



City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

January 18, 2022
6:00 p.m.

The City is operating under a State of Emergency declaration related to the spread of COVID-19. The City Council meeting will be held electronically to remain consistent with limiting physical interactions and the potential spread of COVID-19, and Council Chambers will be closed. The meeting will be streamed live at salisburync.gov/webcast and on the City's Twitter account. *Anyone who wishes to speak during public comment must sign-up by 5:00 p.m. on January 18, 2022 by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233.*

1. Call to order.
2. Moment of Silence.
3. Pledge of Allegiance.
4. Adoption of Agenda.
5. Mayor to proclaim the following observances:

SCHOOL CHOICE WEEK

January 23-29, 2022

CATHOLIC SCHOOLS WEEK

January 30 – February 5, 2022

6. Council to consider the CONSENT AGENDA:
 - (a) Adopt Minutes of the Regular meeting of January 4, 2022.
 - (b) Approve a right-of-way encroachment for Spectrum for the installation of an underground bore in the 100 block of South Martin Luther King, Jr. Avenue per Section 11-24(27) of the City Code and subject to approval by the North Carolina Department of Transportation.
 - (c) Adopt a **RESOLUTION** authorizing the upset bid process for the sale of Tax Map 005 Parcels 143 and 144 located in the 1200 block of West Fisher Street.
 - (d) Receive a request for voluntary annexation of Cloninger Investments for a proposed body shop located at 645 Julian Road, Tax Map 400 Parcel 053, and adopt a **RESOLUTION** instructing the City Clerk to investigate the sufficiency of the request.
 - (e) Authorize the City Manager to execute a contract with Withers Ravenel for an amount not to exceed \$30,905 for engineering services associate with the Watershed Analysis of Jump and Run Branch. Funds for this project were approved in the FY2021-2022 budget.

COUNCIL MEETING AGENDA – PAGE 2 – JANUARY 18, 2022

7. Council to receive public comment. *Public comment will begin following adoption of the Consent Agenda. For electronic meetings speakers must sign-up before 5:00 p.m. by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233. Citizens who are unable to speak during the meeting may submit written comments by 5:00 p.m. to the email above and they will be shared with Council.*
8. Council to consider adopting an **ORDINANCE** to authorize the demolition of structures located at 418 and 420 South Craige Street. (*Presenter – Code Services Manager Michael Cotilla*)
 - (a) Receive a presentation from staff
 - (b) Hold a public hearing
 - (c) Adopt an **ORDINANCE** authorizing the demolition of structures located at 418 and 420 South Craige Street.
9. Council to consider adoption of the 2022 Federal Action Plan. (*Presenters – Strategics Lobbyists Leslie Mozingo and Ron Hamm, City Attorney Graham Corriher and Administrative Services Director Kelly Baker*)
10. Council to receive a presentation regarding the proposed use of HOME-American Rescue Plan program funds from the U.S. Department of Housing and Urban Development. (*Presenter – Housing Planning Candace Edwards*)
11. Council to consider revisions to the Uniform Construction Standards regarding residential street cross-sections and erosion control for lots less than one acre. (*Presenters – City Engineer Wendy Brindle, Public Works Director Craig Powers, and Public Works Administrative Manager Michael Hanna*)
12. Council to receive an update from the Police Department. (*Presenter – Police Chief Jerry Stokes*)
13. Council to consider making an appointment to the Economic Development Commission.
14. City Attorney’s Report.
 - (a) Council to consider adopting an **ORDINANCE** amending various chapters of the Code of Ordinances for the City of Salisbury to comply with N.C. Session Law 2021-138.
15. City Manager’s Report.
16. Council’s Comments.
17. Mayor Pro Tem’s Comments.

COUNCIL MEETING AGENDA – PAGE 3 – JANUARY 18, 2022

18. Mayor’s Announcements and Comments.
- (a) Downtown Salisbury, Inc. invites the community to attend a public engagement session to provide input on a proposed Social District. The input and information sessions will be held on the following dates and locations:
- Bars & Restaurants Session – Tuesday, January 11 at 3:00 p.m., New Sarum.
 - Merchants, Arts and Culture Group Session – Tuesday, January 11 at 5:00 p.m., 215 Depot Street.
 - Community Engagement Sessions
 - Friday, January 14 at 8:30 a.m., virtually
 - Tuesday, January 18 at 11:30 a.m., 130 South Main Street
 - Wednesday, January 19 at 5:30 p.m., Mean Mug
 - Thursday, January 20 at 5:30 p.m., virtually
 - Quarterly Stakeholders meeting – Wednesday, January 26 at 8:30 a.m., City Hall and virtually.
- (b) Downtown Salisbury, Inc. will host the 9th Annual Wine About Winter event Friday, February 4, 2022 from 5:00 p.m. until 9:00 p.m. For ticket sales and detailed information please visit www.downtownsalisburync.com or call 704-637-7814. Tickets are \$24.50 in advance or \$32 the day of the event.
19. Adjourn.



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, all children in Salisbury should have access to the highest quality education possible; and

WHEREAS, Salisbury recognizes the important role that an effective education plays in preparing all students in Salisbury to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Salisbury; and

WHEREAS, Salisbury is home to a multitude of high quality public and non-public schools in which parents can choose for their children, in addition to families who educate their children in their home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, Salisbury has many high quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM the week of January 23-29, 2022 as

SCHOOL CHOICE WEEK

in Salisbury, and urge citizens to recognize the outstanding achievements of the education system.

This the 18th day of January 2022.



Karen K. Alexander, Mayor



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, the Catholic school of Salisbury, and the Catholic schools of the entire Nation, have provided outstanding education to their students and contributing to the welfare of the entire state; and

WHEREAS, Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development; and

WHEREAS, Catholic schools teach a diverse group of students; and

WHEREAS, Catholic schools have trained many of the fine leaders in North Carolina of both the Catholic Church and the state; and

WHEREAS, by their existence the Catholic schools have kept alive the principal of Freedom of Choice in education.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina DO HEREBY PROCLAIM January 30, 2022 through February 5, 2022 as

CATHOLIC SCHOOLS WEEK

in Salisbury, and urge all citizens to join in the celebration of the outstanding achievements of the Catholic School System in Salisbury. I also take this time to congratulate Catholic school students, parents, and teachers for their ongoing contributions to education and for the key role they play in promoting and ensuring a brighter, stronger future for our City.

This the 18th day of January 2022.



Karen K. Alexander, Mayor

Salisbury, North Carolina
January 4, 2022

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Council Members Harry McLaughlin, David Post, and Anthony Smith; Interim City Manager Brian Hiatt, City Clerk Kelly Baker; and City Attorney J. Graham Corriher.

ABSENT: Mayor Pro Tem Tamara Sheffield

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.

CHANGES TO THE AGENDA

Postpone Item 10 - Council to consider adopting an Ordinance to order the demolition of the structure located at 418 South Craige Street.

ADOPTION OF THE AGENDA

Thereupon, Councilmember Post made a **motion** to adopt the Agenda with the noted change. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

DR. MARTIN LUTHER KING, JR. DAY	January 17, 2022
NATIONAL MENTORING MONTH	January 2022
NATIONAL SLAVERY AND HUMAN TRAFFICKING PREVENTION MONTH	January 2022

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular meeting of December 7, 2021.

(b) Budget Ordinance Amendment- North Carolina Governor's Highway Safety Program

Adopt a budget Ordinance amendment to the FY2021-2022 budget in the amount of \$25,000 to appropriate grant funds from the North Carolina Governor's Highway Safety Program to provide overtime funds for traffic enforcement.

ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 1, and is known as Ordinance 2022-01.)

(c) Budget Ordinance Amendment – North Carolina Governor's Crime Commission

Adopt a budget Ordinance Amendment to the FY2021-2022 budget in the amount of \$23,960 to appropriate grant funds from the North Carolina Governor's Crime Commission to replace outdated equipment in the booking area, a transport chair, mobile stop signs to aid in reducing traffic accidents in high crash zones when the power goes out, replacement Taser cartridges, and digital optics.

ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE NORTH CAROLINA GOVERNOR'S CRIME COMMISSION GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 2, and is known as Ordinance 2022-02.)

(d) Budget Ordinance Amendment – Duke Energy Foundation

Adopt a budget Ordinance amendment to the FY2021-2022 budget in the amount of \$25,000 to appropriate grant funds from the Duke Energy Foundation to support social justice and racial equity initiatives.

ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A DUKE ENERGY FOUNDATION GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 3, and is known as Ordinance 2022-03.)

(e) Budget Ordinance Amendment – Edward Byrne Memorial Justice Assistance Grant

Adopt a budget Ordinance amendment to the FY2021-2022 budget in the amount of \$69,814 to appropriate Edward Byrne Memorial Justice Assistance grants for 2019, 2020 and 2021 for the purchase of a benchmark management system, two interactive whiteboards, a license plate reader, duty pistol replacements, and weapon lights and holsters, handcuffs, and baton replacement.

ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE 2019, 2020, AND 2021 BYRNE JUSTICE ASSISTANCE GRANTS.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 4, and is known as Ordinance 2022-04.)

(f) Resolution – Byrne Criminal Justice Innovation Program Grant

Adopt a Resolution accepting a Byrne Criminal Justice Innovation Program Grant in the amount of \$800,000 for the West End Salisbury Transformed Empowered Neighborhood Development Project.

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A BYRNE CRIMINAL JUSTICE INNOVATION PROGRAM GRANT.

(The above Resolution is recorded in full in Resolution Book No.16 at Page No. 1, and is known as Resolution 2022-01.)

(g) Contract – Level Solutions Group, LLC

Authorize the City Manager to execute a contract in an amount not to exceed \$354,364.27 with Level Solutions Group, LLC for the purchase of replacement technology equipment. Equipment has reached its end of life and funds for this purchase were approved in the FY2021-2022 budget.

(h) Ordinance – Main Street Road Diet Conformity

Adopt an Ordinance amending Section 13-338 (Parking prohibited at all times), Section 13-341 (Reserved handicapped parking), Section 13-366 (Loading zones), and Section 13-362 (Off-street parking lots) of the City Code to match existing and updated markings from the Main Street Road Diet and for uniformity.

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. 30 at Page No. 5-8, and is known as Ordinance 2022-05.)

(i) Ordinance – Speed Limits North Ellis Street

Adopt an Ordinance amending Section 13-336 (Speed limits – Generally) of the City Code to lower the speed limit from 35mph to 25mph in the 600 and 700 blocks of North Ellis Street.

ORDINANCE AMENDING CHAPTER 13, ARTICLE X, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SPEED LIMITS.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 9, and is known as Ordinance 2022-06.)

(j) Task Order – HDR Engineering, Inc.

Approve an additional task order in the amount of \$6,690 for HDR Engineering, Inc. for additional survey work to support the Sunset Drive South Drainage Improvement project.

(k) Ordinance – Notice of Lis Pendens in Minimum Housing Cases

Adopt an Ordinance amending Chapter 10, Article III of the City Code to authorize filing a Notice of Lis Pendens in Minimum Housing cases.

ORDINANCE AMENDING CHAPTER 10, ARTICLE III OF THE CODE OF ORDINANCES TO AUTHORIZE FILING A NOTICE OF LIS PENDENS IN MINIMUM HOUSING CASES.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 10-11, and is known as Ordinance 2022-07.)

(l) Right-of-Way Encroachment – South Ellis Street

Approve a right-of-way encroachment for Spectrum in the 100 block of South Ellis Street in accordance with Section 11-24(27) of the City Code.

Thereupon, Councilmember Post made a **motion** to adopt the Consent Agenda as presented. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

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.

LAND DEVELOPMENT DISTRICT MAP AMENDMENT Z-03-2021

Planner Elizabeth Burke addressed Council regarding Land Development District Map Amendment Z-03-2021 to rezone one parcel, approximately .025 acre, located at 1035 Mooresville Road from Neighborhood Mixed-Use (NMX) to Corridor Mixed-Use (CMX) for the expansion of an existing business. She pointed out the business is a minor vehicle service that is currently zoned NMX. She stated the petitioner is acquiring a vacant neighboring lot zoned CMX to expand his business. She explained staff advised the petitioner to rezone his parcel to CMX to create a more consistent pattern of zoning along Mooresville Road and to eliminate the island of NMX zoning.

Ms. Burke reviewed the site plan and photographs of the property. She explained the additional lot is necessary for the proposed expansion due to setback requirements. She noted the permitted uses for CMX and NMX zoning, and she pointed out “vehicle services: minor maintenance repair” is permitted in both NMX and CMX zoning.

Ms. Burke stated the expansion is consistent with Vision 2020 Plan Policy C-2. She noted the Planning Board held a courtesy hearing December 14, 2021 and voted unanimously to recommend approval as submitted.

Councilmember McLaughlin asked if staff received any complaints regarding the proposed rezoning. Ms. Burke noted staff did not receive any complaints.

Mayor Alexander convened a public hearing after due notice to receive comments regarding Land Development District Map Amendment Z-03-2021.

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

Mr. McLaughlin stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, as requested, is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan due to the proposed petition, site characteristics, surrounding development pattern, and observations provided by City planning staff, identifying the policies that support the petition. Thereupon, Mr. McLaughlin made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina rezoning Tax Map 061-1 Parcel 178 from Neighborhood Mixed Use to Corridor Mixed Use, approximately .97 acres. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING TAX MAP 061-1 PARCEL 178 FROM NEIGHBORHOOD MIXED USE TO CORRIDOR MIXED USE, APPROXIMATELY .97 ACRES.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 12, and is known as Ordinance 2022-08.)

ANNUAL COMPREHENSIVE FINANCIAL REPORT

Finance Director Wade Furches and Auditor Leanne Bagasala presented the June 30, 2021 Annual Comprehensive Financial Report from Elliott Davis, LLC. Ms. Bagasala thanked Council for allowing Elliott Davis, LLC to provide audit services for the City. She explained Elliott Davis, LLC provided the Comprehensive Financial Statements and a letter of representation.

Ms. Bagasala noted Elliott Davis, LLC did not encounter any difficulties during the audit, no significant deficiencies, no material weaknesses, and there is no other written communication. She reviewed the auditor's responsibilities and management responsibilities. She stated the auditor provides several opinions as part of the audit process. She noted the first opinion is on the City's financial statements, and she issued the City an unmodified opinion which is the highest level of assurance that can be provided. She noted the next opinion is on government auditing standards and no issues were found. She indicated a statutory violation related to Broadband Services was identified and is considered a material weakness that was disclosed in the financial statements and repeats annually.

Ms. Bagasala indicated a selection of federal and state grant programs was audited and the City received a clean opinion. She noted the Local Government Commission (LGC) added performance indicators which identifies the best measures of a local government entity. She added if the City does not meet a performance indicator it would be required to submit a response to that finding. She pointed out the Broadband Services fund deficit of approximately \$2.7 million came up as an indicator of concern. She explained when Broadband Services was implemented in 2009, funds were spent that have not come to fruition. She added until the deficit is eliminated the City will have a statutory violation in its financial statements. She explained the LGC requires a written submission, signed by Council, within 60 days of the audit presentation that includes a plan to

remedy the deficit.

Councilmember Post pointed out the Finance Department has received a Certificate of Achievement for its Comprehensive Financial Report for approximately 30 years and the only material weakness is out of its control. Ms. Bagasala noted the LGC has completed its preliminary review of the Annual Comprehensive Financial Report which was approved with no edits.

Council thanked the Finance Department for the great work it does with the City finances. Mayor Alexander noted Council is aware of the Broadband Fund which should be paid in full in 2029. She thanked Ms. Bagasala for her presentation.

Mr. Furches reviewed the Total Fund Balance in the General Fund for the previous five years, and he pointed out in FY 2020-2021 the Fund Balance increased to \$22.09 million. He then reviewed the available Fund Balance as a percentage of expenditures and transfers of the General Fund. He pointed out in FY2016-2017 the percentage of expenditures and transfers to the General Fund was 40.48% and in FY2020-2021 it was at 36.31%. He added the City has an informal policy of keeping the Fund Balance at 25%. He explained the City has a General Fund Balance of \$22.8 million, with restrictions of approximately \$7 million, leaving \$15 million available for appropriation. He added the working capital/Fund Balance policy is \$10 million which leaves \$4.7 million the City could spend and remain above the self-imposed 25% Fund Balance.

Councilmember Smith noted how resilient the City has been throughout the pandemic.

Mr. Furches reviewed General Fund Revenue verses expenditures and transfers, and he pointed out revenue was \$44.8 million and expenditures and transfers were at \$41.69 million leaving a profit of approximately \$3 million. He noted staff did not know how the sales tax revenue would be impacted by the pandemic. He added the City took in approximately \$2 million more in sales tax revenue than was budgeted. He stated property taxes revenue was approximately \$900,000 over the budgeted amount. He explained the financial statement includes a disclaimer due to COVID-19, but revenues have remained strong.

Mr. Furches referenced Broadband Services, and he pointed out in FY2016-2017 the deficit was \$9.8 million and it has decreased to \$2.7 million in FY2020-2021. He stated Broadband Services has \$822,000 in revenue which was slightly higher than last year. He explained Hotwire Communications deducts operating expenditures from the revenue it sends the City. He indicated the Broadband Services is headed in the right direction.

Mr. Furches reviewed the Water and Sewer Fund. He explained revenue and expenses, and he noted SRU has approximately \$2 million in surplus.

Mayor Alexander thanked Mr. Furches for his presentation. Mr. Furches thanked Ms. Bagasala and Elliott Davis, LLC who have conducted the City's audits for the last seven years. He stated Elliott Davis, LLC will no longer perform governmental audits. He added staff will send Requests for Proposals (RFP) for the audit contract and hope to have a firm in place by March 2022.

DEMOLITION – 418 SOUTH CRAIGE STREET

This item was postponed.

OVERTIME PARKING FINES

Police Chief Jerry Stokes and City Engineer Wendy Brindle addressed Council regarding a proposal to increase the overtime parking fine from \$5 to \$15, and the repeat offender fine from \$50 to \$75.

Ms. Brindle displayed a map of downtown public parking, and she pointed out unrestricted and two-hour parking. She added the two-hour parking is intended for patrons to stop, shop, or dine downtown. She stated the outskirts of downtown has 24-hour non-restricted, complimentary parking that is designed for employees, business owners, or people who are planning to spend the day in the City. She referred to a parking study that was completed in 2019, and she noted the average stay in the two-hour parking spaces was 1.67 hours with a 15% violation rate.

Ms. Brindle reviewed the parking spaces per block in downtown, and she pointed out the Main Street restriping included 80 additional on-street parking spaces. She indicated the 2019 parking study found a low utilization of public parking lots. She noted the public parking lot in the 100 block of East Innes Street has two-hour parking restrictions and would be affected by increased parking fines.

Ms. Brindle stated the downtown parking fine has been \$5 for many years. She added the parking study concluded the parking fine is below average for cities of similar size and recommend the fine be increased to \$15 per occurrence. She noted staff recommends the repeat offender fine be increased from \$50 to \$75, and she clarified it would apply to anyone receiving four or more violations within a 30-day period. She indicated staff is working to improve wayfinding signage to public parking lots.

Chief Stokes noted in September downtown merchants through Downtown Salisbury, Inc. (DSI) requested he meet with them about parking. He noted parking enforcement was reduced during the pandemic. He stated the parking meeting included 8 to 10 downtown merchants. He added the parking study was discussed and the merchants requested staff implement items in the parking study including increasing the parking and repeat offender fines. He pointed out the City has a Parking Control Specialist addressing the overtime parking issues. He commented free parking maps are being issued with parking tickets. He added he is hopeful the increased fines will address the merchant's concerns regarding overtime parking and how it impacts their businesses. He noted staff is looking at technology to identify repeat offenders.

Councilmember McLaughlin requested clarification regarding the Parking Control Specialist. Chief Stokes explained the Parking Control Specialist is a part-time, non-sworn position that works approximately 30 hours per week in the downtown area.

Councilmember Post stated the increased parking fees are overdue, and he pointed out there is inadequate parking around the courthouse. Chief Stokes pointed out court related parking is a concern for area merchants, and it creates competing interests.

Councilmember McLaughlin asked if parking permits for downtown merchants have been considered. Ms. Brindle stated permits have been discussed for downtown residential parking, but most people oppose on-street parking permits because it would take a parking space away from a business patron.

Councilmember Smith questioned what similar cities are doing to mitigate their parking issues. Ms. Brindle explained the parking study makes long-term recommendations including a downtown parking deck. She pointed out non-restricted parking is available but it may require drivers to walk a couple of blocks to their destination. Mr. Smith suggested a collaboration with DSI to make sure local businesses are aware of available unrestricted parking spaces in the downtown.

Mayor Alexander asked if the map of parking spaces includes pay for parking lots. Ms. Brindle noted paid parking spaces were included in the parking study completed in 2019.

Chief Stokes noted the parking situation will continue to worsen due to downtown residential and business growth. He added there is technology to help with parking enforcement, but it is expensive. Interim City Manager Brian Hiatt requested staff provide an estimate to Council regarding the cost of the technology. He added the current procedure is low cost but it lacks efficiency. Mayor Alexander pointed out adoption of the proposed Ordinance is a beginning and implementation could be considered later.

Thereupon, Councilmember Smith made a **motion** to adopt an Ordinance amending Chapter 13, Article II, of the Code of the City of Salisbury, regarding overtime parking fines. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

ORDINANCE AMENDING CHAPTER 13, ARTICLE II, OF THE CODE OF THE CITY OF SALISBURY, REGARDING OVERTIME PARKING FINES.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 13, and is known as Ordinance 2022-09.)

SISTER CITY REALATIONSHIP WITH MONROVIA, LIBERIA

Mayor Alexander pointed out she welcomed the Mayor of Monrovia, Liberia and his delegates to Council Chambers on November 11, 2021 to discuss the idea of the Sister-City relationship.

Mayor Alexander read the proposed Resolution to Council. She added the City of Salisbury is also a Sister-City with Salisbury, England.

Councilmember Smith thanked Mayor Alexander for facilitating the relationship between Monrovia and the City to develop connections culturally and economically. He noted Liberia was formed from freed enslaved Africans that left North Carolina to form a country in Africa.

Councilmember McLaughlin commented it would be great to have Monrovia as a Sister City due to the growing Liberian population in Salisbury and at Livingstone College.

Mayor Alexander commented she was invited to attend Monrovia's 200th Anniversary as a country, and she added she plans to attend. She commented Livingstone College will continue to work with the City and Monrovia, and she thanked Council for its support of the Sister-City Resolution.

Thereupon, Councilmember Smith made a **motion** to adopt a joint Resolution between the City of Monrovia, Montserrado County, Republic of Liberia and the City of Salisbury, North Carolina. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

JOINT RESOLUTION BETWEEN THE CITY OF MONROVIA, MONTSERRADO COUNTY, REPUBLIC OF LIBERIA AND THE CITY OF SALISBURY, NORTH CAROLINA

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 2, and is known as Resolution 2022-02.)

APPOINTMENT – ECONOMIC DEVELOPMENT COMMISSION

Mayor Alexander pointed out a request was received from the Economic Development Commission to approve Mr. Greg Alcorn as a full member of the commission.

Thereupon, Councilmember Post made a **motion** to appoint Greg Alcorn to the Economic Development Commission. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

COUNCIL LIAISON APPOINTMENTS

Mayor Alexander suggested the following liaison appointments to community groups:

- (a) ABC Board – Mayor Karen Alexander
- (b) Centralina Council of Governments – Mayor Karen Alexander
- (c) Centralina Council of Governments – Alternate Mayor Pro Tem Tamara Sheffield
- (d) Community Appearance Commission – Mayor Pro Tem Tamara Sheffield
- (e) Downtown Salisbury, Inc. – Mayor Pro Tem Tamara Sheffield
- (f) Economic Development Commission – Councilmember David Post
- (g) Fireman's Relief Fund – Councilmember Harry McLaughlin

- (h) Housing Advocacy Commission – Councilmember Harry McLaughlin
- (i) Human Relations Council – Councilmember Anthony Smith
- (j) Metropolitan Planning Organization – Mayor Karen Alexander
- (k) Metropolitan Planning Organization – Alternate Mayor Pro Tem Tamara Sheffield
- (l) Parks and Recreation Advisory Board – Councilmember Harry McLaughlin
- (m) Rowan County Tourism Development Authority – Mayor Karen Alexander
- (n) Rufty-Holmes Senior Center – Councilmember David Post
- (o) Salisbury-Rowan Community Action Agency – Councilmember David Post
- (p) Transportation Advisory Board – Councilmember Anthony Smith
- (q) Tree Board – Councilmember Harry McLaughlin
- (r) Youth Council – Councilmember Anthony Smith

Thereupon, Councilmember Post made a **motion** to approve Council liaisons to various Boards and Commissions. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

CITY ATTORNEY’S REPORT

(a) City Code Revisions

City Attorney Graham Corriher presented information regarding revisions to the Code of Ordinances to comply with the General Assembly.

Mr. Corriher pointed out Session Law 2021-138 is a NC Criminal justice reform legislation, effective December 1, 2021, that includes “decriminalization of certain ordinances.” He added the law amends General Statutes 14-4 from violation of local ordinances subject to criminal penalty to violation of local ordinances not subject to criminal penalty unless specified in the ordinance. He added certain local ordinances cannot be subject to criminal penalty such as land development regulations or tree regulations.

Mr. Corriher commented another revision will allow an offender to come into compliance within 30 days without another offense. He added if there is an underlying condition of poverty, homelessness, mental health, or substance abuse the offender can provide proof those issues are being addressed to come into compliance. He noted this is an effort to require Council to review and specify which ordinances justify criminal penalties or are subject to a civil penalty.

Mr. Corriher explained the proposed Ordinance amendments for sections of Chapter 1, 15, 20, 22, and 23 to make violations subject to criminal penalties. He also noted non-SB300 revisions are to clean up outdated or unenforceable Ordinances discovered during review. He added the revisions removed the existing code for prohibition on pan handling because it was unenforceable as written. He pointed out staff will continue to review the Code of Ordinances and bring additional recommendations to Council.

Councilmember Smith commented it is important for the community to be able to see the greater context of the State Bill, and he added he hopes the community knows Americans are using its rights to bring about a more equitable and just America.

Mayor Alexander commented she has received a lot of complaints regarding panhandling, and she asked if the Ordinance would be removed because it is not enforceable. Mr. Corriher agreed, and he added charitable donations of money can be asked for, and he pointed out the Ordinance can regulate conduct, but not speech.

Councilmember Smith asked if equity will be considered during the review. Mr. Corriher noted a meeting has taken place to include as many voices as possible for feedback, especially those serving populations at risk, and he added he is open to further discussion so the Ordinances are enforceable and equitable.

Mayor Alexander asked if it would be good to include the Human Relations Council (HRC) in the review. Interim City Manager Brian Hiatt commented Diversity, Equity, and Inclusion Director Anne Little serves as the HRC staff liaison and could work with Mr. Corriher. Councilmember Smith commented he met with Ms. Little and thinks it would be great for her to be a part of the conversation.

CITY MANAGER'S REPORT

Interim City Manager Brian Hiatt commented COVID-19 trends are increasing and Council will need to decide whether the January 18, 2022 meeting will take place in person, as a hybrid or by Zoom. He also noted if the trends continue there are concerns about the Retreat scheduled for the end of the month.

Mayor Alexander noted Council will work with Ms. Baker and Mr. Hiatt regarding whether to conduct the meeting in person, hybrid, or Zoom.

COUNCIL COMMENTS

Councilmember McLaughlin thanked those who presented during the Council meeting, and he noted he looks forward to working with the Boards and Commissions he was appointed to serve as a liaison.

Councilmember Smith commented he spoke with several people who were present during the shooting at the high school basketball tournament held at Catawba College. He commended how everyone came together during the incident to support each other. He noted he hopes the energy and passion for others welfare is brought to the City in 2022.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Sheffield was absent from the meeting.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

(a) Dr. Martin Luther King, Jr. Celebration Weekend

Mayor Alexander announced the Human Relations Council will host its annual Dr. Martin Luther King Jr. Celebration Weekend with the theme "Keep Moving Forward: United for Service, Peace and Equity." The Winter drive-thru Community Resource Fair will be held Saturday, January 15, 2022 from 11:30 a.m. until 2:00 p.m. at the Civic Center located at 315 Martin Luther King, Jr. Avenue. A Community Day of Service, "Share the Warmth" will be held Monday, January 17, 2022 at Kelsey Scott Park. Participants are asked to donate new and/or gently used coats and assist with cleaning up the park (weather permitting). At 2:00 p.m. a Virtual Program will air on the HRC Facebook Page. For more information, please contact Anne Little at anne.little@salisburync.gov or call (704) 638-5218.

Mayor Alexander thanked everyone who assisted during the incident that took place at Catawba College during the basketball tournament. She thanked the Police Department for its great work.

Mayor Alexander thanked the Parks and Recreation Department for the work it did for the New Year's Eve Event at the Bell Tower, and she added it was a great turnout. She thanked staff for the work it does for citizens each day.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Post. Upon a roll call vote Mayor Alexander voted AYE, Councilmember McLaughlin voted AYE, Councilmember Post voted AYE, and Councilmember Smith voted AYE. (4-0)

The meeting was adjourned at 8:30 p.m.

Karen Alexander, Mayor

Kelly Baker, City Clerk

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: City Engineering

Name of Presenter(s): Dana Ruth, Engineer

Requested Agenda Item: Request from Spectrum for encroachment into City Rights-of-Way

Description of Requested Agenda Item: Spectrum requests approval of installation of an underground bore within the City Rights-of-Way on S Martin Luther King Jr Ave. City Council approval of encroachments is required by Section 11-24 (27) of the City Code.

Staff review included input from Engineering, Public Services and Salisbury-Rowan Utilities. Staff recommends approval subject to the following conditions:

- All improvements and restoration shall be made at no expense to the City.
- A \$5k bond will be required prior to construction within the City Limits.
- Bore must be made at approximately 7' deep to avoid existing sewer line that is at approximately 10'-12' deep. Potential waterline in vicinity.
- Any markers for underground facilities shall be flush with the ground.
- Lane closures shall be coordinated through Engineering.
- Spectrum shall participate with the State's one-call locating program, and appropriate locater tape shall be installed to facilitate future field location.
- Engineering "as-built" plans shall be maintained by Spectrum and made available to the City upon request.
- If the City (or State) makes an improvement to the public Right-of-Way, or parking lot, Spectrum facilities shall be adjusted or relocated at no expense to the City (or State).

Attachments: Yes No

Fiscal Note: (If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item: (Please note if item includes an ordinance, resolution or petition)

City Council to consider approval of a right-of-way encroachment for Spectrum in the 100 block of South Martin Luther King Ave per Section 11-24 (27) of the City Code.

Contact Information for Group or Individual: Dana Ruth – 704-638-2176

Salisbury City Council Agenda Item Request Form



Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in Clerk's Office Only

Approved

Delayed

Declined

Reason:

Google Maps 605 E Innes St



Imagery ©2021 Maxar Technologies, Map data ©2021 50 ft



605 E Innes St

Building

- 
Directions
- 
Save
- 
Nearby
- 
Send to your phone
- 
Share

 605 E Innes St, Salisbury, NC 28144

Photos

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: Engineering Department

Name of Presenter(s): N/A

Requested Agenda Item: Upset Bid Process for the Sale of Parcels 005-143 and 005-144 in the 1200 block of West Fisher Street

Description of Requested Agenda Item:

Wesley and Shakya Jackson have submitted an offer of \$1,500 to purchase the above referenced properties, which are owned by the City of Salisbury. Parcel 005-143 is 0.34 acres in size and has an assessed tax value of \$18,382. Parcel 005-144 is 0.26 acres in size and has an assessed tax value of \$15,680. The requestor has provided the 5% bid deposit as required under NCGS 160A-269.

In order to proceed, a Resolution must be adopted authorizing the use of the upset bid process for the sale of this property. Upon adoption of a Resolution, the upset bid process will begin. Once adopted, the offer is published for a period of ten days, and during this period upset bids may be submitted. An upset bid must raise the current offer by an amount of at least 10% of the first \$1,000 of that offer and 5% of the remainder.

If the bid is raised, the new bid becomes the current offer, and the process will continue until a ten-day period passes without receipt of a qualifying upset bid. The City Council will receive notice of the final offer, and may at that time reject or accept the offer.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item: *(Please note if item includes an ordinance, resolution or petition)*

City Council to adopt the attached Resolution authorizing the sell of Parcel 005 143 and 005 144 using the upset bid process.

Contact Information for Group or Individual:

Wendy Brindle, City Engineer 704-638-5201 or wbrin@salisburync.gov

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in Clerk's Office Only

Approved

Declined

Reason:

**RESOLUTION SUPPORTING
UPSET BID PROCESS FOR THE SELL OF
PARCEL # 005 143 and # 005 144 LOCATED IN THE 1200 BLOCK OF
WEST FISHER STREET**

WHEREAS, the City of Salisbury owns parcel 005-143, being approximately 0.34 acres (14,810.4 sqft). The same being located in the 1200 block of West Fisher Street, as illustrated on the attached map, and

WHEREAS, the City of Salisbury owns parcel 005-144, being approximately 0.26 acres (11,325.6 sqft). The same being located in the 1200 block of West Fisher Street, as illustrated on the attached map, and

WHEREAS, North Carolina General Statute (NCGS) 160A-269 permits the City to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the City has received an offer to purchase the two properties together and described above, in the amount of \$1,500 submitted by Wesley and Shakya Jackson; and

WHEREAS, Wesley and Shakya Jackson have committed to pay the required 5% deposit upon adoption of this Resolution;

WHEREAS, the City of Salisbury agrees to follow the upset bid procedures as outlined in NCGS 160A-269;

THEREFORE, the Salisbury City Council resolves that:

1. The Council authorize the sale of the two properties described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The City Engineer shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the City Engineer within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the City Engineer shall open the bids, if any, and the highest such bid will become the new offer if it satisfies the requirements of NCGS 160A-269. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. If a qualifying higher bid is received, the City Engineer shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.

5. A qualifying higher bid is one that raises the existing offer by not less than 10% of the first \$1,000 of that offer and 5% of the remainder of that offer. Upset bid offers will only be received for the two parcels together.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of 5% of the bid; the deposit may be made in cash, cashier's check, or certified check. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that the buyer must pay with cashier's check or certified check at the time of closing.
8. The City reserves the right to withdraw the property from sale at any time before the final high bid is accepted and reserves the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is presented to Salisbury City Council, at which time the boards may award to the highest offeror or reject the offer. If awarded, the appropriate City officials are hereby authorized to execute the instruments necessary to convey the property.

This the 18th day of January, 2022

Karen K. Alexander, Mayor

Kelly Baker, MMC
Administrative Services Director/City Clerk



Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: Engineering Department

Name of Presenter(s): N/A

Requested Agenda Item: Voluntary Annexation Request – Cloninger Investments, Inc

Description of Requested Agenda Item:

The Engineering Department has received a request from Cloninger Investments, Inc to annex 3.234 acres, located at 645 Julian Road and identified on Rowan County Tax Map 400 as Parcel 053. In accordance with State Statutes, the annexation request will be discussed at three Council meetings. At the first meeting, Council will receive the request and adopt a Resolution instructing the City Clerk to investigate the sufficiency of the request. At the second meeting, staff will certify the statutory requirements have been met, and Council will set a public hearing date. At the third meeting, Council will hold a public hearing and vote on the annexation.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Fiscal impact is unknown at this time. This will be investigated and included in future Council correspondence.

