<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>Call to Order</td>
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<tr>
<td>2</td>
<td>Moment of Silence</td>
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<td>3</td>
<td>Pledge of Allegiance</td>
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<tr>
<td>4</td>
<td>Welcome to the People’s House!</td>
<td>A reminder that City Hall exists for, of and by the people of our City and is inclusive of ALL!! Council and staff are here to SERVE YOU and to create a welcoming, inclusive, safe, and thriving environment for ALL to enjoy as you live, work, play, volunteer, visit, learn and participate in decision making in our great City!!</td>
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<tr>
<td>5</td>
<td>Adopt Agenda</td>
<td>Adopt Agenda for March 19, 2019.</td>
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<tr>
<td>6</td>
<td>Proclamation:</td>
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<td>7</td>
<td>Special Presentation</td>
<td>Salisbury Youth Council delegates to provide a presentation regarding the National League of Cities Congressional City Conference.</td>
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<tr>
<td>8</td>
<td>Special Recognition</td>
<td>Recognizing Salisbury for being named as a Runner Friendly Community.</td>
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<tr>
<td>9</td>
<td>Special Recognition</td>
<td>Recognizing Boy Scout Gavin Fleming on his Eagle Scout Project at Salisbury Community Park.</td>
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<td>10</td>
<td>Consent Agenda:</td>
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<td>(a) Minutes.</td>
<td>Adopt Minutes of the Special Meetings of February 11-12 and February 26, 2019, and March 5, 2019 and the Regular Meetings of February 19, 2019 and March 5, 2019.</td>
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</table>
| (b) | Contract – Alley, Williams, Carmen and King. | Requestor(s): Engineering | Authorize the City Manager to execute a contract with Alley, Williams, Carmen and King in the amount of $154,438.58 to perform construction engineering and inspections for the Jake Alexander and Statesville Boulevard sidewalk project in the West End Plaza area. Acceptance of this contract is subject to North Carolina Division of Transportation (NCDOT) concurrence.

City Council recently approved a unit price construction contract in the amount of $682,633 for about 1.5 miles of sidewalk in the West End Plaza area. In order to get reimbursement of CMAQ funds, Construction and Engineering Inspection (CEI) is required. Following the approved solicitation process through NCDOT, Alley, Williams, Carmen and King (AWCK) was selected to perform the CEI services at a contract amount of $154,438.58. This project will extend into FY20, and additional funds are proposed for the upcoming budget to complete the project. Projected CMAQ reimbursement is approximately $311,000. |

| (c) | Contract – Withers Ravenel. | Requestor(s): Engineering | Authorize the City Manager to execute a contract with Withers Ravenel in the amount of $157,708 to perform engineering and design services for the Brenner Avenue sidewalk project, subject to North Carolina Division of Transportation (NCDOT) concurrence.

The City of Salisbury received CMAQ funds to design and construct sidewalk on one side of Brenner Avenue from Statesville Blvd to Horah Street, and to add left-turn lanes at the intersection of the VA Hospital entrance/Link Ave and Brenner Avenue. The design firm, Withers Ravenel, was selected using a qualifications based review, and the proposed contract amount is $157,708. This contract is within the current budgeted amount, and the City will be reimbursed 80% of the contract amount through CMAQ revenue. |
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<tr>
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<th>Budget Ordinance Amendment – Parks and Recreation Donations for Dog Paws.</th>
<th>Requestor(s): Parks and Recreation</th>
<th>Adopt a Budget <strong>ORDINANCE</strong> amendment to the FY2018-2019 budget in the amount of $13,765 to appropriate donations for Dog Park.</th>
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<tr>
<td>11</td>
<td>Public Comment.</td>
<td></td>
<td>Public comment will begin following adoption of the consent agenda. The public sign-in sheet will remain open until the public comment period ends.</td>
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<tr>
<td>12</td>
<td>Joint Resolution – Airport Parkway Project.</td>
<td>Requestor(s): Wendy Brindle</td>
<td>Adopt a <strong>RESOLUTION</strong> in support of proposed alignments for the Airport Parkway Project.</td>
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<tr>
<td>13</td>
<td>Appointments to Boards and Commissions.</td>
<td></td>
<td>Council to consider making appointments to various boards and commissions.</td>
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<tr>
<td>14</td>
<td>City Attorney’s Report.</td>
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<td>15</td>
<td>City Manager’s Report.</td>
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<tr>
<td>16</td>
<td>Announcements.</td>
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<td>(a)</td>
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<td>Salisbury Parks and Recreation and Hurley Park Advisory Board will hold the 32nd annual Hurley Park Spring Celebration Sunday, April 7, 2019 from 2:00 p.m. until 4:00 p.m. at Hurley Park. Enjoy a wide variety of activities including music from the Salisbury Swing Band, a Bubble Circus, free horses and carriage rides, local art, wildlife and nature displays and much more. This event is free and open to the public. For more information please call 704-638-4459.</td>
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<td>(b)</td>
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<td>Salisbury Parks and Recreation will host its 13th Annual Touch a Truck event Saturday, April 13, 2019 from 10:00 a.m. until 1:00 p.m. in the City Hall parking lot at 217 South Main Street. Participants will have an opportunity to have a hands-on, up close and personal education experience with a wide variety of vehicles including dump trucks, monster trucks, a helicopter, ambulances, and more. The event is free and open to the public.</td>
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<tr>
<td>17</td>
<td>Council’s Comments.</td>
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<td>18</td>
<td>Mayor Pro Tem Comments.</td>
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<tr>
<td>19</td>
<td>Mayor’s Comments.</td>
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<tr>
<td>20</td>
<td>Adjourn.</td>
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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:  19 March, 2019

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

Name of Presenter(s):  Mayor Heggins

Requested Agenda Item:  Proclamation

Description of Requested Agenda Item:  Proclamation to recognizing American women of every race, class, and ethnic background whom have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways.

Attachments:  ☐ Yes  ☐ No

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

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

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  _____________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only
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: 19 March, 2019

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

Name of Presenter(s): Mayor Heggins

Requested Agenda Item: Special Presentation

Description of Requested Agenda Item: Salisbury Youth Council delegates to provide a presentation regarding the National League of Cities Congressional City Conference.

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)

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_________________________________
Budget Manager Signature

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For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined
Salisbury City Council
Agenda Item Request Form

Reason:
Name of Group(s) or Individual(s) Making Request: Nick Aceves, Parks & Recreation

Name of Presenter(s): Steve Clark, David Freeze & Nick Aceves

Requested Agenda Item: Recognition

Description of Requested Agenda Item: David Freeze, the president of the Salisbury Rowan Runners Club would like to present the city with a plaque for the recent designation for Salisbury being named as a Runner Friendly Community. Parks and Rec staff and Mr. Freeze worked together on the submission for this designation that will last until 2023. The designation highlights the City of Salisbury, the community, and its businesses as being partners in running events, daily runner safety, and running infrastructure (sidewalks, trails, and greenways).

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: Nick Aceves 704-638-5299

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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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:  March 19, 2019

Name of Group(s) or Individual(s) Making Request:  Nick Aceves, Parks & Recreation

Name of Presenter(s):  Nick Aceves

Requested Agenda Item:  Recognition

Description of Requested Agenda Item:  Parks and Recreation staff to recognize Boy Scout Gavin Fleming on his Eagle Scout Project at Salisbury Community Park where he built a bridge on a trail connector for mountain bikers and hikers.

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:  Nick Aceves 704-638-5299

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Reason:
REGULAR MEETING

PRESENT: Mayor Pro Tem Post Presiding; Council Members Karen Alexander, William Brian Miller, and Tamara Sheffield; City Manager W. Lane Bailey; Deputy Clerk Emily Michael, and City Attorney J. Graham Corriher.

ABSENT: Mayor Al Heggins and City Clerk Diane Gilmore.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Post led those present in the Pledge of Allegiance to the United States flag.

ADOPTION OF THE AGENDA

Mayor Pro Tem Post announced a public hearing was published for Special Use Permit-02-2019, 111 West Bank Street. He noted the item was tabled at a Planning Board meeting and would be rescheduled at a later date.

Thereupon, Councilmember Alexander made a motion to adopt the Agenda as presented. Councilmember Miller seconded the motion. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voted AYE. (4-0)
CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Special meetings of January 31, 2019 and February 5, 2019.

(b) Ordinance Amendment – Schedules

Adopt an Ordinance amending Chapter 13, Article X, of the Code of the City of Salisbury to correct a discrepancy in the City Code.

ORDINANCE AMENDING CHAPTER 13, ARTICLE X, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO SCHEDULES.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 11, and is known as Ordinance 2019-10.)

(c) Budget Amendment – Brownfields Assessment Grant

Adopt an Ordinance amending the FY 2018-2019 Budget to appropriate a $300,000 Brownfields Assessment Grant.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE BROWNFIELDS GRANT.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 12, and is known as Ordinance 2019-11.)

Thereupon, Councilmember Sheffield made a motion to adopt the Consent Agenda as presented. Councilmember Alexander seconded the motion. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voted AYE. (4-0)

PUBLIC COMMENT

Mayor Pro Tem Post opened the floor to receive public comments.

Mr. Alvin Merritt stated he is a member of Solid Rock Church of God, and he shared the church hosts an annual health fair in partnership with Novant Health. He invited the community to attend the event that will take place at Rowan Helping Ministries on August 10, 2019 at 9:00 a.m.

Mayor Pro Tem Post suggested Mr. Merritt return to Council in July to remind the public of the health fair.
Ms. Dillard shared she is a student at Livingstone College, and she thanked Council for holding a public comment period.

Ms. Latayia Gladden indicated she is a student at Livingstone College, and she shared her concerns regarding campus safety and limited parking. She commented the College needs school supplies for its classrooms.

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

**COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PROGRAM FUNDS**

Interim Community Planning Services Director Brian Hiatt explained it is time to develop a budget for Community Development Block Grant (CDBG) and HOME Program funds. He stated the FY2019-2020 estimated funding for CDBG is $271,203, HOME Program funds is $108,834, and Program funds is $30,000. He noted staff has not received actual funding amounts from the federal government but hopes to obtain the information within the coming month.

Mr. Hiatt explained the West End, Jersey City, East End, and Park Avenue communities are designated as revitalization areas. He reviewed the types of activities that are eligible for funding, and he pointed out owner-occupied housing rehabilitation has been a primary focus for several years. He commented sidewalks, public infrastructure, and public services are included in the eligibility.

Mr. Hiatt announced applications from public service agencies are due March 15, 2019 and forms are available at the West End Business and Community Center located at 1400 West Bank Street. He indicated public service agency funding is capped by the federal government.

Councilmember Alexander asked if the public hearing is to receive feedback regarding the development of the CDBG and HOME Program fund budget. Mr. Hiatt agreed and noted it is a way to make the public aware the application process has begun.

Councilmember Sheffield asked about the amount of the CDBG and Home Program funds received last year. Mr. Hiatt commented the City received $274,000 in CDBG funds and $152,000 in HOME Program funds.

Councilmember Alexander requested a breakdown of specific community organization services that are needed. Mr. Hiatt commented last year most of the services related to meeting needs for the homeless. He noted Rowan Helping Ministries, Rowan Crisis Council, Community Care Clinic, Salisbury Youth Employment, and the Gateway Freedom Center received funding last year.
Councilmember Sheffield asked about the projected $410,037 funding. Mr. Hiatt commented the estimates are conservative especially for the HOME Program, and he hopes to receive a larger allocation. He added $410,037 is the total estimated funds to be received.

Councilmember Alexander asked about the estimated $271,000 CDBG funding. Mr. Hiatt stated those funds are solely for Block Grant funding but can be used for more services than the HOME Program funds, which are strictly for rehabilitation and new housing. Councilmember Alexander asked for clarification regarding CDBG grant funds. Mr. Hiatt explained CDBG funds could also be used for infrastructure, home rehabilitation, or construction.

Mayor Pro Tem Post asked if the CDBG and HOME Program are federally funded. Mr. Hiatt agreed, and he pointed out staff does not know how the funds will be distributed because the City has not received notification from the federal government. He stated funding amounts have stabilized some but have shown a steady decrease over the past several years.

(b) Mayor Pro Tem Post convened a public hearing, after due notice thereof, to receive comments regarding CDBG and HOME Program funds.

Ms. Dee Dee Wright asked if citizens will have input regarding how CDBG and HOME funding is spent. Councilmember Alexander stated the federal government establishes the funding criteria. Ms. Wright asked if other improvement funds are available. She commented an informative session was given by the Community Action Agency, and she asked if HOME funds are different from the improvement funds mentioned by former Community Development Director Janet Gapen. Councilmember Alexander commented those funds are different.

Mr. Alvin Merritt shared he is interested in the HOME Program, and he asked if he would be eligible for HOME Program funds if he resides outside of the City limits.

Councilmember Alexander commented Mr. Merritt may be eligible for funds through the Salisbury Community Development Corporation (CDC), and she explained the funds have strict requirements that are set by the federal government.

Ms. Krista Woolley shared she represents the Community Health Care Clinic. She thanked Council for its support and partnerships. She commented 20-25% of Salisbury and Rowan County adults do not have access to health care and health insurance because 50% are working part-time, self-employed, or work for small companies. She commented the Community Care Clinic has 550 new patients, many of whom need expensive medication and have chronic diseases. She reviewed current partnerships with the community, and she noted the clinic has 129 volunteers who provided over 3,000 hours of service in 2018.

Ms. Renee Bradshaw, Executive Director of Family Crisis Council explained because of CDBG grant funds the Family Crisis Council shelter was able to open in 1990. She commented the funds partially pay for third shift positions who help answer crisis lines and assist law enforcement during emergencies. She stated the Crisis Council provides shelter to an average of 24 women and children and the average stay is between 60 and 90 days. She added last year staff answered 492 crisis calls and served 774 victims of domestic violence.
Ms. Sheri Smith, Director of Client Services at Rowan Helping Ministries requested $25,000 from CDBG funds to help pay a case manager’s salary. She commented the funding received last year helped fund the full-time case management staff. She noted Rowan Helping Ministries served over 825 men, women, and children and provided 28,396 nights of sheltered services. She thanked Council for the funding Rowan Helping Ministries received last year.

Mayor Pro Tem Post asked Mr. Hiatt to address questions regarding qualifications for the HOME Program.

Mr. Hiatt explained HOME Program qualifications are based on an applicant’s level of income. He stated local incomes levels were discussed at Council’s Planning Retreat and are considered lower levels of incomes when compared to the Charlotte area. He commented staff is exploring ways for the City to be included in the Metropolitan Statistical Area (MSA) to help raise Salisbury’s income level in hopes that more people can qualify for housing assistance. He commented the HOME Program is designated to help people with affordable, existing or construction of housing. He indicated funds can be used to assist with affordable multi-family housing provided through the private sector and for providing loans that must be allocated for housing. He pointed out CDBG funding may be used for housing, infrastructure, and some community service agencies.

There being no one else to address Council, Mayor Pro Tem Post closed the public hearing.

SPECIAL USE PERMIT SUP-01-2019 – 116 WEST INNES STREET

Mayor Pro Tem Post commented a Special Use Permit (SUP) 01-2019 has been proposed for the property located at 116 West Innes Street. He indicated SUPs are quasi-judicial proceedings that are similar to a court hearing. He commented Council follows quasi-judicial hearing procedures and Council acts as a decision-making body. He stated it is Council’s task to consider all of the evidence presented by the applicant and others, to ask questions about and deliberate on the evidence, to make findings of fact based on that evidence, and to apply those findings of fact to the City’s Ordinance.

Ex Parte Disclosure

Mayor Pro Tem Post noted as a matter of basic due process, every applicant is entitled to an impartial decision maker. He asked if any member of Council has a fixed opinion on this matter that is not susceptible to change. He then asked if any member of Council had any ex-parte communication about the subject matter of this request with the applicant. He also asked if any member of Council has a close familial, business or other associational relationship with the applicant. He then asked if any member of Council has a financial interest in the outcome of this matter.

Council unanimously agreed it had no partiality or knowledge of this case that it wished to disclose.
Swearing In

Mayor Pro Tem Post convened a public hearing, after due notice thereof, to receive testimony regarding SUP-01-2019.

Mayor Pro Tem Post indicated anyone who wished to speak for or against this item must be sworn in, and he asked those who would like to speak to come forward. Deputy Clerk Emily Michael administered the oath to the following:

Ms. Teresa Barringer
Ms. Shannon Bergland
Mr. Rodney Queen

Development Services Coordinator Teresa Barringer explained the case is for a Special Use Permit (SUP) for the property located at 116 West Innes Street to permit the sale of and on-site consumption of alcohol. She stated an SUP is required for businesses where alcoholic beverages would be sold for on-site consumption that are not included as a part of a larger restaurant. She indicated the business would be defined as a bar, tavern, and night club. She stated the property’s current zoning is Downtown Mixed-Use (DMX) with a Local Historic Overlay.

Ms. Barringer presented the standards for decision required for the SUP:

1. The use meets all required principles and specifications of the Ordinance and any adopted land use plans and is in harmony with the general purpose and intent and preserves its spirit; and
2. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area; and
3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed.

Ms. Barringer noted the proposal is classified as a bar, tavern, and night club and the DMX district states that no such facility can be located within 500 feet of any parcel containing a school. She stated she has confirmed the property meets this requirement.

Ms. Barringer displayed aerial and street view photographs of the property. She referenced the property’s existing condition, and she added the property owner has begun interior renovations for future tenants. She pointed out the proposed interior floor plan includes a small seating area, retail space, and a small bar area equipped with kegs of craft beer selections. She indicated the business will primarily be geared toward retail, and alcohol consumption would be considered its secondary use.

Ms. Barringer commented the applicant has an additional retail store in Asheboro, North Carolina that uses 50% of the stores’ space for the retail of craft and specialty beers.
Mayor Pro Tem Post asked how the proposed site would affect St. John’s preschool. Ms. Barringer commented the property is not within 500 feet of the preschool but is within 500 feet of St. John’s Lutheran Church. She referenced St. John’s as a preschool and daycare center. She explained according to the Land Development Ordinance (LDO) definition of a school it would need to be a state certified, secondary, or elementary school in order to meet the criteria of a school. She clarified the proposed property is not within 500 feet of the daycare center eliminating the concern. She pointed out St. John’s preschool center is a separate parcel from St. John’s Lutheran Church, and she added staff measures parcels by Ordinance standards.

Ms. Barringer introduced Ms. Shannon Bergland as the petitioner. Ms. Bergland indicated Salisbury is a great place for an additional store location. She noted Salisbury has a thriving beer community with two current brewers, and she would like for her store to be a part of the growing community. She stated Salisbury is a beautiful City, and she would like to increase its beer tourism. She commented North Carolina is eighth in the country for craft beer production.

Mayor Pro Tem Post asked where she produces her store’s beer. Ms. Bergland commented her company does not produce its own beer, and she buys from all around the United States. She added her company is strictly a craft beer retail and taste-test facility.

Mayor Pro Tem Post asked if the Asheboro store is her only location. Ms. Bergland agreed, and she shared the Asheboro store is her first store that opened about a year and a half ago. Mayor Pro Tem Post asked how large the Asheboro store is in comparison to the Salisbury location. Ms. Bergland commented the Asheboro store is much larger with an estimated 2,000 square feet and the Salisbury location would have approximately 660 square feet. She added the Asheboro location has a large area for live music and a large event room that can accommodate approximately 50 people.

Ms. Barringer indicated Council would receive additional testimony from the applicants expert witness Mr. Rodney Queen regarding property values. Mr. Queen stated he represents RE/MAX Leading Edge Realty, Jayne Helms branch located at 100 West Innes Street. He commented he is in support of the proposal. He stated he believes the store would be beneficial for the area, and he does not foresee any potential damage to the community or that the proposed store would create any problems for the church, school, and surrounding properties. He commented there are similar specialty beer retail stores located in Charlotte, and he believes it could be an asset to the community.

Mayor Pro Tem Post asked for Mr. Queens’s expert opinion regarding the potential impact on property values. Mr. Queen indicated there would be no impact on property values. He noted this store may improve property values in the area, but he does not see the store being a deterrent to real estate values.

Councilmember Miller commented he would accept Mr. Queens’s testimony as an expert witness.

Ms. Bergland stated the store would not be open late into the night. She noted the store would open mid-afternoon and close between 9:00 p.m. and 10:00 p.m. and by 11:00 p.m. on the
weekends. She noted the store would not be a late night bar and would focus more on the community of beer.

Ms. Sheffield thanked Ms. Bergland for her interest to bring her store to Salisbury. She asked for clarification regarding the stores closing times and if store hours would be geared toward retail hours. Ms. Bergland commented the store would be open later than a retail business, but the store would not have late night hours. She provided an example of situations when private events have delayed closing times until 1:00 a.m. She stated she is not in the bar business and her goal for the store is to be about 50% sampling of beers and 50% retail.

There being no one else present to give testimony, Mayor Pro Tem Post closed the public hearing.

Councilmember Miller asked Ms. Barringer what situation would allow the permit to be revoked if Council were to approve SUP-01-2019. Ms. Barringer explained if any specific conditions were added to the SUP based on the applicant’s testimony of store hours or if there were any violations of store hours, Council could rescind the permit. She stated the SUP would remain with the property, and the next business that obtains the property would be subject to any conditions placed on the SUP. Councilmember Miller clarified the SUP remains with the property and not the applicant. Ms. Barringer commented that is correct.

Councilmember Alexander asked if the proposed establishment would be subject to the Alcohol Law Enforcement (ALE) requirements. Ms. Barringer commented that is correct, and she added prior to an applicant receiving approval from the zoning office for its Alcohol Beverage Control (ABC) license it would need to go before Council and request a SUP. She indicated once the SUP is approved by Council then the ABC application would be submitted and signed by the zoning office. She added the proposal would then go before the ABC Board and be regulated by ALE inspections.

Mayor Pro Tem Post asked City Attorney Graham Corriher if there are any further conditions he could recommend for the proposed SUP. Mr. Corriher commented he does not have any recommendations.

Ms. Barringer commented if Council wanted to ensure the proposed establishment was more of a retail atmosphere versus a night club atmosphere the SUP could be held to the hours of operation as stated by the applicant. She noted all conditions would be applied to future applicants unless an applicant applied for a new SUP.

Mayor Pro Tem Post indicated, as testified, the establishment would be open until 10:00 p.m. or 11:00 p.m. on weekdays. Ms. Bergland requested a revision be made to the proposed closing times of 10:00 p.m. on weekdays and 11:00 p.m. on Fridays and Saturdays. She stated she would not have a lot of live music during her startup, and she clarified she considers live music as acoustic music.

Councilmember Sheffield stated she does not support restricting the SUP. She commented businesses are restricted enough as it is. She pointed out these types of establishments are
everywhere throughout the state, and the proposal does not have the intent of being a night club. She indicated if time restrictions are placed on the proposed SUP the establishment might be limited to sales and people who would like to purchase items before going home after leaving the theatre or community events would not be able to buy from the store.

Councilmember Alexander pointed out the proposed SUP indicates a weekday closing time of 10:00 p.m. She suggested including the maximum closing time of 11:00 p.m., and she noted these restrictions would remain with the property.

Councilmember Sheffield commented the SUP states the hours of operation are extended up to but not beyond midnight. Councilmember Alexander and Mayor Pro Tem Post pointed out the extended hours are indicated for special occasions. Councilmember Sheffield noted a special occasion would be difficult to define.

Ms. Barringer clarified because the hours of operation are included in Ms. Bergland’s proposal it would not limit any future bar, tavern, or night club to those same hours unless it is specified in the SUP as a condition. She commented Ms. Bergland’s proposal is primarily retail, beer tastings and on-site consumption, and those conditions would not be tied to future requests. She stated a future owner could potentially operate a full-scale bar, tavern, or night club with no limitations because of the proposed SUP approving on-site alcohol consumption.

Councilmember Alexander asked if another company could move in and stay open until 3:00 a.m. if Ms. Bergland outgrows the space and needs to relocate her establishment.

Ms. Bergland asked if SUPs have an expiration date. Councilmember Miller commented SUPs remain with the property in perpetuity.

Councilmember Alexander commented she supports adding hours of operation as a condition.

Mayor Pro Tem Post asked how late Go Burrito is open. Mr. Corriher commented Go Burrito is open until 2:00 a.m., and he added other facilities in the area are open later than Go Burrito. Councilmember Miller shared there are three or four establishments within a block or two that remain open late.

Mr. Corriher expressed his concerns of enforcing a condition for the SUP regarding hours of operation. He noted SUPs can be enforced but must go through the same process it takes to become established. He commented the SUP must comply with the property’s DMX zoning.

Councilmember Alexander asked if Mr. Corriher is recommending hours of operations not be a condition of the proposed SUP. Mr. Corriher stated he believes it may be difficult to enforce. He commented the ABC permit process considers the establishments’ location, hours of operation, and the City’s zoning decision, and he noted the ABC Board would not have to abide by Council’s recommendation.
Councilmember Alexander stated she believes there are some restrictions regarding locations where alcohol can be sold. She noted the property is located near the Plaza which has residential units, and she added if a heavy metal band was featured there could be complaints about noise levels. She noted there are certain restrictions on Council and Liberty Streets.

Councilmember Miller commented he supports this proposal and believes it would be a great addition to the community. He referenced SUP restrictions that were set by Council for Nashville Nights regarding hours of operation issues. He suggested moving forward with what has been proposed and the hours of operation that work for the business owner at this time, and he added an SUP can be presented to Council if changes need to be made. He asked if staff could provide Council with similar SUPs that were issued for comparison in the future.

Ms. Barringer referenced Nashville Nights and noted some SUPs have special conditions stating that the City would release information in the event of complaints. She commented that information would be shared with Code Enforcement and then presented to Council for its review and consideration to revoke the SUP. Councilmember Miller commented it would be helpful for Council to have information of similar conditions listed on previous SUPs for consistency purposes.

Mayor Pro Tem Post asked if there are any permits that follow the applicant versus the property because Nashville Nights has a different owner. Ms. Barringer commented new owners are required to apply for a new ABC permit and a new beer and wine license. She stated changes to zoning standards are required to apply for a ticket of registration to identify uses allowed by zoning and would be supported by an SUP. Mayor Pro Post asked if there was another method of permitting available that allows a permit to remain with applicants versus a permit remaining with a property. Ms. Barringer indicated the SUP process is the only option at this point.

Councilmember Sheffield suggested Ms. Bergland change the proposed operation hours. Ms. Bergland agreed to change the closing time to 10:00 p.m. for weekday operation. Ms. Bergland asked about a special event that might request to rent her establishment until midnight. Councilmember Alexander suggested a midnight closing time for flexibility.

Councilmember Miller stated, based on the evidence presented, Council finds the following:

1. The use meets all required principles and specifications of the Ordinance and any adopted plans and is in harmony with the general purpose and intent and preserves its spirit as evidenced by the following testimony:
   - The site characteristics currently fit within the surrounding area.
   - The main use of the business includes approximately 50% use being retail of bottled craft beer.
   - The planned additional use for a bar is compatible with the current business and surrounding businesses.
   - The use will allow for alcohol consumption inside the establishment and within a designated area approved by the ALE officer.
2. The proposal as submitted and approved will be visually and functionally compatible to the surrounding area as evidenced by the following testimony:
   - The use will be located within an existing commercial building that is visually and functionally compatible to the surrounding area.
   - Serving of alcoholic beverages will be conducted during the business hours only.
   - Alcohol consumption will be provided inside the establishment unless otherwise approved for a sidewalk dining permit identifying designated area.

3. The public health, safety and welfare will be assured and the proposed development will not substantially injure the value of adjoining property and associated uses if located where proposed as evidenced by the following testimony:
   - ABC laws and regulations have been studied and reviewed and will strictly be abided by.
   - The nature of the business proposed will be 50-60% retail sales of craft bottled beer with on-site consumption as the remainder of the business activity. The retail/bar use is compatible with the downtown uses.
   - The hours of operation will typically be Monday through Thursday 2:00 p.m. until 10:00 p.m. and Friday and Saturday 2:00 p.m. until midnight.
   - Proposed development will not sustainably injury the value of adjoining property by testimony of an expert.

4. The proposed establishment is not located within 500 feet of any lot containing a school, public or private.

Thereupon, Councilmember Alexander made a motion that the suggested findings support the general requirements as required by the Salisbury Land Development Ordinance. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield. (4-0)

Thereupon, Councilmember Miller made a motion to issue Special Use Permit SUP-01-2019 to permit a bar with alcohol sales and on-site consumption at 116 West Innes Street, Salisbury, North Carolina based on all general standards of the Salisbury Land Development Ordinance having been met with the following condition that the hours of operation not extend beyond 11:00 p.m. on weekdays and not extend beyond 12:00 midnight on Friday and Saturday.

Mr. Corriher asked about Sunday. Ms. Bergland commented she would consider Sunday as a weekday, and she noted, in the beginning, she would not be open on Sundays because of staffing. She added she does plan to be open Sundays with operation hours from 2:00 p.m. until 8:00 p.m.

Councilmember Miller asked if a second to the motion would be needed. Mr. Corriher stated seconds could help but are not required.

Thereupon, Councilmember Miller made a motion to issue Special Use Permit SUP-01-2019 to permit a bar with alcohol sales and on-site consumption at 116 West Innes Street, Salisbury, North Carolina based on all general standards of the Salisbury Land Development Ordinance having been met with the following condition that the hours of operation for weekdays
Sunday through Thursday no later than 11:00 p.m. and Friday and Saturday no later than midnight. Councilmember Alexander seconded the motion. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield.  (4-0)

Councilmembers welcomed Ms. Bergland to Salisbury.

**RIGHT-OF-WAY USE PERMIT – 110 SOUTH MAIN STREET**

City Engineer Wendy Brindle presented Council a request to approve a right-of-way use permit for one parking space at the tree pit in front of 110 South Main Street. She indicated in January a permit was issued by staff for two months, as a courtesy. She commented staff has worked with the building owner, contractor, and adjoining businesses to modify the permit until this Council meeting.

Ms. Brindle explained the original request was for two parking spaces to be used by the contractor. She added there were complaints from businesses and after modifications the permit now allows for one parking space. She stated the only vehicles that can be parked in the space, in accordance with City Ordinance, are vehicles where the contractor must make frequent trips in and out of the building for materials that may be needed. She commented the City arranged for off-site parking for additional vehicles, and the modifications seem to be working for the business owners and the contractor. She stated the building owner indicated construction is expected to be complete by February 28, 2019. She added in order for the permit to be valid Council must approve the right-of-way use permit through the end of February 2019.

Thereupon, Councilmember Alexander made a motion to approve the right-of-way use permit for one parking space along 110 South Main Street through the end of February 2019. Councilmember Miller seconded the motion. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voted AYE.  (4-0)

Councilmember Sheffield thanked Ms. Brindle for finding a solution for the business owner and the contractor.

**REVISION TO THE PREVIOUSLY AWARDED DOWNTOWN REVITALIZATION INCENTIVE GRANT**

Interim Planning Director Brian Hiatt presented Council an application for assistance through the Downtown Salisbury Revitalization Incentive Program. He indicated Council approved a Downtown Revitalization Incentive Grant in July 2018 in the amount of $142,000. He commented a revision has been made to the site plan to reduce the number of stories on the proposed building plans.

Development Services Specialist Catherine Clifton stated the property is located at the intersection of East Innes and South Lee Streets. She explained the proposal was reduced from a three-story building with eight apartment units to a two-story building with four apartment units.
She added the first floor will remain as proposed for commercial office space. She stated the new project renderings submitted by Architect Pete Bogle have been reviewed and approved by zoning staff.

Councilmember Alexander asked if the new proposal would be presented to the Historic Preservation Commission (HPC). Ms. Clifton noted the reduction proposal has already gone before HPC, and it approved the request. She added the new proposal was also approved by Development Services and the required permits have been issued.

Ms. Clifton indicated the total project cost is estimated $2,252,600 and the request has been revised from $142,204 to a maximum grant of $99,364. She noted the Residential Production Incentive Grant had an amount change to $49,364.

Mayor Pro Tem Post asked why the developer decided not to build a third story. Ms. Clifton shared she is not aware of the reason.

Architect Pete Bogle indicated unsuitable soils were found that will not allow a three-story building. He shared the developer remains excited and dedicated to the project. He stated the project has full drawings and the developer has obtained permits from the City and the County. He commented at this time the developer is working with banking and underwriting. He explained because the project had a reduction to the number of stories it will need approval from Council to reduce the amount of the requested grant.

Mayor Pro Tem Post asked if the soil could become a hazard over time. Mr. Bogle stated soil conditions would not become a hazard, and he added the soil was the main reason for the reduction from a three-story building to a two-story building. He indicated a foundation design could have been created to support a three-story building, but the property has one side of good soil and one side that is not. He noted the developer’s budget would not allow for creating a soil solution that would support a three-story building.

Thereupon, Councilmember Miller made a motion to approve a revised Downtown Revitalization Incentive Grant for up to $99,364 for a new mixed-use construction project located at 201 East Innes Street. Councilmember Alexander seconded the motion.

Councilmember Miller commented as long as amounts do not exceed the awarded grant items like these should not need to come back to Council for a review. City Attorney Graham Corriher indicated he brought this item back to Council because the grant is structured in a way that is pro-rata, but the contract was written to inform Council of any substantial changes or approvals made by staff. He noted based on the way the contract was written he felt it needed to come back to Council for its consideration. Councilmember Miller stated he understands the item was presented to Council again based on the wording of the contract. He suggested contracts be worded so that Council would not need the item on its Agenda as long as the project does not exceed approved amounts. He shared he would not want to prolong a development and or hinder the developer.
Mayor Pro Tem Post asked if it could be included as a general policy that a developer return to Council if the incentive grant would be less than the amount approved by Council. Mr. Corriher commented the contract includes verbiage that if the project has substantial change, and if Council has approved the project, it would need to return to Council for its consideration. He commented a reduction from a three-story to a two-story building might be considered a substantial change.

Councilmember Alexander asked about the granite garage that was removed from this site. Mr. Bogle stated the client is planning to rebuild the facade on another parcel in close proximity and is looking for a potential buyer that will help with the construction.

Councilmember Sheffield commented the project is a great example of patience and how the community came together to save the granite garage. She thanked Mr. Bogle for coming back to Council and noted Council does not want to prolong construction for the developer.

Councilmember Alexander seconded the motion. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voted AYE. (4-0)

**BOARDS AND COMMISSIONS**

**Tree Board**

Upon a motion by Councilmember Sheffield, seconded by Councilmember Miller. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following reappointment was made to the Tree Board for a term to begin April 1, 2019:

Ms. Tiffany Page Term Expires 03/31/2022

**Fair Housing Committee**

Mayor Pro Tem Post commented he has done some research on Fair Housing committees, and he noted Fair Housing is usually under the umbrella of Human Relation Councils and tend to be smaller in board size.

**CITY MANAGER’S REPORT**

(a) **Federal Lobbyist**

City Manager Lane Bailey commented staff is working on a Request for Proposals (RFP) for federal lobbying services. He noted he received federal bulletins from a lobbyist who has submitted their firms for consideration. He asked if Council would like him to forward this information to it by e-mail. Council members agreed they would like information sent to them.
City Manager Lane Bailey referenced recent conversations about a Vietnam Veterans Memorial. He provided Council a handout from Rowan County Commissioners who recently approved an agreement for the Vietnam Veterans Memorial. He indicated the agreement states that the County would pay up to $10,000 to raise the elevation on the proposed Vietnam Veterans Memorial Wall. He shared he has spoken with Parks and Recreation Director Nick Aceves and Landscape Architect Stephen Brown who estimate the cost of raising the projects’ elevation to be approximately $10,000 to $15,000. He added the project may require a retaining wall because of the Memorial Wall height. He pointed out the agreement mentions removing the former tennis shed and pet waste station. He commented raising the elevation might affect the walking path. He stated the agreement indicates the County is required to review any insurance or third-party agreements. He suggested the City be added to this agreement and for the attorney to have an opportunity to review the agreement and make any changes that would not substantially alter the agreement.

Councilmember Alexander asked Mr. Bailey if he is proposing the City contribute up to $5,000. Mr. Bailey commented Rowan County does not know the cost of the project and amounts could be lower, and he added Mr. Brown estimates the project could cost $15,000. Councilmember Alexander stated she supports the agreement especially if the monument is placed where the Parks and Recreation Board agreed it would be placed.

Councilmember Sheffield indicated the project is a great way to honor veterans, and she commended Mr. Ronnie Smith for working to make this project happen.

Mayor Pro Tem Post pointed out the pet waste station has been removed, and he asked if the tennis shed remains. Mr. Bailey commented the tennis shed would be relocated. Councilmember Alexander stated she believes relocating the tennis shed is a great idea. Mayor Pro Tem Post asked if the tennis shed would be removed or if it would just be relocated. Mr. Bailey agreed that the shed would be relocated.

Thereupon, Councilmember Alexander made a motion to allow the City to enter a Memorandum of Understanding (MOU) regarding the Vietnam Veterans Memorial Project located at City Park where the Rotary Plaza is located in the location that was approved by the Parks and Recreation Board, and Council supports up to $5,000 for raising the elevation of the memorial and give the authority to the City Manager and City Attorney to make final details of a partnership with Rowan County.

Councilmember Miller pointed out the project indicates a need to be completed by Memorial Day. Councilmember Alexander shared she thinks it could be completed in this time frame because the foundation is already in place. Mr. Bailey stated the elevation would need to be raised, and he added he does not see an issue with the project’s completion. Councilmember Miller asked if the project’s completion date would be possible. Mr. Bailey commented the City has a great Public Service staff who would do their best to have the project completed as quickly as possible. Councilmember Miller pointed out the anticipated ceremony is this Memorial Day.
Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voted AYE. (4-0)

(c) Meeting Time Change Discussion

City Manager Lane Bailey referenced a discussion with Council regarding the need to change the time or date of its March 5, 2019 meeting. He noted Mayor Heggins and possibly Councilmember Sheffield have an event representing the City on March 5, 2019 at 6:00 p.m. He pointed out the possibility of moving the meeting time to earlier in the day. He commented Councilmember Alexander will be out of the country representing the City during this time.

Councilmember Miller asked what time would work for the majority of Council. Mr. Bailey commented Mayor Heggins suggested 3:00 p.m. Councilmember Miller recommended moving Council’s March 5, 2019 meeting to 3:00 p.m., and he requested a calendar invitation be sent to Council regarding the new meeting time. City Attorney Graham Corriher suggested making a motion to change the meeting time.

Thereupon, Councilmember Sheffield made a motion to change the meeting time from 6:00 p.m. to 3:00 p.m. on March 5, 2019. Mayor Pro Tem Post and Councilmembers Alexander, Miller, and Sheffield voted AYE. (4-0)

Mr. Bailey reference a discussion to have boards and commissions make their presentations to Council on March 5, 2019. Councilmember Miller stated he would need to leave for a 5:30 p.m. meeting.

Mayor Pro Tem Post asked which boards and commissions would attend the March 5, 2019 meeting. Mr. Bailey commented he was not sure. Mayor Pro Tem Post asked Council if it would be willing to set a meeting time from 2:00 p.m. until 3:00 p.m. to allow the community groups to present to Council. Mayor Pro Tem Post asked Deputy Clerk Emily Michael if a public announcement would be made informing the boards and commissions that they would present to Council at 2:00 p.m. and Council would begin its regular meeting at 3:00 p.m. Ms. Michael agreed.

(d) Update – Second Quarter Financial

Finance Director Shannon Moore presented Council a second-quarter financial update. She reviewed the General Fund and pointed out there was a fund balance appropriation of approximately $2.5 million as part of the current years adopted budget. She commented staff returned to Council to request several Fund Balance appropriations throughout the fiscal year. She stated the current Fund Balance appropriation in the General Fund is approximately $4.6 million, and she noted most of the amendments were for the Public Services, Police, and Fire departments and were carryover projects that were budgeted in the previous year and not completed within that fiscal year.

Ms. Moore reviewed current property tax receipts which are trending above last year’s amounts, and she pointed out there was a small tax increase in the past fiscal year. She compared FY2018 to FY2019 year to date which is approximately $87,000 above last year’s amounts. She
commented budget to the actual variance amounts for the current year are approximately $635,000 over budget, and she added that amount includes a three-year historical trend and factors between the four quarters. She indicated current property taxes are slightly less than last year’s percentages relating to billed-to-collected rates. She pointed out staff has previewed the third quarter including the overage for January receipts due to timing issues, and she added she has no current concerns regarding collection percentages.

Ms. Moore presented sales tax receipts for the current fiscal year and noted those receipts indicate overages of approximately $112,000 from last year. She commented this is an area that continues to experience growth in the City, and staff would be able to slightly increase budget projections for the next fiscal year.

Ms. Moore referenced General Fund expenditures and noted City departments are trending under budget by 50% at the end of the second quarter. She commented funds spent on education and the transfer of debt expenditures will be 100% by the end of the fiscal year.

Ms. Moore commented in the past fiscal year the Storm Water Fund had a restructuring of its commercial and residential rates. She stated revenues are trending approximately $10,000 per quarter over what was budgeted, but revenues are considered to be on budget. She pointed out Storm Water expenses are much less than its revenues and a majority of large budgeted projects have not yet started.

Ms. Moore indicated the Water and Sewer Funds is an area that is trending favorably for the budget. She pointed out Water and Sewer revenues for the first and second quarters are higher than the previous fiscal year. She stated she and Utilities Director Jim Behmer are reviewing the numbers to ensure the data is accurate. She noted with the recent Automated Meter Reading (AMR) and Advanced Metering Infrastructure (AMI) smart meter projects, the City is reading utility meters more accurately overall. She explained Water and Sewer Fund expenses are similar to the Storm Water Fund because of larger projects that have been budgeted in the current fiscal year and encumbered but have not been started or paid.

Ms. Moore stated Transit Fund revenues are less than expenses. She noted a small portion of those revenues in the current fiscal year are covering last year expenses, and she pointed out the recent federal government shutdown changed timing for federal funds. She commented the third quarter had as many federal drawdowns as possible, and Transit revenues will begin to show an increase.

Ms. Moore referenced Fibrant Fund changes relating to the transition to Hotwire Communications on September 21, 2018. She pointed out second quarter revenues for the Fibrant Fund are much less than the first quarter because revenues have transferred to Hotwire Communications. She stated the City continues to work with Hotwire to determine what the revenue for Hotwire will be. She stated, as a part of the lease agreement, the City continued to pay personnel expenses in the second quarter. She commented the Fibrant Fund would begin moderating expenses, and she noted third quarter amounts would reflect those adjustments.
Mayor Pro Tem Post asked about the third quarter Fibrant expenses that are budgeted at $3.6 million. Ms. Moore noted when the City reviewed last year’s budget it did not have a firm decision on where the transition of services would be allocated, and the City budgeted a full year of continuing operations. Mayor Pro Tem Post pointed out the third quarter indicated expenses to be about 50% of the entire year. Ms. Moore stated most of the percentages include the debt service payment. Mayor Pro Tem Post asked if a large amount would be taken from the third quarter. Ms. Moore agreed and stated she believes the debt service payment is due March 1, 2019. Mayor Pro Tem Post asked Ms. Moore if she knew the amount of the debt service payment. Ms. Moore commented she does not have the exact number, but the Water and Sewer Fund internal loan repayments are approximate $3 million.

Mayor Pro Tem Post asked if it is anticipated that the $1.5 million of expenses in the Fibrant Fund for the fourth quarter would be the remaining expenses. Ms. Moore agreed. Mayor Pro Tem Post asked if the City would begin to receive revenue from Hotwire Communications. Ms. Moore commented it would, and she added there is a General Fund contribution of $750,000 per quarter that is budgeted to continue through this fiscal year and would be a majority of the revenue for the third and fourth quarter.

Ms. Moore commented Fibrant’s income statement looks odd because the second quarter operating revenues are smaller compared to the first quarter.

Mayor Pro Tem Post asked if the non-operating revenues could be considered loans or contributions from the General Fund. Ms. Moore stated the non-operating revenues are from Fibrant’s settlement.

Mayor Pro Tem Post reviewed the declining amounts for property tax collections for 2018 because of the discount taxpayers received. He referenced the current budget year and noted the difference between the second and first quarter are not as dramatic as the previous year. He stated this year’s actual budget variance is $300,000 lower than the budget. He asked if staff projects $3 million for the third quarter. Ms. Moore commented she reviewed current property taxes and based on what was received from the County over the last five fiscal years it is typical to receive more revenue in December than January, but this year it was different. She commented she thinks the City will be fine by year-end based on the current year’s property taxes.

Councilmember Miller asked if accurate numbers would be received from Fibrant. City Manager Lane Bailey commented there have been conversations with Hotwire Communications regarding that data. He stated he and Ms. Moore would like to get more comfortable with the numbers that have been given to the City so far. He pointed out Hotwire Communications has not marketed the utility because it continues to convert the customer base from Fibrant. He stated he hopes to have better numbers to share with Council soon. Councilmember Miller asked if that information would be shared by the end of the current quarter. Mr. Bailey commented he believes so. Ms. Moore added she hopes to have more information to share with Council by the third quarter.
Councilmember Alexander commented people are beginning to eliminate cable services and stream everything. Mr. Bailey indicated this is a good thing because the percentage of internet revenues are 30% versus 10% for video revenue.

ANNOUNCEMENTS

Communications Director Linda McElroy announced the sixth installment of Chit, Chat and Chew town hall meetings will be held Tuesday, February 26, 2019 at Park Avenue Community Center located at 632 Park Avenue beginning at 5:15 p.m. The meeting will provide citizens an opportunity to have interactive conversations with Council and staff to share concerns and ideas for their community. Dinner will begin at 5:15 p.m. with town hall forums beginning at 6:00 p.m.

Communications Director Linda McElroy announced the 2019 Elizabeth Duncan Koontz Humanitarian Awards Banquet will be held Thursday, February 28, 2019 at 6:00 p.m. at the Salisbury Civic Center. The Human Relations Council, through the work of the Elizabeth Duncan Koontz subcommittee, will recognize individuals from the Salisbury/Rowan community who exemplify the ideals of Libby Koontz by improving human relations in the areas of education, employment, housing, industry, business, civic, church, or community endeavors. For more information, please contact Anne Little at (704) 638-5218.

Communications Director Linda McElroy announced the Salisbury Community Appearance Commission and Salisbury Tree Board will host the first “We Dig Salisbury” event Saturday, March 2, 2019. Stop by to enjoy brunch, local nature and educational booths, tree give-aways and planting to help beautify West Innes Street. The event will take place at 1354 West Innes Street from 10:00 a.m. until 2:00 p.m. Parking will be available at the Moose Pharmacy parking lot. For more information or to sign up for a booth, please contact Alyssa Nelson at anels@salisburync.gov.

Communications Director Linda McElroy announced the North Carolina Main Street Conference will be held in downtown Salisbury March 12 through March 14, 2019. This three-day conference is open to anyone interested in learning about downtown economic development. For more information or to register visit www.ncmainstreetcenter.com or call (704) 637-7814.

COUNCIL COMMENTS

Councilmember Alexander announced she will attend the North Carolina League of Municipalities (NCLM) Board meeting and the Town and City Dinner in Raleigh on February 20, 2019.

Councilmember Sheffield announced she will attend the 24th Annual Human Rights Campaign event in Charlotte on February 23, 2019. She thanked Citizens and staff for creating a diverse City that is welcoming to everyone.
MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post commented in March the National League of Cities Conference will be held in Washington, D.C. and for the first time two members of the Salisbury Youth Council will participate in the event.

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 7:56 p.m.

Al Heggins, Mayor

Diane Gilmore, City Clerk
Salisbury, North Carolina
February 26, 2019

SPECIAL MEETING

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

ABSENT: Councilmember William Brian Miller.

Mayor Heggins and members of City Council met in a Special session at Park Avenue Community Center located at 632 Park Avenue. The meeting began at 5:15 p.m.

CHIT, CHAT AND CHEW

Council met with citizens from the community to listen to concerns regarding issues in the community.

Citizens were given the opportunity to share their City of Salisbury stories and provided an update on the Cone Mill site.

Citizens shared concerns regarding absentee landlords and nuisance issues, other citizens commented on homelessness, mental health and diversity issues.

Citizens were encouraged to apply for a Board or Commission and were notified of the new Fair Housing Committee.

Council was given an opportunity to share its passion and provide an update on City business.

A resource table was set up that included Parks and Rec Playbooks, Downtown events, transit schedules, recycling information, EDK information, Boards and...
Commissions applications, 311, Nixle, Meetings with the Manager, Job Openings, We Dig Salisbury, etc.

**ADJOURN**

All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:15 p.m.

____________________________________
Al Heggins, Mayor

____________________________________
Diane Gilmore, City Clerk
SALISBURY, March 5, 2019

SPECIAL MEETING

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

ABSENT: Council Member Karen Alexander.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 2:03 p.m.

BOARDS AND COMMISSIONS PRESENTATIONS

(a) Alternate Methods of Design Commission

Alternate Methods of Design Commission (AMDC) Board member Rodney Queen Chair and Development Services Coordinator Teresa Barringer, staff liaison, presented the AMDC’s highlights and goals for 2019-2020.

Mr. Queen shared information regarding the membership of the board. He noted the AMDC has two seat terms expiring March 31, 2019. He asked Council to consider waving seat terms for Chris Bradshaw and Alex Bost.

Mr. Queen reviewed that the AMDC considers requests for Alternate Methods of Design Compliance to certain sections of the Land Development Ordinance (LDO) and may approve or assist in finding alternate ways to meet the spirit and intent of the LDO. He noted AMDC is not a replacement for the Zoning Board of Adjustments (ZBA) variances, but the quasi-judicial process is replicated. He added commission members must have experience, education, or licensure in design, construction, or development to be considered for an appointment.
Ms. Barringer reviewed the 2018 caseloads are allowed up to 25% above the standard height and square footage requirements relating to road types. She reviewed special sign permit caseloads for 2018 that included Gerry Wood Kia, Boral Brick, Gerry Wood Honda, and Food Lion Corporate for the Harrison and Executive Drive locations.

Ms. Barringer stated ADMC would like to provide quasi-judicial training for new and current members as part of its 2019-2020 goals.

Mayor Al Heggins thanked the board for their work.

Mayor Pro Tem Post asked what the anticipated focus is for the board in the upcoming year. Mr. Queen shared he did not know what the Board would present to Council in the next year, but he is looking forward to the possibility of new developments.

Councilmember Brian Miller thanked the board for its work.

(b) Planning Board and Board of Adjustment

Planning Board Chair Bill Wagoner and Development Services Coordinator Teresa Barringer, staff liaison, presented highlights and goals for the Planning Board and the Board of Adjustments:

Mr. Wagoner reviewed the membership board. Mr. Wagoner noted the two extraterritorial jurisdiction (ETJ) are temporarily filled but the seats have an unexpired term and no replacements. He asked Council to make a recommendation for these seats for the year 2019.

Ms. Barringer informed Council of Planning Boards 2018 casework relating to Conditional District Overlays and the 2018 rezoning’s approved by Council. She shared with Council the rezoning areas that have not yet been approved by Council, and she noted all cases were heard and approved by the BOA.

Ms. Barringer informed Council there were no Special Use Permits for the year of 2018. She reviewed:

Conditional District Overlays for 2018:
- Aaronfield - 80 unit multi-family off Statesville Boulevard
- Shay Crossing a 136 single-family subdivision on Stokes Ferry Road
- Rowan–Cabarrus Community College Solar Farm on Old Concord Road
- Wallace Cancer Center on Mocksville and Mahaley Avenue

Rezonings:
- Maranatha Church: 2320 Statesville Blvd
- *J&J Auto: 405 Bringle Ferry Rd
- Statesville Boulevard
- Majolica Rd (COS): Various
Salisbury City Council

March 5, 2019 – Special Meeting

- Nelson Bradshaw: 4 Parcels W Ritchie Rd
- CI Conversion (COS): Various
- *Trexler Loop and 7th Street Various
  *Pending – not yet approved by Council

Special Use Permits: No cases

- Text Amendments:
  - Chapter 3 – Additional Use Standards
  - Institutional Campus to Community & Institution
  - Chapters 6 (Infill & Accessory Provisions); 10 (Parking); and 13 (Nonconformities – motor vehicles)
  - Chapter 15 – Rezoning Notification Requirements
  - Chapter 12 – Uncommon Signs for C

Board of Adjustment (BOA) Variances:

- Promats 1455 Harrison Road
- Tommy Parr 512 Confederate Avenue
- Cornerstone Properties 16 Oak Forest Lane
- Napa Mooresville Road

Mayor Pro Tem Post shared his gratitude to Josh Canup and Randy Reamer. He asked why was it difficult to fill the ETJ seats and if there were any recommendations from the Planning Board. Mr. Wagoner indicated he has no specific reason the seats were difficult to fill. He commented almost every community that has ETJ membership have difficulty filling those seats. Mayor Pro Tem Post asked if the City had trouble before the State changed the rules on annexation. Mr. Wagoner noted it has always been somewhat difficult to fill those seats, but maybe not this difficult. He shared with Council a conversation with City Attorney Graham Corriher regarding a request to create a list of all the ETJ residents in Salisbury. He asked Council if the Planning Board could have an opportunity to review the list and make recommendations to Council. Mayor Pro Tem Post asked for clarification on how the City and County would collaborate together to fill those seats. Mr. Corriher confirmed Council makes a recommendation for the ETJ seats and, the Board of Commissions appoints those seats.

Mayor Pro Tem Post shared information regarding concerns from developers that the Land Development Ordinance (LDO) has hampered the development of single-family homes. He suggested reaching out to the developers to inform them of creating an environment to make it feasible to begin building again. Mr. Wagoner shared information from a meeting that included former Planning and Community Development Services Manager Preston Miller, former Planning and Community Development Services Director Janet Gapen, and City Manager Lane Bailey. He noted the discussion was on how to focus the attention and what the real need is for an LDO review. He informed Council of a meeting held within the last week with Interim Planning Director Brian Hiatt, Mr. Bailey, Ms. Barringer and Mr. Corriher regarding the next step to move forward to find areas to improve the LDO. He stated the 2019 goal from the Planning Board is to have recommendations for Council on how to improve the LDO.

Councilmember Sheffield thanked the board for their work.
(c) Parks and Recreation Advisory Board

Salisbury Parks and Recreation Program Manager Sam Wilborn and Parks and Recreation Advisory Board member Roy Bentley presented highlights and goals for 2019-2020 for the Parks and Recreation Department.

Mr. Bentley shared 2018-19 highlights:

- Cheerwine Festival
- Summer basketball league with YMCA and Fieldhouse Basketball
- 19th year for Salisbury-Rowan County Hall of Fame
- Established Queen’s and King’s Senior Line Dance Team
- Camera, lighting, and landscaping upgrade at City Park
- Picnic tables donated from Catawba College
- Playground replacement at Morlan Park and Centennial Park
- Parks and Recreation Master Plan Process nears completion
- Kelsey Scott to Jake Alexander Boulevard Greenway opening
- Graffiti Park opening
- Dog PAWS Dog Park opening
- Miller Recreation Teen Center opening
- William C. Peoples, Jr. Walkway renaming
- Bill Stanback Greenway renaming
- DSI Events Partnership
- City nature partnership with Cabarrus County Parks and Recreation and the City of Concord
- Novant partnership youth cooking class
- Adventure Rowan partnership with Healthy Rowan, YMCA, Duke University
- Rowan–Cabarrus Community College Trade Skills, Fork Lift, and Medical Coding class partnership

Mr. Bentley shared the 2018-19 staff highlights:

- Multiple staff presentations at conferences, webinars, and workshops
- Teri Shaw-Certified Parks and Recreation Professional
- Sam Wilborn promoted to Recreation Program Manager
- Delando Clowney promoted to Recreation Coordinator
- Megan Simpson hired as Recreation Coordinator and earned Certified Pool Operator
- Scott Ludwick hired as Recreation Specialist
- Danelle Cutting hired as Public Garden Manager

Mr. Bentley provided information for programming and events:

- Programs and events offered
• 48 Fitness and Movement Programs
• 82 Athletic Programs
• 63 Special Events
• 27 Specialty Camps
• 32 Aquatics Programs
• 113 Skill and Miscellaneous Programs

Mr. Bentley provided Council information regarding previous goals:

• Uniform signage throughout the park system (Incomplete/Ongoing)
• Additional landscaping at recreation facilities (Ongoing)
• Repair/paint eves and overhangs at City Park (Partially Completed)
• Outdoor restroom facilities at select parks (Incomplete)
• Installation of outdoor activities like volleyball, horseshoes, pickleball etc. (Spring ’19)
• Updates to Graffiti Park (Completed)
• Final site selection for Dog Park (Completed)
• Update and repurpose existing Recreation Centers (re-brand Miller Center) (Completed)
• Redevelop Community Gardens (Completed/Ongoing)
• Convert old clay tennis courts for better use (ideas: FD Safety Town, etc.) (Completed/Ongoing)
• Continued implementation of additional fitness opportunities at recreation facilities and select parks (Ongoing)
• Develop Teen Activity Room at City Park Rec Center (Completed)
• Collaborate with other organizations on select athletic programs (YMCA, other P&R Depts.) (Ongoing)
• Improve outreach to make the community more aware of programs, facilities, and events (Ongoing) Replace the play structures at Morlan Park and Centennial Park (Completed)
• Assist engineering with planning for the newest section of the Greenway, along Grant’s Creek to Jake Alexander Blvd. (Completed/Ongoing)
• Assist Public Service with Landscape planning, placement and budgeting (Ongoing)
• Research and identify new or trending programs (Ongoing)
• Continue to seek collaborative efforts with the Rowan County Parks and Recreation Department (Ongoing)
• Revival of After-School and Summer Camp Programs (Teen Center)
• Continual grant writing and development (Ongoing)

Mr. Bentley provided Council Parks and Recreations new goals:

• Uniform signage throughout park system
• City Park Lake Improvements
• Continue to seek grant opportunities
• Continue to work with Bell Tower Green Inc. and Robertson Foundation on Bell Tower Green Park Project
• Restroom facilities in select parks
• Add extension and connector to Greenway system
• Continue with current and to seek new partnerships with County, YMCA, Hurley Foundation, RCCC, RSS, Bridge 4 Kids, etc.
• Replace playground at Kelsey Scott Park

Mayor Pro Tem Post asked for clarification regarding goals that are labeled incomplete and partially complete. Mr. Wilborn commented both words indicate that projects are not complete. Mayor Pro Tem Post asked if tennis courts would remain and be used as tennis courts. Mr. Wilborn stated the current tennis courts could be used, and he added there are no plans to refurbish courts, but there could be alternative uses for the tennis courts.

Mayor Heggins shared she was impressed with the work the Salisbury Parks and Recreation Department has done.

Mayor Heggins asked for clarification regarding an equal interface between the Board and staff regarding the process for sharing ideas, goals, and objectives. Mr. Bentley commented there is a combination of efforts and it depends on the item or who generated the idea. He noted there is a cooperative relationship between the Board and staff.

Mayor Pro Tem Post pointed out there seem to be a lot of activities in the city. He asked if there was a charge for the athletic programs. Mr. Wilborn shared some programs are free but others have fees that are minimal. Mayor Pro Tem Post asked if there are any scholarship opportunities for youth who might want to participate but are unable to afford it. Mr. Wilborn commented sponsorships opportunities are available.

Mr. Bentley shared the Parks and Recreation Department has a Playbook that includes detailed information about quarterly events hosted by the City.

Mr. Wilborn indicated event participation has grown with the help of social media announcements.

Mayor Pro Tem Post asked if there was a partnership with Rowan County. Mr. Wilborn commented the department has a good working relationship with Rowan County.

(d) Greenway Committee

Greenway Committee member Edward Hirst presented highlights and goals of the Greenway Committee for 2019-2020. He shared information regarding the committee members and staff liaisons of the board. He thanked the Communications Department for its help with updating the Greenway logo.

Mr. Hirst shared the Greenway has a total of four miles. Landscape Architect Stephen Brown informed Council the map for the Greenway would be updated soon.
Mr. Hirst indicated that the Board has received five grants from Carolina Thread Trail and one from the Transportation Alternative Program, and he added the total amount of grants received is $1.208 million. Mr. Hirst commended the Engineering and Parks and Recreation Departments for its hard work with the grant process. He thanked Engineering and Public Services Street Division for completing the newest section of the Greenway.

Mr. Hirst stated the newest section of the Greenway’s connection is located between Kelsey Scott Park and Jake Alexander Boulevard. He noted this section is six-tenths of a mile.

Mr. Hirst pointed out 2018 marked the 17th year of Earth Day exploratory on the Greenway. He stated Earth Day is a fun experience for third and fourth grade students to learn about the Greenway. He shared information regarding the exhibitors who participated at Earth Day.

Mr. Hirst noted in July of 2018 there were 144 runners of all ages who participated in the 21st annual 5K run walk for the Greenway. He noted the half mile fun run was for the younger the participant ages twelve and under. He shared proceeds from the 5K run-walk would help offset the cost of maintenance and fund amenities along the trail. He thanked the Salisbury Parks and Recreation Department and the Salisbury Runners Club for the annual run-walk event.

Mr. Hirst shared information regarding the 2019-2020 Greenway goals:

- Continue Greenway development Stanback (Formally Prescott Section) to West Innes Street
- Supporting City Staff to pursue grants and easement agreements
- Edible Trail – Parks and Recreation Staff is working on grant funding options
- Coordinate the 22nd annual 5k run-walk for the Greenway – July 13, 2019
- Coordinate the 18th earth day exploratory on April 12, 2019

Mayor Heggins stated the presentation was very impressive.

Mayor Pro Tem Post asked if there were any plans for Earth Day on April 22. Mr. Brown stated the third and fourth graders would be attending earth day. He noted currently there are seven or eight exhibitors planning to participate for the class rotation sessions.

Councilmember Sheffield asked if the entire greenway was considered part of the entire Carolina Thread Trail (CTT). Mr. Brown agreed. Councilmember Sheffield asked if the new maps would be placed at the beginning of trails. Mr. Brown shared new maps will placed on park information kiosks.

Mayor Heggins asked for clarification regarding the edible portion of the greenway. Mr. Brown shared the Greenway Committee and staff has teamed up with Catawba College concerning this project. He noted Catawba College performed a study and worked on the Stanback section of the trail. He pointed out they were exploring installing different types of fruit on the trail. He
noted the fruit would allow people to pick and eat while walking along the trail. He shared staff has been working on different options on how to fund the edible portion of the greenway.

Mayor Heggins thanked the Board for making the Greenway inviting and accessible.

Council member Sheffield encouraged the community and others to visit the parks and Greenway.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 2:50 p.m.

____________________________________
Al Heggins, Mayor

____________________________________
Diane Gilmore, City Clerk
SPECIAL MEETING

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

ABSENT: Council Member Karen Alexander.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 3:00 p.m. and a moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

Mayor Heggins announced the reason Council’s meeting began at 3:00 p.m. is because there is a North Carolina Department of Transportation (NCDOT) event this afternoon that she and Councilmember Sheffield will be attending. She added Councilmember Miller will need to leave early and Councilmember Alexander is out of the country, and she noted there would be no quorum.

ADOPTION OF THE AGENDA

Thereupon, Mayor Pro Tem Post made a motion to adopt the Agenda as presented. Mayor Heggins and Mayor Pro Tem Post and Councilmembers Miller and Sheffield voted AYE. (4-0)
CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular Meeting of February 5, 2019.

(b) Budget Ordinance Amendment – Sale of Assets

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $48,762 to appropriate revenue from the sale of assets.

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

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 13, and is known as Ordinance 2019-12.)

(c) Budget Ordinance Amendment – Insurance Claims Proceeds

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $44,671 to appropriate from revenue from insurance claims proceeds.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA APPROPRIATE REVENUE FROM INSURANCE CLAIM PROCEEDS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 14, and is known as Ordinance 2019-13.)

(d) Budget Ordinance Amendment – Sale of Real Property

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $10,401 to appropriate from revenue from the sale of real property.

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

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 15, and is known as Ordinance 2019-14.)

(e) Budget Ordinance Amendment – Hurley Park Donation

Adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $4,500 to appropriate donation for Hurley Park.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATION FOR HURLEY PARK.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 16, and is known as Ordinance 2019-15.)

(f) **Right-of-Way Permit – 228 East Kerr Street, Sidewalk**

   Approve a right-of-way use permit for Ms. Liz Ziebel, Ramsay Burgin Smith Architects, Inc. for the sidewalk in front of 228 East Kerr Street through May 11, 2019.

(g) **Resolution – Armen Construction, LLC.**

   Adopt a Resolution authorizing the City Manager to enter into a unit price department contract with Armen Construction, LLC. for $682,633 to construct sidewalks in the West End Plaza Area, subject to concurring approval by North Carolina Department of Transportation (NCDOT).

RESOLUTION AUTHORIZING A UNIT PRICE CONTRACT BE AWARDED TO ARMEN CONSTRUCTION, LLC. FOR CONSTRUCTION FOR PROJECT C-4908G, SIDEWALKS IN THE WEST END PLAZA AREA. (PREVIOUSLY SALISBURY MALL)

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No.7, and is known as Resolution 2019-05.)

(h) **Resolution – Passenger Rail Connection for Western Carolina**

   Adopt a Resolution in support of a statewide initiative for legislative funding to re-establish a passenger connection for Western North Carolina.

RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE FUNDING TO RE-ESTABLISH A PASSENGER RAIL CONNECTION FOR WESTERN NORTH CAROLINA.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 8 and 9, and is known as Resolution 2019-06.)

   Mayor Pro Tem Post pointed out the contract award to Armen Construction, LLC. in the amount of $682,633, and he asked if Ms. Brindle would provide additional detail about this project.

   City Engineer Wendy Brindle commented this project is a Congestion Mitigation and Air Quality (CMAQ) Project to construct sidewalks in the West End Plaza Area along Jake Alexander Boulevard and Statesville Boulevard. She explained sidewalks will be placed on the same side as the Woodleaf Lanes bowling alley and will begin at the railroad tracks and continue down to the United States Social Security Administration building where sidewalks will then be constructed.
on both sides of Jake Alexander Boulevard. She commented the sidewalks will continue from the intersection of Jake Alexander Boulevard and Statesville Boulevard to adjoin existing sidewalks.

Mayor Pro Tem Post asked if the City’s Transportation Services extend into the West End Plaza Area. Transit Services Director Rodney Harrison responded that Transit Services does go to the West End Plaza.

Mayor Pro Tem Post asked how many miles or square feet is the new sidewalk project. Ms. Brindle commented the project is a little over 4,200 square yards of sidewalk.

Mayor Heggins commented items that are listed under the Consent Agenda include a brief description to help make the public aware. She asked if staff would add more descriptive information about the expenditure for the public to have more information.

Thereupon, Mayor Pro Tem Post made a motion to adopt the Consent Agenda as presented. Mayor Heggins and Mayor Pro Tem Post and Councilmembers Miller and Sheffield voted AYE. (4-0)

Councilmember Miller asked if there should be a dollar amount set so staff has a guideline of when to add more detail to a Consent Agenda item.

Mayor Pro Tem Post commented he is not suggesting that staff provide a presentation or that an item is removed from the Consent Agenda, but to add more information for the public.

Mayor Heggins commented if staff could add more detail in the description area under the Consent Agenda to provide the public with more information.

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Ms. Carolyn Logan expressed her concerns regarding Monroe and Horah Streets where the streets were closed because of major road construction. She shared residents are upset because they were notified about of the road construction late.

Public Services Director Tony Cinquemani addressed Council about the sinkhole located on Monroe and Horah Streets. He stated the sinkhole happened last week and as soon as staff found the sinkhole they began working on it. He commented he is confident the department informed as many people as they could, but it was not considered a planned construction. Ms. Logan asked Mr. Cinquemani how people were informed. He stated staff informed people by going door-to-door.

Mr. Bailey commented a sinkhole is not a scheduled project and the street would need to be repaired as soon as possible. Councilmember Sheffield asked what is the typical notification process for planned projects. Mr. Cinquemani commented when there is a planned construction
staff will determine road closures and go to surrounding locations, and he added Salisbury Transit services help make the public aware. He noted the sinkhole was not planned, and Monroe Street was affected as well. He explained two different pipes washed away underneath the roadways and creating a dangerous situation, and action was needed immediately.

Ms. Dottie Hoy shared her concerns about the recent United States Immigration and Customs Enforcement (ICE) statements and activity from Council and the community. She asked if the Police Department has a policy or practice regarding ICE, and she asked if there is policy regarding what the Mayor can or cannot say publically without Council’s approval or notification.

Mayor Heggins commented there is no policy in place regarding what the Mayor can or cannot say publically. She stated there was a conversation with Police Chief Jerry Stokes and City Attorney Graham Corriher, and the City does not engage in 27-G.

Police Chief Jerry Stokes stated there are no written policies regarding ICE, and he noted a Police practice is to recognize there are people who may be reluctant to call Police because of their citizenship status. He stated Police do not ask people about their immigrant status, and he pointed out the City does not operate a detention center and there are no agreements with ICE for detainees. He stated he does not recall staff being asked to participate with any ICE raids. He commented he could not say he would never ask for assistance from ICE for an operation because the City has identified there are Mara Salvatrucha (MS-13) gang members who might be illegal immigrants in the area. He noted his job is to make sure the City is safe, and if that means removing people from the City and or the Country who commit violent acts because of gang involvement, he would use every resource possible. He stated he would call on ICE if Police had an identified gang member or a violent criminal who is determined to be here illegally, and staff would take measures to remove those persons from the community. He stated if ICE were to approach the City with a request for assistance staff would review and determine if ICE plans would be applicable. He shared the only time ICE may request local law enforcement assistance is if a person has been identified as a gang member or known as a violent criminal and is in the country illegally.

Mayor Heggins asked Chief Stokes for clarification when he stated he would call ICE. She asked if he was talking about not calling ICE to conduct a raid. She then asked if he would contact ICE after information had been gathered relating to the violent or undocumented individual in the community who may already be apprehended by police so that ICE can come and collect them. Chief Stokes stated it depends if Police were to make an arrest because the individual is involved in some type of violent crime and staff has determined they are in this country illegally. He stated staff would likely then call ICE and to make them aware of the situation. He reviewed Salisbury does not have a detention center so if an arrest is made they will go to a detention center and ICE would likely be notified at that point. He stated if Police learn that an individual is a violent criminal who is involved in drug dealing and things that plague the community, and it is determined that the suspect is an illegal immigrant, the department would then call ICE as one way of problem-solving. Mayor Heggins asked if this was in regards to violent criminals. Chief Stokes commented he does not want to narrow the focus are but there are people who are involved with criminal activity, particularly those who are involved in violent crimes, gangs, and or drug dealing.
and if it is determined the individual is in this country illegally, Police would then use every resource available to address that issue.

Mayor Heggins commented she believes that the immigrant community wants clarification regarding their safety with the Police Department and that staff does not ask about their status. Chief Stokes commented that is correct. Mayor Heggins noted the City’s Police Department is not asking about the status of citizens, but if the department might be made aware of someone’s status because they have committed a violent or criminal act, the Police reserve the right to notify ICE to have those individuals removed from the community. Chief Stokes stated that is correct.

Ms. Whitney Peckman commented she attended a meeting for the recently established Fair Housing Committee, and she noted during that meeting the Centralina Council of Governments (CCOG) provided information on the current draft version of the 2019 Analysis of Impediments (AI). She shared she does not think the public was given notice about the meeting and no minutes were taken. She reviewed information for the AI for 2014 provided during that meeting.

Ms. Susan Lee addressed Council about Fair Housing, and she stated she is a member of the Human Relation Council (HRC) who was recently appointed to serve the newly established Fair Housing Committee. She stated she attended the recent Fair Housing Committee meeting and the Analysis of Impediments (AI) Action Report was reviewed with intentions that the information would be provided to Council for its review and then be sent to the United States Department of Housing and Urban Development (HUD). She expressed her concerns regarding the limited time frame that was provided to review the action report and the City’s delayed reaction to the results of the AI results.

Ms. Renee Wimbish shared her concerns regarding Fair Housing, and she stated she submitted an application to be a part of the Fair Housing Committee, and she asked why the City would hold a committee meeting if the committee does not meet parameters adopted by Council. She asked why it is taking so long for Council to determine appointments for the Fair Housing Committee, and stated there was a recent Fair Housing Committee meeting that was not properly noticed. She expressed her concerns regarding the negative results of the Analysis of Impediments Action Report, and she asked why the City waited five years before acting.

Mr. Tom Kisor stated he is a project manager of a home located at 806 North Fulton Street that is being remodeled. He shared there is an issue regarding Code and an existing sewer line relating to the required distance. He stated he has spoken with Salisbury-Rowan (SRU) Utilities about the option to connect to the sewer pipe further down the Street, and he shared there is a connection fee of $1,975.

Mayor Heggins asked Mr. Kisor references to clarify Code. Mr. Kisor commented it is a building code, and he believes it would be considered a national code. Mayor Heggins asked Mr. Bailey if he and SRU Director Jim Behmer would take another look at Mr. Kisor’s request. Mr. Bailey commented fees cannot be waived because fees are determined and set in the budget, but he will discuss with Mr. Behmer and would let Council know what evolves from that discussion.
Mr. Mike Martelli commented Council recently passed a Resolution in support of policies of equality relating to the Fair Housing Committee, and he read sections of the Resolution. He pointed out all five Councilmembers voted in support of the Resolution.

Mr. Larry Ford referenced a commented made by Ms. Logan regarding the lack of notification relating to road construction because of an area’s location. He stated he lives one block from the country club and recently the roads were closed because of construction, and noted he was not made aware of the closure. He pointed out there are no areas in the City that are more desirable than another relating to services.

Ms. Karen Stephens commented she recently moved to Salisbury. She asked Council to consider repaving Newsome Road because of its poor conditions, and she shared it would be nice to have bike lanes or sidewalks. She expressed her concerns in regards to littering in the area.

City Attorney Graham Corriher commented the North Carolina Department of Transportation (NCDOT) is still working to obtain clarification for a few of the properties located along Newsome Road. He stated sidewalks and bike lanes along Newsome Road are one of Engineering’s top priorities. Ms. Stephens asked if there was a date that the project would be completed.

City Engineer Wendy Brindle commented there have been delays on the project that relate to right-of-way issues, and she added there has been work this week to help resolve some of those issues. She stated work will soon begin by Duke Energy to relocate power lines, and she noted there is a process that must be followed because of the federal funds involved. She stated staff will submit a request to NCDOT for construction that will allow the City to advertise for construction bids by April, and she noted it could take a month for the request to be approved. She stated construction may begin in the summer and would last for about a year. Ms. Brindle provided her business card to Ms. Stephens.

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

Mayor Heggins stated she and Councilmember Sheffield will meet to discuss feedback that was provided at this Council meeting, and she noted she has contacted the Centralina Council of Governments (CCOG) to request feedback and information that was shared during the recent Fair Housing Committee meeting. She commented once she receives that information she will share it with Council. She explained fair housing is important to Council and it will continue to move forward and address those issues.

Councilmember Miller addressed Ms. Hoy’s question relating to the Mayor’s requirements to notify Council before speaking publicly. He stated the Mayor can say whatever he or she desires, but Council acts as a body and the majority of the body decides policy. He commented Council works better when it has an opportunity to collaborate. He suggested Council work together to make its citizens proud of its unity as opposed to separate and individually. He commented Council members are citizens who can speak to whatever they desire.
agreed. She stated she hopes Council has demonstrated that it does work and make decisions as a team.

**CITY ATTORNEY’S REPORT**

(a) **Update – Extraterritorial Jurisdiction (ETJ)**

City Attorney Graham Corriher commented there is an issue relating to the extraterritorial jurisdiction (ETJ) that was noted during the Planning Board’s presentation. He stated there are two ETJ members who are serving voluntarily on expired terms for the Planning Board and staff is working to find applicants who live within the City’s ETJ area.

Mr. Corriher explained that the Planning Board is made up of twelve seats and two of those seats represent the ETJ. He provided Council a handout with a listing of all the citizens who reside within the City’s ETJ area. He stated the Chairman of the Planning Board Bill Wagoner requested the list be sent to the Planning Board so it could review and possibly find someone who would be a potential ETJ member for the Planning Board. He stated if this option does not work the General Statutes allows the City to appoint a member from Rowan County, but he would like to exhaust other options first. He stated the County would make the appointment. He stated the ETJ seat cannot be completely eliminated because the state statutes require at least one. He stated the Board could be reduced to 10 member’s one ETJ member and nine Planning Board members. He noted a reduction to the Board would provide a ratio of 3,500 citizens to one Board member. He noted to reduce the Board’s size would require a text amendment. He noted there was a conversation with the Board’s chairman regarding the size of the Board, and the chairman believed there are benefits to having a large board. He suggested hearing feedback from the Planning Board before anything is decided. Mr. Corriher stated he would like more feedback from the Planning Board regarding the option whether or not to keep the ETJ members, and he added this option would be considered a drastic step. He suggested providing the list of the ETJ residents to the Planning Board for its review and input. He reviewed the City sends its recommendations and out of courtesy the county reviews City recommendations, and then appointments are made.

Mayor Pro Tem Post asked if business owners that are included on the ETJ list would be applicable to serve the Planning Board as an ETJ member. Mr. Corriher commented he thinks the business owner would need to reside within the ETJ limits.

Councilmember Miller asked if there is knowledge of cities that have abandoned their ETJ requirements due to the changes in annexation laws. He commented the ETJ was first established because it gives zoning jurisdiction to a portion of territory that will eventually come under a City’s control so there are no drastic zoning changes. He asked if analysis on whether or not it makes sense for the City to even have an ETJ could be provided to Council.

City Manager Lane Bailey commented he does not know of any City that has abandoned its ETJ area and noted a City could have voluntary annexation rights. He added citizens who live in the ETJ generally prefer municipal zoning versus county because they feel there are more protections available.
Councilmember Miller stated he thinks two ETJ members can be found.

Mayor Heggins asked Mr. Corriher if he could provide the pros and cons when considering removal of the ETJ boundaries. Mr. Corriher commented that request might be something that could be added to a Planning Board’s Agenda for its discussion and feedback. He stated he would provide the Board the ETJ listing and return to Council with those responses.

CITY MANAGER’S REPORT

Fair Housing Deadlines

City Manager Lane Bailey commented the issues have been addressed relating to the short-time response with the United States Department of Housing and Urban Development (HUD), and he shared Interim Planning Director Brian Hiatt has requested an extension. Mayor Heggins asked if the extension is in regards to Fair Housing. Mr. Bailey agreed.

Mr. Hiatt indicated the original deadline is mid-May and there is a concern about the short amount of time available because the Fair Housing Committee has just begun and would like time to review and provide feedback. He stated there is a need for a 30-day public comment period. He commented the committee will need to submit the final report to Council and with all the necessary steps the report will not be ready until Council’s July meeting. He noted he has requested a deadline extension of July 31, 2019. He commented he has not heard back from HUD at this time.

Mayor Heggins asked about the methodology that is being used for the Analysis of Impediments (AI). Mr. Hiatt stated currently the Centralina Council of Governments (CCOG) is using all federal reports that might be available. He commented there are challenges because the report has been put together with basic information but there is not enough time to respond to those reports. He noted there was a public meeting that allowed feedback from the community, and he added there is a desire to hold another public meeting before a public hearing. He commented if HUD approves the extended time request it would allow the Fair Housing Committee to hold a public meeting and gather feedback from the community.

Mayor Heggins asked if there will be a staff or committee member that will be designated to meet with some of the lending agencies that might help address lending practices. Mr. Hiatt commented many of the results that came from the report the committee will plan to take action and follow up. He indicated if HUD approves the request for extended time, more action could be implemented such as meeting with lenders.

ANNOUNCEMENTS

Communications Director Linda McElroy announced the North Carolina Main Street Conference will be held in downtown Salisbury March 12 through March 14, 2019. This three-
day conference is open to anyone interested in learning about downtown economic development. For more information or to register visit www.ncmainstreetcenter.com or call (704) 637-7814.

Communications Director Linda McElroy announced Downtown Salisbury, Inc. will host Ring in the Spring Saturday, April 6, 2019 from 11:00 a.m. until 2:00 p.m. at the Bell Tower located on the corner of South Jackson and West Innes Streets. A professional photographer will be onsite offering free photos with the Easter Bunny. Enjoy spring crafts, snacks, and family fun. For more information please call (704) 637-7814.

Communications Director Linda McElroy announced Salisbury Parks and Recreation Department and Hurley Park Advisory Board will host its 32nd annual Hurley Park Spring Celebration Sunday, April 7, 2019 from 2:00 p.m. until 4:00 p.m. at Hurley Park. Enjoy a wide variety of activities including music from the Salisbury Swing Band, a Bubble Circus, free horses and carriage rides, local art, wildlife and nature displays and much more. This event is free and open to the public. For more information please call (704) 638-4459.

Communications Director Linda McElroy announced Salisbury Parks and Recreation will hold its 13th Annual Touch a Truck event Saturday, April 13, 2019 from 10:00 a.m. until 1:00 p.m. in the City Hall parking lot at 217 South Main Street. Participants will have an opportunity to have a hands-on, up close and personal education experience with a wide variety of vehicles including dump trucks, monster trucks, a helicopter, ambulances, and more. The event is free and open to the public.

Mayor Heggins asked if anyone can attend the North Carolina Main Street Conference. Downtown Salisbury, Inc. Director Larissa Harper commented anyone from the public can attend the event. She noted many of the sessions are sold out, and she noted staff is working with the Communications Department to include Facebook Live video streaming for the Welcome and Keynote sessions. She commented there could be 700 people who will attend next week’s conference.

Mayor Pro Tem Post asked where people are lodging because there are not that many hotel rooms in Salisbury. Ms. Harper commented some people will stay in Lexington, and she added staff has worked with the Rowan Tourism Development Authority and was able to offer discounted rates for hotel accommodations. She stated some people have opted to stay in Air Bed and Breakfasts (Airbnb) and Bed and Breakfasts.

Someone from the audience asked if there is a charge for the general public to attend the conference. Ms. Harper indicated there is and more information regarding costs can be found on the conference’s website. Councilmember Miller commented people can visit www.ncmainstreetcenter.com for additional questions.

COUNCIL COMMENTS

Councilmember Miller announced the Council Committee relating to free speech will present a recommendation, and he asked City Clerk Diane Gilmore if an item could be added to
Council’s April 2, 2019 meeting. He noted City Attorney Graham Corriher and Administrative Services Director Kelly Baker have the most recent revisions made to the draft. He requested the meeting be properly noticed, and those who have participated in group discussions be notified by e-mail. He commented a public hearing will be held to provide an opportunity for public input regarding free speech. He then asked if the latest version could be added to the City’s website to allow the public an opportunity to review.

Councilmember Sheffield announced it is Fat Tuesday, also known as Mardi Gras. She reminded people Ash Wednesday is coming up, and she noted it is a great reminder for people to be mindful of each other.

Councilmember Sheffield asked if the City Manager could follow up on some of the comments made in regards to a meeting that was held and not properly noticed.

Councilmember Sheffield asked if announcements could be listed on the screen for the public.

Councilmember Sheffield commended Piedmont Players Theater group, Rowan County School Systems, and other school systems for its programs that allow students to attend plays. She stated Piedmont Players is able to provide the events, and it cost students $.50 to $1 to watch a play. She stated this is a chance for students to be exposed to live theater. She noted art is very important to our culture and sometimes the impacts of art is forgotten.

Councilmember Sheffield thanked all the citizens who participated during today’s Council meeting with the change in time.

**MAYOR PRO TEM COMMENTS**

Mayor Pro Tem Post commented there are residents in the 700 and 800 blocks of South Fulton Street and Mitchell Avenue who would be considered within the City’s Extraterritorial jurisdiction (ETJ). Councilmember Miller noted he thinks those residents might be business owners and the address listed is not their home address or a parcel address. Mayor Pro Tem Post asked if people who own a piece of property within the City’s ETJ limits could be considered for the Planning Board’s ETJ seats, even though they might not reside in the City limits. City Attorney Graham Corriher stated he would review the list with staff before it is sent to the Planning Board to make sure it is accurate, and he noted primary residency would be the factor of whether or not a person could serve as an ETJ member for the Planning Board.

**MAYOR’S COMMENTS**

Mayor Heggins thanked everyone who attended the Council meeting. She thanked Council and staff for its work.
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 4:16 p.m.

____________________________________
Al Heggins, Mayor

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

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

Requested Council Meeting Date:  3/19/19

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

Name of Presenter(s): Wendy Brindle

Requested Agenda Item:  Construction Engineering and Inspection – Jake Alexander and Statesville Blvd sidewalks.

Description of Requested Agenda Item:  The Engineering Department has obtained Congestion Mitigation and Air Quality (CMAQ) funding for the installation of sidewalk along Jake Alexander and Statesville Blvd. The solicitation for these services was posted on the NCDOT website and direct notice emailed to numerous prequalified firms from the NCDOT directory. Five firms responded to this solicitation. Upon review of the Request for Letters of Interest, Alley, Williams, Carmen and King was selected and approved by NCDOT for use on multiple projects as the inspection firm. Proposed fees for this project are $154,438.58.

Attachments:  □ Yes  □ No

Fiscal Note:  (If fiscal note requires approval by finance department because item exceeds $100,000 or is related to grant funds, please fill out signature blocks for finance at bottom of form and provide supporting documents)
For FY19, the City budget includes $370,000 for this project. This includes offsetting CMAQ revenue of $296,000. This project is over budget for construction by $312,633. The construction inspection is required, and adds an additional $154,438.58 to the project cost for a total overrun of $467,071.58. The contract for construction and the contract for inspection will both extend into FY20, and additional funds are requested in the proposed FY20 Budget.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Authorize the City Manager to execute a contract with Alley, Williams, Carmen and King for $154,438.58 to perform construction engineering and inspections for the Jake Alexander and Statesville Blvd sidewalk project. Acceptance of this contract is subject to NCDOT concurrence.

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:

S. Wade Hinson  
Finance Manager Signature

Wendy O'Bell  
Department Head Signature

Anna Burnham  
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:
STATE OF NORTH CAROLINA
COUNTY OF ROWAN

THIS AGREEMENT, made and entered into this ___ day of ____, 2019, by and between the City of Salisbury, a North Carolina Municipal Corporation (hereinafter called "the City") and Alley, Williams, Carmen & King, Inc., a North Carolina Corporation located in Burlington, North Carolina (hereinafter called "the Engineer").

WITNESSETH:

WHEREAS, the City has need for sidewalk along Jake Alexander Blvd and Statesville Blvd., TIP Project C-4908 G hereinafter referred to as the Project, and

WHEREAS, the City desires to retain the Engineer to provide contract administration and CEI services related to the construction of the Project,

NOW THEREFORE, the City and the Engineer agree as follows:

1. SCOPE OF SERVICES: The Engineer agrees to provide and perform for and on behalf of the City all of those services stipulated in the Scope of Services attached to this agreement as Exhibit "A", of which are hereby incorporated as a part of this contract. The City agrees to perform in a timely manner all the necessary and usual obligations of a City that are required to support implementation of the Engineer's activities.

2. COMPENSATION FOR SERVICES: In the provision of the aforementioned services, which are described in Exhibit "A", the Engineer shall be paid on an hourly basis with an estimated fee of $154,438.58, as follows.

Please see below the summary of fees:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Administration/CEI</td>
<td>$147,296.82</td>
</tr>
<tr>
<td>Direct Expenses</td>
<td>$7,141.76</td>
</tr>
<tr>
<td>Total Agreement Costs and Fees</td>
<td>$154,438.58</td>
</tr>
</tbody>
</table>

*Note: The CEI portion of this proposal is calculated using 165 hours/month per NCDOT format for CEI fee calculations. The duration of this project is approximately 6 months. The CEI fee will be based on the actual number of hours required for this project. The Construction Administration is based on our understanding of the tasks associated with the project. The CA fee will be based on the actual number of hours required for this project. The Direct Expenses are estimated based on our understanding of the project. Actual billing of Direct Expenses will be based on actual expenses incurred. This estimated fee does not include services related to audits which may occur after the completion of construction. Any services required of the engineer after project completion will be billed on an hourly basis.

This fee shall be paid to the Engineer in accordance with Section 3 below. The Engineer will upon review and approval from NCDOT adjust on a yearly basis the approved overhead calculation. For this project the initial approved overhead rate is 152.88% and a facilities capital cost of money of 0.3016%. Overhead rates for actual cost agreements are not provisional and there will be no reconciliation to true up actual period costs. Once the NCDOT Office of Inspector General issues an acceptance letter for the current year's overhead rate, then the Engineer will at that time begin billing the...
updated rate. In addition, hourly pay rates are subject to be adjusted yearly in July. Compensation will be based on the hourly pay rates at the time of work. The hourly rates in this proposal are based on July 2018 and are subject to change in July 2019. Any additional services approved and authorized by the City in advance shall be compensated as authorized in accordance with the terms agreed to by both parties in an executed Contract Amendment.

3. **METHOD OF PAYMENT:** The Engineer shall prepare and submit to the City an invoice statement for services not more than monthly. The City shall compensate the Engineer for services satisfactorily performed within thirty (30) days of the date of said invoice statement.

4. **TERMINATION OF CONTRACT FOR CAUSE:** If the Engineer shall fail to fulfill in a timely, professional and proper manner all obligations under this contract, or should the Engineer violate any of the covenants, agreements, or stipulations of this contract, the City shall have the right to terminate this contract immediately by giving written notice to the Engineer of such termination and specifying the effective date thereof at least twenty-one (21) days before the effective date of such termination. In a like manner, if the City shall fail to fulfill in a timely, professional and proper manner all obligations under this contract, or should the City violate any of the covenants, agreements, or stipulations of this contract, the Engineer shall have the right to terminate this contract immediately by giving written notice to the City of such termination and specifying the effective date thereof at least twenty-one (21) days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Engineer under this contract shall, at the option of the City, become the property of the City and the Engineer shall be entitled to receive just and equitable compensation for any work satisfactorily completed pursuant to this contract. However, the City shall not be obligated to pay any remaining charges for work satisfactorily completed where there exists a right in favor of the City for refund, reimbursement or offset in connection with any obligations arising from the Engineer to the Town.

5. **INSURANCE:** Throughout the term of this agreement, the Engineer shall provide and maintain the following insurance coverages:

   (a) Workman’s Compensation Insurance and other insurance required by law.

   (b) Comprehensive General Liability and Property Damage Insurance in an amount of no less than $1,000,000 combined single limits, naming the City as an additional insured.

   (c) Errors and Omissions coverage in an amount of no less than $1,000,000.

6. **CHANGES:** The City may, from time to time, request changes in the Scope of Services of the Engineer to be performed hereunder. Such changes, including any increase or decrease in the amount of the Engineer’s compensation which may be mutually agreed upon between the City and the Engineer, shall be incorporated in written amendments to this contract after appropriate authorization as called for in Section 2 of this contract.

7. **EQUAL EMPLOYMENT OPPORTUNITY:** The Engineer shall not discriminate against any employee or applicant for employment on account of race, color, religion, sex, national origin or because of handicapping condition or of any Veteran. The Engineer shall take affirmative action to ensure equal employment opportunity with respect to all of its employment practices.

8. **ENTIRE AGREEMENT:** This is the entire agreement between the parties and there are no terms, conditions, representations or warranties relating to the work to be performed hereunder which are not specifically set forth herein.
9. REPORTS AND INFORMATION: The Engineer, at such times and in such manner as the City may require, shall furnish the City such periodic reports as it may request pertaining to the work or services undertaken pursuant to this contract, the cost and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.

10. CITY RESPONSIBILITIES:

- All permit fees will be paid by the City.
- The City agrees to compensate the Engineer for his Construction Administration/CEI services listed above on an hourly basis in accordance with the attached summary of costs.
- The City agrees to compensate the Engineer for his Direct Expenses for actual costs of Direct Expenses associated with the work.
- Payments for services shall be due upon receipt of monthly invoices submitted to the City.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

CITY OF SALISBURY

BY: __________________________

ATTEST:

______________________________
(SEAL)

This instrument has been pre-audited in a manner required by the local Government and fiscal control act.

Finance Officer

______________________________
(Municipal Seal)

ALLEY, WILLIAMS, CARMEN, & KING, INC.

BY: __________________________

Jeffery D. Moody, P.E., Vice-President

Attest: ________________________

David W. Lipe, P.E., Associate

City of Salisbury C-4908 G
EXHIBIT “A”

Basic Services - The Engineer shall provide the following basic services for the Project:

Construction Administration/CEI:

- Meet with City Staff to review the project, conduct a project walk-through.
- Conduct a pre-construction conference to review specific project requirements with the selected contractor.
- Evaluate and approve subcontracts using NCDOT forms.
- Evaluate and monitor DBE utilization using NCDOT forms.
- Evaluate material submittals; we will coordinate this review with NCDOT.
- Conduct monthly construction meetings.
- Review partial pay applications on a monthly basis to verify quantities, record of DBE payment, sales tax receipts for the City’s reimbursement, and monitoring of Sediment Control measures.
- Review final change order at project completion, verify quantities and recommend final payment.
- Assist the City as requested when submitting for reimbursement to NCDOT.
- The Project Engineer will visit the project on a periodic basis.
- Provide construction inspection while the contractor is working to include daily project diaries and “no work” diaries during periods of no work on the project.
- Perform field acceptance testing of concrete
- Make concrete cylinders for testing of compressive strength; transport the concrete cylinders to NCDOT M&T Lab for testing.

The above fee does not include the following items:
1. Fees due to the City or any other agency associated with the application/permit process.
2. Permit fees.
3. Record Drawings/Certifications
4. Printing Costs, Plans and Specifications
5. Quality Assurance Testing of Asphalt Pavements (NCDOT has typically done this for these LGA projects)
6. Services required after the completion of the project (NCDOT Audits, etc.).
EXHIBIT “B”

HOURLY CHARGE RATE SCHEDULE – JULY 1, 2018
This information is confidential and is intended for use by the recipient only.

1. Engineers:
   a. EI – Engineering Intern                       $ 70.00 - $ 90.00/Hr.
   b. Registered Professional Engineer            100.00 - 130.00/Hr.
   c. Associate/Registered Professional Engineer  115.00 - 155.00/Hr.
   d. Principal/Registered Professional Engineer   175.00 - 205.00/Hr.

2. Architects:
   a. Architects in Training                       $ 70.00 - $ 90.00/Hr.
   b. Registered Architect                         85.00 - 125.00/Hr.
   c. Associate/Registered Architect               135.00 - 155.00/Hr.
   d. Principal/Registered Architect               165.00 - 175.00/Hr.

3. Surveyors:
   a. Surveyor in Training                         $ 60.00 - $ 80.00/Hr.
   b. Registered Land Surveyor                     80.00 - 100.00/Hr.
   c. Associate/Registered Land Surveyor           90.00 - 110.00/Hr.

4. Technical Staff:
   a. Project Manager                              $ 80.00 - $120.00/Hr.
   b. CADD Designer/Technician                     65.00 - 95.00/Hr.
   c. Stormwater Program Coordinator               65.00 - 95.00/Hr.

5. Survey Parties:
   a. 2-Man Party                                  $140.00 - $155.00/Hr.
   b. 3-Man Party                                  190.00 - 205.00/Hr.

6. Construction Observer                         $ 75.00 - $100.00/Hr.

7. Clerical                                      $ 50.00 - $ 65.00/Hr.

8. Other:
   a. Employees' overtime (when authorized in advance): 1.50 times Hourly Charge Rate.
   b. Professional Consultants: 1.10 times the amount billed to AWCK, Inc.
   c. Printing and Mailing: 1.10 times the amount billed to AWCK, Inc.
   d. Mileage: Travel to job site No Charge, but time is included from our office to job site and return.
   e. Overnight or extended travel: 1.10 times the amount billed to AWCK, Inc.
   f. The above rates are subject to adjustment in accordance with normal salary and rate review practices on an annual basis.
   g. Where ranges of hourly charge rates are listed, the rate charged will be the actual charge rate associated with the individual performing the services.
   h. Payment will be made monthly based on invoices submitted by Alley, Williams, Carmen & King, Inc.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  3/19/19

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

Name of Presenter(s):  Wendy Brindle

Requested Agenda Item:  Brenner Ave Design Services Contract

Description of Requested Agenda Item:  The Engineering Department has obtained Congestion Mitigation and Air Quality (CMAQ) funding for the installation of sidewalk along Brenner Ave from Statesville Blvd to Horah Street. Our application included funding for design services. The solicitation for these services was posted on the NCDOT website and direct notice was emailed to 11 prequalified firms from the NCDOT directory. Eight firms responded. Upon review of the Request for Qualification responses, Withers Ravenel was selected. The sidewalk project design contract for their services is $157,708 of which the City is responsible for 20%.

Attachments:  □ Yes  □ No

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

For FY 19, the City budget includes $360,000 for this project. This includes offsetting CMAQ revenue of $288,000. The contract of $157,708 for design services is within the current budget.

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

Authorize the City Manager to execute a contract with Withers Ravenel for $157,708 to perform engineering and design services for the Brenner Ave sidewalk project, subject to NCDOT concurrence.

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***
Salisbury City Council
Agenda Item Request Form

For Use in Clerk's Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Brenner Avenue Sidewalk and Intersection Improvements (C-5603H)
City of Salisbury, NC
Proposal for Professional Services

A. PROJECT DESCRIPTION
The project (PROJECT) will consist of the design, permitting and bidding for the construction of approximately 3,400 LF of concrete sidewalk along Brenner Avenue from West Horah Street to Statesville Boulevard, and roadway modifications for the construction of a left turn lane with signal modifications on Brenner Avenue at South Link Avenue and the VA Medical Center Facility in the City of Salisbury in Rowan County. The project will include grading, drainage, paving, sidewalk, curb and gutter, ADA compliance, pedestrian signal modification, traffic control, pavement markings, signing, erosion control and environmental documentation.

WithersRavenel (ENGINEER) will provide consulting services for the City of Salisbury (CITY) for the design and permitting of the PROJECT in accordance with federal funding requirements. Subconsultants will provide geotechnical services (GeoTechnologies, Inc.) and signal modification/pedestrian signals (Ramey Kemp & Associates).

B. SCOPE OF SERVICES

Task 1- Project Management
WithersRavenel will provide the following as part of this task:

- Coordinate and attend Kick-off Meeting for the PROJECT in Salisbury. All project team members will be introduced; lines of communication will be established; the scope of services will be reviewed and refined if necessary; and the project schedule will be updated in accordance with the completion dates established in the funding agreement. An assurance will be obtained that everyone involved in the project has a clear understanding of the desired outcomes, necessary deliverables, and the milestone dates. We will coordinate with NCDOT to attend this meeting. In addition, a process will be established for coordination with all stakeholders impacted by the design of the project.
- Coordinate with CITY's project team, railroad and regulatory agencies throughout the course of the project as necessary (assumed 2.5 hours per month on average);
- Coordinate submittals to the CITY, NCDOT, and NCDEQ;
- Participate in coordination meetings and review meetings in Salisbury (up to 2 meetings) with the CITY, CITY's representative, and design team during design;
- Participate in formal City meetings, e.g. Council Meetings (estimated at 2 meetings in Salisbury)
- Monthly Coordination Calls throughout the project duration (estimated at 1 hour each);
- Manage internal project processes, communication and resources.
- QA/QC all plans, specifications and reports prior to submittal.

Task 2- Survey Services - Topographic Survey and Base Mapping
WithersRavenel will provide the following as part of this task:

- Perform detailed topographic survey and prepare base mapping with verification of existing rights of way in accordance with NCDOT standards. The survey corridor along Brenner Avenue is 70’ wide except for the section between the railroad and Hedrick Street that is 80’ wide. The survey will begin 50’ south of W. Horah Street and continues north along Brenner Avenue to 50’ north of Statesville Boulevard. The survey corridor along S. Link Avenue is 80’ wide and runs from Brenner Avenue to 100’ east of Brenner Avenue. All features on site will be located including all above ground utilities, structures, curb and gutter, edge of pavement, driveways, storm drainage pipes, signs, mail boxes, etc. The topographic survey will include trees 8” or more in diameter, property corners and wetland flags. Base mapping will include all data from field surveys.
The CITY will send letters to property owners to notify them that field work will be taking place in the project corridor. The ENGINEER will provide the text for the letter.

Perform deed research for the properties within the limits of the project. All available monumentation will be field-located for said properties. Properties will be computed/analyzed using recorded deeds, plats and right-of-way plans, along with any monumentation located in the field. Existing Right-of-Way will be established using the combination of monumentation, recorded deeds, plats, roadway alignments and right-of-way plans as necessary to obtain NCDOT R/W Certification.

Locate sub-surface utilities based on observation of visible and obvious surface features and by paint marks to be applied by NC811.

Task 3 – Preliminary Engineering

WithersRavenel will provide the following as part of this task:

Task 3A – Site Inventory & Analysis
Prior to receiving field verified survey information, field observations and available GIS data will be used to begin preliminary property data collection and to identify environmentally sensitive areas within the design corridor. A basic understanding of property ownership, topography, easements, wetland areas, soils, site hydrology, buffers and adjacent streams will be obtained to begin developing the base mapping and National Environmental Policy Act (NEPA) document. These files will be supplemented by on-site observation and data collection with handheld GPS units. When the data assembly is completed, the site analysis will be performed to identify potential environmental impacts and site constraints.

Task 3B – Preliminary Design
Based on the information obtained during the site investigation and analysis, the preliminary sidewalk alignment and intersection improvements will be determined, with possible variations identified as necessary at critical locations. The alternatives and information supporting the recommended location will be presented to CITY staff and NCDOT for review and comment. A preliminary opinion of probable cost will be developed, and historic and natural resource data will be quantified for environmental analysis of the project corridor (including wetland and stream delineations and threatened and endangered species assessment), all of which will factor into the selection of the preferred alignment. This includes a preliminary alternative analyses of drainage improvements, addition of curb and gutter, and potential structures required for grading purposes before preliminary plans are initiated. The preferred alternative will be one that minimizes impacts to sensitive areas; minimizes grading and utility adjustments; provides remedial measures for undesirable soils; and provides a reasonable total project cost.

Geotechnical Services:
- Perform soil borings at approximately 500-foot intervals along the sidewalk alignment. The borings will be completed with hand tools (a hand auger and DCP) and will be relatively shallow to evaluate the near-surface soils for sidewalk support.
- Perform SPT borings to depths of 10' on 200' intervals along the proposed pavement widening for left turn lanes at Brenner Ave/S. Link Ave intersection. Representative bulk samples will be collected and returned for laboratory testing to include Proctor, CBR and classification tests.
- A report will be prepared that presents the results of the field investigation as well as recommendations for construction of the roadway and sidewalk.
Preliminary Plans: Preliminary Plans will be prepared in accordance with NCDOT standards. This includes one (1) revision to the plans based on comments received from review and regulatory agencies. Plans will be 24" x 36", provided in AutoCAD format and will include the following:

- Cover sheet;
- Typical sections;
- Plan and profiles including preliminary horizontal and vertical alignment; and
- Cross sections at 50' interval.

Utility Coordination:
- Identify utilities located within the project area.
- Coordinate with utility owners to advise them of the project.
- Coordinate with the design team to ensure that the utility issues are addressed during design.
- Distribute Preliminary Plans to utility owners for review and comment.

Deliverables/Submittals:
- CITY:
  - 1 electronic copy (pdf format) for initial and 1 revised submittal
  - 1 electronic copy (pdf format) of opinion of probable cost
  - 1 electronic copy (pdf format) of the geotechnical report
- NCDOT:
  - 1 electronic copy (pdf format) of plans (to be submitted by CITY)
- Utility Owners:
  - 1 electronic copy (pdf format) to each utility owner

Task 3C – Environmental Document and Services

Wetland Services:
- Wetland and Stream Delineation: Perform wetland and stream delineation within the project area. Wetlands will be delineated using criteria set forth in the 1987 US Army Corps of Engineers (USACE) Wetlands Delineation Manual and 2012 Eastern Mountains and Piedmont Regional Supplement (Version 2.0). Streams will be assessed using criteria set forth in the NC Division of Water Quality Identification Methods for the Origins of Intermittent and Perennial Streams (2005). All jurisdictional wetlands and stream origins in the field will be delineated using sequentially numbered Wetland Delineation flagging. Wetland flags and stream start point flags will be located using a Trimble GeoXH mapping grade GPS unit. The GPS data will be used to prepare a Preliminary Wetland Exhibit, which will be used for preliminary planning purposes. A copy of the Preliminary Wetland Location Exhibit will also be provided to the surveyor to facilitate location of the wetland flags in the field.
- A letter report will be prepared documenting the results of the investigation. The results of the investigation will be summarized in the environmental document.

Threatened and Endangered Species: A Threatened and Endangered Species survey will be completed for the proposed improvements site and immediately adjacent areas consisting of a literature search and on-site habitat assessment to determine the likelihood of the presence or absence of protected species within the subject parcels. The results of the survey will be summarized in the environmental document. The survey will be conducted as follows:
- Protected species data from the NC Department of Environmental Quality and US Fish and Wildlife Service will be reviewed to determine if any federally listed species are known to occur within the project vicinity.
- Habitat data (vegetation and soils description) will be gathered for the subject property. Within habitats considered suitable for the occurrence of a particular federally threatened or endangered species, a cursory pedestrian survey will be performed to determine the likelihood of occurrence of the protected plant or animal.
For those federally protected species that potentially occur in the area (i.e. suitable habitat is present on site) and may not be readily detectable during the time of the survey (i.e. flowering plants), a statement will be provided concerning the likelihood of the species occurrence based on available data and habitat observations.

A report of findings will be prepared and will include recommendations of further surveys for identified habitat, if necessary.

Environmental Screening: A Transaction Screen Assessment will be performed to identify evidence of any past or present hazardous material sites that may impact the project. The screening includes site reconnaissance, regulatory records review, historic review, findings and recommendations. The results of the screening will be summarized in the environmental document.

Public Meeting Exhibits: Prepare the exhibits for use by the CITY at one public meeting to obtain public input on the project design. Attendance at the meeting by the ENGINEER is not included in this Scope of Services. The CITY will provide the public comments to the ENGINEER, and the ENGINEER will summarize the comments in the environmental document.

NEPA Environmental Document: Compliance with NEPA will be required for the project due to the federal funding. This project will require a Type I and II Ground Disturbing Categorical Exclusion Action Classification Form. Preparation of the document will include the following:

- Cultural Resources Review: Submit the appropriate project information to the State Historic Preservation Office (SHPO) for review and comment.
- Incorporate the findings from the natural resources reports, the response from SHPO, and the hazardous material screening into the document.
- Incorporate a summary of the alternatives that are presented at the public meeting and the selection of the preferred alternative.
- Complete the CE document and submit to the CITY and NCDOT.
- Revise the CE document as necessary based on CITY and NCDOT comments and submit the final CE to the CITY and NCDOT for approval.

Task 4- Right-Of-Way Plans and Plat/Survey Map

Upon approval of the Preliminary Plans by the CITY and NCDOT, WithersRavenel will prepare Right-of-Way Plans for review and comment. This includes one (1) revision to the plans based on comments received from review and regulatory agencies. The following are part of this task:

- The design will be advanced in accordance with CITY, NCDOT and NCDEQ standards and requirements to produce Right of Way Plans that will include the following:
  - Cover sheet;
  - Typical sections;
  - Construction details;
  - Drainage summary;
  - Plan and profiles (grading and drainage) including final horizontal and vertical alignment, proposed storm drainage design, and property lines with proposed right of way and easement requirements;
  - Erosion control plans;
  - Cross sections at 50’ interval.

- Right of Way and Easement Plat/Survey Map: A plat/survey map will be prepared that includes all right of way as well as all easements for the project including sidewalk, drainage, utility and construction easements. The map will be sufficient for recording purposes.

- R/W Staking: Proposed R/W will be staked for the project.

- Utility Coordination and Location:
Review design based on existing and proposed utility locations provided by utility owners, and determine where subsurface utility locates are needed to avoid conflicts. This task does not include utility design or relocation plans.

- Perform Level A SUE - Test Holes (up to 6) as needed to determine information such as size, depth, and material on critical utilities. In addition, all test hole locations will be conventionally surveyed to obtain accurate Northing, Easting, and Pipe Elevation.
- Distribute Right of Way Plans to utility owners for review and comment.

- Update opinion of probable cost.
- Update project schedule.
- Deliverables/Submittals:
  - CITY:
    - 1 electronic copy (pdf format) for initial and 1 revised submittal
    - 1 electronic copy (pdf format) of hydraulic calculations for initial and 1 revised submittal
    - 1 electronic copy (pdf format) of opinion of probable cost
    - 1 electronic copy (pdf format) of Draft and Final CE document
  - NCDOT:
    - 1 electronic copy (pdf format) of plans and hydraulic calculations for initial and 1 revised submittal (to be submitted by CITY)
    - 1 electronic copy of Draft and Final CE document (to be submitted by CITY)
  - Utility Owners:
    - 1 electronic copy (pdf format) to each utility owner

Task 5- Permitting Services

WithersRavenel will make the following submittals and prepare the necessary supporting documents for each of the following submittals as needed:

- NCDEQ Erosion and Sediment Control

Task 6- Final Construction Documents

Once CITY staff and NCDOT have approved the Right-of-Way Plans, ENGINEER will prepare the Final Construction Plans based on the work completed in Task 4. This includes two (2) revisions to the plans based on comments received from review and regulatory agencies. The following are part of this task:

- Final Construction Plans: The design will be advanced and finalized in accordance with NCDOT standards to produce Final Construction Plans that will include the following:
  - Cover sheet;
  - General notes and standard drawings;
  - Typical sections;
  - Construction details;
  - Drainage summary;
  - Plan and profiles (grading and drainage);
  - Erosion control plans;
  - Signing and pavement marking plans;
  - Transportation management plans;
  - Traffic Signal plans;
  - Cross sections at 50' interval.

- Signal Plans: Prepare traffic signal plans to upgrade the signal at the intersection of Brenner Avenue and S. Link Avenue to accommodate new left turn lanes and to add pedestrian signalization. Prepare traffic signal plans to upgrade the signal at the intersection of Brenner Avenue and Statesville Boulevard.
to add pedestrian signalization. Prepare communication plans as necessary to connect to the Salisbury signal system. Plans will be prepared in accordance with NCDOT requirements.

- Construction Specifications and Documents: Prepare project manual in accordance with NCDOT requirements. Provide additional special provisions as needed matching the NCDOT format.
- Utility Coordination: Based upon updated information provided by utility owners, identify and coordinate any remaining utility issues with the design team, the CITY and the utility owners. Prioritize based on impact on the construction schedule, and coordinate with utility owners accordingly to eliminate potential delays during construction. This task does not include utility design or relocation plans.
- Final opinion of probable cost.
- Final update to project schedule.
- Deliverables/Submittals:
  - **CITY:**
    - 1 electronic copy (pdf format) of plans, hydraulic calculations and project manual for initial and 2 revised submittals
    - 1 electronic copy of final opinion of probable cost
  - **NCDOT:**
    - 1 electronic copy (pdf format) of plans, hydraulic calculations and project manual for initial and 2 revised submittals (to be submitted by CITY)
    - 1 electronic copy (pdf format) of final opinion of probable cost (to be submitted by CITY)

C. EXCLUSIONS

The proposal does not include the following:

- City directed revisions to construction plans or design beyond what is noted above and after approvals;
- Stormwater services other than listed above;
- Entitlement services;
- Attendance at the public meeting (unless noted above);
- Remote sensing (UAS) services;
- Easement or right-of-way acquisition services;
- Platting other than listed above;
- Geotechnical engineering/testing/inspection other than listed above;
- Retaining wall design services;
- Environmental studies/permitting other than listed above;
- Adjacent property owner discussions/negotiations;
- Permitting other than listed above;
- Specialty or detailed hardscape design;
- Floodplain Development Permit;
- Irrigation plan;
- Lighting plan;
- Earthwork site balance;
- Traffic impact studies;
- Utility design or relocation plans;
- Bid phase services;
- Obtaining/providing signed Construction Contract Documents;
- Construction administration services;
- Construction management services;
- Shop drawing reviews;
Construction staking and record drawing surveys;
- Erosion control/SCM monitoring/inspections;
- Erosion control/SCM reporting during infrastructure construction;

Note that this list is not all inclusive and the Scope of Services defines the services provided by WithersRavenel for this proposal.

D. ADDITIONAL SERVICES

Additional requested progress meetings or excluded tasks that are not included in the above listed Scope of Services are considered additional services. Should WithersRavenel be requested to assist with other services, the services will be billed as additional services at the hourly rates in effect at the time of service.

Upon completion of the topographic survey, and prior to performing the geotechnical services, the ENGINEER and the CITY will determine if a retaining wall is needed for the PROJECT. If it is determined that a retaining wall is needed, the following task will be performed by ENGINEER as additional services upon receipt of written notice to proceed from the CITY:

Task 8 – Retaining Wall Additional Services
- Perform soil borings at the location of one proposed retaining wall. The borings will be completed with hand tools (a hand auger and DCP) and will be relatively shallow to evaluate the near-surface soils for retaining wall design.
- The geotechnical report will be updated to include the results of the field investigation as well as recommendations for construction of the retaining wall.
- Perform design and prepare construction plans for one retaining wall of maximum 3’ height along Brenner Avenue for approximately 200’.

E. CITY’S RESPONSIBILITIES

The following items will be provided by the CITY, and WithersRavenel will rely upon the accuracy and completeness of this information:
- Preferred communications for CITY;
- Provide representative for communications and decisions;
- Approval of the preferred alignment before construction drawings are commenced;
- Assist the ENGINEER by placing at his disposal all available information pertinent to the PROJECT, including previous inspection data and reports, maps, old drawings, maintenance records and any other data relative to design and construction of the PROJECT;
- Examine all studies, reports, sketches, estimates, specifications, drawings, proposals and other documents presented by the ENGINEER and render in writing decisions pertaining thereto within a reasonable time so as not to delay the services of the ENGINEER;
- Perform all bid phase services;
- Provide location for bid opening and meetings;
- Obtain signed construction contracts;
- Give prompt written notice to the ENGINEER whenever the CITY observes or otherwise becomes aware of any defect in the PROJECT;
- Acquisition of R/W or easements;
- All permit fees;
- Any legal representation requiring an attorney at law.

F. EXPENSES

Expenses for items such as prints, copies, mileage and any fees paid shall be reimbursable as indicated in Section G of this agreement. The fee for Task 7 shown in Section G covers the expenses necessary to complete Tasks 1 through 6.
G. COMPENSATION FOR SERVICES

WithersRavenel, Inc. proposes to provide the services for Tasks 1 through 6 outlined in Section B on a fixed fee basis as shown in the table below. Expenses (Task 7) will be reimbursable at cost for an amount not to exceed the fee shown in the table below. If requested by the CITY, Task 8 will be performed as outlined in Section D on a fixed fee basis as shown in the table below.

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<th>Task Number</th>
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<td>TOTAL (including retaining wall)</td>
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The Client agrees to make prompt monthly payments in response to the monthly statements. Interest shall be charged at the rate of 1.5 percent per month on all balances due over 90 days from date of invoice.

H. TIMELINE FOR SERVICES

WR will begin work as expeditiously as possible upon receipt of executed contract. The services outlined in Section B are estimated to be completed in 12 months including R/W and easement acquisition, NCDOT reviews, approvals and certifications.
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<tr>
<th>Task</th>
<th>Principal</th>
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Totals                                                                | 21.0      | 49.0            | 85.0                    | 24.0             | 8.0           | 4.0                  | 18.0                  | 12.0             | 221.00                      |                 |
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### Final Construction Documents

**Project:** Brenner Avenue Sidewalk and Intersection Improvements  
**Consultant:** WithersRavenel, Inc.  
**Comp By:** FSG  
**Revised By:** FSG  
**Date:** February 7, 2019  
**Date:** February 25, 2019

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### WithersRaveneil Expense Schedule

**Project Description:** Bowser Avenue Sidewalk & Street Improvement,3603, NC

**Task Order Number:**

**WBS Number:**

#### Project Documents

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<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Unit Cost</th>
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#### Technical Requirements

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#### Environmental Documents

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#### Facilities & Public Involvement

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#### General Project Work

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**Notes:**

* Sum of all items

**Total:** $6,278.80
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  03/19/2019

Name of Group(s) or Individual(s) Making Request:  Nick Aceves, Parks and Recreation

Name of Presenter(s):  Nick Aceves

Requested Agenda Item:  Adopt a Budget ORDINANCE Amendment to the FY2018-2019 budget in the amount of $13,765 to appropriate a Parks and Recreation-Dog PAWS Dog Park.

Description of Requested Agenda Item:  The City of Salisbury Parks and Recreation Department have received multiple donations to support the building of the dog park fencing.

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 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:  Nick Aceves 704-638-5299

☑ 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:
AN ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE DONATIONS FOR DOG PARK

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

Section 1. The City’s Parks and Recreation Department has received several donations
and local grants for the new dog park.

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

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

(1) Increase line item 010-501-256-5251.01 Buildings and Grounds $ 13,765

(2) Increase line item 010-000-000-4515.04 Parks and Recreation Donations $ 13,765

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

Section 4. That this ordinance shall be effective from and after its passage.
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Requested Council Meeting Date: March 19, 2019

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

Name of Presenter(s): Wendy Brindle

Requested Agenda Item: Joint Resolution in Support of Proposed Alignments for the Airport Parkway Project

Description of Requested Agenda Item: Staff from Rowan County and the City of Salisbury have discussed recently projected alignments for the proposed Airport Parkway project, and noted that alignments west of Mid-Carolina Airport produce the most impact to residents, businesses and the airport. After review with NCDOT, staff from both jurisdictions recommend an alignment east of the airport, with an extension over US-29 to Peach Orchard Road. The proposed general alignment recommended for further study is attached and shown as a red, dashed line. The joint resolution will be placed on the consent agenda for the March 18, 2019 Board of Commissioners meeting, as well as the agenda for the City of Salisbury City Council meeting on March 19, 2019. Upon adoption, the resolution will be provided to the Cabarrus-Rowan MPO for endorsement of consideration of the proposed alignment in the Draft TIP.

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 the attached joint resolution in support of proposed alignments for the Airport Parkway Project

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
Salisbury City Council
Agenda Item Request Form

Budget Manager Signature

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For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
A JOINT RESOLUTION IN SUPPORT OF PROPOSED ALIGNMENTS FOR THE AIRPORT PARKWAY PROJECT

WHEREAS, the North Carolina Department of Transportation (DOT) prepares a Statewide Transportation Improvement Program (STIP) every two years that identifies transportation projects to be implemented over the next ten years with State and Federal funding; and

WHEREAS, the North Carolina DOT solicits input for identifying transportation projects of local and regional importance; and

WHEREAS, the North Carolina DOT recently released the Draft 2020-2029 TIP that includes the Airport Parkway Project (U-5901) with right-of-way acquisition occurring in FY 2023 and construction schedule to begin in FY 2025 having a total estimated cost of $42 million; and

WHEREAS, both Rowan County and the City of Salisbury are member jurisdictions of the Cabarrus-Rowan MPO; and

WHEREAS, the Cabarrus-Rowan MPO has consistently prioritized the Airport Parkway Project for inclusion in the Draft TIP by assigning the maximum number of local input points; and

WHEREAS, the Cabarrus-Rowan MPO encourages the North Carolina Department of Transportation (NCDOT) to design all highway projects to produce the least possible impact and produce the greatest benefits to the local community; and

WHEREAS, all western alternative alignments for the Airport Parkway Project depicted in the Alternative Development Report for the project dated September 2018 would produce the most impact to residents, businesses, Mid Carolina Airport, and the environment.

NOW, THEREFORE, BE IT RESOLVED that the Rowan County Commission and the City of Salisbury hereby endorse the red-dashed corridor alternative on the enclosed map for further study by NCDOT and completion of the environmental document for the Airport Parkway Project.

Adopted this 19th day of March 2019.

________________________________________
Al Heggins, Mayor

________________________________________
Diane Gilmore, City Clerk
Endorsed Alternative for Further Study
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  March 19, 2019

Name of Group(s) or Individual(s) Making Request:  Nick Aceves, Parks & Recreation

Name of Presenter(s):  Nick Aceves

Requested Agenda Item:  Announcement

Description of Requested Agenda Item:  Salisbury Parks and Recreation and the Hurley Park Advisory Board will hold the 32nd annual Hurley Park Spring Celebration on Sunday, April 7, 2019 from 2:00-4:00 pm at Hurley Park. Enjoy a wide variety of activities including music from the Salisbury Swing Band, The Bubble Circus, free horse and carriage rides, local art, wildlife and nature displays and much more. This event is free and open to the public. For more information, please call (704) 638-4459.

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:  Nick Aceves 704-638-5299

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

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

FINANCE DEPARTMENT INFORMATION:

__________________________________  __________________________________
Finance Manager Signature  Department Head Signature

__________________________________
Budget Manager Signature

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☐ Approved       ☐ Delayed       ☐ Declined

Reason:
Salisbury Parks and Recreation will host its 13th annual Touch a Truck event on Saturday, April 13, 2019 from 10:00 am-1:00 pm at City Hall. Participants of all ages will have a hands-on, up-close and personal, educational experience with a wide variety of vehicles and occupations. Cameras are highly recommended! This event is free and open to the public. For more information, please call (704) 216-PLAY.
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