COUNCIL MEETING AGENDA

December 7, 2021
6:00 p.m.

The meeting will be streamed live at salisburync.gov/webcast and on the City’s Twitter account. Anyone who wishes to speak via Zoom during public comment must sign-up by 5:00 p.m. on December 7, 2021 by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233. Citizens who wish to speak in person can sign up in Council Chambers.

1. Call to order.
3. Pledge of Allegiance.
4. Recognition of visitors present.
5. Retiring Council adjourns.
OATH OF OFFICE AND ELECTION OF MAYOR PRO-TEM

- New Council assembles.
- Administer Oath to Council Members.
- Administer Oath of office to Mayor.
- Mayor to preside over meeting.
- Receive nominations for Mayor Pro Tem.
- Mayor Pro Tem elected.
- Administer Oath of office to Mayor Pro Tem.
- Remarks from Council Members.
1. Council to consider adopting a **RESOLUTION** of appreciation honoring Brian Miller.

2. Council to consider adopting a **RESOLUTION** of appreciation honoring for Al Heggins.

3. Mayor to proclaim the following observance:

   **NATIONAL IMPAIRED DRIVING PREVENTION MONTH** December 2021

4. Council to consider the **CONSENT AGENDA**:

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

   (b) Adopt the 2021 schedule of regular Council meeting dates.

   (c) Adopt a budget **ORDINANCE** amendment to the FY2021-2022 budget in the amount of $15,000 to appropriate a donation for demolition of dilapidated structures in the West End.

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

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

   (f) Adopt a **RESOLUTION** transferring Market Station Drive, between Innes Street and Bendix Drive, from the State Secondary Road System to the City of Salisbury Road System.

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

   (h) Adopt a **RESOLUTION** regarding City Manager contracting authority.

   (i) Adopt a **RESOLUTION** approving the Public Comment Period Policy in accordance with City Council’s Rules of Procedure.

   (j) Adopt a **RESOLUTION** approving the Remote Meeting Policy in accordance with City Council’s Rules of Procedure.

5. Council to receive public comment. **Public comment will begin following adoption of the Consent Agenda.** **Speakers joining the meeting electronically must sign-up before 5:00 p.m.** by contacting Kelly Baker at kake@salisburync.gov or 704-638-5233. Citizens who are unable to speak during the meeting may submit written comments by 5:00 p.m. to the email above and they will be shared with Council.
6. Council to consider issuance of a demolition permit for the R.B. Miller Building located at 317 East Liberty Street  
(Presenter – Planner Emily Vanek)

(a) Receive a presentation from staff
(b) Hold a public hearing
(c) Issue a demolition permit for 317 East Liberty Street.

7. Council to consider Land Development District Map Amendment CD-06-2021 to rezone one parcel consisting of approximately 12.84 acres, located at 1040 Julian Road, from Rural Residential to Residential Mixed-Use and establish a Conditional District Overlay to allow for a 212 unit multi-family apartment complex as Phase II of the Grand on Julian.  
(Presenter – Development Services Manager Teresa Barringer)

(a) Receive a presentation from staff
(b) Hold a public hearing
(c) Issue a Statement of Consistency and Statement of Reasonableness, and consider adopting an ORDINANCE amending the Land Development Ordinance.

8. Council to consider adopting a RESOLUTION giving preliminary approval to issuance of multifamily housing revenue bonds for the Ford City Motor Lofts located at 419 South Main Street.  
(Presenters – Planning Director Hannah Jacobson, City Attorney Graham Corriher, Developer Tonya Haddock, and Property Owners Lisa Pope and Lorna Medinger)

9. Council to consider awarding the street asphalt bid to NJR Group in the amount of $533,925 for paving City streets for the period January 4, 2022 through May 31, 2022.  
(Presenter – Assistant Public Works Director Chris Tester and Public Works Technician Benjamin Parker)


12. Council’s Comments.

13. Mayor Pro Tem’s Comments.

14. Mayor’s Announcements and Comments.

(a) Downtown Salisbury, Inc. will host photos with Santa and the Grinch Saturday, December 11, 2021 from 1:30 p.m. until 4:00 p.m. at Bell Tower Green Park. Activities include free rides on antique fire trucks, crafts, hot cocoa and live music.

(b) The City of Salisbury will host the New Year’s Eve at the Bell Tower celebration Friday, December 31, 2021 at Bell Tower Green. Festivities begin at 9:00 p.m. and include refreshments, entertainment, a live video feed from Time’s Square, and ringing in the New Year at midnight.
(c) The Salisbury Public Art Committee is seeking applicants for the Salisbury Sculpture Show. Neighborhoods can apply to host a sculpture from April 2022 through March 2023. There is no fee to apply and applications are due by Friday, December 31, 2021. Artists are also invited to submit their outdoor pieces for consideration. The application fee is $30 per artist and submissions are due by Monday, December 20, 2021. Work from individual teams will be considered and student work is encouraged. For more information or to apply please visit www.salisburync.gov/SculptureShow.

15. Adjourn.
PROCLAMATION

WHEREAS, the season between Thanksgiving and New Year's Day is what the National Association of Drug Court Professionals describes as "one of the deadliest and most dangerous times on America's roadways due to an increase in impaired driving"; and

WHEREAS, almost 30 percent of all traffic crash fatalities in the United States involve drunk drivers; in 2017, studies revealed that collisions due to drunk driving killed one American approximately every 48 minutes; and

WHEREAS, in 2019 there were 10,142 deaths that occurred across the nation from drunk and drugged driving, and studies have also shown 28 people die daily in alcohol or drug related traffic accidents; and

WHEREAS, since 1981, when the first presidential proclamation was issued for "National Drunk and Drugged Driving Prevention Month," each president has recognized this observance during the month of December. President Barack Obama renamed it "National Impaired Driving Prevention Month" to include other driving distractions such as the use of cell phones; and

WHEREAS, the U.S. Department of Transportation's National Highway Traffic Safety Administration redoubles its efforts each holiday season to promote the "Drive Sober or Get Pulled Over" campaign, joining forces with law enforcement agencies across the country; and

WHEREAS, holiday partygoers are urged to consider their safe transportation options ahead of time, through public transportation, ride services or a committed designated driver.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, DO HEREBY PROCLAIM December 2021 as

IMPAIRED DRIVING PREVENTION MONTH

in Salisbury, and encourage all citizens to commit to a safe holiday season by avoiding distraction on our roadways.

This the 7th day of December 2021.

_________________________________  Karen K. Alexander, Mayor
SALISBURY CITY COUNCIL

NOVEMBER 16, 2021

SALISBURY, NORTH CAROLINA

SPECIAL MEETING

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

ABSENT: None.

In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19 the Salisbury City Council met electronically.

CLOSED SESSION

Thereupon, Councilmember Post made a motion to go into closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(6). Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

Council returned to open session, and Mayor Alexander indicated no action was taken.
ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:45 p.m.

________________________________________
Karen Alexander, Mayor

________________________________________
Kelly Baker, City Clerk
Salisbury, North Carolina
November 18, 2021

RECESSSED MEETING OF NOVEMBER 16, 2021

The City Council of the City of Salisbury met at 5:00 p.m., Thursday, November 18, 2021 pursuant to the recess of the Regular meeting of November 16, 2021. In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19, the Salisbury City Council met electronically with the following members being present:

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

ABSENT: None.

CLOSED SESSION

Thereupon, Mayor Alexander made a motion to go into closed session concerning a personnel matter as allowed by NCGS 143-318.11(a)(6). Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

Upon conclusion of closed session, Council reconvened in open session.
APPPOINTMENT OF INTERIM CITY MANAGER

Thereupon, Councilmember Miller made a motion to appoint Brian Hiatt as Interim Manager and delegate authority to the Mayor to sign an employment agreement with the approve of the City Attorney. Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:15 p.m.

______________________________
Karen Alexander, Mayor

______________________________
Kelly Baker, City Clerk
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:  December 7, 2021

Name of Group(s) or Individual(s) Making Request:  Kelly Baker

Name of Presenter(s):  Consent Agenda

Requested Agenda Item:  Council to adopt its 2022 Meeting Schedule.

Description of Requested Agenda Item:  Each year Council adopts its meeting schedule for the year and the proposed schedule of 2022 Council meeting dates is attached for your consideration and approval. The schedule proposes only one meeting for July and December. Also, the starting time of the August 2 meeting has been moved to 3:00 p.m. in order to allow Council to participate in National Night Out events around the City. No meetings are affected by holidays in 2022 and no other adjustments should be necessary.

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 Council’s meeting schedule for 2022.

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

Contact Information for Group or Individual:  Kelly Baker, 704-638-5233

☒ 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

☐ Approved      ☐ Delayed      ☐ Declined

Reason:
### 2022 Schedule of Regular Council Meeting Dates

<table>
<thead>
<tr>
<th>Month</th>
<th>Date</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>4</td>
<td>No first meeting</td>
</tr>
<tr>
<td>January</td>
<td>18</td>
<td>July 19</td>
</tr>
<tr>
<td>February</td>
<td>1</td>
<td>August 2 – Meeting Starts 3:00 p.m.</td>
</tr>
<tr>
<td>February</td>
<td>15</td>
<td>August 16</td>
</tr>
<tr>
<td>March</td>
<td>1</td>
<td>September 6</td>
</tr>
<tr>
<td>March</td>
<td>15</td>
<td>September 20</td>
</tr>
<tr>
<td>April</td>
<td>5</td>
<td>October 4</td>
</tr>
<tr>
<td>April</td>
<td>19</td>
<td>October 18</td>
</tr>
<tr>
<td>May</td>
<td>3</td>
<td>November 1</td>
</tr>
<tr>
<td>May</td>
<td>17</td>
<td>November 15</td>
</tr>
<tr>
<td>June</td>
<td>7</td>
<td>December 6</td>
</tr>
<tr>
<td>June</td>
<td>21</td>
<td>No second meeting</td>
</tr>
</tbody>
</table>
**Salisbury City Council**  
**Agenda Item Request Form**

**Please Select Submission Category:**  
- ☐ Public  
- ☑ Council  
- ☐ Manager  
- ☒ Staff

**Requested Council Meeting Date:**  
December 7, 2021

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

**Name of Presenter(s):**  
Hannah Jacobson, Planning Director

**Requested Agenda Item:**  
Council to consider adopting a Budget Ordinance Amendment to the FY 2021-2022 budget in the amount of $15,000 to appropriate a donation for demolition of dilapidated structures in the West End (Minimum Housing).

**Description of Requested Agenda Item:**  
Code Services has received a donation of $15,000 to go towards demolition of dilapidated structures in the West End.

**Attachments:**  
- ☑ Yes  
- ☐ No

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

**Action Requested of Council for Agenda Item:**  
Council to consider adoption of a budget ordinance amendment to the FY 2021-2022 budget to appropriate $15,000 to the Minimum Housing budget to assist with demolition of dilapidated structures in the West End.

**Contact Information for Group or Individual:**  
Hannah Jacobson, hannah.jacobson@salisburync.gov, 704-638-5230

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

**FINANCE DEPARTMENT INFORMATION:**  
______________________________  
Finance Manager Signature  
Department Head Signature  
______________________________  
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  December 7, 2021

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

Name of Presenter(s):  N/A

Requested Agenda Item:  Driveway Variance for 511 Riviera Drive

Description of Requested Agenda Item:
The Engineering Department has received a request from the contractor of 511 Riviera Drive regarding a variance needed for an existing third driveway connection. The property, which located in the Crescent Subdivision, contains both a circular driveway connection and a garage driveway connection, which does not meet our current City Code.

Section 22-73(a) of the City Code currently restricts residential property to two driveway connections, and the addition of the third driveway exceeds this allowance. In 2019 the zoning site plan requirements did not require contractors to show additional details of driveways, and therefore the building contractor poured three driveways not knowing additional approval would be required.

Additionally, Section 22-73(a) requires a minimum of 25 feet of curb between the driveway entrances measured along the curbline. The outer edge of the existing circle driveway to the edge of the garage driveway is only 23 feet wide.

Section 22-68 allows Council to grant variances from our current standards when deemed appropriate. Staff has reviewed the site and have no concerns related to this proposal.

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

Contact Information for Group or Individual:
Bryan Alston, Traffic Engineer
704-216-4475/balst@salisburync.gov

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

☐ Regular Agenda (item to be discussed and possibly voted on by Council)
FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved

☐ Declined

Reason:
RESOLUTION AUTHORIZING THE CITY ENGINEER TO GRANT A VARIANCE OF THE CITY CODE, SECTIONS 22-73(a), FOR A DRIVEWAY CONNECTION FOR 511 RIVIERA DRIVE

WHEREAS, a property owner wishes to install multiple driveway connections to a single family property; and

WHEREAS, the proposed use would not meet the standards set forth in Section 22-73(a) of the City Code relating to number of and distance between driveway connections; and

WHEREAS, the City Council believes that meeting the standards of Section 22-73(a) relating to number of and distance between driveway connections would create an unnecessary burden for the property owner; and

WHEREAS, the City Engineer’s office has investigated the proposed use and has not found it to be a safety concern;

NOW, THEREFORE, be it resolved that the City Council of the City of Salisbury, in accordance with Section 22-68, authorizes the City Engineer to grant the petitioner a variance from the standards of Section 22-73(a) of the City Code relating to number of driveway connections and the distance between these connections.

________________________________________
Karen K. Alexander, Mayor

________________________________________
Kelly Baker, MMC
Administrative Services Director/City Clerk
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: December 7, 2021

Name of Group(s) or Individual(s) Making Request: Wendy Brindle, Engineering

Name of Presenter(s): N/A

Requested Agenda Item: Municipal Agreement concerning Sidewalks for NCDOT Project U-5738, Julian Road Widening

Description of Requested Agenda Item: NCDOT plans to let Project U-5738, Julian Road Widening from Summit Park Drive to Jake Alexander Boulevard, in July 2022. In accordance with NCDOT’s Pedestrian Policy Guidelines and at the request of the City of Salisbury, the project will include the construction of sidewalk and bike lanes on Julian Road. In accordance with the Pedestrian Policy Guidelines, the City shall reimburse NCDOT thirty percent (30%) of the actual costs of the work associated with the construction of the pedestrian facilities. The estimated total cost of the facilities is $304,290, and the City’s participation will be $91,287. This is an estimated cost, and could vary slightly from the estimate.

The City’s portion of the project will be due upon completion, which is expected to be in FY2024. Upon completion, the City will also be responsible for maintenance of the sidewalks. To provide pedestrian facilities on Julian Road as part of NCDOT Project U-5738, staff recommends that Council authorize the City Manager to enter into the attached agreement with NCDOT for 30% of the cost of the construction of the facilities.

Attachments: ☒ Yes ☐ No

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

This will not have an effect on the current budget, and will be included in the appropriate future budget, currently anticipated to be FY 2024

Action Requested of Council for Agenda Item: (Please note if item includes an ordinance, resolution or petition)
Authorize the City Manager to execute a Municipal Agreement for 30% participation in the construction of pedestrian facilities along Julian Road as part of Project U-5738

Contact Information for Group or Individual: Wendy Brindle – 704-638-5201

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

☐ Regular Agenda (item to be discussed and possibly voted on by Council)
FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
AGREEMENT OVERVIEW

DATE: 10/29/2021

PARTIES TO THE AGREEMENT:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

AND

CITY OF SALISBURY (Municipality)

SCOPE OF PROJECT
The project consists of widening SR 2528 (Julian Road) to a median divided, four-lane facility from SR 2667 (Summit Park Drive) to US 601. At the request of the Municipality, and in accordance with the Department’s Pedestrian Policy Guidelines, the Department shall include provisions in its construction contract for the construction of Sidewalk and Bike Lanes on Julian Road. Said work shall be performed in accordance with the Department’s policies, procedures, standards, and specifications, and the following provisions.

ESTIMATED COSTS TO OTHER PARTY: $91,287
DEPARTMENT’S FUNDING: $213,033
Estimated TOTAL COST OF PROJECT: $304,290

PAYMENT TERMS: The Department bills the City of Salisbury upon completion of the Project.

MAINTENANCE: City of Salisbury

EFFECTIVE DATES OF AGREEMENT:
START: Upon Full Execution of this Agreement
END: When work is complete and all terms are met.

The parties to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the parties with respect to its subject matter and supersedes any previous communication or agreements that may exist.

This AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department and the Other Party, City of Salisbury herein after referred to as the Municipality.

WHEREAS STATEMENTS

WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly under General Statutes of North Carolina (NCGS), particularly Chapter 136; and,

WHEREAS, the Department and the Municipality have agreed that the jurisdictional limits of the Parties, as of the date of entering agreement for the above-mentioned project, are to be used indetermining the duties, responsibilities, rights and legal obligations of the Parties hereto for the purposes of this Agreement; and,

WHEREAS, the Municipality has requested that the Department perform work or provide services; and,

WHEREAS, the Parties hereto wish to enter into an agreement for scoped work to be performed or provided by the Department (including reviews, goods or services) with reimbursement for the costs thereof by the Municipality as hereinafter set out; and,

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:
ACCOUNTS RECEIVABLE AGREEMENTS
PAYMENT TERMS AND METHODS

Please refer to your Agreement’s Payment Terms to correctly remit any payment due to the Department.

<table>
<thead>
<tr>
<th>PAYMENT TERMS:</th>
<th>PAYMENT TIMING:</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAYMENT UPON AGREEMENT EXECUTION</td>
<td>Please submit the amount of agreed upon payment via one of the below methods once you have received notice of execution of the Agreement.</td>
</tr>
<tr>
<td>PAYMENT PRIOR TO LETTING (OR START OF PHASE)</td>
<td>You will be notified by the Project Manager when payment will be due. Please remit payment within 60 days of notification.</td>
</tr>
<tr>
<td>PAYMENT UPON BILLING</td>
<td>The Department will bill at the completion of the Project (or when defined in the Agreement). All payments are due within 60 days of invoicing.</td>
</tr>
</tbody>
</table>

NOTE: You may pre-pay any portion of an estimated cost, prior to Departmental Billing. The Department will adjust final billing to account for any pre-payments made.

LATE PAYMENTS AND INTEREST RATES:
For payments not received within 60 days, the Department must charge a statutory interest rate of prime plus one percent (1%) on all Utility Relocation Agreements. For any other Receivable Agreement, the Department may charge a late fee and/or interest.

PAYMENT METHODS

1. SEND PAYMENT BY CHECK OR MAIL TO: 
   NCDOT – Accounts Receivable
   1514 Mail Service Center
   Raleigh, NC 27699-1514
   INCLUDE:
   - Agreement ID (10000xxxxx)
   - WBS Element

2. SEND PAYMENT VIA ACH (Automated Clearinghouse)
   Initiate ACH through your bank* and send an e-mail to:
   ✔ Judith Dever - jadever@ncdot.gov
   ✔ Kay Lee - klee@ncdot.gov
   INCLUDE:
   - Agreement ID# (10000xxxxx)
   - WBS Element
   - Amount of Payment

*If you need NCDOT's Account information, contact Tammy Court at tlcourt@ncdot.gov

Failure to follow the above steps and remit payment per the terms in the Agreement may result in delays to project delivery. Please contact your Division Project Manager for questions regarding payment terms.

7.2021
RESPONSIBILITIES

I. The Department and/or the Municipality shall be responsible for all phases of project delivery to include planning, design, right of way acquisition, utility relocation, and/or maintenance shown in the PROJECT DELIVERY Provision.

II. The Municipality shall be responsible for payment as shown in the COSTS AND FUNDING Provision.

PRODUCT/PROJECT DELIVERY

SCOPE OF WORK

The project consists of widening SR 2528 (Julian Road) to a median divided, four-lane facility from SR 2667 (Summit Park Drive) to US 601. At the request of the Municipality, and in accordance with the Department's Pedestrian Policy Guidelines, the Department shall include provisions in its construction contract for the construction of Sidewalk and Bike Lanes on Julian Road. Said work shall be performed in accordance with the Department’s policies, procedures, standards, and specifications, and the following provisions. The Department will be responsible for all phases of the Project, including planning, design, right of way, construction, and contract administration. All work shall be done in accordance with Departmental standards, specifications, policies and procedures.

ADDITIONAL WORK

At the request of the Municipality, and in accordance with the Department’s Pedestrian Policy Guidelines, the Department shall include provisions in its construction contract for the construction of pedestrian facilities and/or other additional work as indicated in the Table below. Said work shall be performed in accordance with the additional work as indicated in the Table below. Said work shall be performed in accordance with the Department’s policies, procedures, standards, and specifications, and the following provisions.

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost to Municipality</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sidewalk (additional work)</td>
<td>$91,287.00</td>
</tr>
<tr>
<td>Total Cost to Municipality</td>
<td>$91,287.00</td>
</tr>
</tbody>
</table>

COSTS AND FUNDING

In accordance with the Pedestrian Policy Guidelines and/or Complete Streets Guidelines, the Municipality shall reimburse the Department thirty percent (30%), of the actual cost, including administrative costs, of the work associated with the construction of the pedestrian facilities. The Department shall participate in seventy percent (70%) of the actual cost of the pedestrian facilities for that portion of the project within the corporate limits, where new pedestrian facilities are to be installed. The estimated cost of the pedestrian facilities is $304,290. The Municipality shall submit payment upon completion of the Project. The estimated cost to the Municipality is $91,287. Both parties understand that this is an estimated cost and is subject to change.

Upon completion of the Project, if actual costs exceed the amount of payment, the Municipality shall reimburse the Department any underpayment within sixty (60) days of invoicing by the Department. The Department will charge a late payment penalty and interest on any unpaid balance due in accordance with G. S. 147-86.23. If the actual cost of the work is less than $304,290, the Department will reimburse the Municipality any overpayment.

In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment herein above provided, NCGS § 136-41.3 authorizes the Department to withhold so much of the Municipality’s share of funds allocated to said Municipality by NCGS § 136-41.1 until such time as the Department has received payment in full under the reimbursement terms set forth in this Agreement.
PLANNING AND DESIGN

The Department shall prepare the environmental and/or planning document, and obtain any environmental permits needed to construct the Project. All work shall be done in accordance with departmental standards, specifications, policies and procedures.

RIGHT OF WAY

The Department shall be responsible for acquiring any needed right of way required for the Project. Acquisition of right of way shall be accomplished in accordance with the policies and procedures set forth in the North Carolina Right of Way Manual.

It is understood by both parties that all work for the additional work or betterments shall be performed within the existing right of way. However, should it become necessary, the Municipality, at no expense or liability whatsoever to the Department, shall provide any needed right of way and or construction easements for the construction of the betterments, and remove from said rights of way all obstructions and encroachments of any kind or character. Acquisition of any needed right of way shall be performed in accordance with the following state and federal policies and procedures, "Right of Way Acquisition Policy and Land Acquisition Policy, contained in the Federal-Aid Policy Guide, Part 712, Subpart B", and the North Carolina Right of Way Manual (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970). The Department shall be indemnified and held harmless from any and all damages and claims for damages associated with the acquisition of any construction easements and/or right of way.

UTILITIES

The Municipality shall be responsible for the relocation and adjustment of all municipally-owned utilities in conflict with the Project and shall exercise any rights that it may have under any franchise to effect all necessary changes, adjustments, and relocations of communications and electric power lines; underground cables, gas lines, and, and other pipelines or conduits; or any privately- or publicly-owned utilities.

1. Said work shall be performed in a manner satisfactory to the Department prior to the Department beginning construction of the Project. The Municipality shall make every effort to promptly relocate said utilities in order that the Department will not be delayed in the construction of the Project.

2. The Municipality shall make all necessary adjustments to house or lot connections or services lying within the right of way or construction limits, whichever is greater, of the Project.

3. The Department, where necessitated by construction, will make vertical adjustments of two (2) feet or less to the existing manholes, meterboxes, and valve boxes at no expense to the Municipality.

4. The Department shall not be liable for any work that the Municipality undertakes with respect to said utility relocation.

UTILITY RELOCATION BY DEPARTMENT

If the Municipality requests the Department to include the relocation and/or adjustment of municipally owned utilities in its construction contract provisions, and the Department agrees, then a separate utility agreement will be prepared to state the cost estimate and the reimbursement terms, if applicable. The Municipality shall reimburse the Department all or a portion of the costs associated with said relocation, in accordance with NCGS 136-27.1. Reimbursement will be based on final project plans and actual costs of relocation. A separate Utility agreement (8090) has already by been executed to address the relocation of municipal utilities.
CONSTRUCTION

The Department shall construct, or cause to be constructed, the Project in accordance with the plans and specifications of said Project as filed with, and approved by, the Department. The Department shall administer the construction contract for said Project.

MAINTENANCE

Upon completion of the Project:

a. The Department shall be responsible for all traffic operating controls and devices which shall be established, enforced, and installed and maintained in accordance with the North Carolina General Statutes, the latest edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, the latest edition of the “Policy on Street and Driveway Access to North Carolina Highway,” and department criteria. The Department currently has a separate agreement with the Municipality covering maintenance of the traffic signals.

b. The roadway improvements that are within state-owned right of way shall be considered a part of the State Highway System and shall be owned and maintained by the Department.

c. The Municipality, at no expense to the Department, shall assume maintenance responsibilities for the sidewalk and release the Department from all liability relating to such maintenance.

OTHER REQUIREMENTS

Agreement Modifications

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all parties by means of a written Supplemental Agreement.

Assignment of Responsibilities

The Department must approve any assignment or transfer of the responsibilities of the Local Public Agency set forth in this Agreement to other parties or entities.

Agreement for Identified Parties Only

This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

Other Agreements

The Entity is solely responsible for all agreements, contracts, and work orders entered into or issued by the Entity to meet the terms of this Agreement. The Department is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the Department under the terms of this Agreement.

Authorization to Execute

The parties hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective parties to the terms contained herein.
Debarment Policy

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the Entity certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or **Department** and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

Indemnification

To the extent authorized by state and federal claims statutes, the Entity shall be responsible for its actions under the terms of this agreement and save harmless the FHWA (if applicable), the **Department**, and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns to the extent allowed by law, from and against any and all claim for payment, damages and/or liabilities of any nature, asserted against the **Department** in connection with this Agreement. The **Department** shall not be liable and shall be held harmless from any and all third-party claims that might arise on account of the Entity’s negligence and/or responsibilities under the terms of this agreement.

Availability of Funds

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

Gift Ban

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e. Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor).
SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day of year heretofore set out, on the part of the DEPARTMENT and the MUNICIPALITY by authority duly given.

FED TAX ID NO: _______________

AUTHORIZED SIGNER ________________

PRINT NAME: _______________________

TITLE: ______________________________

DATE SIGNED: _______________________

If applicable, this Agreement has been pre-audited in the manner required by the Local Government and Budget and Fiscal Control Act.

FINANCE OFFICER: ________________

SIGN HERE: _______________________

DATE: ______________________________

DEPARTMENT OF TRANSPORTATION

BY: ________________________________
   (CHIEF ENGINEER)

DATE SIGNED: _______________________

PRESENTED TO BOARD OF TRANSPORTATION ITEM O: ____________________________(Date)

12/9/2021
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  December 7, 2021

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

Name of Presenter(s):  N/A

Requested Agenda Item:  Transfer of Market Station Drive (SR 2695) from NCDOT to City of Salisbury

Description of Requested Agenda Item:
In accordance with the municipal agreement for Project U-5820B, Newsome Road Extension (now known as Market Station Drive), the City is to take over maintenance one year after completion. The project was considered substantially complete on October 6, 2020, and is now ready for transfer into the City’s street system. In an effort to meet a turnover date of July 1, 2022, Council needs to adopt a Resolution agreeing to transfer to road to the City of Salisbury. Once adopted, the Resolution will be presented to the NC Board of Transportation for final approval.

Therefore, the Engineering Department recommends that Council adopt a Resolution to transfer Market Station Drive (SR 2695), between Innes Street and Bendix Drive, to the City of Salisbury, effective July 1, 2022.

Attachments:  ☒ Yes  ☐ No

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

The City will receive Powell Bill Funds for the period beginning July 1, 2022 to help offset maintenance costs.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
City Council to adopt a Resolution to transfer Market Station Drive (SR 2695), between Innes Street and Bendix Drive, from the State Secondary Road System to the City of Salisbury Road System

Contact Information for Group or Individual:
Wendy Brindle, City Engineer
704-638-5201/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 Clerk’s Office Only

☐ Approved  ☐ Declined

Reason:
RESOLUTION AGREETING TO TRANSFER MARKET STATION DRIVE (SR 2695) FROM THE STATE SECONDARY ROAD SYSTEM TO THE CITY OF SALISBURY ROAD SYSTEM

WHEREAS, the City of Salisbury, North Carolina qualifies for Powell Bill street aid allocation; and

WHEREAS, the North Carolina Department of Transportation and the City of Salisbury have entered into an agreement concerning ultimate street system responsibilities;

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Salisbury, North Carolina agrees to transfer maintenance and responsibility of the following secondary road from the State System to the City System:

- SR 2695, Market Station Drive from Innes Street (US52) to Bendix Drive (SR2576), for a total of 0.53 miles.

BE IT FURTHER RESOLVED that the effective date of transfer be established as July 1, 2022.

This the 7th day of December, 2021.

__________________________
Karen K. Alexander, Mayor

__________________________
Kelly Baker, MMC
Administrative Services Director/City Clerk
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: 12/07/2021

Name of Group(s) or Individual(s) Making Request: Ms. Diane Young, VP of LMY, Inc.

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

Requested Agenda Item: Right-of-Way Use Permit for 115 E Innes St

Description of Requested Agenda Item: Engineering has received a request from Ms. Diane Young to use a total of two (2) on-street parking spaces adjacent to her property of 115 East Innes Street, for continued interior renovations, from the dates of December 8, 2021 through January 31, 2022. The spaces will be utilized to park construction vehicles containing the tools and equipment necessary for interior renovations or a dumpster. They were unable to complete their project during the first request, which expired on November 20, 2021. Wendy Brindley has approved the temporary use of these spaces for the dates of December 1, 2021 through December 7, 2021, as not to hold up the applicant while awaiting City Council consideration. Since the request for use of right-of-way exceeds 14 calendar days, Section 22-50 of the City Code of Ordinances requires Council approval.

Attachments: □ Yes □ No

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

There is no budgetary impact related to this item.

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

Council action will be to approve the use of two parking spaces at 115 East Innes Street for interior renovations, through January 31, 2022.

Contact Information for Group or Individual:
Ms. Diane Young, 704-213-0747
Vickie Eddleman, 704-638-5213, vtrou@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:
Salisbury City Council
Agenda Item Request Form

Finance Manager Signature

Budget Manager Signature

Department Head Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Right-of-Way Use Permit Application

LOCATION OF WORK:  115 E Innes St

NAME OF APPLICANT:  Ms. Diane Young, VP of LMY, Inc.

ADDRESS:  PO Box 4216, Salisbury, NC 28145  PHONE:  704-213-0747

START DATE:  12/01/2021  END DATE:  01/31/2022

PROPOSED USE:  Interior Renovations

Note: Applications must be approved by the City Traffic Engineer or authorized representative prior to placement of materials or equipment on site.

REQUIREMENTS:

1. Maximum permit period of 14 calendar days.
2. Applicant is responsible for repair of damage to public property.
3. Permit subject to all requirements as specified in the City of Salisbury Code of Ordinances, Section 22-50, Right-of-Way Use for Construction and Maintenance (copy provided with application).
4. By accepting and utilizing this permit, the applicant will indemnify and hold the City of Salisbury and its officials, officers, employees and agents harmless from and against any liability and damages resulting from any negligent acts or omissions in the use of this public right-of-way.
5. A copy of the approved permit must be posted at the site (permit issued upon application approval).

OFFICE USE ONLY

APPROVED:  Pending Salisbury City Council approval on 01/04/2022

City Traffic Engineer or Authorized Representative

# Parking Spaces Approved:  2  Width of Sidewalk Approved for Use:  None

Minimum 5’ Wide Pedestrian Access Required:  N/A

Description of approved uses:  Business/Property owner has hired a contractor perform interior renovations to the building. There were some delays in being able to fully use the previous permit issued on 10/05/2021.

DISTRIBUTION:  POLICE  FIRE  DEVELOPMENT SRVCS.  PUBLIC WORKS  NCDOT (if applicable)

CITY OF SALISBURY
P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479
City Council has the authority to delegate to the City Manager the authority to enter into contracts except where City Council approval is required by law (for example to award bids on major construction projects). The attached Resolution codifies the long-standing delegation of City Manager contracting authority to provide better clarity to City Council and City Staff.

Attachments: Yes  No

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

None

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

Council to adopt a Resolution Regarding City Manager Contracting Authority

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

***All agenda items must be submitted at least 7 days before the requested Council meeting date***
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RESOLUTION REGARDING CITY MANAGER CONTRACTING AUTHORITY

WHEREAS, the City of Salisbury operates under the council-manager form of government where considerable day-to-day executive authority is delegated to the City Manager; and

WHEREAS, the City Council’s delegation of authority to the City Manager includes the authority to execute certain contracts within limits set forth by City Council and consistent with State law; and

WHEREAS, G.S. § 143-64.32 provides that the City may exempt certain contracts from the requirements of the Mini-Brooks Act; and

WHEREAS, G.S. 143-129(a) authorizes the City Council to delegate authority to the City Manager to award contracts, reject bids, re-advertise to receive bids for purchases of apparatus, supplies, materials, or equipment;

NOW, THEREFORE, BE IT RESOLVED by the Salisbury City Council as follows:

1. The City Manager is hereby authorized to award and execute contracts, terminate contracts, reject bids, advertise to receive bids as provided in this section. The City Manager may:

   (a) Approve, execute, and terminate contracts involving informal bids of up to $100,000.00 for construction projects budgeted in the annual budget ordinance as the budget ordinance may from time to time be amended; and

   (b) Approve, execute, and terminate maintenance contracts; and

   (c) Approve, execute, and terminate leases of City real property of one year or less pursuant to G.S. § 160A-272(b); and

   (d) Approve, execute, and terminate contracts for professional engineering services up to $100,000.00; and

   (e) Approve, execute, and terminate professional services contracts (except as provided in (d) above; and

   (f) Approve and execute change orders to all approved contracts not to exceed an increase of $50,000.00 in the total contract price as determined at the time of each proposed change order; and
(g) Approve, execute, and terminate contracts for the purchase of apparatus, supplies, materials, or equipment that do not exceed $90,000.00.

2. The City Manager is authorized to exempt any project from the provisions of G.S. § 143, Article 3D, Procurement of Architectural, Engineering, and Surveying Services where the estimated professional fee for the specific project do not exceed $50,000.00.

3. The City Manager is authorized to dispose of surplus property under the informal procedures described in G.S. § 160A-266(c) of up to $30,000.00 in value; and

4. The City Manager is authorized to take all necessary and appropriate actions to settle legal claims against the City when the amount of settlement does not exceed $50,000.00, provided that such settlements are reported to City Council quarterly.

5. To the extent not previously cancelled or repealed, this Resolution supersedes any and all previous resolutions regarding the same subject matter, but does not affect the validity of any contract previously entered into between the City and any party.

Adopted this the 7th day of December 2021.

______________________________
Karen K. Alexander, Mayor

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

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

Requested Council Meeting Date: December 7, 2021

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

Name of Presenter(s): Graham Corriher

Requested Agenda Item: Review and Approval Public Comment Period Policy

Description of Requested Agenda Item: City Council’s Rules of Procedure require that the Public Comment Period Policy be reviewed and approved at the organizational meeting. Minor changes have been made to the existing policy to reflect City Council’s practice of allowing remote participation in public comment periods.

Attachments: ☒ Yes ☐ No

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

None

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

Council to adopt a Resolution to Approve Public Comment Period Policy

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

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Reason:
RESOLUTION ESTABLISHING
RULES OF PROCEDURE FOR PUBLIC COMMENT PERIODS

WHEREAS, the Salisbury City Council encourages all citizens to participate in the public process and values their input, ideas and suggestions; and

WHEREAS, the Salisbury City Council holds a Public Comment period during both of its regularly scheduled meetings each month; and

WHEREAS, the Salisbury City Council wishes to be fair and equitable to all citizens and to maintain order and decorum during the conduct of public meetings; and

WHEREAS, from time to time, and in accordance with its Rules of Procedure, the Salisbury City Council reviews the Rules of Procedure for Public Comment Periods and revises these as necessary to ensure that the principles outlined above are achieved in accordance with North Carolina law;

NOW, THEREFORE, BE IT RESOLVED, that the Salisbury City Council establishes the following Rules of Procedure for Public Comment Periods:

1. The Public Comment period will be held immediately following the Council’s ceremonial matters and the adoption of the meeting agenda and consent agenda.

2. Each speaker must sign in to speak during the Public Comment period. The sign-in sheet will be available at the beginning of the meeting and will remain available until the Public Comment period ends. This paragraph does not apply for Council meetings conducted remotely.

3. For both in-person and remote meetings, speakers may participate in public comment remotely by submitting a request to the City Clerk no later than one hour prior to the start of the meeting.

4. Each speaker will have a maximum of three minutes to speak. As the presiding officer, the Mayor has the discretion to grant additional time in special circumstances.

5. A speaker may yield the speaker’s time to another speaker provided the speaker has signed in for the Public Comment period, but no more than two speakers may combine time, and the same speaker may speak only once per Public Comment period. In order to avoid repetitiveness, groups are encouraged to elect a spokesperson to speak on their behalf.
6. Any related documents, printed comments, or materials the speaker wishes to distribute to Council shall be provided to the City Clerk at the time the speaker signs in.

7. Speakers shall address the Council from the speakers’ table using the microphone provided and, if able, shall remain seated while addressing the Council.

8. Public Comment is not intended to require the Council to answer impromptu questions, though in the interest of advancing the principles of Public Comment outlined above, the Council may comment for up to one minute on the speaker’s comments but will not engage in a conversation with the speaker. The Council will not take action on an item presented during Public Comment. When appropriate, the Council may refer inquiries and items discussed during Public Comment to the City Manager for follow up.

9. Speakers are limited to commenting on matters which are within the real or apparent jurisdiction of the Salisbury City Council.

10. Speakers will not discuss matters regarding the candidacy of any person seeking public office, including the candidacy of the person addressing the Council.

11. Speakers will be courteous in their language and presentation. Personal attacks will not be tolerated and will be deemed out of order.

12. Signs no larger than two square feet are permitted provided that they do not block the view of spectators, staff and City Council members. Signs shall not be mounted on a pole, stick or handle. Signs shall be made of paper, card stock, poster board or cardboard. All sign surfaces shall be flat, non-reflective materials. Signs shall not be shaken, waved or moved vigorously so as to disrupt the meeting.

13. No person shall enter the dais except upon the specific invitation of the Mayor or member of Council.

14. All previously-adopted Resolutions regarding the Salisbury City Council Rules of Procedure for Public Comment Periods are hereby repealed.

   Adopted this the 7th day of December 2021.

   _______________________________________
   Karen K. Alexander, Mayor

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

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

Requested Council Meeting Date:  December 7, 2021

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

Name of Presenter(s):  Graham Corriher

Requested Agenda Item:  Review and Approve Remote Meeting Policy

Description of Requested Agenda Item:  During the COVID-19 pandemic the City Council conducted many of its meetings remotely in accordance with State law and the City Council’s Policy and Procedure for Electronic Meetings of the Salisbury City Council. The Policy was adopted in April 2020 and amended in May 2020 and in October 2021. No additional changes have been made. Review and approval of this Policy at the organizational meeting is consistent with the requirements of the City Council’s Rules of Procedure.

Attachments:  ☒ Yes  ☐ No

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

None

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

Council to adopt a Resolution to Approve Remote Meeting Policy

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ______________________________
Finance Manager Signature  Department Head Signature

______________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved    ☐ Delayed    ☐ Declined

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

WHEREAS, on April 21, 2020, the City Council of the City of Salisbury, North Carolina, adopted a Policy and Procedure for Electronic Meetings of the Salisbury City Council (the “Policy’’); and

WHEREAS, on May 18, 2021, the City Council revised the Policy consistent with the North Carolina General Assembly’s Act to Provide Aid to North Carolinians In Response to the Coronavirus Disease 2019 (COVID-19) Crisis (S.L. 2020-3, SB 704) (the “Act”), which, in part, amended various sections of the North Carolina General Statutes related to remote meetings where a state of emergency has been declared by the Governor or General Assembly; and

WHEREAS, on October 21, 2021, the City Council further revised the Policy consistent with the North Carolina General Assembly’s Act to Amend the Statute Authorizing the Use of Remote Meetings During Certain States of Emergency (S.L. 2021-35, HB 812) (the “Act”), which amended various sections of the North Carolina General Statutes related to remote meetings where a state of emergency has been declared by the Governor or General Assembly; and

WHEREAS, consistent with its Rule of Procedure, the Salisbury City Council desires to approve of the existing Policy and continue it in effect until revised or repealed.

NOW, THEREFORE, BE IT RESOLVED, that the City Council has reviewed and approves of the Policy and Procedure for Electronic Meetings of the Salisbury City Council, which is incorporated into this Resolution by reference, and which shall remain in effect until revised or repealed by City Council.

Adopted this the 7th day of December 2021.

________________________________________
Karen K. Alexander, Mayor

________________________________________
Kelly Baker, City Clerk
Policy and Procedure for Remote Meetings of the Salisbury City Council

1. Meetings to which this Policy applies.

This Policy shall apply only to Remote Meetings of the Salisbury City Council, and not to any other public bodies existing under the authority of the City of Salisbury. This Policy supplements the Rules of Procedure for the Salisbury City Council. Remote Meetings may take place for any regular, special, or emergency meeting of the Salisbury City Council, subject to the conditions set forth in this Policy.

This Policy does not prohibit public bodies existing under the authority of the City of Salisbury from conducting Remote Meetings where otherwise allowed by and in accordance with law.

2. Definition of Remote Meeting.

“Remote Meeting” shall mean an official meeting, or any part thereof, with between one and all of the members of City Council participating by conference telephone, conference video, or other electronic means.

3. Requirements of a Remote Meeting.

   a. Participation by City Council. The method used for any Remote Meeting must allow for any member of City Council to hear what is said by the other members of City Council, to be heard by the other members of City Council, and to hear what is said by any individual addressing City Council. All members of City Council that cannot be seen by the other members of City Council during the meeting shall identify themselves when the meeting commences, prior to participating in deliberations, and prior to voting.

   b. Participation by the public. Remote meetings must be simultaneously streamed online so that simultaneous live audio, and video, if any, is available to the public. If the means of the Remote Meeting is a conference call, the City Council can provide access by providing a dial in number or by streaming the audio live.

   c. Closed sessions. Where a closed session is otherwise allowed by law, City Council may conduct the closed session by Remote Meeting. City Council is not required to provide public access to the Remote Meeting while City Council is in closed session.


A Remote Meeting may only be held when the Governor or the General Assembly has declared a state of emergency that covers the City of Salisbury, and when the Mayor or the City Council has declared that a state of emergency or other disaster exists within the City of Salisbury. The state
of emergency declaration or disaster declaration must be related to an event that directly affects the City of Salisbury and the ability of the City Council to meet. If no state of emergency or disaster exists, or if a state of emergency or disaster has been declared but does not directly affect the City of Salisbury or the ability of the City Council to meet, then this Policy may not be used.

5. Notice of Remote Meeting.

If a Remote Meeting is necessary, a public notice of the Remote Meeting shall be sent as part of any notice required by N. C. Gen. Stat. § 143-318.12. The public notice, in addition to the information required by N. C. Gen. Stat. § 143-318.12, shall provide:

a. The location, if any, of the physical meeting (which is where any Councilmembers and staff able to attend the meeting in person shall gather); and

b. The telephone number, website address, or other similar information, where a member of the public, member of the media, or others, may listen and, where possible, view the Remote Meeting in accordance with N. C. Gen. Stat. § 143-318.13; and

c. Information about how the public may offer or submit comments for any public comment period.

The notice shall be provided in the manner required by N. C. Gen. Stat. § 143-318.12. If the Remote Meeting is being used for any part of a regular meeting that is on the meeting schedule adopted by the City Council, then the information required above shall be provided in a separate notice to be provided in accordance with N. C. Gen. Stat. § 143-318.12 and Rule 10 or Rule 11, as applicable, of the Rules of Procedure for the Salisbury City Council.

6. Quorum.

Councilmembers present in person or remotely shall be included in the calculation for determining if a quorum exists. If a Councilmember who participates remotely withdraws from the meeting, the rest of the meeting may be completed if there is still a quorum of the City Council present either in person or remotely.

7. Process of opening the meeting.

Immediately prior to opening the meeting, the Mayor, Mayor Pro Tem, or other presiding officer shall communicate with any Councilmember participating remotely and ensure that the Councilmember is prepared to begin the meeting. From that time forward until the adjournment of the meeting, the communication line or application shall be kept open. At the start of the meeting, the Mayor, Mayor Pro Tem, or presiding official shall state which Councilmembers are participating remotely.

8. Voting and discussion.

Councilmembers present for the meeting through remote means are eligible to vote for all items
considered by the City Council during the meeting. All votes shall be by roll call. Prior to taking a vote on any issue, the Mayor, Mayor Pro Tem, or other presiding officer shall inquire of each Councilmember participating remotely if the member has been able to adequately monitor the discussion, including comments from the public, if any, and shall allow each Councilmember to make any desired comments before the vote. It is the responsibility of the Councilmember to gain the attention of the Mayor, Mayor Pro Tem, or other presiding officer in order to be recognized for discussion.


Public hearings may be held by Remote Meeting. City Council shall allow for written comments to be submitted at any time between the notice of the public hearing and 24 hours prior to the time scheduled for the beginning of the public hearing. No vote shall be taken on any matter that requires a public hearing prior to compliance with this section.


Quasi-judicial evidentiary hearings may be held by Remote Meeting, subject to the following requirements:

a. The right of an individual to a hearing and decision occurs during a declared state of emergency;

b. All persons subject to the quasi-judicial proceeding who have standing to participate in the quasi-judicial hearing have been given notice of the quasi-judicial hearing and consent to the Remote Meeting; and

c. All due process rights of the parties affected are protected.

11. Minutes.

The minutes of the Remote Meeting shall reflect the use of simultaneous communication, shall designate the name of each Councilmember who participated remotely, the nature of the remote participation, and the duration of the Councilmember’s participation.
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:  December 7, 2021

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

Name of Presenter(s):  Emily Vanek, Long-Range Planner

Requested Agenda Item:  Council to consider issuance of a demolition permit for the R.B. Miller Building located at 317 East Liberty Street.

Description of Requested Agenda Item:  The R.B. Miller Building at 317 East Liberty Street is being proposed for partial demolition. The building is listed within the Downtown Local Historic District. The demolition was approved with no delay by the Historic Preservation Commission during the November 10, 2021 meeting. No structure within the Downtown Local Historic District may be demolished without a permit issued by the Salisbury City Council, as authorized by NCGS Law 2007-102.

Attachments:  ☑ Yes  □ No

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

Action Requested of Council for Agenda Item:  Council to consider issuing a demolition permit for the R.B. Miller Building at 317 East Liberty Street for partial demolition. (Please note if item includes an ordinance, resolution or petition)

Contact Information for Group or Individual:  Emily Vanek;  emily.vanek@salisburync.gov;  704-638-5311

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________
Finance Manager Signature                  Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved          ☐ Delayed          ☐ Declined

Reason:
MEMO

TO: Salisbury City Council
FROM: Emily Vanek, Planner
DATE: December 7, 2021
RE: Demolition of R.B. Miller Building

<table>
<thead>
<tr>
<th>Project Title:</th>
<th>Eagle’s Nest III</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner(s):</td>
<td>Shelter Ministries of Rowan County, Robert Miller</td>
</tr>
<tr>
<td>Representative(s) or Developer(s):</td>
<td>Gray Stout, AIA, Kyna Grubb, Rowan Helping Ministries</td>
</tr>
<tr>
<td>Address:</td>
<td>317 East Liberty Street</td>
</tr>
<tr>
<td>Tax Map - Parcel(s):</td>
<td>Tax Map: 010, Parcel: 278A</td>
</tr>
</tbody>
</table>

Gray Stout, applicant, and owners Robert Miller and Shelter Ministries of Rowan County, have applied for partial demolition of the R.B. Miller Building at 317 East Liberty Street. 319 East Liberty Street will remain. The façade that faces the train tracks of both buildings will be preserved, along with the awnings and wooden dock. The R.B. Miller Building is located within the Downtown Local Historic District. No structure within the Downtown Local Historic District may be demolished without a permit issued by the Salisbury City Council, as authorized by NCGS Law 2007-102 and written in the Salisbury Local Historic Design Standards.

The demolition was approved with no delay by the Historic Preservation Commission at their November 10, 2021 meeting. Council will now consider whether to issue a demolition permit.

Architectural and Historical Significance of the Structure

The following excerpt is taken from the 1987 Nomination Form for the Salisbury Railroad Corridor:

R.B. Miller Building
Southeast side of railroad tracks, opposite the Passenger Depot
C.1910 C.1930
Pivotal

“These little-altered, adjoining, rectangular, one-story brick commercial buildings were an important part of the thriving commercial district which developed along and adjacent to the railroad depot and tracks in the late nineteenth and early twentieth centuries. They are located on the former site of a c. 1890 distillery and a c. 1902 farm implement warehouse, The building on the left (#11, northeast) was constructed first between 1907 and 1913, according to the Sanborn Maps, and in 1913 it housed the first Mint-Cola syrup manufacturing plant, The building was used for storage according to the 1922 map and was vacant in 1931. The adjoining building at the right (1110) appears for the first time on the 1931 Sanborn Map. Both buildings were used in later years by the R; B. Miller Company which dealt in wholesale fruits and vegetables, A faded sign painted on the main elevation of the newer building advertises "R. B. Miller & Co., Wholesale Vegetables, Modern Cold Storage." The buildings are currently vacant. The elevations of both buildings are laid up in one-to-six bond with a header course of a decorative darker brick, both feature corbelling at the eaves of the flat roofs, with the corbelling slightly more elaborate on the older building. The windows of the older building are set in segmental
arches. A shallow wooden loading dock, set on replacement brick piers (one original cut stone pier remains), runs the full width of the buildings, as does the standing seam metal pent-roof porch supported by heavy triangular brackets. The original double door main entrances and brass door hardware remain intact. (SK, JSB, AH)

Location of the Structure within the Historic District

317 East Liberty Street is highlighted in teal with the Downtown Local Historic District in purple.
State of Repair of the Structure

The next pages show images of the interior and exterior of the R.B. Miller Building.
Arial View

Exterior Photos
Interior Photos
DEMOLITION PERMIT

CITY OF SALISBURY
CODE SERVICES DIVISION
132 N MAIN ST, SALISBURY NC 28144
PH. (704)216-7559

FILING DATE

CASE #

DESTRUCTION PERMIT
$50
• FEES PER CITY OF SALISBURY BUDGET ORDINANCE

PROPERTY INFORMATION

Property Address: 317-319 E. Liberty St.

Parcel ID:

Owner Name: Miller / Shelter Ministries of Rowan Co.

Owner Address: 226 W. New St. Salisbury

City: Salisbury

State: NC

Zip: 28144

Is the structure to be demolished located in a Historic District? ☑ YES ☐ NO (If yes, COA required)

What type of structure is proposed for demolition? ☑ Primary ☐ Accessory ☐ Both

APPLICANT INFORMATION

Applicant Name: GAY GROUT ATT

Phone #: 704-640-7515

Applicant Address: 377 Hermitage Club Charlotte, NC 28211

Email: Gay4385@outlook.com

CONTRACTOR INFORMATION

Contractor Name: TBD

Phone#

Address:

Email:

Best Phone:

Contractor License #

Bond Required: ☐ YES ☑ NO

LOCATION OF MATERIAL DISPOSAL:

(LOCATION OF MATERIAL DISPOSAL SHOULD BE LICENSED AND MEET ALL NECESSARY STANDARDS AS SET BY THE CITY, COUNTY, AND STATE.)

UTILITIES

COMPANY NAME

CONNECTED?

DISCONNECT DATE

ELECTRICAL

DUKE ENERGY

☑ YES ☐ NO

Unknown

NATURAL GAS

PIEDMONT NATURAL

☑ YES ☐ NO

WATER/SEWER

SALISBURY-ROWAN

☑ YES ☐ NO

SIGNATURE

By signing this application, I certify that I am authorized to apply for permits pertaining to this job: all information given is true and correct to the best of my knowledge; and all work will comply with NC State Building Codes and local ordinances concerning the proposed use. I am aware that this permit will become void after 6 months from the date of issuance if the work has not commenced. I understand that any violations of the aforementioned regulations and/or ordinances will be grounds for revocation of any and all permits issued by the City of Salisbury and fines may be issued.

Applicant: Gay GROUT ATT

Issued By:

Date 11-30-21

Application Last Revised: MARCH, 2020
**CERTIFICATE OF APPROPRIATENESS**

**CONTACT INFORMATION**
- **Property Owner:** Shelter Ministries of Rowan County  
  **Phone:** 704-798-4286
- **Address:** 200 N. Long Street  
  Salisbury, NC 28144  
  **Email:** kgrubbs@rowanhelpingministries.org  
- **Agent/Applicant (if different):** Gabe Gase  
  **Phone:** 704-640-7544  
  **Email:** gabe@stavestudio.com
- **Company/Address:** Stavestudio architecture  
  **Email:** gabe@stavestudio.com

**PROPERTY & PROJECT INFORMATION**
- **District:** Brooklyn-South Square  
  **Ellis Street**  
  **North Main**  
  **West Square**  
  **Downtown**  
  **Landmark**
- **Address:** 317-319 E. Liberty St.  
  **ON Depot St.**  
  **Rowan County Parcel ID:** 010278A  
  **010278B**  
  **01036202**
- **Description of Work:** Demolition (partial)  
  Renovation + Restoration, New Construction

Please submit additional details, photographs, and plans as required separately, as described in the project checklist.

- I have completed the project checklist at the back of this application.
- I am familiar with the Local Historic District Designation Standards  
  (salisburync.gov/preservation)
- I am aware that Historic Preservation Commission members serve in a volunteer capacity and that their service is not necessarily in the common interest of Salisbury, but as a public servant, to the best of my knowledge and belief, and acting in good faith.  
  **Applicant Signature:**

**FILING DATE:** 10-25-2021
**CASE NUMBER:** 11-57-2021

**STAFF NOTES:** Application approved by HDC with one condition. Additional cost required for landscaping, lighting, plans, and artwork.

**APPROVED BY:**  
**APPROVAL DATE:** 11-10-2021

Application Last Revised: JULY 2021
<table>
<thead>
<tr>
<th>TYPE OF PROJECT</th>
<th>REQUIRED SUPPORTING MATERIALS</th>
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</thead>
<tbody>
<tr>
<td>☐ Windows and Exterior Door Replacements</td>
<td>☐ Photos of existing conditions</td>
</tr>
<tr>
<td>☐ Roofing</td>
<td>☐ Sample of proposed replacements</td>
</tr>
<tr>
<td>☐ Painting and Staining</td>
<td>☐ Photos of existing roof</td>
</tr>
<tr>
<td>☐ Fencing</td>
<td>☐ Sample of proposed material</td>
</tr>
<tr>
<td>☐ Photos of existing conditions</td>
<td>☐ Proposed color samples, color chips</td>
</tr>
<tr>
<td>☐ Photos of existing conditions</td>
<td>☐ Drawings or photos of proposed fencing</td>
</tr>
<tr>
<td>☐ Site plan for fencing location</td>
<td>☐ Material specification</td>
</tr>
<tr>
<td>☐ Dimensional drawing</td>
<td>☐ Photos of existing conditions</td>
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<tr>
<td>☐ Material specification</td>
<td>☐ Fixtures specification</td>
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<tr>
<td>☐ Lighting</td>
<td>☐ Photos of existing conditions</td>
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<tr>
<td>☐ Site plan</td>
<td>☐ Material Specifications</td>
</tr>
<tr>
<td>☐ Material Specifications</td>
<td>☐ Photos of existing conditions</td>
</tr>
<tr>
<td>☐ Porches, Patios, Decks, Exterior Stairs, Railings, and Columns</td>
<td>☐ Site Plan</td>
</tr>
<tr>
<td>☐ Material Specifications</td>
<td>☐ Elevation Plan</td>
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<tr>
<td>☐ Photos of existing conditions</td>
<td>☐ Material Specifications</td>
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<td>☐ Photos of existing conditions</td>
<td>☐ Photos of existing conditions</td>
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<td>☐ Certified Arborist Report</td>
<td>☐ Details on replacement trees or landscaping</td>
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<td>☐ Gutters</td>
<td>☐ Site Plan</td>
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<td>☐ Material Specifications</td>
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<td>☐ Photos of existing conditions</td>
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<td>☐ Tree removal</td>
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<td>☐ Details on replacement trees or landscaping</td>
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<td>☐ Retaining wall</td>
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<td>☐ Demolition and Structure Removal</td>
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<td>☐ Elevation Plan</td>
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<tr>
<td>☐ Photos of existing conditions</td>
<td>☐ Material Specifications</td>
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<tr>
<td>☐ Photos of Existing Conditions</td>
<td>☐ Photos of existing conditions</td>
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<tr>
<td>☐ New Construction, Additions, Structure Installation</td>
<td>☐ Copy of plans approved by SHPO</td>
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<td>☐ State or Federal Tax Credit Projects —</td>
<td>☐ SHPO approval letter</td>
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<tr>
<td>Visit NC Department of Cultural Resources, Historic</td>
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<tr>
<td>Rehabilitation Tax Credits for more information</td>
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</table>

Application Last Revised: JULY 2021
November 22, 2021

Kyna Grubb
Rowan Helping Ministries
226 North Long Street
Salisbury, NC 28144

RE: COA H-57-2021
317-319 West Liberty Street – R.B. Miller Building
0 Depot Street – Vacant Lot
Downtown Local Historic District

Dear Kyna,

At the Historic Preservation Commission (HPC) meeting on November 10, 2021, the Commission reviewed and made consideration for the following Certificate of Appropriateness for the R.B. Miller Building and Vacant lot located at 317-319 West Liberty Street and 0 Depot Street:

- H-57-2021: Partial demolition of R.B. Miller Building, renovation of R.B. Miller Building, construction of two new buildings, construct of deck, and parking area

After consideration and additional testimony, the Commission voted to approve the request, subject to three conditions. Enclosed is a copy of the Order.

Please note it is the applicant’s responsibility to contact Commission staff regarding any and all conditions to which a COA is subject. This is a requirement of COA issuance. Additionally, the applicant shall contact Commission staff if, in the process of continuing the project, unknown circumstances arise which may result in changes, alterations, or modifications. This includes, but is not limited to, issues related to zoning and use of the property. The application as submitted includes all written, verbal, and graphic information provided to the Commission and/or Commission staff. COAs expire one (1) year after issuance and may be renewed through the Minor Works Approval process.

If you have any questions, please contact me at 704-638-5311 or emily.vanek@salisburync.gov.

Sincerely,

Emily Vanek
Long-Range Planner

Enclosures

CC: Gray Stout, AIA, stoutstudio.architecture, gray@stoutstudio.com
Sada Stewart-Troutman, Historic Salisbury Foundation, director@historicsalisbury.org
On November 10, 2021, the City of Salisbury Historic Preservation Commission ("Commission") conducted, in the above referenced matter, a public hearing in accordance with the statutes and case law pertaining to quasi-judicial proceedings for the issuance of certificates of appropriateness. During the hearing, Emily Vanek, Planner, presented the staff report, findings, and recommendation. Gray Stout, agent for Rowan Helping Ministries and Robert Miller, owners/applicants, appeared to present testimony and evidence in support of the application. Sada Stewart-Troutman and Steve Cobb spoke in support of the application.

After presentation of all testimony and evidence, the Salisbury Historic Preservation Commission, based upon the evidence presented in the application and during the hearing, finds that the proposed project is not incongruous with the character of the Downtown Local Historic District because:

Demolition

1) The applicant has requested approval to demolish 317 East Liberty Street, one of the two existing buildings at the site. The façade that faces the train tracks of both buildings will be preserved, along with the awnings and wooden dock, which will be rebuilt with exact match materials. The demolition should follow Standard 6.5.2, which states that there should be a record made of the property and that salvageable materials should be identified and recovered. HPC has the authority to delay demolition by up to 365 days.

Building A (319 East Liberty Street)

2) The building located at 319 East Liberty Street will remain.

Building B (317 East Liberty Street) – New Construction

3) The applicant has requested approval to construct a new building. This building will use the front façade and retain the loading dock and awning of the demolished building. The proposed building will be built in the footprint of the existing building.

4) The building will be finished with brick veneer, brick corbels, wooden double hung windows, brick sills, and metal doors. Metal awnings will be installed above each door. These meet Standard 5.3.1, which states that materials for new construction should be similar to those commonly found in the district. Standard 4.7.14 states that metal awning
are generally not appropriate unless they are compatible with the historic character of the building. The building has a flat roof, which is appropriate according to Standard 5.2.4.

Building C (0 Depot Street) – New Construction

5) An additional building is proposed at 0 Depot Street. This building uses the same materials as the proposed Building B, but uses metal siding as an accent wall material. This siding meets Standard 5.3.1. The building has a flat roof, which is appropriate according to Standard 5.2.4.

6) The proposed building would be constructed at an angle, roughly following the parcel line. This meets Standards 5.1.1 and 5.1.2. The size and scale of this building is similar to Buildings A and B, which is appropriate according to Standard 5.2.1, 5.2.2, and 5.2.7.

7) A space for a future wall mural has been reserved for the side elevation. Three gooseneck light fixtures will be installed above the area. Standard 4.6.1 states that artwork should be appropriately scaled for its location and Standard 4.6.9 states that accessories to artwork should not unobtrusive. The selected lighting style meets Standard 4.3.2 because gooseneck fixtures are found throughout the district.

Wooden Deck and Concrete Accessibility Ramp

8) A triangular, wooden deck is proposed between Building B and Building C. The deck will extend to the entries for each unit. The deck will not connect to the loading dock. According to Standard 5.5.9, unfinished lumber or decking is not appropriate finished appearance for a deck. The deck will have complete cable and metal railings.

9) An accessibility ramp constructed of concrete is proposed on the side elevation of Building C. Standard 3.8.2 states that accessibility requirements should be met in ways that do not diminish the historic character of the building.

Parking Area

10) Six parking spots are proposed behind Building A and Building B. Standard 5.1.7 states that new parking should be located at the rear of the building. This parking area would be accessible from the existing parking area behind the site.

Based on the preceding findings, the Commission hereby approves H-57-2021 at the R.B. Miller Building and Vacant Lot located at 317-319 East Liberty Street and 0 Depot Street within the Downtown Local Historic District (Parcel ID: 010 278A, 010 278B, 010 26202), subject to the following conditions:

1) Additional COA applications shall be submitted for the reviews of landscaping and lighting plans for the parking area and for the installation of artwork on the proposed building at 0 Depot Street;

2) The applicant shall receive, prior to commencement of the work, all other required permits or permissions from governmental agencies;

3) Commission staff shall review and approve any revisions or deviations to any other portion of the as-submitted work that qualifies as a Minor Work, prior to commencement of that portion of the project.
This the twenty-second day of November, 2021.

Andrew Walker, Chair
Salisbury Historic Preservation Commission
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  12/07/2021

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

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

Agenda Item: CD-06-2021 Grand on Julian – 1040 Julian Road / Parcel ID 063 026

Description of Requested Agenda Item:  CD-06-2021 Request to rezone one (1) parcel at 1040 Julian Road, (PID 063 026) being approximately 12.84 acres from Rural Residential (RR) to Residential Mixed-Use (RMX) creating a Conditional District (CD) Overlay

Attachments:  ☒ Yes  ☐ No

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  _____________________________
Finance Manager Signature  Department Head Signature

Budget Manager Signature

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

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

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
## CONDITIONAL DISTRICT SUPPLEMENT FORM

**Case #**

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

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

### PROJECT INFORMATION

**Project Title:** GRAND ON JULIAN - PHASE 2

**Present Use:** VACANT

Number, type, and condition of any existing structures: N/A

**Total Acreage:** 12.04 Ac.  
**Project/Disturbed Acreage:** 12.3 Ac.

**Provide overall project built-upon area (%) for NPDES determination:** 90%

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

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

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

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

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

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

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

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

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

### SIGNATURE

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

**Petitioner(s):**

Application Last Revised: 7 JULY, 2021
# PROJECT PLANNING CHECKLIST

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

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

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

<table>
<thead>
<tr>
<th>Illustrative Landscape Plan Information (must be provided in color):</th>
<th>DONE</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location and type of existing plants/trees and areas to remain natural</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illustrative planting plan exhibiting complete landscaping of the site at maturity</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Design Plans Information (Sec. 16.12):</th>
<th>DONE</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>All exterior wall elevations (for proposed structures or additions)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Photos of existing conditions and all existing structures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building materials schedule (samples may be provided)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Application Last Revised: JULY, 2021
# Zoning Permit Application

**Filing Date**: [Blank]

**Case #**: [Blank]

**Plan Review Case # (if applicable)**: [Blank]

**Note to Applicant**: Supplement plan review forms available if plan review is required.

<table>
<thead>
<tr>
<th>Building Information</th>
<th>Development Type</th>
<th>Use Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Principal Building</td>
<td>House (&lt;5 units)</td>
<td>New/Added Use</td>
</tr>
<tr>
<td>Addition</td>
<td>MF (&lt;8 units)</td>
<td>Change of Use</td>
</tr>
<tr>
<td>Remodel/Upfit</td>
<td>Non-Residential (&lt;10,000 sf)</td>
<td>No Change of Use (existing use remains)</td>
</tr>
<tr>
<td>Accessory Structure</td>
<td>Non-Residential (≥10,000 sf)</td>
<td></td>
</tr>
<tr>
<td>Existing SqFt:</td>
<td>Floodplain/Watershed</td>
<td></td>
</tr>
<tr>
<td>Proposed SqFt:</td>
<td>Parking Lot—Primary Use</td>
<td></td>
</tr>
</tbody>
</table>

**Project Description**: Multi-Family Development (Phase 2)

Total Projected Cost: $26,000,000

**Property & Contact Information**

Rowan County Parcel ID(s): 063 026

Address or Site Location: 1040 Julian Rd.

Subdivision: [Blank] Lot(s): [Blank]

Applicant: David Barr

Address: 980 Cipriani Dr., Unit 1-A Myrtle Beach, SC 29572

Email: dbarr@gobrd.com Best Phone: 843-637-9689

Owner (if different than applicant): [Blank]

Address: [Blank]

Email: [Blank] Daytime Phone: [Blank]

**Signature**

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

Applicant: [Signature]

Application Last Revised: NOVEMBER, 2020

* See back of page for utility connection status
UTILITY CONNECTIONS

Water: Existing ☐ PUBLIC or ☐ PRIVATE connection with no change to service
Proposed ☑ NEW or ☐ REPLACEMENT connection @ ________ (size in inches)

Sewer: Existing ☐ PUBLIC or ☐ PRIVATE connection with no change to service
Proposed ☑ NEW or ☐ REPLACEMENT connection @ ________ (size in inches)

Irrigation: Existing ☐ PUBLIC or ☐ PRIVATE connection with no change to service
Proposed ☑ NEW or ☐ REPLACEMENT connection @ ________ (size in inches)

Fire: Existing ☐ PUBLIC or ☐ PRIVATE connection with no change to service
Proposed ☑ NEW or ☐ REPLACEMENT connection @ ________ (size in inches)

F.O.G.: ☐ New ☐ Replace >>> ☐ Trap ☐ In-ground Interceptor

Backflow: ☑ New ☐ Replace ☐ Upgrade ________ (size in inches)

DEPARTMENT USE ONLY

Project Title: ____________________________

Zoning: _______ Overlay: _______ Local Historic Overlay? ☐ Yes ☐ No

Present Use: ____________________________

Number, type, and condition of any existing structures: ____________________________

List any known nonconformities: ____________________________

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

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

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

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

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

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

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

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

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

Other & Notes: ____________________________
# Planning & Zoning Analysis

## CASE NO. CD-06-2021

**Project Title:** GRAND ON JULIAN APARTMENTS PH II

**Petitioner(s)**
- David Barr, Barr Residential & Development, LLC
- Richie Rojek, Barr Residential & Development, LLC

**Owner(s)**
- Christy Neddie Roy Heirs/Canidi Stegall & Nathan Christy

**Representative(s)**
- David Barr, Barr Residential & Development, LLC
- Richie Rojek, Barr Residential & Development, LLC
- Al Wassynger, PDI Architecture, LLC
- Pat Iannelli, PDI Architecture, LLC

**Address**
- 1040 Julian Road

**Tax Map & Parcel(s)**
- 063 026

**Size / Scope**
- Approximately 12.84 acre parcel
- 1000 Block of Julian Road south of the Julian Road ramp and I-85 corridor

## PETITIONER REQUEST

**Request:**

Petition proposes to rezone (1) parcel in the ETJ from Rural Residential (RR) to Residential Mixed-Use (RMX) base zoning, and establishes a new Conditional District (CD) Overlay to allow for the development of a 212-unit multi-family apartment complex as Phase II of the Grand on Julian. The master plan includes a request for an exception to the LDO Building Design criteria outlined in Section 5.17 permitting a maximum of (3) story structures. This proposal is seeking approval for an alternate design to allow a partial (4th) story for a walk-out basement unit in Building #6.

**Staff Comments:**

The parcel is currently under contract for purchase for the proposed multi-family development and is working with staff for proposal of a voluntary annexation of Phase II.

**Is the use permitted in the base Zoning without the Conditional District Overlay?**

No. The proposed use and apartment building type for multi-family residential is not a permitted use nor building type in the RR zoning district resulting in the request for the base zoning change. This petition proposes campus-style development, where the buildings are oriented to parking areas and/or recreational open space and not towards a public street resulting in the CD Overlay as required by the LDO Section 5.6.A.1.
Base Zoning District Descriptions

**Existing:**

- **RR:** Rural Residential

**Proposed:**

- **RMX:** Residential Mixed Use

**Development Type:**

212-unit rental apartment development within (9) multi-story buildings, one (1) community building/leasing office, (2) garage buildings, and recreational open space areas including a pool, pavilion, disc golf hole practice field, playground, and outdoor seating areas are proposed.

**Residential Density:**

RMX district permits up to 18 dwelling units per acre. The maximum density permitted would be 231 units. The submitted plan proposes a total density of 212 units.

**Intensity:**

N/A

**CHARACTER OF AREA**

**Overview:**

The 12.84 acre site includes one parcel

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of area (Salisbury north)</td>
<td>Highway Business (existing mobile homes and minor vehicle services)</td>
<td>HB</td>
</tr>
<tr>
<td>East of area (Salisbury east)</td>
<td>Community&amp; Institutional(RCCC) / RR (vacant)</td>
<td>CI &amp; RR</td>
</tr>
<tr>
<td>South of area (Salisbury south)</td>
<td>Rowan County Rescue / Residential (vacant) / Multi-Family (Grand on Julian Ph I)</td>
<td>CI, RR, &amp; RMX</td>
</tr>
<tr>
<td>West of area (Salisbury west)</td>
<td>Commercial – retail, restaurants</td>
<td>Rowan County Zoning</td>
</tr>
</tbody>
</table>

**INFRASTRUCTURE & CIVIC/COMMUNITY FACILITIES**

**Public Schools:**

- **Elementary:** Elizabeth Koontz Elementary
- **Middle:** Southeast Middle School
- **High:** Jesse Carson High School

**Fire District:**

Upon annexation - City of Salisbury Station 2 (S Main St.)
Utilities
Water & Sewer:

Water lines are located on Julian Road fronting the site; Developer proposing to extend the sewer from the Rowan Summit Shopping Center to serve the site.

Transportation
Transit:

City of Salisbury Transit Route 1 currently serves the Wallace Commons Shopping center approximately (1) mile from the proposed multi-family development. There is also a Green Route Deviation within 135 ft. of the subject parcel that can be served upon request.

Property Access(s):

Vehicular access to the site will be via two (1) points of ingress / egress off of Julian Road with a right turn lane as required by NCDOT and a private internal connection to the rear abutting parcel of the Grand on Julian Ph I which will provide an additional egress/ingress point on to Julian Road south of the first connection.

Public Improvements:

The developer has identified the installation of public sidewalk installation for the street frontage of the parcel along Julian Road but may opt for sidewalk-pay-in lieu of installation if deemed more appropriate. The developer is also proposing to extend the sanitary sewer main from Rowan Summit Shopping Center across Julian Road to serve this proposed development. No other public improvements required.

COMPREHENSIVE & AREA PLANS

Applicable Plans:

Vision 2020 Comprehensive Plan

Applicable Policies & Objectives

Vision Statement ‘Housing’:

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

Policy N-18:

N-18: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.
The proposed development will feature a mix of one, two, and three-bedroom units, providing opportunities for households of different sizes to obtain housing.

Policy N-19:

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

The proposed location is adjacent to the Phase I of Grand on Julian multifamily complex and in close proximity to the Rowan Summit Shopping Center and I-85 corridor. The proposal does not impact a lower density housing area.

TRC & PLAN REVIEW

TRC Meeting:
The Conditional District petition and associated Master Plan were first reviewed by the city’s Technical Review Commission (TRC) on October 21, 2021. Staff, the Planning Board Liaison, Dennis Rogers, and other reviewing agencies recommended approval of the master plan with some minor notes and revisions. All comments were satisfied when resubmitted.

Conditional District Alternative Design Request(s)
The master plan proposal includes an alternative design to the LDO Section 5.17 criteria limiting structures to 3-stories. The alternate design includes a partial 4-story walk out basement apartment unit in Building#6. This plan proposes an alternative to the building placement and orientation standards by requesting construction of a campus-style development.

Planning Board Recommendation:
This proposal was presented to Planning Board at their courtesy hearing on November 9, 2021. The Planning Board heard from petitioner Richie Rojek of Barr Residential & Development, LLC and Al Wassynger of PDI Architecture, LLC. After deliberation, the Planning Board unanimously recommended approval with the alternative design stating proposal is consistent with the Vision 2020 Comprehensive Plan as submitted.
CD-06-2021:
Grand On Julian Ph II
1040 Julian Road
PID: 063 026

**Petitioners:** David Barr; Richie Rojek
**Representatives:** Al Wassynger and Pat Iannelli, PDI Architecture, LLC
**Property Owner:** Christy Neddie Roy Heirs
Proposed development for Phase II of Grand On Julian for the construction of a multi-family apartment complex of (8) three-story buildings for a total of 212 units; community building and swimming pool; and additional recreation open space and amenities.
## SITE DATA

**SITE INFORMATION**
- Owner/Developer: David Barr
- Developer Address: 980 Carpenter Drive - Unit A1, Murrell Beach, SC 29572
- Developer Phone: (843) 657-4688
- Site Acreage: 12.64 AC
- Parcel No.: 069-000-006

### PROPOSED BUILDING FINISH

**APARTMENT BLDGS.- EXTERIOR FINISH SCHEDULE**

<table>
<thead>
<tr>
<th>Interior Finish</th>
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</thead>
<tbody>
<tr>
<td><strong>MASONRY VENEER</strong> - BRICK VENEER (STYLE TEUD)</td>
</tr>
<tr>
<td><strong>HOEZI SIDING</strong> - 2X4 VINYL (DIGCH LAP)</td>
</tr>
<tr>
<td><strong>SHADE SIDING</strong> - VINYL</td>
</tr>
<tr>
<td><strong>TRIM</strong> - VINYL (SIZES AS SHOWN)</td>
</tr>
<tr>
<td><strong>WARRANTY</strong> (SEE DETAILS)</td>
</tr>
<tr>
<td><strong>COLORS</strong> - TO BE DETERMINED FROM FULL LINE</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>BREEZEWAY &amp; BALCONY FLOORS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1st &amp; 2nd FLR</strong> - EXPOSED CONCRETE</td>
</tr>
<tr>
<td><strong>2nd &amp; 3rd FLR</strong> - WOOD FRAMED BY COMPOSITE DECKING</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>BREEZEWAY CEILINGS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 1st &amp; 2nd FLR - STAINED FRAMING</td>
</tr>
<tr>
<td>2. 3rd FLR - PTD. SOFFIT GYP. BDR</td>
</tr>
<tr>
<td>3. SEE SPECIFICATIONS &amp; DETAILS FOR ADDITIONAL INFORMATION</td>
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</table>

<table>
<thead>
<tr>
<th><strong>STAIRS</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>TREADS</strong> - TRIT. MOOD</td>
</tr>
<tr>
<td><strong>RISERS</strong> - TRIT. MOOD</td>
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<tr>
<td><strong>STRINGERS</strong> - TRIT. MOOD</td>
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<table>
<thead>
<tr>
<th><strong>EXPOSED BEAMS</strong></th>
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<tbody>
<tr>
<td>1st &amp; 2nd FLR - TRIT, WOOD IN FIBER CEMENT, FACE BDR, 3rd FLR, TRIT. WOOD FIBER CEMENT WRAPPED</td>
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</table>

<table>
<thead>
<tr>
<th><strong>OVERHANGS SOFFIT &amp; FASCIA</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. SOFFIT &amp; SHINGLE ROOF - ALUMINUM</td>
</tr>
<tr>
<td>2. FASCIA &amp; SHINGLE ROOF - ALUMINUM</td>
</tr>
<tr>
<td>3. SOFFIT &amp; MET. ROOF - N/A</td>
</tr>
<tr>
<td>4. FASCIA &amp; MET. ROOF - N/A</td>
</tr>
</tbody>
</table>

<table>
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<td><strong>2. FASCIA &amp; SHINGLE ROOF</strong></td>
</tr>
<tr>
<td><strong>3. METAL ROOF</strong></td>
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</table>

<table>
<thead>
<tr>
<th><strong>ROOF VENTS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>RIDGE VENTS</strong> - BLACK, SHINGLE COVERED BY BUG SCREEN</td>
</tr>
<tr>
<td><strong>VENTILATORS</strong> - BLACK</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th><strong>GABLE VENTS</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VINYL IN BIG SCREEN</strong> - COLOR TO BE WHITE (VERIFY)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>RAILINGS (ON BALCONIES &amp; BREEZEWAYS)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PVC</strong> - SEE ELEVATIONS/DETAILS FOR STYLE</td>
</tr>
<tr>
<td><strong>COLOR</strong> - WHITE (VERIFY)</td>
</tr>
<tr>
<td><strong>STAIRWELL &amp; AROUND STAIR OPENINGS</strong></td>
</tr>
<tr>
<td><strong>STEEL (PAINTED)</strong> - SEE ELEVATIONS/DETAILS FOR STYLE</td>
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</table>

<table>
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<tr>
<th><strong>EXPOSED CONCRETE</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>PADS</strong> - BRICK FINISH “TOOL” IN CONTROL JOINTS</td>
</tr>
<tr>
<td><strong>EDGES</strong></td>
</tr>
<tr>
<td><strong>EXPOSED EDGE OF SLABS</strong> - NATURAL IN MINIMAL “MOONEYCOMING”</td>
</tr>
</tbody>
</table>
Grand on Julian Apartments II
Julian Road
Salisbury, North Carolina
Grand on Julian Apartments II
Julian Road
Salisbury, North Carolina
October 14, 2021
Grand on Julian Apartments
Julian Road
Salisbury, North Carolina
Bldgs 8, 9, & 11
Bldgs 3 & 12
Bldgs 6, 4, & 10
Vision 2020 Policies

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

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

- **Policy N-19:** Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.
Planning Board Courtesy Hearing was held October 21, 2021.

Planning Board voted unanimously to recommend approval as submitted with a motion stating the master plan is “consistent with the Vision 2020 Comprehensive Plan.”
Grand on Julian Apartments II
Julian Road
Salisbury, North Carolina
October 14, 2021
Grand on Julian Apartments
Julian Road
Salisbury, North Carolina
October 14, 2021
Salisbury City Council  
Statement of Consistency & Zoning Recommendation

DISTRICT MAP AMENDMENT: CD-06-2021

Project Title: CD-06-2021 Grand on Julian Ph II
Petitioner(s): David Barr & Richie Rojeck,  
             Barr Residential & Development, LLC
Owner(s): Christy Neddie Roy Heirs/
          Candi Stegall & Nathan Christy
Representative(s) or Developer(s): David Barr & Richie Rojeck,  
                                   Barr Residential & Development, LLC
                                   Al Wassynger, PDI Architecture, LLC
Tax Map - Parcel(s): 063 026
Size / Scope: Approximately 12.84 acres encompassing one (1) parcel.
Location: Parcel is located in the 1000 block of Julian Road south of the Julian Road ramp and I-85 corridor.

REQUEST:

Request to amend the Land Development District Map by rezoning one (1) parcel at 1040 Julian Road (PID 063 026) from RURAL RESIDENTIAL (RR) TO RESIDENTIAL MIXED USE (RMX) and establishing a new CONDITIONAL DISTRICT OVERLAY (CD) for the development of a 212-unit multi-family apartment complex

STATEMENT OF CONSISTENCY & RECOMMENDATION:

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

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

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

Policy N-19: N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.
AN ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING APPROXIMATELY 12.84 ACRES OF 1040 JULIAN ROAD (TAX MAP 063 PARCEL 026) FROM RURAL RESIDENTIAL (RR) ZONING DISTRICT TO RESIDENTIAL MIXED USE AND CREATING A CONDITIONAL DISTRICT OVERLAY (CD). (PETITION NO. CD-06-2021)

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

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition on November 9, 2021, unanimously voted to recommend approval as submitted with an exception to the Land Development Dimensional Standards of Section 5.16 to allow a partial 4th story walk-out basement apartment unit as submitted and stated that the request is consistent with the Vision 2020 Comprehensive Plan; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of December 7, 2021; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the properties described herein, is reasonable and is in the public interest. The proposal is fundamentally consistent with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan vision statement Vision Statement ‘Housing’: “We see a multitude of housing choices, ranging from single-family homes to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles, and others have experiences and help one another.” Policy N-18: As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area. Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.

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

SECTION 1. That property identified in the City of Salisbury and Rowan County as Tax Map 063 Parcel(s) 026 including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned to ‘RMX’ with the establishment of a new Conditional District ‘CD’ Overlay pursuant to the approved CD Master Plan.

SECTION 2. PERMITTED USES (PRIMARY): All ‘RMX’ base district primary uses that are Permitted or Permitted Subject to Additional Standards. All SUP/CD uses require issuance of a Special Use Permit or an Amendment to this Conditional District (CD) Overlay.

SECTION 3. DEVELOPMENT CONDITIONS: That the following conditions are applicable to the development proposal associated with this Ordinance (see above, Section 2, Development Documents) within the Conditional District (CD) Overlay:
SECTION 4. DEVELOPMENT DOCUMENTS: That as permitted by the Land Development Ordinance, the development documents associated with this Conditional District (CD) Overlay may establish alternatives to specific provisions of the Land Development Ordinance; however, where alternatives are not provided, those and all other applicable Land Development Ordinance provisions remain applicable for any and all development within this Conditional District (CD) Overlay.

SECTION 5. That improvements (public and/or private) for Stormwater drainage, streets, water and sewer shall be designed and installed in accordance with applicable City and Salisbury-Rowan Utilities standards and policies. Layouts shown on the approved, stamped, and signed Development Documents are considered schematic and may require administrative revision(s) upon review of engineering drawings or details (Construction Documents).

SECTION 6. That all Ordinances, or parts of Ordinances, in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 7. That this Ordinance shall be effective from and after its passage.
RE: Parcel Number 063-025

Dear Mr. Craddock,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
11/4/21

RE: Parcel Number 063-043/054

Dear Mr. Raymer,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
RE: Parcel Number 063-041

Dear Mr. Webb,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
RE: Parcel Number 063-052

Dear Mr. Webb,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
11/4/21

RE: Parcel Number 063-024

To whom it may concern,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
RE: Parcel Number 402-089

To whom it may concern,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
11/4/21

RE: Parcel Number 063-013

To whom it may concern,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
11/4/21

RE: Parcel Number 063-027

Dear Mr. Loflin,

We are the owners of parcel number 063-026 located on Julian Road in Salisbury North Carolina. We are also the Owners of The Grand on Julian located at 9000 Grandeur Drive in Salisbury North Carolina. We are currently getting parcel 063-026 rezoned for multi-family with the ambitions of building a phase 2 to The Grand on Julian. Phase 2 will consist of roughly 212 units with the same finishes as phase 1. As part of our rezoning process, we are reaching out to the community to notify our neighboring parcels of the proposed rezoning along with our master plan. I have attached a copy of the master plan for your viewing. Should you have any questions or concerns please contact me personally via my contact info below.

Sincerely,

Richie Rojek
Owner/Developer
Barr Residential and Development
980 Cipriana Drive Unit A-1
Myrtle Beach SC 29572
(843)637-9689
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larry Loflin</td>
<td>255 High Ridge TRL</td>
<td>Rowan Technical Institute</td>
<td>Rowan County</td>
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<td></td>
<td>Salisbury, NC 28146</td>
<td>1333 Jake Alexander BLVD S</td>
<td>130 W Innes St</td>
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<td>Salisbury, NC 28146</td>
<td>Salisbury, NC 28144</td>
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<tr>
<td>Rowan County Rescue Squad</td>
<td>PO Box 61</td>
<td>William Webb</td>
<td>Frankie Raymer</td>
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<td></td>
<td>Salisbury, NC 28145</td>
<td>504 Charles St</td>
<td>835 Balfour Quarry Rd</td>
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<tr>
<td>William Craddock</td>
<td>551 Maple Ridge Circle</td>
<td>Rowan Summit</td>
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<td></td>
<td>Salisbury NC 28147</td>
<td>736 Cherry St</td>
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<td></td>
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<td>Chattanooga, TN 37402</td>
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NOTICE OF PUBLIC HEARING

Salisbury City Council will hold a public hearing Tuesday, December 7, 2021 during its 6:00 p.m. meeting to consider the following Conditional District rezoning petition. The City is operating under a State of Emergency declaration related to the spread of COVID-19. To remain consistent with limiting physical interactions and the potential spread of COVID-19, the regularly scheduled December 7, 2021 City Council meeting will be held electronically. Anyone who wishes to speak during the hearing regarding the request must sign-up by 5:00 p.m. on Tuesday, December 7, 2021 by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233. Information on accessing the meeting will be available on the City’s website at www.salisburync.gov. The meeting can also be viewed on the City’s livestream at www.salisburync.gov/webcast or the City’s Twitter account at https://twitter.com/CitySalisburyNC.

DISTRICT MAP AMENDMENT: CD-06-2021

Project Title: Grand on Julian Ph II
Petitioner(s): David Barr; Richie Rojek – Barr Residential & Development, LLC
Owner(s): Christy Neddie Roy Heirs
Representative(s) or Developer(s) Same as above
Address: 1040 Julian Road
Tax Map - Parcel(s): TM: 063, Parcel(s): 026
Size / Scope: Approximately 12.84 acres
Location: Located in the 1000 block of Julian Road, south of the Julian Road ramp and I-85 corridor

REQUEST:
Request to amend the Land Development Ordinance & Land Development District Map by rezoning approximately 12.84 acres in the 1000 block of Julian Road from RURAL RESIDENTIAL (RR) TO RESIDENTIAL MIXED USE (RMX) and create a CONDITIONAL DISTRICT (CD) OVERLAY for the proposed master plan for the development of a 212-unit multi-family apartment complex.

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

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

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

This the day of November 22, 2021.

CITY COUNCIL OF THE CITY OF SALISBURY, NORTH CAROLINA

BY: Kelly Baker
Administrative Services Director/City Clerk
Name of Group(s) or Individual(s) Making Request: Community Planning Services

Name of Presenter(s): Hannah Jacobson, Planning Director; Graham Corriher, City Attorney; Tonya Haddock, Cadence Development; Lisa Pope, Property Owner; Lorna Medinger, Property Owner

Requested Agenda Item: Council to consider adopting a Resolution giving preliminary approval to issuance of multifamily housing revenue bonds for Ford City Motor Lofts.

Description of Requested Agenda Item: The Osceola County Council on Aging, Inc. in partnership with Mid-Atlantic Foundation, Cadence Development and Brock Ventures, Inc. is seeking to redevelop 419 S. Main Street into 64 units of multi-generational mixed-income housing. The project would involve both new construction and rehabilitation of existing structures. Financing for the approximately $15 million project is needed from multiple sources, including an already secured Section 202 grant from the U.S. Department of Housing and Urban Development. To secure an additional financing source, the Development team is requesting that the City pass a resolution of support for the project and agree to be the issuer of bonds on behalf of the North Carolina Housing Finance Agency should their application be accepted.

Attachments: Yes  No

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

Action Requested of Council for Agenda Item: Council to consider adoption of a resolution giving preliminary approval to issuance of multifamily housing revenue bonds for Ford City Motor Lofts.

Contact Information for Group or Individual: Graham Corriher, graham.corriher@salisburync.gov, 704-638-5309, Hannah Jacobson, hannah.jacobson@salisburync.gov, 704-638-5230

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

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

FINANCE DEPARTMENT INFORMATION

Finance Manager Signature

Department Head Signature

Budget Manager Signature
Salisbury City Council
Agenda Item Request Form

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

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

WHEREAS, the City Council (the “City Council”) of the City of Salisbury, North Carolina (the “City”) met in Salisbury, North Carolina at 6:00pm on the ____ day of ________, 2021; and

WHEREAS, pursuant to Section 160D-1311(b) of the General Statutes of North Carolina, the City is granted the power to exercise directly the powers of a housing authority organized pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the “Act”); and

WHEREAS, the Act in N.C.G.S. §§ 157-9 gives the City acting as a housing authority the power “to provide for the construction, reconstruction, improvement, alteration or repair of any housing project” and “to borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues”; and

WHEREAS, an affiliated or related entity of The Mid-Atlantic Foundation, a North Carolina nonprofit corporation, and the Osceola County Council on Aging, Inc., a Florida nonprofit corporation (the “Company”), intends to provide low and moderate income housing in the City; and

WHEREAS, the Company has requested that the City assist it in financing the acquisition of the historic Ford City Motor Company buildings and the constructing, renovating and equipping therein of a 64-unit multifamily residential rental development to be known as Ford City Motor Lofts and located at 419 S. Main Street in the City (the “Development”); and

WHEREAS, the Company has described to the City the benefits of the Development to the City and the State of North Carolina and has requested the City to agree to issue its multifamily housing revenue bonds in such amounts as may be necessary to finance the costs of acquiring, constructing, renovating and equipping the Development; and

WHEREAS, the City is of the opinion that the Development is a facility that can be financed under the Act and that the financing of the same will be in furtherance of the purposes of the Act; and

WHEREAS, the Bonds will not be deemed to constitute a debt or a pledge of the faith and credit of the City, the State of North Carolina or any political subdivision thereof and will be payable solely from the revenues and other funds provided for under the agreements related to the Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY:

1. It is hereby found and determined that the Development will involve the acquisition, construction, renovation and equipping of a multifamily housing facility, and that therefore, pursuant to the terms and subject to the conditions hereinafter stated and the Act, the City agrees to assist the Company in every reasonable way to issue bonds to finance the acquisition, construction, renovation and equipping of the Development, and, in particular, to undertake the issuance of the City’s multifamily housing revenue bonds (the “Bonds”) in an amount now estimated not to exceed Fifteen Million Dollars ($15,000,000) to provide all or part of the cost of the Development.

2. The City intends that the adoption of this resolution be considered as “official action” toward the issuance of the Bonds within the meaning of the regulations issued by the Internal Revenue
Service pursuant to Section 1.150-2 of the Treasury Regulations issued under the Internal Revenue Code of 1986, as amended (the “Code”).

3. The Bonds shall be issued in such series and amounts and upon such terms and conditions as are mutually agreed upon between the City and the Company. The City and the Company shall enter into a “financing agreement” pursuant to the Act for a term and upon payments sufficient to pay the principal of, premium if any, and interest on the Bonds and to pay all of the expenses of the City in connection with the Bonds and the Development. The Bonds will be issued pursuant to an indenture or security agreement between the City and a trustee (the “Trustee”) or the bondholder which will set forth the form and terms of the Bonds and will assign to the Trustee for the benefit of the holders of the Bonds, or directly to the bondholder, the City’s rights to payments under the financing agreement, except the City’s rights to payment of fees and expenses and indemnification. The Bonds shall not be deemed to constitute a debt or a pledge of the faith and credit of the State of North Carolina or any political subdivision or agency thereof, including the City, but shall be payable solely from the revenues and other funds provided under the proposed agreements with the Company.

4. The City hereby authorizes the Company to proceed, upon the prior advice, consent and approval of bond counsel and the City’s counsel, to obtain approvals in connection with the issuance and sale of the Bonds and to obtain an allocation of a sufficient amount of the State of North Carolina’s “private activity bond limit”, as required by Section 146 of the Code and as defined in Section 146 of the Code, for the Bonds.

5. It having been represented to the City that it is desirable to proceed with the acquisition, construction, renovation and equipping of the Development, the City agrees that the Company may proceed with plans for such acquisition, construction, renovation and equipping, enter into contracts for the same, and take such other steps as it may deem appropriate in connection therewith, provided that nothing herein shall be deemed to authorize the Company to obligate the City without its written consent in each instance to the payment of any monies or the performance of any act in connection with the Development and no such consent shall be implied from the City’s adoption of this resolution. The Company has indicated that it expects to incur and pay expenses relating to the Development prior to the issuance of the Bonds and expects to reimburse those expenditures with proceeds of the Bonds. The City agrees that the Company may be reimbursed from the proceeds of the Bonds, if and when issued, for all qualifying costs so incurred as permitted by Treasury Regulations Section 1.150-2.

6. All obligations hereunder of the City are subject to the further agreement of the City and the Company to terms for the issuance, sale and delivery of the Bonds and the execution of a financing agreement, indenture or security agreement and other documents and agreements necessary or desirable for the issuance of the Bonds. The City has not authorized and does not authorize the expenditure of any funds or monies of the City from any source other than the proceeds of the Bonds. All costs and expenses in connection with the financing and the acquisition, construction, renovation and equipping of the Development, including the reasonable fees and expenses of the City’s counsel, bond counsel and the agent or underwriter for the sale of the Bonds, shall be paid from the proceeds of the Bonds or by the Company, but if for any reason the Bonds are not issued, all such expenses shall be paid by the Company and the City shall have no responsibility therefor. It is understood and agreed by the City and the Company that nothing contained in this resolution shall be construed or interpreted to create any personal liability of the officers or council members from time to time of the City.

7. The officers of the City are hereby authorized and directed to take all actions in furtherance of the resolution and the issuance of the Bonds.
8. The City hereby approves McGuireWoods LLP, Raleigh, North Carolina, to act as bond counsel for the Bonds.

9. This resolution shall take effect immediately.

Council member ____________ moved the passage of the foregoing resolution and Council member ____________ seconded the motion, and the resolution was passed by the following vote:

Ayes: ____________________________________________

Nays: ____________________________________________

Not voting: ________________________________________

* * * * * *

I, Kelly Baker, City Clerk to the City of Salisbury, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the City Council for the City of Salisbury, North Carolina, at a regular meeting duly called and held on ____________, 2021, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in the minutes of the City Council.

WITNESS my hand and the seal of the City Council of the City of Salisbury, North Carolina, this ___ day of __________, 2021.

(SEAL)

Kelly Baker, City Clerk
City of Salisbury, North Carolina
Ford City Motor Lofts
An urban redevelopment and renewal project

OSCEOLA COUNCIL ON AGING
Serving All Generations

The Mid-Atlantic Foundation
Intergenerational, affordable housing

• 64 total units
  • 10% of units are effectively not age restricted
  • Units are restricted to residents earning up to 50% and 60% Area Median Income
  • 36 units HUD/PRAC – Elderly 62+
  • 28 remaining units - Elderly 55+

• Independent living

Quality of life supportive services:
  • History Program
  • Art Program
  • Urban Gardening & Citizen Science Program
  • Golf Outings
  • Estate Planning
  • Game Hosting
  • Quilting Lessons
  • Hairstyling
  • Fitness and Yoga Lessons
  • And many, many more!
Historic Preservation & New
Preservation of Main Building
Preservation of Ancillary Buildings

TALKING POINT TO BE DELETED – QUONSET HUTS CONVERT...DID IT IN MARTINSVILLE AND WON NATIONAL AWARD
New Construction Building
Timeline

• May, 2021: Competitive app submitted for HUD 202
• Sept, 2021: Notified of HUD 202 Award
• Oct, 2021: Submitted NCHFA LIHTC App (1st part)
• Dec, 2021: Bond inducement and NCHFA LIHTC App (2nd part)
  • MUST HIT BOTH ITEMS IN DECEMBER
• Jan, 2022: LIHTC App approval and bond allocation
• Feb, 2022: Achieve listing on National Register of Historic Places
• Mar, 2022: HUD 202 Firm Application submittal
• Q2 2022: Final building permits, historic approvals, etc.
• Q2-Q3, 2022: Close financing and begin construction
• Q4, 2023: Complete construction and begin occupation
• 2024: Convert to perm financing and stabilization
Development Team

Highly experienced historic preservation and affordable housing team:

- Owner/Developer: Osceola Council on Aging – Wendy Ford, Kissimmee, FL
- Owner/Developer: Mid Atlantic Foundation -- David Weil, Goldsboro, NC
- Developer: Cadence Development - Tonya Haddock, Garner, NC
- Developer: Brock Ventures, Inc. – Stephen Brock, Annapolis, MD
- Architect & Historic Consultant: RedClay Designs – James Maynard, Charlotte, NC
- General Contractor: Rehab Builders – Josh Lipsky, Winston-Salem, NC
- Property Management Firm: Osceola Council on Aging
Capital Stack

PERM FINANCING (net amts in MMs)

• HUD 202 Capital Advance $6.0 (already secured)
• Federal LIHTCs $5.0
• Federal Historic Tax Credits $0.85
• NC State Historic Tax Credits $0.85
• Perm Loan $2.00
TOTAL $14.75MM

CONSTRUCTION FINANCING
Perm sources partially pay in during construction + Tax Exempt Bonds
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  12/07/2021

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

Name of Presenter(s): Benjamin Parker / Chris Tester

Requested Agenda Item:  Council to consider awarding the street Asphalt Bid to NJR Group, INC

Description of Requested Agenda Item:  Council to consider the awarding of the Asphalt Bid to NJR Group, INC for $533,925.00 for the paving of streets in Salisbury. The bid was completed by the Purchasing Department and Public Works for the cost per ton to furnish and lay S9-5B asphalt or approved equal to resurface streets listed on the attachment within the City for the period January 4, 2022 thru May 31, 2022. Bidders were asked to provide unit pricing for 5,500 tons of S9-5B asphalt ($ 91.75/ton), Raise 120 manhole covers ($ 15 each), raise 60 valve boxes ($ 15 each) and milling at 1 ½” for 9,500 square yards ($ 2.80/SY). NJR Group, INC unit price bid total is $533,925.00.

Attachments:  ☒ Yes  □ No

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

The current FY21-22 budget has sufficient funds in street maintenance.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Council to approve the Asphalt Bid to NJR Group, INC for a unit based contract with an estimated total of $533,925.00 for paving of streets of Salisbury.

Contact Information for Group or Individual: Chris Tester – 704-216-7554, Craig Powers – 704-216-2718

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

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

FINANCE DEPARTMENT INFORMATION:

S. Wade Funches
Finance Manager Signature

Edward Ballard
Department Head Signature

Budget Manager Signature
Salisbury City Council
Agenda Item Request Form

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: December 7, 2021

Name of Group(s) or Individual(s) Making Request: Downtown Development Dept. & Downtown Salisbury, Inc., 501c3 partner

Name of Presenter(s): Announcement

Requested Agenda Item: Santa and the Grinch Photos and Antique Firetruck Rides

Description of Requested Agenda Item: On Saturday, December 11, spend the day in downtown gathering first at Bell Tower Green Park for photos with Santa and the Grinch from 10am to 1pm. Then, enjoy free rides on antique firetrucks with Santa and the Grinch from 1:30pm to 4:00pm at Bell Tower Green Park. Enjoy free crafts, hot cocoa, live music, entertainment and more.

Attachments:  ☐ Yes  ☑ No

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

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

Contact Information for Group or Individual: Latoya Price 704-637-7814 latoya.price@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

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

☐ Approved       ☐ Delayed       ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  December 7, 2021

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

Name of Presenter(s):  Announcement

Requested Agenda Item:  New Year’s Eve at the Bell Tower

Description of Requested Agenda Item:  The City of Salisbury will host the New Year's Eve at the Bell Tower Celebration on Friday, December 31, 2021. Celebrate the start of 2022 as a community at Bell Tower Green. Festivities will begin at 9:00 p.m. and will include light refreshments, live entertainment, live video feed from Time’s Square and the ringing in the New Year at Midnight. This event is free and 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 Clerk’s Office Only

□ Approved  □ Delayed  □ Declined

Reason:
The Salisbury Sculpture Show hosted by the Salisbury Public Art Committee is returning for its 14th year. Artists and local neighborhoods are encouraged to apply for this year’s show.

Call for Salisbury Neighborhoods to Apply:
Neighborhoods can apply to host a sculpture in the upcoming 2022 Salisbury Sculpture Show by completing an application at: www.salisburync.gov/NeighborhoodSculpture. One neighborhood will display a sculpture for the duration of the 2022 Sculpture Show, April 2022-March 2023. There is no fee to apply. Deadline is Friday, December 31.

Call for Artists to Apply:
Artists are invited to submit their outdoor pieces for consideration in the award-winning art installation program by Monday, December 20. Work from individuals or teams will be considered; student work is encouraged. Application fee is $30 per artist. To submit an application online or receive a printed application please visit: www.salisburync.gov/SculptureShow.
Salisbury City Council
Agenda Item Request Form

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:
THE SALISBURY PUBLIC ART COMMITTEE

2022 Salisbury Sculpture Show

Call for Entries - Submission Deadline December 20, 2021

The Salisbury Public Art Committee invites sculptors to submit their favorite outdoor pieces for consideration for the 2022 Salisbury Sculpture Show. Selected pieces will be carefully sited to enhance the sculpture’s visibility and ease of access. Cost for entry is $30 per artist and a 25% commission on work sold during the show, which builds funds for future public art in Salisbury.

Selected artists will receive a $1,250 stipend for each piece chosen.

Sculptures will be selected by a jury of qualified professionals. Work from individuals or teams will be considered; student work is encouraged.

Artists may submit up to 3 entries. Please submit high resolution images with completed entry form and up to 3 photos per sculpture entry.

Selected artists will transport and install pieces with City on-site assistance where needed and prearranged. The City will assist with installation, support and bases when able. Sculptors are responsible for anchoring systems and bases if unable to fit on existing concrete pads. Work will be insured by the City of Salisbury.

General Criteria

- Demonstrate creative vision and use of materials
- Show integrity of structure and craftsmanship
- Be weather-resistant
- Be suitable for public display
- Be stable, free-standing or mountable, or site-specific
- Be large enough to be easily seen

Important Dates

- Deadline for postmarked submit: Dec 20, 2021
- Announcement of selection: Feb 2, 2022
- Installation of sculptures: May 20, 2022
- Meet the Artists Reception: May 20, 2022
- Exhibition dates: May 20, 2022 - March 1, 2023
- Removal of sculpture: March 2023

* For directions & to submit applications online, please visit www.salisburync.gov/sculptureshow

Please make $30 entry checks payable to the City of Salisbury and mail to the Salisbury Sculpture Show, PO Box 479, Salisbury, NC 28145

Contact Alyssa Nelson - 704.638.5235 - anels@salisburync.gov

For more information about SPAC's Sculpture Show please visit:
www.salisburync.gov/sculptureshow
www.facebook.com/salisburysculptureshow/
Instagram @salisburysculptureshow

Artwork detail: 'Love Bound with Claws' - Paul Alexander - Photo credits: Shannon Stapleton
2022
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www.salisburync.gov/NeighborhoodSculpture