The City is operating under a State of Emergency declaration related to the spread of COVID-19. The City Council meeting will be held electronically to remain consistent with limiting physical interactions and the potential spread of COVID-19, and Council Chambers will be closed. The meeting will be streamed live at salisburync.gov/webcast and on the City’s Twitter account. Anyone who wishes to speak during public comment must sign-up by 5:00 p.m. on April 6, 2021 by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233.

1. Call to order.
3. Pledge of Allegiance.
4. Adoption of Agenda.

5. Mayor to proclaim the following observances:

   - NATIONAL CRIME VICTIMS’ RIGHTS WEEK  April 18 – 24, 2021
   - FINANCIAL LITERACY MONTH  April 2021
   - CHILD ABUSE PREVENTION MONTH  April 2021
   - AUTISM ACCEPTANCE MONTH  April 2021
   - FAIR HOUSING MONTH  April 2021

6. Council to consider the CONSENT AGENDA:

   (a) Adopt Minutes of the Regular Meeting of March 16, 2021.

   (b) Receive a petition and adopt a RESOLUTION declaring the City’s intent to close a 20-foot unimproved right-of-way located in the 300 block of Harrell Street and setting a public hearing for May 4, 2021.

   (c) Authorize a sole source purchase from Carter Pump in the amount of $9,010 for sludge pump replacement parts. Funds for this purchase are included in the adopted FY2020-2021 budget.

   (d) Authorize a sole source purchase from ForTech, Inc in the amount of $88,930 for materials and services associated with the control logic and integration of the chemical feed improvements at the water treatment plant. Funds for this purchase are included in the adopted FY2020-2021 budget.

   (e) Endorse partnering with Operation Hope to engage community partners for the 1MBB initiative.

   (f) Authorize the Mayor to execute an easement to Rowan County for a Chemical Booster Station to serve the North East Water System.
7. Council to receive public comment. Public comment will begin following adoption of the Consent Agenda. For electronic meetings speakers must sign-up before 5:00 p.m. by contacting Kelly Baker at kbake@salisburync.gov or by calling 704-638-5233. Citizens who are unable to speak during the meeting may submit written comments by 5:00 p.m. to the email above and they will be shared with Council.

8. Council to consider Land Development District Map Amendment CD-01-2021 to rezone 9.227 acres, tax map 061 parcel 07, located in the vicinity of Jake Alexander Boulevard and South Main Street from Residential Mixed Use and Highway Business and remove the existing General Development Overlay to Residential Mixed Use and establish a Conditional District Overlay to allow for an 84-unit multi-family development. (Presenter – Development Services Manager Teresa Barringer)

(a) Receive a presentation from staff
(b) Hold a public hearing
(c) Comments regarding the proposed district map amendment will be accepted for 24 hours from the close of the public hearing. Action cannot be taken until the end of the 24 hour period.

9. Council to consider Land Development District Map Amendment CD-02-2021 to rezone 6.137 acres located in the 100 block of Brenner Avenue, tax map 062 and parcels 055 and 065, to maintain the underlying Corridor Mixed-Use, remove the existing, expired Conditional District Overlay and establish a new Conditional District Overlay to allow for an 84-unit multi-family development. (Presenter – Development Services Manager Teresa Barringer)

(a) Receive a presentation from staff
(b) Hold a public hearing
(c) Comments regarding the proposed district map amendment will be accepted for 24 hours from the close of the public hearing. Action cannot be taken until the end of the 24 hour period.

10. Council to consider approving recommendations for use of Community Development Block Grant-Coronavirus funding for community service agencies to assist low income individuals and families.

11. Council to consider authorizing a sole source purchase from Badger Meter, Inc. in the amount not to exceed $585,000 for cellular endpoints and associated extended warranties and adopting a Capital Project Ordinance in the amount of $1,000,000 for the purchase and installation of advanced metering infrastructure endpoint upgrades. (Presenters – Utilities Director Jim Behmer and Assistant Utilities Director Jason Wilson)


(a) Adopt a RESOLUTION establishing filing fees for municipal elections.


15. Mayor Pro Tem’s Comments.

16. Mayor’s Announcements and Comments:

17. Adjourn.

Council meetings are streamed live at www.salisburync.gov/webcast
WHEREAS, every April, people across the world take time to recognize the millions of people living with autism spectrum disorder during Autism Acceptance Month; and

WHEREAS, autism spectrum disorder is a pervasive developmental disorder affecting the social, communication, and behavioral skills of those affected by it; and

WHEREAS, one in 68 American children are diagnosed on the autism spectrum; and

WHEREAS, students are provided educational services in a variety of settings, from general education classes to separate Exceptional Student Education (ESE) classes; and

WHEREAS, the numbers of those affected by this disorder has increased over time as identification methods have improved; and

WHEREAS, the community continues awareness efforts in order to educate professionals, students, and community members about autism and best practices in educating individuals with autism

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM the month of April as AUTISM ACCEPTANCE MONTH

in Salisbury, and call upon the citizens to create a culture of awareness for all members of the community.

This the 6th day of April 2021.

__________________________________________
Karen K. Alexander, Mayor
PROCLAMATION

WHEREAS, Child Abuse Awareness Month takes place in April as a time for communities to come together to build caring connections, supportive environments, and positive experiences for all children; and

WHEREAS, all adults play a role in building the safe, stable, nurturing homes and environments needed for the healthy development of our future generation of parents, leaders, and community members; and

WHEREAS, children are vital to our state's future success, prosperity and quality of life as well as being our most vulnerable assets; and

WHEREAS, child abuse and neglect is a community responsibility affecting both the current and future quality of life of a community; and

WHEREAS, communities that provide parents with the social support, knowledge of parenting and child development and concrete resources they need to cope with stress and nurture their children ensure all children grow to their full potential; and

WHEREAS, effective child abuse prevention strategies succeed because of partnerships created among citizens, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury Do HEREBY PROCLAIM the month of April 2021 as

CHILD ABUSE AWARENESS MONTH

in Salisbury, and call upon all citizens and the community to support families, thereby preventing child abuse and strengthening the community in which we live.

This the 6th day of April 2021.

Karen K. Alexander, Mayor
PROCLAMATION

WHEREAS, April is National Fair Housing Month; and

WHEREAS, April 11, 2021 marks the 53rd anniversary of the passage of the Fair Housing Act which protects against discrimination whether renting, buying, or securing financing for any housing; and

WHEREAS, each April we come together as a community and a nation to celebrate the passing of the Fair Housing Act in the aftermath of Reverend Dr. Martin Luther King Jr’s assassination and recommit to eliminate housing discrimination and create equal opportunity in every community; and

WHEREAS, the City of Salisbury seeks a high quality of life for all citizens and prohibits discrimination because of race, color, religion, sex, disability, familial status, and national origin; and

WHEREAS, economic stability, community health, and human relations in all neighborhoods are improved by diversity and integration; and

WHEREAS, acts of housing discrimination and barriers to equal housing opportunity violate the common sense of decency and fairness; and

WHEREAS, the City of Salisbury strives to be an inclusive community committed to equal housing opportunities for all residents and prospective residents.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM the month of April 2021 as

FAIR HOUSING MONTH

in Salisbury, and promote appropriate activities to provide and advocate for equal housing opportunities for all residents and prospective residents.

This the 6th day of April 2021.

Karen K. Alexander, Mayor
PROCLAMATION

WHEREAS, since 1981, National Crime Victims’ Rights Week has taken place in April to educate the public about victimization, the effect victimization has on individuals, families, friends, and the community, and to promote laws, polices, and programs to help victims of crime; and

WHEREAS, every year, thousands of communities across the nation honor the dedication of those before us that established victim rights and renew commitment to guarantee that all victims have the rights and services they need to recover from crime; and

WHEREAS, treating victims with dignity serves the public interest by engaging victims in the justice system, inspiring respect for public authorities, and promoting confidence in public safety; and

WHEREAS, there is more to be done to advance these ideals as too many victims are denied their right to attend trial, present an impact statement at sentencing, or receive notice of the release of an offender; and

WHEREAS, everyone must work to ensure fair treatment of crime victims by providing protection for child and sexual assault victims, ordering and enforcing victim restitution from offenders, and notifying victims of their right to compensation and services, thereby giving hope to victims that the system and society will work to restore dignity and respect their needs and rights; and

WHEREAS, National Crime Victims’ Rights Week provides an opportunity to raise awareness of the foundation of victim’s rights of fairness, dignity and respect, and to recommit to honoring those values by ensuring that all victims are afforded their legal rights and provided with assistance as they face the financial, physical and psychological impact of crime.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM the week of April 18-24, 2021 as

NATIONAL CRIME VICTIMS’ RIGHTS WEEK

in Salisbury, and commend this observance to all of our citizens.

This the 6th day of April 2021.

_________________________________________
Karen K. Alexander, Mayor
REGULAR MEETING

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

ABSENT: None.

In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19 the Salisbury City Council met electronically. The meeting was called to order by Mayor Alexander at 6:00 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VIEWERS

Mayor Alexander welcomed all viewers.

CHANGES TO THE AGENDA

Mayor Alexander noted the following changes to the Agenda:

Add – Arbor Day Proclamation for April 4, 2021.
Add – Closed Session to consult with an attorney as allowed by NCGS 143-318.11(a)(3).
Mayor Pro Tem Heggins requested clarification regarding what is covered in NCGS 143-318.11(a)(3). City Attorney Graham Corriher explained NCGS 143-318.11(a)(3) covers consulting with an attorney. Mayor Pro Tem Heggins asked if the information Council addresses in closed session can be made public. Mr. Corriher noted that information is not typically addressed publicly.

ADOPTION OF THE AGENDA

Thereupon, Councilmember Post made a motion to adopt the Agenda with noted changes. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

TRANSGENDER DAY OF VISIBILITY March 31, 2021
CIVITAN AWARENESS MONTH April 2021
ARBOR DAY April 4, 2021

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular Meeting of March 2, 2021.

(b) Resolution - LiveScan Fingerprinting Machine

Adopt a Resolution declaring a LiveScan fingerprinting machine as surplus and approving its donation to the Town of Spencer.

RESOLUTION DECLARING A LIVESCAN FINGERPRINTING MACHINE AS SURPLUS AND APPROVING ITS DONATION TO THE TOWN OF SPENCER.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 3, and is known as Resolution 2021-03.)

(c) Resolution – Morbark Rub Grinder

Adopt a Resolution declaring a Morbark Tub Grinder as surplus and authorizing disposition by electronic auction.
RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY WITH POTENTIAL VALUE OF $30,000 OR MORE.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 4, and is known as Resolution 2021-04.)

(d) Contract – Elliott Davis, PLLC

Award a contract to Elliott Davis, PLLC in the amount of $37,000 for auditing services for the fiscal year ending June 30, 2021.

(e) Budget Ordinance Amendment – ABC Revenues

Adopt a budget Ordinance Amendment to the FY2020-2021 budget in the amount of $32,850 to appropriate ABC revenues in the General Fund.

ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE ADDITIONAL ABC REVENUE IN THE GENERAL FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 70, and is known as Ordinance 2021-21.)

(f) Budget Ordinance Amendment – Insurance Claims

Adopt a budget Ordinance Amendment to the FY2020-2021 budget in the amount of $23,019 to appropriate insurance claims in the General Fund.

ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE CLAIM PROCEEDS IN THE GENERAL FUND FOR CLAIMS AND REPAIRS.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 71, and is known as Ordinance 2021-22.)

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

PUBLIC COMMENT

Mayor Alexander stated Council fully understands the community’s concern for the health and well-being of K-9 Officer Zuul, and that Council takes any situation that would jeopardize the lives of any officers, whether human and canine, very seriously. She stated Council
is obligated by a disciplinary process that must be allowed to take its course and is limited by North Carolina Personnel Records laws in what can be shared. She assured citizens that Council’s review and that of the third party investigation will continue to be thorough and fair to provide due process to everyone involved.

Mayor Alexander opened the floor to receive public comments.

Ms. Janine Evans noted her father is the late Fred M. Evans and the namesake for the Fred M. Evans pool. She noted the family has made donations to pay for the entrance fee for children. She thanked Parks and Recreation Director Nick Aceves and staff who ensure safety throughout the season. Ms. Evans asked Council to consider funding much needed upgrades at the pool.

Ms. Margaret Lee expressed her concerns over the video of the treatment of K-9 Officer Zuul. She added she is very concerned and has questions regarding the video and the investigation.

Mr. Dylan Horne noted staff is doing its due diligence to integrate comments regarding the Main Street Restriping Plan to create the best possible outcome. He requested Council support the plan to improve safety on Main Street.

Ms. Meghan Ketterman stated she is an advocate for people with substance abuse, mental health, and domestic violence issues. She noted there are times when individuals do not feel safe contacting the Police Department or that police officers will help them if they reach out. She asked about police officer training.

Ms. Rachel Bellis, representative of People for the Ethical Treatment of Animals (PETA), stated the police officer who was filmed losing his temper with K-9 Officer Zuul must be held accountable for his actions. She noted the community deserves action and answers to its questions.

Mr. Jeff Hegy, representative for PETA, noted K-9 Officer Zuul did not deserve the treatment she received from her handler. He asked Council to ensure an outside agency with no ties to the Salisbury Police Department conduct a thorough criminal investigation and to take appropriate action.

Ms. Patty Lefevers thanked Council for proclaiming April as National Civitan Awareness Month in the City. She noted 2022 will mark 100 years of the Civitans serving the citizens of Salisbury, and she added the Civitans look forward to many more years of service to the City.

Ms. Heather Sweat voiced her concern regarding the leaked video of the abuse of K-9 Officer Zuul. She pointed out the questionable response of the other police officers on the video, and she asked why a police officer would turn their camera off.

Ms. Jan Misenheimer stated she is concerned about the treatment of K-9 Officer Zuul. She questioned how citizens of the City and County can trust police officers if the incident is not handled correctly.
Ms. Marybeth Smith stated she is concerned about the video of K-9 Officer Zuul being abused by her handler, and she noted the police officer’s actions were wrong. She stated citizens are looking to Council and City leaders for answers and transparency.

Ms. Terry Davis stated there were other police officers present in the video of K-9 Officer Zuul. She questioned if a supervisor was present during the training. She asked why the other police officers in the video did not speak up, and she noted the video clearly shows abuse.

Ms. Nina Dix stated she saw the report regarding K-9 Officer Zuul having no signs of physical trauma or damage, and she questioned if Zuul could have physiological damage that could affect her behavior. She pointed out the human police officer is legally armed with no control over his anger or emotions.

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

**USE OF FY2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM FUNDS**

Housing Planner Candace Edwards addressed Council regarding the use of FY 2021-2022 Community Development Block Grant (CDBG) and HOME Program funds. She explained the monies are the City’s regular appropriation of CDBG and HOME Program funds. She added the estimated funding for FY2021-20202 will be $270,000 in CDBG funds and $146,510 in HOME Program funds with an additional $25,000 of program income. She noted the total budget is estimated at $441,510.

Ms. Edwards reviewed a map of CDBG and HOME Program fund activities from 1997 to current year, and she pointed out targeted areas in the City. She added CDBG and HOME Program fund activities have extended throughout the City limits. She noted the activities and priorities for the City’s 2020 - 2024 Consolidated Plan under CDBG and HOME Program funds are:

- Owner occupied housing rehabilitation
- Emergency rehabilitation
- Acquisition rehabilitation for homeownership
  - Vacant, abandoned, and foreclosed properties
- Sidewalks, public infrastructure, and park improvements
- Public services
  - 15% cap for public services

Ms. Edwards noted public services applications are due April 9, 2021, and she added applications will be available on the City’s website on March 17, 2021. She noted public services agencies that have questions regarding the applications can contact her at (704) 638-5324. She commented a public input meeting will take place March 29, 2021 from 4:00 p.m. until 6:00 p.m. via Zoom and a registration link will be included on the City's website.
b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding the use of FY2021-2022 CDBG and HOME Program funds.

There being no one to address Council, Mayor Alexander closed the public hearing and indicated comments regarding the use of FY2021-2022 CDBG and HOME Program funds can be directed to Candace Edwards at (704) 638-5324 or Candace.edwards@salisburync.gov and comments can be emailed to the City Clerk at kbake@salisburync.gov.

**MAIN STREET STRIPING AND CONCEPT PLAN**

Planning Services Director Hannah Jacobson, City Engineer Wendy Brindle, and Urban Design Planner Alyssa Nelson addressed Council regarding the adoption of the Main Street Striping Plan and the Main Street Concept Plan.

Ms. Brindle referenced the Main Street Striping Plan, and she pointed out the boundaries of the plan are from Harrison Street to Lafayette Street. She commented one of the major changes from the North Carolina Department of Transportation (NCDOT) was a minimum lane width. She added bike lanes will begin at Horah Street heading in the southbound direction, and she pointed out the loss of 13 to 14 parallel parking spaces depending on how closely the cars are parked.

Ms. Brindle noted staff received comments regarding the sharrows which were shifted to the left of the lane and out of the blind spot of drivers backing out. She pointed out a bus stop at Bank Street, and she noted the loading zone located at Fisher Street was removed to add a handicapped parking space. She indicated another handicapped parking space was added at the intersection of Main and Council Streets.

Ms. Brindle referenced the intersection of Kerr and Main Streets, and she noted there was discussion regarding the Koco Java driveway. She explained the area must have striping to designate the lane at the intersection so drivers do not try to use it as a large lane to make right turns on the right-hand side. She indicated the driveway goes all the way to the radius so it can be stripped with a triangle that would provide guidance for vehicles at the intersection.

Ms. Brindle explained the previous plan for the 100 blocks of North and South Main Streets included a hatched area for center turn and lane loading, but NCDOT said it could not be done. She stated it must be shown as a standard two-way left turn lane that can be used as a loading and unloading area.

Ms. Brindle noted she spoke with NCDOT and the contractor who are working on the resurfacing schedule. She stated staff will present the striping plan to NCDOT for a final review and will work closely with NCDOT and the contractor regarding small changes that can be made in the field.

Councilmember Post referenced three parking spaces in front of the Koco Java driveway. He indicated drivers come through the drive-through at Koco Java and then bear left in front of Koco Java to make a turn left onto Main Street. He noted when drivers turn in front of Koco Java
people turning into Koco Java cannot get in to the business because of three parking spaces. He questioned if those three parking spaces are needed. Mr. Post requested staff consider removal of the three parking spaces. He added he does not want to hurt a business by making it difficult for customers to gain access to it.

Councilmember Miller added existing businesses are important and the plan must work to accommodate them. He stated he supports the plan and adjustments have improved it. He thanked staff for its response to business owners’ needs.

Councilmember Sheffield requested clarification regarding why NCDOT would not allow the hatched delivery spaces. She then asked about the difference between hatched delivery spaces and the bus stop. Ms. Brindle stated NCDOT typically leaves the parking area and things along the edge up to the City. She added the bus stop is outside of the travel area and when she asked about the hatched delivery space she was not given a clear answer. She indicated NCDOT prefers the two-way left turn lane instead of hatching. Councilmember Sheffield noted delivery persons would welcome a designated place to deliver or at least park their vehicle. She thanked staff for its work on the plan.

Mayor Alexander referenced the middle lane, and she noted NCDOT was not saying delivery trucks could not temporarily park there only that it did not want it designated in any certain place. She noted a delivery truck driver would not receive a citation for unsafe movement because they chose to temporarily park their truck somewhere along that block. Ms. Brindle agreed.

Ms. Nelson referenced the Concept Plan, and she pointed out the project is two-part. She explained the Concept Plan includes bump-outs at the intersections and in the mid-block, replacing sidewalks with street trees, updating downtown trash and recycling bins, adding other streetscape amenities such as new furniture, lighting, bike racks, and additional landscaping elements. She explained the plan is in the concept stage and is a vision of what downtown could look like in the future. She pointed out more detailed plans would be based on funding. She added the plan will change and adapt based on public feedback, how engineering studies might change, and if NCDOT changes its mind regarding mid-block crossings.

Ms. Nelson noted the core elements of the plan include:

- Pedestrian bump-outs at the intersections to improve pedestrian visibility
- Space for streetscape amenities including places for people to gather, outdoor dining, and other kind of spaces
- Pedestrian bump-outs at key mid-block locations to allow for dining and seating
- Sidewalk reconstruction to allow for planting of new trees, landscaping and installation of new lights

Ms. Nelson stated staff requests Council consider adoption of the Main Street Concept Plan from Franklin Street to Monroe Street to serve as a guide for future study and as a basis to pursue funding opportunities.
Councilmember Miller asked if adjustments to the Main Street Striping Plan are being incorporated into the Main Street Concept Plan. Ms. Nelson agreed. Mr. Miller pointed out once the striping is done it is final. He added he wants to make sure the Striping Plan that Council approves is incorporated into the Concept Plan so the intent is clear when grant funding becomes available. He requested a provision be included to help businesses with any interruption they may face when the work is being completed, and he noted Councils does not want to undermine their investment to improve the landscape.

Mayor Alexander thanked staff for the time it has spent with business owners and building owners to find solutions. Councilmember Post noted staff has done a phenomenal job. He commented Ms. Pam Coffield, who does not support the restriping plan, could not access the meeting, and he requested staff reach out to her. Mayor Alexander requested City Clerk Kelly Baker read the email Ms. Coffield sent so it can be included in the record. Ms. Baker read Ms. Coffield’s email regarding concerns about the proposed restriping and loss of downtown parking spaces in the 100 block of South Main Street.

Ms. Brindle noted thermal plastic will be used to restripe the lanes which is not easy to remove. She noted if the lanes are restriped after the project it would cost approximately $300,000 to mill, resurface, and restripe the lanes. She noted the striping plan includes 50 regular parking spaces and two handicapped parking spaces. Mr. Miller clarified the total parking spaces in the 100 block of South Main Street have increased in the proposed restriping plan. Ms. Brindle agreed.

Thereupon, Councilmember Miller made a motion to adopt the Main Street Striping Plan. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

Thereupon, Councilmember Post made a motion to adopt the Main Street Concept Plan in general, as presented and addenda with the additional comments made tonight. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

**BOARDS AND COMMISSIONS**

Mayor Alexander pointed out voting on City Boards and Commissions will take place after further Council discussion.

Thereupon, Mayor Pro Tem Heggins made a motion to extend terms expiring March 31, 2021 until April 30, 2021. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

**CITY ATTORNEY’S REPORT**

City Attorney Graham Corriher had nothing to report to Council.
CITY MANAGER’S REPORT

(a) Adoption of Council’s 2021 Priority Goals and Outcomes.

City Manager Lane Bailey reviewed Council’s priority and goals:

- Public Safety - A City that Exceeds Service Standards to Create a Safe and Secure Community
  - Support efforts to provide competitive salaries for public safety personnel to assist in recruitment and retention efforts
  - Create a Police Foundation to assist with private donations and recognition efforts for public safety initiatives
  - Seek funding options to begin construction of Fire Station 3 to improve the Insurance Services Office (ISO) rating and fire safety for the community

- Infrastructure and Human Capital: A City that Maintains Infrastructure to Reduce Waste and Promote Efficiency and that Cares for its Employees in Order to be an Organization of Choice
  - Support efforts to increase salaries to recognize and value skilled employees in order to remain competitive with other municipalities and the private market
  - Research efforts that promote sustainable recruitment and retention for all City departments
  - Improve infrastructure to promote pedestrian and bicycle transportation

- Economic Prosperity and Mobility A City that Leverages Assets for Economic Development to Support a Vibrant Downtown, Livable Neighborhoods and a Healthy, Active Community
  - Seek funding options to improve aging housing stock and support efforts to provide diverse housing stock options
  - Join and promote Kiva to encourage minority led entrepreneurial efforts
  - Support efforts for the redevelopment and sale of the Empire Hotel
  - Leverage broadband infrastructure and proximity to amenities to market Salisbury as the prime location to live and work remotely
  - Appoint more people of color to City boards and commissions to ensure they are part of the conversations regarding economic decisions
  - Support transit for neighboring communities and explore alternative transportation types
  - Support continued maintenance of parks and recreation venues for local initiatives and maximize economic development benefits of expanded tournament use of fields and facilities

- Community Partnerships: A City that Builds Partnerships and Values Fiscal Responsibility and Creative Solutions
  - Continue commitment to racial equity and inclusion training and initiatives
  - Explore a Non-discrimination Ordinance to ensure a safe space for all community members
  - Explore a Fair Housing Ordinance that complements state and federal law to promote fair and equitable housing
  - Seek options to provide eviction protection for homeowners at risk
o Continue to leverage existing partnerships to engage youth

Mayor Alexander thanked Council, staff, and FountainWorks Facilitator Warren Miller for working on the priorities and goals.

Thereupon, Councilmember Post made a motion to adopt Council’s 2021 Priority Goals and Outcomes. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

COUNCIL COMMENTS

Councilmember Post commented KIVA will be announced to the public on Monday, March 22, 2021. Mayor Alexander thanked Councilmember Post for his work with KIVA, and she added she is proud of the support from City partners.

Councilmember Miller suggested those who want to apply for small business loans should contact their bank to be sure of the application deadline. He explained KIVA would be another platform to assist business owners.

Councilmember Sheffield thanked Mayor Alexander on behalf of Salisbury Pride for recognizing the transgender community and continuing to make Salisbury welcoming and inconclusive for all. She also thanked Mayor Alexander for recognizing Civitan Awareness Month. She referenced the City Park Lake and the Public Works article featured in Salisbury The Magazine, and she thanked staff for the great work they do for the City. She thanked Ms. Janine Evans for speaking about the Fred M. Evans pool. She also thanked citizens for keeping Council aware of what is happening in the community.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Heggins thanked the citizens who spoke during public comment. She added it is important for Council to hear from citizens regarding their concerns, and she commented Council does not take the concerns lightly. She noted Council has handled difficult situations, but always reaches the best decision for the community. She thanked staff for all they do for the City.

Mayor Pro Tem Heggins commented she attended the transfer of the equipment of fallen firefighters Vic Isler and Justin Monroe on March 7, 2021 to Fire Station 6 for the dedication of Vic Isler and Justin Monroe Fire Station 6. She noted it was a beautiful ceremony, and the new fire station is great facility for firefighters and the community.
MAYOR’S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander commented she also attended the transfer of the equipment of fallen firefighters Vic Isler and Justin Monroe that took place on March 7, 2021 to Fire Station 6. She added she also attended the dedication of the Vic Isler and Justin Monroe Fire Station 6. She pointed out she received numerous compliments of Fire Chief Bob Parnell, and she thanked him and his team for their leadership. She added the station is a beautiful facility, and she congratulated Mr. Bill Burgin for his great design. She thanked the Fire Department for the Key to the City Axe which she accepted on behalf of Council.

Mayor Alexander provided information regarding the 1MBB program, created in 1992 by Mr. John Hope Bryant as Operation Hope to help minority business owners with literacy information and to create business opportunities. She explained she had to achieve goals on a work list for Salisbury to be considered a partner in the Operation Hope organization. She added Salisbury will be the first small city in the United States to be approved for the program. She noted she developed and met with a coalition of private and non-profit organizations and foundations that have agreed to partner with the City.

Mayor Alexander pointed out she met with NAACP President Gemale Black and other members of the NAACP, Mr. John Everitt at Hood Theological Seminary and liaison to the Rowan Chamber of Commerce Minority Business Council, Economic Development Commission (EDC) President Rod Crider, Livingstone College President Jimmy R. Jenkins and his team which will present to A.M.E Zion Church members, Rowan-Cabarrus Community College Director at the Small Business Center Megan Smit, and Mr. Brian Jordan at the New Horizons bank which is already an Operation Hope partner.

Mayor Alexander commented the next step is to present to staff and get their thoughts about the 1MBB program and how to move the City forward. She indicated it is an opportunity that would not cost any fees and the partnerships and community will be involved in raising the money to help. She added Mr. Jordan has pledged his support and staff support from the local bank. She pointed out local entrepreneurs who want to start a business could receive a $25,000 loan to provide consulting and a platform on Shopify. She added she will provide details later but wanted to share how exciting it is that Salisbury will be the only city other than Memphis, Tennessee to have this program. She explained that this program along with Kiva can help the City build equity. She noted a Memorandum of Understanding (MOU) and an announcement of the program will be out the first week of April.

CLOSED SESSION

Mayor Alexander asked for a motion for Council to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3). City Attorney Graham Corriher asked to amend the motion to add a personnel matter as allowed by NCGS 143-318.11 (a)(6).
Thereupon, Councilmember Post made a motion to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3) and regarding a personnel matter as allowed by NCGS 143-318.11(a)(6). Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

Mayor Alexander reconvened the meeting in open session. She noted no action was taken during closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 9:21 p.m.

________________________________________
Karen Alexander, Mayor

________________________________________
Kelly Baker, City Clerk
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: April 6, 2021

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

Name of Presenter(s): N/A

Requested Agenda Item: Council to receive a petition to close a 20' unimproved right-of-way, known as Lloyd Street, in the 300 block of Harrel Street, and set a public hearing for May 4, 2021.

Description of Requested Agenda Item:
The City Engineering Department has received a petition to permanently close an unimproved street, referenced as Lloyd St, in the 300 block of Harrel Street. The request meets standards of General Statute 160A-299. Council may proceed by adopting a Resolution declaring their intent to close the right-of-way and setting a public hearing for May 4, 2021. City Staff will advertise the public hearing for four (4) consecutive weeks in the Salisbury Post, post signs at the site, and notify adjoining property owners by certified mail.

Attachments:  ☑ Yes  ☐ No

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

There will be no fiscal impact regarding this request, other than the fees associated with advertisement

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Adopt a Resolution declaring City Council's intent to close a 20' unimproved right-of-way, known as Lloyd Street, in the 300 block of Harrel Street, and set a public hearing for January 5, 2021

Contact Information for Group or Individual:
Wendy Brindle, City Engineer
704-638-5201 /wbrindle@salisburyncc.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
For Use in Clerk’s Office Only

☐ Approved  ☐ Declined

Reason:
RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN UNIMPROVED RIGHT-OF-WAY KNOWN AS LLOYD ST IN THE 300 BLOCK OF HARREL STREET

WHEREAS, the City Council of the City of Salisbury is considering a proposal to close an unimproved right-of-way in the 300 block of Harrel Street;

Reference tie commencing at a 3 8" pipe Set which is N 47°44'20" E, a distance of 99.99 feet from a 1 2" pipe found with coordinates of N 69°56'23" E, 156°38'29" W, the common corner of Lot 42 and Lot 43 on Harrel Street of Map Book 9995, page 29 (Fair View Heights);

Beginning at said 3 8" pipe Set having coordinates of N 69°57'00" E, 156°39'03" W which is the common corner of Loyd Street and Lot 44 on Harrel Street of Map Book 9995, page 29 (Fair View Heights); thence with Harrel Street a bearing of N 45°46'33" E, a distance of 30.02 feet to a 3 8" rod Set which is the common corner of Loyd Street, Harrel Street, Lot 103 and Lot 104; thence with the common line of Loyd Street and Lot 103 a bearing of S 42°11'02" E, a distance of 92.41 feet to a 3 8" rod Set on the NC DOT right-of-way of Interstate 85 and on the common line of Loyd Street and Lot 103; thence with the common line of Interstate 85 a bearing of S 50°28'54" W a distance of 29.99 feet to a 3 8" rod Set which is on the right-of-way of Interstate 85 and Lot 44; thence with the common line of Lot 44 and Loyd Street a bearing of N 42°12'39" W a distance of 89.95 feet to the point of beginning; containing 2734 square feet or 0.063 acres.

NOW, THEREFORE, be it resolved that the City Council shall on the 4th day of May, 2021, at 6:00 p.m., hold a public hearing to consider forever closing the aforementioned right-of-way. To remain consistent with limiting physical interactions and the potential spread of COVID-19, the public hearing will be held virtually. Additional information for accessing the meeting and participating in the public hearing will be posted to the City's website at www.salisburync.gov

This 6th day of April, 2021.

CITY COUNCIL OF THE CITY OF SALISBURY, NORTH CAROLINA

By: Kelly Baker
City Clerk
PETITION TO CLOSE A STREET OR ALLEY

We the undersigned, being the owners of real property adjoining a street or alley as shown on Tax Map 668A, do hereby petition the City Council of Salisbury, North Carolina to permanently close a street or alley pursuant to the North Carolina General Statutes, Section 160A-299. The street or alley to be closed can be generally described as follows:

A 20' row known as Lloyd Street in the 300 block of Harris Street.

GS 160A-299 may be found on the internet at:
http://www.ncleg.gov/GeneralStatutes/HTML/BySection/Chapter_160A-299_668A-299.html

By signing this petition, we understand that the following conditions are the responsibility of the petitioners. Failure to meet the conditions may delay or invalidate the request:

1. The petition must contain the signatures of all owners of property adjacent to the street or alley.
2. The petition must include a recorded map or preliminary survey showing the portion of street or alley to be closed. Any preliminary survey shall be prepared for recordation after consultation with the City. A copy map is not sufficient.
3. The petition must include a description prepared from a survey or recorded map. A valve and hydrant description may be required.
4. The petition must include a filing fee in the amount of $500.00.
5. If public or private utilities are located on the street or alley, the map and description must provide acceptable easements for the utilities. Any costs associated with preparing the easements will be the responsibility of the petitioners.
6. If curbs and gutters must be replaced to close the street or alley, the cost of the curb and gutter will be the responsibility of the petitioners.
7. It typically takes approximately eight weeks for the closing to become official.

[Signatures and dates]

Marlin Ruse
Printed Name

Gerald Ruse
Printed Name

City of Salisbury
P.O. Box 479, Salisbury, North Carolina 28145-0479
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  April 6, 2021

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

Name of Presenter(s):  Jason Wilson

Requested Agenda Item:  Water Treatment Plant Carter Pump Sole Source Purchase

Description of Requested Agenda Item:  Attached is a quotation obtained from Carter Pump related to replacement parts to rebuild sludge pumps in use at the Water Treatment Plant. SRU has been unable to obtain additional quotes for the specified parts. Also attached is a Certificate of Sole Source from Carter Pump indicating they are the sole manufacturer and supplier. As such, SRU requests authorization to proceed with a sole source purchase from Carter Pump for sludge pump replacement parts in the amount of $9,010.00.

Attachments:  ☒ Yes  ☐ No

Fiscal Note:  N/A

Action Requested of Council for Agenda Item:  Council to consider authorizing a sole source purchase from Carter Pump for sludge pump replacement parts in the amount of $9,010.00.

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature  

Department Head Signature  

Budget Manager Signature  

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  April 6, 2021

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

Name of Presenter(s):  Jason Wilson

Requested Agenda Item:  WTP Automated Chemical Controls Sole Source Purchase

Description of Requested Agenda Item:  Attached is a quote obtained by LaBella Associates on behalf of SRU from ForTech Automation Controls for the Chemical Feed Improvements at the Water Treatment Plant. LaBella contacted multiple vendors to request additional quotes with no response. This quote includes specific control strategy related to the automation of the supply of multiple chemicals to improve filter efficiency. This control strategy is integrated with the SCADA systems already in place at the water treatment plant and therefore is highly specialized. As such, LaBella’s recommendation is to proceed with the proposal from ForTech, which is within the engineer’s estimated cost range for this type of work. Obtaining multiple quotes allows for increased risk and potential exposure of control systems logic to the public. Therefore, SRU requests authorization to proceed with a sole source purchase from ForTech for materials and services associated with the control logic and integration of the Chemical Feed Improvements at the Water Treatment Plant.

Attachments:  □ Yes  □ No

Fiscal Note:  N/A

Action Requested of Council for Agenda Item:  Council to consider authorizing a sole source purchase from ForTech, Inc. for materials and services associated with the control logic and integration of the Chemical Feed Improvements at the Water Treatment Plant in the amount of $88,930.00.

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature
Salisbury City Council
Agenda Item Request Form

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Salisbury City Council

Agenda Item Request Form

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

Requested Council Meeting Date:  April 6, 2021

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

Name of Presenter(s):

Requested Agenda Item:  Council to endorse partnering with Operation Hope for the 1MBB initiative.

Description of Requested Agenda Item:  Council to endorse partnering with Operation Hope for the 1MBB initiative to engage community partners including Livingstone College, Horizon Bank, NAACP, Rowan County Chamber of Commerce and Rowan EDC to increase the number of Black businesses in Salisbury.

Attachments:  ☒ Yes  □ No

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

Action Requested of Council for Agenda Item:  Council to endorse partnering with Operation Hope for the 1MBB initiative. (Please note if item includes an ordinance, resolution or petition)

Contact Information for Group or Individual:  Mayor Alexander

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

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

☐ Approved    ☐ Delayed    ☐ Declined

Reason:
DRIVING BLACK ECONOMIC DEVELOPMENT ACROSS THE US
1MBB GOALS & OBJECTIVES

We are committed to impacting **one million Black-owned businesses by 2030**, by:

- **Strengthening** Black businesses to make a significant impact in reducing economic inequality and increasing economic self-sufficiency for Black Americans.

- **Inspiring and Encouraging** Black entrepreneurs and existing business owners to take their business ideas to the next level.

- **Providing** the knowledge, financial coaching and counseling, tools and resources to create successful and resilient businesses in both in-person and digital formats.

- **Serving** as a gateway to lending and equity investment for start-up and new business growth.

- **Creating** a dynamic and supportive community of Black businesses that can encourage and motivate each other, create thriving partnerships and competitively bid on contracts.

- **Building** a coalition of partners including cities, states, private and public companies, nonprofits, government agencies and philanthropists, to support the 1MBB initiative.
Become a City / State Partner
VALUE PROPOSITION

To demonstrate our commitment to the clients of 1MBB, Operation HOPE, in partnership with Shopify, is contributing a package of services worth an estimated $25,000 per business to provide them with the tools and expertise to launch or grow a business.

Services include:
- Business learning
- Coaching and mentorship opportunities
- Business specialist support through our partnership organizations
- Educational support for building or transitioning to an eCommerce business on Shopify
- Shopify’s 120-day trial exclusive to 1MBB clients

OUR PARTNERS

shopify

iHeart Radio

Aprio

First Horizon National Corporation

City of Memphis

Black Men of America, Inc.
Make Your Pledge & Get Your Code. Commit to how many Black businesses you will refer and support through 2030. You will be given a unique code to share with Black business owners and entrepreneurs to recruit into the 1MBB program.

Build a local coalition with local partners, nonprofit organizations, faith-based groups, community organizations, Chambers, Small Business Administration offices, and corporations to amplify the work of 1MBB and impact more businesses in your community.

Fill out your commitment application

Spread the Word. The 1MBB Team will provide your with recruitment email and media kit to help share your commitment to 1MBB with your key stakeholders.
BUILDING THE 1MBB COALITION: DEEPENING YOUR IMPACT

Achieving a goal that is this important and audacious requires building a coalition of forward thinking and dedicated partners.

Cities and States who are looking to deepen their impact and improve outcomes for their local Black business owners and aspiring entrepreneurs can support 1MBB through some or all of the following:

- Encouraging local Black Entrepreneurs & Business Owners to participate in 1MBB
- Convening Local Partners
- Getting the 1MBB Message Out: Marketing
- Making Introductions
- Encouraging Volunteering
- Conducting a City Assessment
- Providing In-kind Products or Services
- Collecting and Reporting data
- Providing Financial support
- Establishing a backbone organization for ongoing support
GET Started TODAY

CLICK HERE to Make Your Partnership Commitment

For Additional Information on City / State Partnership Opportunities, contact:

**Jena Roscoe**  
Senior Vice President Government Relations, Public Policy  
Jena.Roscoe@operationhope.org

**Jessica Bergeron**  
Senior Vice President | HOPE Innovation & Learning  
jessica.bergeron@operationhope.org

HOPE1MBB.org
Rowan County has requested an easement for a Chemical Booster Station to serve the County’s North East Water System (off Long Ferry Road). The property is located at 1375 Long Ferry Road and is currently used by SRU for a water tank. The County’s proposed use will not interfere with SRU’s use. A draft easement is attached. The legal description will be added when the County’s survey is complete.

Attachments: ☒ Yes ☐ No

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

None

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

Council to take action to authorize the Mayor to execute a deed of easement to Rowan County.

Contact Information for Group or Individual: graham.corriher@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________
Finance Manager Signature  Department Head Signature

Budget Manager Signature

****All agenda items must be submitted at least 7 days before the requested Council meeting date****
Salisbury City Council
Agenda Item Request Form

For Use in Clerk’s Office Only

☐ Approved          ☐ Delayed          ☐ Declined

Reason:
STATE OF NORTH CAROLINA  
COUNTY OF ROWAN  

WATER LINE EASEMENT  
TAX MAP 052 PARCEL 186

DEED OF SEWER EASEMENT

THIS DEED OF EASEMENT, made this _____ day of __________ 2021, by and between the CITY OF SALISBURY, a North Carolina municipal corporation whose principal address is 132 North Main Street, Salisbury, NC 28144 (“Property Owner”), and ROWAN COUNTY, a political subdivision of the State of North Carolina whose address is 130 West Innes Street, Salisbury, NC 28144 (“County”).

W I T N E S S E T H:

WHEREAS, the Property Owner is the owner of certain property located in Rowan County, North Carolina, identified as Rowan County Tax Map 052 Parcel 186 and described in Deed Book 1109 at Page 966 of the Rowan County Registry (the “Property”);

WHEREAS, the County desires to acquire and the Property Owner desires to convey to the County a permanent, non-exclusive easement over the Property for the purpose of constructing, installing, altering, maintaining, repairing, and operating a chemical booster station.

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration to it in hand paid, the receipt and sufficiency of which are hereby acknowledged, the Property Owner does hereby convey unto the County, its successors and assigns, that certain Easement Area with a Temporary Construction Easement as more particularly described in Exhibit A attached hereto (the “Easement Area”) for the purpose of constructing, installing, altering, maintaining, repairing, and operating a chemical booster pump station to serve the County’s Northeast Water System.
After completion of any construction or maintenance in the Easement Area, the County, at its sole expense, will restore the appearance of the area as nearly as reasonably possible to that which existed immediately prior to such activity and will repair any damage to the remainder of the premises and improvements located on the premises arising out of the County’s exercise of its rights hereunder. The County shall be solely liable to maintain any improvements which it makes in the Easement Area in a first class manner so that the area is kept clean and safe for the public.

All rights, title and privileges herein granted and all benefits and burden shall run with the land and be binding upon and inure to the benefit of the parties, their respective heirs, personal representatives, successors and assigns.

TO HAVE AND TO HOLD the aforesaid Easement Area and all privileges and appurtenances thereunto belonging to the County, its successors and assigns, for the uses and purposes herein described.

And the Property Owner does convenant that it is seized of the Easement Area in fee simple and has the right to convey the easement rights and easement area contained herein, that it will warrant and defend the said title to the same against the lawful claims of all persons whomever, except for those covenants, conditions, and rights currently existing in and to the easement area, if any.

And the Property Owner further covenants that it will not erect or construct nor permit to be erected or constructed any buildings, fences, or permanent structures, nor permit any activity within the Easement Area which in the reasonable judgment of the County is inconsistent with the County’s use of the Easement Area.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK-SIGNATURE PAGES FOLLOWS]
IN WITNESS WHEREOF, the Grantor has caused this instrument to be
signed in its corporate name by its duly authorized officers and its seal to be hereunto
affixed by authority of its City Council, the day and year first written above.

CITY OF SALISBURY,
a North Carolina Municipal Corporation

BY: ______________________________(SEAL)
Karen K. Alexander, Mayor

ATTEST:
______________________________(SEAL)
Kelly Baker, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF ROWAN

I, ________________________________, a Notary Public of the aforesaid
County and State, do hereby certify that Karen K. Alexander, Mayor, City of
Salisbury, personally appeared before me this day, and acknowledged the due
execution of the foregoing instrument.

WITNESS my hand and Notarial seal, this ___ day of
______________________, 2021.

_______________________________
NOTARY PUBLIC

My commission expires: ________________

(SEAL)
EXHIBIT A

LEGAL DESCRIPTION
Salisbury Oaks Apartments: Request to rezone parcel 061 071 from Residential Mixed-Use (RMX) and Highway Business (HB) and removing the existing General Development Overlay (GD-A), to Residential Mixed-Use (RMX) and create a Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.
Salisbury City Council
Agenda Item Request Form

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
ZONING PERMIT APPLICATION

SHAD ED AREAS FOR STAFF USE ONLY

FILING DATE

CASE #

PLAN REVIEW CASE # (IF APPLICABLE):

NOTE TO APPLICANT: SUPPLEMENT PLAN REVIEW FORMS AVAILABLE IF PLAN REVIEW IS REQUIRED. PERMITTING & PLAN REVIEW SERVICES REQUIRE 1 HARD SET AND 1 ELECTRONIC SET (PDF)

BUILDING INFORMATION

☐ New Principal Building
☐ Addition
☐ Remodel/Upfit
☐ Accessory Structure

EXISTING SQFT: _____________

PROPOSED SQFT: ______________

DEVELOPMENT TYPE

☐ House (<5 units)
☐ MF (<8 units)
☐ MF (≥8 units)
☐ Non-Residential (<10,000 sf)
☐ Non-Residential (≥10,000 sf)
☐ Floodplain/Watershed
☐ Parking Lot—Primary Use

USE INFORMATION

☐ New/Added Use
☐ Change of Use
☐ No Change of Use
☐ (existing use remains)
☐ Home Occupation
☐ Temporary Use

PROJECT DESCRIPTION

PLAN SUBMITTAL ATTACHMENTS

☐ Site ☐ Floor
☐ Elevation ☐ Landscape

PROPERTY & CONTACT INFORMATION

Rowan County Parcel ID(s): _____________________________________________

Address or Site Location: _______________________________________________

Subdivision: N/A

Lot(s):

Applicant: Halcon Development, LLC Attn. Traci Dusenbury

Address: 1980 Rocky Ford Road Powhatan, VA 23139

Email: tdusenbury@halconcompanies.com

Best Phone: 919-741-9328

Owner (if different than applicant): John F. and Joan B. Leatherman

Address: 120 Gregory Road Salisbury, NC 28147

Email: johnleatherman Joan Leatherman Daytime Phone: 704 213-0752

SIGNATURE

I certify that all information provided on this application is accurate and that all work will be performed to meet the laws of the State of North Carolina, the standards of the Salisbury Land Development Ordinance, and the City of Salisbury Uniform Construction Standards Manual. Submission of this application does not constitute a granting of approval or issuance of a permit. The City of Salisbury reserves the right to request additional information to ensure complete review.

Applicant: ____________________________________________

Application Last Revised: NOVEMBER, 2020

* SEE BACK OF PAGE FOR UTILITY CONNECTION STATUS
## Utility Connections

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<th>Utility</th>
<th>Existing</th>
<th>Proposed</th>
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## Department Use Only

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<th>Project Title</th>
<th>Salisbury Oaks at South Main</th>
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<td>Zoning:</td>
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<td>Overlay:</td>
<td>__________</td>
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<td>Local Historic Overlay?</td>
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<td>Present Use:</td>
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<td>Present Use:</td>
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Number, type, and condition of any existing structures:

List any known nonconformities:

Does the project require issuance of an NCDOT driveway permit?  Yes No

Does the overall project generate 3,000+ vpd during an average weekday? (Sec. 4.14)  Yes No

Will the project provide outdoor lighting on private property? (Ch. 11)  Yes No

Will the project require outdoor storage? (Sec. 6.9)  Yes No

Does a sidewalk exist along the street side parcel lines? (Sec. 4.4)  Partial Yes No

Requesting Payment In Lieu of Mitigation based on the TIA? (Sec. 4.14)  Yes No

Requesting Payment In Lieu of Recreational Open Space Allocation? (Sec. 7.6)  Yes No

Requesting Payment In Lieu of Sidewalk? (Sec. 4.9)  Yes No

Property Size (gross area in acres): __________  Area of Disturbance (acres): __________

Other & Notes:
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<th>PARCEL_ID</th>
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<td>ATLANTIC ACCEPTANCE CORP</td>
<td>1115 CENTRAL PARK CIR</td>
<td>DAVIDSON</td>
<td>NC</td>
<td>28036-9312</td>
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<tr>
<td>061 067</td>
<td>HUNT WEBB M JR &amp;</td>
<td>127 E TRADE ST</td>
<td>FOREST CITY</td>
<td>NC</td>
<td>28043</td>
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<tr>
<td>061 121</td>
<td>AIRGAS USA LLC SOUTH DIVISION</td>
<td>PO BOX 6675</td>
<td>RADNOR</td>
<td>PA</td>
<td>19087-8675</td>
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<td>061 217</td>
<td>FHD 5 LLC</td>
<td>614 N MAIN ST</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28144</td>
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<td>061 252</td>
<td>ROY ENTERPRISES LLC</td>
<td>310 JAKE ALEXANDER BLVD W</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28147</td>
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<td>061 066</td>
<td>N C BOARD OF TRANSPORTATION</td>
<td>RR 11 BOX 730</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28144</td>
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<td>061 068</td>
<td>FBB PROPERTY MANAGEMENT LLC</td>
<td>1932 S MAIN ST</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28144</td>
</tr>
<tr>
<td>061 250</td>
<td>SHARBO LLC</td>
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<td>SPENCER</td>
<td>NC</td>
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<tr>
<td>061200801</td>
<td>ARTZ CHARLES E &amp; WF</td>
<td>1963 SHERWOOD ST</td>
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<tr>
<td>061200807</td>
<td>WHITE FRANKLIN MATTHEW</td>
<td>1975 SHERWOOD ST</td>
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<tr>
<td>061 050</td>
<td>P &amp; L BUTLER GROUP LLC</td>
<td>PO BOX 836</td>
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<td>061 071</td>
<td>LEATHERMAN JOHN F III &amp; WF</td>
<td>120 GREGORY RD</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28147</td>
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<tr>
<td>061 187</td>
<td>ALEXANDER STATION OWNER LLC</td>
<td>160 CLUBHOUSE RD</td>
<td>KING OF PRUSSIA</td>
<td>PA</td>
<td>19406-3300</td>
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<td>2022 ROSEMONT ST</td>
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<td>28144</td>
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<tr>
<td>061 124</td>
<td>CVA SALISBURY LLC</td>
<td>UNITED MANAGEMENT II</td>
<td>FAYETTEVILLE</td>
<td>NC</td>
<td>28303</td>
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<tr>
<td>061 256</td>
<td>ROY ENTERPRISES LLC</td>
<td>310 JAKE ALEXANDER BLVD W</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28147</td>
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<tr>
<td>061 258</td>
<td>ATLANTIC ACCEPTANCE CORP</td>
<td>1115 CENTRAL PARK CIR</td>
<td>DAVIDSON</td>
<td>NC</td>
<td>28036-9312</td>
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<td>061200803</td>
<td>CUNNINGHAM CASSANDRA A</td>
<td>2015 ROSEMONT ST</td>
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<td>FAULKENBURY JACK D</td>
<td>2010 ROSEMONT ST</td>
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<td>NC</td>
<td>28144</td>
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<tr>
<td>061200808</td>
<td>LINHART RANDOLPH W JR &amp; WF</td>
<td>106 CONFEDERATE AVE</td>
<td>SALISBURY</td>
<td>NC</td>
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<td>061200809</td>
<td>SALOW LAURA M</td>
<td>2023 ROSEMONT ST</td>
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<td>061200909</td>
<td>YANCEY BENJAMIN &amp; WF</td>
<td>2030 ROSEMONT ST</td>
<td>SALISBURY</td>
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<td>GUZMAN MERCEDES GRISELDA &amp;</td>
<td>2016 ROSEMONT ST</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28144-0000</td>
</tr>
</tbody>
</table>
January 20, 2021

Dear Property Owner:

Hi, I would like to notify you that we are holding one-on-one neighborhood briefings to talk about the proposed removal of an overlay district of a property near you. The property is parcel 061-071, located at approximately or close to 2008 S. Main Street, Salisbury, 8.92 +/- acres. The property is zoned RMX which allows for apartment units and we plan to develop a high-quality community and hope to limit traffic to S. Main Street if at all possible. We are in the very early stages of development and are seeking input. Enclosed is a proposed site plan.

Due to COVID and the safety of the community, we are not holding a community meeting, but would like to get feedback and answer any questions you might have one-on-one. Please contact the Developer, Traci Dusenbury at (804) 376-7290 or tdusenbury@halconcompanies.com or Engineer, Matt Lowder, at (919) 553-6570 or mlowder@trianglesitedesign.com if you have questions. If there is enough interest we may hold a virtual meeting via zoom on 1/31 at 4:00pm, so please call or email if you would like to do that and we can send you a number to access the virtual meeting.

Thank you,

Traci Dusenbury

Traci Dusenbury
Developer
tdusenbury@halconcompanies.com
CONDITIONAL DISTRICT SUPPLEMENT FORM

FILING DATE ______________________ CASE # ______________________

CD MASTER PLAN ADOPTION $1,000
CD MASTER PLAN AMENDMENT $750
CD MASTER PLAN REVISION $50
* FEES PER CITY OF SALISBURY BUDGET ORDINANCE

☐ CD Master Plan Adoption (LDO Sec. 15.22)
☐ CD Master Plan Amendment (LDO Sec. 15.22.E)
☐ CD Master Plan Revision (LDO Sec. 15.22.F)

Submittal Requirements:
☐ Completed Zoning Permit Application  ☑ Plan Review Payment (cash, check, charge)
☑ Plan Submittal per Ch. 16 of LDO (1 paper set, 1 e-set in Adobe PDF)

A petition for a CD Master Plan must be submitted by the property owner(s) of all land included in the petition. An owner representative must submit an affidavit authorizing representation. Multiple owners shall be listed on a separate sheet with ownership corresponding to all parcels included in the petition.

PROJECT INFORMATION

Project Title: Salisbury Oaks at South Main

Present Use: Vacant

Number, type, and condition of any existing structures: None

Total Acreage: 8.92  Project/Disturbed Acreage: 6.8

Provide overall project built-upon area (%) for NPDES determination: 50%

(applicable for projects over 1 acre or part of a larger common plan of development - Sec. 9.6)

Does the project require issuance of an NCDOT driveway permit? ☐ Yes ☐ No

Does the overall project generate 3,000+ vpd during an average weekday? (Sec. 4.14) ☐ Yes ☐ No

Will the project provide outdoor lighting on private property? (Ch. 11) ☐ Yes ☐ No

Will the project require outdoor storage? (Sec. 6.9) ☐ Yes ☐ No

Does a sidewalk exist along the streetside parcel lines? (Sec. 4.4) ☐ Partial ☐ Yes ☐ No

Will the project tie into an existing water or sewer connection? ☐ Water ☐ Sewer ☐ Neither

Is the project requesting a new water or sewer connection? ☐ Water ☐ Sewer ☐ Neither

Will the project involve installation of a new public or private fire line? ☐ Yes ☐ No

SIGNATURE

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

Petitioner(s): Joan Leatherman

Application Last Revised: March, 2020
Pursuant to LDO Sec. 16.4, a Master Plan set (prepared by a licensed design professional with the appropriate statutory authority) must include the Site Plan, an Illustrative Landscape Plan, Building Design Plans, and other plans or documentation where applicable.

All plans must show or provide the following information where applicable; however, per Sec. 15.4, the Administrator may waive specific application requirements in certain situations:

### Site Plan Information:

<table>
<thead>
<tr>
<th>Information</th>
<th>Required</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Title, property owner(s), developer(s), etc. &amp; date of plan</td>
<td>(16.4.B, C, &amp; I)</td>
<td>x</td>
</tr>
<tr>
<td>Vicinity Map</td>
<td>(16.4.A)</td>
<td>x</td>
</tr>
<tr>
<td>Boundary Survey &amp; Limits of Construction</td>
<td>(16.4.D &amp; P)</td>
<td>x</td>
</tr>
<tr>
<td>Original / Proposed contours at max. 2-ft intervals</td>
<td>(16.4.F)</td>
<td>x</td>
</tr>
<tr>
<td>Any portion within Watershed Protection Area</td>
<td>(16.4.M)</td>
<td></td>
</tr>
<tr>
<td>Corporate Limits &amp; ETJ boundaries, where applicable</td>
<td>(16.4.R)</td>
<td>x</td>
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<tr>
<td>Phase Lines</td>
<td>(16.4.S)</td>
<td>x</td>
</tr>
<tr>
<td>Floodplain, Floodway, Jurisdictional Wetlands, and/or streams, where applicable</td>
<td>(16.4.T)</td>
<td>x</td>
</tr>
<tr>
<td>Site Calculations (acreage, open space, parking, # units, GFA, etc.)</td>
<td>(16.4.E)</td>
<td>x</td>
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<tr>
<td>Scale, denoted graphically &amp; numerically</td>
<td>(16.4.G)</td>
<td>x</td>
</tr>
<tr>
<td>Any required Certification Statements</td>
<td>(16.4.H)</td>
<td>x</td>
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<tr>
<td>Zoning District of project area and adjacent properties</td>
<td>(16.4.J)</td>
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</tr>
<tr>
<td>Location, dimensions &amp; setbacks of all lots &amp; buildings</td>
<td>(16.4.L)</td>
<td>x</td>
</tr>
<tr>
<td>Location of all parking &amp; loading areas with striping and dimensions</td>
<td>(16.4.L)</td>
<td>x</td>
</tr>
<tr>
<td>Location of all existing &amp; planned streets &amp; alleys with dimensions</td>
<td>(16.4.L)</td>
<td>x</td>
</tr>
<tr>
<td>Location of all existing &amp; planned (o &amp; u) utilities and associated easements</td>
<td>(16.4.L)</td>
<td>x</td>
</tr>
<tr>
<td>Location of all recreational open spaces &amp; other site reservations</td>
<td>(16.4.L)</td>
<td>x</td>
</tr>
<tr>
<td>Location of all required NPDES Best Management Practices (BMPs), if required</td>
<td>(16.4.N)</td>
<td>x</td>
</tr>
<tr>
<td>Cross-sections of proposed streets &amp; alleys</td>
<td>(16.4.O)</td>
<td></td>
</tr>
<tr>
<td>Location of, including details and screening, solid waste containment</td>
<td></td>
<td></td>
</tr>
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</table>

### Illustrative Landscape Plan Information (must be provided in color):

<table>
<thead>
<tr>
<th>Information</th>
<th>Required</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location and type of existing plants/trees and areas to remain natural</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illustrative planting plan exhibiting complete landscaping of the site at maturity</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>

### Building Design Plans Information (Sec. 16.12):

<table>
<thead>
<tr>
<th>Information</th>
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</thead>
<tbody>
<tr>
<td>All exterior wall elevations (for proposed structures or additions)</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Photos of existing conditions and all existing structures</td>
<td></td>
<td>x</td>
</tr>
<tr>
<td>Building materials schedule (samples may be provided)</td>
<td></td>
<td>x</td>
</tr>
</tbody>
</table>
## CASE NO.

**Project Title:** Salisbury Oaks Apartments  

**Petitioner(s):** Halcon Development, LLC  

**Owner(s):** John F. and Joan B. Leatherman  

**Representative(s):** Traci Dusenbury, Halcon Development, LLC; Matt Lowder, Triangle Site Design  

**Address:** Unnumbered Jake Alexander Blvd West and S. Main Street  

**Tax Map & Parcel(s):** 061 071  

**Size / Scope:** 9.227 acres  

**Location:** Subject parcel fronts upon W. Jake Alexander Blvd. with a 25 ft. private drive to S. Main Street, and includes a terminus at Rosemont Street  

## PETITIONER REQUEST

**Request:** Petition proposes rezoning from Residential Mixed-Use (RMX) and Highway Business (HB) to Residential Mixed-Use (RMX), remove the existing General Development (GD-A) Overlay and establish a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.  

**Staff Comments:** The petitioner is proposing to construct a new multi-family apartment complex with a total of 84 units. As proposed, there will be four (4) apartment buildings, and one (1) community clubhouse. Amenities include a playground, a covered picnic area, and a ‘tot lot’ playground for toddler-aged children.  

This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):  

“The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits..."
submit an application for each rental property to be considered during the single competitive annual cycle.”

Staff recommends this rezoning and master plan petition. Although the site is adjacent to a lower-density single-family residential area, the site acts as a transitional area between the low-density residential and higher-intensity commercial uses along S. Main Street. The transverse directional fronts West Jake Alexander Boulevard while the site is also adjacent to the existing Colonial Village apartments (98 units).

Yes, but not as proposed. Section 5.6.A.1 of the Land Development Ordinance (LDO) requires that “when there is no clear or definable principal building … development is considered a Campus-Style Development and shall follow the Conditional District development process.”

**CHARACTER OF AREA**

**Overview:**

The parcel (Parcel ID 061 071) is currently vacant and wooded. The access is via the private drive off of the 2000 block of S. Main Street. The parcel directly abuts another residential apartment use off of W ‘D’ Avenue. To the north is the lower density single family homes along Rosemont, there are additional apartments and single family dwellings, as well as Mt. Zion Missionary Baptist Church.

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of area</td>
<td>Single Family Residential</td>
<td>GR6</td>
</tr>
<tr>
<td>East of area</td>
<td>Multi-family</td>
<td>RMX / CD</td>
</tr>
<tr>
<td>South of area</td>
<td>Commercial</td>
<td>HB</td>
</tr>
<tr>
<td>North/West of area</td>
<td>Commercial-multi tenant</td>
<td>RMX</td>
</tr>
</tbody>
</table>
Public Schools:

- **Elementary:** Koontz
- **Middle:** Knox / Henderson
- **High:** Salisbury / North Rowan / Henderson

Fire District:

- **City of Salisbury** - Station 2 (S. Main Street)

Utilities

- **Water & Sewer:**
  - Water is available to the site from Rosemont Street and sewer is available from the adjacent property of Pinnacle Park

Transportation

- **Transit:** Salisbury Transit Route 1 (Green) serves S. Main Street with a dedicated stop at 1904 S. Main Street (Employment Security Commission – approx. 870 feet from the proposed point of entry into this development).

Property Access(s):

- The proposed primary means of ingress & egress is via the 25 ft. private drive off of S. Main Street with a second access off of Rosemont Street with a proposed gate and Knox box for emergency vehicles only. One interconnectivity point (stub-out) to the adjacent multi-family property east of the subject parcel has been provided but will not be completed unless either of the adjacent properties redevelop in the future.

- The petitioner is actively working with the property owners of the parcels abutting the 25 ft. private drive to acquire additional property and/or access easement for a 5 ft. sidewalk for pedestrian access to a public street as required in Section 5.6.A.2 of the Land Development Ordinance. If unable to obtain an agreement, an alternate pedestrian connection is proposed to the cul-de-sac on Rosemont Street.

COMPREHENSIVE & AREA PLANS

Applicable Plans:

- **Vision 2020 Comprehensive Plan**

Applicable Policies & Objectives

- **N-16:** New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.

  \[The \text{proposed \ development \ will \ include \ a \ community \ clubhouse, \ as \ well \ as \ a \ central \ greenspace \ common \ area \ with \ playground, \ gazebo, \ and \ 'tot \ lot' \ playground.}\]
N-18: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.

The proposed development will feature a mix of one, two, and three-bedroom units, providing opportunities for households of different sizes to obtain housing.

N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.

The proposed location is adjacent to other residential multifamily complexes and in close proximity to Jake Alexander Blvd. and S. Main Street. The site has a public transit stop approximately 870 feet from the proposed entrance on S. Main Street. The access point from this development to the existing single family residential area on Rosemont Street will be for emergency vehicles only.

TRC & PLAN REVIEW

TRC Meeting:
The Conditional District petition and associated Master Plan were first reviewed by the city’s Technical Review Commission (TRC) on February 18, 2021. Staff, the Planning Board Liaison, Dennis Rogers, and other reviewing agencies discussed the proposal with the petitioner. Comments were generated and delivered to the petitioner for their consideration. All TRC comments have been addressed at this time.

Conditional District Alternative Design Request(s):
The applicant is not requesting any alternative designs as part of this CD request. The impetus for the CD is compliance with LDO Section 5.6.A.1 relative to campus style development and as a result of the existing General Development Overlay.
Salisbury Oaks at South Main
Salisbury, North Carolina
DISTRICT MAP AMENDMENT: CD-01-2021

<table>
<thead>
<tr>
<th>Project Title:</th>
<th>Salisbury Oaks Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioner(s):</td>
<td>Halcon Development, LLC</td>
</tr>
<tr>
<td>Owner(s):</td>
<td>John F. &amp; Joan B. Leatherman</td>
</tr>
<tr>
<td>Representative(s) or Developer(s):</td>
<td>Traci Dusenbury, Halcon Development, LLC Matt Lowder, Triangle Site Design</td>
</tr>
<tr>
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</tr>
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</tr>
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</tr>
<tr>
<td>Location:</td>
<td>Parcel fronts upon W. Jake Alexander Blvd. with a 25 ft. drive to S. Main Street, and includes a terminus at Rosemont Street</td>
</tr>
</tbody>
</table>

REQUEST:
Request to amend the Land Development Ordinance & Land Development District Map by rezoning a single parcel approximately 9.227 acres from RESIDENTIAL MIXED-USE (RMX) and HIGHWAY BUSINESS (HB) and removing the existing GENERAL DEVELOPMENT OVERLAY (GD-A) to RESIDENTIAL MIXED-USE (RMX) and establish a new CONDITIONAL DISTRICT (CD) OVERLAY for the proposed 84-unit campus-style multi-family development master plan.

STATEMENT OF CONSISTENCY & RECOMMENDATION:
The Salisbury City Council held a public hearing and reviewed the petition and associated Master Plan on April 6, 2021. The Council finds that the use is CONSISTENT with the Salisbury Vision 2020 Comprehensive Plan, is reasonable, and in the public interest because:

- The proposed new development includes more than one neighborhood center and focal point (Policy N-16);
- The proposed new development will provide a mixture of housing sizes within the apartment complex with one (1), two (2), and three (3) bedroom apartment options (Policy N-18);
- The proposed new development will not have a public access through the lower density housing areas and will act as a transitional use between the thoroughfare and lower density housing (N-19).
AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING APPROXIMATELY 9.227 ACRES BY REMOVING THE EXISTING GENERAL DEVELOPMENT OVERLAY (GD-A) WHILE REZONING THE RESIDENTIAL MIXED USE (RMX) AND HIGHWAY BUSINESS (HB) TO RESIDENTIAL MIXED-USE (RMX) AND APPLY A CONDITIONAL DISTRICT OVERLAY TO THE UNNUMBERED WEST JAKE ALEXANDER BLVD, ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 84 UNIT MULTIFAMILY RESIDENTIAL CAMPUS STYLE APARTMENT DEVELOPMENT (PETITION NO. CD-01-2021)

WHEREAS, a petition and associated development documents to rezone land and establish a Conditional District Overlay on the property described herein were properly filed by the petitioner and authorized by the property owner(s); and

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition and associated development documents on March 9, 2021, voting unanimously to recommend approval of the proposed development plan, and stated that the proposal is consistent with the Vision 2020 Comprehensive Plan; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of April 6, 2021; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the parcel described herein from ‘RMX with a GD-A overlay’ to ‘RMX’ district; and establishing a Conditional District (CD) Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies N-16: New development should include a neighborhood center and focal point; Policy N-18: A mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area; and Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit.

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

SECTION 1. That property identified in the City of Salisbury and Rowan County as Tax Map 061, Parcel 171 including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned to ‘RMX’ district with the establishment of a new Conditional District (CD) Overlay pursuant to the approved CD Master Plan.

SECTION 2. DEVELOPMENT DOCUMENTS: That any and all development within this Conditional District (CD) Overlay shall substantially adhere to the approved development documents entitled ‘Salisbury Oaks Apartments,’ which are on file with the City of Salisbury and signed by the Mayor of the City of Salisbury. A corrected set of documents, reflecting City Council approval and any development conditions that were approved by City Council and made a part of this Ordinance, shall be provided to the City for the Mayor’s signature within 30 days of the effective date of this Ordinance and prior to the issuance of any development permits.
SECTION 3. PERMITTED USES (PRIMARY): The ‘RMX’ base district primary use is restricted by this action to that of ‘Dwelling – Multifamily, more than four (4) units per building.’ Any other use requires issuance an Amendment to this Conditional District (CD) Overlay.

SECTION 4. DEVELOPMENT CONDITIONS: That the following conditions are applicable to the development proposal associated with this Ordinance (see above, Section 2, Development Documents) within the Conditional District (CD) Overlay:

- No Conditions Applied

SECTION 5. That as permitted by the Land Development Ordinance, the development documents associated with this Conditional District (CD) Overlay may establish alternatives to specific provisions of the Land Development Ordinance; however, where alternatives are not provided, those and all other applicable Land Development Ordinance provisions remain applicable for any and all development within this Conditional District (CD) Overlay.

SECTION 6. That improvements (public and/or private) for Stormwater drainage, streets, water and sewer shall be designed and installed in accordance with applicable City and Salisbury-Rowan Utilities standards and policies. Layouts shown on the approved, stamped, and signed Development Documents are considered schematic and may require administrative revision(s) upon review of engineering drawings or details (Construction Documents).

SECTION 7. That all Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. That this Ordinance shall be effective from and after its passage.
CD-01-2021:
Salisbury Oaks
Apartments
PID: 061 071

**Petitioner:** Halcon Development, LLC
**Representatives:** Traci Dusenbury, Halcon Development; Matt Lowder, Triangle Site Design
**Property Owner:** John Leatherman
Petition CD-01-2021

- Rezone current base district from
  Residential Mixed-Use (RMX) / Highway Business (HB) to
  Residential Mixed-Use (RMX)
    - RMX permits multi-family residential by-right
    - Max. dwelling units per acre: 18
    - Proposing (du/ac): 9
- Remove existing GD-A Overlay
- Establish new Conditional District Overlay to allow for
  construction of 84-unit campus style multi-family development
Vision 2020 Policies

- **Policy N-16**: New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.

- **Policy N-18**: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.
Vision 2020 Policies

- Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.
Planning Board Courtesy Hearing was held March 9, 2021.

Planning Board voted unanimously to recommend approval as proposed with a motion of “consistent with Vision 2020 Comprehensive Plan.”
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  04/06/2021

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

Name of Presenter(s):  Teresa Barringer, CZO, Development Services Manager

Requested Agenda Item:  CD-02-2021

Description of Requested Agenda Item:  Tenby Crossing Apartments: Request to rezone tax map 062 parcels 055 and 065 by maintaining the underlying Corridor Mixed-Use (CMX), removing the existing previously approved and expired Conditional District Overlay (CD) and create a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.

Attachments:  □ Yes  □ No

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

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Council to hold a public hearing and consider adopting an ordinance to rezone the subject parcel as requested.

Contact Information for Group or Individual:  Teresa Barringer, tbarr@salisburync.gov or 704-638-5210

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

_________________________________
Budget Manager Signature

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

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

☐ Approved  ☐ Delayed  ☐ Declined

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

ZONING PERMIT
APPLICATION

FILING DATE
CASE #
PLAN REVIEW CASE # (IF APPLICABLE):

Rowan County Parcel ID(s): _______________________________________________________
Address or Site Location: ________________________________________________________
Subdivision: __________________________________________ Lot(s): ____________________
Applicant: __________________________________________ Authorized agents also include any party from __________________________________________
Address: __________________________________________ Best Phone: ________________
Email: __________________________________________ Owner (if different than applicant): __________________________________________
Address: __________________________________________ Daytime Phone: ________________
Email: __________________________________________

I certify that all information provided on this application is accurate and that all work will be performed to meet the laws of the State of North Carolina, the standards of the Salisbury Land Development Ordinance, and the City of Salisbury Uniform Construction Standards Manual. Submission of this application does not constitute a granting of approval or issuance of a permit. The City of Salisbury reserves the right to request additional information to ensure complete review.

Applicant: ____________________________

Application Last Revised: MARCH, 2020

* SEE BACK OF PAGE FOR UTILITY CONNECTION STATUS
**UTILITY CONNECTIONS**

<table>
<thead>
<tr>
<th>Utility</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>PUBLIC</td>
<td>NEW</td>
</tr>
<tr>
<td></td>
<td>PRIVATE</td>
<td>REPLACEMENT</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6”</td>
</tr>
<tr>
<td>Sewer</td>
<td>PUBLIC</td>
<td>NEW</td>
</tr>
<tr>
<td></td>
<td>PRIVATE</td>
<td>REPLACEMENT</td>
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<tr>
<td></td>
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<td>8”</td>
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<tr>
<td>Irrigation</td>
<td>PUBLIC</td>
<td>NEW</td>
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<td>PRIVATE</td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire</td>
<td>PUBLIC</td>
<td>NEW</td>
</tr>
<tr>
<td></td>
<td>PRIVATE</td>
<td>REPLACEMENT</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>F.O.G.</td>
<td>New</td>
<td>Replace</td>
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<tr>
<td></td>
<td>Trap</td>
<td>In-ground Interceptor</td>
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<tr>
<td>Backflow</td>
<td>New</td>
<td>Replace</td>
</tr>
<tr>
<td></td>
<td>Upgrade</td>
<td>6”</td>
</tr>
</tbody>
</table>

**DEPARTMENT USE ONLY**

| Project Title: |  |
| Zoning: | Overlay: | Local Historic Overlay? □ Yes □ No |
| Present Use: |  |
| Number, type, and condition of any existing structures: |  |
| List any known nonconformities: |  |
| Does the project require issuance of an NCDOT driveway permit? | □ Yes □ No |
| Does the overall project generate 3,000+ vpd during an average weekday? (Sec. 4.14) | □ Yes □ No |
| Will the project provide outdoor lighting on private property? (Ch. 11) | □ Yes □ No |
| Will the project require outdoor storage? (Sec. 6.9) | □ Yes □ No |
| Does a sidewalk exist along the street side parcel lines? (Sec. 4.4) | □ Partial □ Yes □ No |
| Requesting Payment In Lieu of Mitigation based on the TIA? (Sec. 4.14) | □ Yes □ No |
| Requesting Payment In Lieu of Recreational Open Space Allocation? (Sec. 7.6) | □ Yes □ No |
| Requesting Payment In Lieu of Sidewalk? (Sec. 4.9) | □ Yes □ No |
| Property Size (gross area in acres): |  |
| Area of Disturbance (acres): |  |
| Other & Notes: |  |
CONDITIONAL DISTRICT SUPPLEMENT FORM

FILING DATE 02/05/2021
CASE # CD-02-2021

☐ CD Master Plan Adoption (LDO Sec. 15.22)
☐ CD Master Plan Amendment (LDO Sec. 15.22.E)
☐ CD Master Plan Revision (LDO Sec. 15.22.F)

Submittal Requirements:
☒ Completed Zoning Permit Application ☒ Plan Review Payment (cash, check, charge)
☒ Plan Submittal per Ch. 16 of LDO (1 paper set, 1 e-set in Adobe PDF)

PROJECT INFORMATION

Project Title: Tenby Crossing

Present Use: None - currently undeveloped

Number, type, and condition of any existing structures:
None - currently undeveloped

Total Acreage: see attached notes  Project/Disturbed Acreage: see attached notes

Provide overall project built-upon area (%) for NPDES determination: see attached notes
(applicable for projects over 1 acre or part of a larger common plan of development - Sec. 9.6)

Does the project require issuance of an NCDOT driveway permit? ☐ Yes ☒ No

Does the overall project generate 3,000+ vpd during an average weekday? (Sec. 4.14) ☐ Yes ☒ No

Will the project provide outdoor lighting on private property? (Ch. 11) ☒ Yes ☐ No

Will the project require outdoor storage? (Sec. 6.9) ☐ Yes ☒ No

Does a sidewalk exist along the streetside parcel line? (Sec. 4.4) ☐ Partial ☒ Yes ☐ No

Will the project tie into an existing water or sewer connection? ☒ Water ☐ Sewer ☐ Neither

Is the project requesting a new water or sewer connection? ☒ Water ☐ Sewer ☐ Neither

Will the project involve installation of a new public or private fire line? ☒ Yes ☐ No

SIGNATURE

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

Petitioner(s): Kent Place Holdings, LLC  Owner: CK Salisbury Retail, LLC
Stephen Brock - Managing Member  R David Haggart - Managing Member
Application Last Revised: MARCH, 2020
**PROJECT PLANNING CHECKLIST**

Pursuant to LDO Sec. 16.4, a Master Plan set (prepared by a licensed design professional with the appropriate statutory authority) must include the Site Plan, an Illustrative Landscape Plan, Building Design Plans, and other plans or documentation where applicable.

All plans must show or provide the following information where applicable; however, per Sec. 15.4, the Administrator may waive specific application requirements in certain situations:

### Site Plan Information:

<table>
<thead>
<tr>
<th>Item</th>
<th>DONE</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Title, property owner(s), developer(s), etc. &amp; date of plan</td>
<td>✔</td>
<td>N/A</td>
</tr>
<tr>
<td>Vicinity Map</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Boundary Survey &amp; Limits of Construction</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Original / Proposed contours at max. 2-ft intervals</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Any portion within Watershed Protection Area</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Corporate Limits &amp; ETJ boundaries, where applicable</td>
<td>✔</td>
<td>N/A</td>
</tr>
<tr>
<td>Phase Lines</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Floodplain, Floodway, Jurisdictional Wetlands, and/or streams, where applicable</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Site Calculations (acreage, open space, parking, # units, GFA, etc.)</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Scale, denoted graphically &amp; numerically</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Any required Certification Statements</td>
<td>✔</td>
<td>N/A</td>
</tr>
<tr>
<td>Zoning District of project area and adjacent properties</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location, dimensions &amp; setbacks of all lots &amp; buildings</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location of all parking &amp; loading areas with striping and dimensions</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location of all existing &amp; planned streets &amp; alleys with dimensions</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location of all existing &amp; planned (o &amp; u) utilities and associated easements</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location of all recreational open spaces &amp; other site reservations</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Location of all required NPDES Best Management Practices (BMPs), if required</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Cross-sections of proposed streets &amp; alleys</td>
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</tr>
<tr>
<td>Location of, including details and screening, solid waste containment</td>
<td>✔</td>
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</tbody>
</table>

### Illustrative Landscape Plan Information (must be provided in color):

<table>
<thead>
<tr>
<th>Item</th>
<th>DONE</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location and type of existing plants/trees and areas to remain natural</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Illustrative planting plan exhibiting complete landscaping of the site at maturity</td>
<td>✔</td>
<td></td>
</tr>
</tbody>
</table>

### Building Design Plans Information (Sec. 16.12):

<table>
<thead>
<tr>
<th>Item</th>
<th>DONE</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>All exterior wall elevations (for proposed structures or additions)</td>
<td>✔</td>
<td>N/A</td>
</tr>
<tr>
<td>Photos of existing conditions and all existing structures</td>
<td>✔</td>
<td>N/A</td>
</tr>
<tr>
<td>Building materials schedule (samples may be provided)</td>
<td>✔</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Attachment to CD Application

Acreage – the proposed development is within a small retail business park – Westgate Commons. All other parcels in the park are developed.

For purposes of this application, the Subject Parcels are defined as the two parcels upon which the apartment development would be built – PINs:

062 065
062 055

As well, there are three additional parcels that serve all of Westgate Commons (herafter, Service Parcels) – one containing an internal drive and two containing ponds with the following PINs:

062 062
062 064
062 056

The original developer and owner of all five parcels, CK Salisbury Retail, LLC, requires that in buying the Subject Parcels that we also take ownership of the Service Parcels. They are developed in a sense but not solely dedicated to the proposed development as they serve all of Westgate Commons. While no POA exists, there exist Master Declaration obligations of all Westgate Commons parcels to contribute to ongoing maintenance of the Service Parcels.

As such, acreage is summarized as follows:

Subject Parcel acreage – 6.05
Subject Parcel disturbed acreage -
Service Parcel acreage – 2.57
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As such, acreage is summarized as follows:

- Subject Parcel acreage – 6.1
- Subject Parcel disturbed acreage – 5.7
- Service Parcel acreage – 2.6
Neighborhood Notification List

PIN 062 043
Hedrick Realty & Investment Co
PO Box 1040
Salisbury, NC 28145

PIN 062 045
Salisbury Motor Co Inc.
700 W Innes St
Salisbury, NC 28144

PIN 062 066
LIDL US Operations LLC
3500 S Clark St
Arlington, VA 22202

PIN 062 002
Livingstone College Inc
701 W Monroe St
Salisbury, NC 28144

PIN 062 051
Southtrust Bank/Thomson Reuters
PO Box 2609
Carlsbad, CA 92018

PIN 062 048
Alexander Pointe Salisbury LLC
4525 Main St – Suite 900
Virginia Beach, VA 23462

PIN 062 004
Eugene Partee/James E Sloan
404 17th St
Spencer, NC 28159

PIN 062 00401
Rodney Eugene Cuthbertson
PO Box 1141
Salisbury, NC 28145

PIN 062 003
Aroy Dee Thai LLC
Suite B3-#329
8116 S Tryon St
Charlotte, NC 28273

PIN 062 027
Meriam S & Maurice Little
624 S Main St
Roxboro, NC 27573

PIN 062 028
James Cecil Simpson Jr
1400 5th Ave - Apt 5E
New York, NY 10026

PIN 062 032
Walter L Yates, Jr & Victoria Perez
512 Milford Hills Rd
Salisbury, NC 28144

PIN 062 031
Samuel and George Hopkins
11220 Raging Brook Dr
Bowie, MD 20720

PINs 062 034, 062 035, and 062 040
Livingstone College Trustees
701 W Monroe St
Salisbury, NC 28144

PIN 062 038
Morris L and Virginia Wiggins
604 Milford Hills Rd
Salisbury, NC 28144

PIN 062 033
Hood Theological Seminary
1810 Lutheron Synod Dr
Salisbury, NC 28144

PIN 062 037
Grady & Lillie Nelson
610 Milford Hills Rd
Salisbury, NC 28144

PIN 062 039
Preston & Pamela Jones
618 Milford Hills Rd
Salisbury, NC 28144

PIN 062 063
Griffeth Properties, LLC
PO Box 490
Hull, GA 30646

PIN 062 061
Express Partners II LLC
1235-E East Blvd Suite 205
Charlotte, NC 28203

PIN 062 058
Premier Federal Credit Union
   Attn Tyler Duke
1400 Yanceyville St
Greensboro, NC 27405

PIN 062 059
Aldi, NC LLC/Ryan Tax Compl Svc LLC
PO Box 460059 Dept 501
Houston, TX 77056

PIN 062 057
T&J Investment Enterprises LLC
985 US Hwy 64 W
Mocksville, NC 27028
February 11, 2021

Owner of Property ID: PIN HERE
ADRESSEE
STREET
CITY STATE ZIP

RE: Proposed “Conditional District” application for Tenby Crossing to The City of Salisbury

Dear Property Owner:

I’m writing to inform you that my firm has filed a Conditional District application for Tenby Crossing to be located in Westgate Commons shopping center. Location map on reverse page. The development will consist of up to eighty-four apartment units in three buildings and a clubhouse/management office. There will be no commercial, retail, office, or other use on the property. The enclosed site plan and elevations show the proposed design and look and feel of the property. Please feel free to contact me with any questions.

You may submit written comments to the City of Salisbury:

   City of Salisbury
   Development Services
   132 N Main St
   Salisbury, NC 28144
   email: 1stop@salisburync.gov

The City of Salisbury will review this application upon final scheduling of meetings. A notice will be sent out by the City of Salisbury to all properties within 250 ft. of the proposed site. Tentative dates for the legislative meetings are listed below:

   Planning Board: Tuesday, March 9, 2021
   City Council: Tuesday, April 6, 2021

Regards,

Stephen Brock
Managing Member – Kent Place Holdings, LLC
### Planning & Zoning Analysis

**CASE NO.**

<table>
<thead>
<tr>
<th>Project Title:</th>
<th>TENBY CROSSING APARTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioner(s)</td>
<td>Kent Place Holdings, LLC (Stephen Brock)</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>CK Salisbury Retail, LLC (R. David Haggart)</td>
</tr>
<tr>
<td>Representative(s)</td>
<td>Stephen Brock, Kent Place Holdings, LLC; Matt Raab, Wynnfield Properties, Inc.; Matt Williams, PE, Borum, Wade, &amp; Assoc.</td>
</tr>
</tbody>
</table>

**Address**

Unnumbered Brenner Avenue

**Tax Map & Parcel(s)**

062 055, 065

**Size / Scope**

Approximately 6.137 acres (total of 2 parcels)

**Location**

Unnumbered outparcel of Westgate Commons in the 100 blk of Brenner Avenue adjacent to Milford Hills Road

### PETITIONER REQUEST

**Request:**

Petition proposes no change to underlying Corridor Mixed-Use (CMX) base zoning, but removes the existing and expired Conditional District Overlay of a previously approved CD-01-2012 and establishes a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.

**Staff Comments:**

This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):

“The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits submit an application for each rental property to be considered during the single competitive annual cycle.”
The two parcels are currently owned by CK Salisbury Retail LLC. The 4.78 acre tract was previously approved for development of an 84-unit apartment complex by a different developer and design. The previous vesting of approval had already expired but not yet been removed. The developer is also under contract to obtain ownership of the existing internal private drives, and two BMP ponds.

**Yes, but not as proposed.** The proposed use of multi-family residential is a permitted “by-right” use in the CMX district. This petition proposes campus-style development, where the buildings are oriented to parking areas and/or recreational open space and not towards a public street. In addition, the developer may be proposing alternative site and building design to specific sections of the Land Development Ordinance.

**CMX: Residential Mixed-Use**

84-unit rental apartment development within four (4) multi-story buildings. In addition, one (1) clubhouse/leasing office, parking areas, and Recreational Open Space areas are proposed.

CMX district permits up to 18 dwelling units per acre. The submitted plan proposes a density of 13.687 dwelling units per acre.

**Intensity:**

N/A
CHARACTER OF AREA

Overview:
The 6.137 acre site includes two outparcels of the existing Westgate Commons commercial retail development to be combined into one parcel.

Surrounding Land Use(s) & Zoning:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of area (Salisbury north)</td>
<td>Single-Family (Milford Hills)</td>
<td>GR-6</td>
</tr>
<tr>
<td>East of area (Salisbury east)</td>
<td>Civic &amp; Institutional (vacant) / Single Family</td>
<td>GR6 &amp; CI</td>
</tr>
<tr>
<td>South of area (Salisbury south)</td>
<td>Commercial multi-tenant retail</td>
<td>HB</td>
</tr>
<tr>
<td>West of area (Salisbury west)</td>
<td>Commercial – retail, restaurants, grocery</td>
<td>CMX</td>
</tr>
</tbody>
</table>

INFRASTRUCTURE & CIVIC/COMMUNITY FACILITIES

Public Schools:
Elementary: Hurley
Middle: Knox
High: Salisbury

Fire District:
City of Salisbury Station 2 (South Main St.)

Utilities
Water & Sewer: Water and sewer lines are located adjacent to the site and will serve the site

Transportation
Transit: Salisbury Transit Route 2 serves Brenner Avenue and Jake Alexander Boulevard adjacent to the proposed site.

Property Access(s):
Vehicular access to the site will be via two (2) points of ingress / egress off of the private internal driveway behind the Aldi grocery store and the private drive between the Jimmy Cleans Carwash and the Premier Federal Credit Union and one access point onto Milford Hills Road at the request of Planning Board. The Board had much discussion regarding concerns of the additional traffic concentration to the already congested Brenner Avenue Drive. Access to
**Planning & Zoning Analysis**

Milford Hills Road would be of minimal impact to the neighborhood due to the proximity of the proposed drive being closer to the Brenner Avenue end of a dead end road.

The developer has identified opting for pay-in-lieu of sidewalk installation for the street frontage along Milford Hills Road. No other public improvements required.

<table>
<thead>
<tr>
<th>COMPREHENSIVE &amp; AREA PLANS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicable Plans:</strong></td>
</tr>
<tr>
<td><strong>Applicable Policies &amp; Objectives</strong></td>
</tr>
<tr>
<td><strong>Vision Statement ‘Housing’:</strong></td>
</tr>
</tbody>
</table>

> “We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.”

<table>
<thead>
<tr>
<th><strong>Policy N-18:</strong></th>
</tr>
</thead>
</table>

> N-18: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.

> The proposed development will feature a mix of one, two, and three-bedroom units, providing opportunities for households of different sizes to obtain housing.

<table>
<thead>
<tr>
<th><strong>Policy N-19:</strong></th>
</tr>
</thead>
</table>

> N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.

> The proposed location is adjacent to other residential multifamily complexes and in close proximity to Jake Alexander Blvd. and Brenner Avenue with pedestrian accessibility to shopping, banking, and places of work. The site has a public transit stop adjacent to the proposed site.
TRC & PLAN REVIEW

TRC Meeting:

The Conditional District petition and associated Master Plan were first reviewed by the city’s Technical Review Commission (TRC) on February 18, 2021. Staff, the Planning Board Liaison, Dennis Rogers, and other reviewing agencies recommended approval of the master plan with some minor notes and revisions. All comments were satisfied when resubmitted.

Conditional District Alternative Design Request(s)

Bldg. Orientation to Street or Recreational Open Space:

This plan proposes an alternative to the building placement and orientation standards by requesting construction of a campus-style development.
The Salisbury Planning Board held its regular meeting Tuesday, March 9, 2021, via Zoom, with the following being present and absent:

PRESENT: William (Bill) Burgin, Jayne Land, Tim Norris, Jon Post, Patricia Ricks, Dennis Rogers, John Schaffer, John Struzick, and Bill Wagoner

ABSENT: Vacant seats

STAFF: Teresa Barringer, Graham Corriher, Hannah Jacobson, Emily Vanek, and Diana Cummings (recording secretary)

GUESTS: Stephen Brock, Matt Lowder, Traci Dusenbury, Matt Raab, Laura Salow, Cassie Cunningham, State Alexander, Ginger Cartwright, James Cecil Simpson, Victor Wallace, John Leatherman, Steven Kellum, Natalie Anderson (The Salisbury Post), Margaret Lipe

CALL MEETING TO ORDER

John Schaffer, Chair, called the meeting to order at 4:01 p.m.

APPROVAL OF MINUTES

Minutes of February 23, 2021, were approved as submitted.

COURTESY HEARINGS

**CD-01-2021 Salisbury Oaks Apartments**

Teresa Barringer, Zoning Administrator and staff liaison to the Planning Board, made a presentation. Planning Board will make a recommendation to City Council and City Council will make the final decision following a public hearing.

Halcon Development, LLC, owner/applicant; Traci Dusenbury, agent, John F. and Joan B. Leatherman, owners.

Petition proposes no change to underlying Residential Mixed-Use (RMX) base zoning, but removes the existing Group Development (GD-A) Overlay and establishes a new Conditional District (CD) Overlay to allow for an 84-unit campus style multi-family (apartment) development. RMX permits multi-family residential use “by right” with maximum dwelling units of 18 per acre—the proposal is for 9 dwelling units per acre. Per the Land Development Ordinance (LDO) Chapter 5, campus-style development requires Planning Board and City Council review. Any GD-A Overlay requires Planning Board and City Council review.

Subject parcel fronts upon W. Jake Alexander Blvd. with a 25-foot private drive to S. Main Street, and includes a terminus at Rosemont Street.
0 Jake Alexander Blvd W. / S. Main Street, PID: (061 171) Teresa explained that “Dodd Street” is actually a private drive into the parcel. Although the drive seems small, it does meet the minimum standard for the fire apparatus to get into the property; minimum width is 20 feet and this is 20.57 feet at the narrowest point.

The current cul-de-sac is on the property proposed for redevelopment. The site plan shows an improvement to the cul-de-sac to bring it to City standards and to dedicate a ROW around the bulb of the cul-de-sac. A gate is identified as prohibiting vehicular traffic except for emergency vehicles. It will be an emergency access only with a Knox Box. (Each Knox-Box can be opened by a master key controlled by the fire department and operates as a master key. This allows fire department access to gated communities and storage areas using the same master key.)

The petitioner is proposing to construct a new multi-family apartment complex with a total of 84 units. As proposed, there will be four (4) apartment buildings, and one (1) community clubhouse. Amenities include a playground, a covered picnic area, and a ‘tot lot’ playground for toddler-aged children.

The petitioner is actively working with the property owners of the parcels abutting the 25-foot private drive to acquire additional property and/or access easement for a 5-foot sidewalk for pedestrian access to South Main Street as required in Section 5.6.A.2 of the Land Development Ordinance. An alternate would be sidewalk to the bulb of the cul-de-sac.

The retention pond would be part of a construction review.

This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):

> The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits submit an application for each rental property to be considered during the single competitive annual cycle.

The proposed primary means of ingress & egress is via the 25-foot private drive off of S. Main Street with a second access off of Rosemont Street with a proposed gate and Knox Box for emergency vehicles only. One interconnectivity point (stub-out) to the adjacent multi-family property east of the subject parcel has been provided but will not be completed unless either of the adjacent properties redevelop in the future.

Staff recommends approving this rezoning and master plan petition. Although the site is adjacent to a lower-density single-family residential area, the site acts as a transitional area between the low-density residential and higher-intensity commercial uses along S. Main Street.
Applicable Plans: Vision 2020 Comprehensive Plan

**N-16:** New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.

*The proposed development will include a community clubhouse, as well as a central greenspace common area with playground, gazebo, and ‘tot lot’ playground.*

**N-18:** As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.

*The proposed development will feature a mix of one, two, and three-bedroom units, providing opportunities for households of different sizes to obtain housing.*

**N-19:** Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.

*The proposed location is adjacent to other residential multifamily complexes and in close proximity to Jake Alexander Blvd. and S. Main Street. The site has a public transit stop approximately 870 feet from the proposed entrance on S. Main Street. The access point from this development to the existing single family residential area on Rosemont Street will be for emergency vehicles only.*

**Technical Review Commission:** The Conditional District petition and associated Master Plan were first reviewed by the city’s Technical Review Commission (TRC) on February 18, 2021. Staff, the Planning Board Liaison, Dennis Rogers, and other reviewing agencies discussed the proposal with the petitioner. Comments were generated and delivered to the petitioner for their consideration. All TRC comments have been addressed at this time.

**Petitioner**

Traci Dusenbury, Halcon Development, had reached out to the community for one-on-one sessions. She has about 22 communities and over 1,000 units built. She has about 25 communities where she served as a developer consultant. She has a development in Salisbury (Villas at Hope Crest). “We won an award in 2018 from the State of NC for our outstanding achievement in affordable housing.”

Most of the feedback she has received is from the residents who do not want the connection to Rosemont Street. It will be mutually beneficial to be able to use Dodd Street.

It is their intent to be long-term owners and good neighbors. The cost to build this development is approximately 13.7 million dollars.
Matt Lowder, Triangle Site Design, also spoke to neighbors and received the same feedback concerning Rosemont Street. “We certainly don’t want to impact the neighborhood any more than we have to. That is why we came up with the compromise of emergency vehicle access only.”

He said they will have a property manager on site as part of the development.

“I anticipate using a bioretention pond [to capture stormwater]. Bioretention soils must have sufficient infiltration rates to prevent ponding on the surface for over 48 hours. This prevents mosquitoes and other pests. We are in an airport overlay so there are limits on having open ponds that may attract water fowl. After the system is developed, the water runoff must be less than what it is now. We cannot change the water conditions in the neighborhood that is below us.”

“We plan to preserve the trees on this site, especially around the perimeter, to create a natural buffer.” The city requirements will supplement what is there.

“We anticipate all of the construction traffic to come through the S. Main Street entrance. There will be some impact to Rosemont as we transition the cul-de-sac. The goal is to minimize Rosemont Street and the neighborhood.”

Sewer access is available to the site from Rosemont Street and water is available from the adjacent property of Pinnacle Park.

Public Comment
Cassie Cunningham
2015 Rosemont Street

Five years ago the City Council promised the Rosemont neighborhood that a road from this property would never be permitted. The Planning Board was aware of this promise. Now the developer says that the entrance to Rosemont is an emergency only exit, but there are no legal agreements that bind all present/future owners of these apartments to limit use for emergency only.

“We are deeply concerned that this opening to Rosemont may no longer be limited. More than 100 cars from the apartments can race down Rosemont—it is a straight road to Highway 150 and it won’t be safe for residents. Please do not allow this emergency exit.”

The retention pond may create a drainage problem that does not exist today. The “forest” that may provide privacy has been clear-cut 3-4 years ago. There are only scrub trees left.

“The probability of disruption for Rosemont is high.”
Franklin White
1827 Rosemont Street

He has concerns about the access to Rosemont Street to and from the Salisbury Oaks Development. “I fear the security on that gate will disappear. This is unique to this development.” He requested a firm separation from the development.

Laura Salow
2023 Rosemont Street

She stated that she lives at the end of Rosemont Street. She has concerns that the retention pond will potentially flood her property during heavy rain and may attract mosquitoes.

Rosemont Street cannot handle additional traffic; the road is uneven and cracked and narrowed with cars parked on the street. The neighborhood has concerns about increased foot traffic and safety since Rosemont Street does not have sidewalks.

Ms. Salow objected to the entry to Rosemont Street from the complex. She requested that the retention pond be moved away from single-family homes.

Margaret Lipe
228 Sudley Cir

“I have worked with Halcon in the past—when they developed Villas at Hopecrest on Lincolnton Road. Those are high-quality, well-maintained and well-managed apartments. They also did a good job in Kannapolis.”

The city’s housing study has shown there is a shortage of affordable housing in Salisbury. A number of apartment complexes—like the Grand on Julian, Woodland Creek, and Gold Hill Drive—are full with a wait list. Salisbury has a big need for affordable housing.

Victor Wallace noted that CMX permits a number of uses; however, this seems to be one of the best uses with a barrier to the Rosemont community. CMX permits unlimited single-family dwellings on this site. The gate could allow emergency access to the end of Rosemont.

John Leatherman stated that this would be an asset to the community. The developer has done a good job.

The courtesy hearing was closed.

Board Discussion
Bill Burgin, “The emergency access can be helpful both ways. One wreck or one fire can block the whole of Rosemont and this would give them a way to go to work if that should happened. The Conditional District does guarantee that the gate will be there—as best as we can guarantee anything. I feel good that we can protect that condition.”
Mr. Burgin continued, “The stormwater has to leave the site after the development the same amount it leaves the site before. The bioretention is used in Salisbury because we are within the distance of an airport. It does work very well; only standing water for a day or two then it goes dry. The water is bled off the development at the same pace or less that it leaves now. There is no rush of water. It also has to leave the site in the same direction that it leaves now. State requirements have to be met.”

“Victor Wallace was right in his comment that this is a pretty good development given the options the zoning would allow. With the gate, it should not put any stress on Rosemont. The scary conditions have been addressed and I feel pretty good about it from the density standpoint and a use standpoint,” Mr. Burgin said.

Patricia Ricks believes the Rosemont neighbors have had their concerns addressed. Bill Wagoner explained how the Knox Box works. Traci Dusenbury added that other Knox Boxes that were required by local government—they don’t have keys to those.

Bill Wagoner asked what prevents people from driving around the gate. There will be a landscaped buffer and Matt added that bollards could be installed if it becomes an issue. (It would be a lease violation.)

**MOTION**

Tim Norris made a MOTION to approve CD-01-2021, Salisbury Oaks Apartments’ request to rezone one parcel from Residential Mixed-Use (RMX) and HB, with an existing Group Development (GD-A) Overlay and establishes RMX zoning with a new Conditional District (CD) Overlay. It is consistent with the Vision 2020 Comprehensive Plan. Patricia Ricks seconded the motion with all members VOTING AYE. (9-0)

Staff will forward the Planning Board recommendation to approve to City Council. Bill Wagoner explained that the developer is hoping to get approval of their project so they can complete their application to the NC Housing Finance Agency (NCHFA). Projects are awarded once a year to address the housing needs around the state. All projects are not awarded. The developer may not be able to build the project even with city approval.

**CD-02-2021 Tenby Crossing Apartments**

Petitioner is Kent Place Holdings, LLC; Stephen Brock, agent.
0 Brenner Avenue, PID’s: (062 055, 065)

The two parcels are currently owned by CK Salisbury Retail LLC. (R. David Haggart), Stephen Brock, Kent Place Holdings; Matt Raab, Wynnfield Properties; Matt Williams, PE, Borum, Wade, & Assoc.

Teresa Barringer made a staff report.
Request to rezone two (2) parcels from Corridor Mixed Use (CMX) to Corridor Mixed Use (CMX) and creating a new Conditional District Overlay (CD). Petition proposes no change to underlying Corridor Mixed-Use (CMX) base zoning, but removes the existing and expired Conditional District Overlay of a previously approved CD-01-2012 and establishes a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development within four (4) multi-story buildings. The previous vesting of approval had already expired but not yet been removed. In addition, one (1) clubhouse/leasing office, parking areas, and Recreational Open Space areas are proposed.

This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):

“The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits submit an application for each rental property to be considered during the single competitive annual cycle.”

The developer is also under contract to obtain ownership of the existing internal private drives, and two BMP ponds.

Vehicular access to the site will be limited to two (2) points of ingress/egress off of the private internal driveway behind the Aldi grocery store and the private drive between the Jimmy Cleans Carwash and the Premier Federal Credit Union. There will not be direct vehicular access to Milford Hills Road or Brenner Avenue; however, pedestrian access is proposed to Brenner Avenue.

**Vision 2020 Comprehensive Plan Applicable Policies & Objectives**

**Vision Statement ‘Housing’**—“We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.”

**Policy N-18**—As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.

**Policy N-19**—Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.

The project did not propose access through Milford Hills Road. The developer proposed landscape buffering between neighborhoods.

Bill Burgin asked, “At what point will somebody put a stop light at that intersection of Brenner Avenue and the main entrance for this development? It is almost impossible now to take a left out of this development. Is there a sidewalk leaving the site to get them to Harris Teeter?” There are services there, the YMCA, restaurants, etc.

Jayne Land added, “The driveway is too narrow—the curb shows wear from being run over. It is very difficult to get out of the driveway the way it is.” Jayne drove by and said there is no sidewalk on Milford
Hills Road abutting this development. “I propose taking out the driveway that is closest to Brenner Avenue. Leave the one near Zaxby’s and Aldi’s.”

Tim Norris said, “It is so congested it is almost impassable. If we have any say in the matter, certainly we need a traffic study. It is desperately needed or it will be.” Other members chimed in and agreed. Any addition in traffic is going to clog things up worse.

There was a broad discussion about sidewalks, Brenner Avenue, Milford Hills Road and ingress/egress concerns.

Teresa Barringer said she could discuss these concerns with engineering.

Stephen Brock, Kent Place Holdings, introduced himself. He stated that staff covered his talking points. This is proposed strictly for housing and no added retail. The parking is plentiful at 1.75 spaces per unit. “We can look at connecting to Milford Hills Road if so compelled by the City of Salisbury, NC. Our approach was to follow a pattern that was clearly established in a previous master plan development.”

Teresa Barringer said, “Although that is a significant ROW area, it is a narrow street of improvement.” She has heard from neighbors asking about buffers and restricting access to Milford Hills.

Matt Raab represents the general contractor Wynnfield Properties thanked everyone for their time. Matt Williams noted that the traffic numbers are under the count, so no traffic study has been done.

State Housing Authority has a parking space requirement of 1.75; the City’s requirement is a little greater than that and “we are meeting that.”

Public Comment
State Alexander commented that he has concerns about the narrow street and landscape buffer, however, was satisfied by the presentation.

The chair closed public comment.

Board Discussion
Bill Burgin said he likes the development. It is close to food, bus routes—it is good planning for the city. “I am concerned about the traffic. We want to be sure not to open problems for everybody.”
Bill Wagoner pointed to some traffic ingress and egress issues and possible solutions. Milford Hills might be a location for a future traffic light. This led to a broad discussion about the flow of traffic in the area.

Members agreed that the apartments are going to be great, but that stretch of road is in need of improvement to move traffic through safely even now. The site could be developed “by right.” City Planning, Engineering and NCDOT need to find a solution to the traffic problem. Bill Wagoner said, “We know this problem has existed for years, but it has not been addressed.”

Patricia Ricks made a MOTION to go past 6 p.m. all members VOTED AYE to go to 6:30.

Bill Burgin agreed with Bill Wagoner. “It is rare for communities to have roads ready for additional capacity until it happens—cannot afford to until the demand is present. We have the opportunity to ask the developer if they would consider at least one connection to Milford Hills Road. That would help and is probably palatable.”

Matt Raab said he didn’t think they had any objections to try to see if they can help with traffic concerns. Matt Williams agreed with Matt Raab; one upper drive could technically be enough. Stephen agreed with both Matt and Matt that one entrance on Milford (closer to Brenner) makes sense. That may alleviate the pressure just enough while the city looks at other long-term solutions. He added that they could look at softening the curb that keeps getting run over.

Neighbors will receive notification in the mail and will have the opportunity to comment on recommended changes at the City Council hearing.

Bill Burgin made a MOTION that Planning Board approve CD-02-2021, Tenby Crossing Apartments, as presented subject to the developer considering at least one connection to Milford Hills Drive since the development as presented is consistent with our Vision 2020 Comprehensive Plan and would be a contributor to the quality of life in our city.

Patricia Ricks seconded the MOTION with all members VOTING AYE. (9-0)

OTHER BUSINESS

Bill Wagoner reminded everyone that there are empty seats to fill on the Planning Board.

ADJOURN

The Planning Board meeting was adjourned at 6:18 p.m.
CD-02-2021: Tenby Crossing Apartments
PID: 062 055, 065

**Petitioner:** Kent Place Holdings, LLC

**Representatives:** Stephen Brock, Managing Member; Matt Raab, Wynnefield Properties, Matt Williams, PE, Borum, Wade, & Assoc.

**Property Owner:** CK Salisbury Retail
Petition CD-02-2021

• Maintain current base district Corridor Mixed-Use (CMX)
  ➢ CMX permits multi-family residential by-right
  ➢ Max. dwelling units per acre: 18
  ➢ Proposing (du/ac): 13.687

• Remove previously approved and expired CD Overlay. Establish new CD Overlay to allow for construction of 84-unit campus style multi-family development
Approach from Jake Alexander Blvd West traveling northeast on Brenner Avenue
Brenner Avenue approach traveling southwest towards Jake Alexander Blvd. West
SITE INFORMATION

AREA: 6.1374 ACRES
PARCEL ID: 062065, 0662055
PARCEL PIN: 5750-04-52-2027, 5750-40-52-04-81
DEED REFERENCE: D.B. 1165, PG 778
PLAT REFERENCE: M.B. 9995, PG. 8144
PROPERTY IS ZONED: CMX (CORRIDOR MIXED USE)
CD (CONDITIONAL DISTRICT OVERLAY)
NO. OF APARTMENTS: 84 UNITS
PROPOSED DENSITY: 13.687 D.U./ACRE
PROPOSED BUILT-UPON AREA (B.U.A.): 2.50 ACRES (40.79%)
FRONT YARD ENCROACHMENT: 8 FEET
MIN. STREET SETBACK: 0 OR 10 FEET
MIN. SIDE SETBACK: 10 FEET
MIN. REAR SETBACK: 0 FEET
MAX. BLDG. HEIGHT: 4 STORIES
BUILDING USE: MULTI-FAMILY RESIDENTIAL
REQUIRED COMMON AREA: 6.137 X 0.18 = 1.10 ACRES
COMMON AREA PROVIDED: 1.20 ACRES

BUILDING INFORMATION

NUMBER OF RESIDENTIAL BUILDINGS: 3
3 - STORY (BLDG. #1, #2, & #3):
UNIT BREAKDOWN:
1 BEDROOM UNITS: 13
2 BEDROOMS UNITS: 35
3 BEDROOMS UNITS: 36
TOTAL: 84
BICYCLE PARKING REQUIRED (PER C.O.S.): 8 SPACES (5% OF REQ'D VEHICLE SPACES)
PARKING PROVIDED: 155 SPACES
PARKING REQUIRED (PER HOUSING CODE): 147 SPACES (1.75 SPACES PER UNIT)
PARKING REQUIRED (PER CITY CODE): 155 SPACES (1.5 SP. PER BEDROOM UP TO 2 PER UNIT)
H.C. PARKING REQUIRED: 11SPACES (9 SP. TO BE VAN ACCESSIBLE)
H.C. PARKING PROVIDED: 15 SPACES (9 SP. TO BE VAN ACCESSIBLE)
Vision 2020 Policies

- **Vision Statement ‘Housing’:** We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.

- **Policy N-18:** As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.
Vision 2020 Policies

• **Policy N-19**: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.
Planning Board Courtesy Hearing was held March 9, 2021.

Planning Board voted unanimously to recommend approval subject to adding at least one connection to Milford Hills Road with a motion stating the master plan is “consistent with the Vision 2020 Comprehensive Plan.”
**DISTRICT MAP AMENDMENT:** CD-02-2021  
**Project Title:** Tenby Crossing Apartments  
**Petitioner(s):** Kent Place Holdings, LLC  
**Owner(s):** CK Salisbury Retail, LLC  
**Representative(s) or Developer(s):** Stephen Brock, Kent Place Holdings, LLC  
Matt Raab, Wynnfield Properties, Inc.  
**Address:** Unnumbered Brenner Avenue  
**Tax Map - Parcel(s):** TM: 062, Parcel(s): 055, 065  
**Size / Scope:** 6.137 acres  
**Location:** Unnumbered outparcel of Westgate Commons with frontage along the 100 block of Brenner Avenue and the 500 block of Milford Hills Road

**REQUEST:**  
Request to amend the Land Development Ordinance & Land Development District Map by rezoning of approximately 6.137 acres proposing no change to the underlying CORRIDOR MIXED-USE (CMX) and remove an existing previously approved and expired CONDITIONAL DISTRICT (CD) OVERLAY and create a new (CD) OVERLAY for the proposed 84-unit campus-style multi-family development master plan

**STATEMENT OF CONSISTENCY & RECOMMENDATION:**  
The Salisbury City Council held a public hearing and reviewed the petition and associated Master Plan on April 6, 2021. The Council finds that the use is CONSISTENT with the Salisbury Vision 2020 Comprehensive Plan, is reasonable, and in the public interest because:

- The proposed new development is consistent with the Vision Statement ‘Housing’ providing well designed housing types for all incomes where the elderly, young families, and singles and others share experiences and help one another.
- The proposed new development will provide a mixture of housing sizes within the apartment complex with one (1), two (2), and three (3) bedroom apartment options (Policy N-18);
- The proposed new development will be located adjoining places of work, shopping, and public transit. The higher density housing acts as a transitional use between the shopping center use and the lower density housing (N-19).
AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING TWO PARCELS WITH A COMBINED TOTAL OF APPROXIMATELY 6.137 ACRES BY MAINTAINING THE UNDERLYING ZONING OF CORRIDOR MIXED USE (CMX) AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 84 UNIT MULTIFAMILY RESIDENTIAL CAMPUS STYLE APARTMENT DEVELOPMENT (PETITION NO. CD-02-2021)

WHEREAS, a petition and associated development documents to rezone land and establish a Conditional District Overlay on the property described herein were properly filed by the petitioner and authorized by the property owner(s); and

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition and associated development documents on March 9, 2021, voting unanimously to recommend approval of the proposed development plan, and stated that the proposal is consistent with the Vision 2020 Comprehensive Plan; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of April 6, 2021; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the parcel described herein from ‘RMX with a GD-A overlay’ to ‘RMX’ district; and establishing a Conditional District (CD) Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies N-16: New development should include a neighborhood center and focal point; Policy N-18: A mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area; and Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit.

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

SECTION 1. That property identified in the City of Salisbury and Rowan County as Tax Map 061, Parcels 055 and 065 including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned to ‘CMX’ district with the establishment of a new Conditional District (CD) Overlay pursuant to the approved CD Master Plan.

SECTION 2. DEVELOPMENT DOCUMENTS: That any and all development within this Conditional District (CD) Overlay shall substantially adhere to the approved development documents entitled “Tenby Crossing Apartments,” which are on file with the City of Salisbury and signed by the Mayor of the City of Salisbury. A corrected set of documents, reflecting City Council approval and any development conditions that were approved by City Council and made a part of this Ordinance, shall be provided to the City for the Mayor’s signature within 30 days of the effective date of this Ordinance and prior to the issuance of any development permits.
SECTION 3. PERMITTED USES (PRIMARY): The ‘CMX’ base district primary use is restricted by this action to that of ‘Dwelling – Multifamily, more than four (4) units per building.’ Any other use requires issuance an Amendment to this Conditional District (CD) Overlay.

SECTION 4. DEVELOPMENT CONDITIONS: That the following conditions are applicable to the development proposal associated with this Ordinance (see above, Section 2, Development Documents) within the Conditional District (CD) Overlay:

- No Conditions Applied

SECTION 5. That as permitted by the Land Development Ordinance, the development documents associated with this Conditional District (CD) Overlay may establish alternatives to specific provisions of the Land Development Ordinance; however, where alternatives are not provided, those and all other applicable Land Development Ordinance provisions remain applicable for any and all development within this Conditional District (CD) Overlay.

SECTION 6. That improvements (public and/or private) for Stormwater drainage, streets, water and sewer shall be designed and installed in accordance with applicable City and Salisbury-Rowan Utilities standards and policies. Layouts shown on the approved, stamped, and signed Development Documents are considered schematic and may require administrative revision(s) upon review of engineering drawings or details (Construction Documents).

SECTION 7. That all Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 8. That this Ordinance shall be effective from and after its passage.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  04/06/2021

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

Name of Presenter(s):  Candace Edwards (Planner)

Requested Agenda Item:  Council to consider endorsing recommendations for use of CDBG- Coronavirus funding for community service agencies to assist low income individuals and families.

Description of Requested Agenda Item:

In September 2021 the City received notification of eligibility for $200,221 in Community Development Block Group funding through U.S. Department of Housing and Urban Development (HUD) to prepare, plan for and respond to the Coronavirus pandemic. A portion of these funds may be used for supporting public service agencies whose work has been affected by COVID-19 and who serve low- and moderate-income persons and families who have been impacted. Council approved $50,055 to be set aside to assist public service communities helping residents prepare for, respond and plan for the Coronavirus pandemic. After a community-wide ‘call for applications’, staff recommends the following agencies for funding:

- Appleseed Early Childhood Education  $5,000.00
- Happy Roots  $3,500.00
- Partners in Learning  $5,000.00
- Pedal Factory  $3,500.00
- Prevent Child Abuse Rowan  $5,000.00
- S&H Youth and Adult Services  $9,000.00
- Bridge 4 Kids  $3,000.00
- Piedmont Players Theatre, Inc.  $5,000.00
- Abundant Living Adult Day Services, Inc.  $2,500.00
- Thelma Smith Foundation South Branch  $2,500.00
- Triple Threat Dance & Charm Performing Arts Virtual Academy  $4,000.00
- Rowan Cabarrus YMCA  $7,000.00

Attachments:  ☑ Yes  ☐ No

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

Action Requested of Council for Agenda Item:  Council to endorse staff recommendations for use of CDBG-CV funding.
Contact Information for Group or Individual: Candace Edwards, Community Planning Services, (704) 638-5324, candace.edwards@salisburync.gov. 132 North Main Street.

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

______________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved ☐ Declined

Reason:
CDBG-CV Public Service Agency Recommendations

City Council, April 6, 2021
Community Development Block Grant Funds to prevent, prepare for, and respond to COVID-19

Spring 2020- $168,950 allocated
  - 100% of funds were dedicated for public service agencies serving low income individuals and families

September 2020- Notified of a second allocation of CDBG-CV funds in the amount of $200,221.
  - Approximately $50,000 available for public services agencies meeting needs of low income individuals and families in the community
IDEA PHASE
✓ December 1\textsuperscript{st}: Public hearing to gather input into best/most urgent use of funding
✓ December 1\textsuperscript{st} – 25\textsuperscript{th}: Received public input

DRAFT PHASE
✓ January 5\textsuperscript{th}: Presentation of Draft Budget and Action Plan Amendment
✓ January 5\textsuperscript{th} – January 12\textsuperscript{th}: Draft available for public comment

ADOPTION PHASE:
✓ January 19\textsuperscript{th}: Council to consider adopting the Action Plan Amendment
✓ Post January 19\textsuperscript{th}: Submit Action Plan Amendment to HUD for approval

IMPLEMENTATION PHASE
✓ April 6- Council to consider staff recommendations public service applications
1. **Public Service.** Public service agencies need continued support, particularly those that address mental health, food distribution, and domestic violence.

- Community-wide advertising and “call for applications” (similar to Spring 2020).
- Recommended Budget: $50,055
<table>
<thead>
<tr>
<th>Organization</th>
<th>Amount</th>
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<tr>
<td>Appleseed Early Childhood Education</td>
<td>$5,000.00</td>
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<td>Happy Roots</td>
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<tr>
<td>Partners in Learning</td>
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<td>Prevent Child Abuse Rowan</td>
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<td>S&amp;H Youth and Adult Services</td>
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<td>Bridge 4 Kids</td>
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<td>Piedmont Players Theatre, Inc.</td>
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<td>Abundant Living Adult Day Services, Inc. (Trinity Living)</td>
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<td>Thelma Smith Foundation South Branch</td>
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<td>Triple Threat Dance &amp; Charm Performing Arts Virtual Academy</td>
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<td>Rowan Cabarrus YMCA</td>
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QUESTIONS/COMMENTS
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  April 6, 2021

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

Name of Presenter(s):  Jason Wilson

Requested Agenda Item:  Advanced Metering Infrastructure Endpoint Upgrades

Description of Requested Agenda Item:  In January 2016, City Council approved a project budget ordinance for the installation of Advanced Metering Infrastructure (AMI). The AMI implementation project consisted of the purchase and installation of new water meters and cellular endpoints for the vast majority of the SRU water system. At the time, the cellular endpoints were CDMA (Code Division Multiple Access), whereas endpoints manufactured in recent years are LTE (Long Term Evolution). The CDMA cellular network will be phased out in the near future. Therefore, SRU has been negotiating with Badger Meter for an equitable solution to upgrade the remaining CDMA endpoints in the SRU system to new LTE endpoints. Badger Meter has proposed to provide replacement LTE endpoints at a highly discounted or zero-cost rate, depending on the warranty eligibility of each endpoint. Additionally, SRU intends to contract with a qualified installer to change out the nearly 19,000 CDMA endpoints. The total estimated cost is approximately $1,000,000. As such, SRU requests to appropriate capital fund balance for this project. Additionally, SRU requests a sole source approval to purchase the LTE endpoint upgrades from Badger Meter at the discounted price of $42.50 each, as well as extended warranty price of $25 each for all zero-cost warranty replacements related to the Guarantee of Network Performance for CDMA endpoints. The endpoints and warranties will cost $585,000. It is estimated that contracted installation costs will equal approximately $415,000 to be bid at a future date.

Attachments:  □ Yes  □ No

Fiscal Note: An appropriation of Water Sewer Fund  Fund Balance of $1,000,000 will be required for this project.

Action Requested of Council for Agenda Item:  Council to consider authorizing a sole source purchase from Badger Meter, Inc. for cellular endpoints and associated extended warranties in an amount not to exceed $585,000.

AND

Council to consider adopting a Capital Project Ordinance in the amount of $1,000,000 for the purchase and installation of advanced metering infrastructure endpoint upgrades.

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

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

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

FINANCE DEPARTMENT INFORMATION:
Salisbury City Council
Agenda Item Request Form

S. Wade Funches
Finance Manager Signature

Jen Bohn
Department Head Signature

Amada Bongar
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:
"ADVANCED METERING INFRASTRUCTURE
CAPITAL PROJECT ORDINANCE

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

Section 1. The project is to upgrade endpoints in the Advanced Metering Infrastructure.

Section 2. The following revenue is available to the City of Salisbury.

Water & Sewer Fund – Fund Balance
032-000-000-499900 $1,000,000

Section 3. The following amounts are appropriated for the project.

Construction - Water
032-801-000-577350 $1,000,000

Section 4. The Finance Officer is hereby directed to maintain a Capital Project with sufficient specific detailed accounting records to allow compliance with G.S. 159-28 Budgetary accounting for appropriations.

Section 5. Copies of this capital project ordinance shall be made available to the City Manager and the Finance Officer for direction in carrying out this project."
Requested Agenda Item: Resolution to Set Municipal Filing Fees

Description of Requested Agenda Item: State law requires that City Council establish filing fees for municipal elections before the municipal filing period begins in July. Since at least 1987, City Council filing fees have been $10.00. Filing fees have not been established for the Office of the Mayor, which will be elected separately for the first time in 2021.

Action Requested of Council for Agenda Item: Council to adopt a Resolution to Establish Filing Fees for Municipal Elections.

Contact Information for Group or Individual: graham.corriher@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

****All agenda items must be submitted at least 7 days before the requested Council meeting date***
Salisbury City Council
Agenda Item Request Form

For Use in Clerk’s Office Only

☐ Approved ☐ Delayed ☐ Declined

Reason:
RESOLUTION TO ESTABLISH FILING FEES FOR MUNICIPAL ELECTIONS

WHEREAS, the City of Salisbury is a municipal corporation organized and existing under the laws of the State of North Carolina; and

WHEREAS, the City of Salisbury is governed by a four-member city council elected by the qualified voters of the entire city, and a mayor elected separately by the qualified voters of the entire city; and

WHEREAS, G.S. § 163-294.2(e) requires that the filing fee for municipal elections be fixed by the governing board not later than the day before candidates are permitted to begin filing notices of candidacy at not less than five dollars ($5.00) and not more than one percent (1%) of the annual salary of the office sought; and

WHEREAS, since at least 1987, the filing fee for Salisbury City Council has been ten dollars ($10.00).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The filing fee for city council members shall be ten dollars ($10.00).

Section 2. The filing fee for mayor shall be ten dollars ($10.00).

Section 3. The filing fees established by this resolution shall be effective for the 2021 municipal elections and shall remain in effect until changed by action of City Council or as otherwise changed by operation of law.

Section 4. This resolution shall become effective immediately upon its adoption.

Adopted this 6th day of April, 2020.

_______________________________________
Karen K. Alexander, Mayor

ATTEST:

__________________________
Kelly Baker, City Clerk