Action Requested of Council for Agenda Item: *(Please note if item includes an ordinance, resolution or petition)*

City Council to receive the request for the voluntary annexation of Cloninger Investments, Inc at 645 Julian Road, Tax Map 400 Parcel 053, and adopt a Resolution instructing the City Clerk to investigate the sufficiency of the request

Contact Information for Group or Individual:

Wendy Brindle, City Engineer
704-638-5201/wbrin@salisburync.gov

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Clerk's Office Only

Approved

Declined

Reason:

Date: 8/16/2021



**PETITION REQUESTING VOLUNTARY ANNEXATION
FOR Salisbury Blvd. Group, Parcel #400 053
*Cloninger Investments, LLC***

We the undersigned owners of real property respectfully request that the area described on the attached documents be annexed into the City of Salisbury. By signing this petition, we understand that the following conditions are the responsibility of the petitioners. Failure to meet the conditions may delay or invalidate the request:

1. The petition must be signed by all owners of real property in the area described and shall contain the address of each property owner.
2. The petition must include a metes and bounds description of the area to be annexed and a preliminary annexation boundary survey prepared by a Registered Land Surveyor. Two original maps of the final annexation boundary survey shall be completed after consultation with the City.
3. If the area is not contiguous to the primary City limits, the petition shall include documentation that:
 - a) The nearest point of the described area is not more than three miles from the primary City limits.
 - b) No point on the described boundary is closer to another municipality than to the City of Salisbury.
 - c) No subdivision, as defined in GS 160A-376, will be fragmented by the proposed annexation.
4. Upon the effective date of annexation and thereafter, the described citizens and property shall be subject to municipal taxes and to all debts, laws, ordinances and regulations in force in the City of Salisbury and shall be entitled to the same privileges and benefits as other citizens and property in the City of Salisbury.

The annexation will include the rights-of-way of roads adjacent to the property to be annexed.

Property Identification (tax number or street address)	Printed Name (and title if business entity)	Signature	Owner's Address
TM 400 PCL 053	Cloninger Investments INC	<i>Greg J. Cloninger, Jr.</i>	PO BOX 1788 Salisbury, NC 28145

(Attach additional petition forms if needed)

Form Revised 9-2014

Contact Person Martin Andreasson

Telephone Number (704)487-8578 ext. 1011

For Office Use Only:

Total number of parcels 1 Number Signed 1 % Signed 100 Date Returned 11/12/2021
Contiguous per GS 160A-31 or Non-contiguous "satellite" per GS 160A-58.1 (check one)

CITY OF SALISBURY

P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31, FOR VOLUNTARY ANNEXATION OF 3.234 ACRES (CLONINGER INVESTMENTS, INC), LOCATED AT 645 JULIAN ROAD AND IDENTIFIED ON TAX MAP 400 PARCEL 053

WHEREAS, a petition requesting annexation of an area described in said petition has been received on January 18, 2022 by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Salisbury deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Salisbury:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of that investigation.

Karen K. Alexander, Mayor

ATTEST:

Kelly Baker, MMC
Administrative Services Director/City Clerk

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Please Select Submission Category:

Requested Council Meeting Date: 01/18/2022

Name of Group(s) or Individual(s) Making Request: Stormwater Division

Name of Presenter(s): Michael Hanna

Requested Agenda Item: Jump and Run Branch Watershed analysis — Engineering services contract with Withers Ravenel in the amount of \$30,905.00.

Description of Requested Agenda Item: The City of Salisbury Stormwater Department has asked Withers Ravenel to develop a Watershed Analysis for the Jump and Run Branch. The proposed contract is recommended for approval for an amount not to exceed \$30,905.00. This project is included in the FY21-22 budget.

Attachments: C] Yes No

Fiscal Note: (If fiscal note requires approval by Finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for Finance at bottom of form and provide supporting documents) This project is included in the FY21-22 budget.

Action Requested of Council for Agenda Item: A Council to consider authorizing the City Manager to execute a contract with Withers Ravenel for an amount not to exceed \$30,905.00 for engineering services associated with the Watershed Analysis of Jump and Run Branch.

Contact Information for Group or Individual: Chris Tester, Assistant Public Works Director 704-216-7554

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

S. Wade Funches

Finance Manager Signature

W. J. H.
Department Head Signature

Ernie Ballard

Budget Manager Signature

*** *All agenda items must be submitted at least 7 days before the requested Council meeting date ***

For Use in Clerk's Office Only

Salisbury City Council Agenda Item Request Form



Approved

Delayed

Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: Hannah Jacobson, Community Planning Services

Name of Presenter(s): Michael Cotilla, Code Services Manager

Requested Agenda Item: City-Initiated Demolition – 418 and 420 S Craige St

Description of Requested Agenda Item: Demolition of a dilapidated commercial and accessory structure

Attachments: Yes No

Fiscal Note: (If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)

Action Requested of Council for Agenda Item: City Council to consider adopting an ordinance to demolish structures at 418 and 420 S Craige St.

Contact Information for Group or Individual: Michael Cotilla, mcoti@salisburync.gov, 704-216-7574

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Hannah Jacobson

Department Head Signature

Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Clerk's Office Only

Approved Delayed Declined

Reason:

AN ORDINANCE TO DECLARE CERTAIN COMMERCIAL AND ACCESSORY STRUCTURES A LOATED AT 418 AND 420 SOUTH CRAIGE STREET IN THE CITY OF SALISBURY, NORTH CAROLINA, A NUISANCE, AND ORDER TO DEMOLISH

WHEREAS, the City of Salisbury finds that commercial and accessory structures located at 418 and 420 South Craige Street in the City of Salisbury, North Carolina, constitute nuisances under Chapter 14 of the Code of Ordinance for the City of Salisbury prejudicial to the public health, safety, and welfare; and

WHEREAS, the commercial and accessory structures should be removed or demolished as to abate the nuisance; and

WHEREAS, the commercial and accessory structures, as of the date of this Ordinance, are vacant and only rubbish remains within the interior of the commercial and accessory structures; and

WHEREAS, the property owners have been given a reasonable opportunity to repair or restore the structures and have been unable to do so; and

WHEREAS, the property owners have consented to the demolition of the commercial and accessory structures.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Salisbury that:

SECTION 1. Commercial and accessory structures located at the following addresses constitute nuisances under Chapter 14 of the Code of Ordinances for the City of Salisbury, North Carolina:

**418 South Craige Street, Salisbury, North Carolina, Rowan County Parcel
ID No. 009 220**

**420 South Craige Street, Salisbury, North Carolina, Rowan County Parcel
ID No. 009 221**

SECTION 2. The Code Services Manager is hereby authorized and directed to proceed to remove or demolish the above-described structures in accordance with Chapter 14 of the Code of Ordinances for the City of Salisbury. In addition, the owners have consented to the demolition of the commercial and accessory structures by agreements with the City of Salisbury dated December 7, 2021, and _____, 2022, the terms of which are hereby approved by City Council incorporated into this ordinance by reference.

SECTION 3. The cost of removal or demolition shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed in the office of the Rowan County Tax Collector, and shall have the same priority and be collected in the same manner as the lien for special assessments in Article 10 of the NCGS Chapter 160A or as otherwise allowed by law.

SECTION 4. Upon completion of the required removal or demolition, the Code Enforcement Officer/Housing Inspector shall sell any materials of the dwelling and credit the proceeds against the cost of removal or demolition. The Code Enforcement Officer/Housing Inspector shall deposit the surplus with the Rowan County Clerk of Superior Court where it shall be secured and disbursed in the manner provided by NCGS 160A-443(6).

SECTION 5. It shall be unlawful for any person to remove or cause to be removed the placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building therein declared unfit for human habitation.

SECTION 6. This Ordinance shall become effective upon its adoption.

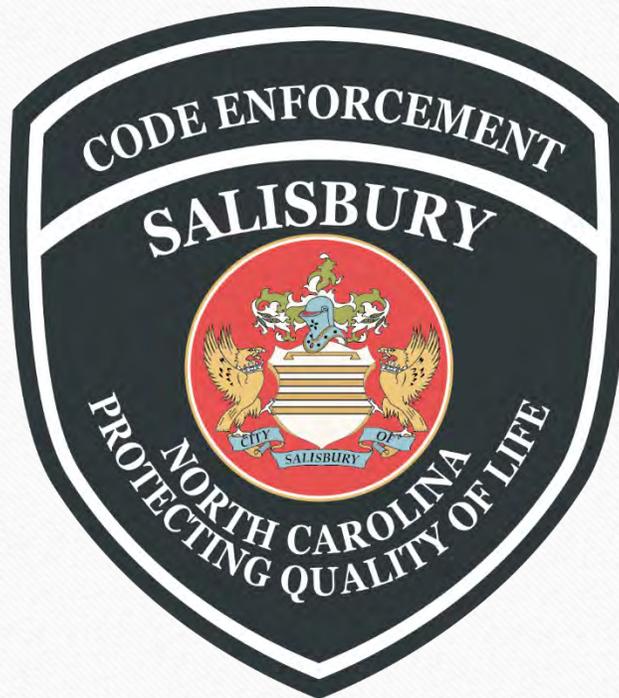
ADOPTED this _____ day of _____.

Karen Alexander, Mayor

ATTEST:

Kelly Baker, City Clerk

Code Enforcement FY 202-21 Demolitions



418 S Craige St

-
- Commercial Structure
 - Located in the Historic West End
 - On Code Services Chronic abatement list since 2018
 - Owner has granted Code Services consent to demolish the structure.
 - Code Services has agreed to waive \$3,180.00 worth of outstanding abatement liens prior to demolition to give the property owner a clean slate for a better opportunity to market the property for sale.
 - Code Services received a \$15,000 public donation of which \$12,000 will be used to assist property owner with demolition cost. Demolition estimate is \$22,800.00 minus the \$12,000 leaves the property owner with an approximate demolition cost of \$10,800



Invoice: **Invoice/Bid # 05272019-0018**

SOW: Demolition, Spoil removal, Rough grade, Seed & Straw

Date: Monday, May 27, 2019

418 S Craig St	\$10,000.00 Demo	\$7,300.00 Landfill	\$ 5,500.00 Asbestos	Total \$22,800.00
----------------	------------------	---------------------	----------------------	-------------------

- Demolition
- Removal of Debris
- Rough grade Seed & Straw

Landfill tickets to be attached as required

Total estimated cost of project and cost plus for any required asbestos removal.....\$22,800.00

David Keith Price







MITCHELL FAIR
Funeral Service

NOTICE OF VIOLATION
PROPERTY IN VIOLATION OF
CITY OF SALISBURY
MUNICIPAL CODE
704.216.7559

NOTICE
DO NOT ENTER
THIS BUILDING
IS UNSAFE AND
DANGEROUS
CITY OF SALISBURY
MUNICIPAL CODE





























420 S Craige St

- Commercial Structure

- Located in the historic West End
- Owner has granted Code Services consent to demolish the structure.
- Code Services received a \$15,000 public donation of which \$3,000 will be used to assist property owner with demolition cost. Demolition estimate is \$6,800.00 minus the \$3,000 leaves the property owner with an approximate demolition cost of \$3800.00









Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: Kelly Baker, Graham Corriher

Name of Presenter(s): Strategics Consultants Leslie Mozingo and Ron Hamm

Requested Agenda Item: Council to consider adopting the 2022 Federal Action Plan.

Description of Requested Agenda Item: The proposed 2022 Federal Action Plan and a red lined version are attached for Council's consideration. Leslie Mozingo and Ron Hamm met with staff to receive feedback for updating the Federal Action Plan and they would like to review with Council and seek approval for the revised plan.

Attachments: Yes No

Fiscal Note: (If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)

Action Requested of Council for Agenda Item: Adopt the 2022 Federal Action Plan.

. Please note if item includes an ordinance, resolution or petition)

Contact Information for Group or Individual: Graham Corriher
Kelly Baker

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council) Announcement

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Clerk's Office Only

Approved Delayed Declined



2022 (FY23) FEDERAL ACTION PLAN

CATEGORY	PROJECTS AND POLICY NEEDS
<p>COMMUNITY AND ECONOMIC DEVELOPMENT</p>	<p>EMPIRE HOTEL: Restoration and redevelopment of this historic property located in the heart of downtown and the plan for surrounding area improvements.</p> <p>BROADBAND: Subsidy for cost of services, system improvements, and debt reduction.</p> <p>MAIN STREET IMPROVEMENTS: Support the improvements as outlined in the approved master plan.</p> <p>NEIGHBORHOOD REVITALIZATION: West End, East End, Park Ave., and former Kesler Mill area.</p> <p>DIXONVILLE-LINCOLN MEMORIAL: Project honoring and recognizing City’s African-American residents.</p> <ul style="list-style-type: none"> • Lincoln School Revitalization: Transform long-vacant African-American elementary school into useful space, such as senior housing.
<p>QUALITY OF LIFE</p>	<p>COVID 19: Ensure that federal funding reaches intended recipients and does not put undue burden on local governments. Also continue funding to support the needs of first responders, mental health, and other impacts resulting from the ongoing pandemic.</p> <p>HOUSING: Rehabilitate blighted houses in established communities to create affordable housing for low-to-moderate income families and development of housing for seniors and the homeless.</p> <p>FARMERS MARKET: Fresh foods and nutrition.</p> <p>EDUCATION AND WORKFORCE DEVELOPMENT: Support County, Chamber, academic institutions and other community partners by supporting their applications for federal assistance, particularly training funds.</p> <p>RE-ENTRY / SECOND CHANCE: Reduce societal and legal barriers for ex-offenders to become productive members of the community to improve public safety, strengthen families, and grow our economy.</p> <p>CLEANER ENVIRONMENT: Energy efficient fleet conversion, equipment and buildings; charging stations; waste reduction; and recycling challenges.</p> <p>PARKS AND RECREATION: Funding for federal programs to support local community parks and recreation centers (LWCF Stateside Assistance).</p>

<p style="text-align: center;">PUBLIC SAFETY</p>	<p>POLICE:</p> <ul style="list-style-type: none"> • Innovative policing initiatives, DNA collection and preservation, gang suppression and violent crime reduction. • After-school programs for at-risk youth, juvenile crime prevention through recreation, summer camps. • More co-responder models to address mental health and homelessness and police training to help build racial equity in the justice system. • Remove match requirements for COPS program, improve recruitment and retention (student loan forgiveness for serving years in sworn position), and fund smaller jurisdictions with high crime. <p>FIRE:</p> <ul style="list-style-type: none"> • Downtown fire suppression initiatives, including infrastructure, equipment, and training. • Emergency Operation Center. • Fire Station #3. <p>OPIOIDS: Help the City and local community partners battle the opioid epidemic, such as Rowan County’s need for treatment center.</p>
<p style="text-align: center;">PUBLIC INFRASTRUCTURE</p>	<p>TRANSPORTATION:</p> <ul style="list-style-type: none"> • Multimodal Train Depot. • Greenway enhancements and expansion, bicycle routes and safe routes to schools. • Road and bridge improvements. • Expand route service, including East Spencer and Spencer. <p>WATER /SEWER AND STORMWATER:</p> <ul style="list-style-type: none"> • Prompt implementation of a well-engineered Sedimentation and Flood Protection Plan for the City’s raw water pump station and related infrastructure that secures the public water supply for 52,000 customers of SRU. • Upgrade aging water and wastewater infrastructure. • Sustainability retrofits for stormwater resiliency. • Assist smaller, stressed systems and promote regional water and wastewater partnerships. • Provide Clean Water Act (CWA) regulatory relief. • Reduce PFAS and lead exposure. • Stream restoration. • Prohibit unfunded mandates on local governments under National Pollutant Discharge Elimination System permitting process.



2024 (FY232) FEDERAL ACTION PLAN

CATEGORY	PROJECTS AND POLICY NEEDS
<p>COMMUNITY AND ECONOMIC DEVELOPMENT</p>	<p>EMPIRE HOTEL: Funding needed to complete the Restoration and redevelopment of this historic property located in the heart of downtown; and fully within a federal Opportunity Zone, as well as the plan for surrounding area improvements.</p> <p>BROADBAND: Subsidy for cost of services and make system improvements, but also debt reduction. [LM1]</p> <p>MAIN STREET IMPROVEMENTS: Support the improvements as outlined in the approved master plan.</p> <p>NEIGHBORHOOD REVITALIZATION: Need funds to help neighborhoods such as West End, East End, Park Ave., and former Kesler Mill area.</p> <p>DIXONVILLE-LINCOLN MEMORIAL: Funding to support pProject honoring and recognizing City’s African-American residents.</p> <ul style="list-style-type: none"> • Lincoln School Revitalization: Funding to tTransform long-vacant African-American elementary school into useful space, such as senior housing.
<p>QUALITY OF LIFE</p>	<p>COVID 19: Ensure that federal funding reaches intended recipients and does not put undue burden on local governments (State Maintenance Assistance Program was reduced for transit when COVID funds for transit agencies became available). Also continue provided funding to continue supporting the needs of first responders, mental health, and other impacts resulting from the ongoing pandemic. and the other impacts.</p> <p>HOUSING: Funding and policies that Rehabilitate blighted houses in established communities to create affordable housing for low-to-moderate income families and Seek federal support for the development of housing for seniors and the homeless.</p> <p>FARMERS MARKET: Funding to support additional services [LM2]: Fresh foods and nutrition.</p> <p>EDUCATION AND WORKFORCE DEVELOPMENT: Support County, Chamber, academic institutions and other community partners by supporting their applications for federal assistance, particularly training funds.</p> <p>RE-ENTRY / SECOND CHANCE: Funding to support local initiatives to Reduce societal and legal barriers for ex-offenders to become productive members of the community to improve public safety, strengthen families, and grow our economy.</p> <p>CLEANER ENVIRONMENT: Support programs for eEnergy efficient fleet conversion, vehicles, equipment and buildings; , and policies that support local efforts to address charging stations; waste reduction; and recycling challenges.</p>

	<p>PARKS AND RECREATION: Funding for federal programs to support local community parks and recreation centers (LWCF Stateside Assistance).</p>
<p>PUBLIC SAFETY</p>	<p>POLICE:</p> <ul style="list-style-type: none"> • Funds to address rise in domestic violence, Innovative policing initiatives, DNA collection and preservation, gang suppression and violent crime reduction. • After-school programs for at-risk youth, juvenile crime prevention through recreation, summer camps. • More co-responder models to address mental health and homelessness and police training to help build racial equity in the justice system, as well as mental health crisis intervention training. [LM3] • Remove match requirements for COPS program, hiring to recognize budget impacts [LM4] from COVID, support efforts to improve recruitment and retention (student loan forgiveness for serving years in sworn position), and fund smaller jurisdictions with high crime. <p>FIRE:</p> <ul style="list-style-type: none"> • Downtown fire suppression initiatives, including infrastructure, equipment, and training. • Emergency Operation Center. • Fire Station #3. <p>OPIOIDS: Secure grant funding to Help the City and local community partners battle the opioid epidemic, such as Rowan County’s need for treatment center.</p>
<p>PUBLIC INFRASTRUCTURE</p>	<p>TRANSPORTATION [LM5]:</p> <ul style="list-style-type: none"> • Multimodal Train Depot. • Greenway enhancements and expansion, bicycle routes and safe routes to schools. • Road and bridge improvements. • Funding to replace transit fares lost due to COVID-19, and to Expand route service, including East Spencer and Spencer. <p>WATER /SEWER AND STORMWATER:</p> <ul style="list-style-type: none"> • Prompt implementation of a well-engineered Sedimentation and Flood Protection Plan for the City’s raw water pump station and related infrastructure that secures the public water supply for 52,000 customers of SRU. • Upgrade aging water and wastewater infrastructure that replace lead pipes and reduce lead exposure. • Sustainability retrofits for stormwater resiliency. • Assist smaller, stressed systems and promote regional water and wastewater systems partnerships. • Support policies that Provide Clean Water Act (CWA) regulatory relief. • Support initiatives to Reduce PFAS and lead exposure contamination. • Prompt implementation by the owners of the High Rock Dam a well-engineered Sedimentation and Flood Protection Plan for the City’s raw water pump station-

	<p>and related infrastructure that secures the public water supply for 52,000 customers of SRU.</p> <ul style="list-style-type: none">• Seek federal support for stream restoration.• Oppose policies that place Prohibit unfunded mandates on local governments under National Pollutant Discharge Elimination System permitting process.



For more information contact Leslie Mozingo, (202) 255-5760, leslie@strategics.consulting or Ron Hamm, (202) 596-8384, rhamm@hammconsulting.com.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 1/18/2021

Name of Group(s) or Individual(s) Making Request: Community Planning Services

Name of Presenter(s): Candace Edwards, Housing Planner

Requested Agenda Item: Council to receive a presentation regarding staff recommendations for the use of HOME- ARP Program funds from the U.S. Department of Housing & Urban Development (HUD).

Description of Requested Agenda Item:

HUD is releasing funding for the HOME-ARP Program that seeks to address the need for homelessness assistance and supportive services. Congress appropriated \$5 billion in American Rescue Plan funds to be administered through the HOME Program to perform four activities that must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in other vulnerable populations. These funds will expire on September 30, 2030.

Through the City's participation in the Cabarrus/Iredell/Rowan HOME Consortium, Salisbury is eligible to receive \$525,940 to assist homeless or those at risk of homelessness with housing and/or supportive services. As a condition of receiving these funds, the City is required to participate in the creation of an Allocation Plan. City Council held a public hearing on November 16, 2021 to gather input on how the funds could best help the community. An application period was opened for 30 days and closed on December 31, 2021. Based on the input heard and the applications received, the attached memo and presentation outline staff's recommended budget for the use of the HOME ARP funds.

HOME-ARP Program Funds

Projects.....	\$487,247.00
Administration.....	\$38,693.00

TOTAL: \$525,940

More information about the HOME-ARP Program is available at
<https://www.hudexchange.info/programs/home-arp/>

Attachments: Yes No

Action Requested of Council for Agenda Item: Council to receive presentation. Begin 30-day public review and comment on draft Allocation Plan. Council to consider approval at subsequent meeting, tentatively March 1, 2022.

Contact Information:

Candace Edwards, Community Planning Services, (704) 638-5324, Candace.Edwards@salisburync.gov.

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in Clerk's Office Only

Approved

Declined

Reason:



HOME-American Rescue Plan (ARP)
Staff Recommendations
January 18, 2022

Candace Edwards, Housing Planner
Community Planning Services

Program Overview



The American Rescue Plan (ARP) provides \$5 billion to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the country. These grant funds will **be administered through HUD's** HOME Investment Partnerships Program (HOME).

HOME-ARP allocation



HOME-ARP **projected/proposed** project and admin allocation is:

Projects:	487,247
<u>Administration:</u>	<u>38,693</u>
Total	\$525,940

Qualified Populations (QPs)



- Homeless
- At risk of homelessness
- Individuals fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking.
- Individuals for whom provision of supportive services or assistance herein would prevent homelessness or who are at the greatest risk of housing instability
- Veterans and their families that meet any of the preceding criteria.

Eligible Uses



HOME-ARP funds can be used for four eligible uses:

- Production or Preservation of Affordable Housing
- Tenant-Based Rental Assistance (TBRA)
- Supportive Services, Homeless Prevention Services, and Housing Counseling
- Purchase and Development of Non-Congregate Shelter housing

Eligible Uses (cont.)



The HOME Investment Partnerships Program often in partnership with local nonprofit groups fund a wide range of activities including:

- 1.) building,
- 2.) buying, and/or
- 3.) rehabilitating affordable housing for
 - ✦ rent or homeownership
 - ✦ providing direct rental assistance to low-income families

Allocation Plan



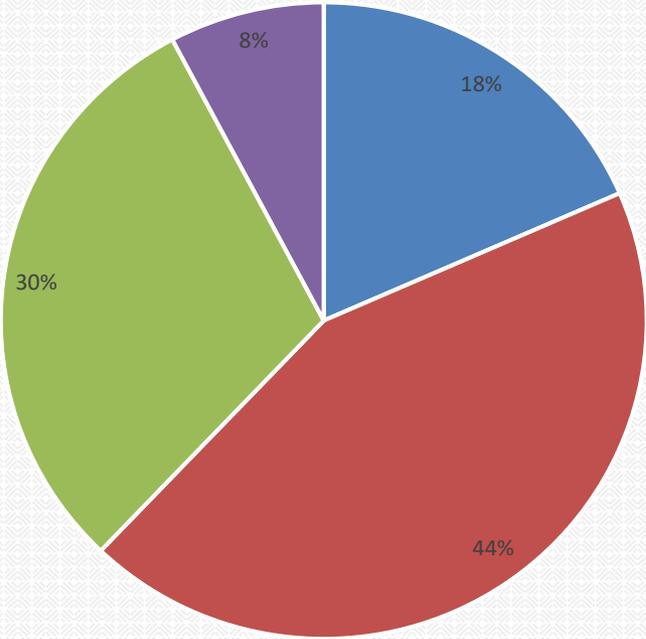
HUD requires an Allocation Plan:

- Consultation
- Public Participation
- Needs Assessment and Gap Analysis
- Submission of a completed Plan for approval

Cabarrus/Rowan/Iredell Consortium Survey Results



Development & support of affordable housing

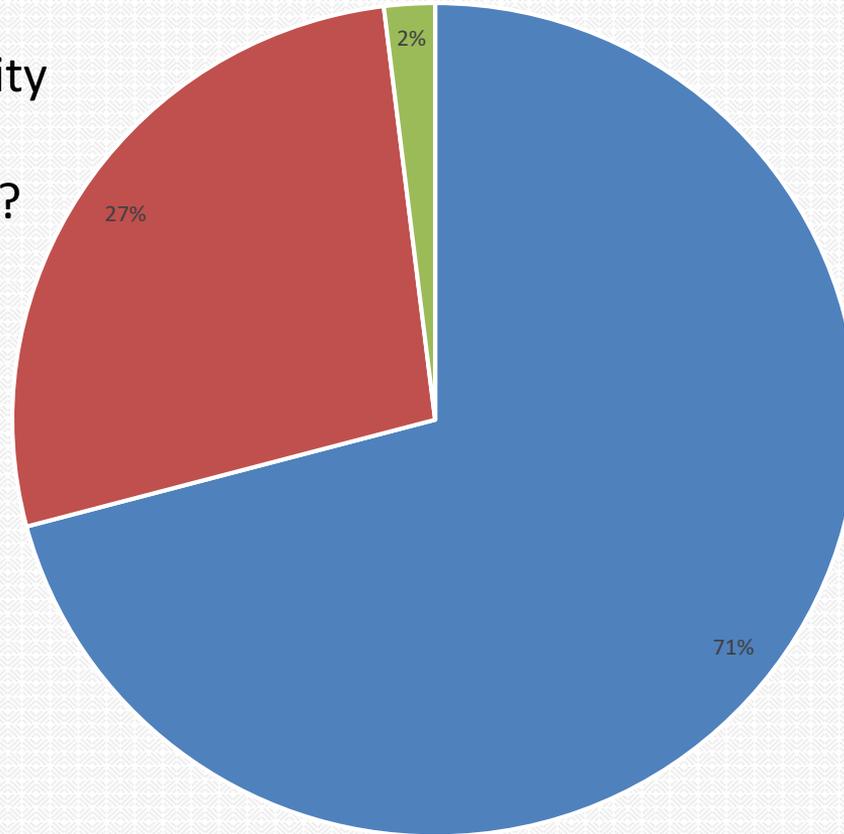


- Activities to educate the public about fair housing requirements and policies.
- Buying, repairing, and building rental housing for qualified households.
- Purchasing abandoned and dilapidated rental properties to demolish and rebuild new rental housing for qualifying households.
- Answer left blank

Cabarrus/Rowan/Iredell Consortium Survey Results



Does your community need more non-congregate housing?



■ Yes ■ No ■ Answer left blank

Associated Annual Plan Goals



- Goal 1: Increase supply of decent, affordable housing

- **Budget:** \$487,247

- Rowan Helping Ministries:\$400,000.00
 - United Way/S&H Youth Services.....\$87,247.00

- Goal 5: Affirmatively Furthering Fair Housing

- **Budget:** \$38,693.00

- Rowan Helping Ministries:\$5,000.00

Associated Annual Plan Goals (cont.)



- Goal 6: Effectively plan and administer programs.
 - ▣ **Budget:** \$38,693.00
 - ▣ Program administration:\$33,693.00

Recommended Budget



Project Activities:
HOME-ARP

Purchase and Development of Non-Congregate Shelter Housing:

Rowan Helping Ministries \$400,000.00

United Way/S&H Youth Svcs. \$ 87,247.00

\$487,247.00

Program Administration

General Administration \$33,693.00

\$ 33,693.00

Fair Housing Activities

\$5,000.00

\$ 5,000.00

Total CDBG Funds

\$525,940.00

Timeline/ Citizen Participation Plan



November 4	Published Public Hearing notice
November 4	Public Input Meeting/Community Stakeholders
November 16	Public Hearing
November 29	Release funding application
December 31	Funding applications due
January 18	Begin 30-day public review & comment of draft Allocation Plan
January 18	City Council – Presentation of Draft Allocation Plan & Budget
March 1	City Council – Approval of Action Plan & Budget
March 8	Prepare to submit to HUD

Questions



For More Information:

Community Planning Services
132 N. Main Street
(704) 638-5324
candace.edwards@salisburync.gov

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 1/18/2022

Name of Group(s) or Individual(s) Making Request: Engineering and Public Works

Name of Presenter(s): Craig Powers, Public Works Director & Michael Hanna, Public Works Administrative Services Manager & Wendy Brindle, City Engineer

Requested Agenda Item: Revision of Residential Street Cross-Section and Erosion Control Standards for Lots under One Acre

Description of the Requested Agenda Item:

The recent increase in residential development throughout the City of Salisbury has intensified the need for updates to some key construction standards. Since these changes will have an effect on developments once adopted, the proposal has been reviewed by the Technical Review Committee (TRC) and the Planning Board for comment and endorsement prior to being presented to City Council for approval. Both the TRC and Planning Board unanimously support the attached standards be forwarded to City Council for consideration. They are summarized as follows:

1. Current residential street cross section requires 2-inches of asphalt on top of 8-inches of compacted stone. Roadways built to this standard have required significant maintenance within a few years of construction. Staff researched what other communities are requiring, and found that Salisbury's standard is below that of neighboring cities. Staff recommends adopting a new standard of 2-inches of S9.5B surface asphalt with 2.5-inches of I19.0C intermediate asphalt on top of 8-inches compacted ABC stone.
2. Rowan County reviews plans for erosion control for the City of Salisbury, but does not require plans for developments under 1 acre. This creates a hole in the permitting process as erosion control is required for *any* land disturbances, and the City is required to manage this under the City's NPDES permit. The lack of a standard for lots less than one acre causes confusion for contractors that results in problems concerning sediment run-off onto city sidewalks and roadways. Adding a standard detail to the Uniform Construction Standards will help contractors plan how to develop a site with proper erosion control provisions, and will help Stormwater and Code Enforcement staff regulate and control sediment run-off onto public streets.

Attachments: Yes No

Salisbury City Council Agenda Item Request Form



Fiscal Note: (If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)

Action Requested of Council for Agenda Item: Council to consider approval of revisions to the Uniform Construction Standards for a new residential street cross section and for erosion control standards for lots under one acre

Contact Information for Group or Individual: Craig Powers, Public Works Director and Wendy Brindle, City Engineer

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

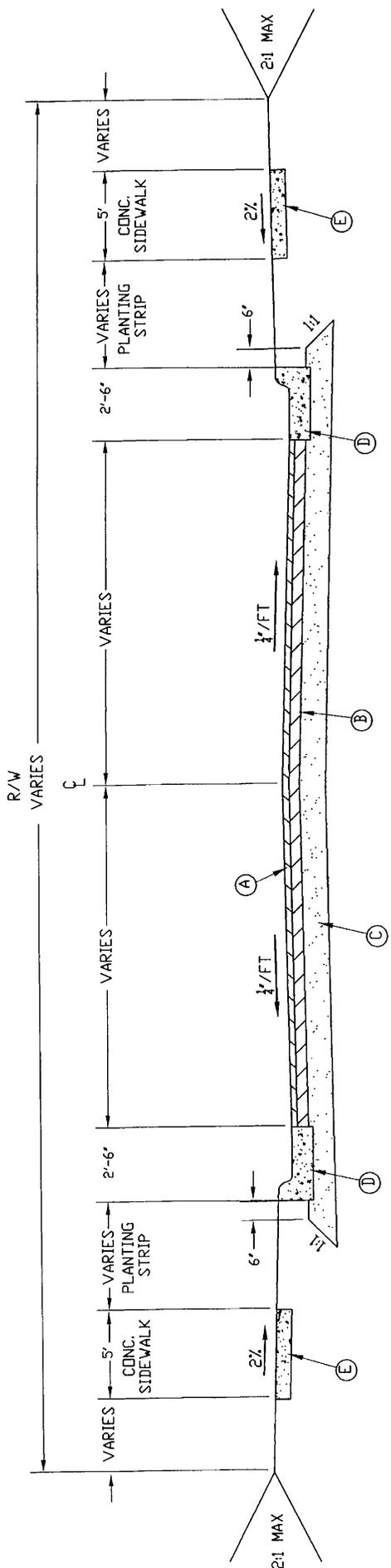
For Use in Clerk's Office Only

Approved

Delayed

Declined

Reason:



PAVEMENT SCHEDULE

- A. 2" S9.5B SURFACE COURSE (PLACED IN 2 - 1" LIFTS)
- B. 2.5" I19.0C INTERMEDIATE COURSE
- C. 8" AGGREGATE BASE COURSE (w/5.5" UNDER CURB)
OR 4" B25.0C BASE COURSE (w/4" UNDER CURB)
- D. 2'-6" CURB & GUTTER (2'-0" VALLEY GUTTER MAY BE USED WITH PRIOR APPROVAL)
- E. 4" CONCRETE SIDEWALK

TYPICAL PAVEMENT CROSS SECTION
RESIDENTIAL STREETS

THE TYPE OF STREET IS TO BE DETERMINED BY THE CITY.

SEE LAND DEVELOPMENT ORDINANCE CHAPTER 4, SECTIONS 4.7 & 4.8 FOR TYPICAL STREET SECTIONS WITH RIGHT-OF-WAY, PAVEMENT WIDTHS, CURB TYPE, DRAINAGE TYPE, SIDEWALK AND TREE REQUIREMENTS, ETC.

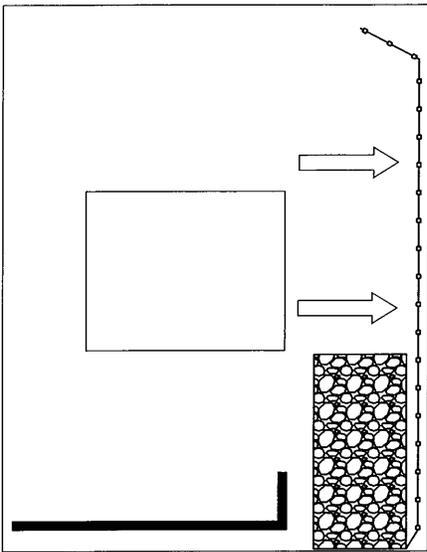
NOTE: DESIGN REQUIREMENTS VARY PER ZONING DISTRICT

*PAVEMENT WIDTHS DO NOT INCLUDE CURB & GUTTER

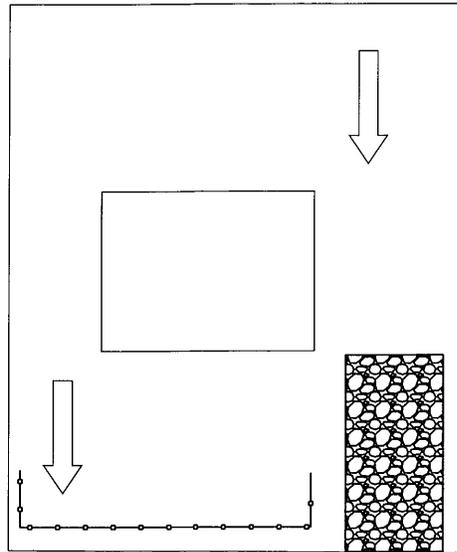
CITY OF SALISBURY, N.C.	STANDARD DETAIL	DATE: NOVEMBER 3, 2021
ROADS		NOT TO SCALE
PAVEMENT STANDARDS (3)		STANDARD R-3

ANY LAND DISTURBING ACTIVITY LESS THAN ONE ACRE

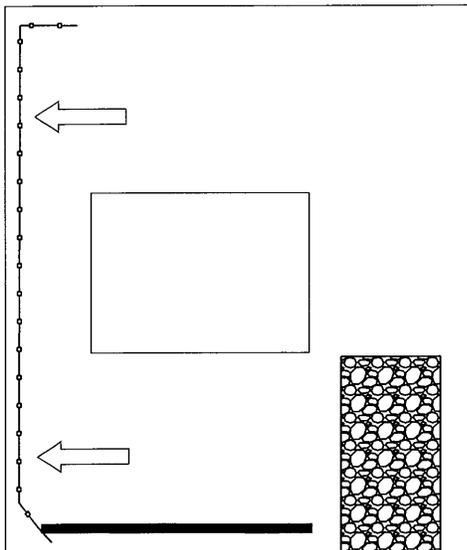
Option 1 Flow to the Right



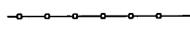
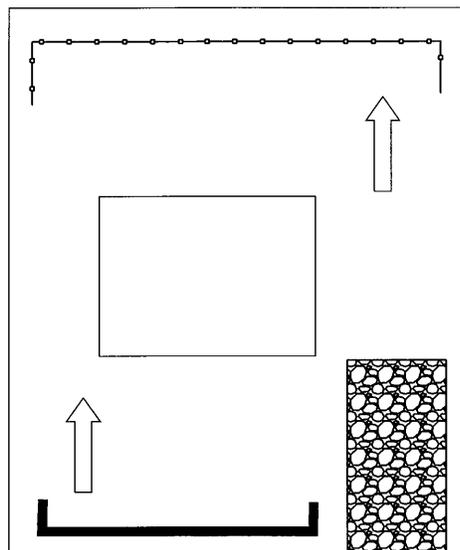
Option 2 Flow to the Front



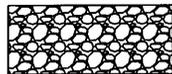
Option 3 Flow to the Left



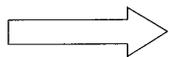
Option 4 Flow to the Rear



Silt Fence



Construction Entrance



Direction of Flow



Vehicle Barrier (Standard Construction Fencing Minimum)

CITY OF SALISBURY, N.C. STANDARD DETAIL

DATE: JANUARY 18, 2022

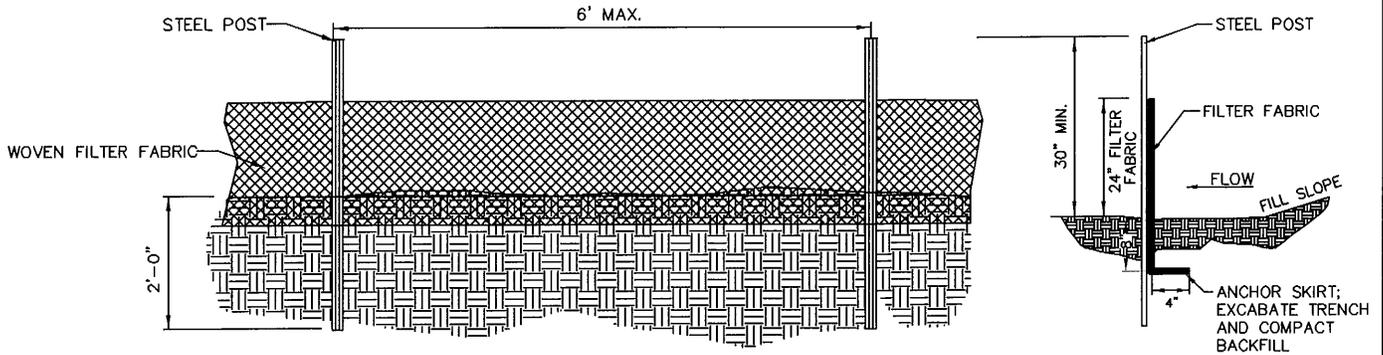
GENERAL
EROSION CONTROL

NOT TO SCALE

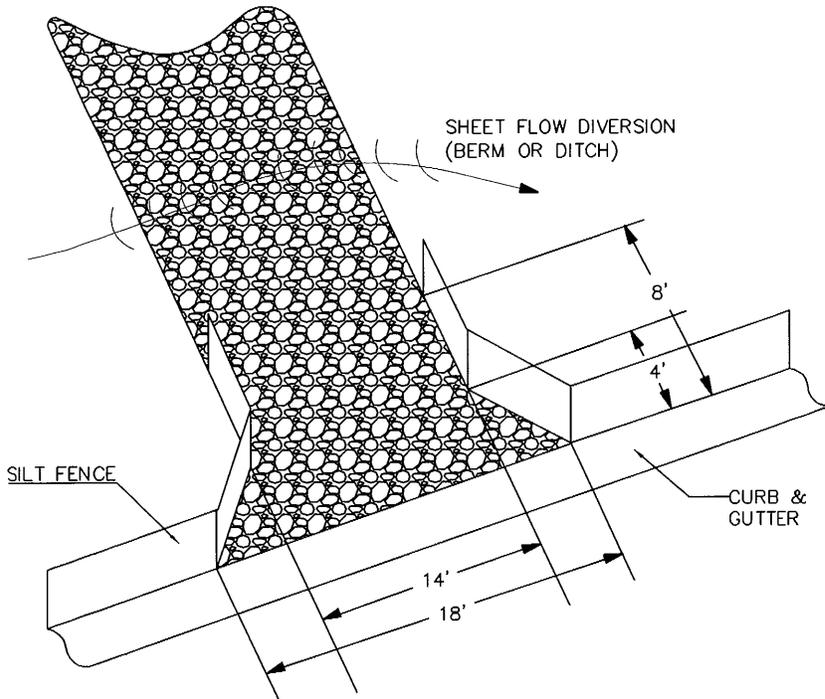
STANDARD

G-1A

ANY LAND DISTURBING ACTIVITY LESS THAN ONE ACRE



TEMPORARY SILT FENCE



NOTES:

1. PROVIDE 6" MINIMUM STONE DEPTH
2. USE #5 WASHED STONE AND RAILROAD BALLAST MIX
3. INSTALL SOIL STABILIZATION FABRIC AND 4" COMPACTED ABC STONE UNDER ENTRANCE
4. ANY AGGREGATE TRACKED INTO THE ROADWAY MUST BE SWEEPED BACK ONSITE ON A NIGHTLY BASIS
5. MINIMUM LENGTH OF ENTRANCE = 25'

CONSTRUCTION ENTRANCE

CITY OF SALISBURY, N.C.

STANDARD DETAIL

DATE: JANUARY 18, 2022

GENERAL
EROSION CONTROL

NOT TO SCALE

STANDARD

G-1B

2. If the variance relates to an issue such as development density, street classification, location of intersections, access, or other items which are easily demonstrated before engineering plans are developed, the requesting party shall submit the variance request in conjunction with the preliminary plat review. Staff will forward the variance request and a staff recommendation to the Planning Board for consideration. The variance shall be clearly identified on the preliminary plat and, if approved by the Planning Board, shall be considered an acceptable concept.
3. If the variance relates to an issue which becomes apparent only after engineering plans have been developed, the requesting party shall submit the variance request in conjunction with the engineering plan review. Staff will forward the request and a staff recommendation to City Council for consideration. Engineering plans will not be approved until all variance requests have been approved by Council or the design meets standard City requirements.

1.09 Erosion and Sedimentation Control

1. All work shall be done in accordance with and subject to the limitations of Rowan County and State rules and regulations for erosion and sediment control. It shall be the responsibility of the owner/developer to obtain approval of a sedimentation and erosion control plan from Rowan County. Additional information as to required format and plan content is available from Rowan County Erosion Control, 402 North Main Street, Salisbury, North Carolina, 28144, telephone (704) 216-8588.
2. Erosion control measures shall be provided to prevent any erosion or sedimentation problems that might affect any existing utility lines or structures during construction.
3. For any land disturbing activity less than one acre, including single family residential development, The City of Salisbury Stormwater Ordinance requires that anyone conducting land disturbing activity control sediment and provide adequate measures to retain sediment at the disturbed site. The total disturbed area of the site includes any borrow or waste areas that are used for the residential site, if the borrow or waste areas are not currently permitted by the City of Salisbury or NCDEQ. Land disturbing activities include demolition and land clearing. Erosion Control measures must be installed in accordance with the following:
 - a. Failure to install or maintain erosion control measures may result in penalties of up to \$5,000 per day.
 - b. A stabilized entrance pad of soil stabilization fabric, #5 washed stone and railroad ballast mix shall be located where construction traffic will enter or leave the construction site onto a street. The construction entrance shall be a minimum of 25 feet long by 14 feet wide, and 6" thick. The soil stabilization fabric shall extend the full length and width of the construction entrance.
 - c. The construction entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto streets or existing pavement. This may require periodic top dressing with additional stone as conditions warrant and repair or cleanout of any measures used to trap sediment.

- d. Any sediment spilled, dropped, washed or tracked onto streets or sidewalk must be removed immediately. Any aggregate tracked into the street or sidewalk must be swept back onsite on a nightly basis.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 1/18/2022

Name of Group(s) or Individual(s) Making Request: Salisbury Police Department/Chief Jerry Stokes

Name of Presenter(s): Chief Jerry Stokes

Requested Agenda Item: Update Council on SPD information – crime data, staffing, etc.

Description of Requested Agenda Item: Council to hear SPD update on community crime, staffing, etc. in 2021.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Action Requested of Council for Agenda Item: *(Please note if item includes an ordinance, resolution or petition)*
None.

Contact Information for Group or Individual: Chief Jerry Stokes, SPD 704-638-5333

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature



Department Head Signature

Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Clerk's Office Only

Approved Delayed Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: Rowan EDC

Name of Presenter(s):

Requested Agenda Item: Council to consider making an appointment to the Rowan Economic Development Commission.

Description of Requested Agenda Item: One of the City's appointees to the Economic Development Commission has resigned leaving a seat that expires December 31, 2023. The EDC requests that former City appointee Breck Dorton be appointed to fulfill the unexpired term.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Action Requested of Council for Agenda Item: Make an appointment to fulfill an unexpired term on the Rowan Economic Development Board.

Contact Information for Group or Individual: Kelly Baker kbake@salisburync.gov

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Clerk's Office Only

Salisbury City Council Agenda Item Request Form



Approved

Delayed

Declined

Reason:



CITY OF SALISBURY

APPLICATION FOR BOARDS AND COMMISSIONS

If you are a resident of the City of Salisbury, at least 18 years old, and willing to volunteer your time and expertise to your community, please complete this application and return to:

City Clerk's Office
PO Box 479
Salisbury, NC 28145
Phone (704) 638-5224 · Fax (704) 638-8499

Name: BRECK DORTON

Home Address: 223 CONFEDERATE AVE

City: SALISBURY Zip Code: 28144

Phone: (Home) 336-682-7466 (Business) _____

Fax: _____ Email: BRECK@TRIADCOMMERCIAL.

Place of Employment: TRIAD COMMERCIAL PROPERTIES Occupation: REAL ESTATE ^{com}

Do you reside within the City limits of Salisbury? (This is not a requirement if applying for the Greenway Committee)
Yes No _____

Are you within the City's Extraterritorial Jurisdiction (ETJ) area? Yes _____ No

Please indicate your preferences (first choice being 1):

- Alternate Methods of Design Commission
- Greenway Committee (No Requirement of Residency)
- Housing Advocacy Commission
- Hurley Park Advisory Board
- Planning Board
- Transportation Advisory Board (No Requirement of Residency)
- Special Committee EDC BOARD
- Community Appearance Commission
- Historic Preservation Commission
- Human Relations Council
- Parks & Recreation Advisory Board
- Tree Board

Have you served on a board or commission of the City of Salisbury? Yes _____ No

If yes, please list board or commission and date: n/a

Why are you interested in serving on the Board or Commission for which you are applying?

To help foster economic growth in Rowan County.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

Industrial Real Estate, site selection, Commercial Development

AFFIRMATION OF ELIGIBILITY: BA in History from Centre College (KY)

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes ___ No If yes, explain complete disposition: _____

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

Yes ___ No If yes, explain conflict: _____

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

Serving on one of the City of Salisbury's Boards and Commissions requires a commitment of time. Members are expected to attend the regularly scheduled Board or Commission meetings. Please give careful consideration to the meeting schedules to determine which Board or Commission may best suit your schedule and abilities.

RETURN COMPLETED FORM TO:

Diane Gilmore
City Clerk's Office
PO Box 479
Salisbury, NC 28145
704-638-5224
dgilm@salisburync.gov

Signature: [Handwritten Signature]

Date: 12/19/2018

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: City Attorney

Name of Presenter(s): Graham Corriher

Requested Agenda Item: 2nd reading to Revise Code of Ordinances to comply with N.C. Session Law 2021-138 (Senate Bill 300) decriminalizing certain local ordinances

Description of Requested Agenda Item: In 2021, North Carolina General Assembly enacted criminal justice reform legislation (Senate Bill 300) that, in part, decriminalized certain local ordinances. Prior to the enactment of SB300, violation of local ordinances was by default a Class 3 misdemeanor except where the ordinance explicitly said violation was only subject to civil penalties. To be clear, most city ordinances were not enforced criminally but the default mechanism under state law (G.S. 14-4) made it possible for city ordinances to be enforced criminally. SB300 changes the default penalty under G.S. 14-4 to civil violations only unless the local governing boards specifies in the ordinance that it is subject to criminal penalties.

Please note that criminal violations of local ordinances are punishable as Class 3 misdemeanors, the lowest level of criminal penalty under North Carolina law. A local government lacks the legal authority to, for instance, make a violation of a local ordinance a higher level misdemeanor or felony.

The attached revisions are the first round of revisions recommended by the Salisbury Police Department. SB300 does not allow for action to be taken on these revisions at the first meeting they are introduced. These were initially introduced at the January 4 meeting and are back on the agenda, with revisions based on feedback from council to Sec. 15-44, for a "second reading" and potential adoption. As a reminder, these are only the first round of revisions. Staff is still in the process of reviewing the Code to determine if there are other ordinance violations that justify criminal penalties.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

None

Action Requested of Council for Agenda Item: *(Please note if item includes an ordinance, resolution or petition)*

City Council to adopt *An Ordinance Amending Various Chapters of the Code of Ordinances for the City of Salisbury to Comply with North Carolina Session Law 2021-138.*

Contact Information for Group or Individual: graham.corriher@salisburync.gov

Salisbury City Council Agenda Item Request Form



Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council) City Attorney Report

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in Clerk's Office Only

Approved

Delayed

Declined

Reason:

**AN ORDINANCE AMENDING VARIOUS CHAPTERS OF THE CODE OF
ORDINANCES FOR THE CITY OF SALISBURY TO COMPLY WITH NORTH
CAROLINA SESSION LAW 2021-138**

Be it ordained by the City Council of the City of Salisbury, North Carolina, as follows:

Section 1. Chapters 1, 15, 20, 22, and 23 of the Code of Ordinances for the City of Salisbury were reviewed and considered by the Salisbury City Council at its January 4, 2022, and January 18, 2022, meetings, in accordance with N.C. Session Law 2021-138.

Section 2. Chapters 1, 15, 20, 22, and 23 of the Code of Ordinances for the City of Salisbury are revised as underlined and stricken in the attached **Exhibit A**, which is incorporated into this Ordinance by reference.

Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage.

Adopted this 18th day of January, 2022.

Karen K. Alexander, Mayor

ATTEST:

Kelly Baker, City Clerk

EXHIBIT A

Chapter 1 GENERAL PROVISIONS¹

Sec. 1-9. General penalty; continuing violations.

- ...
- (a) Whenever in this Code or in any ordinance of the city an act is ~~prohibited or is~~ made or declared to be ~~unlawful or an offense or~~ a misdemeanor, ~~or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor,~~ the violation of any such provision ~~or the failure to perform any such act~~ shall be punishable as a Class 3 ~~misdemeanored~~ by a fine not exceeding fifty dollars (\$50.00) or by imprisonment not to exceed ~~thirty twenty~~ (230) days or both such fine and imprisonment in the discretion of the court.
- (b) ~~Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be punished by a fine not exceeding fifty dollars (\$50.00).~~
- (c) Each day any such violation or failure to perform such act shall continue shall constitute a separate offense, unless otherwise specifically provided.

(Code 1977, § 1-12)

State law reference(s)—Penalty for violation of ordinance, G.S. 14-4.

Sec. 1-10. Penalty not exclusive.

- (a) The imposition of a penalty under the provisions of this Code shall not prevent the revocation or suspension of any license, franchise or permit issued or granted under the provisions of this Code.
- (b) If any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance may be summarily abated by the city in addition to the imposition of a fine or imprisonment.

(Code 1977, § 1-13)

¹Charter reference(s)—Corporate boundaries, Ch. II; miscellaneous, Ch. IX.

Chapter 15 OFFENSES¹

ARTICLE I. IN GENERAL

Sec. 15-1. Abandoned iceboxes, appliances, etc.

It shall be unlawful for an occupant of any dwelling or dwelling unit to place or leave outside of any such building any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material or other item which is in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building. Any such item which remains on the same property of the same occupant for a period of thirty (30) days after such occupant's conviction of violating this section shall be presumed to be abandoned and subject to being removed from the property by the sanitation department of the city without further notice or summons. This section shall not apply to an icebox, refrigerator or any other container of any kind which is crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof. This section shall not apply to authorized junk dealers.

(Code 1977, § 17-1)

Cross reference(s)—Solid waste, Ch. 21.

State law reference(s)—Abandoned ice boxes, etc., G.S. 14-318.1.

Sec. 15-2. Wells, excavations to be enclosed or covered.

It shall be unlawful for any owner, occupant or tenant in possession of any lot or parcel of land to have or permit any well or excavation thereon to remain without an enclosure or covering sufficient to prevent persons or stock from falling into such well or excavation.

(Code 1977, § 17-12)

State law reference(s)—Leaving unused well open and exposed, G.S. 14-287.

Sec. 15-3. Malicious mischief; vandalism.

It shall be unlawful for any person to willfully and maliciously damage, deface, injure, remove, carry or take away or otherwise unlawfully harm or assume control of any property whether public or private, real or personal, which is not his own. [A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-3)

¹Cross reference(s)—Amusements, Ch. 4; aviation, Ch. 6; fire prevention and protection, Ch. 9; offenses in cemeteries, § 8-11 et seq.; offenses relating to fire protection, § 9-1 et seq.; parades, picket lines and group demonstrations, § 22-121 et seq.; carrying of weapons in parade, picket line or group demonstration, § 22-126.

State law reference(s)—Criminal law, G.S. ch. 14; general ordinance-making power, G.S. 160A-174.

Sec. 15-4. Obstructing natural flow of water.

No person shall erect any dam or obstruction of any kind which prevents the natural flow of water and causes the water to be collected in pools upon any lot or in any street or alley, except when the pool is part of a designed system which has been reviewed and approved by the city engineer. No person shall do or cause to be done any work the effect of which will cause the formation of unapproved pools. Nothing in this section shall be construed to prevent the owner of a lot from filling up the lot as may be found desirable, if adequate drainage is provided through or across the lot to care for the surface water thereby collected or diverted from its natural flow.

(Code 1977, § 17-11; Ord. No. 2003-10, § 1, 1-21-03)

State law reference(s)—Obstruction in streams, G.S. 77-12 to 77-14.

Sec. 15-5. Contaminating, damaging or tampering with public water system.

A person commits the offense of contaminating a public water system, as defined in G.S. 130A-313(10), if he willfully or wantonly:

- (1) Contaminates, adulterates or otherwise impurifies or attempts to contaminate, adulterate or otherwise impurify the water in a public water system, including the water source, with any toxic chemical, biological agent or radiological substance that is harmful to human health, except those added in approved concentrations for water treatment operations; or
- (2) Damages or tampers with the property or equipment of a public water system with the intent to impair the services of the public water system.

State law reference(s)—Similar provisions, G.S. 14-159.1.

Sec. 15-6. Walking or driving on grass plots in West Innes Street.

It shall be unlawful for any person to walk or drive upon the grass plots situated in the middle of West Innes Street.

(Code 1977, § 17-4)

Sec. 15-7. Impersonation of public officer.

It shall be unlawful for any person in the city not being a policeman or other officer or employee of the city to assume to act as such, to act as such, or represent himself as such.

(Code 1977, § 17-5)

Cross reference(s)—Administration, Ch. 2.

State law reference(s)—Impersonation of public officers, G.S. 14-277.

Sec. 15-8. Obstructing or interfering with public officer.

It shall be unlawful for any person to obstruct, menace or interfere with any policeman or other officer or employee of this city engaged in the discharge of his official duty. [Violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-6)

Sec. 15-9. Buying of junk—Failure to require proof of ownership.

It shall be unlawful for any person engaged in the business of buying junk for any purpose or who shall buy any junk to fail or refuse to require of any person offering junk for sale or delivery for any purpose evidence in writing that the person offering such junk for sale or delivery is the lawful owner of such junk or has legal authority to sell or deliver the junk, before a purchase of such junk so offered is made or before a delivery to such junk dealer for any person is made by any person. The evidence of lawful ownership or legal authority to sell or deliver shall be in writing and shall contain a special description of the article offered for sale or delivery and the name of the person from whom the title or authority to sell or deliver such junk was acquired by the person offering such junk for sale or delivery.

(Code 1977, § 17-7)

Sec. 15-10. Same—Failure to keep record of purchases.

It shall be unlawful for any person engaged in the business of buying junk, or who shall buy junk for any purpose, to fail or refuse to keep an accurate record which shall contain the name of every person from whom he has purchased any junk or from whom he has received any junk for any purpose, the amount paid for such junk, and a specific description of the articles composing such junk, so purchased. Such record shall be open to inspection at any reasonable time by any member of the police department.

(Code 1977, § 17-8)

Cross reference(s)—Police, Ch. 20.

State law reference(s)—Failure of junk dealer to keep record of purchases, G.S. 66-10.

Sec. 15-11. Displaying obscene material.

It shall be unlawful for any person to display on any street or in any store, shop or public place any obscene pictures, marks, words or representations of any kind.

(Code 1977, § 17-9)

State law reference(s)—Obscene literature and exhibitions, G.S. 14-190.1.

Sec. 15-12. Refusal to admit police to pawnshop.

It shall be unlawful for any person keeping a pawnshop to fail, neglect or refuse to admit, upon demand, the chief of police or any policeman to his place of business for the purpose of inspecting the books or stocks therein.

(Code 1977, § 17-10)

Cross reference(s)—Police, Ch. 20.

Sec. 15-13. Soliciting alms.

It shall be unlawful for any person to engage in the business of soliciting alms, or begging charity, for his own livelihood, upon the streets or sidewalks of the city, or any other public place within the corporate limits of the city. It shall also be unlawful for a person to sell or offer for sale anything as an indirect method of soliciting alms.

(Code 1977, § 17-2; Ord. No. 1990-20, § 13-1, 6-5-90)

[State law reference\(s\)—Authority of city to regulate begging, G.S. 160A-179.](#)

Sec. 15-14. Consumption of beer or wine on property owned by city.

- (a) It shall be unlawful for any person to consume any beer, lager beer, malt liquor, ale, porter or other brewed or fermented beverage containing at least one-half of one (0.5) percent of alcohol by volume but not more than six (6) percent of alcohol by volume or any wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet or dextrose sugar, and having an alcoholic content of not less than six (6) percent and not more than seventeen (17) percent of alcohol by volume, in or upon any property owned or occupied by the city, including, but not by way of limitation, any public building, street, sidewalk, alley, park or parking lot owned, occupied, leased or maintained by the city.
- (b) Notwithstanding the provisions of this section, alcoholic beverages, as defined in G.S. 18B-101, may be consumed in the city civic recreational center in conformity with section 16-74.

(Code 1977, § 17-13)

Cross reference(s)—Consumption of intoxicating liquor in parks, § 16-73.

Sec. 15-15. Smoking on buses.

It shall be unlawful for any person to smoke cigarettes, cigars, pipes, or any substance in or upon any bus owned or operated by the city. [A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-14)

Cross reference(s)—Motor vehicles and traffic, Ch. 13.

Sec. 15-16. Riding bus without paying fare.

It shall be unlawful for any person to ride in or upon any bus owned or operated by the city without paying the appropriate scheduled fare.

(Code 1977, § 17-15)

Secs. 15-17—15-35. Reserved.

ARTICLE II. OFFENSES AGAINST THE PUBLIC PEACE

Sec. 15-36. Disturbing public meeting or gathering.

It shall be unlawful for any person willfully or wantonly to disturb any public meeting or gathering. [A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-26)

State law reference(s)—Disorderly conduct, G.S. 14-288.4.

Sec. 15-37. Gatherings or parties of disorderly character.

It shall be unlawful for any person to permit a gathering or party of disorderly character to assemble in his house, to the disturbance of the neighborhood. [A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-27)

~~Sec. 15-38. Loitering near church or schoolhouse.~~

~~It shall be unlawful for any person to loiter, without lawful excuse, on the grounds of any church or schoolhouse or upon the streets or sidewalks within one hundred (100) feet of such church or schoolhouse grounds.~~

~~(Code 1977, § 17-29; Ord. No. 1996-47, § 1, 9-17-96)~~

~~Sec. 15-39. Loitering in aisles of theatre or moving picture house.~~

~~It shall be unlawful for the manager, owner or person in control of any theater or moving picture house to allow or permit any person to stand or loiter in any aisle, lobby or passageway longer than is reasonably necessary in going to or from the seats in any theater or moving picture show house of which he is the manager, owner or person having control; provided that this section shall not apply to the regular employees of such theater or moving picture house.~~

~~(Code 1977, § 17-30)~~

~~Sec. 15-40. Loitering in bus terminal.~~

~~It shall be unlawful for any person, not having business thereat, to loiter or loaf in or about the bus station. Such loitering shall include sitting or reclining in chairs within the station or on the platform without.~~

~~(Code 1977, § 17-31)~~

Sec. 15-41. Dangerous missiles.

No person shall shoot or project any missile, projectile, stone, rock, shot or other hard substance by means of a slingshot, bean shooter, shot shooter, air rifle, pop gun, bow or other similar contrivance; provided that archery shooting may be engaged in on such grounds as may be set aside and approved therefor by the city council. [A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-32)

State law reference(s)—Authority to regulate, restrict, or prohibit pellet guns, G.S. 160A-190.

Sec. 15-42. Discharge of firearms.

It shall be unlawful for any person to shoot or fire any guns or firearms within the city, except when used in defense of person or property, or pursuant to lawful direction of law enforcement officers, or at military funerals, or at a legally established firing range adhering to industry standards provided by an agency such as the NRA and approved by the city's risk management division. [A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-33; Ord. No. 1994-10, § 1, 3-1-94)

State law reference(s)—Authority to regulate, restrict, or prohibit firearms, G.S. 160A-189.

Sec. 15-43. Possession of firearms on city-owned property.

- (a) Definitions. For purposes of this section and any other city code section that addresses the possession of firearms, the following terms are hereby defined:

Exclusions. For purposes of this section, the term "recreational facilities" does not include any greenway, designated biking or walking path, an area that is customarily used as a walkway or bike path although not specifically designated for use, open areas or fields where athletic events may occur unless the area qualifies as an "athletic field" as defined above or any other area unless the area is specified in subsections (i) through (iii) above.

Recreational facilities include only the following:

- (1) An athletic field including any appurtenant facilities such as restrooms, during an organized event if the field has been scheduled for use with the city's parks and recreation department.
 - (2) A swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses related to swimming.
 - (3) A facility used for athletic events, including but not limited to, a gymnasium.
- (b) Possession or open carry of firearms or handguns. It shall be unlawful for any person to possess or open-carry any handgun, gun, rifle, pistol, or other firearm on or in any city-owned or -operated building, including the appurtenant premises, grounds, or parking areas of those buildings, motor vehicle, park, parking area, regardless of whether such city-owned or -operated property is within or outside the corporate limits. Except as otherwise provided herein, the city manager or his designee is authorized and directed to post, in conspicuous locations on city-owned or -operated property, notices regarding this prohibition.
- (c) Possession or carry of concealed handguns. It shall be unlawful for any person to possess or carry a concealed handgun with or without a permit on, in, or within any:
- (1) *City-owned or -operated buildings, and their appurtenant premises, within or outside of the city limits.* The city manager or his designee is authorized and directed to post notices of this prohibition in conspicuous locations in city-owned and operated buildings and their appurtenant premises.
 - (2) *City recreational facilities, as defined herein.* The director of the parks and recreation department is directed to post notices of this prohibition in conspicuous locations in or on each recreational facility (athletic field, swimming pool, and athletic facility) at city-owned parks and on the department's webpage. Recreation centers at all city-owned parks are considered buildings and, therefore, weapons, including concealed handguns, are prohibited in such centers.
- (d) This section shall not apply to a police or other law enforcement officer lawfully discharging his duty, or to a watchman or other person specifically authorized to carry firearms on such premises while acting lawfully and within the scope of the person's authority, nor shall it prohibit the lawful possession or carrying of firearms on the public streets.
- (e) None of the provisions of this section shall be construed so as to prohibit law enforcement officers from possessing or discharging firearms within the corporate limits of the city on any firing range maintained for the training of law enforcement officers when such firing is conducted for training purposes under the supervision and direction of an officer in charge of the training program.
- (f) The provisions of this section shall not be construed so as to prohibit branches of the military service of the state and federal governments, including ROTC and reserve units, from possessing and firing guns, rifles,

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(Supp. No. 59)

pistols or other firearms for training purposes in indoor ranges on the respective premises of such branches or units.

- (g) The provisions of this section shall not apply to any person discharging guns or muskets in city parks for ceremonial purposes, such persons having first obtained in writing the permission of the city manager or his designee. In no event shall live ammunition be discharged.

[\(h\) A violation of this section is punishable as a misdemeanor.](#)

(Ord. No. 2018-46, § 1, 9-17-18)

Editor's note(s)—Ord. No. 2018-46, § 1, adopted Sep. 17, 2018, amended § 15-43 in its entirety to read as herein set out. Former § 15-43 pertained to display of guns or firearms on city property and derived from Code 1977, § 17-34.

Cross reference(s)—Possession of weapons in parks, § 16-75.

State law reference(s)—Similar provisions, G.S. 160A-189; 14-415.23; 14-409.40.

Sec. 15-44. Public urination, defecation.

It shall be unlawful for any person to deposit, by means of urination or defecation, any human waste material upon any [park](#), public street, sidewalk, right-of-way, alley or parking lot, [on private property within view of the public, or on private property without the permission of the owner or person in lawful possession of the property](#). For purposes of this section, "human waste material" shall be defined as human urine or human fecal material discharged from the body. [A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-25)

Sec. 15-45. Loitering for the purpose of engaging in illegal drug-related activity.

- (a) It shall be unlawful for a person to remain or wander about in a public place for the purposes of engaging in a violation of any provision of the North Carolina Controlled Substances Act, North Carolina General Statutes, Chapter 90, Article 5.
- (b) For purposes of this section, "public place" means: any public street, public highway, public sidewalk, public vehicular area (as defined in N.C.G.S. 20-4.01), any city park or park property, any other publicly owned or leased property, public transportation facility, schools and school grounds or property, any common area of any apartment complex or condominium community, common areas of any public housing property, any place of business or amusement which is open to the public, any private property which adjoins any of the above described areas and to which the public has ready access, any other property which is open to the public, whether publicly or privately owned, and any motor vehicle in or on the above described areas.
- (c) For the purposes of this section, "repeatedly" means three (3) or more times.
- (d) The following conduct or factors may be considered in determining whether a person is remaining or wandering about in a public place for the purpose of violating any provision of N.C.G.S. 90, Article 5.
- (1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
 - (2) Repeatedly stopping or attempting to stop motor vehicles; or
 - (3) Repeatedly obstructing or interfering with the free passage of other persons; or

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- (4) Repeatedly passing to or receiving from passers-by, whether on foot or in a vehicle, money or objects; or
 - (5) Attempting to flee or evade a police officer; or
 - (6) Being at a location frequented by persons who use, possess, or sell controlled substances; or
 - (7) Behaving in such a manner as to create a reasonable suspicion that he or she may be about to engage in or has just engaged in an unlawful drug-related activity.
- (e) No arrest or charge is permitted hereunder unless the circumstances establish probable cause to believe that the person intended to violate one or more of the provisions of N.C.G.S. 90, Article 5.
- (f) A violation of any provision of this section ~~shall subject the offender to the penalties set forth in section 1-12 of the City Code~~ is punishable as a misdemeanor.
- (g) If any section, subsection, paragraph, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions thereof.
- (Ord. No. 1991-29, § 1, 7-2-91)

Secs. 15-46—15-60. Reserved.

ARTICLE III. STATE OF EMERGENCY²

Sec. 15-61. Conditions deemed state of emergency.

A state of emergency shall be deemed to exist whenever, during times of great public crisis, disaster, rioting, catastrophe or similar public emergency, for any reason, municipal public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property.

(Code 1977, § 17-45)

Sec. 15-62. Proclamation; imposition of curfew.

- (a) In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the city, or threatening damage to or destruction of property, the mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a state of emergency and, in order more effectively to protect the lives, safety and property of people within the city, to define and impose a curfew applicable to all persons within the jurisdiction of the city.
- (b) The mayor is hereby authorized and empowered to limit the application of such a curfew to any area specifically designated and described within the corporate limits of the city and to specific hours of the day or night; and to exempt from the curfew policemen, firemen, doctors, nurses and such other classes of persons as may be essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of the people within the city.

²State law reference(s)—Continuity of local government in emergency, G.S. ch. 162B; riots and civil disorders, G.S. 14-288.1 et seq.; state of emergency, G.S. 14-288.12.

(Code 1977, §§ 17-46, 17-47)

Sec. 15-63. Unlawful activities.

During the existence of a proclaimed state of emergency when a curfew has been imposed, it shall be unlawful for anyone subject to such curfew to:

- (1) Be or travel upon any public street, alley or roadway or upon public property, unless in search of medical assistance, food or other commodity or service necessary to sustain the well-being of himself or his family or some member thereof.
- (2) Possess off one's own premises, buy, sell, give away or otherwise transfer or dispose of any explosive, firearms, ammunition or dangerous weapon of any kind.
- (3) Sell beer, wine or intoxicating beverages of any kind; or possess or consume beer, wine or intoxicating beverages off one's own premises.
- (4) Sell gasoline or any other similar petroleum products or any other flammable substances except as expressly authorized by the provisions of the curfew imposed.

[A violation of this section is punishable as a misdemeanor.](#)

(Code 1977, § 17-48)

Sec. 15-64. Termination of curfew.

The mayor shall proclaim the end of a state of emergency and any curfew imposed thereunder as soon as circumstances warrant or when directed to do so by the city council.

(Code 1977, § 17-49)

ARTICLE IV. YOUTH PROTECTION

Sec. 20-150. Purpose.

The purpose of this article is to protect juveniles from victimization and exposure to criminal activity by establishing a curfew for juveniles under the age of sixteen (16) years in the city. This article is intended to reinforce and promote the role of the parent in raising and guiding children, and promote the health, safety, and welfare of both juveniles and adults by creating an environment offering better protection and security for all concerned.

(Ord. No. 2009-37, § 1, 6-16-09)

Sec. 20-151. Definitions.

For the purpose of this article, the following words and phrases shall have the following meanings:

Direct route means the shortest, reasonable path of travel or a commonly used route to reach a final destination without any detour or stop along the way.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or death. This term also shall include any action that is reasonably necessary in order to respond to the medical needs of a family member of the juvenile regardless of whether the juvenile's action is taken in order to prevent death or serious bodily injury.

Establishment means any privately owned place of business operated for profit to which the public has access or is invited, including but not limited to any place of amusement or entertainment.

Guardian means a person who is court appointed to be the guardian of a juvenile.

Juvenile means any person under the age of sixteen (16) years.

Owner/operator means any individual, firm, association, partnership or corporation, operating, managing, or conducting any establishment, including employees, members or partners of an association or partnership and the officers of a corporation.

Parent means a person who is a natural parent, adoptive parent, foster parent, or step-parent of another person, or a person to whom legal custody has been given by court order.

Public place means any place that is generally open to and used by the public or a substantial group of the public, whether it be publicly or privately owned, including but not limited to streets, sidewalks, highways, alleys, rights-of-way, public vehicular areas and parking lots, transportation facilities, theaters, restaurants, shops, bowling alleys, schools and school grounds, places of business and amusement, playgrounds, parks, similar areas that are open to the public, and other common areas open to or accessible to the public.

Remain means to linger or stay in a public place, or to fail to leave the premises when requested to do so by a police officer, or to fail to leave the premises of an establishment when requested to do so by the owner/operator or employee of the premises.

Restricted hours means the time of night referred to herein as based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Savings Time, generally observed by the public in the city. Restricted hours shall mean:

- (1) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day, and
- (2) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(Ord. No. 2009-37, § 1, 6-16-09)

Sec. 20-152. Offenses.

Except as provided by section 20-153, the following offenses constitute a violation of this article:

- (1) A juvenile commits an offense by being present in or remaining in any public place or on the premises of any establishment with the city during the restricted hours.
- (2) A parent or guardian of a juvenile commits an offense if he or she knowingly permits, or by insufficient control, allows the juvenile to remain in any public place or on the premises or any establishment within the city during the restricted hours where the exceptions of section 20-153 do not apply. The term "knowingly" includes knowledge that a parent should be reasonably expected to have concerning the whereabouts of a juvenile in that parent's legal custody. This requirement is intended to hold neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such juvenile.
- (3) The owner, operator, or any employee of an establishment commits an offense if he/she knowingly allows a juvenile to remain upon the premises of the establishment during the restricted hours where the exceptions of section 20-153 do not apply. The term "knowingly" includes knowledge that an operator or employer should reasonably be expected to have concerning the patrons of an establishment. The standard for "knowingly" shall be applied through an objective test; whether a reasonable person in the operator's or employee's position should have known that a patron was a juvenile in violation of this article.
- (4) It shall be a violation of this article for any person sixteen (16) years of age or older to aid or abet a juvenile in the violation of subsection (1).
- (5) It shall be a violation of this article for a parent or guardian to refuse to take custody during the restricted hours of a juvenile for whom the parent or guardian is responsible.

(Ord. No. 2009-37, § 1, 6-16-09)

Sec. 20-153. Exceptions.

A juvenile who is in a public place or establishment during the restricted hours shall not be in violation of this article if the juvenile is:

- (1) Accompanied by his/her parent or guardian.
- (2) Accompanied by an adult eighteen (18) years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place in accompanying the juvenile for a designated period of time and purpose within a specified area.

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- (3) On an errand, using a direct route, at the direction of the juvenile's parent or guardian until the hour of 12:30 a.m.
 - (4) In a motor vehicle with parental consent engaged in interstate travel through the city or originating or terminating in the city.
 - (5) Traveling in a motor vehicle with a parent or guardian, or traveling in a motor vehicle with an adult eighteen (18) years of age or older authorized by the parent or guardian of such juvenile to take the parent or guardian's place on accompanying the juvenile for a designated period of time and purpose within a specified area.
 - (6) Engaged in a lawful employment activity, using a direct route to or from a place of employment.
 - (7) Reacting or responding to an emergency.
 - (8) Attending or traveling to or from, by direct route, an official school, religious, or recreational activity that is supervised by adults and sponsored by a public or private school, the city or other governmental entity, a civic organization, or another similar entity that accepts responsibility for the juvenile.
 - (9) Exercising First Amendment rights protected by the United States Constitution such as the free exercise of religion, freedom of speech, and the right to assembly.
 - (10) Married or emancipated.
 - (11) When authorized, by special permit from the chief of police or his designee, carried on the person of the juvenile thus authorized as follows. When necessary nighttime activities of a juvenile may be inadequately provided for by other provisions of this article, then recourse may be had to the chief of police, or his designee, either for a regulation as provided in this section or for a special permit as the circumstances warrant. Upon the findings of reasonable necessity for the use of a public place to the extent warranted by a written application signed by a juvenile, and by a parent of a juvenile, if feasible, stating (1) the name, age and address of the juvenile; (2) the name, address and telephone number of a parent thereof; (3) the height, weight, sex, color of eyes and hair and other physical characteristics of the juvenile; (4) the necessity that requires the juvenile to remain upon a public place during the restricted hours otherwise applicable; (5) the public place and; (6) the beginning and ending of the period of time involved by date and hour, the chief of police or his designee may grant a permit in writing for the juvenile's use if a public place at such hours as in the opinion of the chief of police may reasonably be necessary and consistent with the purposes of this article.
 - (12) When authorized, by regulation issued by the chief of police or his designee in other similar cases of reasonable necessity, similarly handled as set forth in subsection (11) but adapted to reasonably necessary nighttime activities of more juveniles than can readily be dealt with on an individual special permit basis. Normally such regulation by the chief of police or his designee permitting use of public places should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as schools, and shall define the activity, the scope of the use of the public places permitted, the period of time involved not to extend more than one (1) hour beyond the period of termination of this activity, and the reason for finding that the regulation is reasonably necessary and is consistent with the purposes of this article.

(Ord. No. 2009-37, § 1, 6-16-09)

Sec. 20-154. Defense.

It is a defense to prosecution under subsection 20-152(3) that the owner, operator, or employee, of an establishment promptly notify the city police department that a juvenile was present on the premises of the establishment during the restricted hours and refused to leave.

(Ord. No. 2009-37, § 1, 6-16-09)

Sec. 20-155. Enforcement.

- (a) Before taking any enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place or establishment during the restricted hours.
- (b) The officer shall not prepare a juvenile contact report, file a complaint or take a juvenile into custody unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, no exception or defense in section 20-154 is present.

(Ord. No. 2009-37, § 1, 6-16-09)

Sec. 20-156. Penalties.

- (a) A juvenile who violates any provision of this article is subject to being referred by complaint to the Department of Juvenile Justice and Delinquency Prevention (DJJDP) subject to evaluation and determination of the need for court action as found in G.S. 7B-1702 and G.S. 7B-1703. The complaint may be closed with no further action after a meeting with the child and family, or diverted from court pursuant to G.S. 7B-1706 with a diversion plan or contract utilizing community resources, or the complaint may be approved and submitted as a petition for a court hearing. If the juvenile is found delinquent in a court hearing, the court may impose dispositional alternatives (found in G.S. 7B-2506) in accordance with the dispositional structure set forth in G.S. 7B-2508.
- (b) ~~A violation of this article by a~~ Any person other than a juvenile ~~who violated any provision of this article shall be guilty of a misdemeanor and shall be subject to a fine not to exceed one hundred dollars (\$100), and imprisonment at the discretion of the court in accordance with G.S. 1-4 is punishable as a misdemeanor.~~

(Ord. No. 2009-37, § 1, 6-16-09)

Sec. 20-157. Severability.

In any section, subsection, sentence, term, or exception of the article, or any application thereof to any person or circumstance is adjudged to be unconstitutional or invalid; such adjudication shall not affect the validity of any remaining portion of this article or its application to any other person or circumstance. The city council does not intend a result through the enforcement of this article that is absurd, impossible of execution or unreasonable. Council intends that the article be held inapplicable in such cases, in any, whether its application would be unconstitutional under the Constitution of the State of North Carolina or under the Constitution of the United States of America.

(Ord. No. 2009-37, § 1, 6-16-09)

Chapter 22 STREETS AND SIDEWALKS¹

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ARTICLE V. DEMONSTRATIONS²

DIVISION 1. GENERALLY

Sec. 22-121. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Demonstration means any assembly in a public place for the purpose of displaying sentiment for or against a person or cause, including protesting.

Group demonstration means any demonstration, as defined herein, involving ten (10) or more people. Group demonstrations require a permit pursuant to division 2 of this article except where exempt from permitting requirements.

Person means any person, firm, corporation, partnership, association or other organization, whether formal or informal.

(Ord. No. 2019-21, § 1, 4-16-19)

¹Charter reference(s)—Eminent domain and local improvements, § 8.30 et seq.

Cross reference(s)—Administration, Ch. 2; advertising on streets and sidewalks, § 3-3; buildings, Ch. 7; plumber's bond, § 7-41; cemeteries, Ch. 8; mobile homes, Ch. 12; motor vehicles and traffic, Ch. 13; peddlers, Ch. 17; planning and development, Ch. 19; refuse on streets and sidewalks, § 21-54; trees, Ch. 24; utilities, Ch. 25; subdivisions, App. A; flood damage prevention, App. C; fees, App. E.

State law reference(s)—Public works, G.S. ch. 133; roads and highways, G.S. ch. 136; special assessments, G.S. 160A-216 et seq.; municipal streets, G.S. 160A-296 et seq.

²Editor's note(s)—Ord. No. 2019-21, § 1, adopted April 16, 2019, amended Art. V in its entirety to read as herein set out. Former Art. V, §§ 22-121—22-127, 22-146—22-149, pertained to parades, picket lines, and group demonstrations and derived from Code 1977, §§ 24-81—24-91; and Ord. No. 1999-46, § 8, adopted June 15, 1999. The sections of this article have been renumbered at the editor's discretion to preserve the style of the Code.

Cross reference(s)—Motor vehicles and traffic, Ch. 13; noise, Ch. 14; offenses, Ch. 15.

Sec. 22-122. Exceptions to article.

The provisions of this article shall not apply to:

- (1) Funeral processions.
- (2) Students going to or from school classes or participating in educational or recreational activity where such activity is under the supervision and direction of proper school authorities.
- (3) Any governmental agency acting within the scope of its functions.

(Ord. No. 2019-21, § 1, 4-16-19)

Cross reference(s)—Police, Ch. 20.

Sec. 22-123. Interference prohibited.

No person shall hamper, obstruct, impede, or interfere with any group demonstration or other demonstration conducted pursuant to this article, with any public street festivals or special events conducted pursuant to a permit issued under article VI of this chapter, or with any other event being conducted under authority of a permit duly issued by the city manager or designee.

Demonstrations and group demonstrations shall be conducted on portions of public property not used primarily for vehicular parking or moving traffic, unless a permit has been issued permitting a demonstration in that area, and shall not disrupt, block, obstruct or interfere with pedestrian or vehicular traffic or the free passage of pedestrian or vehicular traffic into any driveway, pedestrian entrance, or other access to buildings, which abut the public streets or sidewalks.

[A violation of this section is punishable as a misdemeanor.](#)

(Ord. No. 2019-21, § 1, 4-16-19)

Sec. 22-124. Prohibition of firearms and dangerous weapons.

It shall be unlawful for any person to ~~possess-display~~ any firearm or possess any dangerous weapon of any kind, as defined below, ~~whether exposed or concealed,~~ as a part of any group demonstration or other demonstration conducted pursuant to this article (whether permitted or not), or of any public street festivals or special events conducted pursuant to a permit issued under article VI of this chapter, or of any other event conducted pursuant to a permit duly issued by the city manager or designee.

The term dangerous weapon shall be defined as any device or substance designed or capable of being used to inflict serious injury to any person or property, including, but not limited to, any firearm, airgun, BB gun, pellet gun, knife or razor with a blade longer than three (3) inches in length, metallic knuckles, blackjacks, nightsticks, dangerous chemical which by its use might constitute a dangerous or deadly weapon, open flames larger than a standard candle, or other incendiary devices of any type.

This section shall not apply to a person exempted by the provisions of G.S. § 14-269(b) or to persons authorized by state or federal law to carry dangerous weapons in the performance of their official duties.

[A violation of this section is punishable as a misdemeanor.](#)

(Ord. No. 2019-21, § 1, 4-16-19)

Cross reference(s)—Offenses, Ch. 15.; G.S. § 14-277.2

Secs. 22-125—22-140. Reserved.

DIVISION 2. PERMIT

Sec. 22-141. Required.

It shall be unlawful for any person to organize, conduct or participate in any group demonstration in or upon any public place within the city unless a permit therefor has been issued by the city manager or designee in accordance with the provisions of this division. This permit requirement shall not apply for group demonstrations that are unplanned and are not expected to last more than twelve (12) hours, or for demonstrations involving less than ten (10) people. An unplanned group demonstration or a demonstration involving less than ten (10) people may apply for a permit but is not required to do so.

(Ord. No. 2019-21, § 1, 4-16-19)

Sec. 22-142. Issuance.

The city manager or designee is authorized to issue permits as required in this division, and in the issuance thereof the manager shall:

- (1) Require a written application for the permit to be filed not less than forty-eight (48) hours in advance of such group demonstration. Such application shall be on a form prescribed by the city manager or designee, shall be signed by the applicant, and shall require that the applicant show the proposed time, place, and expected size of such group demonstration. If the group demonstration is proposed to be conducted for, on behalf of, or by an organization, the city manager or designee shall require that the applicant provide the name, address, and telephone number of the organization and of the authorized and responsible heads of such organization. The city manager or designee, where good cause is shown therefor, shall have the authority to consider any application under this section which is filed less than forty-eight (48) hours before the time such group demonstration is proposed to be conducted.
- (2) Require that the application for a permit specify and the permit designate one (1) or more person(s) in charge of the activity. At least one (1) of such person(s) shall accompany the group demonstration and shall carry such permit with them at that time. Such permit shall not be valid in the possession of any other person(s).
- (3) Have the authority to place reasonable conditions on the permit related to the time, place, or manner of the group demonstration where such conditions are directly related to and are required in order to ensure the public health, safety, and welfare.
- (4) Issue such permit unless denying the permit is allowed in accordance with section 22-149.

(Ord. No. 2019-21, § 1, 4-16-19)

Sec. 22-143. Grounds for rejecting or revoking a permit.

The city manager or designee may refuse to issue or may revoke any permit granted for a group demonstration for any of the following reasons, and none other, which decision shall be in writing and shall state the reason(s) for rejecting the permit application or revoking the permit:

- (1) The violation by any participant of section 22-126.

(Supp. No. 59)

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- (2) The failure to comply with the terms and conditions of the permit.
 - (3) Giving false information on the permit application.
 - (4) An application for a group demonstration has already been received for the same time and place requested, in which case an alternative time or place shall be offered.
 - (5) It reasonably appears that the group demonstration, due to its stated time, location, or size, will present a threat to the public safety, health, or welfare, in which case alternatives shall be offered.
 - (6) It reasonably appears that the activity or purpose stated in the application would be a violation of local, state, or federal law.
 - (7) There is no person in charge identified on the application or there is otherwise no person willing to accept responsibility for complying with the provisions of this article or of any permit issued by the city manager or designee.

(Ord. No. 2019-21, § 1, 4-16-19)

Sec. 22-144. Appeal of a decision to reject or revoke a permit.

The decision of the city manager's designee to reject or revoke a permit may be appealed by providing written notice to the city manager or designee within seven (7) days of the issuance of the decision to reject a permit application or revoke a permit. The city manager shall decide the appeal and shall issue a decision, in writing, within ten (10) days of receipt of the appeal. The city manager's decision shall be timely if it is post-marked or hand-delivered within ten (10) days.

The decision of the city manager, including the initial decision to reject or revoke a permit where the city manager makes that determination, may be appealed to the city council by providing written notice to the city manager within seven (7) days of the date the decision was hand-delivered, or within ten (10) days of the date the decision was post-marked. The city manager shall place any appeal on a council agenda within thirty (30) days of receipt. The city council shall issue a decision in writing within ten (10) days of considering the appeal. The decision of the city council shall be final. The timelines herein may be amended by agreement of the city and the applicant.

(Ord. No. 2019-21, § 1, 4-16-19)

Secs. 22-145—22-149. Reserved.

ARTICLE VI. PUBLIC STREET FESTIVALS AND SPECIAL EVENTS WITHIN THE MUNICIPAL SERVICE DISTRICT³

Sec. 22-150. Definitions.

For purposes of this section, the following events shall be defined as:

³Editor's note(s)—Ord. No. 2018-18, § 1, adopted April 17, 2018, repealed the former Art. VI, §§ 22-150—22-156, and enacted a new article as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 2008-48, § 1, adopted Sep. 16, 2008; and Ord. No. 2013-34, § 1, adopted Aug. 6, 2013.

General events shall mean organized activities that have a stationary footprint not requiring temporary right-of-way closure often involving sound amplification, food, beverage, merchandise, or other forms of entertainment. Examples include festivals, markets, and ceremonies.

Neighborhood events shall mean small-scale organized activities that close local-service residential right-of-ways. These gatherings are initiated by local residents and are intended only for the neighborhood residents and their guests and may be held on public areas.

Organized activity shall mean an activity or event defined herein as a General Event, Neighborhood Event, Special Event, or Parades, Races, and Walks but not meeting the definition of a Public Street Festival.

Parades, races, and walks shall mean organized activities following a set course that involve full or partial right-of-way -closure with ten (10) or more persons and/or three (3) or more vehicles in participation.

Public street festivals shall mean organized events, whether held by non-profit, community or for-profit organizations, where alcoholic beverages may be sold and regulated under section 22-151 or section 22-152 and held within public rights-of-way and on city owned property as designated in a public street festival permit.

Special event shall mean activities conducted in public areas which (i) are engaged in by ten (10) or more people and (ii) are not demonstrations. The term special event shall be construed to include a-private organization celebration or sponsored event that is held in or on public areas that may require temporary right-of-way closure.

Other definitions shall be defined as:

Event organizer shall mean the person who organizes, conducts, or intends to conduct a general, neighborhood, special, or parade, race or walk event and is responsible under a permit for ensuring the activity will be conducted in accordance with these regulations.

Fees shall mean the cost paid by the organizer or sponsor for application, use of City of Salisbury services, and other city incurred expenses to hold organized activities.

Food service establishment shall mean an establishment engaged in the business of regularly selling food, customarily, but not exclusively, to be eaten on the premises, including businesses that are commonly referred to as restaurants, cafes, grills and other establishments that have a food counter where food is sold.

Malt beverage shall mean beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage containing at least one-half of one (.5) percent and not more than fifteen (15) percent alcohol by volume.

Open container shall mean a container whose seal has been broken or a container other than the manufacturer's unopened original container.

Parks shall mean publically maintained recreation or park facility

Person shall mean any person, firm, corporation, partnership, association or other organization, whether formal or informal.

Public area shall mean streets, sidewalks, alleys, lanes, walkways, highways, right of way, greenways, plazas, or squares owned or maintained by any governmental entity.

Temporary right-of-way closures shall mean closing or restricting vehicle or foot traffic by blocking customary use of any public street or sidewalk for any reason other than an organized activity as defined herein.

Unfortified wine shall mean wine that has an alcoholic content produced only by natural fermentation by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than sixteen (16) percent alcohol by volume.

Winery shall mean an establishment regularly engaged in the manufacture, sale or marketing of wine.

(Ord. No. 2018-18, § 1, 4-17-18)

Sec. 22-151. Issuance of permits.

- (a) Permits may be approved by the Salisbury Police Department upon meeting the following requirements:
- (1) A written application for a public street festival, including street closures, must be submitted to the Salisbury Police Department at least sixty (60) days prior to the proposed public street festival. A detailed site map indicating, at a minimum, the stage area, concessions, tables and seating area, parking areas and locations where the road may be blocked off shall also be required. A copy of the application and permit shall be submitted and retained by the office of the city clerk.
 - (2) A statement of the event organizer intent whether to serve or to allow the consumption of beer and wine. If serving alcoholic beverages, the event organizer must comply with all applicable ABC laws and regulations and an ABC permit must be obtained, and a copy provided to the City of Salisbury, no less than fifteen (15) days prior to the event. The event organizer's ABC permit must be in good standing and the applicant must not have been cited for any violation of its ABC permit for the premises within the previous three-year period. If the event organizer has been cited, the event organizer must provide a statement describing the circumstances for which it was cited and describing what, if any, penalty was imposed for the incident; and
 - (3) The event organizer's plan must also indicate that festival area must be maintained, and all debris or refuse removed from the area, at regular intervals during the business day so as to maintain an orderly appearance and to prevent the attraction of vermin, insects, or other pests to the area. The plan must also indicate that the event organizer must maintain an unobstructed path for pedestrian travel on the sidewalk at least five (5) feet wide at all times and that the event organizer agrees to remove all obstructions and additions to the festival area immediately upon completion of the festival in order to open the streets to public use as soon as possible; and
 - (4) The event organizer agrees that at no time shall anyone be allowed to block access to a fire hydrant in street festival area. Fire hydrants and first-aid stations shall be designated on the site plan for permitted events; and
 - (5) The event organizer, or an authorized officer or member if the event organizer is not an individual, must sign an agreement to indemnify and hold the City of Salisbury harmless from any and all claims of property damage, personal injury or death arising from or related to the provision of outdoor table service at the establishment; and
 - (6) Certificate of insurance indicating that the event organizer has, or will have, in place for the duration of the permit period, liability insurance with a minimum limit of one million dollars (\$1,000,000.00) for the premises and all activities conducted thereon.
- (b) In the review of street festival permit requests, the police department shall be guided by the following considerations:
- (1) The number of permits issued and the area or areas for which such permits are issued in relation to crowd density, traffic control, the ability to protect persons and property, fire prevention and control, general safety and availability of city assets and resources to ensure the reasonable protection of the general public.
 - (2) In those instances in which the police chief, or designee, considers city resources to be insufficient to meet the above considerations, the police chief, or designee, may require the event organizer for such permit to provide, at the event organizer's expense, adequate and qualified security personnel for the duration of the permit.
 - (3) The police chief, or designee, shall have the authority to designate the boundaries of any permit request area. To accommodate such an event, the police chief, or designee, is further authorized to

temporarily close any public streets, sidewalks or other city owned areas within the boundaries so designated in the permit application. Where such streets, sidewalks, or other city owned areas are temporarily closed, they shall be for the general use of the public.

(Ord. No. 2018-18, § 1, 4-17-18)

Sec. 22-152. Sale of alcoholic beverages permitted at public street festivals.

It shall be lawful for a public street festival permittee to serve or sell malt beverages and unfortified wine where the boundaries of the area in which such beverages is clearly delineated, where access to such area is restricted to persons who shall be at least twenty-one (21) years of age and where the following requirements are met:

All applicable health and ABC laws are complied with;

- (1) The contents of beer bottles, cans, wine bottles or any other unopened container shall be poured into appropriate plastic cups or plastic glasses; or sold in, and consumed from, its original container provided the original container is not made of glass; and
- (2) One (1) or more representative of the organization selling alcoholic beverages under an appropriately issued special one-time ABC permit has been certified by the North Carolina ABC board's "Be a Responsible Seller" program;
- (3) All empty bottles and cans shall be handled in such a way as to not be broken or left on city property; and
- (4) Peace and order shall be maintained during the event and the area left in a clean condition.

(Ord. No. 2018-18, § 1, 4-17-18)

Sec. 22-153. Firearms.

Except for sworn certified law enforcement personnel, the ~~possession-display~~ of firearms in any event area is prohibited except as allowed by law.

(Ord. No. 2018-18, § 1, 4-17-18)

Sec. 22-154. Signs for events.

Promotional signage for events shall comply with the provisions of Chapter 12, Signs, of the Salisbury Land Development Ordinance.

(Ord. No. 2018-18, § 1, 4-17-18)

Sec. 22-155. Penalty—conflict.

~~Any A violation of this article shall constitute a misdemeanor, punishable as provided in G.S. 14-4 is~~ punishable as a misdemeanor. A first violation of an event permit issued pursuant to this article shall result in the issuance of a written warning to the permittee. A second violation within one (1) year of the first shall result in an immediate revocation of the permit and a sixty-day ban on future permits. Additionally, a violation of any of the provisions of this article shall subject the offender to a civil penalty of up to five hundred dollars (\$500.00). If a person fails to pay this penalty within ten (10) days after being cited for a violation, the City of Salisbury may seek to enforce this section through any appropriate equitable action. Each day that a violation continues after the

(Supp. No. 59)

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offender has been notified of the violation shall constitute a separate offense. The City of Salisbury may seek to enforce this article by using any one (1), or a combination, of the foregoing remedies.

In the event of a conflict between the provisions of this article and any other city ordinance, the provisions of this article shall control. The enactment of this article, however, shall not result in any change of the general applicability of any other city ordinance.

(Ord. No. 2018-18, § 1, 4-17-18)

Sec. 22-156. Fees.

There shall be paid, at the time of filing the application for a permit required in this division, a fee of fifty dollars (\$50.00)

(Ord. No. 2018-18, § 1, 4-17-18)

Chapter 23 TAXICABS¹

...

ARTICLE IV. OPERATION

Sec. 23-76. Vehicle equipment.

All taxicabs operated within the city shall be equipped and maintained in a satisfactory condition so as to comply with the General Statutes of North Carolina and the provisions of this Code, and among other requirements shall:

- (1) Have a body of the sedan or enclosed type and be of not less than four-passenger capacity.
- (2) Have four (4) doors, two (2) leading into the passengers' compartment and two (2) leading into the driver's compartment, so constructed that they may be opened from the inside and outside.
- (3) Have all windows, vents and doors in proper working condition.
- (4) Be equipped with a heater sufficient to heat the interior of the taxicab adequately in cold weather.
- (5) Have all windshields and side and rear glasses clear and free of cracks and clear of dirt and obstructions to clear view.
- (6) Have front and rear bumpers of original manufacturer's design and attachments which shall be in place and in proper repair.
- (7) Have headlights in good working condition and as installed by the original manufacturer.
- (8) Be equipped with a number of seatbelts equal to the passenger capacity of the vehicle.
- (9) Shall be equipped with a taximeter which shall meet and be operated to the standards set forth for taximeters by the National Institute of Standards and Technology (NIST), with the exceptions of taxi vehicles such as described in article I, section 23-1.

(Code 1977, § 25-58; Ord. No. 2007-23, § 3, 5-15-07)

Sec. 23-77. Condition of vehicle.

Every vehicle operating under this chapter shall be kept in a clean and sanitary condition. The interior and exterior of the vehicle shall be maintained safe and clean, and its general appearance shall be kept as close as

¹Cross reference(s)—Advertising, Ch. 3; aviation, Ch. 6; licenses, Ch. 11; motor vehicles and traffic, Ch. 13; zoning, App. B.

State law reference(s)—Transporting fortified wine or spirituous liquor in a for-hire passenger vehicle, G.S. 18B-401; age limits for drivers of public passenger-carrying vehicles, G.S. 20-10; general municipal powers as to taxicabs, G.S. 20-37, 160A-304; passenger vehicle registration fees, G.S. 20-87; for-hire vehicles to be marked, G.S. 20-101; financial responsibility, G.S. 20-280.

possible to the manufacturer's original appearance with respect to sheet metal and finish of car, normal wear and tear expected. Dents and other exterior body damage shall be repaired as soon as practical.

(Code 1977, § 25-59)

Sec. 23-78. Repair of vehicle.

When any taxicab is wrecked, damaged or unsafe for taxicab operation, repairs and alterations as may be necessary shall be made, and such vehicle shall not be operated until such repairs and alterations have been completed.

(Code 1977, § 25-60)

Sec. 23-79. Identification of vehicles.

Every taxicab operating upon the streets of the city shall have the name of the owner of the business thereof and, at his option, his address and telephone number, painted in letters at least two (2) inches in height upon each side of the main portion of the vehicle's body in such manner as to be plainly visible at all times.

(Code 1977, § 25-68)

Sec. 23-80. Inspections.

- (a) In addition to the initial inspection by the police department, every taxicab operated within the city shall be subject to an annual inspection conducted by the police department. The purpose of such inspection will be to determine that taxicabs are capable of providing safe and sanitary transportation. The police department may also conduct unannounced inspections at reasonable times in order to verify that at all times the condition of taxicabs is in conformance with the rules and regulations specified in this chapter.
- (b) If, during the course of such inspection, any vehicle should be found to be unsafe or unfit for operation or not to conform with the requirements of this chapter, notice shall be given by the police department to the owner of such vehicle that such vehicle shall not be operated as a taxicab until it has been placed back into safe condition for operation or into conformity with this chapter.

(Code 1977, § 25-61)

Cross reference(s)—Police, Ch. 20.

Sec. 23-81. Business headquarters.

It shall be unlawful for any person to operate or cause to be operated any taxicab upon the streets of the city unless such person has some central or established headquarters or place of business where calls can be received. Such place of business shall be maintained in a clean and orderly manner.

(Code 1977, § 25-62)

Sec. 23-82. Driver's manifests.

- (a) A daily manifest shall be maintained for each driver upon which is recorded all trips made each day, showing time and place of origin and destination of each trip, the number of passengers, and amount of fare. The forms for such records shall be of a manner approved by the city manager.

(b) Every operator shall retain and preserve all manifests in a safe place for at least one hundred eighty (180) days and the manifests shall be made available upon demand for inspection by the police department or the city manager.

(Code 1977, § 25-63)

Sec. 23-83. Refusal to carry passenger.

No driver of a taxicab shall refuse or neglect to convey any orderly person, upon request, anywhere in the city unless previously engaged or unable to do so.

(Code 1977, § 25-64)

Sec. 23-84. Carrying additional passengers.

No driver of a taxicab shall carry any person other than the passenger first employing such taxicab, without the consent of such passenger.

(Code 1977, § 25-65)

Sec. 23-85. Schedule of fares.

The schedule of fares adopted by every taxicab operated within the city shall be plainly displayed in each taxicab by means of a printed card of a size and typeface approved by the chief of police. Such schedule shall be kept current at all times and shall be posted within the passenger compartment of each taxicab. All fare schedules are to be set by each taxicab company. A copy of the current schedule shall be filed with the chief of police. A taxicab operated with a taximeter must display current fare rate for its passenger to clearly see. Any time a taxicab is occupied by a person other than the driver, the meter must be on and operating. It shall be the duty of the driver to call to the attention of the passenger the amount registered on the meter.

(Code 1977, § 25-66; Ord. No. 2007-23, § 4, 5-15-07)

Sec. 23-86. Reserved.

Editor's note(s)—Ord. No. 2007-23, § 5, adopted May 15, 2007, deleted § 23-86 in its entirety. Former § 23-86 pertained to prepayment of fare and derived from Code 1977, § 25-67.

Sec. 23-87. Refusal to pay fare.

Every person ~~requesting a taxicab operator or driver to transport him to a designated location and who refuses to using the services of a taxi cab shall~~ pay the legal fare for such use. The failure or refusal to pay the legal fare is punishable as a misdemeanor. ~~shall be presumed to have fraudulently obtained such services with intent to cheat the operator or driver of just charges and shall be guilty of a misdemeanor.~~

(Code 1977, § 25-70)

Sec. 23-88. Lost articles.

The driver of a taxicab shall make every effort possible to return lost articles that are found in the taxicab to the rightful owner as soon as possible after discovery of such articles. If the owner cannot be located or determined, then the article shall be given to the police department within ten (10) days.

(Code 1977, § 25-69)

Cross reference(s)—Police, Ch. 20.

Sec. 23-89. Reserved.**Sec. 23-90. Method of determining fare.**

- (a) It shall be unlawful for a taxicab driver to operate a taxicab unless a taximeter is used to determine the fare to be charged. The taximeter is to be a meter approved by a city taxicab inspector or the chief of police designee to be used in the specific taxicab in which it is being used. It is unlawful to operate a taxicab with a taximeter that has not been approved by a city taxicab inspector or the chief of police designee for that specific taxicab. It is unlawful for a driver to operate a taxicab in which the driver knows the taximeter in the taxicab is not accurate or properly working.
- (b) For a destination that is outside the city limits, the driver shall provide the passenger(s) with a flat rate prior to transport. The rate must be agreed upon between the driver and the passenger before the trip begins. The agreement may include running the taximeter the entire trip, as opposed to a flat rate. The taximeter must be in activation while inside city limits, in the event the passenger(s) decides to terminate the trip before leaving the city.
- (c) Taxicab companies are encouraged to establish rates to area airports and other cities to help prevent inconsistent rates for these areas.

(Ord. No. 2007-23, § 6, 5-15-07)

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: **Downtown Development Department**

Name of Presenter(s): **Announcement by Mayor**

Requested Agenda Item: **2022 Social District Public Engagement Sessions**

Description of Requested Agenda Item:

Downtown Salisbury, Inc. invites the community to attend a public engagement session to provide input on a proposed Social District. The input and information sessions will be held on the following dates and locations:

Tuesday, January 18 – 11:30 a.m., in-person at 130 S Main Street

Wednesday, January 19 – 5:30 p.m., in-person at Mean Mug

Thursday, January 20 – 5:30 p.m., virtual

Quarterly Stakeholders Meeting

Wednesday, January 26 – 8:30 a.m., in-person at City Hall & virtual

Attachments: Yes No

Fiscal Note: (If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)

Action Requested of Council for Agenda Item: **N/A**

Contact Information for Group or Individual: **Sada Stewart Troutman 704-638-5239; sada.troutman@salisburync.gov**

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Salisbury City Council Agenda Item Request Form



Budget Manager Signature

******All agenda items must be submitted at least 7 days before the requested Council meeting date******

For Use in Clerk's Office Only

Approved

Delayed

Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: January 18, 2022

Name of Group(s) or Individual(s) Making Request: Downtown Development Dept. & Downtown Salisbury, Inc., 501c3 partner

Name of Presenter(s): Announcement

Requested Agenda Item: 2022 Wine About Winter

Description of Requested Agenda Item: Downtown Salisbury, Inc. will host the 9th Annual Wine About Winter event Friday, February 4th from 5:00 p.m. until 9:00 p.m. Tickets include a tasting pass, signature Wine About Winter tasting glass and a carrying bag. Each ticket holder will present their ID at registration, located in the lobby of the Visitors Center (204 E. Innes St.) starting at 4pm on February 4th to ensure everyone is 21 years old or above. Trolleys will provide convenient hop on/off service during the event. For ticket sales and detailed information, please visit www.downtownsalisburync.com or call (704) 637-7814. Tickets are \$24.50 in advance and \$32 the day of.

Attachments: Yes No

Fiscal Note: *(If fiscal note requires approval by finance department because item exceeds \$100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)*

Action Requested of Council for Agenda Item: N/A

Contact Information for Group or Individual: Latoya Price 704-638-5238 latoya.price@salisburync.gov

Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

Regular Agenda (item to be discussed and possibly voted on by Council)

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

Salisbury City Council Agenda Item Request Form



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Declined

Reason: