<table>
<thead>
<tr>
<th>No.</th>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Call to Order</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Moment of Silence</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Pledge of Allegiance</td>
<td></td>
</tr>
<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>
</tr>
<tr>
<td>6.</td>
<td>Proclamations:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>INDEPENDENT RETAILER MONTH</td>
<td>JULY 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Independent Retailer Month provides a time to celebrate the independence of the members of the community of Salisbury and the entrepreneurial spirit represented by our local independent retailers</td>
</tr>
<tr>
<td></td>
<td>DARI CALDWELL DAY</td>
<td>JULY 18, 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>To honor Ms. Caldwell for her years of service to Novant Health Rowan Medical Center and to the community.</td>
</tr>
<tr>
<td></td>
<td>CHICKWEED DAY</td>
<td>JULY 20, 2019</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Promotes opportunities where women musicians and artists deliver the message of empowerment to women and children victims of violence.</td>
</tr>
<tr>
<td>7.</td>
<td>Consent Agenda:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Minutes.</td>
<td>Adopt Minutes of the Regular meetings of June 4 and June 18, 2019 and the Special meetings of June 11, June 17 and June 18, 2019.</td>
</tr>
<tr>
<td></td>
<td>(b) Badger Meter, Inc.</td>
<td>Requestor(s): Salisbury-Rowan Utilities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Approve the purchase of cellular data service for water meters from Badger Meter, Inc. in the amount of $206,550. A budgeted expense that is required to operate the City’s network of advanced metering infrastructure.</td>
</tr>
<tr>
<td></td>
<td>Item</td>
<td>Requestor(s)</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>(c)</td>
<td>Budget Ordinance – Police Department Controlled Substance Tax Funds</td>
<td>Police Department</td>
</tr>
<tr>
<td>(d)</td>
<td>Task Order – HDR Engineering Inc. of the Carolinas</td>
<td>Public Service</td>
</tr>
<tr>
<td>8</td>
<td>Public Comment</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Presentation – Summer Youth Employment</td>
<td>Human Resources Department</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Presenter(s):</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Final Draft 2019 Analysis of Impediments to Fair Housing Choice Report</td>
<td>Planning Director</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Presenter(s):</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Public Hearing and Resolution – Sanford Holshouser, LLP.</td>
<td>Downtown Salisbury, Inc.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Presenter(s):</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td><strong>12.</strong></td>
<td>Annual Update – Downtown Salisbury, Inc.</td>
<td>Requestor(s): Downtown Salisbury, Inc. Council to receive an annual report on the marketing, business, and design development activities of Downtown Salisbury, Inc. within the previous fiscal year. Requester(s): Downtown Salisbury, Inc. Presenter(s): Downtown Salisbury, Inc. Director Larissa Harper</td>
</tr>
<tr>
<td><strong>13.</strong></td>
<td>Revision – Economic Development Incentive Agreement “Project Care”</td>
<td>Requestor(s): Rowan Economic Development Commission (EDC) Council to consider revising the existing Project Care incentive agreement to include a description of the newly-acquired property adjacent to the property described in the existing incentive agreement. Presenter(s): City Attorney Graham Corriher and EDC Vice President Scott Shelton</td>
</tr>
<tr>
<td><strong>14.</strong></td>
<td>Amendments – Downtown Revitalization Incentive Grant Program</td>
<td>Requestor(s): Community Planning Services Council to consider a request to approve certain limited amendments to the Downtown Revitalization Incentive (DRI) Grant Program. Presenter(s): Planner Kyle Harris</td>
</tr>
<tr>
<td><strong>15.</strong></td>
<td>Ordinance Amendment – Parking</td>
<td>Requestor(s): Engineering Council to consider adopting an <strong>ORDINANCE</strong> amending Chapter 13, Article X, of the Code of the City of Salisbury amending Section 13-338 related to Parking Prohibited at all Times and Section 13-343 related to Residential Parking Only. Presenter(s): Vickie Eddleman, Traffic Engineering Coordinator</td>
</tr>
<tr>
<td><strong>16.</strong></td>
<td>Electoral Reform</td>
<td>Requestor(s): Mayor Pro Tem Post Council to discuss Election reform. Presenter(s): Mayor Pro Tem Post</td>
</tr>
<tr>
<td><strong>17.</strong></td>
<td>City Attorney’s Report</td>
<td></td>
</tr>
<tr>
<td><strong>18.</strong></td>
<td>City Manager’s Report</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Announcements</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>----------------</td>
<td></td>
</tr>
</tbody>
</table>
| **(a)** Beat the Heat Program | Salisbury Transit is offering FREE rides on Saturdays from 9:30 a.m. until 3:20 p.m. throughout the month of July. “Beat the Heat” Program provides Salisbury citizens with a safe and affordable mode of transportation so the summer heat does not keep you from Saturday activities. The Salisbury Transit system makes stops at several main destinations in the City such as Walmart, Harris Teeter, Novant Health Rowan Regional Medical Center, the YMCA, and many more.

On hot days the benefits of riding the bus stretch far more than just an affordable mode of transportation and air conditioning. When choosing to ride the bus, you are helping to make a difference by reducing your carbon footprint. For more information visit www.salisburync.gov/transit |
| **(b)** Krazy Klearance and Restaurant Week | Shop downtown Salisbury July 17th through July 20th to see what Krazy Klearance bargains you can find. Register for a chance to win $100 in Krazy Klearance bucks at participating businesses.

During Restaurant week participating restaurants will provide a 10% discount to customers who spent a minimum of $25 from a business participating in Krazy Klearance. |
| **(c)** Salisbury Citizen’s Academy | Applications are now being accepted for the 2019 Salisbury Citizen’s Academy. The Academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 5. Participants will meet at various city facilities and have an inside view of City operations. Applications are available online at salisburync.gov/citizensacademy or by calling Kelly Baker at 704-638-5233. All applications must be received by July 19. |
|   | Free Transportation to Summer Food Service Program Site | This summer children up to 18 years of age, and one accompanying guardian, can ride free on Salisbury Transit to a Summer Food Service Program location. The Summer Food Service Program (SFSP) is a federally-funded, state-administered program that ensures free healthy meals and snacks to children and teens in low-income areas during the summer months when school is out.

If you are a parent or guardian looking for a SFSP site near you, you can find a summer site in your community by texting "Summer Meals" to 97779 or call 1-866-348-6479 to find a site near you. Visit the City’s website for more details at www.salisburync.gov/transit20. |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td>Council’s Comments</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Mayor Pro Tem Comments</td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Mayor’s Comments</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Adjourn</td>
<td></td>
</tr>
</tbody>
</table>
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  July 16, 2019

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

Name of Presenter(s):  Mayor Heggins

Requested Agenda Item:  Proclamations

Description of Requested Agenda Item:

Independent Retailer Month  Independent Retailer Month provides a time to celebrate the independence of the members of the community of Salisbury and the entrepreneurial spirit represented by our local independent retailers.

Dari Caldwell Day  to honor Ms. Caldwell for her years of service to Novant Health Rowan Medical Center and to the community.

Chickweed Day  Promotes opportunities where women musicians and artists deliver the message of empowerment to women and children victims of violence.

Attachments:  ☑ Yes  ☐ No

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

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

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

---------------------------------------------
Finance Manager Signature  Department Head Signature
---------------------------------------------
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
REGULAR MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller and Tamara Sheffield; City Manager W. Lane Bailey; Deputy City Clerk Emily Michael and City Attorney 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 6:12 p.m.

PLEDGE OF ALLEGIANCE

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

CHANGE TO THE AGENDA

Mayor Heggins noted the following change to the Agenda:

Add – Announcement that Community Planning Department will be accepting applications for Blockwork until June 15, 2019.
ADOPTION OF THE AGENDA

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

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present.

PROCLAMATION

Mayor to proclaim the following observances:

DELTA SIGMA THETA SORORITY DAY June 4, 2019
OMEGA PSI PHI FRATERNITY DAY June 4, 2019
WEAR ORANGE DAY June 7, 2019

Mayor Heggins read and presented the Delta Sigma Theta Sorority Day proclamation to members of Delta Sigma Theta Sorority, Inc.

Mayor Heggins read and presented the Omega Psi Phi Fraternity Day proclamation to members of Omega Psi Phi Fraternity, Inc.

Mayor Heggins read and presented the Wear Orange Day proclamation to Ms. Teresa Rowell.

PRESENTATION

Mooresville Commissioner Barbara Whittington presented the City of Salisbury a plaque on behalf of the Town of Mooresville for its support following the death of Mooresville Police Officer Jordan Sheldon who was killed in the line of duty.

CONSENT AGENDA

(a) Minutes

Approve Minutes of the Regular meeting of May 7, 2019 and the two Special meetings of May 7, 2019.
(b) **Budget Ordinance – Joint Operations funds**

Adopt an Ordinance amending the FY2018-2019 budget in the amount of $5,000 to appropriate Joint Operation Funds from the United States Secret Services.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE JOPS SECRET SERVICE FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 152, and is known as Ordinance 2019-27.)

(c) **Budget Ordinance – Police Department Donations**

Adopt an Ordinance amending the FY 2018-2019 budget in the amount of $3,166 to appropriate Police Department donations.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE POLICE DEPARTMENT DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 153, and is known as Ordinance 2019-28.)

(d) **Budget Ordinance – Axon Enterprises**

Adopt an Ordinance amending the FY 2018-2019 budget in the amount of $71,169 to complete Phase 2 of the integrated video and audio capture system from Axon Enterprises.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE GENERAL FUND REVENUES FOR INTERVIEW CAMERAS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 154, and is known as Ordinance 2019-29.)

(e) **Sole-Source Purchase – ImageTrend, Inc.**

Approve a sole-source purchase from ImageTrend, Inc. for an amount not to exceed $28,000 for the purchase of a software record management system.

(f) **Budget Ordinance – Federal Emergency Management Agency**

Adopt an Ordinance amending the FY 2018-2019 budget in the amount of $69,870 to appropriate Federal Emergency Management Agency Grant Funds.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FEMA GRANT

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 155, and is known as Ordinance 2019-30.)

(g) **Budget Ordinance – Parks and Recreation Donations**

Adopt an Ordinance amending the FY 2018-2019 budget in the amount of $5,000 to appropriate Parks and Recreation donations.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE PARKS AND RECREATION DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 156, and is known as Ordinance 2019-31.)

(h) **Budget Ordinance – West End Sign Donation**

Adopt an Ordinance amending the FY 2018-2019 budget in the amount of $9,439.02 to appropriate donations from the Blanche and Julian Robertson Family Foundation for the West End Sign.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE DONATION FOR WEST END SIGN.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 157, and is known as Ordinance 2019-32.)

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

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comments.

Mr. Steven Williamson stated he would like to see Council members recuse themselves when they have a personal or invested interest in an outcome, such as the pickleball issue. He questioned if neighbors have been asked about the impacts of pickleball.

Ms. Margaret Lipe commented her family has played on the City’s tennis courts for years. She suggested pickleball could help generate revenue in the City, but added she does not agree with removing tennis courts that are utilized by the community.
Mr. Jon Post stated he supports pickleball and believes if there are free classes it could help the sport grow. He commented he would like to see permanent pickleball nets be available and suggested converting two tennis courts into pickleball courts using available private funds. He noted if the conversion is not completed the private funds would be returned to the donors and the tennis courts would remain empty.

Ms. Mary James stated she supports a pickleball facility but not at City Park. She pointed out the tennis courts need resurfacing and have not been maintained and the youth programs need to be revived. She noted the United States Tennis Association (USTA) has up to 50% in grant funds available. She suggested using other locations to install pickleball courts.

Ms. LuAnn Nordine commented the tennis court conversion has caused a rift in the community, and she pointed out funds are budgeted to resurface the tennis courts. She added tennis is not a dying sport and she is disappointed that staff did not reach out to tennis players for feedback regarding the proposed tennis court conversion. She noted parking at City Park is limited and noise from pickleball may disturb the neighborhood.

Mr. Dick Osman stated he resides in Charlotte and is a district ambassador for the United States of America Pickleball Association. He added pickleball builds community and contributes to player’s mental and physical well-being. He noted there is a growing demand for pickleball and the proposed tennis court conversion.

Ms. Renee MacNutt referenced the statue Fame and read an article written by a Kannapolis pastor regarding statues.

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

PROPOSED BUDGET

City Manager Lane Bailey commented a proposed budget was provided to Council at a previous meeting and since then the Rowan-Salisbury School System (RSSS) has submitted a request for funding. He announced Council will hold a Special meeting Tuesday, June 11, 2019 at 10:30 a.m. for a budget work session regarding the proposed budget. He pointed out Council will need to hold a public hearing at tonight’s meeting to receive feedback from the public regarding the proposed budget.

Mayor Pro Tem Post asked if the public would be allowed to speak during the Special meeting on June 11, 2019. Mr. Bailey commented the meeting is a work session for Council and it would be Council’s discretion whether to allow public input.

Mr. Bailey stated the City Clerk’s office has a copy of the proposed budget and an electronic copy is also available. Mayor Heggins asked if the proposed budget has been added to the City’s website. Mr. Bailey agreed.
Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding the Fiscal Year 2019-2020 proposed City Budget.

Ms. Mary James stated the City Manager recommended lowering the tax rate with an annual savings of approximately $200,000. She requested Council not lower the tax rate and allocate the savings toward resurfacing the tennis courts and implementing pickleball courts. She pointed out the City’s Fund Balance is 35% and the state requires 8% of the City’s budget be reserved for emergencies, and she asked if there were plans for the savings.

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

2019 DRAFT ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE REPORT

Human Relations Manager Anne Little stated the public hearing for the 2019 Draft Analysis of Impediments (AI) to Fair Housing Choice Report is part of the 30-day comment period which is open until June 25, 2019. She explained it is a required step toward the completion of the five-year update for the United States Department of Housing and Urban Development (HUD) AI to Fair Housing Report. She stated the purpose of the public hearing is to receive comments to include in the final draft of the report be sent to HUD. She noted Centralina Council of Governments (CCOG) made a presentation at Council’s May 21, 2019 meeting that included the 2019 draft report of impediments, action plan, recommended strategies, and identified the 2014 impediments for improvement.

Ms. Little stated impediments identified in 2014 included improvements such as the Housing Advocacy Commission (HAC) implementing fair housing incentives, the creation of a Fair Housing Committee, partnerships with the Salisbury Housing Authority, locally funded and occupied rentals, housing rehabilitation programs, and a 2018 contract with Legal Aid of North Carolina to conduct testing to help address housing issues in Salisbury. She pointed out there has been progress since 2014, but there is more to be done to ensure the community has protection and opportunities relating to fair housing. She noted copies of the draft report are available on the City’s website and at public locations and additional comments can be submitted to staff.

Ms. Renee MacNutt referenced a state law regarding fair housing and the ability for local leadership, of any type, to make changes to the existing state law in order to add protected classes. She asked if a Fair Housing Ordinance should be adopted to allow Council to make legal changes. She then asked if it is against the law for the City to add classes to protect against discrimination.

City Attorney Graham Corriher explained the City is restricted and limited in its options as it relates to protected classes because of a newly passed state law that prevents local governments from setting and implementing anti-discrimination and employment policies. He stated he believes the CCOG was trying to explain that there are ways to ensure protections are extended as far as Council desires. He noted he could return to Council with a better analysis of
protected classes. Mayor Heggins agreed, and she thanked Mr. Corriher for all he does for the City.

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

**PICKLEBALL**

Parks and Recreation Director Nick Aceves presented information regarding the tennis courts at City Park. He introduced Parks and Recreation Program Manager Sam Wilborn and City Park Recreation Coordinator Teri Shaw.

Mr. Aceves pointed out he started with the City in November of 2015. He explained the budget was already set for the fiscal year and it included a request to resurface tennis courts at City Park. He added he has made subsequent requests for resurfacing the courts until the current fiscal year when he requested the lights at City Park be replaced because it has become a bigger issue at the park. He indicated needs are prioritized and other issues took priority over resurfacing the tennis courts.

Mr. Aceves commented installing a pickleball facility at the Civic Center was researched about a year and a half ago, but the projected cost was $80,000 and funds were unavailable at the time due to other needs. He noted he submitted a grant request two years ago to the United States Tennis Association (USTA) for resurfacing the tennis courts. He pointed out a letter of interest was received from the USTA, but matching funds were not available from the City. He commented the grant also required youth lines to be added to the courts.

Mr. Aceves pointed out the Parks and Recreation Department was contacted in August 2018 about private funding for the conversion of two tennis courts into pickleball courts. He indicated the Parks and Recreation Advisory Board discussed the proposed conversion of two tennis courts at City Park, and it was unanimously approved. He added the pickleball project was discussed in November 2018 and April 2019 with no objections other than the proposal of shades being added to the courts. He indicated no complaints have been received by the Parks and Recreation Department or at City Park regarding the temporary pickleball courts.

Mr. Aceves stated the department is a trending industry and pickleball is a growing trend. He commented the tennis courts are being used, but all six of them are not used enough to maximize the facility such as Hall Gym is maximized with three basketball courts, a volleyball court, and three pickleball courts. He added it is common for sports to share court lines. He noted no complaints were received when temporary pickleball lines were installed at City Park.

Mr. Aceves pointed out other facilities are maximized, and he referenced the racket ball courts at the Civic Center that were converted into a facility for martial arts classes, rooms in the bottom of the Civic Center that were converted into Facilities Maintenance offices, and the City Park Teen Room that was originally a weight facility and is now used for ping pong, rentals, and meetings.
Mr. Aceves noted the department held two public information gathering sessions regarding the overall Master Plan and another one will take place during the Juneteenth event. He commented pickleball was mentioned, but tennis was not.

Mayor Heggins asked how many participants attended the meetings. Mr. Aceves commented there were nearly 150 participants at the meetings and 1,000 survey responses were received from a phone survey. Mayor Heggins asked if the same questions were asked during each meeting. Mr. Aceves agreed.

Mr. Aceves pointed out Hall Gym has pickleball players waiting to play three times a week, and he noted the players must share the courts with other sports and programs. He indicated pickleball players are required to bring their own net and equipment to use the facilities at City Park.

Mr. Aceves presented Council with three options: to move forward with the proposed project at City Park and convert two of the tennis courts into pickleball courts, resurface the current tennis courts and build a stand-alone pickleball facility at Civic Center, or to not proceed with either proposal.

Mr. Aceves pointed out converting the two tennis courts into pickleball courts at City Park would create an additional amenity for various users, save on maintenance costs and staffing, and increase park usage. He added the Public Services Department provides maintenance for the Parks and Recreation facilities, and it would place a strain on staffing if another facility was added without an additional staff member. He indicated a loss of two tennis courts would occur and the other four tennis courts would still need to be resurfaced. He reiterated a USTA grant could be applied for, but the City would be required to place youth lines on the courts.

Mr. Aceves commented another option includes resurfacing the current tennis courts and building a stand-alone pickleball facility at the Civic Center. He indicated the facility would include six to twelve pickleball courts, adequate parking, bathrooms, high visibility from the road, would be an added amenity to the area, and would be in close proximity to Interstate 85. He noted six courts would cost $182,000 with lighting and $100,000 without lighting. He commented 12 courts would cost $304,000 with lighting and $150,000 without lighting. He recommended running conduit for lighting and building courts without lights, and he added funds for lighting could be requested or raised by pickleball players. He indicated this option would include project costs, maintenance costs, and place a strain on maintenance staffing due to the additional facility.

Mr. Aceves explained the last option is to not convert two of the tennis courts into pickleball courts nor resurface the tennis courts or build a stand-alone pickleball facility. He pointed out temporary pickleball lines will remain on the tennis courts without permanent nets and parking will stay the same. He noted the courts still need to be resurfaced, the facility will not be utilized as much and pickleball players will still have to continue to bring their own net to the park.

Mr. Aceves explained schools in the Rowan-Salisbury School System (RSSS) are allowed to use the tennis courts at no cost. He indicated private schools are charged a $25 fee for two courts with a maximum of $50 for four courts. Ms. Shaw added the cost includes play for the
entire day. Mayor Heggins noted some of the students that attend private schools live in the City and their parents pay taxes. Mr. Aceves agreed.

Mr. Aceves commented in fiscal year 2010-2011 a contracted tennis instructor paid the City $3,000 to teach tennis lessons. He noted to cultivate tennis the instructor fee changed to $600 a year and the City offered to pay for certifications for the tennis instructor.

Mr. Aceves noted the courts need to be resurfaced, but there are other priorities to be considered such as the floors at the Civic Center and Hall Gym, and the Fred M. Evans Pool that needs to be re-plastered.

Mr. Aceves commented the Parks and Recreation Department has received approximately $800,000 in grants since 2016 for facility and programming improvements which does not include the work staff has completed through donations, sponsorships, and grants.

Mr. Aceves pointed out according to Mr. Jon Post proceeds from pickleball tournaments will be donated for the overall upkeep of the facility. He added this option is a way to serve two demographics and offer programs to everyone. He welcomed anyone in the tennis community to volunteer and cultivate the program.

Councilmember Miller pointed out he does not believe Mr. Jon Post or Mayor Pro Tem Post are doing anything immoral or unethical and should not be castigated for making a donation. He noted there is a need to create opportunities for both sports. He asked City Manager Lane Bailey if it would be possible to combine court resurfacing with other projects in the budget. He added community members are passionate about both pickleball and tennis. He pointed out the Parks and Recreation Department does a tremendous job and it is up to Council to find a solution that meets the need of pickleball and tennis players.

Mayor Pro Tem Post stated he grew up playing tennis and when he was unable to play any longer he discovered pickleball at a Citizens Academy event at Hall Gym. He noted he donated money for the courts and matched another donor’s donation.

Mayor Pro Tem Post indicated players wait in line to play pickleball at the YMCA on Wednesday nights and Sunday afternoons, and there are numerous players playing at the City Park courts. He pointed out the community is looking to become a certified retirement community and pickleball would be an asset. He explained he did not feel he needed to recuse himself unless Council asks him too as he does not have any financial interest in the decision.

Mayor Heggins asked Mr. Bailey to explore options to fund resurfacing the tennis courts and building a stand-alone pickleball facility at the Civic Center. Mr. Bailey agreed.

Mayor Heggins noted she does not believe Mayor Pro Tem Post or Mr. Post were trying to buy favors, and she added just because someone invests money in their community does not mean they are trying to receive favors in return.
Councilmember Sheffield commented she asked for the pickleball discussion to be delayed at the last meeting because she did not think it would be fair for Mayor Pro Tem Post not to be able to contribute to the discussion. She noted Mayor Pro Tem Post should be the one to decide if he can be part of the final decision.

Councilmember Sheffield noted the Consent Agenda for Council’s January 2, 2019 meeting listed a budget amendment for the Parks and Recreation Department for a $25,000 donation. She indicated the only information that was given to Council indicated the Parks and Recreation Department received a donation to support pickleball court renovation at City Park. She noted Council was unaware of the scope of the pickleball project.

Councilmember Sheffield asked if public comment is allowed during Parks and Recreation Advisory Board meetings. Mr. Aceves noted public comment is not listed on the Agenda, but people are provided time to speak. Councilmember Sheffield thanked Mr. Aceves and the Parks and Recreation Department for exploring options, and she thanked Mr. Bailey for placing a hold on the conversion to allow discussion to take place.

Councilmember Sheffield questioned if tennis nets remain up when pickleball is played, and she questioned if tennis could still be played if the pickleball nets remained on the courts. Mr. Aceves noted tennis nets remain in place during pickleball play and tennis is not played when pickleball nets are up. He explained in the proposed project, tennis nets will remain and the pickleball net posts will be in sleeves that can be easily installed and removed.

Councilmember Sheffield then asked how many tennis and pickleball courts are located in the City and the County. Mr. Aceves commented the City has six tennis courts and nine temporary pickleball courts, and he added the County has eight tennis courts and possibly six pickleball courts, but he is unsure of the exact number.

Councilmember Sheffield asked about the operating hours for the pickleball courts at City Park and the operating hours at the Civic Center. Ms. Shaw noted City Park court lights shut off at 11:00 p.m. Mr. Aceves added Hall Gym hours are three times a week between 9:00 a.m. and 12:00 p.m. He pointed out the hours at the Civic Center vary each day depending on staff, but it is open until 8:00 p.m. He commented the Civic Center is closed on Sunday and hours can vary on Saturday if there is an evening event.

Councilmember Sheffield asked how the tennis courts are reserved and when tennis lessons are scheduled. Ms. Shaw explained the tennis instructor handles his own schedule, and the courts are only reserved if a lesson is scheduled. She clarified the reservation is for only one court. Councilmember Sheffield questioned why the City did not renew its USTA membership. Mr. Aceves explained there has not been a request for renewal since he has been with the City, but it could be renewed if requested.

Councilmember Sheffield noted pickleball is a growing sport. She thanked everyone for contributing to the pickleball discussion and wanting to be a part of the process.
Councilmember Alexander commented she is the Council liaison to the Parks and Recreation Advisory Board and feels the pickleball conversation was open and clear. She added she does not think there was any intention to bypass the tennis community to install pickleball courts. She commented she is always in favor of leveraging available resources and maximizing City facilities to better serve the community. She added she does not think there was any ulterior motive from Mayor Pro Tem Post’s or Mr. Jon Post’s donation and it was an opportunity to give back to the community. She indicated there may have been limited maintenance on the tennis courts due to budget issues, but it is difficult to cover all the needs in the City.

Councilmember Alexander commended the work of the Parks and Recreation Advisory Board. She thanked everyone for their understanding and citizens who spoke of their passion for each sport during the public comment periods.

Mayor Heggins thanked the Parks and Recreation Department for the great work they do for the community.

RECESS

Councilmember Miller made a motion to take a five minute recess and all Councilmembers in attendance agreed unanimously to recess.

The meeting reconvened at 8:35 p.m.

COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAM FUNDS

Planning Director Hannah Jacobson stated at Council’s May 7, 2019 meeting staff provided an overview of the City’s draft FY2019-2020 Action Plan and Budget for the expenditure of $454,219 from Community Development Block Grant (CDBG) and HOME Program funds. She noted the draft was made available for a 30-day public inspection, a public comment period, and public input meetings were held on May 14, 2019 and May 30, 2019. She added Council had a general consensus regarding the goals and actions presented and no modifications were made to the draft that was provided to Council on May 21, 2019. She pointed out the public comment period will conclude on June 7, 2019, but staff request Council consider approving the action plan and budget in advance for final submission to the United States Department of Housing and Urban Development (HUD). She stated the City will receive $454,219 in CDBG and HOME Program funds, and she noted a bulk of the funds will be used for owner-occupied rehabilitation. She stated $50,000 will be allocated to the West End Sidewalk Project, $47,980 will support non-profit organizations, $64,003 will be used for general administration expenses, and $39,498.60 will pay the debt service at Park Avenue Center.

Ms. Jacobson stated HOME Program funds in the amount of $134,202 will be divided between owner-occupied rehabilitation and program administration.
Ms. Jacobson commented the first public meeting was held May 14, 2019 with nine attendees who had a general consensus on the goals, plans, action, and budget. She added the public suggested the City incorporate traffic calming treatments and street light concerns on Horah Street, demolition of deteriorated, vacant and abandoned structures, and sidewalks in the West End community.

Ms. Jacobson stated the second public meeting was held at the Park Avenue Center on May 30, 2019 and there were eight attendees who agreed with the City’s five draft goals and did not recommend any revisions. She noted the participants recommended incorporating transparency and a participatory park planning process and considering the needs of lower-income communities. She added it was suggested for more social interactions to create a better community, demolition of abandoned structures, improve regulations and design standards for high-quality housing, neighborhood cleanup programs and improved communication regarding bulk garbage collections.

Ms. Jacobson requested Council consider approving the revised action plan and budget for CDBG and HOME Program funds that staff will submit to HUD.

Mayor Pro Tem Post asked if approximately $400,000 in funds was received last year for exterior improvements in distressed neighborhoods. Ms. Jacobson agreed, and she noted those funds are included in a separate budget item implemented through the Capital Improvement Plan (CIP). She noted CDBG and HOME Program are federal funds.

Thereupon, Councilmember Miller made a motion to approve the FY2019-2020 action plan and budget for Community Development Block Grant and HOME Program funds. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RECYCLING PRACTICES

Public Services Street Division Manager Craig Powers introduced Waste Collection Crew Leader Mark Pullium who addressed Council regarding recycling practices.

Mr. Pullium commented the goal is to educate the community to streamline garbage collections and decrease the amount of trash sent to landfills. He explained recycling is not what it was ten years ago and is now referred to as single-stream. He stated the National Sword Policy was passed in China that states recycling material must meet a strict contamination rate of .5% before China will accept it. He added the policy was created to help reduce China’s pollution.

Mr. Pullium pointed out plastic soda bottles that have not been rinsed out contaminate waste once it is compacted. He pointed out recycling cost has increased because of contamination to the collection stream. He noted the City has a 60% to 75% recycling participation rate inside its corporate limits, but he would like to see a 100% participation rate while reducing contamination. He recommended implementing a two receptacle recycling system to help eliminate contamination. He explained packaging that contains food must be rinsed, and he noted plastic bags entangle and shut down recycling equipment.
Mr. Pullium commented since China passed the National Sword Policy the recycling market has declined because acceptable materials have been restricted to tin, aluminum, cardboard, mixed-paper, and plastics graded one and two. He pointed out plastics graded three through seven are not a desirable material, but he explained the product is recyclable but there is no market and the likelihood of a buyer is low.

Councilmember Miller asked Mr. Pullium to provide an example of plastics graded one and two. Mr. Pullium stated grades one and two are detergent bottles, soda bottles, and milk jugs. Councilmember Miller asked for examples of plastics graded three through seven. Mr. Pullium stated those grades are single-use plastics such as the plastic bags that hold detergents.

Mayor Pro Tem Post asked if plastics grades one and two should be rinsed. Mr. Pullium agreed, and he noted if a material or packaging contains a product it should be rinsed.

Mr. Pullium commented glass products create a higher recycling cost because of the transfer expense of glass products. Councilmember Miller asked if glass should be recycled. Mr. Pullium stated it should not. Mr. Powers pointed out some communities have already banned glass from their recycling streams because of its negative value. Mr. Pullium explained to process a ton of recyclables cost approximately $120 and a ton of garbage taken to the landfill costs $38.

Mr. Pullium indicated some of the common contaminants are televisions, electronics, and small appliances, and he pointed out those materials should be taken to the Rowan County Recycling Processing Center located at 1102 North Long Street in East Spencer. He stated tires are collected by the City four times throughout the year as a courtesy to citizens. He commented textiles such as bedding, rugs, and carpets are best recycled by utilizing facilities that can reuse the materials. He stated building materials can be upcycled for projects or be taken to facilities to reuse or resell it to the public.

Mr. Pullium noted paper napkins, plates, cups, tissues, and polystyrene foam are not considered recyclable materials. He indicated the City collects yard waste Monday through Friday and offers free compost to citizens with weather permitting on Fridays at 1955 Grubb Ferry Road in Spencer. He pointed out most food items are 70% to 80% water and composted at some facilities, but it is not offered in Salisbury because the landfill cost is low. He commented recyclables should not be placed in plastic bags, and he added supermarket plastic bags should be returned to the supermarket because they have specialized processing equipment. He explained water hoses, Christmas lights and extension cords are recyclable at local facilities but are not designed for the 96-gallon recyclable collection bin. He pointed out inflatable swimming pools, rubber gloves and other rubber items are not considered recyclable.

Councilmember Miller asked how the public will know what types of recyclables are accepted. Mr. Powers stated the department is developing an education plan and working to provide community engagement. Councilmember Miller suggested attaching recycling information to the collection bins. Mr. Pullium commented recycling vendors have changed and recyclable items were listed on the collection cans. He pointed out the department participates in Earth Day on the Greenway and works with state environmental agencies to find resources for the community. He noted the market changed and recycling is no longer profitable. He pointed out
the recycling market is going to continue to increase, and he added before China initiated its policy it collected 80% of the world’s recycling. He stated there are no infrastructures in the United States able to take on the processing of recyclables. He commented staff continues to work with vendors and resources to ensure the best information is provided to the public.

Councilmember Sheffield thanked Mr. Powers and Mr. Pullium for providing a presentation and information at the Neighborhood Alliance Meeting.

CITY ATTORNEY’S REPORT

City Attorney Graham Corriher indicated he had nothing to report to Council.

CITY MANAGER’S REPORT

(a) Resolution – North Carolina State Budget

City Manager Lane Bailey presented Council a Resolution relating to state funding for the Empire Project, and he pointed out developer Britt Weaver is in the audience to answer questions about the project. He recommended Council adopt the proposed Resolution and send it to the City’s delegation for its consideration.

Councilmember Miller commented he believes it is important that Council advocate for the Empire Project at the state level. Mayor Pro Tem Post and Councilmember Alexander agreed.

Mr. Weaver stated there are resources to help close the funding gap, and he pointed out he does not rely on grants or federal funding but believes the Resolution could help move the project forward. He indicated he is more confident regarding the project now than he was in the beginning, and he thanked Council for its support.

Thereupon, Councilmember Alexander made a motion to adopt a Resolution of support for inclusion of locally identified projects in the North Carolina State budget and seconded by Councilmember Miller. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

RESOLUTION OF SUPPORT FOR INCLUSION OF LOCALLY IDENTIFIED PROJECTS IN THE NORTH CAROLINA STATE BUDGET.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 14, and is known as Resolution 2019-11.)
ANNOUNCEMENTS

Movies in the Park

Communications Director Linda McElroy announced The Salisbury Parks and Recreation Department will hold Movies in the Park on Friday, June 14, 2019 at City Park. The movie, A Dog’s Way Home, will begin at 9:00 pm. Concessions will be available for purchase. Bring a blanket or a chair and enjoy fun family time. This event is free and open to the public. For more information, please call (704) 216-PLAY.

Woofstock

Communications Director Linda McElroy announced the Salisbury Parks and Recreation Department in partnership with Dog PAWS will hold Woofstock on Saturday, June 15, 2019 at the Dog PAWS Dog Park located behind the Salisbury Civic Center from 10:00 a.m. until 1:00 p.m. This event is a combination of activities beginning with the Fur Fun 5k Run at 10:00 a.m., music, pet vendors, and Every Snout Counts pet rescue information with the Salisbury Fire Department. This event is free and open to the public. For more information, please call (704) 216-PLAY.

Gallery Gallop

Communications Director Linda McElroy announced the Gallery Gallop, a celebration of art in downtown Salisbury will be held Friday, June 21, 2019 from 5:00 p.m. until 9:00 p.m. There will be live music, downtown gallery tours, and kid’s activities. Artists will be set up on the sidewalk alongside participating businesses downtown.

2019 Salisbury Citizen’s Academy

Communications Director Linda McElroy announced applications are now being accepted for the 2019 Salisbury Citizen’s Academy. The Academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 5, 2019. Participants will meet at various City facilities and have an inside view of City operations. Applications are available online at salisburync.gov/citizensacademy or by calling Kelly Baker at 704-638-5233. All applications must be received by July 19, 2019.

2019 Blockwork

Communications Director Linda McElroy announced this year’s Blockwork event has been scheduled for Saturday, October 26, 2019, on Make a Difference Day. She stated the Community Planning Department is now receiving applications. Applications for neighborhood participants should be received before June 15, 2019. She stated applications and guidelines are available online at www.salisburync.gov/Blockwork.
COUNCIL COMMENTS

Councilmember Sheffield encouraged the community to participate in Citizen’s Academy, and she added it is a great way to get to know the inner workings of the City.

Councilmember Alexander stated she will present a Resolution that relates to opioid use at a future meeting for Council’s consideration.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Post commended Councilmember Alexander for being elected Second Vice President for the North Carolina League of Municipalities (NCLM).

MAYOR’S COMMENTS

Mayor Heggins commended Councilmember Alexander for her elected position on the North Carolina League of Municipalities (NCLM) and thanked staff for all it does for the City.

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 21:18 p.m.

____________________________________
Al Heggins, Mayor

_____________________________________
Diane Gilmore, City Clerk
REGULAR MEETING

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

ABSENT: City Clerk Diane Gilmore and Deputy City Clerk Emily Michael.

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

PLEDGE OF ALLEGIANCE

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

ALTERATIONS TO THE AGENDA

Mayor Heggins noted the following changes to the Agenda:

Add – Proclamation for Lee Street Theatre performance, Blood Done Sign My Name.

Add – Consent Agenda Item 7i to adopt a budget Ordinance amendment to the FY2018-2019 budget in the amount of $11,400 to appropriate Parks and Recreation donations.

Amend – Consent Agenda item 7g to appoint Joe Fowler and Lamonte Massie-Simpson to the Dixonville Lincoln Memorial project Task Force and to add Mahogany Koontz as a member of the Task Force.

Amend – the fourth paragraph in the Better Utilizing Investments to Leverage Development (BUILD) Grant application for the North Carolina Department of Transportation
(NCDOT) to read pedestrian access instead of pedestrian overpass. NCDOT Rail Division will use pedestrian connection to describe the Salisbury project in its correspondence regarding the application.

ADOPTION OF THE AGENDA

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

PROCLAMATION

Mayor to proclaim the following observance:

SALISBURY PRIDE DAY JUNE 22, 2019
LEE STREET THEATRE
PERFORMANCE BLOOD DONE SIGN MY NAME JUNE 18, 2019
75th ANNIVERSARY OF D-DAY JUNE 6, 2019

Mayor Heggins read and presented the Salisbury Pride Day Proclamation to members of the Salisbury Pride organization. A Salisbury Pride member thanked the City of Salisbury for the recognition of LGBTQ+ community members.

Mayor Heggins read and presented the Lee Street Theatre performance, Blood Done Sign My Name Proclamation to members of the Lee Street Theatre. Members of the Lee Street Theatre shared how proud they are to represent Salisbury, and they added Lee Street Theatre will continue to represent theatre and arts in the community.

Mayor Heggins read and presented the 75th Anniversary of D-Day Proclamation to World War II Veteran Jim Deal. Mr. Deal shared his experience during World War II and D-Day.

CONSENT AGENDA

(a) Minutes

Adopt Minutes of the Special Meetings of May 30, 2019 and June 4, 2019 and the Regular Meeting of May 21, 2019.

(b) Budget Ordinance – Police Department Donations

Adopt an Ordinance amending the FY2018-2019 budget in the amount of $3,900 to appropriate Police Department donations.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE POLICE DEPARTMENT DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 158, and is known as Ordinance 2019-33.)

(c) **Budget Ordinance – The Fibrant Capital Reserve**

Adopt an Ordinance amending the FY2018-2019 budget in the amount of $166,770 to appropriate fund balance in the Fibrant Capital Reserve Fund.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE IN THE FIBRANT CAPITAL RESERVE FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 159, and is known as Ordinance 2019-34.)

(d) **Budget Ordinance – Community Development Block Grant Fund**

Adopt an Ordinance amending the FY2018-2019 budget in the amount of $59,069 to appropriate program income received into the Community Development Block Grant Fund.

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE CDBG PROGRAM INCOME.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 160, and is known as Ordinance 2019-35.)

(e) **Contract and Budget Ordinance – McAdams**

Authorize the City Manager to execute a contract with McAdams in the amount of $138,920 for services associated with the Downtown Main Street Plan and adopt a budget Ordinance amending the FY2018-2019 budget to appropriate revenue from interest.

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

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 161, and is known as Ordinance 2019-36.)

(f) **Budget Ordinance – Public Art Committee**

Adopt a budget Ordinance amending the FY2018-2019 budget in the amount of $25,290 to appropriate revenue for the Public Art Committee.
ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE SCULPTURE SHOW DONATIONS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 162, and is known as Ordinance 2019-37.)

(g) **Dixonville-Lincoln Memorial Task Force Appointments**

Appoint Joe Fowler, Lamonte Massie-Sampson, and Mahogany Koontz to the Dixonville-Lincoln Memorial Project Task Force.

(h) **Resolution – BUILD grant application**

Adopt a Resolution of Support for a Better Utilizing Investments to Leverage Development (BUILD) grant application for improvements at the Salisbury and Kannapolis Depots.

**RESOLUTION SUPPORTING A PARTNERSHIP WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A BUILD GRANT APPLICATION.**

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 15, and is known as Resolution 2019-12.)

(i) **Budget Ordinance – Parks and Recreation Donations**

Adopt a Budget Ordinance amending the FY2018-2019 budget in the amount of $11,400 to appropriate revenues for Parks and Recreation donations.

**ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE PARKS AND RECREATION DONATIONS.**

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 163, and is known as Ordinance 2019-38.)

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

**PUBLIC COMMENT**

Mayor Heggins opened the floor to receive public comments.

Ms. Mary James noted the improvements at City Park are great ideas, but she suggested completing them at a later date. She added she hoped the tennis court resurfacing and the installation of a separate pickleball facility would be a top priority of Council.
There being no one else to address Council, Mayor Heggins closed the public comment session.

**BUDGET ORDINANCE FY2019-2020**

City Manager Lane Bailey pointed out there are three versions of the recommended budget. He explained each version includes keeping the same tax rate to correct a clerical error from the previous billing cycle, and a $95,000 appropriation for the Rowan-Salisbury School System (RSSS) based on their presentation at the Budget Work Session.

Mr. Bailey pointed out version one of the recommended budget appropriates $75,000 for the Innovation Development Entrepreneurship Acceleration (IDEA) Center, $38,000 in General Fund contingency expenses, and $208,000 in additional revenue. He noted version two of the recommended budget will keep the current tax rate and will include a $95,000 appropriation for RSSS, and $113,000 in General Fund contingency expenses. He added the IDEA Center is not included in this version. He indicated version three of the recommended budget includes $208,000 in additional tax revenue, and a $95,000 appropriation for RSSS.

Mayor Pro Tem Post commented he attended an IDEA Center board meeting and was advised another budget was submitted based on a $75,000 appropriation instead of $125,000. He pointed out he would like to place a hold on the IDEA Center. He suggested Council continue the conversation about the IDEA Center before it appropriates money to them.

Councilmember Alexander noted version two of the recommended budget includes the same amount of money, but $113,000 is held in a general contingency fund until it is decided how it will be allocated. Mr. Bailey commented it could be used for something other than the IDEA Center, but he recommends having a conversation with Rowan County.

Mayor Pro Tem Post asked if Councilmember Alexander recommended version two. Councilmember Alexander agreed, but asked about version three. Mr. Bailey commented the difference between versions two and three is version three reduces the amount of Fund Balance being appropriated in the budget.

Councilmember Miller asked if Council agreed to keep the tax rate the same and include $95,000 in the General Fund special project expense for RSSS. By consensus, Council agreed.

Councilmember Miller stated the discussion about the IDEA Center should be earmarked. Mr. Bailey noted he would then recommend version one and have staff report back to Council regarding how the $75,000 will be allocated. He indicated there needs to be a conversation with Rowan County regarding the IDEA Center.

Councilmember Miller recommended version one of the budget proposal and for Mr. Bailey to come back to Council with specifics relative to where the City’s contributions are going to be allocated within its budget.
Councilmember Alexander commented $38,000 would be included in the General Fund contingency. Mr. Bailey agreed.

Mayor Heggins noted she did not have a problem with version one, but she wanted to make sure Council is in agreement. She pointed out Councilmembers requested additional information during the Budget Work Session regarding the plans for the City’s contributions. She commented version one gives Council the opportunity to obtain additional information before designating where the funds will be allocated.

Councilmember Sheffield clarified she is not saying funds should not be allocated to the IDEA Center, and she noted she agreed to put funds in a contingency fund. Councilmember Miller asked if funds could be put into a contingency fund for economic development or if it would be a general contingency fund. Councilmember Sheffield noted she could support putting funds into a general contingency fund.

Mayor Pro Tem Post suggested earmarking up to $75,000 for the IDEA Center project. He added he thinks staff should have a conversation with the IDEA Center and come back to Council with a proposal regarding the allocation of funds.

Councilmember Alexander suggested funds be put into a contingency fund and used for the IDEA Center or economic development.

Councilmember Miller suggested the contingency fund be labeled for economic development, and he added if the funds are not used for that, Council can vote to allocate it to something else.

Mr. Bailey recommended version one of the recommended budget, and he noted the IDEA Center could be removed and contingency funds be labeled for economic development. By consensus, Council agreed.

Mayor Heggins asked if economic development would be narrowed to downtown economic development or across the City. By consensus, Council agreed to economic development across the City.

Mr. Bailey referenced the capital items in the Parks and Recreation Department. He added Councilmember Miller asked about the possibility of an inter-fund loan, and he commented the Local Government Commission (LGC) might have issues with that. He explained Fund Balance appropriations could fund the entire amount and it would be better to spread the amount over a three year period. Mr. Bailey noted the total amount of money for Parks and Recreation capital. He pointed out additional revenue will be received and placed back in the General Fund for funds that were advanced to the North Carolina Department of Transportation (NCDOT) for projects. He explained once the Parks and Recreation Department completes its Land Design study, staff could bring Council additional ideas regarding the City’s park facilities. He indicated the list of projects is nearly equivalent to the money the City will receive from NCDOT. He recommended using Fund Balance if the funds from NCDOT are not received this fiscal year.
Mayor Pro Tem Post asked about the amount of the NCDOT reimbursement. Finance Director Shannon Moore noted the reimbursement will be approximately $800,000.

Mayor Pro Tem Post asked if the NCDOT project costs were taken out of the General Fund and if the reimbursement will be placed back in the General Fund. Ms. Moore agreed. Mr. Bailey noted Land Design is completing work on the projects and should have a report for Council mid-July or early August. He added the reimbursement would cover the capital portion of the Parks and Recreation projects, and he asked if Council would be comfortable waiting to hear from staff. Councilmember Alexander agreed, and she added she liked the idea of waiting until Council obtained the master plan and received community input. Mr. Bailey noted the design is from the same group that completed the Bell Tower Green Park design. Councilmember Sheffield pointed out while Council is waiting on the report from staff, the funds from NCDOT should be received, and the Parks and Recreation Department would have an opportunity to apply for a grant and have matching funds available.

Mr. Bailey noted the Parks and Recreation Department could look for grants or United States Tennis Association (USTA) funding to resurface the tennis courts. He added if mechanical dredging takes place at City Lake there would be an opportunity for boardwalks and other enhancements to be installed that hydro dredging would not allow.

Councilmember Sheffield asked if Salisbury-Rowan Utilities (SRU) funds itself and if the 1.6% increase in water and sewer rates has to take place. She pointed out tax rates affect homeowners and water rates create a direct impact on people already having a hard time. She indicated a $.05 per day increase occurred last year and the increase this year will add $.04 for a total of $.09 increase per day within the last two years.

Mr. Bailey indicated the 1.6% increase is based on the inflation rate and the increased cost of the chemicals. He added if there is not a rate increase this year it could cause a higher rate increase at another time. He recommended the City increase the rates based on the inflation rate.

Councilmember Alexander noted she supports the water and sewer rate increase, and she pointed out what has happened in other cities that did not keep up with their water and sewer infrastructure.

Mayor Pro Tem Post stated if the City does not keep up with inflation rates it could create a huge capital replacement at a later time because operating income would have to cover the depreciation costs to replace capital equipment.

Councilmember Sheffield clarified she does not support raising taxes in the future, and she added her request was not to have a rate increase and for the amount to be reviewed if an increase takes place. She pointed out lower tax rates would affect some, but the water and sewer rate affects everyone. She noted citizens will know about the increased tax rate, but not about the increase of the water, sewer and trash rates.

Mayor Heggins asked about the risks if the water and sewer rates are not increased. Mr. Bailey pointed out it would not be devastating to the SRU Fund if rates were not increased, but if
it happened several years in a row it could create problems. Mayor Heggies asked if the City would have to catch up at some point. Mr. Bailey agreed. Councilmember Alexander noted the issue is the replacement of the whole plant and pump station, and she added the City cannot afford to fall behind.

Mayor Pro Tem Post asked about the impact on an average water bill. Mr. Bailey noted it would be a $1.12 increase on a monthly water bill with an average of 5,000 gallons per month. He added an average water bill will increase from $69.75 to $70.87. Mayor Pro Tem Post noted the average household will have to pay nearly a $1 more a month or $13 a year to keep up with inflation and costs incurred by our water system. Mr. Bailey agreed.

SRU Director Jim Behmer commented the Environmental Finance Center reports that the median rate is $76 for a water bill on a monthly average of 5,000 gallons. Mayor Pro Tem Post indicated half of the cities charge more and half of the cities charge less.

Mr. Behmer noted rate increases have occurred across the area due to construction costs and cities catching up on infrastructure repairs. He commented Charlotte is increasing its water and sewer rates by 3.54%, Lexington by 5.5% and Kannapolis by 18%. Mayor Heggies asked if cities had to increase the rates by a large amount since they are not gradually increasing the rates. Mr. Behmer agreed.

Councilmember Sheffield asked how the percentages were calculated. Mr. Behmer commented the percentages are based on the total number of water connections.

Senior Management Analysis Anna Bumgarner stated on page 17-7 the $25 fee under police for picket permits has been removed since the fee is no longer charged.

Thereupon, Mayor Pro Tem Post made a motion to adopt the Budget Ordinance for the City of Salisbury for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020.

Mayor Heggies noted Council voted for version one of the City Manger’s recommended budget. Councilmember Alexander seconded. Mayor Pro Tem Post commented an amendment with the special project expense was updated from the IDEA Center to economic development.

Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

BUDGET ORDINANCE FOR FISCAL YEAR 2019-2020 BUDGET FOR THE CITY OF SALISBURY, NORTH CAROLINA.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Pages No. 164-181, and is known as Ordinance 2019-39.)
RECESS

Councilmember Miller made a motion to take a five minute recess and all Councilmembers in attendance agreed unanimously to recess.

The meeting reconvened at 7:37 p.m.

ECONOMIC CHARRETTE

Livingstone College Special Assistant to the President for Community Development Pete Teague presented information regarding the Salisbury Economic Charrette held on March 15, 2019. He commented Salisbury has issues, challenges, and opportunities that need to be addressed. He noted the charrette gave participants an opportunity to brainstorm on how current assets can be utilized to enhance economic development in the City. He pointed out President of Fountainworks Warren Miller assisted and facilitated the charrette.

Mr. Miller presented information from the economic charrette noting the assets the groups focused on included Hotwire Communications, downtown, proximity to Charlotte, minority business development, innovation, growing healthcare presence, and opportunity zones.

Mr. Miller pointed out Hotwire Communications is an asset to the City and the groups discussed how Hotwire could be leveraged to the free market to assist with economic development.

Mr. Miller commented participants discussed improving curb appeal and the addition of amenities to downtown. He noted cities such as Statesville completed streetscaping and increased occupancy, Hendersonville narrowed roads and widened sidewalks to create a thriving downtown, and Goldsboro brought live music and events downtown. He added ideas were discussed on how to enhance what is already downtown.

Mr. Miller noted Salisbury being in close proximity to Charlotte provides an asset to the community. He indicated the cost of living is 16.5% higher in Charlotte and Salisbury has median home costs that are 58% lower than Charlotte. He pointed out Salisbury will have increased frequency of the rail system and widening of roads for easier access to Charlotte. He added ideas were developed on ways to leverage existing connections to the Charlotte region.

Mr. Miller stated minority business development is an asset for the City, and he added ideas were discussed regarding what can take place to leverage minority businesses.

Mr. Miller commented culture innovation included Catawba College, Livingstone College, F&M Bank, Food Lion, the IDEA Center, and Integro Technologies. He noted ideas were discussed on how the City can leverage assets to help stimulate culture innovation in the City.

Mr. Miller pointed out the growing healthcare presence is an asset for the City. He commented healthcare is one of the largest industries in the county with the highest number of job
openings available each month. He added ideas were discussed on how the growing healthcare presence could be leveraged to the community.

Mr. Miller noted opportunity zones were created as part of federal legislation to encourage private investment in low income communities and to offer incentives to investors. He commented ideas were developed on how to increase incentives for opportunity zone development.

Mr. Teague asked Council for its consideration to provide assistance to further conversations and ideas developed during the charrette. He commented the Rowan Economic Development Commission (EDC) oversees economic development in Rowan County and was supportive of the charrette. He suggested Council create a group or partnership to implement the ideas discussed to enhance economic development in Salisbury.

Mayor Pro Tem Post indicated there were 75 participants in the charrette. He pointed out China Grove created an Economic Development Commission (EDC) as part of its Council. He commented the Rowan EDC is supportive if a group is developed to generate ideas, and he added the Rowan EDC is creating great things and it can be done in the City with assets already in place.

Councilmember Miller asked if a proposal was available for Council’s consideration. Mayor Pro Tem Post advised a proposal can be provided. Councilmember Alexander commented it is a great idea to include opportunity zones to attract people to renovate buildings or create businesses. Mayor Pro Tem Post added it would be in collaboration with the Rowan EDC and the IDEA Center.

Councilmember Miller requested a proposal be presented to Council for its consideration. He added he would assist if needed. Mayor Pro Tem Post pointed out a proposal was discussed, but the group wanted Council’s permission to move forward.

Mayor Heggins then requested ways to increase entrepreneurship, develop opportunity zones, and issues of poverty be addressed when the proposal is presented to Council.

Councilmember Miller asked for Downtown Salisbury, Inc. (DSI) to be included in the conversation to promote economic development downtown. Mr. Teague pointed out DSI attended the charrette. Councilmember Alexander noted she attended and thought it was a great charrette.

**LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT TA-03-2019**

Development Services Coordinator Teresa Barringer provided information to Council regarding Land Development Ordinance Text Amendment TA-03-2019 to amend Chapters 3 and 18 relating to bars, taverns and nightclubs, Chapter 6 relating to accessory structures, and Chapter 10 relating to parking requirements.

Ms. Barringer clarified the use standards and definition of a bar, tavern and nightclub. She pointed out the proposed amendments would include adding to Chapter 3.3d to include no such facility shall be located within 500 feet of any lot in the Neighborhood Mixed Use (NMX),
Corridor Mixed Use (CMX), and Highway Business (HB) zoning districts or within 50 feet of any lot in the Downtown Mixed Use (DMX) zoning district containing a public school, any nonpublic school as defined by Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes, church, or commercial child care center.

Ms. Barringer pointed out the proposed changes to Chapter 18 regarding the definition of a bar, tavern and nightclub. She commented a section was removed because the City does not regulate gross receipt sales of a restaurant and the amount of food sold.

Mayor Pro Tem Post asked about larger primary use. Ms. Barringer explained larger primary use would be what a restaurant indicates as its day to day primary use. Mayor Pro Tem Post asked if larger could be removed from the definition of the bar, tavern or nightclub. City Attorney Graham Corriher agreed to remove the word larger and to keep primary use.

Councilmember Miller asked if the microbrewery tasting room would be a primary use or a secondary use. Ms. Barringer pointed out the primary use of the microbrewery would be brewing the beer and the tasting room would be the secondary use. Councilmember Miller asked if a microbrewery would be the bar, tavern or night club. Ms. Barringer commented it would not, and she explained the primary use would be manufacturing the beer.

Councilmember Sheffield pointed out Council is reviewing this text amendment due to the art gallery discussion, and she added the art gallery is not covered in this amendment. Ms. Barringer noted a reference in the definition of use of a cultural facility would include the gallery.

Councilmember Sheffield asked about the cultural facility definition. Ms. Barringer noted a cultural community facility includes facilities designed to promote cultural advancement and serve the community such as live theater, dance or musical establishments, art galleries, studios and museums, nonprofit civic or fraternal organizations, museums, exhibitions, or similar facilities, libraries, and community centers such as the YMCA or YWCA.

Councilmember Miller requested the definition be re-written. Ms. Barringer asked for a directive and if cultural facility needed to be added in the text amendment. Councilmember Miller asked if adding the language of primary use and accessory use to the definition would be an option. Ms. Barringer commented the amendment could include primary and secondary uses.

Planning Director Hannah Jacobson pointed out she would like to refine the wording of the bar, tavern and night club definition and bring it back to Council for review. Councilmember Sheffield commented she would like to see secondary use and cultural community facility included in the proposed definition. Ms. Barringer agreed. Mayor Heggins indicated she was unsure if the cultural use event is needed. Councilmember Sheffield agreed.

Ms. Barringer presented Council information regarding Chapter 10.3 of the text amendment regarding required vehicle and bicycle parking. She commented in a recent plan review it was noted that the current ordinance states all square footage calculations are gross interior floor area, and she added restaurant and bar use facilities have maximum permitted parking of 20 parking spaces per 1,000 square feet of the dining area. She commented discussion took
place at a Planning Board meeting regarding if restaurants would be need to identify outdoor square footage during the site plan approval phase. She added the proposed amendment would state, with the exception of a restaurant or bar use, that both interior and exterior gross dining floor area would be used for square footage calculations.

Mayor Pro Tem Post asked if the change would have any effect on downtown restaurants. Ms. Barringer commented it would not.

Councilmember Sheffield asked if only allowing the interior gross dining area for square footage calculations for parking has been a problem. Ms. Barringer noted staff had a developer indicate it would be detrimental to their project. She added an alternative in the Land Development Ordinance (LDO) would be for the developer to propose pervious treatment for overflow parking, but overflow parking is not needed regular parking is needed. She commented the way it is currently written in the LDO the developer would install impervious treatment by the state standards for stormwater control and then maintain it on an annual basis.

Councilmember Sheffield asked if the amendment is making it more user-friendly for businesses in Salisbury. Ms. Barringer agreed, and she added it is intended for a very specific market-driven type of restaurant, and the amendment will provide the ability for extra parking for that use.

Ms. Barringer noted the proposed change to LDO Chapter 6.5.C.1 references accessory structures. She pointed out the previous text amendment allowed for gazebos and the placement of pergolas and trellises in the front yard.

Ms. Barringer commented under the current code no structures are allowed in the front or exterior side yard of a property unless the primary structure is 200 feet from a right-of-way. She added the text amendment would allow an arbor, pergola, or trellis to be placed in the front yard or exterior side yard if it meets the minimum setback requirements and is no larger than 20% of the primary structure. She noted a more prominent accessory structure such as a gazebo would still be subject to the 200-foot setback of the primary structure and the right-of-way.

Councilmember Miller asked if this amendment is in response to a request. Ms. Barringer agreed, and she added it is in response to a plan review regarding the Wallace Cancer Center’s healing garden which includes a pergola for patients. She noted under the current Code a pergola cannot be included in the plans because the exterior side yard and principle structure would not be 200 feet away from a right-of-way.

Councilmember Alexander noted the code should be written in relationship to the size of the lot and the setback of the home. She added the setback for most houses in the City is 35 feet.

Ms. Barringer asked if Council wanted to consider removing the 200 foot right-a-way but still include language that the arbor, pergola or trellis can be no larger than 20% of primary structure. Councilmember Alexander noted it should be in relationship to the setbacks. Ms. Barringer pointed out different districts have different setbacks.
Ms. Barringer indicated Planning Board recommended approval of the proposed amendments at its May 28, 2019 meeting.

Councilmember Alexander noted she would not allow a pergola or a gazebo. Mayor Pro Tem Post asked if she meant for the structures to not be included in front or side yard even if it meets the requirement of 200 feet from a right-of-way. Councilmember Alexander clarified to not include those structures in the front yard at all unless it attached as a porch or somehow tied into the house, and she recommended placing it in the back of the yard.

Councilmember Alexander asked if staff is trying to find a way to allow a structure of that sort in the front yard. Ms. Barringer noted structures could be included in the front yard or exterior side yard. Councilmember Alexander clarified it would be different if it is included with the side yard and would be behind the setback of the street.

Councilmember Miller noted the Wallace Cancer Center is the reason the amendment has been proposed and would be applied at the commercial setting and not necessarily to a residential lot. Councilmember Alexander agreed, and she pointed out the way the code is written it has to be considered for all use areas. Ms. Barringer explained it would have to meet the setback requirements and not be larger than 20% of the primary structure.

Mayor Pro Tem Post suggested staff speak with Councilmember Alexander regarding her architectural experience. Councilmember Alexander pointed out she would like staff to test the written ordinance against different scenarios.

Councilmember Miller asked if Council wanted to table all the recommendations and have staff report back to Council. Councilmembers agreed. City Manager Lane Bailey asked if the amendment to the parking requirement of Chapter 10 could be approved. All Councilmembers agreed and all other chapters were tabled.

(b) Mayor Heggins convened a public hearing, after due notice thereof, to receive comments regarding TA-03-2019.

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

Councilmember Miller stated the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury 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. Therefore, Councilmember Miller made a motion to adopt an Ordinance amending Chapter 10 of the Salisbury Land Development Ordinance, of the City of Salisbury, North Carolina. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)
ORDINANCE AMENDING CHAPTER 10 OF THE SALISBURY LAND DEVELOPMENT ORDINANCE, OF THE CITY OF SALISBURY, NORTH CAROLINA. (PETITION NO. LDOTA-03-2019)

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 182-191, and is known as Ordinance 2019-40.)

DOWN TOWN MASTER PLAN

Planning Director Hannah Jacobson and City Engineer Wendy Brindle presented Council an update regarding the Downtown Master Plan. Ms. Jacobson commented the Planning Department is currently working on 17 downtown projects. She pointed out a framework of vision, strategy, action, programs, and projects was created for organization and to determine the relationships between each project.

Ms. Jacobson pointed out the Downtown Master Plan was originally adopted by Downtown Salisbury, Inc. (DSI) in 2001 and updated in 2010. She explained the North Carolina Main Street Program requires a conceptual plan be provided for future downtown development.

Ms. Jacobson noted DSI’s Design and Master Plan subcommittees are working on updates for the 2020 Downtown Salisbury Master Plan. She added the City and DSI are working together on the update to create a collective vision. She pointed out a new market plan analysis should take place since the last market research was conducted in 2001.

Ms. Brindle commented the last downtown parking study was completed in 2000 and the current downtown parking study should be completed in July. She noted the parking study will analyze existing parking areas regarding use, management, existing conditions and anticipated growth areas. She added the study will provide recommendations for parking improvements, layouts and locations, parking treatments, and parking management regarding time and enforcement. She indicated the study will assist in the development of the Main Street Plan and the Downtown Master Plan.

Ms. Jacobson pointed out McAdams was selected as the consultant for the Main Street Streetscape Plan that will take place in two phases from West Monroe Street to the railroad tracks. She indicated the first phase includes a restriping plan to take place in conjunction with the North Carolina Department of Transportation (NCDOT) resurfacing project scheduled for year 2021. She commented the second phase will create a conceptual streetscape plan to offer a new streetscape design and added amenities to enhance mobility and economic development downtown. She pointed out this phase will also leverage applications for state and federal funding, and a Better Utilizing Investments to Leverage Development (BUILD) Grant. She commented $20 million has been identified in future years of the Capital Improvement Plan (CIP) to potentially build the project or provide a local match for several grants to complete the project.

Ms. Brindle stated the Salisbury Depot project is funded by the State Transportation Improvement Program (STIP). She indicated the North Carolina Rail Division is conducting the
Ms. Brindle pointed out a Salisbury Station Connectivity and Feasibility Study conducted in 2017 identified street layout and parking needs associated with the Depot. She indicated the study also identified two passenger trains in use at that time, and she stated the number of passenger trains has increased to 10 per day and will increase to 12 per day in year 2023, and up to 14 a day in year 2025. She noted there are currently 32 freight trains a day with an anticipated increase to the low 40s in the future. She added it is important to consider transportation and freight in regards to the Downtown Master Plan.

Ms. Jacobson noted to reduce confusion and the amount of commitments made by citizens staff has worked to coordinate a timeline of activities. She provided Council a chart regarding potential opportunities for project coordination, and she commented coordination could take place during community engagements so residents could complete one survey or attend one meeting instead of several meetings.

Councilmember Sheffield asked for clarification regarding the restriping plan. Ms. Brindle explained the restriping plan was scheduled for 2020, but was delayed until 2021 due to NCDOT redirecting its funds for hurricane damage repairs. She noted McAdams will provide a design proposal for the layout between the curbs to include in the streetscape plan. Councilmember Sheffield asked if citizens and Council will have an opportunity to review the layout design. Ms. Brindle agreed.

Mayor Pro Tem Post asked if a tunnel concept is being explored instead of a bridge overpass. Ms. Brindle agreed, and she commented NCDOT is exploring a tunnel option.

Councilmember Sheffield asked if the change in the Resolution regarding the BUILD Grant stating pedestrian access instead of overpass was to have the ability to explore options instead of being committed to a bridge. Ms. Brindle agreed, and she added it would include the possibility of a tunnel.

Councilmember Miller encouraged staff to find ways to green the streetscape, and he added he has been a part of presentations that indicated a definite economic impact when a green environment is brought to the streetscape.

**UPDATE – CHEERWINE FESTIVAL**

Parks and Recreation Event Coordinator Vivian Koontz provided an update regarding the 2019 Cheerwine Festival that took place Saturday, May 18, 2019. She indicated there was an estimated 50,000 to 60,000 people in attendance from all over North Carolina and the Country. She added Cheerwine contributed drink sales from their official Cheerwine merchandise tents to
Meals On Wheels for a donation of $7,500. She indicated there were 84 food, craft, and beer vendors, eight community volunteer groups, and 12 sponsor booths.

Ms. Koontz indicated there was a focus on marketing this year, and she added there were over 22 million impressions made through online, broadcast, digital and print media which was an increase from 4.5 million last year. She noted over one million impressions were made on social media, 785,000 impressions were made on the Cheerwine Festival event Facebook page, and there were 131,000 page views on the Cheerwine festival.com website including 30,000 on the day of the event.

Ms. Koontz noted vendors and businesses had a successful day. She added downtown businesses commented it was the single best day of sales they ever had and those businesses have been in Salisbury a long time.

Ms. Koontz pointed out the Cheerwine Festival will take place Saturday, May 16, 2020, and she noted the Parks and Recreation Department is looking to host the festival annually on the third weekend in May.

Council commended Ms. Koontz and the volunteers for a job well job. Councilmember Miller added Ms. Koontz did a great job using last year’s feedback to make adjustments to this year’s festival.

D.E. WALKER CONTRUCTION COMPANY AND BUDGET ORDINANCE

Salisbury-Rowan Utilities (SRU) Director Jim Behmer presented information to Council regarding construction of the Fourth Street and Yadkin Avenue Waterline Replacement Project in the Town of Spencer. He commented the Town of Spencer has had several stormwater issues over the past few years, and he added the project started with a $400,000 stormwater grant from the North Carolina Department of Transportation (NCDOT). He noted the Town of Spencer’s engineer designed the water replacement project, and the City of Salisbury put the project up for bid twice. He indicated D.E. Walker Construction Company from Charlotte had the lowest base bid at $660,451.05, and he added other bids ranged from $1.2 to $1.5 million.

Mr. Behmer pointed out the City was able to appropriate most of the money from internal funds for the waterline services, but SRU needs to appropriate Fund Balance in the amount of $83,000 to fund the project.

Mayor Pro Tem Post asked if this project was not included in the budget or anticipated last year. Mr. Behmer noted it was known there would be a project, but staff was unsure how big it was going to be until the stormwater project was designed and finished. He added each year there are budgeted amounts for water line replacement, and he added funds are available for the project.

Mayor Pro Tem Post asked how the Water Sewer Fund Balance is relative to the General Fund. Finance Director Shannon Moore noted she does not have the exact amount of the Water
Sewer Fund Balance but it is higher than the General Fund Balance in both total dollar and percentage.

Thereupon, Councilmember Miller made a motion to authorize the City Manager to execute a contract with D.E. Walker Construction Company in the amount of $660,451.05 for the Fourth Street and Yadkin Avenue Water Line Replacement Project. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Thereupon, Councilmember Miller made a motion adopt the budget Ordinance amendment to the FY2018-2019 budget in the amount of $83,000 to appropriate Water Sewer Fund Balance Funds. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

ORDINANCE AMENDING THE 2018-2019 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE WATER SEWER FUND BALANCE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 28 at Page No. 18, and is known as Ordinance 2019-41.)

**CONTRACT AAR OF NORTH CAROLINA**

City Engineer Wendy Brindle explained the City has a consultant that provides annual recommendations regarding roof maintenance and replacement. She pointed out funds are available for two roof replacements this year. She added the consultant recommended through a visual inspection and an infrared scan that the insulation barrier between the top coats and sheeting had deteriorated and the roofs have met the end of their life cycle. She indicated the roofs at City Hall and Fire Station 1 will be replaced. She added the roof at City Hall was originally installed in 1988 and the roof at Fire Station 1 was originally installed in 1996.

Ms. Brindle commented a bid opening was held with five submittals, and the lowest bid was submitted from AAR of North Carolina for $305,288. She indicated the amount includes $164,688 for City Hall and $140,000 for Station 1 with a 10% contingency and a max $24,000 for inspection. She asked Council to approve AAR of North Carolina as the roof contractor to perform the roof installations at City Hall and Fire Station 1 for a total cost of $329,488.

Thereupon, Councilmember Miller made a motion approve a contract with AAR of North Carolina for the replacement of roofs at City Hall and Fire Station 1 for a total of $329,488. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Mayor Pro Tem Post asked if the funds for the project were included in the FY2018-2019 budget. City Manager Lane Bailey indicated the funds are in the current budget, and he added the project will not be completed by July 1. He explained the City waits until the end of the year to see how the budget looks before work is completed on the roofs unless there are issues that need to be addressed.
CONTRACT – STRATEGICS

Administrative Services Director Kelly Baker and City Attorney Graham Corriher presented information to Council regarding a contract with Strategics for federal lobbying services. Ms. Baker pointed out a Request for Proposal (RFP) was sent out for federal lobbying services following a request at Council’s retreat, and she added eight proposals were received. She commented Strategics recently met with Council and discussed developing and implementing a federal agenda, and she added staff recommends Council contract with Strategics to develop and implement a federal agenda.

Mr. Corriher noted the recommendation is to sign a one year contract for $48,000 to develop the federal agenda. He added there was also a previous discussion regarding a monthly fee of $4,000 to develop the federal agenda. He added either way the contract would include a 30-day termination clause that a notice could be given and the contract could be terminated if Council is not satisfied. He noted if Council enters into a monthly contract with Strategics to develop the federal agenda and is satisfied it would have to take action to extend the contract.

Mayor Pro Tem Post asked if the options are to either adopt a one year contract for $48,000 or use Strategics for a federal assessment. Councilmember Miller noted the second option would be to develop the federal agenda and then decide about continuing their services. Mr. Corriher indicated creating the federal agenda would be a monthly cost of $4,000.

Ms. Baker noted Strategics works with the Centralina Council of Government (CCOG) and is able to work on a federal level. She added Strategics is a local firm and very familiar with the Metropolitan Statistical Area (MSA), Empire Hotel Project, and other initiatives in the City.

Thereupon, Councilmember Alexander made a motion to approve a contract in the amount of $48,000 with Strategics for federal lobbying services to develop and promote a federal agenda.

Mr. Corriher recommended the contract with Strategics begin August 1, 2019 due to travel schedules in July. Mayor Pro Tem Post noted there is no one in Washington, DC in August and September. Mr. Corriher commented the process of developing the plan would involve the firm meeting with department heads and setting priorities. By consensus, Council agreed for the contract to begin August 1, 2019.

Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

CITY ATTORNEY’S REPORT

City Attorney Graham Corriher indicated he had nothing else to report to Council.
CITY MANAGERS REPORT

City Manager Lane Bailey indicated he had nothing to report to Council.

ANNOUNCEMENTS

Gallery Gallop

Communications Director Linda McElroy announced Gallery Gallop, a celebration of art in downtown Salisbury will be held Friday, June 21, 2019 from 5:00 p.m. until 9:00 p.m. There will be live music, downtown gallery tours, and kid’s activities. Artists will be set up on the sidewalk alongside participating businesses downtown.

Movies in the Park

Communications Director Linda McElroy announced the Salisbury Parks and Recreation Department will hold Movies in the Park on Friday, June 28, 2019 at City Park. The movie, Hotel Transylvania 3, will begin at 9:00 pm. Concessions will be available for purchase. Bring a blanket or a chair and enjoy fun family time. This event is free and open to the public. For more information, please call (704) 216-PLAY.

22nd Annual Greenway 5K and Half-Mile Fun Run

Communications Director Linda McElroy announced the Salisbury Parks and Recreation Department will hold its 22nd Annual Greenway 5K and Half-Mile Fun Run on Saturday, July 13 beginning at 8:00 a.m. at Knox Middle School. This annual 5K race takes place on a certified 3.1 mile course that follows a portion of the Salisbury Greenway. Pre-registered participants are guaranteed a dry-fit t-shirt and race bag. Registration is $20 in advance and $25 the day of the event. The fun run is for ages 10 and under and the cost is $10. All proceeds benefit the Salisbury Greenway. Register at www.sportoften.com until noon on July 12.

2019 Salisbury Citizen’s Academy

Communications Director Linda McElroy announced applications are now being accepted for the 2019 Salisbury Citizen’s Academy. The Academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 5, 2019. Participants will meet at various City facilities and have an inside view of City operations. Applications are available online at salisburync.gov/citizensacademy or by calling Kelly Baker at 704-638-5233. All applications must be received by July 19.

COUNCIL COMMENTS

Councilmember Alexander advised Council she will send it a copy of an opioid Resolution she received from Michael Lazaro in support of the work being done by Attorney General Josh
Stein. She asked Council to read it and she noted it will have to be adjusted based on the community, but she thinks it is a good thing to support.

Councilmember Sheffield recommended residents take part in the Citizen’s Academy. She added it is a great program for anyone who has interest or questions regarding how or why things happen, and what the City does.

Councilmember Sheffield thanked Mayor Heggins for presenting the Salisbury Pride Proclamation, and she thanked Councilmember Alexander for starting that back up after a few years it did not take place.

**MAYOR PRO TEM COMMENTS**

Mayor Pro Tem Post pointed out Chewy will bring 1,200 jobs to Salisbury and there will be two announcements of companies bringing nearly 400 jobs to the area. He indicated there will be a need for economic development to provide housing for the people the jobs will bring to the City.

**MAYOR COMMENTS**

Mayor Heggins thanked staff, City Manager Lane Bailey and City Attorney Graham Corriher for everything they do for the City. She thanked Liz Moomey for attending the Council meetings. She also thanked Council for the tremendous work it does for the City.

**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 9:01 p.m.

_______________________________________
Al Heggins, Mayor

_______________________________________
Diane Gilmore, City Clerk
SALISBURY, NORTH CAROLINA
JUNE 11, 2019

SPECIAL MEETING

PRESENT: Mayor Al Heggins, Presiding; Mayor Pro Tem David Post; Council Members Karen Alexander, William Brian Miller, and Tamara Sheffield; City Manager W. Lane Bailey; Deputy City Clerk Emily Michael (left at 2:00 p.m.) and City Attorney Graham Corriher.

ABSENT: City Clerk Diane Gilmore.

The City Council of the City of Salisbury met at 10:30 a.m., Tuesday, June 11, 2019 in the Salisbury-Rowan Utilities Conference Room located at 1 Water Street. The meeting was called to order by Mayor Heggins.

RECOGNITION OF VISITORS

Mayor Heggins welcomed all visitors present. A moment of silence was taken.

ADOPTION OF THE AGENDA

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

Rowan Salisbury School System (RSSS) representatives presented a video regarding the school system’s Science Technology Engineering and Math (STEM) Training Program.

Ms. Candice Austin, Principal at Overton Elementary School, stated she works with a team of teachers from Salisbury High School, Knox Middle School, Overton Elementary and Isenberg Elementary School on the STEM Training Program. She noted during the last fiscal year the City provided funding for a stipend for four professional development training sessions from Discovery Education for teachers and a fifth training session to plan and execute the Salisbury STEM event.

Ms. Austin requested Council continue support of the STEM Program by providing a stipend to help continue professional development and to provide planning for the STEM event. She added the goal is to expand the program to Koontz Elementary School.

Ms. Austin reviewed the $95,000 budget request:

- $3,000 for 25 STEM teachers
  - $75,000 total request
- $4,000 for 5 schools STEM professional development/materials
  - $20,000 total request

Ms. Austin explained with one year of the cohort complete, teachers in the cohort are trained in foundational STEM concepts and have a deeper understanding of how to create and teach STEM units. She added the schools are ready to add their personal touch to the program. She introduced teachers Melissa Davies and Charles Hardin who shared their experiences as members of the cohort.

Mayor Heggins asked about the STEM training. Ms. Davies explained Discovery Education provided the training in sessions that included an overview of STEM. She noted the training sessions progressed into assessment and implementation into the classroom. She pointed out all the teachers in the cohort, elementary through high school, received the training and were able to adapt it to their classroom. She added the cohort would like to share what they have learned with the rest of the team.

Mr. Hardin stated the STEM-based lessons were designed so teachers across the district teaching in the same grade level could use the lessons. He noted the STEM Program is problem-solving based and is changing traditional thinking. Ms. Davies pointed out students work on social and emotional skills that are critical to early education and student’s success in the classroom.

Councilmember Miller asked how the investment in the teachers is improving the teacher’s skill set. Ms. Austin stated the STEM Training Program has improved teacher confidence and comfort level with the STEM Program. She explained STEM can be intimidating to teachers. She added she also noticed through the year members of the cohort became better acquainted and made connections. She pointed out it was beneficial to set aside a time and create an opportunity for the schools to work together.
Ms. Austin explained RSSS is requesting the stipend to compensate teachers for the additional work they are putting into the STEM Program. She added the stipend is an attractive way to retain teachers.

Mayor Pro Tem Post clarified test scores will be the data used to determine if the program is successful. Ms. Davies explained test scores are the only measurable consistent across schools and districts. Councilmember Miller pointed out the school system has an economic development impact on the community, and Council must do all it can to support the school system. He asked Ms. Austin if the STEM Training Program is helping her do a better job educating children in her school. Ms. Austin agreed.

Councilmember Miller stated he wants to continually find ways for the City to be involved with RSSS. He suggested Council engage with the cohort quarterly to support what is being done, and he pointed out that is where the funds from the City are being used if the City chooses to continue the program. He suggested the possibility of Council members attending a portion of a planning event.

Councilmember Miller referenced the RSSS Foundation, and he asked if the Foundation is providing any support to the cohort. Ms. Austin stated the Foundation is not contributing support to the cohort at this time. Councilmember Miller noted Council has been supportive in the past and he hopes future Councils will also support RSSS.

Mayor Heggins requested clarification regarding the request. Ms. Davies noted RSSS is requesting $95,000. She added she has a separate early childhood proposal that is not related to STEM. She clarified the $95,000 proposal before Council regards STEM. Councilmember Miller asked about the City’s support level last year. Ms. Davies noted the City contributed $91,200 to the RSSS, and she added the proposed increase is needed to include Koontz Elementary School in the program.

Ms. Austin introduced Kelly Street, Director of pre-K. She explained the next proposal is for a pre-K classroom at Overton Elementary designed to reach children that did not qualify for Headstart pre-K or cannot afford private pre-K tuition. Ms. Street added the proposal presented to Council provides a basic estimate of the funding needed to provide a pre-K classroom at an elementary school.

Councilmember Alexander asked about the 18 students in the proposed pre-K classroom. Ms. Street explained the maximum number of students in a pre-K classroom is determined by state law. She noted approximately 40% or 1,400 four year olds in Rowan County do not attend a pre-K. Mayor Pro Tem Post asked how many four year olds in the City may do not attend pre-K. Ms. Street noted RSSS is working to obtain the information using census numbers.

Ms. Austin pointed out half of Overton Elementary School’s kindergarten class, approximately 55 to 65 students, had not attended pre-K. Mayor Pro Tem Post asked about Koontz Elementary School. Ms. Austin explained Koontz was not considered because of a change in administration that would make it difficult to implement the program. She noted the goal of pre-
K is to make sure the children are ready to be successful in the classroom. She explained third-grade reading predictions are based on kindergarten readiness. She added it is important to foster relationships and trust with parents before children enter kindergarten. She noted the need is there and the school system has recognized it must do more than kindergarten through 12th-grade education.

Councilmember Sheffield asked if other grants are available to help fund the proposed pre-K program. She then asked if private donors have been considered. Ms. Street stated the school system has applied for grants and has worked with the Robertson Foundation.

Councilmember Sheffield asked about the criteria for selecting students for the proposed pre-K program. Ms. Street explained there is an application process for Title I pre-K that focuses on at-risk children. Councilmember Miller asked how soon Salisbury-specific data relative to the need could be prepared. Ms. Street noted she could have the data in approximately one to two weeks. Mr. Miller noted the proposal does not seem large enough to meet the need, and he noted funding the School System is not Council’s primary function. He added anything Council is able to contribute is in addition to the City’s core mission. He indicated more partners are needed to reach more children.

Mayor Heggins stated the proposed pre-K class would service 18 students, and she pointed out there are approximately 100 children with a need. She asked if some of the students not included in the program would qualify for other programs. Ms. Street noted there is not enough Pre-K programs for students that cannot afford to pay for the service. Councilmember Alexander asked how many students do not have the financial means to attend a pre-K program. Ms. Street noted a maximum of 200 children between Koontz, Isenberg, and Overton Elementary Schools in the City do not have the means for a pre-K program. Mayor Heggins asked if any of the 200 students qualify for other programming. Ms. Street pointed out some of the parents do not trust the system and are not applying for pre-K.

Mayor Pro Tem Post added the request would help approximately 10% of the children who may qualify and are not covered through another means such as Smart Start or Head Start programs. He noted there are several hundred kindergarten students in City elementary schools and 40% would be 80 to 100 students have the need for an additional pre-K option.

Councilmember Miller stated he is a proponent of early childhood education. He indicated more work is needed on the proposal, and he commented if there were partnerships and a better understanding of the need it could provide an opportunity to justify the request. Ms. Austin stated the goal of the presentation was to make Council aware of the situation and the need. She added partnerships have been established and there are other funding sources that are interested in the proposal. She indicated everyone should be brought to the table.

Mayor Pro Tem Post pointed out there are other options that address the issues and create a better learning opportunity to prepare pre-K students for school. He indicated if Council continues to support RSSS it may want to consider other options next year. He suggested the school system bring options to Council for its consideration when it requests funding from the City. He commented there is a high percentage of at-risk children living in the City.
Mayor Heggins thanked the RSSS representatives for their presentation and she recognized the educators for all they do for their students and the community.

City Manager Lane Bailey stated he had conversations with Council members individually and there was a concern about funding stipends because the money would go toward salaries and if the funding source is eliminated the teachers would lose a source of revenue. He referenced Councilmember Miller’s earlier comment that a different Council may have a different view of the situation. He added there is also a possibility that the North Carolina General Assembly could say the stipends are no longer allowed.

Mr. Bailey commented he believes pre-K is the greater need in the community because students without access to a pre-K may be lost by the third grade. He pointed out kindergarten students are typically at different levels at the beginning of school, and it can create a challenge for the school system. He added it is a worthy goal to work to improve pre-K education in the City. He explained supporting both programs may require an adjustment to the proposed tax rate.

**BILLING ISSUE**

City Manager Lane Bailey explained the recommended property tax rate includes funds to offset a billing error that took place in the current fiscal year. He pointed out City Attorney Graham Corriher can answer questions regarding the legality of collecting last year’s tax revenue in the coming fiscal year. He stated Mr. Corriher contacted the University of North Carolina (UNC) School of Government who proposed the means of collections.

Finance Director Shannon Moore stated the current recommended tax rate is $.71 and $.0027 is proposed to cover the billing error that took place last year. She noted the recommended budget includes a tax rate of $.7127. She pointed out the total tax rate would be $.7196 and would generate approximately $208,000 in additional tax revenue. Mayor Pro Tem Post clarified $208,000 is the difference between the tax rate of $.7196 and $.7127 which includes the fix from last year. Ms. Moore agreed.

**TRANSIT GRANT**

City Manager Lane Bailey noted staff is requesting to apply for a grant for additional transit vehicles. He explained the total cost for the buses is $600,000, and the City’s match would be $125,000. He added the grant will not impact the coming fiscal year’s budget if awarded. He indicated if the City receives the award it will be notified in October, November or December 2019 and it would have a year to purchase the buses. Councilmember Miller clarified the purchase will not impact the coming budget year but it will impact future budget years. Mr. Bailey agreed, and he pointed out the City has an older fleet and if it can get $600,000 worth of buses for $125,000 it is a good deal.
Councilmember Alexander asked if the buses will use sustainable fuel. Mr. Bailey explained sustainable fuel vehicles create additional costs but it can be considered. Ms. Alexander asked if the grant would cover any extra cost associated with sustainable fuel vehicles.

Transit Director Rodney Harrison explained the competitive grant application would be submitted June 21, 2019 and would cover low to no emission and traditional vehicles.

Thereupon Mr. Miller made a motion to pursue the grant discussed for replacement of four City buses.

Mr. Harrison stated the application includes a request for four transit vehicles that will hold 15 to 16 passengers. He added traditional 35-foot buses cost $500,000 to $600,000 each and the City is applying for four small to mid-sized transit vehicles that seat 15 to 16 passengers. Mayor Pro Tem Post clarified the City would receive four buses instead of one for $600,000. Mr. Harrison agreed. Councilmember Alexander added the smaller buses will be more in-line with City’s ridership. Councilmember Miller asked if the ridership counter will work on the new buses. Mr. Harrison stated it should work.

Thereupon Mr. Miller restated his motion to pursue the grant to purchase four transit vehicles. Mayor Heggies, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Mayor Pro Tem Post pointed out the additional transit vehicles will allow the City options to better serve the community. He added some of the current buses need to be retired, and he asked if the City is locked into fixed routes or if the additional transit vehicles allow for flexibility. Mr. Harrison explained the City may have to turn in four of its vehicles if it is awarded the grant. Mr. Bailey pointed out a route with more passengers would receive the larger bus and the less populated routes would receive the smaller vehicles.

Mayor Pro Tem Post requested clarification in Councilmember Miller’s motion that he is not opposed to exploring a more efficient or low emission bus. Mr. Miller stated the motion is to pursue the grant and if the grant is awarded the City will consider its options. Mr. Harrison noted the grant application is generic so the City will have flexibility regarding the transit vehicles to be purchased. He cautioned if alternative fuels are considered the price per vehicle will increase. Councilmember Alexander pointed out if the City stays with traditional fuels there is technology to reduce the diesel emission into the atmosphere but the technology must be requested. Mr. Harrison noted it is included in the grant request.

Councilmember Miller asked if by consensus Council could direct Mr. Harrison to consider options that have the least impact on the environment. Mr. Harrison explained there are three types of grants: performance, competitive and low emission. He added the goal is to conduct research analysis so there is a solid direction to pursue funding. He pointed out the buses are 15-years old and the City needs additional vehicles.

Mayor Heggies explained the grant application gives Council an opportunity to pursue the grant, and she added Council needs to consider low emission options.
Mr. Harrison suggested including dollar amounts in the motion. He clarified the total cost of the project is $600,000 and the 80% federal grant would be $480,000 and the local match would be $120,000.

Councilmember Miller made a motion to withdraw his motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

Thereupon Mr. Miller made a motion to apply for a grant for the June 21, 2019 grant cycle that involves the purchase of four transit vehicles at a total cost of $600,000, a City match of $120,000 and a federal share of $480,000 for the 5339 (b) Buses and Bus Facilities Program Grant. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller, and Sheffield voted AYE. (5-0)

BUDGET WORK SESSION ITEMS

Mayor Pro Tem Post requested an outline of the issues City Manager Lane Bailey feels need to be covered in the Budget Work Session. Mr. Bailey noted Parks and Recreation will be addressed along with Fibrant and its cost to the budget. Mr. Bailey explained the $3.8 million allocated for Fibrant is higher than the debt service because it includes revenue for pole attachments. He pointed out an estimated $600,000 in revenue from Hotwire Communications will reduce the General Fund contribution to Fibrant. Mayor Pro Tem Post asked if the information could be added to the Agenda. Mr. Bailey agreed.

Councilmember Miller noted Council needs to consider the education stipend. Mr. Bailey pointed out at the last meeting Council discussed recycling and the challenges it faces. He stated modifications have been made so the solid waste fees cover the operational cost of recycling.

Mayor Pro Tem Post noted the Intelligent, Design, and Evolution Awareness (IDEA) Center is not included in the budget. Mr. Bailey indicated the Empire Hotel also needs to be addressed. He recommended the current debt service payment for Downtown Salisbury, Inc. (DSI) go toward the IDEA Center.

PARKS AND RECREATION

City Manager Lane Bailey noted at the budget hearing Councilmember Miller requested Parks and Recreation Director Nick Aceves provide options regarding capital funding for recreation.

Parks and Recreation Director Nick Aceves reviewed a list of Parks and Recreation priority projects which total $1,195,000:

- Lake improvements – including boardwalk and sidewalk - $550,000
- Park exterior bathrooms
  - Kelsey Scott Park - $130,000
- City Park - $130,000
- Pool Plastering - $60,000
- Hall Gym Floor - $100,000
- City Park Rec Room renovations
  - Interior bathroom - $50,000
  - Flooring - $90,000
  - Kitchen Renovation - $20,000
- Tennis Court Lighting - $50,000
- Miller Center Kitchen Remodel - $15,000

Mr. Aceves pointed out Public Services and Parks and Recreation share responsibility on many of the projects since Public Services provides the maintenance.

Councilmember Alexander asked if the floor inside of the Civic Center could be marked for pickleball courts. Mr. Aceves noted it is an option, and he pointed out the VCT flooring gets slippery when it is wet. He added the Civic Center opens at noon and the Recreation Coordinator who runs the Civic Center also serves as Aquatics Director and monitors the pool. He indicated an indoor pickleball court at the Civic Center could create staffing issues.

Mr. Aceves stated the financially sound decision would be to convert two tennis courts at City Park into pickleball courts. He added there are donated funds for the project, and the conversion would reduce the cost to resurface the remaining four tennis courts. He indicated if Council recommends resurfacing six tennis courts and providing a standalone pickleball facility the need would come in after the Hall Gym floor.

Mr. Aceves noted the City Lake improvements include the possibility of sidewalks, boardwalks, and mechanical dredging. He thanked Public Services and Stormwater for their work to mechanically dredge Memorial Pond. He pointed out the nutrient-rich fill from the dredge can be used for other projects within the City.

Councilmember Miller asked what is included in the recommended budget and what additions have been presented today. Mr. Aceves noted the City Lake renovations are included in the recommended budget at $350,000. Senior Management Analyst Anna Bumgarner noted the additional $200,000 for City Lake is included in the Capital Improvement Plan (CIP). She pointed out the dredging could be completed in the coming fiscal year and other improvements to City Lake could be completed in the following fiscal year. Finance Director Shannon Moore added the $350,000 dredging project is being paid for with Fund Balance because it is a one-time capital expense.

Mr. Aceves noted staff is requesting a full renovation and revitalization of City Lake, and he indicated some of the tree roots around the lake are causing drainage issues. He pointed out a walkway is needed and some trees should be removed and others replanted to add beautification and enhance the environment without negatively impacting the lake. He noted permanent bathrooms are included in the future request.
Mayor Heggins asked if the request for City Lake includes funds for Memorial Park. Mr. Bailey noted the memorial is considered separate from City Lake.

Councilmember Miller clarified $350,000 is included in the budget for improvements to City Lake. Mr. Aceves agreed. Mr. Miller stated the total request for City Lake is $550,000. He pointed out bathrooms at Kelsey Scott Park are listed at $130,000 and he asked how much is included in the recommended budget. Ms. Bumgarner noted the bathrooms for Kelsey Scott Park were cut from the recommended budget. Mr. Bailey explained with the exception of the $350,000 for City Lake and the annual playground replacements, the projects listed on the sheet are not funded. Mayor Pro Tem Post indicated of the $1,195,000 listed on the sheet $350,000 is financed. Mr. Aceves agreed.

Councilmember Miller asked about the Bell Tower Green. Ms. Aceves noted the Bell Tower Green is included in the CIP. Mr. Bailey explained the Bell Tower Green is funded in term of the match in this year’s budget. Mr. Miller commented the City is being given a $10 million dollar park, and he asked about the City’s contribution. Mr. Bailey noted the City contributions will come in future years.

Councilmember Miller referenced the priority list. He commented if $350,000 for City Lake is removed it leaves $845,000 and if pickleball is added and tennis courts resurfaced the total request is $1 million. Mr. Aceves agreed. Ms. Moore explained the monies are borrowed from the General Fund and this is the fund that would be paying for those projects.

Councilmember Alexander asked if the proposal for pickleball includes donations for the project. Mr. Aceves noted the total does not include the donations. Mayor Pro Tem Post clarified the total cost for the pickleball facility is $95,000 minus the lights, and he commented the donation will be lost because it requires lights to be at the park. Mayor Heggins asked if the City was able to keep the donation if it could be used to help with the lights. Mr. Aceves noted that would be up to the donors. Mr. Bailey indicated it has been mentioned to use bonds to pay for the project, but he pointed out the total cost is too low for bond financing. He added money could be borrowed but it will need to go through the Local Government Commission (LGC). He pointed out the terms and interest rates would need to be considered. He explained bonds are more secure for the investor but it would cost too much for this small amount of money through the bond process. He added Council could consider financing some of the debt, but it would need to know what the payment would be each year and what the City is comfortable paying. He pointed out five-year terms would include a $200,000 payment plus interest.

Mr. Bailey clarified the priority needs are $1 million, and he asked Council how much of an annual debt payment it would be comfortable with. Councilmember Miller asked for an estimate of the payment. Ms. Moore noted the payment would depend on the attractiveness of the loan package and the interest rates. Mr. Miller pointed out the first year’s payment would be covered in the budget, and he noted subsequent budgets will have different pressures. Councilmember Alexander asked if that is the preferable way to fund these projects and do more at one time.
Mayor Pro Tem Post referenced the Civic Center renovations and improvements, and he asked about the importance of the project. Mr. Aceves noted the Civic Center has its deficiencies, and he added it is not Americans with Disabilities Act (ADA) accessible downstairs. He added the Civic Center is one of the largest revenue makers for Parks and Recreation. Mayor Pro Tem Post asked if the flooring is a structural issue. Mr. Aceves indicated the floor is washing out underneath and a structural engineer assessed the building and recommended drilling holes and pumping foam into the floor. He commented the outside of the building has drainage issues that need to be addressed. Mr. Post asked if the problem will continue to worsen. Councilmember Alexander agreed. Councilmember Sheffield clarified the structure is safe. Mr. Aceves agreed, and he pointed out if the floor is leveled once the holes are drilled the floor will need to be replaced. Mr. Bailey stated he is not certain he would invest $500,000 in the Civic Center, and he commented it has space and design issues. He added the building is safe to use.

Councilmember Miller stated maintenance is being deferred on the City’s Parks and Recreation facilities. Mr. Bailey stated he asked Mr. Aceves to prioritize the need at the City’s Parks and Recreation facilities. Mr. Aceves noted City Lake improvements are included in the proposed budget, and he indicated there is a need for a boardwalk and sidewalk at City Park, pool plastering at the Fred M. Evans pool, bathrooms at City Lake and Kelsey Scott Park, resurfacing of the tennis courts and/or the Hall Gym floor. He pointed out the gym floor gets more daily use than the tennis courts, and he suggested refinishing the gym floor first. He noted a United States Tennis Association (USTA) grant could supplement a portion of the funds needed to resurface the tennis courts.

Councilmember Alexander requested a total for the items Mr. Aceves is recommending. Mr. Aceves noted the total for the bathrooms, pool plastering, resurfacing the tennis courts and Hall Gym floor would be approximately $480,000. Councilmember Miller questioned the needs at City Park. Mr. Aceves explained the critical part of City Lake is included in the proposed budget. Councilmember Alexander noted nothing is included for pickleball. Mr. Aceves explained a standalone pickleball facility without lighting would cost approximately $90,000. Mayor Pro Tem Post questioned why the City would fund resurfacing the tennis courts that are not used and not fund pickleball courts or build them without lights when they are used.

Councilmember Miller asked if there will be a surplus in the current budget. Ms. Moore noted Fund Balance will be used in the current budget. Mr. Miller asked if the City will appropriate more or less than expected. Mr. Moore noted the appropriation should be better than expected, and she added staff is expecting to use $2 million in appropriation.

Mr. Bailey indicated bathrooms at Kelsey Scott Park and City Park, the pool plastering, Hall Gym floor, tennis court resurfacing, pickleball and $200,000 for improvements at City Lake are all needed. He pointed out City Lake could be the City’s showplace park and to fund the options listed the City would need $775,000. He requested Council allow staff time to consider funding options. He suggested possibly funding the first year’s payment out of Fund Balance and to consider what would be needed going forward to make the future payments. He noted staff could bring its recommendations to Council at its June 18, 2019 meeting.
Mr. Bailey explained the proposed $775,000 includes $200,000 for improvements at City Lake, $130,000 each for bathrooms at Kelsey Scott Park and City Park, pool plastering, Hall Gym floor, tennis court resurfacing, and pickleball. Councilmember Miller asked if the items on the list are the things Council wishes to support. He asked about a reasonable repayment schedule if a City facility is used to finance the project. Ms. Moore stated five or six years would be a reasonable repayment schedule on $1 million.

By consensus, Council agreed for Mr. Bailey and Ms. Moore to research possible funding options.

**NEWSOME ROAD PROJECT**

City Manager Lane Bailey explained the City prepaid for the Newsome Road Project and funds will be reimbursed by the State.

Finance Director Shannon Moore commented the Newsome Road Project is set to be completed within the year. City Engineer Wendy Brindle indicated the City was not eligible for reimbursements until 2021, but the North Carolina Department of Transportation (NCDOT) advanced the project and funds will be available to the City by July 1, 2019. Councilmember Miller asked if the funds will be added to the fiscal year 2019-2020 budget, and he questioned the amount of the expected reimbursement. Ms. Moore noted reimbursement funds would be allocated in the coming fiscal year. Ms. Brindle stated the maximum reimbursement is $1.1 million, but the City will only be reimbursed for the dollar amounts spent on the project which is approximately $800,000. Councilmember Miller asked if the reimbursement could fund other projects. Ms. Moore agreed, and she explained the reimbursement is for a one-time project.

Councilmember Miller pointed out the Parks and Recreation Master Plan can help address deferred maintenance expenses. He noted the reimbursement is an offsetting revenue that could cover Parks and Recreation expenses.

Mayor Pro Tem Post commented the $800,000 in reimbursements was not spent by or for the Parks and Recreation Department. He suggested the reimbursement could be used to repay and replenish the City’s Fund Balance.

Councilmember Alexander asked where the $800,000 would be allocated in the budget and commented if the reimbursement relates to roads then those funds should be used toward roadway repairs. Ms. Moore indicated Fund Balance appropriations were used over the last two or three years to support the Newsome Road Project. She added in a normal situation reimbursement funds would return to the Fund Balance to replenish amounts.

Councilmember Miller suggested there needs to be a review of the debt package because the time frame is unclear. Mr. Bailey stated a review can take place within the next week.
IDEA CENTER

Council discussed a funding request from the Intelligent, Design, and Evolution Awareness (IDEA) Center. City Manager Lane Bailey noted the initial request was for a multi-year commitment to be funded with Rowan County. He stated at the time staff anticipated using funds that were previously used for the Empire Project, but the timing for the Empire has been extended and those funds will not be released as anticipated. He noted one option is to pay off the debt service for the Empire using Fund Balance. He added once the Empire is purchased using Fund Balance the money for the debt service could be used towards the back stop lease or for the IDEA Center. Mr. Bailey noted he has had discussions with the County Manager and the County has indicated it may provide funds if the City will match them and there was a question for the term of the commitment.

Mayor Heggins asked how many people are served by the IDEA Center. Mr. Bailey indicated he was unsure of the number of people serviced. Mayor Pro Tem Post pointed out the IDEA Center was financed by Rowan County early in its mission.

Councilmember Sheffield commented the IDEA Center has been in existence for two years yet she is unsure what the Center does. She stated if the City decides to participate she would only want to commit for one year.

Councilmember Miller clarified funding for the IDEA Center was not in the proposed budget. Mr Bailey indicated it is not. Mayor Heggins stated Council needs to see a budget for the IDEA Center and what it has accomplished. Councilmember Alexander agreed and noted a budget and additional information should be provided by the IDEA Center.

TAX RATE

Councilmember Sheffield commented she does see a reason to drop the tax rate when the impact on the budget would be beneficial, especially if the City can work with the schools to help with STEM implementation. She added Parks and Recreation also have large projects that could be completed. She noted she does not believe revenue to be received for the Newsome Road Project should be dedicated for one purpose.

BUDGET

City Manager Lane Bailey noted the budget message in the proposed budget identifies the main issues in the budget. Mayor Heggins indicated she would have liked for the budget to be more easily understood and discussable for the public during the public hearing.
PROJECT FINANCING

Councilmember Miller asked if it would make sense to borrow money rather than use Fund Balance to pay for some of the requests. Mr. Bailey indicated Fund Balance may be used but he cautioned against using too much too quickly adding he would not want the percentage of Fund Balance to drop below twenty-five (25) percent.

Finance Director Shannon Moore stated whether projects are financed through the issuance of debt or through Fund Balance depends on the interest rates. Mr. Bailey stated issuing debt is complicated and other items in the Capital Improvement Plan (CIP) may need to be reviewed to see if they can be added to a financing package. Ms. Moore commented a mechanism to repay the debt will have to be identified.

Councilmember Miller commented the City must invest in itself or the general market will not invest. Mr. Bailey indicated there is a need to invest in quality of life for citizens and education makes a big difference for the growth of the community.

PROPERTY TAX RATE

Councilmember Milled stated he is uncomfortable with the current rate but understands the need to maintain it. He noted he does not see a choice because of the needs but he does not think the City can sustain a continued increase. He indicated the success of a large economic project and Hotwire could offer relief for the tax rate.

City Manager Lane Bailey asked if there is a consensus to keep the same tax rate which would generate an additional $208,000 which could be used to fund $75,000 for the IDEA Center, $95,000 for the school, and the remainder going toward a debt service payment for the Parks and Recreation priority projects.

Councilmember Sheffield stated she is not fully committed to funding the IDEA Center. Mr. Bailey noted Council does not have to commit to funding for the IDEA Center but could wait to make a decision when it has additional information.

Mr. Bailey clarified Council would like to leave the tax rate at the same level with different options for how to use the additional revenue. He noted staff can provide options for the funding to include the IDEA Center, an option for it to be excluded, and options to pay debt service for Parks and Recreation projects. He added all options would include funding for the schools and will be provided to Council at its June 18, 2019 meeting.
CLOSED SESSION

Thereupon, Councilmember Miller made a motion to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3). Councilmember Alexander seconded the motion. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller and Sheffield voted AYE. (5-0)

RETURN TO OPEN SESSION

Thereupon, Councilmember Alexander made a motion to return to open session. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander, Miller and Sheffield voted AYE. (5-0)

Council discussed the format of its Special meeting scheduled for Monday, June 17, 2019 regarding the Confederate Monument. Mayor Heggins noted each speaker will be allowed three minutes to speak and there will be a two hour limit on the public comment period. It was noted the City Attorney will provide a brief summary of the law and legal issues surrounding the monument. Council agreed there would be no sign-up sheet for the public comment and speakers will be asked to form a line to speak.

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 3:55 p.m.

______________________________________
Al Heggins, Mayor

______________________________________
Diane Gilmore, City Clerk
SPECIAL MEETING

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

ABSENT: City Clerk Diane Gilmore.

Mayor Heggins and members of City Council met in a Special session at the Salisbury Civic Center located at 315 South Martin Luther King, Jr. Avenue. The meeting was called to order by Mayor Heggins at 6:00 p.m.

OPENING REMARKS

Mayor Heggins noted Council’s Special Meeting is about the Confederate Monument. She reviewed the rules of procedure for the meeting. She indicated each speaker will have three minutes to speak, and she noted minutes cannot be shared with other speakers. She stated the length of the public comment period will be two hours from the time of the first speaker. Mayor Heggins encouraged all those present to be mindful of their comments and open to perspectives that might differ from their own. She noted Council will not debate the issue but intends to listen to the concerns shared by participants.

CITY ATTORNEY’S REPORT

City Attorney Graham Corriher noted he was asked by City Council to provide a legal opinion about the authority of the City as it relates to the Confederate Monument. He indicated his opinion is that the City is strictly limited in its authority to move the
monument, and he stated his opinion is based on a State law passed in 2015 and on a resolution adopted by the governing body of the City in 1908.

Mr. Corriher stated that Council only asked him to provide a legal analysis of the issue, and it has not taken any action or directed him to take action apart from providing this explanation. He added his analysis is based on what he believes the law is, not on any personal opinion about what the law should be.

Mr. Corriher indicated the Confederate Monument was commissioned by the Robert F. Hoke Chapter, United Daughters of the Confederacy (UDC) around 1901. He stated it was finally purchased in 1909, and in 1908, the UDC, in anticipation of the monument’s purchase and placement, requested that the City grant to it a portion of the median on West Innes Street to be used for the monument. He noted the governing body of the City granted the request by adopting a resolution on August 6, 1908 that granted a portion of the median to the UDC to be “used perpetually” for the monument. He stated in 1927, the resolution was recorded in the Register of Deeds. Mr. Corriher commented his opinion is the rights granted to the UDC are in the nature of an easement and not a transfer of the real estate itself, and as a result, the monument sits on public property subject to the rights granted to the UDC.

Mr. Corriher pointed out in 2015, the State passed a law specifically aimed at limiting the authority to relocate monuments such as the Confederate Monument. He stated the law applies to monuments located on public property and prohibits a monument from being removed or relocated except where relocation is required either to preserve the monument, or for a construction project. He explained that where relocation is allowed, the law requires the monument to be returned to its original location within 90 days or returned to a place of similar “prominence, honor, visibility, availability, and access” within the City limits.

Mr. Corriher stated there are two applicable exceptions under the 2015 State law with the first being the law does not apply where there is an agreement between the private owner of the monument and the City that governs relocation or removal. He noted the second exception is that the law also does not apply if a building inspector or similar official determines that the monument itself poses a threat to public safety. He stated for these reasons, under State law, the City’s authority to move the monument is limited.

Mr. Corriher stated the relevant State law applies where the monument is on public property and his opinion is that the monument is on public property that is owned by the City and subject to rights the City granted to the UDC. He indicated his opinion regarding City ownership of the property is based on representations made by the North Carolina Department of Transportation. He noted the State Highway Commission, the predecessor to DOT, took over Innes Street in the 1920s; however, NCDOT has indicated to the City that it never purchased right of way for West Innes Street at that location and therefore only maintains the street and does not own the street or the median.
Mr. Corriher stated that despite NCDOT’s representation, it is possible that the State has always been the owner of Innes Street, such that the City never had any rights to grant to the UDC. He explained that in North Carolina there is a statutory presumption that land for which there is not a clear chain of title is owned by the State. He indicated that based on his research to date, he has not been able to establish that anyone, including the City, was ever deeded property rights to Innes Street at that location. He reiterated in that case, the State, by operation of State law, would own the median free and clear of the rights the City granted to the UDC. Mr. Corriher pointed out under either scenario the monument is located on public property, whether the City’s or the State’s, and the same State law applies and strictly limits the ability of either the City or the State to relocate the monument.

Mr. Corriher stated another possible outcome is that the City relinquished all of its property rights to that portion of the median by adopting the 1908 resolution where the City did not retain any interest in that portion of the median, but gave it all to the UDC. He stated in that case, State law would not apply because the monument would not be on public property but on private property. He indicated if State law does not apply, the City is limited in its ability to interfere with the rights granted to the UDC by operation of basic private property rights. He noted the City only has statutory authority to interfere with private property rights by adopting and enforcing regulations to address conditions that are detrimental to the health, safety, and welfare of the public.

Mr. Corriher summarized that under the 2015 State law, the City is prohibited from removing or relocating the monument absent an agreement with the UDC. He stated without such an agreement, the City is prohibited from relocating the monument except where relocation is required to preserve the monument or for a construction project, in which case the monument would have to be moved to a place of similar prominence in the City. He stated if the State law were to be repealed or did not apply, the City would be prohibited from interfering with the private rights granted to the UDC except where the City is required to act in the interest of public safety.

PUBLIC COMMENT

Mayor Heggins opened the floor to receive public comment. Those who expressed their concerns and support for relocating the monument were:

Emily Ford
Renee Wimbish
Nan Lund
GeoRene Jones
Mike-o Martelli
Anthony Smith
Jackie Miller
Marcus Fairley
Bob Johnson
Those who expressed their concerns in regards to keeping the monument in its current location were:

Keith Fowler
Mike Sells
Wes Rhinier
Douglas Ishen
Darrell Brickman
Walter Vaughn
Doug McKinsey
Gene Shelton
Timothy Will
Lora Owen
Tim White
Ted Lora
Kay Hancock Crawford
Barbara Brown
Donna Isenberg
David Flowe
Jeff Mabrito
Emily Mabrito
Michael Stringer
Will Harrington
Becky Yancy

Citizens who spoke in regards to their concerns for other issues outside of the Confederate Monument were:

Betty Jo Hardy
Jane Smith Steinberg
Jeff Reeves
Unnamed citizen

Mayor Heggins then closed the public comment session. She thanked everyone for sharing information, and she thanked those who attended but did not speak. She assured the audience that Council cares deeply and they care about preserving all history in the City and about making sure everyone is respected.

**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 8:19 p.m.

______________________________
Al Heggins, Mayor

______________________________
Diane Gilmore, City Clerk
SALISBURY CITY

SALISBURY, North Carolina
June 18, 2019

SPECIAL MEETING

PRESENT: Mayor Al Heggins Presiding; Mayor Pro Tem David Post; Council Members, Karen K. Alexander, William Brian Miller (arrived at 5:30 p.m.), and Tamara Sheffield; City Manager W. Lane Bailey; City Attorney J. Graham Corriher.

ABSENT: City Clerk Diane Gilmore and Deputy City Clerk Emily Michael.

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

ADOPTION OF THE AGENDA

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

CLOSED SESSION

Thereupon, Councilmember Alexander made a motion to go into closed session to consult with an attorney as allowed by NCGS 143-318.11(a)(3), seconded by Mayor Pro Tem Post. Mayor Heggins, Mayor Pro Tem Post, and Councilmembers Alexander and Sheffield voted AYE. (4-0)
RETURN TO OPEN SESSION

Mayor Heggins announced no action was taken during closed session.

ADJOURNMENT

A motion was made to adjourn the meeting. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 6:00 p.m.

____________________________________
Al Heggins, Mayor

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

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

Requested Council Meeting Date:  July 16, 2019

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

Name of Presenter(s):  N/A

Requested Agenda Item:  Approval of purchase of cellular data service with Badger Meter, Inc.

Description of Requested Agenda Item:  Our water meters use cellular data to report readings each day. Badger Meter, Inc. hosts this service at a rate of $0.81 per meter, per month, or approximately $206,550 per year. This is an annual, budgeted expense that is required in order to operate our network of advanced metering infrastructure. Due to the large amount of the requested purchase, City Council approval is required.

Attachments:  ☑ Yes  ☐ No

Fiscal Note:  FY20 budget has sufficient funds available for this expenditure.

Action Requested of Council for Agenda Item:  Council to consider approving the purchase of cellular data service for water meters from Badger Meter, Inc. in the amount of $206,550.

Contact Information for Group or Individual:  Jim Behmer, Utilities Director
704-638-5202, jbehm@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. Wade Funkhouser  
Finance Manager Signature

Ann F. Avelar  
Department Head Signature

Anna Bungee  
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:
BEACON® AMA Pricing Agreement

This BEACON Advanced Metering Analytics (AMA) Pricing Agreement page lists your ongoing service items and the prices that will be used to calculate periodic invoice fees. Invoice calculations apply the agreed upon prices listed below to the number of endpoints eligible for invoicing as of the 26th of the month.

ORION Cellular endpoint service fees begin at the time of initial communication registering the endpoint with the network or 6 months from date of shipment, whichever comes first. BEACON AMA Starter Kits include the first 4 months of service as no additional charge. ORION SE and GALAXY fixed network endpoint service fees begin when BEACON AMA receives initial communication. ORION ME and ORION CE mobile Cradles endpoint service fees begin upon provisioning to an account in BEACON AMA.

Once endpoints communicate with BEACON AMA, meter reads are immediately available through the software and may be exported for use by the utility. Once your billing interface is complete and data is tied to specific accounts, the interval read data will be displayed.

Eligible services are listed below along with the associated PO numbers that will be included in your invoices.

Service Items:

Showing 1 to 3 of 3 entries

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Item Description</th>
<th>Rate per Active Unit</th>
<th>Rate Effective</th>
<th>Rate Expires</th>
<th>PO Number</th>
<th>PO Exp. Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>6789401</td>
<td>BEACON AMA, ORION Cellular endpoints, 1 hour data, once daily call-in, monthly service</td>
<td>$0.81</td>
<td>01/01/2015</td>
<td>01/01/2025</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6789402</td>
<td>BEACON Cellular PREMIUM 1MO</td>
<td>$2.43</td>
<td>01/01/2015</td>
<td>01/01/2025</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6789403</td>
<td>BEACON AMA, FIXED NETWORK (ORION SE/GALAXY endpoints), monthly service</td>
<td>$0.24</td>
<td>01/01/2015</td>
<td>01/01/2025</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Showing 1 to 3 of 3 entries

First Previous 1 Next Last

Badger Meter, Inc. © 2009-2015. All Rights Reserved.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: 7/16/19

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

Name of Presenter(s): Chief Jerry Stokes

Requested Agenda Item: Adopt a Budget ORDINANCE Amendment to the FY2019-2020 budget to appropriate Police Department Controlled Substance Tax Funds in the amount of $4210.00.

Description of Requested Agenda Item: These funds will be used to pay for a Collaborative Coaching Leadership Meeting with Vibrant Coaching, Inc. and police department command staff.

Attachments: ☐ Yes ☒ No

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

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

Contact Information for Group or Individual: Chief Jerry Stokes, SPD 704-638-5333

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

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

FINANCE DEPARTMENT INFORMATION:

S. Wade Fincher
Finance Manager Signature

[Signature]
Department Head Signature

Amber [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:
AN ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE POLICE DEPARTMENT CONTROLLED SUBSTANCE TAX FUNDS

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

Section 1. The City has received that are restricted for use in the Police Department and
must be appropriated. NC General Statutes require that the City appropriate these revenues so that
they can be legally spent.

Section 2. That the 2019-2020 Budget Ordinance of the City of Salisbury, adopted on
June 18, 2019, is hereby amended as follows:

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

(1) Increase line item 010-000-000-4125.04 $4,210
   Controlled Substance Taxes

(2) Increase line item 010-514-000-5294.00 $4,210
   Training

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:  July, 16 2019
Name of Group(s) or Individual(s) Making Request:  City Of Salisbury Public Services
Name of Presenter(s):  Michael Hanna

Requested Agenda Item:  Sunset Drive Storm Drain Improvements – Sunset Drive Detention Analysis task order agreement with HDR Engineering, Inc. of the Carolinas.

Description of Requested Agenda Item:  The City Of Salisbury Public Service Department received seven responses on January 5, 2017 to a Request for Qualification (RFQ) for Engineering Design and Permitting services for Sunset Drive Drainage Improvements. Upon review HDR Engineering, Inc. of the Carolinas scored the highest, based on criteria set forth in the RFQ. HDR is currently working on the engineering design of Sunset Drive Drainage Improvements – South Culvert Replacement, one of three projects identified as Sunset Drive Drainage Improvements. Public Services is requesting approval of a task order to the original agreement to include Sunset Drive Drainage Improvements – Sunset Drive Detention Analysis. The proposed task order is recommended for approval for an amount not to exceed $10,500. This project is included in the City Council adopted Capital Improvement Plan (CIP), and is included in the FY20 budget.

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)
Sunset Drive was broken down into 3 sections for budget purposes. The original agreement was part of the FY19 budget. This is a change order to complete the design of this section of Sunset Drive. FY20 budget has sufficient funds available in professional services to cover this task order.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Council to consider authorizing the City Manager to execute a task order to an existing professional services agreement with HDR Engineering, Inc. of the Carolinas for an amount not to exceed $10,500 for engineering services associated with Sunset Drive Drainage Improvements.

Contact Information for Group or Individual:  Chris Tester, Public Service Project Manager 704-216-7554

□ 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:
TASK ORDER

This Task Order pertains to an Agreement by and between the City of Salisbury, ("OWNER"), and HDR Engineering, Inc. of the Carolinas ("ENGINEER"), dated June 27, 2019, ("the Agreement"). ENGINEER shall perform services on the project described below as provided herein and in the Agreement. This Task Order shall not be binding until it has been properly signed by both parties. Upon execution, this Task Order shall supplement the Agreement as it pertains to the project described below.

TASK ORDER NUMBER: 2018-03
PROJECT NAME: Sunset Drive Storm Drain Improvements – South Culvert Detention Analysis

PART 1.0 PROJECT DESCRIPTION:

The Task Order is for the conceptual analysis of a detention area that can support the storm drain improvements for the Sunset Drive Storm Drain Improvements – South Culvert Replacement project area identified in the Sunset Drive Alternative Analysis Technical Memorandum performed by HDR Engineering, Inc. of the Carolinas.

PART 2.0 SCOPE OF SERVICES TO BE PERFORMED BY ENGINEER ON THE PROJECT:

ENGINEER will provide Services for the Task Order, which consist of the Scope of Services as outlined on the attached Exhibit A to the Task Order Agreement.

PART 3.0 OWNER’S RESPONSIBILITIES:

The OWNER shall provide the information set forth in paragraph 6 of the attached "HDR Engineering Inc. of the Carolinas Terms and Conditions for Professional Services" and outlined on the attached Exhibit A to the Task Order Agreement.

PART 4.0 PERIODS OF SERVICE:

Upon receipt of written authorization to proceed, ENGINEER shall perform the services described in Exhibit A to the Task Order Agreement within a reasonable period of time.

Unless otherwise stated in this Agreement, the rates of compensation for ENGINEER’S services have been agreed to in anticipation of the orderly and continuous progress of the project through completion. If any specified dates for the completion of ENGINEER’S services are exceeded through no fault of the ENGINEER, the time for performance of those services shall be automatically extended for a period which may be reasonably required for their completion and all rates, measures and amount of ENGINEER’S compensation shall be equitably adjusted.
PART 5.0 ENGINEER'S FEE:

Compensation for ENGINEER'S services under this Task Order Agreement shall be on the basis of lump sum. The amount of the lump sum is $10,500.

PART 6.0 OTHER:

None.

This Task Order is executed this __________ day of ______________, 20____.

CITY OF SALISBURY, NC

“OWNER”

BY: ____________________________

NAME: __________________________

TITLE: __________________________

ADDRESS: _______________________

HDR ENGINEERING, INC. OF THE CAROLINAS

“ENGINEER”

BY: ____________________________

NAME: __________________________

TITLE: __________________________

ADDRESS: 440 S. Church St., Suite 1000

Charlotte, NC 28202
EXHIBIT A

The Sunset Drive South Culvert Design project has been contracted through ENGINEER and requires the installation of two large box culverts and approximately 700 feet of open channel. During the design of this project, a property owner offered to sell property which could be used as a stormwater detention area that may reduce the cost of the proposed improvements for the South Culvert Design project and improve the sustainability and performance of the design. The OWNER has requested a scope of services to provide detention analysis at this location.

SCOPE OF SERVICES

- **Project Management**
  - Anticipated analysis phase duration for performing the scope of services is two (2) months. No travel or field work is scoped.
  - ENGINEER will provide project management services to ensure the project and its deliverables comply with HDR’s Quality Management Program.
  - ENGINEER will also prepare and produce monthly invoicing and progress reporting for the project duration.

- **Detention Analysis**
  - ENGINEER will create an existing surface that was outside of the survey area for the South Culvert Design project by supplementing the survey with LIDAR.
  - ENGINEER will determine a maximum size of detention area for two alternatives, and model both scenarios to analyze the on-site and downstream hydraulic impacts.
    - One alternative will reflect no upgrades to the existing Par Drive culvert. This alternative will be used to compare the cost benefits versus flood impacts on Par Drive, Sunset Drive, and the adjacent property.
    - One alternative will reflect modification to the existing Par Drive culvert. This alternative will be used to balance level of service in the detention area and cost of culvert upsizing.
  - ENGINEER will provide a detailed cost analysis, including real estate and home demolition investigation, to provide decision support for the South Culvert Design project.
  - ENGINEER will prepare a technical memorandum to supplement the South Culvert Design project.
  - ENGINEER will hold a pre-application meeting with the United States Army Corps of Engineers (USACE) and NCDWR to review the conceptual site plan and determine the appropriate permitting approach for the project.

Assumptions that were made to scope this project include the following:

- ENGINEER assumes no other technical or development review process is required by the City. The project does not create impervious area or new structures and does modify land use, which may elicit these type of reviews. Should the detention area be advanced for design, this review may be needed.
- This is a conceptual analysis only to assess the performance of a potential design. ENGINEER will need to subsequently scope design services and fees if the detention basin design is requested by the OWNER.
- Geotechnical analysis will not be performed. Geotechnical analysis may be warranted if the detention area is advanced for design.
- Real estate costs for the acquisition of property for the purposes of understanding the overall cost of the alternative will be obtained from incidental market information and not based on a real estate appraisal by a qualified professional.

**FEE**

<table>
<thead>
<tr>
<th>Task</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Management</td>
<td>$2,275</td>
</tr>
<tr>
<td>Conceptual Analysis</td>
<td>$8,050</td>
</tr>
<tr>
<td>Miscellaneous Expenses</td>
<td>$175</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$10,500</strong></td>
</tr>
</tbody>
</table>

**SCHEDULE**

- HDR will perform services and provide the South Culvert Detention Analysis Technical Memo within 60 business days of contract execution.
EXHIBIT B

TERMS AND CONDITIONS
1. STANDARD OF PERFORMANCE
   The standard of care for all professional engineering, consulting and
   related services performed or furnished by ENGINEER and its
   employee under this Agreement will be the same or similar circumstances at the same
   time and in the same locality. ENGINEER makes no warranties, express or implied, under
   this Agreement or otherwise, in connection with ENGINEER's services.

2. INSURANCE/INDEMNITY
   ENGINEER agrees to procure and maintain, at its expense, Workers' Compensation
   insurance as required by statute; Employer's Liability of $250,000; Automobile Liability insurance of $1,000,000 combined
   single limit for bodily injury and property damage covering all
   vehicles, including hired vehicles, owned and non-owned vehicles;
   Commercial General Liability insurance of $1,000,000, combined
   single limit for personal injury and property damage; and Professional Liability insurance of $1,000,000 per claim for protection against
   claims arising out of the performance of services under this Agreement caused by negligent acts, errors, or omissions for which ENGINEER is legally liable.
   If flying an Unmanned Aerial System (UAS or drone), ENGINEER will procure and maintain
   aircraft unattended aerial systems insurance of $1,000,000 per occurrence.
   OWNER shall be made an additional insured on
   Commercial General and Automobile Liability insurance polices and certificates of insurance will be furnished to the OWNER.
   ENGINEER agrees to Indemnify OWNER for third party personal
   injury and property damage claims to the extent caused by
   ENGINEER's negligent acts, errors or omissions. However, neither Party to this Agreement shall be liable to the other Party for any special, incidental, indirect, or consequential damages (including but not limited to loss of use or opportunity, loss of good will, cost of substitute facilities, goods, or services; cost of capital, and/or fines or penalties), loss of profits or revenue arising out of, resulting from, or in any way related to the Project or the Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, errors or omissions, strict liability or breach of contract.

3. OPINIONS OF PROBABLE COST (COST ESTIMATES)
   Any opinions of probable project cost or probable construction cost provided by ENGINEER are made on the basis of information available to ENGINEER and on the basis of ENGINEER's experience and qualifications, and represents its judgment as an experienced and qualified professional engineer. However, since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor(s) methods of determining prices, or over competitive bidding or market conditions, ENGINEER does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable cost ENGINEER prepares.

4. CONSTRUCTION PROCEDURES
   ENGINEER's observation or monitoring portions of the work
   performed under construction contracts shall not relieve the
   contractor from its responsibility for performing work in accordance
   with applicable contract documents. ENGINEER shall not control or
   have charge of, and shall not be responsible for, construction means,
   methods, techniques, sequences, procedures of construction, health
   or safety programs or precautions connected with the work and shall not
   manage, supervise, control or have charge of construction.
   ENGINEER shall not be responsible for the acts or omissions of
   the contractor or other parties on the project. ENGINEER shall be
   entitled to review all construction contract documents and to require
   that no provisions extend the duties or liabilities of ENGINEER
   beyond those set forth in this Agreement. OWNER agrees to include
   ENGINEER as an indemnified party in OWNER's construction
   contracts for the work, which shall protect ENGINEER to the same
   degree as OWNER. Further, OWNER agrees that ENGINEER shall
   be listed as an additional insured under the construction contractor's
   liability insurance policies.

5. CONTROLLING LAW
   This Agreement is to be governed by the law of the state where
   ENGINEER's services are performed.

6. SERVICES AND INFORMATION
   OWNER will provide all criteria and information pertaining to
   OWNER's requirements for the project, including design objectives
   and constraints, space, capacity and performance requirements, flexibility and expansibility, and any budgetary limitations. OWNER will also provide copies of any OWNER-furnished Standard Details, Standard Specifications, or Standard Bid Documents which are to be incorporated into the project.
   OWNER will furnish the services of soils/geotechnical engineers or other consultants that include reports and appropriate professional recommendations when such services are deemed necessary by
   ENGINEER. The OWNER agrees to bear full responsibility for the technical accuracy and content of OWNER-furnished documents and services.
   In performing professional engineering and related services hereunder, it is understood by OWNER that ENGINEER is not engaged in rendering any type of legal, insurance or accounting services, opinions or advice. Further, it is the OWNER's sole responsibility to obtain the advice of an attorney, insurance counsel or accountant to protect the OWNER's legal and financial interests.
   To that end, the OWNER agrees that OWNER or the OWNER's representative will examine all studies, reports, sketches, drawings,
   specifications, proposals and other documents, opinions or advice
   prepared or provided by ENGINEER, and will obtain the advice of an
   attorney, insurance counsel or other consultant as the OWNER
   deems necessary to protect the OWNER's interests before OWNER
   takes action or forebear to take action based upon or relying upon
   the services provided by ENGINEER.

7. SUCCESSORS, ASSIGNS AND BENEFICIARIES
   OWNER and ENGINEER, respectively, bind themselves, their
   partners, successors, assigns, and legal representatives to the
   covenants of this Agreement. Neither OWNER nor ENGINEER will
   assign, sublet, or transfer any interest in this Agreement or claims
   arising therefrom without the written consent of the other. No third
   party beneficiaries are intended under this Agreement.

8. RE-USE OF DOCUMENTS
   All documents, including all reports, drawings, specifications,
   computer software or other items prepared or furnished by
   ENGINEER pursuant to this Agreement, are instruments of service
   with respect to the project. ENGINEER retains ownership of all such
   documents. OWNER may retain copies of the documents for its
   information and reference in connection with the project; however,
   none of the documents are intended or represented to be suitable for
   reuse or OWNER or others on extensions of the project or on any
   other project. Any reuse without written verification or adaptation by
   ENGINEER for the specific purpose intended will be at OWNER's
   sole risk and without liability or legal exposure to ENGINEER, and
   OWNER will defend, indemnify and hold harmless ENGINEER from
   all claims, damages, losses and expenses, including attorney's fees,
9. TERMINATION OF AGREEMENT
OWNER or ENGINEER may terminate the Agreement, in whole or in part, by giving seven (7) days written notice to the other party. Where the method of payment is "lump sum," or cost reimbursement, the final invoice will include all services and expenses associated with the project up to the effective date of termination. An equitable adjustment shall also be made to provide for termination settlement costs ENGINEER incurs as a result of commitments that had become firm before termination, and for a reasonable profit for services performed.

10. SEVERABILITY
If any provision of this agreement is held invalid or unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term or condition shall not be construed by the other party as a waiver of any subsequent breach of the same provision, term or condition.

11. INVOICES
ENGINEER will submit monthly invoices for services rendered and OWNER will make payments to ENGINEER within thirty (30) days of OWNER’s receipt of ENGINEER’s invoice. ENGINEER will retain receipts for reimbursable expenses in general accordance with Internal Revenue Service rules pertaining to the support of expenditures for income tax purposes. Receipts will be available for inspection by OWNER’s auditors upon request.

If OWNER disputes any items in ENGINEER’s invoice for any reason, including the lack of supporting documentation, OWNER may temporarily delete the disputed item and pay the remaining amount of the invoice. OWNER will promptly notify ENGINEER of the dispute and request clarification and/or correction. After any dispute has been settled, ENGINEER will include the disputed item on a subsequent, regularly scheduled invoice, or on a special invoice for the disputed item only.

OWNER recognizes that late payment of invoices results in extra expenses for ENGINEER, and ENGINEER retains the right to assess OWNER interest at the rate of one percent (1%) per month, but not to exceed the maximum rate allowed by law, on invoices which are not paid within thirty (30) days from the date OWNER receives ENGINEER’s invoice. In the event undelivered portions of ENGINEER’s invoices are not paid when due, ENGINEER also reserves the right, after seven (7) days prior written notice, to suspend the performance of its services under this Agreement until all past due amounts have been paid in full.

12. CHANGES
The parties agree that no change or modification to this Agreement, or any attachments hereto, shall have any force or effect unless the change is reduced to writing, dated, and made part of this Agreement. The execution of the change shall be authorized and signed in the same manner as this Agreement. Adjustments in the period of services and in compensation shall be in accordance with applicable paragraphs and sections of this Agreement. Any proposed fees by ENGINEER are estimates to perform the services required to complete the project as ENGINEER understands it to be defined. For those projects involving conceptual or process development services, activities often are not fully definable in the initial planning. In any event, as the project progresses, the facts developed may dictate a change in the services to be performed, which may alter the scope. ENGINEER will inform OWNER of such situations so that changes in scope and adjustments to the time of performance and compensation can be made as required. If such change, additional services, or suspension of services results in an increase or decrease in the cost of time required for performance of the services, an equitable adjustment shall be made, and the Agreement modified accordingly.

13. CONTROLLING AGREEMENT
These Terms and Conditions shall take precedence over any inconsistent or contradictory provisions contained in any proposal, contract, purchase order, requisition, notice-to-proceed, or like document.

14. EQUAL EMPLOYMENT AND NONDISCRIMINATION
In connection with the services under this Agreement, ENGINEER agrees to comply with the applicable provisions of federal and state Equal Employment Opportunity for individuals based on color, religion, sex, or national origin; or disabled veteran, recently separated veteran, other protected veteran and armed forces service medals veteran status, disabilities under provisions of executive order 11246, and other employment, statutes and regulations, as stated in Title 41 Part 60 of the Code of Federal Regulations § 60-1.4 (a-f), § 60-300.5 (a-e), § 60-741 (a-e).

16. HAZARDOUS MATERIALS
OWNER represents to ENGINEER that, to the best of its knowledge, no hazardous materials are present at the project site. However, in the event hazardous materials are known to be present, OWNER represents that to the best of its knowledge it has disclosed to ENGINEER the existence of such hazardous materials, including but not limited to asbestos, PCBs, petroleum, hazardous waste, or radioactive material located at or near the project site, including type, quantity and location of such hazardous materials. It is acknowledged by both parties that ENGINEER’s scope of services do not include services related in any way to hazardous materials. In the event ENGINEER or any other party encounters undisclosed hazardous materials, ENGINEER shall have the obligation to notify OWNER and, to the extent required by law or regulation, the appropriate governmental officials, and ENGINEER may, at its option and without liability for delay, consequential or any other damages to OWNER, suspend performance of services on that portion of the project affected by hazardous materials until OWNER: (i) retains appropriate specialist consultant(s) or contractor(s) to identify and, as appropriate, abate, remediate, or remove the hazardous materials; and (ii) warrants that the project site is in full compliance with all applicable laws and regulations. OWNER acknowledges that ENGINEER is performing professional services for OWNER and that ENGINEER is not and shall not be required to become an “arranger,” “operator,” “generator,” or “transporter” of hazardous materials, as defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), which are or may be encountered at or near the project site in connection with ENGINEER’s services under this Agreement. If ENGINEER’s services hereunder cannot be performed because of the existence of hazardous materials, ENGINEER shall be entitled to terminate this Agreement for cause on 30 days written notice. To the fullest extent permitted by law, OWNER shall indemnify and hold harmless ENGINEER, its officers, directors, partners, employees, and subconsultants from and against all costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other dispute resolution costs) caused by, arising out of or resulting from hazardous materials, provided that (i) any such cost, loss, or damage is attributable to bodily injury, sickness, disease, or death, or injury to or destruction of tangible property (other than completed Work), including the loss of use resulting therefrom, and (ii) nothing in this paragraph shall obligate OWNER to indemnify any individual or entity from and against the consequences of that individual’s or entity’s sole negligence or willful misconduct.
16. EXECUTION
This Agreement, including the exhibits and schedules made part hereof, constitute the entire Agreement between ENGINEER and OWNER, superseding all prior written or oral understandings. This Agreement may be amended, supplemented or modified only by a written instrument duly executed by the parties.

17. ALLOCATION OF RISK
OWNER AND ENGINEER HAVE EVALUATED THE RISKS AND REWARDS ASSOCIATED WITH THIS PROJECT, INCLUDING ENGINEER’S FEE RELATIVE TO THE RISKS ASSUMED, AND AGREE TO ALLOCATE CERTAIN OF THE RISKS, SO TO THE FULLEST EXTENT PERMITTED BY LAW, THE TOTAL AGGREGATE LIABILITY OF ENGINEER (AND ITS RELATED CORPORATIONS, SUBCONTRACTORS AND EMPLOYEES) TO OWNER AND THIRD PARTIES GRANTED RELIANCE IS LIMITED TO THE LESSER OF $1,000,000 OR ITS FEE, FOR ANY AND ALL INJURIES, DAMAGES, CLAIMS, LOSSES, OR EXPENSES (INCLUDING ATTORNEY AND EXPERT FEES) ARISING OUT OF ENGINEER’S SERVICES OR THIS AGREEMENT REGARDLESS OF CAUSE(S) OR THE THEORY OF LIABILITY, INCLUDING NEGLIGENCE, INDEMNITY, OR OTHER RECOVERY.

18. LITIGATION SUPPORT
In the event ENGINEER is required to respond to a subpoena, government inquiry or other legal process related to the services in connection with a legal or dispute resolution proceeding to which ENGINEER is not a party, OWNER shall reimburse ENGINEER for reasonable costs in responding and compensate ENGINEER at its then current rates for reasonable time incurred in gathering information and documents and attending depositions, hearings, and trial.

19. NO THIRD PARTY BENEFICIARIES
No third party beneficiaries are intended under this Agreement. In the event a reliance letter or certification is required under the scope of services, the parties agree to use a form that is mutually acceptable to both parties.

20. UTILITY LOCATION
If underground sampling/testing is to be performed, a local utility locating service shall be contacted to make arrangements for all utilities to determine the location of underground utilities. In addition, OWNER shall notify ENGINEER of the presence and location of any underground utilities located on the OWNER’s property which are not the responsibility of private/public utilities. ENGINEER shall take reasonable precautions to avoid damaging underground utilities that are properly marked. The OWNER agrees to waive any claim against ENGINEER and will indemnify and hold ENGINEER harmless from any claim of liability, injury or loss caused by or allegedly caused by ENGINEER’s damaging of underground utilities that are not properly marked or are not called to ENGINEER’s attention prior to beginning the underground sampling/testing.

21. UNMANNED AERIAL SYSTEMS
If operating UAS, ENGINEER will obtain all permits or exemptions required by law to operate any UAS included in the services. ENGINEER’s operators have completed the training, certifications and licensure as required by the applicable jurisdiction in which the UAS will be operated. OWNER will obtain any necessary permissions for ENGINEER to operate over private property, and assist, as necessary, with all other necessary permissions for operations.

22. OPERATIONAL TECHNOLOGY SYSTEMS
OWNER agrees that the effectiveness of operational technology systems (“OT Systems”) and features designed or recommended by ENGINEER are dependent upon OWNER’s continued operation and maintenance of the OT Systems in accordance with all standards, best practices, laws, and regulations that govern the operation and maintenance of the OT Systems. OWNER shall be solely responsible for operating and maintaining the OT System in accordance with applicable industry standards (i.e. ISA, NIST, etc.) and best practices, which generally include but are not limited to, cyber security policies and procedures, documentation and training requirements, continuous monitoring of assets for tampering and intrusion, periodic evaluation for asset vulnerabilities, implementation and update of appropriate technical, physical, and operational standards, and offline testing of all software/firmware patches/updates prior to placing updates into production. Additionally, OWNER recognizes and agrees that OT Systems are subject to internal and external breach, compromise, and similar incidents. Security features designed or recommended by ENGINEER are intended to reduce the likelihood that OT Systems will be compromised by such incidents. However, ENGINEER does not guarantee that OWNER’s OT Systems are impenetrable and OWNER agrees to waive any claims against ENGINEER resulting from any such incidents that relate to or affect OWNER’s OT Systems.
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  July 16, 2019

Name of Group(s) or Individual(s) Making Request:  Brianna Kenny

Name of Presenter(s):  N/A

Requested Agenda Item:  Summer Youth Employment

Description of Requested Agenda Item:
The Summer Youth Employment Program began on June 17th. During this program, students spend 6 weeks learning about various City departments and local government as a whole. The 5 participants will share their Summer Youth Employment experience with Council.

Attachments:  □ Yes  □ No

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

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

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature  Department Head Signature

Budget Manager Signature

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

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

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

Requested Council Meeting Date:  07/16/2019

Name of Group(s) or Individual(s) Making Request:  Anne Little & Kyle Harris

Name of Presenter(s):  Anne Little & Kyle Harris

Requested Agenda Item:  Council approval of the City’s 2019 Analysis of Impediments (AI) to Fair Housing Choice Report Final Draft.

Description of Requested Agenda Item:  The final draft of the 2019 Analysis of Impediments (AI) Report will be presented for approval.

The Draft 2019 Analysis of Impediments (AI) Report was made available for a 30-day public inspection and comment period, which took place between May 27 – June 25, 2019. The document was made available online at www.salisburync.gov/fairhousing and in hard-copy format at the following seven (7) locations: Salisbury City Hall; Salisbury City Office Building; West End Business & Community Center; Rowan Public Library; Salisbury-Rowan Community Action Agency; Salisbury Civic Center; and City Park Recreation Center.

The availability of the draft was announced in a public notice, which ran in the Salisbury Post on Sunday, May 26, 2019. Flyers were posted at across the City. The Communications staff promoted information via social media and other standard means. No comments were received.

Attachments:  Yes  X 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)

Finance has approved this item to move forward without a fiscal note. All public notice costs have been included in the current fiscal year’s budget.

Action Requested of Council for Agenda Item:  Approve the 2019 Analysis of Impediments (AI) to Fair Housing Choice Report Final Draft.

Contact Information for Group or Individual:
Kyle Harris, Community Planning Services, (704) 638-5324, kharr@salisburync.gov.
Anne Little, Human Relations Manager, (704) 638-5218, anne.little@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:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  July 16th, 2019

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

Name of Presenter(s):  Bob Jessup and Ashley Anderson, Sanford Holshouser, LLP

Requested Agenda Item:  City Council to consider adopting a RESOLUTION and hold a public hearing regarding new terms for the Empire Hotel redevelopment project.

Description of Requested Agenda Item:  
- a. Receive a report from Sanford Holshouser, LLP
- b. Hold a public hearing
- c. Consider adopting Resolution

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:  
1. Council to hold a public hearing
2. Council to consider adopting a Resolution

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***
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:    July 16th, 2019

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

Name of Presenter(s):     Downtown Salisbury, Inc.

Requested Agenda Item:    DSI Annual Report and Presentation

Description of Requested Agenda Item:  Per the contract between the City of Salisbury and Downtown Salisbury, Inc., DSI would like present the annual report on their program of work for fiscal year 2018-2019.

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:  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:
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: July 16, 2019

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

Name of Presenter(s): Scott Shelton/Graham Corrher

Requested Agenda Item: Hold a Public Hearing and revise the existing incentive agreement for Project Care to cover newly-acquired property adjacent to existing property of incentive grant recipient.

Description of Requested Agenda Item: A Local Incentive Agreement ("Agreement") for "Project Care" was approved by City Council on October 2, 2018. Project Care proposes a projected investment in the City of Salisbury of approximately $45.2 million dollars in real and personal property. Project Care also proposes to retain existing employment levels and create 35 additional jobs. The approved incentive agreement offers an assistance grant that is equal to a maximum of seventy-five (75) percent of taxes paid on the estimated $45.2 million dollar taxable expansion. The grant will total a maximum amount of approximately $1,174,387 and will be paid over a term not to exceed five (5) years.

Subsequent to the approval of the Agreement by City Council, the Company acquired real property adjacent to its existing property and proposes to make improvements to the newly-acquired property. The Company requests that the City Council approve revisions to the Agreement to add the newly-acquired property to the property description in the Agreement.

Attachments: ☒ Yes □ No

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

The item is not budgeted in the current FY20 budget. Grant amounts would be calculated based on a percentage of the taxes paid by the Company each year. At the time of each grant award, the City would need to appropriate the grant amount generated pursuant to this Agreement and the offsetting expenses related to the grant award.

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

Revise the existing Project Care incentive agreement to include a description of the newly-acquired property adjacent to the property described in the existing incentive agreement.

Contact Information for Group or Individual:

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

☒ Regular Agenda (item to be discussed and possibly voted on by Council)
Salisbury City Council
Agenda Item Request Form

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:
NORTH CAROLINA
ROWAN COUNTY

RELOCATION AND EXPANSION ASSISTANCE AGREEMENT

THIS RELOCATION AND EXPANSION ASSISTANCE AGREEMENT (the "Agreement") is made and entered into as of the 21st day of June, 2019, by and between THE CITY OF SALISBURY, a North Carolina municipal corporation (hereinafter referred to as the "City"), and "Project Care" (hereinafter referred to as the "Company") (collectively, the "Parties").

WITNESSETH

WHEREAS, the Company has explored the possibility of expanding an existing facility in the City of Salisbury (the "Project"), which would increase taxable property in the City and result in the creation of a number of jobs in the City, but would not have a significant detrimental impact to the environment of the City; and

WHEREAS, the Company has determined that the property located at __________________, Salisbury, North Carolina (the "Property"), as described on Attachment 1 and also identified as Rowan County Tax Parcel ______ and the acre portion of Tax Parcel that was acquired by the Company on 2019 and that is intended to be combined into Tax Parcel ______, is a suitable location for its expansion and improvement; and

WHEREAS, in order to induce the Company to relocate, expand, or improve on the Property, the City is willing to provide, or cause to be provided, to the Company certain inducements, upon terms and conditions binding upon the City as set forth herein; and

WHEREAS, prior to beginning any relocation, expansion or improvement on the Property, the Company and City met and agreed to enter into this Agreement; and

WHEREAS, in consideration of the undertakings and agreements set forth herein, the Company is considering investing up to $45.2 million dollars in new equipment and other real property improvements on the Property, and to create a certain number of jobs as provided herein and further comply with the covenants and conditions binding upon it as set forth herein, all of which are intended to create a positive economic impact in the City.

NOW THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Company and the City hereby agree as follows:

ARTICLE I
CITY INDUCEMENTS

The City shall provide financial assistance to the Company through its "Relocation and Expansion Assistance Program", as hereinafter described, with respect to the Company's development of the Property and other related expenses as follows:

1) The "Relocation and Expansion Assistance Program" will be provided as a "Relocation and Expansion Incentive Grant" ("Grant") to assist the Company with construction, equipment, and other capital improvements in the City of Salisbury. The Grant will specifically apply to the Property and all real property improvements and personal property newly installed and used at the Property ("Facility"). While it
is the intent of Company to provide a proper listing of projects at the time of application, Company reserves the right to substitute projects.

2) The amount of the Grant will be computed using the following steps:

a) Real Property Valuation.
   
i) For each tax year that the Grant is applicable to a Property (subject to the limitations below), determine the actual assessed tax value of the real property, located at such Property.

   ii) Subtract from the above amount in a) i) the baseline real property value of the Property assessed as of January 1, 2019 (which is to include the real property value of the __-acre parcel that was acquired by the Company on __, 2019, which was not separately assessed as of January 1, 2019), and prior to the investments made by the Company in real property at such property. The annual result of this computation shall be defined as the “New Real Property Value” for the applicable Property.

b) Personal Property Valuation.
   
i) For each tax year that the Grant is applicable (subject to the limitations below), determine the actual assessed tax value of all personal property, excluding supplies and rolling stock, located at and used in such Property.

   ii) Subtract from the above amount in b) i) the assessed tax value of personal property, excluding supplies and rolling stock, located at and used on such Property as of January 1, 2019. The annual result of this computation shall be defined as the “New Personal Property Value” for the applicable Property.

c) City Property Tax Determination. The sum of the New Real Property Value and the New Personal Property Value of a Property for each applicable year shall be the “New Property Value” of such Property for such year. Multiply the New Property Value for each applicable Property by the City tax rate (excluding Rowan County and fire district tax rates) applicable for the tax year at issue to determine the amount of property taxes applicable to the new property at such Property.

d) Grant Amount Determination. Multiply the property taxes applicable to the New Property Value for each applicable Property by 75% (0.75).

3) The Grant will be structured as a reimbursement of a portion of the real and personal property taxes assessed against each applicable Property and the Company. Such payment of the Grant will be made to the Company. Payment may be requested by the Company no sooner than January 1st and no later than June 30th of the fiscal year in which the taxes are due. The Grant will be paid within sixty (60) days of the Company providing certifications as set forth in Article III(3), and receipt of the Company’s full payment of all real and personal property taxes due to the City (which are collected by Rowan County as the City’s designated tax collector). Payment of the Grant shall be equal to Seventy-Five Percent (75%) of the City property taxes (excluding Rowan County and fire district taxes) paid on the New
Property Value of the Property by the Company according to Paragraph (2) above at the prevailing City tax rate for the tax year of the requested Grant.

4) Tax amounts due on property discovered by Rowan County, on behalf of and as tax collector for the City, through its customary audit procedures and not listed by the Company shall be excluded from this Agreement, and the City shall not be responsible for reimbursement on these amounts for any tax year.

ARTICLE II
SCHEDULE OF CORPORATE IMPROVEMENTS

1) The Company has determined that the Property is a suitable site for location of its Facility and shall acquire all local permits, zoning approvals, and required state and federal permits, if applicable. The Company expects to have made significant upgrades to the Facility by December 31, 2019, with possible additional investments to follow in 2020 and 2021.

2) The Company shall receive the Grant for five separate tax years ("Grant Term"), which shall begin with property assessed as of January 1, 2020, with the first such reimbursement to be provided to the Company by the City during fiscal year ended June 30, 2021. If the Facility is not complete by January 1, 2020, the Grant shall be based on the percentage complete and assessed for that year.

3) Unless an event triggering the Force Majeure provision set forth in Article VII herein shall occur, the initial year shall commence on property assessed as of January 1, 2020.

4) Any subsequent qualifying expansion of the Facility by the Company shall be eligible (provided the Relocation and Expansion Assistance Program is still in effect) for consideration as a separate Grant under the Relocation and Expansion Assistance Program, each for a separate Grant Term. No subsequent Grant anticipated by this Paragraph will be in effect unless in writing as a separate agreement and signed by all of the Parties to this Agreement in accordance with the Relocation and Expansion Assistance Program and applicable North Carolina law.

ARTICLE III
EMPLOYMENT

1) The Company is considering projects that would add up to 35 Full Time Equivalents ("FTEs") with this Project. If all projects are successfully completed, the Company will employ 254 FTEs as of December 31, 2022. A FTE position requires at least 1,600 hours of work per year and is provided standard company benefits.

2) In each Fiscal Year (FY) that the company requests the disbursement of Grant funds, the Company shall certify that the following employment goals have been met, prior to receiving payment:

<table>
<thead>
<tr>
<th>City Fiscal Year (FY)</th>
<th>Number of New FTEs (in aggregate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 20-21</td>
<td>15</td>
</tr>
<tr>
<td>FY 21-22</td>
<td>25</td>
</tr>
<tr>
<td>FY 22-23</td>
<td>35</td>
</tr>
<tr>
<td>FY 23-24</td>
<td>35</td>
</tr>
<tr>
<td>FY 24-25</td>
<td>35</td>
</tr>
</tbody>
</table>
3) The Company shall certify annual progress towards the employment of the required number of FTEs in the aggregate to the City on or before June 30, 2021, and on June 30th following each of the remaining years of the Grant Term. Such certification shall include a copy of the Company’s “Employers Quarterly Tax and Wage Report” (Form NCUI 101 filed with the NC Employment Security Commission) for the quarter a) ending on or immediately preceding the date of the annual request and b) the number of FTEs as of that same date. If the NCUI 101 is discontinued or modified, a successor form performing a comparable function must be submitted.

4) Should the Company fail to certify its annual employment numbers by June 30th, the City may allow the Company an extended cure period to file and certify this particular report annually.

5) If the Company does not meet the employment goals, the City will reduce the annual Grant payment on a pro-rata basis until such time as the Company once again meets employment goals. Pro-rata reduction shall be computed based on the percentage of the goal not met for the given year.

ARTICLE IV
TERMINATION OF GRANT AGREEMENT AND REQUIRED REPAYMENT OF GRANT FUNDS UPON ANNOUNCED TERMINATION OF OPERATIONS OR MAJORITY REDUCTION IN WORKFORCE

1) The assistance provided by the City, through the Relocation and Expansion Assistance Program, represents a substantial commitment of public resources. Companies that participate in this program are expected to maintain and continue operations beyond the end of the Grant Term.

2) In an Event of Default, as defined in this paragraph, this Agreement shall automatically terminate and all Grant funds received by the Company during the thirty-six (36) months prior to any Event of Default shall be repaid in full as provided in paragraph 3 of this article. The following occurrences constitute Events of Default:

   a. The Company ceases operations in the City of Salisbury;
   b. The Company eliminates the majority of its FTEs in the City of Salisbury within twelve (12) months after the disbursement of Grant funds; or
   c. The Company makes a public announcement of its plans to close or eliminate the majority of its FTEs in the City of Salisbury.

3) In an Event of Default, the Company shall make payment to the City within one-hundred twenty (120) days of such announcement or event. The City may use any and all legal recourse to pursue restitution from the Company and/or its successors.

ARTICLE V
RELOCATION AND ASSISTANCE GRANT ADDITIONAL TERMS AND CONDITIONS

As further consideration for the granting of certain relocation and assistance grants to the Company by the City, the Company further agrees that it shall abide by the Federal Immigration and Control Act of 1986 and all subsequent amendments thereto (collectively the “Act”). To that end, the Company agrees as follows:
1) The Company shall provide to the City an annual certification, as of the time the
Company first claims the Grant and each year it claims an installment or carryforward of
the Grant, that the Company has implemented measures necessary to be in compliance
with the Act and does not knowingly employ any unauthorized alien at the Facility; and

2) If the Company fails to implement measures necessary to be in compliance with the Act
or knowingly employs an unauthorized alien at the Facility, and if upon learning of such
event, fails to cure such matter within sixty (60) days from learning of such, then the
Grant shall expire and the Company may not take any remaining installment or
carry forward of the Grant.

ARTICLE VI
REPRESENTATIONS, WARRANTIES AND COVENANTS - COMPANY

The Company represents, warrants and covenants to the City, as applicable, as of the date
of this Agreement that:

1) Standing. The Company is a company duly existing and in good standing under the
laws of the State of North Carolina.

2) Authority. The Company has the corporate power and authority to own its properties
and assets, to carry on its business as it is now being conducted and to execute and
perform this Agreement.

3) Enforceability. This Agreement is the legal, valid and binding agreement of the
Company enforceable against the Company in accordance with its terms, except as
such enforceability may be limited by bankruptcy, insolvency, reorganization,
moratorium or similar state or federal laws, in effect from time to time, which affect
the enforcement of creditors’ rights generally.

4) No Violations. This agreement does not violate the charter documents or bylaws of
the Company or any provisions of any indenture, agreement or other instrument to
which the Company is a party.

5) No Conflicts. This agreement does not conflict with, result in a breach of or
constitute an event of default under (or an event which, with notice or lapse of time,
or both, would constitute an event of default under) any indenture, agreement or
other instrument to which the Company is a party.

6) Certifications. The Company shall be solely responsible for providing certifications
of expenditures and jobs to the appropriate City officer at the time of filing the
request for the annual Grant.

ARTICLE VII
REPRESENTATIONS, WARRANTIES AND COVENANTS - CITY

The City represents, warrants and covenants to the Company, as applicable, as of the date
of this Agreement that:

1) The City (a) has full power and authority to enter into this Agreement and to enter
into and carry out the transactions contemplated by this Agreement (b) by proper
action has duly authorized the execution and delivery of this Agreement; and (c) is
not in default under any provisions of this Agreement.
2) The City has duly authorized, executed, and delivered this Agreement, and this Agreement constitutes the City's legal, valid, and binding obligation, enforceable in accordance with its terms.

3) There is no litigation or proceeding pending or threatened against the City or affecting it which would adversely affect the validity of this Agreement.

4) The City is not in default under any provision of State law which would affect its existence or its powers as referred to in subsection (1).

5) To the best of the City's knowledge, no officer or official of the City has any interest (financial, employment, or other) in the Company or the transactions contemplated by this Agreement.

6) With respect to this Agreement, the City has complied fully with all requirements of N.C. General Statute 158-7.1 et seq.

ARTICLE VIII
GENERAL PROVISIONS

1) Governing Law. This Agreement shall be governed and construed under the laws of the State of North Carolina, notwithstanding any rules concerning application of the laws of another state or jurisdiction.

2) Assignment. This Agreement shall not be assignable by either party without the prior written consent of the other party, except that Company may assign this Agreement to a parent, subsidiary or affiliate as a part of any corporate restructuring.

3) Entire Agreement. This Agreement, and its attachments, constitute the entire agreement of the Parties, and may not be contradicted by any prior or contemporaneous communications of any kind. This Agreement may only be modified by a written instrument that is signed by an authorized representative of each party.

4) Breach. In the event of a breach of this Agreement, the non-breaching party shall provide written notice of the breach to the breaching party, and the party in breach shall have thirty (30) days from the date of notice of the breach to cure its performance under this Agreement.

5) Waiver. Nothing in this Agreement shall constitute a waiver of any rights that the Company may have to appeal or otherwise contest any listing, appraisal or assessment that the City may make relative to the Properties.

6) Force Majeure. Any delay in the performance of any duties or obligations of either party hereunder (the “Delayed Party”) shall not be considered a breach of this Agreement and the time required for performance shall be extended for a period equal to the lesser of (a) the period of such delay or (b) 24 months, provided that such delay has been caused by or is the result of any acts of God; acts of the public enemy; insurrections; riots; embargoes; labor disputes, including strikes, lockouts, job actions, or boycotts; shortages of materials or energy; fires; explosions; floods; changes in laws governing international trades; or other unforeseeable causes beyond the control and without the fault or negligence of the Delayed Party. The Delayed
Party shall give prompt notice to the other party of such cause, and shall take whatever reasonable steps are necessary to relieve of such cause as promptly as possible. No such event shall excuse the payment of any sums due and payable hereunder on the due date thereof except any payment due upon the occurrence of any act or event for which delayed performance is excused as provided above.

7) Notices. All notices required or allowed by this Agreement shall be delivered in person, by overnight courier service (such as Federal Express), by certified mail, return receipt requested, postage prepaid, secure electronic transfers or by fax with written confirmation of receipt (with a copy sent by one of the other methods specified herein), addressed to the party or person to whom notice is to be given at the following addresses:

To City: Salisbury City Manager
132 North Main Street
Salisbury, NC 28144
Phone: (704) 638-5228
Facsimile: (704) 216-8195

With Copy (which does not constitute notice to):
Salisbury City Attorney
132 North Main Street
Salisbury, NC 28144
Phone: (704) 638-5309
Facsimile: (704) 638-8501

To Company: Name and Contact Information

To Company Regarding Payment of Grant, also include:
Contact for the Grants:

With Copy:
Notice shall be deemed to have been given with respect to overnight carrier or certified mail, one (1) day after deposit with such carrier, upon receipt as to certified mail, and as to facsimile, on date of transmission with a receipt, provided additional service is made. The addresses may be changed by giving written notice as provided herein: provided, however, that unless and until such written notice is actually received, the last address stated herein shall be deemed to continue in effect for all purposes hereunder.

[Signature page follows]
IN WITNESS WHEREOF, the City and the Company have caused this Agreement to be executed in quadruplicate originals, in their respective names, by persons duly authorized by proper authority, and have sealed the same as of the day and year first above written.

"Project Care"

By: ____________________
Title: ____________________

[Corporate Seal]

ATTEST:

________________________ (Seal)
Name_____________________

"Project Care" - US Operations

By: ____________________
Title: ____________________

[Corporate Seal]

ATTEST:

________________________ (Seal)
Name_____________________

CITY OF SALISBURY

________________________
Al Heggins, Mayor

[Corporate Seal]

ATTEST:

________________________
Diane Gilmore, City Clerk
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Shannon Moore
Salisbury Finance Director

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

J. Graham Corriher
City Attorney
ATTACHMENT I

LEGAL DESCRIPTION OF THE PROPERTY
Requested Agenda Item: Council to consider approval of certain limited amendments to the Downtown Revitalization Incentive (DRI) Grant Program.

Description of Requested Agenda Item:

The Downtown Revitalization Incentive (DRI) Grant Program was established by City Council in 2014 to promote economic growth within the Downtown Municipal District. (A full summary of the program is attached.) The program guidelines note that these incentive grants “are designed to promote both new development and historic rehabilitation, with an emphasis on those projects that create new residential opportunities (Guidelines, p. 1).

To ensure the program continues to fund projects that meet the program’s primary residential objective, and that the grants are administered responsibly, Community Planning Services is proposing the following limited amendments to the Guidelines:

1. Revise the Method of Calculation for the Residential Production Grant to a “flat rate” award of $7,500.00 per residential unit created or substantially upgraded. This is a change from the current calculation method of $7.00/ gross sq. ft. of residential space being created or upgraded. The amendment is being proposed to encourage and maximize the production of more units, especially where the total project area would accommodate additional units. The rate of $7,500.00 is roughly based on the average square footage of 2B-2B and 1B-1B units assuming a $7.00/ gross sq. ft. reimbursement.

2. Add requirement for projects to begin construction within twelve (12) months of the grant award.

3. Clarify ambiguity around requirement for applicant to show progress within six (6) months of the grant award. Progress can include non-construction development and permitting activity, such as the finalization of construction drawings or issuance of zoning permits.

4. Add requirement that any substantial deviation from the Council-approved project must be reviewed and approved, in writing, by both the Planning Director and City Manager, before it can be undertaken.

5. Add additional project inspection procedures for planning staff, including a requirement for staff to maintain and update a project inspection logbook and to submit quarterly progress reports to the Planning Director. The logbook and progress reports will be used to document site inspections, permitting and construction activity, significant telephone or email exchanges with the applicant, and other relevant activities demonstrating progress on the awarded project and compliance with the program guidelines and contract agreement.

Attachments: ☒Yes ☐No
1. Downtown Revitalization Incentive (DRI) Grant Program – Summary;
2. Proposed Guidelines, Amended (with changes annotated);
3. Proposed Project Inspections Logbook.

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: Approve amendments to the Downtown Revitalization Incentive (DRI) Grant Program.

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________
Finance Manager Signature                Department Head Signature

____________________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

☐ Approved  ☐ Declined

Reason:
SUMMARY: Community Planning Services is proposing certain limited amendments to the DRI Program Guidelines to ensure the program continues to fund projects that meet the program’s primary residential objective. No changes are proposed for the Building Renovation Incentive Grant, Residential Utilities Incentive Grant, or Fire Suppression Incentive Grant. Limited changes are being proposed for the Residential Production Incentive Grant. The current calculation methodologies for each grant are summarized below, followed by a list of all proposed changes. More detailed information is available in the current adopted Guidelines.

FOR FURTHER INFORMATION CONTACT: Kyle Harris, Planner, City of Salisbury - Community Planning Services, 132 North Main Street, Salisbury, NC 27104; telephone number (704)-638-5324; email kharr@salisburync.gov.

I. Program Summary

The Downtown Salisbury Revitalization Incentives Program (“Downtown Incentives Program”) was established by City Council in 2014 to promote economic growth within the Downtown Municipal District. It offers prospective developers a maximum grant package of $200,000.00 in support of projects that will rehabilitate into productive use downtown buildings that are not currently producing significant taxable revenue for the city and whose underutilization is depressing downtown vibrancy.

The Downtown Incentives Program is a package of four (4) grants, any or all of which may be utilized by a developer depending on the nature and scope of the project for which assistance is being requested:

I. The Building Renovation Incentive Grant applies to projects that make permanent improvements to - older, primarily historic properties and which promote their stabilization, preservation, and reuse. It covers 25% of eligible costs (up to $50,000) to renovations and improvements, including improvements to the building shell, façade, and systems.

II. The Residential Production Incentive Grant applies to projects that make permanent improvements which promote the stabilization, preservation, and/or development of new residences, or renovations to existing, abandoned units that have been unoccupied for more than five (5) years. It offers $7 per gross sq. ft. of residential area being created or upgraded for projects that spend $35 per gross sq. ft. of residential space.

III. The Residential Utilities Incentive Grant applies to projects that permanently upgrade water and sewer infrastructure external to the building which are necessary for production, construction, renovation and other capital improvements associated with
producing housing units downtown. It covers 50% of eligible costs (up to $25,000) for the installation or upgrade of water utilities where project costs exceed $5,000.

IV. The **Fire Suppression Incentive Grant** assists with the installation or expansion of back-alley fire lines capable of serving multiple buildings or, in the case of existing access to fire line, installation of a building sprinkler system. It covers 50% of fire line cost or $2 per sq. ft. of sprinkler system installation (up to $25,000).

---

II. **Proposed Program Amendments**

The program guidelines note that these incentive grants “are designed to promote both new development and historic rehabilitation, with an emphasis on those projects that create new residential opportunities (Guidelines, p. 1).

To ensure the program continues to fund projects that meet the program’s primary residential objective, and that the grants are administered responsibly, Community Planning Services is proposing the following limited amendments to the Guidelines:

1. **Revise the Method of Calculation for the Residential Production Grant to a “flat rate” award of $7,500.00 per residential unit created or substantially upgraded.** This is a change from the current calculation method of $7.00/ gross sq. ft. of residential space being created or upgraded. The amendment is being proposed to encourage and maximize the production of more units, especially where the total project area would accommodate additional units. The rate of $7,500.00 is roughly based on the average square footage of 2B-2B and 1B-1B units assuming a $7.00/gross sq. ft. reimbursement.

2. **Add requirement for projects to begin construction within twelve (12) months of the grant award.**

3. **Clarify ambiguity around requirement for applicant to show progress within six (6) months of the grant award.** Progress can include non-construction development and permitting activity, such as the finalization of construction drawings or issuance of zoning permits.

4. **Add requirement that any substantial deviation from the Council-approved project must be reviewed and approved, in writing, by both the Planning Director and City Manager, before it can be undertaken.**

5. **Add additional project inspection procedures for planning staff, including a requirement for staff to maintain and update a project inspection logbook and to submit quarterly progress reports to the Planning Director.** The logbook and progress reports will be used to document site inspections, permitting and construction activity, significant telephone or email exchanges with the applicant, and other relevant activities demonstrating progress on the awarded project and compliance with the program guidelines and contract agreement.

With these changes approved, we believe the Downtown Incentives program will better align with its own stated objective of encouraging the production of new residential opportunities in Downtown Salisbury, and that the responsible administration of the program will be secured moving forward.
The City of Salisbury recognizes that the economic productivity of the downtown hinges upon a built environment capable of supporting business and residential growth, and that sustaining this growth requires significant commitment by private investors in building rehabilitation and construction. Aging buildings, fire suppression requirements and outdated electrical systems are just a few of the challenges of urban revitalization. The incentive grants offered by the City will help defray some of these costs in order to stimulate additional private investment in downtown properties.

The incentive grants are designed to promote both new development and historic rehabilitation, with an emphasis on those projects that create new residential opportunities. By increasing the number of people living downtown, these incentives will help expand the market base for restaurants, retail, commercial activities, and special events, thereby benefitting existing merchants and attracting new business. By facilitating rehabilitation of existing buildings, the program will aid in the preservation of our historic urban fabric and character. These incentives also promote the use and expansion of back-alley fire line “loops” capable of serving multiple buildings which will help reduce the cost for other buildings to connect in the future. This cost savings will encourage the use of fire suppression systems, thereby reducing the chances of a catastrophic fire impacting multiple buildings, offering greater protection of life and property, and minimizing the chances of a devastating loss of the historic resources that define the central business district.

The success of downtown Salisbury can be attributed in large part to a history of public-private partnerships involving grants and infrastructure offered by the City, often in conjunction with state and federal historic tax credits, transportation grants and similar programs. As these state and federal means of support have been eliminated or cut back in recent years, the level of participation by the City is more critical than ever. As developers begin to take advantage of the incentive grants and new projects come on-line, the City’s return on these investments will be realized through growth in the tax base, business activity and tourism with net economic benefits that will far exceed the amount of incentives granted.
**How the Incentive Grants Work**

Eligible projects will be located in the Salisbury Downtown Mixed Use District (DMX). The incentives consist of four grant programs targeting different project activities. More than one grant type may be layered in a single project, provided that eligibility requirements established for each grant are met. Applications will be considered by the Salisbury City Council on a case-by-case basis as funds are available. Reimbursement of the grant(s) will occur in a single installment upon completion of the approved scope of work and receipt of the final Certificate of Occupancy for the project.

**Summary of Grants Available**

- **Building Rehabilitation Grant**
  Maximum Award: $50,000
  Promotes the stabilization, preservation and reuse of older, primarily historic buildings

- **Residential Production Grant**
  Maximum Award: $97,500
  Promotes development of new residences, including lofts, apartments and condominiums, in building rehabilitation and new construction projects

- **Residential Utilities Grant**
  Maximum Award: $25,000
  Offsets a portion of water and sewer infrastructure costs in building rehabilitation or new construction projects that create new residential units

- **Fire Suppression Grant**
  Maximum Award: $25,000
  Encourages the use and expansion of back-alley fire lines capable of serving multiple buildings. For projects having existing access to a fire line, the grant be used to help offset the costs of a building sprinkler system.

**Source of Funds**

Downtown Revitalization Incentive Grants will be awarded by the Salisbury City Council as funds are available and budgeted as annual appropriations from General Revenue funds.

Commented [KH1]: Changes Highlighted. Original Max was $100,000, revised to reflect proposed $7,500 Max per unit divisibility.
## Incentive Grants – At a Glance

<table>
<thead>
<tr>
<th>Grant Program</th>
<th>Method of Calculation</th>
<th>Minimum Cost Threshold*</th>
<th>Maximum Grant</th>
<th>Overall Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Rehabilitation Grant</td>
<td>25% of eligible costs</td>
<td>Eligible costs must exceed $100,000</td>
<td>$50,000</td>
<td>✓ Permanent improvements to existing buildings&lt;br&gt;✓ Eligible improvement costs include building shell, systems and exterior facade</td>
</tr>
<tr>
<td>Residential Production Grant</td>
<td>$7,500 per residential unit created or substantially upgraded</td>
<td>Project costs must exceed $35</td>
<td>$97,500</td>
<td>✓ Available for new construction or existing buildings&lt;br&gt;✓ Creation of new residences, or renovations to existing, abandoned units that have been unoccupied for more than five (5) years</td>
</tr>
<tr>
<td>Residential Utilities Grant</td>
<td>50% of eligible costs</td>
<td>Eligible costs must exceed $5,000</td>
<td>$25,000</td>
<td>✓ Available for new construction or existing buildings&lt;br&gt;✓ Project involves creation of new residences, or renovations to existing, abandoned units&lt;br&gt;✓ Installation or upgrades of water and sewer infrastructure external to the building</td>
</tr>
<tr>
<td>Fire Suppression Grant</td>
<td>50% of fire line cost, or $2 per sq. ft. for sprinkler system install</td>
<td></td>
<td>$25,000</td>
<td>✓ Available for new construction or existing buildings&lt;br&gt;✓ Installation or expansion of back-alley fire lines capable of serving multiple buildings&lt;br&gt;✓ For projects with existing access to a fire line, grant may be used for installation of a building sprinkler system</td>
</tr>
</tbody>
</table>

*Minimum expenses prior to the grant

Commented [KH2]: Changed Highlighted. Original Approved Language for Method of Calculation: "$7 per gross sq. ft. of residential space being created or upgraded." Revised to a “flat rate” award of $7,500.00 per residential unit created or substantially upgraded. The amendment is being proposed to encourage and maximize the production of more units, especially where the total project area would accommodate additional units. The rate of $7,500.00 is roughly based on the average square footage of 2B-2B and 1B-1B units assuming a $7.00/ gross sq. ft. reimbursement.
General Provisions

The following general provisions and application process apply to all grants.

- See additional grant provisions and eligibility requirements beginning on p.8.

Eligibility Requirements

- Eligible properties will be located within the Salisbury Downtown Mixed Use District (DMX).
- For purposes of project eligibility for separate grant awards, a “building” or a “project” will be defined as a stand-alone structure or a building separated by party walls or parcel lines.
- Applicants shall be or have the endorsement of the legal owner of the property (appropriate documentation required). If a purchase is pending, proof of a sale contract to the applicant or Option to Purchase are acceptable.
- Approvals for a grant must be secured before work begins on the proposed project. Project plans that have been submitted for development review on or after May 1, 2014, and commenced construction prior to the adoption date of the incentive program, may be considered provided all other eligibility requirements are met.

Application Process

1. Work with city staff to confirm eligibility prior to submitting a formal grant application.
2. A complete application will include the following:
   - Narrative description of construction or rehabilitation work to be performed, including the proposed uses
   - Schematic plans including floor plan indicating gross sq. ft. of residential space and sq. ft. of area protected by fire sprinkler system, if applicable
   - Itemized estimate of project costs prepared by a contractor or design professional
   - Materials schedules for residential units
   - Proof of ownership, or if sale is pending, Contract for Sale to applicant or Option to Purchase
   - Proof of endorsement by the legal owner, if the applicant is not the owner

3. Applications will be reviewed by the appropriate city staff regarding eligibility and consistency with all zoning, occupancy and use requirements. The City Manager shall make the final determination regarding project eligibility.
4. Once eligibility has been confirmed and the application is complete, the City Council will hold a public hearing to receive information and public comment, prior to approving, approving with conditions/modifications, or denying the request. The City
shall have a notice of the public hearing published at least ten (10) days prior to the hearing.

5. Grants will be awarded by the City Council on a case-by-case basis as funds are available.

6. Periodically during construction and again upon completion, the improvements will be inspected and approved by the appropriate city staff for determination of compliance as submitted in the application. Staff will maintain and update a project inspection logbook and submit at least quarterly a progress report to the Planning Director. The logbook and progress reports will be used by staff to document site inspections, permitting and construction activity, significant telephone or email exchanges with the applicant, and other relevant activities demonstrating progress on the awarded project and compliance with the program guidelines and contract agreement.

7. Grantee shall submit paid invoices and documentation necessary to demonstrate financial expenditures.

8. Reimbursement will be made in a single installment upon satisfactory completion of the approved scope of work and receipt of the final Certificate of Occupancy for the project.

9. All projects must be completed within two (2) years unless an alternative timeline is approved with the initial application. Extensions to the project timeline may be approved by Salisbury City Council.

10. Applicant must show progress within six (6) months of the grant award. Progress can include non-construction development and permitting activity, such as the finalization of construction drawings or issuance of zoning permits. Construction of projects must begin within twelve (12) months of the grant award. Failure to do so may result in forfeiture of grant funds.

Additional Notifications

1. Applicants should coordinate with Downtown Salisbury, Inc., and the Economic Development Commission in the due diligence phase of the project and in the preparation of the grant request from the City of Salisbury.

2. Applicants must comply with all local, state and federal regulations regarding construction, occupancy, zoning and use.

3. Applicant and the property owner must not owe any back taxes, civil penalties, or delinquent fees. During the grant period, the grantee shall remain current with all real and personal property taxes, along with other fees, taxes, utility bills or other assessments to remain eligible for the grant.

4. In awarding grants, the City Council will consider the proposed scope of work as measured against these program guidelines, as well as the overall spirit and intent of the program as outlined herein.

5. These criteria serve as guidelines in project evaluations. They may be expanded upon or added to for a specific project and incorporated in the terms of the formalized grant award agreement.
6. Projects receiving grants shall meet high quality building design standards and remain flexible for future uses without significant structural changes in order to sustain their value to the community when the initial use changes.

7. Any substantial deviation from the approved plans must be reviewed and approved, in writing, by both the Planning Director and City Manager, before it can be undertaken. Any substantial deviation from the approved scope of work pursuant to this paragraph shall cause the grant amount to be recalculated to reflect the revised scope of work. For example, the Residential Production Incentive Grant offers $7,500 per residential unit created or substantially upgraded. If City Council awards a $30,000 Residential Production grant to create four (4) new residential units (4 units x $7,500.00 = $30,000.00), but the scope of work changes such that only two (2) units are created, the grant shall be recalculated and reduced to $15,000 (2 units x $7,500 = $15,000.00). However, in no circumstance shall the recalculated award amount exceed the maximum award approved by City Council. The City reserves the right to deny payment if the completed work is not consistent with the content of the original application.

8. Grants are issued at the sole discretion of the City. No party or applicant shall be entitled to receive grant funds. Funding decisions are made at the discretion of the granting authority and the program may be discontinued at any time and without notification.

9. Projects considered under these guidelines shall be viewed independently of any project previously considered, awarded or rejected by the City.

10. Grants are not transferrable and may not be otherwise conveyed to another party without the consent of the City.

11. Applicants are encouraged to take advantage of state and Federal historic tax credits, Main Street Solutions grants from the NC Department of Commerce, and other programs that may be available.

12. Applicants are eligible to apply for the Innes Street Improvement Grant or Municipal Service District Incentive Grant. These are competitive grant programs offered by the Community Appearance Commission when funds are available. Separate guidelines and eligibility requirements apply to these grant programs.

Overall Quality Standards and Preferred Amenities (New Construction or Rehabilitation)

Projects will utilize the following or better finishes, materials and amenities. These guidelines are not meant to dictate style, but rather to indicate a high level of quality and finish. Other finishes not listed here may be considered as long as they are of a similar level of quality and durability. The use of sustainable materials and construction methods is both encouraged and preferred.

Examples of preferred amenities and finishes include, but are not limited to:

1. Walls/Interior: Interior should be of a “finished” quality. Materials should be exposed brick, finished plaster or finished sheetrock with baseboard, crown and door moldings as appropriate to the design of the space.
2. Floors: refinished or new installed hardwoods, cork, bamboo, laminates, floating or engineered floors, polished, stained or sealed concrete, ceramic tile or stone in baths and kitchens.
3. Countertops: Solid surface, stone, granite, sealed concrete, stainless steel, ceramic tile or high-pressure laminate.
4. Built-in appliances should be new and Energy Star-rated.
5. Windows: Windows should be repaired whenever possible and efforts made to make them as energy-efficient as possible.
6. Hardware: Faucets, cabinet hardware and light fixtures should be either of new and higher quality or be refurbished vintage fixtures of higher quality.

Rehabilitation Standards
Projects located within the Local Historic District involving exterior work or rehabilitation must receive a Certificate of Appropriateness from the Historic Preservation Commission.

Interior rehabilitation should reflect a contemporary solution that respects the historic and architectural integrity of the building. Significant architectural features or details that give an indication of the building’s original appearance, its history or previous uses should be preserved and reused whenever possible.

Examples of features that should be preserved include, but are not limited to:
- Ceiling heights and materials
- Windows, doors, casings and details
- Stairways and railings
- Flooring and wall treatments
**Building Rehabilitation Grant**

Intended to promote the stabilization, preservation and reuse of existing or historic buildings, the Building Rehabilitation Grant helps offset the costs of substantial repairs, modernization and upgrades to meet current business and living needs.

**Goals of the Program**
- Enhance, upgrade and stabilize vacant or underutilized properties;
- Promote rehabilitation and preservation of historic buildings;
- Encourage private investment that enhances the character and authenticity of the downtown through the reuse of existing buildings;
- Provide desirable tenant space for new and existing retail, restaurants and commercial businesses to locate in the downtown;
- Promote redevelopment and reuse of upper floors for apartments, lofts, condominiums, offices and other compatible uses;
- Create jobs, improve the tax base and increase tourism.

**Grant Amount**
- Standard grants shall reimburse the applicant a maximum of $50,000 or 25% of eligible project costs (whichever is less) for permanent improvements. See list of eligible improvement costs below;
- The rehabilitation must be substantial. The minimum capital investment threshold to qualify for consideration for this grant shall be no less than $100,000, prior to the grant.

**Examples:**
- $100,000 eligible costs × 0.25 = $25,000 grant amount
- $200,000 eligible costs × 0.25 = $50,000 grant amount

**Qualifying for the Grant**
- The property must be located in the Salisbury Downtown Mixed Use District (DMX);
- The building may be intended for a single use, such as restaurant or retail, or may be a mixed use project involving any permitted uses in the DMX district;
- At no time shall the grant exceed 25% of eligible project costs.
Eligible Improvement Costs
For the purposes of calculating the grant amount, permanent improvements to the building shell, building systems and exterior façade are eligible.

Examples of eligible improvements include, but are not limited to, the following:

- Window repair or replacement
- Façade repairs/rehabilitation
- Roof repairs or replacement
- Storefront repairs or replacement
- Building systems – HVAC, plumbing, electrical
- Energy efficiency improvements

- Floors and flooring
- Improvements to structural integrity
- Interior walls, doors and trim details
- ADA improvements

Expenses that do not qualify include, but are not limited to: the cost of acquisition of the building or personal property; interest and taxes; paving and landscaping costs; water, sewer and fire suppression infrastructure external to the building; design fees; Realtor’s fees; permitting fees; sales and marketing.

Review Criteria
When reviewing proposals, the Salisbury City Council shall take the following into consideration:

- Feasibility and suitability of the rehabilitation and reuse plan;
- Impact to the tax base and the overall economic impact that can be anticipated as a result of the project;
- Improvement to the overall appearance of the building and the downtown;
- Conformance with the grant goals and guidelines;
- Other factors specific to the project that are deemed relevant;
**Residential Production Grant**

Intended to promote downtown living and increase the residential capacity of downtown, the Residential Production Grant will encourage property owners to consider reuse of their upper floors for lofts, apartments or condominiums. Investors in new construction or building rehabilitation projects that create new residential units, or renovate abandoned units, will be eligible for a substantial rebate on development costs.

**Goals of the Program**
- Promote renovation and reuse of upper floors in existing or historic buildings for residential use;
- Encourage new residential construction on suitable vacant lots;
- Increase downtown living in order to expand the market base for restaurants and retail establishments, and to attract new businesses to the downtown;
- Increase the tax base.

**Grant Amount**
- Standard grants shall reimburse the applicant at a rate of $7,500 per residential unit created or substantially upgraded with a maximum grant of $97,500;
- Minimum project costs must exceed $35 per gross sq. ft. of residential space.

<table>
<thead>
<tr>
<th>Example:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2 units @ $7,500 grant per unit</td>
<td>2 x $7,500 = $15,000 grant amount</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Example:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>5 units @ $7,500 grant per unit</td>
<td>5 x $7,500 = $37,500 grant amount</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Example:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>14 units @ $7,500 grant per unit</td>
<td>14 x $7,500 = $105,000 (In this case, $97,500 would be the maximum grant.)</td>
</tr>
</tbody>
</table>

Commented [KH6]: Revised to reflect proposed revisions to grant calculation methodology. Calculation for the Building Renovation, Residential Utilities, and Fire Suppression grants unchanged. Only change is to calculation methodology for Residential Production grant to $7,500 flat rate per unit.
Qualifying for the Grant
- The property must be located in the Salisbury Downtown Mixed Use District (DMX);
- New construction or building rehabilitation projects are eligible;
- Eligible projects will include residential as a single use, or as part of mixed use development.

Eligible Improvements
- Grant reimbursement rate is factored on the number of new residential units created or substantially upgraded at a flat rate per unit;
- Project must result in the creation of new residential units as part of new construction, building rehabilitation or adaptive reuse;
- Eligible projects may include renovations to existing, abandoned units that have been unoccupied for more than five (5) years. Renovations must be substantial to the extent that the completed units are of a finished quality and ready for occupancy;
- All new or renovated units must be consistent with the overall quality standards, preferred amenities and interior rehabilitation standards listed under General Provisions (pages 4-7).

Review Criteria
When reviewing proposals, the Salisbury City Council shall take the following into consideration:
- Feasibility and suitability of the rehabilitation, reuse or development plan;
- Impact to the tax base and the overall economic impact that can be anticipated as a result of the project;
- Consistency of interior up-fit with the designated criteria for quality, durability and amenities;
- Overall conformance with the grant goals and guidelines;
- Other factors specific to the project that are deemed relevant.

Commented [KH7]: Revised to reflect proposed revisions to grant calculation methodology. Calculation for the Building Renovation, Residential Utilities, and Fire Suppression grants unchanged. Only change is to calculation methodology for Residential Production grant to $7,500 flat rate per unit.
Residential Utilities Grant

Intended to promote residential development in downtown Salisbury, the Residential Utilities Grant will assist with installation and upgrades related to water and sewer infrastructure external to the building. Investors in building rehabilitation, adaptive reuse and new construction are eligible, provided the project introduces new residential units or involves upgrades to bring existing, abandoned units back into use.

Goals of the Program
- Install new water/sewer infrastructure, or upgrade existing infrastructure, to meet changing needs and facilitate residential development;
- Promote redevelopment of vacant parcels for residential use;
- Encourage rehabilitation and reuse of upper floors for new residences in existing buildings.

Grant Amount
- Standard grants shall reimburse the applicant a maximum of $25,000 or 50% of eligible project costs (whichever is less) of water and sewer infrastructure that is external to the building;
- Eligible infrastructure costs must exceed $5,000, prior to the grant.

<table>
<thead>
<tr>
<th>Example: Building rehab project with five(5) new residential units</th>
</tr>
</thead>
<tbody>
<tr>
<td>2&quot; dom. water tap</td>
</tr>
<tr>
<td>6&quot; sewer tap</td>
</tr>
<tr>
<td>10 ¾&quot; meter pkg</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

$8,610 eligible costs X 0.5 = $4,305 grant amount

Qualifying for the Grant
- Property must be located in the Salisbury Downtown Mixed Use District (DMX);
- New construction or building rehabilitation projects are eligible;
- Eligible projects will include residential as a single use, or as part of mixed use development;
Eligible Improvements and Technical Requirements

- Eligible expenses include water and sewer infrastructure that is external to the building;
- Examples include taps or connections to public infrastructure, upgrading existing service, new meters, backflow prevention devices;
- Expenses that do not qualify include, but are not limited to: paving, sidewalk and landscape costs; fire suppression infrastructure.
- Project must result in the creation of new residential units as part of new construction, building rehabilitation or adaptive reuse;
- Eligible projects may include renovations to existing, abandoned units that have been unoccupied for more than five (5) years. Renovations must be substantial to the extent that the completed units are of a finished quality and ready for occupancy;
- All new or renovated units must be consistent with the overall quality standards, preferred amenities and interior rehabilitation standards listed under General Provisions (pages 4-7).

Review Criteria

When reviewing proposals, the Salisbury City Council shall take the following into consideration:

- Feasibility and suitability of the rehabilitation, reuse plan or redevelopment plan;
- Impact to the tax base and the overall economic impact that can be anticipated as a result of the project;
- Conformance with the grant goals and guidelines;
- Other factors specific to the project that are deemed relevant.
**Fire Suppression Grant**

The most effective fire loss prevention and reduction measure with respect to both life and property is the installation and maintenance of fire sprinklers. In many cases the initial and largest expense is installation of the fire line external to the building. The purpose of the Fire Suppression Grant is to encourage the use and expansion of back-alley fire line “loops” which serve a public purpose by improving access to fire lines for adjacent buildings. Availability of fire lines reduces connection costs for other buildings to be served by sprinkler systems and promotes the use of sprinklers in projects that may not otherwise require them. For projects with existing access to a fire line, the grant may be used to offset a portion of the costs of a building sprinkler system.

**Goals of the Program**

- Encourage the use and expansion of back-alley fire lines capable of serving multiple buildings;
- Facilitate the construction of priority fire lines in the Primary Fire District which have been identified by Salisbury-Rowan Utilities and Salisbury Fire Department;
- Guard against loss of life and property through greater use of building sprinkler systems, and minimize the chances of a catastrophic fire spreading and impacting multiple properties;
- Improve life safety and reduce property damage as a result of immediate fire suppression and control, giving occupants more time to escape while the fire department responds;
- Aid in the preservation of historic urban fabric and character;
- Result in savings for property owners on insurance premiums, tax deductions, life safety code compliance, liability avoidance and continuous business operations.

**Impact of Automatic Sprinkler Systems on Building and Safety Code Requirements**

Because of the effectiveness of automatic sprinklers in controlling fires, building and fire codes relax certain requirements in fully-sprinkled buildings, resulting in positive offsetting benefits:

- Reduced structural fire resistance requirements;
- Greater height and area allowances;
- Increased allowable egress travel distances;
- More latitude for flame-spread rating of interior finishes;
- Acceptable floor opening configurations.
Grant Amount

- Standard grants shall reimburse the applicant a maximum of $25,000 or 50% of eligible project costs (whichever is less) related to the installation or expansion of a back-alley fire line;
- For projects with existing access to a fire line, the grant may be used for installation of a building sprinkler system at a rate of $2 per sq. ft. of building area protected, not exceeding the maximum grant amount of $25,000.

Example: Fire line extension

- $32,000 eligible costs x 0.5 = $16,000 grant amount

Example: Building sprinkler system

- $2 x 18,000 sq. ft. of area protected = $36,000
  (In this case, $25,000 would be the maximum grant.)

Qualifying for the Grant

- The property must be located in the Salisbury Downtown Mixed Use District (DMX);
- New construction or building rehabilitation projects are eligible;
- The project involves installation or expansion of a back-alley fire line that has the potential to serve other buildings, with an emphasis on expansion of fire lines in the Primary Fire District which have been identified as high priority by Salisbury-Rowan Utilities and Salisbury Fire Department;
- For projects with existing access to a fire line, the grant may be used for installation of a building sprinkler system;

Eligible Improvements and Technical Specifications

- Engineering and installation costs are eligible;
- Project must achieve compliance with all applicable building and construction codes, including the NC Building Code Council (NCBCC) specifications and the use of NC Plumber/Building Code-approved sprinkler devices and systems;
- 6” or larger fire lines through back alleys within the DMX district;
- Fire hydrants, RPZs or double-check devices (non-foam or non-pressurized);

Review Criteria

When reviewing proposals, the Salisbury City Council shall take the following into consideration:

- Feasibility and suitability of the rehabilitation, reuse and development plan;
- Impact to the tax base and the overall economic impact that can be anticipated as a result of the project;
- Impact on life safety and protection of property as a result of the improvements;
- Overall conformance with the grant goals and guidelines;
- Other factors specific to the project that are deemed relevant.
Sample Project Budgets

The following examples illustrate how multiple grants can be layered in a project.

### EXAMPLE 1: Building Rehabilitation – Upper floor residential conversion

**Assumptions:**
- Total Rehab Costs – $650,000
- 6 new residential units
- $9,000 eligible utilities costs
- $32,000 back-alley fire line expansion

<table>
<thead>
<tr>
<th>Grant Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Rehab</td>
<td>$50,000</td>
</tr>
<tr>
<td>Residential Prod.</td>
<td>$45,000</td>
</tr>
<tr>
<td>Residential Utilities</td>
<td>$4,500</td>
</tr>
<tr>
<td>Fire Suppression</td>
<td>$16,000</td>
</tr>
<tr>
<td><strong>Total City Incentives</strong></td>
<td><strong>$115,500</strong></td>
</tr>
</tbody>
</table>

### EXAMPLE 2: Building Rehabilitation – Upper floor residential conversion

**Assumptions:**
- Total Rehab Costs – $5,000,000
- 40 new residential units
- $60,000 eligible utilities costs
- Has access to existing fire line – applying grant to sprinkler system with 40,000 sq. ft. of building area protected

<table>
<thead>
<tr>
<th>Grant Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Rehab</td>
<td>$50,000</td>
</tr>
<tr>
<td>Residential Prod.</td>
<td>$97,500</td>
</tr>
<tr>
<td>Residential Utilities</td>
<td>$25,000</td>
</tr>
<tr>
<td>Fire Suppression</td>
<td>$25,000</td>
</tr>
<tr>
<td><strong>Total City Incentives</strong></td>
<td><strong>$197,500</strong></td>
</tr>
</tbody>
</table>

**Commented [KH8]:** Revised to reflect proposed revisions to grant calculation methodology. Calculation for the Building Renovation, Residential Utilities, and Fire Suppression grants unchanged. Only change is to calculation methodology for Residential Production grant to $7,500 flat rate per unit.

**Commented [KH9]:** Revised to reflect proposed calculation methodologies.

**Commented [KH10]:** Revised to reflect proposed calculation methodologies.

**Commented [KH11]:** Revised to reflect proposed calculation methodologies.
Downtown Revitalization Incentive (DRI) Grant Program:

PROJECT INSPECTION LOGBOOK

<table>
<thead>
<tr>
<th>Project Overview</th>
</tr>
</thead>
<tbody>
<tr>
<td>DRI Grant Project #:</td>
</tr>
<tr>
<td>Project Address:</td>
</tr>
<tr>
<td>Projected Total Project Cost:</td>
</tr>
<tr>
<td>Property Owner/Applicant:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Awarded Grant Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Award:</td>
</tr>
<tr>
<td>Building Renovation Incentive Grant:</td>
</tr>
<tr>
<td>Residential Production Incentive Grant:</td>
</tr>
<tr>
<td>Residential Utilities Incentive Grant:</td>
</tr>
<tr>
<td>Fire Suppression Incentive Grant:</td>
</tr>
</tbody>
</table>

Inspection Logbook (required) – Use the rows below to document site inspections, permitting activity, significant telephone or email exchanges, and other relevant activities demonstrating progress on the awarded project and compliance with the program guidelines and contract agreement.

Entries should be clear and specific. Where appropriate, photographs and other documentary evidence should be attached, and labeled with the corresponding reference number.

<table>
<thead>
<tr>
<th>Date</th>
<th>Summary</th>
<th>Exhibits – Reference #</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STAFF INFORMATION:
- Case Planner: Kyle Harris
- Contact Information: kharr@salisburync.gov / (704)-638-5324

City of Salisbury
Community Planning Services
www.salisburync.gov/grants
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date: 07/16/2019

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 residents of the 400 block of Institute Street, as well as emergency services, have shared concerns they have regarding parking in these two blocks. As a result of these concerns the Engineering Department has studied the area around Livingstone College as it relates to both student and residential parking. In doing so, staff found a discrepancy in what is posted in the field opposed to what is in the code. For that reason, staff is recommending the changes to Section 13-338 (Parking prohibited at all times) on portions of Institute Street. This study has revealed that the 500 block of Grim Street is only twenty (20) feet wide, but currently allows parking on both sides of the street. This street is too narrow to allow parking on both sides of the street, thus staff is recommending restrictions be applied to the east side. Since this is a public safety issue, petitions were not obtained but property owners were notified of the request for change to which no negative feedback was provided.

Both the Police and Fire Departments have concerns for the manner in which vehicles are being parked in the 400 block of Institute Street. Instead of restricting parking to one side of the street, which may cause issues for some residents, all departments involved feel Residential Parking (Section 13-343) would be a better treatment for this block. Staff feels this request will solve both the concerns for public safety held by emergency services and the concerns of the residents within each block. Livingstone College has also been in discussions with staff regarding the concerns and are not opposed to the request. A petition was sent out to the property owners and has returned with 80% of property owners in support of the change.

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 13-343 Residential Parking Only.

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)
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>Institute St.</td>
<td>West</td>
<td>From Horah St. to a point 70 feet north of Horah St.</td>
</tr>
<tr>
<td>Institute St.</td>
<td>East</td>
<td>From Horah St. to a point 60 feet south of Horah St.</td>
</tr>
<tr>
<td>Grim St.</td>
<td>East</td>
<td>From Old Wilksboro Rd. to Monroe St.</td>
</tr>
</tbody>
</table>

SECTION 2. That Section 13-343, 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. 13-343. Residential Parking Only

<table>
<thead>
<tr>
<th>Street</th>
<th>Side</th>
<th>Extent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institute St.</td>
<td>West</td>
<td>From a point 75 feet north of Monroe St. to Horah St.</td>
</tr>
<tr>
<td>Institute St.</td>
<td>East</td>
<td>From Monroe St. a point 60 feet south of Horah 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.
<table>
<thead>
<tr>
<th>PARCEL_ID</th>
<th>OWNNAME</th>
<th>Mail_ADD1</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIPCODE</th>
<th>Site_ADDRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>008 109</td>
<td>EDWARD B THATCH INVEST LLC</td>
<td>1527 HAWTHORNE ST</td>
<td>HOUSTON</td>
<td>TX</td>
<td>77006</td>
<td>1301 W MONROE ST</td>
</tr>
<tr>
<td>008 087</td>
<td>SATURNINO BULMARD BORBONIO</td>
<td>1304 OLD PLANK RD</td>
<td>SALISBURY</td>
<td>NC</td>
<td>28144</td>
<td>1219 W MONROE ST</td>
</tr>
<tr>
<td>008 086</td>
<td>MCLAMB HOLDINGS LLC</td>
<td>PO BOX 8</td>
<td>LITTLE RIVER</td>
<td>SC</td>
<td>29566</td>
<td>1310 OLD WILKESBORO RD</td>
</tr>
<tr>
<td>008 093</td>
<td>VALIA SACHIN NALINBHAI</td>
<td>315 S MAIN ST</td>
<td>LANDIS</td>
<td>NC</td>
<td>28088</td>
<td>1230 OLD WILKESBORO RD</td>
</tr>
</tbody>
</table>

Renter called in to share with us that he has never saw anyone use the side, we are proposing a restriction to, for parking. He was neither in favor of or against our request as it did not affect him.
We, the undersigned residents of the 400 block of Institute Street, do hereby petition the City of Salisbury to designate both sides of this block of Institute St as Residential Parking Only pursuant to Section 13-172 of the City Code. Upon adoption by City Council, any vehicle parked within the right-of-way of the designated area, with the exception of delivery vehicles, will be required to display a special permit. Any vehicle not displaying the permit shall be required to pay a penalty of $25.00 and will be subject to towing and all related costs.

<table>
<thead>
<tr>
<th>PARCEL #</th>
<th>SITE ADDRESS</th>
<th>MAIL ADDRESS</th>
<th>PROPERTY OWNER</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>008 052</td>
<td>1001 W HORAH ST</td>
<td>943 FAIRMONT AVE, SALISBURY, NC 28144</td>
<td>JOHNSON VICTOR L SR &amp; BRENDA F</td>
<td>See attached</td>
</tr>
<tr>
<td>009 258</td>
<td>928 W MONROE ST</td>
<td>928 W MONROE ST, SALISBURY, NC 28144</td>
<td>JOHNSON DEBORAH FULMORE</td>
<td>See attached</td>
</tr>
<tr>
<td>009 260</td>
<td>415 INSTITUTE ST</td>
<td>4940 WOODLEAF RD, SALISBURY, NC 28147</td>
<td>HERCULES JOSE RODOLFO</td>
<td>See attached</td>
</tr>
<tr>
<td>009 259</td>
<td>8401 WALKER MILL RD,</td>
<td>7401 WALKER MILL RD, SALISBURY, NC 28147</td>
<td>ROSS CATHERINE C TRUSTEE</td>
<td>See attached</td>
</tr>
<tr>
<td>008 056</td>
<td>1002 W MONROE ST</td>
<td>1210 OLD WEST INNES ST, SALISBURY, NC 28144</td>
<td>HEGGINS ISAAC J &amp; ALVENA C</td>
<td>See attached</td>
</tr>
<tr>
<td>008 449</td>
<td>929 W HORAH ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>009 229</td>
<td>INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>008 055</td>
<td>420 INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>008 053</td>
<td>414 INSTITUTE ST</td>
<td>412 S INSTITUTE ST, SALISBURY, NC 28144</td>
<td>CAMPBELL DOROTHY CALDWELL</td>
<td>See Attached - Owner Signed in Person</td>
</tr>
<tr>
<td>008 054</td>
<td>414 INSTITUTE ST</td>
<td>414 INSTITUTE ST, SALISBURY, NC 28144</td>
<td>PLEITEZ MARIA ANTONIA PLEITEZ</td>
<td></td>
</tr>
</tbody>
</table>

Total Parcels: 10
Total Signed: 8
Total % Signed: 80%
(67% required)

3/1/2019

received 3/7/2019

CITY OF SALISBURY

PAGE 1
400 BLOCK INSTITUTE STREET RESIDENTIAL PARKING

We, the undersigned residents of the 400 block of Institute Street, do hereby petition the City of Salisbury to designate both sides of this block of Institute St as Residential Parking Only pursuant to Section 13-172 of the City Code. Upon adoption by City Council, any vehicle parked within the right-of-way of the designated area, with the exception of delivery vehicles, will be required to display a special permit. Any vehicle not displaying the permit shall be required to pay a penalty of $25.00 and will be subject to towing and all related costs.

<table>
<thead>
<tr>
<th>PARCEL #</th>
<th>SITE ADDRESS</th>
<th>MAIL ADDRESS</th>
<th>PROPERTY OWNER</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>008 052</td>
<td>1001 W HORAH ST</td>
<td>943 FAIRMONT AVE, SALISBURY, NC 28144</td>
<td>JOHNSON VICTOR L SR &amp; BRENDA F</td>
<td>✓</td>
</tr>
<tr>
<td>009 258</td>
<td>928 W MONROE ST</td>
<td>928 W MONROE ST, SALISBURY, NC 28144</td>
<td>JOHNSON DEBORAH FULMORE</td>
<td>✓</td>
</tr>
<tr>
<td>009 260</td>
<td>413 INSTITUTE ST</td>
<td>4940 WOODLEAF RD, SALISBURY, NC 28147</td>
<td>HERCULES JOSE RODOLFO</td>
<td>✓</td>
</tr>
<tr>
<td>009 259</td>
<td>415 INSTITUTE ST</td>
<td>7401 WALKER MILL RD, CAPITOL HEIGHTS, MD 20743</td>
<td>ROSS CATHERINE C TRUSTEE</td>
<td>✓</td>
</tr>
<tr>
<td>008 056</td>
<td>1002 W MONROE ST</td>
<td>1210 OLD WEST INNES ST, SALISBURY, NC 28144</td>
<td>HEGGINS ISAAC J &amp; ALVENA C</td>
<td>✓</td>
</tr>
<tr>
<td>009 449</td>
<td>929 W HORAH ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td>✓</td>
</tr>
<tr>
<td>009 229</td>
<td>INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td>✓</td>
</tr>
<tr>
<td>008 055</td>
<td>420 INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td>✓</td>
</tr>
<tr>
<td>008 053</td>
<td>412 INSTITUTE ST</td>
<td>412 S INSTITUTE ST, SALISBURY, NC 28144</td>
<td>CAMPBELL DOROTHY CALDWELL</td>
<td>✓</td>
</tr>
<tr>
<td>008 054</td>
<td>414 INSTITUTE ST</td>
<td>414 INSTITUTE ST, SALISBURY, NC 28144</td>
<td>PLEITEZ MARIA ANTONIA PLEITEZ</td>
<td>✓</td>
</tr>
</tbody>
</table>

6/7/2019

CITY OF SALISBURY
PAGE 1
We, the undersigned residents of the 400 block of Institute Street, do hereby petition the City of Salisbury to designate both sides of this block of Institute St as Residential Parking Only pursuant to Section 13-172 of the City Code. Upon adoption by City Council, any vehicle parked within the right-of-way of the designated area, with the exception of delivery vehicles, will be required to display a special permit. Any vehicle not displaying the permit shall be required to pay a penalty of $25.00 and will be subject to towing and all related costs.

<table>
<thead>
<tr>
<th>PARCEL #</th>
<th>SITE ADDRESS</th>
<th>MAIL ADDRESS</th>
<th>PROPERTY OWNER</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>008 059</td>
<td>1001 W HORAH ST</td>
<td>943 FAIRMONT AVE, SALISBURY, NC 28144</td>
<td>JOHNSON VICTOR L. SR &amp; BRENDA F.</td>
<td></td>
</tr>
<tr>
<td>009 258</td>
<td>928 W MONROE ST</td>
<td>928 W MONROE ST, SALISBURY, NC 28144</td>
<td>JOHNSON DEBORAH FULMORE</td>
<td></td>
</tr>
<tr>
<td>009 260</td>
<td>413 INSTITUTE ST</td>
<td>4940 WOODSFIELD RD, SALISBURY, NC 28147</td>
<td>HERCULES JOSÉ RODOLFO</td>
<td></td>
</tr>
<tr>
<td>009 259</td>
<td>415 INSTITUTE ST</td>
<td>7401 WALKER MILL RD, CAPITOL HEIGHTS, MD 20743</td>
<td>ROSS CATHERINE C TRUSTEE</td>
<td></td>
</tr>
<tr>
<td>008 056</td>
<td>1002 W MONROE ST</td>
<td>1210 OLD WEST INNES ST, SALISBURY, NC 28144</td>
<td>HENNINGS ISAAC J &amp; ALVADA C.</td>
<td></td>
</tr>
<tr>
<td>009 449</td>
<td>929 W HORAH ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>009 229</td>
<td>INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>008 055</td>
<td>420 INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>008 053</td>
<td>412 INSTITUTE ST</td>
<td>412 S INSTITUTE ST, SALISBURY, NC 28144</td>
<td>CAMPBELL DOROTHY CALDWELL</td>
<td></td>
</tr>
<tr>
<td>008 054</td>
<td>414 INSTITUTE ST</td>
<td>414 INSTITUTE ST, SALISBURY, NC 28144</td>
<td>PLEITEZ MARIA ANTONIA PLEITEZ</td>
<td></td>
</tr>
</tbody>
</table>
We, the undersigned residents of the 400 block of Institute Street, do hereby petition the City of Salisbury to designate both sides of this block of Institute St as Residential Parking Only pursuant to Section 13-172 of the City Code. Upon adoption by City Council, any vehicle parked within the right-of-way of the designated area, with the exception of delivery vehicles, will be required to display a special permit. Any vehicle not displaying the permit shall be required to pay a penalty of $25.00 and will be subject to towing and all related costs.

<table>
<thead>
<tr>
<th>PARCEL #</th>
<th>SITE ADDRESS</th>
<th>MAIL ADDRESS</th>
<th>PROPERTY OWNER</th>
<th>SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>008 052</td>
<td>1001 W HORAH ST</td>
<td>943 FAIRMONT AVE, SALISBURY, NC 28144</td>
<td>JOHNSON VICTOR L SR &amp; BRENDA F</td>
<td></td>
</tr>
<tr>
<td>009 258</td>
<td>928 W MONROE ST</td>
<td>928 W MONROE ST, SALISBURY, NC 28144</td>
<td>JOHNSON DEBORAH FULMORE</td>
<td></td>
</tr>
<tr>
<td>009 260</td>
<td>413 INSTITUTE ST</td>
<td>4940 WOODLEAF RD, SALISBURY, NC 28147</td>
<td>HERCULES JOSE RODOLFO</td>
<td></td>
</tr>
<tr>
<td>009 259</td>
<td>415 INSTITUTE ST</td>
<td>7401 WALKER MILL RD, CAPITOL HEIGHTS, MD 20743</td>
<td>ROSS CATHERINE C TRUSTEE</td>
<td></td>
</tr>
<tr>
<td>008 056</td>
<td>1002 W MONROE ST</td>
<td>1210 OLD WEST INNES ST, SALISBURY, NC 28144</td>
<td>HEGGINS ISAAC J &amp; ALVENA C</td>
<td></td>
</tr>
<tr>
<td>009 449</td>
<td>929 W HORAH ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>008 229</td>
<td>INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>008 055</td>
<td>420 INSTITUTE ST</td>
<td>316 N DEERFIELD CIR, SALISBURY, NC 28147</td>
<td>LIT-CO LLC</td>
<td></td>
</tr>
<tr>
<td>008 033</td>
<td>412 INSTITUTE ST</td>
<td>412 S INSTITUTE ST, SALISBURY, NC 28144</td>
<td>CAMPBELL DOROTHY CALDWELL</td>
<td></td>
</tr>
<tr>
<td>008 054</td>
<td>414 INSTITUTE ST</td>
<td>414 INSTITUTE ST, SALISBURY, NC 28144</td>
<td>PLREITEZ MARIA ANTONIA PLEITEZ</td>
<td></td>
</tr>
</tbody>
</table>

6/6/2019
CITY OF SALISBURY
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  July 16, 2019

Name of Group(s) or Individual(s) Making Request:  Mayor Pro Tem Post David Post

Name of Presenter(s):  Mayor Pro Tem David Post and Council Member Tamara Sheffield

Requested Agenda Item:  Election Reform

Description of Requested Agenda Item:

Attachments:  □ Yes  ☒ No

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

Action Requested of Council for Agenda Item:  Council to discuss Election reform

Contact Information for Group or Individual:

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________  __________________________________________
Finance Manager Signature  Department Head Signature

_________________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

□ Approved  □ Delayed  □ Declined

Reason:
Salisbury Transit is offering FREE rides on Saturdays from 9:30 a.m. until 3:20 p.m. throughout the month of July.

“Beat the Heat” Program provides Salisbury citizens with a safe and affordable mode of transportation so that the summer heat doesn’t keep you from Saturday shopping, visiting friends and family, or running errands. The Salisbury Transit system makes stops at several main destinations in the City such as Walmart, Harris Teeter, Novant Health Rowan Regional Medical Center, the YMCA, and many more.

On hot days the benefits of riding the bus stretch far more than just an affordable mode of transportation and air conditioning. When choosing to ride the bus, you are helping to make a difference by reducing your carbon footprint. For more information visit [www.salisburync.gov/transit](http://www.salisburync.gov/transit)

Contact Information for Group or Individual: Kimberly Bell, 704-638-5252

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:

☐ 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:
Salisbury City Council  
Agenda Item Request Form

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

Requested Council Meeting Date:  
July 16th, 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:  
Krazy Klearance and Restaurant Week

Description of Requested Agenda Item:  
Krazy Klearance! July 17-20th, shop Downtown Salisbury, NC and see what bargains you can find! Register for a chance to win $100 in Krazy Klearance bucks at participating businesses. Restaurant week means participating restaurants will provide a 10% discount to customers who have spent a minimum of $25 from a participating Krazy Klearance business and present their receipt.

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****

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

☐ Approved  ☐ Delayed  ☐ Declined

Reason:
Requested Council Meeting Date: July 16, 2019

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

Name of Presenter(s): Announcement

Requested Agenda Item: Announce applications are being accepted for the 2019 Citizen’s Academy.

Description of Requested Agenda Item: Applications are now being accepted for the 2019 Salisbury Citizen's Academy. The academy is a 10-week program that meets each Thursday evening from 5:30 p.m. until 8:30 p.m. beginning September 5. Participants will meet at various city facilities and have an inside view of City operations. Applications are available online at salisburync.gov/citizensacademy or by calling Kelly Baker at 704-638-5233. All applications must be received by July 19.

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: Kelly Baker 704-638-5233

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

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

FINANCE DEPARTMENT INFORMATION:

______________________________  ______________________________
Finance Manager Signature        Department Head Signature

______________________________
Budget Manager Signature

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

For Use in Clerk’s Office Only

□ Approved □ Delayed □ Decline

Reason:
Requested Council Meeting Date: July 16, 2019

Name of Group(s) or Individual(s) Making Request: Salisbury Transit (Rodney Harrison)

Name of Presenter(s): Announcement

Requested Agenda Item: Free Transportation to Summer Food Service Program Sites

Description of Requested Agenda Item:
This summer children up to 18, and up to one accompanying guardian, can ride free on Salisbury Transit to a Summer Food Service Program location. The Summer Food Service Program (SFSP) is a federally-funded, state-administered program that ensures free healthy meals and snacks to children and teens in low-income areas during the summer months when school is out.

If you are a parent or guardian looking for a SFSP site near you, you can find a summer site in your community by texting "Summer Meals" to 97779 or call 1-866-348-6479 to find a site near you. You can also visit Transit’s website for more details, www.salisburync.gov/transit.

Attachments: ☑ 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:

Contact Information for Group or Individual: Kimberly Bell, 704-638-5252

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