



City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

February 7, 2023

6:00 p.m.

The meeting will be held in a hybrid format and the public may attend virtually using this link: <https://bit.ly/3jkRRJe>. The meeting will also 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 February 7, 2023 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 Transit Director Rodney Harrison and Communications Specialist Kaisha Brown for receiving the Campaign Champion Award from Rowan County United Way. (*Presenter – United Way Executive Director Jenny Lee*)

6. Mayor to proclaim the following observances:

AFRICAN AMERICAN HISTORY MONTH
YEAR OF THE TRAIL

February 2023
2023

7. Council to consider the CONSENT AGENDA:

- (a) Approve Minutes of the regular meeting of January 17, 2023.
- (b) Approve a change order to the contract with Mainlining America, LLC in the amount of \$450,000 for water and sewer maintenance services for Salisbury-Rowan Utilities and adopt a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$450,000 to appropriate Fund Balance from the Water and Sewer Fund to cover the request. The Fund Balance appropriation is anticipated to be offset by growth.
- (c) Receive the Certificate of Sufficiency for the voluntary annexation of The Wilde, Tax Map 330 Parcels 021 and 040 and adopt a Resolution setting the date of the public hearing for March 7, 2023.

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- (d) Adopt a Resolution of Support for North Carolina Department of Transportation’s *Walk North Carolina: Creating Safer Crossings for North Carolina Communities* application for the United States Department of Transportation’s Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program for FY2023.
 - (e) Adopt an Ordinance amending Chapter 2, Article II, Division 2, of the Code of the City of Salisbury relating to Rules of Procedure for the Salisbury City Council.
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 receive an update regarding Police Department policies, training initiatives, and working with the community and an introduction of Byrne Criminal Justice Innovation Community Project Coordinator Chanel Nestor. (*Presenters – Interim Police Chief Brian Stallings, Captain P.J. Smith, and BCJI Community Project Coordinator Chanel Nestor*)
10. Council to receive the June 30, 2022 Annual Comprehensive Financial Report from auditors Martin Starnes, CPAs. (*Presenters – Finance Director Wade Furches and Auditor Elsa Watts*)
11. Council to receive an update regarding Fire Station 3 design, funding options and potential financing schedule. (*Presenters – Fire Chief Bob Parnell and Finance Director Wade Furches*)
12. Council to consider an economic development incentive grant request for Crow Holdings consisting of a local Level 2 Incentive Grant totaling approximately \$1,418,332 over a three year period: (*Presenter – Rowan Economic Development Council President Scott Shelton*)
- (a) Receive a report
 - (b) Hold a public hearing
 - (c) Adopt a local Level 2 Incentive Grant for Crow Holdings.
13. Council to consider a text amendment of the Land Development Ordinance to amend Chapter 15 Development Process: (*Presenter – Senior Planner Victoria Bailiff*)
- (a) Receive a presentation from staff
 - (b) Hold a public hearing
 - (c) Issue a statement of Consistency and Statement of Reasonableness, and consider adopting an Ordinance amending the Land Development Ordinance.
14. Council to consider awarding a contract to Black & Veatch International Company in an amount not to exceed \$2.9 million for preliminary engineering, a portion of the detailed design, and environmental permitting for the Water Supply Resiliency Project for Salisbury-Rowan Utilities Raw Water Pump Station and to consider adopting a Capital Project Ordinance in the amount of \$3.2 million for the project. (*Presenter – Salisbury-Rowan Utilities Director Jim Behmer*)

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15. City Attorney's Report
16. City Manager's Report.
17. Council's Comments.
18. Mayor Pro Tem's Comments.
19. Mayor's Announcements and Comments.
20. Adjourn.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: Tuesday, February 7, 2023

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

Name of Presenter(s): United Way of Rowan County Executive Director Jenny Lee

Requested Agenda Item: Employee Recognition

Description of Requested Agenda Item: Rodney Harrison, Transit Director, and Kaisha Brown, Communications Coordinator, were recently honored with the Campaign Champion Award by United Way of Rowan County. Rodney and Kaisha, also known as the Dynamic Duo, have worked tirelessly as the Public Service Team as part of United Way's annual campaign for a number of years. Congratulations to Rodney and Kaisha for their service to the community.

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)* **Recognition**

Contact Information for Group or Individual: **Linda McElroy, Communications Department, 704-638-4460**

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



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, in 1976, African American History Month was created by Carter G. Woodson and formally adopted to honor and affirm the importance of African American History throughout our American experience, and serves to promote cultural enrichment, pride, and self-esteem by celebrating the lives and achievements of great African Americans; and

WHEREAS, the 2023 National theme for African American History Month observance is “Frontiers in History: People, Places, Ideas;” and

WHEREAS, during the month of February our Nation takes pause to reflect on the injustices and struggles fought and overcome by African Americans throughout our Nation’s history, and to pay tribute to the battles they have fought in the name of equality; and

WHEREAS, African Americans have made valuable and lasting contributions to the City of Salisbury, achieving exceptional success in all aspects of society including business, education, politics, science, and the arts; and

WHEREAS, African American History Month is a time for every citizen to remember the stories and teachings of those who helped build our City and our nation by taking a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened our community.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM the month of February 2023 as

AFRICAN AMERICAN HISTORY MONTH

in Salisbury, and encourage all citizens to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice.

This the 7th day of February 2023.

Karen K. Alexander, Mayor



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, the City of Salisbury’s natural beauty is critical to its residents’ quality of life, health, and economic wellbeing; and

WHEREAS, the trails that span across our community are an integral part of the recreational and transportation possibilities of our area and promote an enjoyment of scenic beauty by our residents and our visitors; and

WHEREAS, the parks, greenways, trails and natural areas in our community are welcoming to all and provide a common ground for people of all ages, abilities and backgrounds to access our rich and diverse natural, cultural, and historic resources; and

WHEREAS, the City of Salisbury’s natural assets and resources are integral to disaster recovery and resiliency to climate change for future generations; and

WHEREAS, the City of Salisbury’s nature trails include hiking and biking trails, the greenways provide walkways and paths throughout the many parks, along with sidewalk connectors through downtown and neighborhoods; and

WHEREAS, trails offer quality-of-life benefits to all as expressions of local community character and pride, as outdoor workshops for science education, as tools for economic revitalization, as free resources for healthy recreation, as accessible alternative transportation, and as sites for social and cultural events; and

WHEREAS, continued local partnerships with the Pedal Factory, The Carolina Thread Trail, Healthy Rowan, and the Salisbury Parks and Recreation Department help further, foster, and promote trail programs and use; and

WHEREAS, the North Carolina General Assembly designated 2023 as the Year of the Trail in North Carolina, also known as the “Great Trails State”, to promote and celebrate the state’s extensive network of trails that showcase our state’s beauty, vibrancy and culture.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, on behalf of City Council DO HEREBY PROCLAIM 2023 as

THE YEAR OF THE TRAIL

in Salisbury, and commend its observance to all the community.

This the 7th day of February 2023.

Karen K. Alexander, Mayor

Salisbury, North Carolina
January 17, 2023

REGULAR MEETING

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

ABSENT: Councilmember Anthony Smith.

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 6:00 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

Mayor Alexander led participants in the Pledge of Allegiance to the United States flag.

ADOPTION OF THE AGENDA

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

RECOGNITION – FIRE DEPARTMENT EMPLOYEES

Fire Chief Bob Parnell recognized Deputy Fire Chief David Morris, Fire Marshal Terry Smith, Assistant Fire Marshal Kimberly Boling, Division Chief Shawn McBride, Captain Adrian Gantt, Division Chief Nick Martin, Telecommunications Manager Terry Buff, and Fire Management Analyst Madison McCorkle for their recent promotions within the Fire Department.

Council thanked the Salisbury Fire Department Leadership Team for their dedication to the City.

RECOGNITION – PARKS AND RECREATION EMPLOYEE

Parks and Recreation Director Nick Aceves recognized Sam Wilborn for his promotion to Assistant Parks and Recreation Director.

Council thanked Mr. Wilborn for his dedication to the City and the Parks and Recreation Department.

PROCLAMATIONS

Mayor to proclaim the following observances:

NATIONAL DAY OF RACIAL HEALING
SCHOOL CHOICE WEEK
CATHOLIC SCHOOLS WEEK

January 17, 2023
January 22-28, 2023
January 29-February 4, 2023

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of January 3, 2023.

(b) Incentive Grant Request – Crow Holdings

Receive an incentive grant request from Crow Holdings for a tax incentive grant and set a public hearing for February 7, 2023 to receive public input. Crow Holdings will invest approximately \$73 million in new construction for the project and is proposing a three-year grant equal to 90% of the new taxes paid on real property consistent with Council's approval of a previous grant.

(c) Update – Employee Pay Grade Classification Schedule

Consider approving an update to the adopted employee pay grade classification schedule to add the position of Senior Accountant at Pay Grade 14.

(d) Budget Ordinance Amendment – Rural Transformation Grant

Adopt a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$875,000 to appropriate a grant from the North Carolina Department of Commerce Rural

Transformation Grant fund for the purchase of the Wells Fargo Building. The building was purchased in 2022 and the budget Ordinance amendment is for reimbursement of the purchase.

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A GRANT TO PURCHASE THE WELLS FARGO BUILDING.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 8, and is known as Ordinance 2023-06.)

(e) Budget Ordinance Amendment – Busker’s Bash Donation

Adopt a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$1,500 to appropriate a grant from the Rowan Arts Council to support the Buskers Bash event.

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A DONATION FOR THE BUSKERS BASH.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 9, and is known as Ordinance 2023-07.)

(f) 2023 Federal Action Plan

Adopt the 2023 Federal Action Plan.

(g) 2023 State Action Plan

Adopt the 2023 State Action Plan.

(h) Purchase – Dump Truck

Authorize the City Manager to approve Purchase Order 230641 in the amount of \$185,327 for the purchase of a quad dump truck. The purchase is included in the FY 2022-2023 budget and being made on the North Carolinas Sheriff’s Association Contract.

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

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

REZONING – 1700 BLOCK SOUTH JAKE ALEXANDER BOULEVARD

Senior Planner Victoria Bailiff asked Council to consider adoption of an Ordinance amending the Land Development District Map to rezone 1700 South Jake Alexander Boulevard, approximately 6.823 acres, from Corridor Mixed-Use (CMX) to CMX with a Conditional District Overlay.

Ms. Bailiff stated the petitioner is Jared Birindelli of Jake Alexander Storage, LLC. She pointed out the master plan proposes a 96,000 square foot self-storage facility comprised of four buildings to be constructed in four phases. She reviewed the landscape plan, which now includes 51 medium-sized shrubs spaced evenly throughout the existing street yard and a decorative fence installed in front of the building.

Ms. Bailiff added the applicant is requesting four design alternatives from the Land Development Ordinance (LDO). She explained the buildings do not meet the commercial-type design criteria of Section 5.13. She commented Section 5.16 requires a maximum front set back of 75 feet however, building four will be unable to meet the criteria due to the location of the storm water control measure. She explained Section 10.3 requires a minimum of 192 parking spaces for storage uses; however, the applicant is only proposing two, and Section 10.6 requires two parking lot connections to adjacent properties, and the applicant is not proposing any connections due to security concerns.

Ms. Bailiff indicated staff determined the proposed master plan is consistent with policies of the Vision 2020 Comprehensive Plan. She added the Technical Review Committee reviewed the plan on October 20, 2022 and recommended approval subject to minor revisions.

Mayor Alexander asked about the height of the decorative fence. Property owner Reid Miller stated the fence would be six feet tall.

Mayor Alexander continued the public hearing that was opened after due notice at Council's January 3, 2023 meeting regarding the proposed rezoning of the 1700 block of South Jake Alexander Boulevard.

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

Councilmember Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein is reasonable and in the public interest. The proposal is fundamentally consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan. Thereupon, Mr. Post made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina to rezone 1700 South Jake Alexander Boulevard, approximately 6.823 acres, from Corridor Mixed-Use to Corridor Mixed-Use with a Conditional District Overlay. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, and Post voted AYE. (4-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA TO REZONE 1700 SOUTH JAKE ALEXANDER BOULEVARD FROM CORRIDOR MIXED-USE TO CORRIDOR MIXED-USE WITH A CONDITIONAL DISTRICT OVERLAY.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 10-11, and is known as Ordinance 2023-08.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDEMNT – CHAPTERS 4 AND 6

Senior Planner Victoria Bailiff stated the proposed Land Development Ordinance (LDO) text amendment focuses on Chapter 4 with minor revisions to Chapter 6. She explained language regarding sidewalks has been moved to Section 4.9 to create consistency. She noted the recommended changes require sidewalks around the bulb of a cul-de-sac, and she pointed out sidewalks will not be required where there is no curb and no requirement for curb installation.

Ms. Bailiff noted the Technical Review Committee considered the request at its October 20, 2022 meeting and recommended approval subject to the removal of Street Cross Section E. She stated the Planning Board reviewed the request at its December 13, 2022 meeting and voted unanimously to recommend approval.

Mayor Alexander convened a public hearing after due notice regarding the proposed LDO text amendment.

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

Mayor Pro Tem Sheffield stated the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest and consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan. Thereupon, Ms. Sheffield made a **motion** to adopt an Ordinance amending Chapter 4 Subdivisions and Infrastructure and Chapter 6 Lot Infill and Accessory Provisions of the Land Development Ordinance of the City of Salisbury, North Carolina. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, and Post voted AYE. (4-0)

ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY AS UNDERLINED OR STRICKEN HEREIN IS REASONABLE, IN THE PUBLIC INTEREST AND CONSISTENT WITH THE GOALS, OBJECTIVES AND POLICIES OF THE VISION 2020 COMPREHENSIVE PLAN.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 12-51, and is known as Ordinance 2023-09.)

LAND DEVELOPMENT ORDINANCE TEXT AMENDEMNT – APPENDIX D AIRPORT ZONING OVERLAY DISTRICT

Senior Planner Victoria Bailiff addressed Council regarding a text amendment to Appendix D Airport Zoning Overlay District of the Land Development Ordinance (LDO). She explained definitions are included in a section of the appendix and minor changes were made to increase clarity. She stated the County brought the proposed amendments to staff who requested to reference City zoning maps instead of Rowan County maps.

Ms. Bailiff noted the Technical Review Committee reviewed the request at its October 20, 2022 meeting and recommended approval as submitted. She indicated Planning Board considered the request at its December 13, 2022 meeting and recommended approval.

Mayor Alexander convened a public hearing after due notice regarding the proposed LDO text amendment.

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

Councilmember McLaughlin stated the City Council hereby finds and determines that adoption of an Ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest and consistent with the goals, objectives and policies of the Vision 2020 Comprehensive Plan. Thereupon, Mr. McLaughlin made a **motion** to adopt an Ordinance amending Appendix D, Airport Zoning Overlay of the Land Development Ordinance of the City of Salisbury, North Carolina. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, and Post voted AYE. (4-0)

ORDINANCE AMENDING APPENDIX D, AIRPORT ZONING OVERLAY OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 52-53, and is known as Ordinance 2023-10.)

LITTER REDUCTION MEASURES

Sustainability Coordinator Allie Thies and Urban Design Planner Alyssa Nelson presented information regarding litter in the City.

Ms. Thies pointed out the North Carolina Department of Transportation (NCDOT) removed 1,764,345 pounds of litter from Rowan County and four other surrounding counties. She noted littering is a crime and the first offense can range from \$250 to \$1,000, with the second offense being \$2,000. She commented the average person will hold a piece of trash for 12 steps before they litter and fast food accounts for approximately 33% of all litter.

Ms. Thies commented staff has identified a list of streets needing attention that are not adopted by the Adopt-The-Street program including Gold Hill Drive, Old Wilkesboro Road,

Morlan Park Road, Clancy Street, Ryan Street, and Long Meadow Street. She noted the Public Works Grounds Department picked up 315 bags of litter in 2022. She pointed out the Adopt-A-Street Program has 11 active members, three possible new members, and two yearly volunteer contracts. She indicated the program is free to anyone who lives inside the City limits and gloves, vests, pickers and bags are provided by the City. She pointed out once a street is adopted an Adopt-A-Street sign is placed on the street.

Ms. Thies indicated Litter Sweeps take place four times a year and the public is invited to attend and pick up litter. She pointed out the City has partnerships with the Community Appearance Commission (CAC) and the Neighborhood Leaders Alliance (NLA) to assist with litter cleanups. She noted the City has OSCARS which are built to gather trash before it goes downstream. She stated the OSCAR currently located at Memorial Park captures 300 acres of water from the downtown and the West End and is cleaned approximately every three months by students and faculty at Catawba College who remove an average of four to six 96-gallon trashcans of trash at each clean out. She added another OSCAR is located at Hurley Park that captures 125 acres of water draining from Novant Health Rowan Medical Center and is cleaned monthly by staff at Hurley Park averaging about half a trash can of trash each month.

Ms. Thies pointed out environmental awareness takes place through partnerships with Rowan County and Horizons Unlimited which include yearly Creek Week events to clean up streams. She indicated a group of students within Rowan County called Inside Out Global created a video clip regarding litter and recycling awareness in Salisbury. She commented staff uses social media as a tool to engage with residents about community events, programs, and what is taking place around the City.

Mayor Pro Tem Sheffield asked about Adopt-A-Street streets that are not maintained. Ms. Thies commented staff can follow up to make sure the streets are being maintained. Mayor Alexander asked if there are formal procedures regarding the streets being unmaintained. Ms. Thies note staff checks on streets and reaches out to those who have adopted the street.

Mayor Pro Tem Sheffield thanked those who pick up litter in the City. She added it is going to take a larger group of people working together, but she is glad to see the efforts in place.

Councilmember Post asked about the process to adopt a street. Ms. Thies noted the application is on the City's website and once the application is completed a list of streets are provided so the applicant can select a street. She noted agreements are signed and pickers and vests are then provided. Mr. Post suggested Council publically recognize the work of those who adopt streets in the City.

ILLEGAL DUMPING ABATEMENT PROCEDURES

Interim Public Works Director Chris Tester and Code Services Manager Michael Cotilla addressed Council regarding abatement procedures for illegal dumping in the City.

Mr. Tester stated that Public Works and Code Enforcement have established a policy for addressing illegal dumping in the City and created a standard operating procedure for collecting illegally dumped materials. He stated this policy sets clear guidelines for the City, residents, and businesses.

Mr. Tester explained City Code states that illegally dumped materials are the property owner's responsibility, and garbage not placed in an approved container will be deemed as bulky items and shall be the customer's responsibility for disposal.

Mr. Cotilla summarized the illegal dumping operations five-step process.

Mayor Pro Tem Sheffield clarified the City provides free bulky item pickup four times a year through Spruce Up Weeks, and she noted citizens can schedule a bulk item pick up by calling the Public Works department.

Mayor Alexander asked if the Communications Department could include a letter in the Lamplighter newsletter to provide information on bulk item pick-up and the illegal dumping policy.

City Manager Jim Greene thanked Mr. Tester and Mr. Cotilla for their work establishing an illegal dumping policy.

SPECIAL EVENTS PERMITTING PROCESS

City Manager Jim Greene stated Council expressed concerns regarding the permitting process for special events. He noted he has worked with staff to transition the special events permitting process from Development Services to the Fire Department to focus on public safety. He explained Council considered the issue several years ago and it approved the current procedures. He indicated staff would like to consider the process and bring its recommendations back to Council.

Deputy Fire Chief David Morris and Captain Adrian Gantt then addressed Council regarding the special events permitting process. Deputy Chief Morris provided a history of the special events permitting process. He noted staff worked with Councilmember Post, former Councilmember Brian Miller and stakeholders to create the special permitting guidebook and process that Council adopted in 2018.

Deputy Chief Morris noted special events were cancelled during the pandemic and changes took place in the One Stop Shop which created an opportunity to review and update the process. He added as festival attendance increases it is important for staff and other agencies to take a broader look at public safety at special events. He explained the previous process was paper driven and could be hard to follow. He added the goal is to update the process and take advantage of available technology.

Captain Gantt stated the updated process includes an online application. She pointed out the Parks and Recreation Department maintains applications for its events and events at the Bell Tower Green Park separately from the applications that are submitted to the Fire Department, but collaboration takes place regarding event safety. She explained an online calendar was created that includes the application, maps, notes and permits in an effort to share information between departments. She indicated pre-event meetings are held with the event organizer to increase the flow of information and committee meetings are held with public safety partners. She noted a cashiering station has been set up at Fire Station 1 so applicants can pay for special event permits. She commented staff follows up with applicants after their event has taken place.

Captain Gantt reviewed the online event permit and the shared calendar. She pointed out the current timeline is 60 days and an insurance policy with \$1 million liability or a hold harmless agreement is required. She indicated staff would like to solicit information from other cities regarding their special events policies, seek input from organizers, and engagement from community members that attend the special events.

Deputy Chief Morris noted the paper form has been updated and staff is considering software that will simplify the process and accept online payments. He commented staff wants to look at improving resources for public safety, expanding emergency notifications for large events, and collaborative planning with stakeholders. He added staff wants to have a discussion with internal stakeholders regarding private waste contractors and security opportunities that could assist during some events. He commented staff would like to review the fee schedule, and he pointed out City events are growing and the goal is to provide a great event and recover some of the associated costs.

Mayor Pro Tem Sheffield clarified the proposal is for a process change and there is no change to fee schedule or the timeframe for special events. She pointed out the proposed changes do not address demonstrations that are covered by the First Amendment. She indicated the shared calendar is for internal use, and she asked about an external calendar for event organization. Deputy Chief Morris noted there is an events calendar on the City's website and staff can consider an external calendar to assist with event planning.

Mayor Alexander asked about a hierarchy regarding timeframe for the permitting process and permit costs for large and small events. Deputy Chief Morris noted staff will research what is being done in other communities and bring its findings back to Council.

Mr. Greene stated the 60-day timeframe and fee schedule was set by Council and staff is requesting to examine the process to create efficiency and promote safety. He pointed out event fees do not cover the cost for City resources that are used at the events. He added staff would like to examine the process and bring its recommendations regarding fees back to Council as part of the budget process.

Mayor Alexander thanked staff for building on what was previously accomplished, and she indicated it is appropriate to reexamine the process.

Council thanked Deputy Chief Morris and Captain Gantt for their presentation.

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher had nothing to report to Council.

CITY MANAGER'S REPORT

City Manager Jim Greene pointed out January 25, 2023 will be the first day of Council's Retreat at City Hall in Council Chambers. He asked Council to arrive by 1:00 p.m. for refreshments and to visit with staff.

Mr. Greene recognized and thanked Diversity Equity and Inclusion Director Anne Little, the Human Relations Council (HRC), and staff for their tremendous work for the Martin Luther King, Jr. Celebration weekend.

COUNCIL COMMENTS

Councilmember McLaughlin thanked staff and everyone who helped during the Martin Luther King, Jr celebration weekend.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield commented the Community Appearance Commission (CAC) will conduct a Litter Sweep on January 28, 2023.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander thanked staff and the members of the Human Relations Council (HRC) for all the hard work that took place for the Martin Luther King, Jr. Celebration weekend.

(a) **Council Planning Retreat**

Mayor Alexander announced City Council will hold its 2023 Planning Retreat Wednesday, January 25, 2023 from 1:30 p.m. until 7:30 p.m. and Thursday, January 26, 2023 from 10:00 a.m. until 4:30 p.m. The Retreat will be held in Council Chambers at City Hall, 217 South Main Street.

(b) **Wine About Winter**

Mayor Alexander announced Downtown Salisbury, Inc. will host the 10th Annual Wine About Winter Friday, February 3, 2023 from 5:00 p.m. until 9:00 p.m. Tickets include a tasting pass for wine samples. Each ticketholder must be 21 or older. For more information please visit www.downtownsalisburync.com or call (704) 637-7814.

ADJOURNMENT

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

The meeting was adjourned at 7:57 p.m.

Karen Alexander, Mayor

Connie B. Snyder, City Clerk

DRAFT

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7, 2023

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

Name of Presenter(s): Jason Wilson

Requested Agenda Item: Water & Sewer Maintenance Contract – Change Order #1

Description of Requested Agenda Item: Salisbury-Rowan Utilities (SRU) opened two (2) bids on June 25, 2022 from qualified service providers for the SRU Water & Sewer Maintenance Contract. Mainlining America, LLC submitted the lowest bid in the amount of \$459,833.85, and was awarded a contract by City Council at the August 16, 2022 meeting. Since that time, Mainlining America has completed numerous work orders for SRU, including scheduled and after-hours repairs, in addition to water and sewer taps. As such, the original contract amount has nearly been expended and additional funds need to be allocated to allow Mainlining America to continue assisting SRU. SRU recommends approving Change Order #1 in the amount of \$450,000 to the contract with Mainlining America, LLC for water and sewer maintenance services.

Attachments: Yes No

Fiscal Note: SRU is requesting to utilize Water Sewer Fund – Fund Balance to cover the cost of Change Order #1. The Fund Balance appropriation is anticipated to be offset by growth.

Action Requested of Council for Agenda Item: Council to consider approving Change Order #1 in the amount of \$450,000 to the contract with Mainlining America, LLC for water and sewer maintenance services for Salisbury-Rowan Utilities.

AND

Council to consider adopting a Budget Ordinance Amendment to the FY2022-2023 budget in the amount of \$450,000 to appropriate Water Sewer Fund – Fund Balance for Change Order #1 to the contract with Mainlining America, LLC.

Contact Information for Group or Individual: Jason Wilson, Assistant Utilities Director
704-216-7553, jason.wilson@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

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE FUND BALANCE FOR WATER AND SEWER MAINTENANCE CONTRACT
EXTENSION

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

Section 1. Salisbury-Rowan Utilities received funds for the construction of a water line and connection to Cloninger Body Shop.

Section 2. That the 2022-2023 Budget Ordinance of the City of Salisbury, adopted on June 21, 2022, is hereby amended as follows:

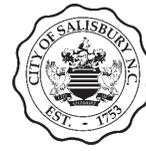
(a) That the following line items be amended as follows:

- | | | |
|-----|---|-------------------|
| (1) | Increase line item 030-000-000-4999.00
Appropriated Fund Balance | <u>\$ 450,000</u> |
| (2) | Increase line item 030-813-850-5450.03
Contracted Services | <u>\$ 450,000</u> |

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

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

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7th, 2023

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

Name of Presenter(s): N/A

Requested Agenda Item: Sufficiency of Annexation Petition – The Wilde Subdivision

Description of Requested Agenda Item:

The Engineering Department, on behalf of the City Clerk, has investigated the sufficiency of the petition received for the voluntary annexation of Tax Map 330 and Parcels 021 and 040 located on Statesville Rd. The petition contains a description of the proposed contiguous annexation area, as well as the signature of the sole property owner. It is, therefore, sufficient in accordance with NCGS 160A-31.

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 March 7th, 2023 for the voluntary annexation of The Wilde Tax Map 330 and Parcels 021 and 040.

Contact Information for Group or Individual:

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

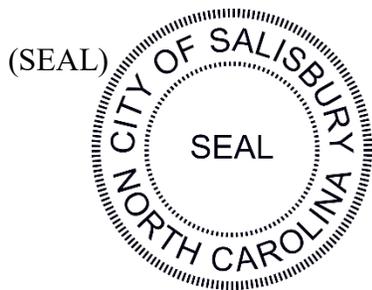


**CERTIFICATE OF SUFFICIENCY
FOR
THE WILDE SUBDIVISION (PARCELS 330 021 AND 330 040)**

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

I, Kelly K. Baker, City Clerk, do hereby certify that I have investigated the petition for The Wilde subdivision off of Statesville Boulevard, Parcels 330 021 and 330 040, 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-31.

In witness thereof, I have hereto set my hand and affixed the Seal of the City of Salisbury, this 20th day of July, 2022.



Kelly K. Baker
City Clerk

“RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF THE WILDE SUBDIVISION, PARCELS 330 021 AND 330 040 PURSUANT TO G.S. 160A-31.

WHEREAS, petitions requesting the annexation of Parcels 330 021 and 330 040 at The Wilde Subdivision, 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 March 7th, 2023 City Council meeting will be held in a hybrid format. The public is invited to attend virtually. Anyone who wishes to speak during the hearing regarding the proposed annexation must sign-up by 5:00 p.m. on Tuesday, March 7th, 2023 by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233.

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

PARCEL ID: 330 040

BEGINNING AT A 1” PIPE, COMMON CORNER BETWEEN CYNTHIA PROCTOR RUSSELL (DB 693 PG 33), ROBERT E SAFRIT & WIFE BETSY L BOGER SAFRIT (DB 897 PG 821) RONALD DEAN HUTCHINSON (DB 1131 PG 365) AND TIMOTHY WINDLE & WIFE TAMMY WINDLE (DB 1354 PG 505) SAID PIPE BEING LOCATED S 10°10’11” E A DISTANCE OF 1478.56’ FROM NGS MONUMENT “FA2678” THENCE RUNNING WITH TIMOTHY WINDLE & WIFE TAMMY WINDLE LINE THE FOLLOWING TWO CALLS 1) N 89°36’41” E A DISTANCE OF 319.92 TO A 1” IRON PIPE AND 2) N 89°37’21” E A DISTANCE OF 29.90’ TO AN IRON ROD THENCE WITH SHIRLIE WINDHAM SEALS LINE (DB 1275 PG 995) S 01°47’28” E A DISTANCE OF 298.14’ TO AN IRON ROD FOUND THENCE WITH HARLAN KEITH RESTAR LINE (DB 1143 PG 288) S 01°47’10” W A DISTANCE OF 224.51’ TO A #4 REBAR THENCE WITH THE CYNTHIA PROCTOR RUSSELL LINE (DB 602 PG 715) THE FOLLOWING TWO CALLS 1) S 01°01’51” E A DISTANCE OF 795.30’ TO A 1” PIPE INSIDE THE WESTERN NORTH CAROLINA RAILROAD 200’ RIGHT OF WAY AND 2) S 01°01’51” E A DISTANCE OF 106.24’ TO A POINT ON THE CENTERLINE OF SAID RAILROAD RIGHT OF WAY THENCE WITH THE CENTERLINE N 50°55’00” W 513.04’ TO A POINT THENCE WITH THE ROBERT E SAFRIT JR LINE (DB 897 PG 821) THE FOLLOWING 3 CALLS 1) N 02°45’32” E A DISTANCE OF 123.49’ TO A 1” PIPE ON THE AFOREMENTIONED RAILROAD RIGHT OF WAY 2) N 02°37’37” E A DISTANCE OF 519.24’ TO A #4 REBAR 3) N 04°04’50” E A DISTANCE OF 458.09’ TO THE POINT OF **BEGINNING**. CONTAINING 11.227 ACRES ±

PARCEL ID: 330 021

BEGINNING AT A #5 REBAR SET ON THE RIGHT OF WAY OF US HWY 70 (SR 2094) AND RUNS WITH SAID RIGHT OF WAY S 57°25’02” E A DISTANCE OF 332.04’ TO A #4 REBAR THENCE LEAVING SAID RIGHT OF WAY AND RUNNING WITH ROWAN WOODLAND APARTMENTS LLC LINE (DB 1349 PG 448) THE FOLLOWING 4 COURSES: 1) S 44°33’40” W A DISTANCE OF 337.06’ TO A #5 REBAR SET 2) S 20°47’40” W A DISTANCE OF 714.23’ TO A #5 REBAR SET 3) S 11°48’17” W A DISTANCE OF 938.31’ TO A ROD FOUND ON THE WESTERN NORTH CAROLINA RAILROAD RIGHT OF WAY 4) S 11°48’17” W A DISTANCE OF 113.08’ TO

A POINT ON THE CENTERLINE OF SAID RIGH OF WAY THENCE RUNNING THE CENTERLINE N 50°34'15" W A DISTANCE OF 693.61 FEET TO A POINT ON THE CENTERLINE OF SAID RAILROAD THENCE RUNNING WITH CYNTHIA PROCTOR RUSSELLS LINE (DB 693 PG 33) THE FOLLOWING 2 COURSES: 1) N 01°01'51" E A DISTANCE OF 106.24' TO A 1" PIPE FOUND 2) N 01°01'51" E A DISTANCE OF 796.30' TO A #4 REBAR FOUND THENCE WITH THE HARLAN KEITH RESTAR LINE (DB1143 PG 286) THE FOLLOWING 2 COURSES: 1) N 51°23'22" E 834.54' TO A 1" PIPE 2) N 32°50'03" E A DISTANCE OF 60.23' TO 1" PIPE FOUND THENCE RUNNING WITH BLAKE A STILLERS LINE (DB 1312 PG 93) THE FOLLOWING 2 COURSES: S 60°48'35" E A DISTANCE OF 95.40' TO A 1" PIPE 2) N 35°29'16" E A DISTANCE OF 304.62' TO THE POINT OF **BEGINNING**. CONTAINING 27.419 ACRES ±

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:

Kelly Baker, City Clerk

Date: 6/24/2022



PETITION REQUESTING VOLUNTARY ANNEXATION
FOR 330 021 - Statesville Blvd - The Wilde

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 <u>330</u> PCL <u>021</u>	Cynthia Proctor Russell		785 BRIGGS RD SALISBURY, NC 28147-9539
TM _____ PCL _____	_____	_____	_____
TM _____ PCL _____	_____	_____	_____
TM _____ PCL _____	_____	_____	_____
TM _____ PCL _____	_____	_____	_____

(Attach additional petition forms if needed)

Form Revised 2-08

Contact Person Bridget McClellan Telephone Number (704) 649-6601

For Office Use Only:

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

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7, 2023

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

Name of Presenter(s): Wendy Brindle, City Engineer

Requested Agenda Item: Resolution of Support for NCDOT's Raise Grant Application for Walk NC: Creating Safer Crossings for NC Communities

Description of Requested Agenda Item:

The NCDOT Transportation Mobility and Safety Division is sponsoring a RAISE grant application to improve signalized intersections to include pedestrian countdown signal heads, marked crosswalks and other pedestrian improvements in several towns and cities in North Carolina. Salisbury is one of the locations selected. This grant application is part of a larger program by NCDOT to improve pedestrian safety at signalized intersections across the state. Communities were prioritized based on pedestrian crash history, demographic data, and the number of signals lacking pedestrian accommodations. The attached one pager summarizes the type of improvements proposed and the full list of cities where improvements will be implemented, if NCDOT is awarded the grant.

Letters and Resolutions of support have been requested to strengthen the application submitted by NCDOT. A proposed Resolution of Support from Salisbury's City Council is attached for consideration.

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)

City Council to adopt of a Resolution of Support for an application for the **Walk NC: Creating Safer Crossings for NC Communities** application for the Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program for fiscal year 2023.

Contact Information for Group or Individual: Wendy Brindle, City Engineer
wbrin@salisburync.gov
704-638-5201

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



**Resolution Supporting
Walk NC: Creating Safer Crossings for NC Communities**

WHEREAS, the U.S. Department of Transportation has published a Notice of Funding Opportunity (NOFO) for \$1.5 billion in grant funding through the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary grant program for 2023.; and

WHEREAS, RAISE discretionary grants help project sponsors at the State and local levels, including municipalities, Tribal governments, counties, and others complete critical freight and passenger transportation infrastructure projects; and

WHEREAS, the NCDOT Transportation Mobility and Safety Division is sponsoring a RAISE grant application to improve signalized intersections to include pedestrian countdown signal heads, marked crosswalks and other pedestrian improvements in several towns and cities in North Carolina; and

WHEREAS, WALK NC will fund pedestrian countdown signal heads, crosswalks, and accessible routes at signalized intersections in more than a dozen towns and cities in North Carolina. RAISE grant funding will improve pedestrian safety at hundreds of NCDOT-maintained signals in historically underserved communities. These proposed changes will improve accessibility for people at signalized intersections and provide pedestrians with dedicated WALK phases and marked crosswalks. Additional signal timing improvements will be implemented, and sidewalk gaps constructed where feasible and needed. These pedestrian improvements will address issues of social equity in communities by providing safe crossings and connecting networks, expanding access to jobs, healthy food, recreation, and social services.; and

WHEREAS, the City of Salisbury supports the partnerships between the selected communities and regional and state agencies to further connect and improve the quality of life;

NOW THEREFORE, the City of Salisbury City Council supports NCDOT's ***Walk NC: Creating Safer Crossings for NC Communities*** application for the Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program for fiscal year 2023.

This the 7th day of February, 2023

Karen K. Alexander, Mayor

Connie B. Snyder, NCCP
City Clerk



WALK NC

Creating Safer Crossings for NC Communities

What is RAISE?

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant program helps communities throughout the United States make much needed infrastructure improvements. The RAISE grants were created originally under the American Recovery and Reinvestment Act as Transportation Investment Generating Economic Recovery (TIGER) grants; however, RAISE grants can be used for a wide variety of projects. As part of the new Bipartisan Infrastructure Law, there will be \$1.5 billion available in funding for 2023 project applications. The application deadline is February 28, 2023 and selections will be announced by June 28, 2023.



Before Typical Improvements



After Typical Improvements

Improving Signalized Intersections for Pedestrians

WALK NC is a grant for which the North Carolina DOT (NCDOT) is applying to fund pedestrian countdown signal heads, crosswalks, and accessible routes at signalized intersections in more than a dozen towns and cities in North Carolina. RAISE grant funding will improve pedestrian safety at hundreds of NCDOT-maintained signals in historically underserved communities in the towns shown in the map below.



These proposed changes will improve accessibility for people at signalized intersections and provide pedestrians with dedicated WALK phases and marked crosswalks. Additional signal timing improvements will be implemented and sidewalk gaps constructed where feasible and needed. NCDOT identified candidate locations based on a statewide signal inventory and site review. If awarded, NCDOT Divisions will administer the project improvements.

How You Can Help

Please complete a **letter of support** and submit to Catherine Chestnutt at cchestnutt@vhb.com by **February 10, 2023**. Help NCDOT and USDOT learn more about the need for the proposed improvements in your community by **distributing this brief online survey** (<https://www.surveymonkey.com/r/WALKNC>) to local residents by January 27, 2023. We appreciate your collaboration and partnership as we hope to secure this RAISE grant and improve pedestrian safety at intersections.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7, 2023

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

Name of Presenter(s):

Requested Agenda Item: Council to consider adopting an Ordinance amending Chapter 2, Article II, Division 2 of the Code of the City of Salisbury relating to Rules of Procedure for the Salisbury City Council.

Description of Requested Agenda Item: During Retreat Council discussed various options to improve meeting efficiency. There was a consensus to amend Council's Rules of Procedure to have requests from the public presented during Public Comment. Individuals or groups presenting to Council will be allocated three minutes in accordance to the Rules for Public Comment and speakers can combine times for a total of six minutes. Council also agreed to discuss items they would like to place on the agenda with the full Council during Council comments. Following discussion with the full board, the item will be placed on the next regular agenda.

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 consider adopting an Ordinance amending Chapter 2, Article II, Division 2 of the Code of the City of Salisbury relating to Rules of Procedure for the Salisbury City Council.

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

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

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

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE II, DIVISION 2, OF THE CODE OF
THE CITY OF SALISBURY, RELATING TO RULES OF PROCEDURE FOR THE
SALISBURY CITY COUNCIL

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

SECTION 1. That Section 2-51, Rule 13 and Rule 15, of the Code of the City of Salisbury be amended to delete the stricken language and add the underlined language as follows:

Rule 13(2) Requesting placement of items on draft agenda

For a regular meeting, a request to have an item of business placed on the draft agenda should be received by the city manager or city clerk at least seven (7) days before the date of the meeting. ~~The city manager or city clerk must place an item on the draft agenda in response to a council member's timely request.~~ Individual council members should request that items be placed on the draft agenda during a council meeting. Following a discussion by the council, if any, agenda items requested by a council member will be placed on the draft agenda for the following council meeting or at a later meeting as requested by the council member.

Rule 15. Agenda items from members of the public.

If a member of the public wishes to request that the council include an item on its regular meeting agenda, the request should be made ~~the city clerk or city manager by the deadline specified in Rule 13(a)~~ during the public comment portion of the meeting. The council is not obligated to place an item on the agenda merely because such a request has been made.

SECTION 2. That all ordinances, or the parts of ordinances in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION 3. That this Ordinance shall be effective upon adoption by the City of Salisbury from and after its passage.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7, 2023

Name of Group(s) or Individual(s) Making Request: Interim Police Chief Brian Stallings

Name of Presenter(s): Interim Police Chief Brian Stallings, Captain PJ Smith and BCJI Community Project Coordinator Chanel Nestor

Requested Agenda Item: Council to receive an update regarding Police Department policies, training initiatives, and working with the community and an introduction of BCJI Community Project Coordinator Chanel Nestor.

Description of Requested Agenda Item: Interim Police Chief Brian Stallings will provide an update to Council regarding Police Department policies and training initiatives that strengthen the work of officers in the community and ensure equitable service and protection to all citizens. This will include an introduction of Chanel Nestor and a brief update on the WEST END grant funded project.

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 receive an update regarding Police Department policies, training initiatives, and working with the community and an introduction of BCJI Community Project Coordinator Chanel Nestor. *Please note if item includes an ordinance, resolution or petition*

Contact Information for Group or Individual: Interim Chief Brian Stallings

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*****

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7, 2023

Name of Group(s) or Individual(s) Making Request: Wade Furches, Finance Director

Name of Presenter(s): Elsa Watts, Martin Starnes, CPAs

Requested Agenda Item: Council to receive on the June 30, 2022 Annual Comprehensive Financial Report from auditors Martin Starnes, CPAs.

Description of Requested Agenda Item: Elsa Watts from Martin Starnes will give a presentation on the June 30, 2022 Annual Comprehensive Financial Report.

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: Wade Furches, Finance Director

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

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7, 2023

Name of Group(s) or Individual(s) Making Request: Fire Chief Bob Parnell, Finance Director Wade Furches

Name of Presenter(s): Fire Chief Bob Parnell, Architect Bill Burgin, Finance Director Wade Furches, and Municipal Advisor David Cheatwood

Requested Agenda Item: Council to receive an update on the status of the new Fire Station 3 and possible funding options.

Description of Requested Agenda Item: Council has received information on the proposed new Fire Station 3. Architect Bill Burgin will update Council on the status of design work, various required approvals, and time frame that the City could potentially go out for bids. Council will be introduced to the City's Municipal Advisor for this project, Mr. David Cheatwood. Wade Furches will present financing options and a potential financing schedule.

Council previously authorized staff to work with Architect Bill Burgin to complete the design of Fire Station 3. A new station is needed due to structural concerns, inadequate space, and health and safety concerns at the current Fire Station 3.

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: Direct staff to move forward to bid out Fire Station 3 to begin construction Summer 2023 and to include a mix of funding from sources including Fund Balance, ARPA Funds and debt service/financing. This includes coordinating the process with the Local Government Commission (LGC) for financing approval and bring the bids and financing back to Council for its approval.

Contact Information for Group or Individual: Wade Furches, 704-638-5302

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

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

FINANCE DEPARTMENT INFORMATION:

S. Wade Furches

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: *February 7, 2023*

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

Name of Presenter(s): *Scott Shelton*

Requested Agenda Item: *Public Hearing & Summary Presentation for Crow Holdings incentive request*

Description of Requested Agenda Item: *The Rowan EDC will give a presentation to Council regarding the Crow Holdings project and its incentive request. Council would then hold a public hearing and consider the request.*

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: *Hear EDC presentation, hold public hearing, & consider incentive request.*

Contact Information for Group or Individual: *Scott Shelton (704.637.5526 / scott@rowanedic.com)*

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

Be an original.

Memorandum

Date: January 27, 2023

To: Salisbury City Council

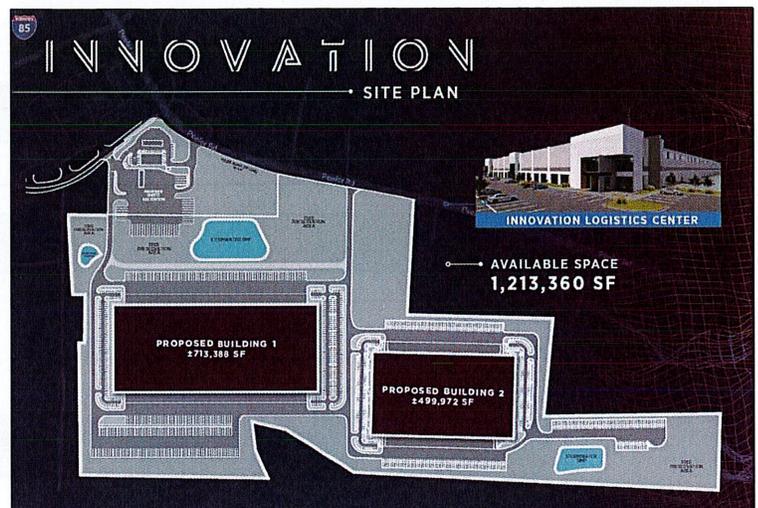
Cc: Jim Greene, City Manager
 Connie Snyder, City Clerk

From: Scott Shelton, Vice President

Re: *Summary of proposed incentive agreement with Crow Holdings*

Dear Mayor Alexander and Council Members,

Thank you for hearing this request from Crow Holdings Development (Crow). As you will recall, the company is planning two new Class A speculative buildings on a site located between Peeler Road and Pietryk Road. The site is comprised of seven parcels (Parcels 408-030, 410-001, 410-019, 410-029, 410-112, 410-124, and 410-128) and Council voted to annex the site on May 17th. Crow plans to court both manufacturing and distribution companies as potential tenants for the new facilities. The first building will be approximately 713,000 square feet and the second building will be approximately 500,000 square feet.



Crow estimates that it will invest at least \$73 million in new construction for this project. The proposed site currently lacks public water and sewer, and extensions will be necessary to make the project viable. In addition to public sewer and water extensions, the site requires offsite public road improvements on Peeler Road, as well as on Pietryk Road. The company estimates the cost of these infrastructure improvements to be \$3.97 million. Crow will pay for these improvements and is asking that the City Council consider a tax incentive grant to help them offset their infrastructure costs. The company is requesting an incentive grant that differs from the City's standard policy. Below is a summary of the current City policy, Crow's proposal, and a side-by-side comparison.

Current City Incentive Policy

The City's Investment Grant Program policy, which was approved in 2006, established three grant levels based on minimum capital investment amounts by a company. The grant is paid over five annual installments and the amount is based on a percentage of the new taxes paid to the City by the company.

<i>Grant Category</i>	<i>Minimum Investment Required</i>	<i>Grant Percentage</i>
Level 1 Grant	\$5 million	75%
Level 2 Grant	\$50 million	80%
Level 3 Grant	\$100 million	85%



PARTNERSHIP for ECONOMIC DEVELOPMENT
SALISBURY, NC

Be an original.

Based on the City's current incentive policy, Crow's project would be eligible for a Level 2 Grant which is equivalent to 80% of any new real property taxes paid to the City over a five-year period.

As illustrated below, a \$73 million taxable investment by Crow would result in an incentive grant valued at \$2.1 million when using the current incentive policy. The City of Salisbury would also receive \$3.1 million in net revenue over a ten-year period.

		Year 1	Year 2	Year 3	Year 4	Year 5
Total Capital Investment	Total planned amount of Expansion project	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000
City Tax Rate	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%
City Tax Revenue	Local Taxable Capital Investment times City Tax Rate	\$525,308	\$525,308	\$525,308	\$525,308	\$525,308
Expansion Grant %	80% for 5 years.	80%	80%	80%	80%	80%
Expansion Grant %	City Tax Revenue times Expansion Grant	\$420,246	\$420,246	\$420,246	\$420,246	\$420,246
City Net Revenue	City Tax Revenue minus Expansion Grant	\$105,062	\$105,062	\$105,062	\$105,062	\$105,062

	Year 6	Year 7	Year 8	Year 9	Year 10	Totals
Total Capital Investment	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000
City Tax Rate	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%
City Tax Revenue	\$525,308	\$525,308	\$525,308	\$525,308	\$525,308	\$5,253,080
Expansion Grant %						
Expansion Grant %	\$0	\$0	\$0	\$0	\$0	\$2,101,232
City Net Revenue	\$525,308	\$525,308	\$525,308	\$525,308	\$525,308	\$3,151,848

Crow Holdings Development Proposal

Crow would like to recoup their infrastructure-related costs over a shorter period of time than the standard, 5-year grant term. As a result, the Company is asking Council to consider a grant equivalent to 90% of any new real property taxes paid to the City over a three-year period. These grant terms are identical to an incentive approved for Trammel Crow Development's speculative project at the April 5th Council Meeting.

When using Crow's requested grant parameters, a \$73 million taxable investment by the Company would result in a tax incentive grant valued at \$1.4 million. The City of Salisbury would also receive \$3.8 million in net revenue over a ten-year period.

		Year 1	Year 2	Year 3	Year 4	Year 5
Total Capital Investment	Total planned amount of Expansion project	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000
City Tax Rate	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%
City Tax Revenue	Local Taxable Capital Investment times City Tax Rate	\$525,308	\$525,308	\$525,308	\$525,308	\$525,308
Expansion Grant %	90% for 3 years.	90%	90%	90%		
Expansion Grant %	City Tax Revenue times Expansion Grant	\$472,777	\$472,777	\$472,777	\$0	\$0
City Net Revenue	City Tax Revenue minus Expansion Grant	\$52,531	\$52,531	\$52,531	\$525,308	\$525,308



PARTNERSHIP for ECONOMIC DEVELOPMENT
SALISBURY, NC

Be an original.

	Year 6	Year 7	Year 8	Year 9	Year 10	Totals
Total Capital Investment	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000	\$73,000,000
City Tax Rate	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%	0.7196%
City Tax Revenue	\$525,308	\$525,308	\$525,308	\$525,308	\$525,308	\$5,253,080
Expansion Grant %						
Expansion Grant %	\$0	\$0	\$0	\$0	\$0	\$1,418,332
City Net Revenue	\$525,308	\$525,308	\$525,308	\$525,308	\$525,308	\$3,834,748

Side By Side Comparison

As the below chart illustrates, Crow’s incentive request would result in a smaller overall grant payment and a corresponding increase in net revenue to the City of approximately \$683,000 over a ten-year period.

INCENTIVE GRANT	Proposed Investment	Grant Term	Grant Percentage	Total Grant Value	Total Net Revenue to City
City Policy	\$73 million	5 years	80%	\$2,101,232	\$3,151,848
Crow Holdings	\$73 million	3 years	90%	\$1,418,332	\$3,834,748

Additional Notes

It is important to note that Crow’s incentive request would apply only to real property improvements and taxes. Once a job-creating tenant occupies the building, Crow would like the City to consider offering an incentive grant to the tenant based on its taxable investments in business personal property.

Closing

Thank you for considering this request. We have the opportunity to partner with a company whose investment should help us attract additional jobs and investment in the City of Salisbury. If approved, news of this project will resonate positively with other developers and companies that are considering Salisbury and will increase our reputation as a business-friendly community.

On behalf of the staff of the Rowan EDC, we look forward to providing you any additional information or meeting with you personally to discuss these findings in detail. Please do not hesitate to contact our office with any questions you may have regarding this matter. We look forward to your feedback.

Yours truly,

Scott Shelton
Vice President

NORTH CAROLINA
ROWAN COUNTY

RELOCATION AND EXPANSION ASSISTANCE AGREEMENT

THIS RELOCATION AND EXPANSION ASSISTANCE AGREEMENT (the "Agreement") is made and entered into as of the 7th day of February, 2023, by and between the City of Salisbury, North Carolina, a body politic (hereinafter referred to as the "City") and CH-M SELC Peeler, LLC. (hereinafter referred to as the "Company").

WITNESSETH

WHEREAS, the Company has explored the possibility of establishing a new Facilities in the City (the "Project"), which would increase taxable property in the City and result in the creation of a number of jobs, industrial output, business prospects, and a potential increase in the population in the City; and

WHEREAS, the Company has determined that the property located at 331 Pietryk Drive, Salisbury, North Carolina (the "Property"), also identified as Rowan County Tax Parcels 408-030, 410-001, 410-019, 410-029, 410-112, 410-124, and 410-128, and more particularly described in attached Exhibit A, which is incorporated into this Agreement by reference, is a suitable location for its real property improvements and the development of two industrial facilities, totaling approximately 1,200,000 square feet, known as Innovation Logistics Center (the "Facilities"); and

WHEREAS, in order to induce the Company to make improvements on the Property, the City is willing to provide, or cause to be provided, to the Company certain inducements, upon terms and conditions binding upon the City as set forth herein; and

WHEREAS, prior to beginning any improvement on the Property, the Company and City met and agreed to enter into this Agreement; and

WHEREAS, the Company is community-oriented and open to learning about and participating in philanthropic and community events and programs intended to increase the health and happiness of its employees and the greater community as a whole; and the Company will consider participation in the Rowan EDC's Forward Rowan campaign; and

WHEREAS, the Company is encouraged, to the extent reasonably possible, to purchase local services and supplies, such as, but not limited to, locally produced products, local hotel, motel and hospitality services, local construction services, and other products and services;

WHEREAS, in consideration of the undertakings and agreements set forth herein, approximately \$73 million dollars will be invested by or on behalf of the Company in real property improvements and the Facilities on the Property; and the parties will comply with the covenants and conditions binding upon them as set forth herein, all of which are intended to create a positive economic impact in the City.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Company and the City hereby agree as follows:

ARTICLE I
CITY INDUCEMENTS

The City shall provide financial assistance to the Company through its “Relocation and Expansion Assistance Program”, as hereinafter described, with respect to the Company’s development of the Property and other related expenses as follows:

- 1) The “Relocation and Expansion Assistance Program” will be provided as a “Relocation and Expansion Incentive Grant” (“Grant”) to assist the Company with construction and other capital improvements in the City. The Grant will specifically apply to the Property and all real property improvements newly installed and used at the Property (“Facilities”).
- 2) The amount of the Grant will be computed using the following steps:
 - a) Real Property Valuation.
 - i) *First*, for each tax year that the Grant is applicable to the Property (subject to the limitations below), the actual assessed tax value of the real property located at such Property shall be determined (“**Applicable Year PV**”).
 - ii) *Second*, in each year for which a grant is to be paid, the following value shall be subtracted from the **Applicable Year PV**: the amount of the real property value of the Property assessed (i) as of January 1, 2023 and (ii) prior to the investments made by the Company in real property at such property (the “**Baseline PV**”). The result of this computation in each of the three years for which the grant is to be paid shall be defined as the “**New Real PV**” for the Property.
 - b) City Property Tax Determination. The amount of real property taxes that shall be paid in connection with the **New Real PV** shall be determined by multiplying the **New Real PV** by the then-current City tax rate (excluding county tax rates) applicable in such year. Such amount shall be the “**New Project Property Tax.**”
 - c) Grant Amount Determination. The amount of a grant payment in any given year shall be equal to ninety percent (90%) of the **New Project Property Tax** of any given year (such amount is determined by multiplying 0.90 by the **New Project Property Tax**). The resulting amount is the **Grant** for the applicable year.
- 3) The Grant will be structured as a payment equal to a portion of the real property taxes assessed against and actually paid by the Company for the Property. Such payment of the Grant will be made to the Company. Upon confirmation by the City that the Company has paid its property taxes for the applicable year, the City shall pay the Grant annually to the Company between January 1st and June 30th of the fiscal year in which the taxes are due. The Grant amount payable to the Company shall be equal to Ninety Percent (90%) of the City real property taxes (excluding county taxes) paid on the **New Real PV** by the Company according to Paragraph 2 above at the prevailing City tax rate for the tax year of the requested Grant.

- 4) Tax amounts due on property discovered by the City through its customary audit procedures and not listed by the Company shall be excluded from this Agreement, and the City shall not be responsible for any grant payments on these amounts for any tax year.

ARTICLE II
SCHEDULE OF CORPORATE IMPROVEMENTS

- 1) The Company has determined that the Property is a suitable site for location of its Facilities. If the Company acquires the Property and proceeds with the Facilities, it will acquire all local permits, zoning approvals, and required state and federal permits, as applicable. The Company expects to have the Facilities substantially completed by December 31, 2024.
- 2) The Company shall receive the Grant for three separate tax years (“Grant Term”). Unless an event triggering the Force Majeure provision set forth in Article VII herein shall occur, the Grant Term shall commence on property assessed the earlier of (i.) January 1 following the year in which the Facilities has been issued a Certificate of Occupancy or (ii.) January 1, 2025. If the Facilities has not been issued a Certificate of Occupancy by January 1, 2025, the Grant shall be based on the percentage complete and assessed for that year; provided, however, that the City shall not be obligated to make any Grant payment if the Company has not been issued a Certificate of Occupancy unless the Company can show, to the reasonable satisfaction of the City, that the Facilities is actively under construction.
- 3) Any subsequent qualifying expansion of the Facilities by the Company shall be eligible (provided the Relocation and Expansion Assistance Program is still in effect) for consideration as a separate Grant under the Relocation and Expansion Assistance Program, each for a separate Grant Term.

ARTICLE III
REPRESENTATIONS, WARRANTIES AND COVENANTS - COMPANY

The Company represents, warrants and covenants to the City, as applicable, as of the date of this Agreement that:

- 1) *Standing*. The Company is a Delaware company duly organized and existing and in good standing under the laws of the State of Delaware. The Company is authorized to do business in the State of North Carolina.
- 2) *Authority*. The Company has the corporate power and authority to own its properties and assets, to carry on its business as it is now being conducted and to execute and perform this Agreement.
- 3) *Enforceability*. This Agreement is the legal, valid and binding agreement of the Company enforceable against the Company in accordance with its terms, except as such enforceability may be limited by bankruptcy, insolvency, reorganization, moratorium or similar state or federal laws, in effect from time to time, which affect the enforcement of creditors’ rights generally.

- 4) No Violations. This agreement does not violate the charter documents or bylaws of the Company or any provisions of any indenture, agreement or other instrument to which the Company is a party.
- 5) No Conflicts. This agreement does not conflict with, result in a breach of or constitute an event of default under (or an event which, with notice or lapse of time, or both, would constitute an event of default under) any indenture, agreement or other instrument to which the Company is a party.

ARTICLE IV
REPRESENTATIONS, WARRANTIES AND COVENENANTS - CITY

The City represents, warrants and covenants to the Company, as applicable, as of the date of this Agreement that:

- 1) The City (a) has full power and authority to enter into this Agreement and to enter into and carry out the transactions contemplated by this Agreement (b) by proper action has duly authorized the execution and delivery of this Agreement; and (c) is not in default under any provisions of this Agreement.
- 2) The City has duly authorized, executed, and delivered this Agreement, and this Agreement constitutes the City's legal, valid, and binding obligation, enforceable in accordance with its terms.
- 3) There is no litigation or proceeding pending or threatened against the City or affecting it which would adversely affect the validity of this Agreement.
- 4) The City is not in default under any provision of State law which would affect its existence or its powers as referred to in subsection (1).
- 5) To the best of the City's knowledge, no officer or official of the City has any interest (financial, employment, or other) in the Company or the transactions contemplated by this Agreement.
- 6) With respect to this Agreement, the City has complied fully with all requirements of N.C. General Statute 158-7.1 *et seq.*

ARTICLE V
GENERAL PROVISIONS

- 1) Governing Law. This Agreement shall be governed and construed under the laws of the State of North Carolina, notwithstanding any rules concerning application of the laws of another state or jurisdiction.
- 2) Assignment. This Agreement shall not be assignable, except that the Company may assign the Agreement to a buyer or tenant of the Facilities with the consent of the City, such consent not to be unreasonably withheld.

Suite 405
Charlotte, NC 28211
Phone: (704) 258-9147

Notice shall be deemed to have been given with respect to overnight carrier or certified mail, one (1) day after deposit with such carrier and as to facsimile, on date of transmission, provided additional service is made. The addresses may be changed by giving written notice as provided herein: provided, however, that unless and until such written notice is actually received, the last address stated herein shall be deemed to continue in effect for all purposes hereunder.

[Signature page follows]

IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed in quadruplicate originals, in their respective names, by persons duly authorized by proper authority, and have sealed the same as of the day and year first above written.

CH-M SELC Peeler, LLC

By: _____
Title: _____

[Corporate Seal]

ATTEST:

Name _____ (Seal)

CITY OF SALISBURY, NORTH CAROLINA

Karen K. Alexander
Mayor

[Corporate Seal]

ATTEST:

Connie Snyder
City Clerk

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

Wade Furches
Finance Director

APPROVED AS TO FORM AND LEGAL SUFFICENCY:

Graham Corriher
City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 02/07/2023

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

Name of Presenter(s): Victoria Bailiff, Senior Planner

Requested Agenda Item: LDOTA-05-2022 Certificates of Appropriateness & Industrial Development

Description of Requested Agenda Item: An ordinance amending Chapter 15, Development Process, of the Land Development Ordinance.

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)*

Council to hold public hearing and consider adopting an ordinance to amend the Land Development Ordinance as requested.

Contact Information for Group or Individual: Victoria Bailiff, victoria.bailiff@salisburync.gov, 704-638-5212

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

One Stop Development Shop

City of Salisbury Development Services
132 North Main Street | 704.638.5208



MEMORANDUM

TO: City Council
FROM: Victoria Bailiff
Senior Planner
DATE: City Council Meeting – February 7, 2023
RE: Ordinance Amendment – Chapter 15: Development Process

The proposed text amendments to Chapter 15 are minor in nature and involve changes to Section 15.7 regarding Certificates of Appropriateness and changes to Sections 15.8 and 15.9 regarding Industrial Development.

15.7 Certificate of Appropriateness (COA):

Amendments to this section include terminology changes; such as updating document references from “Historic Preservation Guidelines” to “Local Historic Design Standards,” and “Public Art Committee” to “Public Art Commission.” Changes were also made which address when Certificates of Appropriateness are not required; in this section a reference is made to a specific type of fixture, the “cobra” cut-off fixture, but the term “cobra” was removed so that this regulation would address any type of cut-off light fixture, not just the cobra style. In this same section bicycle racks of a certain construction have now been added to the list of items not requiring a COA. And the final amendment to this section increases the time period Temporary art and sculptures are allowed to remain in place or to be renewed, from six months to one year.

15.8 Minor Site Plan and 15.9 Major Site Plan:

Industrial developments are currently listed as a Minor Site Plan review type, however, due to the fact that most industrial developments are large sites that often have a significant environmental impact and greatly impact surrounding properties, staff felt that these sites warranted review as a Major Site Plan that would be reviewed

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by the Technical Review Committee (TRC). Therefore, industrial developments have been moved from Section 15.8 to Section 15.9

These amendments were sent to TRC for review on December 15, 2022 where the amendments were approved with no changes requested.

The proposed amendments were reviewed by the Planning Board at their meeting on January 10, 2023; the Board found the amendments to be reasonable and unanimously recommended approval.

Within your packets you will find two versions of Chapter 15; the first is the redlined version so that you can easily see edits, and last is the clean edited version for easier reading.

15.7 Certificate of Appropriateness

A. Applicability

Buildings, structures, sites, areas, or objects in Locally Designated Historic Districts and Landmarks

B. Certificate of Appropriateness Required

1. No exterior portion of any buildings structures, sites, areas, or objects(including but not limited to masonry, walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on a locally designated landmark, or within the local historic overlay districts until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Preservation Commission for major works or City Staff for minor works.

Alterations shall be evaluated for appropriateness by applying the “Historic Design Standards,” incorporated into this Land Development Ordinance by reference. The Historic Design Standards provide guidance related to exterior features and includes reference to the architectural style, general design and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material, the size and scale of the building and the type and style of all windows, doors, light fixtures, signs and/or other appurtenant fixtures. In the case of outdoor advertising signs and/or other objects, exterior features shall be construed to mean the style, material, size and location of all such signs.

2. A Certificate of Appropriateness shall be issued by the Commission or City Staff prior to the issuance of a zoning permit or other permit granted for purposes of constructing, altering, moving or demolishing structures. A Certificate of Appropriateness shall be required whether or not a zoning permit is required. Therefore, a Certificate of Appropriateness is a prerequisite to the issuance of such a zoning permit or such other permits. Any such zoning permits or such other permits not issued in conformity with this section shall be invalid.
3. The State of North Carolina, the City of Salisbury and all public utility companies shall be required to obtain a Certificate of Appropriateness for work within the boundaries of landmarks and in the historic district prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the State of North Carolina, the City of Salisbury or public utility companies.

C. Criteria to determine appropriateness: The following review criteria, along with companion Historic Design Standards, incorporated by reference, and the ~~Standards Guidelines~~ of the Secretary of the Interior, shall be considered, relevant to make Findings of Fact indicating the extent to which the application for a Certificate of Appropriateness is or is not congruous with the historic aspects of the designated landmark or district.

1. Building height.
2. Walls.
3. Proportion of width to height of the total building facade.
4. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration.
5. Spacing of buildings, defined as the distance between adjacent buildings.
6. Building materials.
7. Surface textures.
8. Color.
9. Expression of architectural detailing.
10. Roof shapes.
11. Scale.
12. Orientation of the building to the street.
13. Ground cover or paving.
14. Signs.
15. Exterior lighting and appurtenant features.
16. The Commission shall adopt principles and ~~standards guidelines~~ interpreting these criteria for new construction, alterations, additions, moving and demolition of landmarks or properties in the historic district.

D. Newly established Local Historic Overlay districts and Historic Landmark Overlays shall fall under the regulation of the Historic Design ~~Guidelines-Standards~~ unless otherwise detailed and adopted.

- E. Certificate of Appropriateness Not Required:** Examples of specific items that will not require a Certificate of Appropriateness are:
1. Underground utilities, except where archaeological finds or sites are uncovered;
 2. Extension or upgrading of service to customers for equipment such as meters, valves and cleanouts;
 3. Changes in type or amount of mechanical equipment such as interfaces, transformers or traffic-control devices on existing overhead lines, poles or ground-mounted installations;
 4. Deletion or replacement of poles of standard material and height, not to exceed forty-five (45) feet;
 5. Addition or deletion of fire hydrants;
 6. Routine replacement of street signs;
 7. Any upgrading of facilities to comply with National Electrical Safety Code (NESC) requirements;
 8. Addition of equipment on existing lines or poles;
 9. Replacement of existing overhead lines, poles or ground-mounted installation;
 10. Addition or replacement of street lights on existing poles according to the City's standard street lighting policy and using ~~cobra~~-cut-off fixtures, except on blocks with gas lamps;
 11. Addition or replacement of benches, ~~and~~ trash receptacles, and bicycle racks in the downtown constructed of steel, dark green or black in color, using traditional designs similar in appearance to existing examples in the downtown;
 12. Addition or replacement of decorative, pedestrian-scale street lights in the public right-of-way constructed of steel, dark green or black in color, using traditional designs similar in appearance to existing examples in the downtown;
 13. Sidewalks, curb extensions at intersections and truncated dome insets on handicap ramps constructed of brick pavers in color variations of red, red-brown, or maroon, and buff as a secondary color, with granite or concrete curbs;
 14. Temporary art or sculpture where free-standing displays will be limited to a period of no more than ~~six months~~one year and where all supporting surface materials, including concrete, asphalt, brick paving, sod or other materials, will be returned to their original appearance at the end of the display period, and that after a period of ~~six months~~one year, a renewal of ~~six months~~one year may be allowed pending approval of the Public Art Commission~~tee~~.

F. Certificate of Appropriateness for Demolition

1. In accordance with NCGS § 160D-949 , an application for a Certificate of Appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within historic district may not be denied except as provided in paragraph (2) below. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.
2. An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site or structure determined by the state historic preservation officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where:
 - a. The Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial; or
 - b. The City has adopted a demolition ordinance under the minimum housing code.
3. If the Commission has voted to recommend designation of a property as a Landmark or designation of an area as a District, and final designation has not been made by the City Council, the demolition or destruction of any building, site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever comes first.

G. Authentic Restorations

1. In the event that the Commission, in considering an application for a Certificate of Appropriateness, shall find that a building or structure for which a zoning permit is requested is to be an authentic restoration or reconstruction of a building or structure which existed at the same location but does not meet zoning requirements, said building or structure may be authorized to be restored or reconstructed at the same location where the original building or structure was located, provided the Zoning Board of Adjustment authorizes such as a special exception and no use other than that permitted in the district in which such is located is made of said property. Such conditions as may be attached to the Historic Preservation Commission approval and those conditions as may be set by the Zoning Board of Adjustment shall be included in any Certificate of Appropriateness related thereto.

2. If the Commission finds that an application for a Certificate of Appropriateness concerning any porches, steps, posts, fences, walls or other items extending over, on or within public rights-of-way to be necessary for the authentic restoration, reconstruction or maintenance thereof, and will not impede or block pedestrian traffic or constitute a hazard to public safety, such findings shall be transmitted to City Council for its consideration in authorizing or denying such encroachments into rights-of-way.
3. If the Council authorizes such encroachment, any items restored, reconstructed or maintained on, over or within a public right-of-way shall be the responsibility of the owner, and the owner shall agree to protect and hold the City of Salisbury blameless against any and all liability, cost damage or expense suffered as a result of the restoration, reconstruction or maintenance thereof. The lowest point of any such item projecting over any sidewalk shall be at least nine (9) feet above the sidewalk immediately below.

H. Minor Works: A Certificate of Appropriateness application, when determined to involve a minor work, may be reviewed and approved by the Administrator (Staff Approval). Minor Works are defined as those exterior changes that do not involve substantial alterations, additions or removals that could impair the integrity of the landmark or property in the historic district and are specified in the Historic Design Standards.

An application may receive a Certificate of Appropriateness from City staff if it falls under the list of minor works provided in the ~~Historic Preservation Guidelines~~[Local Historic Design Standards](#) and/or incorporated Rules of Procedure.. If staff does not or cannot approve a Certificate of Appropriateness, the applicant will be advised to make a formal application to the Historic Preservation Commission. No application may be denied without formal action by the Historic Preservation Commission.

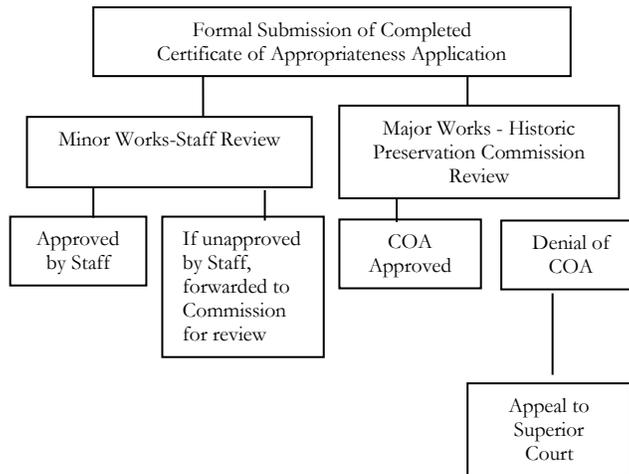
I. Effect of Certification of Appropriateness Approval: Passage of a motion to approve, with or without modification, an application shall constitute the issuance of a Certificate of Appropriateness by the Historic Preservation Commission. The application and the duly approved minutes of the Commission shall constitute the written documentation of such issuances. Following the meeting a Certificate shall be mailed to the property for which a Certificate has been issued. The Certificate shall be posted on the premises, in a location visible from the street, while the work is in progress. Minutes of a Historic Preservation Commission meeting shall be approved before the end of the next meeting.

J. Expiration of Certificate: A Certificate of Appropriateness shall be valid for a period of six (6) months from the date of issuance for the purpose of obtaining a Zoning Permit or other permit for constructing or altering structures. A Certificate of Appropriateness shall expire six (6) months after the date of issuance if the work authorized by the Certificate has not been commenced. If after commencement the work is discontinued for a period of six (6) months, the permit therefore shall immediately expire.

K. Demolition by Neglect Prohibited: RESERVED

L. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Certificate of Appropriateness – Minor Works	Administrator (Staff)	COA Issued	Historic Preservation Commission
Certificate of Appropriateness - Major Works -	Historic Preservation Commission	COA Issued -or- Denied and/or Request for Resubmission	Superior Court



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15.8 Minor Site Plan

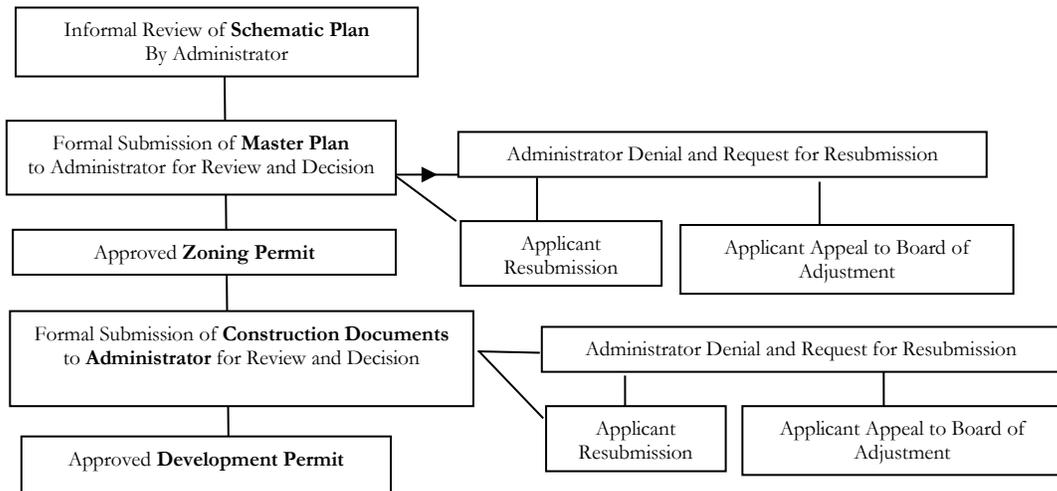
A. Applicability:

- Multi-family development less than 8 units
- Non-residential development or expansion less than 10,000 square feet in gross floor area
- ~~Industrial development~~

B. Case Management: The Administrator, or their designee, shall assign a case number to all Minor Site Plans for processing and permanent tracking. Following original approval of the case, any and all changes to the plan shall be considered modifications to the original plan and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved plans for the same property or properties are prohibited.

C. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3)	Administrator	For Non-Binding Review Only	n/a
Master Plan (16.4)	Administrator	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Board of Adjustment
Construction Documents (16.5) (if applicable)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Board of Adjustment



15.9 Major Site Plan

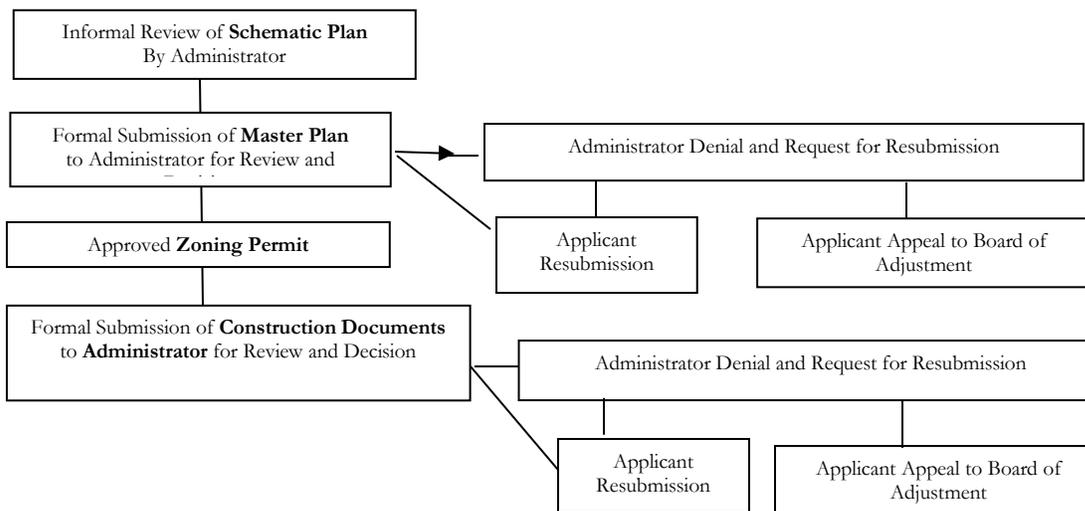
A. Applicability:

- Multi-family development with 8 or more units
- Non-residential development or expansion 10,000 square feet or greater in gross floor area
- Industrial development

B. **Case Management:** The Administrator, or their designee, shall assign a case number to all Major Site Plans for processing and permanent tracking. Following original approval of the case, any and all changes to the plan shall be considered modifications to the original plan and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved plans for the same property or properties are prohibited.

C. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3)	Administrator	For Non-Binding Review Only	n/a
Master Plan (16.4)	Technical Review Committee (TRC)	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.5)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



LDOTA-05-2022 CERTIFICATES OF APPROPRIATENESS & INDUSTRIAL DEVELOPMENT



PETITION TO AMEND: LAND DEVELOPMENT ORDINANCE

- CHAPTER 15 DEVELOPMENT PROCESS

CHAPTER 15: DEVELOPMENT PROCESS

C. **Criteria to determine appropriateness:** The following review criteria, along with companion Historic Design Standards, incorporated by reference, and the Standards Guidelines of the Secretary of the Interior, shall be considered, relevant to make Findings of Fact indicating the extent to which the application for a Certificate of Appropriateness is or is not congruous with the historic aspects of the designated landmark or district.

10. Addition or replacement of street lights on existing poles according to the City's standard street lighting policy and using ~~cobra~~-cut-off fixtures, except on blocks with gas lamps;

11. Addition or replacement of benches, ~~and~~ trash receptacles, and bicycle racks in the downtown constructed of steel, dark green or black in color, using traditional designs similar in appearance to existing examples in the downtown;

14. Temporary art or sculpture where free-standing displays will be limited to a period of no more than ~~six months~~one year and where all supporting surface materials, including concrete, asphalt, brick paving, sod or other materials, will be returned to their original appearance at the end of the display period, and that after a period of ~~six months~~one year, a renewal of ~~six months~~one year may be allowed pending approval of the Public Art Commission~~tee~~.

15.8 Minor Site Plan

A. Applicability:

- Multi-family development less than 8 units
- Non-residential development or expansion less than 10,000 square feet in gross floor area
- ~~Industrial development~~

15.9 Major Site Plan

A. Applicability:

- Multi-family development with 8 or more units
- Non-residential development or expansion 10,000 square feet or greater in gross floor area
- Industrial development



The City of Salisbury Planning Board recommended approval of the aforementioned amendment of the Land Development Ordinance at the January 10, 2023 Planning Board Meeting as being consistent with the Vision 2020 Comprehensive Plan.

CONSISTENCY STATEMENT:

The proposed amendments to the Land Development Ordinance as underlined or stricken herein are reasonable, in the public interest, and consistent with the Vision 2020 Comprehensive Plan relative to continually refining the policies and provisions of the development process and finding creative solutions for unique properties while protecting neighborhood interests.

AN ORDINANCE AMENDING CHAPTER 15 (DEVELOPMENT PROCESS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA. (PETITION NO. LDOTA-05-2022)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment on January 10, 2023 and hereby recommends its approval; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of February 7, 2023; and

WHEREAS, the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and is consistent with the Vision 2020 Comprehensive Plan.

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

SECTION 1. That CHAPTER 15 (DEVELOPMENT PROCESS) is amended as underlined or stricken.

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. That this ordinance shall be effective from and after its passage.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: February 7, 2023

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

Name of Presenter(s): Jim Behmer

Requested Agenda Item: Water Supply Resiliency Project for Salisbury-Rowan Utilities Raw Water Pump Station Along the Yadkin River

Description of Requested Agenda Item: In January 2022, Salisbury received notification that its application for a Building Resilient Infrastructure and Communities (“BRIC”) grant in the amount \$31.5 million was a finalist and would most likely be awarded between October 2023 and January 2024. The project is to design and construct a relocated pump station with vulnerable facilities located outside the flood hazard area. Cube Yadkin Generation LLC (Cube) supported Salisbury in the grant application and committed to provide Salisbury with a local non-federal match to fund a portion of the Relocation Project in an amount of up to \$9 million. In order to proceed with the necessary FEMA and NCDEQ review and approval process and timeline, the City will need to proceed with further engineering, environmental planning, historic preservation, permitting, and 60% construction documents during calendar year 2023. Cube has also agreed to use approximately \$2 million of its local non-federal \$9 million match for these ongoing engineering services.

SRU issued a Request for Qualifications on January 10, 2023 for qualified firms to submit Statements of Qualifications for engineering services related to this project. SRU received two (2) responses and selected Black & Veatch International Company to be the most qualified firm based on the anticipated scope of services.

Attachments: Yes No

Fiscal Note: The Water Sewer Fund – Fund Balance has sufficient funds to appropriate \$3.2 million towards this project. Once the 2021BRIC grant is officially awarded, Cube’s local non-federal \$9 million match could be used to reimburse the City for these expenses that were incurred prior to the grant award.

Action Requested of Council for Agenda Item:

Council to consider awarding a contract to Black & Veatch International Company in an amount not to exceed \$2,900,000 for preliminary engineering, a portion of the detailed design, and environmental permitting to be completed for the Water Supply Resiliency Project for Salisbury-Rowan Utilities Raw Water Pump Station Along the Yadkin River.

AND

Council to consider adopting a Capital Project Ordinance in the amount of \$3,200,000 for the Water Supply Resiliency Project for Salisbury-Rowan Utilities Raw Water Pump Station Along the Yadkin River.

Contact Information for Group or Individual: Jim Behmer, Utilities Director

Salisbury City Council Agenda Item Request Form

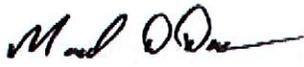


704-638-5202, jbehm@salisburync.gov

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:

"WATER SUPPLY RESILIENCY PROJECT FOR SRU PUMP STATION ALONG YADKIN
 RIVER
 Project ID No. EMA-2021-BR-005-0044
 CAPITAL PROJECT ORDINANCE

Be it ordained by the City Council of the City of Salisbury, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

Section 1. The project is for the relocation of the City's raw water facilities outside the flood hazard area.

Section 2. Increase Transfer from Water & Sewer Fund to Water & Sewer Capital Projects Fund

Appropriated Fund Balance	
030-000-000-499900	\$ 2,787,000

Transfer to Capital Projects Fund	
030-813-100-598032	2,787,000

Section 3. The following revenue is available to the City of Salisbury.

Contribution from Water & Sewer Fund	
032-000-000-498030	\$ 3,200,000

Section 4. The following amounts are appropriated for the project.

Professional Services	
032-805-000-549101	\$ 2,900,000

Engineering Services	
032-805-000-577200	<u>300,000</u>

\$ 3,200,000

Section 5. The Finance Officer is hereby directed to maintain a Capital Project with sufficient specific detailed accounting records to allow compliance with G.S. 159-28 Budgetary accounting for appropriations.

Section 6. Copies of this capital project ordinance shall be made available to the City Manager and the Finance Officer for direction in carrying out this project."

ATTACHMENT A SCOPE OF SERVICES

Owner: Salisbury-Rowan Utilities (SRU)
Project: Yadkin River Raw Water Pump Station Relocation

PROJECT DESCRIPTION

The scope of services covers preliminary engineering and a portion the detailed design and environmental permitting to be completed during calendar year 2023 for the relocation of the Yadkin River Raw Water Pump Station (RWPS). Detailed design will progress to Level 2 (60 percent) completion and the environmental permitting will progress through the submission of the Environmental Assessment and the early portions of the public response period. The scope of services for the remaining portions of detailed design and environmental permitting and bidding, construction administration and inspection services are not included herein and are anticipated to be contracted later as an amendment to this Agreement.

The facilities to be designed will be further defined during the preliminary engineering phase. Major components of the facilities to be designed are listed below:

- New combination intake and pumping station structure including:
 - Intake screening facilities.
 - Vertical turbine pumping units.
 - Wetwell sediment evacuation system.
 - Overhead traveling bridge crane.
 - Electrical room with motor starters and building electrical systems.
- New vehicular bridge from river bank to pump station operating floor.
- New compressor building.
- Gravel road and new raw water transmission main (RWTM) connecting new supply facilities to existing road and transmission main.
- Modification and/or expansion of the existing power systems.
- Integration of new monitoring and control to the existing SCADA system to accommodate the new facilities.
- Existing intake and pumping station anticipated to be abandoned in place.

The environmental permitting scope defined herein is specific to the relocation of the existing RWPS and intake approximately 0.4 miles south to the Fries property (Parcel # 308176), off Hannah Ferry Road and abutting Carolina Sand property. With a flood elevation of 648 feet above sea level, the hill site allows the proposed pump station operating floor and surrounding grade to be above the flood stage at elevation 651 feet above sea level.

The Scope of Services is anticipated to be performed as follows:

Preliminary Engineering Services	February 1, 2023 – August 30, 2023
Environmental Permitting Assistance	February 1, 2023 – December 31, 2023
Construction Documents Phase	June 1, 2023 – December 31, 2023

PHASE 100. PRELIMINARY ENGINEERING

A. Administration and Coordination.

1. Conduct a project initiation meeting to clarify Owner's requirements for the project; review available data and project organization and staffing; and present initial work plan and schedule.
2. Conduct consultations and meetings with State and Federal agencies concerning the project to determine their requirements. Two (2) meetings are anticipated.
3. Participate in informal meetings with Owner to review progress and exchange ideas and information.
4. Prepare and distribute the minutes for project meetings. Minutes for the project meetings will include a record of decisions made and why those decisions were made.

B. Field Investigations.

1. Perform, through a subcontract, topographic survey of the river bottom, riverbanks and overall site and establish bench marks based on USGS datum. Confirm horizontal and vertical locations of existing piping, utilities, roadways or other facilities.
2. Geotechnical Services.
 - a. Provide, through a subcontract, geotechnical engineering services, including exploratory work, laboratory and field testing, and

professional guidance in tests to be made at test locations based on preliminary drawings and designs and including professional interpretations of exploratory and test data.

- b. Geotechnical scope of work assumes a total of thirteen (13) geotechnical borings including five (5) rock borings.

C. Permitting.

- 1. Permitting Assistance. Provide assistance to Owner during detailed design phase in obtaining permits and approvals from federal, state, and local agencies and from utility companies. Environmental permitting assistance covered in Phase 200. The following permits and approvals are anticipated:
 - a. North Carolina Building Code Review.
 - b. City/County Building Standards Review.
 - c. Erosion/Sedimentation Control Plan review by NCDEQ.
 - d. Authorization to Construct from NCDEQ.
 - e. NPDES Authorization for NCDEQ.
 - f. City/County Floodplain Development Permit (No-Rise Certificate)
 - g. City/County Stormwater Permit.
 - h. City/County Zoning.

D. Preliminary Evaluations

- 1. Pump Selections. Evaluation of the type, quantity, capacity and operating conditions of the raw water pumps. Pump selection will be used for RWTM transient analysis performed for design memorandum to identify surge mitigation approach.
- 2. Intake Screening Alternatives. Evaluation of potential intake screenings technologies including ancillary systems and appurtenances.
- 3. Wetwell Sediment Evacuations Alternatives. Develop and evaluate alternatives for sediment removal from intake and pumping station wetwell. Intake screenings alternative evaluation above to take into consideration screening technologies and configurations to minimize sediment load to wetwell.

4. Pipeline and Roadway Alignment Study. Evaluation of the two (2) potential pipeline and roadway alignments previously identified including hydraulic impacts to pump and raw water force main, roadway gradients, truck/equipment access for maintenance, and constructability. A single alignment for both pipeline and roadway is anticipated for design.
5. Bank Stabilization and Scour Strategy. Develop strategy for bank stabilization and scour mitigation for intake and pumping station, vehicular bridge piers/abutment, and disturbed bank area. Perform scour analysis for infrastructure within the Yadkin River to determine scour depth and develop foundation support strategy in conjunction with geotechnical boring results.
6. Power Load Study and Electrical Power Distribution Diagram. The electrical loads for the new facilities will be evaluated for current and future conditions. Existing electrical equipment will be evaluated for suitability for powering new supply facilities. New power distribution equipment will be identified and added to the power distribution diagram for the facilities. New stand-by power generation will be incorporated.
7. Communication Infrastructure Study. Communication needs for the New Raw Water Supply Facilities will be defined and control concepts developed. Integration into the existing monitoring and control features for the existing SCADA system.
8. Construction concepts to keep facilities in operation and everyone safe.

Each of these evaluations will be discussed during workshops and documented in meeting minutes. The resolutions from these evaluations will be documented in the Design Memorandum.

E. Design Memorandum.

1. A design memorandum will be prepared to provide a concise summary of design data and other information to be used for a basis of design for the project. Tabular format will be used where practical. The design memo will include pertinent information from the preliminary evaluations and detailed information as required to provide the following information:
 - a. Horizontal and Vertical Datum.
 - b. Applicable codes and standards.
 - c. Site survey and geotechnical investigation information.

- d. Preliminary hydraulic profiles.
 - e. General facilities site layout.
 - f. Raw water pump station facilities layout.
 - g. Other structural layouts.
 - h. Process design and hydraulic data.
 - i. Process equipment listings, including size, type, and horsepower.
 - j. Administrative and personnel areas.
 - k. HVAC systems description.
 - l. Major electrical systems description, including standby power.
 - m. Major instrumentation and control systems descriptions.
 - n. Auxiliary systems descriptions, e.g., sampling systems, analytical systems.
 - o. Special instructions from Owner, e.g., standardized equipment.
 - p. Permitting log.
 - q. Opinion of Probable Construction Cost.
 - r. Project Schedule.
- 2. Development of preliminary BIM model for the intake and pumping station.
 - 3. Conduct quality control review and revise as required. Submit to Owner for review and comment.
 - 4. After Owner has reviewed and commented, make any necessary modifications and submit revised design memorandum to State agency for review and comment.

PHASE 200 ENVIRONMENTAL PERMITTING ASSISTANCE

The environmental permitting tasks detailed in this phase of work are specific to the development of a State Environmental Policy Act (SEPA) document and U.S. Army Corps of Engineers (USACE) Section 404 and 10 Permit. As required under SEPA, state agencies must consider a proposed project's direct, secondary and cumulative

environmental impacts (construction and operation) before deciding whether to issue a permit or approval. The SEPA environmental review process will incorporate the input and needs of multiple state agencies into one decision document for the Project. Projects having high potential for environmental impacts must evaluate those potential impacts in an Environmental Assessment (EA) or Environmental Impact Statement (EIS). Based on the small number of facilities and the fact that most of the proposed pipeline will parallel an existing utility corridor, Black & Veatch believes there is a high probability that North Carolina Department of Environmental Quality (NCDEQ) will be able to fulfill its SEPA obligations using an EA rather than the more complex EIS. SEPA does not require a public hearing; however, a hearing may be held if significant public interest is expressed regarding a proposed project.

For the purposes of this scope, the following are noted:

- The project will satisfy the requirements of Nationwide Permit (NWP) 12 including less than ½ acre permanent fill in waters of the United States, including wetlands and no changes to preconstruction contours in the Yadkin River from the construction of the new intake structure.
- State authorization for construction will be concurrent with 404/401 permitting process.
- It is anticipated that the Project will not be subject to Section 408 review by the USACE since this regulation applies to works constructed, operated and maintained by the USACE such as locks, dams and local flood control projects. The portion of the Yadkin River affected by the Project is likely only subject to Section 10, Rivers and Harbors Act of 1899.
- This scope does not include face-to-face meetings with U.S. Fish & Wildlife Service, NC State Historic Preservation Office, NC Natural Heritage Program, and local entities.

A. Task 1 – Wetland Delineation, Survey, and Reporting.

Task 1 includes all work related to the wetland delineation, report, and survey of the proposed Yadkin River Raw Water Intake and Pump Station Footprint which is approximately 20 acres in size.

The wetland delineation will be conducted in accordance with the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0)(2012)* to identify all waters of the United States, including wetlands within the project footprint.

Flag locations of waters of the United States, including wetlands will be surveyed in accordance with the accuracy requirements of the USACE Wilmington District.

The Wetland Delineation Report will include all required documentation, field notes, forms and mapping of surveyed wetland locations. One (1) draft Wetland Delineation Report will be prepared for review by the Owner and one (1) final report will be prepared based on Owner comments.

B. Task 2 – Habitat Suitability Assessment.

Task 2 includes consultation with the United States Fish & Wildlife Service (USFWS) and the North Carolina Department of Environmental Quality (NCDEQ) Natural Heritage Program (NHP) to determine the documented occurrence of threatened and/or endangered species or their habitat within the Project footprint and immediate surrounding areas. Costs include one (1) set of revisions based on Client comments and one (1) final set of consultation letters. Agency response time requires a minimum of 30 days.

A Habitat Suitability Assessment will also be conducted to determine the suitability of the habitat within the Project footprint to support federal and state-listed species for Rowan County, North Carolina. This assessment and reporting will include the following:

1. Habitat Suitability Assessment – conduct a field assessment of the Project footprint to determine areas of suitable habitat for federal and/or state listed threatened and endangered species.
2. Preparation of one (1) draft Habitat Suitability Report for review by the Client and one (1) final report.

Should suitable habitat be observed during the habitat suitability assessment, additional species-specific surveys may be required by USFWS and/or NCDEQ and can be provided in a separate scope and cost estimate.

C. Task 3 – Cultural Resources Investigation.

Task 3 includes the preparation and submittal of consultation letters to the North Carolina State Historic Preservation Office and the Trading Ford Historic District Preservation Association to determine presence of historic or archaeological resources that may be impacted by the proposed project.

The consultation letters will contain all pertinent Project information and a U.S. Geological Survey (USGS) quadrangle site location map to obtain an accurate assessment of potential impacts to historical or cultural resources. Costs include one (1) set of revisions based on Client comments and one (1) final consultation letters. Agency response time is typically a minimum of 30 days.

It is not anticipated a Phase 1 cultural resources survey will be required for this project. If NCSHPO project review identifies the potential for cultural resources to be present within the project footprint, Black & Veatch will conduct as a

Supplemental Service to this Agreement an identification-phase (Phase I) cultural resources survey of the proposed project site to identify areas that may be adversely affected by construction. A cultural resources technical report will be prepared to present the results of the Phase I survey.

D. Task 4 – State Environmental Policy Act, Environmental Assessment.

The raw water intake and pump station relocation and abandonment project is anticipated to follow the State Environmental Policy Act (SEPA) which was adopted by the North Carolina General Assembly in 1971 (G.S. 113A, Article 1-13). The North Carolina SEPA was modeled after the National Environmental Policy Act (NEPA). The following are proposed to satisfy the requirements of the North Carolina SEPA:

1. Scoping Document – Preparation of an approximately two-page document with topographic maps of the project footprint and a project description for review and approval by the Owner. Once approved the scoping document will be submitted to the North Carolina State Clearing House (SCH) to solicit comments from local, state and federal agencies and interested parties of the public prior to development of the Environmental Assessment.
2. Development of Environmental Assessment (EA) – A draft EA will be developed for the new raw water intake and pumping station after comments have been received by the SCH. Because this is a relocation project, secondary and cumulative impacts are not anticipated and will not be evaluated. The EA will only document existing site conditions and potential impacts to environmental resources caused from the relocation of the new facilities and demolition or abandonment of the former facilities. The EA will involve the following:
 - a. Compile existing data for natural and cultural resources within the project vicinity. Data will be publicly available sources unless specific studies are performed or required (i.e., wetland delineation, threatened and endangered species habitat suitability assessment, etc.).
 - b. Provide description of alternatives considered, including the no-action alternative. The alternatives will be those previously developed. Alternatives developed under Task 5 and Task 6 are not included in this document.
 - c. Identify and quantify impacts to environmental resources.
 - d. Identify potential mitigation measures available for direct, unavoidable environmental impacts.
 - e. Prepare one (1) copy of the Draft EA and Finding of No Significant Impact (FONSI) for review and approval by Owner prior to submission to the NCDEQ.

- f. Revise based on Owner comments and submit Draft EA and Draft FONSI to the NCDEQ. It is difficult to predict the type of comments that will be received by agencies, interested public parties and others. Responding to comments does not include conducting specialty studies or field work beyond that specifically identified in this scope of services.
- g. Revise based on comments received from the NCDEQ and submit EA/FONSI to the SCH for review.
- h. Receive, review and respond to comments received by SCH from other agencies and interested parties regarding EA and FONSI. It is difficult to predict the type of comments that will be received on the EA. Responding to comments does not include specialty studies or field work beyond that specifically included in this scope of services.
- i. Prepare the Final EA and FONSI for submittal to the NCDEQ-Lead Division (identified during the SEPA process).

E. Task 5 – Preparation USACE Section 10/404 Nationwide Permit Application.

Task 5 includes the preparation and submittal of a United States Army Corps of Engineers (USACE) Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act Nationwide Permit (NWP) 12 Preconstruction Notification (PCN) Application to the USACE Wilmington District and North Carolina Department of Environment and Natural Resources. This task will take information from the EA (Task 4) and Alternatives Analysis (Task 6) and synthesize a complete application document package, including the application form, descriptive text narrative, and appendix data excerpts from the EA and alternatives analysis. This task does not include ongoing correspondence with the Corps or agency partners. All further comment responses, updates to the application documents, public meetings, meetings, and agency correspondence is not included but would be provided under separate scope and fee.

F. Task 6 – Alternatives Analysis.

In conjunction with the NWP in Task 5, Engineer will develop the preliminary layouts to support the alternatives analysis section of the permit applications. The preliminary information to be developed could include: hydraulic profile, pump station configuration, pipeline size, pipeline route, intake configuration, and equipment type and capacity. Design criteria for these items as well as architectural, structural, electrical, and controls would be provided during detailed design and are not part of this scope.

The Engineer will evaluate alternative pump station features in summary form as the basis for identifying the least-impactful alternative pump station arrangement. The documentation will include alternatives for: two pipeline and access road routes (over the top and constant level), three intake configurations (tower with

bridge, submerged, and bank-style), and matching pump station size and configuration.

- G. Owner and Engineer agree that the time and effort required to successfully obtain the needed environmental permits and approvals are not well defined and could be lengthy and time consuming. As a result, compensation for work covered in Phase 200 – Environmental Permitting Assistance has been separated from the other phases of work and will be tracked and invoiced based on billable hourly rates plus expenses. Budget costs for Environmental Permitting Assistance contained in this Agreement are for the period of service that is concurrent with the Preliminary Engineering Services. Additional budget costs may be required for the periods of service concurrent with the Detailed Design Services.

PHASE 300. CONSTRUCTION DOCUMENTS PHASE

- A. Administration and Coordination.
1. Arrange for and participate in informal meetings with Owner throughout the design phase to review progress and exchange ideas and information.
 2. Prepare and distribute the minutes for project meetings. Minutes for the project meetings will include a record of decisions made.
 3. Provide project management to coordinate activities of the project team and to provide overall Project direction to meet Owner's objectives. Coordinate communication with Owner and agencies.
 4. Conduct internal quality control reviews and constructability reviews at Project milestones.
 5. As part of the Basic Design Services, the Engineer shall produce interim documents for the purpose of review by Owner's staff and Engineer's quality control. The interim documents shall serve as milestones wherein certain features shall be fixed after a period of Owner review. The purpose of the interim documents and fixing certain features shall be to communicate the design progress and avoid later revisions that would impact design efficiency and Project cost and schedule. Changes made after fixing features will be considered Additional Services.
 6. Prepare detailed drawings and specifications and other Contract Documents for the proposed construction work and for the materials and equipment required.

The documents shall be prepared for selection of private construction contractors on a competitive bid basis, in accordance with North Carolina State bidding laws.

The Engineer's standard front-end and technical specifications and standard detailing techniques shall be used and coordinated to comply with Owner's Standards. Contract drawings shall be produced using Auto CAD 2021.

7. Prepare an opinion of probable construction cost at the pre-design phase and at the conclusion of Level 3. Provide Project Cost Trend Reports at the completions of Design Level 1, 2, and 3 designs. Trend Reports shall include a concise summary of unanticipated and Owner-requested changes to the scope of work and cost of each item.
 8. Prepare detailed drawings and specifications for one (1) construction contract.
- B. Level 1 Design
1. Deliverables.
 - a. Level 1 drawings.
 - b. Draft major process equipment (electrically powered) specifications.
 - c. Project Cost Trend Reports.
 2. Decisions. Finalize process schematics; dimensions of the floor plans and major sections of all new structures and their location on site; site plan; interior dimensions of rooms; locations of HVAC, plumbing, and electrical corridors; locations of major process equipment and piping within rooms; electrical power distribution concept diagrams; and instrumentation/control concept.
 3. Discussion. Level 1 Drawings will include the following:
 - a. Site grading and piping plans showing final dimensions.
 - b. Civil/structural floor plans (all structures).
 - c. Major process equipment details and preliminary piping layouts.
 - d. Equipment tag numbers.
 - e. Architectural layouts sufficient to establish room sizes.
 - f. Preliminary roof plans.

- g. Preliminary process and instrumentation diagrams (P&IDs) and control block diagrams.
- h. Preliminary HVAC layout plans.
- i. Preliminary electrical power distribution diagrams.

Upon completion of Level 1, the Engineer's quality control team will review the deliverables. Revisions shall be finalized before proceeding with Design Level 2. Level 1 represents approximately 30 percent of the design effort.

C. Level 2 Design

- 1. Deliverables
 - a. Level 2 drawings.
 - b. Level 2 technical specifications.
 - c. Project Cost Trend Reports.
- 2. Decisions. Finalize furnishings within dimensioned spaces and control system block diagrams.
- 3. Discussion. Level 2 drawings shall include the following:
 - a. Preliminary architectural building elevations, wall sections, and reflected ceiling plans.
 - b. Revised architectural floor and roof plans.
 - c. Preliminary plumbing layout plans.
 - d. Preliminary plumbing equipment/fixture schedules including low water use fixtures.
 - e. Revised HVAC layout plans.
 - f. Preliminary electrical motor control schematics and one-line drawings.
 - g. Major electrical equipment layout plans.
 - h. Interior lighting plans and lighting panel schedule.
 - i. Revised P&IDs.
 - j. Control system block diagrams.

Upon completion of Level 2 design, the Engineer's quality control team will review the deliverables. Revisions shall be made before proceeding with electrical plans, plumbing, HVAC, and other Level 3 Design work. Level 2 represents approximately 60 percent of the design effort.

- D. Level 3 Design (Provided herein for reference only. Level 3 Design is not included in these Scope of Services. Level 3 and Final Design are anticipated to be included in a future amendment)
1. Deliverables.
 - a. Front-end documents.
 - b. Technical specifications.
 - c. Level 3 drawings.
 - d. Final Opinion of Probable Construction Cost.
 2. Decisions. Make final coordination checks and remaining decisions on plans and specifications.
 3. Discussion. Level 3 drawings shall include the following:
 - a. Final site grading and piping plans with final coordinates.
 - b. Final process flow schematics.
 - c. Final building elevations, wall sections, and architectural details.
 - d. Final civil plans and details.
 - e. Final structural plans and details.
 - f. Final plumbing plans, schedules, schematics, and details.
 - g. Final HVAC plans and details.
 - h. Final instrument schedules, P&IDs, and control panels.
 - i. Final control system block diagrams.
 - j. Final lighting plans, fixtures, and panel schedules.
 - k. Final Electrical power and site plans.
 - l. Final electrical one-lines, schematics, and details.

Level 3 Design shall include providing sealed drawings for submittal to state review agencies. Drawings shall be annotated to be a review set only and not for construction.

PHASE 400. OWNER'S RESPONSIBILITIES

- A. The Owner will be responsible for the following in support of this project.
 - 1. Provide all information on existing facilities.
 - 2. Negotiate early access and procure property needed for the ground surveys, environmental studies, geotechnical investigation, design services and construction of the new facilities.
 - 3. Provide access to plant facilities and open electrical equipment panels for visual inspection by Engineer.
 - 4. Operation of all valves, pumps, and other equipment.

PHASE 500. SUPPLEMENTAL SERVICES

- A. Any work requested by Owner that is not included in one of the items listed in any other phase will be classified as supplemental services.
- B. Supplemental services shall include, but are not limited to:
 - 1. Additional meetings with local, State, or Federal agencies to discuss the project.
 - 2. Supplemental engineering work required to meet the requirements of regulatory or funding agencies that become effective subsequent to the date of this agreement.
 - 3. Special consultants or independent professional associates required by Owner.
 - 4. Raw water quality monitoring, sampling, and analyses.
 - 5. Detailed design services beyond level indicated in Phase 300.
 - 6. Bidding, construction administration and inspection services.

7. Permitting and regulatory assistance for permitting activities not specific to Phase 200.
8. Land acquisition assistance beyond furnishing of surveyed plot plans.
9. Continued assistance to Owner with the evaluations, analysis, and responses to Cube Yadkin Generation, LLC and/or FERC.
10. NCSHPO Phase 1 cultural resources survey and associated reporting.
11. Funding assistance.
12. Changes in the general scope, extent, or character of the project, including, but not limited to:
 - a. Changes in size or complexity.
 - b. Owner's schedule, design, or character of construction.
 - c. Revision of previously accepted studies, reports, design documents, or construction contract documents when such revisions are required by changes in laws, rules, regulations, ordinances, codes, or orders enacted subsequent to the preparation of such studies, reports, documents, or designs; or are required by any other causes beyond Engineer's control.
13. Additional permitting or regulatory meeting assistance. Payment of permitting fees.
14. SUE services to identify depth of buried utilities.
15. Hazardous materials testing and subsequent provisions for hazardous materials handling and disposal.

ATTACHMENT B

Owner: Salisbury-Rowan Utilities (SRU)
Project: Yadkin River Raw Water Pump Station Relocation

COMPENSATION

For services covered by this Contract, the Owner agrees to pay Engineer as follows:

- A. For Phase 100-Preliminary Engineering as defined in Attachment A of the contract, a lump sum amount of \$860,000.00.
- B. For Phase 200-Environmental Permitting Assistance as defined in Attachment A of the contract, an amount not to exceed \$640,000.00 without further authorization based upon the attached Billable Hourly Rate Schedule, plus reimbursable expenses.
- C. For Phase 300-Construction Document as defined in Attachment A of the contract, a lump sum amount of \$1,400,000.00.
- D. For Phase 500-Supplemental Services as defined in Attachment A of the contract, Owner and Engineer will negotiate a written amendment to this contract prior to beginning work on Supplemental Services.

BILLABLE HOURLY RATE SCHEDULE

YEAR 2022

<u>Classification</u>	<u>2022 Billing Rates, \$</u>
Principal/Project Director	290
Senior Project Manager	280
Project Manager	220
Senior Engineering Manager	240
Engineering Manager	210
Project Engineer	190
Technical Specialist	205
Lead Design Engineer	180
Civil Engineer 04	155
Civil Engineer 03	145

Civil Engineer 02	135
Civil Engineer 01	125
Senior Electrical Specialist	240
Cost Estimator	205
BIM Coordinator	160
Senior BIM/CAD Technician	140
CAD Graphics Technician	105
CAD Drafter	90
Office Administrator	110
Secretary	80
Clerical	55

All rates shall be subject annual adjustment on January 1 of each year.

The billable hourly rates include computer, telephone, miscellaneous copying, postage, and subsistence.