The City is operating under a State of Emergency declaration related to the spread of COVID-19. The City Council meeting will be held electronically to remain consistent with limiting physical interactions and the potential spread of COVID-19, and Council Chambers will be closed. The meeting will be streamed live at salisburync.gov/webcast and on the City’s Twitter account. Anyone who wishes to speak during public comment must sign-up by 4:00 p.m. on November 3, 2020 by contacting Kelly Baker at kbake@salisburync.gov or 704-638-5233.

1. Call to order.
3. Pledge of Allegiance.
4. Adoption of Agenda.

5. Mayor to proclaim the following observance:
   - INTERNATIONAL SURVIVORS OF SUICIDE LOSS DAY November 21, 2020
   - SMALL BUSINESS SATURDAY November 28, 2020
   - INDIAN AND NATIVE AMERICAN HERITAGE MONTH November 2020

6. Council to consider the CONSENT AGENDA:
   (a) Adopt Minutes of the Regular meeting of October 20, 2020.
   (b) Adopt an ORDINANCE amending Chapter 13, Article X of the City Code of Ordinances related to parking prohibited at all times for the south side of the 600 block of West Liberty Street.
   (c) Approve a Right-of-Way Use Permit for the use of two parking spaces located adjacent to 112 North Main Street until December 18, 2020 for restoration and clean-up from a fire.
   (d) Adopt a RESOLUTION declaring certain equipment surplus and authorizing disposition by electronic auction.

7. Council to receive public comment. Public comment will begin following adoption of the Consent Agenda. For electronic meetings speakers must sign-up before 4:00 p.m. by contacting Kelly Baker at kbake@salisburync.gov or by calling 704-638-5233. Citizens who are unable to speak during the meeting may submit written comments by 4:00 p.m. to the email above and they will be shared with Council.
8. Council to hold a public hearing regarding economic incentives for “Project Hero.” (Presenter – Rowan Economic Development Commission Vice-President Scott Shelton)
   (a) Receipt a report from Rowan EDC
   (b) Hold a public hearing
   (c) Comments regarding the proposed incentives will be accepted for 24 hours from the close of the public hearing. Action cannot be taken until the end of the 24 hour period.


11. Council’s Comments.

12. Mayor Pro Tem’s Comments.

13. Mayor’s Comments.

City of Salisbury  
North Carolina

PROCLAMATION

WHEREAS, the month of November is being celebrated as National American Indian and Alaskan Native Heritage Month; and

WHEREAS, the Indian and Native American culture and society are at the roots of agricultural development, medicinal discoveries, environmental preservation, geography, and other facets of our state and nation; and

WHEREAS, the Indian and Native American contributions have enhanced the freedom, prosperity, and the greatness of America today as their customs and traditions are both respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Salisbury, North Carolina has been the center for Native Americans who traversed the Yadkin River Valley for thousands of years and spread across the Americas; and

WHEREAS, the Lumbee, Creek, Catawba, Cherokee, and other tribal groups that may be known by many different names have retained and increased the awareness of their heritage in this great state; and

WHEREAS, this November and every month, we celebrate the culture and heritage of these remarkable Americans who deeply enrich the quality and character of our nations.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, DO HEREBY PROCLAIM November 2020 as

INDIAN AND NATIVE AMERICAN HERITAGE MONTH

in Salisbury, and encourage all citizens to honor and remember the many contributions made by our local Indians and Native Americans and the unique heritage of our continent’s first inhabitants.

This the 3rd day of November 2020.

_________________________________
Karen K. Alexander, Mayor
City of Salisbury  
North Carolina

PROCLAMATION

WHEREAS, the City of Salisbury celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, there are 30.7 million small businesses in the United States representing 99.7% of all firms with paid employees in the United States, and responsible for nearly 65% of net new jobs created from 2000 to 2018; and

WHEREAS, 62% of U.S. small businesses reported there is a need for spending to return to pre-COVID levels by the end of 2020 in order to stay in business, and three-quarters of U.S. consumers are currently looking for ways to Shop Small® and support their community; and

WHEREAS, 96% of consumers who shop on Small Business Saturday® agree that shopping at small businesses support their commitment to making purchases that have a positive social, economic, and environmental impact, and are essential to their community all year long; and

WHEREAS, the City of Salisbury supports our local businesses that create jobs, boost our local economy, and preserve our communities.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM Saturday, November 28, 2020 as

SMALL BUSINESS SATURDAY

in Salisbury, and urge the residents of our community to support small businesses and merchants on Small Business Saturday and throughout the year.

This the 3rd day of November 2020.

Karen K. Alexander, Mayor
PROCLAMATION

WHEREAS, in the United States every 60 seconds five people die by suicide; and

WHEREAS, suicide accounts for 13.42 deaths for every 100,000 people nationwide, making it the country’s 10th leading cause of death, and unlike many other leading causes of death, suicide continues to claim more lives each year; and

WHEREAS, there is a need for greater outreach to suicide survivors because they often suffer their devastating loss alone; and

WHEREAS, a network of support offered from other survivors can help suicide survivors cope with their loss and rebuild their lives; and

WHEREAS, in 1999 Senator Harry Reid, a survivor of his father’s 1972 suicide, introduced Resolution 99 and with its passage the United States Congress designated the Saturday before Thanksgiving as “National Survivors of Suicide Day”, and recently changed to “International Survivors of Suicide Loss Day”; and

WHEREAS, International Survivors of Suicide Loss Day is a day when people affected by suicide gather at community events to find comfort and gain understanding as they share their stories of healing and hope.

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina DO HEREBY PROCLAIM Saturday, November 21, 2020 as

INTERNATIONAL SURVIVORS OF SUICIDE LOSS DAY

in Salisbury, and encourage the involvement of suicide survivors in healing activities and prevention programs, recognizing that survivors can be a great source of strength to each other. I further acknowledge the efforts of suicide survivors in their prevention, education, and advocacy activities to eliminate stigma and reduce the incidence of suicide.

This the 3rd day of November 2019.

____________________________________
Karen K. Alexander, Mayor
REGULAR MEETING

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

ABSENT: None.

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

PLEDGE OF ALLEGIANCE

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

RECOGNITION OF VIEWERS

Mayor Alexander welcomed all viewers.

CHANGES MADE TO THE AGENDA

Move Agenda item 8 regarding Share 2 Care to Agenda item 9.

Move Agenda item 9 regarding “Project Hero” to Agenda item 8.
ADOPTION OF THE AGENDA

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

PROCLAMATIONS

Mayor Alexander proclaimed the following observance:

MAKE A DIFFERENCE DAY October 24-25, 2020

CONSENT AGENDA

(a) Minutes


(b) Right-of-Way Encroachment- West Monroe and South Craige Streets

Approve a Right-of-Way Encroachment by TEP Fiber for the installation of directional bored duct on West Monroe and South Craige Streets per Section 11-24 (27) of the City Code.

(c) Right-of-Way Encroachment– Spruce Drive

Approve a Right-of-Way Encroachment by Hotwire Communication for the installation of directional bored duct on Spruce Drive per Section 11-24 (27) of the City Code.

(d) Recognition- Lieutenant Gregory Beam

Award Lieutenant Gregory Beam his sidearm and badge in recognition of his retirement from the Salisbury Police Department May 1, 2020.

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.
There being no one to address Council, Mayor Alexander closed the public comment session.

PROJECT HERO

Rowan Economic Development Commission (EDC) Vice-President Scott Shelton presented information regarding “Project Hero.” He indicated “Project Hero” is the code name for an existing company in Salisbury considering expansion. He commented if Salisbury is chosen the company would retain existing employment levels and create 30 new full time jobs with benefits over the next four years. He added the estimated investment is $1.55 million. He noted due to the competitive nature of this project and its potential impact on the community, the EDC requests Council schedule a public hearing on November 3, 2020 to receive comments on the proposed incentives.

Mayor Pro Tem Heggins pointed out November 3 is the general election, and Council discussed options to accommodate the public hearing on November 3, 2020.

Councilmember Sheffield asked if there were any time constraints that could affect submissions to the state. Mr. Shelton noted there are no time constraints as long as the submissions indicate the intentions of the scheduled public hearing.

Councilmember Miller suggested keeping the public hearing on the November 3, 2020 agenda and reducing the number of agenda items if needed. By consensus, Council agreed. Councilmember Sheffield noted with the meetings taking place via Zoom it is more accommodating.

Thereupon, Councilmember Miller made a motion to set a public hearing for November 3, 2020 to receive public input regarding “Project Hero.” Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

TIME CHANGE FOR THE NOVEMBER 3, 2020 COUNCIL MEETING

Council discussed options for the time change for the November 3, 2020 Council meeting. Mayor Alexander suggested the meeting take place at 5:00 p.m.

Councilmember Sheffield made a motion to change the originally scheduled Council meeting time on November 3, 2020 from 6:00 p.m. to 5:00 p.m. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)
SHARE 2 CARE WATER AND SEWER ASSISTANCE FUND

Finance Director Shannon Moore commented staff looked at other municipalities for inspiration for a donation program for utilities assistance due to COVID-19. She commented collaboration took place between Communications, Finance, and Salisbury-Rowan Utilities (SRU) departments for branding. She noted the Share 2 Care water and sewer assistance program was created, and the City will partner with a trusted local organization to serve as a distribution medium.

Ms. Moore commented Rowan Helping Ministries will receive and distribute donations made to the Share 2 Care Fund. She added the City will receive, review, and monitor the funds on a monthly basis and transfer the restricted donations to Rowan Helping Ministries when donations reach at least $1,000. She indicted Rowan Helping Ministries will provide an annual summary of activity in the special Share 2 Care account by July 31 of each year for the preceding July 1 through June 30 fiscal year. She noted Rowan Helping Ministries is not allowed to use any donations for administration or programming costs as it is only for water and sewer assistance for SRU customers. She pointed out either party can terminate the agreement by submitting a 30-day written notice to the other party.

Director of Rowan Helping Ministries Kyna Grubb thanked the City for allowing Rowan Helping Ministries to assist citizens in need. She commented this month $7,500 has been provided to Salisbury and Landis residents. She noted Rowan Helping Ministries was awarded $427,000 through the HOPE Program with the North Carolina Department of Recovery and Resiliency to help with both utilities and rent. She thanked the City for selecting Rowan Helping Ministries as a partner for this program.

Councilmember Post thanked Ms. Moore and Ms. Grubb for their work on the program. He noted he spoke with Mr. Ronnie Smith from the Wilson Smith Foundation. He commented Mr. Smith dedicates annual distributions as a matching program and created another non-profit called Friends of Rowan. He suggested exploring whether Mr. Smith would match funds for the Share 2 Care Program. He suggested the group collaborate and find a way to leverage donations and double the impact of the program.

Councilmember Sheffield thanked everyone who helped create this program. She also thanked Ms. Grubb for the amazing job she does at Rowan Helping Ministries. She asked how applicants applied for assistance. Ms. Grubb commented applications have to be made through the 211 system by either calling or applying online. She noted funds are awarded on a first come, first serve basis. She pointed out as of 5:00 p.m. on Tuesday, October 20, 2020 there were 139 applications in the queue. She commented the HOPE Program funding will allow Rowan Helping Ministries to help approximately 83 households.

Councilmember Sheffield asked if rental assistance would be allocated from the HOPE Program funds. Ms. Grubb noted Rowan Helping Ministries will look at how other counties are administering funds, and she added the funds have to be used by end of the year.
Councilmember Sheffield commented the number of applications that have been submitted shows how important it will to be to get people to participate in the Share 2 Care Program. She noted funds will go quickly and a lot of people need assistance. She thanked the group for its work on the program.

Ms. Grubb commented the Share 2 Care Program requires the applicant to attest they have been impacted by COVID-19 through job loss or other COVID-19 related financial crisis. She noted if someone has a crisis not related to COVID-19, the applicant will need to apply through the website under the section not related to COVID-19.

Mayor Alexander thanked everyone for their hard work on the program. She added she is excited to see the groups work together and partner to leverage money for citizens. Mayor Alexander thanked the Communications Department for its work on the logo.

Mayor Pro Tem Heggins thanked Ms. Grubb for the work she does for Rowan Helping Ministries. She also thanked everyone involved in developing this program including Web and Marketing Services Coordinator Fern Blair for creating the Share 2 Care logo.

Thereupon, Councilmember Sheffield made a motion to adopt a Resolution establishing the “Share to Care” Fund to provide financial assistance to Salisbury-Rowan Utilities customers for water and sewer services. Councilmember Post requested an amendment be added to explore the possibility of using Friends of Rowan as a matching program. Mayor Alexander asked City Attorney Graham Corriher if Council can make the amendment. Mr. Corriher commented the idea can be explored and brought back to Council if needed. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

RESOLUTION ESTABLISHING “SHARE TO CARE” FUND TO PROVIDE FINANCIAL ASSISTANCE TO SALISBURY-ROWAN UTILITIES CUSTOMERS FOR WATER AND SEWER SERVICES.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 38, and is known as Resolution 2020-23.)

SALE OF PROPERTY – BARBOUR STREET

City Attorney Graham Corriher presented information regarding the upset bid process for the sale of Parcel 025-013 located in the 1000 block of Barbour Street. He indicated Rowan County received this offer, but the property is jointly owned by Rowan County and the City as the result of a foreclosure in the 1990s. He commented the County received an offer from Mr. Robert Polk to purchase the parcel for $1,200 to be split between the City and the County. He explained the request is for Council to advertise for upset bids. He stated if any upset bids are received the process would start again with a new notice, and if no upset bids are received the final sale would come back to Council for final approval.
Mayor Alexander asked if the property is adjacent to Mr. Polk’s property. Mr. Corriher noted Mr. Polk owns a parcel across the street and one adjacent to that parcel.

Mr. Corriher commented the offer was initially lower, and Rowan County sent information to the Tax Assessor’s office and it determined a fair market price of $1,200 to $1,600. Mr. Polk then revised his offer to $1,200.

Thereupon, Councilmember Miller made a motion to adopt a Resolution authorizing the City to receive an offer to purchase certain real property located in the 1000 block of Barbour Street and advertise the offer for upset bid pursuant to GS 160A-269. Upon a roll call vote Mayor Alexander voted AYE, Mayor Pro Tem Heggins voted AYE, Councilmember Miller voted AYE, Councilmember Post voted AYE, and Councilmember Sheffield voted AYE. (5-0)

RESOLUTION AUTHORIZING THE CITY TO RECEIVE AN OFFER TO PURCHASE CERTAIN REAL PROPERTY LOCATED IN THE 1000 BLOCK OF BARBOUR STREET AND ADVERTISE THE OFFER FOR UPSET BID PURSUANT TO GS 160A-269.

(The above Resolution is recorded in full in Resolution Book No. 16 at Page No. 39-40, and is known as Resolution 2020-24)

KIVA LOAN PROGRAM

Councilmember David Post pointed out Kiva is a loan program which provides no interest, no fees, and extended grace period loans. He added most Kiva borrowers would not receive financing anywhere else and it has been found approximately 80% of the recipients learn to manage debt and grow their business.

Councilmember Post pointed out Kiva provides loans that range from $1,000 to $15,000 and those loans could lead to other opportunities from humanitarian funders, banks, and Small Business Administration (SBA) loans.

Councilmember Post noted the Kiva model includes funders, hubs, and trustees. He added the funders could be foundations, local governments, local corporations, and banks that pay Kiva $25,000 yearly. He added hubs provide marketing, Capital Access Manager (CAM), servicing, and connecting to trustees. He commented trustees provide technical assistance that is crucial for strengthening small businesses. He shared examples of how Kivas have been set up.

Councilmember Post explained the proposed local model of Kiva is for Rowan County and the City of Salisbury to act as funding partners to provide $25,000 to start the Kiva platform. He noted the trustee would be local non-profit and private investors to match those funds, along with a board of 10 to 15 members from the community who would provide technical assistance. He commented the hub would be from the Self-Help Credit Union to provide the Capital Access Manager. He pointed out the tentative name for the non-profit is Piedmont Opportunity Funding.
Mr. Pete Teague explained he developed a relationship with the Self-Help Credit Union at Livingstone College and after speaking to them for the opportunity in Salisbury, they are favorable to be the hub and have one of their staff members be the Capital Access Manager. He noted Self-Help Credit Union is a financial institution that has expertise in banking and understands underwriting. He noted since a branch will be coming to Salisbury they will market their services as a missional approach to assist individuals and help small business thrive.

Councilmember Post added the Self-Help Credit Union believes this is the best model. He added their mission is to help lenders that would otherwise not qualify for financing to get it at the Kiva level which will help them grow into a business large enough that they can finance it. He pointed out Kiva has a two for one matching program.

Councilmember Post pointed out Kiva holds training in November and April and has offered to have a special session for Salisbury in late February. He added a representative from the Self-Help Credit Union will attend along with Mr. Teague and himself if allowed. He noted Kiva Piedmont North Carolina should launch in March or April 2021. He indicated Salisbury and Rowan County would be the smallest Kiva partner and there has been discussion with Statesville as well. He noted there approximately 20 Kiva hubs in the United States and the City would be the only one in the Southeast.

Mayor Alexander commented Kiva is a great concept that could provide better funding than with the Rowan Innovation, Development, Entrepreneurship, and Acceleration (IDEA) Center which required a significant investment. She added this would be a great contributor to help small business owners, start-up businesses, women in business, minorities, and so many others in the community. She thanked Councilmember Post and Mr. Teague for bringing Kiva to Council.

Councilmember Sheffield asked if any action is needed. Councilmember Post commented no action is needed at this time in order to wait for the training in February to learn more information. He added action may need to be taken in mid-January.

**BOARDS AND COMMISSION APPOINTMENTS**

**Rowan Economic Development Commission**

Upon a motion by Councilmember Post and upon a roll call vote. Mayor Alexander, Mayor Pro Tem Heggins, and Councilmembers Miller, Post, and Sheffield voting AYE, the following appointment was made to the Rowan Economic Development Commission.

Ms. Kristin Dillard Term Expires 12/31/2023

**CITY ATTORNEY’S REPORT**

City Attorney Graham Corriher had nothing to report to Council.
CITY MANAGER’S REPORT

City Manager Lane Bailey had nothing to report to Council.

COUNCIL COMMENTS

Councilmember Sheffield requested the residential two-way parking near Livingstone area be reviewed. She indicated she has received concerns regarding parking and congestion in the area.

Councilmember Sheffield congratulated Salisbury Police Department Lieutenant Gregory Beam on his retirement from the Police Department.

Councilmember Sheffield pointed out the BlockWork event will take place October 24-25, 2020, and she encouraged everyone to volunteer. She noted COVID-19 safety precautions will be in place.

Councilmember Sheffield announced Rowan-Cabarrus Community College (RCCC) is hosting a Diversity, Equity and Inclusion Conference. She added the deadline to register for the free conference has been extended through October 23, 2020. She noted citizens can visit www.rccc.edu/diverstyanandinclusion to register or to find additional information.

MAYOR PRO TEM COMMENTS

Mayor Pro Tem Heggins thanked Councilmember Sheffield for announcing the Diversity, Equity, and Inclusion Conference. She thanked staff for all they do for the City. She also thanked Councilmember Post for bringing information regarding Kiva to Council.

MAYOR’S COMMENTS

Mayor Alexander thanked staff and Council for giving selflessly during COVID-19. She noted everyone has done a great job of adapting and working with Rowan County.
ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Post. All Council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 7:20 p.m.

___________________________________
Karen Alexander, Mayor

___________________________________
Kelly Baker, City Clerk
Requested Council Meeting Date: 11/03/2020

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

Name of Presenter(s): Vickie Edleman

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: City Public Works Division and City Emergency Services, have shared concerns they have regarding parking within the 600 block of West Liberty Street. Both the Police and Fire Departments have concerns for the manner in which vehicles are being parked with the type of structures within the block. They have acknowledged parking on both sides will restrict emergency services in the event of a fire. As a result of these concerns the Engineering Department has studied the area and requested feedback from both tenants and property owners. The requested feedback specifically asked if a restriction of no parking anytime would be established, which side would be best for the neighborhood and asking for any comments or concerns related to the request. Of those who responded, applying the restriction to the south side was unanimous. There was concern for two of the houses on the north side do not have driveways, thus no one wanted to restrict the north side. One property owner does hold concerns for where the additional cars will park. Since this is a safety concern, staff is recommending a change to Section 13-338 (Parking prohibited at all times) for the 600 block of West Liberty Street.

Attachments: ☑ Yes  ☐ No

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

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item: (Please note if item includes an ordinance, resolution or petition)
City Council to adopt the attached Ordinance amending Section 13-338 parking prohibited at all times

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature
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>
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<tbody>
<tr>
<td>Liberty St.</td>
<td>South</td>
<td>From Caldwell St. to Craige St.</td>
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</tbody>
</table>

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

SECTION 3. That this Ordinance shall be effective upon adoption by the City of Salisbury from and after is passage.
Public safety request to restrict parking anytime along the south side of the 600 block of West Liberty Street, pursuant to City Code 13-338. City staff is requesting feedback from you about the request for the restriction. The red line indicates the proposed restriction. Affected properties/parcels are highlighted in cyan-blue.

**This will go before City Council on November 3, 2020.**
Noted below are driveway capacity based on investigation using maps and observations from road right of way.
Petition to Change Parking

Please choose which side of the 600 block of W Liberty St you would prefer to be changed to No Parking Anytime. If you are the property owner, please, find your name and provide your opinion beside it. If you do not own the property, please, find your address at the bottom (beside the name "Resident") and provide your opinion beside it. Please provide any comments or concerns in the space provided below the survey.

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<th>PARCEL</th>
<th>SITE ADDRESS</th>
<th>OWNER'S NAME</th>
<th>MAILING ADDRESS</th>
<th>Restrict North Side</th>
<th>Restrict South Side</th>
<th>OWNER'S/RESIDENT'S SIGNATURE</th>
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Comments or Concerns:

________________________________________________________________________
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6/2/2020

City of Salisbury
## Petition to Change Parking

Please choose which side of the 600 block of W Liberty St you would prefer to be changed to No Parking Anytime. If you are the property owner, please, find your name and provide your opinion beside it. If you do not own the property, please, find your address at the bottom (beside the name "Resident") and provide your opinion beside it. Please provide any comments or concerns in the space provided below the survey.

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Comments or Concerns:  
...No Parking on South Side  Drive ways only!!... 

6/2/2020
Petition to Change Parking

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Comments or Concerns:

Most of the houses on the North side don't have drive ways or easy access to them at the house once cars in at night.
Wendy,
There is a property owner who checks on his 4 or so rental houses on a weekly basis. He initially shared his concerns about where people will park if we limit parking to just one side. Obviously this will be an inconvenience to residents. As mentioned all but 2 properties have a driveway. He initially asked if the City would consider making our vacant parcel into a parking lot to accommodate the loss of parking.

This gentleman called again today. He retains his original concern, but is now adding concerns about civil unrest between neighbors if this goes through. He says the neighbors are civil between each other but can have their issues. He is worried this will cause irritations between the neighbors and cause tension within a neighborhood that he has done his part to try to build up. He is also concerned of an older women who has to work third shift. If she has to park on the street, then she would be parking at a farther location and walking home in the dark, especially during inclement weather. He says that he is typically there on Sundays, and there is always cars filling up both sides of the street. He does park in the City’s vacant lot as it is next to one of his properties.

He has a new recommendation, and that is to remove the existing curbing and eliminate the ‘useless’ planting strip (‘which no one mows anyway’) to move the curbing back another foot or so on each side. He knows his ideas are asking the City to use funds to make improvements. Again, he is concerned for the residents and the quality of the neighborhood following any decision to restrict parking. He also suggested one way traffic, but I do not see that as a solution as it is the width of the road and not the number of lanes.

He asked if there was anyone he could speak to ensuring his concerns were heard. I told him that I would pass his concerns along to you but that he also had the right to talk to the City Manager or any of the City Council Members. I did tell him that I understood his concerns and were noting all of them including his ideas. I did agree with him that parking is a very tough thing to work with and that we don’t take it lightly and that we do want to hear from those living there, not just those that own property there.

Sincerely,

Vickie Eddleman
Traffic Engineering Coordinator

Engineering Department

City of Salisbury  ||  132 N Main St, Salisbury, NC 28144
Office: (704) 638-5213  ||  Fax: (704) 797-4023
vtrou@salisburync.gov  ||  www.salisburync.gov

“E-mail correspondence to and from this address may be subject to the N.C. Public Records Law "NCGS. Ch.132" and may be disclosed to third parties by an authorized state or city official.”
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  November 03, 2020

Name of Group(s) or Individual(s) Making Request:  Restoration Plus

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

Requested Agenda Item:  Council to Consider Approval of Right-of-Way Use Permit for the use of the two parking spaces adjacent to 112 N Main St.

Description of Requested Agenda Item:
Engineering has received a request from Restoration Plus to have use of two parking spaces adjacent to the building of 112 N Main St. They have been hired to clean up and make restoration due to fire and water damage in unit B. They have already been issued an initial permit to do so for the two weeks allowable at staff level. They worked from October 14 to October 20 to remove all the water damaged materials. They took 1 week off to allow for insurance paperwork to approve the restoration work. They plan to tentatively begin the restoration work on October 28, 2020. All of the work requiring parking spaces could take up to December 18, 2020. Since the request for use of right-of-way exceeds 14 calendar days, Section 22-50 of the City Code of Ordinances requires Council approval for the use of the space to continue.

Attachments:  □ Yes  □ No

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

There is no budgetary impact on this item.

Action Requested of Council for Agenda Item:  (Please note if item includes an ordinance, resolution or petition)
Recommend that City Council, per Section 22-50 of the City Code of Ordinances, approve Right-of-Way Use Permit as stated for the work being performed at 112 N Main St.

Contact Information for Group or Individual:
Vickie Eddleman, City of Salisbury, 704-638-5213
Amy with Restoration Plus, 704-636-1430

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature  Department Head Signature

Budget Manager Signature

****All agenda items must be submitted at least 7 days before the requested Council meeting date****
Right-of-Way Use Permit Application

LOCATION OF WORK: 112 N Main St

NAME OF APPLICANT: Restoration Plus

ADDRESS: 1500 S Main St, Salisbury, NC 28144  PHONE: 704-636-1430

START DATE: 10/28/2020  END DATE: 12/18/2020

PROPOSED USE: Repairing damage to units affected by fire/water damage

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

REQUIREMENTS:

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

OFFICE USE ONLY

APPROVED: Vickie Eddleman, Traffic Engineering Coordinator & pending City Council approval on 11-3-2020  
City Traffic Engineer or Authorized Representative

# Parking Spaces Approved: 2  Width of Sidewalk Approved for Use: None

Minimum 5’ Wide Pedestrian Access Required: N/A

Description of approved uses: Business owner hired Restoration Plus to clean up the fire/smoke/water damage to the affected units of this building. They will need one week to remove water damaged then a week to get insurance clearance for the remainder of the work. A new permit will be issued at that time.

DISTRIBUTION: POLICE FIRE DEVELOPMENT SRVCS. PUBLIC WORKS NCDOT (if applicable)

CITY OF SALISBURY 
P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479
Salisbury City Council
Agenda Item Request Form

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

Requested Council Meeting Date:  November 3, 2020

Name of Group(s) or Individual(s) Making Request:  Gayla Long, Purchasing Coordinator; Bob Dunn, Management Analyst

Name of Presenter(s):  Gayla Long/Bob Dunn

Requested Agenda Item:  Adopt a Resolution declaring certain equipment surplus and authorizing disposition by electronic auction.

Description of Requested Agenda Item:  The Fleet Department has identified several pieces of equipment that have reached the end of their useful life for the City.  All items have fully depreciated and are deemed surplus by the Purchasing Coordinator.  Council approval is being requested for the items listed because of the potential to sell for more than $30,000.  G.S. 160A-266 authorizes the Council to adopt a resolution to dispose of property at public auction valued at $30,000 or more.  G.S. 160A-270 authorizes Council to conduct electronic auctions and advertise such auctions electronically.  The electronic auctions will continue until all items are sold.

Below is the list of items the City wishes to sell:

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<td>F-350 crew cab w/utility dump</td>
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<td>SM30005</td>
<td>2000/Hudson Bros</td>
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<td>ST20203</td>
<td>2002/Mack</td>
<td>Road tractor</td>
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<td>ST29505</td>
<td>1995/Ford</td>
<td>Contractors dump/spreader-311</td>
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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)
The consideration of a resolution authorizing the sale of personal property deemed to be surplus by the Purchasing Coordinator.

Contact Information for Group or Individual:  Gayla Long – 704-638-5305, glong@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

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:
RESOLUTION AUTHORIZING SALE OF SURPLUS PROPERTY WITH POTENTIAL VALUE OF $30,000 OR MORE

WHEREAS, N.C.G.S. 160A-266 authorizes municipal governments to dispose of real or personal property by public auction; and

WHEREAS, N.C.G.S. 160A-270 authorizes City Council to conduct electronic auctions for real or personal property and advertise such auctions electronically; and

WHEREAS, City Council approval is required for items with a value of $30,000 or more; and

WHEREAS, the City owns surplus property that has been fully depreciated and reached the end of its useful life; and

WHEREAS, below listed items will be advertised by electronic means on the electronic auction website; and

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WHEREAS, City Council is giving approval to sell to the highest bidder; and

WHEREAS, proceeds of the sale will be returned to the proper Fund as dictated by where the asset is being held.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Salisbury hereby authorizes the Purchasing Coordinator to sell the above-listed assets by electronic auction and to execute any and all documents required to sell the asset to the highest bidder.

Adopted this 3rd day of November, 2020.

__________________________________________
Karen Alexander, Mayor

ATTEST:

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

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

Requested Council Meeting Date:  November 3, 2020

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

Name of Presenter(s):  Scott Shelton

Requested Agenda Item:  Hold public hearing and consider incentives for ‘Project Hero’

Description of Requested Agenda Item:  The Rowan EDC requests that the City Council hold the scheduled public hearing at its November 3rd meeting and consider a proposed incentive request for ‘Project Hero’

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) Vote to approve Tax Incentive Grant for the project; 2) Vote to apply for State Building Reuse Grant on the company’s behalf; 3) Vote to apply for a One North Carolina Fund Grant on the company’s behalf

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

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

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

FINANCE DEPARTMENT INFORMATION:

_________________________________   _____________________________
Finance Manager Signature     Department Head Signature

____________________________
Budget Manager Signature

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

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

☐ Approved    ☐ Delayed    ☐ Declined

Reason:
ECONOMIC IMPACT SUMMARY

SUMMARY OF PROPOSED EXPANSION OF PROJECT HERO IN SALISBURY

Submitted by:
The Rowan EDC
October 23, 2020

The Honorable Karen Alexander
City of Salisbury
Post Office Box 479
Salisbury, NC 28145

Re: Summary of Proposed Expansion of Project Hero in Salisbury

Dear Mayor Alexander and Council Members:

On behalf of the Rowan EDC, please allow me to present to you this summary of the proposed expansion of Project Hero in Salisbury.

We are optimistic that, with your support, this project will reach a successful conclusion, creating new employment and expanding the nonresidential tax base in the City. This document addresses the primary drivers and impacts of the project, and is designed to provide you the information necessary to consider their request for assistance.

We sincerely hope that you find this document a useful resource as you consider this matter. We have expended substantial efforts to gather the most relevant information possible regarding the potential impacts this project could have on our City and its citizens. In order to accomplish this, we have relied on a variety of public and private sector partners. At this time, in addition to company representatives from Project Hero, we would like to thank:

- Melanie Underwood, Existing Industry Expansion Manager, Economic Development Partnership of NC
- David Hartigan, Principal, Hartigan Management

In the preparation of this document, we have strived to utilize factual data and realistic projections. It is our intent that this document serves as a resource as you deliberate potential actions.

Please do not hesitate to contact our office with any questions you may have regarding this matter. We look forward to your feedback.

Sincerely,

Scott Shelton
Vice President
Contents

1. Project Description
2. Regulatory Approval Process
3. Requested Assistance
4. Model of City Revenue – 10-Year Horizon
5. Closing
6. Draft Incentive Agreement
1. Project Description

About The Company

The company behind Project Hero has been a valued employer in Salisbury for years. The company currently employs dozens of people in our community.

The Proposed Project

In order to meet the growing demand for their company’s products and services, Project Hero’s owners are beginning an aggressive expansion that will see them substantially increase their workforce. The company is considering their existing facility in Salisbury for this expansion, as well as a location in Tennessee.

If our community were chosen, the company would create 30 new jobs over the next four years. The company would also invest approximately $1.55 million into the property through the expansion of its existing facility and installation of major equipment. The majority of these improvements would be completed by the end of 2021.

2. Regulatory Approval Process

Zoned appropriately for the proposed use, there does not appear to be any regulatory barriers to this project moving forward. The company will work with City staff as well as the Rowan County Building Inspections Department to navigate the appropriate review and permitting process. There are no components of the proposed project that appear outside the normal scope of operations for these types of facilities.

3. Requested Assistance

The City of Salisbury’s adopted Investment Grant Program provides a five-year grant to companies investing in our community. The grant is established by a contract between the company and the City of Salisbury. The company must pay their taxes in full each year based on the actual tax value of the property or investment to be eligible to receive the grant. If the company meets all of the criteria in the contract, a portion of the property tax will be returned as a grant. The amount of the grant is based on a designated percentage level for five consecutive years. Below is a chart that summarizes the categories of grants, including the minimum investment required and the percentage of new taxes paid that would be returned as a grant:

<table>
<thead>
<tr>
<th>Grant Category</th>
<th>Minimum Taxable Investment Required</th>
<th>Percentage of Paid Taxes Returned as a Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level 1 Grant</td>
<td>$5 million</td>
<td>75%</td>
</tr>
<tr>
<td>Level 2 Grant</td>
<td>$50 million</td>
<td>80%</td>
</tr>
<tr>
<td>Level 3 Grant</td>
<td>$100 million</td>
<td>85%</td>
</tr>
</tbody>
</table>

The company is requesting a Level 1 Grant under this program for the amount and duration adopted in the policy. In order to illustrate the revenue impact of this potential project on the City of Salisbury we have projected revenue returns over a 10-year period. These projections are provided below in Section 4.
We respectfully ask that the City Council consider approving their request based on the potential impact on our community from the project. A ‘Draft’ copy of the proposed Incentive Agreement is attached.

Other Potential Assistance

The Rowan EDC is working with ‘Project Hero’ to pursue a Building Reuse Grant through the State of North Carolina. This grant can help the company with its planned building expansion, as well as electrical, HVAC and roof improvements.

The required local match for this grant can be satisfied through the City’s Level 1 Grant. However, if the State were to recommend a Building Reuse Grant for this project, the City would have to apply for the grant on behalf of the company.

We are also working with ‘Project Hero’ and the Economic Development Partnership of North Carolina to pursue a grant from the State from its One North Carolina Fund, which is a discretionary program that offers cash grants for job creation. Like the Building Reuse Grant, the City will have to apply for the grant on behalf of the company. Though the required local match amount for this grant is yet to be determined, it will likely be satisfied through the City’s Level 1 Grant.

In addition, the Rowan EDC has requested that the Rowan County Board of Commissioners hold a public hearing on November 16th to consider incentives for the project.

4. Model of City Revenue – 10-Year Horizon

If Salisbury were chosen, Project Hero plans to complete the expansion of their building and install new equipment by the end of 2021. The overall investment timeline is based on information provided to the Rowan EDC by the company.

The evolving nature of City tax rates, assessed value of the installed equipment, and construction timelines require certain assumptions in order to develop a functioning model. To establish a baseline, the following constants were applied:

- The City tax rate is fixed at the current rate of .7196
- The project is complete by December 31, 2021 with a total investment of $1.554 million

In application, it is unlikely that all assumptions will hold constant. The model provides general trends of expected revenues and expenditures.

Incorporating the above framework, the following outcomes are projected:

- During the five incentivized years, the City would collect $55,915 in revenue and provide incentive grants totaling $41,935. The City would retain $13,980 of revenue during the incentive term.

- Modeled with a 10-year horizon, the City would stand to collect an estimated $111,826, disburse a $41,935 grant and retain an estimated $69,891 of new revenue.
### Project Hero:

#### (Project Completed by 12/31/21)

<table>
<thead>
<tr>
<th>Total Capital Investment</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>FY 24-25</th>
<th>FY 25-26</th>
<th>FY 26-27</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total planned amount of Expansion project</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Tax Rate</th>
<th>2021</th>
<th>2022</th>
<th>2023</th>
<th>2024</th>
<th>2025</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.7196%</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Tax Revenue</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>FY 24-25</th>
<th>FY 25-26</th>
<th>FY 26-27</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Taxable Capital Investment times City Tax Rate</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expansion Grant %</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>FY 24-25</th>
<th>FY 25-26</th>
<th>FY 26-27</th>
</tr>
</thead>
<tbody>
<tr>
<td>75% for 5 years. Paid in FY 2023 - 2027</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
<td>75%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expansion Grant %</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>FY 24-25</th>
<th>FY 25-26</th>
<th>FY 26-27</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Tax Revenue times Expansion Grant</td>
<td>$8,387</td>
<td>$8,387</td>
<td>$8,387</td>
<td>$8,387</td>
<td>$8,387</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City Net Revenue</th>
<th>FY 22-23</th>
<th>FY 23-24</th>
<th>FY 24-25</th>
<th>FY 25-26</th>
<th>FY 26-27</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Tax Revenue minus Expansion Grant</td>
<td>$2,796</td>
<td>$2,796</td>
<td>$2,796</td>
<td>$2,796</td>
<td>$2,796</td>
</tr>
</tbody>
</table>

### FY 27-28 to 30-31

<table>
<thead>
<tr>
<th>10 Year Sum.</th>
<th>2026</th>
<th>2027</th>
<th>2028</th>
<th>2029</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>2026</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
<td>$1,554,000</td>
</tr>
<tr>
<td></td>
<td>0.7196%</td>
<td>0.7196%</td>
<td>0.7196%</td>
<td>0.7196%</td>
<td>0.7196%</td>
</tr>
<tr>
<td>2027</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
</tr>
<tr>
<td></td>
<td>$8,387</td>
<td>$8,387</td>
<td>$8,387</td>
<td>$8,387</td>
<td>$8,387</td>
</tr>
<tr>
<td>2028</td>
<td>$2,796</td>
<td>$2,796</td>
<td>$2,796</td>
<td>$2,796</td>
<td>$2,796</td>
</tr>
<tr>
<td>2029</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>2030</td>
<td>$41,935</td>
<td>$41,935</td>
<td>$41,935</td>
<td>$41,935</td>
<td>$41,935</td>
</tr>
<tr>
<td>2026-27</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
<td>$11,183</td>
</tr>
<tr>
<td>10 Year Sum.</td>
<td>$69,891</td>
<td>$69,891</td>
<td>$69,891</td>
<td>$69,891</td>
<td>$69,891</td>
</tr>
</tbody>
</table>
5. Closing

This project appears to have a lengthy list of positive attributes and no apparent liabilities. If Salisbury were chosen, Project Hero would create a total of 30 new full-time jobs, as well as add $1.554 million to the City’s tax base. The project would also generate approximately $11,183 of annual tax revenue for the City after the incentive period concludes.

On behalf of the Rowan EDC, we look forward to providing you any additional information requested, or meeting with you personally to discuss these findings in detail. We hope that you have found this information useful as you consider this matter.
6. Draft Incentive Agreement
RELOCATION AND EXPANSION ASSISTANCE AGREEMENT

THIS RELOCATION AND EXPANSION ASSISTANCE AGREEMENT (the “Agreement”) is made and entered into as of the ___ day of ____________, 20___, by and between the City of Salisbury, North Carolina, a body politic (hereinafter referred to as the “City”) and “Project Hero”, (hereinafter referred to as the “Company”).

WITNESSETH

WHEREAS, the Company has explored the possibility of establishing a new or expanding an existing facility in the City (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”), 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, approximately $1.55 million dollars will be invested by or on behalf of the Company 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. The Grant will specifically apply to the Property and all real property improvements and personal property newly installed and used at the Property (“Facility”).

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, 2020, 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, 2020. 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 county 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. Payment of the Grant shall be equal to Seventy-Five Percent (75%) of the City property taxes (excluding county 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 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 the Facility substantially completed by December 31, 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, 2022, with the first such reimbursement to be provided to the Company by the City during fiscal year ended June 30, 2023. If the Facility is not complete by January 1, 2022, 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, 2022.

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.

ARTICLE III
EMPLOYMENT

1) The Company projects that it will create 30 Full Time Equivalents (“FTEs”) with this Project. As of December 31, 2024, the Company shall employ 78 FTEs at this Project. 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 22-23</td>
<td>18</td>
</tr>
<tr>
<td>FY 23-24</td>
<td>25</td>
</tr>
<tr>
<td>FY 24-25</td>
<td>29</td>
</tr>
<tr>
<td>FY 25-26</td>
<td>30</td>
</tr>
<tr>
<td>FY 26-27</td>
<td>30</td>
</tr>
</tbody>
</table>

3) The Company shall certify annual progress towards the employment of the required number of FTEs to the City on or before June 30, 2023, 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 NCU1 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 NCU1 101 is discontinued or modified, a successor form performing a comparable function must be submitted. The Company shall also provide copies of its One NC Grant reporting to the City, if applicable, when they have been submitted to the State.
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) Should the Company cease operations or eliminate the majority of their workforce (51% reduction or more within a twelve (12) month span), the Agreement will be terminated and the Company will be required to repay all grant proceeds provided during the thirty-six (36) months prior to the cessation or reduction.

3) Repayment of grant funds shall be required if the Company has received any grant disbursements from the City within the thirty-six (36) months prior to the earlier of (a) Public announcement by the Company of plans to close or eliminate the majority of the workforce, (b) Actual cessation of operations, or elimination of a majority of the workforce.

4) The Company shall make payment to the City within one hundred and 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
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 organized and 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 VI**

**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 VII**

**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:  
Office of the City Manager  
132 North Main Street  
Salisbury, NC 28144  
Phone: (704) 638-5228

With Copy (which does not constitute notice to):  
Office of the City Attorney  
132 North Main Street  
Salisbury, NC 28144  
Phone: (704) 638-5228
To Company: Name and Contact Information

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

With Copy (which does not constitute notice to):
If requested by the Company

Notice shall be deemed to have been given with respect to overnight carrier or certified mail, one (1) day after deposit with such carrier and as to facsimile, on date of transmission, 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.

(Company Name)

By: ____________________________
Title: ____________________________

[Corporate Seal]

ATTEST:

______________________________ (Seal)
Name______________________________

CITY OF SALISBURY, NORTH CAROLINA

Karen K. Alexander
Mayor

[Corporate Seal]

ATTEST:

______________________________
Kelly Baker
City Clerk

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

______________________________
Shannon Moore
Financial Director

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

______________________________
Graham Corriher
City Attorney
ATTACHMENT I

LEGAL DESCRIPTION OF THE PROPERTY
AUTORIZING RESOLUTION BY THE CITY OF SALISBURY

for the
North Carolina Department of Commerce
Building Reuse Program
“Project Hero Building Reuse Project”

WHEREAS, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, expansion of existing buildings and implementing research and demonstration projects, and

WHEREAS, the City has need for and intends to assist in the expansion of an existing building in a project described as the “Project Hero Building Reuse Project”; and

WHEREAS, the City intends to request funding assistance from the North Carolina Department of Commerce from its Building Reuse Program for the project;

NOW THEREFORE BE IT RESOLVED, BY THE SALISBURY CITY COUNCIL:

That the City is in full support of the application and the project, if funding is received, and

That the City will arrange for a local cash match of $6,000 to be used for the administration of the project, and

That the City has substantially complied or will substantially comply with all State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto, and that Karen K. Alexander, Mayor, is authorized to execute any additional documents pertaining to the grant application as requested by the North Carolina Department of Commerce.

Adopted this the 3rd day of November 2020 in Salisbury, North Carolina.

_______________________________________
Karen K. Alexander, Mayor

ATTEST:

_______________________________________
Kelly Baker, Clerk
(Seal)
ONE NORTH CAROLINA FUND INCENTIVE
Authorizing Resolution
“Project Hero Economic Development Project”

WHEREAS, the City of Salisbury and the Salisbury-Rowan Economic Development Commission are currently competing with other communities for the expansion of “Project Hero”, a company with existing operations in Salisbury, and

WHEREAS, the proposed expansion would create up to 30 new jobs and expand the tax base of the City of Salisbury, and

WHEREAS, the North Carolina Department of Commerce will begin its preliminary review of this economic development project to determine the company’s eligibility for a potential One North Carolina Fund Grant based on the creation of up to 30 jobs by the end of 2024, and

WHEREAS, the One North Carolina Fund Grant program requires a local government to serve as the formal applicant for these incentive grant dollars on behalf of the company, and

WHEREAS, the Salisbury City Council has approved a local incentive to meet the required 50% local grant match, and

WHEREAS, the Salisbury City Council understands that the company currently plans to expand its existing facility in Salisbury as part of this project, and

WHEREAS, the City of Salisbury elected officials and staff are willing to administer the One North Carolina Fund grant in order to provide assistance to implement this project.

NOW, THEREFORE BE IT RESOLVED, BY THE SALISBURY CITY COUNCIL that the City of Salisbury agrees to formally serve as applicant for the One North Carolina Fund grant on behalf of “Project Hero”, authorizes Mayor Karen K. Alexander to sign appropriate certifications for the local government portion of the grant application, and authorizes City staff to submit the grant application to the North Carolina Department of Commerce.

Adopted this the 3rd day of November 2020 in Salisbury, North Carolina.

Karen K. Alexander, Mayor

ATTEST:

Kelly Baker, Clerk

(Seal)