## City of Salisbury
### North Carolina
### COUNCIL MEETING AGENDA
### May 1, 2018
### 5:00 p.m.

<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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<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>Proclamation(s)</td>
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<td>National Day of Prayer</td>
<td>May 3, 2018</td>
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<td>Drinking Water Week</td>
<td>May 6-12, 2018</td>
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<td>6</td>
<td>Consent Agenda</td>
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<td>(a) Minutes.</td>
<td>Approve Minutes of the Regular meeting of April 3, 2018.</td>
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<td>(b) Voluntary Annexation – Drummond Village, Phase 2.</td>
<td>Requestor(s): Engineering – Wendy Brindle Receive a Certificate of Sufficiency from the City Clerk concerning the voluntary annexation of Drummond Village, Phase 2 and adopt a RESOLUTION setting a public hearing for June 5, 2018.</td>
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<td>(c) Right-of-Way Approval 228 East K Kerr Street.</td>
<td>Requestor(s): Engineering received request from Ramsay Burgin Smith Architects, Inc. Approve a Right-of-Way Use Permit for a portion of the sidewalk adjacent to 228 East Kerr Street for seven months.</td>
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<td>Municipal Agreement with North Carolina Department of Transportation.</td>
<td>Requestor(s): Engineering – Wendy Brindle</td>
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<td>(e)</td>
<td>Budget Amendment – Sale of Surplus Property.</td>
<td>Requestor(s): Finance – Shannon Moore</td>
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<td>(f)</td>
<td>Resolution – Electronic Transactions.</td>
<td>Requestor(s): Finance – Anna Bumgarner</td>
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<td>7</td>
<td>Landmark Designation – Edgar S. Temple House.</td>
<td>Requestor(s): Community Planning Services – Kyle Harris</td>
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<td>Presenter(s): Kyle Harris</td>
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<td>8</td>
<td>Rename the Prescott section of the Greenway.</td>
<td>Requestor(s): Parks and Recreation – Nick Aceves</td>
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<td>Presenter(s): Nick Aceves</td>
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<td>9</td>
<td>Adopt an Ordinance: CD-01-2018 Rezone 5 parcels along the North Margin of Statesville Boulevard.</td>
<td>Requestor(s): Code Enforcement – Preston Mitchell</td>
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<td>Presenter(s): Preston Mitchell</td>
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**Appointments to Boards and Commissions.**
Council to consider making appointments to various boards and commissions.

**Public Comment.**
Council to receive public comment. *Public comment will be opened at approximately 6:00 p.m. or at the end of the meeting, whichever comes first.*

**City Manager’s Report.**

**Third Quarter Financial Report**
Requestor(s): Financial Services
Presenter(s): Shannon Moore
Council to receive financial reports and information that covers the third quarter of the current fiscal year.

**Announcements.**

- The Salisbury Police Department Foot Pursuit 5K Run and Health Walk will be held Saturday, May 12, 2018 at 7 p.m. starting and ending at the Salisbury Police Department. This 3.1 mile race will kick off the 2018 National Police Week commemorations. This event is sponsored by the Salisbury Police Department and Salisbury Rowan Runners, and is expected to become an annual event for the community. Sponsors are delighted to be teaming up with North Carolina Special Olympics as a race beneficiary. Sign up online at http://salisburvrowanrunners.org and follow the link in the Event Calendar.

- Parks and Recreation will host its annual Middle School Prom Saturday, May 12, 2018 from 6:00 p.m. until 9:00 p.m. at the Civic Center. All middle school students in Rowan County are welcome to enjoy an evening of dancing, photos and a good time with friends. Refreshment will be served and photo packages will be available for purchase. Tickets are limited and must be purchased in advance. For more information or to purchase tickets please call 704-216-PLAY.

- The Rowan County Sheriff’s Office and the Salisbury Police Department will hold the 2018 Police Officer’s Memorial Service on Tuesday, May 15, 2018 at noon at First Presbyterian Church, 308 West Fisher Street.
To commemorate the launch of Cheerwine’s second century, the City of Salisbury and Cheerwine are teaming up to host the 2018 Cheerwine Festival. The free event will take place on Saturday, May 19, 2018, in downtown Salisbury from 10 a.m. until 8 p.m. Cheerwine fans will enjoy cold Cheerwine, live music, great Southern food, shopping for Cheerwine merchandise, family-friendly activities, a beer garden and local craft vendors. For more information, please call 704-216-PLAY.

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<tr>
<td>14</td>
<td>Council’s Comments.</td>
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<tr>
<td>15</td>
<td>Mayor Pro Tem Comments.</td>
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<td>16</td>
<td>Mayor’s Comments.</td>
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<tr>
<td>17</td>
<td>Adjourn.</td>
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WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society – low mortality rates, economic growth, diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of our City is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water.

NOW, THEREFORE, I, Al Heggins, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM May 6-12, 2018 as

DRINKING WATER WEEK

in Salisbury, and encourage all citizens to celebrate water professionals and the communities in which they serve.

This 1st day of May 2018.

______________________________
Al Heggins, Mayor
City of Salisbury
North Carolina

PROCLAMATION

WHEREAS, the history of our Nation is indelibly marked with the role that prayer has played in the lives of individual Americans and indeed the United States as a whole; and

WHEREAS, our greatest leaders have always turned to prayer in times of crisis; and

WHEREAS, we acknowledge that prayer is a deeply personal experience – the way on which it finds expression depends on our individual dispositions as well as on our religious convictions; and

WHEREAS, the virtues of prayer have a common bond – our hope and aspirations; our sorrows and fears; and deepest remorse and renewed resolve; our thanks and joyful praise; and most importantly our love – all turned toward God; and

WHEREAS, we join with our President, the Governors and the Mayors of our United States and invite all Salisburians to join us in earnest prayer for our Nation, our State, and our City.

NOW, THEREFORE, I, Al Heggins, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM Thursday, May 3, 2018 as

NATIONAL DAY OF PRAYER

in Salisbury, and encourage our fellow citizens of Salisbury to join in prayer, asking that God’s light may illuminate the minds and hearts of our people and our leaders, so that we may meet the challenges that lie before us with courage and wisdom and justice.

This the 1st day of May 2018.

Al Heggins, Mayor
REGULAR MEETING

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

ABSENT: None.

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

Mayor Heggins announced that the public hearing advertised for the Landmark designation for 1604 Statesville Boulevard has been rescheduled for Council’s April 17, 2018 meeting.

CHANGE TO THE AGENDA

Mayor Heggins noted the following change to the Agenda:
Item 6f should be revised to read: Approve a Right-of-Way Use Permit for a portion of the public alleyway adjacent to 111 South Main Street beginning April 4, 2018 and ending June 22, 2018 in accordance with Section 22-50 of the City Code.

PROCLAMATION

Mayor to proclaim the following observances:

ARBOR DAY        April 08, 2018
CIVITAN AWARENESS MONTH   April 2018
FAIR HOUSING MONTH      April 2018

Mayor Heggins read and presented a proclamation to Civitan President Mr. Mark Curran, former Mayor Pro Tem Maggie Blackwell, and Civitan members.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the Regular meeting of March 06, 2018 and the Special Meeting of March 06, 2018.

(b) Resolution – Expansion of the Salisbury National Cemetery.

Adopt a Resolution of support regarding the expansion of the National Cemetery and the ability to provide an easement for a future greenway.

RESOLUTION APPROVING FINANCING TERMS

(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 8 and 9, and is known as Resolution 2018-07.)

(c) Roofing Contract

Authorize the City Manager to enter into a contract with Piedmont Commercial Roofing in the amount of $179,730 to replace the roof at City Park.

(d) Supplemental Agreement – NCDOT

Approve a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) concerning sidewalks in the West End Plaza area, Project C-4908 G.
(e) **Right-of-way – 111 South Main Street**

Approve a Right-of-Way Use Permit for four parking spaces adjacent to 111 South Main Street for 90 calendar days in accordance with Section 22-50 of the City Code.

(f) **Right-of-way – 111 South Main Street**

Approve a Right-of-Way Use Permit for a portion of the public alleyway adjacent to 111 South Main Street for 90 calendar days in accordance with Section 22-50 of the City Code.

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

**LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-01-2018 – FIVE PARCELS ON STATESVILLE BOULEVARD**

Development and Code Services Manager Preston Mitchell addressed Council regarding Land Development District Map amendment CD-01-2018. He explained the request is to rezone five parcels along Statesville Boulevard to Residential Mix Use (RMX) and to establish a Conditional Development (CD) Overlay to permit the development of Aaronfield, an 80-unit apartment complex.

Mr. Mitchell stated the property is approximately 12 acres and currently zoned General Residential (GR). He stated the property is in the proximity of the Westcliffe subdivision and near the West End Plaza. He reviewed the area zonings, and he pointed out a recent Highway Business (HB) rezoning at Maranatha Bible Church, an adjoining property.

Mr. Mitchell noted the rezoning request adjoins GR and HB zonings. He explained the side that abuts the GR zoning would require a 15-foot “C” type buffer yard, and the side that adjoins the HB property would require an 8-foot “A-Flex” buffer yard.

Mr. Mitchell commented the proposed building would be garden style apartments and construction materials could include, brick, vinyl and asphalt shingle roofing. He noted if the request is approved the property could only be used as multi-family housing.

Mr. Mitchell stated the Planning Board heard the proposal at its March 13, 2018 meeting where several residents spoke in opposition of the request. He noted the Planning Board voted six to one in favor of the rezoning with conditions and recommend it is consistent with the Vision 2020 Plan.

Mr. Mitchell reviewed existing construction types in the area. He commented the request is for an 80-unit apartment complex with a density of 6.4 units per acre which is below the RMX standard requirement of 18 units per acre.
Mr. Mitchell noted the Planning Board made a revision to include a 200-foot evergreen planting along the buffer and a complete visual separation with a 6-foot pressure treated fence between the adjoining properties.

Councilmember Miller asked if the dumpster is included in the plan. Mr. Mitchell agreed.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding CD-01-2018

Mr. Randy Reamer shared his opposition of the rezoning. He indicated the area needed further study and noted if the request is approved it would do more harm than good for the community.

Ms. Mary Ward pointed out her property joins portions of the property proposed for rezoning. She commented that she would prefer a wall be installed for additional privacy.

Ms. Emily Muhammed stated she lives at 2386 Statesville Boulevard, and she expressed concerns about the lack of privacy and outside living space if the apartment complex is approved.

Ms. Jan Gillian indicated she has been a resident of the area for 60 years, and she shared concerns regarding Aaronfield properties. She commented Aaronfield had an additional permit at 2270 Statesville Boulevard. She agreed with Mr. Reamer that the project should be further studied before the request is approved.

Mr. Stephen Brock noted he is the applicant and developer, and he commented a survey indicated the City has a need for additional housing. He stated he was not familiar or associated with the Aaronfield Company that Ms. Gillian referred to.

Mr. Craig Stone indicated he is involved with construction projects in the area, and the proposed apartment complex would provide housing for those in need.

Mr. Michael Kirksey indicated the development might be a good addition to the community.

Mr. Steve Cobb expressed his opposition of the rezoning and commented further study on the area and development is needed.

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

Councilmember Sheffield asked for clarification regarding the CD Overlay. Mr. Mitchell explained the property is zoned GR which does not permit multi-family housing use, and he noted the proposed campus-style master plan requires a CD Overlay.

Councilmember Sheffield asked about criminal activity in the area. Mr. Mitchell commented he spoke with Police Department and Remedial Action Plan Officer Karen Barbee and concluded the area does not have above average criminal activity. Councilmember Sheffield noted
the property would include privacy fencing, and she asked if Mr. Brock would be a good neighbor. Mr. Mitchell stated there was no way to be certain that Mr. Brock would be a good neighbor. He shared if Council adopted a Master Plan it would determine the appropriate zoning and requirements. He pointed out Mr. Brock would have to be consistent with the Master Plan adopted by Council.

Councilmember Sheffield asked who owns the existing four homes. Mr. Mitchell stated Mr. Brock does not own the five properties, and he added if the zoning is approved Mr. Brock will proceed with the purchase of each property.

Mayor Heggins referenced Title 8 Fair Housing, and she suggested Council consider tabling the request until it receives additional information. Councilmember Miller noted the area is a major corridor and asked if the Planning Board could review the Master Plan for the area.

Mayor Pro Tem Post indicated the plan should be presented in a more broad aspect and promote future development.

Councilmember Alexander suggested the Planning Board present a development plan, and she noted the Planning Board could address urban neighborhoods in the area.

Mr. Mitchell referred to a program offered by North Carolina Housing Financing Agency that offers funding and tax credits for developers willing to build market-rate housing. He suggested the Planning Board could move forward with the Master Plan and the West Corridor Plan, and he added there is a need for affordable housing in the area.

Councilmember Miller commented the proposal is not spot zoning, and he noted the plan presented years ago recommended commercial and resident development in the area. He commented the proposal fits the City’s Ordinances. Mayor Pro Tem Post asked about a time frame the Planning Board would need to review the Master Plan and report back to Council. Mr. Mitchell indicated if Council has a desire the Planning Board and staff would review the Master Plan and report back to Council.

Mayor Pro Tem Post made a motion to table the item and request that planning staff make it a priority and move forward as quickly as possible to review the rejuvenation of the West Corridor Plan. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE and Councilmember Miller voted NAY. (4-1)

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Ms. Carolyn Logan shared concerns regarding crime in the City, and she asked that citizens be informed of Fibrant profits and investments.
Mr. Bailey commented several years ago the City refinanced its Fibrant bonds and the bank holds the bonds. He added the City has a low interest rate, but refinancing at a higher interest rate will be required if the lease is approved.

Councilmember Post pointed out the identity of bond holders is not public information.

Mr. Michael Kirksey addressed Council regarding money from the Federal Government and his rights as an American citizen.

Mr. Isaac Heggins commented that Council should be conscious with the words it chooses to address one another and citizens.

Ms. Theresa Pitner indicated she is a member of Dog Paws, and she asked Council to approve the proposed dog park.

Mr. Steve Cobb shared the City will have a spruce-up week April 23 through April 27, 2018, and he asked the date be moved to meet trash needs.

Ms. Andria Cantrell shared her experience with Fibrant and noted its staff has been personal, professional, and positive.

Mr. Ethan Stafford stated he is a Boy Scout with Troop 443 and commented on housing needs of the City.

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

RECESS

Mayor Heggins made a motion to take a ten minute recess and all Councilmembers in attendance agreed unanimously to recess.

The meeting reconvened at 6:35 p.m.

LAND DEVELOPMENT DISTRICT MAP AMENDMENT TA-02-2018 – GAS STATION CANOPIES

Development and Code Services Manager Preston Mitchell addressed Council regarding Land Development Ordinance (LDO) Text amendment TA-02-2018. He explained the request would revise Chapter 3 of the LDO related to gas station canopies and other additional use standards. He noted when the Ordinance was first adopted it prohibited gas station canopies in the front yard of businesses in all zoning districts. He indicated a revision removed a restriction to the “live in–work space” code that states units should not occupy more than 50% of a work space. He commented the Planning Board considered the recommendation at its March 2018 meeting and
recommended unanimous approval.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding TA-02-2018.

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

Mayor Pro Tem Post stated City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and not inconsistent with the Vision 2020 Comprehensive Plan because there are no specific objections or continuance of adopted goals or policies. Thereupon, Mayor Pro Tem Post made a motion to adopt an Ordinance amending Chapter 3 (Additional use standards) of the Land Development Ordinance of the City of Salisbury, North Carolina related to Gas Canopies and other additional use standards. Councilmember Sheffield seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING CHAPTER 3 (ADDITIONAL USE STANDARDS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATED TO GAS CANOPIES AND OTHER ADDITIONAL USE STANDARDS. (PETITION NO. LDOTA-02-2018)

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 20, and is known as Ordinance 2018-15.)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT TA-04-2018 – PREMISE PARKING PROVISIONS.

Development and Code Services Manager Preston Mitchell addressed Council regarding a proposed change to the Land Development Ordinance (LDO) Text amendment TA-04-2018 to revise Chapter 6 (Lot, infill and accessory provisions), Chapter 10 (Parking) of the LDO, Chapter 13 (Motor vehicles and traffic) and Chapter 22 (Streets and sidewalks) of the City Code related to parking provisions. He explained City parking should be added to the City Code and to clarify items handled by the North Carolina Department of Transportation. He commented the Planning Board considered the recommendation at its March 13, 2018 meeting and recommended unanimous approval.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments - regarding TA-04-2018.

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

Councilmember Sheffield stated City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and not inconsistent with the Vision 2020 Comprehensive Plan because there are no specific objections or continuance of adopted goals or
policies. Thereupon, Councilmember Sheffield made a **motion** to adopt an Ordinance amending Chapter 6 (Lot, in full and accessory provisions) and Chapter 10 (Parking) of the Land Development Ordinance, and Chapter 13 (Motor Vehicles and Traffic) and Chapter 22 (Streets and Sidewalks) of the City of Salisbury City Code, North Carolina related to Gas Canopies and other additional use standards. Mayor Pro Tem Post seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted **AYE**. (5-0)

**ORDINANCE AMENDING CHAPTER 6 (LOT, INFILL AND ACCESSORY PROVISIONS) AND CHAPTER 10 (PARKING) OF THE LAND DEVELOPMENT ORDINANCE, AND CHAPTER 13 (MOTOR VEHICLES AND TRAFFIC) AND CHAPTER 22 (STREETS AND SIDEWALKS) OF THE SALISBURY CITY CODE, OF THE CITY OF SALISBURY, NORTH CAROLINA, RELATED TO LOT AND PARKING PROVISIONS.** (PETITION NO. LDOTA-04-2018

(The above Ordinance is recorded in full in Ordinance Book No. 27 at Page No. 21, and is known as Ordinance 2018-16.)

**RESOLUTION TO APPROVE FIBRANT SYSTEM AGREEMENT**

City Manager Lane Bailey introduced Attorney Peter Buck, and Mr. Tom Asp with Columbia Telecommunications Corporation (CTC) Technology and Energy, who provided an overview regarding the Fibrant Lease agreement. Mr. Buck commented negotiations with Hotwire Communications have been completed along with a lease regarding the full Fibrant system. He added Hotwire Communications has an agreement term of 20 years with an option for an additional 20 year renewal. He stated Hotwire Communications will pay rent to the City as a percentage of revenues based on the communication services. He added Hotwire Communications is restricted to provide services inside of the service radius. He commented Hotwire Communications has agreed to be responsible for operating expenses and will continue to provide competitive services. He explained the lease agreement would require refinancing of the City’s tax exempt debt. Mr. Buck noted an approximate $25 million dollar outstanding debt on the refinanced debt from 2016 at an interest rate of 2% and indicated the interest rate is anticipated to increase to 4%. He referenced the lease which states if Hotwire Communications does not meet the minimum rent requirement the City would have the right to terminate the lease agreement.

Mr. Asp commented Hotwire Communication’s proposal to the City was the best value, and he pointed out the fair market value is less than what is owed on the system. He noted Hotwire Communications could provide immediate savings to operations. Mr. Buck noted CTC communications and Baker Tilley, an independent accounting firm, have both reviewed the transaction and determined Hotwire Communications is consistent with the industry. Mr. Asp indicated Hotwire Communications has ranked top in the country for its customer service and services provided, and he indicated there would not be a decrease in the quality of broadband or customer service provided to consumers.

Mayor Pro Tem Post asked about the Capital Improvement Plan (CIP) in regards to Fibrant and its debt service. City Manager Lane Bailey indicated the CIP is a working draft, and he noted
the City would be responsible for salaries. He pointed out there would be sufficient savings over the first 5-year period. Mayor Pro Tem Post commented that Fibrant employees would be placed within City departments.

Mayor Heggins asked if an employee who could not be placed within a City department would be offered a compensation package. Mr. Bailey agreed.

Councilmember Alexander thanked everyone who helped with the proposed Fibrant lease.

Mayor Heggins asked Mr. Buck to explain the importance of the resolution requested. Mr. Buck commented the referendum will take place in one month, and Hotwire Communications is prepared to sign the contract agreement. He noted Council would need to approve the lease before it is presented to the public.

Mayor Heggins asked if a quarterly report regarding Fibrant could be provided to Council. Mr. Bailey agreed.

Thereupon, Councilmember Miller made a motion to adopt a Resolution to approve an agreement regarding Fibrant system.

Whereas
A. The City owns and operates, through a City division providing services under the name “Fibrant,” an optic-fiber-to-the-premises communications network that provides telephone, video, and internet services to residences, businesses, and other entities in the City and in certain other areas of Rowan County (the “Fibrant System”). The Fibrant System includes portions of the City’s customer service center at 1415 S. Martin Luther King Jr. Avenue and communications building site at 310 Hill Street.

B. The City financed the construction of the Fibrant System and certain other projects through the issuance of $19,560,000 in principal amount of tax-exempt certificates of participation in 2008. The Fibrant System became operational in 2010. During a start-up period and at other times, the City utilized funds from its water and sewer fund to finance operation of the Fibrant System. In 2013 and again in 2016, the City refinanced the tax-exempt certificates of participation financing and currently is indebted in the principal amount of approximately $25.1 million through an Installment Financing Contract with an affiliate of Sun Trust bank dated September 4, 2016 (the “2016 Tax-Exempt Financing”).

C. Since its construction, the Fibrant System has provided high-speed and high-quality communication services to the Salisbury community and certain other communities in Rowan County; however, the Fibrant System has not achieved an operating profit and continues to incur an annual operating deficit that the City has been required to fund from other funds.

D. In 2016, the City engaged CTC Technology & Energy, a nationally recognized consulting firm that specializes in advising governmental entities with respect to telecommunications issues (the “Communications Consultant”), to advise the City with respect to alternatives for improving the operation and finances of the Fibrant System.
E. In January 2017, upon the recommendation of the Communications Consultant, the City issued a Request for Proposals (the “RFP”) in which the City expressed its interest in entering into a contractual arrangement with a third-party provider that would enhance the operation, sales, marketing, and delivery of communication services from the Fibrant System. The RFP described the City’s desire for “a creative Provider Arrangement that will meet the City’s current broadband needs; will anticipate potential future needs; reduce City risks; and provide a revenue stream (or one-time payment) to the City.”

F. The City received 14 indications of interest and six proposals in response to the RFP, including a proposal from Hotwire Communications, Ltd., a major provider of fiber-optic telecommunications services based in Florida (“Hotwire”).

G. The City received and evaluated all indications of interest and proposals submitted in response to the RFP. Upon the recommendation of the Communications Consultant, the City selected Hotwire’s proposal as providing the best economic value to the City, taking into account Hotwire’s agreement to be responsible for operating costs of, and for major capital improvements that would be required to be made to, the Fibrant System.

H. Hotwire proposed a long-term lease arrangement pursuant to which the City would continue to own the Fibrant System and lease the Fibrant System to Hotwire. Hotwire would operate the system and continue to provide communication services to residents and businesses in the City and other areas served by the Fibrant System in accordance with certain service standards. Hotwire proposed that it would be responsible for operating costs and certain capital improvements to the Fibrant System and pay the City rent determined as a percentage of Hotwire’s gross revenues from communication services.

I. The City engaged Robinson, Bradshaw & Hinson, P.A., of Charlotte (“Special Counsel”), to assist the City Attorney and advise the City in connection with negotiation and preparation of an agreement with Hotwire for the proposed lease of the Fibrant System. With the advice of the City Attorney, Special Counsel, and the Communications Consultant, the City Manager and his staff and Hotwire have negotiated a Transition Management Agreement and Lease (the “Fibrant Lease Agreement”). The proposed Fibrant Lease Agreement provides for a lease of the Fibrant System to Hotwire for an initial term of 20 years and grants to Hotwire an option to renew such lease for an additional 20 years and sets forth the terms and conditions of such lease. The Fibrant Lease Agreement also provides for an interim transition management agreement pursuant to which Hotwire would manage the Fibrant System until commencement of the lease term. A copy of the proposed Fibrant Lease Agreement has been provided to and reviewed by the Council.

J. In its proposal, Hotwire included its projections (the “Hotwire Projections”) of communications revenues and rent that would be payable to the City through the proposed lease, which Hotwire prepared by analyzing the historical performance of the Fibrant System in light of Hotwire’s experience in operating similar communication systems.
K. The City engaged Baker Tilly, LLP, an independent accounting firm (the “Financial Consultant”), to evaluate the Hotwire Projections and certain other matters. The Financial Consultant has provided to the City a report in which the Financial Consultant concluded, among other things, that Hotwire’s projections were consistent with systems similar to Fibrant.

L. The Hotwire Projections, as with financial projections generally, are speculative in nature and based upon subjective decisions and assumptions. The projections cover multiple years and such information by its nature becomes less meaningful and reliable with each successive year. The City Manager and the consultants have advised the Council that there can be no assurance that the results reflected in the Hotwire Projections will be realized and that actual results may vary materially from those reflected in such projections.

M. The Communication Consultant has provided a report to the City and concluded that the rent and other consideration to be provided by Hotwire to the City pursuant to the Fibrant Lease Agreement represent fair market value for use of the Fibrant System assets.

N. The City Manager and the City Director of Finance have also reported to the Council that entering into the proposed lease arrangement with Hotwire would require the City to refinance the 2016 Tax-Exempt Financing with taxable debt and that the result of such refinancing would be significantly increased interest cost to the City.

O. Section 160A-321 of the North Carolina General Statutes requires that the proposal to lease the Fibrant System to Hotwire must be approved in a referendum of the City’s qualified voters. The City has requested that the Rowan County Board of Elections conduct such referendum on May 8th, 2018.

P. The City Manager has provided to the Council a staff report, which includes reports from the Communications Consultant and the Financial Consultant. In the staff report, the City Manager has recommended that Council approve the Fibrant Lease Agreement and that the City lease the Fibrant System to Hotwire on the terms and conditions set forth in such agreement.

Q. The Council has received and reviewed the City Manager’s staff report, the reports of the Communications Consultant and the Financial Consultant, and the form of the proposed Fibrant Lease Agreement furnished to the Council by the staff.

R. Based on the foregoing and such other matters as they deem material, the Council has found that entering into and performing the Fibrant Lease Agreement are in the best interests of the City of Salisbury and its residents.

Now, therefore, be it resolved as follows:

1. That, based upon the foregoing and such other matters as the Council deems material, the Council hereby finds as follows:
a. the City has the power and authority, pursuant to Section 160A-321 of the North Carolina General Statutes, Section 9.10 of the City’s Charter, and other contracting authority, to enter into and perform the Fibrant Lease Agreement;

b. taking into account the uncertainty inherent in financial projections and the increased borrowing expense that the City expects to incur, the consideration to be received by the City pursuant to the Fibrant Lease Agreement constitutes fair market value to the City and otherwise is fair to the City; and

c. the execution, delivery, and performance by the City of the Fibrant Lease Agreement, upon the terms and conditions set forth in the draft of such agreement submitted to the Council, are in the best interests of the City of Salisbury and its residents.

2. That the Fibrant Lease Agreement, substantially in the form submitted to the Council prior to this and included with the minutes of this meeting in the records of the City, be and hereby is approved and authorized, with such changes thereto not inconsistent with these resolutions as the Mayor of the City may approve;

3. That the Mayor of the City, pursuant to the authority granted in these resolutions and in Section 3.4 of the City’s Charter, and acting singly or together with the City Manager, City Clerk, and any other officer of the City, be and hereby is authorized to execute and deliver, in the name and behalf of the City, the Fibrant Lease Agreement, substantially in the form submitted to City Council prior to this meeting, with such changes thereto not inconsistent with these resolutions as the Mayor may approve, the Mayor’s execution of such agreement with such changes being conclusive evidence of her approval thereof;

4. That the Mayor, City Manager, City Clerk, and other officers of the City be and hereby are authorized to perform and cause the City to perform all actions contemplated by these resolutions and the Fibrant Lease Agreement; to execute and deliver such further agreements, documents, and instruments; and to take and perform such further actions as such officers, or any of them, deem necessary or appropriate to further the intent of these resolutions and effect the lease of the Fibrant System upon the terms and conditions set forth in the Fibrant Lease Agreement; and

5. That the City Manager be and hereby is authorized and required to report no less than quarterly to the Council concerning the performance of the Fibrant Lease Agreement.

These resolutions are effective this 3rd day of April, 2018.

Mayor Pro Tem Post proposed to remove the word significantly from paragraph N. Councilmember Miller accepted the amendment.

Mayor Pro Tem Post seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION TO APPROVE AGREEMENT REGARDING FIBRANT SYSTEM
(The above Resolution is recorded in full in Resolution Book No. 15 at Page No. 10-14, and is known as Resolution 2018-08.)

**RATIFY NON WARRANTY DEED**

Development and Code Services Manager Preston Mitchell addressed Council regarding the ratification of a North Carolina non-warranty deed between the City of Salisbury and Mr. Robert E. Ingram, Jr. and his wife Opal L. Ingram. He commented City Attorney Rivers Lawther assisted with the recommendation regarding the sale of property. He explained in 1990 the City sold a piece of property to Mr. Ingram, but the deed was not recorded in the Register of Deeds office until February 2018.

Mr. Mitchell pointed out a shift in the property line that should have encapsulated the entire property of 805 and 807 South Caldwell Street and the duplex on West McCubbins Street. Mr. Lawther noted the property would soon be for sale and had restrictions that required the properties to be combined.

Thereupon, Councilmember Miller made a motion to authorize the Mayor to execute a North Carolina Non-Warranty Deed between the City of Salisbury and Robert E. Ingram, Jr. (and Wife) confirming the prior sale of parcel 015 00101 to the Ingram’s. Mayor Pro Tem Post seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Mr. Lawther asked Council to consider the approving the indemnity submitted by Attorney Glenn Ketner on behalf of Robert E. Ingram, Jr.

Thereupon, Councilmember Miller made a motion to approve the indemnity affidavit agreement between the City and Mr. and Mrs. Ingram. Mayor Pro Tem Post seconded the motion. Mayor Heggins and Mayor Pro Tem Post, and Councilmember Alexander, Miller, and Sheffield voted AYE. (5-0)

**YOUTH OPPORTUNITES**

Human Resource Analyst Brianna Price addressed Council regarding opportunities for the youth that are available through the City. She shared information regarding requirements for the Summer Youth Employment Program. She provided an overview of student participation in the program during the past three years. She stated staff continues to provide mentorship for many of the summer youth employment graduates. She shared the Summer Youth Employment Program is now accepting applications, and she noted applications are due by April 16, 2018.

Ms. Price shared information regarding City internships, and she noted internship are offered at different education levels including high school, college, graduate and PhD. She stated the length of the internship could vary from two weeks to six months. She provided an overview of applications received and processed for FY2016-2017 and FY2017-2018. She indicated the
City is currently collaborating with the Chamber of Commerce regarding internships. She noted the staff is working to create awareness of internship programs that are available within the City.

Mayor Heggins asked when the application process for the Summer Youth Employment Program began. Ms. Price stated the application process began in March and would remain open for four weeks.

**UPDATE – DOG PARK PROJECT**

Parks and Recreation Director Nick Aceves and Landscape Architect Stephen Brown addressed Council regarding the Civic Center Dog Park. Mr. Aceves shared a previous plan for the dog park that was designed in 2012. He noted there were concerns with this site which was adjacent to a major road with a lot of traffic. He presented an option to move the park to a new location behind the Civic Center. He stated the existing fencing could be repurposed for cost savings. He stated Ms. Teresa Pitner from the Dog PAWS Group has raised funds for fencing of the dog park fencing.

Mr. Brown provided information regarding the repurposed fence and stated it would allow the dogs to be in a non-leash environment. Mr. Aceves shared the park will include a walking trail and neighbors near the park have no opposition to the project. Mr. Brown stated a fencing company is currently holding a price for the fencing.

Councilman Miller asked for clarification regarding the project, and if the trees would be planted immediately at the park. Mr. Aceves stated the trees would be planted at a later date.

Councilmember Alexander stated the project has been approved through the Parks and Recreation Advisory Board.

Mayor Pro Tem Post expressed concerns regarding the layers of rock beneath the tennis court. Mr. Brown stated the rock would be replaced with dirt.

Mayor Heggins asked about the funding that has been raised for the dog park. Mr. Brown stated the total cost of the project is $58,000 and over $13,000 has currently been raised. Mr. Aceves noted fundraising efforts will continue.

Councilmember Alexander stated the area would be safer for dogs, children and families than the previous location.

Councilmember Sheffield asked about the control of the flea and tick population. Mr. Brown stated seven dust can be used, and he noted most owners will have flea collars on their dogs. He stated there would be less maintenance at the dog park verses the up keep of the existing tennis court. Councilmember Sheffield asked for clarification regarding the water fountains. Mr. Brown noted there would be a water fountain for citizens and one for the dogs. He stated the dog park would be divided between small and large dogs.
Councilmember Sheffield stated Salisbury deserves a dog park. She stated it allows people to learn how to navigate space with other people in it. Mayor Heggins asked if pet owners would be required to provide proof of pet vaccinations. Mr. Aceves stated pet owners would have to provide documentation and a keycard system would eventually be put in place for verified owners to have access to the park. Mayor Heggins thanked Ms. Pitner, Mr. Brown and Mr. Aceves for all their work towards the dog park.

**UPDATE – COUNCIL COMMITTEE RULES AND PROCEDURE**

Mayor Heggins noted the Suggested Rules of Procedure Committee had met and reviewed the entire Suggested Rules of Procedure recommended document by the School of Government (SOG). She stated the Committee needs more time to prepare the information. She shared the document would be available for Council to review at the next council meeting. Councilmember Alexander stated the committee’s goal was to make the recommendations as basic as possible related to the School of Government (SOG).

Mayor Pro Tem Post suggested red lining the changes made to the document. Mayor Heggins agreed the recommended changes would be red lined in the document.

Mayor Heggins asked if the Election Committee had an update. Mayor Pro Tem Post stated citizen’s shared new ideas regarding the election process. He stated it was unanimous that Council remain nonpartisanship. Councilmember Sheffield stated the consensus at the meeting was that citizens want to see a change in the election process.

**BOARDS AND COMMISSIONS**

**Historic Preservation Commission**

Upon a motion by Councilmember Alexander, seconded by Mayor Pro Tem Post. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voting AYE, the following appointments were made to the Historic Preservation Commission for a term to begin April 1, 2018:

- Mr. Steven Cobb Term Expires 3/31/21
- Mr. Larry Richardson Term Expires 3/31/20

**CITY MANAGER’S REPORT**

City Manager Lane Bailey commented the City received an updated bond rating of A3 from Moody’s Associates, P.A. and noted the rating is good. He indicated the City had a strong fund balance, and he noted Moody’s expressed concerns regarding Fibrant debt but were optimistic with the Hotwire lease.
ANNOUNCEMENTS

Communications Director Linda McElroy announced the Hurley Park 30th Anniversary Spring Celebration will be held Sunday, April 8, 2018 from 2:00 p.m. until 4:00 p.m. at 304 Annandale Avenue. There will be free entertainment and refreshments provided by the Hurley Park Advisory Board and Cheerwine. For more information please call 704-638-4459.

Communications Director Linda McElroy announced Parks and Recreation will hold its 12th Annual Touch a Truck event Saturday, April 14, 2018 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.

COUNCIL COMMENTS

Councilmember Sheffield announced Sunday, April 8, 2018 would be proclaimed as Arbor Day and she encouraged all to plant and save a tree. She noted the City will also observe Fair Housing Month and Civitan Awareness Month during the month of April.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post added a Fibrant Hack-a-thon event will be held Saturday, April 21, 2018, and he commented six schools would participate. He encouraged children aged 13 to 22 to participate.

MAYOR’S COMMENTS

Mayor Heggins announced the City would ring the bell at the Bell Tower on April 4, 2018 at 7:05 p.m. in commemoration of the 50th anniversary of Dr. Martin Luther King, Jr.’s death.

Mayor Heggins referred to an email she sent to Ms. Frayda Bluestein a Professor of Public Law and Government at the University of Chapel Hill School of Government (SOG) in regards to her interest to initiate a Mayor’s Cabinet. She noted Ms. Bluestein responded that a Mayor or elected member of a governing board could form an advisory group if the body is not presented as a representative of the City board, and it uses no City resources.
CLOSED SESSION

Mayor Heggins requested a motion to go into closed session concerning an economic development matter as allowed by NCGS 143-318.11(a)(4) and a personnel matter as allowed by NCGS 143-318.11(a)(6).

Thereupon, Councilmember Miller made a motion to go into closed session as allowed by NCGS 143-318.11(a)(4) and NCGS 143-318.11(a)(6). Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

By consensus, Council agreed to return to open session.

Mayor Heggins announced no action was taken in closed session.

ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Post and seconded by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 10:08 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:  May 1, 2018

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

Name of Presenter(s):  N/A

Requested Agenda Item:  Sufficiency of Annexation Petition – Drummond Village Phase 2

Description of Requested Agenda Item:
The Engineering Department, on behalf of the City Clerk, has investigated the sufficiency of the petition received for the voluntary annexation of Drummond Village Phase 2. The petition contains a description of the proposed annexation area, as well as the signature of the sole property owner. It is, therefore, sufficient in accordance with NCGS 160A-31.

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)

Fiscal impact is unknown at this time. This will be included in the next step of the process.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
City Council to receive the Certificate of Sufficiency and adopt a Resolution setting the date of the public hearing for June 5, 2018 for the voluntary annexation of Drummond Village Phase 2.

Contact Information for Group or Individual:
Wendy Brindille, City Engineer
704-638-5201/wbrin@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

★★★★All agenda items must be submitted at least 7 days before the requested Council meeting date★★★★
For Use in Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
CERTIFICATE OF SUFFICIENCY
FOR
DRUMMOND VILLAGE PHASE 2

To the City Council of the City of Salisbury, North Carolina:

I, Diane Gilmore, City Clerk, do hereby certify that I have investigated the petition for Drummond Village Phase 2, attached hereto, and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31.

In witness thereof, I have hereto set my hand and affixed the Seal of the City of Salisbury, this _____ day of ____________________, 2018.

(SEAL)

______________________________
Diane Gilmore
City Clerk
NOTICE OF PUBLIC HEARING

REQUEST FOR ANNEXATION OF DRUMMOND VILLAGE PHASE 2

The public will take notice that the City Council of the City of Salisbury has called a public hearing at 5:00 p.m. on the 5th day of June, 2018 in the City Council Chambers of the Municipal Building, 217 South Main Street, Salisbury, North Carolina, on the question of annexing the following described territory, requested by petition filed pursuant to G.S. 160A-31:

COMMENCING FOR REFERENCE AT NGS MONUMENT "STOKES", SAID MONUMENT HAVING NAD 83/2011 GRID COORDINATES OF NORTH: 695,899.26 FEET AND EAST: 1,567,362.77 FEET; THENCE SOUTH 51°39'16" EAST, 5,946.56 FEET (GRID DISTANCE-COMBINED GRID FACTOR OF 0.99986643) TO A METAL DISK (FOUND) AT THE NORTHEASTERN CORNER OF LOT 18 OF CRANE CREEK TERRACE SUBDIVISION AS RECORDED IN PLAT BOOK 9995, PAGE 964, SAID CORNER HAVING GRID COORDINATES OF NORTH: 692,209.99 FEET AND EAST: 1,572,026.55 FEET AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE OVER SAID B&C LAND FARMING, LLC LAND, ON A NEW DIVISION LINE, SOUTH 37°57'11" EAST, 1,576.83 FEET TO A POINT ON THE CENTERLINE OF EARNHARDT ROAD (A 60' PUBLIC R/W); THENCE WITH THE CENTERLINE OF EARNHARDT ROAD THE FOLLOWING SIX (6) DESCRIBED COURSES AND DISTANCES: (1) SOUTH 18°34'13" EAST, 34.08 FEET TO A POINT; (2) SOUTH 17°38'57" EAST, 49.16 FEET TO A POINT; (3) SOUTH 16°02'56" EAST, 50.27 FEET TO A POINT; (4) SOUTH 15°27'04" EAST, 46.53 FEET TO A POINT; (5) SOUTH 13°11'04" EAST, 34.42 FEET TO A POINT; (6) SOUTH 9°53'52" EAST, 44.26 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND AS CONVEYED TO JOHN K. & JOANNA R. SUTTON AS RECORDED IN DEED BOOK 1263, PAGE 814; THENCE WITH THE NORTH LINE OF SAID SUTTON LAND, SOUTH 88°40'12" WEST, PASSING A 1/2" IRON PIPE (FOUND) AT 18.55 FEET FOR A TOTAL DISTANCE OF 672.78 FEET TO A 1" IRON PIPE (FOUND) AT THE NORTHWEST CORNER THEREOF, SAID CORNER BEING ON THE EAST LINE OF A TRACT OF LAND AS CONVEYED TO IRA J. & ALEJANDRINA CADY AS RECORDED IN DEED BOOK 1217, PAGE 354; THENCE WITH THE EAST LINE OF SAID CADY LAND, NORTH 1°45'50" WEST, 70.23 FEET TO A 2" IRON PIPE (FOUND) AT THE NORTHEAST CORNER THEREOF; THENCE WITH THE NORTH LINE OF SAID CADY LAND AND ITS WESTWARD EXTENSION, SAID EXTENSION BEING THE NORTH LINE OF A TRACT OF LAND AS CONVEYED TO MILDRED D. KLUTZ (DEED NOT FOUND), NORTH 85°24'17" WEST, PASSING A #5 REBAR (FOUND) AT 7.71 FEET FOR A TOTAL DISTANCE OF 250.81 FEET TO A 1" IRON PIPE (FOUND) AT THE NORTHWEST CORNER OF SAID KLUTZ LAND; THENCE WITH THE WEST LINE OF SAID KLUTZ LAND, SOUTH 18°59'54" WEST, 126.90 FEET TO A #4 REBAR (FOUND) AT A CORNER OF LOT 102 OF DRUMMOND VILLAGE PHASE ONE AS RECORDED IN PLAT BOOK 9995, PAGE 977; THENCE WITH THE NORTHERLY LINES OF SAID DRUMMOND VILLAGE PHASE ONE, FOR THE FOLLOWING SIX (6) DESCRIBED COURSES AND DISTANCES: (1) NORTH 29°56'31" WEST, 179.76 FEET TO A POINT; (2) SOUTH 63°13'28" WEST, 120.45 FEET TO A POINT; (3) NORTH 77°29'25" WEST, 67.40 FEET TO A #5 REBAR (FOUND); (4) SOUTH 60°03'29" WEST, 168.21 FEET TO A POINT; (5) NORTH 27°38'06" WEST, 336.37 FEET TO A POINT; (6) SOUTH 79°44'30" WEST, 88.67 FEET TO A #4 REBAR (FOUND) ON THE EASTERN LINE OF LOT 7 OF SAID CRANE CREEK TERRACE SUBDIVISION; THENCE WITH THE EASTERN LINE OF SAID CRANE CREEK TERRACE SUBDIVISION, THE FOLLOWING ELEVEN (11) DESCRIBED COURSES AND DISTANCES: (1) NORTH 25°35'14" EAST,
102.14 FEET TO A 1/2" IRON PIPE (FOUND); (2) NORTH 25°22'45" EAST, 110.22 FEET TO A 1" IRON PIPE (FOUND); (3) NORTH 25°20'34" EAST, 109.86 FEET TO A 1" IRON PIPE (FOUND); (4) NORTH 25°23'32" EAST, 219.87 FEET TO A POINT; (5) NORTH 25°27'58" EAST, 110.43 FEET TO A 1" IRON PIPE (FOUND); (6) NORTH 25°23'06" EAST, 109.46 FEET TO A 1" IRON PIPE (FOUND); (7) NORTH 25°23'19" EAST, 110.20 FEET TO A 1" IRON PIPE (FOUND); (8) NORTH 25°18'16" EAST, 109.98 FEET TO A 1" IRON PIPE (FOUND); (9) NORTH 25°32'03" EAST, 108.73 FEET TO A #5 REBAR (FOUND); (10) NORTH 25°16'05" EAST, 110.85 FEET TO A 1" IRON PIPE (FOUND); (11) NORTH 25°18'24" EAST, 152.87 FEET TO THE POINT OF BEGINNING, CONTAINING 29.574 ACRES, MORE OR LESS, SUBJECT HOWEVER TO ALL COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND EASEMENTS CONTAINED IN ANY INSTRUMENT OF RECORD PERTAINING TO THE ABOVE DESCRIBED TRACT OF LAND.

This ______day of __________ 2018.

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

By:    Diane Gilmore
       City Clerk

The foregoing NOTICE was published in the SALISBURY POST in its issue on _________________, 2018.
AREA PROPOSED FOR VOLUNTARY ANNEXATION
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  May 01, 2018

Name of Group(s) or Individual(s) Making Request:  Ms. Liz Zeibel, Ramsay Burgin Smith Architects, Inc.

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

Requested Agenda Item:  Council to Consider Approval of Right-of-Way Use Permit for a portion of the sidewalk adjacent to 228 East Kerr Street for 7 months.

Description of Requested Agenda Item:
Engineering has received a request from the architectural firm overseeing the renovations of 228 East Kerr Street because of the need to close the sidewalk in order to perform the necessary construction work. The sidewalk is anticipated to take between 6 and 7 months, weather pending. Thus, we have chosen to ask for the approval of this use for 7 months. This closure will be for both safety of the general public and because some work will have to be done to and under the sidewalk. Since the request for use of right-of-way may exceed 14 calendar days, Section 22-50 of the City Code of Ordinances requires Council approval. Staff would also like to make City Council Members aware that a future request will be to close the entire street for a 30 day period. Details of that closure will be given at that time, but is anticipated for June.

Attachments:  ☑ Yes  ☐ No

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

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Recommend that City Council, per Section 22-50 of the City Code of Ordinances, approve Right-of-Way Use Permit as stated for the work being performed at 228 East Kerr Street.

Contact Information for Group or Individual:
Vickie Eddleman, City of Salisbury, 704-638-5213
Ms. Liz Zeibel, Ramsay Burgin Smith Architects, Inc., 704-633-3121

☒ 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****
Right-of-Way Use Permit Application

LOCATION OF WORK: 228 East Kerr Street

NAME OF APPLICANT: Ms. Liz Zeibel for Ramsay Burgin Smith Architects, Inc.

ADDRESS: 225 North Main Street, Salisbury, NC 28144

PHONE: 704-633-3121

START DATE: 05/07/2018

END DATE: 12/07/2018

PROPOSED USE: Sidewalk – for renovations to building, parcel and underground facilities

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

REQUIREMENTS:

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

OFFICE USE ONLY

APPROVED: Vickie Eddleman, Traffic Engineering Coordinator

City Traffic Engineer or Authorized Representative

# Parking Spaces Approved: NA  Width of Sidewalk Approved for Use: Entire width

Minimum 5' Wide Pedestrian Access Required: Use of sidewalk on other side of street

Description of approved uses: Renovations to the building will begin first, then renovations to the parcel and underground facilities will follow.

DISTRIBUTION: POLICE FIRE DEVELOPMENT SRVCS. PUBLIC WORKS NCDOT (if applicable)
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  May 1, 2018

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

Name of Presenter(s):  N/A

Requested Agenda Item:  Municipal Agreement with NCDOT for construction of 3,000 lf of sidewalk and curb and gutter on Brenner Ave from Statesville Blvd to W. Horah St.

Description of Requested Agenda Item:  The City applied for this project thru the Transportation Planning Branch and the Cabarrus-Rowan MPO. Once the project was reviewed and approved funding was programmed into the State Transportation Improvement Fund. This project will provide safe pedestrian connectivity from Statesville Blvd to W. Horah St. This project also includes improvements to the Link Ave and Brenner Ave intersection. The length of the project is 3,000 lf or slightly over ½ mile. The addition of curb and gutter will also improve storm water management in this area.

Attachments:  ✔ Yes  □ No

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

The project will take multiple years to complete. The department requested $360,000 in the FY19 budget with matching CMAQ funds of $288,000. The City will have to provide $72,000 of local funding. The project is requested in the FY19 budget that has not been adopted. The remainder of the project will be budgeted in FY20.

Action Requested of Council for Agenda Item:  Authorize the City Manager to enter into a contract with NCDOT for the construction of 3,000 lf of sidewalk to include curb and gutter along Brenner Ave from Statesville Blvd to W. Horah Street for a sum of $760,000, of which NCDOT will contribute $608,000 and our 20% local match of $152,000.

Contact Information for Group or Individual:  Wendy Brindle, City Engineer
wbrin@salisburync.gov / 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 Furches  Wendy G. Bolick
Finance Manager Signature  Department Head Signature

Sean Peery
Budget Manager Signature
For Use in Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
NORTH CAROLINA
ROWAN COUNTY
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
CITY OF SALISBURY

DATE: 3/9/2018
TIP #: C-5803H
WBS Elements: PE 43713.1.8
ROW 43713.2.8
CON 43713.3.8

FEDERAL-AID NUMBER: CMAQ-0914(036)
CFDA #: 20.205
Total Funds [NCDOT Participation] $608,000

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

WITNESSETH:

WHEREAS, Fixing America's Surface Transportation (FAST) Act allows for the allocation of Congestion Mitigation and Air Quality funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Brenner Ave Sidewalk and Intersection Improvement, hereinafter referred to as the Project, in Rowan County, North Carolina; and,

WHEREAS, subject to the availability of federal funds, the Municipality has been designated as a recipient to receive funds allocated to the Department by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of $608,000 for the Project; and,

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the Municipality for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and,

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and,

WHEREAS, the governing board of the Municipality has agreed to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out; and,
WHEREAS, this Agreement is made under the authority granted to the Department by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.1, Section 136-71.6, Section 160A-296 and 297, Section 136-18, Section 136-41.3 and Section 20-169, to participate in the planning, construction and/or implementation of the Project approved by the Board of Transportation.

NOW, THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the parties do hereby covenant and agree, each with the other, as follows:

1. GENERAL PROVISIONS

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT

All parties to this Agreement, including contractors, subcontractors, and subsequent workforces, associated with any work under the terms of this Agreement shall provide reports as required by the Federal Funding Accountability and Transparency Act (FFATA) for this Project.

AGREEMENT MODIFICATIONS

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

LOCAL PUBLIC AGENCY TO PERFORM ALL WORK

The Municipality shall be responsible for administering all work performed and for certifying to the Department that all terms set forth in this Agreement are met and adhered to by the Municipality and/or its contractors and agents. The Department will provide technical oversight to guide the Municipality. The Department must approve any assignment or transfer of the responsibilities of the Municipality set forth in this Agreement to other parties or entities.

PERSON IN RESPONSIBLE CHARGE

The Municipality shall designate a person or persons to be in responsible charge of the Project, in accordance with Title 23 of the Code of Federal Regulations, Part 635.105. The person, or persons, shall be expected to:

- Administer governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintain knowledge of day to day project operations and safety issues;
- Make or participate in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visit and review the project in accordance with the project scope and scale;
- Review financial processes, transactions and documentation to reduce the likelihood of fraud, waste, and abuse;
- Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation; and
- Be aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The person in responsible charge must be a full-time employee of the Municipality, but the duties may be split among several employees, if necessary.

**COMPLIANCE WITH STATE/FEDERAL POLICY**

The Municipality, and/or its agent, including all contractors, subcontractors, or sub-recipients shall comply with all applicable Federal and State policies and procedures, stated both in this Agreement and in the Department’s guidelines and procedures, including the *Local Programs Management Handbook*.

**FAILURE TO COMPLY - CONSEQUENCES**

Failure on the part of the Municipality to comply with any of the provisions of this Agreement will be grounds for the Department to terminate participation in the costs of the Project and, if applicable, seek repayment of any reimbursed funds.

**2. SCOPE OF PROJECT**

The Project consists of installation of approximately 3,000 linear feet of sidewalk to include necessary drainage and curb and gutter along Brenner Avenue from Statesville Boulevard (near Catawba College) W. Horah Street (near Livingstone College); and the addition of left turn lanes at the intersection of Brenner Avenue and Link Avenue at the VA entrance.
The Department’s funding participation in the Project shall be restricted to the following eligible items:

- Design
- Environmental Documentation
- ROW Acquisition
- Utility Relocation
- Construction

as further set forth in this Agreement.

3. FUNDING

REIMBURSEMENT FOR ELIGIBLE ACTIVITIES

Subject to compliance by the Municipality with the provisions set forth in this Agreement and the availability of federal funds, the Department shall reimburse 80% of eligible expenses incurred by the Municipality up to a maximum amount of Six Hundred Eight Thousand Dollars ($608,000), as detailed below. The Municipality shall provide the non-federal match, as detailed in the FUNDING TABLE below, and all costs that exceed the total estimated cost.

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Federal Funds Amount</th>
<th>Reimbursement Rate</th>
<th>Non-Federal Match $</th>
<th>Non-Federal Match Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congestion Mitigation and Air Quality</td>
<td>$608,000</td>
<td>80 %</td>
<td>$152,000</td>
<td>20 %</td>
</tr>
<tr>
<td><strong>Total Estimated Cost</strong></td>
<td></td>
<td></td>
<td><strong>$760,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

WORK PERFORMED BY NCDOT

All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, during any phase of the delivery of the Project, shall reduce the funding available to the Municipality under this Agreement. The Department will set aside ten percent (10%) of the total estimated cost, or $76,000, to use towards the costs related to review and oversight of this Project, including, but not limited to review and approval of plans, environmental documents, contract proposals, engineering estimates, construction engineering
and inspection oversight, and other items as needed to ensure the Municipality's appropriate compliance with state and federal regulations.

In the event that the Department does not utilize all the set-aside funding, then those remaining funds will be available for reimbursement to the Municipality at the above reimbursement rate. For all costs of work performed on the Project, whether incurred by the Municipality or by the Department, the Municipality shall provide the non-federal match. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.

4. PERIOD OF PERFORMANCE

The Municipality has five (5) years to complete all work outlined in the Agreement from the date of authorization of Federal funds for the initial phase of work. Completion for this Agreement is defined as completion of all construction activities or implementation activities, acceptance of the project, and submission of a final reimbursement package to the Department.

If additional time is needed to complete the Project, then a supplemental agreement must be executed. The Department and/or FHWA reserves the right to revoke the funds awarded if the Municipality is unable to meet milestone dates included herein.

5. PRELIMINARY ENGINEERING AUTHORIZATION

If Preliminary Engineering is an eligible expense, then upon receipt of an executed agreement, the Department will authorize Preliminary Engineering funds and shall notify the Municipality, in writing, once funds have been authorized and can be expended. The Municipality shall not initiate any work, nor solicit for any professional services prior to receipt of written authorization from the Department to proceed. Any work performed, or contracts executed, prior to receipt of written authorization to proceed will be ineligible for reimbursement.

6. PROFESSIONAL AND ENGINEERING SERVICES

The Municipality shall comply with the policies and procedures of this provision if the Municipality is requesting reimbursement for the Preliminary Engineering contract or the Construction Contract Administration / Construction Engineering and Inspection contract.
PROCUREMENT POLICY

When procuring professional services, the Municipality must adhere to Title 2 Code of Federal Regulations Part 200; Title 23 of the Code of Federal Regulations, Part 172; Title 40 United States Code, Chapter 11, Section 1101-1104; NCGS 143-64, Parts 31 and 32; and the Department’s Policies and Procedures for Major Professional or Specialized Services Contracts. Said policies and standards are incorporated in this Agreement by reference at www.fhwa.dot.gov/regsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

- The Municipality shall ensure that a qualified firm is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner and at a just and reasonable cost.

- All Professional Services Firms shall be pre-qualified by the Department in the Work Codes advertised.

- A pre-negotiation audit will be conducted by the Department’s External Audit Branch. The Municipality shall not execute a consultant contract until the Department’s review has been completed.

SMALL PROFESSIONAL AND ENGINEERING SERVICES FIRMS REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Small Professional Services Firms (SPSF). This policy conforms with the SPSF Guidelines as approved by the North Carolina Board of Transportation.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.

- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

WORK BY ENTITY

If the Design, Planning, Contract Administration and/or Construction Engineering and Inspection required for this project will be undertaken by the Municipality, and the Municipality requests reimbursement, then the Municipality must submit a request and supporting documentation to the Department for review and approval, prior to any work being initiated by the Municipality.
7. PLANNING / ENVIRONMENTAL DOCUMENTATION

The Municipality shall prepare the environmental and/or planning document, including any environmental permits, needed to construct the Project, in accordance with the National Environmental Policy Act (NEPA) and all other appropriate environmental laws and regulations. All work shall be performed in accordance with Departmental procedures and guidelines. Said documentation shall be submitted to the Department for review and approval.

- The Municipality shall be responsible for preparing and filing with all proper agencies the appropriate planning documents, including notices and applications required to apply for those permits necessary for the construction of the desired improvements. Copies of approved permits should be forwarded to the Department.

- The Municipality shall advertise and conduct any required public hearings.

- If any permit issued requires that action be taken to mitigate impacts associated with the improvements, the Municipality shall design and implement a mitigation plan. The Department will determine if any mitigation costs are eligible for reimbursement. The Municipality shall bear all costs associated with penalties for violations and claims due to delays.

- The Municipality shall be responsible for designing an erosion control plan if required by the North Carolina Sedimentation Pollution Control Act of 1973, NCGS 113A, Article 4, incorporated in this Agreement by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp and obtaining those permits required thereby in order to construct the Project. During the construction of the improvements, the Municipality, and its contractors and agents, shall be solely responsible for compliance with the provisions of said Act and the plan adopted in compliance therewith.

8. DESIGN

CONTENT OF PLAN PACKAGE

The Municipality, and/or its agent, shall prepare the Project’s plans, specifications, and a professional estimate of costs (PS&E package), in accordance with the Department’s guidelines and procedures, and applicable Federal and State standards. All work shall be submitted to the Department for review and approval. The plans shall be completed to show the design, site plans, landscaping, drainage, easements, and utility conflicts.
9. RIGHT OF WAY / UTILITY AUTHORIZATION

If the costs of right of way acquisition or utility relocation are an eligible expense, the Municipality shall submit a letter of request to the Department to authorize and set up right of way and/or utility funding. The acquisition for right of way, construction easements, and/or utility relocation may be undertaken only after the Municipality receives written authorization from the Department to proceed.

10. PROJECT LIMITS AND RIGHT OF WAY (ROW)

The Municipality shall comply with the policies and procedures of this provision regardless of whether the Municipality is requesting reimbursement for the Right of Way phase of the Project.

SPONSOR PROVIDES ROW

The Municipality, at no liability whatsoever to the Department, shall be responsible for providing and/or acquiring any required ROW and/or easements for the Project.

ROW GUIDANCE


APPRAISAL

The Municipality shall submit the appraisal to the Department for review and approval in accordance with Departmental policies and procedures.

CLEARANCE OF PROJECT LIMITS / ROW

The Municipality shall remove and dispose of all obstructions and encroachments of any kind or character (including hazardous and contaminated materials) from said ROW, with the exception that the Municipality shall secure an encroachment agreement for any utilities (which shall remain
or are) to be installed within the Department's ROW, or follow other applicable approval process, for utilities within the Municipality's ROW. The Municipality shall indemnify and save harmless the Department, Federal Highway Administration, and the State of North Carolina, from any and all damages and claims for damages that might arise on account of said right of way acquisition, drainage, and construction easements for the construction of said Project. The Municipality shall be solely responsible for any damages caused by the existence of said material now and at any time in the future and will save the Department harmless from any legal actions arising as a result of this contaminated and/or hazardous material and shall provide the Department with documentation proving the proper disposal of said material.

RELOCATION ASSISTANCE

The Municipality shall provide relocation assistance services and payments for families, businesses, and non-profit organizations being displaced by the Project in full accordance with the Federal relocation requirements of Title 49 Code of Federal Regulations, Part 24 [Uniform Act], as amended. Relocation assistance services and payments may be accomplished by contract with any other municipal corporation, or State or Federal agency, rendering such services upon approval by the Department and Federal Highway Administration.

11. UTILITIES

The Municipality, and/or its agent, at no liability to the Department, shall relocate, adjust, relay, change or repair all utilities in conflict with the Project, regardless of ownership. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to Municipality beginning construction of the project. This Agreement does not modify or supersede any existing Utility Encroachment Agreements that may be in place.

12. RIGHT OF WAY / UTILITY / RAILROAD CERTIFICATION

The Municipality, upon acquisition of all right of way/property necessary for the Project, relocation of utilities, and coordination with the railroad shall provide the Department all required documentation (deeds/leases/easement/plans/agreements) to secure certification. Certification is only issued after all ROW is in public ownership or property is publicly accessible by a legal document; utilities in conflict with the project are relocated, or a plan for their relocation during construction has been approved; and coordination with the railroad (if applicable) has occurred and been documented.
13. CONTRACT PROPOSAL AND ENGINEER’S ESTIMATE

CONTRACT PROPOSAL

The Municipality shall develop a contract proposal that will be advertised for bids. The proposal shall comply with NCDOT Specifications and Standard Drawings as applicable to the Project. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, but not be limited to: FHWA 1273, Buy America, Davis-Bacon Wage Rates, Non-discrimination, DBE Assurances, Contractor Certification regarding suspension and debarment, and other provisions as required by the Department.

ENGINEER’S ESTIMATE

The Municipality shall develop an itemized engineer’s estimate to show items referenced to the NCDOT Standard Specifications, if applicable, along with units and unit price. The engineer’s estimate will be used as the basis for comparing bids received.

14. CONSTRUCTION AUTHORIZATION

The Municipality shall submit the required environmental and/or planning document, ROW certification, final construction plans, total contract proposal, and an estimate of Project costs (final PS&E package) to the Department for review and approval.

- After approval of all documentation, the Department will request construction authorization from the Federal Highway Administration.

- The Municipality shall not advertise for bids prior to receiving written construction authorization from the Department.

15. CONTRACTOR PROCUREMENT

ADVERTISE FOR BIDS

Upon receipt of written construction authorization from the Department, the Municipality may advertise the Project. The Municipality shall follow applicable Federal and/or State procedures pertaining to the advertisement of the Project, bid opening, and award of the contract, according to Title 2 of the Code of Federal Regulations, Part 200 and Title 23 of the Code of Federal Regulations, Part 633 and Part 635, incorporated by reference at
CONSTRUCTION CONTRACTOR REQUIREMENTS

All Contractors submitting bids on the project shall be pre-qualified by the Department. All proposed subcontractors must be pre-qualified before construction work begins. Any subcontractors who are proposed to meet the Disadvantaged Business Enterprise goal must be certified by the Department.

CONSTRUCTION SUBCONTRACTOR REQUIREMENTS

Any contract entered into with another party to perform work associated with the requirements of this Agreement shall contain appropriate provisions regarding the utilization of Disadvantaged Business Enterprises (DBEs), or as required and defined in Title 49 of the Code of Federal Regulations, Part 26 and the North Carolina Administrative Code. These provisions are incorporated into this Agreement by reference https://connect.ncdot.gov/projects/Contracts/Pages/LGA-Projects.aspx.

- The Municipality shall not advertise nor enter into a contract for services performed as part of this Agreement, unless the Department provides written approval of the advertisement or the contents of the contract.

- If the Municipality fails to comply with these requirements, the Department will withhold funding until these requirements are met.

AWARDING CONTRACT

After the advertisement of the Project for construction bids, the Municipality shall request concurrence from the Department to award the construction contract by submitting a letter along with tabulated bids received depicting Disadvantaged Business Enterprises (DBE) goals, and a resolution recommending award of the Project to the lowest responsible, responsive bidder. The Department will review the submitted information and provide written approval to the Municipality prior to the contract being awarded by the Municipality.

DELAY IN PROCUREMENT

In the event the Project has not been let to contract within six (6) months after receiving construction authorization from the Department, the Municipality shall be responsible for
documenting to the Department justification for project delay and that the Project remains in compliance with the terms of this Agreement, the approved plans and specifications, and current codes.

FORCE ACCOUNT

Force account work is only allowed when there is a finding of cost effectiveness for the work to be performed by some method other than a contract awarded by a competitive bidding process, or there is an emergency. Written approval from the Department is required prior to the use of force account by the Municipality. Federal Highway Administration regulations governing Force Account are contained in Title 23 Code of Federal Regulations, Part 635.201, Subpart B; said policy being incorporated in this Agreement by reference www.fhwa.dot.gov/legsregs/directives/cfr23toc.htm. North Carolina General Statutes governing the use of Force Account, Chapter 143, Article 8 (Public Contracts) can be found at www.ncleg.net/gascripts/Statutes/Statutes.asp.

16. CONSTRUCTION

The Municipality, and/or its agents shall construct the Project in accordance with the plans and specifications of the Project as filed with, and approved by, the Department. During the construction of the Project, the procedures set out below shall be followed:

CONSTRUCTION CONTRACT ADMINISTRATION

The Municipality shall comply with the NCDOT Construction Manual as referenced at http://www.ncdot.org/doh/operations/dp%5Fchief%5Feng/constructionunit/formsmanuals/construction/, which outlines the procedures for records and reports that must be adhered to in order to obtain uniformity of contract administration and documentation. This includes, but is not limited to, inspection reports, material test reports, materials certification, documentation of quantities, project diaries, and pay records. The Municipality, and/or its agent, shall perform the construction engineering, sampling and testing required during construction of the Project, in accordance with Departmental procedures, including the Department’s Guide for Process Control and Acceptance Sampling and Testing. The Municipality shall document that said compliance was accomplished in accordance with State and Federal procedures, guidelines, standards and specifications.

RETAINEAGE

The Municipality shall not retain any portion of a payment due the contractor.
SIGNAGE

The Municipality shall provide and maintain adequate signage and other warning devices for the protection of the public in accordance with the approved traffic control plans for the Project and the current edition of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, or any subsequent revision of the same, published by the Federal Highway Administration and effective at the time of award of the contract.

SITE LAYOUT

The Municipality shall be responsible for ensuring that all site layout, construction work, and Project documentation are in compliance with applicable city, state and federal permits, guidelines, and regulations, including American Association of State Highway and Transportation Officials (AASHTO) guidelines and Americans with Disabilities Act (ADA) Standards for Accessible Design (www.usdoj.gov/crt/ada/stdspdf.htm).

RIGHT TO INSPECT

The Department and representatives of the Federal Highway Administration shall have the right to inspect, sample or test, and approve or reject, any portion of the work being performed by the Municipality or the Municipality’s contractor to ensure compliance with the provisions of this Agreement. Prior to any payment by the Department, any deficiencies inconsistent with approved plans and specifications found during an inspection must be corrected.

CONTRACTOR COMPLIANCE

The Municipality will be responsible for ensuring that the contractor complies with all of the terms of the contract and any instructions issued by the Department or FHWA as a result of any review or inspection made by said representatives.

CHANGE ORDERS

If any changes in the Project plans are necessary, the Department must approve such changes prior to the work being performed.

SHOP DRAWINGS

Shop Drawings shall be submitted in accordance with the approved plans and specifications and may require review by the Designer.
17. CLOSE-OUT

Upon completion of the Project, the Municipality shall be responsible for the following:

FINAL INSPECTION

The Municipality shall arrange for a final inspection by the Department. Any deficiencies determined during the final field inspection must be corrected prior to final payment being made by the Department to the Municipality. Additional inspection by other entities may be necessary in accordance with the Department's guidelines and procedures. The Municipality shall provide the Department with written evidence of approval of completed project prior to requesting final reimbursement.

FINAL PROJECT CERTIFICATION

The Municipality will provide a certification to the Department that all work performed for this Project is in accordance with all applicable standards, guidelines, and regulations.

18. MAINTENANCE

The Municipality, at no expense or liability to the Department, shall assume all maintenance responsibilities for the Brenner Ave Sidewalk and Intersection Improvement, or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Design
- Environmental Documentation
- ROW Acquisition
- Utility Relocation
- Construction
REIMBURSEMENT GUIDANCE

The Municipality shall adhere to applicable administrative requirements of Title 2 Code of Federal Regulations, Part 200 (www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm) "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards." Reimbursement to the Municipality shall be subject to the policies and procedures contained in Title 23 Code of Federal Regulations, Part 140 and Part 172, which is being incorporated into this Agreement by reference at www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm. Reimbursement to the Municipality shall be subject to the guidance contained in Title 2 Code of Federal Regulations, Part 170 (http://edocket.access.gpo.gov/2010/pdf/2010-22705.pdf) and Office of Management and Budget (OMB) "Federal Funding Accountability and Transparency Act" (FFATA). Said reimbursement shall also be subject to the Department being reimbursed by the Federal Highway Administration and subject to compliance by the Municipality with all applicable federal policy and procedures.

REIMBURSEMENT LIMITS

- **WORK PERFORMED BEFORE NOTIFICATION**
  
  Any costs incurred by the Municipality prior to written notification by the Department to proceed with the work shall not be eligible for reimbursement.

- **NO REIMBURSEMENT IN EXCESS OF APPROVED FUNDING**
  
  At no time shall the Department reimburse the Municipality costs that exceed the total funding per this Agreement and any Supplemental Agreements.

- **UNSUBSTANTIATED COSTS**
  
  The Municipality agrees that it shall bear all costs for which it is unable to substantiate actual costs or any costs that have been deemed unallowable by the Federal Highway Administration and/or the Department's Financial Management Division.

- **WORK PERFORMED BY NCDOT**
  
  All work performed by the Department on this Project, including, but not limited to, reviews, inspections, and Project oversight, shall reduce the maximum award amount of $608,000 available to the Municipality under this Agreement. The Department will bill the Municipality for the non-federal match of any costs that the Department incurs on the Project and for any costs that exceed the Total Estimated Cost.
CONSTRUCTION ADMINISTRATION

Reimbursement for construction contract administration will be made as governed by Departmental policy that limits reimbursement for construction contract administration to no more than fifteen (15%) percent of the actual construction contract of the Project. These costs will also include any cost overruns and charges to the Project by the Department during the Construction Phase.

CONSTRUCTION CONTRACT UNIT PRICES

Reimbursement for construction contract work will be made on the basis of contract unit prices in the construction contract and any approved change orders.

RIGHT OF WAY

Reimbursement will be limited to the value as approved by the Department. Eligible costs for reimbursement of Right of Way Acquisition include: realty appraisals, surveys, closing costs, and the agreed upon just compensation for the property, at the reimbursement rate as shown in the FUNDING TABLE.

FORCE ACCOUNT

Invoices for force account work shall show a summary of labor, labor additives, equipment, materials and other qualifying costs in conformance with the standards for allowable costs set forth in 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." Reimbursement shall be based on actual eligible costs incurred with the exception of equipment owned by the Municipality or its Project partners. Reimbursement rates for equipment owned by the Municipality or its Project partners cannot exceed the Department's rates in effect for the time period in which the work is performed.

BILLING THE DEPARTMENT

PROCEDURE

The Municipality may bill the Department for eligible Project costs in accordance with the Department's guidelines and procedures. Proper supporting documentation shall accompany each invoice as may be required by the Department. By submittal of each invoice, the Municipality certifies that it has adhered to all applicable state and federal laws and regulations as set forth in this Agreement.
Along with each invoice, the Municipality is responsible for submitting the FFATA Subrecipient Information Form, which is available at https://connect.ncdot.gov/municipalities/Funding/Pages/default.aspx.

- **INTERNAL APPROVALS**

  Reimbursement to the Municipality shall be made upon approval of the invoice by the Department’s Financial Management Division.

- **TIMELY SUBMITTAL OF INVOICES**

  The Municipality may invoice the Department monthly for work accomplished, but no less than once every six (6) months to keep the Project funds active and available. If the Municipality is unable to invoice the Department, then they must provide an explanation. Failure to submit invoices or explanation may result in de-obligation of funds.

- **FINAL INVOICE**

  All invoices associated with the Project must be submitted within six (6) months of the completion of construction and acceptance of the Project to be eligible for reimbursement by the Department. Any invoices submitted after this time will not be eligible for reimbursement.

20. **REPORTING REQUIREMENTS AND RECORDS RETENTION**

**PROJECT EVALUATION REPORTS**

The Municipality is responsible for submitting quarterly Project evaluation reports, in accordance with the Department’s guidelines and procedures, that detail the progress achieved to date for the Project.

**PROJECT RECORDS**

The Municipality and its agents shall maintain all books, documents, papers, accounting records, Project records and such other evidence as may be appropriate to substantiate costs incurred under this Agreement. Further, the Municipality shall make such materials available at its office and shall require its agent to make such materials available at its office at all reasonable times during the contract period, and for five (5) years from the date of payment of the final voucher by the Federal Highway Administration, for inspection and audit by the Department’s Financial...
Management Section, the Federal Highway Administration, or any authorized representatives of the Federal Government.

21. OTHER PROVISIONS

REFERENCES

It will be the responsibility of the Municipality to follow the current and/or most recent edition of references, websites, specifications, standards, guidelines, recommendations, regulations and/or general statutes, as stated in this Agreement.

INDEMNIFICATION OF DEPARTMENT

The Municipality agrees to indemnify and hold harmless the Department, FHWA and the State of North Carolina, to the extent allowed by law, for any and all claim for payment, damages and/or liabilities of any nature, asserted against the Department in connection with this Project. The Department shall not be responsible for any damages or claims, which may be initiated by third parties.

DEBARMENT POLICY

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

TITLE VI - CIVIL RIGHTS ACT OF 1964

The Municipality shall comply with Title VI of the Civil Rights Act of 1964, (Title 49 CFR, Subtitle A, Part 21). Title VI prohibits discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.
OTHER AGREEMENTS

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

AVAILABILITY OF FUNDS

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

IMPROPER USE OF FUNDS

Where either the Department or the FHWA determines that the funds paid to the Municipality for this Project are not used in accordance with the terms of this Agreement, the Department will bill the Municipality.

TERMINATION OF PROJECT

If the Municipality decides to terminate the Project without the concurrence of the Department, the Municipality shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the Project.

AUDITS

In accordance with 2 CFR 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," Subpart F – Audit Requirements, and the Federal Single Audit Act Amendments of 1996, the Municipality shall arrange for an annual independent financial and compliance audit of its fiscal operations. The Municipality shall furnish the Department with a copy of the annual independent audit report within thirty (30) days of completion of the report, but not later than nine (9) months after the Municipality’s fiscal year ends.

REIMBURSEMENT BY MUNICIPALITY

For all monies due the Department as referenced in this Agreement, reimbursement shall be made by the Municipality to the Department within sixty (60) days of receiving an invoice. A late
payment penalty and interest shall be charged on any unpaid balance due in accordance with NCGS 147-86.23.

USE OF POWELL BILL FUNDS

If the other party to this agreement is a Municipality and fails for any reason to reimburse the Department in accordance with the provisions for payment hereinabove provided, NCGS 136-41.3 authorizes the Department to withhold so much of the Municipality’s share of funds allocated to Municipality by NCGS 136-41.1, until such time as the Department has received payment in full.

ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein.

AUTHORIZATION TO EXECUTE

The parties hereby acknowledge that the individual executing the Agreement on their behalf is authorized to execute this Agreement on their behalf and to bind the respective entities to the terms contained herein and that he has read this Agreement, conferred with his attorney, and fully understands its contents.

FACSIMILE SIGNATURES

A copy or facsimile copy of the signature of any party shall be deemed an original with each fully executed copy of the Agreement as binding as an original, and the parties agree that this Agreement can be executed in counterparts, as duplicate originals, with facsimile signatures sufficient to evidence an agreement to be bound by the terms of the Agreement.

GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor’s Cabinet Agencies (i.e. Administration, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military

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and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

22. SUNSET PROVISION

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

IT IS UNDERSTOOD AND AGREED that the approval of the Project by the Department is subject to the conditions of this Agreement, and that no expenditures of funds on the part of the Department will be made until the terms of this Agreement have been complied with on the part of the Municipality.
IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year
heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:  CITY OF SALISBURY

BY: ____________________________  BY: ____________________________

TITLE: __________________________  TITLE: __________________________

DATE: __________________________

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of
any gift from anyone with a contract with the State, or from any person seeking to do business with
the State. By execution of any response in this procurement, you attest, for your entire organization
and its employees or agents, that you are not aware that any such gift has been offered, accepted, or
promised by any employees of your organization.

Approved by the City of Salisbury as attested to by the signature of ______________________

Clerk of the __________________________ (governing body) on ________________

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

(SEAL)  (FINANCE OFFICER)

Federal Tax Identification Number

______________________________

City of Salisbury

Remittance Address:

______________________________

DEPARTMENT OF TRANSPORTATION

BY: __________________________

(CHIEF ENGINEER)

DATE: __________________________

APPROVED BY BOARD OF TRANSPORTATION ITEM C: _______________________(Date)

Agreement ID # 7810  22
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: May 1, 2018

Name of Group(s) or Individual(s) Making Request: Finance

Name of Presenter(s): Shannon Moore

Requested Agenda Item: Sale of Surplus Property

Description of Requested Agenda Item: As required by the Local Government and Fiscal Control Act, all monies received and expended by a local government must be appropriated. The attached ordinance is to appropriate the funds for the Sale of Assets sold by the City. The funds from these surplus sales will be appropriated to the Fire and Fleet departments to purchase some much needed equipment in their areas.

The Town of Spencer is purchasing the 2000 Platform. Additionally, the following 8 pieces of equipment were sold on GovDeals.com with net proceeds to the City:

<table>
<thead>
<tr>
<th>Equipment Description</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000 Platform Truck</td>
<td>$29,900.00</td>
</tr>
<tr>
<td>1999 JCB</td>
<td>$16,672.20</td>
</tr>
<tr>
<td>2006 Crane Carrier Garbage Truck</td>
<td>$11,631.88</td>
</tr>
<tr>
<td>1988 John Deere Front End Loader</td>
<td>$6,576.75</td>
</tr>
<tr>
<td>2005 Ford F-750 Reg Cab 2WD</td>
<td>$13,990.63</td>
</tr>
<tr>
<td>2005 Ford Crown Vic Interceptor</td>
<td>$725.20</td>
</tr>
<tr>
<td>2009 John Deere Mower</td>
<td>$4,463.13</td>
</tr>
<tr>
<td>2005 Ford F-150 4WD</td>
<td>$3,561.25</td>
</tr>
<tr>
<td>2007 Ford Crown Vic Interceptor</td>
<td>$2,429.05</td>
</tr>
</tbody>
</table>

Attachments: ☒ Yes □ No

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

Action Requested of Council for Agenda Item: Adopt an ordinance to appropriate $89,950 in the FY17-18 Budget related to the sale of surplus equipment.

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

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

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

FINANCE DEPARTMENT INFORMATION:
Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Mayor’s Office Only

☐ Approved       ☐ Declined

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

Section 1. City Council needs to appropriate $60,050 for the Sale of Assets in the General Fund related to the sale of surplus personal property. NC General Statutes require that the City appropriate revenues so that they can be legally spent.

Section 2. That the 2017-2018 Budget Ordinance of the City of Salisbury, adopted on June 6, 2017, is hereby amended as follows:

<table>
<thead>
<tr>
<th>Increase line item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>010-000-000-4813.05</td>
<td>$ 89,950</td>
</tr>
<tr>
<td>010-661-000-5742.00</td>
<td>$ 60,050</td>
</tr>
<tr>
<td>010-531-351-5141.20</td>
<td>$ 29,900</td>
</tr>
</tbody>
</table>

Sale of Assets

Capital Outlay – Garage Equipment

Fire and Rescue Tools

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

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

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

Requested Council Meeting Date: May 1, 2018

Name of Group(s) or Individual(s) Making Request: Finance

Name of Presenter(s): Anna Bumgarner

Requested Agenda Item: Preauditing Electronic Transactions

Description of Requested Agenda Item: Preaudit is required by state statute and is a process to ensure that public funds are spent appropriately. The Local Government Commission has issued new rules that make it possible for local governments to comply with the law regarding electronic transactions, such as procurement card and fuel card transactions. The rules are part of the North Carolina Administrative Code (20 NCAC 03.0409 and 20 NCAC 03.0410). The attached resolution was drafted from the sample resolution that was provided in the NCAC. You can also read more about these changes on Kara Millonzi blog post at https://canons.sog.unc.edu/preauditing-electronic-transactions-just-got-little-easier/

Attachments: ☒ Yes    ☐ No

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

Action Requested of Council for Agenda Item: Adopt a Resolution authorizing City of Salisbury to engage in electronic payments as defined by G.S.159-28 or G.S. 115C-441.

Contact Information for Group or Individual: Anna Bumgarner, Purchasing Manager, 704-638-5279

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

____________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only

☐ Approved    ☐ Declined

Reason:
WHEREAS, it is the desire of the Council that the City of Salisbury is authorized to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the City Manager, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the City Manager, to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Salisbury

Section 1. Authorizes the City of Salisbury to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441;

Section 2. Authorizes the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

Section 3. Authorizes the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410; and

Section 4. This resolution shall take effect immediately upon its passage.

Upon motion of__________________________, and seconded by__________________________, the foregoing resolution was passed by the following vote:

Ayes: __________________________________________

__________________________________________

__________________________________________

Nays: None

Abstentions: None

I,__________________________, Clerk of the Council of the City of Salisbury, do hereby certify that the foregoing resolution is a true and exact copy of the “Resolution authorizing the City of Salisbury to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441” duly adopted by the Council of the City of Salisbury at the regular meeting thereof duly called and held on ________________, a quorum being present.

__________________________, Clerk

WITNESS my hand at ________________, N.C., this______day of__________, 20____.
Requested Agenda Item: Council to hold a Public Hearing and consider adoption of an ordinance designating the “Edgar S. Temple House”, located at 1604 Statesville Boulevard in Salisbury, North Carolina, as a Local Historic Landmark.

Description of Requested Agenda Item:

On August 15th, 2017, the Salisbury City Council voted to adopt a text amendment to the City’s ordinances establishing a process for designating local historic landmarks. N.C.G.S. 160A, Part 3C authorizes municipalities to designate historic landmarks that are deemed by the local preservation commission to be of special significance in terms of their historical, prehistorical, architectural, or cultural importance; and that possess integrity of design, setting, workmanship, materials, feeling and/or association. The significance and integrity criteria are outlined in detail below:

1. **Special significance.** A proposed landmark is likely to satisfy the significance criterion if it:
   
   a. Is associated with events that have made a significant contribution to the broad patterns of local, regional, or national history; or
   
   b. Is associated with the lives of persons significant in local, regional, or national historic; or
   
   c. Embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values (i.e. the architecture alone is significant in its own right); or
   
   d. Has yielded, or may be likely to yield, information important to local history or prehistory.

2. **Integrity.** A proposed landmark is likely to satisfy the integrity criterion if it:
   
   a. Possesses integrity of design, setting, materials, and workmanship, feeling, and association on the whole. (Generally, a property retains integrity if it has not been substantially altered and if it is not severely deteriorated or dilapidated.)
      
      i. “Design” refers to the combination of elements that create the form, plan, space, structure, and style of a property, as it was originally conceived. It includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.
      
      ii. “Setting” refers to the property’s physical environment (including natural or manmade features) as it relates to a property’s functions, its significant role, or its design. Setting refers to the character of the place where a property played its significant role.
      
      iii. “Workmanship” refers to the physical evidence of the crafts or a particular culture or people during the period in history or prehistory when a property was created.
      
      iv. “Materials” are the physical elements that originally were combined to form a property. For a rehabilitated property to have integrity of materials, its historical materials must have been preserved; it must be an actual historic property, not a recreation.
v. “Feeling” refers to a property’s expression of the historical or aesthetic sense of a particular period of time. A property has integrity of feeling when its physical features together enable it to evoke a sense of its historical character.

vi. “Association” refers to the property’s direct connection with a significant event or person. To have integrity of association, the property must be where the significant event or activity occurred, and it must be sufficiently intact to convey the connection to an observer.

On February 8th, 2018, the Salisbury Historic Preservation Commission (HPC) reviewed an application (Attachment 1) for local historic landmark designation of the “Edgar S. Temple House” and grounds, located at 1604 Statesville Boulevard in Salisbury, NC. Specifically, the HPC reviewed the property owner/applicant’s “Survey & Research Report (S/R Report)”, also known as the “designation report”. The designation report (Attachment 2), which is required by 160A-400.6, outlines the historic, architectural, prehistorical, educational or cultural significance of each building, structure, site, area, or object proposed for designation.

Planning staff submitted the designation report to the State Historic Preservation Office (SHPO), as required, in order to provide state preservation specialists an opportunity to review and comment on the proposal.

SHPO returned a positive letter of comment, Attachment 3. The letter notes:

“The Edgar S. Temple House is an excellent example of a Spanish Colonial Revival style residence. Constructed in 1936 for landscape architect, Edgar S. Temple and his wife Madge, the one-story, “U”-shaped building has several features associated with the Spanish Colonial Revival style, including stucco siding, a clay tile roof, a decorative tower entry, arched wooden sash windows, and a central courtyard. The “U”-shaped courtyard serves as an indoor/outdoor space that blends the house with its surrounding landscape and may have been designed by Mr. Temple. While Spanish influenced architecture is prevalent in Salisbury, they tend to exhibit elements more closely associated with the Spanish Mission style and courtyards are not present in any other known local examples. The house, garage, and surrounding landscape retain remarkably good material integrity with only minor repair work performed in-kind to the house...”

“...we believe the report will provide sufficient information for the commission to determine whether the Edgar S. Temple House possesses the requisite special significance and integrity for local historic landmark designation” (SHPO Response Letter, Edgar S. Temple House, 1604 Statesville Boulevard).

The Salisbury Historic Preservation Commission (HPC) found that the “Edgar S. Temple House” should be recommended for local historic landmark designation because, as described in detail in the designation report:

1) The proposed landmark meets the “significance” criterion because it is architecturally distinctive as a local example of the Spanish Colonial Revival style. The house features stucco siding, a clay tile roof, a decorative tower entry, and arched wooden sash windows. Importantly, the central courtyard is not present in any other known local examples of the Spanish Colonial Revival style, making this house particularly unique. (NCGS 160A-400.5)

2) The proposed landmark meets the “integrity” criterion because it has not been substantially altered since its construction ca. 1936 and retains integrity in most or all of the following six aspects: design, setting, workmanship, materials, feeling, and association. The house, garage, and surrounding landscape retain excellent material integrity, with only minor repair work performed in-kind to the house. (NCGS 160A-400.5)
The HPC has recommended that the Salisbury City Council formally adopt a local historic landmark designation ordinance for the “Edgar S. Temple House”. **City Council makes the final decision for the designation of any landmark. Council may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance. The proposed draft ordinance is attached as Attachment 4.**

**Consequences of Local Historic Landmark designation:**

- Owners of designated landmarks are eligible to apply for an annual 50% property tax deferral as long as the property’s significant historic or architectural features are maintained.
- The landmark becomes protected under Salisbury’s Historic Design Guidelines. Owners of local landmarks are required to obtain a Certificate of Appropriateness (COA) from the preservation commission before making any significant change or addition to the property; before beginning new construction; or before demolishing or relocating the landmark.
- A descriptive historical marker may be placed on or adjacent to the landmark.

More information about local historic landmark designation in North Carolina is available online at:


The North Carolina General Statutes, enabling legislation for local landmark designation is available online at:


**Attachments:**

- Yes
- No

1) Historic Landmark Application (HL-2-17: 1604 Statesville Boulevard)
2) Designation Report (Survey & Research S/R Report)
3) SHPO Response Letter
4) Draft Designation Ordinance

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

**Action Requested of Council for Agenda Item:** Council to hold a Public Hearing and consider adoption of an ordinance designating the “Edgar S. Temple House”, located at 1604 Statesville Boulevard in Salisbury, North Carolina, as a Local Historic Landmark.

**Contact Information for Group or Individual:** Kyle Harris, Community Planning Services, (704) 638-5324, kharr@salisburync.gov. 132 North Main Street.

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

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

________________________________________________________
Finance Manager Signature  Department Head Signature

______________________________________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only

☐  Approved  ☐  Declined

Reason:
**City of Salisbury**
**Development Services**
**132 North Main Street**
**Salisbury, NC 28144**
**Ph. 704.638.5324**
**Fax 704.638.8494**

---

**HISTORIC LANDMARK APPLICATION**

### Tracking Information (Staff Only)

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case Number</td>
<td>HL-2-17</td>
</tr>
<tr>
<td>Date rec'd</td>
<td>9/14/17</td>
</tr>
<tr>
<td>Rowan County Parcel ID(s)</td>
<td>333-092</td>
</tr>
<tr>
<td>Fee</td>
<td>N/A</td>
</tr>
<tr>
<td>Rec'd by</td>
<td>K. Harris</td>
</tr>
<tr>
<td>Case Planner</td>
<td>Kyle Harris</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>COS</td>
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<td>Tax Value</td>
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<td>SHPO Mailout</td>
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<td>SHPO Response</td>
<td>10/26/17</td>
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<tr>
<td>Recommendation</td>
<td>12/18/17</td>
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<tr>
<td>HPC Meeting</td>
<td>1/18/18</td>
</tr>
<tr>
<td>Action</td>
<td></td>
</tr>
<tr>
<td>Local District</td>
<td>N/A</td>
</tr>
<tr>
<td>National Register District</td>
<td>N/A</td>
</tr>
<tr>
<td>Individually Listed NR</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>Approved Landmark Name</td>
<td>Edgar S. Temple House</td>
</tr>
</tbody>
</table>

### Applicant

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Larry C Bowyer</td>
</tr>
<tr>
<td>Contact Person</td>
<td>Karen C Lilly-Bowyer</td>
</tr>
<tr>
<td>Address</td>
<td>1604 Statesville Blvd</td>
</tr>
<tr>
<td>City/State/ZIP</td>
<td>Salisbury, NC 28144</td>
</tr>
<tr>
<td>Telephone</td>
<td>(104) 213-4232</td>
</tr>
<tr>
<td>Fax</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:krnbowyer@yahoo.com">krnbowyer@yahoo.com</a></td>
</tr>
</tbody>
</table>

### Owner

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Larry C Bowyer</td>
</tr>
<tr>
<td>Contact Person</td>
<td>Karen C Lilly-Bowyer</td>
</tr>
<tr>
<td>Address</td>
<td>1604 Statesville Blvd</td>
</tr>
<tr>
<td>City/State/ZIP</td>
<td>Salisbury, NC 28144</td>
</tr>
<tr>
<td>Telephone</td>
<td>(104) 213-4232</td>
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<tr>
<td>Fax</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:krnbowyer@yahoo.com">krnbowyer@yahoo.com</a></td>
</tr>
</tbody>
</table>

### Property Information

<table>
<thead>
<tr>
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<th>Information</th>
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</thead>
<tbody>
<tr>
<td>Address</td>
<td>1604 Statesville Blvd, Salisbury, NC 28144</td>
</tr>
<tr>
<td>Proposed Landmark Name</td>
<td>Temple-Bowyer House</td>
</tr>
<tr>
<td>Period of Significance</td>
<td>1936 to Present</td>
</tr>
<tr>
<td>Date Listed on the Historic Landmark Study List (required):</td>
<td>N/A, Study, 137 Oct. 25, 2016</td>
</tr>
<tr>
<td>Most Recent Renovations (date and type):</td>
<td>Paint and window repair, August 2017</td>
</tr>
</tbody>
</table>
### Landmark Criteria

To be eligible for Historic Landmark Status a property must meet at least one of the criteria listed below. Indicate which criteria this property fits into. Check all that apply.

- The property is associated with events that have made a significant contribution to the broad patterns of local, regional, or national history.
- The property is associated with the lives of persons significant in local, regional, national history.
- The property embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, or possesses high artistic values (i.e., the architecture alone is significant in its own right).
- The property has yielded or may be likely to yield, information important to Salisbury's history or prehistory.

### Application Attachments

The following items must be submitted as part of this application:

(Application material can be submitted digitally, by either CD, Flash Drive or emailed directly to the Case Planner.)

<table>
<thead>
<tr>
<th>Item</th>
<th>Required</th>
<th>Optional</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Survey and Research (S/R) Report:</strong> Provide a thorough written description of the property/structure and its significance. The description should include all of the following elements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Description of the existing physical attributes of the property including the architecture (style, design, materials, notable features, etc.), and the site.</td>
<td>1 digital</td>
<td></td>
</tr>
<tr>
<td>b. If the property has undergone any alterations from its original state, describe the original characteristics of the structure, the nature of the alterations, and when the alterations occurred. There should be documentation of what features are original to the structure, and what features are the results of later renovations or additions.</td>
<td>1 hard copy</td>
<td></td>
</tr>
<tr>
<td>c. Description of how the property meets the Landmark Criteria selected above, including documenting the relative uniqueness of this property in the context of the period of significance and today. Important cultural history, architects, builders and early owners should be included if known.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>2. Pre-submittal Conference Form:</strong> Include the form from the required pre-submittal conference.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3. Other Explanatory Material:</strong> Applicants may submit any other supporting statements, drawings, or materials that they believe will assist in determining the historical significance of the property.</td>
<td>1 copy</td>
<td></td>
</tr>
</tbody>
</table>
| **4. Photographs**  
  **Content:** Include photographs clearly showing all sides of the exterior of the building as it exists today. Provide at least one image showing the entire site from a distance. In addition, photos of significant architectural details are highly recommended. If available, historic photographs should also be submitted, especially if they show the structure during the time listed as the period of significance. Any notable interior features should also be photographed and submitted; however, general photographs of the interior are not required.  
  **Format:** Photographs must be full color (except for historic photos), and either digital at 300 dpi resolution minimum (submitted on CD), or prints at least 8x10 inches minimum. | 1 digital |          |
| **5. Interior Designation:** If you would like the interior of a building or buildings to be considered for historic landmark designation, the owner must sign the enclosed Permission for Interior Designation Review Form and return it with this application. | 1 hard copy |          |
Process Overview

Pre-application: Prior to submitting a landmark application, a pre-application shall be submitted for approval by the Historic Preservation Commission. If this application is approved the property will be listed on the historic landmark study list. Applications for landmark designation will only be accepted for properties listed on the study list.

Pre-submittal Meeting: Prior to submitting a landmark application, prospective applicants are required to meet with Planning Department staff to review their potential application, discuss the property's merits, and gather detailed information about the landmark designation process. A pre-submittal meeting may be scheduled by contacting Kyle Harris at (704) 638-5324, or kharr@salisburync.gov.

Application Review Process: Landmark applications are accepted and processed by Planning Department staff. As part of the staff review a staff report is prepared for each case. Once the reports are finalized they are forwarded, along with a complete set of the application materials provided by the applicant, to the State Historic Preservation Office for their review and comment. After the State's review period their comments are forwarded with the staff report and complete application package to the Salisbury Historic Preservation Commission for a public hearing. If the Commission issues a favorable recommendation for the case it is then forwarded to the local governing body (the Salisbury City Council). The governing body also holds a public hearing on each case and then renders a decision.

Criteria for Designation
1. A building, structure, site, area, or object may be considered for designation as a historic landmark only if all of the following three criteria are met:
   a. The property must not currently be undergoing renovation unless it has been approved for state or federal tax credits in accordance with the Secretary of Interior Standards;
   b. The HPC must deem and find that the building, structure, site, area, or object meets at least one of the following criteria:
      (1) Individual listing on the National Register of Historic Places or on the Study List;
      (2) Statewide Significance status granted by the State Historic Preservation Office;
      (3) Integrity of location, design, setting, materials, and workmanship, feeling, and association on the whole, and;
         (a) Is associated with events that have made a significant contribution to the broad patterns of local, regional, or national history; or
         (b) Is associated with the lives of persons significant in local, regional, national history; or
         (c) Embodies the distinctive characteristics of a type, period, or method of construction; represents the work of a master; possesses high artistic values (i.e., the architecture alone is significant in its own right); or
         (d) Has yielded, or may be likely to yield, information important to Salisbury’s history or prehistory.
   c. The governing body must deem and find that the property possesses distinction within the context or period of significance.
2. A property shall be designated as a historic landmark only with the consent of the property owner or owners.

Submittal Instructions

Deadline: Applications are due by the 1st of any month for consideration at the following month's regularly scheduled meeting. Planning staff will require at least 30 days to process the application. Meetings of the HPC are held the 2nd Thursday of each month at 5:15 p.m. in the City Council Chambers.

Submit To: Kyle Harris, Planner
           Community Planning Services
           P.O. Box 479
           Salisbury, NC 28145

Certification

I (We), the undersigned, do hereby make an application for the designation of the above referenced property as a Salisbury Historic Landmark.

I (We) certify that all the application is complete and accurate, and I (We) understand that incomplete or inaccurate information may invalidate this application.

I (We) hereby give permission for staff and HPC members to make site visits onto the property.

Owner Signature: ___________________________ Date: 9/11/2017
Permission of Owners for Interior Design Review

(Please complete this portion of the application only if interior is included in the designation.)

Pursuant to North Carolina General Statute 160A-400.9(b) on historic landmarks, we,

Larry C Bowyer and Karen C Lilly-Bowyer

owners of record, do hereby request designation of interior spaces as such spaces have been deemed to have architectural, artistic, cultural, or historical significance. We understand that changes to designated portions of the property are subject to design review for compliance with The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. We give permission to the Salisbury Historic Preservation Commission to exercise jurisdiction for design review over all interior designated portions of the following building or buildings located at: (Type or Print in Black Ink)

<table>
<thead>
<tr>
<th>Name of Historic Landmark:</th>
<th>Temple-Bowyer House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address of Building or Buildings:</td>
<td>1604 Statesville Blvd.</td>
</tr>
<tr>
<td>City, State, and Zip:</td>
<td>Salisbury, NC 28144</td>
</tr>
<tr>
<td>Rowan County Parcel ID(s):</td>
<td>332 092</td>
</tr>
<tr>
<td>Signature (owner):</td>
<td></td>
</tr>
</tbody>
</table>

Larry C Bowyer  
Owner Signature  
9-11-17  
Date

<table>
<thead>
<tr>
<th>Name (Print):</th>
<th>Larry C Bowyer</th>
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<td>Date:</td>
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| Signature (owner): |  |

Karen C Lilly-Bowyer  
Owner Signature  
9/11/2017  
Date

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<th>Name (Print):</th>
<th>Karen C Lilly-Bowyer</th>
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<td>Date:</td>
<td>9/11/2017</td>
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I. General Information
1. Common/Historical Property Name: “Edgar S. Temple House”
2. Physical Address: 1604 Statesville Blvd, Salisbury, NC 28144
3. Rowan County Tax Parcel ID #: 333 092
5. Mailing Address: 1604 Statesville Blvd, Salisbury, NC 28144
6. Appraised Property Value: $123,746.00

II. Abstract

Architectural Significance, Criteria C Per NC Preservation Office Study List

For the National Register of Historic Places

1. The Edgar S. Temple house is locally significant as a rare example of the evolution of Spanish Colonial Revival residential architecture in the city of Salisbury. The Spanish Colonial Revival style developed in the early 20th century was popular from the 1920s through 1940.¹ There are other Mission/Spanish Revival style homes in the city, but the Temple House is exceptional because it encompasses all the elements of the stylistic movement that were significant during the second period, Spanish Colonial Revival.² The house retains good integrity on the exterior and interior. The landscaping around the house is significant because it contains the following elements of the Spanish Colonial Revival style: a courtyard, fountain, and arches. Additionally, the landscaping was designed to make the house harmonize with nature through selected plantings that cast shadows on the exterior walls and create a setting that is one with nature which is also an element of the style.³ The house is being proposed for local designation because its unique architecture needs to be recognized and preserved.

2. The main house, garage/studio, garden courtyard, and surrounding landscaping are included in the designation because the combined areas encompass the full extent of the properties historical significance as S. Temple’s home and private garden. The Temple family owned four acres of land in the area, but the property where the house and garage are located was deeded as one lot. The garden areas are relevant to the site because they are a continuation of and compliment to the overall Spanish Colonial Revival style and are an integral part of the design.

² McAlester, A Field Guide to American Houses (2013) 521-524
the exteriors of the buildings are to be designated. According to family interviews, both the house and the landscaping were designed by E. S. Temple.  

**III. Historic Background**

1. The Milford Hills sub-division property was first offered to the public by the Salisbury Development Company in the early 1930s. The land was conveyed subject to restrictions on the location and costs of the dwelling. The restrictions required a dwelling to be at least 1,000 sq. feet. The Temple House is 2300 sq. feet. Prior to the establishment of the Milford Hills development there were two large homes in the area. The Grubb- Sigmon-Weisiger House, National Register number 99000198 at 213 McCoy Road, Salisbury, NC. is approximately ¼ mile from the Temple House. The ABC Kirk House, 1524 Statesville Blvd. (directly across North Milf ord Drive from the Temple house) was built in the mid1920s.

The Temple home was one of the earliest homes constructed in the new Milford Hills sub division. Because of the unique design of the home, the house is a streetscape landmark along Statesville Blvd. Salisbury, NC. The Milford Hills development peaked during the late 1940s, through the late 1950s. Many of the early houses are two-story brick or wood side Colonial Revival style homes. By the 1950s, large brick ranch style houses were popular. With the sale of the Temple land in 1993 through 1995 three new brick homes were built on North Milford Drive. With the development of adjacent neighborhoods, the Milford Hills area continues to be a relevant and desirable neighborhood with newer homes constructed in 2000 through 2016 that blend with the older established homes.

Edgar Temple, because of his career path, had a unique frame of reference for architecture. His work in landscaping gave him perspective with reference to function and design. According to interviews with family members, Temple designed the home and functioned as his own contractor using local craftsman for the home’s construction. The house design shows the influence of noted Spanish Colonial Revival architects such as George Washington Smith, Bertram Goodhue and Lilian J. Rice. The house encompasses the essential elements of Spanish Colonial Revival style in its design. Those elements include: a low-pitched red clay tile roof, a symbolic bell tower entrance, enhanced entry, arch windows, recessed windows, a large tower chimney, courtyards and an asymmetrical stucco exterior.

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4 Karen C. Lilly-Bowyer, Temple Family: Sylvia Temple Boyd and Samuel Temple Interview, (April 1, 2016)

5 Temple, E.S. and wife, Madge S. “Deed: Salisbury Development Co.” December 16, 1933 (Register’s Office, Rowan County, NC. January 27, 1934)

The landscaping includes a garden courtyard that is defined by Augusta paving bricks. A fishpond and fountain are backed by a stucco wall that is anchored by stucco arches on each end. The landscaping that surrounds the house includes berms that are planted with azaleas, long leaf pines and Temple’s signature plantings: crepe myrtles and multi-colored hand grafted camellias. The yard has a multitude of mature trees that include dogwoods and several varieties of holly and evergreens. The foundation plantings include English boxwoods, yucca, Ligustrum and aucuba. The landscape planting designs are basically intact with the exception of several fruit trees that died in the 1990s. The landscaping reflects the Spanish Colonial Revival style as represented by architect George Washington Smith who is considered the Founding Father of the Spanish Colonial Revival style in America "In a review of the 1925 League (Architectural League of New York) exhibition, Matlack Price wrote of Smith's ability to realize buildings of exquisite simplicity of design’..of proportions, together with a sensitive use of the fine patterns of trees and shrubs made by sunlight and shadows on the walls of the house.”

Mr. Temple and his wife who were from Hildebrand, NC were both graduates of Lenoir Rhyne College. The couple married during their senior year of college and after graduation began their teaching careers in the Uwharrie, NC school. The next year they moved to Moore County, NC. Mr. Temple, became the principal of Moore County’s Cameron High School. Mr. Temple attended the University of North Carolina at Chapel Hill during the summers and received a Master’s Degree in Education. The Temples left Moore County in 1932, and Mr. Temple took a position as a professor of education at the then newly, reorganized Rutherford College at Rutherford Station, NC. In 1933, North Carolina Methodist colleges were consolidated. Rutherford College was closed, and Brevard College became the only NC mountain area Methodist College. Mr. Temple saw this change as an opportunity to start the business that he had always wanted. For the next year or so he worked for a Hildebrand, NC nursery, the Howard Hickory Nursery, as a salesman. He had worked for the business when he was in high school and had learned the landscape trade through experience.

During their early marriage, the Temples used their summer vacations from teaching to explore the United States. They visited the 1933 World Fair in Chicago and they drove and camped cross country to California. During these

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adventures, the Temples became fascinated by new ideas in building and home design. Their travels inspired Mr. Temple’s home design. Mr. Temple’s creative talents are seen across many Salisbury business and residential landscapes. He created exceptional landscaping for St John’s Lutheran Church which is a downtown landmark. When working on landscapes for the church’s new buildings in the 1968, he discovered one of Salisbury’s original five wells. His careful handling of this historical site enabled the establishment of a well house that marked the location of the historic well. Mr. Temple worked as a contractor for the US Veterans Administration and was instrumental in the development of landscaping for the local Veterans Hospital. Mr. Temple was also the landscape contractor for the historic National Military Cemetery in Salisbury. When the cemetery administration decided to dispose of a gazebo that had been placed in the cemetery in the 1870s, Mr. Temple purchased the gazebo, restored it, and placed it on a flagstone pad in his home garden. After the death of Edgar and after Madge Temple left the house for health reasons, Mrs. Temple directed her children to give the gazebo to the city of Salisbury. It now stands as a prime landmark in the downtown Salisbury Bell Tower Park. (The Veterans Administration in Salisbury was contacted about records of Mr. Temple’s work. Unfortunately, the VA does not keep records of contracted work.) Mr. Temple did landscape work for the many of Salisbury’s finest homes and private businesses. Mr. Temple also worked for the Rowan County Government/School System. He designed and built the football fields for East, West, South, and North Rowan High Schools. Work on the football field is verified through family interviews, and by word of mouth from local historians, however, Rowan County school system records prior to the Salisbury / Rowan County school consolidation are not available. Local newspaper records for that time are not digitalized.

2. Construction of the house was completed in 1936. It was sold to Larry C. Bowyer and Karen C. Lilly-Bowyer in 1993. There have been no other owners.

3. There have been no structural changes to the interior or exterior of the house. The footprint of the home is original. All repairs have been completed using original like materials. (ex. Stucco repairs) Repairs to windows have been made by repair carpentry or by replacing wooded windows with custom made windows that match the original windows. The window pane glass on the northeast side bathroom window has been replaced with multi colored textured stained glass.


11 “St. Johns Well.” St John’s Journal (Vol. 15. No. 6, Salisbury, NC. Summer 1968)

12 “Relocated Gazebo Officially Given to Salisbury.” Salisbury Post (Salisbury, NC April 31,1993)
IV. Assessment

1. The Temple House is architecturally significant because it exemplifies the essential characteristics/elements of the Spanish Colonial Revival style that is rarely seen in the Piedmont region of North Carolina.\(^{13}\)

Spanish style architecture in America, commercial and residential, prior to 1920 was greatly influenced by the California missions. In 1915, the Panama-California Exposition in San Diego featured buildings designed by Bertrum Goodhue. Goodhue’s buildings went beyond mission style. Architects of the time began to look to new sources material particularly in Andalusia Spain as well as a variety of Spanish buildings throughout Latin America. The architects of the time began to call this new style Spanish Colonial Revival. The apex of the style was from 1920 through the early 1930s with the style passing from fashion by 1940.\(^ {14}\)

The Temple House includes the following stylistic elements commonly found in Spanish Colonial Revival buildings: a low-pitched red clay tile roof, a symbolic bell tower entrance, an asymmetrical façade, tower chimney, recessed and arched windows and a courtyard.

There are several notable homes in the Salisbury Historic District that can be classified as the Mission/Spanish Revival movement. One is located on 301 West Fisher Street, another is located at 201 South Fulton Street and a third at 209 South Fulton Street. These homes which were built before 1920, are large formal two-story rectangular dwellings with Mission shaped dormers and or roof parapets that reflect the Spanish Mission style construction that was popular in the 19\(^{th}\) century and later, but primarily before the great depression.\(^ {15}\) These homes are similar to Temple House in that they have stucco over brick construction with clay tile roofs. The Fisher Street and Fulton Street houses follow the Spanish Mission style and were built before the Spanish Colonial Revival style, which is integral to the Temple House, became an important style. The Temple House is significant because it is the only Spanish influenced house in the city that has a courtyard that is formed by the “U” shape design of the house. This courtyard is as detailed as any indoor room. Max Jacobson described this element as follows: “The root of the pattern lies in the combination of ecological, psychological and aesthetic factors…outside rooms can be thought of as habitats…courtyards function as flow through rooms.”\(^{16}\) The Temple House carefully

\(^{13}\) City of Santa Barbara, Historical Resources: Spanish Colonial Revival Style Assessed January 15, 2017.


\(^{16}\) Jacobson, *Patterns of Home: Ten essential of Enduring Design*, 52
reflects the Spanish Colonial Revival style which was essentially a continuation of the Mission/Spanish Revival movement.

A fourth house at 728 North Fulton can be classified as Spanish Colonial Revival. However, this house is a later version of the style that was typical in the late 1940s. The recorded construction date for this house is 1946. It is a simple two-story stucco dwelling with steel casement windows and a red clay tile roof. There is a one story attached garage. The house has a brick, not stucco covered chimney and little if any style embellishments.

Additionally, there are several small stucco houses scattered within the city, that resemble the stucco California or Spanish influence bungalow tract homes that were built in the late 1940s and 1950s. A home at 400 Mitchell Avenue is one example. It has a front porch with stylized arches and a flat roof with mission trim. Another example at 1014 Lincolnton Road has a porch with stylized arches and a composite roof covering that simulates a clay tile roof. Neither of these houses has a clay tile roof, arched recessed windows, a symbolic bell tower, tower chimney, or an asymmetrical façade all of which are style elements that are included in the Temple House, and are integral to the Spanish Colonial Revival style.17

When evaluated using the noted historic architectural research of Virginia and Lee McAlester, Lester Walker and David and Patricia Gebhart, the Temple House is an outstanding example of the Spanish Colonial Revival style that evolved in the 1920s.

2. Setting: The Temple House is located, in the Milford Hills residential section of Statesville Boulevard at the corner of North Milford Drive. The house is centered on the right side of a 1.255 acre lot and faces Statesville Blvd. The rectangular lot has 200’ on Statesville Blvd., which runs in a northwest direction and 274’ on North Milford Drive which runs in a southwest direction. The rear boundary line is 200’ and runs northwest and is parallel to the Statesville Blvd. The northeast boundary is 273.’ The landscaped grounds reflect the skill and creativity of the Edgar Samuel Temple, who was one of Salisbury’s first landscape architects. The front elevation which is 100’ from Statesville Blvd is notable for large open grass areas, English boxwoods, Yuccas, flower beds, mature Crepe Myrtle trees, Long Leaf Pine trees, camellias and holly trees. There are two large berms planted with camellias, azaleas, dogwoods and Crepe Myrtles. The house has English boxwood, aucuba and Ligustrum foundation plants. Approximately 150’ from the corner of N Milford and Statesville Blvd is a half-circle drive with berms at each entry. The berms are planted with Yucca, daffodils, day lilies, chrysanthemum and Japanese Holly which provide year-round color. There is a two-story detached garage on the right side of the driveway. The second floor of the building was Mr. Temple’s studio and office. The rear of the house is dominated by a 30’ x 27’ courtyard that is a part of the house foundation. The

17 City of Santa Barbara, Historical Resources: Spanish Colonial Revival Style Assessed January 15, 2017.
courtyard with its internal grass squares creates an outdoor living space that is an element of the Spanish Colonial Revival style. There is a garden courtyard created by using brick Augusta street pavers. 18 There are two 10.5’ x 8.5’ grass areas in the garden courtyard area and two additional ¼ round grass areas that are 8.5’in diameter; all are defined by Augusta paving bricks. The summit of the garden courtyard is a triangular fishpond (9’ x 9’ x 9’) that ends at a brick/white stucco covered wall with 10’ tall arches at each end. The northeast side of the house has boxwood foundation plants with periwinkle beds. The left/NE yard has two large berms, one with a very old large pin oak tree, and the other has a large Hemlock tree. These berms create a small garden which has a flagstone patio that was constructed as the floor for an 1870s iron gazebo that was reclaimed form the Salisbury National Cemetery. In 1993, the Temple family donated the gazebo to the city of Salisbury, NC. The rear yard (behind the garage) is defines by a row of 60’ Leland Cyprus that were planted by the current owners in 1993. There are two large grass areas in the rear yard and a small out building made of clay/brick drain tile that was originally used as a chicken house. The chicken house is not a part of the designation. Plantings in this area include an 80’ Chinese Evergreen, a grapevine, ornamental and traditional magnolias, and Ligustrum trees. The grounds plantings reflect the philosophy of George Washington Smith, who is considered the father of American Spanish Colonial Revival style architecture.19

The outside of the house and the inside of the house should flow seamlessly through the use of light and shadow. The landscape design created by Temple is historic and has been maintained by the current owners.

**Overview:** The house is a one-story structure constructed on a perimeter and pier foundation with 10” x 2” wooden beams. The house has crawl space. A small portion of the southwest section has a concrete basement.

The exterior walls are smooth stucco over a layer of brick and drain tile. The walls are 10” thick with recessed windows. None of the exterior elevations have been changed structurally. The floor plan of the house is a horizontal, asymmetrical double “U-shaped” design with an open rear courtyard that is typical of the Spanish Colonial Revival outdoor living spaces. 20 The tower chimney is centered on the rear wall of the courtyard. The single barrel 14” red clay tile roof has a low pitch. (4:12) with a very slight overhang. 21 There are steel as well as wooden beams in the attic that support the tile roof. The house form can be described as a twin gables with each section rectangular in form with a rectangular asymmetrical front elevation. The house is painted white with dark green trim on the recessed windows and exterior doors which is in keeping with the Spanish Colonial Revival architectural form. The windows are

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18 Bill Baab, “Watch Your Step in Tampa and St. Petersburg”


21 Walker, *American Shelter*
recessed wooden double hung four over four or six over six. There are seven window groups that are arranged as triple window banks: two four over four double hung wooden windows with a six over six double hung center window. Windows have been repaired or replaced using historically correct windows as needed over the last twenty years. The house has seven exterior doors. The front door is a wooden ten panel door with a concrete composite deco door surround. The courtyard has four, fifteen glass panel French doors, two on each side of the courtyard and two double, ten glass panel doors on each side of the tower chimney. The exterior footprint of the house has not been altered in any way.

**Façade: The Statesville Blvd. Elevation North West**

The front elevation is asymmetrical with a gable style roof line at each end and a low pitched hipped roof for the center. Beginning on the N Milford Drive side of the front elevation there is a 14’ wall. Centered on the wall is bank of three wooden mullion windows that consist of two four over four double hung windows that are 19” x 62” with a center window that measures 34” wide by 62” tall that is six over six. This section has a gable roof. The front elevation changes at the entry and is recessed 4’ from the first wall. This wall is 10’ long. The entry is designed as a symbolic bell tower. The entry tower is 24’ tall with a pyramidal roof, typical of Spanish Colonial Revival construction. The oak ten panel 6’x10’ front door has a large decorative Spanish hammered lock face and a large decorative hammered brass handle. The exterior of the door has a formed concrete door surround that features fluted pilasters with a carved crosshead and flat trimmed keystone. The enriched doorway is an element of the style. The entry has a small stoop that is reached steps that are covered in barn red, solid quarry tile. The stoop is outlined in solid tile and the floor is broken quarry tile in shade of yellow, red, and brown quarry tile. Moving toward the Northeast area of the front elevation, the exterior wall is recessed 6’. This exterior wall is 20’ in length. The wall has three arched wooden double hung mullion windows that are six over six and measure 33” wide by 62” tall. The far left (Northeast) side of the elevation is 16’ in length. This wall extends out 5’ from the previous wall and has a three-window group that matches windows on the opposite side of the front façade. This area matches the right or Southwest section of the front elevation and has a gable roof. Both gables have decorative louvered, arch shaped roof vents.

**Southwest Elevation: North Milford Drive:**

Beginning at the corner of Statesville Blvd. and N. Milford Dr. the exterior wall has a bank of three windows that match the windows on the front elevation and a single double hung wooden 6/6 mullion window that measures 34” x 54.” At the 24’ mark, the wall extends 4’ x12’ which creates a cross gable roof line. The center gable has a decorative arched, louvered roof vent. There are two six over six wooden mullion windows that measure 24” x 41” each on this extension. The wall then recedes 4.’ The next North
Milford elevation has a wooden six over six double hung mullion window that measures 24” x 41” and then a bank of three windows that match the other window banks. The Southwest elevation has in total, two three window banks, one twin window bank and two single windows. The N Milford elevation also has an exterior staircase that begins at ground level and leads to the door of a small basement.

**Southeast Elevation: Rear**
The rear elevation begins with a 16’ wall that is parallel to Statesville Blvd. This wall has two 33” x 60,” six over six wooden double hung windows. One on either side of a small chimney flu. The exterior wall then recesses for 30’ creating an interior wall for the courtyard. The open courtyard is 30’ in length and 26’ wide. The courtyard has four 8’ x 8’ squares that are surrounded by solid barn red quarry tiles and planted with grass. The perimeter of the courtyard is outlined in solid barn red quarry tile. The remaining floor space is inlaid with broken quarry tile in shades of brown, yellow and red. The courtyard is raised one foot above ground level. There are two steps / one on the left and one on the right side of the courtyard opening. The courtyard riser and the step risers are tiled with Mexican style decorative tile. The tower chimney which is 9’ wide and 25’ tall is centered on the back wall of the courtyard. The chimney front has a stylized “s” shaped anchor plate. There are two sets of ten glass pane and wooden French doors on either side of the chimney. Additionally, there are two fifteen glass pane and wooded French doors on each side of the courtyard. The courtyard has a total of six doors that are entries to the interior of the house. Each doorway had a barrel tile covered cornice that is supported by 4 x 4 wooden supports. A 16’ exterior wall on the Northeast side of the courtyard mirrors the Southwest side of the rear elevation. The window for this section is a three-window group that match the windows on the N Milford (SW) elevation and the facade window groups.
The two rear wings have gable style roof lines. The Southwest gable has a small chimney and the Northeast gable has a decorative arched roof vent that matches the façade vents. There have been no structural changes to the courtyard or the rear of the house.

**The Northeast Elevation**
Beginning at the corner of the right rear elevation, the Northeast elevation of the house is a straight wall except for an 18” by 8’ extension that begins at the 24’ mark. The first section of the elevation has two, three-window banks. The extension has a 24” x 40” double hung six over six window. The clear glass that was original in this small window has been replaced with multi-colored stained textured glass. The remaining section has a three-window bank. The Northeast elevation has a total of three, three-window banks and one single window.
**Garden Courtyard and Garage**

The interior courtyard is incorporated into the house foundation. This courtyard area flows into a landscaped garden courtyard yard area that compliments the interior courtyard. The garden courtyard has grass areas that are 10.5’ x 8.5’ rectangles that abut the foundation courtyard and two grass areas that are ¼ circles that measure 8.5’ in radius. The grass areas are defined by reclaimed Augusta street paving bricks that were manufactured by the Augusta Brick Company.  

22 The grassy areas and brick walkways climax at a wall which is 9’ in length with 10’ tall arches anchoring each end. The wall is constructed of brick with a stucco covering. The middle of the wall is the back of a triangular fish pond and fountain that is 9’x 6” at the base with sides that are 9’x 6”. The garden courtyard is original and has had no structural changes.

(The use of Augusta and other reclaimed pavers to define garden areas is included in the designs of the Casa Del Herrero House and Museum in Santa Barbara, CA which was built for George Fox Steedman by George Washington Smith in 1925.)

23 The North Milford Drive garden wall arch is attached to a two-story cinderblock stucco covered two car garage and studio that is 90’ x 90’ square. The front of the garage which faces North Milford Drive is original. It opens to the half circle drive that is entered from North Milford Drive. The garage has two small wooden double hung windows on the second floor of front elevation. The N/W elevation is also original and has two wooden 6/6 second floor windows. The rear elevation was modified in 2014 to accommodate wooden stairs and a rear deck. The original narrow stairs to the upstairs two room space were attached to the side of the building and were badly deteriorated. The second-floor exterior door is original. The second-floor unit was used by Edgar Temple as his office and studio. The NW elevation that faces the courtyard is a solid stucco wall with one single door entry. The yard around the garage has multiple ivy-covered berms with mature trees and numerous planting areas. The garage and second floor office and studio exterior are to be included in the designation.

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3. The property has no archeological significance. However, during interviews, surviving Temple family members did state that Mr. Temple, their father, had a large collection of arrowheads and pottery pieces that he found while excavating for the house foundation and while landscaping the yard.

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22 Baab, “Watch Your Step in Tampa and St. Petersburg.”

4. The design of the house and garden encompass all the hallmark design elements of the 1920s-1940s Spanish Colonial Revival style of architecture. Those elements include: simulated bell-tower entry, entry enhances door surround, arched windows, recessed windows, a large tower chimney, French doors, an interior courtyard, a barrel clay tile roof and gardens that reflect the integrity of the architectural style. The house was designed to reflect the, then new, more informal attitude towards residential construction. The design, using proportion, scale, ornamentation and construction materials contribute to the integrity of the structure and the surrounding gardens; the extensive use of large windows and French doors reflect the style by bringing the beauty of nature into the home. The setting with the use of selected foundation plantings and garden plantings allow the house to flow seamlessly with nature. The interior courtyard reflects the Spanish Colonial Revival concept of outdoor living areas. The garden courtyard continues the Spanish influence of the house through the use of garden arches and a fountain/ fishpond. The workmanship and strict adherence to construction materials that reflect the architectural style of the period are evident in the Temple House. The house and landscaping express the aesthetic sense of the period. The house and surrounding grounds show integrity as they have been historically preserved. The house footprint is original. The landscaping has been maintained to reflect the original design. Materials used for repairs are as close to original building materials as can be currently purchased.

5. The main house, garage/studio and landscaped gardens are included in the application because the combined areas were designated by Edgar Temple as his home site and private garden. The property is deeded as one lot. The garden areas are relevant to the house because they are a continuation of and compliment to the overall Spanish Colonial Revival form and are an integral part of the design.

**Boundaries:**
The Statesville Blvd. side of the lot is N 73.36°42” W and is 200 feet in length. The North Milford side is S 16.13’35” W and is 273.69 feet in length. The rear of the lot is N 73.45’03” W and is 199.86 in length. The North-East side is N 16.15’37” E and 273.12 feet in length. Together the property measures 200.2 x 373.69 x 199.80 x 373.12. for a total acreage of 1.255.

III. Supporting Documentation
1. Photographs of the property are provided on the provided CD.
2. A sketch of the floor plan is attached and also provided on the CD.
3. The site plan/survey is attached and provided on the CD.
4. The tax map is attached and provided on the CD.
Bibliography


Photo Log

Name of Property: Temple House

City or Vicinity: Salisbury

County: Rowan County State: North Carolina

Photographer: Karen C. Lilly-Bowyer

Date Photographed: August 28, 2017

Description of Photograph(s) and number, include description of view indicating direction of camera:

1: Front of House from Statesville Blvd., camera facing southeast.
2: Front door surround.
3: Southwest elevation, N. Milford side.
4: Garage and driveway.
5: Garden courtyard, fishpond and arch, camera facing southeast.
6: Backyard, arch and chicken house, camera facing southeast.
7: Interior courtyard and paving bricks, camera facing Statesville Blvd.
8: Chicken house and backyard, camera facing southeast.
9: Rear elevation, camera facing the corner of Statesville Blvd. and N. Milford.
10: Northeast elevation.
11: Northeast elevation, camera facing towards southeast.
12: Front yard berms, camera facing northwest.
13: French door to entry area.
December 18, 2017

Kyle Harris
City of Salisbury
132 North Main Street
Salisbury, NC 28144

RE: Landmark Designation Report for the Edgar S. Temple House, 1604 Statesville Boulevard, Salisbury, Rowan County

Dear Mr. Harris:

Thank you for the report for the Edgar S. Temple House, located at 1604 Statesville Boulevard in Salisbury. We have reviewed the information in the report and offer the following comments in accordance with North Carolina General Statute 160A-400.4.

The Edgar S. Temple House is an excellent example of a Spanish Colonial Revival style residence. Constructed in 1936 for landscape architect, Edgar S. Temple and his wife Madge, the one-story, “U”-shaped building has several features associated with the Spanish Colonial Revival style, including stucco siding, a clay tile roof, a decorative tower entry, arched wooden sash windows, and a central courtyard. The “U”-shaped courtyard serves as an indoor/outdoor space that blends the house with its surrounding landscape and may have been designed by Mr. Temple. While Spanish influenced architecture is prevalent in Salisbury, they tend to exhibit elements more closely associated with the Spanish Mission style and courtyards are not present in any other known local examples. The house, garage, and surrounding landscape retain remarkably good material integrity with only minor repair work performed in-kind to the house.

In our review of the designation report, we have a few recommendations for strengthening the argument for significance and statement of integrity. Once these matters are addressed, we believe the report will provide sufficient information for the commission to determine whether the Edgar S. Temple House possesses the requisite special significance and integrity for local historic landmark designation.

Landmark designation means the community recognizes a property as an important historic resource worthy of preservation. Any substantial exterior design changes to a designated landmark are subject to the design review procedures of the Salisbury Historic Preservation Commission. The owner may apply for an annual deferral of fifty percent of the property taxes for as long as the property is designated and retains significance and integrity.
If the local governing board wishes to extend the Commission’s design review authority to significant features of the interior, the owner must give written consent. The designation ordinance must specify the features and describe the nature of the Commission’s design review authority over them.

Thank you for giving us the opportunity to comment on the report. Our comments are advisory only and are not binding. Once the governing board has received a recommendation from the Salisbury Historic Preservation Commission and has proceeded in the same manner as would otherwise be required for an amendment to the zoning ordinance, the governing board may proceed with the designation decision. Once the designation decision has been made, please return the completed designation confirmation form, enclosed.

This letter serves as our comments on the proposed landmark designation of the Edgar S. Temple House. Please contact me at 919-807-6575 should you have any questions about our comments.

Sincerely,

Amber E. Kidd
Local Preservation Commissions / CLG Coordinator

CC: Commission Chair

Enclosure
AN ORDINANCE DESIGNATING THE “EDGAR S. TEMPLE HOUSE”, LOCATED AT 1604 STATESVILLE BOULEVARD IN SALISBURY, NORTH CAROLINA, AS A HISTORIC LANDMARK

WHEREAS, Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes provides for the designation of historic landmarks; and

WHEREAS, the City of Salisbury has created the Salisbury Historic Preservation Commission as a commission having the authority to exercise, within the planning jurisdiction of the City, the powers and duties conferred by N.C.G.S. 160A-400; and

WHEREAS, the Edgar S. Temple House is located at 1604 Statesville Boulevard in Salisbury, North Carolina, and is identified by the Rowan County Parcel ID No. 333 092 (“the Property”); and

WHEREAS, the Property is owned by Karen C. Lilly-Bowyer and Larry C. Bowyer, who have consented to the landmark designation; and

WHEREAS, the Salisbury Historic Preservation Commission issued a Landmark Designation Report in January 2018, recommending designation of the Property as a historic landmark; and

WHEREAS, as set forth in the Landmark Designation Report, the Salisbury Historic Preservation Commission has determined that the Property is of special significance in terms of its historical, prehistorical, architectural, and/or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the State Historic Preservation Office (“SHPO”) of the North Carolina Department of Natural and Cultural Resources has been provided the opportunity to review and comment on the proposed designation; and

WHEREAS, the SHPO reviewed the proposed designation and issued a letter of comment dated December 18, 2017 in which it noted that “The Edgar S. Temple House is an excellent example of a Spanish Colonial Revival style residence. Constructed in 1936 for landscape architect, Edgar S. Temple and his wife Madge, the one-story, ‘U’-shaped building has several features associated with the Spanish Colonial Revival style, including stucco siding, a clay tile roof, a decorative tower entry, arched wooden sash windows, and a central courtyard...While Spanish influenced architecture is prevalent in Salisbury, they tend to exhibit elements more closely associated with the Spanish Mission style and courtyards are not present in any other known local examples”; and

WHEREAS, the Salisbury Historic Preservation Commission held a duly-noticed public hearing on February 8, 2018, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein, and following said hearing voted to confirm its recommendation that the Salisbury City Council designate the Property as a historic landmark; and
WHEREAS, the Salisbury City Council held a duly-noticed public hearing on April 3, 2018, with respect to this ordinance and designation of the Property as a historic landmark as contemplated herein; and

WHEREAS, the Salisbury City Council, having taken into full consideration all statements and information presented at the public hearings and in the Landmark Designation Report, finds that the Property meets all qualifying elements of a historic landmark, particularly, that it is of special significance in terms of its historical, prehistorical, architectural, and/or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling, and/or association; and

WHEREAS, the Salisbury City Council finds that the Property’s preservation should be encouraged and ensured.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. The City of Salisbury hereby designates the Edgar S. Temple House, located at 1604 Statesville Boulevard in Salisbury, North Carolina as a Salisbury Historic Landmark pursuant to Chapter 160A, Article 19, as amended, of the North Carolina General Statutes. Said property being more particularly described as follows:

Edgar S. Temple House, 1604 Statesville Boulevard, Salisbury, Rowan County, NC, specifically: the complete exterior of the Edgar S. Temple House and all site features and components on the grounds; and, all land identified by the Rowan County Parcel ID # 333 092, that property described in deed book 719, page 710 recorded in the Rowan County Register of Deeds, comprising approximately 1.26 acres. This property is owned by Karen C. Lilly-Bowyer and Larry C. Bowyer.

SECTION 2. No portion of the exterior features of any building, site, structure, or object that is designated in this ordinance may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material, or outer appearance occurs unless and until a Certificate of Appropriateness is obtained from the Salisbury Historic Preservation Commission or its successors; provided however that the City of Salisbury Planning Director or designee may approve Certificates of Appropriateness for minor works as listed in the Bylaws and Rules of Procedure of the Salisbury Historic Preservation Commission.

SECTION 3. No portion of the exterior features of any building, site, structure, or object that is designated in this ordinance may be demolished unless and until a Certificate of Appropriateness is obtained from the Salisbury Historic Preservation Commission or a period of three hundred and sixty-five (365) days has elapsed following final review by the Commission of a request for demolition (or any longer period of time required by N.C.G.S. 160A-400.14 as it may be amended hereafter); provided however, that demolition may be denied by the Salisbury Historic Preservation Commission in the event that the State Historic Preservation Officer determines that the building, site, structure, or object has statewide significance as provided by N.C.G.S. 160A-400.14.
SECTION 4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material, or outer appearance thereof, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the owner of the historic landmark from making any use of the historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and follow the Salisbury Historic Design Guidelines, the guidelines used by the Salisbury Historic Preservation Commission to evaluate proposed alterations or additions.

SECTION 5. The Salisbury Historic Preservation Commission shall have no jurisdiction over the interior features of the property.

SECTION 6. City administration and the Salisbury Historic Preservation Commission are hereby authorized to have posted a suitable sign on the site herein described indicating that said site has been designated a historic landmark by action of the Salisbury Historic Preservation Commission and the Salisbury City Council provided, should the owners of the herein described property not consent to the posting of said sign on the described premises, City administration and the Salisbury Historic Preservation Commission are hereby authorized to have said sign located on the public right-of-way adjacent to said property.

SECTION 7. All owners of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence, shall be sent by certified mail a copy of this ordinance.

SECTION 8. Copies of this ordinance shall be filed and indexed in the offices of the City Clerk, Community Planning Services, Rowan County Register of Deeds, and the Rowan County Tax Administrator, as required by applicable law.

SECTION 9. In the event any building, site, structure, or object designated in this ordinance is demolished in accordance with the ordinances of the City of Salisbury, this ordinance may be repealed.

SECTION 10. Any violation of this ordinance shall be unlawful as by law provided.

SECTION 11. This ordinance shall be effective on the date of adoption.
Subject Property Map
HL-2-17: 1604 Statesville Blvd.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  May 1, 2018

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

Name of Presenter(s):  Nick Aceves

Requested Agenda Item:  Council to receive a request to rename the Prescott section of the Greenway to the Bill Stanback Greenway and consider establishing a thirty-day period for public input.

Description of Requested Agenda Item:  The Parks and Recreation Advisory Board voted in favor and the Greenway Committee was unanimously unopposed to the request to rename the Prescott section of the Greenway to the Bill Stanback Greenway. Bill Stanback cared deeply about the environment and made donations and gifts in Salisbury for the preservation of and advocating for green spaces, trails, wildlife, and natural areas. He served on many boards in the area but was also a member of the Salisbury Greenway Committee. His influence in the area helped in causes to benefit civil rights, land conservation, education, health, and many others community needs. In conjunction with the City's naming policy, should Council agree with the proposed renaming, a thirty-day comment period will be open to allow for public input on the proposed change. If approved there will be a renaming ceremony planned on the Greenway.

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

For Use in Mayor’s Office Only

☐ Approved

Reason:

☐ Declined
Dear City Council,

The Parks and Recreation Advisory Board asks City Council to receive a request to rename the Prescott segment of the Greenway to the Bill Stanback Greenway and establishing a 30 day period for public input.

Sincerely,

Amy Smith

Parks and Recreation Advisory Board Chair
REQUEST TO ACT UPON A PETITION TO REZONE 5 PARCELS ALONG THE NORTH MARGIN OF STATESVILLE BLVD TO 'RMX-CD' TO ALLOW FOR THE CONSTRUCTION OF AN 80-UNIT APARTMENT DEVELOPMENT.

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

Action Requested of Council for Agenda Item: COUNCIL TO MAKE A STATEMENT OF CONSISTENCY AND PUBLIC INTEREST AND CONSIDER ADOPTING AN ORDINANCE TO REZONE THE PROPERTY AS REQUESTED.

Contact Information for Group or Individual: #5244 or preston.mitchell@salisburync.gov

FINANCE DEPARTMENT INFORMATION:

________________________________________  ______________________________________
Finance Manager Signature                  Department Head Signature

________________________________________
Budget Manager Signature

****All agenda items must be submitted at least 7 days before the requested Council meeting date****
AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING FIVE PARCELS IN THE 2300 BLOCK OF STATESVILLE BOULEVARD TO RESIDENTIAL MIXED-USE (RMX) DISTRICT AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF AN 80-UNIT APARTMENT COMPLEX. (PETITION NO. CD-01-2018)

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

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition and associated development documents on March 13, 2018, voting 6-1 to recommend conditional approval of the development plan and stated that the proposal is consistent with the Vision 2020 Comprehensive Plan; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of April 3, 2018; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein to RMX district and by establishing a Conditional District (CD) Overlay is reasonable, in the public interest, and CONSISTENT with the goals, objectives, and policies of the Vision 2020 Comprehensive Plan as it relates to promoting a variety of housing types in the community and that higher density housing should be located near places of work, shopping, and public transit and designed with direct access to major roads.

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

SECTION 1. That property identified in the City of Salisbury and Rowan County as Tax Map 329, Parcel(s) 039, 040, 279, 378, and 379 including those abutting rights-of-way and reaching to the respective centerlines, as designated on the official property identification maps of Rowan County, is hereby rezoned to ‘RMX’ district and establishment of a new Conditional District (CD) Overlay pursuant to the approved CD Master Plan.

SECTION 2. DEVELOPMENT DOCUMENTS: That any and all development within this Conditional District (CD) Overlay shall substantially adhere to the approved development documents entitled ‘AARONFIELD OF SALISBURY,’ which are on file with the City of Salisbury and signed by the Mayor of the City of Salisbury. A corrected set of documents, reflecting City Council approval and any development conditions that were approved by City Council and made a part of this Ordinance, shall be provided to the City for the Mayor’s signature within 30 days of the effective date of this Ordinance and prior to the issuance of any development permits.
SECTION 3. PERMITTED USES (PRIMARY): ‘Dwelling – Multifamily more than 4 units per bldg.’

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

- Conditions as noted in red on the approved Master Plan and supporting documentation

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

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

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

SECTION 8. That this Ordinance shall be effective from and after its passage.
Preston Mitchell

Owens, David W. <owens@sog.unc.edu>
Friday, April 20, 2018 1:17 PM
Preston Mitchell
RE: Legislative Action by Council

Preston,
We talked on the phone about the legal requirements for council action on a pending rezoning petition.

The statutes require that decisions on quasi-judicial matters (special and conditional use permits, variances, appeals) be made “within a reasonable time” after the hearing. G.S. 160A-388(e2). There is no comparable state statute provision regarding legislative decisions such a rezoning. So the statute is simply silent on that point. We also do not have case law directly on this question, though there are cases that recognize decisions may be continued or postponed after the hearing and that require a new hearing if too much time elapses after a hearing and before a decision.

However, cases clearly require that a local government follow the procedures set forth in the ordinance itself. My understanding is that Salisbury’s ordinances says decisions on rezoning petitions “shall” be made after the appropriate process of planning board referral and the mandatory hearing. Given that, I think some action to adopt or reject the proposal needs to be made within a reasonable time. The council can certainly take a matter under advisement after the hearing and continue to deliberate. But ultimately the ordinance mandates a decision be made and that should be done in a reasonable period given all the circumstances.

David W. Owens
Gladys H. Coates Professor of Public Law and Government
School of Government
The University of North Carolina at Chapel Hill
CB 3330, Knapp-Sanders Building
Chapel Hill, N.C. 27599-3330

Phone: 919-966-4208
Fax: 919-843-9308
Email: owens@sog.unc.edu

E-mails sent to or from this e-mail address that relate to the School of Government’s work are public records and may be subject to public access under the North Carolina public records law.
15.19 **Special Sign Permits**: See Section 12.16 of the Sign Ordinance

15.20 **Legislative Procedures – General Provisions**

A. **Purpose**: The purpose of this Section is to establish uniform procedures for processing matters requiring a legislative approval process. Specifically, these legislative procedures are applied to Text Amendments, Map Amendments (rezonings), Conditional Districts, and Vested Rights.

B. **Amendments and Regulations pertaining to a Watershed District**: Under no circumstances shall the City Council adopt any amendment, addition, or deletion that would cause these regulations to violate the watershed protection rules as adopted by the North Carolina Environmental Management Commission. Any amendment to the boundaries of a Water Supply Watershed District or to the text of this Ordinance related to Watershed Protection shall be referred to the North Carolina Division of Water Quality for their review prior to adoption.

C. **Required Compliance with Adopted Plans**: Zoning regulations and amendments shall be made in accordance with the comprehensive plan and any other applicable officially-adopted plans. Prior to adopting or rejecting any zoning amendment, the City Council shall adopt a statement describing whether its action is consistent with an adopted plan and explaining why the Council considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

The Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan and any other applicable officially-adopted plans. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

D. **Protest Petitions Repealed via N.C.S.L. 2015-160 (effective 1 August 2015)**

1. In case of protest against any Land Management and Development Map (zoning map) amendment (rezoning), duly signed by the owners of 5% of the land included within a 100 foot wide buffer around each separate area proposed to be rezoned, such amendment shall not become effective except by a favorable vote of three fourths (3/4) of all the members of the City Council members eligible to vote on the matter (excluding vacancies and those who have a financial conflict of interest and are prohibited by law from voting on the matter) rather than by majority decision. Street rights-of-way are not considered for the 100-foot buffer unless the right-of-way has a width greater than 100 feet. When less than an entire parcel is proposed to be rezoned, the qualifying buffer is measured from the property line rather than the zoning district boundary.

2. No protest against any proposed amendment shall be valid or effective unless it is in the form of a written petition actually bearing the signatures of the required number of property owners and stating that the signers do protest the proposed
change or amendment. All such petitions shall be filed in the office of the City Clerk for validation at or before 12:00 noon not less than three (3) working days before the date of the City Council meeting.

3. A person filing a protest against a proposed zoning amendment may withdraw the protest any time prior to a vote on the rezoning.

E. City Council Decision: Once the public hearing has been conducted the City Council shall render a decision on the petition. All decisions shall be by simple majority vote unless a valid Protest Petition has been submitted in accordance with Section 15.18.D.

1. A decision concerning a petition for zoning shall be as follows:
   a. Grant the zoning as requested; or,
   b. Grant the zoning with a reduction in the area requested; or,
   c. Grant the zoning to a more restrictive general zoning district; or,
   d. Grant the zoning with a combination of b and c above; or,
   e. Deny the zoning.

2. A decision concerning the petition to amend the text of this Ordinance shall be as follows:
   a. Adoption of the amendment as written; or,
   b. Adoption of the amendment as revised; or,
   c. Rejection of the amendment.

F. Rehearing

1. An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the City Council decision.

2. Specific information to enable the City Council to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically.

3. A rehearing shall be denied by the City Council, if, in its judgment, such change in facts, evidence or conditions have not been proven.

4. A public hearing shall not be required to be held by the City Council to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members.
15.23 Conditional Districts

A. **Purpose:** The Conditional District (CD) is a floating overlay zoning district that exempts specific Ordinance provisions so as to encourage innovative design. Although not measured against all provisions of this Ordinance, the City will review CD development in light of all applicable, adopted plans and policies in order to provide greater certainty as to the resulting project.

The Conditional District is an alternative zoning process that may permit a mixture of land uses and alternative development standards as may be required to address the unique characteristics of an individual property through a Master Plan. The plan shall be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively yield a context sensitive development. The CD is not intended to relieve hardships that would otherwise be handled using a variance procedure; rather, the CD is intended as a means of accommodating design innovation and market expectations.

When designing a CD Master Plan, the following chapter and/or section provisions are not applicable. The Master Plan may identify any alternatives to those provisions but when a plan is not providing an alternative, the following provisions shall remain applicable.

2. Sections 5.5 through 5.17 of Building Types and Standards
3. Sections 4.8, 4.10: Subdivision and Infrastructure
4. Chapter 10: Parking
5. Chapter 11: Lighting

B. **General Requirements:**

1. **Case Management:** The Administrator, or their designee, shall assign a case number to all Conditional Districts for processing and permanent tracking. Following original approval of the case, any and all changes to the plan shall be considered modifications to the original plan and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved plans for the same property or properties are prohibited.

2. **Petitioner:** A petition to adopt or amend a CD shall be submitted by the current owner(s), or their duly-authorized representative(s), of all property to be included. An application to revise an existing CD Master Plan shall also be submitted by the current owner(s) of all property, or their duly-authorized representative(s), included in the adopted Conditional District overlay. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has petitioned for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the city.
that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the City.

3. **Content of Petition:**

   a. A Conditional District shall consist of the CD Master Plan and any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the City Council. The Master Plan, as a site specific conditional zoning plan, is itself a condition of the Conditional District rezoning.

   b. **Master Plan:** The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Plan comprised of sealed drawings and associated reports in accordance with the Development Plan Requirements of Section 16.4.

   c. In addition to the Master Plan, the petitioner shall provide the exact land uses proposed for the Conditional District. Such uses may be selected from any of the uses, whether permitted by right or conditional, allowed in the underlying base zoning district that is coupled with the Conditional District petition. Uses not otherwise permitted within the underlying base zoning district shall not be permitted within the Conditional District.

4. **District Uses & Standards:** Within an approved Conditional District, no use shall be permitted except in accordance with the underlying base district, base district provisions, and pursuant to the conditions imposed on the Conditional District in the approval of the rezoning.

5. **Fair and Reasonable Conditions:** As permitted by Sec. 15.21.A.1-5 the provisions of the approved CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the City Council may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the City Council prior to final action.

6. **Decisions:** Decisions by the City Council shall be by simple majority vote, unless a valid Protest Petition in accordance with Section 15.18.D has been filed, in which case, a three-fourths (3/4) majority vote of eligible members shall be required for approval.

C. **Ability to Proceed:** The applicant may proceed with development after adoption of the Conditional District Master Plan and ordinance, all construction documents, and recordation of any applicable plat with the Rowan County Register of Deeds. The
development and use of all land within the Conditional District shall be in keeping with
the approved Master Plan and all applicable provisions therein.

D. **Final Approval by Stages:** If so reflected on the Master Plan, the City Council may
allow the staging of development. Each phase of development shall adhere to all
applicable provisions and standards of this ordinance and the applicable CD Master
Plan.

E. **Amendments:** An amendment to a CD is a petition to rezone and newly adopt a CD
Master Plan and ordinance with any new conditions or site-specific standards, and
requires consideration by both Planning Board and City Council. The following eight
circumstances have the potential for significantly altering the basic development
concept or intent of the originally-approved plan and shall require an amendment:

1. Land area being added or removed from the Conditional District.

2. Modification of any conditions, site-specific standards, design standards, or
other requirements specified by the Conditional District ordinance.

3. A change in land use or development type beyond that permitted by the
Conditional District ordinance.

4. When there is introduction of a new vehicular access point to an existing street,
road or thoroughfare not previously designated for access.

5. When there is an increase in the total number of residential dwelling units
originally authorized by the Conditional District ordinance.

6. When the total floor area of a commercial or industrial classification is
increased more than ten percent (10%) beyond the total floor area originally
authorized by the Conditional District ordinance.

7. When City Council mandates their consideration and approval, as a condition
of approval, if any change or variation is proposed to the CD Master Plan and
Conditional District ordinance.

8. When the Planning Board considers a revision significant and recommends City
Council consideration and approval.

F. **Revisions:** A revision to a CD is an application to revise an existing, approved CD
Master Plan, and requires consideration by the Planning Board or the Technical Review
Committee (TRC), depending on the application.

1. **Planning Board Revisions:** Revisions requiring Planning Board consideration
are those that do not alter the basic development concept as an amendment
does; instead, they are changes to the approval CD Master Plan that may alter
the project site due to final engineering or field conditions.

   a. **10% Rule:** Notwithstanding those changes that trigger an amendment,
changes to numbered items, including but not limited to landscaping
points, lighting fixtures, and parking spaces, by 10% or more shall receive
Planning Board consideration. However, the Planning Board liaison to the TRC may keep a change at the TRC level if the 10% or more change appears insignificant for Planning Board consideration.

b. **Interconnectivity**: Changes that propose to remove or add a point of interconnectivity between private properties shall receive Planning Board consideration.

2. **Technical Review Committee Revisions**: Revisions requiring TRC consideration are those that insignificantly alter or rearrange the project site due to final engineering or field conditions.

a. **10% Rule**: Notwithstanding those changes that trigger an amendment or revision to the Planning Board, changes to numbered items, including but not limited to landscaping points, lighting fixtures, and parking spaces, by less than 10% shall receive TRC consideration.

b. **Arrangement**: Rearrangement, with no net loss or gain, of any item on an approved CD Master Plan shall receive TRC consideration.

c. When the TRC considers a revision significant enough for Planning Board consideration, the TRC or the Planning Board liaison may send it to the Planning Board for their consideration.

d. Appeals to TRC decisions on CD Master Plan revisions shall be heard by the Planning Board through a quasi-judicial process.

G. **Rescission of Conditional District for Non-Development**: The petitioner shall secure a valid building or construction permit(s) within a 24-month period from date of approval of the Conditional District unless otherwise specified. If a valid building or construction permit is not in place at the end of the 24-month period, the Administrator shall notify the petitioner. Within sixty (60) days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the City Council. The City Council may then rescind the Conditional District and revert to the previous base zoning, or extend the life of the Conditional District for a specified period of time.
## H. Procedure:

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<tr>
<td>Conditional District Rezoning w/ Master Plan (16.4) (Master Plan may act as Preliminary Plat)</td>
<td>Technical Review Committee (TRC)</td>
<td>Review submittal procedures and requirements Review for Completeness &amp; Ordinance Compliance Issue Staff Report and recommendation</td>
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<tr>
<td>Planning Board</td>
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<tr>
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<td>Review and recommendation of Conditional District petition</td>
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<td>City Council</td>
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<td>Final Plat (16.6 &amp; 16.7) (if applicable)</td>
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<td>Review for Completeness &amp; Ordinance Compliance Final Plat Issued -or- Denial and Request for Resubmission</td>
<td>Board of Adjustment</td>
</tr>
</tbody>
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**Diagram:**

1. **Informal Review of Schematic Plan**
   - By Administrator
2. **Formal Submission of Master Plan to TRC for Review and Recommendation**
3. **Courtesy Hearing before Planning Board**
4. **Review and Recommendation of Conditional District Rezoning** by Planning Board
5. **Process Petition Filed**
6. **Public Hearing before City Council**
7. **Majority Decision by City Council on Conditional District Rezoning**
8. **4/5 Supermajority Decision by City Council on Conditional District Rezoning**
9. **Process for formal submission of Construction Documents and Final Plat, if applicable**
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: May 1, 2018

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

Name of Presenter(s):

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

Description of Requested Agenda Item:

Attachments: □ Yes □ No

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

There is no fiscal impact.

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

Council to consider making appointments to boards and commissions.

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________ ______________________________
Finance Manager Signature Department Head Signature

______________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only
☐ Approved    ☐ Declined

Reason:
### Alternate Methods of Design Commission

<table>
<thead>
<tr>
<th>Current Member</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Wagoner</td>
<td>3/31/18</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**

Tenkamenin Crowder

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

### Community Appearance Commission

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

**Applicants:**

Nancy Vick

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

### Greenway Committee

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

**Applicants:**

**Notes:**

### Historic Preservation Commission

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

**Applicants:**

William Boyd
Kaloni Brincefield
Edword Clark
Steven Cobb
Emelia Duren
Larry Richardson

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

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

**Applicants:**
- Katherine Boyd
- Michael Brown
- Myra Byarm
- Rocky Cabagnot
- Frances Day
- Emilia Duren
- Velveeta Reid-Hairston
- Heather Fidler
- Jayne Land
- Whitney Peckman
- John Struzick
- Bianca Warren

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

### Human Relations Council

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 2 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annie Boone-Carroll</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Annie Boone-Carroll</td>
</tr>
<tr>
<td>Lorenzo Debose</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Lorenzo Debose</td>
</tr>
<tr>
<td>Linda Hunt (resigned)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>n/a</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/18</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
- Katherine Boyd
- William Boyd
- Kaloni Brinçefiled
- Myra Byarm
- Tenkamemin Crowder
- Frances Day
- Emelia Duren
- Whitney Peckman
- John Struzick
- Kelly Vanager
- Biana Warren
- Latasha Wilks

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

### Hurley Park Advisory Board

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

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

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

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 1 Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roy Bentley</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Roy Bentley</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Russell Smyre</td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/18</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
- George Benson
- William Boyd
- Heather Fidler
- Jon Post
- Kelly Vanager
- Nancy Vick
- Latasha Wilks

**Notes:**

### Planning Board

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

**Applicants:**
- Michael Brown
- Myra Byarm
- Edword Clark
- Heather Fidler
- Velveeta Reid-Hairson
- Jayne Land
- Whitney Peckman
- Russell Smyre
- Kelly Vanager

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

### Transportation Advisory Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wendy Brindle</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Wendy Brindle</td>
</tr>
<tr>
<td>Cynthia Kaminski</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Cynthia Kaminski</td>
</tr>
<tr>
<td>Gary Price, Jr. (County Service)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Gary Price, Jr.</td>
</tr>
<tr>
<td>Laura Schmidt (V.A.)</td>
<td>3/31/18</td>
<td>Yes</td>
<td>Laura Schmidt</td>
</tr>
</tbody>
</table>

**Applicants:**
- George Benson
- Michael Brown
- Rocky Cabagnot
- Velveeta Reid-Hairson

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

**Applicants:**

**Notes:**
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: May 1, 2018

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

Name of Presenter(s): Shannon Moore

Requested Agenda Item: 3rd Quarter Financial Report

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

Attachments: ☒ Yes ☐ No Powerpoint

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

____________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only

☐ Approved ☐ Declined

Reason:
3rd Quarter 2018
Financial Review
## General Fund

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/(-)</th>
<th>FY18 Bud to Act Variance +/(-)</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$14,220,460</td>
<td>$15,327,643</td>
<td>$13,735,724</td>
<td>$ (484,736)</td>
<td>$ (1,591,919)</td>
<td>31.47%</td>
<td>35.12%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$7,564,264</td>
<td>$8,292,290</td>
<td>$8,168,408</td>
<td>$ 604,144</td>
<td>$ (123,881)</td>
<td>18.72%</td>
<td>19.00%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$10,059,962</td>
<td>$10,766,884</td>
<td>$9,900,965</td>
<td>$ (158,997)</td>
<td>$ (865,919)</td>
<td>22.69%</td>
<td>24.67%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$8,517,713</td>
<td>$9,256,814</td>
<td></td>
<td></td>
<td></td>
<td>21.21%</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>$40,362,399</strong></td>
<td><strong>$43,643,631</strong></td>
<td><strong>$31,805,097</strong></td>
<td><strong>$ (39,589)</strong></td>
<td><strong>$ (2,581,719)</strong></td>
<td><strong>72.87%</strong></td>
<td><strong>78.79% YTD</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/(-)</th>
<th>FY18 Bud to Act Variance +/(-)</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$9,648,301</td>
<td>$10,705,783</td>
<td>$9,116,367</td>
<td>$ (531,934)</td>
<td>$ (1,589,416)</td>
<td>20.89%</td>
<td>24.53%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$8,356,604</td>
<td>$9,274,272</td>
<td>$10,097,425</td>
<td>$ 1,740,821</td>
<td>$ 823,153</td>
<td>23.14%</td>
<td>21.25%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$10,088,476</td>
<td>$11,194,591</td>
<td>$10,554,100</td>
<td>$ 465,624</td>
<td>$ (640,491)</td>
<td>24.18%</td>
<td>25.65%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$11,238,129</td>
<td>$12,468,985</td>
<td></td>
<td></td>
<td></td>
<td>28.57%</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>$39,331,510</strong></td>
<td><strong>$43,643,631</strong></td>
<td><strong>$29,767,892</strong></td>
<td><strong>$ 1,674,511</strong></td>
<td><strong>$ (1,406,754)</strong></td>
<td><strong>68.21%</strong></td>
<td><strong>71.43% YTD</strong></td>
</tr>
</tbody>
</table>
## Current Year Property Taxes

<table>
<thead>
<tr>
<th>Current Year Property Tax</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/-</th>
<th>FY18 Bud to Act Variance +/-</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$11,010,752</td>
<td>$11,942,978</td>
<td>$11,809,994</td>
<td>$799,242</td>
<td>$(132,984)</td>
<td>64.58%</td>
<td>65.31%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$3,341,947</td>
<td>$3,329,990</td>
<td>$3,648,201</td>
<td>$306,254</td>
<td>$318,211</td>
<td>19.95%</td>
<td>18.21%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$2,788,086</td>
<td>$2,686,301</td>
<td>$2,646,464</td>
<td>$(141,621)</td>
<td>$(39,837)</td>
<td>14.47%</td>
<td>14.69%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$230,014</td>
<td>$327,330</td>
<td></td>
<td></td>
<td></td>
<td>1.79%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$17,370,799</td>
<td>$18,286,599</td>
<td>$18,104,659</td>
<td>$963,874</td>
<td>$145,390</td>
<td>99.01%</td>
<td>98.21% YTD</td>
</tr>
</tbody>
</table>

**FY18 includes MSD Tax (Budgeted at $130,000)**

**FY18 Assessed Valuation used for budgeting (received from the County) was down slightly from FY17**

**FY18 Budget includes an additional $1,044,285 in property taxes related to 3.76 cents tax increase**
## Current Year Property Taxes

<table>
<thead>
<tr>
<th>FY17</th>
<th>FY18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Billed</td>
<td>Collected</td>
</tr>
<tr>
<td>17,687,650</td>
<td>17,145,577</td>
</tr>
</tbody>
</table>

**Through March**

### Current Year Property Tax

- **FY17**: Billed $17,687,650, Collected $17,145,577, % Collected 96.94%
- **FY18**: Billed $18,757,507, Collected $18,104,659, % Collected 96.52%

![Bar chart showing Current Year Property Tax for FY17 and FY18](chart.png)
# Sales Tax Receipts

<table>
<thead>
<tr>
<th>Sales Tax REVENUES</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/-</th>
<th>FY18 Bud to Act Variance +/-</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
<td>0.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$ 1,778,382</td>
<td>$ 1,721,561</td>
<td>$ 1,877,272</td>
<td>$ 98,890</td>
<td>$ 155,711</td>
<td>26.63%</td>
<td>24.42%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$ 1,872,693</td>
<td>$ 1,814,619</td>
<td>$ 1,932,428</td>
<td>$ 59,735</td>
<td>$ 117,809</td>
<td>27.41%</td>
<td>25.74%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$ 3,636,230</td>
<td>$ 3,532,655</td>
<td></td>
<td></td>
<td></td>
<td>50.11%</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$ 7,287,305</td>
<td>$ 7,049,800</td>
<td>$ 3,809,700</td>
<td>$ 158,625</td>
<td>$ 273,521</td>
<td>54.04%</td>
<td>50.16% YTD</td>
</tr>
</tbody>
</table>

**Sales Tax Revenues through Q3**

- **FY16 Actual**: $3,551,076
- **FY18 Actual**: $3,809,700

**Chart:**
- Y-axis represents the sales tax revenues from $3,550,000 to $3,850,000.
- Two bars indicate the actual sales tax revenues for FY16 and FY18.
### General Fund Expenses

<table>
<thead>
<tr>
<th>GF EXPENSES</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>FY18 Budget</th>
<th>% Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Government*</td>
<td>$2,572,318</td>
<td>$2,065,226</td>
<td>$2,105,876</td>
<td>$9,623,699</td>
<td>70%</td>
<td></td>
</tr>
<tr>
<td>Public Safety (Police &amp; Fire)</td>
<td>$3,350,373</td>
<td>$4,283,013</td>
<td>$4,199,950</td>
<td>$15,484,367</td>
<td>76%</td>
<td></td>
</tr>
<tr>
<td>Transportation**</td>
<td>$850,392</td>
<td>$1,224,427</td>
<td>$1,279,365</td>
<td>$7,037,766</td>
<td>48%</td>
<td></td>
</tr>
<tr>
<td>Environmental Protection***</td>
<td>$362,400</td>
<td>$432,239</td>
<td>$396,067</td>
<td>$1,607,652</td>
<td>74%</td>
<td></td>
</tr>
<tr>
<td>Cultural &amp; Recreation</td>
<td>$534,219</td>
<td>$480,354</td>
<td>$565,391</td>
<td>$2,572,819</td>
<td>61%</td>
<td></td>
</tr>
<tr>
<td>Community &amp; Econ Dev****</td>
<td>$422,383</td>
<td>$554,299</td>
<td>$753,485</td>
<td>$2,925,458</td>
<td>59%</td>
<td></td>
</tr>
<tr>
<td>Education</td>
<td>$20,000</td>
<td>-</td>
<td>$20,000</td>
<td>$40,000</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Debt</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>#DIV/0!</td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>$64,620</td>
<td>$118,856</td>
<td>$294,620</td>
<td>$596,952</td>
<td>80%</td>
<td></td>
</tr>
<tr>
<td>Interest</td>
<td>$18,861</td>
<td>$18,209</td>
<td>$18,545</td>
<td>$71,713</td>
<td>78%</td>
<td></td>
</tr>
<tr>
<td>Transfer to other Funds</td>
<td>$920,801</td>
<td>$920,801</td>
<td>$920,801</td>
<td>$3,683,205</td>
<td>75%</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$9,116,367</td>
<td>$10,097,425</td>
<td>$10,554,100</td>
<td>$43,643,631</td>
<td>68%</td>
<td></td>
</tr>
<tr>
<td>YTD</td>
<td>$29,767,892</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*City Council, City Admin, HR, Bus & Fin Services, Fleet, Public Serv Admin, Facilities, Telecomm, IT

**Engineering, Streets, Traffic Control & Street Lighting

***Solid Waste & Cemetery

****Community Development, Code Enforcement, Plaza, Development Services & DSI

Transfer to Other Funds includes Fibrant & Transit
Stormwater Fund

<table>
<thead>
<tr>
<th>Stormwater REVENUES</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act</th>
<th>FY18 Bud to Act</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$ 346,320</td>
<td>$ 344,357</td>
<td>$ 348,360</td>
<td>$ 2,040</td>
<td>$ 4,002</td>
<td>25.20%</td>
<td>24.91%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$ 348,470</td>
<td>$ 346,495</td>
<td>$ 346,696</td>
<td>$(1,774)</td>
<td>$ 201</td>
<td>25.08%</td>
<td>25.06%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$ 348,025</td>
<td>$ 346,053</td>
<td>$ 349,540</td>
<td>$ 1,515</td>
<td>$ 3,487</td>
<td>25.28%</td>
<td>25.03%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$ 347,565</td>
<td>$ 345,595</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25.00%</td>
</tr>
<tr>
<td></td>
<td>$ 1,390,380</td>
<td>$ 1,382,500</td>
<td>$1,044,595</td>
<td>$ 1,780</td>
<td>$ 7,690</td>
<td>75.56%</td>
<td>75.00% YTD</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stormwater EXPENSES</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act</th>
<th>FY18 Bud to Act</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$ 201,648</td>
<td>$ 234,362</td>
<td>$ 246,571</td>
<td>$ 44,923</td>
<td>$ 12,209</td>
<td>17.84%</td>
<td>16.95%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$ 297,899</td>
<td>$ 346,228</td>
<td>$ 250,090</td>
<td>$(47,808)</td>
<td>$(96,137)</td>
<td>18.09%</td>
<td>25.04%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$ 324,195</td>
<td>$ 376,791</td>
<td>$ 260,131</td>
<td>$(64,064)</td>
<td>$(116,660)</td>
<td>18.82%</td>
<td>27.25%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$ 365,778</td>
<td>$ 425,120</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>30.75%</td>
</tr>
<tr>
<td></td>
<td>$ 1,189,520</td>
<td>$ 1,382,500</td>
<td>$ 756,792</td>
<td>$(66,950)</td>
<td>$(200,588)</td>
<td>54.74%</td>
<td>69.25% YTD</td>
</tr>
</tbody>
</table>
# Water Sewer Fund

**WaterSewer REVENUES**

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/-</th>
<th>FY18 Bud to Act Variance +/-</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$7,118,847</td>
<td>$6,907,493</td>
<td>$6,802,099</td>
<td>$(316,748)</td>
<td>$(105,394)</td>
<td>26.71%</td>
<td>27.13%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$6,222,486</td>
<td>$6,037,744</td>
<td>$6,275,038</td>
<td>$52,552</td>
<td>$237,294</td>
<td>24.64%</td>
<td>23.71%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$5,934,991</td>
<td>$5,758,785</td>
<td>$6,132,741</td>
<td>$197,750</td>
<td>$373,956</td>
<td>24.09%</td>
<td>22.62%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$6,965,665</td>
<td>$6,758,858</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>26.54%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$26,241,989</strong></td>
<td><strong>$25,462,880</strong></td>
<td><strong>$19,209,878</strong></td>
<td><strong>$(66,446)</strong></td>
<td><strong>$505,856</strong></td>
<td><strong>75.44%</strong></td>
<td><strong>73.46% YTD</strong></td>
</tr>
</tbody>
</table>

**WaterSewer EXPENSES**

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/-</th>
<th>FY18 Bud to Act Variance +/-</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$4,569,788</td>
<td>$4,530,175</td>
<td>$5,082,218</td>
<td>$512,430</td>
<td>$552,043</td>
<td>19.96%</td>
<td>17.79%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$7,415,393</td>
<td>$7,351,114</td>
<td>$6,084,362</td>
<td>$(1,331,032)</td>
<td>$(1,266,752)</td>
<td>23.90%</td>
<td>28.87%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$9,983,377</td>
<td>$9,896,837</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>38.87%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$25,685,532</strong></td>
<td><strong>$25,462,880</strong></td>
<td><strong>$15,258,056</strong></td>
<td><strong>$(444,100)</strong></td>
<td><strong>$(307,987)</strong></td>
<td><strong>59.92%</strong></td>
<td><strong>61.13% YTD</strong></td>
</tr>
</tbody>
</table>
## Transit Fund

### Transit EXPENSES

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/(-)</th>
<th>FY18 Bud to Act Variance +/(-)</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$273,396</td>
<td>$262,383</td>
<td>$282,985</td>
<td>$9,589</td>
<td>$20,601</td>
<td>22.23%</td>
<td>20.61%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$259,216</td>
<td>$248,775</td>
<td>$355,967</td>
<td>$96,751</td>
<td>$107,192</td>
<td>27.96%</td>
<td>20.18%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$327,644</td>
<td>$314,446</td>
<td>$302,806</td>
<td>(24,839)</td>
<td>(11,641)</td>
<td>31.44%</td>
<td>21.91%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$466,410</td>
<td>$447,623</td>
<td>$428,163</td>
<td>18,277</td>
<td>18,752</td>
<td>27.14%</td>
<td>35.16%</td>
</tr>
<tr>
<td>Total</td>
<td>$1,326,667</td>
<td>$1,273,227</td>
<td>$1,273,227</td>
<td>$51,000</td>
<td>$116,153</td>
<td>73.97%</td>
<td>64.84%</td>
</tr>
</tbody>
</table>

*Transit Department has not submitted reimbursement for Q3 from the FTA*

### Transit REVENUES

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/(-)</th>
<th>FY18 Bud to Act Variance +/(-)</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$188,576</td>
<td>$193,972</td>
<td>$136,337</td>
<td>$(52,235)</td>
<td>$(57,635)</td>
<td>10.71%</td>
<td>15.23%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$249,806</td>
<td>$256,954</td>
<td>$228,824</td>
<td>$(21,523)</td>
<td>$(28,671)</td>
<td>17.93%</td>
<td>20.18%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$271,198</td>
<td>$278,958</td>
<td>$400,306</td>
<td>$129,108</td>
<td>$121,349</td>
<td>31.44%</td>
<td>21.91%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$528,229</td>
<td>$543,343</td>
<td>$364,927</td>
<td>$(114,302)</td>
<td>$(168,914)</td>
<td>23.78%</td>
<td>42.67%</td>
</tr>
<tr>
<td>Total</td>
<td>$1,237,809</td>
<td>$1,273,227</td>
<td>$764,927</td>
<td>$55,346</td>
<td>$35,043</td>
<td>60.08%</td>
<td>57.33%</td>
</tr>
</tbody>
</table>

*Transit Department has not submitted reimbursement for Q3 from the FTA*
## Fibrant Fund

### Fibrant REVENUES

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/(-)</th>
<th>FY18 Bud to Act Variance +/(-)</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$1,998,465</td>
<td>$2,201,244</td>
<td>$2,105,601</td>
<td>$107,136</td>
<td>$(95,642)</td>
<td>24.47%</td>
<td>25.58%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$1,998,276</td>
<td>$2,201,036</td>
<td>$2,074,774</td>
<td>$76,497</td>
<td>$(126,262)</td>
<td>24.11%</td>
<td>25.58%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$2,488,267</td>
<td>$2,740,745</td>
<td>$2,051,635</td>
<td>$(436,633)</td>
<td>$(689,110)</td>
<td>23.85%</td>
<td>31.85%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$1,626,272</td>
<td>$1,460,845</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>16.98%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$8,111,280</td>
<td>$6,232,009</td>
<td></td>
<td>$(252,999)</td>
<td>$(911,015)</td>
<td>72.43%</td>
<td>83.02% YTD</td>
</tr>
</tbody>
</table>

**GF Contribution is $804,471 per quarter**

### Fibrant EXPENSES

<table>
<thead>
<tr>
<th>Quarter</th>
<th>FY17 Actual</th>
<th>FY18 Budget</th>
<th>FY18 Actual</th>
<th>FY17 Act to FY18 Act Variance +/(-)</th>
<th>FY18 Bud to Act Variance +/(-)</th>
<th>% Budget</th>
<th>3 Yr Historical Rec'd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qtr 1 Jul-Sep</td>
<td>$1,808,610</td>
<td>$2,085,530</td>
<td>$1,335,541</td>
<td>$(473,068)</td>
<td>$(749,989)</td>
<td>15.52%</td>
<td>24.24%</td>
</tr>
<tr>
<td>Qtr 2 Oct-Dec</td>
<td>$1,216,235</td>
<td>$1,402,456</td>
<td>$1,225,240</td>
<td>9,005</td>
<td>$(177,216)</td>
<td>14.24%</td>
<td>16.30%</td>
</tr>
<tr>
<td>Qtr 3 Jan-Mar</td>
<td>$3,479,399</td>
<td>$4,012,138</td>
<td>$3,615,058</td>
<td>$135,658</td>
<td>$(397,080)</td>
<td>42.02%</td>
<td>46.63%</td>
</tr>
<tr>
<td>Qtr 4 Apr-Jun</td>
<td>$957,188</td>
<td>$1,103,746</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12.83%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>$7,461,432</td>
<td>$6,175,838</td>
<td></td>
<td>$(328,406)</td>
<td>$(1,324,285)</td>
<td>71.78%</td>
<td>87.17% YTD</td>
</tr>
</tbody>
</table>
# Fibrant Income Statement

<table>
<thead>
<tr>
<th>Fibrant Fund</th>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
<th>YTD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Operating Revenues</td>
<td>$1,301,020.23</td>
<td>$1,268,903.14</td>
<td>$1,245,422.68</td>
<td>$3,815,346.05</td>
<td></td>
</tr>
<tr>
<td>Operating Expenses</td>
<td>$(1,062,355.84)</td>
<td>$(1,225,239.60)</td>
<td>$(1,311,681.08)</td>
<td>$(3,599,276.52)</td>
<td></td>
</tr>
<tr>
<td>Net Operating Income</td>
<td>$238,664.39</td>
<td>$43,663.54</td>
<td>$(66,258.40)</td>
<td>$216,069.53</td>
<td></td>
</tr>
<tr>
<td>Investment Earnings</td>
<td>$110.12</td>
<td>$1,399.67</td>
<td>$1,741.22</td>
<td>$3,251.01</td>
<td></td>
</tr>
<tr>
<td>Debt Service</td>
<td>$(273,185.38)</td>
<td>$-</td>
<td>$(2,303,376.50)</td>
<td>$(2,576,561.88)</td>
<td></td>
</tr>
<tr>
<td>Net Income</td>
<td>$(34,410.87)</td>
<td>$45,063.21</td>
<td>$(2,367,893.68)</td>
<td>$(2,357,241.34)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Amount for Contribution from GF not included in Revenues
Requested Council Meeting Date: May 1, 2018

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

Name of Presenter(s): Announcement

Requested Agenda Item: 2018 Cheerwine Festival

Description of Requested Agenda Item: To commemorate the launch of Cheerwine’s second century, the City of Salisbury and Cheerwine are teaming up to host the 2018 Cheerwine Festival. The free event will take place on Saturday, May 19, 2018, in downtown Salisbury from 10 a.m. to 8 p.m. Cheerwine fans will enjoy cold Cheerwine, live music, great Southern food, shopping for Cheerwine merchandise, family-friendly activities, a beer garden and local craft vendors. For more information, please call (704) 216-PLAY.

Attachments: ☑ Yes ☐ No

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

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

Contact Information for Group or Individual:
Vivian Koontz
704-638-5294

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ______________________________
Finance Manager Signature            Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only

☑ Approved ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  5/1/18

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

Name of Presenter(s):  Staff Member Designated for Meeting Announcements

Requested Agenda Item:  Announcement

Description of Requested Agenda Item:  Event Announcement - The Rowan Sheriff's Office and the Salisbury Police Department will hold the 2018 Police Officers Memorial Service on May 15, 2018 at noon at First Presbyterian Church, 308 W. Fisher Street.

Attachments:  ☐ Yes  ☑ No

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

Action Requested of Council for Agenda Item:  No action needed, information for agenda announcements.

Contact Information for Group or Individual:  Chief Jerry Stokes 704-638-2133

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Mayor's Office Only

☐ Approved  ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  May 1, 2018

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

Name of Presenter(s):  Announcement

Requested Agenda Item:  Middle School Prom

Description of Requested Agenda Item:  The Salisbury Parks and Recreation will hold its annual Middle School Prom on Saturday, May 12, 2018 from 6:00-9:00 pm at the Salisbury Civic Center. All middle school students in Rowan County are welcome. Participants will enjoy an evening of dancing, photos and a good time with friends. Refreshments will be served and photo packages will be available for purchase. Tickets are limited and must be purchased in advance. For more information, please call (704) 216-PLAY.

Attachments:  ☐ Yes  ☑ No

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

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

Contact Information for Group or Individual:
Vivian Koontz
704-638-5294

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________________  __________________________________________
Finance Manager Signature  Department Head Signature

_________________________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
 Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: 5/1/18

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

Name of Presenter(s): Staff Member Designated for Meeting Announcements

Requested Agenda Item: Announcement

Description of Requested Agenda Item: Event Announcement - The Salisbury Police Department Foot Pursuit 5K run and health walk will be held on May 12, 2018, at 7p.m. starting and ending at the Salisbury Police Department. This 3.1-mile race will kick off 2018 National Police Week commemorations. Sponsored by the Salisbury Police Department and Salisbury Rowan Runners (SRR) the Foot Pursuit is expected to become an annual fun event for the community. Sponsors are delighted to be teaming up with North Carolina Special Olympics as a race beneficiary. Sign up by going to the SRR website - http://salisburyrowanrunners.org and follow the link in the Event Calendar.

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: No action needed, information for agenda announcements.

Contact Information for Group or Individual: Chief Jerry Stokes 704-638-2133

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature Department Head Signature

Budget Manager Signature

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

For Use in Mayor’s Office Only

☐ Approved □ Declined

Reason: