



City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

January 16, 2024
6:00 p.m.

The meeting will be held in a hybrid format and will be streamed live at salisburync.gov/webcast and on the City's Facebook account.

Anyone who wishes to speak via Zoom during public comment must sign-up by 5:00 p.m. on January 16, 2024 by contacting Connie Snyder at csnyd@salisburync.gov. Citizens who wish to speak in person can sign up in Council Chambers.

1. Call to order.
2. Moment of Silence.
3. Pledge of Allegiance.
4. Adoption of Agenda.
5. Council to recognize Salisbury-Rowan Utilities Water Treatment Plant employees for receiving the Area Wide Optimization Award for surpassing federal and state drinking water standards in 2022. (*Presenter – Salisbury-Rowan Utilities Director Jim Behmer*)
6. Mayor to proclaim the following observances:

NATIONAL DAY OF RACIAL HEALING
SCHOOLS CHOICE WEEK
CATHOLIC SCHOOL WEEK

January 16, 2024
January 21-27, 2024
January 28, 2024 - February 3, 2024

7. Council to consider the CONSENT AGENDA:
 - (a) Approve Minutes of the special and regular meetings of January 2, 2024.
 - (b) Authorize the City Manager to sign a tolling agreement with Lamar Advertising.
 - (c) Authorize the City Manager to approve a contract modification with Cardno, Inc. in the amount of \$55,000 for professional services related to the Kesler Mill site.
 - (d) Adopt a Resolution authorizing the City Manager to execute a Funding Offer and Acceptance of a Local Assistance for Stormwater Infrastructure Investments Program (LASII) Planning Grant in the amount of \$400,000 from the North Carolina Department of Environmental Quality for stormwater services.
 - (e) Receive the Certificate of Sufficiency for the voluntary annexation of 10.88 acres located at 285 Peach Orchard Lane, Tax Map 407B Parcel 043, and adopt a Resolution setting the date of the public hearing for February 20, 2024.

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8. Council to receive public comment. ***Speakers who wish to speak via Zoom must sign-up before 5:00 p.m. by contacting Connie Snyder at csnyd@salisburync.gov.*** Citizens who wish to speak in person can sign-up in Council Chambers. Citizens who are unable to speak during the meeting may submit written comments to the email above and they will be shared with Council.
9. Council to consider adopting an Ordinance approving an Annexation Agreement with the Town of Spencer: *(Presenter – City Attorney Graham Corriher)*
 - (a) Receive a presentation from staff
 - (b) Hold a public hearing
 - (c) Consider adopting an Ordinance approving an Annexation Agreement with the Town of Spencer.
10. Council to receive the Fire Department Year in Review for 2023. *(Presenter – Fire Chief Bob Parnell, Human Resources Business Partner Jennifer Silva, and City Manager Jim Greene, Jr.)*
11. Council to consider approving the purchase of a 2025 Pierce fire engine from Atlantic Emergency Solutions, Inc. in the amount of \$842,057. *(Presenter – Division Chief Nicholas Martin)*
12. Council to receive an update on the enforcement and notification process for noise related Ordinances. *(Presenter – Code Services Manager Michael Cotilla)*
13. Council to receive an update on the Travel Policy for Elected Officials. *(Presenter – Administrative Services Director Kelly Baker)*
14. City Attorney's Report.
15. City Manager's Report.
16. Council's Comments.
17. Mayor Pro Tem's Comments.
18. Mayor's Announcements and Comments.
 - (a) City Council will hold its 2024 Planning Retreat Wednesday, January 24, 2024 from 8:30 p.m. until 4:30 p.m. and Thursday, January 25, 2024 from 8:30 a.m. until 4:30 p.m. The Retreat will be held at in Council Chambers at City Hall, 217 South Main Street. Council will travel to Concord at 11:15 a.m. on Wednesday, January 24 to tour the downtown Concord streetscape project and to meet with Concord staff to discuss best practices for municipal services.
 - (b) The February 6, 2024 City Council meeting will begin at 4:00 p.m. to allow Council to attend "Where are We Now" hosted by Racial Equity Rowan. The event will begin at 6:30 p.m. and the guest speaker will be Ms. Dee Dee Wright.
 - (c) The Community Appearance Commission invites Salisbury neighborhoods to apply for a Neighborhood Beautification Grant. Selected neighborhood will receive funding to support implementing a neighborhood improvement project. The maximum award is \$2,500. There is no fee to apply and grant applications will be accepted through Friday, March 1, 2024. For additional information please call (704) 638-5235.

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- (d) The Community Appearance Commission and the Housing Advocacy Commission are accepting applications for the 2024 BlockWork event that will take place Saturday, October 26, 2024. The deadline for nominations is Wednesday, May 1, 2024. For additional information please call (704) 638-5235.

19. Adjourn.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

Name of Group(s) or Individual(s) Making Request: Salisbury-Rowan Utilities

Name of Presenter(s): Jim Behmer

Requested Agenda Item: Recognition for the Salisbury-Rowan Water Treatment Plant employees for receiving the Area Wide Optimization Award for 2022.

Description of Requested Agenda Item: The Salisbury-Rowan Water Treatment Plant was 1 of the 72 facilities that was recognized for surpassing federal and state drinking water standards in 2022. The North Carolina Department of Environmental Quality's Division of Public Water Supply Section awarded the facilities the prestigious N.C. Area Wide Optimization Award, which is part of a state effort to enhance the performance of existing surface water treatment facilities.

Attachments: ☐ Yes ☐ No

Fiscal Note: N/A

Action Requested of Council for Agenda Item: None

Contact Information for Group or Individual: Jim Behmer, Utilities Director
704-638-5202, jbehm@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 ☐ Delayed ☐ Declined

Reason:



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, it is our duty to protect the citizens of the City of Salisbury and maintain communities in which they may all be given resources and opportunities to succeed; and,

WHEREAS, we must all work earnestly to create courageous and supportive environments that acknowledge the traumatic past; promote the healing of wounds created by racial, ethnic, and religious bias; and build an equitable and just society so that all citizens of the City of Salisbury can thrive; and

WHEREAS, all citizens have the right to be provided every opportunity to learn, grow, and thrive in nurturing environments that do not violate their safety, dignity, and humanity; and

WHEREAS, we must all dedicate ourselves to the principles of truth, racial healing and transformation, so as to bring about the necessary changes in thinking and behavior, and in institutional policies and practices, that will propel the City of Salisbury forward as a unified force where racial biases will become a thing of the past; and

WHEREAS, racial healing is a vital and crucial commitment to the educational, social, health, economic, and general well- being of all residents in the City of Salisbury.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, on behalf of the Salisbury City Council DO HEREBY PROCLAIM Tuesday, January 16, 2024 as

NATIONAL DAY OF RACIAL HEALING

in Salisbury, and urge all citizens to promote truth, racial healing and transformation throughout the community.

This the 16th day of January 2024.



Karen K. Alexander, Mayor



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 21-27, 2024 as

SCHOOL CHOICE WEEK

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

This the 16th day of January 2024.



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 28, 2024 through February 3, 2024 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 16th day of January 2024.



Karen K. Alexander, Mayor

Salisbury, North Carolina
January 2, 2024

SPECIAL MEETING

PRESENT: Mayor Karen Alexander and Council Members Harry McLaughlin, David Post and Anthony Smith. City Manager Jim Greene, Jr., City Attorney J. Graham Corriher and City Clerk Connie B. Snyder

ABSENT: Mayor Pro Tem Tamara Sheffield.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Alexander at 4:30 p.m. Mayor Pro Tem Sheffield joined the meeting at 5:00 p.m.

ADOPTION OF THE AGENDA

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

CLOSED SESSION

Thereupon, Councilmember McLaughlin made a **motion** to go into Closed Session concerning an economic development matter as allowed by NCGS 143-318.11(a)(4) and to consult with an attorney as allowed by NCGS 143-318.11(a)(3) and the acquisition of property as allowed by NCGS 143-318(a)(5). Mayor Alexander and Councilmembers McLaughlin, Post and Smith voted AYE. (4-0)

RETURN TO OPEN SESSION

Council returned to open session. Mayor Alexander noted no action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Sheffield. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

The meeting was adjourned at 6:10 p.m.

Karen Alexander, Mayor

Connie B. Snyder, City Clerk

Salisbury, North Carolina
January 2, 2024

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Tamara Sheffield; and Council Members Harry McLaughlin and Anthony Smith; City Manager Jim Greene, Jr., City Attorney J. Graham Corriher, and City Clerk Connie B. Snyder.

ABSENT: Councilmember David Post.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Alexander at 6:10 p.m. A moment of silence was taken. Councilmember Post attended the meeting via Zoom.

PLEDGE OF ALLEGIANCE

Mayor Alexander welcomed everyone and led participants in the Pledge of Allegiance to the United States flag. She noted the public hearing regarding an Annexation Agreement with the Town of Spencer advertised for Council's January 2, 2024 meeting has been postponed until January 16, 2024.

ADOPTION OF THE AGENDA

Thereupon, Mayor Pro Tem Sheffield a **motion** to adopt the Agenda as presented. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin and Smith voted AYE. (4-0)

RECOGNITION – COMMUNICATIONS TEAM

Council recognized the Communications Team for awards received from the Charlotte Chapter of the Public Relations Society of America. Communications Director Linda McElroy stated the Communications Team won first place for crisis communications and second place for

the City's "Be The Difference" integrated marketing communications campaign. Council thanked Ms. McElroy and the Communications Team for their work to keep citizens informed.

RECOGNITION – DAVID WHISENANT

Council recognize Mr. David Whisenant for his extensive career in news and radio and for his dedicated service to the community. Mayor Alexander read a Resolution of Recognition, and she presented a framed copy to Mr. Whisenant.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt a Resolution of Recognition for David Whisenant. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin and Smith voted AYE. (4-0)

RESOLUTION OF RECOGNITION FOR DAVID WHISENANT.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 1, and is known as Resolution 2024-01.)

Mr. Whisenant thanked Council for the recognition, and he stated he is grateful for the opportunity to report on his hometown for over 30 years.

PROCLAMATIONS

Mayor to proclaim the following observances:

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

January 15, 2024
January 2024
January 2024

CONSENT AGENDA

(a) Minutes

Approve Minutes of the special meetings of May 11, 2023 and August 15, 2023 and the regular meeting of December 5, 2023.

(b) Budget Ordinance Amendment – Parks and Recreation Donation

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$2,083 to appropriate a sponsorship/donation for the Reels and Riffs Movies and Music Series at Bell Tower Green Park.

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE PARKS AND RECREATION DONATION.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 1, and is known as Ordinance 2024-01.)

(c) Sale of Sidearm and Badge

Authorize the sale of sidearms and badges to Captain Lee Walker and Lieutenant Russell DeSantis in the amount of \$1.00 each in recognition of their retirement from the Salisbury Police Department on January 1, 2024.

(d) 2024 State Action Plan

Adopt the 2024 State Action Plan.

(e) 2024 Federal Action Plan

Adopt the 2024 Federal Action Plan.

(f) Agreement – CC&W Development Group, LLC

Authorize the City Manager to execute an agreement with CC&W Development Group, LLC for the Alexander Court subdivision sewer infrastructure improvements. The CC&W Development Group, LLC will pay Salisbury-Rowan Utilities \$77,000 to complete the required work.

(g) Preconstruction Planning Grant

Adopt a Resolution authorizing the City Manager to execute the Funding Offer and Acceptance of a pre-construction planning grant in the amount of \$400,000 for the Salisbury-Rowan Utilities Wastewater Master Plan project.

RESOLUTION BY GOVERNING BODY OF RECEPIENT.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 2, and is known as Resolution 2024-02.)

(h) Local Water Supply Plan

Adopt a Resolution approving the Local Water Supply Plan for the City of Salisbury water system.

RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 3, and is known as Resolution 2024-03.)

(i) Voluntary Annexation – Woodleaf Road

Receive a request for voluntary annexation of 58.07 acres located on Woodleaf Road, Tax Map 328 Parcels 050, 066, and 110 and adopt a Resolution instructing the City Clerk to investigate the sufficiency of the request.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1, FOR VOLUNTARY ANNEXATION OF TAX MAP 328 PARCELS 050, 066, AND 110, 58.07 ACRES LOCATED ON WOODLEAF ROAD.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 4, and is known as Resolution 204-04.)

(j) Update – Police Department Job Classification System

Approve an update to the job classification system in the Police Department to change the title of Captain to the title of Major. There will be no changes to the salary classification or job duties.

(k) Public Hearing – Annexation Agreement

Set a public hearing regarding an Annexation Agreement with the Town of Spencer for January 16, 2024.

Thereupon, Councilmember McLaughlin made a **motion** to adopt the Consent Agenda as presented. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin and Smith voted AYE. (4-0)

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

Ms. Dee Dee Wright wished Council a Happy New Year.

Mr. Jay Wagoner stated he is the former Mayor of High Point and a candidate for District 6 of the United States Congress which represents Rowan County.

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

LOCAL HISTORIC LANDMARK – 229 WEST BANK STREET ANDREW MURPHY HOUSE

Planner Emily Vanek addressed Council regarding designating the Andrew Murphy house located at 229 West Bank Street as a Local Historic Landmark. She indicated the property is located within the West Square Local Historic District and the Salisbury National Register Historic District. She stated the home was designed in the southern Greek revival style and was built in 1853 by Michael Davis.

Ms. Vanek displayed photographs of the home which is located on the corner of South Jackson and West Bank Streets. She explained to meet the criteria for local historic landmark designation the property must have special significance in at least one of four criteria and the Andrew Murphy house is proposed for designation under criteria B for an association with important people in our past and criteria C for the embodiment of the distinctive characteristics of a type period or method of construction. She added the property must have integrity in seven aspects, which include location, setting, design, materials, workmanship feeling, and association and staff finds that the property holds special significance as an excellent example of a southern Greek revival house and through association with five generations of Murphys. She added the house retains many original materials, details and workmanship on the front elevation that conveys its historic character, the rear elevation has been modified through several additions, and the original shingle roofing was replaced with asphalt in 2018.

Ms. Vanek stated the landmark application proposes the entire exterior of the house and site be included in the landmark designation. She explained the property is within the West Square Local Historic District so the exterior of all buildings and site features will be subject to the Certificate of Appropriateness process and local historic design standards. She added the interior has not been proposed for landmark designation.

Ms. Vanek indicated at its August 10, 2023 meeting the Historic Preservation Commission (HPC) reviewed the pre-application and found the Andrew Murphy house to have special significance and integrity warranting designation as a local historic landmark in the property category. She added the applicant submitted a full landmark designation report to the State Historic Preservation Office (SHPO) which stated the application appears to meet the criteria for local landmark designation. She indicated at its November 9, 2023 meeting the HPC voted to recommend approval of the request.

Mayor Alexander convened a public hearing after due notice to receive comments regarding designating the Andrew Murphy house as a Local Historic Landmark.

Ms. Karen Lily-Bowyer stated she supports the designation of the Andrew Murphy house as a local historic landmark. She pointed out the Andrew Murphy house is the first Salisbury Landmark to be approved by the State Preservation office for its architectural integrity, and she asked Council to approve the request.

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

Thereupon, Mayor Pro Tem Sheffield made a motion to adopt an Ordinance designating the Andrew Murphy House located at 229 West Bank Street in Salisbury, North Carolina, as a Local Historic Landmark. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin and Smith voted AYE. (4-0)

ORDINANCE DESIGNATING THE “ANDREW MURPHY HOUSE” LOCATED AT 229 WEST BANK STREET IN SALISBURY, NORTH CAROLINA, AS A LOCAL HISTORIC LANDMARK.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 2-4, and is known as Ordinance 2024-02.)

LOCAL HISTORIC LANDMARK – 203 WEST BANK STREET MURDOCH WILEY HOUSE

Planner Emily Vanek addressed Council regarding local historic landmark designation for the Murdoch Wiley House located at 203 West Bank Street. She noted the property is within the West Square Local Historic District and the Salisbury National Register Historic District and was built in the Italianate style between 1868 and 1869 by Stone Mason William Murdoch. She displayed photographs of the home which is located at the corner of South Church and West Bank Streets.

Ms. Vanek explained the Murdoch Wiley house is proposed to be designated under criteria C for the embodiment of the distinctive characteristics of a type period or method of construction, that represent the work of a master, or that possess high artistic values which is represented in its architecture and for its association with William Murdoch. She pointed out the property must also retain integrity in terms of location, setting, design materials, workmanship feeling, and association, and she indicated staff finds that the property holds special significance as an excellent example of an Italianate house and through its association with William Murdoch. She indicated staff also finds the property retains all seven aspects of integrity.

Ms. Vanek noted the landmark application proposes the entire exterior of the house and site be included in the landmark designation. She explained since the property is within the West Square, the exterior of all buildings and site features will be subject to the Certificate of Appropriateness process and the local historic design standards. She indicated no portions of the interior have been proposed for the designation.

Ms. Vanek stated at its September 14, 2023 meeting, the Historic Preservation Commission (HPC) reviewed the pre-application and found the Murdoch Wiley house to have special significance and integrity warranting designation as a local historic landmark property. She noted the applicant prepared a full landmark designation report which was forwarded to the State Historic Preservation Office (SHPO). She commented SHPO stated the house is an excellent example of the Italianate style and exhibits a high degree of integrity given its age, integrity, and local significance and it appears to be a good candidate for landmark designation. She commented at

its November 9, 2023 meeting the HPC reviewed the application and voted to recommend approval of the request.

Mayor Alexander convened a public hearing after due notice to receive comments regarding designating the Murdoch Wiley house, located at 203 West Bank Street as a Local Historic Landmark.

Ms. Karen Lily-Bowyer stated she supports the designation of the Murdoch Wiley house as a local historic landmark, and she asked Council to approve the request.

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

Thereupon, Mayor Pro Tem Sheffield made a motion to adopt an Ordinance designating the Murdoch Wiley House located at 203 West Bank Street in Salisbury, North Carolina, as a Local Historic Landmark. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin and Smith voted AYE. (4-0)

ORDINANCE DESIGNATING THE “MURDOCK WILEY HOUSE” LOCATED AT 203 WEST BANK STREET IN SALISBURY, NORTH CAROLINA, AS A LOCAL HISTORIC LANDMARK.

(The above Ordinance is recorded in full in Ordinance Book No. 32 at Page No. 5-7, and is known as Ordinance 2024-03.)

CONTRACT – SUMMIT DESIGN AND ENGINEERING SERVICES, PLLC

Transportation Director Wendy Brindle addressed Council regarding a contract with Summit Design and Engineering Services, PLLC in the amount of \$222,090.20 for the design of safety improvements on Brenner Avenue. She reviewed the history of the project, and she noted the area of concern is specifically at the driveways of the shopping centers near Milford Hills. She noted over the years staff has received multiple concerns from citizens regarding this section of Brenner Avenue. She stated staff completed a study and found during a five-year period there were 29 accidents along Brenner Avenue between Milford Hills and Jake Alexander Boulevard. She added 21 of those accidents were at the driveways of the shopping centers. She explained when five or more correctable accidents occur within a 12-month period alternatives should be considered.

Ms. Brindle pointed out a neighboring parcel that could be used for multifamily housing in the future. She noted staff considered options to help reduce the number of accidents closer to Jake Alexander Boulevard. She explained staff determined the addition of a roundabout at Milford Hills would prevent left turns and cross movements in the area while accommodating traffic leaving the shopping centers and heading towards Jake Alexander Boulevard. She added the roundabout would also address the neighboring property possibly being developed into multifamily housing in the future. She pointed out through the Cabarrus-Rowan Metropolitan Planning Organization (MPO) there are options for transportation funding including the Surface

Transportation Block Grant Program. She stated staff submitted the project and it received the grant funding which will require a 20% match from the City. She stated the total estimated cost of the project is \$1,028,060 and the City will receive approximately \$820,000.

Ms. Brindle pointed out the municipal agreement came before Council in August of 2022. She indicated staff went through a request for letter of interest process for on-call design firms and 13 submittals were received. She noted staff selected three firms to use for these type projects over a five-year period and Summit Design and Engineering Services, PLLC was selected for the project. She added their contract has been reviewed and approved by NCDOT and would include base mapping, exhibits for right of way and easement acquisition, utility coordination, any environmental documentation, and the design and bid documents. She added the contract would be executed in January and the design is anticipated to be completed by October 2024. She pointed out \$75,000 was included in the current budget for this project and there is an unencumbered balance in transportation special projects which could cover the additional costs.

Councilmember McLaughlin asked if Brenner Avenue would be shut down for an extended period of time. Ms. Brindle noted the impact to Brenner Avenue will be determined through the design process and staff will work to reduce the impact as much as possible.

Thereupon, Councilmember McLaughlin made a **motion** to authorize the City Manager to execute a contract with Summit Design and Engineering Services, PLLC in the amount of \$222,090.20 for the design of safety improvements on Brenner Avenue. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin and Smith voted AYE. (4-0)

CONTRACT – CHECKMATE GOVERNMENT RELATIONS

Administrative Services Director Kelly Baker explained the City currently partners with KTS Strategies for state lobbying services. She stated KTS is a division of Kilpatrick Townsend and Stockton, and the lobbyists have created a new lobbying firm, Checkmate Government Relations. She noted nothing will change regarding the City's engagement and all nine lobbyists that made up KTS have moved to the new company. She added KTS has agreed to allow the City to contract with the new firm. She requested Council consider transferring the contract from KTS Strategies to Checkmate Government Relations. She pointed out the pricing will remain the same and the lobbyists have provided outstanding service to the City.

City Manager Jim Greene stated he supports this recommendation, and he pointed out the firm has been great to work with.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to approve a contract with Checkmate Government Relations for state lobbying services. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin and Smith voted AYE. (4-0)

COUNCIL LIAISON APPOINTMENTS

Mayor Alexander suggested the following liaison appointments to community groups for 2023-2025:

- (a) ABC Board – Mayor Karen Alexander
- (b) Bell Tower Green Committee - Councilmember Harry McLaughlin
- (c) Centralina Council of Governments – Mayor Karen Alexander
- (d) Centralina Council of Governments – Alternate Mayor Pro Tem Tamara Sheffield
- (e) Community Appearance Commission – Mayor Pro Tem Tamara Sheffield
- (f) Downtown Salisbury, Inc. – Mayor Pro Tem Tamara Sheffield
- (g) Economic Development Commission – Councilmember Harry McLaughlin
- (h) Fireman’s Relief Fund – Councilmember Harry McLaughlin
- (i) Housing Advocacy Commission – Councilmember David Post
- (j) Human Relations Commission – Councilmember Anthony Smith
- (k) Metropolitan Planning Organization – Mayor Karen Alexander
- (l) Metropolitan Planning Organization – Alternate Mayor Pro Tem Tamara Sheffield
- (m) Parks and Recreation Advisory Board – Councilmember Harry McLaughlin
- (n) Public Arts Commission – Mayor Karen Alexander
- (o) Rowan County Tourism Development Authority – Mayor Karen Alexander
- (p) Rufty-Holmes Senior Center – Councilmember David Post
- (q) Salisbury-Rowan Community Action Agency – Councilmember David Post
- (r) Transportation Advisory Board – Councilmember Anthony Smith
- (s) Tree Board – Councilmember Harry McLaughlin
- (t) Youth Council – Councilmember Anthony Smith

Thereupon, Councilmember Smith made a **motion** to approve Council liaisons to various Boards and Commissions. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers McLaughlin and Smith voted AYE. (4-0)

CITY MANAGER’S REPORT

(a) New Year’s Eve Event at Bell Tower Green

City Manager Jim Greene thanked staff for its work to make the New Year’s Eve event that took place at Bell Tower Green a success. He added the event was family oriented and everyone had a good time.

(b) Grant Funding

City Manager Jim Greene pointed out approximately \$1.2 million in grant funding was included on the current Agenda including \$800,000 on Brenner Avenue and \$400,000 grant for a Wastewater Master Plan. He thanked staff for its work to help the City receive grant funding to complete important projects.

COUNCIL COMMENTS

Councilmember Smith thanked the Human Relations Commission and staff for its work to prepare for the Dr. Martin Luther King, Jr. celebration weekend.

Councilmember Post wished everyone a Happy New Year, and he thanked staff for all it does for the City.

Councilmember McLaughlin wished everyone a Happy New Year.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Sheffield wished everyone a Happy New Year. She noted the Bell Tower Green New Years' event was fantastic, and she thanked everyone who worked to make it a success.

Mayor Pro Tem Sheffield thanked members of the Fire Department that responded to a false alarm call at her home for their professionalism and work to verify everyone was okay.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander thanked staff for its work on the Bell Tower Green New Year's event. She added it was a wonderful event.

(a) MLK Weekend Celebration

Mayor Alexander announced the Human Relations Commission will host the annual Dr. Martin Luther King, Jr. Celebration Saturday, January 13th through Monday, January 15, 2024. The weekend kicks off with a parade Saturday, January 13th at 11:00 a.m. followed by a Community Resource Fair from 12:00 p.m. until 2:00 p.m. at the Civic Center. The MLK breakfast will take place Monday, January 15th at 8:00 a.m. at the Civic Center. Admission to the breakfast is free, but registration is required. The Civic Center is located at 315 Martin Luther King, Jr. Avenue. For more information, please contact Anne Little at (704) 638-5218.

ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Sheffield. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers McLaughlin and Smith voted AYE. (4-0)

The meeting was adjourned at 7:11 p.m.

Karen Alexander, Mayor

Connie B. Snyder, City Clerk

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

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

Name of Presenter(s): Graham Corriher

Requested Agenda Item: Council to approve a tolling agreement with Lamar Advertising.

Description of Requested Agenda Item: In January 2023, a billboard company (Lamar Advertising) requested that it be permitted to change an existing billboard with a vinyl face to a digital face. The City denied the permit because the City's LDO does not permit digital billboards. Lamar argued that the City does not have the legal authority to deny the permit application. Since then, Lamar and the City have been working together on text amendments that would permit digital billboards while also ensuring that the surrounding community is protected from the potential effects of digital billboards through screening technology. Lamar requested that the City consider approving a tolling agreement to preserve its rights to challenge the underlying denial while Lamar and the City work toward a solution acceptable to both parties.

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 authorize the City Manager to sign a tolling agreement with Lamar Advertising.

Contact Information for Group or Individual: City Attorney Graham Corriher (704) 638-5309

☒ **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*****

TOLLING AGREEMENT

THIS TOLLING AGREEMENT (“Agreement”) entered into by and between Lamar OCI South, LLC d.b.a. Lamar Advertising Company (“Lamar”) and the City of Salisbury (the “City”) (together, the “Parties,” each of which individually is a “Party”) is effective as of January 1, 2024 (the “Effective Date”).

RECITALS

WHEREAS, Lamar is a limited liability company formed under the laws of the State of Delaware with local offices in North Carolina;

WHEREAS, the City is a municipal subdivision of the State of North Carolina duly organized and operating pursuant to Chapter 160A of the North Carolina General Statutes;

WHEREAS, on January 17, 2023, Lamar submitted a zoning permit application to the City requesting development approval to swap out a vinyl face on an existing Lamar billboard with a face that uses digital technology to change the content or message;

WHEREAS, on January 20, 2023, and February 13, 2023, the City communicated with Lamar via email concerning the zoning permit application, which could potentially be considered a final decision on the application;

WHEREAS, North Carolina General Statute §160D-1403.1 provides a one (1) year statute of limitations from the date of a final decision to file a complaint;

WHEREAS, the City is presently considering a text amendment that would permit a billboard with digital technology in lieu of traditional vinyl as a means to change messages on the sign if certain criteria are met, which may allow the Parties to resolve their dispute without further Court intervention; and

WHEREAS, the Parties wish to maintain the status quo of all their legal and equitable rights and relationships arising from or in any way connected to the permit denial as they existed as of January 1, 2024.

NOW, THEREFORE, for valuable consideration, including the mutual promises and obligation of the Parties as specified in this Agreement, the receipt and sufficiency of which are hereby expressly acknowledged, the Parties agree as follows:

AGREEMENT

1. Incorporation of Recitals. The foregoing Recitals in this Agreement are incorporated herein by reference.

2. Term. Unless extended by the Parties in writing, this Agreement shall terminate on January 1, 2025 being one (1) year from the effective date of this Agreement (the “Tolling Termination Date”).

3. Status Quo. Any applicable statutes of limitations, statutes of repose, and any other time-related defenses, including without limitation the defenses of laches, waiver, or estoppel or other similar equitable defenses based upon the running or expiration of any time period, which may apply to any claim or cause of action regarding the permit denial are hereby tolled as of January 1, 2024, and shall remain tolled while this Agreement remains in effect. This applies in part to any and all statutes, regulations or other rules of law which limit the period in which any action may be commenced.

4. Claims and Defenses Preserved. With respect to any claim or cause of action regarding the permit denial, each Party preserves any defense (a) that an applicable statute of limitations or statute of repose elapsed or expired prior to January 1, 2024 or (b) that any other time-related defense already applies and bars any such claim or cause of action prior to January 1 2024. Accordingly, this Agreement shall not revive any claim or cause of action that is already barred by the statute of limitations, statutes of repose, and other time-related defenses as of January 1, 2024. Except with respect to the tolling and forbearance provided for herein, this Agreement shall not be construed as a waiver or release of any claim or cause of action, or defense any of the Parties may have against one another.

5. Reservations. Except as expressly set forth herein, the Parties expressly reserve any and all claims alleged in and/or defenses regarding the permit denial that they had or may have had prior to the beginning of the Tolling Period.

6. Preservation of Documents. The Parties agree that from the Effective Date until the Tolling Termination Date, and any extensions thereof, any and all documents related to the permit denial will be preserved by the Parties.

7. Not Evidence. The Parties specifically acknowledge that this Agreement is made in an effort to properly analyze their respective rights and claims with a view toward avoidance of litigation and to allow ample opportunity to complete the legislative process of considering changes to the City’s sign ordinance. The Parties therefore agree that this Agreement cannot be introduced into evidence in any action or proceeding filed in any court or in any arbitration or mediation proceeding except

to enforce this Agreement itself or to inform the tribunal of tolling pursuant to this Agreement.

8. Not an Admission. Nothing in this Agreement shall constitute or be deemed an admission of liability or wrongdoing of any kind by any Party regarding any claims alleged in and/or defenses to the permit denial.

9. Binding Agreement. This Agreement shall be binding on, and inure to the benefit of, the parties and their respective successors, assigns, transferees, legal representatives, agents, fiduciaries and managers and all other persons or entities succeeding to the rights or obligation of the Parties, and each of them.

10. Application of North Carolina Law. The Parties agree that this Agreement shall be interpreted, construed and enforced in accordance with the laws of the State of North Carolina without regard to the conflicts of law rules thereof.

11. Severability. If any clause, provision or paragraph of this Agreement shall, for any reason, be held illegal, invalid, or unenforceable, such illegality, invalidity, or enforceability shall not affect any other clause, provision or paragraph of this Agreement, and this Agreement shall be construed and enforced as if such illegal, invalid, or unenforceable clause, paragraph or other provision had not been contained herein.

12. Headings and Pronouns. The headings in this Agreement are inserted for convenience and identification only, and are in no way intended to describe, interpret, or limit the scope, extent or intent of this Agreement, or any provision hereof.

13. Authority to Sign. Each of the Parties represents and warrants that it has the requisite power and authority to execute, deliver and perform under this Agreement, and that the person signing this Agreement is authorized to bind the Party on whose behalf it is executed.

14. Entire Agreement. This Agreement is the entire agreement among the Parties regarding the subject matter herein and may not be modified except by a written agreement signed by the Parties.

15. Counterparts. This Agreement may be executed in counterpart originals with separate signature pages. Thereafter, all signed copies of the Agreement shall constitute an original document.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the Effective Date.

Date: January __, 2024

Lamar OCI South, LLC d.b.a Lamar
Advertising Company

By: _____

Print Name: _____

Print Title: _____

Date: January __, 2024

City of Salisbury

By: _____

Print Name: _____

Print Title: _____

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2023

Name of Group(s) or Individual(s) Making Request: Planning and Neighborhoods

Name of Presenter(s): Hannah Jacobson, Planning and Neighborhoods Director

Requested Agenda Item: Contract modification for professional services related to the former Kesler Mill site.

Description of Requested Agenda Item: As part of efforts to prepare the Kesler Mill site for redevelopment, additional vapor testing is recommended for future building pads by the North Carolina Department of Environmental Quality. Federal funds from the City's 2020 EPA Brownfield Cleanup grant can be used to perform these services. A contract modification with Cardno, Inc. in the amount of \$55,000 is requested. The modification results in a total contracted amount greater than the amount the City Manager can approve without Council authorization. Cardno, Inc.'s total compensation under the contract will not exceed \$157,000.

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)*

Federal grant funds will pay for services rendered per the contract modification.

Action Requested of Council for Agenda Item: Council to consider authorizing the City Manager to approve a contract modification in the amount of \$55,000 between the City of Salisbury and Cardno, Inc. for professional services related to the Kesler Mill.

Contact Information for Group or Individual: Hannah Jacobson, hannah.jacobson@salisburync.gov, 704-638-5230

☒ **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



Tracey Keyes
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:

MODIFICATION NUMBER: 003

TO

MASTER PROFESSIONAL SERVICES AGREEMENT
TASK ORDER 0002
dated July 9, 2020

entitled,
“Salisbury Kesler Mill Brownfields Cleanup Project”

Between

Cardno, Inc.
10988 Richardson Road
Ashland, Virginia 23005

AND

City of Salisbury
132 North Main Street
Salisbury, North Carolina 28144

The purpose of this Task Order Modification 003 is to add the attached Statement of Work (SOW) addendum to the existing SOW found in the Professional Services Agreement, dated December 2, 2014.

Cardno will perform the services, identified in the attached SOW under Tasks 1 and 3, for an estimated cost of \$55,000.00. Therefore, the total compensation is increased and will not exceed \$157,000.00. The work identified by the SOW addition will be completed by March 31, 2024.

The parties agree that the remaining provisions of the Professional Services Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Modification to the Professional Services Agreement to be executed in their respective names by their duly authorized representatives.

Cardno, Inc.

By:  _____

Print Name: Joseph Morici

Title: Senior Principal

Date: 12/14/2023

City of Salisbury

By: _____

Print Name: _____

Title: _____

Date: _____

Modification 003 – Scope of Work (SOW)

Task 1 – Project Management

In accordance with the services detailed in the original SOW under Task 4, Cardno will complete all necessary reporting to complete the closeout of the cooperative agreement in accordance with the Terms and Conditions.

Task 3 – Cleanup Planning Activities

In accordance with the services detailed in the original SOW under Task 3, Cardno will develop a site-specific Quality Assurance Project Plan and complete a soil vapor assessment in areas of the site planned for residential development in order to satisfy the requirements of the North Carolina Brownfields Program.



Master Professional Services Agreement EXHIBIT A –TASK ORDER

EXHIBIT A TASK ORDER

Cardno Contract ID / Project ID:

Task Order No: 0002
Date: July 9, 2020
Project Name: Salisbury Kesler Mill Brownfields
Cleanup Project

Cardno

Name: Cardno Inc.
Address: 10988 Richardson Road, Ashland, VA 23005
Phone: (803) 960-2069
Representative: Joe Morici Email: joe.morici@cardno.com

Client

Name: Salisbury, North Carolina
Address: 132 North Main Street, Salisbury, NC 28144
Phone: (704) 638-5324
Representative: Hannah Jacobson Email: Hannah.jacobson@salisburync.gov

This order is issued pursuant to our Agreement dated October 15, 2018 and unless otherwise specified herein, the performance of services hereunder and the payment thereof shall be subject to the terms and conditions of said Agreement. The services authorized hereunder are described below.

DESCRIPTION OF SERVICES: Cardno shall perform the following Services (hereafter "Services"):

Cardno will provide Brownfields services in accordance with the scope of work detailed in the attached Exhibit B and the approved EPA Brownfields Cleanup Cooperative Agreement Work Plan and Terms and Conditions.



Master Professional Services Agreement EXHIBIT A –TASK ORDER

ESTIMATED TOTAL COST: \$50,000.00

Schedule: Commencement Date: July 20, 2020
Estimated Completion Date: September 30, 2023

CONTRACT PRICE: Subject to the terms below, Client will compensate Cardno as follows:

Cardno will invoice monthly on a not-to-exceed Time & Materials basis per the prevailing rate schedule (included in Exhibit B as "Cardno 2020 Rate Schedule").

Client shall remit payment to: Cardno, Inc.
PO Box 123422
Dallas, TX 75312-3422

Unless otherwise noted, the fees in this agreement do not include any value added, sales, or other taxes that may be applied by any government entity on fees for services. Such taxes will be added to all invoices as required.

Where the Services or services conditions change, Cardno shall submit to the Client in a timely manner, documentation of the revisions to Exhibit "A" adjusting the Contract Services Time and Price as required.

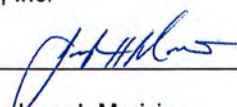
Unless otherwise specified, charges for services are based on Cardno's 2020 Rate Schedule ("Rate Schedule"). The Rate Schedule is subject to escalation from time to time.

Cost Estimate: Any opinion of costs of construction prepared by Cardno is supplied only for the general guidance of the Client. Cardno has no control over the cost of labor, materials, equipment or services furnished by others, or over contractors' methods of determining prices, or other competitive bidding or market conditions. Cardno's preparation of Cost Estimates are made on the basis of Cardno's experience and judgment and are Cardno's opinion of the cost of construction and not a guarantee of the accuracy of such opinion as compared to contract bids or actual costs to Client. Cardno does not warrant that bids or ultimate construction costs will not vary from its opinion of cost estimates.


Reimbursable Expenses: As contemplated throughout this Agreement, Reimbursable Expenses are an obligation of the Client and such Reimbursable Expenses will be included on the invoices issued to Client per the Cardno fee schedule.

ACCEPTED:

Cardno, Inc.

By: 
Print
Name: Joseph Morici
Title: Senior Principal
Date: 8-3-2020

City of Salisbury, North Carolina

By: 
Print
Name: Lane Bailey
Title: City Manager
Date: 7-23-2020

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

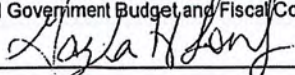


EXHIBIT B

1.0 SCOPE OF WORK:

Cardno anticipates performing the following tasks in implementing the Salisbury Kesler Mill Brownfields Cleanup Grant (Grant) awarded to the City of Salisbury by the United States Environmental Protection Agency (EPA) in 2020. All work performed and tasks completed will be in accordance with the City's approved EPA Work Plan and the Terms and Conditions of the Cooperative Agreement for the Brownfields Assessment Project.

TASK 1 – PROGRAMMATIC SUPPORT

Cardno will assist the City in the management of this project in accordance with the Work Plan and all required statutes, circulars, and terms & conditions, including establishment and maintenance of necessary cooperative agreement records and files; financial management, project oversight, attendance at necessary project meetings, and attendance at EPA conferences and/or meetings and conferences deemed appropriate by the City. Cardno will help facilitate and participate in a project Kick-off Meeting and regular project team meetings, and Cardno will draft quarterly progress reports, Disadvantaged Business Enterprise (DBE) Reports, Property Profile Forms, Federal Financial Reports (FFRs / SF-425), and a Final Technical Report. Further, we will update the ACRES database with information at appropriate times in the cleanup process.

TASK 2 - COMMUNITY OUTREACH

Cardno will support community outreach activities and develop outreach materials necessary to implement the grant activities. The community outreach activities will include seeking input, communicating progress, sharing in information, soliciting review and comments from community & stakeholders on the cleanup plan and Analysis of Brownfield Cleanup Alternatives (ABCA), maintaining an information repository, and hosting community meetings, focus groups, charrettes, & visioning sessions.

TASK 3 – CLEANUP PLANNING

Cardno will provide technical support to the City for planning the cleanup activities, including finalizing the ABCA document by obtaining review and approval from EPA and NCDEQ Project Managers, placing the ABCA on a 30-day public review and comment period, preparing the Quality Assurance Project Plan (QAPP) for confirmation soil sampling, negotiating and receiving the necessary regulatory approvals, and preparing bid documents for the solicitation of cleanup contractors.

TASK 4 – CLEANUP ACTIVITIES

Cardno will oversee and manage all cleanup activities as detailed in the final approved ABACA. Cardno will prepare bid documents and contract documents, which will include the requirement to comply with the prevailing wage rate requirements of the Davis-Bacon Act of 1931, as amended.

Cardno will assist with the release of solicitations and conduct pre-bid meetings to inform all potential subcontractors of the location, scope, and requirements necessary to complete the on-site work. Cardno will help to obtain bids from qualified contractors acceptable to the City, in strict accordance with all applicable federal, state and local requirements. Cardno will review all bids and provide recommendations to City staff on the qualified contractor or contractors to complete the bid specifications. The City will be provided with all bid documents, evaluation criteria, and information for review and for the file.

Cardno will provide oversight of subcontractor cleanup activities and conduct periodic site visits to ensure all project specifications are met in their entirety. Cardno will document site activities through notes and photographs. As necessary and defined in the ABCA and QAPP, Cardno will collect confirmation samples and perform clearance inspections to ensure all cleanup activities meet the remediation goals. Upon completion, Cardno will submit a Final Performance Report documenting all cleanup activities.

2.0 CARDNO RATE SCHEDULE

Classification	Rate
Expert Witness	\$270
Project Director	\$190
Brownfield Specialist IV	\$180
Senior Principal	\$165
Principal	\$155
Project Manager	\$150
Professional Geologist / Engineer	\$145
Brownfield Specialist III	\$140
Geologist / Engineer / Environmental Scientist III	\$130
Landscape Architect III	\$125
3 Man Survey Crew	\$125
Planner III	\$120
GIS Specialist II	\$115
Geologist / Engineer II	\$110
Brownfield Specialist II	\$110
Inspector (Asbestos, Lead) II	\$110
Landscape Architect II	\$105
Designer II	\$105
Environmental Scientist II	\$105
Planner II	\$100
GIS Specialist I	\$95
2 Man Survey Crew	\$95
Geologist / Engineer / Environmental Scientist I	\$90
Landscape Architect I	\$85
CAD Operator/Draftsman II	\$85
Planner I	\$80
Designer I	\$75
Field Technician III	\$75
Brownfield Specialist I	\$75
Inspector (Asbestos, Lead) I	\$70
Brownfields Administrator	\$70
Field Technician II	\$65
CAD Operator/Draftsman I	\$60
Clerical	\$60
Field Technician I	\$55
Technical Support	\$55
Intern	\$40
Chargeable Expenses / Subcontractors	Cost + 10%

3.0 DAVIS-BACON ACT TERMS AND CONDITIONS

(a) This professional services agreement is subject to the following terms and conditions in order to meet the requirements of the Davis-Bacon Act labor standards provisions.

(1) Minimum wages.

(i) All laborers and mechanics employed or working upon the site of the work will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the applicable wage determination of the Secretary of Labor, which are attached as Attachment 1, and made a part hereof, regardless of any contractual relationship which may be alleged to exist between Cardno and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided that the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321), attached as Attachment 2, shall be posted at all times by Cardno and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. Cardno shall ensure the poster includes the Client's name and contact information, as follows, as the person responsible for monitoring compliance with the Davis-Bacon requirements:

Hannah Jacobson
Community Planning Director
City of Salisbury
132 North Main St
Salisbury, North Carolina 28144
Phone: (704) 638-5230
Email: hannah.jacobson@salisburync.gov

(ii)(A) Any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The EPA Award Official shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and
- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If Cardno and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the Client agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the Client to the EPA Award Official. The Award Official will transmit the report, to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the award official or will notify the award official within the 30-day period that additional time is necessary.

(C) In the event Cardno, the laborers or mechanics to be employed in the classification or their representatives, and the Client do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the award official shall refer the questions, including the views of all interested parties and the recommendation of the award official, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the Award Official within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii)(B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, Cardno shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If Cardno does not make payments to a trustee or other third person, Cardno may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program. Provided, That the Secretary of Labor has found, upon the written request of Cardno, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require Cardno to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding.

The Client, upon written request of the Award Official or an authorized representative of the Department of Labor, shall withhold or cause to withhold from Cardno under this agreement or any other Federal contract with Cardno, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by Cardno, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by Cardno or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, EPA may, after written notice to Cardno, or Client take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records.

(i) Payrolls and basic records relating thereto shall be maintained by Cardno during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, Cardno shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Cardno or subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii)(A) Cardno shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the Client, who will maintain the records on behalf of EPA. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information shall be submitted on Form WH-347, attached as Attachment 3 and available from the Wage and Hour Division Web site at <http://www.dol.gov/whd/forms/wh347.pdf> or its successor site. Cardno is responsible for the submission of copies of payrolls by all its subcontractors. Cardno and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the Client for transmission to the EPA, if requested by the Client, EPA, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for Cardno to require a

subcontractor to provide addresses and social security numbers to Cardno for its own records, without weekly submission to the Client.

(B) Each payroll submitted to the Client shall be accompanied by a "Statement of Compliance," signed by Cardno or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR Part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR Part 5, and that such information is correct and complete;

(2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR Part 3;

(3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject Cardno or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) Cardno or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the Client, the EPA or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If Cardno or subcontractor fails to submit the required records or to make them available, the Client or EPA may, after written notice to Cardno or Client, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and Trainees.

(i) **Apprentices.** Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to Cardno as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where Cardno is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in Cardno's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, Cardno will not

longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) **Trainees.** Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, Cardno will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) **Equal employment opportunity.** The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR Part 30.

(5) Compliance with Copeland Act requirements.

Cardno shall comply with the requirements of 29 CFR Part 3, which are incorporated by reference in this contract.

(6) Subcontracts.

Cardno shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the EPA may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. Cardno shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in this term and condition.

(7) Contract termination: debarment.

A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

(8) Compliance with Davis-Bacon and Related Act requirements.

All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR Parts 1, 3, and 5 are herein incorporated by reference in this contract.

(9) Disputes concerning labor standards.

Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR Parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between Cardno (or any of its subcontractors), the Client, EPA, the U.S. Department of Labor, or the employees or their representatives.

(10) Certification of eligibility.

(i) By entering into this professional services agreement, Cardno certifies that neither it (nor he or she) nor any person or firm who has an interest in Cardno's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).

(iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

(b) **Contract Work Hours and Safety Standards Act.** This professional services agreement is in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, therefore

the following clauses shall also apply. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

(1) Overtime requirements.

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

(2) Violation; liability for unpaid wages; liquidated damages.

In the event of any violation of the clause set forth in paragraph (b)(1) of this section Cardno and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such Cardno and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (b)(1) of this section, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (b)(1) of this section.

(3) Withholding for unpaid wages and liquidated damages.

The Client, upon written request of the Award Official or an authorized representative of the Department of Labor, shall withhold or cause to withhold from any moneys payable on account of work performed by Cardno or subcontractor under any such contract or any other Federal contract with Cardno, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by Cardno, such sums as may be determined to be necessary to satisfy any liabilities of Cardno or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (b)(2) of this section.

(4) Subcontracts.

Cardno shall insert in any subcontracts the clauses set forth in paragraph (b)(1) through (4) of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. Cardno shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (b)(1) through (4) of this section.

(c) In addition to the clauses contained in paragraph (b), above, in any contract subject only to the Contract Work Hours and Safety Standards Act and not to any of the other statutes cited in 29 CFR 5.1, Cardno or subcontractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Further, the records to be maintained under this paragraph shall be made available by Cardno or subcontractor for inspection, copying, or transcription by authorized representatives of the Client, the EPA, and the Department of Labor. Cardno or subcontractor shall also permit such representatives to interview employees during working hours on the job.

ATTACHMENT 1
APPLICABLE WAGE DETERMINATION

"General Decision Number: NC20200070 01/03/2020

Superseded General Decision Number: NC20190070

State: North Carolina

Construction Type: Heavy

Counties: Bladen, Cleveland, Columbus, Davidson, Duplin, Harnett, Iredell, Lee, Lenoir, Lincoln, Montgomery, Moore, Richmond, Robeson, Rowan, Sampson, Scotland, Stanly and Wilson Counties in North Carolina.

HEAVY CONSTRUCTION PROJECTS

Note: Under Executive Order (EO) 13658, an hourly minimum wage of \$10.80 for calendar year 2020 applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2015. If this contract is covered by the EO, the contractor must pay all workers in any classification listed on this wage determination at least \$10.80 per hour (or the applicable wage rate listed on this wage determination, if it is higher) for all hours spent performing on the contract in calendar year 2020. If this contract is covered by the EO and a classification considered necessary for performance of work on the contract does not appear on this wage determination, the contractor must pay workers in that classification at least the wage rate determined through the conformance process set forth in 29 CFR 5.5(a)(1)(ii) (or the EO minimum wage rate, if it is higher than the conformed wage rate). The EO minimum wage rate will be adjusted annually. Please note that this EO applies to the above-mentioned types of contracts entered into by the federal government that are subject to the Davis-Bacon Act itself, but it does not apply to contracts subject only to the Davis-Bacon Related Acts, including those set forth at 29 CFR 5.1(a)(2)-(60). Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Modification Number Publication Date
0 01/03/2020

SUNC2011-051 08/26/2011

	Rates	Fringes
CARPENTER (Form Work Only).....	\$ 15.47	1.50
CEMENT MASON/CONCRETE FINISHER....	\$ 13.10	1.32
LABORER: Common or General.....	\$ 9.52	0.00
LABORER: Pipelayer.....	\$ 12.13	0.00
OPERATOR: Backhoe/Excavator/Trackhoe.....	\$ 16.18	0.00
TRUCK DRIVER.....	\$ 12.02	0.00

WELDERS - Receive rate prescribed for craft performing
operation to which welding is incidental.

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Note: Executive Order (EO) 13706, Establishing Paid Sick Leave for Federal Contractors applies to all contracts subject to the Davis-Bacon Act for which the contract is awarded (and any solicitation was issued) on or after January 1, 2017. If this contract is covered by the EO, the contractor must provide employees with 1 hour of paid sick leave for every 30 hours they work, up to 56 hours of paid sick leave each year. Employees must be permitted to use paid sick leave for their own illness, injury or other health-related needs, including preventive care; to assist a family member (or person who is like family to the employee) who is ill, injured, or has other health-related needs, including preventive care; or for reasons resulting from, or to assist a family member (or person who is like family to the employee) who is a victim of, domestic violence, sexual assault, or stalking. Additional information on contractor requirements and worker protections under the EO is available at www.dol.gov/whd/govcontracts.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29CFR 5.5 (a) (1) (ii)).

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of ""identifiers"" that indicate whether the particular rate is a union rate (current union negotiated rate for local), a survey rate (weighted average rate) or a union average rate (weighted union average rate).

Union Rate Identifiers

A four letter classification abbreviation identifier enclosed in dotted lines beginning with characters other than ""SU"" or ""UAVG"" denotes that the union classification and rate were prevailing for that classification in the survey. Example: PLUM0198-005 07/01/2014. PLUM is an abbreviation identifier of the union which prevailed in the survey for this classification, which in this example would be Plumbers. 0198 indicates the local union number or district council number where applicable, i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. 07/01/2014 is the effective date of the most current negotiated rate, which in this example is July 1, 2014.

Union prevailing wage rates are updated to reflect all rate changes in the collective bargaining agreement (CBA) governing this classification and rate.

Survey Rate Identifiers

Classifications listed under the ""SU"" identifier indicate that no one rate prevailed for this classification in the survey and the published rate is derived by computing a weighted average rate based on all the rates reported in the survey for that classification. As this weighted average rate includes all rates reported in the survey, it may include both union and non-union rates. Example: SULA2012-007 5/13/2014. SU indicates the rates are survey rates based on a weighted average calculation of rates and are not majority rates. LA indicates the State of Louisiana. 2012 is the year of survey on which these classifications and rates are based. The next number, 007 in the example, is an internal number used in producing the wage determination. 5/13/2014 indicates the survey completion date for the classifications and rates under that identifier.

Survey wage rates are not updated and remain in effect until a new survey is conducted.

Union Average Rate Identifiers

Classification(s) listed under the UAVG identifier indicate that no single majority rate prevailed for those classifications; however, 100% of the data reported for the classifications was union data. EXAMPLE: UAVG-OH-0010 08/29/2014. UAVG indicates that the rate is a weighted union average rate. OH indicates the state. The next number, 0010 in the example, is an internal number used in producing the wage determination. 08/29/2014 indicates the survey completion date for the classifications and rates under that identifier.

A UAVG rate will be updated once a year, usually in January of each year, to reflect a weighted average of the current negotiated/CBA rate of the union locals from which the rate is based.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

"

ATTACHMENT 2

DAVIS-BACON POSTER (WH-1321)

ATTACHMENT 3

PAYROLL AND STATEMENT OF COMPLIANCE FORM (WH-347)

U.S. Department of Labor
Wage and Hour Division

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



U.S. Wage and Hour Division

Rev. Dec. 2008

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

NAME OF CONTRACTOR ☐ OR SUBCONTRACTOR ☐ ADDRESS OMB No.:1235-0008 Expires: 04/30/2021

PAYROLL NO. FOR WEEK ENDING PROJECT AND LOCATION PROJECT OR CONTRACT NO.

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITHHOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OT OR ST.	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS						(9) NET WAGES PAID FOR WEEK
				HOURS WORKED EACH DAY										FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS			
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3145) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(ii) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S3502, 200 Constitution Avenue, N.W., Washington, D.C. 20210

(over)

Date _____

I, _____
(Name of Signatory Party) (Title)

do hereby state:

(1) That I pay or supervise the payment of the persons employed by

_____ on the
(Contractor or Subcontractor)

_____ that during the payroll period commencing on the
(Building or Work)

_____ day of _____, _____, and ending the _____ day of _____, _____,

all persons employed on said project have been paid the full weekly wages earned, that no rebates have been or will be made either directly or indirectly to or on behalf of said

_____ from the full
(Contractor or Subcontractor)

weekly wages earned by any person and that no deductions have been made either directly or indirectly from the full wages earned by any person, other than permissible deductions as defined in Regulations, Part 3 (29 C.F.R. Subtitle A), issued by the Secretary of Labor under the Copeland Act, as amended (48 Stat. 948, 63 Stat. 108, 72 Stat. 967; 76 Stat. 357; 40 U.S.C. § 3145), and described below:

(2) That any payrolls otherwise under this contract required to be submitted for the above period are correct and complete; that the wage rates for laborers or mechanics contained therein are not less than the applicable wage rates contained in any wage determination incorporated into the contract; that the classifications set forth therein for each laborer or mechanic conform with the work he performed.

(3) That any apprentices employed in the above period are duly registered in a bona fide apprenticeship program registered with a State apprenticeship agency recognized by the Bureau of Apprenticeship and Training, United States Department of Labor, or if no such recognized agency exists in a State, are registered with the Bureau of Apprenticeship and Training, United States Department of Labor.

(4) That:

(a) WHERE FRINGE BENEFITS ARE PAID TO APPROVED PLANS, FUNDS, OR PROGRAMS

- ☐ — in addition to the basic hourly wage rates paid to each laborer or mechanic listed in the above referenced payroll, payments of fringe benefits as listed in the contract have been or will be made to appropriate programs for the benefit of such employees, except as noted in section 4(c) below.

(b) WHERE FRINGE BENEFITS ARE PAID IN CASH

- ☐ — Each laborer or mechanic listed in the above referenced payroll has been paid, as indicated on the payroll, an amount not less than the sum of the applicable basic hourly wage rate plus the amount of the required fringe benefits as listed in the contract, except as noted in section 4(c) below.

(c) EXCEPTIONS

EXCEPTION (CRAFT)	EXPLANATION

REMARKS:

NAME AND TITLE

SIGNATURE

THE WILLFUL FALSIFICATION OF ANY OF THE ABOVE STATEMENTS MAY SUBJECT THE CONTRACTOR OR SUBCONTRACTOR TO CIVIL OR CRIMINAL PROSECUTION. SEE SECTION 1001 OF TITLE 18 AND SECTION 231 OF TITLE 31 OF THE UNITED STATES CODE.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

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

Name of Presenter(s): Michael Hanna

Requested Agenda Item: Adopt a Resolution supporting Stormwater Services receiving the North Carolina Department of Environmental Quality Local Assistance for Stormwater Infrastructure Investments Program (LASII) grant in the amount of \$400,000.

Description of Requested Agenda Item: Stormwater services has received a Local Assistance for Stormwater Infrastructure Investments Program (LASII) Stormwater Planning grant in the amount of \$400,000 from the North Carolina Department of Environmental Quality. This grant will be used to conduct stormwater infrastructure assessments for projects that are listed on the Stormwater CIP.

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:

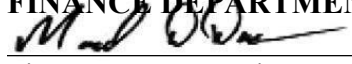
Adopt a Resolution authorizing the City Manager to execute the Funding Offer and Acceptance of the Local Assistance for Stormwater Infrastructure Investments Program (LASII) planning grant in the amount of \$400,000 for Stormwater Services.

Contact Information for Group or Individual: Michael Hanna, Public Works Assistant Director, 704-216-8028

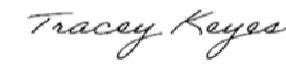
☒ **Consent Agenda** (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

☐ **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:

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered LASII_ARPA funding in the amount of **\$400,000** to perform the work detailed in the submitted application, and

WHEREAS, the **City of Salisbury** intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY:

That the **City of Salisbury** does hereby accept the ARPA grant offer of **\$400,000**; and

That the **City of Salisbury** does hereby give assurance to the North Carolina Department of Environmental Quality that any *Conditions* or *Assurances* contained in the *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

That **Jim Greene, City Manager** and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted this the January 16th, 2024 at Salisbury, North Carolina.

Jim Greene

Date

Salisbury City Council

Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

Name of Group(s) or Individual(s) Making Request: Planning and Neighborhoods Department

Name of Presenter(s): N/A

Requested Agenda Item: Certificate of Sufficiency and Resolution – 285 Peach Orchard Lane

Description of Requested Agenda Item:

The Planning and Neighborhoods Department, on behalf of the City Clerk, has investigated the sufficiency of the petition received for the voluntary annexation of parcel 407B043 in Rowan County. The petition contains a description of the proposed annexation area, as well as signatures of the property owners. Additionally, the following conditions are met:

1. The nearest point on the proposed satellite is not more than three miles from the primary corporate limits of Salisbury.
2. No point on the proposed satellite is closer to the primary corporate limits of another city than to the primary corporate limits of Salisbury.
3. The area is situated such that Salisbury will be able to provide the same services within the proposed satellite corporate limits as are provided within the primary corporate limits.
4. No subdivision, as defined in G.S. 160A-376 will be fragmented by this proposed annexation.

The petition is, therefore, sufficient in accordance with G.S. 160A-58.1. A public hearing shall be conducted by City Council on February 20th, 2024.

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 included in the next step of the process.

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

City Council to receive the Certificate of Sufficiency and adopt a Resolution setting the date of the public hearing for February 20th, 2024 for the voluntary annexation of Parcel 407B043, 285 Peach Orchard Lane.

Contact Information for Group or Individual:

Hannah Jacobson, Planning & Neighborhoods Director
704-638-5230/Hannah.Jacobson@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:



**CERTIFICATE OF SUFFICIENCY
FOR
285 PEACH ORCHARD LANE**

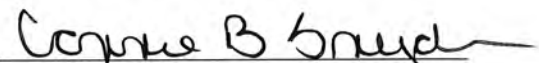
To the City Council of the City of Salisbury, North Carolina:

I, Connie B. Snyder, NCCP, City Clerk, do hereby certify that I have investigated the petition for 285 Peach Orchard Lane, off of Peach Orchard Lane, Parcel 407B043, attached hereto and have found as a fact that said petitions are signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-58.1.

In witness thereof, I have hereto set my hand and affixed the Seal of the City of Salisbury, this 13th day of December, 2023.

(SEAL)




Connie B. Snyder, NCCP
City Clerk

“RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF 285 PEACH ORCHARD LANE, PARCEL 407B043 PURSUANT TO G.S. 160A-58.1.

WHEREAS, petitions requesting the annexation of Parcel 407B043 at 285 Peach Orchard Lane, as described herein have been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petitions has been made;

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

Section 1. The regularly scheduled February 20th, 2024 City Council meeting will be held in a hybrid format. Anyone who wishes to speak virtually during the hearing regarding the request must sign-up by 5:00 p.m. on Tuesday, February 20th, 2024 by contacting Connie Snyder at csnyd@salisburync.gov or 704-638-5234. Information on accessing the meeting will be available on the City’s website at www.salisburync.gov. The meeting can also be viewed on the City’s livestream at www.salisburync.gov/webcast or the City’s Facebook account.

Section 2. The areas proposed for annexation are described as follows:

BEING THAT CERTAIN PARCEL OF LAND LOCATED IN THE LITAKER-5 TOWNSHIP, ROWAN COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" NEW IRON ROD LOCATED WITHIN THE RIGHT-OF-WAY OF PEACH ORCHARD LANE (A 50' PUBLIC RIGHT-OF-WAY), SAID POINT ALSO BEING LOCATED ON THE NORTHERN LINE OF LOT 1 OF THE REDHAVEN ACRES SUBDIVISION AS DESCRIBED IN MAP BOOK 9995, PAGE 2705; THENCE WITHIN THE RIGHT-OF-WAY OF PEACH ORCHARD LANE N 41°48'18" W A DISTANCE OF 593.24' TO A 1/2" NEW IRON ROD; THENCE N 43°47'47" E A DISTANCE OF 9.35' AN EXISTING CONCRETE MONUMENT LOCATED AT THE INTERSECTION OF THE NORTHEASTERN MARGIN OF THE RIGHT-OF-WAY OF PEACH ORCHARD LANE AND THE SOUTHEASTERN MARGIN OF THE RIGHT-OF-WAY OF HARDER STREET (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY); THENCE CONTINUING WITH THE SOUTHEAST MARGIN OF HARDER STREET N 43°47'47" E A DISTANCE OF 527.20' TO A 1/2" NEW IRON ROD LOCATED AT THE WESTERN MOST CORNER OF THE DEPARTMENT OF TRANSPORTATION PROPERTY AS DESCRIBED IN DEED BOOK 1216, PAGE 437; THENCE WITH THE AFORESAID DEPARTMENT OF TRANSPORTATION PROPERTY TWO (2) COURSES AND DISTANCES: 1) S 52°08'13" E A DISTANCE OF 157.63' TO A 1/2" NEW IRON ROD; 2) N 54°39'39" E A DISTANCE OF 113.53' TO A 1/2" NEW IRON ROD LOCATED SOUTHWEST MARGIN OF THE RIGHT-OF-WAY OF RIDGE STREET (A 40' PUBLIC RIGHT-OF-WAY); THENCE WITH THE SOUTHWEST MARGIN OF RIDGE STREET THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S 39°30'54" E A DISTANCE OF 291.68' TO A 1/2" NEW IRON ROD; 2) S 34°00'18" E A DISTANCE OF 325.00' TO A 1/2" NEW IRON ROD LOCATED AT THE NORTHERN MOST CORNER OF THE FRANCISCO SANCHEZ LUCIANO PROPERTY AS DESCRIBED IN DEED BOOK 1408, PAGE 253; THENCE WITH THE AFORESAID LUCIANO PROPERTY THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) S 49°17'17" W A DISTANCE OF 321.50' TO A 1/2" NEW IRON ROD; 2) S 41°17'43" E A DISTANCE OF 150.00' TO A 1/2" NEW IRON ROD LOCATED ON THE NORTHERN LINE OF THE AFORESAID LOT 1 OF THE REDHAVEN ACRES SUBDIVISION; THENCE WITH THE AFORESAID LOT 1 N 87°27'43" W A

DISTANCE OF 416.00' TO THE **POINT OF BEGINNING**, HAVING AN AREA OF 482,883 SQ. FT. (11.0855 ACRES) ACCORDING TO A SURVEY BY CLONINGER BELL SURVEYING & MAPPING, PLLC DATED JANUARY 4, 2024, FILE NO. 3592.

Section 3. Notice of said public hearing shall be published in the SALISBURY POST at least (10) days prior to the date of said public hearing.”

Karen K. Alexander
Mayor

ATTEST:

Connie B. Snyder, NCCP
City Clerk

Date: 11/13/2023



PETITION REQUESTING VOLUNTARY ANNEXATION
FOR 285 Peach Orchard Lane

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 mylars 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.

Property Identification (tax number or street address)	Printed Name (and title if business entity)	Signature	Owner's Address
TM ^{407B} PCL <u>043</u>	<u>Hector Delgado</u>		<u>1145 Lawing Dr</u> <u>China Grove, NC 28023</u>
TM PCL _____	_____	_____	_____
TM PCL _____	_____	_____	_____
TM PCL _____	_____	_____	_____
TM PCL _____	_____	_____	_____

(Attach additional petition forms if needed)

Form Revised 2-08

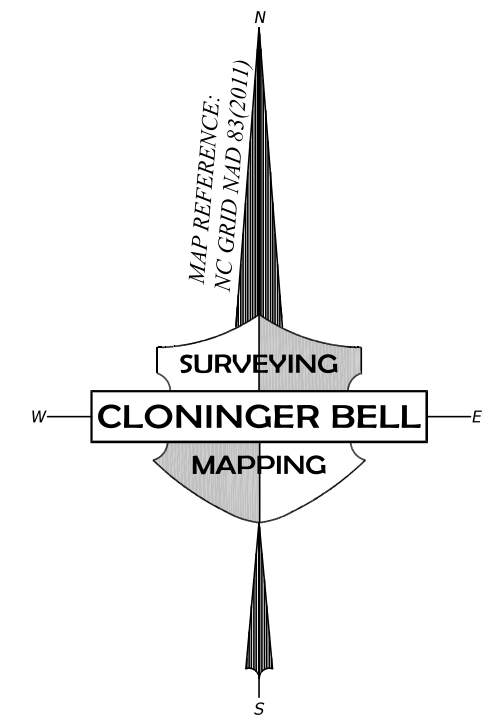
Contact Person Jason Dolan Telephone Number 704-900-4945

For Office Use Only:

Total number of parcels 1 Number Signed 1 % Signed 100 Date Returned 11/27/2023
Contiguous per GS 160A-31 _____ or Non-contiguous "satellite" per GS 160A-58 x (check one)

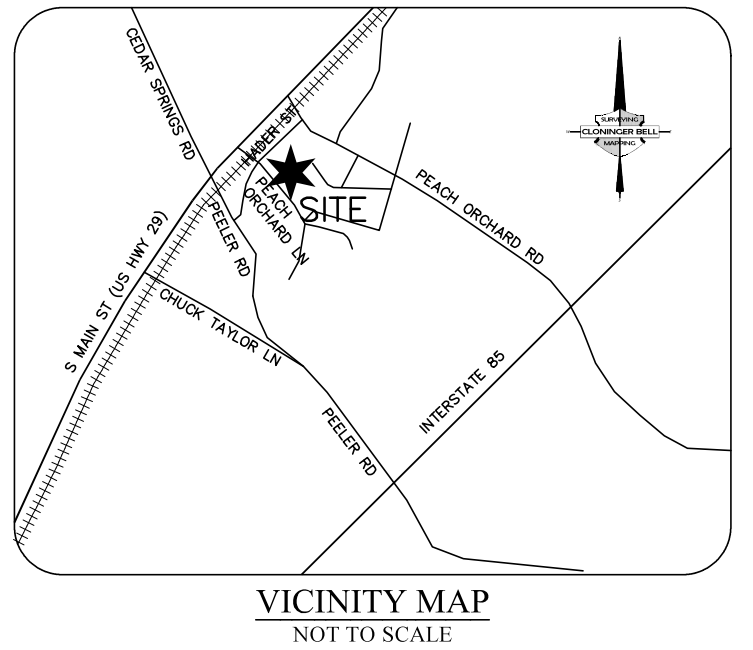
CITY OF SALISBURY

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



NON-CONTIGUOUS ANNEXATION PLAT

PREPARED FOR
GWTSS MANAGEMENT LLC
285 PEACH ORCHARD LN
LITAKER-5 TOWNSHIP, ROWAN COUNTY, NC
DEED REFERENCE: 1210-598; MAP REFERENCE: 9995-677
PARCEL: 407B043



CERTIFICATE OF ANNEXATION:

AREA ANNEXED INTO THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NC BY
ORDINANCE NUMBER _____ ADOPTED BY THE CITY COUNCIL
ON _____ WITH AN EFFECTIVE DATE OF _____
I HEREBY CERTIFY THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE
REGISTER OF DEEDS IN ROWAN COUNTY.

MAYOR _____ DATE _____

REVIEW OFFICER:

I, _____ REVIEW OFFICER OF ROWAN COUNTY, CERTIFY
THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

NOTES:

- ALL CORNERS MONUMENTED AS SHOWN.
- NO RECOVERABLE NGS MONUMENT LOCATED WITHIN 2,000 FEET OF SUBJECT PROPERTY.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE. BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
- BROKEN LINES INDICATE PROPERTY LINES NOT SURVEYED.
- THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
- PHYSICAL IMPROVEMENTS EXIST THAT ARE NOT SHOWN HEREON. THE PURPOSE OF THIS PLAT IS TO DELINEATE THE PROPOSED ANNEXATION AREA.

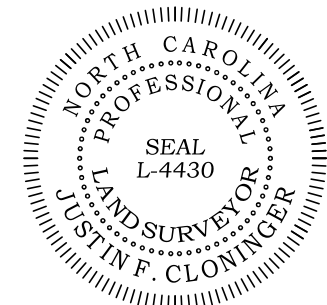
SURVEYOR'S CERTIFICATE:

STATE OF NORTH CAROLINA
COUNTY OF ROWAN

I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION. (DEED REFERENCE: 1210-598); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1: 10,000 LINEAR FEET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 4TH DAY OF JANUARY, A.D. 2024.

THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

Justin F. Cloninger 1-4-24
JUSTIN F. CLONINGER, NCPLS L-4430 DATE _____
email: justinc@cloningerbell.com



FRANCISCO SANCHEZ LUCIANO
D.B. 1408, PG. 253
M.B. 9995, PG. 677
PARCEL 407B072

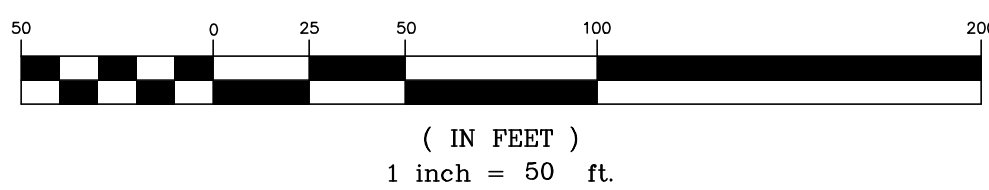
MIGUEL PACHECO
MARIA JUANA PACHECO
ELVIN LOPEZ PACHECO
D.B. 1434, PG. 624
LOT 1
REDHAVEN ACRES M.B.
9995, PG. 2705 PARCEL
407C050

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT
LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON
MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT
AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED
JUNE 16, 2009
COMMUNITY PANEL NO: 3710564800J, ZONE X

LEGEND:

CP - CALCULATED POINT
D.B. - DEED BOOK
EIP - EXISTING IRON PIPE
EIR - EXISTING IRON ROD
EN - EXISTING NAIL
M.B. - MAP BOOK
NIR - NEW IRON ROD
PG. - PAGE
R/W - RIGHT-OF-WAY
(T) - TOTAL
NEW CITY LIMIT BOUNDARY
PROPERTY LINE (INTERIOR)
PROPERTY LINE (ADJACENT)
RIGHT-OF-WAY (APPROXIMATE)

GRAPHIC SCALE



SURVEYING

CLONINGER BELL

MAPPING

CLONINGER BELL
SURVEYING & MAPPING, PLLC
107 RIVERSIDE DR.
MCADENVILLE, NC 28101
704.864.9007
LICENSE P-2326

CREW: CBS	DRAWN: TLM	REVISED:	SCALE: 1"=50'	DATE: JANUARY 4, 2024	FILE NO. 3592
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Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

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

Name of Presenter(s): City Attorney Graham Corriher

Requested Agenda Item: Council to hold a public hearing and consider adopting an annexation agreement with Spencer.

Description of Requested Agenda Item: The Town of Spencer has received a request for voluntary annexation that will require an Annexation Agreement between the City of Salisbury and the Town of Spencer. The property requesting annexation is on Hawkinstown Road. It is closer to Salisbury's corporate limits but it is within Spencer's extraterritorial jurisdiction (ETJ). One of the guiding principles for our annexation agreements with other municipalities is that the annexing municipality should be allowed to annex within its ETJ. Salisbury staff has reviewed this request and is in support of entering into an Annexation Agreement with Spencer to allow Spencer to annex this property. This Annexation Agreement would only relate to this particular property; it would not have any effect on annexations in other areas. Salisbury and Spencer continue to work together on a more comprehensive Annexation Agreement for other areas that will be presented to the respective boards at a later date.

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: Council to hold a public hearing and consider adopting an Ordinance to Approve an Annexation Agreement Between the City of Salisbury, North Carolina, and the Town of Spencer, North Carolina.

Contact Information for Group or Individual: City Attorney Graham Corriher (704) 638-5309

☐ **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:

ORDINANCE NO. _____

**AN ORDINANCE TO APPROVE AN ANNEXATION AGREEMENT
BETWEEN THE CITY OF SALISBURY, NORTH CAROLINA
AND THE TOWN OF SPENCER, NORTH CAROLINA**

WHEREAS, N.C.G.S. §160A-58.24 authorizes participating cities and towns to enter into annexation agreements concerning future annexation in order to enhance orderly planning by such cities; and

WHEREAS, N.C.G.S. §160A-58.23 provides that two or more cities or towns may enter into annexation agreements in order to designate one or more areas that are not subject to annexation by one or more of the participating cities or towns; and

WHEREAS, the Town of Spencer, as a participating city, has requested that the City of Salisbury, as a participating city, enter into an annexation agreement concerning the annexation area set forth in the Annexation Agreement attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Annexation Agreement provides that the City of Salisbury may not annex the area as described in the Annexation Agreement (hereinafter the “Annexation Area”); and

WHEREAS, annexation agreements are approved by the adoption of an ordinance by the City Council; and

WHEREAS, the City Council called for a public hearing on the question of adoption of this Ordinance at its regular meeting on the 5th day of December, 2023; and

WHEREAS, notice of the public hearing was published in the Salisbury Post as required by to N.C.G.S. §160A-58.24(c); and

WHEREAS, the City Council held a public hearing on the question of the approval of the Annexation Agreement at its City Hall at 6:00 p.m. on the 2nd day of January, 2024, after due notice as required by law; and

WHEREAS, the City Council has concluded and hereby declares that it is appropriate and desirable for the City of Salisbury to enter into the Annexation Agreement with the Town of Spencer, and the City of Salisbury further finds that it does not oppose the annexation by the Town of Spencer of the annexation area as described in the Annexation Agreement, and that the Annexation Agreement should be approved by the adoption of this Ordinance;

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

1. The Annexation Agreement attached hereto as Exhibit A by and between the Town of Spencer and the City of Salisbury is hereby approved.

2. The City Council hereby authorizes the Mayor to execute the Annexation Agreement in the form attached hereto as Exhibit A.

3. This Ordinance approving the attached Annexation Agreement shall be effective immediately upon adoption.

Adopted this the _____ day of January, 2024.

CITY OF SALISBURY

By: _____
Karen K. Alexander, Mayor

ATTEST:

Connie Snyder, Town Clerk

EXHIBIT A
ANNEXATION AGREEMENT

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (this "Agreement"), by and between the City of Salisbury, a municipal corporation of the State of North Carolina (hereinafter the "City of Salisbury"), and the Town of Spencer, a municipal corporation of the State of North Carolina (hereinafter the "Town of Spencer") (collectively hereinafter referred to as the "Participating Municipalities").

WITNESSETH:

WHEREAS, the City of Salisbury and the Town of Spencer, duly incorporated municipalities under the laws of the State of North Carolina, desire to eliminate uncertainty among residents and property owners in unincorporated areas adjacent to the Participating Municipalities and to improve planning by public and private interests in such areas; and

WHEREAS, Chapter 160A, Article 4A, Part 6 of the General Statutes of North Carolina (hereinafter referred to as the "Act") authorizes municipalities to enter into binding annexation agreements concerning future annexation in order to enhance orderly planning by such municipalities as well as residents and property owners in areas adjacent to such municipalities;

NOW, THEREFORE, THE PARTICIPATING MUNICIPALITIES AGREE AS FOLLOWS:

1. This Agreement is executed pursuant to the authority of the Act, codified as G.S. Chapter 160A, Article 4A, Part 6.
2. This Agreement shall be in effect until January 2, 2044.
3. The City of Salisbury may not annex the area as described on attached Exhibit A, which is incorporated herein by reference.
4. **See attached map labeled "CITY OF SALISBURY/TOWN OF SPENCER ANNEXATION AGREEMENT MAP" marked as Exhibit B and incorporated herein by reference for a general description.**
5. The effective date of this Agreement shall be January 2, 2024, or the date of adoption of the approving ordinance by the last Participating Municipality to do so, whichever is later.
6. The Participating Municipalities waive the notice required by G.S. §160A-58.24(a)(5) and (b) for any annexations pursuant to this Agreement.

7. This Agreement may be modified or terminated by a subsequent agreement entered into by the Participating Municipalities. Any subsequent agreement shall be approved by ordinance after public hearings as required by law.
8. This Agreement may be terminated unilaterally by a Participating Municipality or a Participating Municipality may withdraw from this Agreement by repealing the ordinance which approved this Agreement and providing five years' written notice to the other Participating Municipality. Upon the expiration of the five-year period, this Agreement shall terminate.
9. From and after the effective date of this Agreement, neither the City of Salisbury nor the Town of Spencer may adopt an annexation ordinance as to all or any portion of an area in violation of this Agreement.
10. Nothing in this Agreement shall be construed to authorize the annexation of any area that is not otherwise subject to annexation under applicable law.
11. This writing contains the entire agreement between the Participating Municipalities.

[Remainder of page intentionally blank. Signature page(s) follow.]

IN WITNESS WHEREOF, the mayors of the Participating Municipalities execute this Agreement, in duplicate, to become effective as provided in paragraph 5 above.

This the _____ day of _____, 2024.

CITY OF SALISBURY

ATTEST:

By:

Connie Snyder
City Clerk

Karen K Alexander, Mayor

APPROVED AS TO FORM:

J. Graham Corriher, City Attorney

TOWN OF SPENCER

ATTEST:

By:

Anna Kanode, Town Clerk

Jonathan Williams, Mayor

APPROVED AS TO FORM:

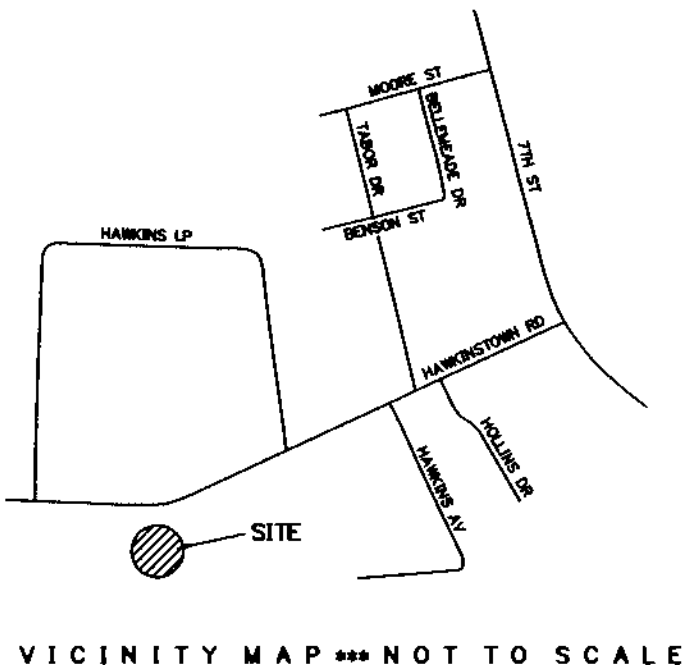
John W. Dees, II, Town Attorney

Exhibit A

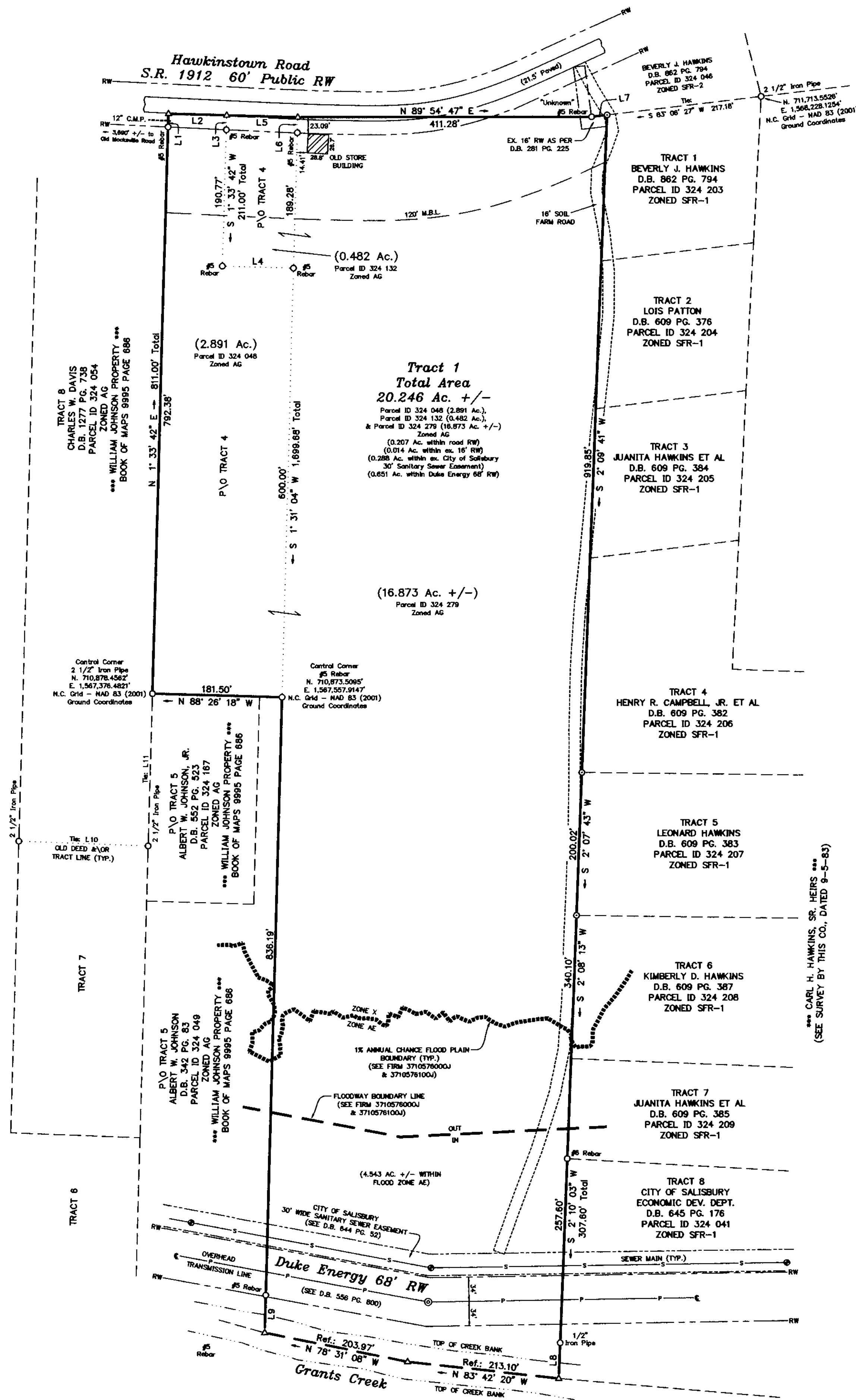
Beginning at an existing railroad spike in the western edge of a 16' wide farm road, the north west corner of Beverly J. Hawkins, deed book 862 page 794, Rowan County Parcel ID # 324 203, thence with Hawkins line, Lois Patton's line, Juanita Hawkin's line and Henry R. Campbell, Jr.'s line, S 02° 09' 41" W, 919.85' to an existing railroad spike in the east edge of the 16' wide farm road, the north west corner of Leonard Hawkins, thence with Leonard Hawkins west line S 02° 07' 43" W, 200.02' to an existing railroad spike on the eastern edge of 16' wide farm road, thence with Kimberly D. Hawkins west line and Juanita Hawkins west line, S 02° 08' 13" W, 340.10' to an existing #6 rebar the north west corner of the City of Salisbury Economic Development Department property (Rowan County PID # 324 041), thence with their line S 02° 10' 03" W, a total of 307.60' to the center of Grants Creek, passing a half inch iron pipe at 257.60', thence two, lines with the center of Grants Creek, one, N 83° 42' 20" W, 213.10' to a point in the center of Grants Creek, two, N 78° 31' 08" W, 203.97' to a point in the center of Grants Creek in the eastern line of Albert W. Johnson, Rowan County PID # 324 049, thence with Johnson's line N 01° 31' 04" E, 52.49' to an existing #5 rebar on the Bank of Grants Creek, thence continuing with Johnson's line N 01° 31' 04" E, 836.19' to a #5 rebar control corner, thence with Johnson's and Albert W. Johnson, Jr's line N 88° 26' 18" W, 181.50' to a 2 1/2" iron pipe in the line of Charles W. Davis, Rowan County PID # 324 054, thence with Davis's line N 01° 33' 42" E, 811.00' total to a point on the south edge of pavement of Hawkinstown Road (S.R. 1912), passing an existing #5 rebar at 792.38', thence two lines with the south edge of pavement, one, S 88° 26' 18" E, 81.50' to a point, two, S 88° 26' 18" E, 99.38' to a point, thence continuing with an unknown owners property, N 89° 54' 47" E, 411.28' to an existing #5 rebar, Beverly J. Hawkins south west corner of Rowan County PID # 324 046 thence with her line N 83° 06' 27" E, 22.00' to the point and place of Beginning and being 20.246 acres as shown on map tilted 153 Capital, LLC and recorded in Rowan County Register of Deeds in Book of Maps 9995 Page 10641, survey and map by Shulenburger Surveying Company, P.A. dated 09/12/2023.

Exhibit B

ROWAN COUNTY
FILED FOR REGISTRATION AT 2:33 o'clock P.M.
September 17, 2023 AND REGISTERED IN MAP BOOK
9995 PAGE 10641
J. E. BRINDLE, REGISTER OF DEEDS
Assistant/Deputy



VICINITY MAP *** NOT TO SCALE



NOTES:

1. THIS PROPERTY IS TO BE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.
2. TOTAL AREA SURVEYED: 20.246 ACRES +/-.
3. THIS PROPERTY IS ZONED AG (TOWN OF SPENCER).
4. ALL SIDE AND REAR LOT LINES ARE SUBJECT TO A 10' UTILITY EASEMENT ON EITHER SIDE.
5. A PORTION OF THIS PROPERTY LIES WITHIN DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) (SEE MAP). A PORTION OF THIS PROPERTY LIES WITHIN DESIGNATED FLOOD ZONE "AE" (1% ANNUAL CHANCE FLOOD PLAIN - BASE FLOOD ELEVATIONS DETERMINED) (SEE MAP & FIRM 371057600J & 3710576100J). EFFECTIVE DATE 6-16-2009.
6. ALL DISTANCES SHOWN ARE HORIZONTAL.
7. THE COMBINED FACTOR FOR THIS SURVEY EQUALS 0.99987106.
8. THIS PROPERTY IS NOT LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED.
9. PARCEL ID 324 048 (2.891 AC.), PARCEL ID 324 132 (0.482 AC.) AND PARCEL ID 324 279 (16.873 AC. +/-) ARE TO BE RECOMBINED BY DEED TO FORM TRACT 1 CONTAINING A TOTAL OF 20.246 ACRES +/-.

Note:

This combination will only become effective after the recordation of a document of title expressing the owners intent to combine the noted parcels in the Office of Rowan County Register of Deeds.

I, RICHARD L. SHULENBURGER, PROFESSIONAL LAND SURVEYOR, L-2667 N.C., CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I HEREBY CERTIFY THAT THIS EXCEPTION PLAT MEETS THE REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF THE TOWN OF SPENCER, NORTH CAROLINA.

RICHARD L. SHULENBURGER, P.L.S.
DATE 9/18/23

TOWN PLANNER
DATE 9/18/23

LEGEND

- Manhole
- Utility Pole
- Ex. Iron (as described)
- New Iron (as described)
- Point (not set)
- Ex. Railroad Spike
- Centerline
- RW Right-of-Way

STATE OF NORTH CAROLINA
COUNTY OF ROWAN

I, Adam Polin, REVIEW OFFICER OF ROWAN COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE 9/18/23



I, RICHARD L. SHULENBURGER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, D.B. (see references); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN D.B. (N/A) PG. (N/A); THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12th DAY OF SEPTEMBER, 2023.

PROPERTY SURVEY FOR:
153 Capital, LLC

SCALE: 1" = 100'
DATE: 9-12-2023
Tract 4 of the William Johnson Property and an additional tract of land
FRANKLIN TOWNSHIP, ROWAN COUNTY, NORTH CAROLINA
REFERENCES: Parcel ID 324 048, 324 132 & 324 279.
Deed Book 1134 Page 706 & Deed Book 1413 Page 740.
Book of Maps 9995 Page 656.

SURVEY AND MAP BY SHULENBURGER SURVEYING COMPANY, P.A. (FIRM # C-1858)
614 N. MAIN ST., SUITE A, SALISBURY, N.C. PHONE: 704-537-9623

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff Requested Council

Meeting Date: January 16, 2024

Name of Group(s) or Individual(s) Making Request: Jim Greene, City Manager

Name of Presenter(s): Robert Parnell, Fire Chief, Jennifer Silvia Human Resources Business Partner, and City Manager Jim Greene Jr.

Requested Agenda Item: Fire Department Year in Review 2023.

Description of Requested Agenda Item:

2023 was one of the busiest years to date for the Salisbury Fire Department as members responded to 9,313 service calls. Data has been collected and staff will share with Council the highlights for 2023 including accomplishments, achieving ISO rating of 1, training, compensation, staffing and vacancies.

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: No action is required of Council.

Contact Information for Group or Individual: Robert Parnell, bparn@salisburync.gov, 704-638-4464 and Jennifer Silvia, jsilv@salisburync.gov, 704-638-5215.

☐ **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 no vote needed 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 16, 2025

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

Name of Presenter(s): Division Chief Nicholas Martin, Salisbury Fire Department

Requested Agenda Item: Council to consider approval to purchase a Pierce fire engine (Stock #41304) - from Atlantic Emergency Solutions, Inc. of Manassas, VA (Service Center and Office In Charlotte, NC) for the sum of \$842,057.00 (cost of the engine \$776,057.00 plus hose-nozzle-basic equipment package \$50,000 and \$16,000 for plumbing and crosslay discharges). Final inspection and delivery in August 2025.

Description of Requested Agenda Item: 2025 Pierce Saber FR, Fire Engine, 1500 GPM Waterous Pump, 750 Gallon Booster Tank, Cummins 450 HP Engine, Allison Transmission, and associated essential hose, nozzle, and basic equipment. This truck is to replace the oldest active fire truck in the fire fleet, a 1996 Engine (59601), with 11,943 hours. Considering the previously ordered trucks are 42-plus months out, this truck is needed and available much sooner (18 months). This truck meets Salisbury's specifications and needs.

Attachments: ☐ Yes ☒ No

Fiscal Note: No City funds have been appropriated for this apparatus at this time. Funds would need to come from General Fund Balance. If the purchase of this truck is approved, the recommendation from Finance is to re-direct part of the \$2.6 million Fund Balance appropriation from June 2023 for Fire Station 3. That appropriation is no longer necessary because of the receipt of the \$10 million grant from the State. Council could choose to use a portion of the freed-up \$2.6 million appropriation for this truck. This purchase will be made on the Houston-Galveston Area Council Contract which meets our current Purchasing Policy and State Purchasing requirements.

Action Requested of Council for Agenda Item: Council to consider approval to purchase a Pierce Fire Engine for the amount of \$842,057 and use Fund Balance to cover the cost of this purchase.

Contact Information for Group or Individual: Fire Department/Division Chief Nicholas Martin/ Fire Chief R. A. Parnell

☐ **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)

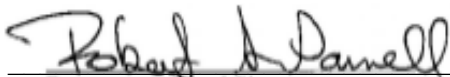
Salisbury City Council Agenda Item Request Form



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

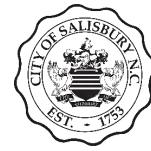
☐ Approved

☐ Delayed

☐ Declined

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2023

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

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

Requested Agenda Item: Noise Related Ordinance Update.

Description of Requested Agenda Item: Council to receive an update on the enforcement and notification process for noise related Ordinances. Staff has received concerns from a citizen regarding dog barking and afterhours construction noise in the City. The intent of the presentation is to explain the enforcement and notification process as stated in the City Ordinance and collaboration between Code Enforcement and the Police Department to address this issue.

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: No action is required of Council.

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

Department Head Signature

Budget Manager Signature

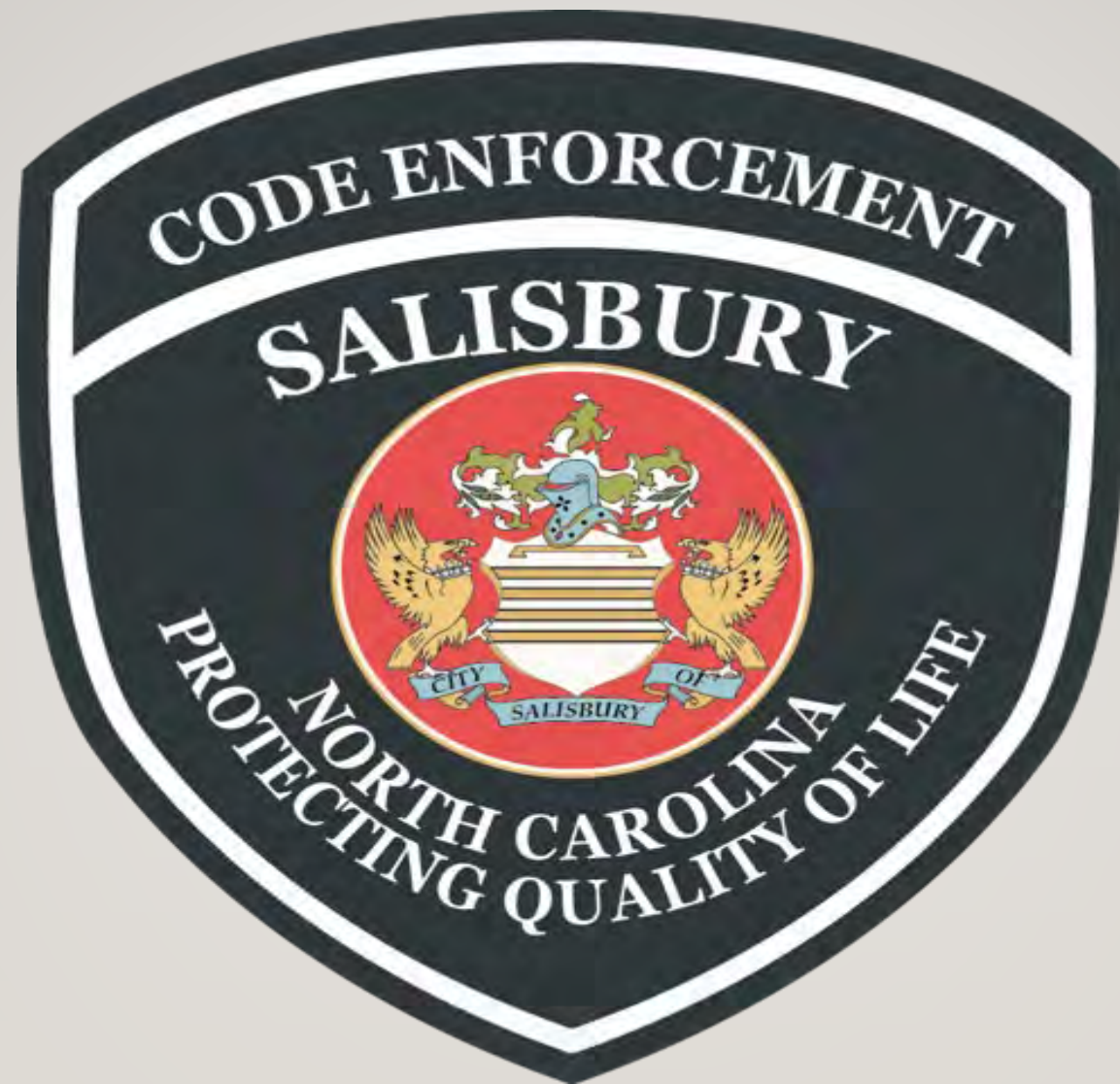
*****All agenda items must be submitted at least 7 days before the requested Council meeting date*****

For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined



SEC. 14-55. - BUILDING CONSTRUCTION.

- The erection, including excavating, demolition, alteration or repair of any building in a residential or business district, except emergency repair to utilities, is allowed only between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturday. No work shall be permitted on Sunday. Any work performed outside of the stated hours shall be deemed to be unlawful and a violation of the provisions of this article.
- Work may be permitted outside of the stated construction hours only in the case of urgent necessity that is in the interest of public safety, and then only with a permit from the city manager or his designee, which permit may be renewed for a period of three (3) days or less while the emergency continues

SEC. 14-50. - ANIMALS, BIRDS.

- The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity shall be deemed to be unlawful and a violation of the provisions of this article.

Salisbury City Council

Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

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

Name of Presenter(s): Administrative Services Director Kelly

Requested Agenda Item: Council to receive an update on the Travel Policy for Elected Officials.

Description of Requested Agenda Item: In August Council adopted a travel policy for elected officials. As the new year begins and conferences are scheduled staff wanted to provide a reminder to Council about the newly adopted procedure.

The policy asks that members of Council gain a consensus from the board prior to travel taking place. This is not asking members to seek approval for the travel, but is a request to make sure the other Council members are aware of upcoming travel by one of the members.

The policy also allocates 50% of the travel line item appropriation to the Mayor with each Councilmember receiving 12.5% of the travel line item appropriation. In FY23-24 \$11,500 is budgeted for Council travel which equates to \$5,750 for the Mayor and \$1,437.50 for each Councilmember. The travel line item covers airfare, hotels, mileage, meals and incidentals associated with travel on official city business. Registrations and other training expenses are paid from a training line item and are not part of the travel cost.

The policy also allows members of Council to transfer a portion of their allocation to another member as requested and/or needed.

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: No action is required of Council.

Contact Information for Group or Individual: 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

TRAVEL FOR ELECTED OFFICIALS

I. PURPOSE

This policy establishes procedures for authorization of travel and other expenses by City elected officials, for the purpose of conducting City business, and to establish procedures for reimbursement of the cost of authorized travel and other expenses. Travel at the City's expense shall be for a designated public purpose, in support of official City business, and not for the purpose of campaigning for an office or position with any elected organization, professional or otherwise, position or person, or for a partisan political purpose. Any elected official traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds.

II. APPLICABILITY OF TRAVEL POLICY

This Policy is applicable to all Elected Officials serving the City of Salisbury.

III. DEFINITIONS AND GENERAL POLICY

A. Definitions

1. Appropriation - The amount allocated for travel in the annual budget. This total will include the estimated travel costs of anticipated training and conference trips and the estimated costs of routine travel.
2. Automobile Allowance - An allowance provided to Elected Officials to cover costs associated with travel within the City limits.
3. Elected Official – An individual elected by the citizens of Salisbury and duly sworn to a term of office on the Salisbury City Council.
4. Incidentals – Costs related to tips, telephone calls and parking.
5. Official City Business – Travel that has a direct benefit to the City by enhancing the Elected Official's knowledge on various issues and responsibilities of local government or where the Elected Official is representing the City in their official capacity. Examples of travel that would meet this requirement include, but are not limited to, seminars and conferences offered by the Metropolitan Mayors Coalition, National League of Cities, North Carolina League of Municipalities, and the U.S. Conference of Mayors.
6. Subsistence - Costs incurred during travel for lodging and meals, including tips.
7. Transportation Costs - Costs incurred for travel by automobile, taxi, rental car, bus, train, or airplane. It includes tolls, parking, fees, and tips for the handling of baggage.

8. Travel - The act or status of going to and returning from the normal job location to conduct City business. Commuting to and from a place of residence is not considered travel.

B. Policy

1. The City is committed to minimizing travel cost while providing a reasonable balance between the needs of the City and the needs of the Elected Official. To accomplish this, Elected Officials should seek the best fares and rates available for commercial airfare, hotel/motel accommodations, rental cars, etc.
2. The City will reimburse the Elected Official traveling on authorized City business for all legitimate expenses incurred for travel as authorized by this Policy. The City Council is responsible for monitoring the initial need for the travel, the availability of funds, and conduct so that the cost of travel to the City is held to a reasonable minimum in accordance with Section VI. Procedure.
3. The same procedures for reporting travel expenditures apply to both in-town and out-of-town travel.

IV. GENERAL GUIDELINES

1. Each Council member will have an annual individual travel allocation assigned to them in the amount equal to 12.5% of the total Appropriation in each approved budget. They Mayor shall be assigned 50% of the total Appropriation in the approved budget. Elected Officials who plan to travel should notify the full Council to gain consensus. Transfers from one Elected Official's allocation to another may be approved by City Council during a City Council meeting. If any funds in an Elected Official's allocation remain unused by June 30 of any fiscal year, those funds shall be transferred to the City of Salisbury's General Fund.
2. Airline tickets, lodging and registrations for the Elected Official will be paid directly by the City. The City will reimburse the Elected Official for all other costs allowed by this Policy and subject to the limitations established in this Policy.
3. Travel requests shall be coordinated through the City Clerk. Travel authorization forms that include air travel should be submitted in a timely manner so that discount rates may be obtained.
4. Staff will work with the City's Finance Director or designee to determine if an unencumbered Appropriation sufficient to cover the estimated cost of the travel remains in the Elected Official's travel allocation. If a sufficient balance remains in the Elected Official's travel allocation, the estimated travel cost will be encumbered. If the remaining balance in the Elected Official's travel allocation is insufficient to cover the estimated cost of travel and other monies are not yet available, the City Clerk will

notify the requesting Elected Official. Transfers from one Elected Official's allocation to another may be approved by City Council during a City Council meeting.

5. Spouses and/or other family members and friends may accompany an Elected Official on official trips. The City provides reimbursement for only those expenses which the Elected Official would normally incur if traveling alone.

V. TRAVEL EXPENSES

A. Transportation

All necessary bus, train, and air transportation will be obtained at the most economical rate available. If there is some doubt as to the best method of travel, the matter should be discussed with the City Manager and, if necessary, the Finance Director. Reimbursements will be made for actual costs incurred based on itemized receipts.

1. Travel by Air

- a. Air travel arrangements should be made at the most economical fare available under the travel circumstances and time requirements.
- b. Cancellation penalties, which range up to 100% of the ticket price, are to be avoided in all but emergency circumstances. Cancellations caused by medical problems can usually be made without penalty if certified by a physician.
- c. Elected Officials should be flexible as to time of day, carrier selection, and routing to obtain the lowest possible fare.
- d. Frequent flyer points may be retained by an Elected Official provided the Elected Official has obtained the lowest fare possible with any carrier. Selection of higher fares or the manipulation of routes for the purpose of accruing value points is prohibited.

2. Travel by Vehicle

- a. Personal Vehicle – An Elected Official may be reimbursed for the use of a privately owned vehicle at the established federal rate as outlined in the IRS regulations for travel outside of the City limits. No reimbursement will be made for travel within City limits. Elected Officials receive a monthly travel allowance to assist in the cost of attending local meetings required of Elected Officials. The Mayor will receive a vehicle allowance of \$300 per month, and Mayor Pro Tem and Council members will receive \$175 per month. The City will not reimburse an Elected Official for out-of-state travel by personal vehicle if it is more expensive than what it would have cost the Elected Official to reach the same destination by air or train.
- b. Rental Vehicles - A rental automobile may be used for Official City Business purposes when it is determined that no other mode of transportation is as economical or practical. A de minimis amount of personal use, such as driving to and from dinner, will be permitted. Only compact or medium sized cars may be rented.

- c. Local Transportation – The City will reimburse local Transportation costs incurred while on out-of-town business. Elected Officials should use the most economical and reasonable form of transportation and obtain receipts when possible, to be submitted with travel reimbursement requests.

B. Subsistence

1. The City will reimburse Elected Officials for the cost incurred for meals during business travel up to the daily or individual meal allowance set and published annually by the federal General Services Administration (GSA). Individual meal expenses are limited to the per meal allowance amounts. The City will not use the GSA “Day of Travel” rates.
2. Daily Travel (Overnight) – Elected officials may receive allowances for meals for partial day travel according to the following schedule when the partial day is the day of departure or the day of return. Time of departure and arrival must be listed on the reimbursement request.
 - a. Breakfast – Depart prior to 6:00 a.m.
 - b. Lunch – Depart prior to 10:00 a.m. (day of departure) or return after 2:00 p.m. (day of return).
 - c. Dinner – Return after 8:00 p.m. If stopping for dinner would cause the Elected Official to return after 8:00 p.m., when he/she would otherwise have returned before 8:00 p.m., dinner will not be reimbursed.
3. Receipts are not required to claim reimbursement for meals when the GSA per diem is used. No mixing of allowance and receipt reimbursement will be allowed on a trip.
4. Meals provided as part of a convention or conference, or included as part of a hotel stay, will not be eligible for per diem reimbursement, regardless of whether the Elected Official chooses to eat elsewhere. For example, an Elected Official is not permitted to report his or her meal cost as part of any conference expense item and also claim the full meal allowance.
5. Daily Travel (Non-Overnight) – Per IRS regulations, allowances shall not be paid to Elected Officials for lunches if travel does not involve an overnight stay. To be eligible for allowances for the breakfast and evening meals Elected Officials must:
 - a. Breakfast – depart prior to 6:00 a.m. and extend the normal workday by two hours.
 - b. Dinner – return after 8:00 p.m. and extend the normal workday by three hours.
 - c. Tips: Maximum tip of 20% is allowed in the policy. Tips are a part of the meal amount.

C. Lodging

1. Reimbursement –Lodging expenses will be reimbursed at the actual cost of the room, provided the Elected Official seeks reasonably priced lodging. Elected Officials should take advantage of special convention rates. When another person occupies the same hotel room with an Elected Official on an authorized trip, the Elected Official must pay the difference between the single and double room rates.
2. Elected Officials are responsible for no-show fees unless an emergency or other approved business reasons cause cancellation. Elected Officials should always obtain a cancellation number from the hotel to protect against no-show billings. Elected Officials must reimburse the City for any fee it incurs due to cancellation for non-emergency personal reasons.

D. Non-Reimbursable Items

1. There are items which are not reimbursable even though incurred during official City business. These items include:
 - a. Any miscellaneous expense not supported by a receipt.
 - b. Meals included in registration fees
 - c. Alcoholic beverages
 - d. Movie rental
 - e. Snacks or drinks other than a meal
 - f. Any traffic fines
 - g. Clothing, equipment, supply/material purchases.

VI. PROCEDURE

A. General Procedures

1. Members who plan to travel should notify the full Council to gain consensus. Transfers from one Elected Official's allocation to another may be approved by City Council during a City Council meeting. If any funds in an Elected Official's allocation remain unused by June 30 of any fiscal year, those funds shall be transferred to the City of Salisbury's General Fund.
2. Upon completion of the trip, the Elected Official and/or City Clerk will complete his or her Travel Expense Report (Form T-102), as explained below, and for approval of the expense settlement.
3. The settlement will then be transmitted to the Finance Department for processing.
4. A copy of Travel Expense Report (Form T-102) shall be included with p-card statement if statement has charges from trip.

B. Travel Authorization and Cash Advances

1. Requests for travel advances are to be made on the form provided by the Finance Department. The traveler must complete and sign the form indicating the purpose for the trip, times and mode of travel, lodging requirements, and estimated cost of the trip, advance checks needed, and non-City traveling companions.
2. Requests for travel, along with any applicable check requests, must arrive in the Finance Department at least ten working days in advance of the proposed travel. Personal advances may be picked up in the Finance Department during the last five working days prior to travel. No travel advance checks will be issued for estimated out-of-pocket expenses less than \$100.

C. Travel Expense Report

1. Elected Officials must submit their expense reports as soon as practical but no more than 60 days after return from a trip. Reimbursements for travel must be made within the same fiscal year that the travel took place. Failure to do so may preclude any reimbursement. Travel Expense Report (Form T-102) must be used. The expenses of one trip must be reported prior to receiving any cash advance for a subsequent trip. Funds due to the City of Salisbury are to be paid to the Finance Department. The receipt for such reimbursement is to accompany the expense report.
2. Expense Reports and lodging receipts must reflect no more than single accommodation rates for employees/officials.
3. The Travel Expense Report is to be prepared in accordance with instructions in this policy. The Elected Official and/or City Clerk will complete the expense report and attach original bills and receipts to support expenditures. If the actual expenses considerably exceed the original estimate, a justification statement must be attached.
4. Travel Expense Reports are to be submitted to the City Clerk for processing. The City Clerk will forward to Finance. Settlement of balances due the Elected Official will then be made from a properly prepared Check Request (prepared by the City Clerk's office) submitted with the report.
5. The Finance Department will approve payment for balances due the traveler.
6. In the event of a disallowed or excess expense claim, Finance will return the Travel Expense Report for modification and, if needed, collect payment due the City.
7. The Travel Expense Report must be used to report any travel expenses (both in-town and out-of-town) or requests for reimbursement of meal expenses.
8. Submit copy of the Travel Expense Report with any p-card receipt when p-card statement is turned in.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

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

Name of Presenter(s):

Requested Agenda Item: Announcement regarding City Council's 2024 annual goal retreat.

Description of Requested Agenda Item: City Council will hold its 2024 Planning Retreat Wednesday, January 24, 2024 from 8:30 p.m. until 4:30 p.m. and Thursday, January 25, 2024 from 8:30 a.m. until 4:30 p.m. The Retreat will be held at in Council Chambers at City Hall, 217 South Main Street. Council will travel to Concord at 11:15 a.m. on Wednesday, January 24 to tour the downtown Concord streetscape project and to meet with Concord staff to discuss best practices for municipal services.

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: Announce Retreat dates *(Please note if item includes an ordinance, resolution or petition)*

Contact Information for Group or Individual: Kelly Baker, 704-638-5233, 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



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff Requested

Council Meeting Date: January 16, 2024

Name of Group(s) or Individual(s) Making Request: Administration Connie B. Snyder, City Clerk.

Name of Presenter(s): Mayor's Announcement

Requested Agenda Item: The February 6, 2024 City Council meeting will begin at 4:00 p.m. to allow Council to attend "Where are We Now" hosted by Racial Equity Rowan. The event will begin at 6:30 p.m. and the guest speaker will be Ms. Dee Dee Wright.

Description of Requested Agenda Item:

The February 6, 2024 City Council meeting will begin at 4:00 p.m. to allow Council to attend "Where are We Now" hosted by Racial Equity Rowan. The event will begin at 6:30 p.m. and the guest speaker will be Ms. Dee Dee Wright.

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)*

Contact Information for Group or Individual: Connie B. Snyder, City Clerk

☐ **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

Reason:

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

Name of Group(s) or Individual(s) Making Request: Community Appearance Commission

Name of Presenter(s): Alyssa Nelson, urban design planner

Requested Agenda Item: Mayor's Announcement: Neighborhood Beautification Grant Opportunity

Description of Requested Agenda Item:

The City of Salisbury's Community Appearance Commission is issuing a call for applications for Salisbury neighborhoods to apply for a neighborhood beautification grant. If your application is selected, your neighborhood will receive funding to support implementing a desired neighborhood improvement project. Maximum Award amount is \$2,500. There is no fee to apply. Grant applications will be accepted through Friday, March 1, 2024.

For more information and to apply, please visit salisburync.gov/neighborhoodgrants. For questions please email neighborhoodgrants@salisburync.gov or call Alyssa Nelson at (704) 638.5235.

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)*

This project was budgeted for in FY 2023-2024.

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

Contact Information for Group or Individual: Alyssa Nelson, 704.638.5235, anel@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



NEIGHBORHOOD *Beautification*

BEAUTIFY YOUR NEIGHBORHOOD

Salisbury neighborhoods are invited to apply for a grant to fund their neighborhood improvement project of up to \$2,500. Project to be completed by applicants no later than June 1, 2024.

- ❧ Public art
- ❧ Landscape improvements
- ❧ Community garden
- ❧ Neighborhood entrance sign
- ❧ Neighborhood amenities
- ❧ Neighborhood clean-up event

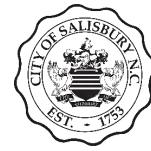
APPLY FOR THE GRANT BY FRIDAY, MARCH 1

 www.SalisburyNC.gov/Neighborhood  Neighborhood@SalisburyNC.gov  (704) 638-5235

Applicants will be notified before **April 1, 2024.**



Salisbury City Council Agenda Item Request Form



Please Select Submission Category: ☐ Public ☐ Council ☐ Manager ☒ Staff

Requested Council Meeting Date: January 16, 2024

Name of Group(s) or Individual(s) Making Request: Community Appearance Commission & Housing Advocacy Commission

Name of Presenter(s): Alyssa Nelson, Urban Design Planner

Requested Agenda Item: Mayor's Announcement: BlockWork 2024 Call for Nominations

Description of Requested Agenda Item: The Community Appearance Commission and Housing Advocacy Commission welcome Salisbury citizens to nominate their block for this year's BlockWork event. The 2024 BlockWork event is scheduled for Saturday, October 26, 2024, on National Make a Difference Day. Applications are now being accepted for neighborhood participation. Deadline for nominations is Wednesday, May 1, 2024. Visit salisburync.gov/blockwork for more information. For questions, please email blockwork@salisburync.gov or call Alyssa Nelson at 704.638.5235.

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)*

Contact Information for Group or Individual: Alyssa Nelson, 704.638.5235, anel@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*****



WORK TOGETHER ON YOUR NEIGHBORHOOD

This free program brings residents and volunteers together to improve a one-block area including:

Landscaping 🌱

Painting 🖌️

Sidewalk Improvements 🚶

Carpentry 🪚

Clean-up 🧹

Minor Home Repairs 🏠

NOMINATE YOUR NEIGHBORHOOD BY
WEDNESDAY, MAY 1

www.salisburync.gov/BlockWork ✉ blockwork@salisburync.gov ☎ (704) 638-5235

BlockWork day will be Saturday, **October 26, 2024.**

