

Salisbury, North Carolina  
August 2, 2016

## **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; Deputy City Clerk Kelly Baker, and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** City Clerk Myra B. Heard.

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.

## **PROCLAMATIONS**

Mayor Alexander proclaimed the following observance:

NATIONAL NIGHT OUT

August 2, 2016

## CHANGE TO THE AGENDA

Mayor Alexander noted the following change to the Consent Agenda:

Item 6b — Adopt a Budget Ordinance amendment to the FY2016-2017 budget in the amount of \$91,000 to appropriate revenue from Livingstone College for two transit express routes will be removed from the Consent Agenda and considered as a separate item.

## CONSENT AGENDA

### (a) Approval of Minutes

Approve Minutes of the Regular Meeting of July 19, 2016 and the Special Meetings of July 18, 2016 and July 20, 2016.

Thereupon, Mr. Hardin made a **motion** to adopt the Consent Agenda with the noted changes. Ms. Blackwell seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

## TRANSIT – LIVINGSTONE COLLEGE

Assistant City Manager John Sofley and Transit Manager Rodney Harrison addressed Council regarding transit service for Livingstone College. Mr. Sofley noted staff worked with the College to determine additional hours of service that would better serve the Livingstone community and allow students to travel on nights and weekends. He explained staff created two express routes that would extend service times for Livingstone students and the general public.

Mr. Harrison reviewed the proposed routes, and he recognized transit staff for their work on the project. He explained the proposed routes would run in addition to the City's existing transit routes and include additional hours of service.

Mr. Sofley indicated staff submitted a proposal for the additional service to Livingstone College at a fee of \$35 per student per semester, with a minimum guarantee of 1,300 students and a total cost of \$91,000 annually. He explained freshman are not allowed to have a vehicle on campus, and some students are housed at the College Park Apartments. He noted those students, along with the ones at the Culinary School must travel to the main campus for meals.

Mr. Sofley stated Livingstone College accepted the City's proposal as a one-year agreement. He pointed out modifications to the agreement may be required in the future. He indicated the routes will operate when students are on campus and service will begin August 19, 2016.

Councilmember Hardin thanked City Engineer Wendy Brindle and the engineering staff for the speed tables that were installed along Monroe Street near Livingstone College. He also recognized Mr. Sofley and Mr. Harrison for bringing additional transit service hours to Livingstone College.

Thereupon, Mr. Miller made a **motion** to accept the Budget Ordinance as presented. Mr. Hardin seconded the motion. Messrs. Hardin, Miller and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

ORDINANCE AMENDING THE 2016-2017 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUNDS FROM LIVINGSTONE COLLEGE TRANIT AGREEMENT.

(The above Ordinance is recorded in full in Ordinance Book No. 25 at Page No. 52, and is known as Ordinance 2016-29.)

### **AGREEMENT MODIFICATION – KNOX MIDDLE SCHOOL**

Dr. Michael Waiksnis, Principal at Knox Middle School, addressed Council regarding the School. He stated he has served as principal of Knox Middle School for three years. He explained Mr. Chris McNeil has recently been hired as deputy principal. He added Mr. McNeil is respected in the community and liked by students and staff.

Dr. Waiksnis commented last year was extremely successful for Knox Middle School. He noted the Accelerated Studies Program was approved by the School Board. He explained the Accelerated Studies Program will offer five high school credit courses, and he noted staff hopes to add an extended school day the following school year which would allow additional instruction time for students that fall behind.

Dr. Waiksnis reviewed growth and benchmarks for math and reading, and he noted Knox Middle School outscored State projections. He pointed out student absences have decreased over the last three years and enrollment has remained consistent. He reviewed out-of-school suspensions, and he noted an initial spike when he began as principal followed by a dropping trend.

Dr. Waiksnis then reviewed the results of a Statewide teacher survey, and he noted the improved scores. He pointed out when teachers feel supported they are more likely to remain at a location.

Dr. Waiksnis explained former Co-Principal Dr. Latoya Dixon's departure created a need to amend the contract. He noted Mr. McNeil will create a community outreach series that will be open to the public and include monthly sessions at different locations throughout the community. He added Mr. McNeil will also coordinate an evening workshop series to be held at Knox Middle School which will also be open to the public.

Dr. Waiksnis requested his agreement with Council remain the same. He suggested Mr. McNeil be compensated \$11,000 for the year, which would include \$6,500 for the community outreach series and evening workshops, and an additional \$4,500 for personal development and tuition reimbursement.

Councilmember Miller asked when Mr. McNeil would obtain his next degree. Dr. Waiksnis stated Mr. McNeil expects to complete his Doctoral Degree in the near future, but he does not have an exact time.

Councilmember Hardin asked if North Carolina pays higher salaries for advanced degrees. Dr. Waiksnis explained the State withdrew compensation for advanced degrees.

Mr. Miller clarified the total annual contribution to Mr. McNeil would be \$11,000 annually. Councilmember Post pointed out the memo in Council's agenda packet stated there is no impact to the Budget. City Manager Lane Bailey explained the proposed agreement with Mr. McNeil is less than the previous agreement with Dr. Dixon resulting in a reduction in the total cost to the City.

Mr. Miller pointed out the modified agreement listed monthly compensation for Dr. Waiksnis, but did not reflect an annual total. He requested the total be included in the final agreement.

Mr. Post thanked Dr. Waiksnis for all he has done at Knox Middle School.

Mr. Hardin pointed out Knox Middle School is painted in a bad light. He asked when the updated testing scores would be available on the State's website. Dr. Waiksnis stated the information should be available by the end of August. Mr. Hardin asked if there was a correlation between teacher satisfaction and improved student behavior. Dr. Waiksnis agreed, and he noted when teachers are stressed and feel unsupported it impacts their job performance.

Mr. Hardin encouraged citizens to contact and visit Knox Middle School.

Mayor Pro Tem Blackwell pointed out recruiting teachers can be a challenge. Dr. Waiksnis indicated Knox Middle School currently has two openings, and he pointed out last year the school was fully staffed.

Mayor Alexander thanked Dr. Waiksnis and Mr. McNeil for all they do for Knox Middle School and the City.

Thereupon, Ms. Blackwell made a **motion** to approve a modification to the existing agreement with the Knox Middle School Principal and Deputy Principal. Mr. Miller seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

## **SUNSET DRIVE TRAFFIC CONTROL**

City Engineer Wendy Brindle addressed Council regarding traffic calming measures for Sunset Drive. She explained in 2001 the neighborhood brought their traffic speed concerns to the City. She noted the area is primarily residential, and it experiences high traffic speeds. She stated the City hired a consultant who held multiple meetings with the neighborhood and recommended chicanes. She added modified chicanes were installed in 2004 and traffic speeds initially dropped, but have increased over time.

Ms. Brindle pointed out maintenance of the chicanes is an issue because people drive over them. She commented in 2007 neighbors began calling the City, and in 2008 a neighborhood meeting was held and Sunset Drive property owners were surveyed. She explained 38 surveys were returned, or just over 50%. She added 47% of the citizens wanted to remove all traffic calming from Sunset Drive and 53% wanted to keep some form of traffic control

Ms. Brindle explained another neighborhood meeting and survey was conducted, and staff decided to proceed with permanent chicanes. She added letters were sent to area residents, and staff began receiving phone calls from people who did not want permanent chicanes.

Ms. Brindle noted the City has never allowed vertical traffic control, but staff is proposing speed humps on Sunset Drive. She added another survey was sent to explain the chicanes would be removed and a permanent concrete curb or speed hump would be installed in its place. She explained the speed hump would be 14-foot wide and rise three to four inches in the middle. She added 35%, or 13 people, who responded to the survey requested speed humps and 27%, or 10 people, requested no traffic control, 27%, or 10 people, wanted permanent chicanes, and 11%, or 4 people, requested something else such as increased police presence. She added citizens were asked to provide their home address, but some did not include the information.

Ms. Brindle noted staff also recommends an additional treatment in the 400 block of Sunset Drive, and she added there was greater support for the speed humps. She noted the estimated cost for installation of speed humps or permanent chicanes are both approximately \$6,000 including labor and equipment. She explained the Street Department would complete the installations, but the expense is unbudgeted.

Mr. Hardin asked about the time citizens were given to complete the survey. Ms. Brindle indicated recipients were given two to three weeks to return the surveys. She added all responses were recorded. Mr. Hardin asked how many surveys were mailed. Ms. Brindle indicated staff mailed approximately 70 surveys, and just over 50% responded. She pointed out staff received a better response from the surveys than the neighborhood meetings.

Councilmember Miller stated he is traditionally against speed bumps, but he noted they can be very effective. He added a long stretch of road creates opportunities for increased traffic speed, and he commented he supports the speed humps along Sunset Drive. Councilmember Post agreed with Mr. Miller.

Mayor Alexander stated she also supports the speed humps.

Thereupon, Mr. Miller made a **motion** to approve the installation of speed humps on Sunset Drive to include a one-year speed and volume study to determine their effectiveness. Mr. Hardin seconded the motion.

Mr. Post asked if the \$6,000 installation includes speed and volume study costs. Ms. Brindle explained the \$6,000 does not include staff time for the study, and she added speed and volume studies are conducted throughout the City.

Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

Ms. Brindle informed Council that speed tables, or raised cross walks, are being installed on Monroe Street near Livingstone College. She explained for traffic calming to be effective, speed humps must be installed every 400 to 800 feet. She noted a raised cross walk will be added between Institute and West Streets. She commented the area will have four raised cross walks and one speed table. She indicated the project could take up to four weeks, and she added staff will contact Livingstone College.

## **PUBLIC COMMENT**

Mayor Alexander opened the floor to receive public comment.

Mr. Greg Alcorn, 10 Pine Tree Road, stated he is local business owner and Fibrant supporter. He noted Fibrant drives the City. He pointed out this Council did not create Fibrant, but it is everyone's responsibility to make Fibrant successful. He noted Fibrant should be a major topic at every Council meeting, because it is a major part of the City's budget. He added Fibrant needs 35% of the market share to break even, and Council must do all it can to meet the need. He indicated Fibrant needs a loud positive voice in the community.

Mr. Carl Repsher, 8 North Road Circle, indicated he is also a Fibrant customer. He added the technical service is outstanding, and he stated Fibrant should be run as a competitive business.

Ms. Cynthia Moore Stanfield, 314 Grimm Street, noted she lives near an abandoned apartment building that is in foreclosure and a blight to the community. She explained she has contacted Code Enforcement but cannot get the grass cut and the overgrowth is coming through her fence. She pointed out the retention rate for Code Enforcement Officers must be addressed.

Mayor Pro Tem Blackwell asked City Manager Lane Bailey to have staff contact Ms. Stanfield. Mr. Bailey indicated Assistant City Manager Zack Kyle will contact her.

Mr. Frank Davidson, 110 Par Drive, thanked Council for the attention it gives to the community. He also thanked City Engineer Wendy Brindle for her work regarding Sunset Drive. He noted traffic control is a concern for the community and he supports speed humps in the area.

Ms. Dee Dee Wright, 418 South Caldwell Street, noted she is concerned Council is paying salary supplements to the Knox Middle School principals without an evaluation. She questioned what type of evaluation was conducted to warrant the salary supplements. She added she does not think Council has done its due diligence.

Ms. Carolyn Logan, 227 East Hall Street, East Spencer, indicated she worked at Knox Middle School, and she added the students have a lot of potential. She is also concerned the West End and Old Plank Road are not being properly policed.

Mr. DeCarlo Julian, 1432 West Horah Street, agreed with Ms. Logan that police presence is missing in the West End community. He noted he called the police and asked to be anonymous, but they came to his door and the neighbors knew he had called them. He added he hopes to see an increased police presence in the community.

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

## **DEBT REFINANCING**

Finance Director Teresa Harris, stated staff worked with Financial Advisory Richard Marvin, PFM Group, to determine the feasibility of refinancing the Fibrant debt.

Mr. Marvin noted in 2008 Council issued Certificates of Participation to finance the Fibrant system. He explained some of the Certificates of Participation were purchased by BB&T and refinanced in 2013 at a lower rate. He commented approximately \$16.2 million in the public portion of the debt was reviewed for potential refinancing savings. He noted restructuring the piece purchased by the bank and working to reduce or eliminate the debt service reserve funds was also considered.

Mr. Marvin explained 20 banks were solicited and one proposal was received from SunTrust Bank to restructure the entire debt at 2.06%, committed for 13 years. He added the tax-exempt loan must close by September 30, 2016. He explained SunTrust Bank will not require a debt service reserve fund which will free up \$3 million. He pointed out the interest rate on the public portion was 4.5% to 5.62% and the portion held by the bank was at 2.24%. He indicated both interest rates will drop to 2.06% without extending the maturity date. He explained there is a make hold provision so if the rates drop and the debt is refinanced, a make hold provision would be required.

Mr. Marvin pointed out the City will save approximately \$430,000 per year. He explained there will be a net present value savings of \$1.5 million when the debt is refinanced, or approximately 5% of the refunded amount. He stated PFM recommends the City consider the SunTrust proposal.

Councilmember Miller asked if the \$3 million from the debt service reserve fund will offset outstanding debt or be distributed to the City. Mr. Marvin noted the money could reduce the amount of the refunding bonds.

Mr. Marvin stated PFM has worked with the Local Government Commission to get their approval for the refinancing. He added PFM will continue to negotiate a 10-year limit on the make hold provision with SunTrust Bank. He pointed out the debt has a 13-year term limit.

Councilmember Post stated he supports the refinancing, and he pointed out interest rates will probably go up in the future. He added if the City pays the loan off early the lender could reinvest the money at a higher interest rate. Ms. Harris pointed out refinancing will allow the City to pay back the water-sewer debt sooner than anticipated.

Mr. Post asked what must be done to meet the lenders deadlines. Mr. Marvin noted the rate is locked in until September 30, 2016. He commented if Council and the Local Government Commission approve the loan and the documents are completed by the end of September there will be no problems closing the loan. He added the Local Government Commission has an executive session meeting September 6, 2016 and staff will have to wait five days after the session to replace the bonds. He noted PRM has a meeting with the Local Government Commission later this week, and the documents should be ready to submit to the Commission. He noted Council must hold a public hearing and then adopt a Resolution approving the contract.

Mr. Post asked about interest rate on the loan from Salisbury-Rowan Utilities to Fibrant. Ms. Harris stated the loan has a 1% interest rate.

Thereupon, Mr. Miller made a **motion** to set a public hearing for August 16, 2016 regarding the Refinancing of Series 2008 Certificates of Participation and Series 2013 Certificates of Participation debt for Fibrant. Mr. Post seconded the motion. Messrs. Hardin, Miller, and Post, and Mses. Alexander and Blackwell voted AYE. (5-0)

## **BOARDS AND COMMISSIONS**

### **ABC Board**

Upon a motion by Mr. Miller, seconded by Ms. Blackwell, and with Messrs. Hardin and Post, and Ms. Alexander voting AYE, the following re-appointment was made to the ABC Board:

Mr. David McCoy

Term Expires 03/31/19

## **CITY MANAGER'S COMMENTS**

### (a) Approved Budget

City Manager Lane Bailey presented the FY2016-2017 approved Budget to Council.



(b) Habitat for Humanity Property Acquisition

City Manager Lane Bailey noted staff is discussing a possible property trade with Habitat for Humanity. He explained the proposal would trade City-owned lots on Martin Luther King, Jr. Avenue for lots located near the sports complex. He indicated the trade would help with future greenway expansion and take property the City is currently maintaining and put it into ownership that would benefit the City.

Councilmember Miller asked if there is concern regarding the discrepancy of values. Mr. Bailey noted the discrepancies would be worked out and brought back to Council for final approval.

By consensus Council agreed that City Manager Lane Bailey move forward with discussions with Habitat for Humanity regarding a property trade.

(c) Capital Improvement Plan

City Manager Lane Bailey stated Council held a Capital Improvement Plan (CIP) work session for Salisbury-Rowan Utilities (SRU) prior to today's meeting. He noted General Fund information was passed out at the work session. He asked if Council could hold a work session October 4, 2016 at 4:00 p.m.

By consensus, Council agreed to hold a CIP work session Tuesday, October 4, 2016 at 4:00 p.m.

## **MAYOR'S ANNOUNCEMENTS**

(a) "School Tools" Campaign

Mayor Alexander announced the City of Salisbury is partnering with Communities in Schools to collect items for its annual "School Tools" Campaign. Last year Communities in School packed more than 500 bookbags for students, and with the community's help, we hope to reach even more students this year. The types of supplies needed include bookbags/backpacks, notebook paper, pencils, crayons, colored pencils, three-ring binders and rulers. The "School Tools" Campaign kicks off August 1 and lasts through August 20. Supplies will be collected at the following locations:

- City Hall – 217 South Main Street
- Customer Service Center – 1415 S. Martin Luther King, Jr. Avenue
- City Office Building – 132 North Main Street
- Fire Station 1 – 514 East Innes Street
- Police Department – 130 East Liberty Street
- Civic Center – 315 Martin Luther King, Jr. Avenue
- Salisbury-Rowan Utilities - 1 Water Street
- City Park – 316 Lake Drive

(b) National Night Out

Mayor Alexander announced the Salisbury Police Department and community and neighborhood organizations will host National Night Out Tuesday, August 2, 2016 throughout the evening hours. Specific times for the different neighborhoods will vary, depending upon plans made by neighborhood leaders. Citizens from these neighborhoods are invited to attend their respective events. Each location will receive a visit from officers of the Salisbury Police Department. Those neighborhoods scheduled to participate are:

- Ardis Chapel Church
- At the Cross Ministries
- Brooklyn South Square
- Chestnut Hills
- Celebration Dr.
- City Park
- Clancy Hills Apartments
- Fred M. Evan's Pool
- Fulton Heights
- Hidden Creek
- Holly Leaf Apartments
- Moore's Chapel
- Rachel Lane
- Rolling Hills Apartments
- Rowan Terrace
- Salisbury Village - Castlewood
- The Father's House of Prayer
- The Gables
- Salvation Army
- VA Community
- West Ridge Village
- Whispering Oaks

(c) “Movies in the Park”

Mayor Alexander announced Salisbury Parks and Recreation will host Movies in the Park Friday, August 5, 2016 at City Park. Pre-movie entertainment will begin at 8:00 p.m. and the movie “Minions” will begin at 9:00 p.m. Concessions will be available for purchase. This event is free and open to the public. For more information please call 704-216-PLAY.

(d) Sculpture Dedication

Mayor Alexander announced the Salisbury Public Art Committee will host a dedication of the sculpture “George Washington Visits Salisbury” at Rowan Museum, Friday, August 5, 2016 at 3:30 p.m. The dedication will be held in front of the Museum located at 202 North Main Street.

(e) “Meet with the Manager”

Mayor Alexander announced the next "Meet with the Manager" will be held Wednesday, August 3 from 9:00 a.m. until 10:00 a.m. in the first floor conference room at City Hall, 217 South Main Street. This is an open office hour for citizens to share their ideas or concerns regarding City services with the City Manager.

(f) Vision 2020 Plan Update

Mayor Alexander announced the City of Salisbury is currently working on an update to Vision 2020, the community's comprehensive plan. We need your help to make sure the new plan is representative of the entire community's vision for Salisbury's future. Visit our website at [www.salisburync.gov/trailblazer](http://www.salisburync.gov/trailblazer) to learn more about the process and how you can get involved and participate in the photo challenge contest. For more information contact Catherine Garner at 704-638-5324.

(g) Fibrant Business Pricing

Councilmember Post noted a recent article in the *Salisbury Post* included Fibrant's rate structure. He pointed out Fibrant's business rates are higher than its competitors. He asked the staff to provide a comparative chart between Fibrant and its competitors, particularly Time Warner and AT&T, that Council could use to make adjustments.

Fibrant Director Kent Winrich noted staff is working on spreadsheet to present to Council regarding possible changes to pricing and services. Councilmember Miller asked when Council would receive the information. Mr. Winrich stated staff can provide the information to Council at an upcoming meeting.

Mayor Alexander stated the comparison must be clear regarding what the City offers and what its competitors offer. Mr. Miller requested data for prices inside and outside the City limits. Mr. Winrich noted residential pricing has been approved, but he pointed out business customers have some flexibility due to custom solutions that are required to meet their needs.

**EXCUSE – MAYOR PRO TEM BLACKWELL**

Mayor Pro Tem Blackwell asked to be excused from the meeting.

Thereupon, Mr. Miller made a **motion** to excuse Mayor Pro Tem Blackwell. Mr. Post seconded the motion. Messrs. Hardin, Miller, and Post, and Ms. Alexander voted AYE. (4-0)

**NOVANT CORPORATE HEALTH CUP**

Mayor Alexander noted the City won the 2016 Corporate Wellness Cup from Novant Health which will be kept in the Human Resources Department. She pointed out when employees are committed to healthy living it helps to reduce the City's insurance rates.

## **CODE ENFORCEMENT**

Councilmember Miller asked if the Code Enforcement Director position has been filled. City Manager Lane Bailey stated the City is recruiting a Senior Code Enforcement Officer, but he is not certain of a timeframe. Planning and Development Services Manager Janet Gapen explained the City originally posted a Senior Code Enforcement Officer, and she noted staff decided to repost the position and hopes to interview applicants in early September. Mr. Miller noted it would be reasonable to expect someone to start in October. Ms. Gapen agreed.

Councilmember Hardin asked if the posting will impact citizen interaction. Ms. Gapen explained Development Services and Code Services Manager Preston Mitchell is working closely with the two Code Enforcement Officers to refine the process and increase time in the field. She pointed out two Code Enforcement Officers are currently covering the entire City and responding to citizen's complaints.

Mr. Hardin noted people have shared concerns that animals are damaging property and impacting quality of life in the West End.

## **DRAGON BOAT RACE**

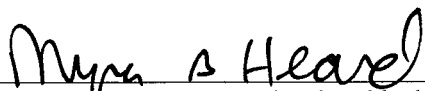
Dragon Boat Captain Jim Behmer noted the City team placed second in the C division of the Rowan County Chamber of Commerce Dragon Boat Race. He added last year the City placed third. He thanked everyone who participated in the race and who came out to support the City.

## **ADJOURNMENT**

Motion to adjourn the meeting was made by Mr. Miller seconded by Mr. Post. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:27 p.m.



Karen Kirks Alexander, Mayor



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Myra B. Heard, City Clerk