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 August 18, 2020 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:

   100TH ANNIVERSARY OF THE 19TH AMENDMENT RATIFICATION  August 18, 2020
   WOMEN’S EQUALITY DAY           August 26, 2020
   LIBRARY CARD SIGN-UP MONTH             September 2020

6. Council to consider the CONSENT AGENDA:

   (a) Adopt Minutes of the Special meeting of August 6, 2020.

   (b) Adopt a budget ORDINANCE Amendment to the FY2020-2021 budget in the amount of $25,736 to appropriate a 2018 Edward Byrne Memorial Justice Assistance Grant.

   (c) Adopt a budget ORDINANCE Amendment to the FY2020-2021 budget in the amount of $3,000 to appropriate Joint Operations funds from the US Secret Service.

   (d) Authorize the City Manager to execute a contract with Hanes Construction Company for the Utility Cut Pavement Repairs contract for a fee not to exceed $120,000.

   (e) Approve the purchase of cellular data service for water meters from Badger Meter, Inc. in the amount of $213,170. This is an annual budgeted amount.

   (f) Adopt an Interlocal Agreement with the County of Rowan for management of funds from the Coronavirus Relief Fund (CRF) established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act in amount of $449,868.
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 Ordinance Text Amendment TA-01-2020 to amend Chapter 15 regarding first-class mail notification for public or evidentiary hearings (Presenter – Senior Planner Catherine Garner):
   a) Receive a presentation from staff
   b) Hold a public hearing (Citizens who wish to speak regarding the proposed text amendment must sign-up before 5:00 p.m. by contacting Kelly Baker at kbake@salisburync.gov or by calling 704-638-5233)
   c) Issue a Statement of Consistency and Statement of Reasonableness and consider adopting an ORDINANCE amending Chapter 15 of the Land Development Ordinance

9. Council to receive an update from the Salisbury Fire Department. (Presenter – Chief Bob Parnell)


12. Mayor’s Announcements.

13. Council’s Comments.

14. Mayor Pro Tem’s Comments.

15. Mayor’s Comments.


Council meetings are streamed live at www.salisburync.gov/webcast
PROCLAMATION
CELEBRATING THE 100TH ANNIVERSARY
OF THE RATIFICATION OF THE 19TH AMENDMENT

WHEREAS, August 18, 2020 marks the 100th Anniversary of the ratification of the 19th Amendment to the United States Constitution giving women the right to vote; and

WHEREAS, many notable Suffragists were born or worked in North Carolina including Charlotte Hawkins Brown, Anna Julia Cooper, Mary Thompson Cowper and Gertrude Weil; and

WHEREAS, Congress passed the 19th Amendment on June 4, 1919 and it was ratified into law on August 18, 1920 when Tennessee became the 36th state to ratify the Amendment; and

WHEREAS, the United State Secretary of State issued a proclamation on August 26, 1920 that the 19th Amendment was officially a part of the United States Constitution, and August 26th is celebrated as Women’s Equality Day throughout the United States; and

WHEREAS, the City of Salisbury is home to an estimated 17,500 females; and

WHEREAS, women’s right to vote has enhanced the political discourse in Salisbury and paved the way for over 25 years of leadership by female mayors.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, on behalf of the Salisbury City Council and the citizens of Salisbury, DO HEREBY PROCLAIM Tuesday, August 18, 2020 as the

100TH ANNIVERSARY OF THE RATIFICATION OF THE 19TH AMENDMENT.

BE IT FURTHER RESOLVED, that I DO HEREBY PROCLAIM Wednesday, August 26, 2020 as the

WOMEN’S EQUALITY DAY

in Salisbury, in honor and recognition of the role women have played since the 1920s elections by using the power of their vote to help shape the landscape of local, state and national political arenas.

This the 18th day of August 2020.

__________________________________________
Karen K. Alexander, Mayor
City of Salisbury  
North Carolina  

PROCLAMATION  

WHEREAS, a library card is the most important tool an individual can have; and  

WHEREAS, signing up for a library card is the first step towards academic achievement and lifelong learning; and  

WHEREAS, libraries play an important role in the education and development of children; and  

WHEREAS, library programs serve Salisbury residents of all ages, from newborns to senior citizens; and  

WHEREAS, librarians lead the way in creating inclusive spaces and developing diverse collections for children and people of all backgrounds to connect and learn together; and  

WHEREAS, libraries bridge the digital divide by providing a full range of information and services to children and adult learners; and  

WHEREAS, libraries continue to transform and expand their services in ways that meet the needs of the communities they serve; and  

WHEREAS, libraries open a world of infinite possibilities through resources and services to help people pursue their passions and give students the tools to succeed in school and beyond; and  

WHEREAS, libraries have served the citizens of Rowan County for over a century.  

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM September 2020 as  

LIBRARY CARD SIGN-UP MONTH  

in Salisbury, and encourage all citizens to sign-up for their own library card today.  

This the 18th day of August, 2020.  

___________________________________  
Karen K. Alexander, Mayor
Salisbury, North Carolina
August 6, 2020

SPECIAL MEETING

PRESENT: Mayor Karen Alexander, Presiding; Mayor Pro Tem Al Heggins and Council Members David Post and Tamara Sheffield.

ABSENT: Council Member William Brian Miller, City Manager W. Lane Bailey, City Attorney J. Graham Corriher and City Clerk Kelly Baker.

Members of City Council participated in a forum hosted by Actions in Faith and Justice titled “Heart of Democracy.” Police Deputy Chief Shon Barnes and Rowan Salisbury Schools Executive Director of Administration and Legal Services April Kuhn also participated on the panel. Reverend Olen Bruner, Father Robert Black, and Mr. Mark Richie served as moderators for the forum and panelists discussed local equity concerns and social justice issues in the community. The forum was held virtually and began at 7:00 p.m. and adjourned at approximately 8:37 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:  
08/18/2020

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

Name of Presenter(s):  
Chief Jerry Stokes

Requested Agenda Item:  
Adopt a budget ORDINANCE Amendment to the FY2020-2021 budget in the amount of $25,736 to appropriate 2018 Edward Byrne Memorial Justice Assistance Grant.

Description of Requested Agenda Item:  
The Police Department has received a 2018 Edward Byrne Memorial Assistance Grant from the US Department of Justice. This grant is restricted for use by the City’s Police Department. NC General Statutes require that the City appropriate these revenues so that they can be legally spent. The Police Department plans to purchase data analytics software, ammunition training aids, and evidence supplies for the new evidence vehicle.

Attachments:  
☐ Yes  ☒ No

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

This will increase the FY21 budget for the police department.

Action Requested of Council for Agenda Item:  
(Please note if item includes an ordinance, resolution or petition)
Adopt a budget ORDINANCE Amendment to the FY2020-2021 budget in the amount of $25,736 to appropriate 2018 Edward Byrne Memorial Justice Assistance Grant.

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

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

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

FINANCE DEPARTMENT INFORMATION:

S. Wade Funches  
Finance Manager Signature

Anna Bunnear
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE 2018 BYRNE JUSTICE ASSISTANCE GRANT

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

Section 1. The City has received a 2018 Byrne Justice Assistance Grant from the US Department of Justice. This grant is restricted for use by the City’s Police Department. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

Section 2. That the 2020-2021 Budget Ordinance of the City of Salisbury, adopted on June 16, 2020, is hereby amended as follows:

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

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Increase line item 010-000-000-4463.01 Police Grants Revenue</td>
<td>$25,736</td>
</tr>
<tr>
<td>(2)</td>
<td>Increase line item 010-511-326-5131.03 Crime Prevention</td>
<td>$6,236</td>
</tr>
<tr>
<td>(3)</td>
<td>Increase line item 010-511-303-5131.03 Crime Prevention</td>
<td>$15,000</td>
</tr>
<tr>
<td>(4)</td>
<td>Increase line item 010-514-000-5192.00 Armory Supplies</td>
<td>$4,500</td>
</tr>
</tbody>
</table>

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

Section 4. That this ordinance shall be effective from and after its passage.
**Salisbury City Council**
**Agenda Item Request Form**

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

Requested Council Meeting Date: 08/18/2020

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

Name of Presenter(s): Chief Jerry Stokes

Requested Agenda Item: Adopt a budget ORDINANCE Amendment to the FY2020-2021 budget in the amount of $3000 to appropriate Joint Operations funds from the US Secret Service.

Description of Requested Agenda Item: The Police Department received funds from the Treasury Executive Office for Asset Forfeiture, Joint Operations / Secret Service to be used for the purpose of purchasing equipment and training for Criminal Investigations.

Attachments:  ☐ Yes  ☒ No

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

This will increase the FY21 budget for the police department.

Action Requested of Council for Agenda Item: (Please note if item includes an ordinance, resolution or petition) Adopt a budget ORDINANCE Amendment to the FY2020-2021 budget in the amount of $3000 to appropriate Joint Operations funds from the US Secret Service.

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

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

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

**FINANCE DEPARTMENT INFORMATION:**

Finance Manager Signature

Department Head Signature

Budget Manager Signature

****All agenda items must be submitted at least 7 days before the requested Council meeting date****
AN ORDINANCE AMENDING THE 2020-2021 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE JOPS SECRET SERVICE FUNDS

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

Section 1. The City has received funds from the Joint Operations / Secret Service branch of the Treasury Executive Office for Asset Forfeiture (TEOAF). These funds will be used to purchase equipment and training for Criminal Investigations Unit. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

Section 2. That the 2020-2021 Budget Ordinance of the City of Salisbury, adopted on June 16, 2020, is hereby amended as follows:

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

(1) Increase line item 010-000-000-4463.01 Police Grants Revenue $3,000

(2) Increase line item 010-511-326-5131.03 Crime Prevention $3,000

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

Section 4. That this ordinance shall be effective from and after its passage.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  08/18/2020

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

Name of Presenter(s): Chris Tester

Requested Agenda Item: Utility Cut Pavement Repairs

Description of Requested Agenda Item: Request to award Hanes Construction Company, the low bidder of the 2020-2021 Utility Cut Pavement Repairs 002-2021 RFP, the 2020-2021 utility cut pavement repair contract for a fee not to exceed $120,000.

Attachments: ☐ Yes  ☒ No

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

The FY21 budget contains sufficient funds for $120,000 in contracted services for utility cut pavement repairs.

Action Requested of Council for Agenda Item: Authorize the City Manager to execute a contract with Hanes Construction Company for a fee not to exceed $120,000 for fiscal year 2020-2021

Contact Information for Group or Individual: Chris Tester, Assistant Public Works Director

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

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

FINANCE DEPARTMENT INFORMATION:

S. Wade Funches
Finance Manager Signature

Department Head Signature

Anna Bumgarner
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: August 18, 2020

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

Name of Presenter(s): N/A

Requested Agenda Item: Approval of purchase of cellular data service with Badger Meter, Inc.

Description of Requested Agenda Item: Our water meters use cellular data to report readings each day. Badger Meter, Inc. hosts this service at a rate of $0.81 per meter, per month, or approximately $213,170 per year. This is an annual, budgeted expense that is required in order to operate our network of advanced metering infrastructure. Due to the large amount of the requested purchase, City Council approval is required.

Attachments: □ Yes □ No

Fiscal Note: FY21 budget contains sufficient funds for the monthly cellular data service.

Action Requested of Council for Agenda Item: Council to consider approving the purchase of cellular data service for water meters from Badger Meter, Inc. in the amount of $213,170.

Contact Information for Group or Individual: Jim Behmer, Utilities Director
704-638-5202, jbehm@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

S. Wak Fuches
Finance Manager Signature

Jim Behm
Department Head Signature

Anna Burman
Budget Manager Signature

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

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

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  August 18, 2020

Name of Group(s) or Individual(s) Making Request:  W. Lane Bailey

Name of Presenter(s):  W. Lane Bailey

Requested Agenda Item:  Council to adopt an Interlocal Agreement with the County of Rowan for management of funds from the Coronavirus Relief Fund (CRF) established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act in amount of $449,868.

Description of Requested Agenda Item:  CARES Act funds from the federal government are being managed by Rowan County for allocation to municipalities. The County, based on guidance from the U.S. Department of Treasury, is recommending these funds be used to meet payroll expenses for public safety employees. The City will submit its plan to Rowan County as requested prior to September 1, 2020.

Attachments:  ☑ Yes  ☐ No

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

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

Contact Information for Group or Individual:  W. Lane Bailey

☒ 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:
Interlocal Agreement Between the County of Rowan
And the Municipality ["City," "Town"] of Salisbury
For Management of Funds from the Coronavirus Relief Fund (CRF)
Established by the Coronavirus Aid, Relief, and Economic Security (CARES) Act

THIS INTERLOCAL AGREEMENT, made and entered into pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes this _1st_ day of September 2020, by and between the County of Rowan, a body politic and corporate organized and existing under the laws of the state of North Carolina (hereinafter referred to as “County”) and _Salisbury_, a North Carolina Municipal Corporation organized and existing under the laws of the state of North Carolina (hereinafter referred to as “Municipality”);

WHEREAS, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) established the Coronavirus Relief Fund (CRF); and

WHEREAS, the State of North Carolina received approximately $4.067 billion in CRF funds, including approximately $481,000,000, which the U.S. Treasury sent directly to four local governments in the State; and

WHEREAS, S.L. 2020-80 allocates $300 million of the State of North Carolina’s CRF allocation to counties ineligible to receive direct funding from the federal CRF; and

WHEREAS, S.L. 2020-80 directs the recipient County to allocate at least 25 percent of the funds for use by municipalities within the County for necessary expenditures incurred due to the public health emergency as required by section 601(d) of the Social Security Act, as amended by the CARES Act; and

WHEREAS, S.L. 2020-80 requires the recipient County to determine the total amount allocated to each municipality within the County, and requires each municipality that receives funds to develop a plan to spend the funds by September 1, 2020, or the County can use those funds or redistribute to other municipalities; and

WHEREAS, S.L. 2020-80 makes the CRF allocations subject to recoupment by the U.S. Treasury if they are not used in an eligible manner according to the most recently published U.S. Treasury Department guidance for CRF; and

WHEREAS, S.L. 2020-80 states counties and municipalities are liable to the State for any misuse or mishandling of the funds, and subject to clawback and other appropriate measures, including the reduction or elimination of other State Funds; and
WHEREAS, S.L. 2020-80 states any local government officer, official, or employee will be subject to a civil action by the State and held personally liable for reimbursement for violating the requirements of the CRF allocation; and

WHEREAS, S.L. 2020-80 and the North Carolina Pandemic Recovery Office have structured the administration of the CRF allocation to require the County to administer the allocation to municipalities and submit expenditure plans to the State; and

WHEREAS, the North Carolina Pandemic Recovery Office has advised that municipalities shall be directly liable to the State for violating the requirements of the CRF allocation; and

WHEREAS, the County's total CRF allocation is $5,319,455 and the actual amount appropriated to the County after the Municipality's distribution and architect fees will be $3,955,578; and

WHEREAS, the total for all Municipality's in Rowan County CRF allocation is $1,329,864 which is 25% of $5,319,455; and

WHEREAS, the total amount allocated for architect services to all municipality’s in Rowan County is $34,013 which will be paid directly to the Architect by the County which exceeds the minimum distribution of 25%.

NOW, THEREFORE, it is agreed as follows:

1. Rowan County shall allocate to the Municipality $449,868.00 for expenditures as specified in the Municipality’s plan, due or received September 1, 2020. As stated in S.L. 2020-80, U.S. Treasury Guidance, and N.C. Pandemic Recovery Office guidance, the county is administering the local government CRF allocation. Counties and municipalities are liable to the State for any misuse or mishandling of the funds allocated to each entity, and subject to clawback and other appropriate measures, including the reduction or elimination of State Funds.

2. Rowan County shall provide up to $18,438.00 in architectural services to the Municipality that shall be utilized no later than November 1, 2020.

3. Municipality agrees to expend funds allocated pursuant to this Agreement in compliance with the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136), S.L. 2020-80, U.S. Treasury Department Guidance, and NC Pandemic Recovery Office guidance. Any funds allocated by the County to the Municipality that are found to be
expended in violation of all applicable laws and guidance shall be repaid by the Municipality to the State of North Carolina. The County assumes no liability for any violations of CRF expenditure requirements by the Municipality, its officers, agents, or employees, for funds allocated by the County to the Municipality. The Municipality shall maintain documentation of their expenditures to ensure compliance with reporting and auditing requirements and shall make the same available to the County for review upon request of the County. Further the municipalities agree to defend and hold harmless the county and its officers, agents, or employees for any violations of CRF expenditures made by the Municipality. The Municipality hereby understands and agrees that it is fully responsible for the following of all rules, laws and regulations set forth by the State or Federal Government in regards to how they expend these funds and they understand that they county is only submitting their plan and reports to the State because we are required to do so. Likewise, the County is not in any way screening, reviewing or approving the municipalities plan or reports for compliance with any rules, laws and regulations set forth by the State or Federal Government. The Municipality is fully responsible for communicating with the State or Federal government to determine if their plan, expenditures and reports are in compliance with any and all State or Federal rules, laws and regulations.

4. In accordance with guidance from the U.S. Treasury Department, CRF payments are federal financial assistance subject to Single Audit requirements found in Uniform Guidance 2 CFR §200 Subpart F. CRF is a federal program with a CFDA No. 21.019. The U.S. Treasury Department is the federal granting agency and, except for the four local governments that received CRF directly, the Office of State Management and Budget (OSBM) is the State pass-through entity. The Uniform Guidance CFR §200 Subparts B, C, D, and E do not apply, except for §200.303 and §§ 200.330 through 200.332.

5. In order to comply with State reporting requirements required pursuant to S.L. 2020-80, the Municipality shall submit its CRF Plan to the County by in timely manner that allows the county to submit the plan to the State before September 1, 2020. Municipality acknowledges that failure to submit its CRF Plan to the County by this date shall result in the loss of funding provided for in this Agreement. If the County has already transmitted funds to the Municipality and the Municipality fails to submit its CRF Plan to the County by end of day August 27, 2020 to allow the county submit the plan to the State before September 1, 2020, the Municipality shall return the funds to the County.

6. In order to comply with monthly State reporting requirements on use of the funds, Municipality shall submit the required forms to the County by 10th of each month for the County to upload to the State portal (Attachments C-1 and C-2).
7. Modifications to this Agreement shall be in writing, signed, duly executed by the parties hereto, and kept on file along with the original Agreement.

8. Any notice permitted or required under this Agreement from one party to the other must be in writing, delivered in person and will be effective on the date it was actually delivered to the addressee.

9. The parties agree that the terms and provisions of this Agreement shall be construed in accordance with the laws of the State of North Carolina. This Agreement contains the entire agreement between the parties.

10. This interlocal government agreement shall be approved by the governing board of the Municipality and County.

{Signature Page Follows}
IN WITNESS WHEREOF, the parties hereto have caused this INTERLOCAL AGREEMENT to be duly executed pursuant to authorization obtained in a duly adopted resolution or has otherwise been duly authorized to sign on behalf of their respective corporation.

Municipality of Salisbury County of Rowan

By ______________________  By ______________________
Mayor                             Greg Edds, Chair
                                 Rowan County Board of Commissioners

ATTEST: ______________________  ATTEST: ______________________
Clerk                             Carolyn Barger, Clerk to the Board

Reviewed as to Form:

By ______________________  By ______________________
Graham Corriher, Municipal Attorney  Jay Dees, Rowan County Attorney

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

_____________________________
Leslie Heidrick, Assistant County Manager / Finance Director
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  August 18, 2020

Name of Group(s) or Individual(s) Making Request:  HANNAH JACOBSON, PLANNING DIRECTOR

Name of Presenter(s):  CATHERINE GARNER, SENIOR PLANNER

Requested Agenda Item:  LDOTA-01-2020 CITY OF SALISBURY

Description of Requested Agenda Item:  AN ORDINANCE AMENDING CHAPTER 15 OF THE LAND DEVELOPMENT ORDINANCE RELATIVE TO FIRST-CLASS MAIL NOTIFICATION FOR PUBLIC OR EVIDENTIARY HEARINGS

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 HOLD A PUBLIC HEARING WITH CONSIDERATION TO ADOPT ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE AT SEPTEMBER 1, 2020 CITY COUNCIL MEETING.

Contact Information for Group or Individual:  Catherine Garner, x5212 or catherine.garner@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  _____________________________
Finance Manager Signature  Department Head Signature

____________________________
Budget Manager Signature

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

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

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
MEMORANDUM

TO: City Council Members
FROM: Catherine Garner, Senior Planner
DATE: City Council Meeting – August 18, 2020
RE: Ordinance Amendment: First Class Mail Notifications

Staff is proposing an amendment to Chapter 15 of the Land Development Ordinance (LDO) regarding required first class mail notifications for public hearings. Prior to 2018, all public hearings had a mailed notification radius of 100 feet from the subject parcel(s). Upon a suggestion from City Council, this radius was increased from 100 feet to 500 feet to provide abundant notice to properties in the vicinity. However, the significant increase in radius has proven to be problematic for neighbors, for applicants, and for staff. The radius covers so much distance that many recipients are not familiar with the property in question and call confused about why they received the notice in the first place. Applicants are often frustrated that the required reimbursement fee is so high; the fee is based on the total number of envelopes sent. Staff is struggling to keep up with processing the volume of notices, particularly for Historic Preservation Commission (HPC) meetings, which often have four or more cases per meeting.

Based on research of other municipalities and consideration of the needs of legislative hearings versus quasi-judicial hearings, staff proposes to change the radius to be dependent on the type of hearing to tailor the approach to the request. For quasi-judicial hearings, the radius will revert to 100 feet. This will include cases such as Special Use permits, variances, appeals, and certificate of appropriateness requests before the HPC. Quasi-judicial hearings are to gather testimony and evidence about the impact of a change on the parcels immediately surrounding the subject parcel. Those providing testimony should only be those with standing, which also implies a close proximity to the subject parcel. Thus, staff feels that the narrowed radius is appropriate with state law requirements for quasi-judicial hearings. However, legislative hearings, such as rezonings and conditional district rezonings, are open to broader comment, are not limited to evidentiary testimony, and have the potential to
impact a larger area. Staff is recommending reducing the radius from 500 feet to 250 feet in an effort to keep the notifications sufficiently broad, while keeping the notifications affordable and sustainable for applicants and staff.

The first class mail notification requirement is supplemented by additional notification requirements as outlined in LDO Section 15.3 Public Notification for Public of Evidentiary Hearings. All rezoning requests require the placement of public hearing signage and newspaper advertisements. Evidentiary hearings require public hearing signage. The Planning Board/Board of Adjustment website has already been reconstructed by the Communications Department for the ability to upload meeting agendas, minutes, and information on pending cases. The website will be incorporated into all future public hearing mailed notifications so that concerned citizens can readily obtain information about upcoming board business. A similar update is underway for the Historic Preservation Commission website.

Another change to LDO Section 15.3 is the introduction of a table that more clearly outlines the notification process for each hearing type (quasi-judicial, legislative, etc.). This addition to the ordinance is reflected in the proposed ordinance amendment.

Planning Board held a meeting on July 28, 2020 to review the proposed ordinance amendment and make a recommendation to City Council. On a motion made by Mr. Bill Burgin and seconded by Ms. P.J. Ricks, the Planning Board voted unanimously to recommend approval of the text amendment as proposed.
CHAPTER 15: DEVELOPMENT PROCESS

15.2 General Applicability

The provisions of this Chapter shall be applicable to all development activity under the jurisdiction of the City of Salisbury. No building, sign or other structure (except as otherwise provided for in this Ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall the use conducted within the building change, nor shall any excavation or filling of any lot for the construction of any building be commenced, nor shall any change in the use of a property be commenced until the Administrator has issued an applicable permit for such work. The issuance of a permit is subject to the required development review process as applicable for the development petition. No grading or infrastructure work may commence prior to the issuance of a Zoning or Development Permit.

15.3 Public Notification for Public or Evidentiary Hearings

Public notification is statutorily required for legislative public hearings and quasi-judicial evidentiary hearings.

Public notification for quasi-judicial evidentiary hearings shall be made in the manner as described below in subsections B and C. Legislative public hearings are divided into two (2) categories: 1) Text Amendments and 2) Map Amendments (rezoning), which includes Conditional Districts and Vested Rights. Public notification for Text Amendments shall be made in the manner as described below in subsection A. Public notifications for Map Amendments shall be made in the manner as described below in subsections A, B, C, and D, if applicable. The notification procedures for E may replace those of C when the Map Amendment directly affects more than 50 properties owned by at least 50 different property owners.

<table>
<thead>
<tr>
<th>Request</th>
<th>Newspaper Notice</th>
<th>Sign to be Posted</th>
<th>First Class Mail Notification (Certified Mail required if applicant is not owner)</th>
<th>Alternate Notifications for Rezoning more than 50 Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quasi-Judicial (AMDC, HPC, Appeals, Special Use permits, and Variances)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Map Amendments (including rezonings and Conditional District rezonings)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Text Amendments</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vested Rights</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

SALISBURY, NC, LAND DEVELOPMENT ORDINANCE
ADOPTED DECEMBER 18, 2007; EFFECTIVE JANUARY 1, 2008
CHAPTER 15: DEVELOPMENT PROCESS

A. Newspaper Notice: A notice of the proposed action shall be published in a newspaper having general circulation in the City once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the hearing (the date of the publication shall not be included in this calculation, but the day of the hearing shall).

B. Sign to be Posted: A prominent sign shall be posted on the subject property(ies) or adjacent street right-of-way. The sign shall remain until after the decision-making authority has rendered its final decision.

C. First-Class Mail Notification: A notice of the proposed action shall be sent first class mail by the Administrator at least (10) but not more than (25) days prior to the hearing to the following: the person(s) or entity initiating the hearing, the owner(s) of the affected property(ies), the owners of all abutting properties, and owners of all property within 500 feet of the affected properties. The specified distance per hearing type, as defined below:

1. Legislative hearings (including but not limited to rezoning and conditional district rezonings): 250 feet of the parcel(s) in question
2. Quasi-Judicial Hearings (including but not limited to Certificates of Appropriateness, Special Use permits and variances): 100 feet of the parcel(s) in question

C.D. Registered or Certified Mail Notification: If a petition for a Map Amendment (re zoning) is not requested by the owner(s) of the affected property(ies) or by the City of Salisbury, actual notice of the hearing shall be sent registered or certified mail to the owner(s) of the affected property(ies) by the petitioner of the rezoning.

D.E. Alternate Notification for Rezoning more than 50 Properties: First-class mailed notification shall not be required when the zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners. In this case, the City shall publish once a week for two successive calendar weeks in a newspaper having general circulation in the area with a map showing the boundaries of the area affected by the proposed Ordinance or amendment. The map shall not be less than one-half of a newspaper page in size. The notice shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the City’s jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by mail pursuant to this section. The person or persons mailing the notices shall certify to the City Council that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, the City shall post one or more prominent signs on or immediately adjacent to the subject property area reasonably calculated to give public notice of the proposed rezoning.

15.3.1 Public Notice for Planning Board Courtesy Hearings

As the Planning Board provides recommendations to City Council on all legislative matters, courtesy hearings, although not required by law, are an important opportunity for the affected and general public to express their opinions and concerns on the proposed petition.
TA-01-2020
Ordinance Amendment: First Class Mail Notifications

History

• Until 2018: All public hearings required mailed notifications to properties within 100 feet of the subject parcel(s)

• 2018 – present: All public hearings require mailed notifications to properties within 500 feet of the subject parcel(s)
Proposal

• Tailor the mailed notification radius to the type of hearing:

  • **250 feet** - *Legislative cases* (rezonings and conditional district rezonings)

  • **100 feet** - *Quasi-Judicial cases* (special use permits, Historic Preservation Commission, variances, appeals)

Rationale

• **Legislative hearings:**
  • Are open to broader comment
  • Not limited to evidentiary testimony
  • Have the potential to impact a larger area

• **Quasi-Judicial hearings:**
  • Intended to gather testimony and evidence about the impact of the change on the parcels immediately surrounding the subject parcel
  • Limited to those parties with standing, which also implies a close nexus to the property
Rationale

- **Expense to applicant**
  - Reimbursement is based on number of envelopes sent – more envelopes, more expense
  - $150 – Typical HPC mailing reimbursement per case

- **Confusion for Citizens**
  - Citizens at the outer limits of the 500 ft. radius from subject parcel(s) are confused receiving a letter for a public hearing
  - Often they are not familiar with the property or state they are not interested
  - Many citizens receive duplicate mailings despite our best efforts to cull duplicates

- **Impact to Staff**
  - Mailings take a large amount of staff time to complete
  - HPC meetings typically have 5 or more cases per meeting
    - August meeting: 9 cases at approx. 75 letters each = 675+ pieces of mail

Additional Means of Notification

- Signs are placed on the property for public hearings involving parcels of land (rezonings, conditional district rezonings, quasi-judicial hearings)

- Agendas, minutes, and pending cases are now posted on the Planning Board/Board of Adjustment website
  - HPC website undergoing updates for similar functionality
Z-02-2019: 506 W Marsh Street  
[Legislative]

500 feet – 95 parcels, $150  
250 feet – 41 parcels, $75

H-16-2020: 116 E Council St  
[Quasi-Judicial]

500 feet – 120 parcels; $300  
100 feet – 16 parcels; $25
Amended Ordinance – 15.3

<table>
<thead>
<tr>
<th>Request</th>
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<th>Alternate Notifications for Rezoning more than 30 Properties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Open Judicial ANIDC, HPC Appeals, Special Use permits and Variances</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Map Amendments (including rezonings and Conditional District rezonings)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Text Amendments</td>
<td>X</td>
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<tr>
<td>Vested Rights</td>
<td>X</td>
<td>X</td>
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</tbody>
</table>

Amended Ordinance – 15.3.C

C. First-Class Mail Notification: A notice of the proposed action shall be sent first class mail by the Administrator at least (10) but not more than (25) days prior to the hearing to the following: the person(s) or entity initiating the hearing, the owner(s) of the affected property(ies), the owners of all abutting properties, and owners of all property within 500 feet of the affected property(ies) – the specified distance per hearing type, as defined below:

1. Legislative hearings (including but not limited to rezonings and conditional district rezonings): 250 feet of the parcel(s) in question
2. Quasi-Judicial Hearings (including but not limited to Certificates of Appropriateness, Special Use permits and variances): 100 feet of the parcel(s) in question
Planning Board Recommendation

Planning Board met on July 28, 2020 and voted unanimously of those present to recommend approval.

<table>
<thead>
<tr>
<th>Member</th>
<th>Yes</th>
<th>No</th>
<th>Abstention</th>
<th>Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ms. Jayne Land</td>
<td>X</td>
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<tr>
<td>Mr. Jon Post</td>
<td></td>
<td></td>
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<td>X</td>
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<tr>
<td>Mr. Tim Norris (ETJ)</td>
<td>X</td>
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<tr>
<td>Ms. PJ Ricks</td>
<td>X</td>
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<td>Mr. John Schaffer, Chairman</td>
<td>X</td>
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<tr>
<td>Mr. Bill Wagoner</td>
<td>X</td>
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<tr>
<td>Mr. John Struzick, Vice-Chairman</td>
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<tr>
<td>Mr. Dennis Rogers</td>
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<td>X</td>
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<tr>
<td>Mr. Bill Burgin</td>
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</tbody>
</table>
AN ORDINANCE AMENDING CHAPTER 15 (DEVELOPMENT PROCESS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO FIRST CLASS MAIL NOTIFICATION FOR PUBLIC OR EVIDENTIAL HEARINGS. (PETITION NO. LDOTA-01-2020)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment on July 28, 2020 and hereby recommends its approval; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of August 18, 2020 with a decision made at the September 1, 2020 City Council meeting; and

WHEREAS, the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and not inconsistent with the Vision 2020 Comprehensive Plan because there are no specific objections or continuance of adopted goals or policies.

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

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

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

SECTION 3. That this ordinance shall be effective from and after its passage.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  August 18, 2020

Name of Group(s) or Individual(s) Making Request:  Chief Bob Parnell

Name of Presenter(s):  Chief Bob Parnell

Requested Agenda Item:  Council to receive an update from the Fire Department

Description of Requested Agenda Item:  Chief Bob Parnell will provide an update on initiatives and activities at the Salisbury Fire Department.

Attachments:  ☐ Yes  ☐ No

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

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

Contact Information for Group or Individual:  Chief Bob Parnell

☐ 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: