<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Call to Order</td>
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<tr>
<td>2</td>
<td>Moment of Silence</td>
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<tr>
<td>3</td>
<td>Pledge of Allegiance</td>
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<tr>
<td>4</td>
<td>Welcome to the People’s House!</td>
<td>A reminder that City Hall exists for, of and by the people of our City and is inclusive of ALL!! Council and staff are here to SERVE YOU and to create a welcoming, inclusive, safe, and thriving environment for ALL to enjoy as you live, work, play, volunteer, visit, learn and participate in decision making in our great City!!</td>
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<tr>
<td>5</td>
<td>Adopt Agenda</td>
<td>Adopt Agenda for December 4, 2018.</td>
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</tbody>
</table>
| 6   | Special Recognitions        | **Requestor(s):** Mayor Al Heggins  
**Presenter(s):** Mayor Al Heggins  
Special recognitions of Alex Clark, the ‘Tis the Season Spectacular Committee, Transgender Day of Remembrance, and a special tribute in memory of A’yanna Allen. |
| 7   | Consent Agenda:            |                                                                                                                                             |
|     | (a) Minutes.                | Adopt Minutes of the Regular meeting of November 20, 2018.                                                                                   |
|     | (b) Resolution – FEMA Funds.| **Requestor(s):** Finance  
**Adopt a RESOLUTION authorizing Gayla Long, primary agent and Anna Bumgarner, secondary agent for the purpose of filing for federal and/or state assistance and represent and act for the City in all dealings with the State of North Carolina and the Federal Emergency Management Agency related to Hurricane Florence. |
|     | (c) Contract – Brushy Mountain Builders, Inc. | **Requestor(s):** Salisbury-Rowan Utilities  
**Authorize the City Manager to execute a contract with Brushy Mountain Builders, Inc. in the amount of $848,000 for construction of Water Treatment Plant Improvements Piping Modifications Project. |
<table>
<thead>
<tr>
<th>8</th>
<th>Change of Time for Council Meetings.</th>
<th>Requestor(s): Mayor Al Heggins and Councilor Tamara Sheffield</th>
<th>Council to review changing the time of Council meetings from 5:00 p.m. During the Rules of Procedures Special Meeting held Wednesday, October 3, 2018, there was discussion presented by Councilor Sheffield.</th>
</tr>
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<tbody>
<tr>
<td>9</td>
<td>Resolution – 2018-34.</td>
<td>Requestor(s): Mayor Al Heggins and Councilor Tamara Sheffield</td>
<td>Council to review and vote on proposed amendments to the Resolution of Intent establishing a Fair Housing Steering Committee approved at the 20 November 2018 Council meeting.</td>
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<td>Presenter(s): Kyle Harris and Anne Little</td>
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<tr>
<td>10</td>
<td>Update - Bike Share.</td>
<td>Requestor(s): Engineering Department</td>
<td>Council to receive an update regarding a proposed bike share Ordinance.</td>
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<td>Presenter(s): Wendy Brindle</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Public Comment.</td>
<td></td>
<td>Council to receive public comment. <em>Public comment will be opened at approximately 6:00 p.m. or at the end of the meeting, whichever comes first.</em></td>
</tr>
<tr>
<td>12</td>
<td>City Attorney’s Report.</td>
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<tr>
<td>13</td>
<td>City Manager’s Report.</td>
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<td></td>
<td>(a) Update – Fibrant</td>
<td></td>
<td>Council to receive an update regarding Fibrant.</td>
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<tr>
<td>14</td>
<td>Announcements.</td>
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<tr>
<td></td>
<td>(a)</td>
<td></td>
<td>The fifth installment of Chit, Chat &amp; Chew, a series of town hall meetings, will be held Thursday, December 6, 2018 at Fire Station #4 located at 2325 Statesville Blvd, beginning at 5:15 p.m. The meeting will provide citizens an opportunity to have interactive conversations with Council and staff to share concerns and ideas for the community. Dinner will be provided.</td>
</tr>
</tbody>
</table>
Downtown Salisbury, Inc. will host an event the entire family can enjoy. The day will consist of free rides throughout downtown on antique fire trucks with Santa and the Grinch by your side, craft making, and hot cocoa Saturday, December 15, 2018 from 11:00 a.m. until 2:00 p.m., leaving from City Hall.

Parks and Recreation will host New Year’s Eve at the Bell Tower Celebration Monday, December 31, 2018. Celebrate the start of 2019 as a community at Salisbury’s Historic Bell Tower located at Bell Tower Park. Festivities begin at 9:00 p.m. and will include light refreshments, live video feed from Times Square and the ringing of the bell at midnight. This event is free and open to the public.

Council will not hold a second meeting in the month of December. The next meeting will be held Wednesday, January 2, 2018 at 5:00 p.m.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  4 December 2018

Name of Group(s) or Individual(s) Making Request:  Al Heggins

Name of Presenter(s):  Al Heggins

Requested Agenda Item:  Special recognitions of Alex Clark, the ‘Tis the Season Spectacular Committee, Transgender Remembrance Day and a special tribute in memory of A’yanna Allen.

Description of Requested Agenda Item:

Attachments:  □ Yes  ☒ No

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

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

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  _________________________
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:
PROCLAMATION

WHEREAS, Transgender Day of Remembrance was observed on November 20, 2018 to honor the memory of those whose lives were lost in acts of anti-transgender violence, an annual event which began in 1998 with a vigil to honor the memory of Rita Hester, a transgender woman who was killed, and which now honors all transgender people lost to violence; and

WHEREAS, our entire community is diminished when we lose the talents and contributions of any member of our community prematurely, whether due to direct anti-transgender violence or due to suicide or other health effects resulting from trauma or discrimination; and

WHEREAS, Salisbury honors the bravery and resilience of the transgender individuals who live, work or play in our city in their authentic gender; and

WHEREAS, let it be recognized that the City of Salisbury embraces all persons and uphold the shared values of dignity, equality, and fair treatment for everyone by standing against acts of violence towards and lack of acceptance of transgendered persons.

NOW, THEREFORE, I, Al Heggins, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM December 4, 2018 as

TRANSGENDER DAY OF REMEMBRANCE

in Salisbury, to honor and celebrate the contributions and resilience of Salisbury’s Transgender Community.

This the 4th day of December 2018.

__________________________
Al Heggins, Mayor
REGULAR MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller, and Tamara Sheffield; City Manager W. Lane Bailey; City Clerk Diane Gilmore, and City Attorney J. Graham Corriher.

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 5:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Heggins led those present in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

CHANGE TO THE AGENDA

Mayor Heggins noted the following changes to the Agenda:

Correction – to the time in the Small Business Saturday Announcement, Item 21 (b). The time and should read 11:00 a.m. until 3:00 p.m.
ADOPTION OF THE AGENDA

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

PROCLAMATION

Mayor to proclaim the following observances:

INTERNATIONAL SURVIVORS OF SUICIDE LOSS DAY November 17, 2018
SMALL BUSINESS SATURDAY November 24, 2018

Mayor Heggins read and presented the International Survivors of Suicide Loss Day Proclamation to Ms. Vickie Eddleman.

Mayor Heggins read and presented the Small Business Saturday Proclamation to Downtown Salisbury, Inc. Director Larissa Harper.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the Special meetings of October 2, October 3, and October 23, 2018 and the Regular meetings of October 2 and 16, 2018.

(b) Resolution – Black & Veatch agreement

Approve a Resolution authorizing the City Manager to execute an amendment to the engineering agreement with Black & Veatch for an amount not to exceed $50,000.

RESOLUTION EXEMPTING ENGINEERING SERVICES FOR SALISBURY-ROWAN UTILITIES FROM G.S. 143-64.31.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 54, and is known as Resolution 2018-33.)

(c) Agreement and Budget Ordinance Amendment – Cardno, Inc. and

Authorize the City Manager to execute a Master Professional Services agreement with Cardno, Inc. in the amount of $291,500 and adopt a Budget Ordinance Amendment to the FY2018-2019 budget in the amount of $300,000 to appropriate revenue from Federal grants.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM FEDERAL GRANTS.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 233, and is known as Ordinance 2018-55.)

(d) Capital Project Budget Ordinance

Adopt a Capital Project Ordinance for the construction of Fire Station 6 in the amount of $7,500,000.

CAPITAL PROJECT ORDINANCE ESTABLISHING A GENERAL CAPITAL PROJECTS FUND FOR CONSTRUCTION OF FIRE STATION NUMBER 6.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 234, and is known as Ordinance 2018-56.)

(e) Interest Revenue

Adopt a Budget Ordinance Amendment to the FY2018-2019 budget in the amount of $64,771 to appropriate additional interest revenues.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM INTEREST.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 235, and is known as Ordinance 2018-57.)

(f) 2019 Meeting Schedule

Adopt Council’s meeting schedule for 2019.

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

DEMOLITION – 403 NORTH MAIN STREET

City Planner Kyle Harris presented Council with information regarding a demolition permit for the structure located at 403 North Main Street in the Downtown Local Historic District. He explained the Historic Preservation Commission (HPC) approved demolition in October and waived the option to delay since the building does not present historical or architectural significance. Mr. Harris pointed out the parcel is located on the peripheral of the district and the
proposed demolition will not adversely affect other historic buildings or the overall characteristics of the district.

Mr. Harris stated the site is being considered for redevelopment for a Sharonview Federal Credit Union branch due to the prime location of the parcel. He added the existing building cannot be adapted to meet their needs.

Mr. Harris shared the report from the applicant’s structural engineer, and he pointed out the collapsed roof, non-craftsman material ceiling, water intrusions, cracked and separated brick, collapsed ceiling, and dirt flooring. Mr. Harris also noted a Certificate of Appropriateness (COA) was issued for the demolition as required.

Sharonview Credit Union Chief Operating Officer Ricky Otey reviewed the plans for the site that would include building the Sharonview Federal Credit Union to fit the community and the Historic district.

Councilmember Alexander asked if the site had environmental hazard issues. Mr. Harris explained there are environmental issues, but the parcel has been through the Brownfields Program but may need additional environmental assessments.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding the demolition of a structure located at 403 North Main Street.

Ms. Sue McHugh stated she has watched the building deteriorate the past several years. She added she supports demolition and moving forward with something positive the community can be proud of.

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

Thereupon, Councilmember Miller made a motion to approve the demolition of the structure located at 403 North Main Street. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT Z-07A-2018 – TWENTY-FIVE PROPERTIES

Development Services Coordinator Teresa Barringer presented Council with a petition to rezone 25 properties from Community-oriented and Institutional properties to the new Community and Institution (CI) zoning district. She noted the proposed rezoning is considered phase one to include properties along major roadways and boulevards.

Ms. Barringer commented the Planning Board voted in favor of the rezoning at its October 23, 2018 meeting.
Ms. Barringer reviewed the area zoning, and she pointed out 25 properties that are primarily of church and institutional type zonings.

Ms. Barringer referred to Trinity Wesleyan Church, Carmel Baptist Church and Gospel Light Baptist Church as three properties located along Mooresville Boulevard proposed for zoning from Rural-Residential (RR) to CI. She reviewed the conversion would allow CI zoning uses such as elderly housing, daycare, group care, Post Office, studio, theater, universities, hospital, and wireless facilities, and she added no changes would be made to the types of buildings allowed.

Ms. Barringer presented seven proposed zonings from General Residential (GR) to CI at 1908 and 1630 Statesville Boulevard, 2975 and 2970 West Innes Street, 2515 East Innes Street, 1910 Mooresville Road, and 1238 Colonial Drive. She pointed out zoning conversions would allow CI uses such as commercial daycare, group care, Post Office, Studio, cultural and meeting facilities, indoor recreation, universities, hospitals, and wireless facilities. She commented home, institutional and public landmark buildings would be permitted.

Ms. Barringer reviewed 432 South Long Street and 501 Old Concord Road as locations proposed for zoning from Urban Residential (UR) to CI. She noted the conversion would allow for commercial daycare, group care, Post Office, Studio, cultural and meeting facilities, indoor recreation, universities, hospitals, and wireless facilities, and she added a home, institutional, and public landmark buildings are permitted.

Ms. Barringer presented the proposed downzoning of 1825 Statesville Boulevard, 100 Dan Street, and 1988 Lutheran Synod Drive from Residential Mixed-use (RMX) to CI. She stated when a property is downzoned more uses are lost rather than gained during the conversion of districts. She noted the conversion would allow for CI uses such as medical clinics, studios, outdoor recreation, theaters, universities, hospitals, and public safety buildings. She noted downzoning from RMX to CI would allow for residential, institutional, and public landmark type buildings.

Ms. Barringer indicated properties located at 613 Statesville Boulevard and 2210 North Jake Alexander Boulevard are proposed for a downzoning from Neighborhood Mixed-use (NMX) to CI. She pointed out the CI conversion adds home occupation, medical clinic, studio, outdoor recreation, theater, university, hospital, and public safety zoning type uses.

Mayor Heggins asked if apartments or townhomes could be used as housing for colleges and universities. Ms. Barringer commented homes would be included with primary overall use of a campus and not as a secondary or standalone parcel.

Ms. Barringer reviewed 514 East Innes Street and 123 North Shaver Street as a part of the proposed downzoning from Corridor Mixed-use (CMX) to CI. She indicated these properties are in the public safety districts. She indicated the CI conversion adds home occupation, medical clinic, studio, outdoor recreation, theater, university, hospital, and public safety zoning type uses.

Ms. Barringer commented properties located at 2320 and 2325 Statesville Boulevard, and 2312 and 817 South Main Street are proposed downzonings from Highway Business (HB) to CI.
She pointed out with the CI conversion uses such as Single family dwellings, home occupation, medical clinic, studio, outdoor recreation, university, hospital, public safety, and elementary school would be gain.

Ms. Barringer commented the proposed rezoning allows each property the same base zoning district for the use of Electronic Messaging Centers (EMC) to help promote events and safety announcements. She noted several of the properties are located along major thoroughfares and boulevards and the Land Development Ordinance (LDO) permits EMC placement for commercial uses but not for residential districts.

Councilmember Sheffield asked if the 25 properties owners requested a rezoning. Ms. Barringer commented the properties located along major roadways were considered for the rezoning, and she added in phase one staff consider properties along certain roadway types.

Councilmember Sheffield asked if the CI rezoning conversion prohibits any properties or businesses from continuing to operate as they had been. Ms. Barringer commented it would not and indicated the properties are identified as churches, public safety stations, and schools.

Councilmember Sheffield asked about the benefits of proposed CI rezoning. Ms. Barringer commented the rezoning provides a consistent and uniform based zoning district for civic and community-oriented benefit and permits a property the option for an EMC sign.

Councilmember Sheffield asked if property owners who did not apply for the rezoning could seek rezoning in the future. Ms. Barringer stated they could if the property meets the required criteria.

Former Community Planning and Development Manager Preston Mitchell added community and institution uses are unique and have a broader spectrum of zoning districts, and the rezoning allows the properties to have the same zoning platform that can operate with the same development standards.

Councilmember Alexander asked about specific roads such as thoroughfares along Statesville Boulevard that run through historic districts. Ms. Barringer commented properties located within a historic district have not been proposed to be included in the rezoning conversion. Ms. Barringer pointed out St. John’s Lutheran Church Community Development Center (CDC) is located outside of the Historic District and would be eligible to request EMC signage and be apart of the rezoning. She added St. John’s church campus is located within the local Historic District does not propose any rezonings within the local Historic Districts.

Mr. Mitchell commented St. John’s Lutheran Church could request CI rezonings. Councilmember Alexander asked if a historic property would have to be included in the future. Ms. Barringer commented stated it would not.

Mayor Pro Tem Post asked if the proposed rezonings are considered spot zonings and if property owners have been notified. Ms. Barringer indicated property owners had been notified. Mayor Pro Tem Post asked if property owners were aware of the Planning Board meeting. Ms.
Barringer agreed, and she added Council recently amended notification limits to 500 feet of a property considered for rezoning. She indicated 643 notifications letters were mailed to property owners.

Mayor Pro Tem Post asked if responses from neighborhoods were received. Ms. Barringer commented staff has received no opposition to the rezoning. She indicated several phone calls about the notification letters were received and after staff explained the proposed rezoning and EMC placement no opposition was presented to staff.

Mayor Pro Tem Post asked if it would be considered spot zoning if a newly built church were to request a change in zoning. Ms. Barringer commented it would not because the request could be considered a general rezoning request for the specific site plan and its uses would need to coincide with the existing CI criteria.

Mr. Mitchell commented the 25 properties being proposed for rezoning are developed as institution or community-based institutions, and he added none of the properties are vacant.

Councilmember Miller asked if the word “wireless” refers to a wireless tower. Ms. Barringer commented it did not, and she added new wireless and cellular towers are required to be processed through a special use permit and be presented to Council for consideration. She noted wireless refers buildings that are side-by-side or if an existing tower adds antennas. Councilmember Miller commented he is in favor of the proposed rezoning.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding Z-07A-2018.

Mr. Rodney Queen commented his property is used for agriculture and it neighbors a property being considered for rezoning. He shared his concerns regarding zoning changes from RR to CI and asked if his property uses would be eliminated with the proposed rezoning. Ms. Barringer commented the rezoning applies only to the 25 properties and not surrounding properties.

Ms. Sue McHugh shared her opposition for EMCs placement. She commented electronic signs could create an issue for residential neighborhoods and asked Council to consider the impact of these signs.

Mr. Duran Merrell stated he is a member of Maranatha Bible Church, and he pointed out the property was recently rezoned for HB to allow an EMC sign. He commented the church members have enjoyed the convenience of an electronic sign.

Ms. Dottie Hoy asked if notification letters specifically stated that EMC signs would be a part of the proposed rezoning. Ms. Barringer stated they did not but the letter indicated a public hearing for a rezoning and included a date, time, and contact information.

Pastor Jeff Cannon shared he is the minister of the West Innes Church of Christ and noted EMC signs would provide an easier way to display local events to benefit the community.
Ms. Linda Holshouser shared her concerns regarding safety and distraction of EMC signs and asked Council to consider future development plans for Mooresville Road.

Ms. Barringer indicated mailed notices did include the consideration for EMC signage. Mayor Heggins asked if Ms. Barringer would like to read the letter for the record. Ms. Barringer read, “The City of Salisbury, case number X-07A-2018: Request to rezone numerous “community-oriented” uses (typ. School, church, government, etc.) located along major roads to the new ‘Community and Institution’ zoning district. This would allow ground signs to include electronic message boards. Various community-oriented and institutional sites along major roads throughout the city at City Council meeting on November 20, 2018, at 5:00 p.m. at 217 South Main Street, City Hall. You received this notice because you are a part of, or own property within 500 feet of, the 25 community or institutional land uses proposed for rezoning and for questions to contact Community Development Planning department.” Mayor Heggins thanked Ms. Barringer for reading the notification letter.

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

Mayor Pro Tem Post asked if EMC signs have lumens and size requirements. Ms. Barringer indicated the Sign Code in Chapter 12 relating to daytime and nighttime illumination of pixels includes strict EMC criteria and requirements. She pointed out EMC messages must remain displayed for 30 seconds or more, and she commented staff monitors EMCs displays.

Ms. Barringer shared at this time staff has not received oppositions regarding current EMC signs.

Councilmember Alexander asked if the black background on the EMC signs help reduce the luminosity. Mr. Mitchell commented a black background is not required however black backgrounds help with imaging contrast.

Mr. Mitchell commented there has been a lot of conversation around the proposed rezonings. He noted Council’s suggestion to present rezonings in three phases was a great idea, and he indicated staff and the Planning Board realized that the rezoning could pose potential stresses if phase one is not considered. Councilmember Miller asked if phase two would have to be considered by Council if phase one is approved. Mr. Mitchell stated it did not. He noted Council does not have to consider phase two or three. Councilmember Miller pointed out development uses of a location can be determined, and future properties proposed for rezonings can be reviewed case-by-case and considered by the Council.

Mayor Heggins commented Council should be clear about the reasons if future rezonings are declined.

Ms. Barringer commented if Council desires to decline a rezoning petition that indicates compatible uses with CI rezoning districts, a property owner can request Council’s consideration for specific parcel rezoning.
Councilmember Miller asked if sign sizes are consistent or based on property development. Ms. Barringer commented sign size is determined by the Sign Code and sizes are based on road types, and she provided an example of boulevards and major thoroughfares are uniform with a maximum sign size of 80 square foot.

Councilmember Miller stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein is consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan as it relates to promoting architecturally-compatible and residentially-scaled institutional development along the sides and corners of neighborhood planning areas. Therefore, Councilmember Miller made a motion to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, rezoning twenty-five properties from Community or Institutional Land Use to Community and Institution (CI) zoning district. Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING TWENTY-FIVE PROPERTIES OF COMMUNITY OR INSTITUTIONAL LAND USE TO ‘COMMUNITY & INSTITUTION’ (CI) ZONING DISTRICT.

(The above Ordinance is recorded in full in Ordinance Book No. 26 at Page No. 236, and is known as Ordinance 2018-58.)

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Ms. Vickie Eddleman thanked Council for honoring and supporting the proclamation request for Mental Health Awareness. She shared her experience with the loss of a loved one and encouraged all to educate themselves regarding mental health and awareness.

Mr. Rodney Queen shared he is a member of the Alternate Method of Design Commission (AMCD) and it often receives requests for signs. He thanked Mr. Mitchell and the Planning Board chair Mr. Bill Wagner for reviewing his request and submitting a report to the Planning Board for consideration to modify an Ordinance to add diversity in the City and attract outside developers.

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

POOL HALL PERMIT – 612 SOUTH MAIN STREET

Police Chief Jerry Stokes referred to a pool hall permit requested for the property located at 612 South Main Street approved by Council in 2017. He commented the owner of Shark Tanks pool hall recently passed away, and he added pool hall permits require a new permit be issued to
a new owner. He stated the department performed a background check for new owners Mr. Paul Hudson and Ms. Bobbie Jo Watson and found no issues. He introduced Lieutenant Lee Walker as the officer in charge of the permit investigation. He noted the last call for service at the property was in 2013.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding a pool hall permit.

