The City is operating under a State of Emergency declaration related to the spread of COVID-19. The City Council meeting will be held electronically to remain consistent with limiting physical interactions and the potential spread of COVID-19, and Council Chambers will be closed. The meeting will be streamed live at salisburync.gov/webcast and on the City’s Twitter account. Anyone who wishes to speak during public comment must sign-up by 5:00 p.m. on April 20, 2021 by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233.

1. Call to order.
3. Pledge of Allegiance.
4. Adoption of Agenda.
5. Mayor to proclaim the following observances:

   EARTH DAY                     April 22, 2021

6. Council to consider the CONSENT AGENDA:

   (a) Adopt Minutes of the Regular Meeting of April 6, 2021.

   (b) Adopt an ORDINANCE amending Section 13-338, Parking Prohibited at All Times, to remove the prohibition in some areas (primarily residential) and add the prohibition in areas where parking is not utilized and the bicycle lane was added; amending Section 13-339, Parking Prohibited Except Sundays, to remove the prohibition in the 400 block of S Long Street adjacent to First Calvary Baptist Church. The changes in the Ordinances also provide general corrections to these two sections of the Code for other areas of the City (for example, Boundary St is being corrected to Martin Luther King Jr Ave).

7. Council to receive public comment. Public comment will begin following adoption of the Consent Agenda. For electronic meetings speakers must sign-up before 5:00 p.m. by contacting Kelly Baker at kbake@salisburync.gov or by calling 704-638-5233. Citizens who are unable to speak during the meeting may submit written comments by 5:00 p.m. to the email above and they will be shared with Council.

8. Council to consider Land Development District Map Amendment CD-01-2021 to rezone 9.227 acres, tax map 061 parcel 07, located in the vicinity of Jake Alexander Boulevard and South Main Street from Residential Mixed Use and Highway Business and remove the existing General Development Overlay to Residential Mixed Use and establish a Conditional District Overlay to allow for an 84-unit multi-family development. (Presenter – Development Services Manager Teresa Barringer)
9. Council to consider Land Development District Map Amendment CD-02-2021 to rezone 6.137 acres located in the 100 block of Brenner Avenue, tax map 062 and parcels 055 and 065, to maintain the underlying Corridor Mixed-Use, remove the existing, expired Conditional District Overlay and establish a new Conditional District Overlay to allow for an 84-unit multi-family development. *(Presenter – Development Services Manager Teresa Barringer)*

10. Council to consider authorizing the City Manager to execute agreements with the North Carolina Department of Transportation for Grants Creek Greenway Projects. *(Presenter – City Engineer Wendy Brindle)*

11. Council to consider authorizing the City Manager to execute an agreement with the North Carolina Department of Transportation for a Signal System Network Upgrade Project. *(Presenter – City Engineer Wendy Brindle)*

12. Council to consider appointments to various Boards and Commissions.


   (a) Update on FY21-22 Budget Preparation Process.

15. Council’s Comments.

16. Mayor Pro Tem’s Comments.

17. Mayor’s Announcements and Comments.

   (a) The Public Art Committee invites artists to submit designs for consideration for the first Salisbury Paint the Pavement Project. Entries will be accepted through Friday, April 30, 2021. Designs will be selected by a local and diverse selection committee, and teams will paint their design on one of five crosswalks in the Rail Walk Arts District. Winning designs will reflect the history, culture and vibrancy of Salisbury and display creativity and diversity. For more information please visit [www.salisburync.gov/paintthepavement](http://www.salisburync.gov/paintthepavement).

18. Adjourn.
PROCLAMATION

WHEREAS, April 22, 2021 will be the 51st annual celebration of Earth Day; and

WHEREAS, the first Earth Day was celebrated April 22, 1970, with the goal of inspiring environmental awareness and encouraging the conservation, protection, and appreciation of our nation’s natural resources; and

WHEREAS, it is the responsibility of each of us to safeguard the environment by recognizing that all human life depends upon the Earth and upon one another for our mutual existence, well-being, and development; and

WHEREAS, the steps we can take to protect and preserve our natural environment through education, partnerships, and positive actions are encouraged in our community; and

WHEREAS, Earth Day will reach beyond existing environmental constituencies to involve the broadest possible cross-section of society including business, media, religious, political, youth academic and cultural leaders; and

WHEREAS, the City of Salisbury proudly recognizes all who participate in Earth Day for their dedication in taking a proactive role in shaping the future of our environment and in protecting the community’s precious natural resources.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM April 22, 2021 as

EARTH DAY

in Salisbury, and encourage all of our citizens to be mindful of local, state and national laws which protect our environment, and to join in efforts to preserve the beauty and wonder of the lands, skies, and water of the Earth in all its diversity.

This the 20th day of April 2021.

Karen K. Alexander, Mayor
REGULAR MEETING

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

ABSENT: Councilmember Tamara Sheffield.

In response to the State of Emergency declaration related to the spread of COVID-19 and to limit physical interactions and the potential spread of COVID-19 the Salisbury City Council met electronically. The meeting was called to order by Mayor Alexander at 6:00 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

Mayor Alexander led participants in the Pledge of Allegiance to the United States flag.

RECOGNITION OF VIEWERS

Mayor Alexander welcomed all viewers.

ADOPTION OF THE AGENDA

Thereupon, Councilmember Post made a motion to adopt the Agenda as presented. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem voted AYE, Councilmember Miller voted AYE, and Councilmember Post voted AYE. (4-0)
PROCLAMATIONS

Mayor Alexander proclaimed the following observances:

NATIONAL CRIME VICTIMS’ RIGHTS WEEK       April 18 – 24, 2021
FINANCIAL LITERACY MONTH                    April 2021
CHILD ABUSE PREVENTION MONTH                April 2021
AUTISM ACCEPTANCE MONTH                     April 2021
FAIR HOUSING MONTH                         April 2021

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Regular Meeting of March 16, 2021.

(b) 300 Block of Harrell Street

Receive a petition and adopt a Resolution declaring the City’s intent to close a 20-foot unimproved right-of-way located in the 300 block of Harrell Street and setting a public hearing for May 4, 2021.

RESOLUTION DECLARING THE CITY’S INTENT TO CLOSE A 20-FOOT UNIMPROVED RIGHT-OF-WAY LOCATED IN THE 300 BLOCK OF HARRELL STREET.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 5, and is known as Resolution 2021-05.)

(c) Sole Source Purchase Carter Pump

Authorize a sole source purchase from Carter Pump in the amount of $9,010 for sludge pump replacement parts. Funds for this purchase are included in the adopted FY2020-2021 budget.

(d) Sole Source Purchase – ForTech, Inc.

Authorize a sole source purchase from ForTech, Inc. in the amount of $88,930 for materials and services associated with the control logic and integration of the chemical feed improvements at the water treatment plant. Funds for this purchase are included in the adopted FY2020-2021 budget.

(e) Operation Hope Partnership

Endorse partnering with Operation Hope to engage community partners for the 1MBB initiative.
(f) **Easement to Rowan County**

Authorize the Mayor to execute an easement to Rowan County for a Chemical Booster Station to serve the North East Water System.

Mayor Alexander commented Councilmember Post requested item (e) regarding the Operation Hope Partnership be removed from the Consent Agenda and added to Agenda Item 16 - Mayor’s Announcement and Comments.

Thereupon, Councilmember Post made a **motion** to adopt the Consent Agenda with the presented changes. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, and Councilmember Post voted AYE. (4-0)

**PUBLIC COMMENT**

Mayor Alexander opened the floor to receive public comments.

Mr. Walter Vaughn suggested the law regarding campers and boats being parked in the front yard or on the road be reviewed. He also commented that a leak he noticed about a year ago on Ashbrook Road at West Cliff needed to be addressed.

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

**LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-01-2021**

Development Services Manager Teresa Barringer addressed Council regarding Land Development District Map Amendment CD-01-2021. She noted the request is to rezone 9.227 acres, tax map 061 parcel 07, located in the vicinity of Jake Alexander Boulevard and South Main Street from Residential Mixed Use (RMX) and Highway Business (HB) and remove the existing General Development Overlay to RMX and establish a Conditional District (CD) Overlay to permit an 84-unit multi-family development.

Ms. Barringer stated the proposed development is known as Salisbury Oaks Apartments. She explained the petition is to rezone the current base district from RMX and HB to RMX. She added the rezoning would also remove the existing General Development Overlay and establish a new CD Overlay to allow for construction of an 84-unit campus style multi-family development. She shared views of the property.

Ms. Barringer pointed out the proposal includes a driveway off of South Main Street with an added sidewalk and improvements on the right-of-way. She added the South Main Street entrance is approximately 25 feet wide and narrows to approximately 20.5 feet at the apartment complex entrance. She added the developer has proposed to improve the non-approved cul-de-sac off of Rosemont Street and dedicate it to the City. She noted due to the resident’s concerns of
increased traffic, the developer has proposed a locked gate at the entrance of Rosemont Street that would only allow emergency vehicle access.

Ms. Barringer reviewed information regarding the proposal which includes landscape design, and four apartment buildings with a mix of one, two and three bedroom units. She commented the apartment complex will be for low income residents, will include a community building, covered picnic areas and a playground area.

Ms. Barringer stated this proposal meets the vision 2020 Policies:

- Policy N-16 – New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.
- Policy N-18 – As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.
- Policy N-19 – Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.

Ms. Barringer noted the Planning Board held a courtesy hearing March 9, 2021 and voted unanimously to recommend approval.

Councilmember Post asked if the entrance is sufficient for the traffic of an 84-unit development. Ms. Barringer noted it was discussed by staff, and those widths work on other city streets. She added the developer is in negotiations with the adjacent property owner to obtain property on the left side of the drive to provide sidewalk connection and driveway improvements. She pointed out staff has verified there are no concerns with the Fire Marshal’s office and no issues with emergency vehicle access.

Councilmember Post asked if a stop light will be installed, and he noted his concern of traffic congestion and emergency vehicle access. Ms. Barringer explained no stop light previsions have been required by the North Carolina Department of Transportation (NCDOT), and she added no stop light improvements are being proposed by the developer.

Councilmember Miller asked about the landscape requirements. Ms. Barringer commented the landscape rendering meets the previsions of the Code, and she added the final landscape review and approval will occur during the construction review.

Councilmember Miller stated there could be a problem with drivers going around the locked gate at the Rosemont Street entrance, and he asked if there is a provision in the CD Overlay to keep that from happening. Ms. Barringer noted Council can add conditions to identify minimal standards of the gate.
b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding CD-01-2021.

Mr. Victor Wallace pointed out his father Mr. Leo Wallace helped develop the Rosemont Street community and built most of the houses in that area. He noted he advocates for affordable housing, but he mentioned his concerns of the CMX zoning. He added he is in favor of the proposed project.

Ms. Cassie Cunningham noted the developer has proposed a locked gate to be used by emergency vehicles, and has agreed to fence the boundary to prevent vehicle passage beside the gate. She pointed out only trucks necessary for constructing the turnaround circle are permitted to use Rosemont Street and the speed limit of 25 MPH must be observed. She added she was told the sidewalk would lead to South Main Street and not to Rosemont Street. She noted the developer has guaranteed the retention pond would only be permitted for a maximum of 24 hours, and she added if natural planting is not available a fence will be provided.

Ms. Traci Dusenbury, owner of Halcon Development, stated the proposal is for 84-units and will cost $13.7 million. She pointed out upon reaching out to the community, they found about 90% of the conversation was regarding the traffic concerns on Rosemont Street. She reiterated there will be a gate for emergency vehicle access only, and they are willing to place a fence on either side if needed. She also noted there are plans to improve and widen the entrance off of South Main Street.

Mr. Matt Lowder commented he is the project engineer working with Halcon Development, LLC. He thanked staff for working with them and he thanked the adjacent neighbors. He noted the gate would be placed as needed to keep vehicles from entering Rosemont Street. He added the stormwater will have a retention pond and would not have a permeant pool.

There being no one else to address Council, Mayor Alexander closed the public hearing and indicated comments regarding CD-01-2021 will be accepted for 24 hours from the close of the public hearing.

Councilmember Miller asked Ms. Barringer to address Ms. Cunningham’s question regarding the sidewalk to Rosemont Street. Ms. Barringer noted two options were presented and the ideal solution would be for access solely from South Main Street, so the Rosemont Street connection sidewalk would be removed from the plans. Councilmember Miller asked what was approved. Ms. Barringer noted Planning Board approved both options and final determination would happen prior to construction plan approval and based off of any conditions Council may request.

Councilmember Miller commented the retention pond is to reduce the flow of stormwater, Ms. Barringer agreed, and she noted it will collect the run off that will drain in that direction and is designed to drain in a consistent manner.

Councilmember Miller asked if the CD will still exist if financing for the project is unsuccessful. Ms. Barringer agreed, and she noted the approval would be vested for two years and
if the developer has not obtained the financing necessary, it can be requested for a two year extension. Councilmember Miller commented the developer could not develop the property in a different way until they came back to Council. Ms. Barringer agreed.

Mayor Pro Tem Heggins requested the issues regarding the sidewalk be clarified. Ms. Barringer noted the citizens she spoke with had concerns regarding additional foot traffic in the Rosemont Street neighborhood. She added residents do not want to see an increase in such activity on the quiet street.

Mayor Pro Tem Heggins asked what will happen if families decide to go walking in the Rosemont community even though there is not a sidewalk. Ms. Barringer noted there should be no issues, and she added citizens have the right to access a public right-of-way whether they live on that street or not. She noted encouraging the connection to Rosemont Street was a concern, but if neighbors decide to walk down Rosemont Street to access the shops on Jake Alexander Boulevard they have the right to so.

Mayor Pro Tem Heggins noted if the apartments are for housing low income families then there is a probability those residents will have to walk to access the shopping center. Ms. Barringer agreed. Mayor Pro Tem Heggins indicated more conversation is needed regarding the sidewalk concern of the Rosemont Street residents, and she noted it is important to not take away safe access to the shopping center. Ms. Barringer noted the sidewalk going to the cul-de-sac would be a small portion of sidewalk, and without sidewalks on Rosemont Street residents would have to travel down the road itself to access the shopping area.

Councilmember Post asked about the sidewalk proposal. Ms. Barringer stated the sidewalk would be located along the entrance from South Main Street, and she mentioned the transit stop is located in the 1900 block of South Main Street. She added negotiations are taking place with the neighboring property owner to obtain the extra property for sidewalk.

Councilmember Miller commented he thinks the location is an appropriate place and there is a need for a multifamily development. He commented he is in favor when the project comes back to Council for a vote.

**LAND DEVELOPMENT DISTRICT MAP AMENDMENT CD-02-2021**

Development Services Manager Teresa Barringer addressed Council regarding Land Development District Map Amendment CD-02-2021. She noted the request is to rezone 6.137 acres located in the 100 block of Brenner Avenue, tax map 062 and parcels 055 and 065, to maintain the underlying Corridor Mixed-Use (CMX) zoning, remove the existing, expired Conditional District (CD) Overlay and establish a new CD Overlay to permit an 84-unit multi-family development.

Ms. Barringer indicated the proposed development is known as Tenby Crossing Apartments. She explained the proposal is to maintain current base district of CMX which permits multi-family residential by-right with maximum 18 dwelling units per acre. She noted the proposal
is to remove a previously approved and expired CD Overlay and establish a new CD Overlay to allow for construction of an 84-unit campus style multi-family development.

Ms. Barringer pointed out the proposed development location off of Brenner Avenue. She noted the original proposal had two egress and ingress points, and she noted a third egress and ingress point was requested during the Planning Board meeting due to the traffic congestion on Brenner Avenue. She explained the development site plan includes three apartment buildings, a clubhouse, playground, covered picnic area, and dumpster area. She noted landscape rendering information for Milford Hills Road and Brenner Avenue, and she noted site, building information and design.

Ms. Barringer commented this proposal meets the Vision 2020 Policies:

- Vision Statement Housing – We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.
- Policy N-18 – As new neighborhoods are developed, a mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area.
- Policy N-19 – Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.

Ms. Barringer noted the Planning Board held a courtesy hearing March 9, 2021 and voted unanimously to recommend approval subject to adding at least one connection to Milford Hills Road.

b) Mayor Alexander convened a public hearing, after due notice thereof, to receive comments regarding CD-02-2021.

Mr. Stephen Brock thanked Ms. Barringer for her guidance and communicating the proposed project to Council, and he added she has been very courteous, organized, knowledgeable, and an ambassador for the City. He indicated plans include taking ownership of the internal drive and the existing ponds. He commented there are residents in Salisbury that need housing. Ms. Barringer noted a concern that came up with the Planning Board regarded traffic, so the developer added another point of egress and ingress.

Ms. Pamela Jones noted there are not many houses on Milford Hills Road. She pointed out it takes a while for her to turn left off of Milford Hills Road due to the Brenner Avenue traffic. She stated the retention pond is always full, the street needs to be paved and sidewalks need to be installed for those waking their dogs, or walking the greenway that extends there.
There being no one else to address Council, Mayor Alexander closed the public hearing and indicated comments regarding CD-02-2021 will be accepted for 24 hours from the close of the public hearing.

Councilmember Miller asked what needed to take place for a traffic light to be placed at Milford Hills and Brenner Avenue. Engineering Director Wendy Brindle commented a traffic analysis would have to be conducted and consideration given to development of the property.

Councilmember Miller suggested a right turn only lane coming out of the shopping areas or the installation of a turning lane. Ms. Brindle noted the area would function better with a regular street driveway and a turn lane could be considered. Councilmember Miller pointed out the area is congested in both the morning and evening. Ms. Brindle noted it is also congested during peak hours. Councilmember Miller stated there are peak hour and sight distance issues. He reiterated his concerns of the traffic and the proposed sidewalk crossing, and he suggested it be part of the developer’s plan to correct the situation. Mayor Pro Tem Heggins agreed.

Councilmember Post agreed something needs to be done about safety in the area. He commented Milford Hills Road is torn up from the construction off of Brenner Avenue. He also pointed out another developer was supposed to place a barrier tree line, but it did not happen, so he is glad the developer is going to place the tree barrier on Milford Hills Road.

Mayor Alexander agreed with Council, and she noted there is a need for sidewalk and parking consideration on Milford Hills Road.

Councilmember Miller asked about the sidewalk payment-in-lieu. Ms. Barringer commented the developer would like payment-in-lieu instead of a sidewalk installation along the boundary of Milford Hills Road. Councilmember Miller noted he was not aware the greenway terminated at the end of the street, and he thinks sidewalks are needed in the area. Mayor Alexander agreed, and she noted if their choice is to pay-in-lieu, perhaps those funds can be matched by grants to install the sidewalks and repair the street at the same time.

Mayor Pro Tem Heggins suggested there be connectivity with the sidewalk to the greenway and flashing lights at the crosswalk over to Brenner Avenue. Councilmember Miller agreed.

Councilmember Miller asked if this is the time Council needs to make the requirement of a turn lane. Ms. Brindle agreed, and she pointed out Council could propose a traffic study take place regarding the traffic patterns in that area.

Mayor Alexander asked what will take place next. Ms. Barringer stated she will provide Council’s requests to the developer for a revised plan to be submitted prior to the next Council meeting. She reviewed Council’s requests for the sidewalk instead of payment-in-lieu, removing sidewalks from the center part of Brenner Avenue, and extending the sidewalk to Milford Hills Road. Councilmember Miller suggested a crosswalk be marked at Milford Hills Road crossing Brenner Avenue. Mayor Pro Tem Heggins suggested flashing lights be included at the crosswalk.
COMMUNITY DEVELOPMENT BLOCK GRANT – CORONAVIRUS FUNDING

Housing Planner Candace Edwards noted in the spring of 2020 the City received $168,950 in Community Development Block Grant Coronavirus (CDBG-CV) funding through the United States Department of Housing and Urban Development (HUD). She pointed out 100% of the funds were allocated for public service agencies serving low income individuals and families.

Ms. Edwards explained in September 2020 the City was notified it would receive a second allotment of CDBG-CV funding in the amount of $200,221. She added Council allocated $50,000 to assist public service agencies helping residents prepare for, respond to, and plan for the Coronavirus pandemic.

Ms. Edwards reviewed a time line for the funds, and she indicated a public hearing was held December 1, 2020 to gather public input. She added the draft budget and action plan was presented to Council at its January 5, 2021 meeting. She noted staff received 34 applications requesting approximately $375,000 in funding. She stated the applications were reviewed by a staff panel who recommends the following agencies for funding:

- Appleseed Early Childhood Education - $5,000
- Happy Roots - $3,500
- Partners in Learning - $5,000
- Pedal Factory - $3,500
- Prevent Child Abuse Rowan - $5000
- S&H Youth and Adult Services - $9,000
- Bridge 4 Kids - $3,000
- Piedmont Players Theatre, Inc. - $5,000
- Abundant Living Adult Day Services, Inc. (Trinity Living) - $2,500
- Thelma Smith Foundation South Branch - $2,500
- Triple Threat Dance & Charm Performing Arts Virtual Academy - $4,000
- Rowan Cabarrus YMCA - $7,000

Ms. Edwards noted staff recommends $55,000 be allocated to the public service agencies, and she explained the recommendation includes $5,000 that was left over from the first round of CDBG-CV funding received.

Councilmember Post asked about the funding proposed for the Rowan-Cabarrus YMCA. Ms. Edwards explained the funds will go to the local YMCA branch to serve local citizens.

Councilmember Post stated Friends of Rowan matches funds that are donated to various local agencies including Partners in Learning, the JF Hurley YMCA, and possibly Abundant Living Adult Day Services, Inc. He noted if the funds for those agencies could be sent to Friends of Rowan on their behalf the funds would be doubled. City Attorney Graham Corriher stated he will speak with Ms. Edwards regarding the terms of the grant agreement.
Thereupon, Mayor Pro Tem Heggins made a motion to authorize the recommendations for use of Community Development Block Grant-Coronavirus funding for community service agencies to assist low income individuals and families. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, and Councilmember Post voted AYE voted AYE. (4-0)

SOLE SOURCE PURCHASE – BADGER METER, INC.

Salisbury-Rowan Utilities (SRU) Director Jim Behmer and Assistant Utilities Director Jason Wilson addressed Council regarding a sole source purchase from Badger Meter, Inc. Mr. Wilson explained Council authorized SRU’s Advanced Metering Implementation Project in 2016 for $7.2 million. He noted the project implementation cost approximately $1 million less than anticipated. He noted when the meter replacement was completed in 2019 staff provided an update to Council. He indicated at that time there were 21,306 water meters in operation, and an average increase of 4.2% in meter consumption based on more accurate water meters.

Mr. Wilson explained 3G networks will most likely shut down in 2022. He added SRU currently uses Code Division Multiple Access (CDMA) cellular endpoints that need to be updated to Long Term Evolution-Machine (LTE-M) cellular endpoints. He stated CDMA endpoints which operate on 3G networks provide once a day 24-hour reads for each meter in the system. He indicated LTE-M cellular endpoints will operate on M2M cellular networks and offer 15-minute data intervals that will call in four times a day to provide more data for SRU and its customers. He pointed out the LTE-M endpoints offer a 20-year material and workmanship warranty and a 20-year guarantee of network performance.

Mr. Wilson indicated SRU needs to upgrade approximately 19,000 remaining CDMA cellular endpoints and Badger Meter, Inc. has offered the endpoints at a discounted rate of $42.50 each. He noted 11,169 of the endpoints will be covered by a guarantee of network performance at no cost to the City. He stated staff recommends approving an extended warranty on the 11,169 endpoints SRU currently has and the proposed LTE-M endpoints:

<table>
<thead>
<tr>
<th>Description</th>
<th>Estimated Quantity</th>
<th>Unit Price</th>
<th>Total Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orion Cellular LTE-M endpoints/Nicor connectors</td>
<td>6,065</td>
<td>$42.50</td>
<td>$257,762.50</td>
</tr>
<tr>
<td>Orion Cellular LTE-M Endpoints//308 connectors</td>
<td>1,099</td>
<td>$42.50</td>
<td>$46,707.50</td>
</tr>
<tr>
<td>Guarantee of Network Performance Replacements</td>
<td>11,169</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Extended Warranty</td>
<td>11,169</td>
<td>$25</td>
<td>$279,225.00</td>
</tr>
<tr>
<td>LTE-M Installation</td>
<td>18,833</td>
<td>$22</td>
<td>$414,326.00</td>
</tr>
<tr>
<td>Estimated Total Mass Endpoint Change-out Cost</td>
<td></td>
<td></td>
<td>$998,021.00</td>
</tr>
</tbody>
</table>

Mr. Wilson stated staff is requesting Council consider authorizing a sole source purchase and Fund Balance appropriation for up to $1 million to provide funding for the endpoints, the warranties, and a future contract with a private installer to change the endpoints.
Councilmember Miller asked if staff is confident the endpoints will last 20 years. Mr. Wilson introduced Mr. Mark McMillan and Mr. Collin McDowell with Badger Meter, Inc. who addressed Council regarding the endpoint technology. Mr. McDowell reviewed the history of CDMA technology, and he pointed out CDMA endpoints operate on 3G networks which cellular carries plan to discontinue. He explained an endpoint upgrade is required to move to current cellular networks. He reviewed trends in cellular, and he pointed out network carriers will discontinue 3G networks to make limited capacity and bandwidth available for the 5G buildout. He explained T-Mobile acquired Sprint in April and determined it would sunset the Sprint CDMA network at the end of 2021, which is earlier than anticipated. He stated the Customer Loyalty Upgrade Program would upgrade the system to the current technology for the longevity of a network meeting 5G standards, support new sensor offerings, and offer higher-resolution and 15-minute data interval reports to support leak and nonrevenue water reduction goals.

Mayor Pro Tem Heggins clarified the water meter and endpoint are two different things. Mr. Wilson agreed, and he added the water meter and endpoint are two components that work together and can be replaced independently. Mayor Pro Tem Heggins asked about the lifespan of the endpoints and water meters. Mr. Wilson stated SRU is 4.5 years into the implementation project, and he explained the meters that were installed in the beginning are in the first five-year window of a 20-year expected life. He noted the lineup will not be perfect, but the water meters and endpoints can be changed independently. He explained both the water meter and endpoint contain batteries and at some point the batteries will expire.

Councilmember Post asked if the endpoints are pieces of hardware that are inside the water meter. Mr. McDowell explained the endpoint plugs into the water meter and is not part of the meter. Mr. McDowell then explained the network carrier wants to change the pipe that connects the endpoint to the software. Mr. Post commented the majority of the cost is for the installation. Mr. Wilson stated the cost is approximately 50/50 between meter installation and parts. Mr. Post indicated the decision before Council will help prepare SRU for the future, and he added if the change is not made it will get to the point where the technology is not supported and the data transmission will not take place. He clarified the upgrade will be required at some point. Mr. McDowell agreed.

Mayor Pro Tem Heggins asked if funds for the project are included in the budget. Mr. Wilson noted staff is requesting a Fund Balance transfer. Mayor Pro Tem Heggins asked how the Fund Balance appropriation will affect citizens. City Manager Lane Bailey noted the Fund Balance for the SRU Fund is strong enough to absorb the costs associated with the replacements, and he does not think it will have an adverse effect on the water and sewer rates.

Mayor Alexander clarified the SRU Fund Balance is separate from the General Fund Balance. Mr. Bailey agreed. Mayor Alexander noted SRU saved approximately $1 million several years ago which went back into the Fund Balance and will be used to meet the need. Mr. Wilson agreed, and he pointed out the situation was not something for which staff could adequately plan. He noted the network could be cut off at the first of the year and staff needs time to prepare before the installation can take place.
Thereupon, Councilmember Post made a motion to authorize a sole source purchase from Badger Meter, Inc. in the amount not to exceed $585,000 for cellular endpoints and associated extended warranties and adopt a Capital Project Ordinance in the amount of $1,000,000 for the purchase and installation of advanced metering infrastructure endpoint upgrades. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, and Councilmember Post voted AYE. (4-0)

ADVANCED METERING INFRASTRUCTURE CAPITAL PROJECT ORDINANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 29 at Page No. 72, and is known as Ordinance 2021-23.)

RECESS

Mayor Pro Tem Heggins requested Council take a five-minute recess.

CITY ATTORNEY’S REPORT

(a) Resolution Establishing Filing Fees for Municipal Elections

City Attorney Graham Corriher explained the Board of Elections contacted the City regarding its filing fees since there will be a separate mayoral election. He stated the City’s filing fees have been set at $10 since the 1980s and since there is a new position state law requires the City to establish its filing fee. He noted the proposed Resolution would establish the mayoral filing fee at $10. He indicated the minimum filing fee is $5 and the maximum filing fee is 1% of the annual salary for each council position. He noted staff recommends the filing fee remain $10.

Thereupon, Councilmember Post made a motion to adopt a Resolution establishing filing fees for municipal elections to remain at $10 for both mayor and Council. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, and Councilmember Post voted AYE. (4-0)

RESOLUTION TO ESTABLISH FILING FEES FOR MUNICIPAL ELECTIONS.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 6, and is known as Resolution 2021-06.)

CITY MANAGER’S REPORT

City Manager Lane Bailey had nothing to report to Council.
COUNCIL COMMENTS

Councilmember Post noted Friends of Rowan has designated about 20 organizations for matched funding. He indicated he thinks the City has been added to the program due to its Share2Care Program.

Councilmember Post stated the Self Help Credit Union takes a different approach to making loans to the underserved community and is looking for partners and resources to help identify potential buyers. He indicated it is a great local program to help those who have difficulty purchasing a home.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Heggins thanked staff for all it does for the City. She added staff does a great job presenting information to Council so it can make the complicated decisions it faces.

MAYOR’S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander stated she has worked with Mr. John Hope Bryant, Founder and CEO of Operation HOPE which operates in the community through First Horizons Bank. She added she reached out to First Horizon Bank President Bryan Jordan regarding the One Million Black businesses (1MBB) program created in 2018. She noted Salisbury would be the first small city in the USA to become involved in the program, and she indicated the only other city to embrace the program at this point is Memphis, Tennessee, which is a much larger city.

Mayor Alexander referenced the City’s commitment, and she recognized other partners who have signed on:

- Livingstone College President Dr. Jimmy Jenkins and the Livingstone College team
- Salisbury NAACP President Gemale Black
- Rowan Economic Development Commission (EDC) Director Rod Crider
- Liaison to the Rowan County Chamber of Commerce Minority Business Council Mr. John Everett
- Mr. Claudie Johnson CEO of the Self Help Credit Union for the Charlotte region and partner with the City on the KIVA Program.

Mayor Alexander stated the City would be a champion of the program, and she added she is hopeful other partners will emerge to develop a coalition within the community that will commit to supporting new Black businesses in the City. She pointed out Salisbury will work to strategically create government procurement processes and other equitable development initiatives moving forward. She stated Council made a commitment to create an equitable city for all citizens and this is a step in the process.
Mayor Alexander explained Mr. Bryant created Operation HOPE more than 30 years ago and is now partnering with Shopify, which helps small businesses with retail and e-commerce platforms. She noted the goal of this program is to strengthen existing Black businesses, and encourage Black entrepreneurs and business owners to take their business ideas to the next level.

Mayor Alexander added Operation HOPE in partnership with Shopify is contributing a package of services worth approximately $25,000 for each 1MBB client to assist Black entrepreneurs who want to start an e-commerce business. She indicated with the partners already committed to the program it is possible to achieve the goals being set. She noted the coalition of partners would include cities and state, private and public companies, nonprofit government agencies, and philanthropist working together to support the 1MBB initiative. She pointed out there are other opportunities in terms of religious groups. She added there is a lot of movement in this, and she is excited that Council is supportive of moving forward and finding out more information.

Mayor Alexander stated Operation HOPE was founded on financial literacy for the Black and Brown community. She noted First Horizons National Corporation Bank stated 2,500 individuals have gone through the Operation HOPE Program of Financial Literacy and then increased their credit scores which allowed them to buy a home or vehicle at a reasonable interest rate. She commented the City’s commitment to 100 new businesses annually is obtainable.

Mayor Pro Tem Heggins asked about the City’s role in the program. Mayor Alexander explained she has acted as the convener, and the City is committing to reviewing its procurement processes and being inclusive regarding opportunities to do business with the City. Mayor Pro Tem Heggins stated it is a wonderful way to continue the work that has been started.

Councilmember Miller commented the City is acting as a convener and trying to make whatever work is done inclusive so everyone will have an opportunity to be a part of the economic environment. City Manager Lane Bailey explained it is another tool in the tool box that has no financial cost to the City.

Thereupon, Councilmember Post made a motion to support Mayor Alexander’s signature on the commitment. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, and Councilmember Post voted AYE. (4-0)

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 8:01p.m.

__________________________
Karen Alexander, Mayor

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

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

Requested Council Meeting Date:  04/020/2021

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

Name of Presenter(s):  Wendy Brindle

Requested Agenda Item:  The consideration to amend Chapter 13, Article X of the City Code of Ordinances as it relates to parking restrictions.

Description of Requested Agenda Item:  With the re-striping of South Long Street and Old Concord Road brings the need to change parking restrictions to match the new striping. These changes will affect Section 13-338 (Parking Prohibited at All Times), and Section 13-339 (Parking Prohibited, Except Sundays). Some portions of the residential area along South Long Street are gaining parking. The other portion of the request added prohibitions, mostly for areas where parking is currently not utilized or is not feasible due to the road design. Staff would also like to recommend making some grammatical corrections to these sections to keep it uniform, and clear up where street name changes have occurred but not yet been changed in these sections. Staff is recommending a change to Section 13-338 (Parking prohibited at all times) and Section 13-339 (Parking Prohibited, Except Sundays) to reflect changes to South Long Street and Old Concord Road as well as the grammatical and name changes.

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)
City Council to adopt the attached Ordinance amending Section 13-338 (Parking prohibited at all times) and Section 13-339 (Parking Prohibited, Except Sundays).

Contact Information for Group or Individual:  Vickie Eddleman – 704-638-5213

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature ______________________  Department Head Signature ______________________
Salisbury City Council
Agenda Item Request Form

Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved          ☐ Delayed          ☐ Declined

Reason:
AN ORDINANCE AMENDING CHAPTER 13, ARTICLE X, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO PARKING

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

SECTION 1. That Section 13-338, Article X, Chapter 13 of the Code of the City of Salisbury be amended to add the underlined or to delete the stricken language as follows:

Sec. 13-338. Parking prohibited at all times

<table>
<thead>
<tr>
<th>Street</th>
<th>Side</th>
<th>Extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annadale Avenue Annandale Ave.</td>
<td>North</td>
<td>Beginning 400 feet from Henderson Street St. and extending 300 feet towards Craige Street St.</td>
</tr>
<tr>
<td>Boundary St. Martin Luther King Jr Ave. Caldwell St.</td>
<td>Both</td>
<td>From Fisher St. to Council St.</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>From West W. Innes St. to a point 100 feet north of West W. Innes St.</td>
</tr>
<tr>
<td>Cox Ln.</td>
<td>Both</td>
<td>From Faith Rd. to Innes St.</td>
</tr>
<tr>
<td>Craige St.</td>
<td>West</td>
<td>From West W. Innes St. to a point 206 feet north of West W. Innes St.</td>
</tr>
<tr>
<td>D Avenue Ave.</td>
<td>South</td>
<td>From South S. Main Street St. to First Street St.</td>
</tr>
<tr>
<td>Depot St.</td>
<td>West</td>
<td>From a point 67 feet north of Innes Street St. to Council Street St.</td>
</tr>
<tr>
<td>Duke Circle Cir.</td>
<td>West</td>
<td>From North Park Dr. to the beginning of the turnaround at the end of Duke Circle Cir.</td>
</tr>
<tr>
<td>Eastwood Drive Dr.</td>
<td>East</td>
<td>From Wildwood Drive Dr. to the end of Eastwood Drive Dr.</td>
</tr>
<tr>
<td>Faith Rd.</td>
<td>East</td>
<td>From Innes St. to Cox Lane Ln.</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>From Innes St. to a point 300 feet south of Cox Lane Ln.</td>
</tr>
<tr>
<td>Fulton St.</td>
<td>West</td>
<td>From West W. Franklin St. to a point 220 feet south of West W. Franklin St.</td>
</tr>
<tr>
<td>Grady Street St.</td>
<td>East</td>
<td>From Bost St. south to end</td>
</tr>
<tr>
<td>Grove St.</td>
<td>South</td>
<td>From Cemetery Street St. to Mocksville Avenue Ave.</td>
</tr>
<tr>
<td>Henderson St.</td>
<td>Both</td>
<td>From a point from 75 feet east of Ellis street St. to a point 75 feet west of Ellis Street St.</td>
</tr>
<tr>
<td>Kerr St.</td>
<td>North</td>
<td>From North N. Main St. to North N. Church St.</td>
</tr>
<tr>
<td>Street</td>
<td>North</td>
<td>South</td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------------------------</td>
<td>--------------------------------------------</td>
</tr>
<tr>
<td>Lafayette St.</td>
<td>From Main Street St. to Church Street St.</td>
<td>From North N. Long St. to a point 90 feet west of North N. Long St.</td>
</tr>
<tr>
<td>Liberty St.</td>
<td>From West W. Innes St. to the dead end</td>
<td></td>
</tr>
<tr>
<td>Lilly Ave.</td>
<td></td>
<td>From West W. Innes St. to a point 150 feet north of West W. Innes St.</td>
</tr>
<tr>
<td>Long St.</td>
<td></td>
<td>Both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Horah St. to Innes St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From a point 60 feet north of Bank St. to a point 40 feet south of Bank St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Both</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From a point 40 feet north of Horah St. to a point 40 feet south of Horah St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From a point 270 feet north of Fisher St. to Innes St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From a point 40 feet north of Fisher St. to a point 50 feet south of Fisher St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Monroe St. to a point 50 feet north of Monroe St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From a point 55 feet south of Fisher St. to Innes St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From a point 40 feet north of Monroe St. to Monroe St.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>From Shaver St. to Monroe St.</td>
</tr>
<tr>
<td>Lumber St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Main St.</td>
<td>From South S. Main St. east to the Southern Railway Company tracks</td>
<td></td>
</tr>
<tr>
<td>Martin Luther King Jr. Ave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milford Hills Rd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N.C. 150 Mooresville Rd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N. Fulton St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Clay St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Park Dr.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Old Concord Rd.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Old Mocksville Road Rd.

Park Ave.

West From a point 60 feet north of the 600 block of Shaver St. to a point 45 feet south of the 600 block of Shaver St.

West From a point 45 feet north of Clay St. to a point 40 feet south of Clay St.

West From a point 45 feet north of Martin Luther King Jr. Ave. to a point 270 feet south of Harrell St.

Both From Dogwood Road Rd. to Prescott Drive Dr.

North From a point 95 feet west of Boundary St. Martin Luther King Jr. Ave. to a point 50 feet east of Boundary St. Martin Luther King Jr. Ave.

South From Clay St. to a point 50 feet east of Boundary St. Martin Luther King Jr. Ave.

East From Valleyview Pl. to Hillcrest Pl.

Both The curves in the northern and southern ends of the loop section.

Both From a point 100 feet northeast of the Salisbury Blvd. Old Concord Rd. barricade to a point 200 feet northeast of the barricade.

North From a point 1993 west of Jake Alexander Boulevard Blvd. 1993 feet to the end of pavement.

South From a point 993 feet west of Jake Alexander Boulevard Blvd. to a point 1093 feet west of Jake Alexander Boulevard Blvd.

Ryan St.


West From Kirk St. to Sives Shives St.

Both From a point 0.1 mile south of Highway 150 Mooresville Rd. to a point 0.1 mile north of Lincolnton Rd.

Both From South S. Main St. to Old Concord Rd.

South-Link Ave.

Stokes Ferry Road Rd.

W. McCubbins St.

West A space extending 74 feet from the north curb of Concord of Concord Rd.

North From Newsome Road Rd. to a point 272 feet east of Newsome Road Rd.

North From Jackson St. to Church St.
West Innes St.                   East     From 175 feet west of North Park Dr. to the north city limits
Yost Street St.                  Both     From Summit Avenue, Ave. 250 feet to the end of the city maintenance
                                      West     From Statesville Boulevard Blvd. to Summit Avenue Ave.

SECTION 2. That Section 13-338, Article X, Chapter 13 of the Code of the City of Salisbury be amended to add the underlined or to delete the stricken language as follows:

Sec. 13-339. Parking prohibited, except Sundays

<table>
<thead>
<tr>
<th>Street</th>
<th>Side</th>
<th>Extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long St.</td>
<td>West</td>
<td>From Monroe St. to Horah St.</td>
</tr>
<tr>
<td>Ridge St.</td>
<td>South</td>
<td>From S. Fulton St. to a point 69 feet west of South S. Fulton Street St.</td>
</tr>
</tbody>
</table>

SECTION 3. That all ordinances, or the 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 upon adoption by the City of Salisbury from and after is passage.
Parking changes needed for South Long Street & Old Concord Road

Current: No Parking Anytime
Add: Free All Day Parking

Current: No Parking Except Sundays
Add: Free All Day Parking

Current: No Parking Anytime
Add: Free All Day Parking

Current: Free All Day Parking

Current: Free All Day Parking
Add: No Parking Bike Lane

Current: Free All Day Parking
Add: No Parking Bike Lane

End of Bike Lane Project
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  04/20/2021

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

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

Requested Agenda Item: CD-01-2021

Description of Requested Agenda Item:  Salisbury Oaks Apartments: Request to rezone tax map 061 parcel 071 from Residential Mixed-Use (RMX) and Highway Business (HB) and removing the existing General Development Overlay (GD-A), to Residential Mixed-Use (RMX) and create a Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.

Attachments:  ☐ Yes  ☒ No

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only
<table>
<thead>
<tr>
<th></th>
<th>Approved</th>
<th>Delayed</th>
<th>Declined</th>
</tr>
</thead>
</table>

Reason:
# Zoning Permit Application

**Filing Date:** 02/01/2021  
**Case #:** CD-01-2021

### Building Information
- New Principal Building
- Addition
- Remodel/Upfit
- Accessory Structure

Existing SqFt:  
Proposed SqFt: 104, 200

### Project Description

$13.7 Million  
Total Projected Cost:

### Property & Contact Information
- **Rowan County Parcel ID(s):** 061 071  
  **PIN:** 5659-01-46-9541
- **Address or Site Location:** South Main Street
- **Subdivision:** N/A  
  **Lot(s):**
- **Applicant:** Halcon Development, LLC  
  **Attn:** Traci Dusenbury
- **Address:** 1980 Rocky Ford Road  
  **Powhatan, VA 23139**
- **Email:** tdusenbury@halconcompanies.com  
  **Best Phone:** 919-741-6328
- **Owner (if different than applicant):** John F. and Joan B. Leatherman
- **Address:** 120 Gregory Road  
  **Salisbury, NC 28147**
- **Email:** john@johnleatherman.net  
  **Daytime Phone:** 704-213-0752

### Signature

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

Applicant: [Signature]

Application Last Revised: NOVEMBER, 2020

*See back of page for utility connection status*
### Utility Connections

**Water:**
- Existing: [ ] Public or [ ] Private connection with no change to service
- Proposed: [ ] New or [ ] Replacement connection @ **6** (size in inches)

**Sewer:**
- Existing: [ ] Public or [ ] Private connection with no change to service
- Proposed: [ ] New or [ ] Replacement connection @ **8** (size in inches)

**Irrigation:**
- Existing: [ ] Public or [ ] Private connection with no change to service
- Proposed: [ ] New or [ ] Replacement connection @ **1** (size in inches)

**Fire:**
- Existing: [ ] Public or [ ] Private connection with no change to service
- Proposed: [x] New or [ ] Replacement connection @ **6** (size in inches)

**F.O.G.:**
- [ ] New  
- [ ] Replace  
- [ ] Trap  
- [ ] In-ground Interceptor

**Backflow:**
- [ ] New  
- [ ] Replace  
- [ ] Upgrade  
- **6** (size in inches)

### Department Use Only

**Project Title:** Salisbury Oaks at South Main

**Zoning:**  
**Overlay:**  
**Local Historic Overlay?** [ ] Yes [ ] No

**Present Use:**

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

**List any known nonconformities:**

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

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

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

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

**Does a sidewalk exist along the street side parcel lines? (Sec. 4.4)**
- [ ] Partial  
- [ ] Yes  
- [ ] No

**Requesting Payment In Lieu of Mitigation based on the TIA? (Sec. 4.14)**
- [ ] Yes  
- [ ] No

**Requesting Payment In Lieu of Recreational Open Space Allocation? (Sec. 7.6)**
- [ ] Yes  
- [ ] No

**Requesting Payment In Lieu of Sidewalk? (Sec. 4.9)**
- [ ] Yes  
- [ ] No

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

**Other & Notes:**
FILING DATE: 02/01/2021
CASE #: CD-01-2021

CD MASTER PLAN ADOPTION: $1,000
CD MASTER PLAN AMENDMENT: $750
CD MASTER PLAN REVISION: $50

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

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

PROJECT INFORMATION

Project Title: Salisbury Oaks at South Main
Present Use: Vacant

Number, type, and condition of any existing structures: None

Total Acreage: 8.92  Project/Disturbed Acreage: 6.8

Provide overall project built-upon area (%) for NPDES determination: 50%
(applicable for projects over 1 acre or part of a larger common plan of development - Sec. 9.6)

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

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

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

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

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

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

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

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

SIGNATURE

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

Petitioner(s):

Application Last Revised: MARCH, 2020
# PROJECT PLANNING CHECKLIST

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

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

<table>
<thead>
<tr>
<th>Site Plan Information:</th>
<th>DONE</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Title, property owner(s), developer(s), etc. &amp; date of plan</td>
<td>(16.4.B, C, &amp; I)</td>
<td>x</td>
</tr>
<tr>
<td>Vicinity Map</td>
<td>(16.4.A)</td>
<td>x</td>
</tr>
<tr>
<td>Boundary Survey &amp; Limits of Construction</td>
<td>(16.4.D &amp; F)</td>
<td>x</td>
</tr>
<tr>
<td>Original / Proposed contours at max. 2-ft intervals</td>
<td>(16.4.F)</td>
<td>x</td>
</tr>
<tr>
<td>Any portion within Watershed Protection Area</td>
<td>(16.4.M)</td>
<td>x</td>
</tr>
<tr>
<td>Corporate Limits &amp; EFJ boundaries, where applicable</td>
<td>(16.4.R)</td>
<td>x</td>
</tr>
<tr>
<td>Phase Lines</td>
<td>(16.4.S)</td>
<td>x</td>
</tr>
<tr>
<td>Floodplain, Floodway, Jurisdictional Wetlands, and/or streams, where applicable</td>
<td>(16.4.T)</td>
<td>x</td>
</tr>
<tr>
<td>Site Calculations (acreage, open space, parking, # units, GFA, etc.)</td>
<td>(16.4.E)</td>
<td>x</td>
</tr>
<tr>
<td>Scale, denoted graphically &amp; numerically</td>
<td>(16.4.G)</td>
<td>x</td>
</tr>
<tr>
<td>Any required Certification Statements</td>
<td>(16.4.H)</td>
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<td>Zoning District of project area and adjacent properties</td>
<td>(16.4.I)</td>
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<tr>
<td>Location, dimensions &amp; setbacks of all lots &amp; buildings</td>
<td>(16.4.L)</td>
<td>x</td>
</tr>
<tr>
<td>Location of all parking &amp; loading areas with striping and dimensions</td>
<td>(16.4.L)</td>
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<tr>
<td>Location of all existing &amp; planned streets &amp; alleys with dimensions</td>
<td>(16.4.L)</td>
<td>x</td>
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<td>Location of all existing &amp; planned (o &amp; u) utilities and associated easements</td>
<td>(16.4.L)</td>
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<td>Location of all recreational open spaces &amp; other site reservations</td>
<td>(16.4.L)</td>
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<tr>
<td>Location of all required NPDES Best Management Practices (BMPs), if required</td>
<td>(16.4.N)</td>
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<td>Cross-sections of proposed streets &amp; alleys</td>
<td>(16.4.O)</td>
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<td>Location of, including details and screening, solid waste containment</td>
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<th>Illustrative Landscape Plan Information (must be provided in color):</th>
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<td>Location and type of existing plants/trees and areas to remain natural</td>
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<td>Illustrative planting plan exhibiting complete landscaping of the site at maturity</td>
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<td>All exterior wall elevations (for proposed structures or additions)</td>
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<td>Photos of existing conditions and all existing structures</td>
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<td></td>
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<tr>
<td>Building materials schedule (samples may be provided)</td>
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Application Last Revised: MARCH, 2020
## Planning & Zoning Analysis

### CASE NO. CD-01-2021

**Project Title:** Salisbury Oaks Apartments  
**Petitioner(s):** Halcon Development, LLC  
**Owner(s):** John F. and Joan B. Leatherman  
**Representative(s):** Traci Dusenbury, Halcon Development, LLC; Matt Lowder, Triangle Site Design  
**Address:** Unnumbered Jake Alexander Blvd West and S. Main Street  
**Tax Map & Parcel(s):** 061 071  
**Size / Scope:** 9.227 acres  
**Location:** Subject parcel fronts upon W. Jake Alexander Blvd. with a 25 ft. private drive to S. Main Street, and includes a terminus at Rosemont Street

### PETITIONER REQUEST

**Request:** Petition proposes rezoning from Residential Mixed-Use (RMX) and Highway Business (HB) to Residential Mixed-Use (RMX), remove the existing General Development (GD-A) Overlay and establish a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.

**Staff Comments:**

The petitioner is proposing to construct a new multi-family apartment complex with a total of 84 units. As proposed, there will be four (4) apartment buildings, and one (1) community clubhouse. Amenities include a playground, a covered picnic area, and a ‘tot lot’ playground for toddler-aged children.

This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):

“The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits...
submit an application for each rental property to be considered during the single competitive annual cycle.”

Staff recommends this rezoning and master plan petition. Although the site is adjacent to a lower-density single-family residential area, the site acts as a transitional area between the low-density residential and higher-intensity commercial uses along S. Main Street. The transverse directional fronts West Jake Alexander Boulevard while the site is also adjacent to the existing Colonial Village apartments (98 units).

Yes, but not as proposed. Section 5.6.A.1 of the Land Development Ordinance (LDO) requires that “when there is no clear or definable principal building … development is considered a Campus-Style Development and shall follow the Conditional District development process.”

**CHARACTER OF AREA**

**Overview:**

The parcel (Parcel ID 061 071) is currently vacant and wooded. The access is via the private drive off of the 2000 block of S. Main Street. The parcel directly abuts another residential apartment use off of W ‘D’ Avenue. To the north is the lower density single family homes along Rosemont, there are additional apartments and single family dwellings, as well as Mt. Zion Missionary Baptist Church.

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

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
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</thead>
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<tr>
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<td>East of area</td>
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<td>RMX / CD</td>
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<td>South of area</td>
<td>Commercial</td>
<td>HB</td>
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<tr>
<td>North/West of area</td>
<td>Commercial-multi tenant</td>
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**INFRASTRUCTURE & CIVIC/COMMUNITY FACILITIES**
Public Schools:

- **Elementary:** Koontz
- **Middle:** Knox / Henderson
- **High:** Salisbury / North Rowan / Henderson

Fire District:

- **City of Salisbury - Station 2 (S. Main Street)**

Utilities

- **Water & Sewer:**
  - Water is available to the site from Rosemont Street and sewer is available from the adjacent property of Pinnacle Park

Transportation

- **Transit:**
  - Salisbury Transit Route 1 (Green) serves S. Main Street with a dedicated stop at 1904 S. Main Street (Employment Security Commission – approx. 870 feet from the proposed point of entry into this development).

- **Property Access(s):**
  - The proposed primary means of ingress & egress is via the 25 ft. private drive off of S. Main Street with a second access off of Rosemont Street with a proposed gate and Knox box for emergency vehicles only. One interconnectivity point (stub-out) to the adjacent multi-family property east of the subject parcel has been provided but will not be completed unless either of the adjacent properties redevelop in the future.

  - The petitioner is actively working with the property owners of the parcels abutting the 25 ft. private drive to acquire additional property and/or access easement for a 5 ft. sidewalk for pedestrian access to a public street as required in Section 5.6.A.2 of the Land Development Ordinance. If unable to obtain an agreement, an alternate pedestrian connection is proposed to the cul-de-sac on Rosemont Street.

COMPREHENSIVE & AREA PLANS

**Applicable Plans:**

**Applicable Policies & Objectives**

**Vision 2020 Comprehensive Plan**

N-16: New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.

*The proposed development will include a community clubhouse, as well as a central greenspace common area with playground, gazebo, and 'tot lot' playground.*
Planning & Zoning Analysis

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

The proposed development will feature a mix of one, two, and three-bedroom units, providing opportunities for households of different sizes to obtain housing.

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

The proposed location is adjacent to other residential multifamily complexes and in close proximity to Jake Alexander Blvd. and S. Main Street. The site has a public transit stop approximately 870 feet from the proposed entrance on S. Main Street. The access point from this development to the existing single family residential area on Rosemont Street will be for emergency vehicles only.

TRC & PLAN REVIEW

TRC Meeting:
The Conditional District petition and associated Master Plan were first reviewed by the city’s Technical Review Commission (TRC) on February 18, 2021. Staff, the Planning Board Liaison, Dennis Rogers, and other reviewing agencies discussed the proposal with the petitioner. Comments were generated and delivered to the petitioner for their consideration. All TRC comments have been addressed at this time.

Conditional District
Alternative Design Request(s):
The applicant is not requesting any alternative designs as part of this CD request. The impetus for the CD is compliance with LDO Section 5.6.A.1 relative to campus style development and as a result of the existing General Development Overlay.
CD-01-2021: Salisbury Oaks Apartments
PID: 061 071

**Petitioner:** Halcon Development, LLC
**Representatives:** Traci Dusenbury, Halcon Development; Matt Lowder, Triangle Site Design
**Property Owner:** John Leatherman
Petition CD-01-2021

• Rezone current base district from Residential Mixed-Use (RMX) / Highway Business (HB) to Residential Mixed-Use (RMX)
  ➢ RMX permits multi-family residential by-right
  ➢ Max. dwelling units per acre: 18
  ➢ Proposing (du/ac): 9
• Remove existing GD-A Overlay
• Establish new Conditional District Overlay to allow for construction of 84-unit campus style multi-family development
CONDITIONS OF APPROVAL

- Gate or temporary barricade at the cul-de-sac to Rosemont Street requires to be constructed prior to grading or other site development activity.
- Gate at the cul-de-sac to Rosemont Street must be permanent and of substantial construction.
- Construction traffic on Rosemont limited to improvements at the cul-de-sac right-of-way and utility improvements.
Vision 2020 Policies

• **Policy N-16:** New neighborhoods should include one or more neighborhood centers or focal points in each neighborhood planning area.

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

• Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.
Planning Board Courtesy Hearing was held March 9, 2021.

Planning Board voted unanimously to recommend approval as proposed with a motion of “consistent with Vision 2020 Comprehensive Plan.”
January 20, 2021

Dear Property Owner:

Hi, I would like to notify you that we are holding one-on-one neighborhood briefings to talk about the proposed removal of an overlay district of a property near you. The property is parcel 061-071, located at approximately or close to 2008 S. Main Street, Salisbury, 8.92 +/- acres. The property is zoned RMX which allows for apartment units and we plan to develop a high-quality community and hope to limit traffic to S. Main Street if at all possible. We are in the very early stages of development and are seeking input. Enclosed is a proposed site plan.

Due to COVID and the safety of the community, we are not holding a community meeting, but would like to get feedback and answer any questions you might have one-on-one. Please contact the Developer, Traci Dusenbury at (804) 376-7290 or tdusenbury@halconcompanies.com or Engineer, Matt Lowder, at (919) 553-6570 or mlowder@trianglesitedesign.com if you have questions. If there is enough interest we may hold a virtual meeting via zoom on 1/31 at 4:00pm, so please call or email if you would like to do that and we can send you a number to access the virtual meeting.

Thank you,

Traci Dusenbury

Traci Dusenbury
Developer
tdusenbury@halconcompanies.com
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<tr>
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<th>OWNNAME</th>
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<td>2016 ROSEMONT ST</td>
<td>SALISBURY</td>
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AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING APPROXIMATELY 9.227 ACRES BY REMOVING THE EXISTING GENERAL DEVELOPMENT OVERLAY (GD-A) WHILE REZONING THE RESIDENTIAL MIXED USE (RMX) AND HIGHWAY BUSINESS (HB) TO RESIDENTIAL MIXED-USE (RMX) AND APPLY A CONDITIONAL DISTRICT OVERLAY TO THE UNNUMBERED WEST JAKE ALEXANDER BLVD, ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A 84 UNIT MULTIFAMILY RESIDENTIAL CAMPUS STYLE APARTMENT DEVELOPMENT (PETITION NO. CD-01-2021)

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 9, 2021, voting unanimously to recommend approval of the proposed 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 6, 2021; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the parcel described herein from ‘RMX with a GD-A overlay’ to ‘RMX’ district; and establishing a Conditional District (CD) Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies N-16: New development should include a neighborhood center and focal point; Policy N-18: A mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area; and Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit.

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 061, Parcel 171 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 with the 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 ‘Salisbury Oaks Apartments,’ 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): The ‘RMX’ base district primary use is restricted by this action to that of ‘Dwelling – Multifamily, more than four (4) units per building.’ Any other use requires issuance an Amendment to this Conditional District (CD) Overlay.

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:

1. Gate or temporary barricade at the cul-de-sac to Rosemont Street to be constructed prior to grading or other site development.
2. Gate at the cul-de-sac to Rosemont Street must be permanent and of substantial construction.
3. Construction traffic on Rosemont limited to improvements at the cul-de-sac right-of-way and utility improvements.

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.
The Salisbury City Council met and held a public hearing to consider the following application:

Meeting Date:  
1st Hearing: 04/06/2021  
2nd Hearing: 04/20/2021

Property Location: Unnumbered parcel fronts upon Jake Alexander Blvd W with a 25 ft. private drive to S. Main Street and includes a terminus at Rosemont Street

Property Owner: John F. and Joan B. Leatherman  
120 Gregory Road  
Salisbury NC 28147

Petitioner: Holden Development, LLC – Traci Dusenbury  
1980 Rocky Ford Road  
Powhatan VA 23139

The applicant is bound by the findings as approved by the Salisbury City Council, including the following conditions:

1. Gate or temporary barricade at the cul-de-sac to Rosemont Street to be constructed prior to grading or other site development.
2. Gate at the cul-de-sac to Rosemont Street must be permanent and substantial construction.
3. Construction traffic on Rosemont limited to improvements at the cul-de-sac right-of-way and utility improvements.

Should the applicant not comply with the requirements of the Land Development Ordinance or the adopted conditions then the Conditional District may be rescinded or terminated after a review by the Salisbury City Council.

Petitioner: _________________________________________________

NORTH CAROLINA  
_______________________ COUNTY

I, ______________________________, a Notary Public in and for said State and County, do hereby certify that ________________________________, petitioner of proposed development and agreed upon conditions did personally appeared before me this day and acknowledged the due execution of the foregoing instrument.
WITNESS my hand and notarial seal, this the ___________ day of
________________, 2021.

____________________________________
Notary Public

My Commission expires: __________________________

Approved by:
City of Salisbury:

(MAYOR SIGNATURE) (DATE)
DISTRICT MAP AMENDMENT: CD-01-2021

Project Title: Salisbury Oaks Apartments
Petitioner(s): Halcon Development, LLC
Owner(s): John F. & Joan B. Leatherman
Representative(s) or Developer(s) Traci Dusenbury, Halcon Development, LL
Matt Lowder, Triangle Site Design
Address: Unnumbered Jake Alexander Blvd West and S Main St
Tax Map - Parcel(s): TM: 061, Parcel(s): 071
Size / Scope: 9.227 acres
Location: Parcel fronts upon W. Jake Alexander Blvd. with a 25 ft.
drive to S. Main Street, and includes a terminus at Rosemont Street

REQUEST:
Request to amend the Land Development Ordinance & Land Development District Map
by rezoning a single parcel approximately 9.227 acres from RESIDENTIAL MIXED-USE
(RMX) and HIGHWAY BUSINESS (HB) and removing the existing GENERAL
DEVELOPMENT OVERLAY (GD-A) to RESIDENTIAL MIXED-USE (RMX) and
establish a new CONDITIONAL DISTRICT (CD) OVERLAY for the proposed 84-unit
campus-style multi-family development master plan

STATEMENT OF CONSISTENCY & RECOMMENDATION:

The Salisbury City Council held a public hearing and reviewed the petition and associated
Master Plan on April 6, 2021. The Council finds that the use is CONSISTENT with the Salisbury
Vision 2020 Comprehensive Plan, is reasonable, and in the public interest because:

- The proposed new development includes more than one neighborhood center and focal
  point (Policy N-16);
- The proposed new development will provide a mixture of housing sizes within the
  apartment complex with one (1), two (2), and three (3) bedroom apartment options
  (Policy N-18);
- The proposed new development will not have a public access through the lower density
  housing areas and will act as a transitional use between the thoroughfare and lower
density housing (N-19).
Salisbury City Council  
Agenda Item Request Form

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

Requested Council Meeting Date:  04/20/2021

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

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

Requested Agenda Item:  CD-02-2021
Description of Requested Agenda Item:  Tenby Crossing Apartments: Request to rezone tax map 062 parcels 055 and 065 by maintaining the underlying Corridor Mixed-Use (CMX), removing the existing previously approved and expired Conditional District Overlay (CD) and create a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.

Attachments:  ☒ Yes  ☐ No

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

_____________________________________
Budget Manager Signature

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

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

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
ZONING PERMIT APPLICATION

FILING DATE
CASE #
PLAN REVIEW CASE # (IF APPLICABLE):

NOTE TO APPLICANT: SUPPLEMENT PLAN REVIEW FORMS AVAILABLE IF PLAN REVIEW IS REQUIRED. PERMITTING & PLAN REVIEW SERVICES REQUIRE 1 HARD SET AND 1 ELECTRONIC SET (PDF)

BUILDING INFORMATION

□ New Principal Building
□ Addition
□ Remodel/Upfit
□ Accessory Structure
Existing SqFt: ________________
Proposed SqFt: ________________

USE INFORMATION

□ House (<5 units)
□ MF (<8 units)
□ MF (≥8 units)
□ Non-Residential (< 10,000 sf)
□ Non-Residential (≥ 10,000 sf)
□ Floodplain/Watershed
□ Parking Lot—Primary Use
□ New/Added Use
□ Change of Use
□ No Change of Use (existing use remains)
□ Home Occupation
□ Temporary Use

PROJECT DESCRIPTION

Up to 84 rental apartments in 3 bldgs + community clubhouse/mgmt office
Total Projected Cost: $13.7MM

PLAN SUBMITTAL ATTACHMENTS

□ Site
□ Floor
□ Elevation
□ Landscape

PROPERTY & CONTACT INFORMATION

Rowan County Parcel ID(s): ____________________________
Address or Site Location: _____________________________
Subdivision: ________________________________________
Applicant: _________________________________________
Address: _________________________________________
Email: _____________________________________________
Best Phone: ________________________________
Owner (if different than applicant): ____________________
Address: _________________________________________
Email: _____________________________________________
Daytime Phone: ________________________________

SIGNATURE

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

Applicant: ____________________________

Application Last Revised: MARCH, 2020

* SEE BACK OF PAGE FOR UTILITY CONNECTION STATUS
UTILITY CONNECTIONS

Water: Existing [ ] PUBLIC or [x] PRIVATE connection with no change to service
Proposed [ ] NEW or [ ] REPLACEMENT connection @ ______ (size in inches)

Sewer: Existing [ ] PUBLIC or [x] PRIVATE connection with no change to service
Proposed [ ] NEW or [ ] REPLACEMENT connection @ ______ (size in inches)

Irrigation: Existing [ ] PUBLIC or [ ] PRIVATE connection with no change to service
Proposed [ ] NEW or [ ] REPLACEMENT connection @ ______ (size in inches)

Fire: Existing [ ] PUBLIC or [ ] PRIVATE connection with no change to service
Proposed [ ] NEW or [ ] REPLACEMENT connection @ ______ (size in inches)

F.O.G.: [ ] New [ ] Replace [ ] Trap [ ] In-ground Interceptor

Backflow: [x] New [ ] Replace [ ] Upgrade ______ (size in inches)

DEPARTMENT USE ONLY

Project Title: ____________________________________________________________

Zoning: ________ Overlay: ________ Local Historic Overlay? [ ] Yes [ ] No

Present Use: ____________________________________________________________

Number, type, and condition of any existing structures:

List any known nonconformities:

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

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

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

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

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

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

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

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

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

Other & Notes: ____________________________________________________________
Attachment to CD Application

Acreage – the proposed development is within a small retail business park – Westgate Commons. All other parcels in the park are developed.

For purposes of this application, the Subject Parcels are defined as the two parcels upon which the apartment development would be built – PINs:

062 065
062 055

As well, there are three additional parcels that serve all of Westgate Commons (hereafter, Service Parcels) – one containing an internal drive and two containing ponds with the following PINs:

062 062
062 064
062 056

The original developer and owner of all five parcels, CK Salisbury Retail, LLC, requires that in buying the Subject Parcels that we also take ownership of the Service Parcels. They are developed in a sense but not solely dedicated to the proposed development as they serve all of Westgate Commons. While no POA exists, there exist Master Declaration obligations of all Westgate Commons parcels to contribute to ongoing maintenance of the Service Parcels.

As such, acreage is summarized as follows:

Subject Parcel acreage – 6.05
Subject Parcel disturbed acreage -
Service Parcel acreage – 2.57
CONDITIONAL DISTRICT SUPPLEMENT FORM

FILING DATE: 02/05/2021
CASE #: CD-02-2021

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

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

PROJECT INFORMATION

Project Title: Tenby Crossing
Present Use: None - currently undeveloped

Number, type, and condition of any existing structures:
None - currently undeveloped

Total Acreage: see attached notes  Project/Disturbed Acreage: see attached notes

Provide overall project built-upon area (%) for NPDES determination: see attached notes
(applicable for projects over 1 acre or part of a larger common plan of development - Sec. 9.6)

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

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

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

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

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

Will the project tie into an existing water or sewer connection?
☒ Water ☐ Sewer ☐ Neither

Is the project requesting a new water or sewer connection?
☒ Water ☐ Sewer ☐ Neither

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

SIGNATURE

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

Petitioner(s):
Application Last Revised: MARCH, 2022

Petitioner: Kent Place Holdings, LLC
Owner: CK Salisbury Retail, LLC
Stephen Brock - Managing Member  R David Haggart - Managing Member

[Signature]

Serial public hearing before Authorized agents also include any party from Wynnewood Properties, Inc.
Pursuant to LDO Sec. 16.4, a Master Plan set (prepared by a licensed design professional with the appropriate statutory authority) must include the Site Plan, an Illustrative Landscape Plan, Building Design Plans, and other plans or documentation where applicable.

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

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

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

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

Acreage – the proposed development is within a small retail business park – Westgate Commons. All other parcels in the park are developed.

For purposes of this application, the Subject Parcels are defined as the two parcels upon which the apartment development would be built – PINs:

062 065
062 055

As well, there are three additional parcels that serve all of Westgate Commons (herafter, Service Parcels) – one containing an internal drive and two containing ponds with the following PINs:

062 062
062 064
062 056

The original developer and owner of all five parcels, CK Salisbury Retail, LLC, requires that in buying the Subject Parcels that we also take ownership of the Service Parcels. They are developed in a sense but not solely dedicated to the proposed development as they serve all of Westgate Commons. While no POA exists, there exist Master Declaration obligations of all Westgate Commons parcels to contribute to ongoing maintenance of the Service Parcels.

As such, acreage is summarized as follows:

Subject Parcel acreage – 6.1
Subject Parcel disturbed acreage – 5.7
Service Parcel acreage – 2.6
## CASE NO.

**Project Title:** TENBY CROSSING APARTMENTS  
**Petitioner(s):** Kent Place Holdings, LLC (Stephen Brock)  
**Owner(s):** CK Salisbury Retail, LLC (R. David Haggart)  
**Representative(s):** Stephen Brock, Kent Place Holdings, LLC; Matt Raab, Wynnfield Properties, Inc.; Matt Williams, PE, Borum, Wade, & Assoc.  
**Address:** Unnumbered Brenner Avenue  
**Tax Map & Parcel(s):** 062 055, 065  
**Size / Scope:** Approximately 6.137 acres (total of (2) parcels)  
**Location:** Unnumbered outparcel of Westgate Commons in the 100 blk of Brenner Avenue adjacent to Milford Hills Road

## PETITIONER REQUEST

**Request:** Petition proposes no change to underlying Corridor Mixed-Use (CMX) base zoning, but removes the existing and expired Conditional District Overlay of a previously approved CD-01-2012 and establishes a new Conditional District (CD) Overlay to allow for an 84-unit multi-family (apartment) development.

**Staff Comments:** This developer is proposing a tax credit, income-restricted, rental apartment development that would be financed through the NC Housing Finance Agency (NCHFA):

“The North Carolina Housing Finance Agency finances the statewide construction of affordable rental apartments using federal and state housing credits, low-interest loans, and tax-exempt bond allocations. We award funds annually through a competitive application process. Developers seeking an allocation of federal Low-Income Housing Tax Credits submit an application for each rental property to be considered during the single competitive annual cycle.”
The two parcels are currently owned by CK Salisbury Retail LLC. The 4.78 acre tract was previously approved for development of an 84-unit apartment complex by a different developer and design. The previous vesting of approval had already expired but not yet been removed. The developer is also under contract to obtain ownership of the existing internal private drives, and two BMP ponds.

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

**Yes, but not as proposed.** The proposed use of multi-family residential is a permitted “by-right” use in the CMX district. This petition proposes campus-style development, where the buildings are oriented to parking areas and/or recreational open space and not towards a public street. In addition, the developer may be proposing alternative site and building design to specific sections of the Land Development Ordinance.

**Base Zoning District Descriptions**

**Existing:**

- **CMX: Residential Mixed-Use**
  - (18 dwelling unit per acre maximum)
  - CMX is intended to provide for areas for higher density residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the adjacent Highway Business (HB) zoning. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

**Proposed:**

- **No change to the CMX base zoning district**

- **Development Type:**
  - 84-unit rental apartment development within four (4) multi-story buildings. In addition, one (1) clubhouse/leasing office, parking areas, and Recreational Open Space areas are proposed.

- **Residential Density:**
  - CMX district permits up to 18 dwelling units per acre. The submitted plan proposes a density of 13.687 dwelling units per acre.

- **Intensity:**
  - N/A
CHARACTER OF AREA

Overview:
The 6.137 acre site includes two outparcels of the existing Westgate Commons commercial retail development to be combined into one parcel.

Surrounding Land Use(s) & Zoning:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North of area (Salisbury north)</td>
<td>Single-Family (Milford Hills)</td>
<td>GR-6</td>
</tr>
<tr>
<td>East of area (Salisbury east)</td>
<td>Civic &amp; Institutional (vacant) / Single Family</td>
<td>GR6 &amp; CI</td>
</tr>
<tr>
<td>South of area (Salisbury south)</td>
<td>Commercial multi-tenant retail</td>
<td>HB</td>
</tr>
<tr>
<td>West of area (Salisbury west)</td>
<td>Commercial – retail, restaurants, grocery</td>
<td>CMX</td>
</tr>
</tbody>
</table>

INFRASTRUCTURE & CIVIC/COMMUNITY FACILITIES

Public Schools:
Elementary: Hurley
Middle: Knox
High: Salisbury

Fire District:
City of Salisbury Station 2 (South Main St.)

Utilities
Water & Sewer:
Water and sewer lines are located adjacent to the site and will serve the site

Transportation
Transit:
Salisbury Transit Route 2 serves Brenner Avenue and Jake Alexander Boulevard adjacent to the proposed site.

Property Access(s):
Vehicular access to the site will be via two (2) points of ingress / egress off of the private internal driveway behind the Aldi grocery store and the private drive between the Jimmy Cleans Carwash and the Premier Federal Credit Union and one access point onto Milford Hills Road at the request of Planning Board. The Board had much discussion regarding concerns of the additional traffic concentration to the already congested Brenner Avenue Drive. Access to
Planning & Zoning Analysis

Milford Hills Road would be of minimal impact to the neighborhood due to the proximity of the proposed drive being closer to the Brenner Avenue end of a dead end road.

The developer has identified opting for pay-in-lieu of sidewalk installation for the street frontage along Milford Hills Road. No other public improvements required.

<table>
<thead>
<tr>
<th>Public Improvements:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>COMPREHENSIVE &amp; AREA PLANS</th>
</tr>
</thead>
</table>

Applicable Plans: Vision 2020 Comprehensive Plan

Applicable Policies & Objectives

Vision Statement ‘Housing’:

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

Policy N-18:

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

The proposed development will feature a mix of one, two, and three-bedroom units, providing opportunities for households of different sizes to obtain housing.

Policy N-19:

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

The proposed location is adjacent to other residential multifamily complexes and in close proximity to Jake Alexander Blvd. and Brenner Avenue with pedestrian accessibility to shopping, banking, and places of work. The site has a public transit stop adjacent to the proposed site.
<table>
<thead>
<tr>
<th>TRC &amp; PLAN REVIEW</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TRC Meeting:</strong></td>
</tr>
</tbody>
</table>

The Conditional District petition and associated Master Plan were first reviewed by the city’s Technical Review Commission (TRC) on February 18, 2021. Staff, the Planning Board Liaison, Dennis Rogers, and other reviewing agencies recommended approval of the master plan with some minor notes and revisions. All comments were satisfied when resubmitted.

<table>
<thead>
<tr>
<th>Conditional District Alternative Design Request(s)</th>
</tr>
</thead>
</table>

**Bldg. Orientation to Street or Recreational Open Space:**

*This plan proposes an alternative to the building placement and orientation standards by requesting construction of a campus-style development.*
CD-02-2021:
Tenby Crossing Apartments
PID: 062 055, 065

**Petitioner:** Kent Place Holdings, LLC

**Representatives:** Stephen Brock, Managing Member; Matt Raab, Wynnefield Properties, Matt Williams, PE, Borum, Wade, & Assoc.

**Property Owner:** CK Salisbury Retail
Petition CD-02-2021

• Maintain current base district
  Corridor Mixed-Use (CMX)
    ➢ CMX permits multi-family residential by-right
    ➢ Max. dwelling units per acre: 18
    ➢ Proposing (du/ac): 13.687

• Remove previously approved and expired CD Overlay. Establish new CD Overlay to allow for construction of 84-unit campus style multi-family development
Approach from Jake Alexander Blvd West traveling northeast on Brenner Avenue
Brenner Avenue approach traveling southwest towards Jake Alexander Blvd. West
SIDEWALK IMPROVEMENT NOTE

APPROXIMATELY 773 LINEAR FEET OF 5' SIDEWALK SHALL BE INSTALLED ON MILFORD HILLS ROAD FOR THE LENGTH OF THE PROPERTY.

TRAFFIC NOTE

DEVELOPER AGREES TO WORK WITH CITY STAFF REGARDING A FUTURE TRAFFIC STUDY AND POTENTIAL EGRESS AND INGRESS CHANGES THAT MAY RESULT FROM THE STUDY.
SITE INFORMATION

AREA: 6.137 ACRES
PARCEL ID: 062065, 0662055
PARCEL PIN: 5750-04-52-2027, 5750-40-52-04-81
DEED REFERENCE: D.B. 1165, PG 778
PLAT REFERENCE: M.B. 9995, PG. 8144
PROPERTY IS ZONED: CMX (CORRIDOR MIXED USE)
CD (CONDITIONAL DISTRICT OVERLAY)
NO. OF APARTMENTS: 84 UNITS
PROPOSED DENSITY: 13.687 D.U. / ACRE
PROPOSED BUILT-UPON AREA (B.U.A.): 2.50 ACRES (40.73%) FRONT YARD ENCROACHMENT
MIN. STREET SETBACK
MIN. SIDE SETBACK
MIN. REAR SETBACK
MAX. BLDG. HEIGHT
BUILDING USE: MULTI-FAMILY RESIDENTIAL
REQUIRED COMMON AREA: 6.137 X 0.18= 1.10 ACRES
COMMON AREA PROVIDED: 1.20 ACRES

BUILDING INFORMATION

NUMBER OF RESIDENTIAL BUILDINGS: 3
3- STORY (BLDG. #1, #2, & #3):
UNIT BREAKDOWN:
1 BEDROOM UNITS: 13
2 BEDROOMS UNITS: 35
3 BEDROOMS UNITS: 36
TOTAL: 84
BICYCLE PARKING REQUIRED (PER C.O.S.): 8 SPACES (5% OF REQ'D VEHICLE SPACES)
PARKING PROVIDED: 155 SPACES
PARKING REQUIRED (PER HOUSING CODE): 147 SPACES (1.75 SPACES PER UNIT)
PARKING REQUIRED (PER CITY CODE): 155 SPACES (1.5 SP. PER BEDROOM UP TO 2 PER UNIT)
H.C. PARKING REQUIRED: 11 SPACES (9 SP. TO BE VAN ACCESSIBLE)
H.C. PARKING PROVIDED: 15 SPACES (9 SP. TO BE VAN ACCESSIBLE)
Vision 2020 Policies

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

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

• **Policy N-19**: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit. Access to such higher density housing shall not be through a lower density housing area. Higher density housing may often act as a transitional use between offices or shops and lower density housing.
Planning Board Courtesy Hearing was held March 9, 2021.

Planning Board voted unanimously to recommend approval subject to adding at least one connection to Milford Hills Road with a motion stating the master plan is “consistent with the Vision 2020 Comprehensive Plan.”
The Salisbury City Council met and held a public hearing to consider the following application:

Meeting Date:
1st Hearing: 04/06/2021
2nd Hearing: 04/20/2021

Property Location:
Outparcels of Westgate Commons fronting Brenner Avenue and Milford Hills Road

Property Owner:
CK Salisbury Retail, LLC
301 S. College Street Ste. 2800
Charlotte NC  28202

Petitioner:
Kent Place Holdings, LLC
893 Holly Drive W
Annapolis MD  21409

The applicant is bound by the findings as approved by the Salisbury City Council, including the following conditions:

(1) Developer agrees to work with City staff regarding a future traffic study and potential egress and ingress changes that may result from the study.

Should the applicant not comply with the requirements of the Land Development Ordinance or the adopted conditions then the Conditional District may be rescinded or terminated after a review by the Salisbury City Council.

Petitioner: _________________________________________________

NORTH CAROLINA
_________________________ COUNTY

I, ______________________________, a Notary Public in and for said State and County, do hereby certify that ______________________________, petitioner of proposed development and agreed upon conditions did personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this the ____________ day of __________________, 2021.

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

My Commission expires: __________________________

Approved by:
City of Salisbury:

(MAYOR SIGNATURE) (DATE)
Salisbury City Council
Statement of Consistency & Zoning Recommendation

DISTRICT MAP AMENDMENT: CD-02-2021

<table>
<thead>
<tr>
<th>Project Title:</th>
<th>Tenby Crossing Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Petitioner(s):</td>
<td>Kent Place Holdings, LLC</td>
</tr>
<tr>
<td>Owner(s):</td>
<td>CK Salisbury Retail, LLC</td>
</tr>
<tr>
<td>Representative(s) or Developer(s)</td>
<td>Stephen Brock, Kent Place Holdings, LLC</td>
</tr>
<tr>
<td></td>
<td>Matt Raab, Wynnfield Properties, Inc.</td>
</tr>
<tr>
<td>Address:</td>
<td>Unnumbered Brenner Avenue</td>
</tr>
<tr>
<td>Tax Map - Parcel(s):</td>
<td>TM: 062, Parcel(s): 055, 065</td>
</tr>
<tr>
<td>Size / Scope:</td>
<td>6.137 acres</td>
</tr>
<tr>
<td>Location:</td>
<td>Unnumbered outparcel of Westgate Commons with frontage along the 100 block of Brenner Avenue and the 500 block of Milford Hills Road</td>
</tr>
</tbody>
</table>

REQUEST:
Request to amend the Land Development Ordinance & Land Development District Map by rezoning of approximately 6.137 acres proposing no change to the underlying CORRIDOR MIXED-USE (CMX) and remove an existing previously approved and expired CONDITIONAL DISTRICT (CD) OVERLAY and create a new (CD) OVERLAY for the proposed 84-unit campus-style multi-family development master plan

STATEMENT OF CONSISTENCY & RECOMMENDATION:

The Salisbury City Council held a public hearing and reviewed the petition and associated Master Plan on April 6, 2021. The Council finds that the use is CONSISTENT with the Salisbury Vision 2020 Comprehensive Plan, is reasonable, and in the public interest because:

- The proposed new development is consistent with the Vision Statement ‘Housing’ providing well designed housing types for all incomes where the elderly, young families, and singles and others share experiences and help one another.
- The proposed new development will provide a mixture of housing sizes within the apartment complex with one (1), two (2), and three (3) bedroom apartment options (Policy N-18);
- The proposed new development will be located adjoining places of work, shopping, and public transit. The higher density housing acts as a transitional use between the shopping center use and the lower density housing (N-19).
AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING TWO PARCELS WITH A COMBINED TOTAL OF APPROXIMATELY 6.137 ACRES BY MAINTAINING THE UNDERLYING ZONING OF CORRIDOR MIXED USE (CMX) AND ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF AN 84 UNIT MULTIFAMILY RESIDENTIAL CAMPUS STYLE APARTMENT DEVELOPMENT (PETITION NO. CD-02-2021)

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 9, 2021, voting unanimously to recommend approval of the proposed 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 6, 2021; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the parcel described herein from ‘RMX with a GD-A overlay’ to ‘RMX’ district; and establishing a Conditional District (CD) Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies N-16: New development should include a neighborhood center and focal point; Policy N-18: A mixture of housing types/sizes/prices shall be encouraged within the bounds of each neighborhood planning area; and Policy N-19: Higher density housing projects, such as apartment complexes and condominium developments, should be located adjoining places of work, shopping, and public transit.

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 061, Parcels 055 and 065 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 ‘CMX’ district with the 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 “Tenby Crossing Apartments,” 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): The ‘CMX’ base district primary use is restricted by this action to that of ‘Dwelling – Multifamily, more than four (4) units per building. Any other use requires issuance an Amendment to this Conditional District (CD) Overlay.

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:

(1) Developer agrees to work with City staff regarding a future traffic study and potential egress and ingress changes that may result from the study.

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.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  April 20, 2021

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

Name of Presenter(s):  Wendy Brindle

Requested Agenda Item:  Council to consider agreements with NCDOT concerning EB-5619B and EB-5619C, Grants Creek Greenway Phase IV

Description of Requested Agenda Item:
Cabarrus-Rowan MPO and the City have solicited funds for the extension of Grants Creek Greenway from Meadowbrook to Kelsey Scott Park. Initial funding for the project was obtained through Transportation Alternative Program funds, and Phase A (EB-5619A) of the project will begin construction in May 2021 with utilization of these funds for a low water bridge connection from Catawba College to the existing greenway near Forestdale Drive. Additional funds were awarded by the CRMPO to the City through Surface Transportation Block Grant (STBGDA) funds. The funds are administered through the attached agreements with the North Carolina Department of Transportation (NCDOT).

The two remaining segments of the greenway, EB-5619B and EB-5619C extend from Catawba College to the Wiltshire Village property, then from this point to Kelsey Scott Park. The agreement for EB-5619B has a federal contribution of $1,474,136 with a City contribution of $565,535. The agreement for EB-5619C is for a federal contribution of $2,176,000 with a City contribution of $544,000. Under terms of the agreement, the projects will be administered by the City, and the City will be responsible for maintenance upon completion.

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 appropriate amount is included in the FY22 Budget for Phase B and C. If funds are expended prior to FY22 it will be covered with departmental savings.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Authorize the City Manager to execute agreements with NCDOT for Projects EB-5619B and EB-5619C

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

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

○ Regular Agenda (item to be discussed and possibly voted on by Council)
NORTH CAROLINA
ROWAN COUNTY

SUPPLEMENTAL AGREEMENT

DATE: 3/20/2021

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

TIP #: EB-5619B

AND

WBS ELEMENTS: PE
ROW 56033.2.3

CITY OF SALISBURY

CON 56033.3.3

FEDERAL-AID #: TAPDA-0914(37)

CFDA #: 20.205

TOTAL SUPPLEMENTAL FUNDS [NCDOT PARTICIPATION] $1,151,336

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, the Department and the Municipality on 9/15/2017, entered into a certain Project Agreement for the original scope: construction of a segment of the Salisbury greenway, which will connect the Meadowbrook Community, adjacent to Catawba College, to Kelsey Scott Park, programmed under Project EB-5619; and

WHEREAS, the Department and the Municipality on 5/2/2019 entered into a Supplemental Agreement that modified the scope of work to split it into two separate projects EB-5619A and EB-5619B, and reallocated the funding between the two projects; and,

WHEREAS, the Department and the Municipality on 5/2/2019, entered into a certain Project Agreement for the original scope: Phase B: Construction of approximately 0.9 miles of new greenway trail to connect the existing greenway at Forestdale Drive to Kelsey Scott Park, part of the Carolina Thread Trail through Rowan County, connecting to Davie and Cabarrus Counties, programmed under Project EB-5619B; and,

WHEREAS, the Municipality and the Cabarrus-Rowan MPO requested to move funding from EB-5619B to EB-5619A for construction under separate supplemental agreement for EB-5619A; and,
WHEREAS, the Municipality and the Cabarrus-Rowan MPO have requested to split Project EB-5619B into phase B and phase C; and,

WHEREAS, the Municipality and the Cabarrus-Rowan MPO have requested to amend the Project scope for Project EB-5619B; and,

WHEREAS, the Municipality and the Cabarrus-Rowan MPO have requested additional Project funds.

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

SCOPE

The Project consist of the construction of a multi-use pathway that begins in Kelsey Scott Park at Station 12 + 50.00, a segment across the bridge at Grants Creek and terminates at the parcel line between Wiltshire Village and the City of Salisbury.

FUNDING

The Department’s original participation on Project EB-5619 was $700,000 (ID #7412).

Phase A - (EB-5619A)

- The Department agreed to reimburse the Municipality $134,800 from the original participation amount of TADA funds. The Municipality provided $33,700 as their local match, under a supplemental agreement executed on 5/2/19 (ID #8562).
- The Department agreed to transfer $377,200 TADA funding from EB-5619B to EB-5619A and the Municipality would provide $94,300 as their local match, under a supplemental agreement executed on 9/14/19. Total funding $640,000 (ID #8899).

Phase B - (EB-5619B)

- The original participation $700,000 was for right of way and construction, under a new agreement executed 5/2/19 (ID #8563).
- The Department agreed to transfer $377,200 from EB-5619B to EB-5619A under a supplemental agreement executed on 9/14/19 (ID #8899), with a balance of $322,800 in Federal Funds on EB-5619B.
The Department’s original participation was $700,000. The Department transferred $377,200 in TADA funds to EB-5619A. The Department agrees to reimburse the Municipality an additional $1,151,336 of Surface Transportation Program Block Grant (BGDA) funds. The Municipality shall provide the non-federal match, as detailed in the REVISED FUNDING TABLE below, and all costs that exceed the total estimated cost.

**REVISED FUNDING TABLE**

<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>TADA</td>
<td>$322,800</td>
<td>80%</td>
<td>$80,700</td>
<td>20%</td>
</tr>
<tr>
<td>BGDA</td>
<td>$1,151,336</td>
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<td>$287,835</td>
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<tr>
<td>ADDITIONAL LOCAL</td>
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<td>$195,000</td>
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<td>Subtotals</td>
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<td>$563,535</td>
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<td>Total Estimated Cost</td>
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<td></td>
<td>$2,037,671</td>
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</tbody>
</table>

**OTHER PROVISIONS**

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

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.

Except as hereinabove provided, the Agreement heretofore executed by the Department and the Municipality on 5/2/2019, is ratified and affirmed as therein provided.
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: ________________________  
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. No Change

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

(SEAL)  
(FINANCE OFFICER)

Federal Tax Identification Number

________________________________

Remittance Address:

City of Salisbury

________________________________

________________________________

DEPARTMENT OF TRANSPORTATION

BY: ___________________________

(CHIEF ENGINEER)

DATE: ________________________

APPROVED BY BOARD OF TRANSPORTATION ITEM O: ________________________ (Date)
Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

Entity: City of Salisbury          County: Rowan

TIP: EB-5619C

Project: Grants Creek Greenway

Scope: construction of a multi-use pathway from Wiltshire Village to Kelsey Scott Park.

Eligible Activities:

<table>
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<tr>
<th>PE</th>
<th>56033.1.4</th>
<th>Design</th>
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</thead>
<tbody>
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<td></td>
<td>Environmental</td>
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<tr>
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<td>ROW Acquisition</td>
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<tr>
<td></td>
<td></td>
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<tr>
<td>CON</td>
<td>56033.3.4</td>
<td>Construction</td>
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<tr>
<td>FEDERAL-AID</td>
<td>BGDA-0914(040)</td>
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</table>

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<tr>
<th>Fund Source</th>
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</tr>
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<tbody>
<tr>
<td>BGDA</td>
<td>$2,176,000</td>
<td>80 %</td>
<td>$544,000</td>
<td>20 %</td>
</tr>
</tbody>
</table>

Total Estimated Cost: $2,720,000

Responsibility: The City of Salisbury shall be responsible for all aspects of the project.
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 federal funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Grants Creek Greenway, 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 $2,176,000 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 construction of a multi-use pathway from Wiltshire Village to Kelsey Scott Park.

The Department’s funding participation in the Project shall be restricted to the following eligible items:

- Design
3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is BGDA. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the Municipality of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on project responsibilities outlined in this agreement.

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 Two Million One Hundred Seventy-Six Thousand Dollars ($2,176,000), 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>
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<td>Total Estimated Cost</td>
<td></td>
<td></td>
<td>$2,720,000</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 $272,000 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/construction/unit/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.

RETAINAGE

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 Grants Creek Greenway to Kelsey Scott Park, 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
- 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 $2,176,000 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 the 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
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 __________________________ of the City of Salisbury as attested to by the signature
of __________________________ Clerk of the __________________________ on __________________________(Date)

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 O: __________________________(Date)

Agreement ID # 9664
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  April 20, 2021

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

Name of Presenter(s):  Wendy Brindle

Requested Agenda Item:  Council to consider an agreement with NCDOT concerning HL-0005, Signal System Network Upgrade

Description of Requested Agenda Item:
A Surface Transportation Block Grant (STBG-DA) in the amount of $343,000 federal, with an $85,750 local match, was awarded to the City by the Cabarrus-Rowan MPO. The funds are administered to the City through an agreement with the North Carolina Department of Transportation (NCDOT). This project will support items such as upgrade of the servers, switches, software and CCTV cameras associated with the Traffic Signal System, along with fiber repairs throughout the system.

The City's current system was implemented in 2014, and the equipment referenced above has reached the end of its useful life and is insufficient to enable necessary software upgrades to allow proper management of the traffic signal system. The City will administer the project for the installation of the upgrades in accordance with NCDOT and federal requirements.

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 appropriate amount is included in the FY22 Budget. If funds are expended prior to FY22 it will be covered with departmental savings.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Authorize the City Manager to execute an Agreement with NCDOT for Project HL-0005 for a total amount of $428,750.

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

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

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

FINANCE DEPARTMENT INFORMATION:
Salisbury City Council
Agenda Item Request Form

Finance Manager Signature

[Signature]

Department Head Signature

Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved    ☐ Delayed    ☐ Declined

Reason:
Executive Summary

The Executive Summary is a summation of this agreement and is not intended to be used as the agreement between the Department (North Carolina Department of Transportation) and the Party (Entity).

**Entity**: City of Salisbury  
**County**: Rowan

**TIP**: HL-0005

**Project**: Salisbury Signal System Upgrade

**Scope**: Upgrade of various signals throughout Salisbury.

**Eligible Activities**:

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<td>80 %</td>
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<td><strong>Total Estimated Cost</strong></td>
<td><strong>$428,750</strong></td>
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</table>

**Responsibility**: The City of Salisbury shall be responsible for all aspects of the project.
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 federal funds to be available for certain specified transportation activities; and,

WHEREAS, the Municipality has requested federal funding for Salisbury Signal System Upgrade, 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 $343,000 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 Agreement ID # 9816
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 Upgrade of various signals throughout Salisbury.

The Department’s funding participation in the Project shall be restricted to the following eligible items:

- Construction

  as further set forth in this Agreement.
3. FUNDING

PROGRAMMING AND AUTHORIZATION OF FEDERAL FUNDS

The funding currently programmed for the project in the State Transportation Improvement Program (STIP) is BGDA. The funding source may be modified with the coordination and approval of the respective Metropolitan Planning Organization (MPO) and/or the Department prior to authorization of funds. The Department will authorize and reimburse federal funding based on the type of federal funding that is programmed in the STIP at the time of the authorization request. The Department will notify the Municipality of the type of federal funds authorized by issuing a Technical Amendment – Funds Authorization letter. A modification in the source of funds will have no effect on project responsibilities outlined in this agreement.

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 Three Hundred Forty-Three Thousand Dollars ($343,000), 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.

FUNDING TABLE

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</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 $42,875 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 three (3) years to complete all work outlined in the Agreement from the date of authorization of Federal Preliminary Engineering Right of Way Construction funds. [choose one phase] 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.

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.ftwa.dot.gov/legsregs/legislat.html and www.ncleg.net/gascripts/Statutes/Statutes.asp.

Agreement ID # 9816

5
• 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 www.fhwa.dot.gov/legsregs/directives/fapgtoc.htm; and NCGS, Chapter 143, Article 8 (Public Contracts), incorporated by reference at www.ncleg.net/gascripts/Statutes/Statutes.asp.

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/standpdf.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 Salisbury Signal System Upgrade, or as required by an executed encroachment agreement.

19. REIMBURSEMENT

SCOPE OF REIMBURSEMENT

Activities eligible for funding reimbursement for this Project shall include:

- Construction

REIMBURSEMENT GUIDANCE

(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 $343,000 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](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 the 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 hereinaabove 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 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.

CITY OF SALISBURY

BY: ________________________________

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.

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

________________________________________
(FINANCE OFFICER)

Federal Tax Identification Number

________________________________________

City of Salisbury

Remittance Address:

________________________________________

________________________________________

DEPARTMENT OF TRANSPORTATION

BY: ________________________________

(CHIEF ENGINEER)

DATE: ________________________________

APPROVED BY BOARD OF TRANSPORTATION ITEM O: ___________ 05/06/2021 _______ (Date)
### Salisbury City Council

**Agenda Item Request Form**

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

Requested Council Meeting Date:  
April 20, 2021

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

Name of Presenter(s):  
City Council

Requested Agenda Item:  
Council to consider appointments to various boards and commissions.

Description of Requested Agenda Item:  
The majority of Council appointed boards and commissions have seats expiring March 31, 2021. A worksheet showing the terms that are ending and whether the person is eligible for reappointment along with applications received to date are attached.

Attachments:  
- [x] Yes  
- [ ] No

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

Action Requested of Council for Agenda Item:  
Council to consider making appointments to various boards and commissions. *(Please note if item includes an ordinance, resolution or petition)*

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

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

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

**FINANCE DEPARTMENT INFORMATION:**

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Finance Manager Signature  
Department Head Signature

---

Budget Manager Signature

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

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

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
### Alternate Methods of Design Commission

<table>
<thead>
<tr>
<th>Current Member</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>All Vacancies Filled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jon Palmer</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Jon Palmer</td>
</tr>
</tbody>
</table>

**Applicants:**
- David Roueche (3rd Choice)
- Daniel King (2nd Choice)

**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 3 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Levonia Corry</td>
<td>3/31/21</td>
<td>No</td>
<td>Hugo Correa</td>
</tr>
<tr>
<td>Jane Creech</td>
<td>3/31/21</td>
<td>No</td>
<td>Lewellen Padgett</td>
</tr>
<tr>
<td>Carlton Jackson, Jr.</td>
<td>3/31/21</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Hugo Correa</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Lewellen Padgett</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
- James Carli (3rd Choice)
- Daniel King (3rd Choice)
- Jeffery Martinez
- Michael Mills
- David Moore (3rd Choice)
- Liliana Spears (3rd Choice)
- Kelly Vanager (1st Choice)

**Notes:** Efforts are made to maintain a majority of members who have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning or a closely related field.

### Greenway, Bicycle and Pedestrian Committee

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 3 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edward Hirst</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Amy Smith</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Lisa Wear</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**
- Annie Boone-Carroll (1st Choice)
- Kyle Whisenant

**Notes:** When the Greenway Committee was redesigned to include Bicycle and Pedestrians, the terms were staggered. The members listed served a one year term.
**Historic Preservation Commission**

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 3 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jon Planovsky</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Elizabeth Trick</td>
<td>3/31/21</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Steven Cobb</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**

- Jon Planovsky
- Elizabeth Trick
- Steven Cobb

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>Eligible for Reappointment</th>
<th>Need 2 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greta Conner (Neighborhood)</td>
<td>No</td>
<td>Gemale Black</td>
</tr>
<tr>
<td>Jayne Helms (Landlord)</td>
<td>No</td>
<td>Lorenzo Debose</td>
</tr>
<tr>
<td>Vacant (At-large)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Vacant (Landlord)</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**

- Brunetta Franklin (1st Choice)
- Kyna Grubb
- Susanna Hollingsworth
- Preston Sale (2nd Choice)
- Liliana Spears (2nd Choice)
- Sada Stewart
- Judith Whitehead

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>3/31/21</td>
<td>No</td>
<td>Alissa Redmond</td>
</tr>
<tr>
<td>Mark Hill</td>
<td>3/31/21</td>
<td>No</td>
<td>Colleen Smiley</td>
</tr>
<tr>
<td>John Schaffer</td>
<td>3/31/21</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Liliana Spears</td>
<td>3/31/21</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**

- Brunetta Franklin (2nd Choice)
- Preston Sale (3rd Choice)
- Judith Whitehead

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>Need 2 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kathryn Davis</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Laura Thompson</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

**Applicants:**

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>3/31/21</td>
<td>No</td>
<td>Russell Smyre</td>
</tr>
<tr>
<td>Russell Smyre</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Jon Post</td>
</tr>
<tr>
<td>Jon Post</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

*Applicants:*  
David Moore (1st Choice)  
Dennis Rivers

### Planning Board

<table>
<thead>
<tr>
<th>Current Members</th>
<th>Term Expires</th>
<th>Eligible for Reappointment</th>
<th>Need 8 Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Struzick</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Dennis Rogers</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Jon Post</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Jayne Land</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Timothy Norris (ETJ)</td>
<td>3/31/21</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Vacant (ETJ)</td>
<td>3/31/21</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/22</td>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td>3/31/23</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

*Applicants:*  
Gemale Black (2nd Choice)  
James Carli (1st Choice)  
Bill Clements (2nd Choice)  
Daniel King (1st Choice)  
Alissa Redmond (1st Choice)  
David Roueche (1st Choice)  
Liliana Spears (1st Choice)  
Kelly Vanager (2nd Choice)

*Notes:* Last year Bill Wagoner was reappointed to fill one of the partial terms per his request. This leaves Mr. Wagoner’s full term vacant for appointment.

### Transportation 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>Levi Coldiron</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Levi Coldiron</td>
</tr>
<tr>
<td>Cristina Rodriguez</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Cristina Rodriguez</td>
</tr>
<tr>
<td>Laura Schmidt</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Laura Schmidt</td>
</tr>
<tr>
<td>Vacancy</td>
<td>3/31/21</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>

*Applicants:*  
George Benson  
Kathleen Bergeron  
Annie Boone-Carroll (3rd Choice)  
James Carli (2nd Choice)  
David Moore (2nd Choice)  
Dylan Horne

*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.
<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>Melissa Eller</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Melissa Eller</td>
</tr>
<tr>
<td>Melisa Williams</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Melisa Williams</td>
</tr>
<tr>
<td>Jonathan Barbee</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Jonathan Barbee</td>
</tr>
<tr>
<td>Katherine Boyd</td>
<td>3/31/21</td>
<td>Yes</td>
<td>Katherine Boyd</td>
</tr>
</tbody>
</table>

**Applicants:**

**Notes:**
George W Benson

First Name: George W
Last Name: Benson
E-mail: georgewbenson50@gmail.com
Home Phone: 7042455900
Address: 100 W. Corriher Ave. Apt. 1
City: Salisbury
State: NC
ZIP Code: 28144
Ethnicity: Caucasian/Non-Hispanic
Gender: Male

Do you reside within the City limits of Salisbury?
Yes
Are you within the City's Extraterritorial Jurisdiction (ETJ) area?
Yes

Please indicate your #1 preference:
Transportation Advisory Board (No Requirement of Residency)

Have you served on a board or commission of the City of Salisbury?
Yes

Why are you interested in serving on the Board or Commission for which you are applying?
As a dialysis patient, I see the ADA transit buses in operation on Mon., Wed., Fri. I have interaction with some of the drivers and all of the patients.

Has any formal charge of professional misconduct
No
ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Kathleen Bergeron

First Name: Kathleen
Last Name: Bergeron
E-mail: kathleenabergeron@gmail.com
Home Phone: 571 524 6226
Address: 1722 E. Park Road
City: Salisbury
State: NC
ZIP Code: 28144
Place of Employment: home (1722 E. Park Road, Salisbury, NC)
Occupation: consultant

Do you reside within the City limits of Salisbury? Yes
Are you within the City’s Extraterritorial Jurisdiction (ETJ) area? Yes

Please indicate your #1 preference:
Transportation Advisory Board (No Requirement of Residency)

Have you served on a board or commission of the City of Salisbury? No

Why are you interested in serving on the Board or Commission for which you are applying?
Most of my career’s experience and education has focused on surface transportation. I believe this might be helpful to the Transportation Advisory Board.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your
EXPERIENCE:
- 17 years with Federal Highway Administration
- 9 years with Texas Department of Transportation
- 4 years with Texas Railroad Commission
- 9 years with consulting engineering & architecture firm
duties as a member of the Board or Commission:

EDUCATION:
- Master of Science in Transportation Management, San Jose State University
- Bachelor of Journalism, University of Texas at Austin

Primary focus at Federal Highway Administration was on getting innovations into common practice. Developed relationships with other federal, state and local transportation agencies, University Transportation Centers, trade association of contractors, engineering consultants, state transportation agencies. Have kept up with current innovations such as autonomous vehicles, new construction methods for highways and bridges, alternative fuels programs for mass transit, and alternative mobility systems such as e-scooters and bicycles.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?  

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?  

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Annie
Boone-Carroll

First Name: Annie
Last Name: Boone-Carroll
E-mail: carrollab8@yahoo.com
Home Phone: 704-314-5997
Fax: 980-458-0036
Business Phone: 704-278-3640
Address: 111 Railroad Street
City: Cleveland
State: NC
ZIP Code: 27013
Place of Employment: Boone-Carroll Funeral Home
Occupation: Manager/Funeral Director

Do you reside within the City limits of Salisbury? Yes
Are you within the City’s Extraterritorial Jurisdiction (ETJ) area? No

Please indicate your #1 preference: Greenway Committee (No Requirement of Residency)
Please indicate your #2 preference: Parks and Recreation Advisory Board
Please indicate your #3 preference: Transportation Advisory Board (No Requirement of Residency)

Have you served on a board or commission of the Yes
City of Salisbury?

Why are you interested in serving on the Board or Commission for which you are applying?

I am interested in helping to make things better and available for the people in Salisbury, by assisting in the availability and the beautification of the city.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

I have a degree BS Administration and have experience in managerial skills, accounting skills and have worked with the public in customer service for over thirty-eight years. I am willing to acquire any knowledge to provide efficient assistance to fulfill any obligations that may be needed. There is always room to learn more.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
First Name: James  
Last Name: Carli  
E-mail: jcarli@carolina.rr.com  
Home Phone: 704 636 2521  
Business Phone: 704 639 5223  
Address: 419 S. Ellis St.  
City: Salisbury  
State: NC  
ZIP Code: 28144  
Place of Employment: N/C Machinery LLC  
Occupation: Owner  
Do you reside within the City limits of Salisbury? Yes  
Are you within the City's Extraterritorial Jurisdiction (ETJ) area? No  
Please indicate your #1 preference: Planning Board  
Please indicate your #2 preference: Transportation Advisory Board (No Requirement of Residency)  
Please indicate your #3 preference: Community Appearance Commission  
Have you served on a board or commission of the City of Salisbury? No
Why are you interested in serving on the Board or Commission for which you are applying?

I would like to leave a better city for my grandchildren and great grandchildren till now I was traveling too much

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

I spent 20+ years on habitat construction board and like amount of time on the HSF was in charge of Grimes Mill Restoration. While on the HPC board I was involved with the writing of the new guidelines. I am a civil engineer from Georgia Tech have actually spent most of my life as a mechanical engineer designing and building custom machinery.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

Yes

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
First Name: William (Bill)
Last Name: Clements
E-mail: williamwcllements3@gmail.com
Home Phone: 7046093904
Business Phone: 7046093904
Address: 225 W. Corriher Avenue
City: Salisbury
State: NC
ZIP Code: 28144
Place of Employment: Valet Living
Occupation: Regional Sales Executive

Do you reside within the City limits of Salisbury? Yes
Are you within the City's Extraterritorial Jurisdiction (ETJ) area? No

Please indicate your #1 preference: Fair Housing Committee
Please indicate your #2 preference: Planning Board
Please indicate your #3 preference: Other

Have you served on a board or commission of the City of Salisbury? No

Why are you interested in serving on the Board or Commission for which you are applying? I am re-submitting since I changed employers at the end of 2019. I chose the boards my background most closely matches HOWEVER, I am more interested in serving the community and offering my time than I am WHERE you need to put me.
My previous committee/board involvement was largely within two sectors:

Greater Charlotte Apartment Association- 2 terms on the board, served on a dozen committees overall and chaired at least 4 for one year at a time. PR/ Education/ Membership Retention

City of Charlotte- Community Relations Committee, chaired Discrimination Sub Committee

City of Charlotte- Business Advisory Board

Charlotte Chamber- Board member 3 years, Chaired SouthPark Area Council

I do hold a NC brokers license and a Notary as well.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?  

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council? 

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Serving on the Board or Commission will provide an opportunity to work alongside others who wish to see our community continue moving forward proactively with inclusiveness for all, regardless of their background and life experiences. As a social worker, I have the wonderful and unique opportunity to engage with county residents by offering and identifying resources, which are geared towards encouraging positive and productive behaviors, which benefit our community, county, state, country, and world.
Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

- Active board member for a local church child development center
- Information seeker - there is not a resource I cannot discover
- Effective communicator - ability to engage in conversation with anyone from any background
- Effective networking skills
- Working knowledge of Department of Health and Human Services policies
- Communication and Psychology degrees

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?  No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?  No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.  I agree
Kyna Grubb

First Name: Kyna
Last Name: Grubb
E-mail: kgrubb@rowanhelpingministries.org
Home Phone: 704-798-4286
Business Phone: 704-637-6838 ext 101
Address: 205 Bethel Drive
City: Salisbury
State: NC
ZIP Code: 28144
Place of Employment: Rowan Helping Ministries
Occupation: Executive Director

Do you reside within the City limits of Salisbury? Yes
Are you within the City's Extraterritorial Jurisdiction (ETJ) area? Yes

Please indicate your #1 preference: Housing Advocacy Commission
Have you served on a board or commission of the City of Salisbury? No

Why are you interested in serving on the Board or Commission for which you are applying?

I served on the Better Housing Committee formed in 2010 shortly after beginning employment at Rowan Helping Ministries. In my work at Rowan Helping Ministries our focus is on preventing homelessness by helping individuals maintain safe and affordable housing while also helping homeless obtain stable housing. We currently are operating homeless sheltering services on our site.
and temporarily at Hood Seminary. We also provide transitional housing and permanent supportive housing to assist homeless individuals transition to housing.

My work at Rowan Helping Ministries guides my understanding of the challenges of finding safe and affordable housing as well as the lack of education renters have regarding obtaining a written lease and renter's insurance or understanding their rights. We also partner with Operations Hope to help low income clients work to raise their credit score and plan for a future that may include home ownership.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

Yes

The only conflict that might be a concern is that my husband and I own rental property within the City limits. I wanted to disclose this but I do not believe it would prevent me from being fair or impartial.

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
First Name  
Susanna  

Last Name  
Hollingsworth  

E-mail  
susannahollingsworth@kw.com  

Home Phone  
704.798.1795  

Business Phone  
704.798.1795  

Address  
219 Mitchell Avenue  

City  
Salisbury  

State  
NC  

ZIP Code  
28144  

Ethnicity  
Caucasian/Non-Hispanic  

Gender  
Female  

Place of Employment  
self  

Occupation  
Real Estate  

Do you reside within the City limits of Salisbury?  
Yes  

Please indicate your #1 preference:  
Housing Advocacy Commission  

Have you served on a board or commission of the City of Salisbury?  
No  

Why are you interested in serving on the Board or Commission for which you are applying?  
To serve the community where I live, to understand local needs and help through my profession.  

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:  
My occupation as a real estate broker.  

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?  
No
Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

- No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

- I agree
Dylan Horne

First Name: Dylan
Last Name: Horne
E-mail: dylanrosshorne@gmail.com
Home Phone: 7044336945
Address: 7613 Old Concord Road
City: Salisbury
State: NC
ZIP Code: 28146
Place of Employment: The Pedal Factory
Occupation: Bicycle Mechanic

Do you reside within the City limits of Salisbury?  No
Are you within the City’s Extraterritorial Jurisdiction (ETJ) area?  Yes

Please indicate your #1 preference:
- Transportation Advisory Board (No Requirement of Residency)

Have you served on a board or commission of the City of Salisbury?  Yes

Please list the board or commission:
- Greenway Committee

Please list the date of service:
- Nov 1, 2020

Why are you interested in serving on the Board or Committee?
I currently serve the city on the Greenway, Bicycling and Pedestrian Committee, and I am grateful to have forum to discuss
Commission for which you are applying?

active transportation issues in our community. Through these boards, citizens can work with city staff to develop context sensitive solutions to the issues that the city faces. Citizen input is key to an equitable representation in city decision making.

The Transportation Committee is of interest to me as I ride transit. During the COVID-19 pandemic, transit agencies have faced a difficult road. Adapting our buses to be fareless, decreasing vehicle capacity, and requiring mask are all good steps to reducing the spread. However, transit is often the only option for many people in our community, so reductions in service days and frequency makes it exceedingly difficult to get where they need to go. My goal is to improve bus stop signage and increase integration of sidewalks to transit stops.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

I earned my PhD in Civil Engineering from Oregon State University in 2019 with a focus on transportation. I was involved in a similar board in Oregon, working to develop and distribute state transit funding to local agencies. My technical knowledge and leadership abilities make me a thoughtful and inspiring member of any board. My goal is to improve the safety, accessibility and equity of our transportation systems, and recognize that transit is a key part of a multimodal community.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Danial
King

First Name: Daniel
Last Name: King
E-mail: dksmilez29@gmail.com
Home Phone: 9803187847
Address: 706 e Cherry st
City: Salisbury
State: NC
ZIP Code: 28144
Ethnicity: African American
Gender: Male
Place of Employment: Pure vision barber studio
Occupation: Barber
Do you reside within the City limits of Salisbury?: Yes

Please indicate your #1 preference: Planning Board
Please indicate your #2 preference: Alternate Methods of Design Commission
Please indicate your #3 preference: Community Appearance Commission
Have you served on a board or commission of the City of Salisbury?: No
Why are you interested in serving on the Board or Commission for which you are applying?

I'm from East Spencer, but I've been in Salisbury all my life.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

Bachelor criminal justice, Barber since 2010, athlete, musical artist

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
<table>
<thead>
<tr>
<th><strong>Submission Date</strong></th>
<th>Mar 25, 2021 3:51 PM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>First Name</strong></td>
<td>Jeffrey</td>
</tr>
<tr>
<td><strong>Last Name</strong></td>
<td>Martinez</td>
</tr>
<tr>
<td><strong>E-mail</strong></td>
<td><a href="mailto:stonebridge.defense2014@gmail.com">stonebridge.defense2014@gmail.com</a></td>
</tr>
<tr>
<td><strong>Home Phone</strong></td>
<td>5613064173</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>505 Riviera dr</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Salisbury</td>
</tr>
<tr>
<td><strong>State</strong></td>
<td>NC</td>
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<td><strong>ZIP Code</strong></td>
<td>28144</td>
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<tr>
<td><strong>Ethnicity</strong></td>
<td>Hispanic</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>Male</td>
</tr>
<tr>
<td><strong>Place of Employment</strong></td>
<td>United States Border Patrol (Retired)</td>
</tr>
<tr>
<td><strong>Occupation</strong></td>
<td>Border Patrol Agent (ret)</td>
</tr>
<tr>
<td><strong>Do you reside within the City limits of Salisbury?</strong></td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Are you within the City's Extraterritorial Jurisdiction (ETJ) area?</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Please indicate your #1 preference:</strong></td>
<td>Community Appearance Commission</td>
</tr>
<tr>
<td><strong>Please indicate your #2 preference:</strong></td>
<td>Community Appearance Commission</td>
</tr>
<tr>
<td><strong>Please indicate your #3 preference:</strong></td>
<td>Community Appearance Commission</td>
</tr>
<tr>
<td><strong>Have you served on a board or commission of the City of Salisbury?</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Why are you interested in serving?</strong></td>
<td>To help enhance and improve the visual quality and aesthetic character of the city.</td>
</tr>
</tbody>
</table>
Why are you interested in serving on the Board or Commission for which you are applying?

To help enhance and improve the visual quality and aesthetic character of the city of Salisbury.

Additionally, I am interested in preserving the character of residential neighborhoods and to provide education to the city residents.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

Have previous experience in planning and marketing with professional sports. (NBA, MLB, NASCAR, PBR, and SPARTAN)

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
<table>
<thead>
<tr>
<th>Submission Date</th>
<th>Mar 27, 2021 4:40 PM</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td>MICHAEL</td>
</tr>
<tr>
<td>Last Name</td>
<td>MILLS</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:MKMILLS727@GMAIL.COM">MKMILLS727@GMAIL.COM</a></td>
</tr>
<tr>
<td>Home Phone</td>
<td>7046386259</td>
</tr>
<tr>
<td>Address</td>
<td>205 HOGANS VALLEY WAY</td>
</tr>
<tr>
<td>City</td>
<td>SALISBURY</td>
</tr>
<tr>
<td>State</td>
<td>NC</td>
</tr>
<tr>
<td>ZIP Code</td>
<td>28144-8432</td>
</tr>
<tr>
<td>Ethnicity</td>
<td>Caucasian/Non-Hispanic</td>
</tr>
<tr>
<td>Gender</td>
<td>Male</td>
</tr>
<tr>
<td>Place of Employment</td>
<td>Retired</td>
</tr>
<tr>
<td>Do you reside within the City limits of Salisbury?</td>
<td>Yes</td>
</tr>
<tr>
<td>Are you within the City’s Extraterritorial Jurisdiction (ETJ) area?</td>
<td>No</td>
</tr>
<tr>
<td>Please indicate your #1 preference:</td>
<td>Community Appearance Commission</td>
</tr>
<tr>
<td>Have you served on a board or commission of the City of Salisbury?</td>
<td>No</td>
</tr>
<tr>
<td>Why are you interested in serving on the Board or Commission for which you are applying?</td>
<td>Community service</td>
</tr>
<tr>
<td>Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?</td>
<td>No</td>
</tr>
</tbody>
</table>
Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
David Moore

First Name: David
Last Name: Moore
E-mail: feartheblitz@yahoo.com
Home Phone: 7042237517
Address: 111 E Horah St, Apt 2
City: Salisbury
State: NC
ZIP Code: 28144

Do you reside within the City limits of Salisbury? Yes
Are you within the City’s Extraterritorial Jurisdiction (ETJ) area? Yes

Please indicate your #1 preference:
- Parks and Recreation Advisory Board

Please indicate your #2 preference:
- Transportation Advisory Board (No Requirement of Residency)

Please indicate your #3 preference:
- Community Appearance Commission

Have you served on a board or commission of the City of Salisbury? No

Why are you interested in serving on the Board or Commission for which you are applying?

I work in the public eye and have been doing so for the past 3 years. Want to help the city by being on a board. I love giving my ideas and info. Believe I can be of help on any of these boards. I enjoy doing volunteer work. I have done block work in the pass 2 years and have helped with downtown events before covid.
I have done some work with the parks and recreation in the past before covid hit. Have helped with some of their events. Have an idea on how things work. Also I work in the public eye and have a good understanding on how things with in the city works.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
After graduating from Livingstone College, I became a resident of Salisbury. I have invested in the Salisbury Community in many ways from mentoring youth, coaching High, Middle School, and Youth Sports, Volunteering at many local Community Agencies, and always enjoyed giving back.

Growing up in Philadelphia I found myself finding peace and enjoying the different resources and engagements the park offered for a young inner City Philly Kid.

I will love to be a resource to help our community, families, and youth enjoy the rich and atmosphere the Salisbury Parks & Recreation Offers to its Citizens.
Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
First Name  David
Last Name  Roueche
E-mail  davidroueche1@gmail.com
Home Phone  704 877 8727
Business Phone  704 877 8727
Address  550 club house drive
City  Salisbury
State  NC
ZIP Code  28144
Place of Employment  Retired
Occupation  Pharmaceutical Executive
Do you reside within the City limits of Salisbury?  Yes
Are you within the City's Extraterritorial Jurisdiction (ETJ) area?  Yes
Please indicate your #1 preference:  Planning Board
Please indicate your #2 preference:  Fair Housing Committee
Please indicate your #3 preference:  Alternate Methods of Design Commission
Have you served on a board or commission of the City of Salisbury?  No
Why are you interested in serving on the Board or Commission for which you are applying?

Since moving back to Salisbury after retiring in 2013, I've looked for ways to use my professional experience to benefit the community with active involvement in a wide range of civic and professional organizations. I'd like to continue to be an advocate for all of the citizens in Salisbury.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

Current member on the Board of Utilization and Review w/Rowan Co Tax Assessor
Past President Country Club of Salisbury
Past member Rowan Co ABC Board
Past President Men's Auxiliary, Hudson-Tatum VFW #3006
Past President Sacred Heart Catholic Church Men's Club
Past President Rowan Co. Republicans Men's Club
Member of various pharmaceutical and PDMA organizations

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Submission Date: Mar 22, 2021 6:53 PM
First Name: Preston
Last Name: Sale
E-mail: Prestonsale1@gmail.com
Home Phone: 7044332704
Fax: NA
Business Phone: NA
Address: 529 Park Avenue
City: Salisbury
State: NC
ZIP Code: 28144
Ethnicity: Caucasian/Non-Hispanic
Gender: Male
Place of Employment: Presently Unemployed
Occupation: Master Teacher, MAT-TESL
Do you reside within the City limits of Salisbury?: Yes
Are you within the City’s Extraterritorial Jurisdiction (ETJ) area?: No

Please indicate your #1 preference: Fair Housing Committee
Please indicate your #2 preference: Housing Advocacy Commission
Please indicate your #3 preference: Human Relations Council
Have you served on a board or commission of the City of Salisbury?: Yes

Why are you interested in serving on the Board or Commission for which you are applying?

I am interested because it has been many years since I served on the CAC and was otherwise involved in the City of Salisbury. I honestly miss the involvement and knowing people within a city government that I am proud of. I’m also interested as
a resident or property owner in two of the Downtown neighborhoods. I first owned a house revolved through Historic Salisbury Foundation when I moved back to Salisbury 33 years ago after 3 years at LSU Baton Rouge. Back in Salisbury, My first home was on E Bank in Brooklyn South Square where I was instrumental in the addition of the HA-Overlay. There, along with my mother, brother, and friend, Ken Weaver we restored 10 historic properties with an 11th one just begun (directly behind Waffle House and ironically across the street from another house we did at 122 South Shaver, which my mother still owns and rents out. Since 2013 I've lived in the Park Avenue/Kessler Mill Historic District where Ken Weaver and I restored 529 Park Avenue and are slowly restoring the house next door at 525,

My interest is housing, both as a property owner and preservationist who has been a landlord for properties I've owned. I'm also someone who believes in social equity and fairness for all manner and diversity of renters who can be taken advantage of so easily. Hence I placed the Fair Housing Com. first. You also will notice I listed the Human Relations Council as my third choice. In the late 90s / early 2000s I served on the CAC for two terms and loved it! My interest now is housing. Again, both as a property owner who has rented to others, and as someone who believes in social equity and fairness in all things, not just in the name of renters who can so easily be taken advantage of. Additionally, I have insight from two members of the HAC, my mother, Anne R Lyles, and Barbra Perry who I know well and with whom I served on CAC years ago.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction? 

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
<table>
<thead>
<tr>
<th><strong>First Name</strong></th>
<th>Liliana</th>
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<tbody>
<tr>
<td><strong>Last Name</strong></td>
<td>Spears</td>
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<tr>
<td><strong>E-mail</strong></td>
<td><a href="mailto:llatinamix11@aol.com">llatinamix11@aol.com</a></td>
</tr>
<tr>
<td><strong>Home Phone</strong></td>
<td>7044882162</td>
</tr>
<tr>
<td><strong>Fax</strong></td>
<td>704-633-0142</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>931 S Fulton St</td>
</tr>
<tr>
<td><strong>City</strong></td>
<td>Salisbury</td>
</tr>
<tr>
<td><strong>State</strong></td>
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<tr>
<td><strong>ZIP Code</strong></td>
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<tr>
<td><strong>Ethnicity</strong></td>
<td>Hispanic</td>
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<tr>
<td><strong>Gender</strong></td>
<td>Female</td>
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<tr>
<td><strong>Place of Employment</strong></td>
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<tr>
<td><strong>Do you reside within the City limits of Salisbury?</strong></td>
<td>Yes</td>
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<td><strong>Are you within the City's Extraterritorial Jurisdiction (ETJ) area?</strong></td>
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<tr>
<td><strong>Please indicate your #1 preference:</strong></td>
<td>Planning Board</td>
</tr>
<tr>
<td><strong>Please indicate your #2 preference:</strong></td>
<td>Housing Advocacy Commission</td>
</tr>
<tr>
<td><strong>Please indicate your #3 preference:</strong></td>
<td>Community Appearance Commission</td>
</tr>
</tbody>
</table>
Have you served on a board or commission of the City of Salisbury?

Yes

Why are you interested in serving on the Board or Commission for which you are applying?

I live in Salisbury and would like to help our community move forward.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

My interest in seeing our city be inclusive to all.

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
First Name: Sada
Last Name: Stewart
E-mail: director@historicsalisbury.org
Home Phone: 7176680060
Business Phone: 7046360103
Address: 923 N Main Street
City: Salisbury
State: NC
ZIP Code: 28144
Ethnicity: Caucasian/Non-Hispanic
Gender: Female
Place of Employment: Historic Salisbury Foundation
Occupation: Executive Director

Do you reside within the City limits of Salisbury? Yes
Are you within the City’s Extraterritorial Jurisdiction (ETJ) area? No

Please indicate your #1 preference: Housing Advocacy Commission
Have you served on a board or commission of the City of Salisbury? Yes
Why are you interested in serving on the Board or Commission for which you are applying?

I would be honored to serve on the Housing Advocacy Commission, because of professional and personal interests in seeing the education and availability of information for people seeking assistance regarding properties improve—for renters, homeowners and landlords. I think the maintenance and quality of existing housing stock could be improved, and I would love to be part of it.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

- Professional connection to property owners in the community
- Professional connection and familiarity with the Historic Preservation Commission and Planning Boards, both of which could aid this Commission
- Familiarity with code enforcement department and process
- Education in planning, development, rehabilitation and preservation
- Participation on the Forward 2040 Planning Commission, where this is a focus topic

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Kelly Vanager

First Name: Kelly
Last Name: Vanager
E-mail: kelly.vanager@gmail.com
Home Phone: 704-433-1130
Address: 806 Brookmont Ave
City: Salisbury
State: NC
ZIP Code: 28146
Place of Employment: Self Employed
Occupation: Personal Chef

Do you reside within the City limits of Salisbury? Yes

Are you within the City’s Extraterritorial Jurisdiction (ETJ) area? No

Please indicate your #1 preference: Community Appearance Commission
Please indicate your #2 preference: Planning Board
Please indicate your #3 preference: Fair Housing Committee

Have you served on a board or commission of the City of Salisbury? No

Why are you interested in serving on the Board or Commission? Having been a resident of Salisbury for over 20 years, I have grown to love this city. I have a deep concern for the city and its residents.
Commission for which you are applying?

and want nothing but the best for them. I believe that it is my duty, as a citizen of this city, to do what I can to help improve and collaborate with others to work toward doing what is best for our city. My special interest is that this city prospers and be all that it can be for all of its residents.

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

- BS Biology
- BS Food and Beverage Entrepreneurship
- Currently working on MS in Clinical Nutrition
- Novice gardener
- Former volunteer for Communities in Schools
- Served on various committees at former places of employment (VA Salisbury and Rowan Medical Center)

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Kyle Whisenant

First Name: Kyle
Last Name: Whisenant
E-mail: akwhisenant@gmail.com
Home Phone: 7046406530
Address: 121 Canteberry Drive
City: Salisbury
State: NC
ZIP Code: 28144
Ethnicity: Caucasian/Non-Hispanic
Gender: Male
Place of Employment: Rowan-Salisbury Schools
Occupation: Teacher

Do you reside within the City limits of Salisbury? Yes
Are you within the City’s Extraterritorial Jurisdiction (ETJ) area? Yes

Please indicate your #1 preference: Greenway Committee (No Requirement of Residency)
Have you served on a board or commission of the City of Salisbury? No

Why are you interested in serving on the Board or Committee? My family and I use the Greenway regularly, and I want to be a part of the group that decides what improvements, changes, and...
Commission for which you are applying?

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your duties as a member of the Board or Commission:

I work at Horizons Unlimited, which also maintains a walking trial. Our property line comes very close to the Greenway. We aim to teach students about social studies and the environment, so I have experience with signage, and developing activities based on the trail. I am a lifelong resident of Salisbury, and I am interested in being a more invested and involved citizen. I personally use the Greenway, and explore each section with my family including the trail back to the Catawba Preserve (which has unfortunately become a waterfall recently).

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.

I agree
Mar 16, 2021 12:39 PM

First Name: Judith

Last Name: Whitehead

E-mail: otbministriesllc@gmail.com

Home Phone: 8042431038

Address: 833 Hamilton Dr

City: Salisbury

State: NC

ZIP Code: 28147

Ethnicity: Hispanic

Gender: Female

Place of Employment: Verizon

Occupation: Solutions specialist

Do you reside within the City limits of Salisbury? Yes

Are you within the City's Extraterritorial Jurisdiction (ETJ) area? Yes

Please indicate your #1 preference: Human Relations Council

Please indicate your #2 preference: Fair Housing Committee

Please indicate your #3 preference: Housing Advocacy Commission

Have you served on a board or commission of the City of Salisbury? No

Why are you interested in serving on the Board or Commission for which you are applying? I work in Ministry, and I would love to do my outreach and volunteer work and helping with them my community

Interest/Skills/Education/Areas of Expertise/Professional Organizations that you feel would be of assistance to you in your role: I currently work in outreach and have in the past worked in several different areas with the public
duties as a member of the Board or Commission:

Has any formal charge of professional misconduct ever been sustained against you in any jurisdiction?  

No

Is there any possible conflict of interest or other matter that would create problems or prevent you from fairly and impartially discharging your duties as an appointee of the Salisbury City Council?  

No

I certify that the facts contained in this application are true and correct to the best of my knowledge. I understand and agree that any misstatement will be cause for my removal from any board or commission.  

I agree
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: April 20, 2021

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

Name of Presenter(s): Lane Bailey

Requested Agenda Item: Update on FY21-22 budget preparation.

Description of Requested Agenda Item: A brief update on the budget preparation process will be shared with Council. A meeting is requested in the next two weeks for Council to provide direction as the budget as budget preparation takes place.

Attachments: □ Yes ☒ No

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

Action Requested of Council for Agenda Item: Council to receive a brief update on the FY21-22 budget preparation process. (Please note if item includes an ordinance, resolution or petition)

Contact Information for Group or Individual: City Manager Lane Bailey

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________ ______________________________
Finance Manager Signature Department Head Signature

_________________________________
Budget Manager Signature

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

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

☐ Approved   ☐ Delayed   ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

_____________________________________________________________
Finance Manager Signature

______________________________
Department Head Signature

______________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Your design here.

Paint The Pavement
Looking for local artists!  www.salisburync.gov/PaintThePavement