



# City of Salisbury

North Carolina

## COUNCIL MEETING AGENDA

January 4, 2022  
6:00 p.m.

The City is operating under a State of Emergency declaration related to the spread of COVID-19. The City Council meeting will be held electronically to remain consistent with limiting physical interactions and the potential spread of COVID-19, and Council Chambers will be closed. The meeting will be streamed live at [salisburync.gov/webcast](https://salisburync.gov/webcast) and on the City's Twitter account. *Anyone who wishes to speak during public comment must sign-up by 5:00 p.m. on January 4, 2022 by contacting Kelly Baker at [kbake@salisburync.gov](mailto:kbake@salisburync.gov) or 704-638-5233.*

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

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

January 17, 2022  
January 2022  
January 2022

6. Council to consider the CONSENT AGENDA:

- (a) Adopt Minutes of the Regular meeting of December 7, 2021.
- (b) Adopt a budget **ORDINANCE** Amendment to the FY2021-2022 budget in the amount of \$25,000 to appropriate grant funds from the North Carolina Governor's Highway Safety Program to provide overtime funds for traffic enforcement.
- (c) Adopt a budget **ORDINANCE** Amendment to the FY2021-2022 budget in the amount of \$23,960 to appropriate grant funds from the North Carolina Governor's Crime Commission to replace outdated equipment in the booking area, a transport chair, mobile stop signs to aid in reducing traffic accidents in high crash zones when the power goes out, replacement Taser cartridges, and digital optics.
- (d) Adopt a budget **ORDINANCE** Amendment to the FY2021-2022 budget in the amount of \$25,000 to appropriate grant funds from the Duke Energy Foundation to support social justice and racial equity initiatives.
- (e) Adopt a budget **ORDINANCE** Amendment to the FY2021-2022 budget in the amount of \$69,814 to appropriate Edward Byrne Memorial Justice Assistance grants for 2019, 2020 and 2021 for the purchase of a benchmark management system, two interactive whiteboards, a license plate reader, duty pistol replacements, and weapon lights and holsters, handcuffs, and baton replacement.

**COUNCIL MEETING AGENDA – PAGE 2 – JANUARY 4, 2022**

- (f) Adopt a **RESOLUTION** accepting a Byrne Criminal Justice Innovation Program Grant in the amount of \$800,000 for the West End Salisbury Transformed Empowered Neighborhood Development Project.
  - (g) Authorize the City Manager to execute a contract in an amount not to exceed \$354,364.27 with Level Solutions Group, LLC for the purchase of replacement technology equipment. Equipment has reached its end of life and funds for this purchase were approved in the FY2021-2022 budget.
  - (h) Adopt an **ORDINANCE** amending Section 13-338 (Parking prohibited at all times), Section 13-341 (Reserved handicapped parking), Section 13-366 (Loading zones), and Section 13-362 (Off-street parking lots) of the City Code to match existing and updated markings from the Main Street Road Diet and for uniformity.
  - (i) Adopt an **ORDINANCE** amending Section 13-336 (Speed limits – Generally) of the City Code to lower the speed limit from 35mph to 25mph in the 600 and 700 blocks of North Ellis Street.
  - (j) Approve an additional task order in the amount of \$6,690 for HDR Engineering, Inc. for additional survey work to support the Sunset Drive South Drainage Improvement project.
  - (k) Adopt an **ORDINANCE** amending Chapter 10, Article III of the City Code to authorize filing a Notice of Lis Pendens in Minimum Housing cases.
  - (l) Approve a right-of-way encroachment for Spectrum in the 100 block of South Ellis Street in accordance with Section 11-24(27) of the City Code.
7. Council to receive public comment. *Public comment will begin following adoption of the Consent Agenda. For electronic meetings speakers must sign-up before 5:00 p.m. by contacting Kelly Baker at [kbake@salisburync.gov](mailto:kbake@salisburync.gov) or 704-638-5233. Citizens who are unable to speak during the meeting may submit written comments by 5:00 p.m. to the email above and they will be shared with Council.*
8. Council to consider Land Development District Map Amendment Z-03-2021 to rezone one parcel located at 1035 Mooresville Road from Neighborhood Mixed Use to Corridor Mixed Use. *(Presenter – Planner Elizabeth Burke)*
- (a) Receive a presentation from staff
  - (b) Hold a public hearing
  - (c) Issue a Statement of Consistency and Statement of Reasonableness, and consider adopting an **ORDINANCE** amending the Land Development Ordinance.
9. Council to receive the June 30, 2021 Annual Comprehensive Financial Report from auditors Elliott Davis, LLC. *(Presenter – Finance Director Wade Furches and Auditor Leanne Bagasala)*

**COUNCIL MEETING AGENDA – PAGE 3 – JANUARY 4, 2022**

10. Council to consider adopting an **ORDINANCE** to order the demolition of the structure located at 418 South Craige Street. (*Presenter – Code Services Manager Michael Cotilla*)
11. Council to consider adopting an **ORDINANCE** amending section 13-40 and Section 13-41 of the City Code to increase the overtime parking fine from \$5 to \$15 and the repeat offender fine from \$50 to \$75. (*Presenters – Chief Jerry Stokes and City Engineer Wendy Brindle*)
12. Council to consider adopting a **RESOLUTION** establishing a Sister-City relationship with Monrovia, Liberia. (*Presenter – Mayor Karen Alexander*)
13. Council to consider an appointment to the Economic Development Commission.
14. Council to consider making Council Liaison appointments to the following community groups:
  - (a) ABC Board
  - (b) Centralina Council of Governments
  - (c) Centralina Council of Governments-Alternate
  - (d) Community Appearance Commission
  - (e) Downtown Salisbury, Inc.
  - (f) Economic Development Commission
  - (g) Fireman’s Relief Fund
  - (h) Housing Advocacy Commission
  - (i) Human Relations Council
  - (j) Metropolitan Planning Organization
  - (k) Metropolitan Planning Organization-Alternate
  - (l) Parks and Recreation Advisory Board
  - (m) Rufty-Holmes Senior Center
  - (n) Salisbury-Rowan Community Action Agency
  - (o) Salisbury Tourism and Cultural Development Authority and Rowan County Tourism Development Authority
  - (p) Transportation Advisory Board
  - (q) Tree Board
  - (r) Youth Council
15. City Attorney’s Report.
  - (a) City Code revisions to comply with N.C. Session Law 2021-138 decriminalizing certain local ordinances.
16. City Manager’s Report.
17. Council’s Comments.
18. Mayor Pro Tem’s Comments.

**COUNCIL MEETING AGENDA – PAGE 4 – JANUARY 4, 2022**

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

Salisbury, North Carolina  
December 7, 2021

## **REGULAR MEETING**

**PRESENT:** Mayor Karen K. Alexander, Presiding; Council Members William Brian Miller, David Post, and Tamara Sheffield; City Manager W. Lane Bailey; City Clerk Kelly Baker; and City Attorney J. Graham Corriher.

**ABSENT:** Mayor Pro Tem Al Heggins.

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. She recognized the passing of Bishop Bill Godair, and a moment of silence was taken.

## **PLEDGE OF ALLEGIANCE**

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

## **ADOPTION OF THE AGENDA**

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

## **RECOGNITION OF VISITORS**

Mayor Alexander welcomed all visitors present.

## **ADJOURNMENT**

Motion to adjourn the meeting was made by Councilmember Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:05 p.m.

## **NEW COUNCIL CONVENES**

Ms. Karen Kirks Alexander, Mr. Harry McLaughlin, Mr. David Post, Ms. Tamara Sheffield, and Mr. Anthony R. Smith who were elected as City Council members in the November 2, 2021 regular municipal election for a two-year term, assembled in the Council Chambers of City Hall, 217 South Main Street, at 6:06 p.m. on December 7, 2021 for the purpose of being inducted into office.

City Clerk Kelly Baker administered the oath of office to each of the recently elected Councilmembers.

Ms. Baker then administered the oath of office of Mayor to Karen Kirks Alexander who was the first mayor elected by voters.

The new Council convened.

## **RESOLUTION OF APPRECIATION HONORING BRIAN MILLER**

Mayor Alexander asked Council to consider a Resolution of Appreciation honoring former Councilmember William Brian Miller.

Thereupon, Councilmember Post Sheffield made a **motion** to adopt a Resolution of Appreciation honoring William Brian Miller. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember Post voted AYE, Councilmember McLaughlin voted AYE, and Councilmember Smith voted AYE. (5-0)

**RESOLUTION OF APPRECIATION HONORING THE SERVICE OF WILLIAM BRIAN MILLER.**

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 37, and is known as Resolution 2021-30.)

Mayor Alexander read the Resolution and presented a framed copy to Mr. Miller. She also presented Mr. Miller with an original painting of Bell Tower Green Park and a Key to the City.

Mr. Miller thanked everyone who supported him during his time on Council, and he stated it has been an honor to serve. He recognized past Councils and thanked staff for all it does for the City. He thanked his wife Amy for her love and support that allowed him to serve. He wished the new Council well, and he challenged councilmembers to get to know one another before the

challenges arise. He stated the community is better when Council is in alignment, and he encouraged the new Council to accept the decisions that are made, to find ways to work together, and to move the City forward.

Mayor Alexander thanked Mr. Miller for his service to the City and great advice for Council.

### **RESOLUTION OF APPRECIATION HONORING AL HEGGINS**

Mayor Alexander asked Council to consider a Resolution of Appreciation honoring former Councilmember Alvena (Al) Heggins.

Thereupon, Councilmember Sheffield made a **motion** to adopt a Resolution of Appreciation honoring Al Heggins. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember Post voted AYE, Councilmember McLaughlin voted AYE, and Councilmember Smith voted AYE. (5-0)

### **RESOLUTION OF APPRECIATION HONORING THE SERVICE OF ALVENA (AL) HEGGINS.**

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 38, and is known as Resolution 2021-31.)

Mayor Alexander read the Resolution which will be presented to Ms. Heggins at a later date.

### **ELECTION OF MAYOR PRO TEM**

Mayor Alexander opened the floor to receive nominations for the office of Mayor Pro Tem for the City of Salisbury. Councilmember Post nominated Tamara Sheffield to serve as Mayor Pro Tem. There were no other nominations. By unanimous vote of the Council, Tamara Sheffield was elected Mayor Pro Tem for a two-year term beginning December 7, 2021.

The oath of office for Mayor Pro Tem was administered to Tamara Sheffield by City Clerk Kelly Baker.

### **REMARKS FROM NEW COUNCIL**

Mayor Alexander opened the floor to receive comments from newly elected Councilmembers.

Mayor Pro Tem Sheffield stated she learned a great deal from former Councilmember Brian Miller. She thanked him for his service to the City and its citizens.

Councilmember Post noted Mr. Miller has served as his mentor and has a wealth of knowledge about the City. He thanked him for all he has done for the City, and he stated his service will be missed.

Mayor Alexander thanked Mr. Miller for the wisdom he brought to the Council and his ability to encourage Councilmembers to work together toward a common goal. She stated it has been an honor to serve with him and he will be missed.

Councilmember Smith thanked Mr. Miller for his openness and ability to listen. He thanked him for bringing his faith to Council and his service to the City.

Councilmember McLaughlin indicated he reached out to Mr. Miller after he was elected to Council and he looks forward to working with him in the future.

Mr. Miller wished the new Council well and stated he has high hopes for where it will take the City.

## **PROCLAMATIONS**

Mayor Alexander proclaimed the following observance:

NATIONAL IMPAIRED DRIVING PREVENTION MONTH

December 2021

## **CONSENT AGENDA**

City Manager Lane Bailey stated it was brought to his attention that October 4, 2022 is Yom Kippur, and he suggested Council consider moving the meeting from 6:00 p.m. to 2:00 p.m. or moving the meeting to Monday, October 3, 2022 at 6:00 p.m..

By consensus, Council agreed to move the October 4, 2022 meeting to Monday, October 3, 2022 at 6:00 p.m.

### **(a) Minutes**

Adopt Minutes of the Special meetings of November 16, 2021 and November 18, 2021, and the Regular meeting of November 16, 2021.

### **(b) 2022 Schedule of Regular Council Meeting Dates**

Adopt the 2022 schedule of regular Council meeting dates with noted change.

(c) Budget Ordinance Amendment

Adopt a budget Ordinance amendment to the FY2021-2022 budget in the amount of \$15,000 to appropriate a donation for demolition of dilapidated structures in the West End.

ORDINANCE AMENDING THE 2021-2022 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATION FOR DEMOLITION OF DILAPIDATED STRUCTURES IN THE WEST END.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 163, and is known as Ordinance 2021-71.)

(d) Resolution Driveway Variance

Adopt a Resolution granting a variance to Section 22-73(a) of the City Code for a third driveway connection with less than 25 feet of curb between the driveway entrances for 511 Riviera Drive.

RESOLUTION AUTHORIZING THE CITY ENGINEER TO GRANT A VARIANCE OF THE CITY CODE, SECTION 22-73(A), FOR A DRIVEWAY CONNECTION FOR 511 RIVIERA DRIVE.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 39, and is known as Resolution 2021-32.)

(e) Municipal Agreement

Authorize the City Manager to execute a Municipal Agreement for 30% participation in the construction of pedestrian facilities along Julian Road as part of Project U-5738.

(f) Resolution Transferring Market Station Drive

Adopt a Resolution transferring Market Station Drive, between Innes Street and Bendix Drive, from the State Secondary Road System to the City of Salisbury Road System.

RESOLUTION AGREEING TO TRANSFER MARKET STATION DRIVE (SR 2695) FROM THE STATE SECONDARY ROAD SYSTEM TO THE CITY OF SALISBURY ROAD SYSTEM.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 40, and is known as Resolution 2021-33.)

(g) Right-of-Way Use Permit

Approve a Right-of-Way Use Permit for the use of two parking spaces adjacent to 115 East Innes Street through January 31, 2022 for interior renovations.

(h) Resolution – City Manager Contracting Authority

Adopt a Resolution regarding City Manager contracting authority.

RESOLUTION REGARDING CITY MANAGER CONTRACTING AUTHORITY.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 41-42, and is known as Resolution 2021-34.)

(i) Resolution – Public Comment Policy

Adopt a Resolution approving the Public Comment Period Policy in accordance with City Council's Rules of Procedure.

RESOLUTION ESTABLISHING RULES OF PROCEDURE FOR PUBLIC COMMENT PERIODS.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 43-44, and is known as Resolution 2021-35.)

(j) Resolution – Remote Meeting Policy

Adopt a Resolution approving the Remote Meeting Policy in accordance with City Council's Rules of Procedure.

RESOLUTION TO APPROVE THE POLICY AND PROCEDURE FOR ELECTRONIC MEETINGS OF THE SALISBURY CITY COUNCIL.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 45, and is known as Resolution 2021-36.)

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt the revised Consent Agenda. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember Post voted AYE, Councilmember McLaughlin voted AYE, and Councilmember Smith voted AYE. (5-0)

**PUBLIC COMMENT**

Mayor Alexander opened the floor to receive public comments.

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

## **DEMOLITION PERMIT – R. B. MILLER BUILDING**

Planner Emily Vanek stated the R.B. Miller Building located at 317 East Liberty Street in the downtown local historic district is being proposed for partial demolition. She pointed out the front facade will remain and the rest of the building will be demolished.

Ms. Vanek explained no structure within the downtown local historic district may be demolished unless Council issues a demolition permit. She stated the Historic Preservation Commission (HPC) approved the demolition at its November 10, 2021 meeting with no delays.

Ms. Vanek noted the local historic design standards state four factors must be considered for demolition; the location is within the historic district; the state of repair; the architectural significance of the building; and the impact of the demolition on the historic district. She reviewed a map of the area, and she pointed out the structure's location within the historic district. She displayed photographs of the property, and she pointed out the back half of the roof has caved in and the windows and doors are covered.

Ms. Vanek stated the building was constructed around 1910 and is considered pivotal to the Salisbury railway corridor and National Register district. She pointed out the front facade, including the dock, the awning, and the windows will be retained and restored. She noted the building is vacant and the property owners would like to turn the site into transitional housing.

Mayor Alexander convened a public hearing after due notice to receive comments regarding the issuance of a demolition permit for the R.B. Miller Building.

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

Councilmember Post asked how many transitional housing units will be located in the buildings. Ms. Vanek noted the buildings will include six units each and office space for Rowan Helping Ministries.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to issue a demolition permit for the R.B. Miller Building located at 317 East Liberty Street. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember Post voted AYE, Councilmember McLaughlin voted AYE, and Councilmember Smith voted AYE. (5-0)

## **CD-06-2021 THE GRAND ON JULIAN – PHASE II**

Development Services Manager Teresa Barringer addressed Council regarding Land Development District Map Amendment CD-06-2021 to rezone one parcel consisting of approximately 12.84 acres located at 1040 Julian Road from Rural Residential (RR) to Residential Mixed-Use (RMX) and establish a Conditional District (CD) Overlay to allow for the development of a 212 unit multi-family apartment complex known as Phase II of the Grand on Julian. She displayed a map of the area, and she pointed out existing RMX zoning in the area.

Ms. Barringer reviewed the site plan, and she stated the proposal meets the Land Development Ordinance (LDO) parking and recreation open space requirements. She reviewed the exterior façade of the buildings and artist rendering of the landscape. She also displayed artist's renderings of the garage building, the clubhouse, and the pavilion area.

Ms. Barringer then reviewed the elevation drawings of the buildings. She pointed out building six will have an alternate design that includes a partial fourth story. She added the fourth story will be above grade and an exception to RMX building design standards. Mayor Pro Tem Sheffield asked if the fourth story will make the best use of the land. Ms. Barringer agreed. She reviewed an aerial photo, and she pointed out the site's location and its proximity to the Rowan County Rescue Squad, the Grand on Julian, area dining and shopping, and its close proximity to I-85. She stated the design meets the Vision 2020 policies regarding housing, N-18, and N-19.

Ms. Barringer noted the item came before Planning Board on October 21, 2021 and it recommended unanimous approval.

Mayor Pro Tem Sheffield asked if there will be a connection between Phases I and II. Ms. Barringer agreed, and she explained Phase I is located in the ETJ. She added staff has spoken with the developer and they propose voluntary annexation for Phase II. She indicated there will be an interlock connectivity point as required by the LDO which will allow tenants from Phase II to access amenities at Phase I and use the dumpster site. Ms. Sheffield clarified Phase I residents will have road access and access to amenities in Phase II but they will not be located in the City. Ms. Barringer agreed, and she explained Council recently adopted an Ordinance that requires voluntary annexation when access is being requested to City utilities.

Councilmember Smith asked how neighboring properties are informed of the proposed development. Ms. Barringer explained all properties within 250 feet of the parcel were notified by letter, an ad was published in the *Salisbury Post*, and the property was posted with a sign. Mr. Smith asked if there has been any response to the City's communication. Ms. Barringer indicated one neighbor was concerned about his driveway. She added staff advised the property owner unless there is a recorded easement the property owners would have to reach an agreement or he may have to relocate his driveway. Mayor Alexander clarified it is a property issue outside of the City's control. Ms. Barringer agreed, and she indicated staff spoke to the architect to make him aware of the situation.

Mayor Alexander convened a public hearing after due notice to receive comments regarding CD-06-2021.

Mr. Richard Rojek stated he and Mr. David Barr are the developers of the project. He noted the adjoining property owner reached out to him and they are working on a solution that will work for both parties. Mayor Alexander thanked Mr. Rojek for his willingness to work with the neighboring property owner.

Mr. David Barr indicated the proposed project will be a great addition to the City. He explained surveys and market studies determined additional housing is needed in the area. Mayor Alexander thanked Mr. Barr for investing in the community.

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

Mr. Post stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, is reasonable and is in the public interest. The proposal is fundamentally consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan Vision Statement and Policies N-18 and N-19. Therefore, Councilmember Post make a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina rezoning approximately 12.84 acres located at 1040 Julian Road, changing the zoning from Rural Residential to Residential Mixed-Use zoning, and creating a Conditional District Overlay to allow for the development of a 212 unit multi-family apartment complex known as Phase II of the Grand on Julian. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember Post voted AYE, Councilmember McLaughlin voted AYE, and Councilmember Smith voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA REZONING APPROXIMATELY 12.84 LOCATED AT 1040 JULIAN ROAD, MAINTAINING THE BASE ZONING OF RURAL RESIDENTIAL, AND CREATING A CONDITIONAL DISTRICT OVERLAY TO ALLOW FOR THE DEVELOPMENT OF A 212 UNIT MULTI-FAMILY APARTMENT COMPLEX KNOWN AS PHASE II OF THE GRAND ON JULIAN.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 164-165, and is known as Ordinance 2021-72.)

### **MULTI-FAMILY HOUSING REVENUE BONDS – FORD CITY MOTOR LOFTS**

Planning Director Hannah Jacobson, City Attorney Graham Corriher, Developer Tonya Haddock, and Property Owner Lisa Pope addressed Council regarding the adoption of a Resolution giving preliminary approval to issuance of multi-family housing revenue bonds for the Ford City Motor Lofts.

Ms. Jacobson noted at the previous Council meeting staff reviewed the project and a way the City might be able to support it. Ms. Haddock stated the Ford City Motor Lofts are located at 419 South Main Street. She explained the project was initially considered for the low income housing tax credit program, but the request was denied. She stated the developer and property owners applied for a Housing and Urban Development (HUD) grant and were awarded \$6.1 million.

Ms. Haddock stated the project would create 64 inter-generational affordable housing units with one and two bedroom options. She pointed out the units will target those making 50% to 60% of the area median income and will include options for ages 62 and older, ages 55 and over, and some that will not be age restricted.

Ms. Haddock provided an overview of the site plan, and she pointed out the existing buildings will remain on the property and a new three-story building will be constructed. She

commented the property will be listed on the National Register and everything that is historic on the property will remain. She reviewed the timeline of the project, and she noted construction will take 15 to 18 months and should be completed by the fourth quarter of 2023.

Ms. Haddock stated the cost of the project is projected to be approximately \$15 million of which \$6.1 million will be funded through the HUD 202 grant. She added the remaining funding will be obtained through low-income housing tax credits, federal and state historic tax credits, and a very small permanent loan.

Ms. Pope reviewed the history of the site, and she indicated the plan is to provide a place for people to live and enjoy downtown amenities. Mayor Alexander stated she is excited the proposal will focus on the City's aging population.

Councilmember McLaughlin stated it is a great opportunity focused toward older citizens that will help keep those individuals involved in the community. He asked if children or grandchildren will be allowed to stay in the age restricted units. Ms. Haddock explained the units for age 62 and older would require all persons living there to be 62 and older. She added the 55 and older units could have a younger person stay with them on a temporary basis.

Councilmember Smith stated he appreciates the collaborative and creative approach that is being taken on the project. He thanked Ms. Haddock and Ms. Pope for bringing the facility to the City.

Mayor Pro Tem Sheffield pointed out the City is a certified retirement community.

Councilmember Post asked if there is flexibility regarding the income requirement. Ms. Haddock stated once a tenant is established they would not be penalized for making additional money. Mr. Post asked how the rent is established. Ms. Haddock explained median income rents are set by HUD.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt a Resolution giving preliminary approval to issuance of multifamily housing revenue bonds for the Ford City Motor Lofts located at 419 South Main Street.

Mayor Alexander asked if any additional action is needed. City Attorney Graham Corriher explained if the funding application is approved staff will bring additional Resolutions and documents regarding the issuance of the bonds to Council for its consideration.

Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Sheffield voted AYE, Councilmember Post voted AYE, Councilmember McLaughlin voted AYE, and Councilmember Smith voted AYE. (5-0)

RESOLUTION GIVING PRELIMINARY APPROVAL TO ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS FOR FORD CITY MOTOR LOFTS.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 46-48, and is known as Resolution 2021-37.)

### **STREET ASPHALT BID**

Public Works Director Craig Powers introduced Public Works Technician Benjamin Parker.

Mr. Parker presented information regarding the 2021-2022 Street Asphalt Resurfacing project. He noted four bids were received and NJR Group, Inc. submitted the lowest bid for the project. He displayed a resurfacing map and explained proposed asphalt resurfacing will take place near the VA Hospital, Henderson High School, South of I-85 and Innes Street, and down the Faith Road area. He provided a list of streets that will be resurfaced.

Councilmember Post asked if complaints were received regarding the street at the Country Club. Mr. Powers agreed, and he added complaints are also a factor in deciding which streets are resurfaced along with how much money has been budgeted for road maintenance.

Thereupon, Councilmember McLaughlin made a **motion** to award the street asphalt bid to NJR Group, Inc. in the amount of \$533,925 for paving City streets for the period January 4, 2022 through May 31, 2022. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers Post, McLaughlin, and Smith voted AYE. (5-0)

### **CITY ATTORNEY'S REPORT**

City Attorney Graham Corriher presented information regarding a proposed Resolution in support of referendum for firefighter participation in Social Security. He noted firefighters do not participate in the Social Security System and there has been some interest among firefighters to bring participation to a vote. He pointed out the City must go through a long multi-step process to allow the vote to take place.

Mr. Corriher explained if Council approves the proposed Resolution, the City would be required to contribute to the Social Security Administration on behalf of the firefighters. He indicated the next steps would include additional Council approvals. He added the Resolution not only provides Council support, but also authorizes him to work with the Regional and State Social Security Administration offices to ensure all procedures are in place and followed.

Mayor Alexander thanked Mr. Corriher for his work on this process, and she thanked City Manager Lane Bailey for his tenacity in getting this issue resolved.

Thereupon, Councilmember Sheffield made a **motion** to adopt a Resolution in support of referendum for firefighter participation in Social Security. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers Post, McLaughlin, and Smith voted AYE. (5-0)

## RESOLUTION IN SUPPORT OF REFERENDUM FOR FIREFIGHTER PARTICIPATION IN SOCIAL SECURITY.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 49, and is known as Resolution 2021-38.)

### **CITY MANAGER'S REPORT**

City Manager Lane Bailey asked Council if it preferred upcoming meetings be held in-person, virtually, or a hybrid of the two formats. He pointed out according to COVID-19 numbers, he believes it is time for meetings to return to an in-person format with attendees required to wear a mask.

Mayor Alexander asked Council for its input. Council agreed for the meetings to take place in person with necessary precautions.

Mayor Alexander asked if the hybrid meeting option would allow a Councilmember to attend virtually if they are out of town or sick. City Attorney Graham Corriher agreed, and he noted there could be options to amend the Remote Meeting Policy Resolution if needed. Mayor Alexander then asked if the Resolution needed to be updated. Mr. Corriher commented no changes need to be made at this time.

Councilmember Post agreed meetings should take place in person, and he liked the idea of having the hybrid meeting option. He pointed out masks should be worn and social distancing should take place. He requested the City Manager review the number of COVID-19 cases prior to the meeting and make a recommendation to Council.

Mr. Bailey asked if Council would like to go back to in person meetings with the option of hybrid meetings and allow staff to take measures needed to keep everyone safe. By consensus, Council agreed.

Mr. Bailey introduced Mr. Brian Hiatt who will serve as the Interim City Manager and will begin the budget process. Mr. Bailey pointed out one of the biggest challenges that Mr. Hiatt will be working on is the new budget and the salary compensation study.

Mr. Bailey thanked Council as he attended his last Council meeting as City Manager. He stated he expects wonderful things for the City's future.

Councilmembers expressed gratitude to Mr. Bailey for all he has done for the City and extended well wishes regarding his retirement and his future endeavors.

## **COUNCIL COMMENTS**

Councilmember Smith pointed out the meeting was an historic meeting due to Council having two African-Americans serve on City Council at the same time. He stated he looks forward to working collaboratively and getting to know everyone.

Councilmember McLaughlin congratulated Mayor Alexander and Mayor Pro Tem Sheffield as representatives of the City, and he thanked them for serving. He also thanked Councilmember Post and Councilmember Smith for serving on Council along with him. He commented he thinks the new Council is a great team and will come together and work collaboratively.

Councilmember Post congratulated Councilmember McLaughlin and Councilmember Smith on their elections. He also congratulated the others that ran for Council. He pointed out the issues he would like see addressed include transportation, KIVA, and schools.

Councilmember Post thanked City Manager Lane Bailey and staff for the great work they do for the City, and he welcomed Interim City Manager Brian Hiatt to the City.

## **MAYOR PRO TEM COMMENTS**

Mayor Pro Tem Sheffield thanked City Manager Lane Bailey for the great work he does for the City, and she welcomed Interim City Manager Brian Hiatt. She also welcomed and congratulated the new Council. She added she is excited for the future and looks forward to working together. She also thanked Council for putting its trust in her to be the Mayor Pro Tem, and she thanked the citizens who voted. She suggested citizens who want to become active in the community apply to serve on one of the City's Boards and Commissions.

Mayor Pro Tem Sheffield noted today was Pearl Harbor Remembrance Day, and thanked veterans from every branch.

Mayor Pro Tem Sheffield reminded citizens that the City's newsletter, the *Lamplighter*, is included in the monthly water bills and there is information about the Share 2 Care program. She also pointed out Mr. Jason Parks was the employee spotlight for the month, and she thanked him for all he does for the City.

Mayor Pro Tem Sheffield commented on the passing of Senator Bob Dole, and she noted the *Salisbury Post* named him an adopted Salisburian. She added he was a great person and many lessons could be learned from him in his lifetime.

Mayor Pro Tem Sheffield commented she is excited for the future in Salisbury, and she thanked all the attendees who stayed for the meeting, and she thanked staff for the great work it does for the City.

## **MAYOR'S ANNOUNCEMENTS AND COMMENTS**

Mayor Alexander congratulated Councilmember Smith and Councilmember McLaughlin on their election to Council, and she noted she is excited to work collaboratively with Council to move the City forward.

Mayor Alexander commented at the next meeting the Boards and Commissions liaisons will be appointed. She thanked Council for its flexibility for working through the process.

Mayor Alexander thanked City Manager Lane. Bailey for his great work as City Manager. She noted she was a part of the team that recruited him, and he will leave the City better than he found it. She wished him well on his future endeavors, and she added she is glad he will remain in Salisbury.

(a) Photos with Santa and the Grinch

Mayor Alexander announced Downtown Salisbury, Inc. will host photos with Santa and the Grinch Saturday, December 11, 2021 from 10:00 a.m. until 4:00 p.m. at Bell Tower Green Park. Activities include free rides on antique fire trucks, crafts, hot cocoa and live music.

(b) New Year's Eve at the Bell Tower celebration

Mayor Alexander announced the City of Salisbury will host the New Year's Eve at the Bell Tower celebration Friday, December 31, 2021 at Bell Tower Green. Festivities begin at 9:00 p.m. and include refreshments, entertainment, a live video feed from Time's Square, and ringing in the New Year at midnight.

(c) Salisbury Sculpture Show

Mayor Alexander announced the Salisbury Public Art Committee is seeking applicants for the Salisbury Sculpture Show. Neighborhoods can apply to host a sculpture from April 2022 through March 2023. There is no fee to apply and applications are due by Friday, December 31, 2021. Artists are also invited to submit their outdoor pieces for consideration. The application fee is \$30 per artist and submissions are due by Monday, December 20, 2021. Work from individual teams will be considered and student work is encouraged. For more information or to apply please visit [www.salisburync.gov/SculptureShow](http://www.salisburync.gov/SculptureShow).

Mayor Alexander commented City Clerk Kelly Baker and City Attorney Graham Corriher are working with the City's lobbyists to update the Federal Action Plan and will interview each Councilmember to determine what each wants to accomplish the coming year.

Mayor Alexander pointed out she welcomed Mayor of Monrovia, Liberia and his delegates to Council Chambers on November 11, 2021 along with Economic Development Commission Executive Director Rod Crider and Rowan Chamber of Commerce Director Elaine Spalding. She noted a Resolution will be presented to Council for its consideration for Salisbury to become sister

cities with Liberia. She added in February 2022 Liberia will celebrate its 200<sup>th</sup> Anniversary as a Country

Mayor Alexander commented information will be sent by to Council regarding possible dates for the Council Goal Setting retreat to be held in February.

### **ADJOURNMENT**

Motion to adjourn the meeting was made by Councilmember Smith. Upon a roll call vote Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers Post, McLaughlin, and Smith voted AYE. (5-0). The meeting was adjourned at 8:28 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: 1/4/2021

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 FY2021-2022 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)

This grant does not require a City match.

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

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:

*S. Wade Funches*

Finance Manager Signature

*Jerome Stokes*

Department Head Signature

*James Ballard*

Budget Manager Signature

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

## For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined

Reason:

AN ORDINANCE AMENDING THE 2021-2022 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 2021-2022 Budget Ordinance of the City of Salisbury, adopted on June 15, 2021, 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<br>General Police Donations | <u>\$25,000</u> |
| (2) | Increase line item 010-516-328-5011.01<br>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: 1/4/2022

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 FY2021-2022 budget in the amount of \$23,960 to appropriate grant funds from NC Governor's Crime Commission.

Description of Requested Agenda Item: The Police Department has received a grant from NC Governor's Crime Commission for \$23,960 for officer equipment.

Attachments: ☒ Yes ☐ No

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

This grant does not require a City match.

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

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:

*S. Wade Funches*

Finance Manager Signature

*James Ballard*

Budget Manager Signature

*Jerome Stokes*

Department Head 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 2021-2022 BUDGET ORDINANCE  
OF THE CITY OF SALISBURY, NORTH CAROLINA TO  
APPROPRIATE NC GOVERNOR'S CRIME COMMISSION 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 North Carolina Governor's Crime Commission to be used for officer equipment. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

Section 2. That the 2021-2022 Budget Ordinance of the City of Salisbury, adopted on June 15, 2021, 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<br>General Police Donations        | <u>\$23,960</u> |
| (2) | Increase line item 010-516-000-5164.00<br>Public Safety Vehicle Equipment | <u>\$23,960</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: 1/4/2022

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 FY2021-2022 budget in the amount of \$25,000 to appropriate grant funds from Duke Energy Foundation.

Description of Requested Agenda Item: The Police Department has received a grant from Duke Energy Foundation for \$25,000 for Social Justice and Racial Equity.

Attachments: ☐ Yes ☒ No

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

This grant does not require a City match.

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

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:

*S. Wade Funches*

Finance Manager Signature

*Edward Ballard*

Budget Manager Signature

*Jerome Stokes*

Department Head 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 2021-2022 BUDGET ORDINANCE  
OF THE CITY OF SALISBURY, NORTH CAROLINA TO  
APPROPRIATE DUKE ENERGY FOUNDATION 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 Duke Energy Foundation to be used for a Social Justice and Racial Equity project. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

Section 2. That the 2021-2022 Budget Ordinance of the City of Salisbury, adopted on June 15, 2021, 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<br>General Police Donations | <u>\$25,000</u> |
| (2) | Increase line item 010-516-000-5450.00<br>Special Projects         | <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: 01/04/2022

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 FY2021-2022 budget in the amount of \$69,814 to appropriate Edward Byrne Memorial Justice Assistance Grants for 2019, 2020, and 2021.

**Description of Requested Agenda Item:** The Police Department has received Edward Byrne Memorial Assistance Grants from the US Department of Justice in 2019 (\$24,296), 2020 (\$22,690), and 2021 (\$22,828). These grants are restricted for use by the City's Police Department. NC General Statutes require that the City appropriate these revenues so that they can be legally spent. The Police Department plans to purchase a benchmark management system, two interactive whiteboards, a license plate reader, duty pistol replacements, and general equipment for officers.

**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 has received JAG grants for several years. There is no City match required.

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

**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:

*S. Wade Funches*

Finance Manager Signature

*Jerome Stokes*

Department Head Signature

*Edward Ballard*

Budget Manager Signature

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

## For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined

Reason:

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

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

Section 1. The City has received Byrne Justice Assistance Grants in 2019 (\$24,296), 2020 (\$22,690), and 2021 (\$22,828) from the US Department of Justice. This grant is restricted for use by the City's Police Department. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

Section 2. That the 2021-2022 Budget Ordinance of the City of Salisbury, adopted on June 15, 2021, is hereby amended as follows:

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

- |     |   |                 |
|-----|---|-----------------|
| (1) | Increase line item 010-000-000-4463.01<br>Police Grants Revenue           | <u>\$69,814</u> |
| (2) | Increase line item 010-514-000-5450.00<br>Special Projects                | <u>\$9,000</u>  |
| (3) | Increase line item 010-514-000-5450.00<br>Special Projects                | <u>\$10,000</u> |
| (4) | Increase line item 010-514-000-5164.00<br>Public Safety Vehicle Equipment | <u>\$5,296</u>  |
| (5) | Increase line item 010-511-303-5450.00<br>Special Projects                | <u>\$22,690</u> |
| (6) | Increase line item 010-516-000-5450.00<br>Special Projects                | <u>\$22,828</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: 1/4/2022

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 resolution accepting a Byrne Criminal Justice Innovation Program Grant - The West End Salisbury Transformed Empowered Neighborhood Development (WEST END) Project. The grant is for \$800,000 which will support SPD priorities to reduce serious and violent crime, including gun violence; dismantle gang activity; and strengthen local capacity to combat drug abuse. BCJI grants help communities build trust and support law enforcement agencies working with these communities by integrating enforcement strategies into community-based crime reduction efforts and using this information to understand and target the issues. This grant opportunity will fund a strategic approach to crime reduction that leverages community knowledge and expertise to build public trust with law enforcement and make neighborhoods safer.

**Description of Requested Agenda Item:** The Police Department has received a grant from The Bureau of Justice Assistance in the amount of \$800,000 for The West End Salisbury Transformed Empowered Neighborhood Development (WEST END) Project.

**Attachments:** ☐ Yes ☒ No

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

This grant does not require a City match.

**Action Requested of Council for Agenda Item:** (Please note if item includes an ordinance, resolution or petition) Adopt a resolution to accept the grant funding.

**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:

*S. Wade Funches*

Finance Manager Signature

*Ernest Ballard*

Budget Manager Signature

*Jerome Stokes*

Department Head Signature

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

## For Use in Clerk's Office Only

☐ Approved ☐ Delayed ☐ Declined

Reason:

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

**WHEREAS**, the Salisbury Police Department has been awarded \$800,000 through the Byrne Criminal Justice Innovation Program Grant; and

**WHEREAS**, this grant will be used for the West End Salisbury Transformed Empowered Neighborhood Development (WEST END) Project; and

**WHEREAS**, this project will support Police Department, Parks & recreation, and Community Development priorities to reduce serious and violent crime, including gun violence; dismantle gang activity; and strengthen local capacity to combat drug abuse; enhance neighborhood livability; and

**WHEREAS**, this grant will help build trust and support in law enforcement agencies working with the community by integrating enforcement strategies into community-based crime reduction efforts.

**NOW THEREFORE BE IT RESOLVED**, that the Salisbury City Council accepts the \$800,000 grant from the Bureau of Justice Assistance for the West End Salisbury Transformed Empowered Neighborhood Development Project.

Adopted this 4<sup>th</sup> day of January 2022.

\_\_\_\_\_  
Karen K. Alexander, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Baker, City Clerk

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: January 4<sup>th</sup> 2022

Name of Group(s) or Individual(s) Making Request: Information Technology Department, Dale Waters

Name of Presenter(s): IT Manager, Dale Waters

**Requested Agenda Item:** Approve a purchase from Level Solutions Group, LLC for an amount not to exceed \$354,364.27 for the budgeted purchase of replacement equipment covered under state contract (NC 204x ITS 400277).

**Description of Requested Agenda Item:** Salisbury Information Technology must replace servers and storage systems in accordance with the replacement schedule. The equipment currently in place has reached its end of useful life and will no longer be supported by the manufacture or covered under warranty beyond this fiscal year. This equipment is vital to business operations of the City of Salisbury. Systems dependent on this equipment include; email, fileshare, GIS, Munis (Human Resources, Finance), and many others. The new purchase price includes Dell VxRail, Dell PowerScale, associated Hardware Software and Support, and Migration Services. Growth trends have been considered and this purchase includes excess capacity to meet the demand for a four-year projection. An assessment will be made after three years of service to determine if there is a need to budget for extra capacity. This purchase includes three years of support with the option to renew annually for the remaining expected life of this equipment, which is no less than six years.

**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:** IT Manager, Dale Waters 704-216-7584

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

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

## FINANCE DEPARTMENT INFORMATION:

*S. Wade Funches*

Finance Manager Signature

*Erin Ballard*

Budget Manager Signature

*Kelley Baker*

Department Head 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:**



**Level Solutions Group, LLC**  
200 W Lexington Ave, Suite 102, High Point, NC 27262

**QUOTE #** LVLQ1368  
**DATE** Dec 3, 2021  
**EXPIRES** Dec 30, 2021

<b>Bill To:</b> <b>City of Salisbury</b> 217 S MAIN ST FL 2 SALISBURY, NC 28144	<b>Ship To:</b> <b>City of Salisbury</b> Dales Waters 217 S MAIN ST FL 2 SALISBURY, NC 28144
---	---

Account Executive	Phone Contact	Payment Terms
Paul DeHaan	+1 (704) 785-0653	Net 30

QTY	DESCRIPTION	Unit Price	Ext Price
	NC 204x ITS 400277		
	<b>VxRail 5-Nodes, Switches, PowerScale (Hardware, Software, Support 3Yrs)</b>		<b>\$315,414.27</b>
	VxRail Cluster - 5 Nodes - HW/SW		
5	VxRail E660F All Flash		
5	VxRail Software 7.0.240 Factory Install		
5	2.5" Chassis with up to 10 Hard Drives (SAS/SATA) including max of 2 Universal Drives, 1 PCIe Slot, 1 CPU		
5	VxRail 1U Bezel V2		
5	Intel Xeon Gold 6354 3G 18C/36T 11.2GT/s 39M Cache Turbo HT (205W) DDR4-3200		
5	No Additional Processor		
5	3200MT/s RDIMMs		
40	16GB RDIMM 3200MT/s Dual Rank		
40	32GB RDIMM 3200MT/s Dual Rank 16Gb BASE		
10	800GB SSD SAS Mix Use 12Gbps 512e 2.5in Hot-plug AG Drive 3 DWPD		
30	3.84TB SSD SATA Read Intensive 6Gbps 512 2.5in Hot-plug AG Drive 1 DWPD		
5	Broadcom 57414 Dual Port 10/25GbE SFP28 OCP NIC 3.0		
5	Trusted Platform Module 2.0 v3		
5	Cable Management Arm		
5	ReadyRails Sliding Rails Without Cable Management Arm or Strain Relief Bar		
5	Power Supply 1100W RDNT D, Mixed Mode		

QTY	DESCRIPTION	Unit Price	Ext Price
10	Jumper Cord - C13/C14 4M 250V 12A (North America Guam North Marianas Philippines Samoa)		
5	BOSS-S2 controller card + with 2 M.2 480GB (RAID 1)		
5	iDRAC9 Enterprise 15G		
1	Prosupport Plus Mission Critical 7x24 Technical Support and Assistance 3 Years		
1	ProDeploy Plus Dell EMC VxRail Deployment		
1	ProDeploy Plus Training Credits 200 Redeem at education.dellemc.com Expires 1Yr from Order Date		
	Dell Networking (2) S5224F 25GBe Switches		
2	Dell EMC S5224F-ON Switch 24x 25GbE SFP28 4x 100GbE QSFP28 ports IO to PSU air 2x PSU OS10		
2	OS10 Enterprise S5224F-ON		
4	Dell Networking Transceiver SFP+ 10GbE SR 850nm Wavelength 300m Reach		
2	Dell Networking Cable 100GbE QSFP28 to QSFP28 Passive Copper Direct Attach Cable 0.5 Meter		
10	Dell Networking Cable SFP28 to SFP28 25GbE Passive Copper Twinax Direct Attach Cable 3 Meter		
2	Dell Networking Jumper Cord 250V 12A 2 Meters C13/C14 US		
2	Dell Networking Jumper Cord 250V 12A 2 Meters C13/C14 US		
1	ProSupport Plus Mission Critical:7x24 HW/SW Technical Support and Assistance 3 Years		
1	ProDeploy Plus Dell Networking S Series 5XXX Switch - Deployment		
2	ProDeploy Plus Training Credits 500 Redeem at education.dellemc.com Expires 1Yr from Order Date		
	Dell Networking (1) S3048 1GB Switch		
1	Dell Networking S3048-ON 48x 1GbE 4x SFP+ 10GbE ports Stacking IO to PSU air 1x AC PSU DNOS 9		
2	Dell Networking Transceiver SFP+ 10GbE SR 850nm Wavelength 300m Reach		
1	Dell Networking Jumper Cord 250V 12A 2 Meters C13/C14 US		
1	ProSupport: 7x24 HW / SW Tech Support and Assistance 3 Years		
1	ProDeploy Dell Networking S Series 3XXX Switch - Deployment		
	Rack, PDU, UPS		
1	Dell EMC Netshelter SX 42U Rack - 600mm Wide x 1070mm Deep		
2	APC Metered Rack PDU AP8841 - 0U - 208V NEMA L6-30 Input / (36) C13 & (6) C19 Output		
1	Dell SmartUPS 5000VA 208V - Rack/Tower		
1	Basic Deployment Dell EMC Rack		

QTY	DESCRIPTION	Unit Price	Ext Price
	PowerScale - 4 Nodes - HW/SW		
4	PowerScale F200		
4	FE 2x25GbE w/o Optics		
4	BE 2x25GbE w/o Optics		
4	8TB (1.92TB x 4) SSD AG		
4	48GB 3200 DIMM Memory		
4	C13/C14 US (2M) x2		
32	OneFS Capacity License Tier 6=CB		
4	SmartPool Base License Tier 6 =ID		
4	SmartConnect Base License Tier 6=ID		
3	SyncIQ Base License Tier 6 =ID		
4	SmartQuotas Base License Tier 6 =ID		
4	SnapshotIQ Base License Tier 6 =ID		
4	Enterprise Advanced Bundle Tier 6=ID		
4	2.2 GHz Processor		
4	Rack Rails with CMA		
4	Dual PSU 750W RDNT		
4	IDRAC 14G Enterprise License		
6	Dell Networking Cable SFP+ to SFP+ 10GbE Copper Twinax Direct Attach Cable 1 Meter CusKit		
1	ProSupport Mission Critical 7x24 HW-SW Tech Support and Assistance 3 Years		
1	ProDeploy for PowerScale		
	2x Back-End Switches		
2	S4112F Dell Networking Switch		
1	DELL Switch Dual Tray Kit for S4112F 1U		
1	ProSupport Mission Critical 7x24 HW-SW Tech Support and Assistance 3 Years		
	<b>Level Migration Services - Optional</b>		<b>\$38,950.00</b>
1	Planning and migration of 60 live VMs to VxRail (VtV) and 13 TB of file data shifting from VM to Powerscale with minimal downtime as possible based on current scope. Ceiling of 208hrs of resource for project. Scope changes or additional time can be added via mutual T&M approval.	\$38,950.00	\$38,950.00

QTY	DESCRIPTION	Unit Price	Ext Price
		SUBTOTAL	\$354,364.27
		TOTAL	<b>\$354,364.27</b>

Notes

Please contact me if I can be of further assistance.

This quote information and pricing are strictly confidential between Level Solutions Group, LLC (“LSG”) and the company it was intended for and should not be disclosed to any third party without LSG written approval. Quote is valid until the expiration date listed. All Hardware, Software and Manufacturer services will be invoiced at shipment. LSG Services will be invoiced once orders are processed unless statement of work or master services agreement is in place and specify different terms. Actual shipping charges will be included on the invoice. Shipping is estimated and will be billed actual. Taxes not included. Send purchase order to Accounting@LevelSG.com

To accept this quotation, sign here and return or attach PO: \_\_\_\_\_

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: 01/04/2022

Name of Group(s) or Individual(s) Making Request: Vickie Eddleman, Traffic Engineering Coordinator

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

Requested Agenda Item: Council to consider amending Chapter 13, Article X, related to parking

**Description of Requested Agenda Item:** The Engineering Department is requesting portions of Chapter 13, Article X to be amended to reflect the changes made with the Main Street Road Diet. The road diet changed the parking along North and South Main Street, as well as the 100 blocks of East and West Innes Street. Loading zones were added, handicap spaces were adjusted, the angle of parking spaces changed. Included in this request are other changes to make the City Codes within these sections uniform in abbreviations and style. Staff is recommending changes to Section 13-338 (Parking prohibited at all times), Section 13-341 (Reserved handicapped parking), Section 13-366 (Loading zones), and Section 13-362 (Off-street parking lots) to match existing and updated markings from the Main Street Road Diet and for uniformity.

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 related to 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 13-338 (Parking prohibited at all times), Section 13-341 (Reserved handicapped parking), Section 13-366 (Loading zones), and Section 13-362 (Off-street parking lots).

**Contact Information for Group or Individual:**

Vickie Eddleman, 704-638-5213, vtrou@salisburync.gov

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

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

## FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

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

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

SECTION 1. That Section 13-338, 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. 13-338. Parking prohibited at all times

<i>Street</i>	<i>Side</i>	<i>Extent</i>
<del>A Ave.</del>	Both	<del>From Main St. to Railroad Ave.</del>
<del>Boundary St.</del> <u>Martin Luther</u>	Both	From Fisher St. to Council St.
<u>King Jr. Ave.</u>		
<del>Bringle Ferry Rd.</del> <u>Henderson St.</u>	Both	From Long St. to the railroad tracks
Club House Dr.	West	<del>On the paved portion between</del> <u>From</u> Miller St. <del>and to</del> Confederate Ave.
<del>Cox Ln.</del> <u>Craige St.</u>	West	From Innes St. to a point 206 feet north of Innes St.
Depot St.	West	From a point 67 feet north of Innes <del>Street St.</del> to Council <del>Street St.</del>
Grady <del>Street St.</del>	East	From Bost St. south to <u>the end of Grady St.</u>
Henderson St.	North	From <del>N.</del> Craige St. to Pine Tree Rd.
Industrial Ave.	North	From a point 690 feet east of Jake <del>Alexander</del> <u>Alexander</u> Blvd. to a point 795 feet east of Jake Alexander Blvd.
<u>Main St.</u>	Both	<u>From Thomas St. north to Horah St.</u>
		<u>From Kerr St. to the railroad tracks north of Franklin St.</u>
		<u>From Lafayette St. to 16<sup>th</sup> St.</u>
	East	<u>From Horah St. to a point 40 feet north of Horah St.</u>
		<u>From a point 125 feet north of Horah St. to a point 211 feet north of Horah St.</u>
		<u>From a point 85 feet north of Bank St. to a point 102 feet north of Bank St.</u>
		<u>From Kerr St. to a point 130 feet south of Kerr St.</u>
	West	<u>From a point 130 feet south of Liberty St. to a point 170 feet south of Liberty St.</u>
Milford Hills Rd.	<del>East-</del> Both	From Locke St. to a point 100 feet south of Locke St.

<del>Milford Hills Rd.</del>	<del>West</del>	<del>From Locke St. to a point 100 feet south of Locke St.</del>
Old <u>W.</u> Innes St.	East	From Willow St. to a point 100 feet south of Willow St.
Willow St.	South	From Old <u>W.</u> Innes St. to a point 143 feet west of Old <u>W.</u> Innes St.

SECTION 2. That Section 13-341, 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. 13-341. Reserved handicapped parking.

(a) Pursuant to the provisions of section 13-96, the following spaces shall be designated as handicap spaces:

- (1) Those two (2) spaces nearest ~~East Innes Street St.~~ in the city public parking lot (Central City Parking Lot) on within the 100 block of ~~East E. Innes Street St.~~
- (2) That one (1) space of Lake Drive Dr., on the north side, ~~between Fulton Street and Jackson Street,~~ 140 feet east of from Fulton Street St.
- (3) That one (1) space ~~one hundred twelve (112)~~ feet from the intersection of Mahaley Avenue Ave. and Park Road, West.
- (4) Those two (2) spaces so marked in the public Central Salisbury Courtyard parking lot (public portion of the Plaza Parking Lot) in the ~~one hundred (100)~~ block of ~~North N. Church Street St.~~
- (5) Those two (2) spaces so marked in the public parking lot (Eastern Gateway Parking Lot) in the ~~one hundred (100)~~ block of Depot Street St.
- (6) Those two (2) spaces so marked in the public parking lot (Depot Parking Lot) bounded by Depot, Liberty, and Lee Streets.
- (7) Those three (3) spaces so marked on the west side of the ~~two hundred (200)~~ block of ~~North N. Main Street St.~~
- (8) That one (1) space so marked on the east side of ~~North N. Main Street St., thirty (30)~~ 50 feet from the intersection of Innes Street St.
- (9) That one (1) space so marked on the west side of ~~North N. Main Street St., thirty (30)~~ feet from the intersection of Innes Street St.
- (10) That one (1) space so marked on the east side of ~~South S. Main Street St., thirty (30)~~ feet from the intersection of Innes Street St.
- (11) That one (1) space so marked on the west side of ~~South S. Main Street St., thirty (30)~~ 45 feet from the intersection of Innes Street St.
- (12) Those two (2) spaces so marked on the west side of the 500 block of ~~North N. Main Street St., closest to West W. Cemetery Street St.~~
- (13) Those two (2) spaces so marked on the west side of the 400 block of ~~North N. Main Street St., closest to West W. Cemetery Street St.~~
- (14) That one space so marked on the west side of S. Main St., 40 feet south of the intersection of Bank St.
- (15) That one space so marked on the east side of S. Main St., 25 feet south of the intersection of Bank St.
- (16) That one space so marked on the west side of S. Main St., 40 feet south of the intersection of Fisher St.

- (17) That one space so marked on the west side of N. Main St., 40 feet south of the intersection of Council St.
- (18) Those two spaces so marked at two locations within the city public parking lot (Lee – Fisher Parking Lot) with entrances within the 200 block of S. Lee St. and 200 E. Fisher St.
- (19) Those five spaces so marked at two locations within the city public parking lot (City Hall Parking Lot) with entrances within the 200 S. Lee St. and 100 E. Bank St.
- (20) Those three spaces so marked at two locations within the city parking lot (300 S Main St.) with entrances within the 300 block of S. Main St. and the 100 block of E. Bank St.

SECTION 3. 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.

The city maintains eleven ~~seven~~ off-street parking lots that are named and their location described by parcel numbers in the flowing chart:

Name	Parcel Numbers
Plaza Parking Lot	0102451
	0102452
	0102560
	0102562
<del>North Lee Street</del> <u>Gateway</u> Parking Lot	010 280
	010 283
City Hall Parking Lot	0106572
	0106585000001
<u>Lee – Fisher</u> Parking Lot	010 327
	010 459
<u>300 S. Main St. Parking Lot</u>	0106590

SECTION 4. That Section 13-366, 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. 13-366. Loading zones.

<i>Street</i>	<i>Side</i>	<i>Extent</i>
<del>East Fisher Street</del> <u>St.</u>	South	From a point 230 feet east of Main St. to a point 275 feet east of Main St.
<del>East</del> Innes St.	North	From a point 137 feet west of Lee St. to a point 161 feet west of Lee St.
<u>Innes St.</u>	<u>South</u>	<u>From a point 25 feet west of Main St. to a</u>

<del>Fisher Street St.</del>	North	<u>point 75 feet west of Main St.</u> From a point 35 feet east of Main St. to a point 50 feet east of Main St.
<del>North Main Street St.</del>	East	From a point <del>165</del> 205 feet north of Innes St. to a point <del>177</del> <u>192</u> feet north of Innes St.
<del>South Main St.</del>	East	From a point 149 feet south of Crawford St. to a point 113 feet south of Crawford St.
<u>Main St.</u>	<u>West</u>	<u>From a point 15 feet north of Bank St. to a point 55 feet north of Bank St.</u>
<u>Main St.</u>	<u>West</u>	<u>From a point 74 feet south of Innes St. to a point 87 feet south of Innes St.</u>
<del>West Bank Street St.</del>	South	From a point 20 feet west of Main St. to a point 50 feet west of Main St.
<del>West Innes Street</del>	South	<del>From a point 120 feet west of Main St. to a point 150 feet west of Main St.</del>
<del>West Innes Street</del>	North	<del>From a point 130 feet west of Main Street to a point 170 feet west of Main St.</del>

SECTION 5. That all ordinances, or the parts of ordinances in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION 6. 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: 01/04/2022

Name of Group(s) or Individual(s) Making Request: Vickie Eddleman, Traffic Engineering Coordinator

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

Requested Agenda Item: Council to consider amending Chapter 13, Article X, related to speeding

**Description of Requested Agenda Item:** The basic speed limits in North Carolina are set per NCGS 20-141; they are 35 mph for streets inside cities. Cities can increase or decrease speed limits based on standards and procedures set forth in that section of the General Statutes. City staff has been working with the residents of the 600 and 700 block of North Ellis Street. This section of Ellis Street is located between West Franklin Street and West Henderson Street. City policy allows residential streets to petition to lower the speed limit from 35 mph to as low as 25 mph. In this case, the neighborhood returned a petition to lower the speed limit to 25 mph. The petition holds a 62.5% support, with only one property owner voicing objection. With the petition showing strong support for the requested change, the Engineering Department request City Council to consider adopting an ordinance amending Section 13-336 of the City Code to reduce the speed limit on this portion of North Ellis Street to 25 mph.

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 related to 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 13-336 (Speed limits - Generally).

**Contact Information for Group or Individual:**  
Vickie Eddleman, 704-638-5213, vtrou@salisburync.gov

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

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

## FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

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

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

SECTION 1. That Section 13-336, 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. 13-336. Parking prohibited at all times

<i>Street</i>	<i>Extent</i>	<i>Speed</i>
<u>Ellis St.</u>	<u>From Franklin St. to Henderson St.</u>	<u>25</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.

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

This page is a summary of the individual copies attached. The attached are the same petition, each copy only has one or two signatures each.

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

Page 1

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

**PETITION TO LOWER SPEED LIMIT TO 25 MPH ALONG BELOW MENTIONED AREA**

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

**PETITION TO LOWER SPEED LIMIT TO 25 MPH ALONG BELOW MENTIONED AREA**

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

[illegible]

9/16/2021

[illegible]

Page 1

[illegible]

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

**PETITION TO LOWER SPEED LIMIT TO 25 MPH ALONG BELOW MENTIONED AREA**

We, the undersigned property owners, do hereby petition to lower the speed limit on North Ellis Street, between Franklin Street and Henderson Street, to 25 mph. We understand that speed limit signs may be posted in our yard, within the street right-of-way.

[illegible]

16 Parcels. Minimum Support Needed is 9

September 20, 2021

As a homeowner, I have lived on North Ellis Street for almost 31 years. Our neighborhood has undergone major changes and decline due to the renters such as shootings, drug/criminal activity and the speeding issues on our street. I fear for my safety, the destruction of real and personal property.

This petition addresses one of our neighborhood's issues:

1. Speeding tagged vehicles:  
Cars, trucks and motorcycles
2. Speeding and racing untagged recreational vehicles:  
Go-karts, 4-wheelers, mopeds and dirt bikes

I think it's time that the city is informed of these problems and should consider doing something positive for North Ellis Street. This speed reduction will be a good beginning to resolve one issue for our neighborhood.

Linda S. Kearns  
710 North Ellis Street  
Salisbury, NC 28144

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: 01/04/2022

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

Name of Presenter(s): Michael Hanna

Requested Agenda Item: Sunset Drive South Drainage Improvement Task Order

**Description of Requested Agenda Item:** Additional task order to existing contract with HDR Engineering, Inc. of the Carolinas that was previously approved by City Council. The new task order is in the amount of \$6,690.00 is needed to complete survey of additional topography and drainage features to support the design of the South Sunset Drainage Improvement project.

Attachments: ☐ Yes ☒ No

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

**Action Requested of Council for Agenda Item:** Approve additional task order with HDR Engineering, Inc. of the Carolinas in the amount of \$6,690.00 for additional survey work to support Sunset Drive South Drainage Improvement project.

**Contact Information for Group or Individual:** Michael Hanna, City of Salisbury Stormwater Services

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

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

## FINANCE DEPARTMENT INFORMATION:

*S. Wade Funches*

Finance Manager Signature

*W. G. [Signature]*  
Department Head Signature

*Evans Ballard*

Budget Manager Signature

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

For Use in Clerk's Office Only

# Salisbury City Council Agenda Item Request Form

---



☐ Approved

☐ Delayed

☐ Declined

Reason:

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: January 4, 2022

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

Name of Presenter(s): Graham Corriher

Requested Agenda Item: Revise Minimum Housing Ordinance to authorize filing notice of lis pendens

**Description of Requested Agenda Item:** The City's minimum housing ordinance does not authorize the filing of a notice of lis pendens. A notice of lis pendens is a formal notice filed with the clerk of superior court to notify subsequent purchasers or transferees of the property that there is a legal action affecting the property. The issue the city's minimum housing inspectors have encountered is property being transferred during the city's enforcement actions, which requires that the inspector start the process all over again. This revision will allow the city's minimum housing inspectors to continue enforcement actions even if the property is transferred during the pendency of the action. This notice is authorized by state law (G.S. 1-120.2), but state law requires the city council to adopt a specific ordinance authorizing the use of the notice of lis pendens.

Attachments: ☒ Yes ☐ No

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

None

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

Council to adopt An Ordinance Amending Chapter 10, Article III of the Code of Ordinances to Authorize Filing a Notice of Lis Pendens in Minimum Housing Cases

**Contact Information for Group or Individual:** [graham.corriher@salisburync.gov](mailto:graham.corriher@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) City Attorney Report

## FINANCE DEPARTMENT INFORMATION:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

# Salisbury City Council Agenda Item Request Form

---

---



\_\_\_\_\_  
Budget Manager Signature

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

---

---

**For Use in Clerk's Office Only**

☐ Approved

☐ Delayed

☐ Declined

**Reason:**

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

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

Section 1. Chapter 10, Article III, Sec. 10-51, of the Code of Ordinances, is hereby amended as follows:

**Sec. 10-51. Preliminary investigation; notice; hearing; notice of lis pendens.**

(a) Investigation, notice, and hearing. Whenever a petition is filed with the inspector by a public authority or by at least five (5) residents of the city charging that any dwelling or dwelling unit is unfit for human habitation or whenever it appears to the inspector, upon inspection, that any dwelling or dwelling unit is unfit for human habitation he shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such dwelling or dwelling unit a complaint stating the charges and containing a notice that a hearing will be held before the inspector at a place within the city therein fixed, not less than ten (10) nor more than thirty (30) days after the serving of such complaint. The owner or any party in interest shall have the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint. Notice of such hearing shall also be given to at least one (1) of the persons signing a petition relating to such dwelling. Any person desiring to do so may attend such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the inspector.

(b) Notice of lis pendens. Pursuant to the authority granted by G.S. § 1-120.2, upon the issuance of a complaint and notice of hearing or order pursuant to paragraph (a) of this section, a notice of lis pendens, with a copy of the complaint and notice of hearing or order attached thereto, may be filed in the office of the clerk of superior court. From the date and time of filing the notice of lis pendens, the complaint and notice of hearing or order shall be binding upon the successors and assigns of the owners of and parties in interest in the dwelling. A copy of the notice of lis pendens shall be served upon the owners and parties in interest in the dwelling at the time of filing in accordance with G.S. 160D-1121. The notice of lis pendens shall remain in full force and effect until cancelled.

(Code 1977, § 12-21)

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

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

Adopted this 4th day of January, 2022.

---

Karen K. Alexander, Mayor

ATTEST:

---

Kelly Baker, City Clerk

# Salisbury City Council

## Agenda Item Request Form



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

Requested Council Meeting Date: January 4, 2021

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

Name of Presenter(s): Dana Ruth, Engineer

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

Description of Requested Agenda Item: Spectrum requests approval of installation of an underground bore within the City Rights-of-Way on South Ellis Street. City Council approval of encroachments is required by Section 11-24 (27) of the City Code.

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

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

Attachments: ☒ Yes ☐ No

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

There is no budgetary impact on this item.

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

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

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

☒ **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:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Budget Manager Signature

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

---

## For Use in Clerk's Office Only

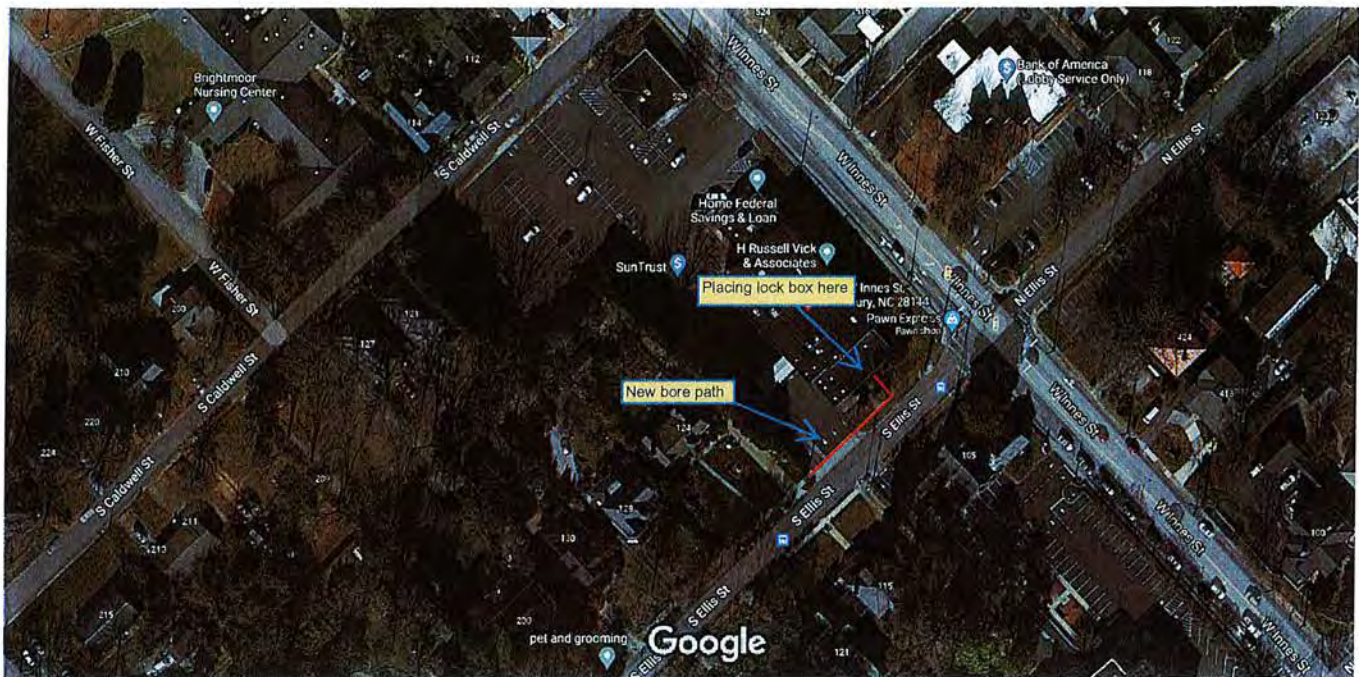
☐ **Approved**

☐ **Delayed**

☐ **Declined**

**Reason:**

Google Maps 507 W Innes St



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



507 W Innes St

Building



Directions



Save



Nearby

Send to your  
phone

Share



507 W Innes St, Salisbury, NC 28144

Photos

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: 01/04/2022

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

Name of Presenter(s): Elizabeth Burke, Planner

Requested Agenda Item: Z-03-2021 – 1035 Mooresville Rd / Parcel ID 061-1 178

Description of Requested Agenda Item: Z-03-2021 Request to rezone one (1) parcel at 1035 Mooresville Rd, (PID 061-1 178) being approximately 0.97 acres from Neighborhood Mixed-Use (NMX) to Corridor Mixed-Use (CMX).

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 adopting an ordinance to rezone the subject parcel as requested.

**Contact Information for Group or Individual:** Elizabeth Burke, elizabeth.burke@salisburync.gov, 704-638-5212

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

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

## FINANCE DEPARTMENT INFORMATION:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Budget Manager Signature

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

**For Use in Clerk's Office Only**

# Salisbury City Council Agenda Item Request Form

---

---



☐ Approved

☐ Delayed

☐ Declined

**Reason:**



City of Salisbury  
Development Services  
132 North Main Street  
Salisbury, NC 28144  
E: 1stop@salisburync.gov  
Ph. 704.638.5208

# REZONING PETITION

PAID  
NOV 08 2021

SHADED AREAS FOR STAFF USE ONLY

CC \$800

## FILING DATE

11/08/2021

## CASE #

Z-03-2021

## ZONING MAP AMENDMENT:

GENERAL REZONING, LOCAL HISTORIC  
LANDMARK, HISTORIC OVERLAY ADOPTION \$800

\* FEES PER CITY OF SALISBURY BUDGET ORDINANCE

PLAN REVIEW CASE # (IF APPLICABLE):

## PETITION TYPE

- ☐ General Rezoning (LDO Sec. 15.21)
- ☐ Petition involves entire parcel(s) as shown on the Rowan County tax map
- ☐ Petition involves a portion of a parcel(s) as shown on the Rowan County tax map
- ☐ Petitioner is the property owner of record
- ☐ Petitioner is an entity requesting a 3rd-party rezoning
- ☐ City-initiated rezoning

EXISTING DISTRICT(S): NMX

PROPOSED DISTRICT(S): CMX

## GENERAL PROPERTY DESCRIPTION (ESPECIALLY IF UNADDRESSED)

Existing minor vehicle services (commercial)

## PROPERTY & CONTACT INFORMATION

Rowan County Parcel ID(s): 0611178

Address or Site Location: 1035 Mooresville Rd

Subdivision:

Lot(s):

Petitioner: Mark Kraus

Address: 365 Kepley Rd Salisbury NC 28147

Email:

Best Phone: 704 213 8358

Owner (if different than petitioner):

Address:

Email: mattersofintegrity@gmail.com

Daytime Phone: Same

## SIGNATURE

By signing this petition you understand that this petition will be forwarded to the Planning Board (a City Council-appointed board) who may hear statements from staff, the petitioner, and general public, and will then vote to make a Statement of Consistency and recommendation to City Council. The petition will then be forwarded to City Council who will conduct the official public hearing before casting a deciding vote.

Petitioner (or representative):



## Planning & Zoning Analysis

<b>CASE NO.</b>	<b>Z-03-2021</b>
<b>Petitioner(s)</b>	Mark Kraus
<b>Owner(s)</b>	Mark Kraus
<b>Representative(s)</b>	Mark Kraus, Owner
<b>Address</b>	1035 Mooresville Rd
<b>Tax Map &amp; Parcel(s)</b>	061-1 178
<b>Size / Scope</b>	Approximately 0.97 acre parcel
<b>Location</b>	Located at the intersection of Mooresville Rd and Sunset Dr.

---

### PETITIONER REQUEST

<b>Request:</b>	Petition proposes to amend the Land Development Ordinance district map by rezoning one (1) parcel, being approximately 0.97 acres, from Neighborhood Mixed Use (NMX) to Corridor Mixed Use (CMX).
<b>Staff Comments:</b>	The proposed petition for the rezoning of Tax Map 061-1 Parcel 178 from NMX to CMX results from Mr. Kraus's desire to expand his existing minor vehicle services business. The expansion results in the need for an exception plat combining approximately .025 acres to the existing parcel in order to have the necessary building footprint and meet the required setbacks. The exception plat submittal would create a split zoned parcel. Staff advised Mr. Kraus a rezoning would be required to prevent the creation of a split zoned parcel and recommended the rezoning request be rezoning from NMX to CMX which is contiguous to the property and more in keeping with the current CMX zoning corridor of Mooresville Road.
<b>Uses:</b>	This proposal is for general zoning purposes only. A site plan of the proposed addition has been provided to show intent behind the rezoning. This request is not a conditional district zoning request; therefore, all uses of the requested CMX zoning will be permitted per the existing Use Matrix.



## Planning & Zoning Analysis

### CHARACTER OF AREA

#### Overview:

The parcel identified in this petition consists of (1) commercial structure, and a parking lot. The primary structure is used for minor vehicle services. The use of the site will not be changed due to rezoning.

The adjacent parcel (061 237) consists of (1) commercial structure zoned CMX. The petitioner plans to acquire a 0.025 acres from the adjacent parcel in order to fit an addition to the existing structure. The proposed plan for the addition is being provided as disclosure and will be reviewed as a Minor Site Plan review by staff upon the rezoning petition being approved.

Existing uses in the vicinity include commercial businesses, professional services, and residential. This rezoning will have minimal adverse effects on adjacent parcels, not will adjacent parcels affect this rezoning. CMX zoning is an appropriate zoning district for commercial areas such as this, and creates the same density as the current zoning.

Based upon the current zoning of the parcel, a lot from the adjacent parcel of a different zoning district cannot be combined to expand the parcel. Therefore, it is Staff's recommendation to approve this rezoning request, which will allow for the expansion of this business and provide a more consistent zoning pattern in this commercial area.

#### Surrounding Land Use(s) & Zoning:

<i>Location</i>	<i>Existing Land Uses</i>	<i>Existing Zoning</i>
North of area	Professional services	HB
East of area	Commercial business	CMX
South of area	Residential	GR6
West of area	Commercial business	CMX



## Planning & Zoning Analysis

---

### INFRASTRUCTURE & CIVIC/COMMUNITY FACILITIES

**Public Schools:**

**Elementary:** Knollwood Elementary  
**Middle:** Knox Middle  
**High:** Salisbury High

**Fire District:**

Station 2

**Utilities***Water & Sewer:*

Public water and sewer are available to the site. There are no proposed changes to utility services.

**Transportation***Transit:*

This site is served by Salisbury Public Transit bus Route 1.

*Property Access(s):*

The parcel has access on Mooresville Road and Sunset Drive. These access points will not be affected by rezoning or the proposed addition to the site.

*Public Improvements:*

Mooresville Road is a NCDOT maintained road. Sunset Drive is a city street.

---

### ENVIRONMENT

**Topography / Hydrology:**

The parcel is very flat and even. The area planned for the addition of this business is mostly wooded along the adjacent parcel, otherwise there is little existing vegetation on the site.

**Flood Hazard / Streams / Wetlands:**

This site is not encumbered by any streams, flood hazards, or wetlands as identified on the City's GIS maps.

---

### COMPREHENSIVE & AREA PLANS

**Applicable Plans:****Vision 2020 Comprehensive Plan***Policy C-2:*

The City shall encourage a flexible, yet compatible development environment that supports new business formation and growth in the city's older commercial areas.



## Planning & Zoning Analysis

*The site is adjacent to many other commercial businesses and commercial services.*

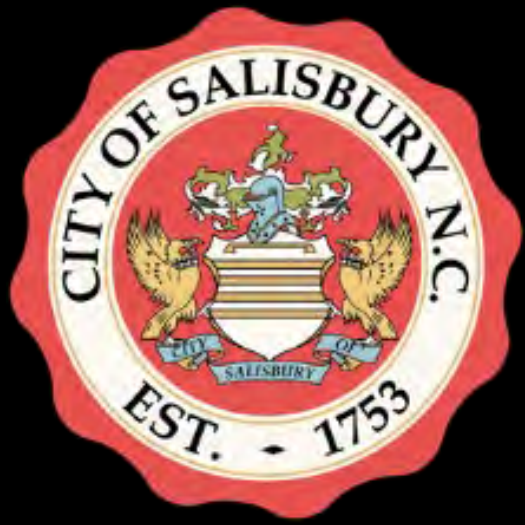
*Staff recommends approval of **Z-03-2021**, determining the request is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan.*

---

### PLAN REVIEW

#### **Planning Board Recommendation:**

This proposal was presented to Planning Board at their courtesy hearing on December 14, 2021. After deliberation, the Planning Board unanimously recommended approval, stating proposal is consistent with the Vision 2020 Comprehensive Plan as submitted.



# PETITION TO REZONE

## Z-03-2021

**CURRENT ZONING:**

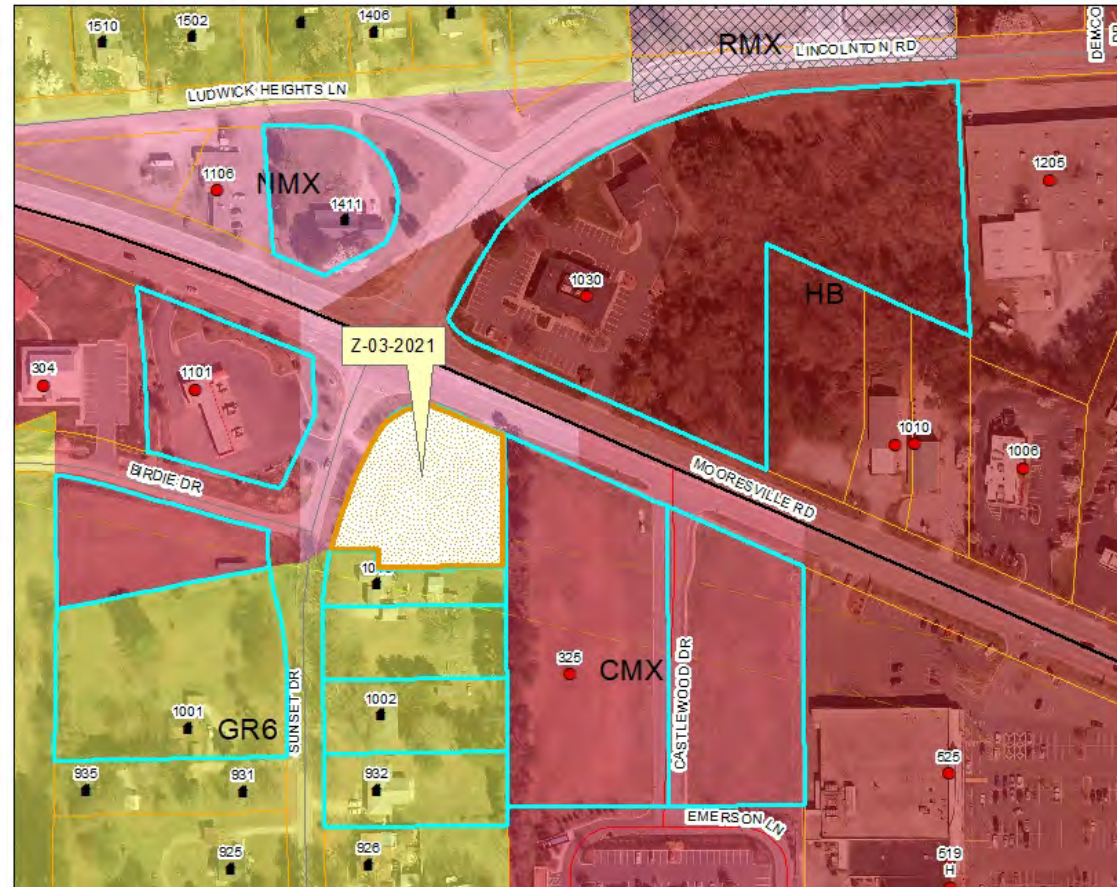
**NEIGHBORHOOD MIXED USE  
(NMX)**

**PROPOSED ZONING:**

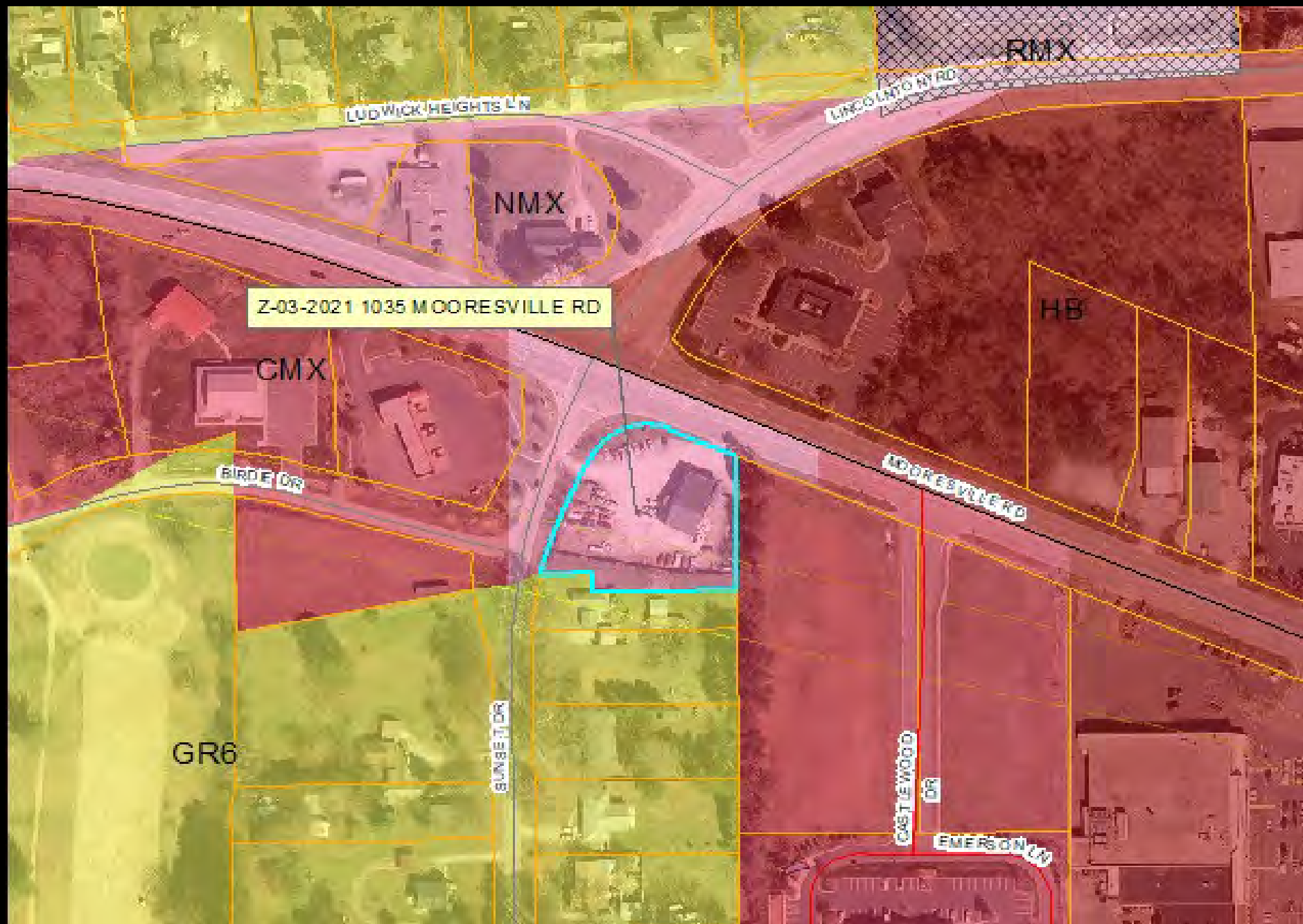
**CORRIDOR MIXED USE (CMX)**

ZONING PERMIT SITE PLAN

Z-03-2021 ADJOIN MAP



1035 MOORESVILLE RD  
PID: 0611178  
CURRENT ZONING: NMX  
PROPOSED: CMX





NC Farm Bureau  
Insurance

Sunset Carwash

State Employees'  
Credit Union

1035 Mooresville Rd,  
Salisbury, NC 28147

Carolina Dentistry  
& Dentures

NAPA Auto Parts -  
Flowers Auto Parts  
Auto parts store

Food







# LDO 5.16 Setbacks

(All Numbers In Feet)	OSP	RR	GR	HR	UR	RMX	NMX	CMX	DMX	HB	HS	CI
<b>Minimum Height</b>												
House	0	0	0	0	0	0	0	0	-	-	0	0
Townhouse	-	-	0	-	0	(e)	(e)	(e)	-	-	(e)	-
Apartment	-	-	-	-	-	(e)	(e)	(e)	(e)	0	(e)	-
<b>Maximum Height</b>												
House	50	50	50	35	35	35	35	35	-	-	35	35
Townhouse	-	-	3 story	-	3 story	3 story	3 story	3 story	-	-	3 story	-
Apartment	-	-	-	-	-	3 story	4 story	4 story	nm	3 story	5 story	-
<b>Lot Width: <i>Minimum</i></b>												
Mixed-Use	-	-	-	-	-	32	0	0	0	-	-	-
Commercial	-	-	-	-	-	32	32	32	16	32	-	-
Institutional	100	100	100	50	50	50	50	50	50	32	-	-
<b>Lot Depth: <i>Minimum</i></b>												
Mixed-Use	-	-	-	-	-	0	0	0	0	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0	-	-
Institutional	0	0	0	0	0	0	0	0	0	0	-	-
<b>Front Setback: <i>Minimum</i> (a)</b>												
Mixed-Use	-	-	-	-	-	0	0	0 or 10	0	-	-	-
Commercial	-	-	-	-	-	0	0	0 or 10	0	10	-	-
Institutional	30	40	10	10	10	10	0	0	0	10	-	-
<b>Front Setback: <i>Maximum</i></b>												
Mixed-Use	-	-	-	-	-	nm	10	nm	10	-	-	-
Commercial	-	-	-	-	-	10	10	75	10	nm	-	-
Institutional	nm	nm	nm	nm	nm	nm	25	nm	25	nm	-	-

(All Numbers In Feet)	OSP	RR	GR	HR	UR	RMX	NMX	CMX	DMX	HB	HS	CI
<b>Front Yard Encroachment (b)</b>												
Mixed-Use	-	-	-	-	-	8	8	8	8	-	-	-
Commercial	-	-	-	-	-	8	8	8	8	-	-	-
Institutional	-	-	10	10	10	10	-	-	-	-	-	-
<b>Side Setback: <i>Minimum</i></b>												
Mixed-Use	-	-	-	-	-	[0 or 12]	[0 or 5]	[0 or 5]	0 or 4	-	-	-
Commercial	-	-	-	-	-	[0 or 5]	[0 or 5]	[0 or 5]	0 or 4	0 or 4	0 or 4	-
Institutional	10	10	15	10**	10**	10**	10**	10**	0 or 4	0 or 4	5	10**
<b>Rear Setback: <i>Minimum</i></b>												
Mixed-Use	-	-	-	-	-	10	0	0	0 or 4	-	-	-
Commercial	-	-	-	-	-	0	0	0	0 or 4	0 or 4	0	-
Institutional	20	30	30	30	30	30	30	30	0 or 4	0 or 4	30	30
<b>Rear Setback from Alley: <i>Minimum</i></b>												
Mixed-Use	-	-	-	-	-	5	0	0	0	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0	0	-
Institutional	0	0	0	0	0	0	0	0	0	0	0	0
<b>Accessory Structure/Dwelling Unit Side/Rear Setback: <i>Minimum</i></b>												
Mixed-Use	-	-	-	-	-	0	0	0	0	-	-	-
Commercial	-	-	-	-	-	0	0	0	0	0 or 4	0	-
Institutional	5	5	5	5	5	5	5	5	0	0 or 4	5	10

	T1	T2	T3	T4	T5	T6	Assigned Districts				Planned Development					
BASE DISTRICT	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	CI	MHD	TND
Residential																
Dwelling-Single Family	P	P	P	P	P	P	P	P	P	—	—	—	—	P	P	P
Dwelling-Multifamily 4 units/bldg. or less	—	—	PND	P	PS	P	P	P	P	P	—	—	P	—	P	P
Dwelling-Multifamily more than 4 units/bldg.	—	—	—	—	—	P	P	P	P	P	—	—	P	—	—	P
Dwelling-Secondary	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	P	P	P	—	—	—	P	—	—	P
Family Care Home (6 or less residents)	—	P	P	P	P	P	P	P	P	P	—	—	P	P	—	P
Home Occupation	PS	PS	PS	PS	PS	PS	—	—	—	—	—	—	PS	PS	PS	PS
Housing Service for the Elderly	—	—	PS	PS	—	P	P	P	P	P	—	—	P	P	—	P
Live-Work Unit	—	—	—	—	—	PS	PS	PS	PS	—	—	—	PS	—	—	PS
Manufactured Housing	—	PS	—	—	—	—	—	—	—	—	—	—	—	—	PS	—
Lodging																
Bed and Breakfast	—	P	P	P	P	P	P	P	P	P	—	—	P	—	—	P
Hotel/Motel/Inn	—	—	—	—	—	—	—	P	P	P	—	—	P	—	—	P
Rooming or Boarding House	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	P
Office / Service																
Animal Services	—	PS	—	PS	—	—	P	P	P	P	P	P	P	—	—	P
Banks, Credit Unions, Financial Services	—	—	—	—	—	P	P	P	P	P	—	—	P	—	—	P
Business Support Services	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	P
Child Care Home	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS
Child Care Center in Residence	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	PS	PS	PS	PS	PS	—	—	PS	PS	PS	PS
Commercial Child Care Center	—	—	—	—	—	SUP/CD	PS	PS	PS	PS	—	—	PS	PS	—	PS
Community Service Organization	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P
Drive Thru Service	—	—	—	—	—	PS	PS	P	SUP/CD	P	—	—	—	—	—	SUP/CD
Equipment Rental	—	—	—	—	—	—	—	P	PS	P	P	P	—	—	—	—
Funeral Home	—	—	—	—	—	—	P	P	P	P	—	—	P	—	—	P
Group Care Facility (More than 6 residents)	—	—	—	SUP/CD	—	PS	PS	PS	PS	PS	—	—	PS	PS	—	PS
Government Services	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD
Laundry Services	—	—	—	—	—	P	P	P	P	P	—	—	—	—	—	P
Medical Clinic	—	—	—	—	—	P	P	P	P	P	—	—	P	SUP/CD	—	P

	T1	T2	T3	T4			T5	T6	Assigned Districts				Planned Development			
BASE DISTRICT	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	IC	MHD	TND
Office / Service (cont.)																
Outdoor Kennels	—	P	—	—	—	—	—	P	—	P	—	—	—	—	—	—
Post Office	—	—	—	—	—	P	P	P	P	P	P	—	P	P	—	P
Professional Services	—	—	—	PND	—	P	P	P	P	P	P	P	P	P	—	P
Residential Treatment Facility	—	SUP/CD	—	—	—	SUP/CD	SUP/CD	P	—	P	—	—	—	—	—	SUP/CD
Studio: Art, dance, martial arts,	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P
Vehicle Services: Minor Maintenance/Repair	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—	—
Vehicle Services: Major Repair/Body Work	—	—	—	—	—	—	—	SUP/CD	PS	PS	P	P	—	—	—	—
Retail / Restaurant																
Alcoholic Beverage Sales Store	—	—	—	—	—	—	SUP/CD	P	P	P	—	—	SUP/CD	—	—	P
Auto Parts Sales	—	—	—	—	—	—	P	P	P	P	—	—	—	—	—	—
Bar/Tavern/Night Club	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	—	P
Drive-Thru Retail/Restaurant	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	P
Gas Station	—	—	—	—	—	—	PS	PS	PS	PS	—	—	—	—	—	PS
General Retail: 3,500 sf or less	—	—	—	—	—	SUP/CD	PS	P	P	P	—	—	P	P	—	P
General Retail: 3,501 sf – 10,000 sf	—	—	—	—	—	SUP/CD	SUP/CD	P	P	P	—	—	P	P	—	P
General Retail: 10,001 sf – 50,000 sf	—	—	—	—	—	—	—	P	P	P	—	—	SUP/CD	—	—	P
General Retail: Greater than 50,000 sf	—	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	—	SUP/CD
Restaurant	—	—	—	—	—	SUP/CD	P	P	P	P	—	—	P	P	—	P
Vehicle or Heavy Equipment Sales	—	—	—	—	—	—	—	P	PS	P	P	P	—	—	—	PS
Entertainment / Recreation																
Adult Establishment	—	—	—	—	—	—	—	—	—	PS	—	—	—	—	—	—
Amusements, Indoor	—	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—
Amusements, Outdoor	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—
Cultural or Community Facility	—	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Meeting Facility	—	P	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Recreation Facilities, Indoor	—	P	—	—	—	P	P	P	P	P	P	P	P	P	—	—
Recreation Facilities, Outdoor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Theater, Movie	—	—	—	—	—	—	—	P	P	P	—	—	—	P	—	—
Theater, Live Performance	—	—	—	—	—	—	P	P	P	P	—	—	P	P	—	P

	T1	T2	T3	T4			T5		T6	Assigned Districts				Planned Development		
BASE DISTRICT	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LI	HI	HS	CI	MHD	TND
Manufacturing / Wholesale / Storage																
Agriculture	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Laundry, dry cleaning plant	—	—	—	—	—	—	—	—	—	P	P	P	P	—	—	—
Manufacturing, Light	—	—	—	—	—	—	—	P	P	P	P	P	—	—	—	—
Manufacturing, Neighborhood	—	—	—	—	—	PS	P	P	P	P	P	P	—	—	—	P
Manufacturing, Heavy	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—
Media production	—	—	—	—	—	—	—	P	P	P	P	P	P	—	—	—
Metal products fabrication, machine or welding shop	—	—	—	—	—	—	—	P	P	0	P	P	—	—	—	—
Mini-Warehouse	—	—	—	—	—	—	—	P	—	P	P	P	—	—	—	—
Research and development	—	—	—	—	—	—	—	SUP/CD	SUP/CD	P	P	P	P	—	—	P
Storage: Outdoor Storage Yard as a primary use	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—
Storage: Warehouse/Indoor Storage	—	—	—	—	—	—	—	PS	PS	P	P	P	—	—	—	—
Wholesaling and distribution	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—
Civic / Institutional																
Campground	PS	PS	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cemetery	P	PS	—	—	—	PS	PS	P	P	P	P	P	P	—	P	P
College/University	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	—	P	—	—
Hospital	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	—	P	P	—	—
Public Safety Station	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	PS	PS	P	P	P	P	P	P	SUP/CD	P	P
Religious Institution	—	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School: Elem. & Secondary	—	P	P	P	P	P	P	P	P	—	—	—	—	P	—	P
School: Vocational/Technical	—	—	—	—	—	P	P	P	P	P	P	P	P	P	P	P
Transportation / Infrastructure																
Air Transportation	—	SUP/CD	—	—	—	—	—	—	—	—	P	P	—	—	—	—
Parking Lot (primary use)	—	—	—	—	—	P	P	P	P	P	P	P	P	—	—	—
Parking Structure (primary use)	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	—	—	SUP/CD
Road/Rail Transit - Passenger	—	—	—	—	—	P	P	P	P	P	P	P	P	—	P	P
Road/Rail Freight/Courier/Trucking	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—
Utilities-Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utilities-Class 2	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	P	P	P	P	P	P	P	P	P	SUP/CD
Utilities-Class 3	—	SUP/CD	—	—	—	—	—	SUP/CD	—	SUP/CD	P	P	—	—	—	—
Wireless Telecomm Facility: Stealth	—	—	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS
Wireless Telecomm Facility: Tower	—	—	—	—	—	—	—	SUP/CD	SUP/CD	SUP/CD	PS	PS	SUP/CD	SUP/CD	—	—

# Vision 2020 Policies

**Policy C-2:** The City shall encourage a flexible, yet compatible development environment that supports new business formation and growth in the city's older commercial areas.



Planning Board Courtesy Hearing was held December 14, 2021.

Planning Board voted unanimously to recommend approval as submitted with a motion stating the master plan is “consistent with the Vision 2020 Comprehensive Plan.”

ROWAN COUNTY  
FILED FOR REGISTRATION AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.  
2021 AND REGISTERED IN MAP BOOK  
9995 PAGE \_\_\_\_\_

J. E. BRINDLE, REGISTER OF DEEDS

ASSISTANT/DEPUTY

#### CERTIFICATION OF APPROVAL:

I HEREBY CERTIFY THAT THE PLAT SHOWN QUALIFIES AS AN EXCEPTION PLAT AS DEFINED IN SECTION 15.11.A OF THE SALISBURY LAND DEVELOPMENT ORDINANCE. THE PLAT HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE SALISBURY LAND DEVELOPMENT ORDINANCE, AND HAS BEEN APPROVED BY THE CITY OF SALISBURY FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF ROWAN COUNTY.

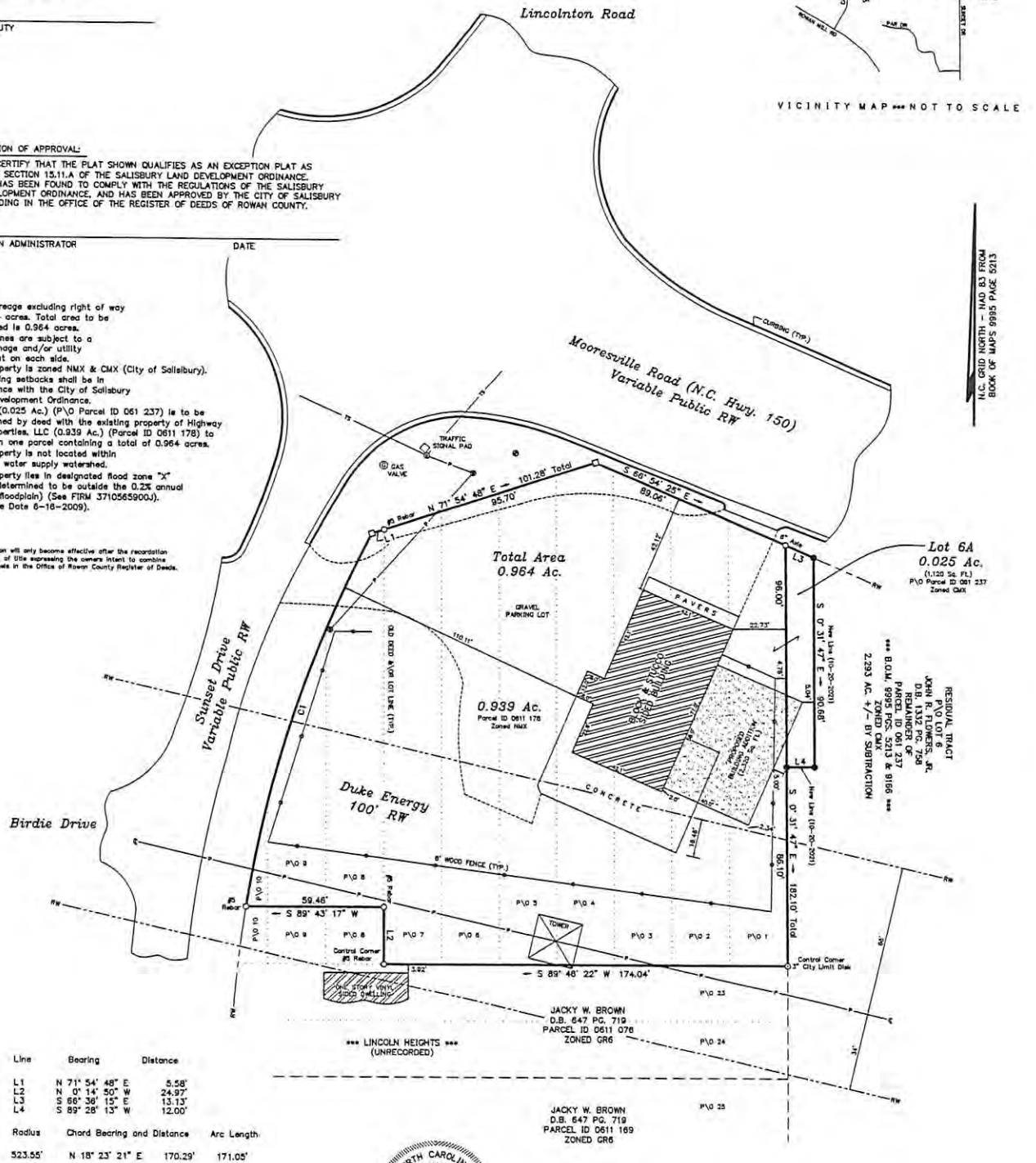
SUBDIVISION ADMINISTRATOR

DATE

#### NOTES:

1. Total acreage excluding right of way is 0.964 acres. Total area to be subdivided is 0.964 acres.
2. All lot lines are subject to a 10' drainage and/or utility easement on each side.
3. This property is zoned NMX & CMX (City of Salisbury).
4. All building setbacks shall be in accordance with the City of Salisbury Land Development Ordinance.
5. Lot 6A (0.025 Ac.) (P/O Parcel ID 061 237) is to be recombinated by deed with the existing property of Highway 150 Properties, LLC (0.939 Ac.) (Parcel ID 0611 178) to form one parcel containing a total of 0.964 acres.
6. This property is not located within a public water supply watershed.
7. This property lies in designated flood zone "X" (Areas determined to be outside the 0.2% annual chance floodplain) (See FIRM 3710565900). (Effective Date 6-16-2009).

Note:  
This combination will only become effective after the recording of a document of title expressing the owner's intent to combine the noted parcels in the Office of Rowan County Register of Deeds.



Line	Bearing	Distance
L1	N 71° 54' 48" E	5.58'
L2	N 0° 14' 50" W	24.97'
L3	S 86° 36' 15" E	13.13'
L4	S 82° 28' 15" W	12.00'

Curve	Radius	Chord Bearing and Distance	Arc Length
C1	523.55'	N 18° 23' 21" E 170.29'	171.05'

I, RICHARD L. SHULENBURGER, PROFESSIONAL LAND SURVEYOR, L-2687 N.C., CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

RICHARD L. SHULENBURGER, P.L.S.

10-20-21  
DATE



#### LEGEND

- Ex. RW Monument
- Traffic Signal Pole
- Ex. Iron (as described)
- Manhole
- New Iron (if new)
- City Limit Disk
- Light Pole
- Centerline
- Right-of-Way

STATE OF NORTH CAROLINA  
COUNTY OF ROWAN

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

REVIEW OFFICER \_\_\_\_\_ DATE \_\_\_\_\_

I, RICHARD L. SHULENBURGER, CERTIFY THAT THIS PLAT  
WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL  
SURVEY MADE UNDER MY SUPERVISION, D.B. (see references);  
THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED  
AS DRAWN FROM INFORMATION FOUND IN D.B. (N/A) PG. (N/A);  
THAT THE RATIO OF PRECISION AS CALCULATED IS 1 : 10,000+ ;  
THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30  
AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER  
AND SEAL THIS 20th DAY OF OCTOBER, 2021.

10-20-21  
DATE

PROPERTY SURVEY FOR:  
**Highway 150 Properties, LLC**

SCALE: 1" = 30'  
DATE: 10-20-2021  
1035 Mooresville Rd., City of Salisbury  
P/O Lots 1-10 of Lincoln Heights (Unrecorded)  
SALISBURY TOWNSHIP, ROWAN COUNTY, NORTH CAROLINA  
REFERENCES: Parcel ID 0611 178 & P/O Parcel ID 061 237;  
Deed Book 1256 Page 123 & Deed Book 1332 Page 758.  
Plat of Lincoln Heights (Unrecorded).

SURVEY AND MAP BY SHULENBURGER SURVEYING COMPANY, P.A. (FIRM # C-1858)  
814 N. MAIN ST., SUITE A, SALISBURY, N.C. PHONE: 704-837-9623



**Salisbury City Council  
Statement of Consistency & Zoning Recommendation**

**DISTRICT MAP AMENDMENT: Z-03-2021**

**Project Title:** Z-03-2021 1035 Mooresville Rd  
**Petitioner(s):** Mark Kraus  
**Owner(s):** Highway 150 Properties, LLC  
**Representative(s) or Developer(s)** Mark Kraus  
**Tax Map - Parcel(s):** 061-1 178  
**Size / Scope:** Approximately 0.97 acres encompassing one (1) parcel.  
**Location:** Parcel is located at the intersection of Mooresville Rd and Sunset Dr

**REQUEST:**

**Request to amend the Land Development District Map  
by rezoning one (1) parcel at 1035 Mooresville Rd (PID 061-1 178) from NEIGHBORHOOD MIXED-  
USE (NMX) TO CORRIDOR MIXED USE (CMX) for the expansion of a current business.**

**STATEMENT OF CONSISTENCY & RECOMMENDATION:**

The Salisbury City Council held a public hearing and reviewed the petition on December 7, 2021. The Council finds that the rezoning petition of the aforementioned parcel is CONSISTENT with the Salisbury Vision 2020 Comprehensive Plan, is reasonable, and in the public interest due to consistency with:

**Policy C-2:** The city shall encourage a flexible, yet compatible development environment that supports new business formation and growth in the city's older commercial areas.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING TAX MAP 061-1 PARCEL 178 FROM NEIGHBORHOOD MIXED USE (NMX) TO CORRIDOR MIXED USE (CMX) APPROXIMATELY 0.97 ACRES. (PETITION NO. Z-03-2021)

WHEREAS, a petition to rezone the property described herein was properly filed by the City of Salisbury; and

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition on December 14, 2021, unanimously voted to recommend approval as submitted, and stated that the request is consistent with the Vision 2020 Comprehensive Plan; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting on January 4, 2022; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, as requested, is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan due to the proposed petition, site characteristics, surrounding development pattern, and observations provided by city planning staff, identifying the policies that support the petition.

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

SECTION 1. That properties identified in the City of Salisbury and Rowan County as Tax Map 061-1 Parcel 178 including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned to 'CMX' district.

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

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



The Board of Adjustment held a called virtual meeting on Tuesday, December 14<sup>th</sup>, 2021, at 4 p.m. with the following being present:

**GUEST:** Patrick Robert

**PRESENT:** John Struzick, Tim Norris, John Schaffer, Bill Burgin, Dennis Roger, and Jayne Land

**STAFF:** Teresa Barringer, Elizabeth Burke, and Graham Corriher

**WELCOME GUESTS AND VISITORS**

John Schaffer, Chair, called the BOA meeting to order at 4:00 p.m. on 12/14/2021

**APPROVAL OF MINUTES**

BOA Minutes of August 24<sup>th</sup>, 2021 approved as submitted.

**MOTION**

Mr. Burgin made a motion to approve BOA Minutes for August 24<sup>th</sup>, 2021. Seconded by Mr. Rogers. All members voting AYE.

**ADJOURN 4:15 p.m.**

The Salisbury Planning Board held a called virtual meeting on Tuesday, December 14<sup>th</sup>, 2021, at 4:15 p.m with the following being present:

**PRESENT:** John Struzick, Tim Norris, John Schaffer, Bill Burgin, Dennis Roger, and Jayne Land

**STAFF:** Teresa Barringer, Elizabeth Burke, and Graham Corriher

**WELCOME GUESTS AND VISITORS**

John Schaffer, Chair, called the Planning Board meeting to order at 4:15 p.m. on 12/14/2021

## **APPROVAL OF MINUTES**

Planning Board Minutes of November 09, 2021 approved as submitted.

## **STAFF PRESENTATION**

**CASE NO. Z-03-2021**

**Petitioner(s):** Mark Kraus, Owner

Request to amend the Land Development Ordinance district map by rezoning (1) parcel, Tax Map 061-1 Parcel 178 located at 1035 Mooresville Rd, from Neighborhood Mixed Use (NMX) to Corridor Mixed Use (CMX) for expansion of an existing business.

## **DISCUSSION**

Ms. Burke presented the rezoning case, providing background of the request including a description of the surrounding area and intent. Mr. Schaffer inquired about the existing zonings layout and why there was two pockets of NMX. Mrs. Barringer responded that one of the reasons this request is being presented was to clean up the existing zoning. Ms. Burke further explained the differences of permitted uses in within the existing zoning and proposed zoning. Mr. Schaffer requested clarification on the purpose of the request. Ms. Burke explained that not only would it address the pocket of NMX within a large area of CMX, but it would also prevent a split zoned parcel once the petitioner proceeds with the lot recombination process and eliminate any dilemmas associated with meeting setback requirements. Staff also highlighted the proposal meeting Vision 2020 policies' intent. The board and staff had further discussion regarding existing zoning in the area and how setback standards apply for clarification. Mr. Schaffer and Mr. Rogers inquired if the surrounding lots were notified and Ms. Burke confirmed that everyone within the 250 ft required radius were informed.

## **MOTION**

Mrs. Land made a motion to approve case Z-03-2021 to amend the Land Development Ordinance district map by rezoning (1) parcel located at 1035 Mooresville Road, Tax Map 061-1 Parcel 178, from Neighborhood Mixed Use (NMX) to Corridor Mixed Use (CMX) for expansion of an existing business stating the request is consistent with the Vision 2020 Plan. Seconded by Mr. Struzick. All members voting AYE.

## **Other Business**

Staff posed the question to get the Planning Board's input in continuing legislative hearings as virtual. Mrs. Land motioned to continue with virtual meetings. Mr. Schaffer seconded. All voted aye.

## **ADJOURN 4:47 p.m.**

There being no further business to come before the Planning Board the meeting was adjourned.

---

**John Schaffer, Chair**

---

**Sheighla Temple, Planning Board Secretary**



## **NOTICE OF PUBLIC HEARING**

Salisbury City Council will hold a public hearing Tuesday, January 4, during its 6:00 p.m. meeting to consider the following general rezoning petition. The City is operating under a State of Emergency declaration related to the spread of COVID-19. To remain consistent with limiting physical interactions and the potential spread of COVID-19, the regularly scheduled January 4, 2022 City Council meeting will be held electronically. Anyone who wishes to speak during the hearing regarding the request must sign-up by 5:00 p.m. on Tuesday, January 4, 2022 by contacting Kelly Baker at [kbake@salisburync.gov](mailto:kbake@salisburync.gov) or 704-638-5233. Information on accessing the meeting will be available on the City's website at [www.salisburync.gov](http://www.salisburync.gov). The meeting can also be viewed on the City's livestream at [www.salisburync.gov/webcast](http://www.salisburync.gov/webcast) or the City's Twitter account at <https://twitter.com/CitySalisburyNC>.

### **DISTRICT MAP AMENDMENT: Z-03-2021**

<b>Project Title:</b>	<b>1035 Mooresville Rd</b>
<b>Petitioner(s):</b>	<b>Mark Kraus, Integrity Auto Repair</b>
<b>Owner(s):</b>	<b>Highway 150 Properties LLC</b>
<b>Representative(s) or Developer(s)</b>	Same as above
<b>Address:</b>	1035 Mooresville Rd
<b>Tax Map - Parcel(s):</b>	TM: 061-1, Parcel(s): 178
<b>Size / Scope:</b>	Approximately 0.97 acres
<b>Location:</b>	Located at the intersection of Mooresville Rd and Sunset Dr.

### **REQUEST:**

**Request to amend the Land Development Ordinance & Land Development District Map by rezoning approximately 0.97 acres located on Mooresville Road from NEIGHBORHOOD MIXED-USE (NMX) TO CORRIDOR MIXED USE (CMX) for the expansion of an existing business.**

A copy of the above petition is available for public review at Development Services (132 N. Main Street). Persons wishing a copy, or additional information, should call 704-638-5208. If persons would like to respond in writing, they may do so by mailing a letter to Development Services Division, P.O. Box 479, Salisbury, NC 28145 or by e-mail to [tbarr@salisburync.gov](mailto:tbarr@salisburync.gov). Written correspondence received before the meeting will be forwarded to the Planning Board.

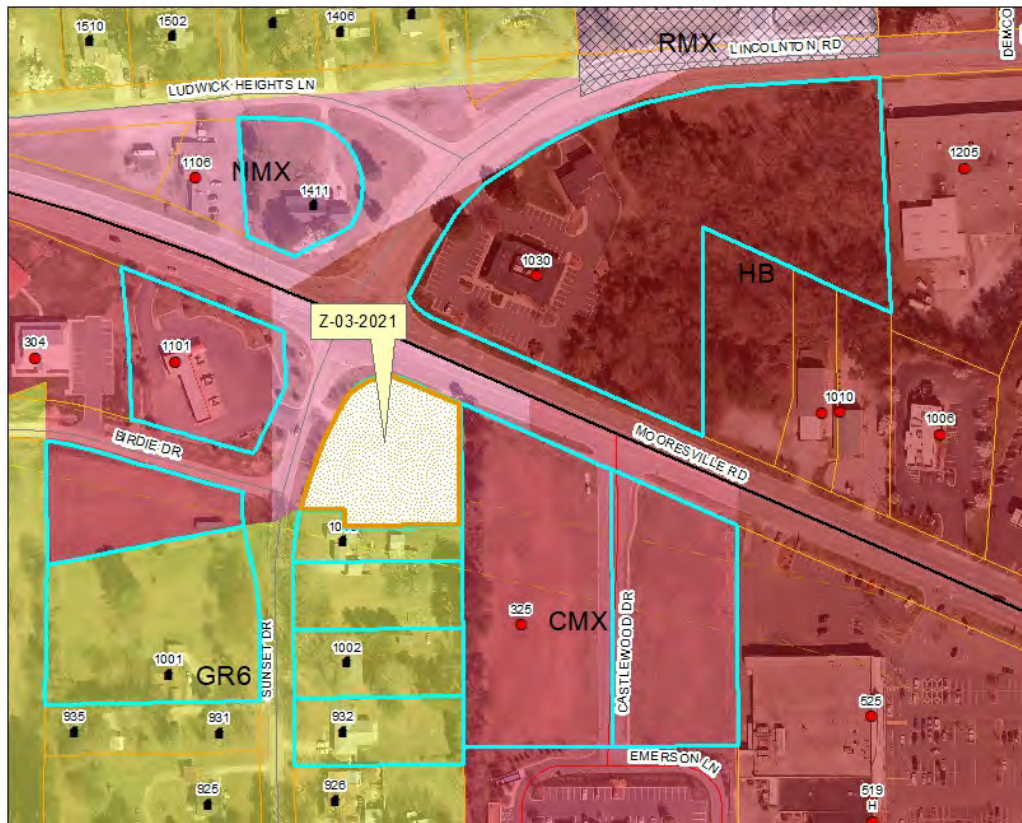
Citizens interested in the proposal are invited to attend and participate in the courtesy hearing. Changes may be made in the above proposal as a result of debate, objection, or discussion.

This the day of December 17, 2022.

CITY COUNCIL OF THE CITY OF  
SALISBURY, NORTH CAROLINA

BY: Kelly Baker  
Administrative Services Director/City Clerk

ZONING PERMIT SITE PLAN  
Z-03-2021 ADJOIN MAP



1035 MOORESVILLE RD  
PID: 061-1 178  
CURRENT ZONING: NMX  
PROPOSED: CMX

PARCEL_ID	OWNNAME	TAXADD1	CITY	STATE	ZIPCODE
061 237	FLOWERS JOHN ROBERT JR & WF	21 PEACH KNOB DR	ASHEVILLE	NC	28804
0611092	HOUCK TERRY JAMES	1001 SUNSET DR	SALISBURY	NC	28147-0000
0611077	BYERLY DONALD OROURKE	1002 SUNSET DR	SALISBURY	NC	28147
0611079	RIVERS EMILY BERTHA	932 SUNSET DR	SALISBURY	NC	28147
0611169	BROWN JACKY WAYNE & WF	2220 ENON CHURCH RD	SALISBURY	NC	28147-9717
0611178	HIGHWAY 150 PROPERTIES LLC	480 HOPE HILL RD	SALISBURY	NC	28147
0611093	PR MANAGEMENT LLC	203 W MILLBROOK #200	RALEIGH	NC	27609-4581
0611181	FRY FORSTER B	PO BOX 3212	MOORESVILLE	NC	28117-3212
061 008	PEELER DORIS BEAN	2430 BERKSHIRE DR	SALISBURY	NC	28146
061 117	STATE EMPLOYEES CREDIT UNION	PO BOX 26807	RALEIGH	NC	27611-6807
061 238	N2 HOLDINGS LLC	142 EMERALD DR	MOORESVILLE	NC	28117-0000
0611076	BROWN JACKY WAYNE & WF	2220 ENON CHURCH RD	SALISBURY	NC	28147-9717

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: January 4, 2022

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

Name of Presenter(s): Leanne Bagasala, Elliott Davis, PLLC

Requested Agenda Item: Council to receive on the June 30, 2021 Annual Comprehensive Financial Report from auditors Elliott Davis, LLC.

Description of Requested Agenda Item: Leanne Bagasala from Elliott Davis, LLC will give a presentation on the June 30, 2021 Annual Comprehensive Financial Report.

Attachments: ☐ Yes ☒ No

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

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

Contact Information for Group or Individual: Wade Furches, Finance Director

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

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

## FINANCE DEPARTMENT INFORMATION:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Budget Manager Signature

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

## For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined

# Salisbury City Council Agenda Item Request Form

---



**Reason:**

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: January 4 2022

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

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

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

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

Attachments: ☒ Yes ☐ No

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

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

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

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

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

## FINANCE DEPARTMENT INFORMATION:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Budget Manager Signature

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

## For Use in Clerk's Office Only

☐ Approved

☐ Delayed

☐ Declined

Reason:

AN ORDINANCE TO ORDER THE DEMOLITION OF A DWELLING UNIT UNFIT FOR HUMAN HABITATION LOATED AT **418 S CRAIGE STREET** IN THE CITY OF SALISBURY, NORTH CAROLINA.

WHEREAS, the City of Salisbury finds that the dwelling described herein is unfit for human habitation under the Housing Code of the City of Salisbury and that all of the procedures of the Housing Code and of NCGS 160A-441 *et seq.* have been complied with; and

WHEREAS, this dwelling is dilapidated and the cost of repairs to make the dwelling fit for human habitation is more than 50% of the value of the structure; and

WHEREAS, the dwelling should be removed or demolished as directed by the Code Enforcement Inspector in the Finding of Fact and Order to Demolish, published on June 28 2018; and

WHEREAS, the dwelling should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the Housing Inspector confirms that as of the date of this Ordinance, the dwelling has been vacated and only rubbish remains within the interior of the dwelling unit; and

WHEREAS, the owner of this dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with NCGS 160A-443(5) pursuant to an order issued by the Code Services Coordinator on June 28, 2018, and the owner has failed to comply with the Order.

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

SECTION 1. The Housing Inspector is hereby authorized and directed to place a placard on the dwelling containing the legend:

"This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful."

On the building located at the following address:

**418 S CRAIGE STREET, Salisbury, North Carolina, Rowan County**  
**Parcel ID 009 220**

SECTION 2. The Code Enforcement Officer/Housing Inspector is hereby authorized and directed to proceed to remove or demolish the above-described structure in accordance with the order to the owner dated June 28, 2018, and in accordance with the Housing Code and NCGS 160A-443:

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

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

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

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_.

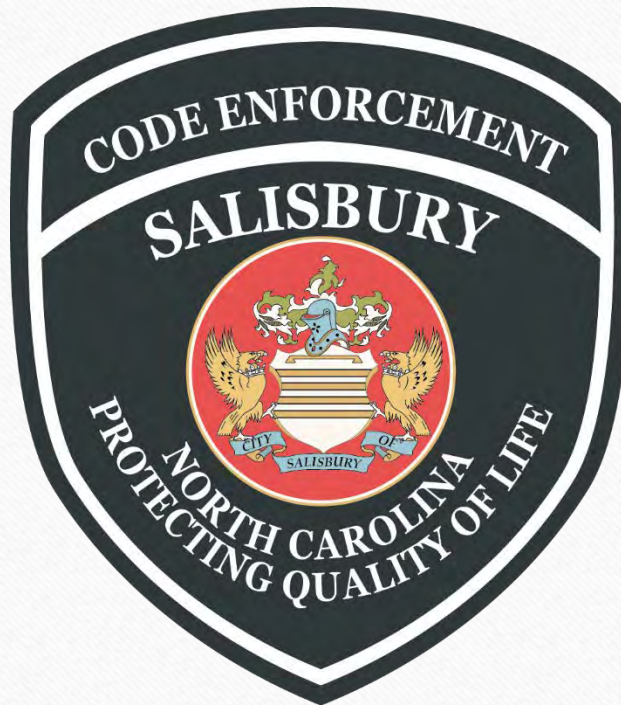
\_\_\_\_\_  
Karen Alexander, Mayor

ATTEST:

\_\_\_\_\_

# Code Enforcement FY 202-21 Demolitions

---



# 418 S Craige St

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



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

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

Date: Monday, May 27, 2019

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

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

Landfill tickets to be attached as required

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

**David Keith Price**









MITCHELL FAIR  
*Funeral Service*

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

**NOTICE**  
**DO NOT ENTER**  
THIS BUILDING  
IS UNSAFE AND  
DANGEROUS  
CALL 704-216-7559  
FOR INSPECTION





























# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: 1/4/2022

Name of Group(s) or Individual(s) Making Request: Engineering/Director Wendy Brindle & Salisbury Police Department/Chief Jerry Stokes

Name of Presenter(s): Chief Jerry Stokes

Requested Agenda Item: Parking Ordinance Fine Adjustment

Description of Requested Agenda Item: A Downtown Parking study was completed by City Engineering in 2019, one of the recommendations was an increase of overtime parking fine from \$5 to \$15 (City Ordinance Sec. 13-40) and repeat offender fine increase from \$50 to \$75 (City Ordinance Sec. 13-41). Council is requested to adjust the fines at this time as Engineering and SPD work to address parking in downtown and implement recommendations from the Parking Study.

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)  
Approve application to accept the funding.

**Contact Information for Group or Individual:** Engineering Director Wendy Brindle 704-638-5201 or 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 CHAPTER 13, ARTICLE II, OF THE CODE OF THE CITY  
OF SALISBURY, RELATING TO REGULAR MEETINGS

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

SECTION 1. Chapter 13 MOTOR VEHICLES AND TRAFFIC, ARTICLE II. TRAFFIC BUREAU of the Code of the City of Salisbury be amended to delete the stricken language and add the underlined language as follows:

Sec. 13-40. Same—Enumeration of offenses and penalties.

The offenses, the enumeration of which is referred to in section 13-39, and the penalties therefor shall be as follows:

Offense Penalty

Parking overtime ~~\$5.00~~ \$15.00

Sec. 13-41. Same—Penalty for late payment of parking violations.

Offenders of parking violations enumerated in section 13-40 shall have thirty (30) days from the date of violation notice to pay such penalty. Any penalty not paid within thirty (30) days of the date of violation notice shall be subject to an additional twenty-dollar late payment penalty.

(Ord. No. 2011-15, § 1, 4-5-11)

Sec. Same—Penalty for repeat offender of parking violations.

Offenders who receive a minimum of four (4) parking violations, as enumerated in section 13-40, within a thirty-day period shall be subject to an additional ~~fifty~~ seventy-five dollar (~~\$50.00~~ \$75.00) repeat offender penalty, which shall be issued with notification of the fourth and subsequent offenses. Repeat offender penalties shall be subject to the penalty for late payment [in] section 13-41.

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 is passage.

## Chapter 13 MOTOR VEHICLES AND TRAFFIC<sup>1</sup>

### ARTICLE I. IN GENERAL

### ARTICLE II. TRAFFIC BUREAU<sup>2</sup>

#### Sec. 13-39. Procedure for certain violations—Generally.

Whenever a violation of a traffic regulation enumerated in section 13-40 shall come to the attention of a member of the police department, it shall be his duty to notify the offender, in writing, to pay the designated fine to the police department within twenty-four (24) hours from the date of such notice, or give reason why such fine should not be paid. Such notice shall set forth the license number of the vehicle involved in the violation, the name of the officer giving such notice, the date of the notice, and the nature of the offense. A duplicate of such notice shall be delivered to the police department.

(Code 1977, § 15-52)

#### Sec. 13-40. Same—Enumeration of offenses and penalties.

The offenses, the enumeration of which is referred to in section 13-39, and the penalties therefor shall be as follows:

##### *Offense* *Penalty*

Parking overtime \$15.00

Double parking 5.00

Parking in safety zone 5.00

Parking too close to fire hydrant 5.00

Parking in corner clearance zone 5.00

Parking against line of traffic 5.00

Parking over lines designating lined parking space 5.00

Parking too far from curb 5.00

---

<sup>1</sup>Charter reference(s)—Traffic control, § 7.2 et seq.

Cross reference(s)—Animals and fowl, Ch. 5; aviation, Ch. 6; cemeteries, Ch. 8; fire prevention and protection, Ch. 9; licenses, Ch. 11; mobile homes, Ch. 12; peddlers, Ch. 17; police, Ch. 20; streets and sidewalks, Ch. 22; taxicabs, Ch. 23; vehicles in cemeteries, § 8-8 et seq.; vehicle horns, signal devices, § 14-47; noise from operation of vehicle, § 14-51; loudspeakers or amplifiers on vehicles, § 14-62; smoking on buses, § 15-15; operation of motor vehicles in parks, § 16-72; "refuse" defined to include abandoned automobiles, § 21-51; throwing litter from vehicle, § 21-55; parades, picket lines and group demonstrations, § 22-121 et seq.; fees, App. F.

State law reference(s)—Motor vehicles, G.S. ch. 20; powers of local authorities, G.S. 20-169; streets, traffic and parking, G.S. 160A-296 et seq.

<sup>2</sup>Cross reference(s)—Administration, Ch. 2.

---

Blocking traffic5.00

Blocking alley5.00

Making U-turn where prohibited5.00

Turning around in middle of block5.00

Running against traffic signal5.00

(Code 1977, §§ 15-53, 15-53.1; Ord. No. 1993-60, § 1, 8-3-93; Ord. No. 1997-85, § 1, 12-16-97)

### **Sec. 13-41. Same—Penalty for late payment of parking violations.**

Offenders of parking violations enumerated in section 13-40 shall have thirty (30) days from the date of violation notice to pay such penalty. Any penalty not paid within thirty (30) days of the date of violation notice shall be subject to an additional twenty-dollar late payment penalty.

(Ord. No. 2011-15, § 1, 4-5-11)

Editor's note(s)—Ord. No. 2011-15, § 1, adopted April 5, 2011, amended § 13-41 in its entirety to read as set out herein. Former § 13-41 pertained to same—issuance of warrant on failure to appear and derived from the Code of 1977, § 15-54.

### **Sec. . Same—Penalty for repeat offender of parking violations.**

Offenders who receive a minimum of four (4) parking violations, as enumerated in section 13-40, within a thirty-day period shall be subject to an additional ~~fiftyseventy-five dollar (\$75.00)~~ repeat offender penalty, which shall be issued with notification of the fourth and subsequent offenses. Repeat offender penalties shall be subject to the penalty for late payment [in] section 13-41.

(Ord. No. 2011-15, § 1, 4-5-1

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: January 4, 2022

Name of Group(s) or Individual(s) Making Request: Mayor Karen Alexander

Name of Presenter(s):

Requested Agenda Item: Council to adopt a Resolution establishing a Sister-City relationship with Monrovia, Liberia.

Description of Requested Agenda Item: Representatives from Monrovia, Liberia recently visited Salisbury and seek a Sister-City relationship with the City of Salisbury. The relationship will help create a broad-based, long-term partnership that includes municipal, economic, business, educational and cultural exchanges.

Attachments: ☒ Yes ☐ No

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

Action Requested of Council for Agenda Item: Council to adopt a Resolution establishing a Sister-City relationship with Monrovia, Liberia.

Contact Information for Group or Individual: Mayor Alexander

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

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

## FINANCE DEPARTMENT INFORMATION:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Budget Manager Signature

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

**For Use in Clerk's Office Only**

# Salisbury City Council Agenda Item Request Form

---



☐ Approved

☐ Delayed

☐ Declined

**Reason:**



# *City of Salisbury*

*North Carolina*

## **JOINT RESOLUTION BETWEEN THE CITY OF MONROVIA, MONTERRADO COUNTY, REPUBLIC OF LIBERIA AND THE CITY OF SALISBURY, NORTH CAROLINA**

**WHEREAS**, the Municipal Government of Monrovia, Monteserrado County, Republic of Liberia, and the City of Salisbury, North Carolina, United States of America, seek a “Sister-City” relationship with an emphasis on sharing information related to economic development, cultural exchange, educational advancement, law enforcement, sanitation, trade, human capacity building and technology; and

**WHEREAS**, Monrovia has historical and cultural ties to the Piedmont of North Carolina and has an existing relationship with Livingstone College, located in the heart of Salisbury; and

**WHEREAS**, Salisbury and Monrovia desire to strengthen these ties for the benefit of both cities with a Sister City relationship focusing on good government, managing local and limited local resources, and improving the quality of life for their residents.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Monrovia, Republic of Liberia and the City of Salisbury, North Carolina do hereby express their joint commitment to the implementation of a “Sister-City” relationship.

This the 4<sup>th</sup> day of January 2022.

CITY OF SALISBURY, NORTH CAROLINA

---

Karen Alexander, Mayor

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF MONROVIA, LIBERIA

---

Mayor

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: January 4, 2022

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

Name of Presenter(s):

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

Description of Requested Agenda Item: One of the City's two appointments to the Rowan Economic Development Commission expired December 31, 2021. The current appointee has served two terms and is not eligible for reappointment. The EDC recommends Mr. Greg Alcorn be appointed to a term to begin January 1, 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: Make an appointment to the Rowan Economic Development Board.

Contact Information for Group or Individual: Kelly Baker [kbake@salisburync.gov](mailto:kbake@salisburync.gov)

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

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

## FINANCE DEPARTMENT INFORMATION:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Budget Manager Signature

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

**For Use in Clerk's Office Only**

# Salisbury City Council Agenda Item Request Form

---



☐ Approved

☐ Delayed

☐ Declined

**Reason:**

# Greg

## Alcorn

---

Submission Date Nov 12, 2021 10:51 AM

First Name Greg

Last Name Alcorn

E-mail [greg.alcorn@gcsagents.com](mailto:greg.alcorn@gcsagents.com)

Home Phone 7042322354

Business Phone 17042322354

Address 118-B S. Main St.

City Salisbury

State NC

ZIP Code 28144

Ethnicity Caucasian/Non-Hispanic

Gender Male

Place of Employment GCS

Occupation staffing

Do you reside within the City limits of Salisbury? Yes

Please indicate your #1 preference: Other

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

Why are you interested in serving on the Board or Commission for which you are applying? I believe the EDC is very important to the proper growth of Rowan County

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

business owner, property owner in Salisbury. Lifelong resident. Catawba graduate. UNC-Charlotte.

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

No

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

No

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

I agree

---

# Salisbury City Council

## Agenda Item Request Form



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

Requested Council Meeting Date: January 4, 2022

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

Name of Presenter(s): Graham Corriher

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

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

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

The attached revisions are the first round of revisions recommended by the Salisbury Police Department. SB300 does not allow for action to be taken on these revisions at the first meeting they are introduced, so these are on the agenda for a "first reading." City Council will be asked at its January 18 meeting to take action on these revisions. Again, these are only the first round of revisions. Staff is still in the process of reviewing the Code to determine if there are other ordinance violations that justify criminal penalties.

In addition to the revisions required by SB300, the attached revisions also include minor revisions unrelated to SB300 that were discovered during the review process.

Attachments: ☒ Yes ☐ No

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

None

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

No action requested at this time.

At its January 18, 2022, meeting, City Council will be asked to adopt *An Ordinance Amending Various Chapters of the Code of Ordinances for the City of Salisbury to Comply with North Carolina Session Law 2021-138.*

# Salisbury City Council Agenda Item Request Form

---



Contact Information for Group or Individual: [graham.corriher@salisburync.gov](mailto:graham.corriher@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)      City Attorney Report

---

## FINANCE DEPARTMENT INFORMATION:

\_\_\_\_\_  
Finance Manager Signature

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Budget Manager Signature

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

---

## For Use in Clerk's Office Only

☐ **Approved**

☐ **Delayed**

☐ **Declined**

**Reason:**

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

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

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

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

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

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

Adopted this 18<sup>th</sup> day of January, 2022.

---

Karen K. Alexander, Mayor

ATTEST:

---

Kelly Baker, City Clerk

# **EXHIBIT A**

## Chapter 1 GENERAL PROVISIONS<sup>1</sup>

...

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

- (a) Whenever in this Code or in any ordinance of the city an act is ~~prohibited or is~~ made or declared to be ~~unlawful or an offense or~~ a misdemeanor, ~~or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor,~~ the violation of any such provision ~~or the failure to perform any such act~~ shall be punishable as a Class 3 ~~misdemeanored~~ by a fine not exceeding fifty dollars (\$50.00) or by imprisonment not to exceed ~~thirty~~ twenty (20) days or both such fine and imprisonment in the discretion of the court.
- (b) ~~Whenever in this Code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision or the failure to perform any such act shall be punished by a fine not exceeding fifty dollars (\$50.00).~~
- (c) Each day any such violation or failure to perform such act shall continue shall constitute a separate offense, unless otherwise specifically provided.

(Code 1977, § 1-12)

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

### Sec. 1-10. Penalty not exclusive.

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

(Code 1977, § 1-13)

---

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

## **Chapter 15 OFFENSES<sup>1</sup>**

### **ARTICLE I. IN GENERAL**

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

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

(Code 1977, § 17-1)

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

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

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

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

(Code 1977, § 17-12)

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

#### **Sec. 15-3. Malicious mischief; vandalism.**

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

(Code 1977, § 17-3)

---

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

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

---

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

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

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

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

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

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

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

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

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

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

(Code 1977, § 17-4)

#### **Sec. 15-7. Impersonation of public officer.**

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

(Code 1977, § 17-5)

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

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

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

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

(Code 1977, § 17-6)

---

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

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

(Code 1977, § 17-7)

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

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

(Code 1977, § 17-8)

Cross reference(s)—Police, Ch. 20.

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

### **Sec. 15-11. Displaying obscene material.**

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

(Code 1977, § 17-9)

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

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

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

(Code 1977, § 17-10)

Cross reference(s)—Police, Ch. 20.

### **~~Sec. 15-13. Soliciting alms.~~**

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

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

---

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

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

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

(Code 1977, § 17-13)

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

### **Sec. 15-15. Smoking on buses.**

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

(Code 1977, § 17-14)

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

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

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

(Code 1977, § 17-15)

### **Secs. 15-17—15-35. Reserved.**

## ***ARTICLE II. OFFENSES AGAINST THE PUBLIC PEACE***

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

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

(Code 1977, § 17-26)

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

---

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

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

(Code 1977, § 17-27)

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

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

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

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

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

~~(Code 1977, § 17-30)~~

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

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

~~(Code 1977, § 17-31)~~

## **Sec. 15-41. Dangerous missiles.**

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

(Code 1977, § 17-32)

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

## **Sec. 15-42. Discharge of firearms.**

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

---

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

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

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

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

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

*Recreational facilities* include only the following:

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

---

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

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

(h) A violation of this section is punishable as a misdemeanor.

(Ord. No. 2018-46, § 1, 9-17-18)

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

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

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

### **Sec. 15-44. Public urination, defecation.**

It shall be unlawful for any person to deposit, by means of urination or defecation, any human waste material upon any park, public street, sidewalk, right-of-way, alley or parking lot. For purposes of this section, "human waste material" shall be defined as human urine or human fecal material discharged from the body. A violation of this section is punishable as a misdemeanor.

(Code 1977, § 17-25)

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

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

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

**Secs. 15-46—15-60. Reserved.**

***ARTICLE III. STATE OF EMERGENCY<sup>2</sup>***

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

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

(Code 1977, § 17-45)

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

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

(Code 1977, §§ 17-46, 17-47)

---

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

---

### **Sec. 15-63. Unlawful activities.**

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

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

A violation of this section is punishable as a misdemeanor.

(Code 1977, § 17-48)

### **Sec. 15-64. Termination of curfew.**

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

(Code 1977, § 17-49)

## ***ARTICLE IV. YOUTH PROTECTION***

### **Sec. 20-150. Purpose.**

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

(Ord. No. 2009-37, § 1, 6-16-09)

### **Sec. 20-151. Definitions.**

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

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

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

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

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

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

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

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

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

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

---

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

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

(Ord. No. 2009-37, § 1, 6-16-09)

## **Sec. 20-152. Offenses.**

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

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

(Ord. No. 2009-37, § 1, 6-16-09)

## **Sec. 20-153. Exceptions.**

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

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

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

(Ord. No. 2009-37, § 1, 6-16-09)

## **Sec. 20-154. Defense.**

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

---

(Ord. No. 2009-37, § 1, 6-16-09)

### **Sec. 20-155. Enforcement.**

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

(Ord. No. 2009-37, § 1, 6-16-09)

### **Sec. 20-156. Penalties.**

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

(Ord. No. 2009-37, § 1, 6-16-09)

### **Sec. 20-157. Severability.**

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

(Ord. No. 2009-37, § 1, 6-16-09)

## Chapter 22 STREETS AND SIDEWALKS<sup>1</sup>

...

### ARTICLE V. DEMONSTRATIONS<sup>2</sup>

#### DIVISION 1. GENERALLY

##### Sec. 22-121. Definitions.

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

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

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

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

(Ord. No. 2019-21, § 1, 4-16-19)

---

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

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

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

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

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

---

## Sec. 22-122. Exceptions to article.

The provisions of this article shall not apply to:

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

(Ord. No. 2019-21, § 1, 4-16-19)

Cross reference(s)—Police, Ch. 20.

## Sec. 22-123. Interference prohibited.

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

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

A violation of this section is punishable as a misdemeanor.

(Ord. No. 2019-21, § 1, 4-16-19)

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

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

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

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

A violation of this section is punishable as a misdemeanor.

(Ord. No. 2019-21, § 1, 4-16-19)

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

---

**Secs. 22-125—22-140. Reserved.**

## *DIVISION 2. PERMIT*

### **Sec. 22-141. Required.**

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

(Ord. No. 2019-21, § 1, 4-16-19)

### **Sec. 22-142. Issuance.**

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

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

(Ord. No. 2019-21, § 1, 4-16-19)

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

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

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

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

(Ord. No. 2019-21, § 1, 4-16-19)

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

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

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

(Ord. No. 2019-21, § 1, 4-16-19)

#### **Secs. 22-145—22-149. Reserved.**

### ***ARTICLE VI. PUBLIC STREET FESTIVALS AND SPECIAL EVENTS WITHIN THE MUNICIPAL SERVICE DISTRICT<sup>3</sup>***

#### **Sec. 22-150. Definitions.**

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

---

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

---

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

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

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

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

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

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

Other definitions shall be defined as:

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

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

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

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

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

*Parks* shall mean publically maintained recreation or park facility

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

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

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

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

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

(Ord. No. 2018-18, § 1, 4-17-18)

---

## **Sec. 22-151. Issuance of permits.**

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

---

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

(Ord. No. 2018-18, § 1, 4-17-18)

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

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

All applicable health and ABC laws are complied with;

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

(Ord. No. 2018-18, § 1, 4-17-18)

### **Sec. 22-153. Firearms.**

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

(Ord. No. 2018-18, § 1, 4-17-18)

### **Sec. 22-154. Signs for events.**

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

(Ord. No. 2018-18, § 1, 4-17-18)

### **Sec. 22-155. Penalty—conflict.**

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

---

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

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

(Ord. No. 2018-18, § 1, 4-17-18)

#### **Sec. 22-156. Fees.**

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

(Ord. No. 2018-18, § 1, 4-17-18)

## Chapter 23 TAXICABS<sup>1</sup>

...

### **ARTICLE IV. OPERATION**

#### **Sec. 23-76. Vehicle equipment.**

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

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

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

#### **Sec. 23-77. Condition of vehicle.**

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

---

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

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

---

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

(Code 1977, § 25-59)

### **Sec. 23-78. Repair of vehicle.**

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

(Code 1977, § 25-60)

### **Sec. 23-79. Identification of vehicles.**

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

(Code 1977, § 25-68)

### **Sec. 23-80. Inspections.**

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

(Code 1977, § 25-61)

Cross reference(s)—Police, Ch. 20.

### **Sec. 23-81. Business headquarters.**

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

(Code 1977, § 25-62)

### **Sec. 23-82. Driver's manifests.**

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

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

(Code 1977, § 25-63)

### **Sec. 23-83. Refusal to carry passenger.**

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

(Code 1977, § 25-64)

### **Sec. 23-84. Carrying additional passengers.**

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

(Code 1977, § 25-65)

### **Sec. 23-85. Schedule of fares.**

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

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

### **Sec. 23-86. Reserved.**

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

### **Sec. 23-87. Refusal to pay fare.**

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

(Code 1977, § 25-70)

---

**Sec. 23-88. Lost articles.**

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

(Code 1977, § 25-69)

Cross reference(s)—Police, Ch. 20.

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

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

(Ord. No. 2007-23, § 6, 5-15-07)

# Salisbury City Council Agenda Item Request Form



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

Requested Council Meeting Date: January 4, 2022

Name of Group(s) or Individual(s) Making Request: Anne Little

Name of Presenter(s):

Requested Agenda Item: Announce events scheduled for the 2022 Dr. Martin Luther King, Jr. Celebration Weekend.

**Description of Requested Agenda Item:** The Human Relations Council will host its annual Dr. Martin Luther King Jr. Celebration Weekend with a Drive-Thru Community Resource on Saturday, January 15, 2022 from 11:30 a.m. until 2:00 p.m. at the Civic Center located at 315 Martin Luther King, Jr. Avenue. A Community Day of Service will be held Monday, January 17, 2022 at Kelsey Scott Park. Participants can donate new and gently used coats and assist with cleaning up the park (weather permitting). A Virtual Program will air on the HRC Facebook Page at 2:00 p.m. For more information, please contact Anne Little at [anne.little@salisburync.gov](mailto:anne.little@salisburync.gov) or call (704) 638-5218.

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: Kelly Baker

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

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

## 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:**