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

Thereupon, Councilmember Miller made a motion to approve a permit to Mr. Paul Hudson and Ms. Bobbie Jo Watson to operate a pool hall located at 612 South Main Street. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

DEMOLITION – SIX PROPERTIES

Code Services Enforcement Officer Michael Cotilla commented the department was asked to identify properties for potential demolition, and he noted 16 properties have been identified for consideration. He commented demolition notices were issued and 10 of the 16 properties were rehabilitated, sold, or privately demolished. He presented Council six properties to be considered for demolition. He indicated the properties conditions pose sufficient safety and health concerns to the general public and are negativity affecting neighboring properties values due to fire, weather, or property owner neglect. He noted Code Services and the Police department have received numerous calls for illegal occupation and trespassing.

Mr. Cotilla reviewed the property located at 208 Myron Place and noted no one attended the public hearing held June 6, 2018. He presented Council photographs of the structures poor condition.

Mr. Cotilla reviewed the property located at 306 Institute Street and pointed out the Centralina Council of Governments (CCOG) held a telephone conference with the property owner on June 6, 2018, that concluded the owner has no interest to make repairs to the structure. He provided Council photographs of the homes poor condition and noted structure failure due to fire damage.

Mr. Cotilla reviewed a property located at 424 Partee Street and indicated notices were issued and a public hearing was held May 29, 2018, and the owner was informed of Code violations and compliance procedure. He indicated members from the West End Pride and the Salisbury Neighborhood Alliance Group (SNAG) were present and provided comments. He presented Council photographs and reviewed structure damage due to a fire.

Mr. Cotilla reviewed the property located 504 East Liberty Street and commented notices were issued and a public hearing was held May 29, 2018. He commented the owner of the property
was informed of violations and Code procedures, and the hearing concluded the owners are unable to demolish the structure due to financial reasons. He added the property has severe fire damage.

Mr. Cotilla reviewed the property located at 711 East Liberty Street and indicated no one attended the public hearing held May 29, 2018. He presented Council photographs and indicated the property has sufficient fire damage. He added staff has boarded the property on several occasions and those boards were removed by trespassers.

Mr. Cotilla reviewed the property located on 1408 South Fulton Street and commented no one attended the public hearing held on May 29, 2018. He reviewed the property poses vacancy and trespassing issues. He reviewed the structures poor condition.

Mayor Heggins thanked Code Enforcement for its work in the community.

Former Community Planning and Development Manager Preston Mitchell announced that Mr. Cotilla has recently been promoted to Code Services Coordinator and acknowledge Mr. Cotilla for his performance. He noted staff consulted with CCOG’s Senior Community and Economic Development Coordinator James Luster to assist with home inspections, finding of facts, and reports.

Mayor Heggins commented many citizens have shared their gratitude for Mr. Cotilla’s work in the community.

Thereupon, Councilmember Sheffield made a motion to adopt an Ordinance directing the housing inspector to remove or demolish the properties located at 208 Myron Place, 306 Institute Street, 424 Partee Street, 504 East Liberty Street, 711 East Liberty Street, and 1408 South Fulton Street in the City of Salisbury, North Carolina described as unfit for human habitation and directing that a notice be placed thereon that the same may not be occupied until demolished. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 237 and 238, and is known as Ordinance 2018-59.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 239 and 240, and is known as Ordinance 2018-60.)
ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 241 and 242, and is known as Ordinance 2018-61.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 243 and 244, and is known as Ordinance 2018-62.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 245 and 246, and is known as Ordinance 2018-63.)

ORDINANCE DIRECTING THE HOUSING INSPECTOR TO REMOVE OR DEMOLISH THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME NOT BE OCCUPIED UNTIL DEMOLISHED.

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 247 and 248, and is known as Ordinance 2018-64.)

Councilmember Sheffield thanked Mr. Cotilla on behalf of the Housing Advocacy Commission (HAC) and Community Appearance Commission (CAC) for his work in the community.

**UPDATE – POLICE CHIEF**

Police Chief Jerry Stokes presented Council with a Police Department update. He commented the department is 95% staffed because of Council’s recent increased staffing number to 97 from the previous 81 authorized positions. He stated the department is working to fill four vacancies. He noted he is working to fill two of those positions for civilian positions that do not necessarily provide police services but could provide services to the community in different ways.
Chief Stokes provided Council a crime data comparison of 2018 and 2017. He noted violent crimes are decreasing, and he indicated a slight increase to property crime rates.

Chief Stokes reviewed the public safety partnership with the Department of Justice (DOJ). He indicated a retired Police Chief will be the Site Coordinator and noted staff from the Sheriff’s Office, District Attorney’s Office, and State and Federal Law Enforcement staff will be present for the assessments and criminal justice partnership. He pointed out Project Safe Neighborhoods (PSN) will be a part of the public safety partnership. He commented staff will be on site December 5, 2018, to provide training and technical assistance in the department’s data management area. He reviewed PSN is an initiative authorized by the Council and the Rowan County Board of Commissioners, and he noted a current county-wide violent incident review and gang assessment partnership with the United States Attorney’s Office for the Middle District of North Carolina located in Greensboro. He commented a research team with the University of North Carolina Greensboro will perform the assessment and visit Salisbury and surrounding localities to review violent crimes within a three to five year period with the intent to enhance prosecution and help those who need services or other assistance to avoid being a victim or suspect.

Chief Stokes reviewed the department would be implementing Project Santa Patrol to begin Friday, November 23, 2018, with enhanced patrolling in high traffic and shopping areas, and he noted it is a data-driven initiative to direct resources to areas of concern for robberies, larceny, and residential burglary. He indicated teams of officers would patrol by foot, surveillance, and plainly clothed. He noted the department will use the Rowan County’s Incident Command Post as a place for shift meetings and be located throughout the City to help reduce theft and enhance police presence.

Mayor Heggins thanked the department for its works in the community.

**TASK ORDER – HDR ENGINEERING, INC OF THE CAROLINAS**

Stormwater Manager Chris Tester requested Council consider authorizing the City Manager to execute a Task Order regarding the Sunset Drive Storm Drain Improvement Project located on Sunset Drive between Hamilton Drive and Birdie Drive. He indicated Public Services and the Finance Department performed a Request for Qualifications (RFQ) for a drainage study and design of the area, and he noted HDR Engineering, Inc. of the Carolinas was selected for the project.

Mr. Tester explained the study identified three areas that experience flooding partially due to the increased development along Jake Alexander Boulevard. He noted HDR Engineering, Inc. of the Carolinas is currently at 90% design on the central Sunset Drive portion of the project area, and he added the next phase of the project is for a Task Order to be approved for the design of the south section of Sunset Drive. Mr. Tester pointed out the project is included in the FY 2018-2019 budget.
Mayor Pro Tem Post asked if the amount is included in the budget and if the item before Council authorizes the City to enter into a contract to complete what has already been approved. City Manager Lane Bailey agreed.

Thereupon, Councilmember Miller made a motion to authorize the City Manager to execute a Task Order to an existing professional service agreement with HDR Engineering, Inc. of the Carolinas, for an amount not to exceed $102,570. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, Sheffield voted AYE. (5-0)

**421 STATESVILLE BOULEVARD – STORMWATER GRANT**

Stormwater Technician Michael Hanna addressed Council regarding a Stormwater Incentive Grant for drainage repairs located at 421 Statesville Boulevard. Mr. Hanna explained the City maintains storm drainage systems within public right-of-ways and on City-owned properties. He added systems located on private properties are the responsibility of the property owners and the City may award a grant up to 50% of the costs for construction repairs. Mr. Hanna explained that the Stormwater Drainage Incentive Grant funds are for improvements or repairs on private property and made possible through the City’s Stormwater Utility. He added the City bears no responsibility for perpetual liability or maintenance of the drainage system.

Mr. Hanna displayed photos of corrosion of corrugated metal pipe in the drainage system and a sinkhole located at 421 Statesville Boulevard. He added the repairs will consist of installing aluminum plates to cover the rusted parts of the corrugated metal pipes, adding polyurethane underneath the aluminum plates to seal the joints, and building a headwall to prevent further erosion.

Mr. Hanna noted the office of Dr. Stephen D. Proctor is requesting $19,350 to fund 50% of the $38,700 total construction cost. He added $25,000 is budgeted for the Stormwater Drainage Incentive Grant and available for distribution.

Councilmember Alexander asked who installed the drainage system. Mr. Tester stated there is no engineering evidence of who conducted the installation.

Thereupon, Councilmember Miller made a motion to award a Stormwater Drainage Incentive Grant in the amount of $19,350 to Stephen D. Proctor, MD located at 421 Statesville Boulevard. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE. (5-0)

**FAIR HOUSING STEERING COMMITTEE**

Planner Kyle Harris addressed Council regarding the establishment of the Fair Housing Steering Committee. He noted in 2018 the City partnered with Legal Aid of North Carolina to conduct fair housing testing across the City. He explained the testing revealed unlawful disparate treatment in the housing market within the City.
Mr. Harris stated the proposed Resolution will establish a Fair Housing Steering Committee to study the problem and affirmatively further fair housing within the City’s jurisdiction. He explained the Committee will consist of:

- Four members of the Human Relations Council (HRC)
- Four members of the Housing Advocacy Commission (HAC)
- Seven at-large members with demonstrated interest or expertise in fair housing

Mr. Harris noted the Fair Housing Steering Committee will work to update the City's Analysis of Impediments Report. He added the City is required by the United States Department of Housing and Urban Development (HUD) to update the report every five years. He indicated the Committee will leverage its collective expertise to advise and support Centralina Council of Governments (CCOG), who serves as the project consultant, to develop goals and recommendations for addressing impediments to fair housing in the City. He stated a final draft of the City's updated Analysis of Impediments Report will be brought before Council in April or May 2019. He added the future role of the Fair Housing Steering Committee will be determined by Council.

Councilmember Miller stated in the past when a Committee was established it had a defined mission scope and membership criteria. He suggested making the Fair Housing Steering Committee a temporary task force until the mission scope and membership criteria can be established. He added if Council decides to create the Fair Housing Steering Committee it could also create the scope, membership criteria and guiding documents. He then suggested limiting the scope of the Fair Housing Steering Committee while the details are considered. Mr. Harris explained the proposed Resolution limits the scope of the Committee to the Analysis of Impediments Report until it receives additional guidance.

Councilmember Sheffield pointed out fair housing is too important not to have a Council liaison serve on the Committee. She agreed that the scope needs to be defined if the Committee continues long-term. She asked how Council will appoint the seven at-large members and determine the criteria if it is not involved in the process.

Mayor Heggins asked if criteria has been set for the seven at-large appointments. She stated since members are appointed from the HRC and HAC and she and Councilmember Sheffield serve as Council liaisons to the respective committees, it would make sense for them to also serve as Council liaisons to the Fair Housing Steering Committee.

Councilmember Alexander pointed out the Resolution does not include any criteria for the seven at-large members. Mr. Harris stated the seven at-large members must have a demonstrated interest or expertise related to fair housing. He indicated it will be the Council’s responsibility to identify the seven at-large members, and he noted additional criteria has not been established at this time. Mayor Pro Tem Post asked if Council should set the criteria. Councilmember Miller agreed, and he noted if the criteria is agreed upon by Council and put in writing it clarifies everything.
Councilmember Miller asked about the 15-member make-up of the Fair Housing Steering Committee. Mayor Heggins noted Council wanted to make sure the group was diverse. Councilmember Miller asked if a designee from the Community Development Corporation (CDC) would be the 16th member of the Committee.

Councilmember Miller pointed out when the HAC was established clear directions were given regarding intent and staffing. He suggested in the next 30 days asking those who are interested in serving on the Committee to apply. Councilmember Alexander pointed out Council may need to establish the criteria before citizens apply for the Committee. She suggested Councilmember Sheffield work with Mayor Heggins on this Committee. Mayor Heggins stated she would like to work with Councilmember Sheffield on the Committee. Councilmember Sheffield asked if Mr. Harris will be the staff liaison if the Committee is established. Mr. Harris explained he is working with Human Relations Manager Anne Little on the Committee. Councilmember Sheffield indicated Mayor Heggins, herself, Mr. Kyle and Ms. Little should be the starting point for the Committee. Councilmember Miller asked if 30 days is enough time to establish the Committee and if there will be time to hold the first meeting in January. Mr. Harris pointed out the final report must be submitted to HUD by May 2019. He stated the Steering Committee should hold its kick-off meeting in January, and if the Committee members are set by that point it should be able to meet the HUD timeline.

Councilmember Sheffield stated the item was brought before Council at its August 7, 2018 meeting, and she indicated Council discussed the CDC having some involvement in the Committee. Mr. Bailey pointed out the CDC’s involvement is noted in the proposed Resolution.

Mayor Heggins stated Council must be careful not to confuse landlord-tenant and fair housing issues, and she pointed out the Fair Housing Steering Committee should focus on fair housing issues. She suggested passing the Resolution and letting the four members meet to consider the criteria for the seven at-large members. Councilmember Alexander stated the Resolution should include the criteria for the seven at-large members. Mayor Heggins stated the proposed Resolution establishes the task force.

Mayor Heggins stated she believes it will be okay to establish the task force and develop the criteria for the seven at-large members. Mr. Bailey stated the four members could get together before Council’s December 4, 2018 meeting and report back to Council regarding the criteria. Mr. Harris noted staff can work with CCOG regarding criteria for membership.

Mr. Harris indicated the Committee is on a strict timeline and membership should be completed in January if possible. Mayor Heggins noted the first Steering Committee meeting needs to be held in January. Mr. Harris agreed, and he pointed out 30-day public notice requirements must be met before the item is brought before Council. Mr. Bailey suggested trying to set the criteria by Council’s December 4, 2018 meeting and accepting applications through the month of December. He noted appointments could be made on January 2, 2018 and the first meeting held shortly afterward in January.

Thereupon, Councilmember Miller made a motion to adopt a Resolution of Intent establishing a Fair Housing Steering Committee and to authorize a City Council Committee
consisting of Mayor Heggins and Councilmember Sheffield to make recommendations regarding the criteria for the at-large appointments to the Committee on or before December 4, 2018. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION OF INTENT ESTABLISHING A FAIR HOUSING STEERING COMMITTEE.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 55, and is known as Resolution 2018-34.)

SIDEWALKS – ALONG SOUTH MAIN STREET

City Engineer Wendy Brindle reviewed that the City entered into a municipal agreement with the North Carolina Department of Transportation (NCDOT) for Federal funding known as Congestion Mitigation and Air Quality (CMAQ) for sidewalk construction. She noted staff completed the design of one of the projects in-house, and she noted the municipal agreement included a 20% match by the City for $134,000 with offsetting funds received by NCDOT not to exceed $107,200.

Ms. Brindle commented the bidding environment is different than normal due to the market flooding with construction needs and bid amounts are higher than normal. She commented four bids were received and staff advertised twice. She noted the amount of the lowest apparent bidder of $239,160 with the next lowest bid of $499,646.

Ms. Brindle commented, due to the market, the project has exceeded the $134,000 budgeted amount by $105,160. She referenced a conversation with the Finance department about projected savings in the special projects fund that could help with sidewalk construction overages. She added the project was submitted to NCDOT for concurrence because of Federal and State funding. She noted NCDOT does not typically approve projects that exceed 10% of the engineer’s estimated cost but since NCDOT has experienced the same type of bidding environment the department has indicated it will consider awarding project authorization subject to Council’s support.

Ms. Brindle requested Council consider authorizing the City Manager to enter into a unit price contract with Trull Contracting, LLC., the lowest responsive and responsible bidder in the amount of $239,160 to construct sidewalks along South Main Street and it be subject to concurring approval by NCDOT.

Councilmember Alexander asked if the contractor has a performance bond because of the large amount variance between the four bids amounts. Ms. Brindle commented performance bond was a requirement.

Councilmember Miller asked if the contingent from the NCDOT needed to be added to the motion for approval. Ms. Brindle agreed.
Thereupon, Mayor Pro Tem Post made a motion to adopt a Resolution authorizing a unit price contract to be awarded to Trull Contracting, LLC for construction of Project C-4908H, sidewalk on South Main Street subject to concurring approval by North Carolina Department of Transportation. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION AUTHORIZING A UNIT PRICE CONTRACT BE AWARDED TO TRULL CONTRACTING, LLC FOR CONSTRUCTION OF PROJECT C-4908H, SIDEWALK ON SOUTH MAIN STREET.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 56, and is known as Resolution 2018-35.)

Mayor Heggins shared that she received inquiries about installing crosswalks near Salisbury High School. City Manager Lane Bailey asked if she is inquiring about raised medians or crosswalks. Mayor Heggins commented the request was for crosswalks. Ms. Brindle indicated staff would look into the request.

BOARDS AND COMMISSIONS

Transportation Advisory Board

Upon a motion by Councilmember Alexander. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Transportation Advisory Board for a term to begin March 31, 2018:

Mr. Brandon Najarian Term Expires 3/31/20

Planning Board

Upon a motion by Councilmember Alexander. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointment was made to the Planning Board for a term to begin March 31, 2018:

Ms. Jayne Land Term Expires 3/31/21

CITY ATTORNEY’S REPORT

There was no report.

CITY MANAGER’S REPORT

(a) Introduction Interim Planning Director Brian Hiatt
City Manager Lane Bailey introduced Mr. Brian Hiatt who will serve as Interim Planning Director. He noted Mr. Hiatt is a retired City Manager who recently served the City of Concord.

Mr. Bailey explained the City is conducting a nationwide search to fill the Planning Director’s position.

Mayor Heggins welcomed Mr. Hiatt to the City.

(b) Discussion Tax Rates for 2018 Tax Bills

City Manager Lane Bailey referenced a clerical error regarding property tax billing for the current fiscal year. He explained the property tax rate was set at $0.7196 per $100 and the amount billed was $0.7169 per $100 creating a difference of $0.0027 and a shortage of approximately $70,000.

Mr. Bailey stated the current property tax is $19,909,000 and the $70,000 shortage will equate to one-third of one percent. He added to prevent similar errors in the future two individuals will sign off on the amount and the Budget Ordinance will be attached to the documents that are sent to the County tax office.

Mr. Bailey explained the City has four options:

- Option 1 – Reduce the tax rate to the amount that was actually billed
  - This may not be able to be done legally
- Option 2 – Waive the amount that is due which could also create legal issues
- Option 3 – Immediately send a supplemental bill
  - It would cost $20,000 to send out a second supplemental bill for $70,000
- Option 4 – Recognize a clerical error occurred and when the tax bills for the coming fiscal year are sent out include a supplemental bill for the current billing error

Mr. Bailey pointed out the median home price in the City is $135,500 and the supplemental tax bill would be approximately $3.66. He explained with Option 3 citizens could receive bills for less than $1 which would create additional frustration. Mr. Bailey clarified the County sends out the tax bills, but the City made the clerical error. He added if Council approves the Resolution it can also waive any interest and penalties that would accrue.

City Attorney Graham Corriher stated the City cannot reduce the tax rate. He explained the tax rate can only be reduced by a court order or if the Local Government Commission (LGC) tells the City it must reduce the tax rate. He added the City has some authority to reduce the tax rate if it receives a significant amount of money from the Federal or State governments. He added the City does not have statutory authority to change the tax rate to reflect what was actually billed. He explained the City can release or waive taxes on a case-by-case basis if a mistake is made on an individual taxpayer’s bill. He added the Statute is less clear regarding the City releasing 22,000 parcels based on a clerical error. He indicated there is good argument that it can be done because it is a clerical error, but the Statute is not set up to deal with this type of situation. He added there
are significant penalties for acting outside of Council’s authority to release taxes and there could be an individual liability for Councilmembers, attorney fees, and other charges.

Mr. Corriher pointed out the practical problems for sending a supplemental bill at this time. He added he does not see a legal issue with sending the supplemental tax bill in the coming fiscal year’s tax bill. He stated staff has worked with the County to consider the difficulties that a supplemental tax bill would create.

Mayor Pro Tem Post requested clarification regarding Option 2. He added the City can waive the clerical error on one person, but it was unclear if the clerical error can be waived on all the citizens affected. He noted it was pointed out the City could receive criticism from the public that the tax rate was too high. Mr. Corriher explained the Statute for releasing taxes is structured if a citizen receives a bill a request can be made in writing to correct an error that was made by the City. He added the Statute is not structured for the City to take affirmative action to release the taxes on its own motion. He clarified instead of one case coming from a citizen the City would be taking action on its own for everyone. He pointed out the taxes would be released for everyone and no one would receive favorable treatment.

Mr. Bailey pointed out the City needs the tax rate that was established, and he noted during the current fiscal year staff has come before Council on multiple occasions to appropriate additional Fund Balance for over $800,000. He added the overall Fund Balance is very solid, but he recommends keeping the tax rate as intended.

Councilmember Miller stated the City made a tax error, and he thanked Mr. Bailey and Mr. Corriher for meeting with Councilmembers individually to explain the issue. He pointed out the person who created the error found it and brought it to the proper channels proactively to help create a remedy. He added it is important to deal with the error, but he indicated there is no malice intended. He pointed out staff is working to create a process where a similar error will not occur. He stated Option 4 appears to be the least painful way to remedy the situation and the least costly method of securing the expected tax revenue. He added it is not a significant percentage of what was expected, the City can manage and it will eventually recover the funding. He added the proposal is sound and steps will be taken to prevent the mistake in the future. He pointed out some in the community will interpret that the City did not need the rate, but the City has already dipped into its Fund Balance for $800,000 to meet the needs that have arisen. He stated he supports Option 4.

Councilmember Alexander indicated she also supports Option 4. She added transparency is very important, staff made the mistake and the City is acknowledging the error and taking steps to correct the mistake and implement a new procedure.

Councilmember Miller noted the Resolution provides an opportunity to waive any penalties and fees and it is fair and appropriate. He requested staff be fully available to address questions that may arise.

Mayor Pro Tem Post referenced Option 2 to waive the unbilled property taxes. He pointed out the unbilled property tax is $77,000 out of $20 million, approximately one-third of one percent.
He added the City has a Fund Balance of $19 million, and he stated he does not see the necessity of making the decision right away. He noted the City could have a higher collection rate or tax base increase with re-evaluation making it unnecessary to ask the taxpayers to pay the unbilled property taxes. He pointed out when citizens receive their tax bills with the property taxes from the previous year many will question the charge. He pointed out the supplemental bill would not be added to the current tax bill until June 2019. Mayor Heggins asked if Mayor Pro Tem Post is suggesting Council postpone the decision to determine if the unbilled tax charges can be waived. Mr. Post stated he believes the charges can be waived, and he is not worried about the City being sued. Mr. Miller stated he is concerned about the liability of Option 2. He added the City approved the tax rate and if the tax evaluation rate increases in the future the City can adjust the tax rate accordingly. Mr. Post stated the decision does not have to be made at this time, and Mayor Heggins noted there is no reason to put the decision off. Mr. Post stated he would like to see an opinion from the LGC and the University of North Carolina School of Government (SOG).

Mr. Bailey stated Mr. Corriher has received opinions from the LGC and the SOG. He pointed out if Council approves Option 4 the City would bill the County for $.0027 in January. He noted the bill would not go out at that time but would be on the record. He explained if after that time a citizen sold their home the attorney checking tax records would see the bill and properly divide the taxes. He added if Council waits to do this the City will have to notify the Bar, attorneys, and realtors to let them know of the situation.

Thereupon, Councilmember Miller made a motion to adopt a Resolution to retroactively bill, collect, and waive the interest on the difference in the tax rate assessed and the tax rate levied for 2018-2019 based on clerical errors. Mayor Heggins and Councilmembers Alexander, Miller, and Sheffield voted AYE. Mayor Pro Tem Post voted NAY. (4-1)

RESOLUTION TO RETROACTIVELY BILL, COLLECT, AND WAIVE THE INTEREST ON THE DIFFERENCE IN THE TAX RATE ASSESSED AND THE TAX RATE LEVIED FOR 2018-2019 BASED ON CLERICAL ERROR.

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 57 and 58, and is known as Resolution 2018-36.)

ANNOUNCEMENTS

Communications Director Linda McElroy announced Downtown Salisbury, Inc. will host the biggest shopping night of the year, Friday, November 23, 2018, from 5:00 p.m. until 9:00 p.m. Fisher Street will convert into a snowy village where children of all ages can visit with Santa and the Grinch, make their own ornaments at "Santa’s Workshop" crafting station, enjoy hot cocoa, live music, caroling, hayrides, snowball fights and more!

Communications Director Linda McElroy announced support your neighbors by shopping and dining in downtown to celebrate Small Business Saturday on Saturday, November 24, 2018. In addition, to the festive atmosphere join us at the Bell Tower from 11:00 a.m. until 3:00 p.m. for ornament making at "Santa's Workshop" craft station, hot cocoa, and a chance to have your photo
taken with Santa and the Grinch! Enjoy free horse and carriage rides through downtown from 11:00 a.m. until 3:00 p.m.

Mayor Heggins noted the Christmas Parade will be held Wednesday, November 21, 2018. She thanked everyone who is working to make the Tis the Season Spectacular parade a success and invited everyone to attend.

COUNCIL COMMENTS

Councilmember Sheffield stated the Election Process Committee will reconvene December 5, 2018 at 5:30 p.m. at One Water Street if the location is available. She added the meeting will be properly noticed.

Councilmember Sheffield referenced the Proclamation for International Survivors of Suicide Loss Day, and she noted the importance of recognizing those affected by suicide. She pointed out 20 veterans a day commit suicide. She added the concern is very important and reaches many in the community. She thanked Ms. Eddleman for her passion and sharing her personal story.

Councilmember Sheffield noted today is National Transgender Day of Reembrace for lives that have been lost across the Country. She indicated 22 transgender people have been murdered in 2018 to date and today is the National day to remember those victims.

Councilmember Alexander relayed a message from Ms. Marjorie Sisk who would like someone to contact her regarding a sinkhole in her backyard.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post had no comments.

MAYOR’S COMMENTS

Mayor Heggins thanked staff and Council for all it does for the City. She also thanked citizens for their attendance and participation in Council meetings, and she recognized young people who were in the audience.

Mayor Heggins referenced a recent train derailment in the City, and she thanked staff for its quick response.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller seconded by Mayor
Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:49 p.m.

____________________________________
Al Heggins, Mayor

_______________________________________
Diane Gilmore, City Clerk
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: December 4, 2018

Name of Group(s) or Individual(s) Making Request: Shannon Moore, Finance Director

Name of Presenter(s): Gayla Long, Purchasing Coordinator

Requested Agenda Item: Resolution designating agents to act on behalf of the City of Salisbury for FEMA funds related to Hurricane Florence

Description of Requested Agenda Item: Rowan County has been designated as a disaster area due to Hurricane Florence. As such, the City is in the process of requesting assistance from the Federal Emergency Management Agency. A resolution is needed authorizing Gayla Long, primary agent and Anna Bumgarner, secondary agent for the purpose of executing and filing applications for federal and/or state assistance, on behalf of the City, for the purpose of obtaining certain state and federal assistance and to represent and act for the City in all dealings with the State of North Carolina and the Federal Emergency Management Agency.

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)
Once the exact amount of assistance is known, staff will present a budget ordinance to appropriate the funds

Action Requested of Council for Agenda Item: (Please note if item includes an ordinance, resolution or petition)
Council to adopt a resolution authorizing Gayla Long, primary agent and Anna Bumgarner, secondary agent for the purposes of filing for federal and/or state assistance and to represent and act for the City in all dealings with the State of North Carolina and the Federal Emergency Management Agency.

Contact Information for Group or Individual: Gayla Long, Purchasing Coordinator, 704-638-5305, glong@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)
Salisbury City Council
Agenda Item Request Form

FINANCE DEPARTMENT INFORMATION:

 Finance Manager Signature

 Budget Manager Signature

 Shannon Moore  
 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 DESIGNATING AGENTS TO ACT ON BEHALF OF THE CITY OF SALISBURY FOR REQUESTING STATE AND FEDERAL DISASTER RELIEF ASSISTANCE FUNDING

WHEREAS, Rowan County has been declared a disaster area by the Federal Emergency Management Agency (FEMA) due to Hurricane Florence for the incident period of September 7 through September 29, 2018; and

WHEREAS, the City of Salisbury incurred expenses related to Hurricane Florence and therefore must execute and file applications for federal and/or state assistance; and

WHEREAS, the City of Salisbury wishes to name Gayla Long, Purchasing Coordinator, as Primary Agent and Anna Bumgartner, Senior Management Analyst, as Secondary Agent to act on behalf of the City of Salisbury.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the City of Salisbury for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.

2. That the above-named agents are authorized to represent and act for the City of Salisbury in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements.

3. That the above-named agents are authorized to act severally.

This Resolution shall become effective immediately upon its adoption.

Adopted this _____ day of December, 2018.

__________________________________________
Al Heggins, Mayor

ATTEST:

__________________________________________
Diane Gilmore, City Clerk
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  December 4, 2018

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

Name of Presenter(s): Jason Wilson

Requested Agenda Item: Water Treatment Plant Improvements Piping Modifications

Description of Requested Agenda Item: Salisbury-Rowan Utilities opened two (2) sealed bids on November 13, 2018 from qualified vendors for the Water Treatment Plant Improvements Piping Modifications project. As this was a re-bid, three (3) bids were not required. The project primarily consists of piping improvements necessary to convey treated water directly from the Actiflo process to the filters, bypassing the sedimentation basins. Brushy Mountain Builders, Inc. of Lenoir, North Carolina submitted the lowest bid in the amount of $848,000.00. This project is included in the City Council adopted Capital Improvement Plan (CIP).

Attachments:  ☒ Yes  ☐ No

Fiscal Note: This project is part of CIP (Sedimentation Basins Rehab/by-pass). Sufficient funds were appropriated in the FY19 budget ($1,401,616) and will need to carry over to FY20 to complete the project.

Action Requested of Council for Agenda Item: Council to consider authorizing the City Manager to execute a contract with Brushy Mountain Builders, Inc. in the amount of $848,000.00 for construction of the Water Treatment Plant Improvements Piping Modifications project.

Contact Information for Group or Individual: Jason Wilson, Utilities Engineering Manager
704-216-7553, jason.wilson@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

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:
November 14, 2018

Mr. Jason Wilson, P.E.
Engineering Manager
Salisbury-Rowan Utilities
1 Water Street
Salisbury, NC 28144

Reference: Salisbury-Rowan Utilities Water Treatment Plant Improvements Piping Modifications
Salisbury, North Carolina
LaBella Commission No. 2171704

Subject: Recommendation of Award of Contract

Dear Mr. Wilson:

On Tuesday, November 13, 2018, at 2:00 PM at the Office of Salisbury-Rowan Utilities, 1 Water Street, Salisbury, North Carolina, bids for the referenced project were received, opened and publicly read. Bids were received for Single-Prime Construction of the Salisbury-Rowan Utilities Water Treatment Plant Improvements Piping Modifications Project. As this was a re-bid, three (3) bids were not required for the bid opening.

A total of two (2) bids were received from the following:

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Total Base Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brushy Mountain Builders, Inc.</td>
<td>$848,000.00</td>
</tr>
<tr>
<td>Gilbert Engineering Company</td>
<td>$1,092,534.00</td>
</tr>
</tbody>
</table>

One copy of the Bid Tabulation is included with this letter.

LaBella Associates, PC recommends that the Single-Prime Construction Contract be awarded to Brushy Mountain Builders, Inc. based on the total base bid of $848,000.00.

The contractor receiving the award will be required to provide a Performance and Payment Bond, prior to executing a Construction Contract with the Salisbury-Rowan Utilities, to insure that the project will be completed according to the specifications in the Construction Documents.

Please do not hesitate to contact me with any questions or comments regarding this information or the project in general (Direct: 704-941-2154, Email: kgarbrick@labellapc.com).

Sincerely,

Keith R. Garbrick P.E.
Southeast Regional Vice President

cc:  Gayla H. Long, Purchasing Coordinator, City of Salisbury

Y\2171704-SRU WTP\CFile\Ph6\120-Bidding Docs\2171704_Recommendation For Award_11.14.18jur.doc
LaBella Associates, PC

BID TABULATION: SRU Water Treatment Plant Improvements Piping Modifications
Salisbury, North Carolina

Single-Prime Bid Construction

<table>
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For Bids taken on November 13, 2018 at 2:00 pm at the Office of Salisbury-Rowan Utilities, 1 Water Street, Salisbury, North Carolina 28144

REMARKS:
I hereby certify that, to the best of my knowledge and belief, this is a true and accurate tabulation of all bids received on this project.

Keith R. Garbrick, PE
Southeast Regional Vice President
<table>
<thead>
<tr>
<th>Bidders:</th>
<th>Brushy Mountain Builders Inc. Lenoir, NC</th>
<th>Gilbert Engineering Company Statesville, NC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current NC Contracting License Number</td>
<td>60284</td>
<td>999</td>
</tr>
<tr>
<td>Received Addenda No. 1</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Received Addenda No. 2</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Bid Security Attached (5%)</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Identification of Minority Business Participation Form</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Affidavit &quot;A&quot; or &quot;B&quot; Attached</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Allowance:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Contingency</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
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</tr>
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### Unit Prices:

1. Unsatisfactory/Saturated
   a. Excavation, removal, hauling and disposal of unsatisfactory/saturated soil and replacement with compacted #57 stone from on-site including hauling (cu. yd.)
   
   \[
   \begin{array}{cccccc}
   \text{Unit Price} & 200.00 & 65.00 & - & - & - \\
   \end{array}
   \]

2. Rock
   a. Excavation, removal, hauling and disposal of rock and replacement with compacted #57 stone from on-site including hauling (cu. yd.)
   
   \[
   \begin{array}{cccccc}
   \text{Unit Price} & 500.00 & 650.00 & - & - & - \\
   \end{array}
   \]
DOCUMENT 003281 – BID FORM (REVISED 10/22/18)
FOR
SINGLE-PRIME, GENERAL CONSTRUCTION
FOR
SRU WATER TREATMENT PLANT IMPROVEMENTS PIPING MODIFICATIONS
CITY OF SALISBURY, NORTH CAROLINA

To: City of Salisbury
    Salisbury, North Carolina
Attention: Mr. Jason Wilson, P.E.
    Engineering Manager
    Salisbury-Rowan Utilities

The undersigned Bidder declares that he has carefully examined the Instructions to Bidders, this form of Bid, the form of Contract, General Conditions, Supplementary Conditions, General Requirements, Specifications and other Contract Documents, together with the plans, and fully understands the same and the extent of the work to be performed; that he has examined the character of the site and the difficulties to be expected in doing the work; and he hereby declares that he will provide all the necessary machinery, equipment, tools, apparatus, labor and other means of construction and do all the work and furnish all materials and equipment necessary for the satisfactory completion of the work as specified and as shown on the drawings for:

CONTRACTOR NAME: Brushy Mountain Builders, Inc.

BASE BID: The lump sum of Eight Hundred Forty Eight Thousand Dollars ($ 848,000.00).

ALLOWANCES: The undersigned Bidder declares that the lump sum base bid includes the following allowances:

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UNIT PRICES: The undersigned Bidder also declares that the scope of the work may be either increased or decreased on the order of the Engineer and the Contract amount shall be adjusted in accordance with the following unit prices as applicable.

Unit prices quoted for each item shall include the cost of materials, labor, equipment, and all else that is required to provide a complete project. The unit prices shall be balanced. Unit prices which are not fair and reasonable shall be renegotiated.
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MINORITY BUSINESS PARTICIPATION REQUIREMENTS

Provide on the bid - Under GS 143-128.2(c) the undersigned bidder shall identify on its bid the minority businesses that it will use on the project and the total dollar value of the bid that will be performed by the minority businesses and list the good faith efforts (Affidavit A) made to solicit participation.

Note: A contractor that performs all of the work with its own workforce may submit an Affidavit (B) to that effect in lieu of the affidavit (A) required above.

After the bid opening - The Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low bidder, the bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:

An Affidavit (C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the 5% goal established. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort;

OR

Affidavit (D) of its good faith effort to meet the goal. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

Note: Bidders must submit with their bid the Identification of Minority Business Participation form and Affidavit A or Affidavit B as applicable. Failure to file a required affidavit or documentation with the bid or after being notified apparent low bidder may be grounds for rejection of the bid.

PROFIT AND OVERHEAD FOR CHANGE ORDERS: The Bidder agrees to complete all work added by written change order for the actual cost of the work added PLUS the percentages listed below to cover overhead and profit combined:

FOR WORK PERFORMED BY THE CONTRACTOR:
Percent: 15%

FOR WORK INVOLVING A SUBCONTRACTOR:
Percent for Subcontractor: 15%
Percent for Contractor: 5%

The undersigned, if he is the successful Bidder, declares that he will substantially complete all work on the project and obtain a Certificate of Substantial Completion within 180 consecutive calendar days after Notice to Proceed. For each day in excess of the stated number of days for substantially completing all work the Contractor shall pay to the Owner Eight Hundred Fifty Dollars ($850.00) per calendar day in Liquidated Damages.

LaBella Associates, PC 2171704 10/01/18 BID FORM (REVISED 10/22/18)
SRU Water Treatment Plant Improvements Piping Modifications 003281-3
The undersigned Bidder encloses herewith cash, or a certified check drawn on a bank or trust company authorized to do business in North Carolina or on a bank insured by the Federal Deposit Insurance Corporation, payable to the City of Salisbury, North Carolina; or 5% bid bond in the form required by G. S. 143-129, as amended, issued by any insurance company authorized to do business in North Carolina; said deposit shall be retained by the Owner, in the event the undersigned, if he is the successful Bidder, fails to execute a formal contract within ten days after notice of the award is given, or fails to give satisfactory surety as required in the INSTRUCTIONS TO BIDDERS.

CHECK:  

Bid Bond Attached $ __________________________

Brushy Mountain builders, Inc.

3390 Gaither Walker Circle, Lenoir NC, 28645

Name of Bidder

Mailing Address of Bidder

Same

Physical Address of Bidder

828-758-5577

Telephone Number

828-292-7198

Cell Number

828-759-0099

Fax Number

jbeard@brushymountaininc.com

E-Mail Address

By: __________________________

Title: President

Contractor’s License No. 60284

ATTACH CHECK OR BID BOND HERE.

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA:

Addendum No. 1 Date 10-22-2018 Addendum No. ___ Date ______________

Addendum No. 2 Date 11-5-2018 Addendum No. ___ Date ______________

Addendum No. ___ Date ______________ Addendum No. ___ Date ______________

LaBella Associates, PC 2171704 10/01/18 BID FORM (REVISED 10/22/18)

SRU Water Treatment Plant Improvements Piping Modifications 003281-4
STATE OF NORTH CAROLINA
COUNTY OF Caldwell
CITY OF Lenoir

E-VERIFY AFFIDAVIT

1. John H. Moore (the individual attesting below), being duly authorized by and on behalf of Brushy Mountain Builders (the entity bidding on project hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).

2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).

3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. (Please mark Yes or No)
   a. YES ☑, or
   b. NO

4. Employer's subcontractors comply with E-Verify, and if Employer is the winning bidder on this project Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer.

This 15th day of November, 2018.

Signature of Affiant

Print or Type Name: John H. Moore

State of North Carolina, County of Caldwell, City of Lenoir

Signed and sworn to (or affirmed) before me, this the 15th day of November, 2018.

My Commission Expires: 05/21/2022

Amy G. Hall
Notary Public:
Identification of Minority Business Participation

I, Brushy Mountain Builders

(Name of Bidder)
do hereby certify that on this project, we will use the following minority business enterprises as construction subcontractors, vendors, suppliers or providers of professional services.

<table>
<thead>
<tr>
<th>Firm Name, Address and Phone #</th>
<th>Work type</th>
<th>Minority Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smart Electric Co 828-874-2875</td>
<td>Electrical</td>
<td>WBE</td>
</tr>
<tr>
<td>1077 Hwy 70 Connelly Springs NC</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

I. The total value of minority business contracting will be ($) 30,000.
State of North Carolina -- AFFIDAVIT A -- Listing of Good Faith Efforts

County of Caldwell

Affidavit of Brushy Mountain Builders

I have made a good faith effort to comply under the following areas checked:

**Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive.** (1 NC Administrative Code 30 1.0101)

1 – (10 pts) Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.

2 – (10 pts) Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.

3 – (15 pts) Broken down or combined elements of work into economically feasible units to facilitate minority participation.

4 – (10 pts) Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.

5 – (10 pts) Attended prebid meetings scheduled by the public owner.

6 – (20 pts) Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.

7 – (15 pts) Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.

8 – (25 pts) Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

9 – (20 pts) Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

10 – (20 pts) Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: 11/1/18 Name of Authorized Officer: John H. Moore

Signature: 

Title: President

State of North Carolina, County of Caldwell

Subscribed and sworn to before me this 12th day of November, 2018

Notary Public

My commission expires 05/21/2022
State of North Carolina -- AFFIDAVIT B -- Intent to Perform Contract with Own Workforce.

County of ______________________

Affidavit of __________________________________________

(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the __________________________ contract.

(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: __________ Name of Authorized Officer: __________________________

Signature: __________________________

Title: President

State of North Carolina, County of ______________________

Subscribed and sworn to before me this ______ day of __________, 20____

Notary Public ______________________

My commission expires ______________________
FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS THAT

Brushy Mountain Builders, Inc. as principal, and Philadelphia Indemnity Insurance Company, as surety, who is duly licensed to act as surety in North Carolina, are held and firmly bound unto

The City of Salisbury, NC as obligee, in the penal sum of Five Percent of Amount Bid 5% DOLLARS, lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 1st day of November, 2018

WHEREAS, the said principal is herewith submitting proposal for

Salisbury-Rowan Utilities Water Treatment Plant Improvements Piping Modifications

and the principal desires to file this bid bond in lieu of making the cash deposit as required by G.S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION is such, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G.S. 143-129, the surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further, that the bid may be withdrawn as provided by G.S. 143-129.1

Brushy Mountain Builders, Inc. (SEAL)

By: [Signature] (SEAL)

Philadelphia Indemnity Insurance Company (SEAL)

By: [Signature] (SEAL)

Angela M. Young, Attorney-in-Fact
Surety Phone No. 610-209-7836
PHILADELPHIA INDEMNITY INSURANCE COMPANY
One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004-0950

Power of Attorney

Surety Bond Number: Bid Bond
Principal: Brushy Mountain Builders, Inc.
Obligee: The City of Salisbury, NC

KNOW ALL PERSONS BY THESE PRESENTS: That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint Angela M. Yount its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed $15,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14th of November, 2016.

RESOLVED: That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

FURTHER RESOLVED: That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27th DAY OF OCTOBER, 2017.

(Seal)

Robert D. O'Leary Jr., President & CEO
Philadelphia Indemnity Insurance Company

On this 27th day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed.

Notary Public:

Morgan Knopp

residing at: Bala Cynwyd, PA

My commission expires: September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and this Power of Attorney issued pursuant thereto on this 27th day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 1st day of November, 2018.

Edward Sayago, Corporate Secretary
PHILADELPHIA INDEMNITY INSURANCE COMPANY
DOCUMENT 003281 – BID FORM (REVISED 10/22/18)
FOR
SINGLE-PRIME, GENERAL CONSTRUCTION
FOR
SRU WATER TREATMENT PLANT IMPROVEMENTS PIPING MODIFICATIONS
CITY OF SALISBURY, NORTH CAROLINA

To: City of Salisbury
    Salisbury, North Carolina
Attention: Mr. Jason Wilson, P.E.
    Engineering Manager
    Salisbury-Rowan Utilities

The undersigned Bidder declares that he has carefully examined the Instructions to Bidders, this form of Bid, the form of Contract, General Conditions, Supplementary Conditions, General Requirements, Specifications and other Contract Documents, together with the plans, and fully understands the same and the extent of the work to be performed; that he has examined the character of the site and the difficulties to be expected in doing the work; and he hereby declares that he will provide all the necessary machinery, equipment, tools, apparatus, labor and other means of construction and do all the work and furnish all materials and equipment necessary for the satisfactory completion of the work as specified and as shown on the drawings for:

CONTRACTOR NAME: GILBERT ENGINEERING COMPANY

BASE BID: The lump sum of ONE MILLION, NINETY TWO THOUSAND, FIVE
HUNDRED THIRTY FOUR AND 60/100$ Dollars ($1,092,534.00).

ALLOWANCES: The undersigned Bidder declares that the lump sum base bid includes the following allowances:

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MINORITY BUSINESS PARTICIPATION REQUIREMENTS

Provide on the bid - Under GS 143-128.2(c) the undersigned bidder shall identify on its bid the minority businesses that it will use on the project and the total dollar value of the bid that will be performed by the minority businesses and list the good faith efforts (Affidavit A) made to solicit participation.

Note: A contractor that performs all of the work with its own workforce may submit an Affidavit (B) to that effect in lieu of the affidavit (A) required above.

After the bid opening - The Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low bidder, the bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:

An Affidavit (C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the 5% goal established. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort;

OR

Affidavit (D) of its good faith effort to meet the goal. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

Note: Bidders must submit with their bid the Identification of Minority Business Participation form and Affidavit A or Affidavit B as applicable. Failure to file a required affidavit or documentation with the bid or after being notified apparent low bidder may be grounds for rejection of the bid.

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Percent: 15%

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Percent for Subcontractor: 15%
Percent for Contractor: 5%

The undersigned, if he is the successful Bidder, declares that he will substantially complete all work on the project and obtain a Certificate of Substantial Completion within 180 consecutive calendar days after Notice to Proceed. For each day in excess of the stated number of days for substantially completing all work the Contractor shall pay to the Owner Eight Hundred Fifty Dollars ($850.00) per calendar day in Liquidated Damages.

LaBella Associates, PC 2171704 10/01/18 BID FORM (REVISED 10/22/18)
SRU Water Treatment Plant Improvements Piping Modifications 003281-3
The undersigned Bidder encloses herewith cash, or a certified check drawn on a bank or trust company authorized to do business in North Carolina or on a bank insured by the Federal Deposit Insurance Corporation, payable to the City of Salisbury, North Carolina; or 5% bid bond in the form required by G. S. 143-129, as amended, issued by any insurance company authorized to do business in North Carolina; said deposit shall be retained by the Owner, in the event the undersigned Bidder, fails to execute a formal contract within ten days after notice of the award is given, or fails to give satisfactory surety as required in the INSTRUCTIONS TO BIDDERS.

CHECK:  

$ 5% of bid

GILBERT ENGINEERING COMPANY

Name of Bidder

638 S. MEETING ST, STATESVILLE, NC 28677

Mailing Address of Bidder

P. O. BOX 828, STATESVILLE, NC 28687

Physical Address of Bidder

(704) 872-0986

Telephone Number

(704) 872-0468

Cell Number

(704) 878-0900

Fax Number

jegilbert@gilbertengineering.com

E-Mail Address

By: ____________________________

Title: John M. Gilbert III, President

Contractor’s License No. 999

ATTACH CHECK OR BID BOND HERE.

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA:

Addendum No. 1 Date 10/22/2018

Addendum No. ___ Date _________________________

Addendum No. 2 Date 11/5/2018

Addendum No. ___ Date _________________________

Addendum No. ___ Date _________________________

Addendum No. ___ Date _________________________

LaBella Associates, PC 2171704 10/01/18 BID FORM (REVISED 10/22/18)
SRU Water Treatment Plant Improvements Piping Modifications 003281-4
STATE OF NORTH CAROLINA  
COUNTY OF Iredell  
CITY OF Statesville, NC  

E-VERIFY AFFIDAVIT  

1. John N. Gilbert III (the individual attesting below), being duly authorized by and on behalf of Gilbert Engineering Company (the entity bidding on project hereinafter "Employer") after first being duly sworn hereby swears or affirms as follows:

1. Employer understands that E-Verify is the federal E-Verify program operated by the United States Department of Homeland Security and other federal agencies, or any successor or equivalent program used to verify the work authorization of newly hired employees pursuant to federal law in accordance with NCGS §64-25(5).

2. Employer understands that Employers Must Use E-Verify. Each employer, after hiring an employee to work in the United States, shall verify the work authorization of the employee through E-Verify in accordance with NCGS§64-26(a).

3. Employer is a person, business entity, or other organization that transacts business in this State and that employs 25 or more employees in this State. (Please mark Yes or No)
   a. YES ___, or  
   b. NO __

4. Employer’s subcontractors comply with E-Verify, and if Employer is the winning bidder on this project Employer will ensure compliance with E-Verify by any subcontractors subsequently hired by Employer.

This __13th__ day of November, 2018

Signature of Affiant: __________________________

Print or Type Name: John N. Gilbert III

State of North Carolina, County of Iredell, City of Statesville

Signed and sworn to (or affirmed) before me, this the __13th__ day of November, 2018.

My Commission Expires: __Aug 31, 2022__

Pamela Jones Stewart
Notary Public: __________________________
E-Verify

The provider and its subcontractors shall comply with Article 2 of Chapter 64 of the North Carolina General Statutes relating to the required use of the federal E-Verify program to verify the work authorization of new hired employees. Failure of the provider to comply with this provision or failure of its subcontractors to comply could render this contract void under North Carolina law. It is the expectation of the City of Salisbury that the provider will comply with all applicable federal immigration laws in its hiring and contracting practices relating to the services covered by this contract involving City funds.
DOCUMENT 004100 – BID SECURITY FORM

KNOW ALL MEN BY THESE PRESENTS, THAT WE ________________
as Principal, and __________________________

as Surety, who is duly licensed to act as surety in North Carolina, are held unto __________________________

as Obligee, in the penal sum of __________________________ DOLLARS,

lawful money of the United States of America, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this __________ day of ________________, 2018.

WHEREAS, the said Principal is herewith submitting proposal for __________________________

and the principal desires to file this Bid Bond in lieu of making the cash deposit as required by G. S. 143-129.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the principal shall be awarded the contract for which the bid is submitted and shall execute the contract and give bond for the faithful performance thereof within ten (10) days after the award of same to the principal, then this obligation shall be null and void; but if the principal fails to so execute such contract and give performance bond as required by G. S. 143-129, the Surety shall, upon demand, forthwith pay to the obligee the amount set forth in the first paragraph hereof. Provided further that the bid may be withdrawn as provided by G. S. 143-129.1.

(SEAL)
(SEAL)
(SEAL)
(SEAL)
MBE PROPOSAL FORMS
(To be used with the submission of a bid)

MINORITY BUSINESS PARTICIPATION REQUIREMENTS

Provide on the bid - Under GS 143-128.2(c) the undersigned bidder shall identify on its bid the minority businesses that it will use on the project and the total dollar value of the bid that will be performed by the minority businesses and list the good faith efforts (Affidavit A) made to solicit participation.

Note: A contractor that performs all of the work with its own workforce may submit an Affidavit (B) to that effect in lieu of the affidavit (A) required above.

After the bid opening - The Owner will consider all bids and alternates and determine the lowest responsible, responsive bidder. Upon notification of being the apparent low bidder, the bidder shall then file within 72 hours of the notification of being the apparent lowest bidder, the following:

An Affidavit (C) that includes a description of the portion of work to be executed by minority businesses, expressed as a percentage of the total contract price, which is equal to or more than the 5% goal established. This affidavit shall give rise to the presumption that the bidder has made the required good faith effort;

Or

Affidavit (D) of its good faith effort to meet the goal. The document must include evidence of all good faith efforts that were implemented, including any advertisements, solicitations and other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

Note: Bidders must submit with their bid the Identification of Minority Business Participation Form and Affidavit A or Affidavit B as applicable. Failure to file a required affidavit or documentation with the bid or after being notified apparent low bidder may be grounds for rejection of the bid.
Identify the Minority Business Participation

I, Gilbert Engineering Company

(Name of Bidder)

do hereby certify that on this project, we will use the following minority business enterprises as construction subcontractors, vendors, suppliers or providers of professional services.

<table>
<thead>
<tr>
<th>Firm Name, Address and Phone #</th>
<th>Work Type</th>
<th>Minority Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>CICA Oxford, NC</td>
<td>Painting</td>
<td>WBE 21.20</td>
</tr>
<tr>
<td>Darke Insulation Marion, NC</td>
<td>Pipe Insulation</td>
<td>800.00</td>
</tr>
<tr>
<td>Commercial Fabricators Newton, NC</td>
<td>Metal Fab</td>
<td>(I) 74,500</td>
</tr>
</tbody>
</table>

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

I. The total value of minority business contracting will be ($) 24,100.00.
State of North Carolina -- AFFIDAVIT A -- Listing of Good Faith Efforts

County of ___________ (Name of Bidder)  
Affidavit of ___________ (Name of Bidder)  

I have made a good faith effort to comply under the following areas checked:

**Bidders must earn at least 50 points from the good faith efforts listed for their bid to be considered responsive.** (1 NC Administrative Code 30 I.0101)

- **☑ 1 -- (10 pts)** Contacted minority businesses that reasonably could have been expected to submit a quote and that were known to the contractor, or available on State or local government maintained lists, at least 10 days before the bid date and notified them of the nature and scope of the work to be performed.

- **☑ 2 -- (10 pts)** Made the construction plans, specifications and requirements available for review by prospective minority businesses, or providing these documents to them at least 10 days before the bids are due.

- **☑ 3 -- (15 pts)** Broken down or combined elements of work into economically feasible units to facilitate minority participation.

- **☑ 4 -- (10 pts)** Worked with minority trade, community, or contractor organizations identified by the Office of Historically Underutilized Businesses and included in the bid documents that provide assistance in recruitment of minority businesses.

- **☑ 5 -- (10 pts)** Attended prebid meetings scheduled by the public owner.

- **☑ 6 -- (20 pts)** Provided assistance in getting required bonding or insurance or provided alternatives to bonding or insurance for subcontractors.

- **☑ 7 -- (15 pts)** Negotiated in good faith with interested minority businesses and did not reject them as unqualified without sound reasons based on their capabilities. Any rejection of a minority business based on lack of qualification should have the reasons documented in writing.

- **☑ 8 -- (25 pts)** Provided assistance to an otherwise qualified minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letters of credit, including waiving credit that is ordinarily required. Assisted minority businesses in obtaining the same unit pricing with the bidder's suppliers in order to help minority businesses in establishing credit.

- **☑ 9 -- (20 pts)** Negotiated joint venture and partnership arrangements with minority businesses in order to increase opportunities for minority business participation on a public construction or repair project when possible.

- **☑ 10 -- (20 pts)** Provided quick pay agreements and policies to enable minority contractors and suppliers to meet cash-flow demands.

The undersigned, if apparent low bidder, will enter into a formal agreement with the firms listed in the Identification of Minority Business Participation schedule conditional upon scope of contract to be executed with the Owner. Substitution of contractors must be in accordance with GS143-128.2(d) Failure to abide by this statutory provision will constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of the minority business commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: ___________ Name of Authorized Officer: ___________  
Signature: ___________ Title: ___________

State of North Carolina, County of ___________  
Subscribed and sworn to before me this ___________ day of ___________.  
Notary Public: ___________  
My commission expires ___________.
County of ____________________________

Affidavit of ____________________________

(Name of Bidder)

I hereby certify that it is our intent to perform 100% of the work required for the ____________________________ contract.

(Name of Project)

In making this certification, the Bidder states that the Bidder does not customarily subcontract elements of this type project, and normally performs and has the capability to perform and will perform all elements of the work on this project with his/her own current work forces; and

The Bidder agrees to provide any additional information or documentation requested by the owner in support of the above statement.

The undersigned hereby certifies that he or she has read this certification and is authorized to bind the Bidder to the commitments herein contained.

Date: __________ Name of Authorized Officer: ____________________________

Signature: ____________________________

Title: ____________________________

State of North Carolina, County of ____________________________

Subscribed and sworn to before me this ______ day of ____________, 20___

Notary Public ____________________________

My commission expires ____________________________
State of North Carolina -- AFFIDAVIT C -- Portion of the Work to be Performed by Minority Firms

County of ____________________________

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the portion of the work to be executed by minority businesses as defined in GS143-128.2(g) is equal to or greater than 10% of the bidders total contract price, then the bidder must complete this affidavit.

This affidavit shall be provided by the apparent lowest responsible, responsive bidder within 72 hours after notification of being low bidder.

Affidavit of __________________________________________ I do hereby certify that on the

(Name of Bidder)

________________________________________ (Project Name)

Project ID# __________________________________ Amount of Bid $ __________

I will expend a minimum of __________ % of the total dollar amount of the contract with minority business enterprises. Minority businesses will be employed as construction subcontractors, vendors, suppliers or providers of professional services. Such work will be subcontracted to the following firms listed below. Attach additional sheets if required.

<table>
<thead>
<tr>
<th>Name and Phone Number</th>
<th>*Minority Category</th>
<th>Work description</th>
<th>Dollar Value</th>
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</table>

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

Pursuant to GS143-128.2(d), the undersigned will enter into a formal agreement with Minority Firms for work listed in this schedule conditional upon execution of a contract with the Owner. Failure to fulfill this commitment may constitute a breach of the contract.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to the commitment herein set forth.

Date: __________ Name of Authorized Officer: ____________________________

__________________________
Signature: ____________________________

Title: ____________________________

State of North Carolina, County of ________________
Subscribed and sworn to before me this _________ day of ____________, 20___
Notary Public ____________________________
My commission expires ________________
State of North Carolina -- AFFIDAVIT D -- Good Faith Efforts

County of ___________________________

(Note this form is to be submitted only by the apparent lowest responsible, responsive bidder.)

If the goal of 10% participation by minority business is not achieved, the Bidder shall provide the following documentation to the Owner of his good faith efforts:

Affidavit of: ___________________________

(Name of Bidder)

I do certify the attached documentation as true and accurate representation of my good faith efforts. Attach additional sheets if required.

<table>
<thead>
<tr>
<th>Name and Phone Number</th>
<th>*Minority Category</th>
<th>Work description</th>
<th>Dollar Value</th>
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</table>

*Minority categories: Black, African American (B), Hispanic (H), Asian American (A) American Indian (I), Female (F) Socially and Economically Disadvantaged (D)

Documentation of the Bidder's good faith efforts to meet the goals set forth in these provisions. Examples of documentation include, but are not limited to, the following evidence:

A. Copies of solicitations for quotes to at least three (3) minority business firms from the source list provided by the State for each subcontract to be let under this contract (if 3 or more firms are shown on the source list). Each solicitation shall contain a specific description of the work to be subcontracted, location where bid documents can be reviewed, representative of the Prime Bidder to contact, and location, date and time when quotes must be received.

B. Copies of quotes or responses received from each firm responding to the solicitation.

C. A telephone log of follow-up calls to each firm sent a solicitation.

D. For subcontracts where a minority business firm is not considered the lowest responsible sub-bidder, copies of quotes received from all firms submitting quotes for that particular subcontract.

E. Documentation of any contacts or correspondence to minority business, community, or contractor organizations in an attempt to meet the goal.

F. Copy of pre-bid roster.

G. Letter documenting efforts to provide assistance in obtaining required bonding or insurance for minority business.

H. Letter detailing reasons for rejection of minority business due to lack of qualification.

I. Letter documenting proposed assistance offered to minority business in need of equipment, loan capital, lines of credit, or joint pay agreements to secure loans, supplies, or letter of credit, including waiving credit that is ordinarily required.

Failure to provide the documentation as listed in these provisions may result in rejection of the bid and award to the next lowest responsible and responsive bidder.

Date: ___________________________ Name of Authorized Officer: ___________________________

Signature: ___________________________

Title: ___________________________

State of North Carolina, County of ___________________________

Subscribed and sworn to before me this __________ day of __________, 20__

Notary Public ___________________________

My commission expires __________

PROJECT NO. 214756  MBE PROPOSAL FORMS  Page 6
KNOW ALL MEN BY THESE PRESENTS, that we Gilbert Engineering Company, PO Box 828, Statesville NC 28687

as Principal, hereinafter called the Principal, and Travelers Casualty & Surety Company of America

as corporation duly organized under the laws of the State of Connecticut

as Surety, hereinafter called the Surety, are held and firmly bound unto

Salisbury-Rowan Utilities
1 Water Street
Salisbury NC 28144

as Obligee, hereinafter called the Obligee, in the sum of Five Percent of Bid Amount (5%)

Dollars ($ ),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for

Water Treatment Plant Improvements
Piping Modifications

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 13th day of November 2018

[Signatures]

Gilbert Engineering Company
(Principal)
(Seal)

Travelers Casualty & Surety Company of America
(Surety)
(Seal)

Attorney In Fact
(Title)
POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In-Fact No. 226666

Certificate No. 007204427

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Gary Watts, Charlene Smith, Michele Wooten, Mary Ruth Groce, Steve C. Barbour, Robert G. Parsons, Tina Compton, Cory Plessnell, and Angela Renegar

of the City of Statesville, State of North Carolina, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereeto affixed, this 25th day of April, 2017.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss,

By: Robert L. Raney, Senior Vice President

On this the 25th day of April, 2017, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2021.

Marie C. Tetrcant, Notary Public

58440-5-16 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER
This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company’s name and seal with the Company’s seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company’s seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 13th day of November, 2018.

Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  4 December 2018

Name of Group(s) or Individual(s) Making Request:  Al Heggins, Tamara Sheffield

Name of Presenter(s):  Tamara Sheffield, Al Heggins

Requested Agenda Item:  Change of Time for Council Meetings

Description of Requested Agenda Item:  During the Rules of Procedures Special Meeting on 3 October 2018, there was discussion presented by Councilor Sheffield about changing the time of council meetings from 5PM.

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:  Vote on a new time for council meetings.  (Please note if item includes an ordinance, resolution or petition)

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  _________________________
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:  4 December 2018

Name of Group(s) or Individual(s) Making Request:  Al Heggins, Tamara Sheffield

Name of Presenter(s):  Kyle Harris, Ann Little

Requested Agenda Item:  Resolution of Intent to Establishing A Fair Housing Committee Amendment

Description of Requested Agenda Item:  Council to review and vote on proposed amendments to the Resolution of Intent establishing a Fair Housing Steering Committee approved at the 20 November 2018 Council meeting.

Attachments:  □ Yes  ❑ No (document to be provided)

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:  Resolution  (Please note if item includes an ordinance, resolution or petition)

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ________________________
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:
Requested Council Meeting Date: December 4, 2018

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

Name of Presenter(s): Wendy Brindle

Requested Agenda Item: Bike Share

Description of Requested Agenda Item: We have received a request regarding regulations for bike share programs within the City. Many municipalities and towns throughout the nation are experiencing an uptick in the use of shared bikes (both dockless and those with docking stations) and scooters, but are not prepared to handle the issues that arise with their use. After some research, we are drafting a proposed ordinance to regulate bike/scooter programs in Salisbury, and can bring this before Council for consideration at a future date.

Attachments: ☒ Yes ☐ No

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

N/A

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

For information only

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ______________________________________
Finance Manager Signature                 Department Head Signature

Budget Manager Signature
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<th>For Use in Clerk’s Office Only</th>
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Reason:
Requested Council Meeting Date: 12/04/18

Name of Group(s) or Individual(s) Making Request: Administration

Name of Presenter(s): City Manager, Lane Bailey

Requested Agenda Item:

Description of Requested Agenda Item: Council to receive an update regarding Fibrant.

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:

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________ __________________________
Finance Manager Signature       Department Head Signature

________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved    ☐ Delayed    ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  X Staff

Requested Council Meeting Date: December 4, 2018

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

Name of Presenter(s): None

Requested Agenda Item: Announcement

Description of Requested Agenda Item: The fifth installment of Chit, Chat & Chew, a series of town hall meetings, will be held Thursday December 6, 2018 at Fire Station #4 located at 2325 Statesville Blvd, beginning at 5:15 p.m. The meeting will provide citizens an opportunity to have interactive conversations with Council and staff and to share their concerns and ideas for their community. Dinner will be provided.

Attachments:  X: 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: Anne Little

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  _________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only
Salisbury City Council
Agenda Item Request Form

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  12/04/18

Name of Group(s) or Individual(s) Making Request:  Downtown Salisbury, Inc.; Latoya Price

Name of Presenter(s):  None

Requested Agenda Item:  Santa and the Grinch with Antique Fire Trucks

Description of Requested Agenda Item:  DSI will host an event the entire family can enjoy. The day will consist of free rides throughout downtown on antique fire trucks with Santa and the Grinch by your side, craft making, and hot cocoa! Saturday, December 15th from 11am-2pm, leaving from City Hall.

Attachments:  □ Yes  ☒ No

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ____________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only
Requested Agenda Item:  Parks and Recreation

Description of Requested Agenda Item:  New Year’s Eve at the Bell Tower
The City of Salisbury will host the New Year's Eve at the Bell Tower Celebration on Monday, December 31, 2018. Celebrate the start of 2019 as a community at Salisbury’s historic Bell Tower located in Bell Tower Park. Festivities will begin at 9:00 p.m. and will include light refreshments, live entertainment, live video feed from Time’s Square and the ringing of the bell at Midnight. This event is free and open to the public.
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  ✗ Staff

Requested Council Meeting Date:  12/04/18

Name of Group(s) or Individual(s) Making Request:  Administration

Name of Presenter(s):

Requested Agenda Item:  Announcement

Description of Requested Agenda Item:  Council will not hold a second meeting in the month of December. The next meeting after the December 4th meeting will be held Wednesday, January 2, 2018 at 5:00 p.m.

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:
Diane Gilmore, City Clerk 704-638-5224 or dgilm@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

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For Use in Clerk’s Office Only
Salisbury City Council
Agenda Item Request Form

☐ Approved       ☐ Delayed       ☐ Declined

Reason: