in group discussions be notified by e-mail. He commented a public hearing will be held to provide an opportunity for public input regarding free speech. He then asked if the latest version could be added to the City’s website to allow the public an opportunity to review.

Councilmember Sheffield announced it is Fat Tuesday, also known as Mardi Gras. She reminded people Ash Wednesday is coming up, and she noted it is a great reminder for people to be mindful of each other.

Councilmember Sheffield asked if the City Manager could follow up on some of the comments made in regards to a meeting that was held and not properly noticed.

Councilmember Sheffield asked if announcements could be listed on the screen for the public.

Councilmember Sheffield commended Piedmont Players Theater group, Rowan County School Systems, and other school systems for its programs that allow students to attend plays. She stated Piedmont Players is able to provide the events, and it cost students .50 to $1 to watch a play. She stated this is a chance for students to be exposed to live theater. She noted art is very important to our culture and sometimes the impacts of art is forgotten.

Councilmember Sheffield thanked all the citizens who participated during today’s Council meeting with the change in time.

**MAYOR PRO TEM COMMENTS**

Mayor Pro Tem Post commented there are residents in the 700 and 800 blocks of South Fulton Street and Mitchell Avenue who would be considered within the City’s Extraterritorial jurisdiction (ETJ). Councilmember Miller noted he thinks those residents might be business owners and the address listed is not their home address or a parcel address. Mayor Pro Tem Post asked if people who own a piece of property within the City’s ETJ limits could be considered for the Planning Board’s ETJ seats, even though they might not reside in the City limits. City Attorney Graham Corriher stated he would review the list with staff before it is sent to the Planning Board to make sure it is accurate, and he noted primary residency would be the factor of whether or not a person could serve as an ETJ member for the Planning Board.

**MAYOR’S COMMENTS**

Mayor Heggins thanked everyone who attended the Council meeting. She thanked Council and staff for its work.
ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:16 p.m.

Al Heggins, Mayor

Diane Gilmore, City Clerk