**City of Salisbury**  
North Carolina  
**COUNCIL MEETING AGENDA**  
September 17, 2019  
6:00 p.m.

<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Call to Order</td>
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<tr>
<td>2.</td>
<td>Moment of Silence</td>
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<td>3.</td>
<td>Pledge of Allegiance</td>
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<tr>
<td>4.</td>
<td>Welcome to the People’s House!</td>
<td>A reminder that City Hall exists for, of and by the people of our City and is inclusive of ALL!! Council and staff are here to SERVE YOU and to create a welcoming, inclusive, safe, and thriving environment for ALL to enjoy as you live, work, play, volunteer, visit, learn and participate in decision making in our great City!!</td>
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<tr>
<td>5.</td>
<td>Adopt the Agenda</td>
<td>Adopt the Agenda for September 17, 2019.</td>
</tr>
<tr>
<td>6.</td>
<td>Proclamations:</td>
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<tr>
<td></td>
<td>National Suicide Prevention Month</td>
<td>September 2019</td>
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<td></td>
<td>Salisbury Go Transit Month</td>
<td>September 2019</td>
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<td>7.</td>
<td>Recognition</td>
<td>Council to recognize Catherine Garner as the North Carolina Association of Zoning Official’s Outstanding Student of the Year.</td>
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<td>8.</td>
<td>Consent Agenda:</td>
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<td></td>
<td>Minutes</td>
<td>Adopt Minutes of the Regular meetings of August 20, 2019 and September 3, 2019.</td>
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<tr>
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<td>Set Public Hearing – Project Team</td>
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<td></td>
<td>Requestor(s): Salisbury Rowan EDC</td>
<td>Set a public hearing for October 1, 2019 regarding a 10% match totaling $10,000 for a Building Reuse Grant from the State of North Carolina to renovate an existing facility and create 19 new jobs.</td>
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<td>Budget Ordinance – Appropriation for Repairs at Hurley Park</td>
<td>Requestor(s): Community Planning Services</td>
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<td>(d)</td>
<td>Right-of-Way Encroachment</td>
<td>Requestor(s): Engineering</td>
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<td>(e)</td>
<td>Speed Reduction – Dana Drive</td>
<td>Requestor(s): Engineering</td>
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<td>(f)</td>
<td>Parking Restrictions – 100 block of South Jackson Street</td>
<td>Requestor(s): Engineering</td>
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<td>(g)</td>
<td>Regulation of Unmuffled Engine Compression Brakes</td>
<td>Requestor(s): Engineering</td>
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<td></td>
<td>Public Comment.</td>
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<tr>
<td>10.</td>
<td>Empire Hotel Project - Parking Agreement</td>
<td>Requester(s): DSI and Community Planning Services Presenter(s): Downtown Director Larissa Harper</td>
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<tr>
<td></td>
<td>Item</td>
<td>Description</td>
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</table>
| 11 | Land Development Ordinance Text Amendment-05-2019 | Council to consider adopting an ORDINANCE amending Chapters 5 and 6 of the Land Development Ordinance related to accessory garden features and structures:  
  a) Receive a report from staff  
  b) Hold a public hearing  
  c) Issue a Statement of Consistency and Statement of Reasonableness and consider adopting an Ordinance amending Chapters 5 and 6 of the Land Development Ordinance. | Community Planning Services | Zoning Administrator Teresa Barringer | Community Planning Services |
|   |   | Requester(s): Community Planning Services | Zoning Administrator Teresa Barringer |   |   |
| 12 | CD-032018 Romed Medical Center Phase 3 | Council to consider adopting an ORDINANCE amending the Land Development Ordinance and Map by rezoning approximately 1.038 acres at 1027 Lincolnton Road from General Residential to Residential Mixed Use and establish a new Conditional District Overlay for the development of a new two story 16,148 square foot medical officer center.  
  a) Receive a report from staff  
  b) Hold a public hearing  
  c) Issue a Statement of Consistency and Statement of Reasonableness and consider adopting an Ordinance amending the Land Development Ordinance and Map. | Community Planning Services | Development Services Specialist Catherine Garner | Development Services Specialist Catherine Garner |
<p>|   |   | Requester(s): Community Planning Services | Development Services Specialist Catherine Garner |   |   |
| 13 | Parking Restrictions | Council to consider adopting an ORDINANCE amending Chapter 13, Article X of the City of Code as it relates to parking restrictions in the 700 block of Holmes Street and the 600 block of West Kerr Street. | Engineering | Traffic Engineering Coordinator Vickie Eddleman | Engineering |
|   |   | Requester(s): Engineering | Traffic Engineering Coordinator Vickie Eddleman |   |   |</p>
<table>
<thead>
<tr>
<th></th>
<th>City Attorney’s Report.</th>
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<th>City Manager’s Report.</th>
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<tbody>
<tr>
<td>(a)</td>
<td>Water Distribution Master Plan</td>
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<tr>
<td>Requestor(s):</td>
<td>Salisbury Rowan Utilities</td>
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<tr>
<td>Presenter(s):</td>
<td>Assistant Utilities Director Jason Wilson</td>
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<td>Council to consider authorizing the City Manager to execute an agreement with Hazen and Sawyer in an amount not to exceed $292,000 for engineering services associated with the Water Distribution System Master Plan project.</td>
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<th>Announcements.</th>
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<tr>
<td>(a)</td>
<td>Applications for the 2019-2020 Historic Preservation Incentive grants are now available. These matching grants are available on a competitive basis for exterior projects on owner-occupied houses in one of Salisbury’s four residential historic districts: North Main Street, Brooklyn South Square, West Square and Ellis Graded School. To receive an application or ask questions about eligibility please call 704-628-5212. Applications are due by September 27, 2019.</td>
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<td>(b)</td>
<td>Brewbury Fest will be held in downtown Salisbury beginning with a craft beer crawl to participating businesses Friday, September 20 from 5:00 p.m. until 9:00 p.m. Brewbury Fest continues on Saturday, September 21 with a craft beer festival at the Historic Depot from 3:00 p.m. until 8:00 p.m.</td>
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<tr>
<td>(c)</td>
<td>Busker’s Bash will be held in downtown Salisbury Friday, October 4, 2019 from 5:00 p.m. until 9:00 p.m. The best in local talent will perform in front of participating businesses where visitors can vote for their favorite act.</td>
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</table>
The ninth annual BlockWork neighborhood improvement project will be held on Saturday, October 26 – National Make a Difference Day. This year’s event will take place on the 900 block of North Main Street. The Community Appearance Commission and the Housing Advocacy Commission are currently reaching out for volunteers to sign up for the event. Volunteers will help with exterior repairs like painting, carpentry, and landscaping. T-shirts, gloves, meals and drinks will be provided to all volunteers. The event will run from 8:30 a.m. until 4:00 p.m.

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<tr>
<td><strong>17.</strong></td>
<td>Council’s Comments</td>
</tr>
<tr>
<td><strong>18.</strong></td>
<td>Mayor Pro Tem’s Comments</td>
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<tr>
<td><strong>19.</strong></td>
<td>Mayor’s Comments</td>
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<tr>
<td><strong>20.</strong></td>
<td>Adjourn</td>
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PROCLAMATION

WHEREAS, the City of Salisbury Transit Department staff are vital members of our local transportation system who are dedicated to serving nearly 40,000 residents of Salisbury, Spencer, and East Spencer by covering over 203,000 miles per year; and

WHEREAS, Salisbury Transit drivers, support staff, dispatchers, and mechanics provide an essential service in our community that contributes to the social, environmental and economic viability of our City; and

WHEREAS, Salisbury Transit is committed to professionalism, safety and continued training to ensure the well-being of its riders and of other drivers who share Salisbury and Rowan County roadways.

NOW, THEREFORE, I, Al Heggins, Mayor of the City of Salisbury, DO HEREBY PROCLAIM September 2019 as

SALISBURY GO TRANSIT MONTH

in Salisbury, and recognize the valuable contributions the Salisbury Transit staff members make to the overall Rowan County transportation system and encourage residents to “Go Transit,” and experience the excellent service it provides.

This the 17th day of September 2019.

Al Heggins, Mayor
City of Salisbury
North Carolina

PROCLAMATION

WHEREAS, on Tuesday, August 14, 2018 President Donald Trump signed the National Suicide Hotline Improvement Act; and

WHEREAS, suicide is still the 10th leading cause of death for people of all ages nationwide and 10th leading cause within North Carolina; and

WHEREAS, on average a person dies because of suicide every six hours in the state of North Carolina, which is nearly twice as many people than those who die because of homicide, where each person who dies because of suicide immediately affects at least six other people; and

WHEREAS, in the United States there is an average of 129 deaths from suicide per day, with an average of 47,173 people each year dying because of suicide, and for every suicide there are 29 attempts; and

WHEREAS, based on the 2015 Youth Risk Behaviors Survey, 8.6 percent of youth in grades 9-12 reported they had made at least one suicide attempt in the past 12 months, with research reporting that attempted suicide rates and suicidal ideation among LGBT youth is significantly higher than among the general population; and

WHEREAS, many of those who died never received effective behavioral health care services, for many reasons including the difficulty of accessing service by healthcare providers trained in the best practices to reduce suicide risk, the stigma of using behavioral health treatment and the stigma associated with losing a loved one to suicide.

NOW, THEREFORE, I, Al Heggins, Mayor of the City of Salisbury, North Carolina DO HEREBY PROCLAIM September 2019 as

SUICIDE PREVENTION MONTH

in Salisbury, and encourage citizens to seek and support prevention, education, and advocacy efforts to reduce the incidences of suicide and remove the stigma associated with behavioral health services.

This the 17th day of September 2019.

Al Heggins, Mayor
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  September 17, 2019

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

Name of Presenter(s):

Requested Agenda Item:  Recognition of Catherine Garner as the North Carolina Association of Zoning Official’s Outstanding Student of the Year in 2019.

Description of Requested Agenda Item:  On Tuesday, August 20th Catherine Garner received an award from the North Carolina Association of Zoning Officials as its Outstanding Student of the Year. Nominated by the UNC School of Government, the award recognizes Catherine for achieving high academic scores on the Certified Zoning Official’s exam and displaying exemplary participation and leadership during the course.

Attachments:  □ Yes  ● No

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

________________________________________
Finance Manager Signature

________________________________________
Department Head Signature

________________________________________
Budget Manager Signature

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

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

☐ Approved    ☐ Delayed    ☐ Declined

Reason:
REGULAR MEETING

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

ABSENT: Councilmember William Brian Miller and City Clerk Diane Gilmore.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 6:03 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

CHANGES TO THE AGENDA

Mayor Heggins noted the following change to the Consent Agenda:

Add – Item 7f –Authorize the City Manager to execute a supplemental agreement with the North Carolina Department of Transportation for Congestion, Mitigation, and Air Quality
(CMAQ) funds in the amount of $378,000 for construction of Newsome Road. The City’s match will be $94,500 for a total amount of $423,750.

ADOPTION OF THE AGENDA

Thereupon, Mayor Pro Tem Post made a motion to adopt the Agenda with the noted change. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, and Sheffield voted AYE. (4-0)

PROCLAMATION

Mayor to proclaim the following observance:

LIBRARY CARD SIGN-UP MONTH September 2019

Mayor Heggins read and presented the Library Card Sign-up Month Proclamation to Ms. Melissa Oleen.

RECOGNITION – JOHN MCLAUGHLIN

Mayor Heggins recognized Mr. John McLaughlin and presented him with a proclamation proclaiming August 15, 2019 as John J. McLaughlin Day in the City.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the Regular meeting of July 16, 2019 and the Special meeting of August 6, 2019.

(b) Budget Amendment – Federal Lobbyist Contract

Adopt an amendment to the FY2019-2020 Budget Ordinance to appropriate Fund Balance for a contract for federal lobbying services in the amount of $48,000.

ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE GENERAL FUND BALANCE.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 195, and is known as Ordinance 2019-44.)
(c) **Budget Amendment – Controlled Substance Tax Funds**

Adopt an amendment to the FY2019-2020 Budget Ordinance to appropriate Police Department Controlled Substance Tax Funds in the amount of $10,500.

**ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE POLICE DEPARTMENT CONTROLLED SUBSTANCE TAX FUNDS.**

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 196, and is known as Ordinance 2019-45.)

(d) **Justice Assistance Grant Application**

Approve the Salisbury Police Department to apply for the 2019 Department of Justice (DOJ) Assistance Grant.

(e) **Right-of-Way Encroachment**

Approve a right-of-way encroachment by Conterra per Section 11-24 (27) of the City Code subject to North Carolina Department of Transportation (NCDOT) approval.

(f) **Congestion, Mitigation and Air Quality Agreement – Newsome Road**

Authorize the City Manager to execute a supplemental agreement with North Carolina Department of Transportation for Congestion, Mitigation and Air Quality (CMAQ) funds in the amount of $378,000 for construction of Newsome Road. The City’s match will be $94,500 for a total amount of $423,750.

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

Councilmember Alexander noted planning for the work on Newsome Road began four years ago. She explained the City received a grant from the state and the City is funding a small portion of the project.

City Manager Lane Bailey recognized City Engineer Wendy Brindle and City Attorney Graham Corriher for their work on the project. Mayor Heggins thanked Ms. Brindle and Mr. Corriher for all they do for the City.

**PUBLIC COMMENT**

Mayor Heggins opened the floor to receive public comments.
Mr. Stuart Nottingham stated he supports the Bicycle Committee being proposed later in the meeting. He pointed out the Master Plan was adopted in 2009, but only 20% of the plan has been implemented. He requested Council approve the Bicycle Committee and suggested the Bicycle Committee work to update the Bicycle Master Plan.

Ms. Karissa Minn indicated she also supports the proposed Bicycle Committee. She pointed out many in the community rely on bicycles for transportation and additional bicycle infrastructure is needed in the City.

Ms. Jackie Miller shared photographs of a cyclist in traffic with Council. She added she supports the proposed Bicycle Committee and the installation of additional bicycle lanes in the City. She noted bicycle lanes benefit the community and promote the safety of cyclists.

Ms. Sharon Earnhardt stated she is a board member of the Pedal Factory, and her goal is to get more people on bicycles. She added she supports a bicycle pedestrian committee that includes cyclist, runners and walkers. She shared the mission of the Pedal Factory which accepts bicycle donations for its Earn-A-Bike Program and bicycle giveaways.

Councilmember Alexander asked Ms. Earnhardt how she liked the sharrows and bike lane on Fulton Street. Ms. Earnhardt indicated she liked the sharrows, but she pointed out protected bike lanes are safer for cyclist. She noted drivers are becoming more mindful of sharing the road with cyclist.

Ms. Mary Rosser indicated she supports the formation of a bicycle and pedestrian committee. She pointed out basic infrastructure for cyclists is needed to improve safety on the roadways. She added an educational program could help promote cycling safety in the City.

Ms. Angela Gaylord-Miles noted she supports a biking committee. She stated the Pedal Factory has led bicycle rides for adults and children with special needs and the rides are an additional resource for the community.

Ms. Mary James stated she supports establishing a biking and pedestrian committee in the City. She pointed out motorists need to be mindful of sharing the road with cyclist. She commented additional bike racks in the downtown would be an asset to cyclists.

There being no one else to address Council, Mayor Heggins closed the public comment session. She thanked everyone who spoke during the public comment session.

DOWNTOWN REVITALIZATION INCENTIVE GRANT OVERVIEW

Planning Director Hannah Jacobson and City Planner Kyle Harris addressed Council regarding the Downtown Revitalization Incentive Grant Program. Ms. Jacobson explained the goal is to stimulate private investment in downtown properties through four sub-grants:
- Building Rehabilitation
  o Promotes stabilization, preservation, and reuse of historic buildings
- Residential Production
  o Increase the residential population of downtown
- Residential Utilities
  o Increase the residential population of downtown
- Fire Suppression
  o Improve safety and reduce damage as a result of fire

Ms. Jacobson reviewed the eligible improvements for each grant category, and she referenced the grant guidelines that Council can consider to approve or deny an award. She pointed out five applications were received for Downtown Revitalization Incentive Grants:

- Salty Caper
  o Requesting Building Rehabilitation and Fire Suppression Grants
- Meroney Theater
  o Requesting a Building Rehabilitation Grant
- Lofts on Innes
  o Requesting Building Rehabilitation, Residential Production, Residential Utilities and Fire Suppression Grants
- Heart of Salisbury
  o Requesting a Building Rehabilitation Grant
- Firehouse Loft
  o Requesting Building Rehabilitation, Residential Production, Residential Utilities and Fire Suppression Grants

Ms. Jacobson explained the program budget is adopted on an annual basis, but developers are given two years to complete their project which can mean funds are allocated a year in advance. She noted in fiscal year 2019-2020 Council approved $150,000 from the General Fund for Downtown Revitalization Incentive Grants. She pointed out $225,636 is available using this fiscal year and next fiscal year’s funding. She reviewed the proposed funding options for Council’s consideration:

- Option 1 increase the program budget using Fund Balance to award all projects at the full amount requested
  - Total request is approximately $306,000
    - $80,000 beyond anticipated two-year budget
  - Would require a budget amendment and a hold on new applications until July 2021
- Option 2a reduce the award for all projects by the same rate to stay within the current and next year’s budget
  - All projects funded at 76% of original request
    - May require a budget amendment and a hold on new applications until July 2021
• Option 2b reduce award for all projects by the same rate to stay within current budget
  ○ Projects funded at 49% of original request
    ▪ Would not require a budget amendment and applications could be accepted next year
• Option 3 Council uses its judgement to select and fund the most viable or compatible projects

Ms. Jacobson provided an overview of the options and their effect on the award amount:

<table>
<thead>
<tr>
<th>Project</th>
<th>Option 1</th>
<th>Option 2a</th>
<th>Option 2b</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salty Caper</td>
<td>$75,000</td>
<td>$61,835</td>
<td>$49,488</td>
<td>Council Discretion</td>
</tr>
<tr>
<td>Meroney Theater</td>
<td>$43,818</td>
<td>$32,281</td>
<td>$21,461</td>
<td>Council Discretion</td>
</tr>
<tr>
<td>Lofts on Innes</td>
<td>$106,774</td>
<td>$83,748</td>
<td>$62,154</td>
<td>Council Discretion</td>
</tr>
<tr>
<td>Heart of Salisbury</td>
<td>$50,000</td>
<td>$36,835</td>
<td>$24,488</td>
<td>Council Discretion</td>
</tr>
<tr>
<td>Firehouse Lofts</td>
<td>$100,000</td>
<td>$80,253</td>
<td>$61,732</td>
<td>Council Discretion</td>
</tr>
<tr>
<td>Total General Fund Request</td>
<td>$306,269</td>
<td>$225,636</td>
<td>$150,000</td>
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</table>

Ms. Jacobson explained individual presentations for the Downtown Revitalization Incentive Grant requests will follow. She added budget amendments will be brought to Council at its September 3, 2019 meeting to support projects that are approved for funding. She noted staff will then prepare contracts with the grant recipients. She added staff will create a committee to review the program guidelines.

Mayor Pro Tem Post asked how the return on investment was calculated. Ms. Jacobson explained it is the amount generated in private investment for every dollar the City invests. She referenced the Heart of Salisbury Yoga Studio, and she pointed out every dollar the City invests in the award would generate $7.60 in private investment. Mr. Harris explained the amount is based on the total capital investment.

Mr. Post questioned if Council is allowed to spend next year’s money. City Manager Lane Bailey explained it would be similar to multi-year grants that are given to businesses and would need to be pre-audited.

Mr. Post stated Bankett Station was approved for a Downtown Revitalization Incentive Grant of approximately $75,000 during last year’s budget, but it consumes 50% of the current fiscal year’s budget. He questioned if the funding was included in the budget for fiscal year 2018-2019. Finance Director Shannon Moore explained the funds were re-budgeted into the current fiscal year’s budget and if the project is not completed it will be re-budgeted in fiscal year 2020-2021.

Mr. Post asked if Council approved spending funds from fiscal year 2020-2021 when it approved the Bankett Station project. Councilmember Sheffield stated Council needs to solve the short-term problem and then consider how to earmark funds going forward.
Ms. Moore noted the program has been in place for four fiscal years and $150,000 has been allocated annually in the General Fund for a total of $600,000. She added the City has spent $615,000, slightly over the $600,000 earmarked during the first four years of the program. Councilmember Alexander asked if the extra $15,000 was taken out of the General Fund. Ms. Moore noted the funds were taken out of other savings and special projects in the Planning Department.

Mayor Heggies pointed out major factors and expenditures such as Fibrant and the Empire Hotel have impacted the City’s budget and it probably made sense for unused money to be placed back in the General Fund.

Mr. Post indicated the grants have been awarded on a first come first served basis. He added there is a fourth option to award the money until it is expended.

Mr. Post stated there should be an announced procedure to make everyone aware of the details of the program. He questioned if Council should allocate the requested funding and deal with the problem later which would mean no grants would be awarded for two years.

Mayor Heggies indicated there are no clear application deadlines. Mr. Harris agreed, and he explained each application has to meet minimum eligibility standards and then the applications are reviewed on a first come first served basis. He added staff has previously received two applications per year and it has been easy to manage. He pointed out moving forward changes will need to be considered as the downtown continues to grow.

Ms. Sheffield noted the program has been in place for four years and as the program progresses changes are needed to improve the process.

Mayor Heggies referenced Option 2b, and she noted Ms. Jacobson indicated Option 2b would have issues regarding viability. Ms. Jacobson explained based on the original request the cut to the incentive award could be so great it may not be financially viable to complete the project.

Mayor Heggies asked if the applicants are including the total needed to finish the project when the applications are submitted. Mr. Harris stated the application includes how much is being requested for each of the four sub-grants and the overall project costs. Mayor Heggies indicated the application needs to include how much funding is needed to complete the project.

Mr. Post requested clarification regarding the total capital investment. Mr. Harris explained the total capital investment is the total amount of the building up-fit including new business assets that are included in the project. He added it encompasses the entire cost of the project from start to finish and is separate from the incentive request. Mr. Post indicated the total capital investment is the amount the applicant anticipates spending to complete the project, even if the funds are not eligible for a sub-grant. Mr. Harris agreed.
Mayor Heggins questioned what happens to the difference if a project requests a $75,000 grant and the actual grant is $55,000. Mr. Harris explained the amount an applicant is able to request is based on a percentage of the total capital investment. He stated applicants have to meet a minimum cost threshold to request grant funding and then the applicant can only request a certain percentage of the total project costs. He noted if the total cost of the project is less than anticipated the amount of the grant is reduced proportionally. Ms. Alexander pointed out applicants can only receive reimbursement when a Certificate of Occupancy has been issued. Mr. Harris agreed, and he added the project close out involves a site inspection and a review of documentation regarding all paid invoices by the Finance and Planning Departments before the payment is issued.

Ms. Alexander referred to the 10-year City tax revenue and the 10-year Municipal Service District (MSD) tax revenue, and she asked if the amount listed is based on each project. Mr. Harris agreed, and he explained the overall City tax revenue and MSD tax revenue for 10-years is included for each project.

Mayor Heggins asked if the applicants own the building. Mr. Harris explained the applicant must own the building or submit documentation proving they are in the process of purchasing the building.

Mr. Post asked if the five projects will be completed in the current fiscal year. Mr. Harris explained each project has to be completed within two years, but according to the current guidelines adopted by Council the applicants are eligible to request an extension. Mr. Post noted the projects may not be completed in the current fiscal year. Ms. Moore stated staff would do a budget amendment once Council makes a decision to appropriate and earmark the funds. She added staff will pre-audit and sign the contracts on behalf of the City to anticipate spending the money this year. She pointed out if the money is not spent this year it would be carried over into next year’s budget. Mr. Post noted this is a different procedure than was done in the past. Ms. Moore and Ms. Alexander agreed.

DOWNTOWN REVITALIZATION INCENTIVE GRANT – 115-117 SOUTH LEE STREET

City Planner Kyle Harris stated the first request before Council is a restaurant expansion and renovation project for the Salty Caper located at 115-117 South Lee Street. He stated Moscardini Holdings LLC is requesting up to $75,000 in Downtown Revitalization Incentive Grants to assist with the renovation of the existing restaurant and an adjacent expansion area that is currently used as storage. He noted the project would involve the installation of a fire suppression system. He indicated the grant would assist with the major building up-fit and the purchase of equipment.

Mr. Harris stated the project would expand the capacity of the restaurant from 28 to 60 seats and increase the full time jobs from five to eight. He indicated the project would increase City tax revenue by a projected $20,778 and Municipal Service District (MSD) tax by approximately $5,131 over 10 years.
Mayor Heggins noted the applicant is requesting up to $75,000, and she asked which option it is from. Mr. Harris explained when he presents the application he is presenting the maximum eligible award. City Manager Lane Bailey clarified under the first option Council would approve a budget amendment to fully fund the request. Mayor Heggins noted Council has not discussed which option it will work with so it will have to amend the motion after it decides what options it will use. Mr. Harris explained whatever motion Council selects will use the figure Council determines to be the final award.

Mr. Harris explained the total capital investment is $291,540 and the applicant is seeking assistance of up to $75,000:

- Building Rehabilitation Incentive Grant up to $50,000
- Fire Suppression Incentive Grant up to $25,000

Mr. Harris noted the building was constructed in 2006-2007 and is located near the gateway entrance to downtown. He reviewed schematics of the expansion and photographs of the existing building.

Mr. Gianni Moscardini stated he is the applicant and seeking to expand the Salty Caper to create additional revenue. He estimated sales at Salty Caper will increase by approximately 50% creating additional tax revenue for the City. He added the City is on the verge of a growth explosion and now is the time to invest in downtown. He thanked Council for offering the Downtown Revitalization Incentive Grants. He estimated the project will cost $300,000, and he pointed out the restaurant will be closed for one month. He pointed out the project is being financed and incentives from the City will be an asset to the project.

Mayor Pro Tem Post thanked Mr. Moscardini for all he was done for downtown and the City with the Salty Caper, La Cava and New Serum Brewery. Mr. Moscardini stated his family believes in the City. Councilmember Alexander noted Mr. Moscardini is a good example of how the incentives bring business downtown. She pointed out fire suppression is critical in close quarters such as a downtown because a fire can spread quickly.

Mr. Moscardini noted the Salty Caper will expand to a vacant unit. He pointed out his family owns the building and it is the right time for the expansion.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding the Downtown Revitalization Incentive Grant request for Salty Caper Pizza located at 115-117 South Lee Street.

Mr. Michael Kirksey asked how long Salty Caper has been in business and about the cost of the pizza. He commented he does not think everyone can afford to dine at Salty Caper.

Mr. Todd Littleton, 113 East Fisher Street, stated he is a downtown business owner and his business neighbors Salty Caper. He pointed out Salty Caper has proven its staying power and it needs to grow along with the City. He requested Council support the project and keep a great pizza place downtown.
Ms. Wivianny DeHass, Heart of Salisbury Yoga, Wellness and Arts, stated she rents space at 204 East Fisher Street. She pointed out Salty Caper is a great addition to downtown. She added when people dine downtown it generates additional tax revenue for the City.

Ms. Jackie Miller noted the City needs more upscale pizza restaurants, and she supports the proposal. She added she prefers higher quality restaurants and the Salty Carper is a great business model for pizza.

Mr. Todd Rosser noted he visited Salty Caper several times and often the restaurant is so busy there is no place to sit. He added the Salty Caper is where people go to congregate and the proposed expansion is welcome in the community.

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

**DOWNTOWN REVITALIZATION INCENTIVE GRANT – 213 SOUTH MAIN STREET**

City Planner Kyle Harris stated the next project for Council’s consideration is an HVAC systems modernization project at the Meroney Theater located at 213 South Main Street. He noted Piedmont Players Theater is requesting up to $43,818.75 to assist with the replacement of two HVAC units and the modernization of HVAC ductwork for enhanced climate control for patrons.

Mr. Harris noted the project would increase City tax revenue by a projected $12,491.85 and Municipal Service District (MSD) tax revenue by a projected $3,084.84 over 10 years. He stated the total capital investment is $175,275 and the applicant is requesting assistance through the Building Rehabilitation Incentive Grant.

Mr. Harris displayed a map of the area, and he pointed out the Maroney Theater. He added the building was constructed between 1891 and 1910 and it is a contributing structure to the downtown local historic district. He reviewed the submitted itemized cost estimates covering the scope of the project.

Mayor Pro Tem Post stated he had a question on behalf of absent Councilmember Brian Miller. He noted the Meroney Theater is an important downtown asset, but he questioned if HVAC modernization qualifies for reimbursement under the program. Mr. Harris stated the HVAC system modernization qualifies for the Building Rehabilitation Incentive Grant and climate control is considered an eligible costs. Councilmember Alexander pointed out the Meroney Theater brings hundreds of people downtown annually and the building could not be used without an HVAC system.

Mr. Reid Leonard, Resident Director Piedmont Players, explained the heating and air were installed in 1995 and have served well past the projected life of the product. He described the unique aspects of heating and cooling the theater space. He added the plan is to replace the two main HVAC units to the theater and one unit to the backstage shop and to rebuild the duct system to enhance the audience’s comfort during a performance.
Mayor Pro Tem Post thanked Mr. Leonard for all he does for downtown.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding the Building Rehabilitation Incentive Grant request for Meroney Theater located at 213 South Main Street.

Ms. M.T. Sidoli stated she supports the Meroney Theater’s request, and she noted the theater is a great presence in the City.

Ms. Jackie Miller indicated she supports the Building Rehabilitation Incentive Grant request for the Meroney Theater.

Ms. Sue McHugh commented she also supports the grant request to ensure the HVAC systems operate more efficiently.

Mr. Gianni Moscardini noted he is a Downtown Salisbury, Inc. (DSI) board member and he supports downtown businesses.

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

DOWNTOWN REVITALIZATION INCENTIVE GRANT – 112-114 EAST INNES STREET

City Planner Kyle Harris addressed Council regarding the Lofts on Innes located at 112-114 East Innes Street. He stated the applicant Joshua Barnhardt is requesting up to $106,774 through the Downtown Incentives Program to assist with a historic rehabilitation and residential production project that will include three apartments and the relocated Barnhardt Jewelers.

Mr. Harris explained the incentive grant request would assist with the production of three new apartments, 2,601 square feet, and the renovations to a street-facing commercial space, 1,542 square feet. He added the grant would also assist with the installation of water and sewer services that support the new residences and the installation of a fire sprinkler system. He indicated the project would increase City tax revenue by a projected $43,025.70 and Municipal Service District (MSD) tax revenue by a projected $10,625.10 over 10 years. He noted the total capital investment is $603,700 and the applicant is assistance of up to $106,774:

- Building Rehabilitation Incentive Grant up to $50,000
- Residential Projection Incentive Grant up to $22,500
- Residential Utilities Incentive Grant up to $14,950
- Fire Suppression Incentive Grant up to $19,324

Mr. Harris noted the building is a contributing historic structure in the downtown local historic district that was built in the 1880s. He stated there will be three new apartments and the store front commercial space will be rehabilitated. He indicated the second floor is currently used
as storage and the downstairs rear area is used as office space. He pointed out both areas will be converted into residential units.

Mr. Harris indicated Barnhardt Jewelers, a minority and woman-owned business, will relocate from Spencer to the renovated commercial space, bringing at least six employees. He stated the project will be a complete renovation of the building, including major structural repair, façade restoration, mold and asbestos remediation, and HVAC, plumbing, and electrical systems repairs and improvements. He noted the project will also involve the upgrade of all water and sewer services and capacity to support four new residential bathrooms. He added the applicant will also seek Historic Tax Credits, and will retain all original historic elements of the property including the pressed-tin ceilings, original brick, tall ceilings, and wood flooring.

Mr. Harris displayed an aerial photograph, and he pointed out the location of the property and its proximity to the downtown gateway entrance. He displayed photographs of the building and artists renderings of the proposed building improvements. He noted itemized cost estimates were submitted as required for the application.

Ms. Debbie Barnhardt Basinger and her son Josh Barnhardt addressed Council regarding the Lofts on Innes. Ms. Basinger noted Barnhardt Jewelers will celebrate 30 years of operation in September. She added the time is right to move the business and bring its large customer base to the City.

Mr. Barnhardt thanked Council for its incentive grant program, and he noted the grants are key to restoration projects. He thanked Ms. Jacobson and Mr. Kyle for their assistance throughout the process. He noted the restoration of a historic property is expensive and not for the faint of heart. He indicated the incentive grants combined with the historic tax credits will make the project feasible. He stated the timeline for the project is fixed because the owner of the jewelry store located in the space is ready to retire. He added the project is 4,600 square feet and will include three apartments and one retail space. He described why he felt their project stands out from the other projects. He added the Empire Hotel Project is extremely important, and he pointed out applicants are here today because the Empire Hotel Project is on the cusp of happening. He thanked Council for its consideration of the project.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding incentive grant request for the Lofts on Innes located at 112-144 East Innes Street.

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

**DOWNTOWN REVITALIZATION INCENTIVE GRANT – 120 A EAST INNES STREET**

City Planner Kyle Harris address Council regarding a Downtown Revitalization Incentive Grant request for Heart of Salisbury Yoga, Wellness and Arts. He noted Heart of Salisbury Yoga, Wellness and Arts is requesting up to $50,000 through the Downtown Incentives Program to assist with a building up-fit project located at 120A East Innes Street. He pointed out the submitted scope of work includes a demonstration kitchen, two yoga studios, retail space, three massage
therapy rooms, two counseling rooms, a play therapy room, office space and three restrooms. He stated the project includes new HVAC, plumbing, electrical systems and exterior improvements including canopies, lighting, windows, door openings, and metal stairs.

Mr. Harris noted the space is 4,673 square feet and includes 3,206 square feet of office interior space, 1,182 square feet of yoga studio interior space and 285 square feet of retail interior space. He indicated the project would increase City tax revenue by a projected $27,082.56 and Municipal Service District (MSD) tax revenue by a projected $6,687.99 over 10 years.

Mr. Harris pointed out the total capital investment is $380,000 and the applicant is requesting a Building Rehabilitation Incentive Grant for up to $50,000. He noted the historic building was constructed in 1922 with additions to the property taking place in various years.

Mr. Harris displayed an aerial photograph of the area, and he pointed out the location of Heart of Salisbury Yoga, Wellness and Arts. He indicated the applicant submitted cost estimates and schematics of the project. He displayed photographs, and he pointed out the current conditions of the building.

Ms. Wivianny DeHaas noted the project will require a fire suppression system to upgrade the sprinkler and fire alarm system. She added she is pursuing historic tax credits for the project. She pointed out the cost estimates are higher than noted in the application. She stated the building will be American with Disabilities Act (ADA) compliant. She added Heart of Salisbury Yoga, Wellness and Arts will partner with organizations in the community. She noted the return on investment is $7 for every dollar the City invest in the grant.

Councilmember Sheffield clarified the renovations are for the first floor. Ms. DeHaas agreed, and she noted the space is over 46,000 square feet. She pointed out to purchase the second floor would require an elevator for ADA compliance.

Ms. Sheffield noted the applicant is not requesting a Fire Suppression Incentive Grant. Ms. DeHaas explained she did not have a fire suppression system estimate when the grant application was submitted. She explained the space will be subdivided and a fire suppression system will be mandatory. She pointed out the building was previously used as storage and artist working space.

Mayor Pro Tem Post noted East Square is no longer upstairs. Ms. DeHaas explained it was downstairs and subdivided with cloth. She added she is continuing to work with the artists and it will exist within the building. She stated the project must be completed by December 1, 2019.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding a Downtown Revitalization Incentive Grant request for Heart of Salisbury Yoga, Wellness and Arts located at 120A East Innes Street.

Ms. Diane Young pointed out the project will maximize the ground floor of the building and leave the residential units upstairs. She added she supports the City’s Downtown Revitalization Incentive Grant Program.
There being no one to address Council, Mayor Heggins closed the public hearing.

**DOWNTOWN REVITALIZATION INCENTIVE GRANT – 117 SOUTH LEE STREET**

City Planner Kyle Harris noted the final project before Council is a historic rehabilitation and residential production project known as the Firehouse Lofts located at 117 South Lee Street. He stated the applicant Todd Littleton is requesting up to $100,000 through the Downtown Revitalization Incentive Grant Program to assist with the production of two new apartments and the renovation of street-front commercial space.

Mr. Harris explained the project includes a two bedroom, two bath apartment unit and a one bedroom one and one-half bathroom apartment unit totaling 3,500 square feet of living space. He noted the project will improve the building’s electrical systems, plumbing, building shell, and water/sewer services, and include a fire suppression system. He pointed out the project would increase City tax revenue by a projected $37,233 and Municipal Service District (MSD) tax revenue by a projected $9,194.63 over 10 years.

Mr. Harris stated the total capital investment is $522,422 and the applicant is requesting:

- Building Rehabilitation Incentive Grant up to $50,000
- Residential Projection Incentive Grant up to $15,000
- Residential Utilities Incentive Grant up to $10,000
- Fire Suppression Incentive Grant up to $25,000

Mr. Harris displayed a map of the area, and he pointed out the project is located next to the Salty Caper. He stated the structure was built in 1897 and is a significant and contributing building in the downtown local historic district that served as a municipal building and fire house in the City.

Mr. Harris explained the two apartment units will include exposed brick and or finished drywall with crown and door moldings, hardwood flooring, tile bathrooms and showers, granite countertops, stainless steel appliances, and four dedicated parking spaces. He stated the project will also include improvements to the building’s electrical systems, plumbing, building shell, structural improvements, water sewer services, and a fire suppression system. He noted exterior renovations include repair and reinforcement of the historic cupola, repairs to exterior materials and elements, window replacement, roofing repairs and new installation, and courtyard enhancements.

Mr. Harris noted the applicant submitted all of the required documentation. He displayed a schematic of the project, and he pointed out the first floor commercial space is intended for a restaurant. He then displayed a schematic of the residential units and photographs of the property. He pointed out the project includes major reinforcement of the roofing system.

Mr. Todd Littleton noted many people want to invest in downtown. He stated the project will bring residential units downtown and include a restaurant that is projected to add 15-full time
jobs and 15 to 20 part-time jobs. He pointed out the residential portion of the project is more expensive than the numbers submitted, and it would not be feasible to include residential units in the project if the grants were not available. He indicated approximately $30,000 of the requested grants will go toward the residential portion of the project which has a significantly lower return on investment than venue space. He added the grants will make a difference for all of the projects before Council.

Councilmember Sheffield asked about the four parking spaces. Mr. Littleton noted there are seven parking spaces directly behind the building. Mayor Pro Tem Post pointed out Mr. Littleton did an incredible job on City Tavern.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding the Downtown Revitalization Incentive Grant request for the Fire House Lofts located at 117 South Lee Street.

Ms. M.T. Sidoli indicated the projects brought before Council have merit. She stated she is concerned about affordable housing in the City.

Ms. Mary James stated she support all of the projects brought before Council. She asked if the applicants are required to submit several bids and if the financial need of the building owner is considered.

Mr. Harris explained applicants are required to submit cost estimates prepared by a design professional. He added bidding is not required, and he noted need is not considered in the program. He stated the application process will be reviewed in the future.

Mr. Gianni Moscardini stated the Firehouse Building needs to be rehabilitated and he supports the grant request.

Mr. Michael Young noted he and his wife were beneficiaries of the Downtown Revitalization Incentive Grant program. He added his project would not have happened without the grant program, and he hopes all of the projects can be funded. He requested Council consider merits of the projects that create residential units, and he pointed out residential projects are expensive to complete.

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

**DOWNTOWN REVITALIZATION INCENTIVE GRANT DISCUSSION**

Mayor Heggins asked about the estimated cost per square foot for apartments in the downtown. Downtown Salisbury, Inc. Director Larissa Harper commented rates vary from $1.20 to $2.00 per square foot per month and include several variables such as amenities, parking and fixtures. Mayor Heggins asked about the average rent cost for apartments in the City. Ms. Harper noted she will get the information from local realtors.
City Manager Lane Bailey commented the vacancy rate for apartments in the downtown is low, and he stated apartments fill up quickly. Mayor Heggins asked about the rate for apartment rentals in the Plaza. Mr. Bailey noted the Plaza rates are too low. City Engineer Wendy Brindle commented the rental rates at the Plaza range between $600 and $900 per month. She pointed out the apartments have not been renovated, and the City is currently reviewing market rates.

Planning Director Hannah Jacobson noted the handout she provided Council regarding the Downtown Revitalization Incentive Grants includes an overview of the proposed options and motions for Council’s consideration.

Mayor Heggins commented it is a difficult decision, and she noted she has concerns about using the next fiscal year’s budget. Ms. Jacobson noted Options 1a and 2a spend two years of allocated funding. She added it is not uncommon for grant program funds to go into the next fiscal year’s budget because the applicants have two years to complete their projects.

Mayor Pro Tem Post asked how much has been spent over the past four years for the Downtown Revitalization Inventive Grant Programs and what is available in the budget. Finance Director Shannon Moore noted seven projects have been completed and the City has spent $615,000 on grant allocation over the past four years. She pointed out the budget for the past four years was $600,000 and the $15,000 overage was paid with savings within other special projects in the Planning Department.

Mayor Pro Tem Post noted incentive grants enhance the quality of life in downtown by increasing the tax base and traffic downtown and gradually filling vacant buildings. He stated it is a difficult decision. He commented it would be troubling to spend tax payer money and not have program funds available for other applicants.

Mayor Heggins suggested Council consider holding a special work session. She added she would like to see what other cities are doing to offset pricing for downtown residential apartments. She noted it would be nice for downtown workers to be able to live and work downtown.

Councilmember Sheffield noted applicants are waiting for their projects to be approved and Council cannot keep delaying the progress. She added no matter how long it is discussed, it is a hard decision to make. She added she prefers Council make a decision tonight rather than making the applicants wait any longer.

Mayor Heggins pointed out there are budgetary issues that need to be considered. She added she does not support allocating next year’s budget and if she votes tonight she would vote for Option 2b.

Councilmember Alexander stated in the past the budget for the grants was examined over a two year period due to the time it takes for construction. She added using Option 2a 74% could be allocated for each project and there would be a savings of nearly $81,000. She indicated the savings is not a large amount compared to the City’s overall budget. She pointed out for an additional $80,000 all five projects could be awarded the requested funding and when completed
will increase the City’s sales tax revenue. She indicated the big picture of the overall budget should be considered, and she pointed out the five projects are investing $2 million in downtown.

Mr. Post asked how many residential units would be constructed. City Planner Kyle Harris indicated five residential units will be created.

Mayor Pro Tem Post asked if there is concern regarding using funds from the Fund Balance. Mr. Bailey noted the two year process is not concerning because it has been the City’s practice and funds are included in the Capital Improvement Plan (CIP). He added going into the Fund Balance would be a more aggressive approach, but it would be investing in economic development.

Mayor Heggins noted funds would be taken away from other potential projects if Council decides to authorize all five using Option 2a. Ms. Jacobson explained a hold would be placed on new applications if all five proposed projects are funded.

Councilmember Alexander pointed out the projects make a difference to the vitality of downtown, and she asked if Council could consider increasing the grant amount in next year’s budget. Mr. Bailey commented the new Council can make budgetary changes.

Mr. Bailey pointed out if all five projects are funded they will not be completed by June 30, 2019. He added he does not see a problem going into the next fiscal year because that is how previous grants were funded.

Mayor Pro Tem Post made a motion to award the entire $306,269 including the $80,633 out of Fund Balance for the five applicants seeking Downtown Revitalization Incentive Grants. Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. (4-0)

RECESS

Councilmember Sheffield made a motion to take a short recess and all Councilmembers in attendance agreed unanimously to recess.

The meeting reconvened at 9:03 p.m.

EMPIRE HOTEL REDEVELOPMENT PROJECT TERMS

Downtown Salisbury, Inc. (DSI) Director Larissa Harper addressed Council regarding a request for modifications to the Empire Hotel Redevelopment Agreement that was presented to Council at its August 6, 2019 meeting. She reviewed the proposed modifications, and she indicated an additional report and public hearing will take place on September 17, 2019. She asked Council to consider a Resolution regarding modifications to the Empire Hotel Redevelopment Agreement.
Mayor Heggins reopened the public hearing regarding the Empire Hotel Redevelopment Agreement.

Black Point Investment Developer Britt Weaver noted his biggest constraint is time in meeting what the City wants. He added what Council agrees to will help him underwrite the loan and get the project underway.

Ms. Gianni Moscardini commented the project has been a struggle, but it is critical for the downtown area. He noted as a DSI board member numerous hours have been put into the project, and he asked Council for its consideration.

Ms. Diane Young noted the City is on the verge of great things happening with this project. She applauded the City for the innovative way the project has been put together. She indicated with the County’s support it shows how much the community wants this project completed to boost economic vitality in downtown.

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

Mayor Pro Tem Post noted during earlier discussion Council had questions and needed additional information. He requested Council defer the adoption of the proposed Resolution until closed session is reconvened on August 27, 2019 at 11:00 a.m.

Mayor Pro Tem Post made a motion to defer the Resolution regarding the terms of the Empire Hotel Redevelopment Project until meetings have been completed with Council. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. (4-0)

**CYCLING NETWORK COMMITTEE**

Mayor Heggins stated during public comment Council heard from community members who would like to establish a committee regarding cycling in the City. She pointed out there are many cyclists in the community and conversations have taken place between the Parks and Recreation Department and the Pedal Factory.

Parks and Recreation Director Nick Aceves indicated staff contacted the Pedal Factory regarding possibly modifying another committee that could take on cycling. He pointed out an Ordinance would have to be modified. He noted combining the Cycling Network Committee with the Greenway Committee has been discussed since the committees have a lot in common and could support shared projects. He commented Council could provide resources through the one committee.

Councilmember Alexander asked if the name of the Greenway Committee would be changed. Mr. Aceves indicated the name would be changed to include both committees.

Mayor Heggins requested someone from the Pedal Factory speak regarding the proposed change.
Ms. Mary Rosser indicated she spoke with Mr. Aceves and they are working on the same things, but in different areas. She added the change would bring efforts together to maximize available resources. Mr. Aceves noted Parks and Recreation has worked with the Pedal Factory and they are involved in mutual events.

Mayor Heggins recommended Mr. Aceves bring a change in the Ordinance to Council for its consideration.

Councilmember Alexander commented she agrees with the idea. She noted the speaker at a Healthy Rowan event suggested using the implementation of the Bike Plan as a way to apply for grant funding.

Mayor Heggins indicated she looks forward to getting the committee started.

Mayor Pro Tem Post suggested someone from the Engineering Department serve on the committee to assist in mapping. Mr. Aceves noted he had discussions with City Engineer Wendy Brindle and Planning Director Hannah Jacobson regarding the committee.

Councilmember Sheffield stated she supports the collaboration, and she encouraged members of the Pedal Factory to serve on the Steering Committee and to participate with the Comprehensive Plan.

Ms. Rosser invited Council to the Pedal Factory shop for a team building exercise to renovate bicycles.

SEPARATE MAYORAL ELECTION

Mayor Pro Tem Post commented he received emails and phone calls regarding the proposed separate mayoral election and although people have different thoughts, all agreed it should be voted on by referendum. City Attorney Graham Corriher clarified the Ordinance would change the City Charter and the Resolution would place the separate mayoral race on the ballot.

Mayor Heggins asked if there would be an additional cost to have the item included on the March ballot. Mr. Corriher indicated he was unsure of the cost. Mr. Post commented the issue for the separate mayoral election being placed on the March ballot would be that it would not be on all ballots. He questioned if it would be easier since it is a municipal issue to include it during a municipal election.

Councilmember Alexander indicated she does not see a reason to wait since Council is not making the decision, but is allowing the public to make the choice about the separate mayoral election. She commented by allowing the public to vote, Council will be doing something that no other Council has been able to do. She asked if other issues can be addressed later if the vote is in favor of a separate mayoral issue. Mr. Corriher indicated it would depend on the issues, and he added Council can adopt an Ordinance to change the City Charter. He noted the change would be for the 2021 election.
Mayor Heggins indicated she has received emails and calls regarding the separate mayoral election. She questioned if there would be a higher turnout in November or March in order to have the most people participate in the process. She pointed out either way, the public would be deciding whether there will be a separate mayoral election.

Mr. Post indicated March would not be a republican choice as the President will run unopposed. Ms. Alexander noted a municipal race would provide a broader viewpoint than that of a few people who attended committee meetings.

Thereupon, Mayor Pro Tem Post made a motion to adopt an Ordinance to create a separate election for the office of mayor of the City of Salisbury by amending the City Charter and the Rules of Procedure for the Salisbury City Council. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. (4-0)

ORDINANCE TO CREATE A SEPARATE ELECTION FOR THE OFFICE OF MAYOR OF THE CITY OF SALISBURY BY AMENDING THE CITY CHARTER AND THE RULES OF PROCEDURE FOR THE SALISBURY CITY COUNCIL.

Thereupon, Mayor Pro Tem Post made a motion to adopt a Resolution to call for a special election on November 5, 2019 for the purpose of submitting to a vote of the people an Ordinance adopted by the Salisbury City Council to create a separate mayoral election. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. (4-0)

RESOLUTION TO CALL A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING TO A VOTE OF THE PEOPLE AN ORDINANCE ADOPTED BY THE SALISBURY CITY COUNCIL TO CREATE A SEPARATE MAYORAL ELECTION.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 23, and is known as Resolution 2019-16.)

(The above Ordinance is subject to a vote of the people and if approved will be recorded in the Ordinance Book at that time.)

**DOG PARK RENAMING**

Parks and Recreation Director Nick Aceves explained the Parks and Recreation Department received a request to rename the dog park at the Civic Center after Teresa Pitner to recognize her tireless efforts regarding the dog park. He asked Council to consider establishing a 30-day public input period regarding the proposal. He stated if approved staff will report back to Council regarding renaming the dog park the Pitner Dog Park.

Councilmember Sheffield thanked Mr. Aceves for taking the request to the Parks and Recreation Advisory Board. Mr. Aceves pointed out the Parks and Recreation Advisory Board passed the request unanimously. Ms. Sheffield indicated she supports the proposed name change.
Councilmember Alexander agreed with Ms. Sheffield, and she added Ms. Pitner has done so much to make the dog park happen.

Thereupon, Councilmember Sheffield made a motion to establish a thirty-day period for public input regarding a request to rename the dog park at the Civic Center the Pitner Dog Park. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. (4-0)

Mayor Pro Tem Post asked if a public hearing will take place. Mr. Aceves indicated Parks and Recreation could advertise that Council approved the 30-day public input period. Ms. Sheffield added it would not be a formal public hearing. City Manager Lane Bailey commented after the 30-day public input period, Mr. Aceves will report back to Council.

**COMPREHENSIVE PLAN UPDATE PROJECT**

City Planner Kyle Harris provided Council an update on the status of the Comprehensive Plan Update Project called Forward 2040 – Salisbury’s Framework for Growth. He commented the plan will reflect the vision and priorities of all members of the community and include an engagement strategy to reach the broadest possible audience.

Mr. Harris reviewed the process since March 2016 when Council adopted a Resolution of Intent to update the Comprehensive Plan and establish a Steering Committee. He indicated a pause in the project took place and it was not completed by the initial projected timeline. He added staff hopes to move forward with a public engagement process and have it adopted in early 2020.

Mr. Harris asked Council for permission to solicit up to five new appointments for the Comprehensive Plan Steering Committee. He noted staff will ask for an additional five appointments in December to increase the total membership to 20 members.

Councilmember Sheffield asked if she is considered a Steering Committee member since she serves on Council. Mr. Harris noted Ms. Sheffield was not included on the emails due to an oversight, but if appropriate she would be involved in the process. Councilmember Alexander commented councilmembers were not on the committee in the past so citizens could develop ideas and bring them to Council.

Ms. Sheffield asked what will happen with the results from the previous work conducted. Mr. Harris noted the committee will begin phase two with the data and framework from phase one.

Planning Director Hannah Jacobson pointed out an assessment was conducted with the committee to determine the areas where work should continue and be carried forward. She added Council will be updated throughout the process.
Mayor Pro Tem Post noted he wants to see the goals implemented once the process is complete. Mr. Harris indicated the objective is to have an implementation section and be specific on how the objective will be accomplished. He added there will be an update and review process annually or semiannually.

Mr. Post suggested the Comprehensive Plan and Steering Committee be included at the first retreat following the election. Councilmember Alexander asked for it to be integrated into the overall plan. Mr. Harris noted there will be a follow-up process once Forward 2040 is adopted.

BOARDS AND COMMISSIONS

Housing Advocacy Commission

Upon a motion by Councilmember Sheffield, Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Miller voting AYE, the following appointment was made to the Housing Advocacy Commission to fill an unexpired term:

Ms. Jamella Martin Term Expires 03/31/2021

CITY ATTORNEY’S REPORT

City Attorney Graham Corriher stated Council approved a budget amendment at the beginning of the meeting regarding Federal lobbyist Leslie Mozingo. He added he and Administrative Services Director Kelly Baker will work with Ms. Mozingo throughout the process as she develops the federal agenda.

Mr. Corriher commented he attended a Centralina Council of Governments (CCOG) meeting where Councilmember Alexander provided an update regarding the City. He added Representative Ted Budd was in attendance. He stated he attended another CCOG meeting where legislative staff was present, and he developed contacts to share the federal agenda with once it is developed.

Mayor Heggins asked what was discussed with Representative Budd. Mr. Corriher noted the Empire Hotel was discussed. Councilmember Alexander added topics on infrastructure, City Park, transportation, and how Salisbury might have opportunities to partner with other communities were also discussed.

Mr. Corriher noted he will hold a quasi-judicial training with the Historic Preservation Commission (HPC), and he added he previously held training sessions with the Planning Board. He noted he monitors quasi-judicial objectives and will keep Council informed.

Mr. Corriher announced the right-of-way acquisition on Newsome Road is complete.
CITY MANAGER’S REPORT

(a) Change to Order – Atlantic Coast Contractors, Inc.

City Manager Lane Bailey pointed out the proposed change order will reduce the amount of iodide, and he indicated it is included in budget.

Thereupon, Mayor Pro Tem Post made a motion to authorize the City Manager to execute a change order with Atlantic Coast Contractors Inc. in the amount of $600,000 for the construction related to the third phase of the Sanitary Sewer Rehabilitation project. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. (4-0)

(b) Agreement – McKim & Creed.

City Manager Lane Bailey noted the St. Luke’s Lift Station is located near East Rowan High School on Highway 52. He added the services will reduce the amount of force main sewer the City has and will extend gravity sewer at this location. He added gravity sewer is easier to maintain with less issues. He commented this item has been budgeted.

Thereupon, Councilmember Alexander made a motion to authorize the City Manager to execute an agreement with McKim and Creed in the amount of $157,366 for engineering services associated with the St. Luke’s Lift Station Rehabilitation project. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, and Sheffield voted AYE. (4-0)

ANNOUNCEMENTS

(a) College Night Out

Communications Director Linda McElroy announced Downtown Salisbury, Inc., in partnership with Hood Theological Seminary, Livingstone College, Rowan-Cabarrus Community College, Catawba College, and Rowan-Salisbury School System staff will host College Night Out on Thursday, August 22, 2019 from 6:00 p.m. until 9:00 p.m. There will be live music, a DJ, vendors, free shuttles, games, giveaways and more. Join us on West Fisher Street and throughout downtown for a night of fun.

(b) Doggie Dip Swim Party

Communications Director Linda McElroy announced the Salisbury Parks and Recreation Department will host the Doggie Dip Swim Party on Saturday, September 7, 2019 at 1:00 p.m. at the Fred M. Evans Pool. This event is for well-mannered dogs and their owners to enjoy sun and fun in the water. All proceeds for this event will benefit the DogPAWS continuing fundraiser efforts for amenities in the DogPAWS dog park. Swim times vary by dog size. For more information and a complete list of rules, please call (704) 216-PLAY.
COUNCIL COMMENTS

Council had no comments.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post had no comments.

MAYOR’S COMMENTS

Mayor Heggins thanked Council for all it does for the City. She pointed out she attended the Census 2020 Conference in Atlanta, Georgia. She added she will speak with Council and City Manager Lane Bailey about moving forward and establishing the Complete Count Committee in the City. She noted the Census is vitally important and need to get accurate count.

ADJOURNMENT

Motion to adjourn the meeting was made by Mayor Pro Tem Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 10:15 p.m.

______________________________________
Al Heggins, Mayor

_______________________________________
Diane Gilmore, City Clerk
REGULAR MEETING

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

ABSENT: City Clerk Diane Gilmore.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Heggins at 6:03 p.m. A moment of silence was taken.

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

ADOPTION OF THE AGENDA

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

Mayor to proclaim the following observance:

FIRST RESPONDERS DAY September 11, 2019

Mayor Heggins read and presented the First Responders Day Proclamation to Fire Chief Bob Parnell and Police Chief Jerry Stokes.

RECOGNITION – ROWAN COUNTY LITTLE LEAGUE

Mayor Heggins recognized Rowan County Commission Chair Greg Edds and Commissioners Judy Klusman and Jim Greene to come forward. Chairman Edds and members of the County Commission presented a proclamation to the Rowan County Little League softball team and coaches in honor of their World Series Championship win.

Mayor Heggins recognized members of the Rowan County Little League softball team and coaches for winning the Little League Softball World Series championship. She read and presented copies of a proclamation to each team member and presented a key to the City to Team Manager Steve Yang. Mr. Yang thanked the City and the County for their support of the Rowan County Little League Softball team.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the Regular meeting of August 6, 2019.

(b) Set Public Hearing – Project Team

Set a public hearing for September 17, 2019 regarding a 5% match totaling approximately $5,000 for a Building Reuse Grant from the State of North Carolina to renovate an existing facility and create 19 new jobs.

(c) Budget Ordinance Amendment – Downtown Incentive Grants Appropriation


ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE GENERAL FUND BALANCE.
(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 22, and is known as Ordinance 2019-15.)

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

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Ms. Melissa Eller thanked Council for their service. She asked Council to rename the dog park to Pitner Park for Dogs in honor of Teresa Pitner’s work to make the park a reality.

Mr. Kim Porter stated he is a member of the Truth, Healing, Hope and Equity Commission in Salisbury. He commented he is seeking information regarding opportunity zones as a creative way for the community to enhance itself. He asked where the opportunity zones are located and how the City is addressing them.

Mayor Heggins asked for further information regarding opportunity zones. City Manager Lane Bailey noted the City is working with the Rowan Economic Development Commission (EDC) to obtain the information, and he added the North Carolina Department of Commerce designated the opportunity zones. He indicated a map and further information could be provided. Mayor Pro Tem Post commented he has information and is happy to meet with Mr. Porter.

Mr. David Hoyle noted he supports economic incentives for the Empire Hotel. He pointed out recent closings downtown were most likely impacted by the lack of neighboring businesses. He commented he supports the dog park being renamed Pitner Dog Park.

Ms. M.T. Sidoli noted the incentive packages approved for downtown lack affordable housing. She indicated it would be cost efficient to rehabilitate second floor space into single bedroom apartments or efficiencies. She noted providing college students with affordable downtown apartments would be an economic driver and enrich the community.

Mr. Michael Kirksey asked about sidewalks that were to be installed on West Monroe Street, and he commented it would be beneficial for the community to have sidewalks at this location. He thanked the Police Department for their service to the community.

There being no one else to address Council, Mayor Heggins closed the public comment session. She thanked everyone who spoke during the public comment session.
UPDATE – CITY PARK LAKE

Parks and Recreation Director Nick Aceves and Landscape Architect Stephen Brown updated Council on City Park Lake improvements. Mr. Brown indicated the water quality in the lake is good and it contains four types of fish. He added ducks and geese have created a hydrilla problem which makes the algae worse. Mr. Brown commented a bathymetric study of the lake was conducted to measure the volume of sediment and concluded there is 6,900 cubic yards of sediment in the lake.

Mr. Brown reviewed estimates for hydraulic and mechanical dredging at City Park Lake, and he pointed out staff recommends Dragonfly Pond Works for the bid of $218,385.45 for mechanical dredging along with an alternate 1 for a total bid of $265,885.45. He indicated the mechanical dredging will take approximately two months to complete. He noted staff will drain the lake and the contractor will remove and relocate the fish and soil. He added the fish will be relocated outside of the City due to the chance hydrilla may be on the fish and contaminate other City lakes.

Mr. Brown pointed out mechanical dredging would allow for repairs to the dam and enhancements of sidewalks, a bridge, and a fishing pier to take place. He indicated trees will be removed but will be replaced. He pointed out there will be an odor while the lake is drained, and the construction site will be unsightly during the process. He added the weather could play a factor in the timeline for completion of the project.

Councilmember Miller asked about installing screens to prevent sediment from going into the lake. Mr. Brown noted fore bays will be installed around the inlets to trap sediment as the water enters the lake. Mr. Aceves pointed out removing trees and planting grass will deter water from washing out of the road over the bank. He added installing walkways will help mitigate the water into the channels to the fore bays.

Mayor Pro Tem Post asked how long the smell will linger and how far the smell will reach. Mr. Brown indicated the process would take approximately two months and the smell could possibly reach three to four blocks in each direction.

Councilmember Miller asked if residents will be notified. Mr. Brown agreed. Mr. Aceves indicated staff could go door to door to residents near the City Lake. Mayor Heggins noted information should be provided to the public regarding what will be taking place, and asking citizens to be patient as the City works to improve the lake.

Councilmember Alexander asked if there is a regulation or reason the fish have to be saved. Mr. Brown commented there is no specific reason the fish have to be saved. Mr. Aceves noted an alternative option could be for a fish give-away to take place. Mayor Heggins stated she is concerned about people consuming the fish. Mr. Brown noted the fish are safe to eat, and he pointed out the weeds are the issue. Mayor Heggins noted the City does not want to place contaminated fish in anyone else’s pond, and she requested options be provided to Council on how the fish can be handled. Mr. Brown noted options will be provided to Council.
Mayor Pro Tem Post commented the bid does not include the removal of the trees, the purchase of new trees, or the cost of the walkway and bridge improvements. Mr. Brown agreed. Mr. Aceves indicated with the current bid there will be funds left over from what was budgeted to do some of the projects in house.

Thereupon, Councilmember Miller made a motion to award a contract to Dragonfly Pond Works in the amount of $265,855.45 for mechanical dredging services. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Miller, Alexander, and Sheffield voted AYE. (5-0)

Councilmember Alexander asked if an amendment needs to take place since it the contract states the fish will be removed. Mayor Heggins pointed out Mr. Brown will come back with a plan regarding how the fish will be handled. Mr. Aceves noted the price will not change as the removal of the fish is included in the quote.

**UPDATE – AUTOMATIC PASSENGER COUNTING SYSTEM**

Transit Director Rodney Harrison addressed Council regarding the estimated cost for an automatic passenger counting (APC) system. He reviewed the elements of a successful APC system. He pointed out an APC system analyzes bus routes and stops and provides statistics regarding passenger counts, vehicle maximum load, passengers per bus stop and on-time performance. He added the information is useful when preparing state and federal reports.

Mr. Harrison noted the estimated cost of the APC system is $35,706 for three years which is $25,410 for year one and $5,148 each for years two and three. He pointed out the first year’s costs includes equipment and installation charges. He stated the cost of the project is not included in the current budget.

Mayor Pro Tem Post referenced the cost estimate, and he pointed out years two and three include subscription and maintenance costs for six units. Mr. Harrison noted the APC system will be installed on a total of six vehicles. He explained the APC system can be transferred from one vehicle to another. Mr. Post requested clarification regarding the monthly subscription. Mr. Harrison explained the annual subscription fee is $3,564, and he commented the cost is $594 per bus per year. Mr. Post pointed out the cost of remote technical support is $264 per bus per year. Mr. Harrison agreed, and he stated the annual cost is $1,584.

Mayor Heggins questioned why the APC system was not included in the current budget. City Manager Lane Bailey explained there was a timing issue, and he noted staff has an estimate but has not bid the project.

Councilmember Sheffield asked if the APC system will help the City proceed with the Transit Master Plan. Mr. Harrison stated the APC system will help with the process, and he indicated Council requested specific information to help with decision making.
Councilmember Alexander asked if grant opportunities are available. Mr. Harrison stated he contacted the state, but there has not been a call for grants for software due to budget issues. He added the state does not have a date for when a call for projects will be made.

Ms. Alexander asked if there are any contingencies or savings in the Transit Budget that could be used for the APC system. Mr. Harrison noted he can discuss options to fund the system with the Finance Department.

Mr. Post noted the City spends approximately $1.5 million of its budget on public transportation. Mayor Heggins pointed out once Council receives the bids it will have the information it needs to move forward with the APC system.

**RESOLUTION – PUBLIC TRANSPORTATION GRANT APPLICATIONS**

Transit Director Rodney Harrison explained the North Carolina Department of Transportation (NCDOT) Public Transportation Division requires applicants to submit a resolution to apply for grant funding. He explained the unified resolution before Council will authorize the City to apply for state and federal funding when there is a NCDOT call for projects. He added the unified resolution can be used for multiple grants and will streamline the process.

Thereupon, Councilmember Alexander made a motion to adopt a Resolution authorizing applications for North Carolina Department of Transportation Public Transportation grants through state and federal programs. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Miller, Alexander, and Sheffield voted AYE. (5-0)

RESOLUTION AUTHORIZING APPLICATIONS FOR NORTH CAROLINA DEPARTMENT OF TRANSPORTATION PUBLIC TRANSPORTATION GRANTS THROUGH STATE AND FEDERAL PROGRAMS.

(The above Resolution is recorded in full in Resolution Book No. 28 at Page No. 23-24, and is known as Resolution 2019-17.)

**TRANSPORTATION APPLICATION**

Transit Director Rodney Harrison addressed Council regarding the North Carolina Volkswagen settlement program, Phase 1, which is the Diesel Bus and Vehicle Program. He explained the North Carolina Division of Air Quality and the North Carolina Department of Environmental Quality (NCDEQ) are seeking applications for their diesel bus programs that are designed to reduce diesel bus emissions. He explained the different phases of the program, and he noted the first phase will take place between 2018 and 2020.
Mr. Harrison stated the North Carolina Volkswagen settlement program is a reimbursement program. He explained the City will be responsible for purchasing the vehicles and will be reimbursed by NCDEQ if awarded the grant. He added NCDEQ may fully fund a Phase 1 project, but it reserves the right to partially fund projects.

Councilmember Miller asked if an application that includes local matching funds would have a better chance of receiving a grant. Mr. Harrison agreed. Mr. Miller noted there are people in the community who may partner with the City to help fund alternate vehicles. He asked if staff has reached out to potential partners. City Manager Lane Baily noted staff has not reached out to potential partners, but will do so.

Thereupon, Councilmember Miller made a motion to authorize Salisbury Transit to submit a grant application to the North Carolina Volkswagen Settlement Program to replace four 2004 buses with electric Light Transit Vehicles. The grant application may include up to 100% reimbursement or may include local matching support. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Miller, Alexander, and Sheffield voted AYE. (5-0)

**CITY ATTORNEY’S REPORT**

City Attorney Graham Corriher had nothing to report to Council.

**CITY MANAGER’S REPORT**

(a) Roof Work at City Hall

City Manager Lane Bailey stated the alleyway beside City Hall will need to be closed later this month to begin roof work at City Hall. He noted Council approved the roof work on June 18, 2019.

(b) Public Hearing – Project Snowy

City Manager Lane Bailey noted at the last Council meeting a public hearing was scheduled for Project Snowy, but the project was withdrawn from the state so that public hearing will not be held.

(c) Salisbury-Rowan Utilities Debt Financing

City Manager Lane Bailey indicated during the budget and Capital Improvement Plan (CIP) process debt financing for Salisbury-Rowan Utilities (SRU) was discussed. He explained the Finance Department is performing preliminary work that should be presented to Council in January or February 2020. He pointed out the City has not issued new debt in the SRU fund since 2008, and the fund should be able to carry the debt. He noted the information will be brought to Council once bids are received on the projects included in the CIP for the current fiscal year.
(d) **Opportunity Zones**

Mayor Heggins referenced opportunity zones, and she noted she would like for the City to be proactive regarding the opportunity zones that are located within its jurisdiction. She added the City needs to have a voice in the plan. City Manager Lane Bailey noted Downtown Salisbury, Inc. (DSI) is working with the County on the opportunity zones that extend beyond the City limits. Mayor Heggins noted the City will have a voice, but the prospectus belongs to the County.

Mayor Pro Tem Post explained the prospectus that the City of Columbia prepared was provided to City Manager Lane Bailey and the Rowan Economic Development Commission (EDC). He pointed out four of the opportunity zones in the County are also in the City limits. He added the document would allow the City to highlight the opportunity zones in the City without competing with the County.

Mayor Heggins pointed out some opportunity zones are not in the downtown and other voices need to be included in the conversation.

DSI Director Larissa Harper noted she is working with Planning Director Hannah Jacobson to get the descriptions within the City limits to the EDC. She added staff is looking at locations in the City other than downtown. Mayor Heggins stated she wants the discussion to be broad and include merchants and people who may live in an opportunity zone. Ms. Harper explained staff is working to identify the opportunity zones and talking with property owners who may be interested in developing their property in the future.

Councilmember Miller stated opportunity zones are based on census tracts that meet a certain criteria and enables someone to invest and receive a tax benefit to spur growth in the community. He questioned what the input of other voices will change since opportunity zones are census driven. Mayor Heggins stated other voices should be heard so the wealth is not stripped from the community. She added it should be a conversation for the entire City and not just for the investor.

Mr. Miller pointed out preparation is needed so if there is an investor the City is ready to accept the investment. He added it is important to identify where the conditions exist and to make sure it is communicated through printed or electronic material. He commented once a specific project is determined then land use and other things could include public input. Mayor Heggins noted equity is needed to move forward.

Mr. Post indicated opportunity zones are only about an investor because it allows an investor who has gains in other areas to invest the gains in an opportunity zone. He added the prospectus would highlight the opportunity zones. He pointed out there are severe time limits regarding how opportunity zones work, and the question is how to attract investors to Salisbury. He added it is difficult for cities to compete for investments with big cities such as New York and Chicago. He noted the best option is to prepare a prospectus, and he added the City will need to be proactive and look for investors who are willing to re-invest their gains in the City.
ANNOUNCEMENTS

(a) Historic Preservation Incentive Grant Applications

Communications Director Linda McElroy announced applications for the 2019-2020 Historic Preservation Incentive grants are now available. These matching grants are available on a competitive basis for exterior projects on owner-occupied houses in one of Salisbury’s four residential historic districts: North Main Street, Brooklyn South Square, West Square and Ellis Graded School. To receive an application or ask questions about eligibility please call 704-638-5212. Applications are due by September 27, 2019.

(b) Brewbury Fest

Communications Director Linda McElroy announced Brewbury Fest will be held in downtown Salisbury beginning with a craft beer crawl to participating businesses on Friday, September 20 from 5:00 p.m. until 9:00 p.m. Brewbury Fest continues on Saturday, September 21 with a craft beer festival at the Historic Depot from 3:00 p.m. until 8:00 p.m.

COUNCIL COMMENTS

Councilmember Alexander asked City Engineer Wendy Brindle to provide an update regarding sidewalks in the City. Mayor Heggins ask for the information to be presented at a Council meeting so a full update can be provided.

City Manager Lane Bailey explained the specific project the citizen referenced is using Community Development Block Grant (CDBG) funds and is under design. He noted once the design is complete the project will be sent out for bids.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post had no comments.

MAYOR’S COMMENTS

Mayor Heggins had no comments.
ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Miller. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:37 p.m.

____________________________________
Al Heggins, Mayor

____________________________________
Diane Gilmore, City Clerk
Requested Council Meeting Date: October 1, 2019

Name of Group(s) or Individual(s) Making Request: Rowan EDC

Name of Presenter(s): Scott Shelton

Requested Agenda Item: Council to schedule a public hearing to consider an incentive request for ‘Project Team’ for Tuesday, October 1, 2019.

Description of Requested Agenda Item: Project Team proposes a projected investment in the City of Salisbury of approximately $340,478 in real and personal property. Project Team also proposes to retain existing employment levels and create 19 additional jobs. The proposed incentive consists of $10,000 as a local grant match for a Building Reuse Grant that the project will receive from the State of North Carolina.

Attachments: ☑ Yes ☐ No

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

Action Requested of Council for Agenda Item: Set a public hearing for Tuesday, October 1, 2019 to consider an incentive request for Project Team.

Contact Information for Group or Individual: Scott Shelton (704.637.5526 / scott@rowanedc.com)

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________
Finance Manager Signature          Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved ☐ Delayed ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  9/17/2019

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

Name of Presenter(s): Nick Aceves

Requested Agenda Item: Adopt a Budget ORDINANCE Amendment to the FY2019-2020 budget in the amount of $30,000 to appropriate revenues for various repairs for Hurley Park.

Description of Requested Agenda Item:  The City of Salisbury has received a donation from the JF Hurley Foundation to support various repairs at Hurley Park.

Attachments:  ☑ Yes  ☐ No

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

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

Contact Information for Group or Individual:  Nick Aceves 704-638-5299

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

______________________________
Budget Manager Signature

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

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

☐ Approved  ☐ Delayed  ☐ Declined

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

Requested Council Meeting Date: September 17, 2019

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

Name of Presenter(s): Dana Ruth, Engineer

Requested Agenda Item: Request from Spectrum for encroachment into City Rights-of-Way

Description of Requested Agenda Item: Spectrum requests approval of installation of directional bore duct on N. Lee Street to provide service to four units at 132 E. Innes Street. City Council approval of encroachments is required by Section 11-24 (27) of the City Code. NCDOT must approve encroachments along state maintained roads.

Staff review included input from Engineering, Public Services and Salisbury-Rowan Utilities. Staff recommends approval subject to the following conditions:

- All improvements and restoration shall be made at no expense to the City.
- Any markers for underground facilities shall be flush with the ground.
- Lane closures shall be coordinated through Engineering.
- Spectrum shall participate with the State’s one-call locating program, and appropriate locater tape shall be installed to facilitate future field location.
- Engineering “as-built” plans shall be maintained by Spectrum and made available to the City upon request.
- If the City (or State) makes an improvement to the public Right-of-Way, Spectrum facilities shall be adjusted or relocated at no expense to the City (or State).

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 consider approval of a right-of-way encroachment by Spectrum per Section 11-24 (27) of the City Code.

Contact Information for Group or Individual: Dana Ruth – 704-638-2176

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature ____________________________ Department Head Signature ____________________________

Budget Manager Signature ____________________________

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

For Use in Clerk’s Office Only

☐ Approved ☐ Delayed ☐ Declined

Reason:
DIRECTIONAL BORE 180' TO SIDE OF BLDG AT 132 E. INNES ST.

TIE POINT

Imagery ©2019 Google, Map data ©2019 Google 50 ft
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  09/17/2019

Name of Group(s) or Individual(s) Making Request:  Vickie Eddleman, Traffic Engineering Coordinator

Name of Presenter(s):  Vickie Eddleman

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

Description of Requested Agenda Item:  Engineering has received a petition to reduce the posted speed limit along the entire length of Dana Drive to 25 mph. The current speed limit is 35 mph. The petition is signed by 77% of the property owners and the street is primarily residential.

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 13-336 Speed Limits - Generally.

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

Budget Manager Signature ___________________________________________

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
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 13-336, 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:

<table>
<thead>
<tr>
<th>Street</th>
<th>Extent</th>
<th>Speed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dana Dr.</td>
<td>Entire</td>
<td>25</td>
</tr>
</tbody>
</table>

SECTION 2. That all ordinances, or the parts of ordinances in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION 3. That this Ordinance shall be effective upon adoption by the City of Salisbury from and after its passage.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  09/17/2019

Name of Group(s) or Individual(s) Making Request:  Vickie Eddleman, Traffic Engineering Coordinator

Name of Presenter(s):  Vickie Eddleman

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:  As part of the preparation of the Bell Tower Green project, the parking in the area is changing. These changes were made ahead of the project to minimize the impact of losing the existing parking lot. The newly installed angled spaces on the west side of the 100 block of South Church Street will remain two-hour parking. To gain additional spaces and provide easier access, the unmarked parallel spaces on the east side of the 100 block of South Jackson Street have been changed to angled parking as well. The east side of this block is already free, all day parking. There is a portion on the west side of this block that currently allows for two-hour parallel parking in unmarked spaces. Because of the new design, there is not enough room on Jackson Street for parking on both sides. Therefore, staff is recommending designating the west side of the 100 block of South Jackson Street as no parking anytime.

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 13-357 Parking Limited to Two Hours between 8:00 A.M. and 6:00 P.M.

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

Budget Manager Signature

Department Head Signature
Salisbury City Council
Agenda Item Request Form

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

For Use in Clerk's Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
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>Jackson St.</td>
<td>West</td>
<td>From W. Fisher St. to W. Innes St.</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 13-357, 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. 13-357. Parking limited to two hours between 8:00 a.m. and 6:00 p.m.

<table>
<thead>
<tr>
<th>Street</th>
<th>Side</th>
<th>Extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jackson St.</td>
<td>West</td>
<td>From a point 128 feet north of Fisher St. to a point 187 feet north of Fisher 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.
Unmarked Parallel Parking requested to be changed to no parking anytime.

Unmarked parallel parking changed to angle parking. Allowed all day.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  09/17/2019

Name of Group(s) or Individual(s) Making Request:  Vickie Eddleman, Traffic Engineering Coordinator

Name of Presenter(s):  Vickie Eddleman

Requested Agenda Item:  The consideration to amend Chapter 13, Article VIII of the City Code of Ordinances as it relates to regulating unmuffled engine compression brakes.

Description of Requested Agenda Item:  The Engineering Department has received multiple complaints at various locations within the city limits about the use of unmuffled engine compression brakes (aka Jake Brakes). Upon looking into this matter, staff has learned there are two types of these braking systems. There is a legally allowed muffled engine compression brakes which is necessary for safe driving of these larger vehicles. Then there are the illegal version of the same device, where the exhaust is not muffled. There is already a General Statute regarding these unmuffled exhaust systems. The ordinance before you will allow Salisbury Police Department to enforce this law within our limits to the extent of the fine listed. The signs will be posted at our limits to alert these commercial drivers to the new ordinance.

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 13-260 Regulating unmuffled engine compression brakes

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

Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
AN ORDINANCE AMENDING CHAPTER 13, ARTICLE VIII: MISCELLANEOUS DRIVING RULES, OF THE CODE OF THE CITY OF SALISBURY, RELATING TO REGULATING UNMUFFLED ENGINE COMPRESSION BRAKES

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

SECTION 1. That Section 13-260, Article VIII, 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. 13-260. Reserved. Regulating unmuffled engine compression brakes

A. Definition. Unmuffled engine compression brake: A motor vehicle brake which is activated or worked by the compression of the engine of a motor vehicle, and which is not effectively muffled to prevent excessive noise.

B. Prohibition.
   (1) No person shall use an engine braking system within the corporate limits of the City of Salisbury which is in any way activated or operated by the compression of the engine of any such vehicle or any such unit or part thereof, except in cases of emergency or necessary for the protection of persons and/or property. Such braking is commonly referred to as compression braking or a “Jake brake.”
   (2) The City of Salisbury will identify this as a city wide ordinance and it shall be conspicuously posted at the limits stating “no engine brake” or its equivalent.

C. Violation - Penalty. Violation of this chapter shall constitute a traffic infraction, and shall be punishable by a penalty of $200 per violation.

D. Emergency Vehicle Exemption. All emergency vehicles are exempt from this order.

SECTION 2. That all ordinances, or the parts of ordinances in conflict with this ordinance, are hereby repealed to the extent of such conflict.

SECTION 3. That this Ordinance shall be effective upon adoption by the City of Salisbury from and after is passage.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  September 17, 2019

Name of Group(s) or Individual(s) Making Request:  Downtown Development Dept. & Community Development Dept.

Name of Presenter(s):  Larissa Harper, Downtown Director

Requested Agenda Item:  Presentation and public hearing regarding parking for Empire Hotel Project

Description of Requested Agenda Item:  
   a. Receive a report on proposed parking agreement
   b. Hold a public hearing

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)

City to provide 32 dedicated parking spaces for the Empire Hotel redevelopment project. Once an updated estimate of cost is received, Council will need to adopt a budget ordinance as this expenditure is not budgeted.

Action Requested of Council for Agenda Item:

1. Council to consider approval of a parking incentive agreement
2. Council to hold a public hearing

Contact Information for Group or Individual:  Larissa Harper 704-637-5239
larissa.harper@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  ___________________________
Finance Manager Signature  Department Head Signature

______________________________  ___________________________
Budget Manager Signature

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

- [ ] Approved
- [ ] Delayed
- [ ] Declined

Reason:
STATE OF NORTH CAROLINA  )

ROWAN COUNTY  )

This PARKING SUPPORT AGREEMENT (this “Agreement”) is made and entered into this _____ day of September, 2019, and is between EMPIRE HOTEL HOLDINGS, LLC, a North Carolina limited liability company (“Developer”) and THE CITY OF SALISBURY, a North Carolina municipal corporation (the “City”).

The parties have entered into a series of agreements related to the Developer’s development (the “Project”) of the Empire Hotel property in downtown Salisbury. The most recent of these agreements is a Modification Agreement approved by the City Council on August 20, 2019, and recorded at Book ____, Page _____, Rowan County registry. The Modification Agreement included promises and obligations from each party regarding Developer’s continued efforts on the Project and the City’s support of the Project.

Under that Modification Agreement, the parties agreed to work toward the completion of an agreement (which is this Agreement) providing for the City to make parking available in support of the Developer’s development project.

Therefore, the parties agree as follows:
1. The City shall make available to Developer 32 dedicated, standard-sized parking spaces in support of the Project. The City will not charge the Developer for the use of these parking spaces except as provided in this Agreement. The City is providing this parking availability to Developer as an additional incentive to support the Project as described in the Modification Agreement. The parties agree that Developer’s interest in the parking spaces is a license, and not a lease or other interest in any particular real property.

2. A. Developer will notify the City at least 90 days in advance of the date it expects to be the “Start Date,” as defined in the Lease dated as of September 28, 2018, between the City and Downtown Salisbury, Inc. (the “Lease”).

   B. Within 30 days after that notice, the City will designate to Developer the 32 spaces first to be made available under this Agreement. Developer’s right to use parking spaces under this Agreement will then extend for 40 years from the date the City notifies Developer of this designation. Exhibit A shows one possible location for designated spaces as of today, but the City makes no representation that Exhibit A shows the spaces that the City actually will designate upon notice from Developer.

3. Notwithstanding the City’s initial designation under Section 2B, the City in its sole discretion may change the designated parking spaces by notice to Developer under this Agreement. The City must give Developer 90 days’ notice of any planned change in the designated spaces. The City may change the designation as often as it believes the change to be in the City’s best interests during the term of this Agreement.

4. All designated spaces from time to time (under both Section 2 and Section 3, referred to in this Agreement as the “Spaces”) must be not more than 900 feet from the front door of the Empire Hotel property. Developer agrees that ALL SPACES DESIGNATED BY THE CITY WILL BE ACCEPTED BY DEVELOPER ON AN AS-IS, WHERE-IS BASIS, WITH NO EXPRESS OR IMPLIED WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE OR ANY OTHER WARRANTY.
The City makes no representation, express or implied, that the Spaces, or any component part thereof, (a) will not result in or cause injury or damage to persons or property, (b) has been or will be properly designed, or will accomplish the results which Developer intends therefor, or (c) is safe in any manner or respect.

The City makes no express or implied warranty regarding the design or condition of any Spaces; the safety, workmanship, quality or capacity thereof; compliance thereof with the requirements of any law, rule, specification or contract pertaining thereto; any latent defect; the ability of the Spaces to perform any function; or any other characteristic of the Spaces; it being agreed that Developer is to bear all risks relating to the Spaces, and Developer waives the benefits of any and all implied warranties and representations of the City. The City makes no express or implied warranty or representation that amounts identified by or available to the Developer will be sufficient to complete the Project.

The provisions of this Article will survive the Contract's termination.

5. The City and Developer will cooperate in identifying to the public the spaces reserved under this Agreement. The Developer must pay all costs of identifying the spaces to the public.

6. From and after the date any spaces are made available to Developer, as between the City and Developer, Developer assumes all responsibility and liability for the maintenance and security and all operating expenses of the spaces. This responsibility and liability attaches to all spaces designated by the City from time to time.

7. Developer shall obtain, continue and document insurance as provided in this Section. The City, however, will not be responsible for the sufficiency or adequacy of any required insurance.

(A) Property Damage Insurance – Developer shall, at its own expense, acquire, carry and maintain broad-form extended coverage property damage insurance with respect to the Spaces in an amount equal to the estimated replacement cost. This insurance must include additional insured and loss payee coverage in favor of the City.
(B) General Liability Insurance – Developer agrees that it will, at its own expense, acquire, carry and maintain comprehensive general liability insurance with respect to occurrences at or related to the Spaces in an amount not less than $2,000,000 for personal injury or death and $2,000,000 for property damage, and that it will include the City as an additional insured with respect to occurrences at or related to the Spaces.

(C) Additional Provisions --

(i) The Developer must maintain the insurance required by this Section with generally recognized responsible insurers eligible to provide insurance in North Carolina that are satisfactory to the City’s Risk Manager. The insurance may carry reasonable deductible or risk-retention amounts.

(ii) Developer may settle or adjust insurance claims in its discretion, except that no Developer agent or employee will have the power to adjust or settle any property damage loss greater than $25,000 with respect to the Spaces, whether or not covered by insurance, without the City’s prior written consent. The City and the Developer will cooperate fully with each other in filing any claim or proof of loss with respect to any insurance policy described in this Contract.

(iii) Developer shall provide to the City evidence of the insurance required under this Section at any time and from time to time as the City may reasonably request.

8. Developer hereby indemnifies, protects and saves the City and its officers and employees in all cases harmless from all liability and losses, including expenses and legal costs, arising out of, connected with, or resulting directly or indirectly from actions by Developer and its representatives and relating to the Spaces or the transactions contemplated by this Agreement, including without limitation the possession, condition, installation, construction or use of the Spaces. Developer’s obligation to provide indemnification under this Section continues even after any termination of this Agreement.

9. If Developer ever chooses to charge for any use of the Spaces, then Developer must pay 100% of the net parking revenues to the City. The parties agree
to work together in good faith and with due diligence to determine the calculation of net revenues and procedures for payments to the City.

10. Developer will have no further rights under this Agreement, even if Developer has previously given a notice as provided in Section 2A, under the following conditions:

(A) if the Start Date has not occurred before December 31, 2021; or

(B) if at any time after the Start Date the Secretary of Housing and Urban Development, or the Secretary's successors or assigns, are no longer the insurers or holders of a mortgage (or beneficiary of a deed of trust) on the Empire Hotel property related to the Project.

Upon the occurrence of an event described in 10B, the parties agree to work in good faith and with due diligence for the City to provide Developer with continued or substitute parking rights at a fair market value rate for the remaining term defined in Section 2B.

11. A. Any communication provided for in this Agreement must be in writing (not including facsimile transmission or electronic mail).

B. Any communication under this Agreement will be deemed given on the delivery date shown on a certified mail receipt, or a delivery receipt (or similar evidence) from a national commercial package delivery service, if addressed as follows:

(ii) If intended for Developer, to Empire Hotel Holdings, LLC, Attention: Britt Weaver, 2242 Crescent Avenue, Charlotte, NC 28207-1510

(iii) If intended for the City, to City of Salisbury, Attention: City Manager, 132 North Main Street, Salisbury, NC 28144

C. Any addressee may designate additional or different addresses for communications by notice given under this Section to the other.
12. Miscellaneous provisions

A. This Agreement along with the Modification Agreement and the 2018 Documents (as defined in the Modification Agreement) constitutes the entire agreement between the parties with respect to the general subject matter.

B. This Agreement takes effect immediately upon its execution and delivery by the parties. Any party may present the fully executed agreement for recording.

C. This Agreement is assignable by Developer only as and to the same extent as provided in the Lease.

D. The parties acknowledge that the Developer relied to a material extent on the City’s representations in the Modification Agreement in making the Developer’s decision to enter into this Agreement.

E. No officer, agent or employee of the City will be subject to any personal liability or accountability because of the execution of this Agreement or any other documents related to the transactions contemplated by this Agreement. Those officers, agents or employees will be deemed to execute documents in their official capacities only, and not in their individual capacities. This Section will not operate to relieve any officer, agent or employee from the performance of any official duty provided by law.

F. The parties intend that North Carolina law will govern this Agreement and all matters of its interpretation. To the extent permitted by law, the parties agree that any action brought with respect to this Agreement must be brought in the North Carolina General Court of Justice in Rowan County, North Carolina. There are no parties intended as third-party beneficiaries of this Agreement. Time is of the essence of this Agreement and each and all of its provisions. This Agreement may be executed in counterparts, including separate counterparts, but all together constitute a single agreement.

[The remainder of this page has been left blank intentionally.]
IN WITNESS WHEREOF, Developer has caused this Modification to be executed as of the day and year first above written.

EMPIRE HOTEL HOLDINGS, LLC,
a North Carolina limited liability company

By: ______________________________
    Britt Weaver, Manager

STATE OF NORTH CAROLINA
COUNTY OF ____________

I, ____________________________, a Notary Public of said State and County, do hereby certify that Britt Weaver came before me this day and acknowledged that he is a manager of Empire Hotel Holdings, LLC, a North Carolina limited liability company, and that the foregoing instrument was voluntarily executed in the company's name for the purposes set forth therein.

WITNESS my hand and official stamp or seal, this ____ day of ____________, 2019.

[SEAL] ______________________________
    Notary Public

My commission expires: ____________

[PARKING SUPPORT AGREEMENT dated as of September ____, 2019, by and between Empire Hotel Holdings, LLC, and the City of Salisbury]
IN WITNESS WHEREOF, the City has caused this Modification to be executed as of the day and year first above written.

[SEAL]
ATTEST:

__________________________
Diane Gilmore
City Clerk

__________________________
Lane Bailey
City Manager

CITY OF SALISBURY,
NORTH CAROLINA

STATE OF NORTH CAROLINA; ROWAN COUNTY

I, ____________________________, a Notary Public of said State and County, do hereby certify that Lane Bailey and Diane Gilmore personally came before me this day and acknowledged that they are the City Manager and the City Clerk, respectively, of the City of Salisbury, North Carolina, and that by authority duly given and as the act of such City, the foregoing instrument was signed in the City's name by such City Manager, sealed with its corporate seal and attested by such Clerk.

WITNESS my hand and official stamp or seal, this ___ day of _________, 2019.

[SEAL]

__________________________
Notary Public

My commission expires: ___________

[PARKING SUPPORT AGREEMENT dated as of September ___, 2019, by and between Empire Hotel Holdings, LLC, and the City of Salisbury]
Exhibit A – Illustrative Designation of Parking Spaces

[To come]
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  SEPTEMBER 17, 2019

Name of Group(s) or Individual(s) Making Request:  HANNAH JACOBSON, PLANNING DIRECTOR

Name of Presenter(s):  TERESA BARRINGER, ZONING ADMINISTRATOR

Requested Agenda Item:  LDOTA-05-2019 CITY OF SALISBURY

Description of Requested Agenda Item:  AN ORDINANCE AMENDING CHAPTERS 5 AND 6 OF THE LAND DEVELOPMENT ORDINANCE - RELATIVE TO ACCESSORY GARDEN FEATURES AND STRUCTURES.

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 HOLD A PUBLIC HEARING AND CONSIDER ADOPTING AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE.

Contact Information for Group or Individual:  #5210 or tbarr@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

________________________________________  __________________________
Finance Manager Signature  Department Head Signature

________________________________________
Budget Manager Signature

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

For Use in Mayor’s Office Only

☐ Approved  ☐ Declined

Reason:
NOTICE OF PUBLIC HEARING

SUBJECT: Land Development Ordinance Text Amendment and District Map Amendment

TIME/DATE: 6:00 PM, Tuesday, September 17, 2019

PLACE: City Council Chambers – City Hall
217 South Main Street
Salisbury, North Carolina

At the time, date, and place indicated above, the Salisbury City Council will conduct a public hearing to consider the following Land Development Ordinance text amendment:

ZONING TEXT AMENDMENT: LDOTA-05-2019
Petitioner(s): City of Salisbury
Size / Scope: Multiple Chapters (5 & 6)

REQUEST - LDO TEXT AMENDMENT:
Request to amend the Salisbury Land Development Ordinance, Chapters 5-Building Types and Standards & 6-Lot, Infill, Additions, & Accessory Structures relative to open-walled accessory garden structures/features.

DISTRICT MAP AMENDMENT: CD-03-2018
Project Title: RoMed Medical Center Ph. 3
Petitioner(s): Mitchell Avenue Properties, Inc.
Owner(s): Mitchell Avenue Properties, Inc.
Representative(s) or Developer(s): Rob Watts; Gray Stout, Stout Studio Architecture
Address: 1027 Lincolnton Road
Tax Map - Parcel(s): Tax Map: 013, Parcel(s): 22301
Size / Scope: One (1) parcel approximately 1.038 acres
Location: Vacant parcel on the south side of Lincolnton Road, at the west end of Wiley Avenue, approximately 406 feet east of the intersection of Lincolnton Road and Mitchell Avenue.

REQUEST - LDO DISTRICT MAP AMENDMENT:
Request to amend the Land Development District Map by rezoning approximately 1.038 acres on Lincolnton Road at the west end of Wiley Avenue from General Residential (GR6) to Residential Mixed Use (RMX) and establishing a new Conditional District (CD) overlay for a master plan proposal for a two-story, approximately 16,148 square foot medical office center.

PLANNING BOARD RECOMMENDATION:
Both requests were considered by the City of Salisbury Planning Board on August 27, 2019 at 4:00 p.m. at City Hall located at 217 S. Main Street, Salisbury. The Salisbury Planning Board unanimously recommended approval of LDOTA-05-2019 as amended and CD-03-2018 as proposed.

A copy of the proposed amendment is available for public review at Development & Code Services (132 N. Main Street). Persons wishing a copy, or additional information, should call (704) 638-5210. If persons would like to respond in writing, they may do so by mailing a letter to 132 N. Main St., Salisbury, NC 28144; or by e-mail to tbarr@salisburync.gov.

Citizens interested in the proposal are invited to attend and participate in the public hearing. Changes may be made in the above proposal as a result of debate, objection, or discussion.
This the 30th day of May 2019

CITY COUNCIL OF THE CITY OF
SALISBURY, NORTH CAROLINA

BY: Diane Gilmore
City Clerk

*******************

The above NOTICE was published first in the SALISBURY POST in its issue of ___________, ___________, 2019.
The Salisbury Planning Board held its regular meeting Tuesday, August 27, 2019, in the Council Chamber at Salisbury City Hall, 217 S. Main Street, at 4:00 p.m. with the following being present and absent:

PRESENT: John Schaffer, Jon Post, Tim Norris, Jayne Land, Dennis Lunsford, John Struzick, Patricia “P.J.” Ricks, Dennis Rogers, and Bill Wagoner

STAFF: Graham Corriher, Teresa Barringer, Catherine Garner, and Jessica Harper

WELCOME GUESTS AND VISITORS
Bill Wagoner, Chair, called the Planning Board meeting to order

APPROVAL OF MINUTES

- Planning Board Minutes of July 09, 2019 approved by Bill Wagoner as submitted. All approved.

NEW BUSINESS

STAFF PRESENTATION
LDOTA-05-2019

Ms. Barringer (staff) presented the board with the proposed amendments to Chapter 5 & 6 of the Land Development Ordinance (LDO). Staff reminisced with the board about the original proposal of this text amendment that was recommended by the Planning Board and sent to City Council for approval. The proposed text amendments have returned to Planning Board with recommendations from City Council. Staff added that the proposed 20% threshold for the size comparison for the accessory garden structure to a primary structure. She added that in that same proposal it would allow some accessory garden structures to be located within the front yard and not meet the current 200 ft. front setback requirements. She continued saying City Council did not approve the text amendment and recommended a new proposal. This new proposal from Chapter 6.5.C will decrease the permitted size of the accessory garden structures based on the gross floor area of the primary structures. The original sizes proposed will decrease from 20% to 5% for residential and commercial garden structures as shown in the tables below. These garden structures will now be permitted in the exterior (street) side yard. This is a change from the current code where garden structures are only permitted in the rear yard of the primary structure. Staff stated that accessory structures cannot encroach into any city or NCDOT site triangle. She added that depending on the type of primary structure, the required minimum setbacks from the right-of-way will be 10ft. for residential and 20ft. for commercial. Staff made clear that these provision are for garden structures that have a roof, no floor, and open walls.
C. General Building Requirements

1. **Accessory Structures** (including but not limited to enclosed or non-enclosed storage structures, detached garages, and may include garden structures or garden features):
   a. **Location**: Accessory structures shall be located only in side (interior side for corner lots) or rear yards; provided however, that open-walled garden structures (such as a gazebo, pergola, arbor, or trellis, but not including walled structures such as a greenhouse) may be located in the front or side yard when the distance from the principal structure to the right-of-way line is greater than 200 feet.
   b. **Maximum Lot Coverage**: Accessory structures shall not cover more than 40 percent of the required side and rear yards.
   c. **Building Materials**: Accessory structures shall be clad with any of the applicable building wall and roof materials that are required for the building type of the principal structure. *(Per COS Ord. No. 2018-08, this provision is only applicable for the Public Landmark building type)*

2. **Accessory Garden Structures** (such as gazebo, pergola, or other open-walled garden structures, but not including greenhouses or storage structures):
   a. **Residential**

<table>
<thead>
<tr>
<th>SIZE</th>
<th>LOCATION</th>
<th>SETBACK REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% or less than GSF</td>
<td>Exterior (street) side yard</td>
<td>Subject to minimum 10 ft. from ROW*</td>
</tr>
</tbody>
</table>

   * Cannot extend into any City or NCDOT right triangle

   b. **Commercial/Institutional**

<table>
<thead>
<tr>
<th>SIZE</th>
<th>LOCATION</th>
<th>SETBACK REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>50% or less than GSF</td>
<td>Exterior (street) side yard</td>
<td>Subject to minimum 20 ft. from public ROW*</td>
</tr>
</tbody>
</table>

   * Cannot extend into any City or NCDOT right triangle
Staff presented the board with a similar amendment to garden features. She stated that garden features will have similar size restrictions and setbacks as the garden structures. Staff added that garden features are classified as open roof, open wall, with no flooring. Examples of this include trellis or arbor, but not including wall or floored structures such as a gazebo, greenhouse, or storage structure. The proposed text amendment will allow the garden feature to be located in the front or exterior (street) side yard. She added that depending on the type of primary structure, the required minimum setbacks from the right-of-way will be 5ft. for residential and 10ft. for commercial buildings.

3. **Accessory Garden Features** (open roof, open wall, with no flooring such as a trellis, or an arbor; but not including walled or floored structures such as a gazebo, greenhouse, or storage structure):

   a. **Residential**

<table>
<thead>
<tr>
<th>SIZE</th>
<th>LOCATION</th>
<th>SETBACK REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>5% or less than GSF of primary structure</td>
<td>Front Yard; Exterior (street) side yard</td>
<td>Minimum 5 ft from public ROW*</td>
</tr>
</tbody>
</table>

   * Cannot encroach into any City or NCDOT right triangle

   b. **Mixed Use/Commercial/Institutional**

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<th>LOCATION</th>
<th>SETBACK REQUIREMENTS</th>
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</thead>
<tbody>
<tr>
<td>5% or less than GSF of primary structure</td>
<td>Front yard; Exterior (street) side yard</td>
<td>Minimum 10 ft from public ROW*</td>
</tr>
</tbody>
</table>

   * Cannot encroach into any City or NCDOT right triangle

Staff noted that in order to make these changes easy to locate and understand, they have been added to the use matrix located in the Land Development Ordinance (LDO). Staff also added a fourth item (f) to the footnotes located below the matrix. This footnote says that all of these proposals are subject to the Land Development Ordinance (LDO) section 6.5.C. This added footnote making it easier to understand setback requirements was a recommendation from council.
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*Building Types and Standards for Public Landmarks are Proposed by the Director and adopted by the City Council.*
CONSISTANCY STATEMENT

The purpose amendments to the Land Development Ordinance as underlined or stricken herein are reasonable, in the public interest, and consistent with the Vision 2020 Comprehensive Plan relative to continually refining the policies and provisions of the development process and finding creative solutions for unique properties while protecting neighborhood interests.

DISCUSSION

Mr. Wagoner added his background knowledge of these text amendments and feels that this updated proposal has addressed City Council's concerns. He continued saying that the two main issues City Council recommended revision were on the pergola size and its location in the front yard. Mr. Wagoner stated that these changes will allow for creativity in landscape architecture that didn’t exist before. He gave the example of the old historic home located at the 200 block of Bank Street that has had a garden feature for decades.

Mr. Schaffer asked what the difference was between an arbor and a pergola. He asked if an arbor was a smaller pergola or if it was the arch feature that makes the difference. Staff answered saying not all features considered an arbor have an arch. She added some do have a pergola style rooftop and feels that difference may be the scale, size, and intent. She stated that typically if the 5 ft wide feature is over a sidewalk it is typically referred to an arbor. Mr. Wagoner added to this discussion saying a pergola’s primary use and intent is to provide shade from the sun. He added saying a pergola’s intent is not supporting plantings even though you could plant jasmine for example. Mr. Wagoner stated that an arbor’s intent isn’t for sun protection but is meant to be a support for plantings or modest visual screening.

Mr. Schaffer asked staff if garden features and/or garden structure requests have been received that would not be permitted because of the current ordinance. Staff answered yes, adding plans containing these structures and features had to be removed before approval was granted. She mentioned that the most recent applicant, Wallace Cancer Center and Bell Tower Park have been denied these features as proposed due to the ordinance. She added that both applicants may have to shift their designs, but it could be possible to propose it in a street side yard once approved.

MOTION

Mr. Schaffer moves to approve LDOTA-05-2019 be approved by the Planning Board as stated as consistent with the Vision 2020 principals. Seconded by Ms. Ricks. All in favor.

STAFF PRESENTATION

CD-03-2018

Catherine Garner (staff) presented case CD-03-2018 for RoMed Medical Center Phase 3. She noted to the board that this case is a carryover from last year after recommended technical review committee revisions. She continues saying that this case is for the third phase of the RoMed Medical Center located at the intersection of Lincolnton Road and Mitchell Avenue. She added that the property is owned by Mitchell Avenue properties and agent representatives
include Rob Watts, Hugh Watts, and Chip Comadoll. She noted to the board and guests that a Conditional District (CD) is the rezoning tied with a specific plan. She added that this type of case is a specific use of a plan and does not give a blanket approval to do anything that is permitted in the Residential Mixed Use (RMX) zoning. The request is to rezone from the General Residential (GR) zoning to the Residential Mixed Use (RMX) and establish the CD overlay on the parcel to build a two-story medical office center being approximately 16,148 sq. ft. Medical offices would be the only use permitted on this parcel if approved. She added that the applicants have not requested any specific conditions at this time. Staff stated that all plans will be compared to the ordinance requirements to verify they will be met. The original RoMed was not completed under a CD review, but was reviewed under a general group development which was a similar process back then. Ms. Garner gave the board and guests an overview of the lot indicating access off of Lincolnton Road and any existing building and topography conditions. Staff reviewed the site plan with the board which included the location of all the proposed buildings, parking, and landscaping. All landscaping including landscaping buffers will be reviewed prior to construction to verify all requirements are satisfied. She presented additional information to the board regarding water and sewer connections along with stormwater plans.

CONSISTANCY STATEMENT
CD-03-2018 is not inconsistent with the Vision 2020 plan as far as commercial development and meets Policy C-3, new development in or adjoing an older commercial area should be compatible with existing desirable development within its vicinity including size, scale, massing, fenstration, rhythm, setback, materials, context, and landscaping. Policy C-12 speaks to repurposing existing parking lots and bring the building closer to the front street face instead of having parking located in front of the building. Policy C-17 for large scale commercial uses shall be located on corners of neighborhood planning areas. The proposed development is located at the corner of the area known as Fulton Heights and right in contact with existing commercial.

DISCUSSION
Staff verified with Mr. Schaffer of the exact location of the proposed medical site which will be located across the street from the Legion Post. Ms. Ricks verifies with staff that RoMed intends on using the existing medical facilities concurrently with the proposed facility.

Mr. Schaffer asked staff to verify how a doctors office isn’t considered commercial. Staff answered saying that the Vision 2020 plan generally groups uses. She added that the plan talks about commercial uses and residential uses, but it doesn’t say “doctors offices are appropriate in this context”, or “grocery stores are appropriate in this context.” Staff considers this proposed development as being a commercial use.

Mr. Wagoner asked staff if she considers Policy C-3, C-12, and C-17 to be positively met. Staff answered yes. He also asked staff if the outline parcel was in fact a deeded parcel and staff answered yes. Mr. Wagoner asked staff if their were any plans to combine lots after completion of phase three. Staff confirmed all existing buildings are located on separate parcels and will probably remain a separate parcel for phase three. Mr. Wagoner asked Ms. Garner if the internal landscaping requirements are being met. Staff answered saying that heavier landscaping and denser screening will be required along the property line that bumps up to the General Residential (GR) zoning. She added that there are specific landscaping requirements needed depending on what zone is adjacent to the other.
APPLICANT PRESENTATION

Dr. Boyd Watts of 530 Hickory Drive and Robert Watts of 4470 Hannah Road spoke in favor of their project. He added that the need for the project was to expand the practice due to increase in patients. Mr. Watts stated that the business is divided between the existing RoMed and Manning Park which results in lack of communication. He would like this project to be completed so that the practice will be located on one campus.

Mr. Watts added that he and his team have been in constant communication with the Fulton Heights neighborhood. He added that the community has been engaged in this process from the beginning. He feels that due to this communication with the Fulton height Committee that everyone has and will get everything they want out of the project. Both applicants confirmed the general use to be medical offices.

COURTESY HEARING

IN FAVOR

Andrew Pitner of 618 Wiley Avenue spoke in favor of the rezoning. He stated that he was part of the neighborhood association committee that met with Rob Watts and Dr. Watts through various times throughout the process. He stated that he was very appreciative of them for modifying the plans to appease the neighborhood such as placement of the building and dumpsters. He added that one of the main intents of the neighborhood committee was for Wiley Avenue to remain closed. Mr. Pitner appreciates the extra landscaping and fence the developer will install to provide a buffer between the proposed medical offices and the neighborhood. He emphasized his approval, but the suggested to the developers that they add sidewalks all the way through the campus. Mr. Pitner was advised by Mr. Wagoner to bring that suggestion up to City Council at their next meeting.

Dottie Hoy of 510 Maupin Avenue spoke in favor of the project and is a member of the Fulton Heights neighborhood association. She showed appreciation to them for working with the neighborhood in making sure the neighborhood was involved in the development and planning process. She did need further clarification as to whether or not there will be any added access to the campus from Lincolnton Road. Staff answered her concerns by saying that the existing access point off of Lincolnton Road will remain and no other driveways will be added.

Warren Brewton of 1202 Boyden Rd. spoke in favor of the rezoning. He was also a member of the Fulton Height committee. He was very pleased to be included in the development process with the developer. Mr. Brewton looks forward to this wonderful change.

AGAINST

Kristen Klaus of 726 Wiley Avenue spoke against the rezoning and construction of the two-story medical office. Ms. Klaus does not Wiley Avenue closed due to the placement of her property lines. She added that customer from RoMed might throw items onto her property and her dogs eat them. Ms. Klause added that the new two-story building will be visually intrusive and no amount of landscaping will help.

Dottie Hoy of 510 Maupin Avenue also spoke in opposition of the project due to the closing of Wiley Avenue. She wanted to share and speak of the concerns many people who use the lot as a shortcut to get to retail stores.
DISCUSSION

Ms. Land asked Ms. Klause to verify where her property was located and asked her the total acreage of her lot. Ms. Klause answered saying her property was almost an acre. Ms. Ricks asked Dotti if she feels the proposed sidewalk might help with foot traffic and Ms. Hoy was unsure if it would help foot traffic or not.

Teresa Miller of 710 Mitchell Avenue did not speak in favor nor did she speak in opposition to the rezoning. Ms. Miller sympathizez with Ms. Klau and stated that she wasn’t very happy during phase two of the RoMed expansion either. Ms. Miller now sees the construction as a blessing. She added that the additional fencing and landscaping was a beautiful addition to the neighborhood.

Ms. Land asked staff if the fence will be installed on the property line. Staff answered by saying yes, a high stocade fence will be installed along the property line abutting against the general residential (GR) zoning. Ms. Land asked staff for clarification on whether or not the ground was lower than where the fence will be located. Staff was unable to provide clarification on the topography of the land. Mr. Wagoner, who is familiar with the site, confirmed that the floor on the ground level will more than likely be lower than the elevation of Wiley Avenue. He added that the second floor level of the new building will probably be higher than pavement level at Wiley Avenue. The developer confirmed Mr. Wagoners assumptions of the topography. Ms. Land added that Ms. Kaus’s vision concerns will be lower and she will more than likely see landscaping along with the second level of the proposed building.

Mr. Schaffer asked staff why her recommendation still considered not inconsistast versus consistant. Mr. Schaffer also asked staff if she still feels it is inconsistast. Staff answered yes, she agrees it is not-inconsistant.

Mr. Wagoner gave a recap on Conditional Districts (CD) to further clarify with board members and guests about this type of rezoning process. He added that the case tonight is a request to change the underlining zone from General Residential (GR) to Residential Mixed Use (RMX). He noted that if this request was to stop there then every use permitted in RMX would apply by right regardless of the drawings. He added that because of the Conditional District (CD) overlay this type of use would be the only permitted use on this parcel and all details therein would be cottified through the CD overlay if approved by City Council.

Motion:
Mr. Schaffer moved to approve CD-03-2018 be approved as written and is consistent with our Vision 2020 Plan. Seconded by Mr. Struzick. All in favor. CD-03-2018 is scheduled to go before City Council, September 17, 2019. Additional notices to be mailed.

ADJOURN 5:05 p.m.

There being no further business to come before the Planning Board the meeting was adjourned.

Bill Wagoner, Chair

Jessica Harper, Secretary
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(a) For corner lots, the building shall use the front setback for both streets
(b) Upper story balconies may encroach into sidewalk ROW with city approval
(c) Two (2) stories or 20 feet
(d) Subject to LDO Section 6.5.C

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**SALISBURY, NC LAND DEVELOPMENT ORDINANCE**

**ADOPTED DECEMBER 18, 2007; EFFECTIVE JANUARY 1, 2008**


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*20% of the lot width
**Feet between buildings
+ Hospital to 150' with SUP
^ Measured from centerline of alley
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See footnotes above

**Salisbury, NC Land Development Ordinance**
Adopted December 18, 2007; Effective January 1, 2008
Amended 2/5/08, Ord.2008-03; 5/6/08, Ord.2008-17; 3/17/09, Ord.2009-18; 10/20/09,
Ord.2018-08; 10/2/18, Ord.2018-48
### Chapter 5: Building Types and Standards

(All Numbers in Feet)

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See footnotes above
Dimensional standards for Public Landmark are proposed by the developer and established by City Council

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Salisbury, NC Land Development Ordinance
Adopted December 18, 2007; Effective January 1, 2008
C. General Building Requirements

1. **Accessory Structures** (including but not limited to enclosed or non-enclosed storage structures, detached garages, and may include garden structures or garden features):

   a. **Location**: Accessory structures shall be located only in side (interior side for corner lots) or rear yards; provided however, that open-walled garden structures (such as a gazebo, pergola, arbor, or trellis, but not including walled structures such as a greenhouse) may be located in the front or side yard when the distance from the principal structure to the right-of-way line is greater than 200 feet.

   b. **Maximum Lot Coverage**: Accessory structures shall not cover more than 40 percent of the required side and rear yards.

   c. **Building Materials**: Accessory structures shall be clad with any of the applicable building wall and roof materials that are required for the building type of the principal structure. *(Per COS Ord. No. 2018-08, this provision is only applicable for the Public Landmark building type)*

2. **Accessory Garden Structures** (such as gazebo, pergola, or other open-walled garden structures, but not including greenhouses or storage structures):

   a. **Residential**

   ![Setback Requirements Table]

   *Cannot encroach into any City or NCDOT right triangle*

   b. **Commercial/Institutional**

   ![Setback Requirements Table]

   *Cannot encroach into any City or NCDOT right triangle*
3. **Accessory Garden Features** (open roof, open wall, with no flooring such as a trellis, or an arbor, but not including walled or floored structures such as a gazebo, greenhouse, or storage structure):

a. **Residential**

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<td>5% or less than GSF of primary structure</td>
<td>Front Yard; Exterior (street) side yard</td>
<td>Minimum 5 ft. from public ROW *</td>
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*Cannot encroach into any City or NCDOT sight triangle*

b. **Mixed Use\Commercial\Institutional**

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<td>5% or less than GSF of primary structure</td>
<td>Front yard; Exterior (street) side yard</td>
<td>Minimum 10 ft. from public ROW *</td>
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*Cannot encroach into any City or NCDOT sight triangle*

D. **Pools**

1. All pools, whether above-ground or in-ground, shall be located in the side or rear yards. The definition of a pool shall include all buildings and walks or patio areas of cement, stone, or wood, at or above grade, built for and used in conjunction with the pool.

2. Pools, as defined above, shall be set back a minimum of five (5) feet from all side and rear property lines. Patio areas at grade have no setback requirements from rear and side lot lines.

3. Pools shall be enclosed by a privacy fence (with self-latching gate) at a minimum height of four (4) feet and a maximum of eight (8) feet.
AN ORDINANCE AMENDING CHAPTERS 5 AND 6 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE, OF THE CITY OF SALISBURY, NORTH CAROLINA. (PETITION NO. LDOTA-05-2019)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment on August 27, 2019 and hereby recommends approval; and

WHEREAS, the City Council held a properly noticed public hearing at the regularly-scheduled City Council meeting of September 17, 2019; and

WHEREAS, the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and consistent with the Vision 2020 Comprehensive Plan relative to continually refining the policies and provisions of the development process and finding creative solutions for unique properties while protecting neighborhood interests.

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

SECTION 1. That CHAPTER 5 (Building Types and Standards) Exhibit A, is amended as underlined or stricken.

SECTION 2. That CHAPTER 6 (Lot, Infill, Addition, and Accessory Provisions) Exhibit B, is amended as underlined or stricken.

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

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

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

Requested Council Meeting Date: SEPTEMBER 17, 2019

Name of Group(s) or Individual(s) Making Request: HANNAH JACOBSON, PLANNING DIRECTOR

Name of Presenter(s): CATHERINE GARNER (CITY)  
                      ROB WATTS, HUGH WATTS, CHIP COMADOLL (AGENTS)

Requested Agenda Item: CD-03-2018 ROMED MEDICAL CENTER PHASE 3

Description of Requested Agenda Item: REQUEST TO AMEND THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP BY REZONING APPROXIMATELY 1.038 ACRES AT 1027 LINCOLNTON ROAD, FROM GENERAL RESIDENTIAL (GR-6) TO RESIDENTIAL MIXED USE (RMX) AND ESTABLISH A NEW CONDITIONAL DISTRICT (CD) OVERLAY FOR THE DEVELOPMENT OF A NEW TWO STORY 16,148 SQ. FT. MEDICAL OFFICE CENTER.

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 HOLD A PUBLIC HEARING AND CONSIDER ADOPTING AN ORDINANCE TO REZONE THE PROPERTY AS REQUESTED.

Contact Information for Group or Individual: Catherine Garner x5212 or catherine.garner@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

__________________________________________
Finance Manager Signature

__________________________________________
Department Head Signature

__________________________________________
Budget Manager Signature

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

For Use in Clerk's Office Only
☐ Approved ☐ Delayed ☐ Declined
Reason:
DISTRICT MAP AMENDMENT: CD-03-2018

Project Title: RoMed Medical Center Phase 3
Petitioner(s): Mitchell Avenue Properties, Inc.
Owner(s): Same
Representative(s) or Developer(s): Boyd Watts, Rob Watts, and Chip Comadoll
Address: Vacant lot addressed 1027 Lincolnton Road; located at the west end of Wiley Avenue, approximately 406 feet east of the intersection of Lincolnton Road and Mitchell Avenue
Tax Map - Parcel(s): TM: 013 Parcel 22301
Size / Scope: Approximately 1.038
Location: South side of Lincolnton Road, at the west end of Wiley Avenue; approximately 406 feet east of the intersection of Lincolnton Road and Mitchell Avenue

PETITION

Referencing the attached site map, this petition rezones the subject properties – one (1) parcel from GR (GENERAL RESIDENTIAL) district to RMX (RESIDENTIAL MIXED USE) and establishing a CONDITIONAL DISTRICT (CD) OVERLAY for the development of a two story 16,148 sq. ft. medical office center (see attached Master Plan).

Conditional District Overlay

The CD Overlay permanently marries a development plan with the rezoning to create a fixed development proposal for the site. This process ensures community expectations are met while meeting the needs of the developer. It is often used when design considerations differ from the Land Development Ordinance, when specific uses should be limited in the underlying zoning district, or when required by the code.

The applicant has requested a CD Overlay as part of the rezoning to provide security for the Fulton Heights neighborhood, whom they have been meeting with independently of staff. The request will tie future development to this specific proposal, both in terms of site design and allowed uses.

CD Alternatives Request

At the Planning Board Meeting on August 27, 2019, several citizens spoke regarding this property. There were several neighborhood organization representatives who spoke in favor of the application and expressed appreciation for the applicants’ efforts to meet with them in preparation of submittal. They did also wish to see the proposed sidewalk continued in front of the adjacent, existing development along Lincolnton Road. An
adjacent property owner expressed concerns over the fence, the location of the building, and the use. A copy of an email sent by this neighbor has been included in this packet.

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<th>Planning Board Recommended</th>
<th>No conditions recommended by Planning Board</th>
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**ZONING**

**Existing Zoning:**

*General Residential (GR6)*

(1 parcel Tax Map 013 Parcel 22301)

The existing single parcel zoned as General Residential (GR-6) is owned by the petitioner. It is currently vacant and undeveloped. This parcel is proposed to be developed with a two story, 16,148 sq. ft. medical office center with associated on site parking. The building will share the existing entrance onto Lincolnton Road and would have a connection to Mitchell Avenue through the existing parking lot. The applicant has proposed landscape buffering between the development site and the adjacent residential property.

**Proposed Zoning:**

*Residential Mixed Use (RMX) / (CD) Overlay*

The proposal is to rezone the (GR) parcel to Residential Mixed Use (RMX) and establish a Conditional District (CD) Overlay for the subject parcel.

**LAND DEVELOPMENT ORDINANCE PROVISIONS**

**NOTE:** These and other LDO provisions can be made more stringent or reasonable conditions may be applied to a Conditional District Overlay request.

**Uses**

The approved uses are proposed to be restricted to Medical Office Facility only.

**Building Types**

The following building types are proposed for this development:

- Commercial

**Recreational Open Space**

Not applicable
Landscaping

The requirements for landscaping depend on the adjacent zoning districts.

North (Lincolnton Road) - Street Yards:
- Minimum (15’) wide
- (1) shade tree per 35 linear foot or (1) ornamental tree per 25 linear foot

East Planting Yard:
- ‘C’ perimeter buffer yard (15’) against the ‘GR’ district
- 0.7 pts. required per linear foot

South and West Planting Yards:
- ‘A’ flexible buffer yard (8’) flexible against the ‘RMX’ district
- 0.4 pts. required per linear foot

Existing Road Frontages

Lincolnton Road Minor Thoroughfare
Wiley Avenue Local Road (no connection)
I understand this has not fully passed yet. However if it does I am concerned about how close everything will be to my property. From my understanding a fence can not be directly in the property line unless both parties agree, and I will not agree to that.

Thank you.

On Wed, Aug 28, 2019, 8:43 AM Catherine Garner <catherine.garner@salisburync.gov> wrote:

Good morning Ms. Riley,

Thank you for your email. It will be included in the packet that is provided to City Council. As stated yesterday, the conditional district rezoning request will be placed on the agenda for the September 17, 2019 meeting. A public hearing will be held by City Council prior to rendering a decision.

If you have any additional questions, please let me know.

Thank you,

Catherine

Catherine Garner, AICP, CZO

Development Services Specialist
One-Stop-Shop
Development Services | | A division of Community Planning Services
Good Morning,

We met yesterday at the CD-03-2018 meeting. I am the owner of the property in back of the 1027 Lincolnton Rd. property. My concern is that everyone who is for this new building to be established are not the ones who will be living next to it or even seeing it from their windows like I am. I feel that I have been left out of the Fulton Heights Committee due to being new in the neighborhood. I was not aware of this act of rezoning until the sign was put up. That ground is almost level with Wiley Ave and I do not see how any amount of bruchery will cover such a large building. This area is not a good place to build a medical "campus" as one stated yesterday. This is a neighborhood. I moved to get away from all this, I moved to not deal with trees anymore, I moved to have a piece of mind. We do not need more medical facilities just like we don't need more Subways in Salisbury. If anything, a better place to put this "campus" would be the old Salisbury mall.

Kristen Riley,

(A very upset resident)
CONDITIONAL DISTRICT REZONING CD-03-2018
Applicant: Mitchell Avenue Properties, Inc.

ADDRESS: 1027 Lincolnton Road
PID: 002 22301
ZONING: GR-6 TO RMX-CD
The Salisbury Planning Board held its regular meeting Tuesday, August 27, 2019, in the Council Chamber at Salisbury City Hall, 217 S. Main Street, at 4:00 p.m. with the following being present and absent:

PRESENT: John Schaffer, Jon Post, Tim Norris, Jayne Land, Dennis Lunsford, John Struzick, Patricia “P.J” Ricks, Dennis Rogers, and Bill Wagoner

STAFF: Graham Corriher, Teresa Barringer, Catherine Garner, and Jessica Harper

WELCOME GUESTS AND VISITORS
Bill Wagoner, Chair, called the Planning Board meeting to order

APPROVAL OF MINUTES

- Planning Board Minutes of July 09, 2019 approved by Bill Wagoner as submitted. All approved.

NEW BUSINESS

STAFF PRESENTATION
LDOTA-05-2019

Ms. Barringer (staff) presented the board with the proposed amendments to Chapter 5 & 6 of the Land Development Ordinance (LDO). Staff reminisced with the board about the original proposal of this text amendment that was recommended by the Planning Board and sent to City Council for approval. The proposed text amendments have returned to Planning Board with recommendations from City Council. Staff added that the proposed 20% threshold for the size comparison for the accessory garden structure to a primary structure. She added that in that same proposal it would allow some accessory garden structures to be located within the front yard and not meet the current 200 ft. front setback requirements. She continued saying City Council did not approve the text amendment and recommended a new proposal. This new proposal from Chapter 6.5.C will decrease the permitted size of the accessory garden structures based on the gross floor area of the primary structures. The original sizes proposed will decrease from 20% to 5% for residential and commercial garden structures as shown in the tables below. These garden structures will now be permitted in the exterior (street) side yard. This is a change from the current code where garden structures are only permitted in the rear yard of the primary structure. Staff stated that accessory structures cannot encroach into any city or NCDOT site triangle. She added that depending on the type of primary structure, the required minimum setbacks from the right-of-way will be 10ft. for residential and 20ft. for commercial. Staff made clear that these provision are for garden structures that have a roof, no floor, and open walls.
C. General Building Requirements

1. **Accessory Structures** (including but not limited to enclosed or non-enclosed storage structures, detached garages, and may include garden structures or garden features):
   a. **Location**: Accessory structures shall be located only in side (interior side for corner lots) or rear yards; provided however, that open-walled garden structures (such as a gazebo, pergola, arbor, or trellis, but not including walled structures such as a greenhouse) may be located in the front or side yard when the distance from the principal structure to the right-of-way line is greater than 200 feet.
   
b. **Maximum Lot Coverage**: Accessory structures shall not cover more than 40 percent of the required side and rear yards.
   
c. **Building Materials**: Accessory structures shall be clad with any of the applicable building wall and roof materials that are required for the building type of the principal structure. *(Per COS Ord. No. 2018-08, this provision is only applicable for the Public Landmark building type)*

2. **Accessory Garden Structures** (such as pergola, arbor, or other open-walled garden structures, but not including greenhouses or storage structures):
   a. **Residential**

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<th>SETBACK REQUIREMENTS</th>
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<tr>
<td>5% or less than GSF of</td>
<td>Exterior (street)</td>
<td>Subject to minimum 10 ft. from ROW*</td>
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<tr>
<td>primary structure</td>
<td>side yard</td>
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   * Cannot encroach into any City or NCDOT right triangle

   b. **Commercial/Institutional**

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<td>primary structure</td>
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   * Cannot encroach into any City or NCDOT right triangle
Planning Board Minutes
August 29, 2019

Staff presented the board with a similar amendment to garden features. She stated that garden features will have similar size restrictions and setbacks as the garden structures. Staff added that garden features are classified as open roof, open wall, with no flooring. Examples of this include trellis or arbor, but not including wall or floored structures such as a gazebo, greenhouse, or storage structure. The proposed text amendment will allow the garden feature to be located in the front or exterior (street) side yard. She added that depending on the type of primary structure, the required minimum setbacks from the right-of-way will be 5ft. for residential and 10ft. for commercial buildings.

3. **Accessory Garden Features** *(open roof, open wall, with no flooring such as a trellis, or an arbor; but not including walled or floored structures such as a gazebo, greenhouse, or storage structure)*:

   a. **Residential**

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<tr>
<td>5% or less than GSF of primary structure</td>
<td>Front Yard; Exterior (street) right side yard</td>
<td>Minimum 5 ft. from public ROW *</td>
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   * Cannot encroach into any City or NCDOT right triangle

b. **Mixed Use/Commercial/Institutional**

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<td>5% or less than GSF of primary structure</td>
<td>Front yard; Exterior (street) right side yard</td>
<td>Minimum 10 ft. from public ROW *</td>
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</tbody>
</table>

   * Cannot encroach into any City or NCDOT right triangle

Staff noted that in order to make these changes easy to locate and understand, they have been added to the use matrix located in the Land Development Ordinance (LDO). Staff also added a fourth item (f) to the footnotes located below the matrix. This footnote says that all of these proposals are subject to the Land Development Ordinance (LDO) section 6.5.C. This added footnote making it easier to understand setback requirements was a recommendation from council.
<table>
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<th>August 29, 2019</th>
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Note: The above table represents data on various types of buildings or land use categories as per the Planning Board's minutes for August 29, 2019. The data includes counts for different story types ranging from 5 to 75 stories.
CONSISTANCY STATEMENT

The purpose amendments to the Land Development Ordinance as underlined or stricken herein are reasonable, in the public interest, and consistent with the Vision 2020 Comprehensive Plan relative to continually refining the policies and provisions of the development process and finding creative solutions for unique properties while protecting neighborhood interests.

DISCUSSION

Mr. Wagoner added his background knowledge of these text amendments and feels that this updated proposal has addressed City Council's concerns. He continued saying that the two main issues City Council recommended revision were on the pergola size and it’s location in the front yard. Mr. Wagoner stated that these changes will allow for creativity in landscape architecture that didn’t exist before. He gave the example of the old historic home located at the 200 block of Bank Street that has had a garden feature for decades.

Mr. Schaffer asked what the difference was between an arbor and a pergola. He asked if an arbor was a smaller pergola or if it was the arch feature that makes the difference. Staff answered saying not all features considered an arbor have an arch. She added some do have a pergola style rooftop and feels that difference may be the scale, size, and intent. She stated that typically if the 5 ft wide feature is over a sidewalk it is typically referred to an arbor. Mr. Wagoner added to this discussion saying a pergola’s primary use and intent is to provide shade from the sun. He added saying a pergola’s intent is not supporting plantings even though you could plant jasmine for example. Mr. Wagoner stated that an arbor’s intent isn’t for sun protection but is meant to be a support for plantings or modest visual screening.

Mr. Schaffer asked staff if garden features and/or garden structure requests have been received that would not be permitted because of the current ordinance. Staff answered yes, adding plans containing these structures and features had to be removed before approval was granted. She mentioned that the most recent applicant, Wallace Cancer Center and Bell Tower Park have been denied these features as proposed due to the ordinance. She added that both applicants may have to shift their designs, but it could be possible to propose it in a street side yard once approved.

MOTION

Mr. Schaffer moves to approve LDOTA-05-2019 be approved by the Planning Board as stated as consistent with the Vision 2020 principals. Seconded by Ms. Ricks. All in favor.

STAFF PRESENTATION

CD-03-2018

Catherine Garner (staff) presented case CD-03-2018 for RoMed Medical Center Phase 3. She noted to the board that this case is a carryover from last year after recommended technical review committee revisions. She continues saying that this case is for the third phase of the RoMed Medical Center located at the intersection of Lincolnton Road and Mitchell Avenue. She added that the property is owned by Mitchell Avenue properties and agent representatives.
include Rob Watts, Hugh Watts, and Chip Comadoll. She noted to the board and guests that a Conditional District (CD) is the rezoning tied with a specific plan. She added that this type of case is a specific use of a plan and does not give a blanket approval to do anything that is permitted in the Residential Mixed Use (RMX) zoning. The request is to rezone from the General Residential (GR) zoning to the Residential Mixed Use (RMX) and establish the CD overlay on the parcel to build a two-story medical office center being approximately 16,148 sq. ft. Medical offices would be the only use permitted on this parcel if approved. She added that the applicants have not requested any specific conditions at this time. Staff stated that all plans will be compared to the ordinance requirements to verify they will be met. The original RoMed was not completed under a CD review, but was reviewed under a general group development which was a similar process back then. Ms. Garner gave the board and guests an overview of the lot indicating access off of Lincolnton Road and any existing building and topography conditions. Staff reviewed the site plan with the board which included the location of all the proposed buildings, parking, and landscaping. All landscaping including landscaping buffers will be reviewed prior to construction to verify all requirements are satisfied. She presented additional information to the board regarding water and sewer connections along with stormwater plans.

**CONSISTANCY STATEMENT**

CD-03-2018 is not inconsistent with the Vision 2020 plan as far as commercial development and meets Policy C-3, new development in or adjoing an older commercial area should be compatible with existing desirable development within its vicinity including size, scale, massing, fenstration, rhythm, setback, materials, context, and landscaping. Policy C-12 speaks to repurposing existing parking lots and bring the building closer to the front street face instead of having parking located in front of the building. Policy C-17 for large scale commercial uses shall be located on corners of neighborhood planning areas. The proposed development is located at the corner of the area know as Fulton Heights and right in contact with existing commercial.

**DISCUSSION**

Staff verified with Mr. Schaffer of the exact location of the proposed medical site which will be located across the street from the Legion Post. Ms. Ricks verifies with staff that RoMed intends on using the existing medical facilities concurrently with the proposed facility.

Mr. Schaffer asked staff to verify how a doctors office isn’t considered commercial. Staff answered saying that the Vision 2020 plan generally groups uses. She added that the plan talks about commercial uses and residential uses, but it doesn’t say “doctors offices are appropriate in this context”, or “grocery stores are appropriate in this context.” Staff considers this proposed development as being a commercial use.

Mr. Wagoner asked staff if she considers Policy C-3, C-12, and C-17 to be positively met. Staff answered yes. He also asked staff if the outline parcel was in fact a deeded parcel and staff answered yes. Mr. Wagoner asked staff if their were any plans to combine lots after completion of phase three. Staff confirmed all existing buildings are located on separate parcels and will probably remain a separate parcel for phase three. Mr. Wagoner asked Ms. Garner if the internal landscaping requirements are being met. Staff answered saying that heavier landscaping and denser screening will be required along the property line that bumps up to the General Residential (GR) zoning. She added that there are specific landscaping requirements needed depending on what zone is adjacent to the other.
APPLICANT PRESENTATION

Dr. Boyd Watts of 530 Hickory Drive and Robert Watts of 4470 Hannah Road spoke in favor of their project. He added that the need for the project was to expand the practice due to increase in patients. Mr. Watts stated that the business is divided between the existing RoMed and Manning Park which results in lack of communication. He would like this project to be completed so that the practice will be located on one campus.

Mr. Watts added that he and his team have been in constant communication with the Fulton Heights neighborhood. He added that the community has been engaged in this process from the beginning. He feels that due to this communication with the Fulton Heights Committee that everyone has and will get everything they want out of the project. Both applicants confirmed the general use to be medical offices.

COURTESY HEARING

IN FAVOR

Andrew Pitner of 618 Wiley Avenue spoke in favor of the rezoning. He stated that he was part of the neighborhood association committee that met with Rob Watts and Dr. Watts through various times throughout the process. He stated that he was very appreciative of them for modifying the plans to appease the neighborhood such as placement of the building and dumpsters. He added that one of the main intents of the neighborhood committee was for Wiley Avenue to remain closed. Mr. Pitner appreciates the extra landscaping and fence the developer will install to provide a buffer between the proposed medical offices and the neighborhood. He emphasized his approval, but suggested to the developers that they add sidewalks all the way through the campus. Mr. Pitner was advised by Mr. Wagoner to bring that suggestion up to City Council at their next meeting.

Dottie Hoy of 510 Maupin Avenue spoke in favor of the project and is a member of the Fulton Heights neighborhood association. She showed appreciation to them for working with the neighborhood in making sure the neighborhood was involved in the development and planning process. She did need further clarification as to whether or not there will be any added access to the campus from Lincolnton Road. Staff answered her concerns by saying that the existing access point off of Lincolnton Road will remain and no other driveways will be added.

Warren Brewton of 1202 Boyden Rd. spoke in favor of the rezoning. He was also a member of the Fulton Heights committee. He was very pleased to be included in the development process with the developer. Mr. Brewton looks forward to this wonderful change.

AGAINST

Kristen Klaus of 726 Wiley Avenue spoke against the rezoning and construction of the two-story medical office. Ms. Klaus does not Wiley Avenue closed due to the placement of her property lines. She added that customers from RoMed might throw items onto her property and her dogs eat them. Ms. Klaus added that the new two-story building will be visually intrusive and no amount of landscaping will help.

Dottie Hoy of 510 Maupin Avenue also spoke in opposition of the project due to the closing of Wiley Avenue. She wanted to share and speak of the concerns many people who use the lot as a shortcut to get to retail stores.
DISCUSSION

Ms. Land asked Ms. Klause to verify where her property was located and asked her the total acreage of her lot. Ms. Klause answered saying her property was almost an acre. Ms. Ricks asked Dotti if she feels the proposed sidewalk might help with foot traffic and Ms. Hoy was unsure if it would help foot traffic or not.

Teresa Miller of 710 Mitchell Avenue did not speak in favor nor did she speak in opposition to the rezoning. Ms. Miller sympathised with Ms. Klau and stated that she wasn’t very happy during phase two of the RoMed expansion either. Ms. Miller now sees the construction as a blessing. She added that the additional fencing and landscaping was a beautiful addition to the neighborhood.

Ms. Land asked staff if the fence will be installed on the property line. Staff answered by saying yes, a high stocade fence will be installed along the property line abutting against the general residential (GR) zoning. Ms. Land asked staff for clarification on whether or not the ground was lower than where the fence will be located. Staff was unable to provide clarification on the topography of the land. Mr. Wagoner, who is familiar with the site, confirmed that the floor on the ground level will more than likely be lower than the elevation of Wiley Avenue. He added that the second floor level of the new building will probably be higher than pavement level at Wiley Avenue. The developer confirmed Mr. Wagoners assumptions of the topography. Ms. Land added that Ms. Kaus’s vision concerns will be lower and she will more than likely see landscaping along with the second level of the proposed building.

Mr. Schaffer asked staff why her recommendation still considered not inconsistant versus consistant. Mr. Schaffer also asked staff if she still feels it is inconsistent. Staff answered yes, she agrees it is not-inconsistent.

Mr. Wagoner gave a recap on Conditional Districts (CD) to further clarify with board members and guests about this type of rezoning process. He added that the case tonight is a request to change the underlining zone from General Residential (GR) to Residential Mixed Use (RMX). He noted that if this request was to stop there then every use permitted in RMX would apply by right regardless of the drawings. He added that because of the Conditional District (CD) overlay this type of use would be the only permitted use on this parcel and all details therein would be conditioned through the CD overlay if approved by City Council.

Motion:
Mr. Schaffer moved to approve CD-03-2018 be approved as written and is consistent with our Vision 2020 Plan. Seconded by Mr. Struzick. All in favor. CD-03-2018 is scheduled to go before City Council, September 17, 2019. Additional notices to be mailed.

ADJOURN 5:05 p.m.

There being no further business to come before the Planning Board the meeting was adjourned.
AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE AND THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, REZONING ONE PARCEL FROM GENERAL RESIDENTIAL TO RESIDENTIAL MIXED USE AND APPLY CONDITIONAL DISTRICT OVERLAY TO SUBJECT PARCEL, APPROXIMATELY 1.038 ACRES, AT 1027 LINCOLNTON ROAD ESTABLISHING A CONDITIONAL DISTRICT OVERLAY TO PERMIT THE DEVELOPMENT OF A TWO STORY 16,148 SQ. FT. MEDICAL OFFICE CENTER. (PETITION NO. CD-03-2018)

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

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the rezoning petition and associated development documents on August 27, 2019, voting unanimously to recommend approval of the proposed development plan, and stated that although the proposal is not called out as being consistent with a specific Vision 2020 Comprehensive Plan, the proposal is not inconsistent 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 September 17, 2019; and

WHEREAS, the City Council hereby finds and determines that adoption of an Ordinance to rezone the single parcel described herein from ‘GR-6’ to ‘RMX’ district; and establishing a Conditional District Overlay for the parcel is reasonable and in the public interest. The proposal is fundamentally consistent with the Vision 2020 Comprehensive Policies C3: new development in or adjoining an older commercial area should be compatible with existing desirable development within its vicinity. Compatibility criteria shall include size, scale, massing, fenestration, rhythm, setback, materials, context, and landscaping; Policy C-12: new infill development across the front street face of existing, over-designed parking lots shall be encouraged; and Policy C-17: large-scale commercial uses shall be located on the corners of neighborhood planning areas.

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 013, Parcel 22301 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 ‘MITCHELL AVENUE MEDICAL PARK PHASE 3,’ 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.

Page 1 of 2
SECTION 3. PERMITTED USES (PRIMARY): The ‘RMX’ base district primary use is restricted by this action to that of Medical Office Center. 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:

- No Conditions Applied

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.
1027 Lincolnton Road
site area: 42,384 sf
PARCEL 013 22301
CURRENT GR-6
PROPOSED RMX-CU

new medical office building
2 floors X 8074 sf per floor
=16,148 SF HTD
60 parking spaces
provided on parcel
+33 spaces available on Phase 1
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  09/17/2019

Name of Group(s) or Individual(s) Making Request:  Vickie Eddleman, Traffic Engineering Coordinator

Name of Presenter(s):  Vickie Eddleman

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:  The Salisbury Police and Fire Departments have reviewed the parking conditions along the 700 block of Holmes St and the 600 block of West Kerr Street. They have found that the allowance of vehicles parked on both sides of the street will impede emergency response and have asked that parking be restricted to one side only. The 700 block of West Kerr Street already has this restriction on the south side. As a result, the Engineering Department is making a request to restrict the parking along the south side of West Kerr Street from North Caldwell Street to the end, which includes the currently restricted area. When considering the 700 block of Holmes Street, more vehicles park on the south side than the north side. Thus, the Engineering Department is making a request to restrict the parking along the north side of Holmes Street from West Kerr Street to Best Street. Because this request is directly related to public safety the petition process is waived. Letters of notification were mailed to property owners.

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.

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

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<tr>
<td>Holmes St.</td>
<td>North</td>
<td>From W. Kerr St. to Best St.</td>
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SECTION 2. That all ordinances, or the parts of ordinances in conflict with this
ordinance, are hereby repealed to the extent of such conflict.

SECTION 3. That this Ordinance shall be effective upon adoption by the City of
Salisbury from and after is passage.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  September 17, 2019

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

Name of Presenter(s):  Jason Wilson

Requested Agenda Item:  Water Distribution System Master Plan Engineering Services

Description of Requested Agenda Item:  Salisbury-Rowan Utilities (SRU) desires to develop a water distribution system master plan. Hazen and Sawyer has been qualified as an on-call engineering firm for SRU and has completed several projects in recent years. The proposed project includes building a new hydraulic model from GIS, conducting field tests, calibrating the new hydraulic model, evaluating existing deficiencies, projecting water demand, development of a distribution system CIP, preparation of the master plan report, completion of a vulnerability assessment, analysis of energy usage, and training. This project is estimated to require 18 months to complete. Not-to-exceed engineering costs associated with the services listed above are $292,000.

Attachments:  ☒ Yes  □ No

Fiscal Note:  FY20 budget has sufficient funds in the professional services line to cover this project. It will be completed in multiple task orders that will carry over into FY21.

Action Requested of Council for Agenda Item:  Council to consider authorizing the City Manager to execute an agreement with Hazen and Sawyer in an amount not-to-exceed $292,000 for engineering services associated with the Water Distribution System Master Plan project.

Contact Information for Group or Individual:  Jason Wilson, Assistant Utilities Director
704-216-7553, jason.wilson@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

S. Wanda Funches  Jason H. Wilson
Finance Manager Signature  Department Head Signature

Shannon Moore
Budget Manager Signature

****All agenda items must be submitted at least 7 days before the requested Council meeting date****
August 2, 2019

Mr. Jason H. Wilson, PE  
Engineering Manager  
Salisbury Rowan Utilities  
1 Water Street  
Salisbury, NC 28144

Re: Distribution System Master Plan Proposal

Dear Jason:

Hazen is pleased to provide this proposal for a Water Distribution System Master Plan.

Project Background

The City of Salisbury selected Hazen and Sawyer to provide on-call Water/Wastewater services based on a Statement of Qualifications for RFQ #916-2019 dated November 26, 2018. Selected consulting firms provide professional services for various projects for an initial period of three years with two one-year optional extensions. Specific projects are authorized under a separate, supplemental letter that includes a scope of services agreement with a properly negotiated fee. This proposal outlines the scope of services and preliminary fee estimates for a Distribution System Master Plan, as requested by city staff.

The proposed project will build off an ongoing Software Training for Hydraulic Modeling project that has familiarized Hazen’s staff with Salisbury’s existing model and geographic information system (GIS).

Hazen staff is familiar with Salisbury’s water system from a 2008 project that supported the City’s Initial Distribution System Evaluation (IDSE) that was required by EPA to select water quality sampling sites.

Salisbury-Rowan Utilities (SRU) provides drinking water for the City of Salisbury and the towns of Granite Quarry, Rockwell, Faith, Spencer, East Spencer, China Grove and unincorporated areas within Rowan County. The SRU water system has emergency connections with Landis, Kannapolis and Statesville.

The SRU water supply is the Yadkin River from an intake near the confluence with the South Yadkin River. Raw water is pumped from the river to a 28 mg reservoir on Ridge Road. Water flows by gravity or by booster pumping from the reservoir to the water treatment plant (WTP) near downtown Salisbury.

The Water Treatment Plant (WTP) uses Actiflo high-rate clarification before rapid sand filtration. The plant treats an annual average of 9.7 million gallons per day (MGD) and maximum day demand was 12.5 mgd in 2018. The plant is permitted to treat up to 24 MGD.

The distribution system supplies approximately 44,000 people through more than 21,000 meters. The pipe network includes 411 miles of water mains ranging from ¾-inch to 36-inch pipe. Some of the water mains are unlined cast iron pipes that have been in service for more than 100 years.

hazenandsawyer.com
The existing SRU hydraulic model is out of date; the pipe network is no longer synchronized with GIS, demands distributed from billing records are more than 10 years old and pump curve data is incomplete.

**Scope of Work**

Hazen and Sawyer (Engineer) proposes the following scope for the Salisbury-Rowan Utilities (Owner) Distribution System Master Plan:

**Task 1 - Build New Hydraulic Model from GIS**

The Engineer will develop the project scope and fee and perform project administration and quality assurance by senior level staff throughout the duration of the project.

The Engineer will import the pipe network from GIS and use InfoWater software to build and debug a new hydraulic model of the distribution system. The new model will include all finished water mains in the current GIS with simplifications where needed to improve software performance. Network nodes will be retained at all pipe intersections, at high and low ground elevations between pipe intersections, and at each hydrant and large customer. Elevations will be assigned to model nodes using digital topographic data. Hazen will use software tools to check connectivity throughout the new model’s pipe network. Connectivity problems will be resolved by comparing the new model with SRU’s existing model, checking available maps and interviewing SRU staff. Pipe roughness coefficients (C-factors) will be assigned based on the existing model with adjustments reflecting installation dates, pipe material and test results.

The modeling software will allocate existing water demands based on customer billing data provided by the Owner. SRU will provide billing data that includes 12 recent months of metered water use and meter identifiers that link to the GIS. Using the coordinates of the meters, the modeling software will assign each customer’s water usage to the nearest node of the nearest pipe in the model. Flows from autoflushers will be assigned to the nearest model node using information provided by the Owner. Adjustments for non-revenue water (NRW) will ensure that the total demand in the model agrees with the total amount of water supplied to the system during the same 12-month period. Usage by customers with uncertain locations will be included in the NRW adjustments. The ten largest customers and the autoflushers will be excluded from NRW adjustments to ensure accurate water age calculations.

The Engineer will add tank data, pump curves, pump controls and control valves using information provided by the Owner and data from the old model. Pump curves and controls will be updated based on test results and field inspections.

Hazen and SRU staff will meet to review the model and plan field tests. This meeting will provide an opportunity to request missing information needed to resolve any problems identified by the modeling software.
Task 2 - Conduct Field Tests

A field testing plan will be developed based on study of the existing model, field inspections and discussions with SRU staff. Hazen will deliver the plan at least 30 days before testing begins.

The Engineer will conduct at least 10 fire flow tests with assistance from the Owner. The tests will consist of flow and pressure measurements for checking localized model calibration in specific areas. Tests will be located for geographic coverage and in problem areas identified by SRU staff. Hazen will provide test equipment, and the Owner will provide transportation and staff to operate hydrants, as well as traffic control if necessary.

The Engineer will conduct at least five C-factor tests with assistance from the Owner. The tests will include at least one transmission main near the water plant to check for reduced capacity caused by chemical deposits, at least three tests on unlined cast iron pipes, and a test on a lined pipe that has been in service many years. The transmission main test may require the Owner to temporarily remove an air valve or install a new tap for inserting pitot tubes provided by the Engineer. These tests will require assistance from the Owner to operate pumps, valves and hydrants. The model’s C-factors will be adjusted based on test results.

The Engineer will conduct four hydraulic grade line (HGL) tests that measure flows and pressures along selected paths of transmission mains connecting the water plant, pump stations and storage tanks. Hazen will provide all test equipment. The Owner will make accessible existing taps or air valves for inserting pitot tubes into key pipes for flow measurements, or install new taps, if needed. The Engineer will locate no more than four new taps in the field and allow at least 30 days for installation by the Owner. Measured pressures will be converted to hydraulic grade lines (HGLs) by accounting for gauge elevations, in order to plot HGLs against distance along selected paths of transmission mains, with at least one flow measurement along each path. These tests will show the accumulation of head loss at known flow rates, providing information to detect restrictions and calibrate the model.

The Engineer will test the master meters and pumps at the water plant by comparing meter registration in SRU’s supervisory control and data acquisition (SCADA) system to flow measurements. Hazen will conduct flow measurements using pitot tubes inserted into existing taps, if available, or new taps to be installed by the Owner. The master meter tests will cover the range of flow rates for normal operation of various pump combinations. The Owner will operate all pumps as needed for the tests. The Engineer will also test the operating point of the water plant high service pumps by simultaneously measuring flow and pump suction and discharge pressure. This measured operating point will be compared to factory pump curves to determine if the pump is performing as designed or if excessive pump wear has occurred.

Task 3 - Calibrate the Model

The Engineer will first calibrate the model using HGL tests by plotting and comparing measured and predicted HGLs. These plots will show where the model needs adjustments, or locations where unusual conditions are suspected, such as closed valves. Major discrepancies that cannot be resolved with reasonable model adjustments will be reviewed with Owner to develop a plan for further investigations. This task will check macro calibration for the most important parts of the distribution system.
Next the Engineer will calibrate the model using fire flow tests. This task will check micro calibration of the model in areas where fire flow tests were performed. After checking predicted static pressures, the model will simulate the measured flow from each test. Predicted residual pressures will be compared to the measured residual pressures and reasonable model adjustments will be applied to eliminate discrepancies. Major discrepancies that cannot be resolved with reasonable model adjustments will be reviewed with the Owner to develop a plan for further investigations.

The Engineer will calculate diurnal demand patterns for each pressure zone using SCADA records of hourly flows from the water plant and pump stations, as well as hourly changes in recorded tank levels. These diurnal patterns will be used in an extended period simulation (EPS) of normal operating conditions for model calibration, as well as for analyzing leakage potential based on night flows.

The Engineer will work with SRU staff to export data from Owner’s automatic meter infrastructure (AMI) data in order to develop demand patterns for use in the hydraulic model. Demand patterns for the 10 largest customers will be added directly into the model. Hazen also will develop diurnal demand patterns for each pressure zone using zone boundaries defined in GIS and AMI data provided by the Owner. These diurnal patterns will be used to obtain peaking factors and analyze non-revenue water in each pressure zone by comparing with the diurnal patterns calculated from SCADA.

The Engineer will then calibrate the EPS model using SCADA records by comparing recorded tank water levels to predicted tank water levels. This task will ensure that the model accurately simulates tank performance, which has a significant impact on water age calculations. This was the calibration method required by EPA for water quality modeling to select DBP sampling sites.

The Engineer will conduct a progress meeting to summarize work from Tasks 2 and 3. This meeting will include results from field testing, demand patterns developed from SCADA and AMI, and model calibration results.

**Task 4 – Evaluate Existing Deficiencies**

The calibrated model will be used to map pressures and available fire flows for the existing system, highlighting deficiencies. Predicted peak hour pressures will be compared to design criteria agreed upon in consultation with SRU staff. The available fire flow that drops the residual pressure to 20 psi at each hydrant connection will be plotted on a distribution system map in the format required by the Insurance Services Office (ISO). The map will highlight deficient areas with available fire flows less than 500 gpm.

The Engineer will use the model to test fire flow and pressure improvements that eliminate existing deficiencies. This evaluation will include all hydrants with available flows less than 500 gpm and critical fire flow locations as identified by SRU staff, as well as areas where pressures are outside the range allowed by design criteria.

The Engineer will calculate and map water age for existing operation of the system. The model will predict water age based on a 30-day simulation of existing average daily demand using current pump controls and operating procedures. The map will highlight areas where water age is excessive. The Engineer will plot the Owners DBP sampling sites on the map and determine the predicted water age at each site.
The Engineer will test improvements to reduce water age in problem areas, especially those near DBP sampling sites. Possible recommendations include automatic flushing, bleeding water at zone boundaries, increasing tank turnover, improving circulation, and changing operating methods.

The first phase of the project will be summarized in a meeting to review existing deficiency evaluation and recommendations. This meeting will also serve as the kickoff for Task 5-Project Water Demand.

**Task 5 - Project Water Demand**

The Engineer will review population projections for Traffic Analysis Zones (TAZs) within the future water system service area and other planning information made available by the Owner. The TAZ projections will be adjusted if needed based on input from SRU staff.

Hazen will project water demands for each pressure zone in 5-year increments through 2040. Demand projections will include an evaluation of peaking factors and estimates of average day, maximum day and peak hour in each pressure zone. Demand projections will consider:

- historical water production
- the Owner’s meter installation records
- existing use by large customers
- information provided by SRU about new industrial use and/or wholesale supply to other systems
- recent trends in per capita use
- projected population growth

Based on the demand projections, the Engineer will evaluate pump and storage capacity by pressure zone. This task will include evaluating storage requirements for equalizing diurnal demand variation, sustaining fire flows and meeting state regulations. The Engineer will compare needed storage in each pressure zone with existing tank capacities and recommend new tanks in zones with inadequate storage. New tanks will be linked to demand benchmarks. The Engineer will evaluate pump capacity by comparing maximum day demands with firm pumping capacity. New pumps will be proposed as needed.

Hazen and SRU staff will meet to review demand projections before modeling future conditions. A technical memorandum will summarize the demand projections for the master plan.

To identify growth areas, the Engineer will distribute new demands to model nodes based on TAZ projections and discussions with the Owner. The model’s total demand for future scenarios will agree with demand projections in the technical memo.

**Task 6 - Develop CIP**

The Engineer will identify future deficiencies and test improvements by simulating future demand conditions and comparing predicted performance with design criteria agreed upon with the Owner. Engineer will compare improvement alternatives and identify cost-effective methods of supplying future demands while meeting hydraulic design criteria and maintaining water quality. Recommendations will take full advantage of the existing distribution system. Recommendations also will consider adjustments to pressure zone boundaries, if needed.
Modeling results will be summarized in a meeting to review viable improvement alternatives considering planning level costs, constructability and community impacts. Final recommendations will be developed based on review comments.

The Engineer will finalize, map and tabulate a capital improvements plan (CIP) by responding to input from SRU staff; prioritizing recommended pipes, tanks and pump stations; and estimating costs for 5-year planning periods. Cost estimates will include construction, land acquisition, contingencies, engineering, legal and administrative costs. The CIP will be shown graphically on color-coded maps and project sheets will be developed for major recommendations. Proposed improvements will be summarized by pressure zone, and the Engineer will identify projects that depend on demand benchmarks.

**Task 7 - Prepare Master Plan Report**

The Engineer will prepare a draft report that:

- describes building and calibrating the model
- identifies existing deficiencies and related improvements
- maps water age and summarizes recommendations for improving operations and water quality
- summarizes the population and demand projections
- explains model results for future conditions
- tabulates proposed improvements, with planning level cost estimates

The Engineer and SRU staff will meet to review the recommendations and CIP in the draft report.

Hazen will respond to review comments and prepare a final report. Deliverables will include five paper copies of the final report with flashdrives that contain electronic versions of the report, maps and model.
Optional Services

Our proposal includes the following optional services for consideration by SRU:

**Task 8 – Conduct Vulnerability Assessment**

The Engineer will use the model to assess vulnerabilities. InfoWater software includes a vulnerability assessment module that considers the criticality of pipes and isolation valves. The software determines which valves must be closed to isolate each pipe segment and calculates the amount of demand that cannot be supplied at adequate pressure. The results will be used to rank pipe segments by relative risk, considering the consequences of failure. If this analysis identifies major vulnerabilities, the Engineer will test improvements that reduce risk and the vulnerability of the system to failure of key components.

Hazen and Sawyer will prepare a technical memo summarizing the vulnerability assessment and related recommendations to improve redundancy and resilience.

**Task 9 - Analyze Energy Use**

The Engineer will review power bills provided by the Owner and identify pump stations with high overall and high unit electric cost. Pump stations will be ranked by potential for cost savings. Alternate electric utility rates will be evaluated to identify opportunities for reducing overall energy costs by a change in rate structure.

If significant opportunities for energy cost reduction are identified, Hazen and SRU staff will meet to review initial findings and recommend additional analysis. Further analysis would likely include building an electrical rate model to use alongside the hydraulic model so that changes to pump operation could be tested in the hydraulic model and cost savings from strategies such as off-peak pumping evaluated for cost savings. This additional analysis would be performed under a new project or on-call services.

**Task 10 – Training and On-Call Testing and Modeling**

Hazen will provide training for modeling as requested by SRU staff focusing on their distribution system and how it operates, including phone support to answer modeling questions. The Engineer will also provide on-call hydraulic testing and modeling that is not included in the scope outlined above, if requested by SRU staff.

This proposal includes an On-Call allowance of $10,000 and can be revised as needed, if directed by SRU staff.
Compensation

The tasks described in the Scope of Work will be billed on an hourly basis by employee classification, as shown in Table 1. Reimbursable project expenses will be billed at cost, including vehicle mileage at the rate established by the Internal Revenue Service, which is currently $.58/mile.

Estimated hours and fees for each task are shown in Table 2.

For Tasks 1 through 7, compensation to Hazen and Sawyer shall not exceed TWO HUNDRED FORTY NINE THOUSAND DOLLARS ($249,000.00) without prior authorization from SRU.

Table 2 also shows estimated fees for optional tasks not included in the limit above.

<table>
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<tr>
<th>Employee Classification</th>
<th>Hourly Rate</th>
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<td>Vice President</td>
<td>$250</td>
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Table 2: Estimated Hours and Fees

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<th>Task</th>
<th>Description</th>
<th>Hours</th>
<th>Fee</th>
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<tr>
<td>1</td>
<td>Build New Hydraulic Model</td>
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<td>$43,000</td>
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<tr>
<td>2</td>
<td>Conduct Field Tests</td>
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<td>3</td>
<td>Calibrate Model</td>
<td>336</td>
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<td>4</td>
<td>Evaluate Existing Deficiencies</td>
<td>182</td>
<td>$28,750</td>
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<td>5</td>
<td>Project Water Demand</td>
<td>182</td>
<td>$27,500</td>
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<td>6</td>
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<td>7</td>
<td>Prepare Master Plan Report</td>
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<td><strong>TOTALS</strong></td>
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<td>1,619</td>
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**OPTIONAL SERVICES**

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<th>Task</th>
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<td>8</td>
<td>Conduct Vulnerability Assessment</td>
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<td>9</td>
<td>Analyze Energy Use</td>
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<td>10</td>
<td>Training and On-Call Modeling</td>
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## Schedule

The chart below depicts the preliminary project schedule assuming a start date of September 1, 2019.

**Preliminary Schedule: Salisbury-Rowan Utilities Distribution System Master Plan**

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☆ Progress Meeting
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: 09/17/2019

Name of Group(s) or Individual(s) Making Request: Catherine Garner, Development Services Specialist, HPC Liaison

Name of Presenter(s):

Requested Agenda Item: ANNOUNCEMENT: Applications for the 2019-2020 Historic Preservation Incentive Grants are now available. These matching grants are available on a competitive basis for exterior projects on owner-occupied houses in Salisbury's four residential local historic districts: North Main Street, Brooklyn South Square, West Square and Ellis Street Graded School. Applications are due by September 27, 2019. To receive an application or inquire about eligibility, please call 704-638-5212.

Description of Requested Agenda Item: The Historic Preservation Incentive (HPI) Grants are matching grants for exterior rehabilitation projects on owner-occupied houses in Salisbury's four residential local historic districts. Postcards have been mailed to property owners within these four historic districts as well.

Attachments: ☐ Yes ☑ No

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

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

Contact Information for Group or Individual: Catherine Garner, Catherine.garner@salisburync.gov ; 704-638-5212

☐ 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:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  September 17th, 2019

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

Name of Presenter(s):  Announcement

Requested Agenda Item:  Brewbury Fest

Description of Requested Agenda Item:  Friday, September 20th (5pm – 9pm) & Saturday, September 21st (3pm – 8pm), 2019

Downtown Salisbury celebrates craft beer with a crawl to participating downtown businesses on Friday, and a craft beer festival on Saturday at the Historic Downtown Depot! A variety of bands will be playing on Saturday from 3 to 8 p.m.

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:  N/A

Contact Information for Group or Individual:  Latoya Price 704-638-5238 latoya.price@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved       ☐ Delayed       ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  September 17th, 2019

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

Name of Presenter(s):  Announcement

Requested Agenda Item:  Busker’s Bash

Description of Requested Agenda Item:  Friday, October 4th, 2019 (5pm – 9pm)
   The best local talent comes together to perform in front of participating downtown businesses. Vote for your favorite, grand finale to follow.

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:  N/A

Contact Information for Group or Individual:  Latoya Price 704-638-5238 latoya.price@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

_________________________________
Budget Manager Signature

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☐ Approved    ☐ Delayed    ☐ Declined

Reason:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: September 17, 2019

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

Name of Presenter(s): Alyssa Nelson

Requested Agenda Item: BlockWork Neighborhood Improvement Project

Description of Requested Agenda Item:
The ninth annual BlockWork neighborhood improvement project will be held on Saturday, October 26 – National Make a Difference Day. This year’s event will take place on the 900 block of North Main Street. The Community Appearance Commission and the Housing Advocacy Commission are currently reaching out for volunteers to sign up for the event. Volunteers will help with exterior repairs like painting, carpentry, and landscaping. T-shirts, gloves, meals and drinks will be provided to all volunteers. The event will run from 8:30 a.m. until 4:00 p.m. The 900 block of North Main Street will be closed to through traffic during the event.

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

Attachments: ☑ Yes ☐ No

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

This event has been budgeted for in FY 2019-2020.

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

Contact Information for Group or Individual: Alyssa Nelson 704.638.5235 anels@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

________________________________________  __________________________________________
Finance Manager Signature                        Department Head Signature
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:
"Make A Difference Day"
Saturday, Oct. 26
8:30 a.m. - 4 p.m.
900 block of North Main Street

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

SIGN UP AS A VOLUNTEER!
salisburync.gov/BlockWork  diana.cummings@salisburync.gov (704) 638-5240

BY MONDAY, OCT. 1

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