



City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

November 15, 2022
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/3O7twlj>. 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 November 15, 2022 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 Public Works employees.
6. Council to receive a presentation regarding the Inside Out Global Filming Project.
7. Mayor to proclaim the following observances:

INTERNATIONAL SURVIVORS OF SUICIDE LOSS DAY	November 19, 2022
SURVIVORS OF HOMICIDE VICTIMS AWARENESS MONTH	November 20-December 20, 2022
SMALL BUSINESS SATURDAY	November 26, 2022

8. Council to consider the CONSENT AGENDA:
 - (a) Approve Minutes of the regular meeting of November 1, 2022.
 - (b) Approve a Right-of-Way Use Permit for the use of three parking spaces, adjacent to 132 North Main Street, on North Main Street or West Council Street for interior renovations to 132 North Main Street from October 31, 2022 through December 2, 2022.
 - (c) Approve a Right-of-Way encroachment by Spectrum for the installation of approximately 9,300 linear feet of trenched and directional bore duct on Industrial Avenue and Old Wilkesboro Road to serve 1330 Jake Alexander Boulevard in accordance with Section 11-24(27) of the City Code, subject to approval by the North Carolina Department of Transportation.
 - (d) Adopt an Ordinance amending Chapter 13, Article X of the City Code as it relates to off-street parking lots.

COUNCIL MEETING AGENDA – PAGE 2 – NOVEMBER 15, 2022

- (e) Authorize the City Manager to enter into a contract with Kisinger-Campo in the amount of \$72,926.17 for construction engineering inspection services on Project HL-0005 for the installation of upgrades to the traffic system.
 - (f) Authorize the City Manager to enter into a unit price contract with Alley, Williams, Carmen, and King in the amount of \$182,468.77 for professional engineering services for project EB-5619C for the Grants Creek Greenway.
 - (g) Receive a request for the voluntary annexation of .100 acres on Tax Map 025 Parcel 018 located at 1132 Barbour Street and adopt a Resolution instructing the City Clerk to investigate the sufficiency of the request.
 - (h) Adopt a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$25,000 to appropriate grant funds from the North Carolina Governor's Highway Safety Program for traffic safety efforts.
 - (i) Consider approving an update to the adopted employee pay grade and classification schedule.
9. 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.
10. Council to receive a presentation regarding the Downtown Salisbury Parking Pilot Program. *(Presenters – Downtown Development Director – Sada Troutman and City Engineer Wendy Brindle)*
11. Council to receive the annual Downtown Salisbury Report. *(Presenter – Downtown Development Director – Sada Troutman)*
12. Council to receive the First Quarter Financial update including a capital project and equipment update and to consider adopting a budget Ordinance amendment to the FY2022-2023 budget in the amount of \$504,460 to appropriate additional sales tax revenue. *(Presenter – Finance Director Wade Furches)*
13. Council to receive an update from the Salisbury Police Department regarding community crime, staffing, etc. from the third quarter of 2022. *(Presenter – Police Chief Jerry Stokes)*
14. Council to consider adopting its 2023 Meeting Schedule. *(Presenter – Administrative Services Director Kelly Baker)*
15. City Attorney's Report
16. City Manager's Report.
17. Council's Comments.
18. Mayor Pro Tem's Comments.

COUNCIL MEETING AGENDA – PAGE 3 – NOVEMBER 15, 2022

19. Mayor's Announcements and Comments.
- (a) Holiday Night Out will take place in downtown Salisbury on Friday, November 25th from 5:00 p.m. until 9:00 p.m. For more information visit www.DowntownSalisburyNC.com or call 704-637-7814.
 - (b) Small Business Saturday will take place in downtown Salisbury on Saturday, November 26th. For more information visit www.DowntownSalisburyNC.com or call 704-637-7814.
20. Adjourn.

Salisbury City Council

Agenda Item Request Form



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

Requested Council Meeting Date: 11/15/2022

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

Name of Presenter(s): Interim Public Works Director Chris Tester

Requested Agenda Item:

From City resident about Public Works Employees Greg Hyde, Charles King, and Joey Carter: This morning at approximately 10am, I was walking my dog on Horah up towards Fulton Street and tripped and fell. I was lying part of the way in the street and part of me on right of way strip. I was not knocked out, but was in excruciating pain and could not get up. My dog, though on a leash was free. I had my phone with me, but knew I had to wait till I could move some to get it out to call for help. Looking around me I saw a city truck at stoplight of Fulton and Horah as I am on corner there. A man was getting out of truck and crossed the street walking towards me. I thanked God as I thought he might be coming to help me. He was and when truck went through intersection it stopped and the driver got out with other worker. They helped me up as I determined nothing was broken. They helped me to my porch, offered to call someone, and got my dog on porch with me. I was in such pain i did not get their names off of tags as I was crying. My hope is I thanked them. Please know how much I appreciate their help and kindness. I know I could not have gotten up by myself and would have called for help but would have had to lie there till it came. It will be a few days before I get back to normal or pain free. My husband has Parkinson's and could not have helped me and my wonderful neighbors would have been at work.

Description of Requested Agenda Item:

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)*

No action needed. Just acknowledgement

Contact Information for Group or Individual:

☐ **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:

Salisbury City Council Agenda Item Request Form



Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined

Reason:

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: Tuesday, November 15, 2022

Name of Group(s) or Individual(s) Making Request: InsideOut Global

Name of Presenter(s): Councilman Anthony Smith, City Manager Jim Greene, Beth Fussner of InsideOut Global

Requested Agenda Item: Debut of the InsideOut Global Youth Video Camp Film

Description of Requested Agenda Item: Video debut

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: Linda McElroy, Communications

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined

Reason:



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, since 2021 the number of suicides in the United States have increased by 4%; and

WHEREAS, suicide is a major contributor to premature deaths in the United States, especially among people 10 to 34 years of age and is the second leading cause of death; and

WHEREAS, there is a need for greater outreach to suicide survivors because they often suffer their devastating loss alone; and

WHEREAS, a network of support offered from other survivors can help suicide survivors cope with their loss and rebuild their lives; and

WHEREAS, in 1999 Senator Harry Reid, a survivor of his father's 1972 suicide, introduced Resolution 99 and with its passage the United States Congress designated the Saturday before Thanksgiving as "National Survivors of Suicide Day", and recently changed to "International Survivors of Suicide Loss Day"; and

WHEREAS, International Survivors of Suicide Loss Day is a day when people affected by suicide gather at community events to find comfort and gain understanding as they share their stories of healing and hope.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina DO HEREBY PROCLAIM Saturday, November 19, 2022 as

INTERNATIONAL SURVIVORS OF SUICIDE LOSS DAY

in Salisbury, and encourage the involvement of suicide survivors in healing activities and prevention programs, recognizing that survivors can be a great source of strength to each other. I further acknowledge the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and reduce the incidence of suicide.

This the 15th day of November 2022.

Karen K. Alexander, Mayor



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, homicide devastates the lives of family members, friends, neighbors, co-workers, and acquaintances of murdered victims; and

WHEREAS, family members and loved ones of murdered victims experience a complex range of emotions due to the deplorable act of homicide and becoming survivors of homicide victims; and

WHEREAS, approximately one in every ten people will lose a loved one in their lifetime due to homicide leaving behind countless survivors to grieve and cope; and

WHEREAS, survivors of homicide victims who suffer from prolonged grief have an increased risk of developing Post-Traumatic Stress Disorder, becoming suicidal, or developing other serious health issues along with extreme anxiety, fear, and sadness; and

WHEREAS, due to the life-changing impact of trauma, hardship, and loss that results from homicide there are local victim resource offices, victim assistance professionals, victim advocates, support groups, and other resources available in the community to help survivors of homicide victims cope following the death of a loved one.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina DO HEREBY PROCLAIM November 20 through December 20, 2022 as

SURVIVORS OF HOMICIDE VICTIMS AWARENESS MONTH

in Salisbury, and encourage citizens to advocate, raise awareness, and support those in our community who are survivors of homicide victims.

This the 15th day of November 2022.

Karen K. Alexander, Mayor



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, the City of Salisbury celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, there are 32.5 million small businesses in the United States representing 99.7% of firms with paid employees in the United States, and responsible for 62% of net new jobs created since 1995; and

WHEREAS, 79% of United States consumers feel a personal commitment to support small businesses in their community on Small Business Saturday, and 66% of consumers report the day makes them want to support the small businesses all year long; and

WHEREAS, 58% of consumers who shop on Small Business Saturday recognize the impact they can make by shopping at small businesses and encouraging others to do so by creating a positive social, economic, and environmental impact essential to the community all year long; and

WHEREAS, the City of Salisbury supports our local businesses that create jobs, boost our local economy, and preserve our communities.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM Saturday, November 26, 2022 as

SMALL BUSINESS SATURDAY

in Salisbury, and urge residents to support small businesses and merchants on Small Business Saturday and throughout the year.

This the 15th day of November 2022.

Karen K. Alexander, Mayor

Salisbury, North Carolina
November 1, 2022

REGULAR MEETING

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

ABSENT: None.

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.

RECOGNITIONS

BlockWork 2022

City Manager Jim Greene recognized Planning Department staff for its tremendous work in planning and implementing the BlockWork event that took place on October 22, 2022. Urban Design Planner Alyssa Nelson provided a review of the 2022 BlockWork event and shared photos and a video from event. She thanked the sponsors and volunteers who worked to make BlockWork a success.

Public Works Recognition

Mayor Alexander read a letter from a resident commending employees in the Public Works Department for their excellent work regarding water meter issues. She recognized Mr. Chad

Jennings, Mr. Matdiel Garrido, Mr. Kenny Gullette, and Mr. Johnny Hawkins for the great work they do for the City, and she noted the letter stated they exhibited the utmost courtesy and professionalism.

ADOPTION OF THE AGENDA

Thereupon, Councilmember Smith made a **motion** to adopt the Agenda as presented. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

PROCLAMATIONS

Mayor to proclaim the following observances:

INDIAN AND NATIVE AMERICAN HERITAGE MONTH
NAACP FREEDOM FUND BANQUET DAY
TRANSGENDER DAY OF REMEMBRANCE

November 2022
November 5, 2022
November 20, 2022

CONSENT AGENDA

(a) **Minutes**

Approve Minutes of the special meeting of October 10, 2022 and the regular meeting of October 18, 2022.

(b) **Right-of-Way Encroachment**

Approve a Right-of-Way encroachment by AT&T for the installation of aerial and directional bore duct on Industrial Avenue in accordance with Section 11-24(27) of the City Code, subject to approval by the North Carolina Department of Transportation.

(c) **Voluntary Annexation – Julian Road**

Receive a request for the voluntary annexation of 12.179 acres on Tax Map 400 Parcels 009 and 042 located on Julian Road and adopt a Resolution instructing the City Clerk to investigate the sufficiency of the request.

RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31, FOR VOLUNTARY ANNEXATION OF TAX MAP 400 PARCELS 009 AND 042, 12.179 ACRES LOCATED ON JULIAN ROAD.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 73, and is known as Resolution 2022-52.)

Thereupon, Councilmember Post made a **motion** to adopt the Consent Agenda as presented. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

Mr. Ronnie Smith thanked Council for its support of the Salisbury Police Foundation and for its support of the flag pole placement at the Bell Tower Green Park. He reviewed results from a survey regarding where the flag pole should be installed, and he asked Council to consider those suggestions.

Mr. Tim Coffey, President of Salisbury Pride, thanked Council for providing the Transgender Day of Remembrance Proclamation and for its support to the Salisbury Pride community.

Ms. Nan Lund, on behalf of Women for Community Justice, read a statement regarding women's health and asked Council to consider support it.

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

SPECIAL USE PERMIT – 529 WEST INNES STREET

Mayor Alexander indicated a Special Use Permit (SUP) has been requested for the property located at 529 West Innes Street to permit a commercial child care center for 30 or fewer children.

Councilmember Post indicated he had a lunch meeting approximately two months ago and proponents lobbied for the proposed child care center. He stated he does not have a preconceived notion, and he asked if he needed to be recused from the hearing. City Attorney Graham Corriher stated Mr. Post does not need to be recused. He requested the record note Mr. Post answered the question regarding whether he can fairly decide the case. He pointed out if anything that is relevant to the case was learned from conversation at the lunch meeting it must be disclosed to Council.

Mr. Corriher stated Council must follow the proper procedures for a quasi-judicial hearing which is required by the Land Development Ordinance (LDO). He pointed out a commercial child care center is allowed in the zoning district, but the proposal must come before Council to consider special circumstances that may need to be addressed.

Mr. Corriher explained in deciding an SUP Council follows quasi-judicial hearing procedures. He added the purpose of the hearing is to gather evidence to determine if the application is consistent with the standards set forth in the LDO. He noted in making this decision Council may not consider personal opinion or speculation. He pointed out the only evidence that Council is allowed to consider is evidence that is competent and material and directly related to

the issue of whether the application complies with the standards in the Ordinance. He indicated the only evidence that Council is allowed to consider is competent and material and directly related to the issue of whether the application complies with the standards in the LDO.

Ex Parte Disclosure

To ensure that there are no conflicts of interest, Mr. Corriher asked Council the following questions:

- Does any member of Council have a fixed opinion on this matter that is not susceptible to change? Mayor Pro Tem Sheffield, Councilmembers Post, Smith, and McLaughlin, and Mayor Alexander all stated they did not have a fixed opinion on the matter that is not susceptible to change
- Has any member of Council had any ex-parte communication about the subject matter of this request with the applicant other than Councilmember Post having disclosed his ex parte communication earlier? Councilmember McLaughlin stated he spoke to Ms. Stephanie Alston regarding the possibility of a commercial facility at the proposed location. He advised her to listen to the audio of the previous SUP for a commercial child care facility to familiarize herself with the procedure. Mr. Corriher asked Mr. McLaughlin if he could fairly decide the case. Mr. McLaughlin indicated he could. Mayor Pro Tem Sheffield, Councilmember Smith, and Mayor Alexander all stated they had not had any ex-parte communication about the subject matter of the request with the applicant.
- Does any member of Council have a close familial, business, or other associational relationship with the applicant? Mayor Pro Tem Sheffield, Councilmembers Post, Smith, and McLaughlin, and Mayor Alexander all stated they do not have a close familial, business, or other associational relationship with the applicant.
- Does any member of Council have a financial interest in the outcome of this matter? Mayor Pro Tem Sheffield, Councilmembers Post, Smith, and McLaughlin, and Mayor Alexander all stated they do not have a financial interest in the outcome of this matter.

Public Hearing

Mayor Alexander opened the floor to receive testimony regarding SUP-02-2022. She indicated anyone who wished to provide testimony must be sworn in.

Mayor Alexander administered the oath to Senior Development Services Specialist Jessica Harper.

Ms. Harper stated the petitioner, Ms. Stephanie Alston, has requested an SUP to operate a commercial child care center located at 529 West Innes Street. She indicated LDO 2.7.C Use Matrix requires an SUP/Conditional District (CD) for commercial child care centers operating in the Residential Mixed-Use (RMX) zoning district.

Ms. Harper referenced Chapter 18 of the LDO that defines commercial child care center as an individual agency or organization providing supervision or care in a non-residential

environment where at any one time there are three or more preschool aged children or nine or more school aged children receive child care.

Ms. Harper displayed a map of the area, and she noted the property's proximity to South Caldwell and West Innes Streets. She presented street view photographs of the property, and she pointed out the proposed entrance and exit for dropping off and picking up children. She explained parents will enter from West Innes Street, travel through the parking lot, and exit onto South Caldwell Street. She stated the applicant is proposing an adjacent playground area. She reviewed a floor plan of the building, and she pointed out the day care will not occupy the entire structure which will be shared with another tenant.

Ms. Harper presented the standards for decision required for the SUP:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposed plan as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.

Ms. Harper then presented supporting evidence submitted by the applicant:

1. The use will provide child care support to the surrounding community
2. The existing exterior of the facility will remain in its current state
3. The child care will be licensed and abide by state regulations and will be subject to an inspection prior to operating as well as unscheduled inspection for continued compliance
4. Additional standards to be completed prior to operation:
 - Minor interior renovations for classrooms
 - Playground with a fenced enclosure
 - Mold, HVAC, electrical, and plumbing inspections
 - Building, fire and sanitation inspections

Mayor Alexander asked about the other tenant that will occupy the building and how the other business would be separated from the proposed day care facility. Ms. Harper indicated the facilities will be separated by a wall. Mayor Alexander asked if Council should consider the other use in the building since it is next to a child care facility. Ms. Harper explained Council's focus is on the part of the building that will be used for the child care facility.

Mayor Alexander administered the oath to Ms. Stephanie Alston and Mr. Jerry Davis.

Ms. Alston stated Brighter Beginnings Childcare Center will provide 24-hour child care to Salisbury and Rowan County. She noted currently there are no 24-hour commercial child care centers within Rowan County. She added the goal is to provide parents who have non-traditional

work hours have a child care option. She indicated the center will offer an option for parents to drop their children off for up to four hours while they take care of appointments or run errands.

Ms. Alston stated the facility will have services that focus on mental health, and she explained if the services are offered at a young age it can help children become thriving adults. She noted the target market is families with non-traditional work hours and the services are offered to preschool aged children. She added the mission is to provide a holistic child-focused early learning center that helps children develop socially, physically, emotionally, and cognitively under the care and guidance of highly-trained professionals. She noted since there are no 24-hour child care facilities in Rowan County, parents who work non-traditional hours can miss out on opportunities due to lack of child care .

Councilmember Post asked about the size of the classrooms and how many children will be allowed at the facility. Ms. Alston noted the classrooms are slightly bigger than office space, and she noted a media room will be included in the facility. She pointed out a wall was removed to increase the size of Classroom 4. She stated the small classrooms will house seven to 10 children and the larger classrooms will hold up to 15 children. Mr. Post clarified there will be a total of four classrooms. Ms. Alston agreed. Mr. Davis noted the classroom size is regulated by the state and is part of the daycare licensing process.

Councilmember Post asked about the playground area. Ms. Alston explained the size of the playground area would be determined by how many students are outside at any given time. Mr. Post asked if the playground area will be grass. Ms. Alston agreed.

Councilmember Smith stated the use of the space is changing, and he asked what Council should address beyond the state's licensing process. Mr. Corriher explained Council's concern is the three standards for decision required for the SUP that are included in the LDO. Mr. Smith pointed out there is a private school nearby and the use is compatible with the area.

Mr. Davis stated he is a commercial real estate broker with Century 21 with approximately 20 years of experience. He pointed out there are several vacant properties in the immediate area, and he noted any commercial property that is left vacant will become a detriment to the community. He indicated there is a school next door to the proposed child care center. He added there are vacant properties across the street that are starting to deteriorate, and the proposed daycare facility will be an asset for the area regarding neighboring property values.

Mayor Alexander noted Mr. Davis has testified that the proposed child care facility in this building would benefit adjacent property values, and it would also be compatible with the neighboring school. Mr. Davis agreed, and he pointed out real estate agents are often asked about school and child care situations when people are considering relocating their home or business to a community. He commented child care is a problem in the area and having an additional licensed daycare will be an asset for the City.

Deliberation

Mayor Alexander noted deliberation will include asking supplemental questions. She opened the floor to receive questions from Council. There were no additional questions from Council.

Thereupon, Councilmember Smith made a **motion** to find the following Finding of Fact and Conclusions of Law:

1. The property is located at 529 West Innes Street. It consists of an approximately 0.44 acre lot with an approximately 3,053 square foot existing commercial building and an existing paved parking lot.
2. The property is currently zoned RMX, which allows commercial child care centers subject to City Council issuing a Special Use Permit.
3. The applicant proposes to add a fenced-in playground facility at the rear of the facility.
4. The property is in close proximity to a residential neighborhood and will provide convenient access for nearby residents using the child care services.
5. The child care center is subject to building, fire, sanitation, mold, HVAC, electrical, and plumbing inspections prior to opening.
6. The child care center is subject to additional regulations of the North Carolina Division of Child Development and Early Education.
7. Based on the testimony provided by an expert witness, using the property for a commercial child care center will not substantially injure property values in the area.

And, based on those Findings of fact, the following Conclusions of Law:

1. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit.
2. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area.
3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.

Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

Thereupon, Councilmember Smith made a **motion** to issue a Special Use Permit to permit a commercial child care center at 529 West Innes Street.

Councilmember Post questioned why an SUP is needed for a commercial child care facility. Mr. Corriher explained the SUP is a requirement of the LDO and staff is reviewing the need for the requirement.

Mayor Alexander asked if a future use at this site would need to come before Council. Mr. Corriher indicated a by-right use would not need to come back before Council and a child care facility is now among the list of acceptable uses for the parcel.

Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

Council thanked Ms. Alston for investing in the City and its children

Mayor Pro Tem Sheffield pointed out a 24-hour child care facility will meet a need in the community.

VOLUNTARY ANNEXATION – HAWKINSTOWN ROAD

City Engineer Wendy Brindle presented information regarding the voluntary annexation of Hawkestown Road. She noted the voluntary annexation has to take place prior to construction completion so the final plat can be recorded. She reviewed the annexation map and explained it follows state statutes. She noted the property value upon completion will be \$39.7 million and the City will receive \$288,000 per year in property tax revenue.

Mayor Alexander convened a public hearing after due notice regarding the voluntary annexation of 32.61 acres located on Hawkestown Road.

Ms. Dee Dee Wright asked if the proposed annexation is close to The Reserve and what the responsibility of the property owner would be due to flooding. Ms. Brindle noted there is a 100 year flood plain shown on the site plan which has to meet the City's flood plain development requirements and Ordinances.

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

Councilmember Post asked about the lot widths and setbacks. Ms. Brindle explained the site plan indicated 40 foot by 110 foot and a mixture of 30 foot by 100 foot lots. Mr. Post commented that does not leave a lot of room in between houses including and will limit the space for parking vehicles. Ms. Brindle noted some of the house will have garages. Mayor Pro Tem Sheffield pointed out houses in her area are really close and it does not seem to cause problems.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt an Ordinance to extend the corporate limits of the City of Salisbury, North Carolina, to include 32.61 acres located on Hawkestown Road Tax Map 324 Parcel 060. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF SALISBURY, NORTH CAROLINA, TO INCLUDE 32.61 ACRES LOCATED ON HAWKINSTOWN ROAD Tax Map 324 Parcel 060.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 188-190, and is known as Ordinance 2022-73.)

UPDATE – JUMP AND RUN BRANCH WATERSHED STUDY

Interim Public Works Director Chris Tester stated on August 31, 2020 the Jump and Run Branch Watershed observed significant flooding during an afternoon thunderstorm. He noted the rainfall created flooding for residents of the Wellington Hills Apartments, Hazeltine Court and Spyglass Hill Place. He introduced Mr. David Perry, engineer with WithersRavenel.

Mr. Perry provided an overview of the Jump and Run Branch Watershed study which reviewed ways to mitigate the risk of another flood. He shared pictures from the 2020 flood. He commented in addition to concerns of the homes in the area, there are risks of erosion which can impact stream stability and sediment in the channel.

Mr. Perry noted models were used to evaluate information was gathered from a nearby rain gauge which took run-off from future development into consideration. He indicated increasing stream capacity through grading, adding regional detention sites to detain water upstream, and possibility property buyouts were investigated.

Mr. Perry indicated rainfall observed from the rain event indicated the flooding could have been caused by a blocked culvert. He stated culvert maintenance is a concern, but the data used to develop the model was based on a rain gauge located five miles away which could have had a different intensity of waterfall.

Mr. Perry pointed out optional improvements to mitigate flooding in the area include upstream regional detention sites with large dry ponds to detain water during large storm events, but he noted the ponds would require large footprints and would be costly. He explained widening the channels and creating flood benches adjacent to the channel would help create additional capacity of water flow. He indicated both options would have minimal impact in the model water surface elevation during a 100 year storm.

Mr. Perry pointed out the homes should not flooded above the finished floor elevation plain, and he added it is not certain what happened during the flooding event besides a possible blockage in the culvert. He recommended the City monitor the culvert for blockages, but not necessarily take other action. He suggested general stream bank stabilization could be completed in phases with funding and property access.

Mayor Alexander asked if grants are available. Mr. Perry agreed. Mr. Tester noted most grants available are for stream bank stabilization rather than infrastructural repair.

Mayer Alexander asked if there would be an advantage to adding another culvert. Mr. Perry noted the study indicated another culvert would not have had a significant impact on the water surface elevation around the town homes.

Councilmember Post asked if stream bank stabilization is the best approach. Mr. Perry noted stream bank stabilization would not change the water surface elevation or the risks to

adjacent properties, however it would be a significant benefit in terms of pollutant discharge in the waterways.

Councilmember Smith asked if there has been a similar flooding event. Mr. Tester noted he is not aware of similar event, and he will gather additional information. Mr. Smith suggested looking at what other cities are doing regarding how to mitigate flooding in the area. Mr. Tester noted he will get the information from Mr. Perry to compare rainfall from the flooding event until now.

Mayor Pro Tem Sheffield asked if bank stabilization can be completed in phases. Mr. Perry agreed, and he added any work the City is able to engage with stream stabilization would benefit the channel.

Mr. Greene pointed out funding would be an issue, but the City can look for grant opportunities. He complimented Mr. Tester and his team for their hard work checking culverts prior to the Hurricane.

UPDATE – DRAFT 2040 COMPREHENSIVE PLAN

Planning Director Hannah Jacobson presented the Draft Forward 2040 Comprehensive Plan, and she added the plan is now available for public review. She thanked members of the Steering Committee and staff for their dedicated work on the plan.

Ms. Jacobson stated the Forward 2040 Comprehensive Plan is a process to determine a community's long term aspirations related to community development. She added purposes of the plan include:

- Guiding rezoning decisions
- Offering an opportunity to listen and involve the community.
- Demonstrates the community's position
- Advises the expenditure of public funds
- Guides a private investment
- Provides a framework for strategic action plans
- Provides the foundation for the modernization of city's land development regulations

Ms. Jacobson explained the Comprehensive Plan serves as a policy guide but does not replace zoning. She commented the Comprehensive Plan covers the entire planning jurisdiction, including City limits, but it is not a small area plan that offers more detail. She noted the Comprehensive Plan does not serve as a policy guide for everything, but it is a land use plan that covers a comprehensive set of disciplines including transportation, economic development, and sustainability. She stated a Comprehensive Plan is required by law.

Ms. Jacobson reviewed the Forward 2040 building blocks, and she commented the plan begins by laying the foundation with data, research, and community input.

Ms. Jacobson reviewed the adopted vision statements noting they form the framework for the rest of the plan.

Ms. Jacobson commented the Comprehensive Plan now includes a growth strategies map which serves as a big-picture vision that communicates priorities. She added the Comprehensive Plan also includes a future land use map, which is different from a zoning map. She explained the future land use map identifies the desired development pattern; however, the goal is for the zoning map and future land use map to look more similar over time.

Ms. Jacobson stated the Draft 2040 Comprehensive Plan Draft is available for review at www.salisburync.gov/forward2040.

Ms. Jacobson commented there would be opportunities for public engagement, including four large-format community meetings to begin in early December and extend through January. She stated the Planning Department will also host a presentation to City Boards and Commissions. She added the City website has a form created for community members and organizations to request a presentation from a City Planner and 15 slots are available. She explained the Planning Department would also attend pop-up events through November and December to share information about the plan. She noted office hours would also be available for those who want a one-on-one conversation.

Councilmember Smith thanked everyone who was involved with the creation and implementation of the 2040 Comprehensive Plan.

Mayor Pro Tem Sheffield stated it is exciting to see some of the same committee members who were part of the 2020 Comprehensive Plan being a part of the 2040 Plan.

GRANT PROJECT ORDINANCE AMENDEMENT

Finance Director Wade Furches asked Council to consider adopting an amended Grant Project Ordinance to transfer unexpended American Rescue Plan (ARPA) funds to the General Fund.

Mr. Furches provided a summary of the ARPA funds and explained between May 2021 and April 2022, revisions were made to the rules and regulations of ARPA funds. He added the final regulation adopted on April 1, 2022 offered a standard allowance for revenue loss of up to \$10 million. He stated recipients who select the standard allowance can use that amount for general government services with streamlined reporting requirements. He summarized with this rule the funds could now be used to supplant general fund expenditures.

Mr. Furches stated staff recommends Council consider approving the standard allowance for the remaining use of its unexpended ARPA funds. He added staff worked with Centralina Council of Governments to identify necessary policies and spending options. He commented using the standard allowance funds will simplify the City's federal reporting requirements and allow flexibility in spending and in meeting federal deadlines.

Mr. Furches explained if Council chooses to amend the grant project, it will allow the City to transfer unexpended funds from the Special Revenue Fund to the General Fund. He stated the money would be used to supplant public safety expenditures and the remaining funds would be used for projects Council previously approved.

Mr. Furches stated the total City allocation was \$7,227,329 and \$1,473,815 has been spent to provide premium pay to City employees. He reviewed a list of items Council selected to fund with ARPA monies during the FY2023 budget. Mayor Pro Tem Sheffield clarified the City already has access to the funds, but needs to move the funds to an account for easier access and reporting. Mr. Furches agreed.

City Manager Jim Greene explained the project list equals approximately \$4 million for the projects Council previously approved. He stated there is still \$1.7 million that is unallocated and Council will need to approve before the funds are spent.

Mr. Furches stated staff will continue to update Council and reports on ARPA spending.

Thereupon, Councilmember McLaughlin made a **motion** to adopt a Grant Project Ordinance amendment for the City of Salisbury American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

GRANT PROJECT ORDINANCE AMENDMENT FOR THE CITY OF SALISBURY AMERICAN RESCUE PLAN ACT OF 2021: CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 30 at Page No. 191-192, and is known as Ordinance 2022-74.)

Communications Director Linda McElroy provided a presentation on a dedicated ARPA website. Ms. McElroy stated the Communications Department created a website to allow residents to review information regarding the ARPA funds. She added the website includes links to Council's priorities, the total funding amount, an ARPA funding timeline, project status updates, and additional resources. She displayed the webpage to Council and pointed out the webpage can be accessed at www.salisburync.gov/ARPA.

Mayor Alexander thanked the Communications Department for the creation of the webpage and for all it does for the City.

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher had nothing to report to Council.

CITY MANAGER'S REPORT

City Manager Jim Greene announced Police Chief Jerry Stokes will retire the end of year with over 38 years in public safety including over six years as Police Chief with the City. He commented Deputy Police Chief Brian Stallings will serve as Interim Police Chief upon Chief Stokes' retirement. He noted he will work closely with the Police Department, the Management Team, the community and partners to have an open and engaging process in hiring the new Police Chief. He indicated the City will hire a consultant or a recruitment company to assist in the process, and he will provide an update once he gets more information.

Mr. Greene pointed out Council's Retreat will take place in January. He provided Council with a draft topic list and requested Council to review and provide any changes, additions, or questions to him. He noted the tentative theme is "Partnerships and Progress."

Mr. Greene pointed out he will speak with Mr. Ronnie Smith regarding the placement of the flag at Bell Tower Green Park. He pointed out Council asked the Bell Tower Green Advisory Board to make recommendations of where it should be placed, staff agreed with the site and it was selected based on infrastructure and other issues. He noted the next step is to take the recommendation of the installation site to the Historic Preservation Commission (HPC) for review.

Mayor Alexander noted the recommendations were received from a professional designer, and she indicated the flag pole will be installed across from the street from the library at the entrance of the park. Mr. Greene pointed out there were hopes to get it installed by Veteran's Day but that will not happen since it has to be reviewed by the HPC.

COUNCIL COMMENTS

Councilmember Smith commended staff for working collaboratively. He noted there has been commitment shown that the community will continue to work together no matter where the country is headed.

Councilmember McLaughlin noted he has had the opportunity to work with many different public officials, public figures and significant people, and he pointed out the City has remarkable individuals working for the community which makes Council's job easier. He added the City can achieve great things no matter what is going on around us.

Councilmember Post thanked Mr. Greene for how well the Agenda was prepared for a smooth meeting. Mr. Greene thanked staff for its great work it does for the City.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield thanked everyone who volunteers for BlockWork each year. She pointed out former Interim City Manager Brian Hiatt and former City Manager Lane Bailey

worked at the event and showed their support to the City.

Mayor Pro Tem Sheffield thanked the Parks and Recreation Department and all those who made the Halloween Fun Fest and the 4th Annual Wolfstock at the Dog Park events a success.

Mayor Pro Tem Sheffield noted the Communications Department received two awards at the Queen City Public Relations Society of America event for the work they do to provide information to citizens.

Mayor Pro Tem Sheffield thanked Mayor Alexander for continuing to recognize and embrace those who face adversity in the City specifically in the transgender community

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander thanked Mayor Pro Tem Sheffield for her hard work at BlockWork and for serving as the Council liaison to the Community Appearance Commission (CAC).

Mayor Alexander announced the Neighborhood Leaders Alliance will host a Litter Forum on Wednesday, November 2, 2022 at 5:30 p.m. The event will be held at the Civic Center located at 315 Martin Luther King, Jr. Avenue. All residents of Salisbury are invited to discuss issues and solutions related to litter in our City.

Mayor Alexander requested Council reappoint Mr. David McCoy to the ABC Board to serve another three year term.

Upon a motion by Councilmember Post, Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers McLaughlin, Post, and Smith voting AYE, the following re-appointment was made to the ABC Board.

Mr. David McCoy

Term Expires 7-31-2025

Mayor Alexander thanked staff for its great work during the Halloween Event.

CLOSED SESSION

Thereupon, Mayor Pro Tem Sheffield made a **motion** to go into closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(6). Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

RETURN TO OPEN SESSION

Mayor Alexander reconvened the meeting in open session.

Mayor Alexander commented Council completed the City Attorney's annual review and evaluation. She noted the review was excellent, and she thanked Mr. Corriher for his service to citizens, staff and Council.

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 9:04 p.m.

Karen Alexander, Mayor

Kelly Baker, City Clerk

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

Name of Group(s) or Individual(s) Making Request: Mr. Robert Cochran, City of Salisbury

Name of Presenter(s): Vickie Eddleman, Traffic Engineering Coordinator

Requested Agenda Item: Council to consider approval of Right-of-Way Use Permit for the use of three parking spaces adjacent to 132 North Main Street.

Description of Requested Agenda Item:

Engineering has received a request from Mr. Robert Cochran, an employee of the City of Salisbury's Facility Maintenance Division. His staff is requesting to have use of the three parking spaces, on North Main Street or West Council Street, for use of taking tools and especially materials into the City Office Building. The typical work hours, will be from 6:00 AM to 3:00 PM. The sidewalk will not be impacted.

Mr. Cochran is asking for the use of these spaces from October 31, 2022 through December 02, 2022. Since the request for use of right-of-way exceeds 14 calendar days, Section 22-50 of the City Code of Ordinances requires Council approval for the time frames requested.

Attachments: ☒ Yes ☐ No

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

There is no budgetary impact on this item.

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

Recommend that City Council, per Section 22-50 of the City Code of Ordinances, approve Right-of-Way Use Permit as stated for the work being performed at 132 North Main Street.

Contact Information for Group or Individual:

Vickie Eddleman, City of Salisbury, 704-638-5213

Mr. Robert Cochran, City of Salisbury, 704-638-5268

☒ **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*****



Right-of-Way Use Permit

LOCATION OF WORK: 132 N Main St

NAME OF APPLICANT: City of Salisbury - Facilities

ADDRESS: Same PHONE: 704-638-5264

START DATE: 10/31/2022 END DATE: 12/02/2022

Note: Per Section 22-50(b) of the City Code of Ordinances, exceptions for a project are when the disruption of traffic is for less than half (½) a day and occupancy of public rights-of-way for less than two (2) days are exempt from the requirement to obtain a permit. This permit is only for the notification for Police Officers in areas where tickets may be written for exceeding a parking time limit.

REQUIREMENTS:

1. Project meets criteria mentioned in the above note.
2. Applicant is responsible for repair of damage to public property.
3. For the safety of your property it is recommended that you adhere to the steps outlined in the City Code of Ordinances, Section 22-50, Right-of-Way Use for Construction and Maintenance.
4. By accepting and utilizing this permit, the applicant will indemnify and hold the City of Salisbury and its officials, officers, employees and agents harmless from and against any liability and damages resulting from any negligent acts or omissions in the use of this public right-of-way.
5. A copy of the official permit must be posted at the site, one copy per space/vehicle needed (for parking spaces).

OFFICE USE ONLY

Permit Provided by: Vickie Eddleman, Traffic Engineering Coordinator (initial 2 weeks) & City Council to consider approval on 11/15/2022 for extension

Parking Spaces Approved: 3 Width of Sidewalk Approved for Use: N/A

Minimum 5' Wide Pedestrian Access Required: No

Description of uses: Parking spaces adjacent to the building on either N Main St or W Council St for the purpose of getting tools and materials for internal building repairs.

DISTRIBUTION: POLICE FIRE DEVELOPMENT SRVCS. PUBLIC WORKS NCDOT (if applicable)

CITY OF SALISBURY

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

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

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

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

Requested Agenda Item: Request from Spectrum for encroachment on Industrial Ave and Old Wilkesboro Rd to serve 1330 Jake Alexander Boulevard

Description of Requested Agenda Item: Spectrum requests approval of installation of approximately 9300 linear feet of trenched and directional bored duct within the rights-of-way of Industrial Avenue and Old Wilkesboro Road, to serve 1330 Jake Alexander Boulevard. City Council approval of encroachments is required by Section 11-24 (27) of the City Code. NCDOT must approve encroachments along state maintained roads.

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

- All improvements and restoration shall be made at no expense to the City.
- A \$20,000 bond will be required prior to construction within the City Limits.
- A pre-construction meeting will be required prior to construction.
- On-site inspection will be required during all critical street crossings.
- Any markers for underground facilities shall be flush with the ground.
- Lane closures shall be coordinated through Engineering.
- Spectrum shall participate with the State's one-call locating program, and appropriate locator tape shall be installed to facilitate future field location. SRU requires that all new facilities maintain a clear horizontal separation of at least 48" (measured edge to edge) from existing utilities, and a clear vertical separation of at least 24" from existing utilities. All crossings must be identified/potholed prior to excavation.
- Engineering "as-built" plans shall be maintained by Spectrum and made available to the City upon request.
- If the City (or State) makes an improvement to the public Right-of-Way, Spectrum facilities shall be adjusted or relocated at no expense to the City (or State).
- See attached additional encroachment requirements resulting from the on-site meeting and review by City Departments

Attachments: ☒ Yes ☐ No

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

There is no budgetary impact on this item.

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

Salisbury City Council Agenda Item Request Form



City Council to consider approval of a right-of-way encroachment on by Spectrum on Industrial Avenue and Old Wilesboro Road per Section 11-24 (27) of the City Code.

Contact Information for Group or Individual: Wendy Brindle 704-638-5201, Barry King 704-216-2712

☒ **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:

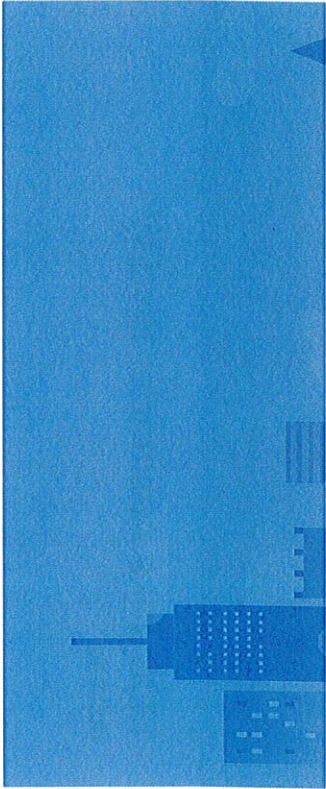
Encroachment Requirements

- In cases of boring or directional drilling, crossings of City owned utilities **must be excavated/potholed** to the depth of the conflicting pipe or two feet below the proposed bore/directional drill depth, whichever is less.
- In the vicinity of Salisbury Rowan Utilities, a minimum separation must be maintained: **48" horizontal** if parallel and **24" vertical** if crossing. Other City owned utilities require a minimum of 24" of horizontal separation.
- 24-hour notification prior to initial excavation is required. The City will provide a contact list.
- Daily work schedules are required. A daily email is preferred. The City will provide a contact list.
- All excavation work is restricted between the hours of 7:30am to 4:30pm, Monday – Friday.
- Prior notification is required for all critical bores.
 - Randy Allman (704) 202-1194.
- Salisbury Rowan Utilities requires a Bulk Water Permit and tank inspections before transferring water from the City's water system. **(Bulk Water Permit purchase and Tank Inspections must occur prior to excavation)**

500 N. Church St. - Catherine Mabe – (704) 638-2135
catherine.mabe@salisburync.gov

- All water tanks must be inspected. Decals must be purchased for each approved tank in use. The fee is \$50.00 per tank.
- Tanks must have a constant air gap. If you cannot maintain an air gap you must rent one of our hydrant meters assemblies unless you already have one of your own.
- Anyone caught filling a non-permitted tank will be charged a \$1000.00 fine.

Google Maps 1330 Jake Alexander Blvd W



Imagery ©2022 Maxar Technologies, USDA/FPAC/GEO, Map data ©2022 500 ft

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

Name of Group(s) or Individual(s) Making Request: Wendy Brindle, City Engineer

Name of Presenter(s): N/A

Requested Agenda Item: The consideration to amend Chapter 13, Article X of the City Code of Ordinances as it relates to Off-Street Parking Lots

Description of Requested Agenda Item:

The City recently purchased the "Wells Fargo" building in the 100 block of S Main Street. The building conveyed with a parking lot accessible from Church and Fisher Streets. In order to designate regulations for the parking lot, it must be added to the City Code of Ordinances under Chapter 13, Article X, Section 13-362. Upon review of this section, staff noticed some minor discrepancies with designation of some of the existing lots. The attached Ordinance corrects those discrepancies and adds the new lot as the W. Fisher Street Parking Lot.

Attachments: ☒ Yes ☐ No

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

There is no budgetary impact on this item.

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

City Council to adopt the attached Ordinance amending Section 13-362 Off-Street Parking Lots- Generally.

Contact Information for Group or Individual: Wendy Brindle, 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

Salisbury City Council Agenda Item Request Form



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

For Use in Clerk's Office Only

☐ **Approved**

☐ **Delayed**

☐ **Declined**

Reason:

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE X, OF THE CODE OF THE CITY
OF SALISBURY, RELATING TO OFF-STREET PARKING LOTS

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

SECTION 1. That Section 13-362, Article X, Chapter 13 of the Code of the City of Salisbury be amended to add the underlined or to delete the stricken language as follows:

Sec. 13-362. Off-Street Parking Lots - Generally

<i>Name</i>	<i>Parcel Numbers</i>
City Parking Lot	010 137
	010 138
	010 139
	010 140
Plaza Parking Lot	0102451
	0102452
	<u>0102559</u>
	0102560
Depot <u>St.</u> Parking Lot	010 260
	010 261
300 S. Main St. Parking Lot	<u>0106588</u>
	0106590
<u>W. Fisher St. Parking Lot</u>	<u>0102531</u>

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: 11/15/2022

Name of Group(s) or Individual(s) Making Request: Wendy Brindle, City Engineer

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

Requested Agenda Item: Council to award Kisinger-Campo of Kannapolis, North Carolina the Contract to provide construction engineering and inspection services for project HL-0005.

Description of Requested Agenda Item: A Surface Transportation Block Grant (STBG-DA) in the amount of \$305,970.00 federal, plus \$61,194.00 local match, was awarded to the City by the Cabarrus-Rowan MPO. The funds are administered to the City through an agreement with the North Carolina Department of Transportation (NCDOT). The City will administer the project for the installation of the upgrades in accordance with NCDOT and federal requirements. This project will support items such as, switches, software and CCTV cameras associated with the Traffic Signal System, along with fiber repairs throughout the system.

Using the NCDOT approved Request for Letters of Interest the City solicited firms to provide construction engineering inspection services with one respondent, Kisinger-Campo, who have been approved by NCDOT to provide construction engineering inspection on this project. This request is to fund construction engineering inspection in the amount of \$72,926.17 of which \$14,585.23 is the City obligation.

Staff is recommending that Council approve a contract in the amount of \$72,926.17, with a City obligation of \$14,585.23 for construction engineering inspection on Project HL-0005. Grant funds were budgeted in 2022 for this project, and will be carried forward to 2023.

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)*

\$14,585.23 City obligation with \$58,340.94 Federal obligation for a construction engineering inspection services total of \$72,926.17.

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

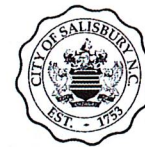
City Council to authorize the City Manager to enter into a contract with Kisinger-Campo for \$72,926.17 for construction engineering inspection services on project HL-0005

Contact Information for Group or Individual:

Wendy Brindle, 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)

Salisbury City Council Agenda Item Request Form



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

FINANCE DEPARTMENT INFORMATION:

Mal O'Don
Finance Manager Signature

Wendy Biddle
Department Head Signature

S. Wade Funches

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:

ENGINEERING SERVICES CONTRACT

This contract for services (the "Contract"), made and entered into this ____ day of _____, 20 22 by and between the **CITY OF SALISBURY**, a North Carolina municipal corporation located at 132 North Main Street, Salisbury, NC 28144 (hereinafter referred to as the "City"), and **KISINGER CAMPO & ASSOCIATES (KCA)**., a North Carolina corporation located at 305 South Main Street, Kannapolis, NC 28081 (hereinafter referred to as the "Provider") (collectively, the "Parties").

For and in consideration of the mutual promises set forth in the Contract, the parties do mutually agree as follows:

1. Obligations of Provider.

- a. Services. Under this Contract, the Provider shall perform all of those services included in the Scope of Services, which is attached to this Contract as Exhibit A and incorporated by reference (the "Services"). Provider shall, at its own sole cost and expense, perform and provide all the labor, services, materials, equipment, supplies, plans, and equipment necessary to complete the Services within the time specified and in accordance with the terms, conditions, and provisions of this Contract, and pursuant to the instructions, orders, and directions of the City made in accordance with this Contract.
- b. Qualifications of Provider. Provider, and all agents or employees of Provider who will provide services under this Contract, shall be fully qualified, possess any requisite licenses, and otherwise be legally entitled to perform the services provided, and shall exercise the skill and care customarily exercised by duly licensed and qualified providers of the same or similar services.
- c. Records Maintenance. Provider shall maintain written documentation of any professional services provided, including any required documentation meeting the requirements of applicable federal, state, and local laws and regulations.

2. Obligations of the City.

- a. Compensation. The City agrees to compensate Provider in the amount not to exceed Seventy-Two Thousand Nine-Hundred Twenty-Six and 16/100 Dollars (\$72,926.16) for services rendered in accordance with the terms of this Contract.
 - b. Other obligations of the City. In addition to the foregoing, the City shall: (1) notify property owners of activities; (2) coordinate approvals with NCDOT; and (3) process final pay requests to contractor.
 - c. In the event of inclement weather, fire, power failure, or other similar occurrence, which may necessitate the cancellation of the delivery of Services, and an alternate date cannot be agreed upon, the City will be under no obligation to compensate Provider for Services not rendered.
3. Term. The Services will be provided from November 21, 2022 through March 31, 2023 unless sooner terminated as herein provided.
4. Change Orders. The City may, from time to time, request changes in the Services provided under this Contract. Such changes, including any increase or decrease in the amount of Compensation, shall not be effective unless mutually agreed to in writing and signed by both of the parties after appropriate authorization.
5. Termination for Convenience. Without limiting any party's right to terminate for breach, the parties agree that the City may, without cause and in its discretion, terminate this Contract for convenience upon thirty (30) calendar days' notice in writing from the City to Provider prior

to the date of termination. Upon termination, all obligations that are still executory on both sides are discharged except that any right based on prior breach or performance survives, and the indemnification provisions of this Contract shall remain in force. All finished or unfinished documents and other materials produced by Provider pursuant to this Contract shall, at the request of the City, be turned over to it and become its property. If the Contract is terminated by the City in accordance with this section, the City will provide a prorated payment for all services performed as of the date of termination.

6. Termination for Cause. Either party has the right terminate this Contract for cause based on a breach of any of its terms upon written notice to the other party specifying the breach.
7. Terms and Methods of Payment. Provider shall provide the City with invoice(s) itemized by services provided, the number of hours worked and by whom, the date(s) that services were provided, and the amount owed, along with any supporting documentation that may be requested in advance by the City. Such invoice(s) shall be submitted within thirty (30) days of the rendering of services, but no more than monthly. The City shall process payments to Provider within thirty (30) days of submission of such invoice(s) for work satisfactorily performed. Invoice(s) should be sent to Wendy Brindle, City Engineer, City of Salisbury, PO Box 479, Salisbury, NC 28145, for review and approval.
8. Contract Funding. It is understood and agreed between Provider and the City that the City's payment obligation under this Contract is contingent upon the availability of appropriated funds from which payment for Contract purposes can be made.
9. Insurance. Provider agrees to insurance in the minimum amounts: (1) \$1,000,000 in General Liability; (2) \$1,000,000 in Automobile Liability; (3) \$1,000,000 in Errors and Omissions; and (4) Workers Compensation in the required statutory amount for all employees participating in the provision of services under this Contract. The "City of Salisbury, a North Carolina Municipal Corporation" shall be named by endorsement as an additional insured on the General Liability and Errors and Omissions policies. Certificates of such insurance shall be furnished by Provider to the City and shall contain an endorsement to provide the City at least ten (10) days' written notice of any intent to cancel or terminate by either Provider or the insuring company. Failure to furnish insurance certificates or maintain such insurance shall be a default under this contract and shall be grounds for immediate termination of this Contract.
10. Taxes. Provider shall pay all federal, state and FICA taxes for all employees participating in the provision of services under this Contract.
11. Monitoring and Auditing. Provider shall cooperate with the City, or with any other person or agency as directed by the City, in monitoring, auditing, or investigating activities related to this Contract. Provider shall permit the City to evaluate all activities conducted under this Contract as dictated by the City. Provider shall provide auditors retained by the City with access to any records and files related to the provision of services under this Contract. The City agrees that its auditors will maintain the confidentiality of any identified and actual trade secrets of Provider accessed during an audit conducted under this Contract.
12. Time of the essence. The Parties agree that time is of the essence to each and every term or condition of this Contract where a certain length of time is fixed for the performance of the term or condition. The Parties further agree that any additional time allowed for the completion of any Work by mutual agreement of the Parties shall be of the essence to this Contract.
13. Compliance with Applicable Laws. Provider shall comply with all applicable laws and regulations in providing services under this Contract. In particular, Provider represents that it is authorized by federal law to work in the United States. Provider represents and warrants that it is aware of and in compliance with the Immigration Reform and Control Act and North

Carolina law (Article 2 of Chapter 64 of the North Carolina General Statutes) requiring use of the E-Verify system for employers who employ twenty-five (25) or more employees and that it is and will remain in compliance with these laws at all times while providing services pursuant to this Contract. Provider is responsible for compliance with the Affordable Care Act and accompanying IRS and Treasury Department regulations.

14. Indemnification. To the maximum extent allowed by law, Provider shall indemnify and hold harmless the City and its agents and employees from and against all claims, actions, demands, costs, damages, losses, and/or expenses of any kind whatsoever proximately resulting from the omission or commission of any act, lawful or unlawful, by Provider or its agents and/or employees, including but not limited to court costs and attorney's fees, incurred in connection with the defense of said matters. The parties agree that this indemnification clause is an "evidence of indebtedness" for purpose of N. C. Gen. Stat. § 6-21.2.
15. Relationship of Parties. Provider shall be an independent contractor of the City, and nothing herein shall be construed as creating a partnership or joint venture; nor shall any employee of Provider be construed as an employee, agent, or principal of the City.
16. Restricted Companies List. Provider represents that as of the date of this Contract, Provider is not included on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. § 147-86.58. Provider also represents that as of the date of this Contract, Provider is not included on the list of restricted companies determined to be engaged in a boycott of Israel created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. § 147-86.81.
17. Anti-Nepotism. Provider warrants that, to the best of its knowledge and in the exercise of due diligence, none of its corporate officers, directors, or trustees and none of its employees who will directly provide services under this Contract are immediate family members of any member of the Salisbury City Council or of any member of the City's Administration, Human Resources, Information Technology, or Financial and Business Services departments. For purposes of this provision, "immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild, and includes step, half, and in-law relationships. Should Provider become aware of any family relationship covered by this provision or should such a family relationship arise at any time during the term of this Contract, Provider shall immediately disclose the family relationship in writing to the City Manager. Absent an applicable exception under state law and City policy, the existence of a family relationship covered by this Contract is grounds for immediate termination by the City without further financial liability to Provider.
18. No assignment. Provider shall not assign, subcontract, or otherwise transfer any interest in this contract without the prior written approval of the City.
19. Amendments in writing. This Contract may be amended only in writing and signed by both parties.
20. Governing law. North Carolina law will govern the interpretation and construction of the Contract.
21. Entire agreement. This Contract, including the purchase order, if any, used in connection herewith and any other document(s) expressly incorporated by reference as a part of this Contract, constitutes and expresses the entire agreement and understanding between the parties concerning its subject matter. This Contract supersedes all prior and contemporaneous discussions, promises, representations, agreements and understandings relative to the subject matter of this contract. To the extent there may be any conflict between the four corners of this Contract and other documents incorporated by reference herein, the terms of this Contract will control.

22. Attached Exhibits. The following documents, if any, are attached to this Contract and incorporated by reference herein:

- a. Exhibit A: Scope of Services
- b. Exhibit B: Required Contract Provisions for Non-Federal Entity Contracts under Federal Awards – Appendix II to 2 CFR Part 200

23. Severability. If any provision of this Contract shall be declared invalid or unenforceable, the remainder of the Contract shall continue in full force and effect.

24. Counterparts and execution. This Contract may be executed in any number of counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. The Parties agree that computer scanned and/or faxed signatures or copies of this Contract will have the same validity and force as an “original.”

25. Authority to Enter Contract. The person(s) executing this Contract on behalf of Provider have authority to do so as an official, binding act of Provider.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first indicated above.

CITY OF SALISBURY

PROVIDER

BY:

TITLE:

City Manager

DATE:

November 16, 2022

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

October 7, 2022

Ms. Debra Young
Project Manager
Engineering Depart.
City of Salisbury
132 N. Main St.
Salisbury NC, 28144

SUBJECT: Scope for Contract Administration & CEI Inspection for HL-0005 Salisbury Signals Project.

Dear Ms. Young:

Kisinger Campo and Associates (KCA) is pleased to service your project with Contract Administration and CEI Inspection led by highly qualified and certified technicians and project managers with experience on similar projects in North Carolina.

SCOPE OF SERVICES

Task 1 – CEI Inspection

KCA anticipates CEI services will be required for work elements shown on the project drawings and proposal. KCA will provide experienced & certified staff to act as an extension of the City of Salisbury. KCA will provide material documentation as required by the City & NCDOT for federal project certification. All required documents will be turned over to the City of Salisbury after all documents have been prepared and checked for accuracy.

Task 2 – Contract Administration

KCA will provide professional staff to perform technical reviews of daily field reports, material documents, and monthly pay apps. General project controls will also be completed under this task. KCA anticipates the following specific tasks and or deliverables will be provided under this task:

- Supervise and schedule field personnel, review daily field reports, issue bi-weekly email updates and budget monitoring.
- Monthly attendance at progress meetings as requested by the owner.

ASSUMPTIONS

During our proposal preparations certain assumptions were required. Based on information available during our preparation of this proposal the following assumptions apply:

- Work is anticipated to be conducted during standard construction hours between 7AM and 6PM, Monday through Friday excluding holidays.
- KCA will work as an extension of the city.

ESTIMATED PROJECT FEES

KCA is prepared to begin upon authorization. The project will be billed on a cost plus overhead and fixed fee basis plus reimbursement for direct expenses. The following breakdown of fees is based on the previously provided "CEI (and various) Technicians' Scope & Estimate Form".

TASK	SERVICES	COST
1	CEI Inspection	\$55,957.74
2	Contract Administration	\$10,588.15
3	Direct Costs	\$6,380.27
TOTAL		\$72,926.16

KCA will provide any additional services at an additional cost on an as-requested basis. If conditions encountered suggest modifications to the proposed scope, you will be contacted in a timely manner for both your review and authorization of additional fees.

While KCA is diligent while reviewing the project schedule and plans, it may be possible for deviations to occur once the project has begun. The actual cost of our services will depend largely on the contractor's efficiency and actual schedule and progress, as well as impact of weather and work stoppages, all of which are beyond KCA's control. KCA's total fees may also fluctuate depending on the quality and performance of the construction materials used in addition to the contractor's approach and scheduling of construction sequences, work force, and jurisdictional requirements and events, which occur during the project that cannot always be predicted in advance.

Please be aware that contractor scheduling and performance are the primary causes for overtime work. Proficient contractor performance and scheduling minimizes additional testing and inspection time, consequently resulting in lower total fees. In the event conditions arise which are beyond KCA's control, unanticipated based on the available information, or differ significantly, we may need to revise our scope of work and estimated fees to complete the project. Should this occur, we will contact you for authorization before exceeding the project budget.

LIMITATIONS

KCA's work will be performed in a manner consistent with that level of care and skill ordinarily exercised by other members of its profession practicing in the same locality, under similar conditions and at the date the services are provided. KCA's conclusions, opinions and recommendations will be based on a

limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. KCA makes no guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

Even with diligent monitoring, construction defects may occur. In all cases the contractor is solely responsible for the direction and quality of the work, adherence to the plans and specifications, and repair of defects.

This proposal is valid for a period of 30 days from the date of this proposal, unless a longer period is specifically required by the RFQ in which case that time frame will apply. This proposal was prepared specifically for the client and its designated representatives and may not be provided to others without KCA's express permission.

AUTHORIZATION

KCA's services will be performed in accordance with this proposal and the terms and conditions included in clients purchase order. If the proposed scope of services and fee meet your needs, it is anticipated that KCA will be authorized to begin work upon receipt of an executed Purchase Order. This Purchase Order will document your concurrence with the presented scope of services, assumptions, schedule, limitations, and fees.

If there is a need for modification to KCA's scope of services contemplated herein, please contact the undersigned. Changes may require revision of the proposed fee, which will be communicated to you upon assessment of the requested changes. If additional work is determined to be necessary, it will be provided as authorized through additional work orders.

KCA appreciates the opportunity to submit this proposal. Our team looks forward to working with you on this project. Should you have any questions or comments, please do not hesitate to contact the undersigned at 704-985-3305.

Sincerely,


Davis C. Diggs, PE

Vice President

cc:

File

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: 11/15/2022

Name of Group(s) or Individual(s) Making Request: Wendy Brindle, City Engineer

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

Requested Agenda Item: Council to award Alley, Williams, Carman and King (AWCK) of Kannapolis, North Carolina, the Contract to provide Professional Engineering Services for Project EB-5619C, Grants Creek Greenway

Description of Requested Agenda Item: A Surface Transportation Block Grant (STBG-DA) in the amount of \$2,176,000 federal, plus a local match of \$544,000 was awarded to the City by the Cabarrus-Rowan MPO. At the April 20, 2021 Council meeting the City Manager was authorized to execute a Municipal Agreement with North Carolina Department of Transportation (NCDOT) to authorize these funds for greenway project EB-5619C. This project is one of three Greenway segments from Catawba College to Kelsey Scott Park.

Using the NCDOT approved Request for Letters of Interest, the City evaluated respondents for design of this section of greenway, and Alley, Williams, Carmen and King was identified and approved by NCDOT to provide Professional Engineering Services. NCDOT has reviewed and approved their defined scope and proposal. This request is to fund Professional Engineering services in the amount of \$182,468.77, of which \$36,493.75 is the City obligation.

Staff is recommending that Council approve the City Manager to execute a contract in the amount of \$182,468.77 with Alley, Williams, Carmen and King for design services for Project EB-5619C, Grants Creek Greenway.

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)*

\$36,493.75 City obligation with Federal obligation of \$145,975.02 for a design services total of \$182,468.77. Engineering has \$250,000 in the current budget for this project.

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

City Council to authorize the City Manager to enter into a unit price contract with Alley, Williams, Carmen and King for \$182,468.77 for Professional Engineering services.

Contact Information for Group or Individual:

Wendy Brindle, 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)

Salisbury City Council Agenda Item Request Form



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

FINANCE DEPARTMENT INFORMATION:

M. O'Donoghue
Finance Manager Signature

Wendy Biddle
Department Head Signature

S. Wade Funches
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:



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

October 14, 2022

Deborah Young
CITY OF SALISBURY
PO Box 479
SALISBURY NC 28145-0479

TIP : EB-5619C
Document : PS : PEF TASKS AND MANDAYS W RATES
Ref : PS : PEF TASKS AND MANDAYS W RATES Approval

Dear Deborah Young,

The Department has approved your PS : PEF TASKS AND MANDAYS W RATES.

Approval Notes:

10/14/22: The Department has approved the rates with AWCK on Project EB-5619C in the amount of \$182,468.77. Please find the letter of concurrence attached to the EBS Portal. Please note that no PE has been requested for authorization on this project yet. Now that the rates are approved you will need to have funding authorized for use. Please submit a New Change Request to request funding authorization.

STEPS FOR SUBMITTING A NEW CHANGE REQUEST

1. From your Home Screen, click on New Change Request
2. Search for your Project by TIP or Agreement No.
3. Select the correct ID #
4. Complete Change Request Form
 - a. For Supplemental Agreements, indicate the change to the Agreement in the "Reason for Change" box (i.e. additional funding approved by MPO; change in scope of work, etc.)
 - b. For FUNDING AUTHORIZATIONS, complete the following fields in the Funding Table:
 - i. TOTAL AMOUNT REQUESTED: Total Estimated Cost of the Phase
 - ii. NON-FEDERAL MATCH AMOUNT: Percentage of Non-Federal Match per the Agreement
 - iii. FEDERAL AMOUNT: Calculated based on the two previous entries
5. After completing form, either SAVE if you are not ready to submit (i.e. need additional information) or SUBMIT at the bottom of the page.

6. Attach any documents as needed

To view approval notes/letters:

- 1) Log into EBS Portal and select tile "Local Projects"
- 2) Select "Display Documents" from Main Menu
- 3) Search for this project by above referenced TIP Number and open
- 4) Find this Document Type (reference above) with a status of Approved
- 5) Open activity: approval letter or comments will be attached.

If additional reviews are needed on this Document type, you must submit a new workflow.

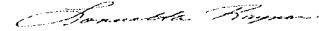
Please feel free to contact your Local Project Manager should you have any questions or concern in regards to the above information.

Sincerely,
Madeline Rawley

MRAWLEY@NCDOT.GOV

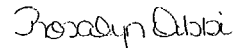
3. Recommendations

- A. Please respond in writing as to results of final negotiations.
- B. It is recommended that costs/rates be adjusted as mentioned in this letter.
- C. It is requested that a copy of the final cost/rate estimate be attached to the agreement when entered into SAP. Please scan a copy of this audit report as well.



Lonneta Raynor
Inspector General/Auditor Director

Prepared By:



Rosalyn Dobbin, Senior Auditor
Consultant, Utility, Rail, Turnpike

LR:RD

ENGINEERING SERVICES CONTRACT

This contract for services (the "Contract"), made and entered into this ____ day of _____, 20 22 by and between the **CITY OF SALISBURY**, a North Carolina municipal corporation located at 132 North Main Street, Salisbury, NC 28144 (hereinafter referred to as the "City"), and **ALLEY, WILLIAMS, CARMEN & KING, INC.**, a North Carolina corporation located at 740 Chapel Hill Road, Burlington, NC 27215 (hereinafter referred to as the "Provider") (collectively, the "Parties").

For and in consideration of the mutual promises set forth in the Contract, the parties do mutually agree as follows:

1. Obligations of Provider.

- a. Services. Under this Contract, the Provider shall perform all of those services included in the Scope of Services, which is attached to this Contract as Exhibit A and incorporated by reference (the "Services"). Provider shall, at its own sole cost and expense, perform and provide all the labor, services, materials, equipment, supplies, plans, and equipment necessary to complete the Services within the time specified and in accordance with the terms, conditions, and provisions of this Contract, and pursuant to the instructions, orders, and directions of the City made in accordance with this Contract.
- b. Qualifications of Provider. Provider, and all agents or employees of Provider who will provide services under this Contract, shall be fully qualified, possess any requisite licenses, and otherwise be legally entitled to perform the services provided, and shall exercise the skill and care customarily exercised by duly licensed and qualified providers of the same or similar services.
- c. Records Maintenance. Provider shall maintain written documentation of any professional services provided, including any required documentation meeting the requirements of applicable federal, state, and local laws and regulations.

2. Obligations of the City.

- a. Compensation. The City agrees to compensate Provider in the amount not to exceed One-Hundred Eighty-Two Thousand Four-Hundred Sixty-Eight and 77/100 Dollars (\$184,468.77) for services rendered in accordance with the terms of this Contract.
 - b. Other obligations of the City. In addition to the foregoing, the City shall: (1) notify property owners of the surveying activities; (2) pay associated permit fees, including but not limited to, NCDEQ permits, railroad right of entry fees, and flagmen fees; (3) review plans and provide comment; (4) review specifications and provide comments; (5) coordinate bid days and times with Provider; (6) coordinate approvals with NCDOT; (7) acquire any necessary rights-of-way; and (8) pay legal advertisement fees for the Services.
 - c. In the event of inclement weather, fire, power failure, or other similar occurrence, which may necessitate the cancellation of the delivery of Services, and an alternate date cannot be agreed upon, the City will be under no obligation to compensate Provider for Services not rendered.
3. Term. The Services will be provided from November 16, 2022 through November 16, 2023 unless sooner terminated as herein provided.
4. Change Orders. The City may, from time to time, request changes in the Services provided under this Contract. Such changes, including any increase or decrease in the amount of Compensation, shall not be effective unless mutually agreed to in writing and signed by both of the parties after appropriate authorization.

5. Termination for Convenience. Without limiting any party's right to terminate for breach, the parties agree that the City may, without cause and in its discretion, terminate this Contract for convenience upon thirty (30) calendar days' notice in writing from the City to Provider prior to the date of termination. Upon termination, all obligations that are still executory on both sides are discharged except that any right based on prior breach or performance survives, and the indemnification provisions of this Contract shall remain in force. All finished or unfinished documents and other materials produced by Provider pursuant to this Contract shall, at the request of the City, be turned over to it and become its property. If the Contract is terminated by the City in accordance with this section, the City will provide a prorated payment for all services performed as of the date of termination.
6. Termination for Cause. Either party has the right terminate this Contract for cause based on a breach of any of its terms upon written notice to the other party specifying the breach.
7. Terms and Methods of Payment. Provider shall provide the City with invoice(s) itemized by services provided, the number of hours worked and by whom, the date(s) that services were provided, and the amount owed, along with any supporting documentation that may be requested in advance by the City. Such invoice(s) shall be submitted within thirty (30) days of the rendering of services, but no more than monthly. The City shall process payments to Provider within thirty (30) days of submission of such invoice(s) for work satisfactorily performed. Invoice(s) should be sent to Wendy Brindle, City Engineer, City of Salisbury, PO Box 479, Salisbury, NC 28145, for review and approval.
8. Contract Funding. It is understood and agreed between Provider and the City that the City's payment obligation under this Contract is contingent upon the availability of appropriated funds from which payment for Contract purposes can be made.
9. Insurance. Provider agrees to insurance in the minimum amounts: (1) \$1,000,000 in General Liability; (2) \$1,000,000 in Automobile Liability; (3) \$1,000,000 in Errors and Omissions; and (4) Workers Compensation in the required statutory amount for all employees participating in the provision of services under this Contract. The "City of Salisbury, a North Carolina Municipal Corporation" shall be named by endorsement as an additional insured on the General Liability and Errors and Omissions policies. Certificates of such insurance shall be furnished by Provider to the City and shall contain an endorsement to provide the City at least ten (10) days' written notice of any intent to cancel or terminate by either Provider or the insuring company. Failure to furnish insurance certificates or maintain such insurance shall be a default under this contract and shall be grounds for immediate termination of this Contract.
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13. Compliance with Applicable Laws. Provider shall comply with all applicable laws and regulations in providing services under this Contract. In particular, Provider represents that it is authorized by federal law to work in the United States. Provider represents and warrants that it is aware of and in compliance with the Immigration Reform and Control Act and North Carolina law (Article 2 of Chapter 64 of the North Carolina General Statutes) requiring use of the E-Verify system for employers who employ twenty-five (25) or more employees and that it is and will remain in compliance with these laws at all times while providing services pursuant to this Contract. Provider is responsible for compliance with the Affordable Care Act and accompanying IRS and Treasury Department regulations.
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16. Restricted Companies List. Provider represents that as of the date of this Contract, Provider is not included on the Final Divestment List created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. § 147-86.58. Provider also represents that as of the date of this Contract, Provider is not included on the list of restricted companies determined to be engaged in a boycott of Israel created by the North Carolina State Treasurer pursuant to N.C. Gen. Stat. § 147-86.81.
17. Anti-Nepotism. Provider warrants that, to the best of its knowledge and in the exercise of due diligence, none of its corporate officers, directors, or trustees and none of its employees who will directly provide services under this Contract are immediate family members of any member of the Salisbury City Council or of any member of the City's Administration, Human Resources, Information Technology, or Financial and Business Services departments. For purposes of this provision, "immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild, and includes step, half, and in-law relationships. Should Provider become aware of any family relationship covered by this provision or should such a family relationship arise at any time during the term of this Contract, Provider shall immediately disclose the family relationship in writing to the City Manager. Absent an applicable exception under state law and City policy, the existence of a family relationship covered by this Contract is grounds for immediate termination by the City without further financial liability to Provider.
18. No assignment. Provider shall not assign, subcontract, or otherwise transfer any interest in this contract without the prior written approval of the City.
19. Amendments in writing. This Contract may be amended only in writing and signed by both parties.
20. Governing law. North Carolina law will govern the interpretation and construction of the Contract.
21. Entire agreement. This Contract, including the purchase order, if any, used in connection herewith and any other document(s) expressly incorporated by reference as a part of this Contract, constitutes and expresses the entire agreement and understanding between the parties concerning its subject matter. This Contract supersedes all prior and contemporaneous discussions, promises, representations, agreements and understandings relative to the subject

matter of this contract. To the extent there may be any conflict between the four corners of this Contract and other documents incorporated by reference herein, the terms of this Contract will control.

22. Attached Exhibits. The following documents, if any, are attached to this Contract and incorporated by reference herein:

- a. Exhibit A: Scope of Services
- b. Exhibit B: Required Contract Provisions for Non-Federal Entity Contracts under Federal Awards – Appendix II to 2 CFR Part 200

23. Severability. If any provision of this Contract shall be declared invalid or unenforceable, the remainder of the Contract shall continue in full force and effect.

24. Counterparts and execution. This Contract may be executed in any number of counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. The Parties agree that computer scanned and/or faxed signatures or copies of this Contract will have the same validity and force as an “original.”

25. Authority to Enter Contract. The person(s) executing this Contract on behalf of Provider have authority to do so as an official, binding act of Provider.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first indicated above.

CITY OF SALISBURY

PROVIDER

BY: _____
TITLE: City Manager
DATE: November 16, 2022

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

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

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

Name of Presenter(s): N/A

Requested Agenda Item: Voluntary Annexation Request – 1132 Barbour Street – J2 Land Investments

Description of Requested Agenda Item:

The Engineering Department has received a petition from J2 Land Investments to annex 0.100 acres, located at 1132 Barbour St and identified on Rowan County Tax Map 025 as Parcel 018. In accordance with State Statutes, the annexation request will be discussed at three Council meetings. At the first meeting, Council will receive the request and adopt a resolution instructing the City Clerk to investigate the sufficiency of the request. At the second meeting, staff will certify the statutory requirements have been met, and Council will set a public hearing date. At the third meeting, Council will hold a public hearing and vote on the annexation.

Attachments: ☒ Yes ☐ No

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

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

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

City Council to receive the request for the voluntary annexation of Tax Map 025 Parcel 018, located at 1132 Barbour Street, and adopt a resolution instructing the City Clerk to investigate the sufficiency of the request

Contact Information for Group or Individual:

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

☐ **Approved**

☐ **Declined**

Reason:

**RESOLUTION DIRECTING THE CITY CLERK TO INVESTIGATE A PETITION
RECEIVED UNDER G.S. 160A-31, FOR VOLUNTARY ANNEXATION OF TAX MAP
025 PARCEL 018, 0.100 ACRES LOCATED AT 1132 BARBOUR STREET**

WHEREAS, a petition requesting annexation of an area described in said petition has been received on November 15th, 2022 by the City Council; and

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

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

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

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

Karen K. Alexander, Mayor

ATTEST:

Kelly Baker, City Clerk

Date: 9/15/2022

PETITION REQUESTING VOLUNTARY ANNEXATION
FOR 1132 Barbour St (Parcel 025 018)

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 DocuSigned by:	Owner's Address
TM <u>025</u> PCL <u>018</u>	J2 Land Investments, LLC.	<u>John Lambert</u> 59C4B750F794402...	6549 Morehead Rd Harrisburg, NC 28075
TM ____ PCL ____	_____	_____	_____
TM ____ PCL ____	_____	_____	_____
TM ____ PCL ____	_____	_____	_____
TM ____ PCL ____	_____	_____	_____

(Attach additional petition forms if needed)

Form Revised 2-08

Contact Person PresPro Telephone Number 850-530-6328

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)

CITY OF SALISBURY

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

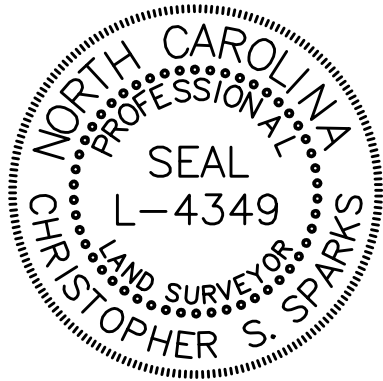
- Notes:
1. Iron pins at all lot corners unless otherwise noted.
 2. Property may be subject to recorded or unrecorded rights-of-way or easements not observed.
 3. Property is not located within 2000' of a NCGS monument.
 4. This property does not lie within a flood hazard are per FEMA Flood Insurance Rate Map #3710577000J, dated June 16th, 2009
 5. This property does not lie within a regulated Watershed
 6. This property is served by public water & sewer.
 7. Total site acreage being Annexed = 0.104 Acres (4,546 Sq. Ft.)
 8. This is a survey of an existing parcel of land. This purpose of this survey is for annexation into the City of Salisbury.
 9. This Parcel is contiguous with the existing Salisbury City Limits.
 10. Current zoning is located within Rowan County jurisdiction.

SURVEYOR'S CERTIFICATION

I, Christopher S. Sparks certify that this map was drawn by me from an actual survey made by me deed description recorded in Book 1375 Page 882, etc.) (other); (that the ratio of precision as calculated by latitudes and departures is 1:10,000+, that the boundaries not surveyed are shown as broken lines plotted from information found in Book 9995 Page 502; that this map was prepared in accordance with G.S. 47-30, as amended.

Witness my hand and seal this 5th day of October, AD 2022.

This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.



Christopher Sparks
Professional Land Surveyor
L-4349
Registration Number

STATE OF NORTH CAROLINA
ROWAN COUNTY

I, _____ Review Officer of Rowan County certify that this map or plat to which this certification is affixed meets all statutory requirements for recording.

REVIEW OFFICER _____ DATE _____

CERTIFICATE OF ANNEXATION

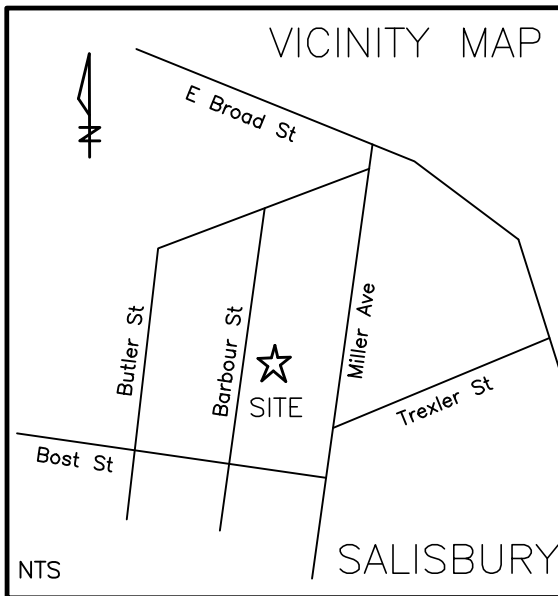
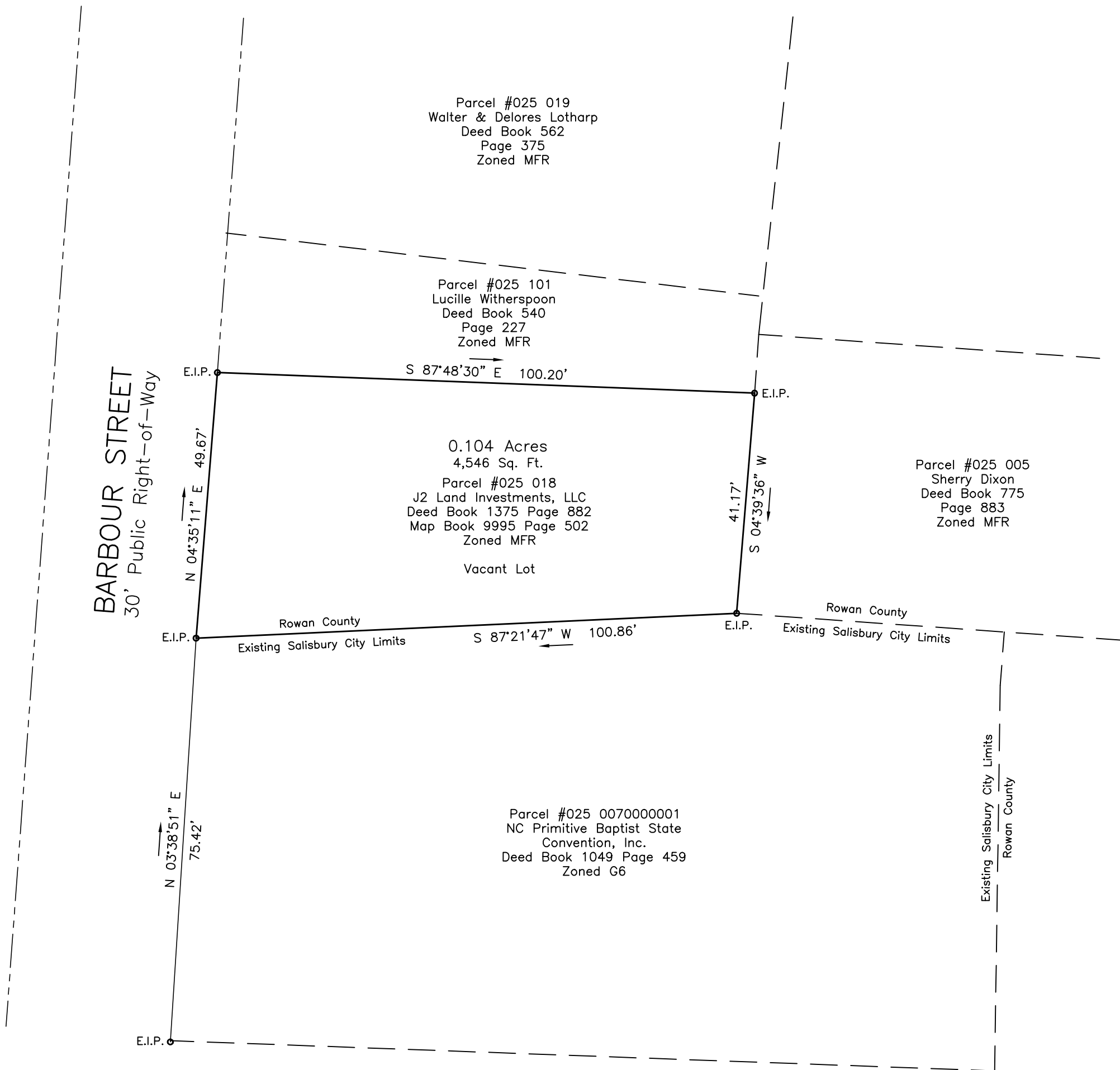
Area annexed into the Corporate Limits of the City of Salisbury, NC by Ordinance Number _____ adopted by the City Council on with an effective date of _____. I hereby certify that this plat has been approved for recording in the Register of Deeds in Rowan County.

Mayor _____ DATE _____

OWNER
J2 Land Investments, LLC
6549 Morehead Road
Harrisburg, NC 28075

ZONING

ZONED: MFR (Rowan County)



LEGEND

- E.I.P. EXISTING IRON PIN
- N.I.P. NEW IRON PIN
- C.M. CONCRETE MONUMENT
- E.P. EDGE OF PAVEMENT
- R/W RIGHT OF WAY
- SETBACKS
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- SEWER MANHOLE

SPARKS
SURVEYING,
PA
4495 NEEDMORE RD.
WOODLEAF, N.C. 27054
PHONE(704) 577-8429
C-4914

ANNEXATION PLAT
CONTIGUOUS

FOR PARCEL
#025 018 ON BARBOUR STREET
SALISBURY.NC 28144

TAX PARCEL #025 018
DB 1375 PG 882, MB 9995 PG 502
PORTION OF DUNBAR HEIGHTS SUBDIVISION
CITY OF SALISBURY ROWAN COUNTY, N.C.

DESCRIPTION:
RECORD PLAT

Scale: 1" = 20' Date: 10/5/2022



Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: 11/15/2022

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

Name of Presenter(s): Chief Jerry Stokes

Requested Agenda Item: Adopt a Budget ORDINANCE Amendment to the FY2022-2023 budget in the amount of \$25,000 to appropriate grant funds from NC Governor's Highway Safety Program.

Description of Requested Agenda Item: The Police Department has received a grant from NC Governor's Highway Safety Program for \$25,000 for traffic safety efforts.

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: Chief Jerry Stokes, SPD 704-638-5333

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature



Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

☐ Approved ☐ Delayed ☐ Declined

Reason:

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE NC GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT

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

Section 1. The City has received funds for the police department from the NC Governor's Highway Safety Program. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

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 General Fund line items be amended as follows:

- | | | |
|-----|--|-----------------|
| (1) | Increase line item 010-000-000-4521.07
General Police Donations | <u>\$25,000</u> |
| (2) | Increase line item 010-516-328-5011.01
Regular Salaries | <u>\$25,000</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: November 15, 2022

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

Name of Presenter(s): Jim Greene, Jr.

Requested Agenda Item: Council to consider approving an update to the adopted employee pay grade and classification schedule.

Description of Requested Agenda Item: On October 18, 2022, Council adopted the new employee pay grade and classification schedule as recommended by the MAPS Group. Since its adoption a need has been identified to add two additional position classifications to the approved plan. The amendments would not add additional employees, but establish a classification and pay range to give the City flexibility for future growth and reorganization. Staff has worked with the MAPS group to identify the appropriate pay grade and classification for the two requested additions to the Compensation Plan. The ranges will be adjusted with the COLA adjustment as discussed with the MAPS presentation.

Position Title	Grade	Mid-Max Range
City Clerk	15	\$53,459 – \$85,534
Development Services Director	24	\$82,932 – \$132,691

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 consider approving an update to the adopted employee pay grade and classification schedule.

Contact Information for Group or Individual: Jim Greene, Jr., 704-638-5228

☒ **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:

Salisbury City Council Agenda Item Request Form



Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

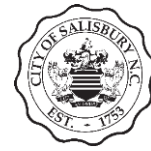
☐ **Approved**

☐ **Delayed**

☐ **Declined**

Reason:

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

Name of Group(s) or Individual(s) Making Request: Sada Stewart Troutman, Downtown Development/DSI; Wendy Brindle, Engineering

Name of Presenter(s): Sada Stewart Troutman and Wendy Brindle

Requested Agenda Item: Downtown Salisbury Parking Pilot Program

Description of Requested Agenda Item: This presentation proposes a parking program for business owners, property owners or residents to be able to lease parking spaces from the City in designated City-owned parking lots for a one year term.

Attachments: ☒ Yes ☐ No

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

Action Requested of Council for Agenda Item: Approve parking rates and authorize enacting a pilot program for Downtown Parking.

Contact Information for Group or Individual: sada.troutman@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

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



Reason:



Downtown Salisbury Commercial and Residential Parking Program Pilot Program, November 2022

Purpose

The purpose of this pilot program is to address the need for more parking options in Downtown Salisbury. While the City offers many on-street and off-street parking locations, this program aims to specifically address the need for residents, property and business owners and employees to have parking options that are not on Main Street or Innes Street. This program will free up parking in front of buildings (on Main Street and Innes Street, as well as side streets) for customers and visitors to Downtown.

The advocacy of Downtown Stakeholders and the support of the Police Department has resulted in a very capable hire for parking enforcement, and has resulted in a rigorous ticketing program. This has shown need for variety of parking options throughout the downtown to address multiple locations, which this pilot program will offer.

This pilot program will run for one year to evaluate demand, and will offer updates to Council at more frequent intervals.

Coordination

This program is coordinated by the Downtown Development Department, located at 217 S Main Street, City Hall. Individuals should direct inquiries and payments to this department via email or phone, sada.troutman@salisburync.gov or 704-637-7814.

Marketing for this program will begin following approval by City Council. Leasing will open on December 14, 2022, and the pilot program will go into effect on January 1, 2023.

Terms and Lease Process

- Proof of Downtown Residency, property ownership or Employment is required to lease a parking space.

- Must provide a complete the Downtown Parking Application and Agreement.

- This agreement will include standard language for leasing the parking space from the City, as well as an agreement that the City reserves the right to assess necessary closures based on events, festivals or other needs.

- Bring current ID, completed application and proof of residency, building ownership or employment (utility bill, lease, driver's license, letter from employer, etc.).

- After approval of the required documentation, a permit will be available for pickup with 3-5-day turnaround time.

- Place the permit in vehicle (placard on rearview mirror) when parked in the spot.



Cost for Spaces

\$35/space/month--\$420/space/year with payment due upon receipt of permit

Operation

This pilot program will be only for off-street parking in designated City owned lots. Residents or business owners will be able to purchase spaces within a specific lot, and that permit will only be valid in that specific lot. The permit will NOT be parking space specific, rather it will be parking lot specific. For example, if a permit is purchased for the Wells Fargo lot, the permit-holder may park in any of the 10 parking spaces denoted by a sign. The permits and lots will be designated by color. Leased parking spaces will be marked with signs that say "Permit Required" (or something similar) and indicate the appropriate permit for that lot. Please see attached map.

- Wells Fargo (yellow lot): 10 spaces
- City Office Building Lot (blue lot): 15 spaces (lower lot)
- Central City Lot (red lot): 5 spaces (Bernhardt Lot)

There will be an annual cost to the parking program, and permits will be valid January 1-December 31. At this point, with continuation of the program following the pilot year, renewals will be available. People interested in leasing available spaces later in the year will pay prorated rates. No refunds will be permitted for those who do not fulfill their lease.

This will be a first come, first served pilot program.



Parking Placard Example:



Parking Space Sign Example (signs and placards will coordinate based on lot color designation):



Proposed Parking Maps:

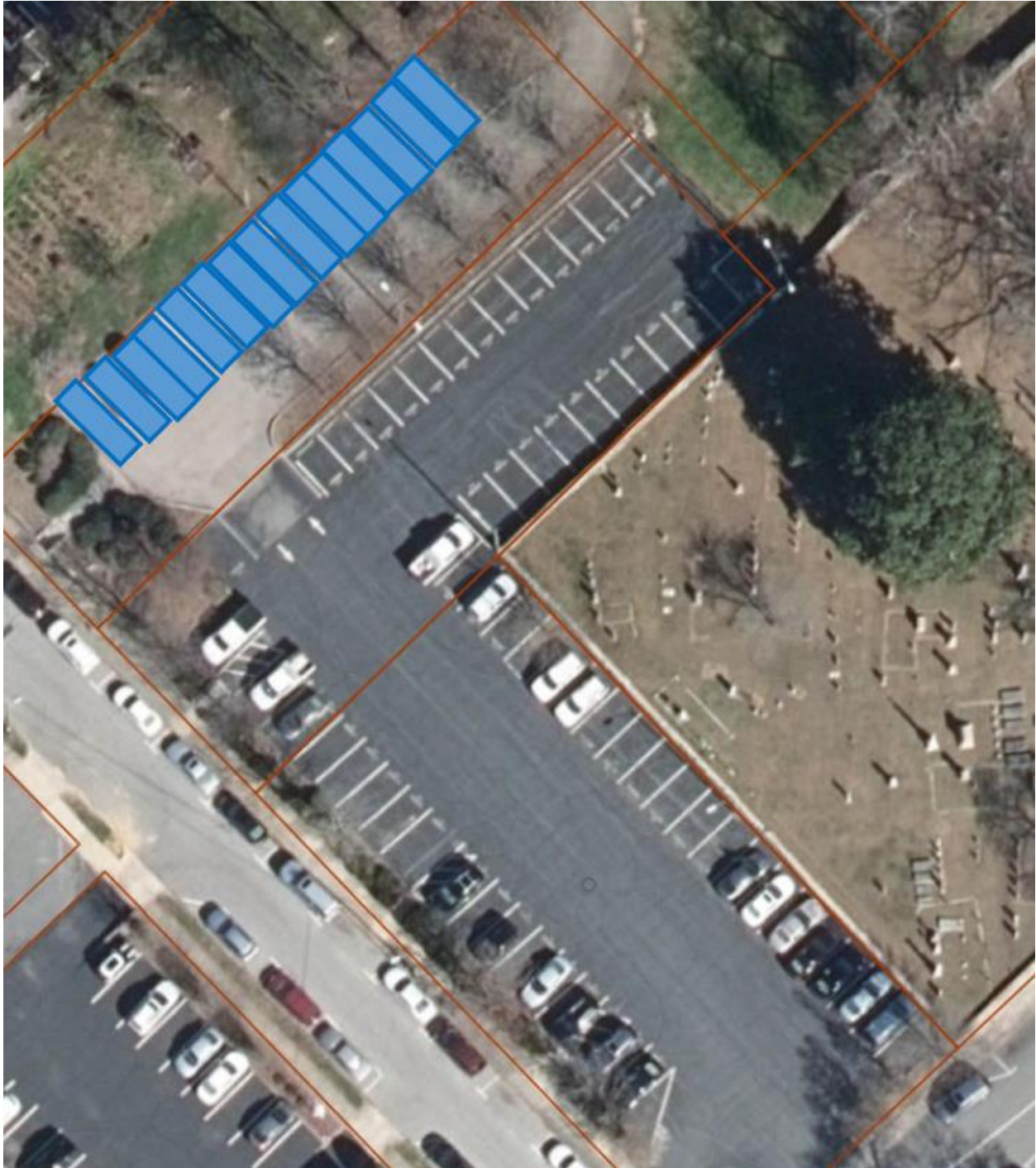
Wells Fargo Lot, Yellow Lot

10 spaces; 20% of lot



City Office Building Lot (Lower), Blue Lot

15 spaces, 19.7% of lot



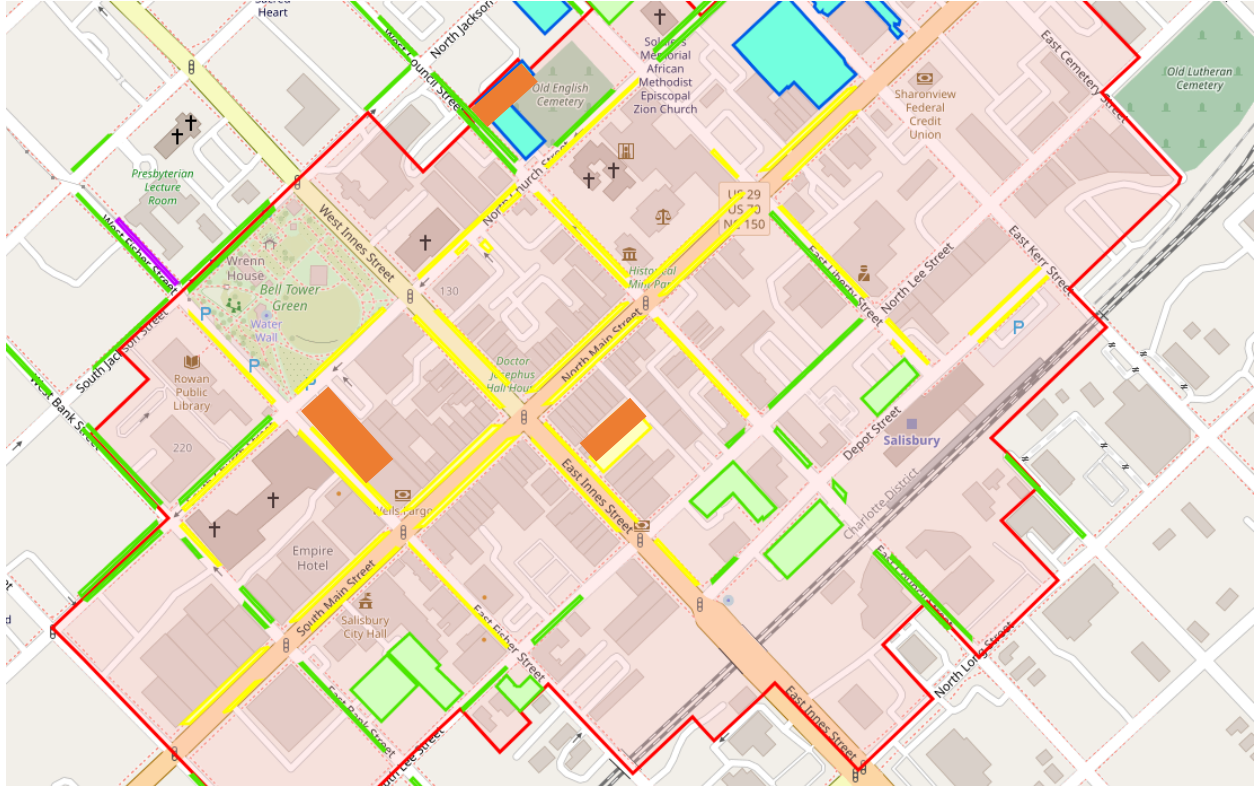
Central City (Bernhardt) Lot, Red Lot

5 spaces, 12.2% of lot



Downtown Lot Location for Pilot Program

Included lots highlighted in orange



Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

Name of Group(s) or Individual(s) Making Request: Sada Stewart Troutman, Downtown Development/DSI

Name of Presenter(s): Sada Stewart Troutman

Requested Agenda Item: Annual Downtown Salisbury Report

Description of Requested Agenda Item: This presentation will cover a report on the economic development in Downtown Salisbury, events, and an update on the Downtown Salisbury Social District, as well as goals for the upcoming year.

Attachments: ☒ Yes ☐ No

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

Action Requested of Council for Agenda Item: N/A

Contact Information for Group or Individual: sada.troutman@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined

Reason:

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: 11/15/2022

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

Name of Presenter(s): Finance Director Wade Furches

Requested Agenda Item: Council to receive quarterly financial update, including capital projects and equipment update, and consider adopting a Budget ORDINANCE Amendment to the FY2022-2023 budget to appropriate additional sales tax revenues in the amount of \$504,460.

Description of Requested Agenda Item: During the FY23 budget process, City Council approved delaying expenditures on certain items/projects until we see if sales tax revenues will continue to be strong. As part of this presentation, Council will hear that sales taxes continue to trend upward. Therefore, staff is recommending to proceed with funding approximately one-half to the total expenditures on the sales tax bucket list.

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)

The City Finance Department has monitored sales tax revenue trends for the past several month. As there has yet to be a decline in revenues, staff believes the above recommendation is a sound financial decision.

Action Requested of Council for Agenda Item: Adopt Budget ORDINANCE Amendment to appropriate additional sales tax revenue in the amount of \$504,460.

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:


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:

Potential uses for additional sales taxes	Estimated Costs	First \$500K of Sales Tax Revenue
Addition of Zoning and Code Enforcement Inspector	\$ 102,200	\$ 27,500
Compost site study and permitting	100,000	
Install an auxiliary generator connection at SCSC to power the headend in the event of a stationary generator failure and to allow for testing of the switch with out the need of renting an auxiliary cooling system	92,000	
From a list of potential projects - replace old ceiling in various locations at City Hall, replace flooring in concession stand at Community Park, repaint the exterior of the building at Park Avenue, replace the plumbing and fixtures at Cone Center, Replace window and boxing at Fire Station 5	50,000	50,000
From a list of potential projects - signal head upgrades, addition of pedestrian signals and push-buttons at Innes and Jackson, upgrade school flasher at Main and 11th, Upgrade signal at Long and Bank, addition of pedestrian signal at Arlington and Freeland, resurfacing at intersection of Brenner and Statesvill Blvd	20,000	20,000
Portable console for use in Crime Center, Fire Ops	95,000	95,000
GIS software support - funded with shift from Special Projects	53,000	53,000
Salisbury Historic District Update	24,000	
Historic District Street Signs	5,000	5,000
Plaza apartment and building repairs	17,500	
Installation of approximately 100 new street lights	23,000	23,000
Conver Crime Center console to workstation	17,000	
Empower House Center for Self Efficacy - officer wellness program	15,000	15,000
2 Battery operated ventilation fans - Fire	10,000	
Ballistic Vests - Fire	9,840	
Replace Station 2 SCBA air compressor to fill SCBA cylinders	59,000	59,000
Fire Station 1 improvements - furniture, kitchen remodel, remodel BC office, springs for bay doors, painting and appliance repairs	14,500	14,500
Building at Salisbury Community Park to replace storage shed	25,000	25,000
Roof Replace - Communications	48,600	48,600
HVAC - Grounds Maintenance	12,000	12,000
Benchmark Network Solutions Contract - Remote IT support	150,000	
Four video arcade game cabinets for game room	15,000	
Parks and Rec - camper shell for truck, tables and chairs-Park Avenue	5,500	
Replace shop trolley hoist	8,500	8,500
HR - Power DMS software	10,000	
Communications' Employee Recruitment Project		30,000
Telematics project project to help reduce carbon footpring	18,360	18,360
	<u>1,000,000</u>	<u>504,460</u>

AN ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE ADDITIONAL SALES TAX REVENUES

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

Section 1. The City Finance Department anticipates that it will received sales tax revenues in excess of the original budget. This additional revenues need to be property appropriated.

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 General Fund line items be amended as follows:

(1)	Increase line item 010-000-000-4122.39 Special Projects	<u>\$ 504,460</u>
(2)	Increase in line item 010-422-203-5450.00 Communication Special Projects	\$ 30,000
	Increase line item 010-491-000-5450.00 Community Planning Special Projects	5,000
	Increase line item 010-494-000-5011.01 Development Service Salaries	27,500
	Increase line item 010-500-000-5450.00 Traffic Maintenance Special Projects	20,000
	Increase line item 010-511-315-5450.00 Police Special Projects	15,000
	Increase line item 010-531-352-5710.00 Fire Capital Outlay	59,000
	Increase line item 010-531-351-5252.01 Fire Buildings and Grounds	14,500
	Increase line item 010-550-000-5710.00 Telecommunication Capital Outlay	95,000
	Increase line item 010-550-000-5710.50 Telecommunications Roof/HVAC	48,600
	Increase line item 010-551-000-5450.00 Facilities Special Projects	50,000
	Increase line item 010-552-000-5450.00 Street lighting Special Projects	23,000

Increase line item 010-555-000-5252.04 Engineering Computer Software	53,000
Increase line item 010-590-000-5710.00 Grounds Maintenance Capital Outlay	25,000
Increase line item 010-590-000-5710.50 Grounds Maintenance Roof/HVAC	12,000
Increase line item 010-661-000-5742.00 Fleet Garage Equipment	8,500
Increase line item 010-661-000-5450.00 Fleet Special Projects	<u>18,360</u>
	<u>\$ 504,460</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: 11/15/2022

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

Name of Presenter(s): Chief Jerry Stokes

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

Description of Requested Agenda Item: Council to hear SPD update on community crime, staffing, etc. from the third quarter of 2022.

Attachments: ☒ Yes ☐ No

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature



Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

☐ Approved ☐ Delayed ☐ Declined

Reason:

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

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

Name of Presenter(s): Kelly Baker

Requested Agenda Item: Council to adopt is 2023 Meeting Schedule.

Description of Requested Agenda Item: Each year Council adopts its meeting schedule, and the proposed schedule of 2023 meeting dates is attached for your consideration and approval. As in past years, the schedule proposes only one meeting for July and December. Two additional changes are proposed for 2023. The starting time of the August 1 meeting has been moved to 3:00 p.m. in order to allow Council to participate in National Night Out events. Also, the first meeting in November is election day, and staff proposes the meeting be moved to Wednesday, November 8.

Attachments: ☒ Yes ☐ No

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

Action Requested of Council for Agenda Item: Adopt Council's meeting schedule for 2023.
(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)

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



For Use in Clerk's Office Only

☐ **Approved**

☐ **Delayed**

☐ **Declined**

Reason:

2023 SCHEDULE OF REGULAR COUNCIL MEETING DATES

January 3	No first meeting
January 17	July 18
February 7	August 1 – Meeting Starts 3:00 p.m.
February 21	August 15
March 7	September 5
March 21	September 19
April 4	October 3
April 18	October 17
May 2	November 8 (Wednesday)
May 16	November 21
June 6	December 5
June 20	No second meeting

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

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

Name of Presenter(s): Announcement

Requested Agenda Item: Holiday Night Out, Friday, November 25th, 2022 (5pm – 9pm)

Description of Requested Agenda Item: The community is invited to share and experience holiday cheer during Holiday Night Out in Downtown Salisbury on Friday, **November 25 from 5 to 9 p.m.** For more information visit www.DowntownSalisburyNC.com or call 704-637-7814.

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: Latoya Price 704-637-7814 latoya.price@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

Salisbury City Council Agenda Item Request Form



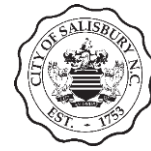
☐ Approved

☐ Delayed

☐ Declined

Reason:

Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: November 15, 2022

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

Name of Presenter(s): Announcement

Requested Agenda Item: Small Business Saturday, November 26

Description of Requested Agenda Item: Celebrate and support our local downtown businesses during the holiday shopping season on **Saturday, November 26** by supporting [Small Business Saturday](#). For more information visit www.DowntownSalisburyNC.com or call 704-637-7814.

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: Latoya Price 704-637-7814 latoya.price@salisburync.gov

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

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

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Department Head Signature

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☐ Approved

☐ Delayed

☐ Declined

Reason: