<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Call to Order</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Moment of Silence</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Pledge of Allegiance</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Welcome to the People’s House!</td>
<td>A reminder that City Hall exists for, of and by the people of our City and is inclusive of ALL!! Council and staff are here to SERVE YOU and to create a welcoming, inclusive, safe, and thriving environment for ALL to enjoy as you live, work, play, volunteer, visit, learn and participate in decision making in our great City!!</td>
</tr>
<tr>
<td>5</td>
<td>Proclamation:</td>
<td>MAKE A DIFFERENCE DAY OCTOBER 27, 2018</td>
</tr>
<tr>
<td>6</td>
<td>Consent Agenda:</td>
<td>(a) Adopt Minutes of the Regular meeting September 17, 2018.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Approve a request from AT&amp;T to install directional bored duct and down guys within the City Right-of-Way near South Jackson Street and West Fisher Street in accordance with Section 11-24 (27) of the City Code.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(c) Authorize the City Manager to execute an Amendment to an existing Professional Services Agreement with Highfill Infrastructure Engineering, P.C. for an amount not to exceed $182,000 for engineering services associated with the Crane Creek Lift Station and Force Main Upgrades Project.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Requestor(s): Salisbury-Rowan Utilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Presenter(s): Jason Wilson</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Requestor(s): Engineering</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Presenter(s): Wendy Brindle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Requestor(s): Highfill Infrastructure Engineering, P.C.</td>
</tr>
</tbody>
</table>
### Council Meeting Agenda

**City of Salisbury**  
**North Carolina**  
**COUNCIL MEETING AGENDA**  
**October 16, 2018**  
**5:00 p.m.**

<table>
<thead>
<tr>
<th></th>
<th>Requestor(s): De Nora Water Technologies Texas, LLC.</th>
<th>Requestor(s): Salisbury-Rowan Utilities</th>
<th>Approve a sole-source purchase from De Nora Water Technologies Texas, LLC for an amount not to exceed $75,000 and adopt a Budget <strong>ORDINANCE</strong> Amendment to the FY2018-2019 budget in the amount of $75,000 to appropriate revenue from interest for the Water-Sewer Fund.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Presenter(s): Jason Wilson</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Requestor(s): Police Department</th>
<th></th>
<th>Receive an application from Mr. Paul Hudson, Jr. and Ms. Bobbie Jo Watson for a permit to operate a pool hall located at 612 South Main Street, and set a public hearing for November 6, 2018.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Presenter(s): Chief Stokes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Council to consider making appointments to various boards and commissions.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7</strong></td>
<td>Appointments to Boards and Commissions.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Council to receive public comment. <strong>Public comment will be opened at approximately 6:00 p.m. or at the end of the meeting, whichever comes first.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8</strong></td>
<td>Public Comment.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Council to receive financial reports and information that covers the first quarter of the current fiscal year.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10</strong></td>
<td>City Manager’s Report.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>Council to consider adopting an <strong>ORDINANCE</strong> amending Chapter 2, Article II, Division 2 of the City Code of Ordinances relating to the Suggested Rules of Procedure. The committee members included Mayor Al Heggins, Councilmember Karen Alexander, et al.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>10</strong></td>
<td>Amendment - Chapter 2, Article II, Division 2 of the Code of Ordinances.</td>
<td>Requestor(s): City Attorney Graham Corriher</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Presenter(s): City Attorney Graham Corriher</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Requestor(s): Financial Services</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Presenter(s): Wade Furches</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## COUNCIL MEETING AGENDA

**October 16, 2018**

**5:00 p.m.**

### (b) Budget Ordinance Amendment – Sale of Real Property.

**Requestor(s):** Financial Services

**Presenter(s):** Shannon Moore

Adopt a Budget **ORDINANCE** Amendment to the FY2018-2019 budget in the amount of $167,500 to appropriate funds received from the sale of real property.

### (c) Budget Ordinance Amendment – Police Department

**Requestor(s):** Financial Services

**Presenter(s):** Shannon Moore

Adopt a Budget **ORDINANCE** Amendment to the FY2018-2019 budget in the amount of $464,981 to appropriate funds for the Police Department.

### (d) Budget Ordinance Amendment – FEMA Grant.

**Requestor(s):** Financial Services

**Presenter(s):** Shannon Moore

Adopt a Budget **ORDINANCE** Amendment to the FY2018-2019 budget in the amount of $269,340 to appropriate funds for the Fire Department.

### (e) Adopt a Resolution – Declaration of Official Intent to Reimburse Expenditures regarding acquisition of property and construction for two Fire Stations.

**Requestor(s):** Financial Services

**Presenter(s):** Shannon Moore

Council to consider adopting a **RESOLUTION** of Declaration of Official Intent to reimburse expenditures regarding the acquisition of property and construction for two Fire Stations.

### 11 Announcements.

**(a)** Salisbury Parks and Recreation Department in partnership with the Dog PAWS Taskforce is excited to announce the grand opening of the Dog PAWS Dog Park on Saturday, October 20, 2018 from 10:00 a.m. until 1:00 p.m. behind the Salisbury Civic Center at 315 South Martin Luther King Jr. Avenue. This event will include live music and food for purchase on site. Dogs are welcome and encouraged with proof of up to date vaccinations. For more information, please call (704) 216-PLAY.

**(b)** The third installment of Chit, Chat & Chew, a series of town hall meetings, will be held Tuesday, October 23, 2018 at Southside Baptist Church located at 500 Morlan Park Road beginning at 5:15 p.m. The meeting will provide citizens an opportunity to have interactive conversations with Council and staff and to share their concerns and ideas for their community. Dinner will be provided.
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(c)</strong></td>
<td>The Community Appearance Commission and Housing Advocacy Commission will sponsor the BlockWork Neighborhood Improvement Project on National Make A Difference Day Saturday, October 27, 2018, in the 400 block of South Lee Street. The 400 block of South Lee Street and the 100 and 200 blocks of East Monroe Street will be closed to through traffic. If you are interested in volunteering for all or part of the day, please contact the Community Planning Office at 704-638-5242.</td>
<td></td>
</tr>
<tr>
<td><strong>(d)</strong></td>
<td>Salisbury Parks and Recreation, in partnership with Downtown Salisbury, Inc., will host the annual Halloween Fun Fest Saturday, October 27, 2018 from 3:00 p.m. until 6:00 p.m. in the City Hall parking lot. Activities will include carnival games, live entertainment, trick or treating, a hay bale maze, costume contest, pet costume contest and more. Game tickets are $5.00 for an unlimited pass.</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Council’s Comments.</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Mayor Pro Tem Comments.</td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>Mayor’s Comments.</td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>Adjourn.</td>
<td></td>
</tr>
</tbody>
</table>
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  October 16, 2018

Name of Group(s) or Individual(s) Making Request:  Alyssa Nelson

Name of Presenter(s):  Mayor Heggies

Requested Agenda Item:  Make a Difference Day Proclamation

Description of Requested Agenda Item:  The Community Appearance Commission and Housing Advocacy Commission will sponsor the BlockWork Neighborhood Improvement Project on National Make A Difference Day Saturday, October 27, 2018, in the 400 block of South Lee Street.

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:  Alyssa Nelson

☑ 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 Mayor’s Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined
Reason:
City of Salisbury
North Carolina

PROCLAMATION

WHEREAS, October 27, 2018 is National Make a Difference Day; and

WHEREAS, the BlockWork Neighborhood Improvement Project will be held on October 27, 2018; and

WHEREAS, the Community Appearance Commission of the City of Salisbury initiated BlockWork in 2011 to make a difference in neighborhoods one block at a time; and

WHEREAS, the Housing Advocacy Commission will partner with the Community Appearance Commission for the 2018 BlockWork Project; and

WHEREAS, the 400 block of South Lee Street in the South Main Neighborhood was selected as the location for the 2018 BlockWork event; and

WHEREAS, the Community Appearance Commission and Housing Advocacy Commission invite all interested citizens to participate in the one-day work event.

NOW, THEREFORE, I, Al Heggins, Mayor of the City of Salisbury do hereby proclaim Saturday, October 27, 2018, as

MAKE A DIFFERENCE DAY

in Salisbury, and recognize the 400 block of South Lee Street as the City of Salisbury’s 2018 Make a Difference Day Project in Salisbury, North Carolina, and urge my fellow citizens to observe this day by participating in the 2018 BlockWork event.

This the 16th day of October 2018.

Al Heggins, Mayor
Salisbury, North Carolina  
September 17, 2018

REGULAR MEETING

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

ABSENT: None.

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

PROCLAMATION

Mayor to proclaim the following observances:

WELCOMING WEEK  SEPTEMBER 16-23, 2018
NATIONAL CHILDHOOD CANCER AWARENESS MONTH  SEPTEMBER 2018
Mayor Heggins read the Suicide Prevention Month Proclamation and presented a copy to Engineering Technician Vickie Eddleman.

Mayor Heggins read the Salisbury Go Transit Month Proclamation and presented a copy to Transit Director Rodney Harrison.

CONSENT AGENDA

(a) Approval of Minutes

Adopt Minutes of the Regular meeting of August 21, 2018.

(b) Agreement – Utilities

Authorize the City Manager to approve a Utility Construction Agreement with North Carolina Department of Transportation (NCDOT) in the amount of $646,839 for the reimbursement of NCDOT for adjusting and/or relocation of public water utilities in conjunction with NCDOT project U-5738.

(c) Easement

Approve a 10 foot permanent easement for the Rowan-Salisbury School System along the southern boundary of Parcel 040-004 for the extension of a walking trail.

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

PUBLIC HEARING – INCENTIVE GRANT PROJECTS ARIZONA AND CARE

Rowan Economic Development Commission (EDC) Vice President of Operations Scott Shelton addressed Council regarding incentive grant requests for “Project Arizona” and “Project Care.” He reviewed that the City’s Investment Grant Program provides five-year grants to companies investing within City limits, and he added grants are established by contracts between a company and the City. He stated a company must pay taxes each year based on the actual tax value of the property or investment in order to be eligible for incentive grants. He noted if the company meets criteria requirements a portion of property taxes would be returned to the company as a grant. He stated grant funding is based on the property’s taxes for the first consecutive five years. He reviewed the City’s current incentive policy:
<table>
<thead>
<tr>
<th>Grant Category</th>
<th>Investment Required</th>
<th>Percentage of Paid Taxes Returned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level one grant</td>
<td>$5 million</td>
<td>75%</td>
</tr>
<tr>
<td>Level two grant</td>
<td>$50 million</td>
<td>80%</td>
</tr>
<tr>
<td>Level three grant</td>
<td>$100 million</td>
<td>85%</td>
</tr>
</tbody>
</table>

Mr. Shelton referenced Project Arizona as an existing employer in the City, and he noted the initial investment by the company will be approximately $188 million. He stated the company will choose a location for new construction that could create 77 new manufacturing jobs, with above average salaries, and he pointed out North Carolina is in competition with other countries for the investment. He noted, based on the information provided by the company, Project Arizona is eligible for a level three grant, and the City would have a payback amount equal to 85% of new taxes paid.

Mr. Shelton commented during the five incentivized years, the City would collect $4,538,694 in revenue and provide incentive grants of $3,857,890. He stated the City would retain $680,804 in revenue during the incentive terms. He reviewed the 10 year incentive model that anticipates the City collecting an estimated $11,277,554 less the incentive grant of $3,857,980 with an estimated new revenue of $7,419,664 for the City.

Mr. Shelton referenced Project Care as an existing employer in the City, and he noted the initial investment by the company will be approximately $68 million. He stated the company will choose a location for new construction and could create 59 new jobs and retain the current employee salary levels. He noted, based on the information provided by the company, Project Care is eligible for a level two grant, which would pay back an amount equal to 80% of new paid taxes.

Mr. Shelton commented during a five year incentive term the City would collect $2,143,531 in revenue, provide incentive grants totaling $1,714,825, and retain $428,706 as revenue. He reviewed the 10 year incentive break down indicates the City would collect an estimated $4,580,991 less the incentive grant of $1,714,825 with an estimated new revenue of $2,866,166 in City revenue.

Mr. Shelton explained if these companies choose Salisbury as the location to invest the projects could create 136 new full-time jobs as well as generate $256 million in revenue. He commented after the incentive periods conclude both projects combined could generate approximately $1.8 million of annual tax revenue.

Mr. Shelton noted the EDC requests Council consider setting public hearings for October 2, 2018 to receive public input on the incentive requests for Project Arizona and Project Care.

Councilmember Alexander asked how long the EDC has been working on the projects. Mr. Shelton commented the projects began in spring 2017.

Councilmember Miller commented these types of investments are a good thing for the City with incremental changes to job opportunities, and he added he supports the investments.
Mr. Shelton commented the EDC will make a similar request to the Rowan County Board of Commissioners for the two projects. He noted both companies are in close proximity to each other, and there has been discussion regarding a new roadway. He pointed out the companies would request funding assistance from the State.

Councilmember Miller asked if there are any water or sewer line extension needs for these projects. Mr. Shelton commented he was not aware of any, and he added Project Arizona has had a conversation with Salisbury-Rowan Utilities Director Jim Behmer regarding capacity needs for facilities, but it was determined water/sewer expansion would not be an issue based on the current infrastructure.

Thereupon, Mayor Pro Tem Post made a motion to set public hearings for October 2, 2018 to receive public comment regarding an incentive grant request for “Project Arizona” and “Project Care.” Councilmember Alexander seconded the motion. Mayor Heggins, and Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

**UPDATE – SALISBURY POLICE**

Police Chief Jerry Stokes presented Council a Police Department update. He commented the department has 81 budgeted positions and is currently overstaffed with 83 filled positions.

Chief Stokes reviewed a 2017 and 2018 crime data comparison and noted the overall total violent crime has increased 6.7%. He commented commercial robberies and shooting into occupied dwellings have shown a higher increase. He indicated larceny rates have risen especially relating to motor vehicles, and he added firearm theft has been a factor for increased firearm violence.

Mayor Heggins asked what kind of changes the department has noticed since the additional positions were added. Chief Stokes commented staff has more opportunities for community engagement, policing, problem-solving and caseloads.

Mayor Pro Tem Post asked when the department was last overstaffed. Chief Stokes commented he was unsure. He recognized Sergeant Crews as the officer who started recruitment in 2017 and noted Sergeant Corey Brooks has since taken over staff recruitment.

Councilmember Miller asked about the impact of foot patrols. Chief Stokes commented foot patrol has lasting effects. Councilmember Miller asked if over staffing allows more time for officers to conduct foot patrols. Chief Stokes agreed, and he noted seven officers are in Basic Law Enforcement Training (BLET) and are not actively patrolling.

Councilmember Sheffield asked when the BLET officers would be actively patrolling. Chief Stokes commented the BLET night courses will conclude February 2019 and the BLET day course will conclude in December 2018. He added BLET graduates will then complete field training and be considered active officers in March 2019.
City Manager Lane Bailey commended staff for helping increase officer and community morale, and he thanked Council for their support. He commented staff may return to Council to request more policing equipment to compensate for additional staff.

**FY2018-2019 CONSOLIDATED ANNUAL PLANNING AND EVALUATION REPORT (CAPER)**

Community Planning Services Director Janet Gapen and Planner Kyle Harris addressed Council regarding the FY2017-2018 Consolidated Annual Planning and Evaluation Report (CAPER). Mr. Harris stated the CAPER is a performance report for Community Development Block Grant (CDBG) and HOME program funds the City receives from the United States Department of Housing and Urban Development (HUD) for housing and neighborhood revitalization.

Mr. Harris pointed out in FY2017-2018 the City received $410,037 including $271,203 in CDBG funding and $108,834 in HOME program funds. He added funds return back into the program through homes that are purchased, rehabilitated, and sold.

Mr. Harris reviewed that the department accomplished five substantial rehabilitations of owner-occupied homes, and he added staff initiated six additional home rehabilitations in FY2017-2018. He commented the department provided two down payment/closing cost assistance to first-time home buyers and Lenders Mortgage Insurance (LMI) homebuyers in the West End community. He noted participants were required to complete an eight hour Homebuyer Education course offered by Salisbury Community Development Corporation (CDC). He reviewed examples of homeowner-occupied projects programs such as roof replacement, water damage repair, heating, ventilation, air conditioning (HVAC), handicapped accessibility, plumbing and electrical, and exterior repairs such as siding, windows and porches, and bath and kitchen appliances.

Mr. Harris commented fair housing testing was conducted in FY2017-2018 with Legal Aid of North Carolina and reports were provided to Council that are currently being reviewed by the Human Relations Council. He noted staff will update the five-year impediments report to improve accessibility to fair housing and will explore opportunities to partner with the Centralina Council of Governments (CCOG). He noted staff will assemble a local task force to include stakeholders who may be impacted by fair housing. He shared the Community Development Corporation (CDC) hosted a Fair Housing Workshop on July 16, 2018, that addressed Fair Housing Laws. He added the City continues to promote fair housing to help residents understand the rights and protections offered by the Fair Housing Act.

Mr. Harris noted the CDC offers Homebuyer Education classes, counseling, and one-on-one sessions. He explained funds are allocated for CDBG public services activities for Rowan Helping Ministries, Family Crisis Council, Community Care Clinic, Salisbury Youth Employment Program, and the Gateway Freedom Center.

Mayor Pro Tem Post thanked staff for its work relating to fair housing opportunities for the community.
(b) Mayor Heggins convened a public hearing to receive comments regarding the FY2017-2018 Consolidated Annual Planning and Evaluation Report (CAPER) for Community Development Block Grant and HOME programs.

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

SALE OF PARCEL – 110 NORTH MAIN STREET

City Engineer Wendy Brindle stated Council adopted a Resolution to authorize the upset bid process for Parcel 010-2-562, located at 110 North Main Street. She added the parcel is also referred to as the Zimmerman Building. She indicated the property is approximately 3,650 square feet. She noted staff advertised for upset bid Thursday, September 6, 2018 and the deadline for receipt of bids was Monday, September 17, 2018. She commented there were no additional bids submitted. She stated staff received a $150,000 offer with conditions to abate mold in the basement and perform a final air clearance test. She noted the purchaser requested his current lease of $585 per month at the Plaza be released without penalty, and she added his current lease expires December 2019. She commented if Council is in agreement it could authorize the sale of the property to the original buyer, Pete Bogle, in the amount of $150,000.

Councilmember Sheffield asked about Mr. Bogle’s current lease. Ms. Brindle commented Mr. Bogle anticipates renting in the Plaza until December 2018, and she noted his lease expires December 2019.

Thereupon, Councilmember Miller made a motion to authorize the sale of parcel 010-2-562 located at 110 North Main Street to Pete Bogle in the amount of $150,000 subject to purchaser to abate mold with final air clearance; in addition, the tenant should provide the City no less than 60 day notice before vacating his current commercial space located in the Plaza building. Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

SALE OF PARCELS – 200 BLOCK OF WEST HENDERSON STREET

City Engineer Wendy Brindle stated Council adopted a Resolution to authorize the upset bid process for Parcels 011-391 and 011-391-01. She noted staff advertised for the upset bid Monday, September 6, 2018, and the deadline for receipt of bids was Monday, September 17, 2018. She commented there were no additional bids submitted. She noted the parcels are located in the 200 block of West Henderson Street and are an estimated 0.80 acres. She stated portions of both parcels are located in a 100-year floodplain but the property allows for development. She commented a motion would need to be made if it is Council’s desire to authorize the sale of the property to the original buyer, Choua Vue, in the amount of $15,000 a motion would need to be made.
Mayor Pro Tem Post asked about the tax value of the parcels. Ms. Brindle commented the combined tax value is $59,650. She commented the City will not be responsible for any fees associated with the realtor.

Mayor Pro Tem Post asked how the City acquired the properties. Ms. Brindle commented the City owns property throughout the City that is similar, and she added it maybe because the parcels are located in a floodplain.

Thereupon, Councilmember Miller made a motion to authorize the sale of approximately 0.80 acres, parcels 011-391 and 011-391-01 located in the 200 block of West Henderson Street to Choua Vue in the amount of $15,000 and any realtor fees will be paid by the purchaser and not by the City. Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

SALE OF PARCEL – 600 BLOCK OF CALDWELL STREET

City Engineer Wendy Brindle stated Council adopted a Resolution to authorize the upset bid process for Parcel 009-317, a 0.12 acre tract located in the 600 block of South Caldwell Street. She noted staff advertised for the upset bid Tuesday, September 4, 2018 and the deadline for receipt of bids was Friday, September 14, 2018. She commented there were no additional bids submitted. She stated the property’s tax value is $11,362 and the offer is for $2,500. She stated Mr. Juan Arias referenced a nearby property in his offer letter that is similar with a sale price of $5,500 with 4,792 square feet and noted Mr. Arias adjusted his offer to be comparable to that property. She indicated Mr. Arias plans to build a single-family home that will be able to meet the required 36-foot side yard offset.

Thereupon, Mayor Pro Tem Post made a motion to authorize the sale of a 0.12 acre tract, parcel 009-317 located in the 600 block of South Caldwell Street to Juan Arias in the amount of $2,500. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. Councilmember Miller voted NAY. (4-1)

FINANCIAL SOFTWARE – ‘MUNIS’

Finance Director Shannon Moore introduced Tyler Technologies Senior Account Representative Mr. Roy Phibbs, and she added Tyler Technologies owns MUNIS a financial management software. She commented staff began looking for budget access database software replacement in March 2015 with hopes of finding a software geared toward government’s that could be used throughout multiple departments. She pointed out the City has used the MUNIS software since January 2014 for the Human Resource Department and for payroll.

Ms. Moore noted a variety of City staff participated in demonstrations with four software companies Questica, PowerPlan, Elation, and MUNIS. She commented staff received positive feedback from multiple finance departments across the state who currently use the MUNIS
software, and she added staff shadowed the City of Kannapolis to observe the software functionality. She stated MUNIS serves 98 counties and cities across North Carolina, and she noted the software has been a life purchase for those organizations.

She reviewed phase one of the proposed software and noted full integration for Geographic Information Services (GIS) department, utility billing, cashiering, and accounting including general ledger, fixed assets, and inventory modules, sales tax reimbursement, purchasing, and budget functions. She noted software expenses for Phase One would be split between the General Fund and Water/Sewer Fund. She requested Council consider authorizing the City Manager to approve the sole source purchase with Tyler Technologies MUNIS software not to exceed $350,000.

Ms. Moore commented Cogsdale (GP) is the City’s current finance software with an annual maintenance fee of $152,223 for utility billing and general ledger accounting. She shared MUNIS includes an annual maintenance fee of $32,328 including utility billing, general ledger accounting, purchasing, and budget modules. She noted the City’s budget would begin to reflect savings in three years for Phase One.

Ms. Moore reviewed in FY2019-2020 a potential request to integrate Phase Two with MUNIS software for Code Enforcement and Development Services Department who has shown an interest in MUNIS to replace its current software. She indicated the same software is used by Rowan County and could provide easier electronic sharing. She commented the second part of Phase Two would be to integrate an assets management and work order system. She pointed out the City does not have a computer-based work order system. She commented work order modules could allow staff to have real-time data in the field and MUNIS would be fully integrated with the City’s GIS system. She commented other modules that have been demonstrated are Parks and Recreation and Comprehensive Annual Financial Report (CAFR).

Councilmember Miller asked how old the current MUNIS platform is and the process used by Tyler Technologies to update new technology to stay current with technology advancements. Mr. Phibbs commented a client purchases a license one time and pays an annual maintenance fee that covers a support number from 7:00 a.m. until 9:00 p.m. five days a week with software upgrades including new features and technology applications.

Councilmember Miller asked about Tyler Technologies ransomware and the City’s data protection. Mr. Phibbs commented ransomware is something managed by the City’s Information Technologies (IT) department and Tyler Technologies software would be considered inside of the City’s protection.

Councilmember Miller asked about the types of reporting that Tyler Technologies could potentially provide staff and the public. Mr. Phibbs indicated the MUNIS software has over 300 reporting modules and uses a Microsoft SQL server report writer which allows staff to customize reports based on its needs. He commented the MUNIS software is compatible with Microsoft (MS) products.
Councilmember Miller asked about the transition between current and new software and the ability to review past data. Mr. Phibbs commented the City’s Finance Department will determine how many years of data would need to be converted to the new software system.

Councilmember Miller asked what benefits the City could expect if it chooses cloud-based networking. Mr. Phibbs commented he believed the biggest benefit would be the web-based networks, which would not require hardware upgrades and could potentially help free resources in the IT Department.

Mayor Pro Tem Post asked if the purchase price of $350,000 covers Phase One. Mr. Phibbs agreed and reviewed Phase One includes General Ledger, fixed-assets, inventory, sales taxes reimbursement, purchasing, budget, Accounts payable, cashiering, utility billing. Mayor Pro Tem Post asked about the additional cost for Phase Two and Phase Three. Mr. Phibbs commented Tyler Technologies provided the City the cost of Phase Two and Three. Ms. Moore commented the price would depend on which modules are purchased.

Mayor Pro Tem Post asked if the City has the hardware to support MUNIS software. Information Technologies Manager Dale Waters commented the City is equipped with hardware to support MUNIS software.

Mayor Pro Tem Post asked how long the software conversions would take. Mr. Phibbs commented Tyler Technologies has a department dedicated to data conversions, and he added data conversions could last six months but indicated a training software can be used to perform applications such as payroll during data conversion.

Mayor Pro Tem Post asked Ms. Moore if she believed the MUNIS software could meet reporting’s needs. Ms. Moore shared she felt comfortable that the MUNIS software would provide useful government geared reports. Mayor Pro Tem Post asked how long the City’s current software has been in place. Ms. Moore commented the current software has been in place 10 years.

Councilmember Sheffield asked how long staff has reviewed the MUNIS software. Ms. Moore indicated the finance department has reviewed various software options, and she added most of the City’s departments have had the opportunity to review the MUNIS software. Councilmember Sheffield asked if there were any concerns with the software. Ms. Moore commented staff is excited about the functionality of the new software.

Councilmember Sheffield asked if the cost of MUNIS software was included in the FY2018-2019 budget. Ms. Moore agreed. Councilmember Sheffield asked if the additional phases are included in the 10-year Capital Improvement Plan (CIP). Ms. Moore commented she does not
believe the additional phases were included in the 10-year plan, and she added staff was not certain which additional modules would be needed to best meet needs City-wide.

Mayor Pro Tem Post asked if the $350,000 was included in the CIP. Ms. Moore commented the amount was included in the CIP and operations.

Councilmember Miller asked Mr. Waters how the City is protected from ransomware. Mr. Waters commented the City has current software that monitors continuously, and he added users are being trained to help prevent malicious ware.

Thereupon, Mayor Pro Tem Post made a motion to authorize the City Manager to execute a contract with Tyler Technologies, Inc. not exceeding an amount of $350,000 for financial software, as a sole-source. Councilmember Miller seconded the motion. Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

PUBLIC COMMENT

Mayor Heggies opened the floor to receive public comments.

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

BOARDS AND COMMISSIONS

Transportation Advisory Board

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

Mr. Rocky Cabagnot Term Expires 3/31/21

CITY ATTORNEY’S REPORT

(a) Ordinance Amendment – Possession of Guns and Weapons

City Attorney Graham Corriher presented Council with a request to update the City’s Ordinance to reflect City signage relating to the possession of guns and other weapons on City premises. He commented the current Ordinance states it is unlawful for any person to display a gun, but does reference possession of a gun. He indicated Parks and Recreation was different because the laws have recently changed. He commented the Ordinances relating to guns were adopted by the City in 1977 and 1998. He stated the purpose of the proposed Ordinance amendment is to update the City Ordinance to be in compliance with City facility signs. He noted
he believed it was a previous Council’s intentions to ban the possession of guns in all city-owned facilities concealed or otherwise. He commented the current Ordinance bans the possession of guns in City parks, and he noted the Ordinance is broader than what the state law allows and should include park buildings and centers, athletic facilities such as recreation fields when used for City events. He referenced a definition in the state law that allows a person to carry a concealed gun with a concealed gun permit on greenways, open areas of parks, and nature preserves. He indicated the proposed Ordinance would ban open-carry in parks and park facilities located in the City. He stated persons with concealed permits can only carry concealed guns in areas of parks where it is allowed by the City Ordinance that corresponds with State laws. He noted recreation facilities are defined by State law, and he indicated the City can ban openly carried weapons in city-owned facilities. He commented the City would post notices to inform the public of the rules regarding concealed weapons in City parks and visual postings on recreational facilities. He reviewed the proposed Ordinance amends two sections relating to facilities and parks.

Councilmember Sheffield asked if a motion is needed to repeal the City’s current Ordinance Mr. Corriher commented the Ordinance as presented repeals any verbiage in conflict, and he indicated one motion is all that is needed to adopt the Ordinance.

Thereupon, Councilmember Alexander made a motion to adopt an Ordinance amending Chapter 15 and 16 of the Code of Ordinances related to the Possession of Guns and Other Weapons on City Property and Parks. Councilmember Miller seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 15 AND 16 OF THE CODE OF ORDINANCES RELATED TO THE POSSESSION OF GUNS AND OTHER WEAPONS ON CITY PROPERTY AND PARKS

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 130 and 131, and is known as Ordinance 2018-46.)

CITY MANAGER’S REPORT

City Manager Lane Bailey commented the area received an estimated six and one half inches of rainfall within a couple of days. He commended staff for their efforts to prepare for Hurricane Florence, and he added staff was still helping to clean up from the storm. He commented staff would continue to send support to the eastern parts of North Carolina that were heavily impacted by Hurricane Florence.

ANNOUNCEMENTS

Communications Director Linda McElroy announced the eighth annual BlockWork Neighborhood Improvement Project will be held on Saturday, October 27, 2018 on National Make a Difference Day. This year's event will take place in the 400 block of South Lee Street. The event will run from 8:30 a.m. until 3:00 p.m. The 400 block of South Lee Street and the 100 & 200
blocks of East Monroe Street will be closed to through traffic during the event. The Community Appearance Commission and the Housing Advocacy Commission are currently reaching out for volunteers to sign up for the event. Volunteers will help with exterior repairs; painting, carpentry, and landscaping. T-shirts, gloves, meals, and drinks will be provided to all volunteers.

COUNCIL COMMENTS

Mayor Pro Tem Post commended staff for their efforts to prepare for Hurricane Florence, and he thanked the City for observing Yom Kippur.

Councilmember Sheffield commented the Parks and Recreation Department held a Doggy Dip event at Fred M. Evans pool, and she noted the event had a great turn out and donations made to benefit the dog park.

She pointed out this week is Constitution Week.

She thanked Vickie Eddleman for requesting the Suicide Week Proclamation.

MAYOR’S COMMENTS

Mayor Heggins thanked staff for its work in preparation and during Hurricane Florence and she warned the public to not play or enter areas with standing water as it can be dangerous.

She commented she was invited to participate in a Women’s Mayors Conference held at the White House in Washington, D.C. on September 20, 2018.

CLOSED SESSION

Thereupon, Councilmember Miller made a motion to go into closed session as allowed by NCGS 143-318.11 (1) to discuss confidential information as provided by NCGS 132-1.7. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

By consensus, Council agreed to return to open session.

Mayor Heggins announced no action was taken in closed session.
ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Post seconded by Councilmember Sheffield. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:14 p.m.

____________________________
Al Heggins, Mayor

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

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

Requested Council Meeting Date:  October 16, 2018

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

Name of Presenter(s):  Wendy Brindle

Requested Agenda Item:  AT&T requests encroachment into City Right-of-Ways

Description of Requested Agenda Item:  AT&T requests approval of installation of directional bored duct and down guys within the City Right-of-Way. City Council approval is required by Section 11-24 (27) of the City Code.

Attachments:  ☑ Yes  ☐ No

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

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item:  Approval of AT&T encroachment.

Contact Information for Group or Individual:  wbrin@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature  Department Head Signature

Budget Manager Signature

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

For Use in Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
Pothole top of water line to ensure proper depth. 18" separation required from bottom of pipe. Pipe-18"

21" Conduit
72" Depth

Bore Detail - No Drainage Ditch Involved

EXISTING MAN HOLE

ATTSE
PROPOSED TELEPHONE FACILITIES ON RIGHT OF WAY OF CITY OF SALISBURY W FISHER ST S JACKSON ST

Exchange : NSZ-633
Designer: Gardner, George
Phone: 828-465-7915
Authorization: 82C52952N

Page 2 of 2
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  October 16, 2018

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

Name of Presenter(s):  Jason Wilson

Requested Agenda Item:  Crane Creek Lift Station and Force Main Upgrades Engineering Services Agreement with Highfill Infrastructure Engineering, P.C.

Description of Requested Agenda Item:  Salisbury-Rowan Utilities (SRU) received thirteen responses on November 30, 2016 to a Request for Qualifications (RFQ) for engineering services for the Crane Creek Lift Station and Force Main Upgrades project. Upon review, Highfill Infrastructure Engineering, P.C. scored the highest, based on the criteria set forth in the RFQ. City Council approved an agreement for engineering design services on March 21, 2017. Design and permitting for this project are nearing completion. SRU is requesting approval of an amendment to the original agreement to include bid and award services, as well as construction administration and construction observation (CA/CO). The proposed Amendment No. 1 is recommended for approval for an amount not to exceed $182,000. This project is included in the City Council adopted Capital Improvement Plan (CIP), and is included in the FY19 budget.

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 project is included in the FY18-19 budget. It is also included in the FY18-19 Capital Improvement Plan.

Action Requested of Council for Agenda Item:  Council to consider authorizing the City Manager to execute an Amendment to an existing professional services agreement with Highfill Infrastructure Engineering, P.C. for an amount not to exceed $182,000 for engineering services associated with the Crane Creek Lift Station and Force Main Upgrades project.

Contact Information for Group or Individual:  Jason Wilson, Utilities Engineering Manager
704-216-7553

☑ 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:

[Signatures]

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 Mayor's Office Only

☐ Approved  ☐ Declined

Reason:

Owner and Engineer hereby agree to modify the Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

Pursuant to the Terms and Conditions of the Agreement, ENGINEER agrees to diligently and professionally perform additional professional services described in this Amendment for the proper completion of the Scope of Services. ENGINEER shall faithfully perform the Services required under this Amendment in accordance with the standard of care, skill, training, diligence and judgment provided by competent professionals who perform work of a similar nature to the work described in this Amendment and any Work Authorization. CLIENT agrees to pay for the Services performed by ENGINEER in accordance with this Amendment.

BACKGROUND:

HIGHFILL has prepared Construction Documents for the Crane Creek Lift Station and Force Main under the Agreement. SRU has requested that HIGHFILL provide Bidding and Construction support services through this Amendment.

SCOPE OF SERVICES:

ENGINEER will perform the following Basic Services upon Authorization:

**Task 60 - Bid and Award Services:**

a) Assist Owner with advertising for bids.
b) Furnish bid documents to prospective bidders and maintain bidders list.
c) Conduct a pre-bid meeting with potential bidders.
d) Evaluate and determine the acceptability of "or-equal" materials and equipment proposed by bidders in accordance with the Contract Documents.
e) Answer reasonable bidders’ questions and prepare up to two (2) addenda if required.
f) Attend the bid opening, review and tabulate the bids, and evaluate compliance of the bids with the bidding documents.
g) Prepare a written summary of the tabulation and evaluation.
h) Provide Notice of Award to selected Contractor.

**Task 70 - Construction Administration Services:**

a) Serve as the Owner’s representative during the construction period.
b) Issue Notice to Proceed to the Contractor on behalf of the Owner.
c) Facilitate pre-construction meeting and prepare meeting summary.
d) Perform submittal reviews.

e) Facilitate 11 monthly construction progress meetings and prepare meeting summaries.

f) Maintain SharePoint (or similar) website to store copies of construction documents for Owner use (submittals, meeting summaries, daily reports, photos). A final electronic copy of site contents will be delivered to Owner upon Project completion.

g) Review monthly payment requests from Contractor and make recommendations to Owner for Contractor payment.

h) Address Requests for Information (RFI’s) from contractor, issue Field Orders (FO’s), and prepare Change Orders (CO’s) for Owner approval.

i) Contract with Electrical Engineering Firm to assist HIGHFILL in providing the above Construction Administration Services.

**Task 71 - Construction Administration Support Services:**

a) Contract with an Electrical Engineering Firm to assist HIGHFILL in providing Construction Administration Services described in Task 70 above.

b) Contract with an Electrical Engineering Firm to assist HIGHFILL in providing Record Drawings as described in Task 73 below.

c) Contract with Electrical Engineering firm to update arc-flash analysis report including overcurrent protective device settings to achieve proper coordination and evaluation of arc flash incident energy levels for electrical equipment installed. Report will be in the same format as Owner’s current standard. New labels will be provided.

**Task 73 – Close-Out and Record Drawings Services:**

a) Collect and review Contractor’s close-out documents.

b) Prepare Final Balancing Change order.

c) Prepare and submit Engineer’s Certificate of Completion to NCDEQ.

d) Prepare record drawings reflecting modifications made during construction.

e) Submit record drawings to Owner in electronic and hard copy format.

**Task 80 – Construction Observation Services:**

a) Provide Resident Project Representative (RPR) to complete the following:

   i) Observer will attend preconstruction meeting and 11 monthly construction meetings.

   ii) Provide part-time on-site construction observation. Budget is based on the following level of effort:

   (1) Force Main and Gravity Sewer Work:

      (a) Eight weekly site visits at approximately 4 hours each, totaling 32 hours.

   (2) Lift Station Work:

      (a) Twice weekly site visits during first two months after NTP (general site work, submittals, fabrication and mobilization period), totaling 64 hours.

      (b) 4 weeks of observation at approximately 80% of full-time (excavation and backfill) totaling 128 hours.
(c) 8 weeks of observation at approximately 60% of full-time (electrical modifications, above grade work), totaling 192 hours.
(d) 4 weeks of observation at approximately 40% of full-time (punch-list, site cleanup, close-out), totaling 64 hours.

iii) Coordinate field review of pay applications, review of Contractor red-line record drawings, and facilitate communication between Contractor, design engineer, and Owner.

iv) Prepare a punch list upon notification from the Contractor that work is Substantially Complete.

b) Contract with Electrical Engineering Firm to perform up to seven (7) site visits to inspect Work.

**Task 90 – Post-Construction Services:**

a) Attend one warranty period walkthrough of Work, approximately 11 months after Substantial Completion, and provide written list to Owner of recommendations.

b) Contract with Electrical Engineering Firm to assist with the warranty walkthrough.

**Clarifications and Assumptions:**

a) Successful Bidder will be obtained without requiring a re-advertisement.

b) Construction will be performed under one construction contract and contractor will achieve Final Completion within 330 days of his Notice to Proceed. If construction delays cause the duration to be extended, additional fee may be required.

c) Owner will provide observation of force main construction and will provide HIGHFILL with their Inspector’s field observation reports.

d) Fee budget does not include weekend or overtime field observation services, if required.

e) No materials testing is expected to be needed, and those services are not included.

f) Additional warranty period coordination with Contractor and equipment vendors beyond the scope of Task 90 will be performed by Owner.

g) Analysis of Contractor time extension claims and Liquidated Damages evaluations will be Additional Services, if required.

The Services performed by ENGINEER under this Agreement are for the purposes of improving the real property located at Bringle Ferry Road, Salisbury, NC 28146.

Any services not specifically provided for in the above **Basic Services** will be considered **Additional Services.**
**SCHEDULE:**

Work schedule will progress sequentially as follows:

- Task 60 - Bidding and Award: 3 months
- Task 70 - Construction Administration: 11 months
- Task 71 – Construction Administration Support: 12.5 months (Concurrent with Tasks 70 and 73)
- Task 73 - Close-out and Record Drawings: 1.5 months
- Task 80 - Construction Observation: 11 months (Concurrent with Task 70)
- Task 90 – Post-Construction Services: 11 months after Substantial Completion (Walkthrough)

ENGINEER shall endeavor to complete work tasks in accordance with the above schedule. CLIENT acknowledges that certain aspects of the project, including regulatory review time and construction delays, are outside the ENGINEER’S direct control and may impact schedule significantly.

**COMPENSATION:**

ENGINEER will perform Basic Services described above for a **Total compensation not to exceed $182,000** without written prior notice. Additional Services, if needed, will be completed on a time and materials or lump sum basis as agreed by both parties prior to commencement of further additional services.

Services described in **Tasks 60, 70, 73, and 90** will be performed for a **Lump Sum amount of $73,600**. The budget was established based on the following breakdown of project phases and related estimated level of effort. Services will be invoiced periodically on a percentage of work completed and work in progress.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Labor</th>
<th>Subcontractors and Expenses</th>
<th>Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 60 – Bidding and Award</td>
<td>43 hours</td>
<td>$3,250</td>
<td>$8,000</td>
</tr>
<tr>
<td>Task 70 – Construction Administration</td>
<td>431 hours</td>
<td>$1,800</td>
<td>$54,300</td>
</tr>
<tr>
<td>Task 73 – Close-Out and Record Drawings</td>
<td>66 hours</td>
<td>$250</td>
<td>$7,400</td>
</tr>
<tr>
<td>Task 90 - Post-Construction Services</td>
<td>17 hours</td>
<td>$1,700</td>
<td>$3,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$73,600</strong></td>
</tr>
</tbody>
</table>

Services described in **Tasks 71 and 80** will be performed on a **Time and Materials basis not to exceed $108,400** without prior written notice. Labor and expenses in this task will be invoiced according to the ENGINEER’s and Subconsultant’s then-current Schedule of Rates. The budget was established based on the following breakdown of project phases and related estimated level of effort. Subcontractor and project expenses will be invoiced at cost plus ten percent.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Labor</th>
<th>Subcontractors and Expenses</th>
<th>Total Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 71 – Construction Administration Support</td>
<td>14 hours</td>
<td>$28,700</td>
<td>$30,500</td>
</tr>
<tr>
<td>Task 80 – Construction Observation</td>
<td>516 hours</td>
<td>$14,000</td>
<td>$77,900</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$108,400</strong></td>
</tr>
</tbody>
</table>
IN WITNESS WHEREOF, the CLIENT and the ENGINEER have executed this Amendment as of the date written below and under the laws of the State of North Carolina.

**CLIENT**

By: Salisbury-Rowan Utilities

Title: 

Date: 

Address: 1 Water Street
Salisbury, NC 28114

Phone: 704-216-7553
Fax: 704-797-4038

**ENGINEER**

By: Highfill Infrastructure Engineering, P.C.

Title: President

Date: October 4, 2018

Address: 2703 Jones Franklin Road, Suite 201
Cary, North Carolina 27518

Phone: 919-481-4342
Fax: 919-882-9762
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  □ Public  □ Council  □ Manager  □ Staff
Requested Council Meeting Date:  October 16, 2018
Name of Group(s) or Individual(s) Making Request:  Salisbury-Rowan Utilities
Name of Presenter(s):  Jason Wilson

Requested Agenda Item:  Water Treatment Plant Sodium Hypochlorite Generator Replacement Electrolyzer Assembly

Description of Requested Agenda Item:  SRU's Water Treatment Plant operates an on-site sodium hypochlorite generator to produce a safe, simple disinfectant. This system utilizes redundant electrolyzer assemblies that are operated alternately, meaning that a back-up is already installed when needed. Additionally, a third, uninstalled spare electrolyzer assembly is on hand as a replacement. Recently, the spare electrolyzer assembly was installed as a replacement for a non-functioning assembly. Therefore, SRU is in need of another spare assembly. The original manufacturer is able to supply the compatible equipment needed for the existing sodium hypochlorite generator system. As such, this is the only quote that was received and therefore approval for a sole-source procurement is being requested. De Nora Water Technologies Texas, LLC submitted a quote in the amount of $66,142.05, which includes sales tax but not shipping. G.S. 143-129(e)(6) allows for purchases from a sole-source when a needed product is available from only one source of supply. Purchases under this exception to the bidding requirements must be approved by the governing board.

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 purchase was not part of the FY18-19 budget. Additional interest revenues are being appropriated to cover, due to the positive change in the interest rate. Finance will continue to monitor interest revenue and may come back to council for additional appropriations.

Action Requested of Council for Agenda Item:  Authorize the City Manager to approve a sole-source purchase with De Nora Water Technologies Texas, LLC for in an amount not to exceed $75,000.00 and adopt a Budget Ordinance amending the FY18-19 Budget $75,000 for Water-Sewer Fund.

Contact Information for Group or Individual:  Jason Wilson, Utilities Engineering Manager
704-216-7553

☑ 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-Fruches
Finance Manager Signature

[Signature]
Department Head Signature

[Signature]
Budget Manager Signature
****All agenda items must be submitted at least 7 days before the requested Council meeting date***

For Use in Mayor's Office Only

☐ Approved  ☐ Declined

Reason:
De Nora Water Technologies Texas, LLC
1110 Industrial Blvd
Sugarland TX 77478
Telephone: 281-240-6770
Fax: 281-274-8492

UU01534

SALISBURY, CITY OF
P.O. BOX 479
SALISBURY NC 28145-0479
USA

QUANTIFICATION

<table>
<thead>
<tr>
<th>QUANTITY / UM</th>
<th>ITEM / DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.000</td>
<td>CT6-0750E-1</td>
</tr>
</tbody>
</table>

UNIT PRICE: 61,815.00000
NET AMOUNT: 61,815.00

CUSTOMER'S ACCEPTANCE OF THIS QUOTATION IS EVIDENCED BY THE SIGNATURE APPLIED HERETO AND CONSTITUTES A CONTRACT TO PURCHASE SUBJECT ONLY TO THE TERMS AND CONDITIONS PROVIDED HEREWITH. ANY CONFLICTING TERMS AND CONDITIONS PROVIDED BY BUYER ARE EXPRESSLY DISCLAIMED.

SIGNATURE: ____________________________

DATE: ________________________________

* Country of Origin: USA
* Sch B: 8421.99.0040
* ECCN: NLR- EAR99
* Lead time : 5-7 Weeks ARO.
* EXWORKS, our crating company, Houston, TX

If you wish to order the part please sign the attached quote and provide your PO number and Bill and ship to address to avoid approval delays.

**Availability is subject to prior
De Nora Water Technologies Texas, LLC

1110 Industrial Blvd
Sugarland TX 77478

Telephone: 281-240-6770
Fax: 281-274-8492

SALISBURY, CITY OF
P.O. BOX 479
SALISBURY NC 28145-0479
USA

<table>
<thead>
<tr>
<th>QUANTITY / UM</th>
<th>ITEM / DESCRIPTION</th>
<th>UNIT PRICE</th>
<th>NET AMOUNT</th>
</tr>
</thead>
</table>

sale**
Minimum order of $50.00 required
Standard documentation and packaging are provided. We cannot pack to military specifications nor do we offer bar-coding services.
$50.00 charge per Certificate of Conformance. If the request is received after the order is shipped the charge will increase to $100.00.
Seller may freely assign any order issued by Buyer to any of Seller's affiliates, and shall notify the Buyer of same, at its option. Seller reserves the right to manufacture, or to have manufactured at an affiliated facility worldwide, any of the Products, in whole or in part, associated with an order issued hereunder.
Per attached De Nora Water Technologies Texas LLC Terms and Conditions

EXW (Ex-Works): Sugar Land, Texas 77478 U.S.A.

Regards,
Herbert R Barbee
Inside Sales Representative
De Nora Water Technologies Texas LLC
De Nora Water Technologies Texas, LLC
1110 Industrial Blvd
Sugarland TX 77478
Telephone: 281-240-6770
Fax: 281-274-8492

SALISBURY, CITY OF
P.O. BOX 479
SALISBURY NC 28145-0479
USA

QUOTATION
QUOTE NUMBER: QP05706
PAGE: 3
QUOTE DATE: 09/26/18
EXPIRATION DATE: 12/25/18
AUTHORIZED REPRESENTATIVE:

QUANTITY / UM  ITEM / DESCRIPTION  UNIT PRICE  NET AMOUNT

Direct: +1 (281) 274- 8464
Fax: +1 (281) 240-6762
Email: Herbert.Barbee@denora.com
Website: http://www.denora.com

Sale Amount: 61,815.00
Sales Tax: 4,327.05
Misc: 0.00
Total Amount: 66,142.05

Thank you for your order! Please verify & respond if any changes are necessary, otherwise your order will be processed as stated. Freight & Tax are determined at Invoicing.
DE NORA WATER TECHNOLOGIES  
(AFTER SALES AND SERVICE) 
GENERAL TERMS AND CONDITIONS OF SALE OF PARTS

1. APPLICABLE TERMS

The sale hereunder of Parts, Spare Parts, Replacement Parts, Refurbished Parts, Repaired Parts, other Parts (collectively, the "Parts") to any customer ("Buyer") is limited to and made expressly conditional on Buyer's acceptance of these terms and conditions of sale. These terms and conditions shall control over any inconsistent or additional terms or conditions proposed or issued by Buyer, including any additional or different terms contained in any purchase order, acknowledgement, proposal or other communication, written or otherwise, unless specifically agreed to in writing by both parties.

Buyer's acceptance of delivery or the full or partial payment of the purchase price hereunder shall constitute Buyer's acceptance of all the terms and conditions stated herein, notwithstanding any other inconsistent terms and conditions, prior dealings or usage of trade.

2. PRICES AND PAYMENT TERMS

Buyer shall pay the full purchase price as set forth in the applicable purchase order or on the face of that certain document to which these terms are attached ("Seller's Documentation"). (collectively with these terms and conditions, the "Contract") without any deduction by way of set-off, counterclaim, discount or otherwise. All prices and payments shall be in U.S. currency. Unless specifically noted otherwise in Seller's Documentation, prices are exclusive of any and all sales, use, excise, ad valorem, property or other taxes, duties or levies of any kind due or applicable to this transaction. Buyer shall pay directly or reimburse Seller immediately upon demand for any and all such taxes.

Payment terms are cash in advance unless Buyer has applied for and Seller has granted credit terms. Where payment on credit terms is approved, payment terms are Net Thirty (30) Days from date of invoice. No discounts shall apply. Any payments delayed beyond thirty (30) days from the specified due date shall be subject to interest on the unpaid balance at the rate of one and one-half (1-1/2%) percent per month or the maximum rate permitted by applicable law, whichever is less. Seller reserves the right, among other remedies, to suspend further deliveries in the event Buyer fails to pay for any one shipment when payment becomes due. All Contracts are subject to credit approval. Should Buyer's financial condition become unsatisfactory to Seller, Seller shall have the right, at its option, to payment in advance, to cash payment upon delivery or to satisfactory security.

3. DELIVERY AND RISK OF LOSS

Delivery dates set forth in Seller's Documentation are approximate and Seller will make all reasonable efforts to meet same. Timely delivery is subject to prompt receipt from Buyer of accurate and complete technical and shipping information. Seller reserves the right to make partial shipments, invoices for which shall be due and payable in accordance with the payment terms specified above. Where payment is due in advance or by Letter of Credit, timely delivery is further subject to timely receipt of such payment or issuance of such Letter of Credit. All shipping and handling costs are to be paid by Buyer. Buyer is liable for compliance with all laws and regulations governing the unloading, storage, handling and use of all Parts.

Whether or not installation services are performed by Seller, title and risk of loss shall pass to Buyer in accordance with the stated shipping terms under Incoterms 2010. Unless otherwise agreed and specified on the purchase order or Seller's Documentation, shipping terms are EXW Seller's Facility. Seller will notify Buyer when Parts are available for shipment. Buyer must provide Seller with specific written instructions as to Buyer's preferred method of shipment or common carrier. If Buyer does not arrange for a freight carrier or freight forwarder to collect the Parts within seven (7) calendar days following notification that the Parts are available, Seller may, at its own discretion and at Buyer's cost, arrange for Parts to be collected by a freight carrier or freight forwarder for shipment to Buyer. Alternatively, Seller may choose to store the Parts and may charge Buyer a storage fee.

In the event Buyer requests a postponement of delivery beyond the date specified in Seller's Documentation, Seller may invoce the Buyer and title and risk of loss shall pass to Buyer at such time as Parts are made available for shipment, but in no event earlier than the delivery date specified in Seller's Documentation. If delivery is postponed by Buyer, Seller shall endeavor but shall not have the obligation to either store the Parts or secure a storage location at Buyer's expense and based upon terms and conditions agreeable to the parties.

Prior to installation, Parts must be stored by Buyer in accordance with the storage instructions that may be a part of Seller's instructions for Parts installation, maintenance and care. In the absence of specific instructions, Parts must be stored prior to their installation in an enclosed space affording protection form weather, dust and physical damage and providing appropriate temperature, humidity and ventilation conditions to prevent deterioration. Buyer's failure to follow Seller's storage instructions may cause damage to the Parts and will void the warranties provided hereunder. Seller shall have the right to inspect Parts stored by Buyer prior to installation. If Parts are stored by Buyer for a period of 90 days or more, Buyer shall reimburse Seller for all reasonable costs of inspection.

4. PERMITS, REGISTRATIONS AND LAWS

Buyer is responsible for all permits and registrations and for compliance with local laws concerning permitting, registration, installation and use of the Parts. Buyer shall indemnify and hold harmless Seller from any and all costs, damages, fines and penalties resulting from Buyer's failure to comply with local laws, permits and regulations. Buyer shall strictly comply with and refrain from exporting or re-exporting the Parts in violation of United States' laws regarding trade restrictions and embargoes, as such laws may be amended from time to time. Unless otherwise agreed according to the specified Incoterms governing shipment of the Parts, Seller shall have no obligation or liability for export clearance, customs clearance or import duties of any kind.

Issued 17 August 2016
Seller may provide reimbursement to Buyer or Buyer's representative, either directly or indirectly through intermediaries, for their reasonable and bona fide travel and lodging expenses in connection with Buyer's purchase of Parts hereunder. Any such reimbursement is NOT a payment, gift, offer or promise of anything of value, but is rather provided to buyer for the sole purpose of reimbursing Buyer's reasonable travel and lodging expenses related to the promotion, demonstration or explanation of the Parts being offered by Seller to Buyer. Should Seller discover that a violation of the U.S. Foreign Corrupt Practices Act or the UK Bribery Act 2010 has occurred or is likely to occur, Seller shall have the right to unilaterally terminate the Contract.

5. INSPECTION AND ACCEPTANCE

Buyer has the right to inspect Parts at Seller's facility prior to shipment provided that advance written arrangements are made by Buyer and are confirmed in writing by Seller. Any and all costs associated with inspection and testing requested by Buyer at Seller's facility will be paid by Buyer. Buyer shall inspect and examine all Parts immediately upon receipt and shall notify Seller in writing of all discrepancies and damages within ten (10) calendar days after receipt. If Buyer receives Parts with visible or suspected damage or loss, including damages to the packaging, or with discrepancies in specification, Buyer shall make relevant notes in receiving documents and notify Seller immediately. Such notice shall be reasonably detailed and shall specify the damage or discrepancy. Buyer's failure to inspect the Parts and give written notice to Seller of any alleged defects or non-conformity within a reasonable period of time after receipt at the point of destination shall waive Buyer's right to reject the Parts and return them to Seller for credit and Buyer's sole remedy for non-conforming or defective Parts shall be warranty claims made in accordance with Article 8 herein.

Notwithstanding any right conferred upon the Buyer to inspect or test the Parts prior to acceptance, any use or alteration of the Parts by Buyer, its agents, employees or licensees, for any purpose after delivery thereof, shall constitute Buyer's irrevocable acceptance of the Parts. Accordingly, in the event of any discovery by Buyer of a non-conformity or defect following such acceptance of the Parts, Buyer's sole recourse is a warranty claim pursuant to the warranty provisions stated in Article 8 herein.

6. INSTALLATION SUPERVISION SERVICES

If Seller's scope of supply includes installation supervision services, Buyer will confirm to Seller at least two (2) weeks prior to the date Seller's personnel will be required on site to perform such services that Buyer has fully completed all work necessary for such installation supervision services in accordance with Seller's instructions. In the event that the completion of such services is delayed by Buyer for any reason not the fault of Seller following Seller's arrival on site, Buyer shall pay for any additional costs resulting from the delay. Seller shall not be responsible for the means and methods selected for such installation, nor for the manner in which such installation services are performed, including the efficiency, adequacy and safety of same. Seller makes no warranty, express or implied, with respect to such installation supervision services, except that the Seller shall be responsible for any claims or damages resulting from its own negligence.

7. CANCELLATION

Unless otherwise provided in Seller's Documentation, if Buyer cancels or partially cancels a Contract, Buyer shall promptly pay Seller for all work performed on account of the Parts prior to suspension and/or cancellation plus any other reasonable costs incurred by Seller as a result of such suspension and/or cancellation including, if applicable, an appropriate restocking fee.

8. WARRANTY

Subject to the conditions stated below, Seller warrants the Parts against defects in materials and workmanship in accordance with the following table. Seller shall, at its sole option, repair or replace any Parts that prove upon examination to the satisfaction of Seller to be defective, only if Buyer notifies Seller in writing immediately upon the defect becoming apparent and the defect is due to the faulty design, materials or workmanship of Seller.

In the event that Seller fails to initiate a corrective action plan to repair or replace the defective components within ten (10) days following Buyer's notification, Buyer may, at their option, take action to repair or replace such defective Part. In such circumstances, Seller has no warranty obligation with regard to the repair or replacement performed by Buyer. Further, if Buyer improperly repairs or replaces the defective Parts and/or uses incompatible components, Seller is not responsible for any costs, damages or malfunctions resulting therefrom.

<table>
<thead>
<tr>
<th>Product</th>
<th>Condition</th>
<th>Warranty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spare part</td>
<td>For part previously supplied by DNWT</td>
<td>30 days</td>
</tr>
<tr>
<td>Replacement part</td>
<td>Original part still in warranty</td>
<td>Balance of the original DNWT warranty</td>
</tr>
<tr>
<td>Replacement part</td>
<td>Original part not in warranty</td>
<td>30 days</td>
</tr>
<tr>
<td>Repaired part</td>
<td>Original part still in warranty</td>
<td>Balance of the original DNWT warranty</td>
</tr>
<tr>
<td>Repaired part</td>
<td>Original part not in warranty</td>
<td>30 days</td>
</tr>
<tr>
<td>Electrolytic cell casing</td>
<td>Original part still in warranty</td>
<td>Balance of the original DNWT warranty</td>
</tr>
<tr>
<td>Electrolytic cell casing</td>
<td>Original part not in warranty</td>
<td>1 year</td>
</tr>
<tr>
<td>Refurbished electrolytic cell</td>
<td>Original part not in warranty</td>
<td>6 months</td>
</tr>
<tr>
<td>New electrolytic cell</td>
<td>Original not in full or prorated warranty</td>
<td>2 years full warranty plus 5 years of prorated warranty</td>
</tr>
<tr>
<td>New electrode assembly</td>
<td>Replaces cell in prorated warranty</td>
<td>Balance of the original prorated warranty period</td>
</tr>
<tr>
<td>New electrode assembly</td>
<td>Replaces cell in full warranty</td>
<td>Balance of the original DNWT warranty</td>
</tr>
<tr>
<td>All others (including media)</td>
<td>Only as quoted</td>
<td>Only as quoted</td>
</tr>
</tbody>
</table>

Issued 17 August 2016
Any alteration, disassembly, storage or use of the Parts not in accordance with Seller's instructions shall void the warranty. Buyer assumes full responsibility in the event Buyer uses the Parts in combination with other goods or in any manner not stated in Buyer's specifications provided prior to sale.

All costs associated with removing the Parts from service and re-installing same following examination, repair or replacement are to be borne by Buyer. Seller may, in its sole discretion, require that the Parts be shipped to Seller's facility for examination, repair or replacement. All transportation costs to and from Seller's facility, if required, are to be prepaid by Buyer.

THE WARRANTIES SET FORTH HEREIN, IF ANY, ARE MADE EXPRESSLY IN LIEU OF OTHER WARRANTIES, EXPRESS OR IMPLIED, STATUTORY OR OTHERWISE, AND ANY IMPLIED WARRANTY OF MERCHANTABILITY OR WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, EVEN IF THAT PURPOSE IS KNOWN TO SELLER, IS HEREBY EXPRESSLY EXCLUDED, PROVIDED, HOWEVER, THAT THE PARTS ARE WARRANTED TO CONFORM IN ALL MATERIAL RESPECTS TO THE RELEVANT AND KNOWN SPECIFICATIONS, AND PERFORMANCE STANDARDS, INCLUDING ANY MUTUALLY AGREED MODIFICATIONS THERETO.

SELLER'S LIABILITY AND BUYER'S EXCLUSIVE REMEDY FOR ANY FAILURE BY SELLER TO SUPPLY PARTS THAT MEET THE FOREGOING WARRANTY IS EXPRESSLY LIMITED TO, AT SELLER'S OPTION, THE REPAIR OR REPLACEMENT OF THE NON-CONFORMING PARTS.

9. INDEMNIFICATION

Buyer and Seller shall each defend, indemnify and hold the other harmless from and on account of all bodily injury and property damage claims asserted by third parties as a result of the other's negligent acts or omissions. To the extent that both Buyer and Seller are determined by a finder of fact to be negligent and the negligence of both is a proximate cause of a claim by a third party against either Buyer or Seller, then in such event, Buyer and Seller shall each be responsible for a portion of the liability, including costs and expenses, attributable to its comparative share of the total negligence.

Seller agrees to indemnify and hold harmless Buyer against any third party claim alleging that the Parts infringe upon a valid and enforceable United States patent, provided Buyer gives Seller written notice immediately when such claim is asserted, directly or indirectly. Notwithstanding the foregoing, Seller shall have no liability to Buyer if any patent infringement or claim thereof is based upon or arises out of

(a) compliance with designs, plans or specifications furnished by or on behalf of Buyer;
(b) use of the Parts in a manner for which the Parts were neither designed nor contemplated; or
(c) the claimed infringement of any patent in which the Buyer or any affiliate or subsidiary of Buyer has any direct or indirect interest by license or otherwise.

10. LIMITATION OF LIABILITY

Seller's total aggregate liability to Buyer with respect to any cause of action or claim hereunder shall not exceed the purchase price payable hereunder.

In no event shall Seller be liable, either directly or as indemnitor of Buyer, for any special, punitive, indirect or consequential damages, including but not limited to damages for loss of use, loss of income or loss of profit.

Notwithstanding the above, this limitation of liability shall not apply to claims arising from Seller's gross negligence or willful misconduct.

All of Buyer's claims or actions of any description whatsoever against the Seller shall be brought not later than one (1) year after the occurrence of the event upon which each such claim or action is based.

11. FORCE MAJEURE

Force Majeure shall mean any act, event or condition that is beyond Seller's reasonable control, that materially and adversely affects Seller's ability to perform its obligations hereunder, and that is not the result of Seller's willful neglect, error, omission or failure to exercise reasonable due diligence.

Seller shall not be liable for any delay in performance or failure to perform any obligation hereunder if, and to the extent that, such failure or delay is caused by an event of Force Majeure. If Seller is unable to perform any of its obligations hereunder as a result of a Force Majeure event, Seller shall be required to resume performance upon termination of the event and shall have reasonable additional time for performance.

In addition, to the extent that a Force Majeure event materially increases Seller's cost of performance hereunder, Seller shall be entitled to an equitable contribution from Buyer towards such additional costs of performance, excluding any costs that are covered by Seller's insurance.

12. DEFAULT AND TERMINATION

The substantial failure of either party to comply with the terms herein shall constitute default hereunder. Upon default by one party, the other nondefaulting party shall provide written notice clearly specifying the nature of the default. The defaulting party shall have thirty (30) days to cure the default. If the default is capable of being cured within thirty (30) days and is not cured within thirty (30) days, this Contract may be terminated. In the case of default that cannot be cured within thirty (30) days, this Contract shall not be terminated so long as the defaulting party has given written notice of extension to the other party and the defaulting party has commenced and is diligently pursuing a cure.
For purposes of this Contract, the failure of Buyer to pay Seller in accordance with the payment terms hereunder shall be considered a substantial default for which no cure period beyond thirty (30) days shall be allowed. In the event of the Buyer's default, Seller may, in addition to the right to terminate set forth in this paragraph, elect to suspend work until the default has been cured.

In the event of any termination, Seller shall be paid for Parts delivered and services rendered (including Parts specifically manufactured/assembled or special ordered for the Buyer that have yet to be supplied) through the date of termination.

No delay or omission on the part of the Seller in exercising any right or remedy hereunder shall constitute a waiver of any such right or remedy on any future occasion.

13. INTELLECTUAL PROPERTY

All devices, equipment, designs (including drawings, plans and specifications), estimates, prices, notes, electronic data and other documents or information prepared or disclosed by Seller in connection with the Parts sold hereunder shall remain Seller's exclusive property. Buyer shall not disclose any such material to third parties without Seller’s prior written consent.

Buyer will not undertake any analyses or “reverse engineering” of the Parts for the purpose of designing, developing or manufacturing by the Buyer or by any third party of Parts that compete with the Part(s).

Seller will retain sole ownership of all discoveries, improvements, inventions, patents, trademarks, copyrights, know how, trade secrets, or other intellectual property rights associated in any way with the Parts. The parties specifically agree that all improvements, inventions, discoveries and copyright in works of authorship, including those in formative stages, made by either party hereto (either alone or jointly with others) improving upon or related to the Parts shall from the time of conception or, in the case of works of authorship, from the time of creation, be the property of Seller.

14. RELIANCE ON INFORMATION

Buyer acknowledges that Seller has used and relied upon information provided by the Buyer, if any, regarding site conditions, specifications and other technical requirements. Seller shall not be obligated to establish or verify the accuracy of the information furnished by the Buyer nor shall Seller be responsible for the impact or effect on its Parts(s) and any services provided by Seller hereunder of the information furnished by the Buyer in the event that such information is in error.

15. DISPUTE RESOLUTION

Any dispute, claim or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate, shall be determined by arbitration in New York, New York, USA, or other location agreed by the parties, before a sole arbitrator, conducted in the English language in accordance with the ICC Arbitration Rules as currently in force, administered by the ICC. Judgment on the arbitration award may be entered in and enforced by any court of competent jurisdiction.

16. MISCELLANEOUS PROVISIONS

These terms and conditions constitute the entire Contract of sale and purchase between Buyer and Seller and supersedes all prior or contemporaneous communications, representations, understandings or agreements, whether written or oral, unless such document states that it intends to modify this Contract and is signed by both parties. No modification of this Contract (including changes in scope, specifications, price or delivery schedule) shall be of any force or effect unless made pursuant to a writing signed by both parties. No course of dealing or performance or usage of trade may be used to modify this Contract.

The English language shall be the official text of this Contract.

The failure on the part of either party to enforce its rights as to any provisions herein shall not be construed as a waiver of its rights to enforce such provisions in the future.

Should any provision of this Contract for any reason be declared invalid or void, such declaration will not affect the remaining provisions of this Contract, which shall remain in full force and effect.

Buyer may not assign or permit any other transfer of this Contract without Seller's prior written consent. Buyer acknowledges that Seller shall be entitled to manufacture or have manufactured the Parts at any of its or its partners' facilities worldwide. The Seller shall inform the Buyer of any change to the manufacturing location of any of the Parts and the parties shall sign any further documents required to give effect to the intent of this provision.

This Contract is entered into solely between, and may be enforced only by, the Buyer and Seller; and this Contract shall not be deemed to create any rights in third parties, including customers of the Buyer, or to create any obligations to any such third parties.

These terms and conditions shall be governed by and construed in accordance with the laws of the United States of America, State of Texas. The United Nations Convention on Contracts for the International Sale of Goods (“CISG”) shall not apply to this Contract.
AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE REVENUE FROM INTEREST

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

Section 1. The City has received additional revenue form interest. The Water Sewer department identified a project that needs to be completed. NC General Statutes require that the City appropriate revenues so that they can be legally spent.

Section 2. That the 2018-2019 Budget Ordinance of the City of Salisbury, adopted on June 19, 2018, is hereby amended as follows:

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

(1) Increase line item 030-000-000-461201 $75,000 Interest
(2) Increase line item 030-811-811-525201 $75,000 Maintenance Equipment

Section 4. That all ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. 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:  10/9/18

Name of Group(s) or Individual(s) Making Request:  Lt. Lee Walker / Paul Lee Hudson / Bobbie Jo Watson

Name of Presenter(s):  Lt. Lee Walker / Paul Lee Hudson / Bobbie Jo Watson

Requested Agenda Item:  Set public hearing for pool hall permit

Description of Requested Agenda Item:  Set public hearing for pool hall permit for ownership change with pool hall "Shark Tank" located at 612 S Main St Salisbury NC 28144

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:  Set public hearing for pool hall permit

Contact Information for Group or Individual:  Paul Lee Hudson 704-437-2809  Box 171 Cleveland NC 27013

☐ 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)  Announcement

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:  
APPLICATION FOR A PERMIT TO OPERATE
A POOL HALL

To the City Council
Of the City of Salisbury
State of North Carolina

I (we) [Paul L. Hudson Jr.] hereby make application for a permit to operate a Pool Hall on the first floor of No. 125 Main Street, in the City of Salisbury, N.C.

The amount of $100 dollars is hereby tendered for the payment of the annual license tax, pursuant to chapter 14 of "The Code of the City of Salisbury, North Carolina", on 4 tables to be operated in said Pool Hall.

To enable the said City Council to determine the right of the applicant to a license to operate such Pool Hall, the applicant states:

1. That the applicant is twenty-one years of age, is a citizen of the United States and a citizen and resident of the State of North Carolina and County of Rowan.

2. That the applicant is a corporation, composed of Paul L. Hudson Jr. and Bobbie Jo Watson, and that both are twenty-one years of age, is a citizen of the United States and a citizen and resident of the State of N.C. and County of Rowan.

3. That the applicant is a corporation organized under the laws of the State of North Carolina and authorized to do business in the State of N.C.

4. That the applicant has not been convicted of a felony and that the applicant has not been convicted within five years preceding the filing of the application of any offense against the provisions of this chapter and that the applicant is not of immoral character or an excessive user of intoxicating liquor or addicted to narcotic drugs; provided, that this paragraph shall be construed to apply to members of the partnership when a partnership makes application and to officers and directors of the corporation when a corporation makes application.

5. That the owner of the building where applicant requests a permit to operate a Pool Hall is Salisbury and the room to be used is on the first floor of and fronts on No. 125 Main Street.

Signature of Applicant

STATE OF NORTH CAROLINA
COUNTY OF ROWAN

[Signature]

I, [Signature], a Notary Public, in and for the aforesaid County and State, do hereby certify that Paul L. Hudson, the above-mentioned applicant, personally appeared before me on this day 8 of Oct., 2018, and subscribed and made oath to the foregoing application for a permit to operate a Pool Hall in the City of Salisbury.


Notary Public

My Commission Expires: Mar 1, 2019

APPLICANT INFORMATION
- Full Name: Paul L. Hudson Jr.
- Address: Box 172, Cleveland, N.C. 27013
- Home Phone: None
- Cell Phone: 704-437-2809
- Social Security Number: ***-**-2701
- Date of Birth: 12/31/1954

BUSINESS INFORMATION
- Name of Business: Shark Tank II
- Address: 125 Main Street, Salisbury, N.C. 28144
- Business Phone: None
- Hour of Operation: None
- Is alcohol sold/served at the business? Yes
- If yes, please list the type of alcohol served/sold: Beer, Mixed Beverage, Wine
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  October 16, 2018

Name of Group(s) or Individual(s) Making Request:  Diane Gilmore

Name of Presenter(s):

Requested Agenda Item:  Council to consider making appointments to boards and commissions. A worksheet is attached showing the current number of seats open either through vacancies or members who are rolling off of the board for each the boards and commissions.

Description of Requested Agenda Item:

Attachments:  ☑ Yes  □ No

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

There is no fiscal impact.

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

Council to consider making appointments to boards and commissions.

Contact Information for Group or Individual:  Diane Gilmore, 704-638-5224

☐ 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 Mayor’s Office Only

□ Approved  □ Declined

Reason:
## Alternate Methods of Design Commission

<table>
<thead>
<tr>
<th>Current Member</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Wagoner</td>
<td>3/31/18</td>
<td>No</td>
<td>Jon Palmer</td>
</tr>
</tbody>
</table>

**Applicants:**
Tenkamenin Crowder

**Notes:** Members shall have demonstrated experience, education, or licensure in the design, construction, and/or development field.

## Community Appearance Commission

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 1 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Levonia Corry</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Jane Creech</td>
</tr>
<tr>
<td>Jane Creech</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Carlton Jackson, Jr.</td>
</tr>
<tr>
<td>Carlton Jackson, Jr.</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Levonia Corry</td>
</tr>
<tr>
<td>Vacant (Judy McDaniel)</td>
<td>3/31/18</td>
<td>n/a</td>
<td>Lewellen Padgett</td>
</tr>
<tr>
<td>Karl Sale</td>
<td>3/31/18</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
David Moore
Hugo Correa

**Notes:** The CAC is seeking individuals with construction and/or design experience.

## Greenway Committee

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Darryl Blackwelder</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Darryl Blackwelder</td>
</tr>
<tr>
<td>Edward Hirst</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Edward Hirst</td>
</tr>
<tr>
<td>Lisa Wear</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Lisa Wear</td>
</tr>
</tbody>
</table>

**Applicants:**
Annie Boone-Carroll

**Notes:**

## Historic Preservation Commission

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jon Planovsky</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Jon Planovsky</td>
</tr>
<tr>
<td>Elizabeth Trick</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Elizabeth Trick</td>
</tr>
<tr>
<td>Jonathan Chamberlain</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Larry Richardson</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/20</td>
<td>n/a</td>
<td>Steven Cobb</td>
</tr>
</tbody>
</table>

**Applicants:**
William Boyd
Edword Clark
Arnethia Alexander
Kevin Swicegood

**Notes:** All members must have a demonstrated interest, competence, or knowledge in historic preservation. The Certified Local Government must document in writing its good faith effort to appoint professionals from the disciplines of architecture, history, architectural history, planning, archaeology, or other related disciplines, to the extent such professionals are available in the community and willing to serve. The CLG program recognizes that a mix of professional and lay members makes the strongest commission.
# Housing Advocacy Commission

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greta Conner (Neighborhood)</td>
<td>3/31/18</td>
<td>No</td>
<td>Greta Conner</td>
</tr>
<tr>
<td>Jayne Helms (Landlord)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Jayne Helms</td>
</tr>
<tr>
<td>Sean Meyers (At-large)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Sean Meyers</td>
</tr>
</tbody>
</table>

**Applicants:**
- Katherine Boyd
- Rocky Cabagnot
- Velveeta Reid-Hairston
- Jayne Land
- Kia Reeves
- Whitney Peckman
- William Clements
- Keya Ruston

**Notes:** Seats have been designated for representatives from Neighborhoods, Landlords and At-large.

# Human Relations Council

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annie Boone-Carroll</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Annie Boone-Carroll</td>
</tr>
<tr>
<td>Lorenzo Debose (resigned)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Stephen Simpson</td>
</tr>
<tr>
<td>Linda Hunt (resigned)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>John Schaffer</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/19</td>
<td></td>
<td>Gemale Black</td>
</tr>
</tbody>
</table>

**Applicants:**
- Katherine Boyd
- William Boyd
- Tenkamemin Crowder
- Whitney Peckman
- John Struzick (withdrew on 02/01/2018)
- Kelly Vanager
- Latasha Wilks
- David Moore
- Emily Rivers

**Notes:** Eight members of the HRC are appointed by City Council and eight members are appointed by the HRC.

# Hurley Park Advisory Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathryn Davis</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Kathryn Davis</td>
</tr>
<tr>
<td>Laura Thompson</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Laura Thompson</td>
</tr>
</tbody>
</table>

**Applicants:**
- Annie Boone-Carroll
- Latasha Wilks

**Notes:** The City will ensure that a member of the Hurley Family Foundation and a person who lives within 100 feet of the park are appointed to the board.
### Parks and Recreation Advisory Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roy Bentley</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Roy Bentley</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Russell Smyre</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Jon Post</td>
</tr>
</tbody>
</table>

**Applicants:**
- George Benson
- William Boyd
- Kia Reeves
- Kelly Vanager
- Latasha Wilks
- Liliana Spears
- Nan Buehrer
- David Moore

### Planning Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 2 ETJ Members</th>
<th>Need 1 Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Josh Canup (ETJ)</td>
<td>3/31/18</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cress Goodnight (resigned)</td>
<td>3/31/18</td>
<td>Yes</td>
<td></td>
<td>Jon Post</td>
</tr>
<tr>
<td>Jon Post</td>
<td>3/31/18</td>
<td>Yes</td>
<td></td>
<td>John Struzick</td>
</tr>
<tr>
<td>Randy Reamer (ETJ)</td>
<td>3/31/18</td>
<td>No</td>
<td>Patricia Ricks</td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/19</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/20</td>
<td>n/a</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
- Edword Clark
- Velveeta Reid-Hairston
- William Clements
- Jayne Land
- Whitney Peckman
- Russell Smyre
- Kelly Vanager
- Mark Hill
- Liliana Spears
- Gemale Black

**Notes:**
### Transportation Advisory Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 1 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wendy Brindle</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Wendy Brindle</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/21</td>
<td>No</td>
<td>Rocky Cabagnot</td>
</tr>
<tr>
<td>Gary Price, Jr. (County Service)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Franklin Barnes (county)</td>
</tr>
<tr>
<td>Laura Schmidt (V.A.)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Laura Schmidt</td>
</tr>
<tr>
<td>Vacant (rider)</td>
<td>3/31/20</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
- Velveeta Reid-Hairston
- Kia Reeves
- Annie Boone-Carroll
- Nan Buehrer

**Notes:** Membership shall be representative of the population of the service area and include representatives from human service agencies, transportation providers, business sector, government sector, and the public within the service area.

### Tree Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rick Lewis</td>
<td>3/31/18</td>
<td>No</td>
<td>Katherine Boyd</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/17</td>
<td>n/a</td>
<td>Carolyn Brown</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/18</td>
<td>n/a</td>
<td>Edword Clark</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/19</td>
<td>n/a</td>
<td>Melisa Williams</td>
</tr>
</tbody>
</table>

**Applicants:**
- Katherine Boyd
- Carolyn Brown
- Edword Clark
- Lewellen Padgett
- Melisa (Lisa) Williams

**Notes:**
S a l i s b u r y  C i t y  C o u n c i l
A g e n d a
I t e m  R e q u e s t
F o r m

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

Requested Council Meeting Date:  October 16, 2018

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

Name of Presenter(s):  Graham Corriher

Requested Agenda Item:  Adoption of City Council Rules of Procedure

Description of Requested Agenda Item:  A Council Committee consisting of Mayor Al Heggins and Councilmember Karen Alexander was established to review the City Council's Rules of Procedure. The Council Committee made recommendations that were considered by the City Council. At its most recent meeting, on October 3, 2018, the City Council reached a consensus on the substance of the Rules of Procedure and asked that the revisions be placed on the agenda for the October 16, 2018, regular council meeting for a final vote.

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)

Adopt an Ordinance amending Chapter 2, Article II, Division 2 of the City of Salisbury Code of Ordinances.

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only
☐ Approved

Reason:

☐ Declined
Salisbury City Council
Agenda Item Request Form

Please Select Submission Category:  [ ] Public  [ ] Council  [ ] Manager  [x] Staff

Requested Council Meeting Date:  October 16, 2018

Name of Group(s) or Individual(s) Making Request:  Financial Services/Shannon Moore

Name of Presenter(s):  Wade Furches

Requested Agenda Item:  1st Quarter Financial Report

Description of Requested Agenda Item:  Council to receive financial reports and information that covers the first quarter of the current fiscal year.

Attachments:  [ ] Yes  [ ] No

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

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

Contact Information for Group or Individual:  Shannon Moore, Finance Director (704) 216-8026

☐ 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 Mayor’s Office Only

[ ] Approved  [ ] Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: October 16, 2018

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

Name of Presenter(s): Shannon Moore

Requested Agenda Item: Budget Ordinance Appropriating Sale of Real Property

Description of Requested Agenda Item: City Council approved the sale of real property at the September 17, 2018 council meeting. Total revenues from the three sales is $167,500. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

The unbudgeted revenues will be used to cover the following unbudgeted expenses:
1. Contract with Wallace Farms for hauling of grinded limbs for $50,000. This contract is necessary to keep our site in compliance with DENR.
2. Contract with United Mechanical for repairs to cooling tower at Customer Service Center for $50,550. These repairs are needed to improve the condition of the cooling tower at Customer Service Center.
3. Contract increase for 7 months with Waste Management for curbside recycling for $66,950. The recycling market is experiencing some major changes especially in the area of single stream recycling. City staff continues to work with the vendor to stay up to date on this changing market.

Attachments: ☑ Yes □ No

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

Action Requested of Council for Agenda Item: Adopt a Budget Ordinance amending the FY18-19 Budget $167,500 for the sale of real property.

Contact Information for Group or Individual: Shannon Moore, Finance Director
smoor@salisburync.gov, 704-216-8026

☒ 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 Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE REVENUE FROM THE SALE OF REAL PROPERTY

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

Section 1. The City has received revenue for the sale of real property. NC General Statutes require that the City appropriate revenues so that they can be legally spent.

Section 2. That the 2018-2019 Budget Ordinance of the City of Salisbury, adopted on June 19, 2018, is hereby amended as follows:

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

(1) Increase line item 010-000-000-481100 Sale of Real Property $167,500
(2) Increase line item 010-581-000-549201 Recycling Contract $66,950
Increase line item 010-501-255-525101 Buildings & Grounds 50,550
Increase line item 010-562-423-545003 Contracted Services 50,000
Total Expenditures $167,500

Section 4. That all ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. 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: 10/16/18

Name of Group(s) or Individual(s) Making Request:  Financial Services/ Shannon Moore

Name of Presenter(s): Shannon Moore

Requested Agenda Item: Budget Ordinance Appropriating General Fund Balance

Description of Requested Agenda Item: Police has been approved for 6 additional positions in FY18-19. NC General Statutes require that the City appropriate these revenues so that they can be legally spent. Since these additional positions were unbudgeted, the FY18-19 cost will need to come from Fund Balance. Future years should be budgeted in the General Fund.

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)
For FY18-19, 6 additional PD positions were added after the budget adoption. Cost for these 6 officers includes: salaries with benefits $396,201; training $14,000; and uniforms/equipment $54,780. Since this was unbudgeted in FY18-19 it will need to come from fund balance.

Action Requested of Council for Agenda Item: Adopt a Budget Ordinance amending the FY18-19 Budget $464,981 for the Police Department.

Contact Information for Group or Individual: Shannon Moore, Finance Director/704-216-8026

☐ 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. Wile Forbes
Finance Manager Signature

Shannon Moore
Department Head Signature

Anna Demchuk
Budget Manager Signature

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

For Use in Mayor’s Office Only
AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE GENERAL FUND BALANCE FUNDS

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

Section 1. Appropriate fund balance for 6 additional police positions. NC General Statutes require that the City appropriate revenues so that they can be legally spent.

Section 2. That the 2018-2019 Budget Ordinance of the City of Salisbury, adopted on June 19, 2018, is hereby amended as follows:

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

(1) Increase line item 010-000-000-499900 $464,981
   Appropriate Fund Balance

(2) Increase line item 010-516-000-501101 $396,201
   Regular Salaries
   Increase line item 010-516-000-529400 14,000
   Training
   Increase line item 010-516-000-511201 .54,780
   Uniforms
   Total Expenditures $464,981

Section 4. That all ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. 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: 10/16/18

Name of Group(s) or Individual(s) Making Request: Financial Services/Shannon Moore

Name of Presenter(s): Shannon Moore

Requested Agenda Item: Budget Ordinance Appropriating FEMA Grant

Description of Requested Agenda Item: The City has received funds from FEMA on behalf of the Department of Homeland Security. The grant title is Staffing for Adequate Fire and Emergency Response (SAFER). These funds will be used to help cover salaries for 9 additional Fire Control Specialist with an anticipated start date of 1/28/19. The total amount of the grant award is $1,187,406 ($732,235 Federal Share/$455,171 Local Match). This grant has a 3 year commitment, with FEMA funding a 75%, 75% and 35% match over 3 years. NC General Statutes require that the City appropriate these revenues so that they can be legally spent. Since the grant was unplanned and unbudgeted, the FY18-19 local match will need to come from Fund Balance. Future years should be budgeted in the General Fund.

Additionally, the City has discussed increasing the starting paygrades in the Fire Department. In order to make the adjustments, effective 1/1/19, to the minimum ranges for Fire Department ranks, an additional $100,000 from Fund Balance will need to be appropriated for mid-year salary adjustments.

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)
For FY19, the FEMA grant portion will be $145,905, with a local match of $48,635 (25%). Additional equipment/training of $74,800 is needed for personnel. The local match and the additional equipment/training will be funded through General Fund Balance.

To address minimum pay ranges, $100,000 will be appropriated from Fund Balance.

Action Requested of Council for Agenda Item: Adopt a Budget Ordinance amending the FY18-19 Budget $269,340 for the Fire Department.

Contact Information for Group or Individual: Shannon Moore, Finance Director/704-216-8026

☒ 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 Fitcher
Finance Manager Signature

Shannon Moore
Department Head Signature

Anna Burger
Budget Manager Signature

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

For Use in Mayor's Office Only

☐ Approved
☐ Declined

Reason:
AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FEDERAL GRANT AND GENERAL FUND BALANCE FUNDS

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

Section 1. The City has received a FEMA Staffing for Adequate Fire and Emergency Response Grant (SAFER) from the US Department of Homeland Security. Fund balance appropriation for local match to the SAFER grant, training, turnout gear and uniforms for additional personnel. NC General Statutes require that the City appropriate revenues so that they can be legally spent.

Section 2. That the 2018-2019 Budget Ordinance of the City of Salisbury, adopted on June 19, 2018, is hereby amended as follows:

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

(1) Increase line item 010-000-000-446001 Miscellaneous Federal Grants $145,905
Increase line item 010-000-000-499900 Appropriate Fund Balance 223,435
Total Revenues $369,340

(2) Increase line item 010-531-350-501101 Regular Salaries $294,540
Increase line item 010-531-357-529400 Training 10,000
Increase line item 010-531-357-511201 Uniforms 64,800
Total Expenditures $369,340

Section 4. That all ordinances, or parts of ordinances, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5. 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:  October 16, 2018

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

Name of Presenter(s):  Shannon Moore/Financial Services

Requested Agenda Item:  Adopt a Resolution of Declaration of Official Intent to Reimburse Expenditures regarding acquisition of property and construction for two Fire Stations.

Description of Requested Agenda Item:  The attached resolution authorizes the City to reimburse itself for any expenditures made prior to the receipt of debt financing proceeds for property acquisition and construction of two Fire Stations. It is currently anticipated that there will be some expenditures made before the debt financing proceeds are received, such as architect services and property acquisition. Without this resolution, the City could not reimburse itself for these expenditures.

A similar resolution was adopted by council on January 5, 2016 for an amount up to $1,000,000 and since then, the City has expended $974,602.26 towards the two stations. Station 6 to date is $448,534.41 and Station 3 is $526,067.85. Since it is not determined yet whether the City will pay cash or issue debt for Station 3, this resolution allows us to have the option of reimbursing the city with debt proceeds for additional costs related to Station 3 above the current expenditures to date. This resolution increases the reimbursement amount to $1,500,000.

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)

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Adopt a Resolution of Declaration of Official Intent to Reimburse Expenditures regarding acquisition of property and construction for two Fire Stations

Contact Information for Group or Individual:  Shannon Moore, 704-216-8026

☒ 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

Budget Manager Signature

Shannon Moore
Department Head Signature

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

For Use in Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
RESOLUTION OF THE CITY OF SALISBURY TO DECLARE THE INTENTION TO REIMBURSE THE ISSUER FROM THE PROCEEDS OF A TAX-EXEMPT FINANCING FOR CERTAIN EXPENDITURES TO BE MADE IN CONNECTION WITH ACQUISITION OF PROPERTY AND CONSTRUCTION OF FIRE STATIONS.

WHEREAS, the City of Salisbury political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the City will make expenditures on and after the date hereof with respect to expenses incurred and to be incurred (the "Expenditures") in connection with Property Acquisition and Construction of Fire Stations where required (the "Project"); and

WHEREAS, one of my responsibilities as Mayor is to determine that the funds advanced and to be advanced to pay Expenditures are or will be available for a temporary period and it will be necessary to reimburse the City for Expenditures made on and after the date hereof with respect to the Project from the proceeds of an installment purchase contract or tax-exempt bonds (debt); and

WHEREAS, as of the date hereof, there are no funds of the City, or any other entity that is part of the controlled group of entities of which the City is deemed a part under Treasury Regulation Section 1.150-1(e) (the "Controlled Group"), that are, or are reasonably expected to be, allocated on a long-term basis, reserved or otherwise available pursuant to the budgets of the City or of any other entity that is part of the Controlled Group to finance the Project; and

WHEREAS, the City Council adopted a previous resolution on January 5, 2016 for an intent to reimburse the City for Expenditures incurred prior to the anticipated issuance of debt in an anticipated amount of $1,000,000 for the Fire Stations and the City is approaching that threshold;

NOW, THEREFORE, the City makes the following statements:

Section 1. The City hereby adopts this declaration of official intent under Treasury Regulation Section 1.150-2, or any successor or substitute regulations which may be promulgated hereafter, and declares that the City reasonably expects to reimburse itself for the Expenditures with the proceeds of debt to be incurred by the City.

Section 2. On the date of the Expenditures, all costs of the Project will be of a type properly chargeable to a capital account under general Federal income tax principles.

Section 3. The maximum principal amount of debt expected to be issued to reimburse the City for Expenditures incurred prior to the anticipated issuance of debt is $1,500,000.

Section 4. These statements are consistent with the budgetary and financial circumstances of the City and all other entities that are part of the Controlled Group.

Section 5. This declaration shall take effect immediately upon its passage.
Section 6. Beginning no later than 30 days after this date and ending on the date on which the debt is issued, this declaration will be reasonably and continuously available for inspection by the general public, on each business day and during normal business hours, at 217 South Main Street, Salisbury.

__________________________
(Mayor)

Adopted this 16th day of October 2018.

Attested to

__________________________
(City Clerk)
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  October 16, 2018

Name of Group(s) or Individual(s) Making Request:  Salisbury Parks and Recreation Department

Name of Presenter(s):  Announcement

Requested Agenda Item:  Dog PAWS Dog Park Grand Opening

Description of Requested Agenda Item:  The Salisbury Parks and Recreation Department in partnership with the Dog PAWS Taskforce is excited to announce the grand opening of the Dog PAWS Dog Park on Saturday, October 20, 2018 from 10:00 am-1:00 pm. behind the Salisbury Civic Center at 315 S. Martin Luther King Jr. Ave. This event will include live music and food for purchase on site. Dogs are welcome and encouraged with proof of up to date vaccinations. For more information, please call (704) 216-PLAY.

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:
Vivian Koontz
704-638-5294

☐ 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 Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: October 16, 2018

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

Name of Presenter(s):

Requested Agenda Item: Chit, Chat & Chew

Description of Requested Agenda Item: Salisbury City Council and city staff will host the fourth in a series of community town hall meetings titled, Chit, Chat & Chew, Tuesday, Oct. 23, with dinner beginning at 5:15 p.m., at Southside Baptist Church, 500 Morlan Park Rd.

This event will be held for residents in the “South Jake Alexander Blvd.” area of the city, which encompasses neighborhoods such as Morlan Park, Olde Salisbury, Gables at Kepley Farms and Rowan Terrace.

Chit, Chat & Chew town halls grew out of a request from Council members and residents who desired increased engagement beyond the city council meeting public comment period. All topics are welcome, though some answers to questions may need additional follow-up.

Attachments: □ Yes  □ No

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

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

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature ____________________________  Department Head Signature ____________________________

Budget Manager Signature ____________________________

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

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

Requested Council Meeting Date: October 16, 2018

Name of Group(s) or Individual(s) Making Request:
Community Appearance Commission & Housing Advocacy Commission

Name of Presenter(s): Alyssa Nelson

Requested Agenda Item: BlockWork Neighborhood Improvement Project

Description of Requested Agenda Item:
The eighth annual BlockWork neighborhood improvement project will be held on Saturday, October 27–National Make a Difference Day. This year’s event will take place on the 400 block of South Lee Street. The Community Appearance Commission and the Housing Advocacy Commission are currently reaching out for volunteers to sign up for the event. Volunteers will help with exterior repairs like painting, carpentry, and landscaping. T-shirts, gloves, meals and drinks will be provided to all volunteers. The event will run from 8:30 a.m. until 3:00 p.m. The 400 block of South Lee Street and the 100 & 200 blocks of East Monroe Street will be closed to through traffic during the event.

For more information and to sign up to volunteer please visit salisburync.gov/BlockWork.

Attachments: YYes (See flyer attached) □ 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 event has been budgeted for in FY 2018-2019.

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

Contact Information for Group or Individual: Alyssa Nelson 704.638.5235

□ 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 Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
NEIGHBORS HELPING NEIGHBORS ONE BLOCK AT A TIME

“Make A Difference Day”
Saturday, Oct. 27
8:30 a.m. - 3 p.m.
400 block of South Lee Street

BlockWork brings residents and community volunteers together to build cleaner and safer neighborhoods, one block at a time!

SIGN UP AS A VOLUNTEER!

www.salisburync.gov/BlockWork  dmogh@salisburync.gov  (704) 638-5240

BY MONDAY, OCT. 1

WHAT DO VOLUNTEERS DO?
Volunteers help with exterior repairs like painting, carpentry and landscaping. T-shirts, gloves, meals and drinks will be provided to all volunteers.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  October 16, 2018

Name of Group(s) or Individual(s) Making Request:  Salisbury Parks and Recreation Department

Name of Presenter(s):  Announcement

Requested Agenda Item:  Halloween Fun Fest

Description of Requested Agenda Item:  The Salisbury Parks and Recreation Department in partnership with Downtown Salisbury Inc. will host the annual Halloween Fun Fest in the City Hall parking lot on Saturday, October 27, 2018 from 3:00-6:00 p.m. Activities will include carnival games, live entertainment, face painting, trick or treating, hay rides and haunted trolley rides, a hay bale maze, costume contest for all ages, pet costume contest and much more. Game and activity tickets are just $5.00 for an unlimited pass. This family event is open to the public.

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:
Vivian Koontz
704-638-5294

☐ 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 Mayor’s Office Only

☐   Approved  ☐   Declined

Reason: