



City of Salisbury

North Carolina

COUNCIL MEETING AGENDA

September 5, 2023
6:00 p.m.

The meeting will be held in a hybrid format and will be streamed live at salisburync.gov/webcast and on the City's Facebook account.

Anyone who wishes to speak via Zoom during public comment must sign-up by 5:00 p.m. on September 5, 2023 by contacting Connie Snyder at csnyd@salisburync.gov. Citizens who wish to speak in person can sign up in Council Chambers.

1. Call to order.
2. Moment of Silence.
3. Pledge of Allegiance.
4. Adoption of Agenda.
5. Council to receive an introduction to Deputy City Manager Richard J. White, III. (*Presenter – City Manager Jim Greene, Jr.*)
6. Council to recognize the heroic actions taken by Lieutenant Corey Brooks who removed an unconscious truck driver from a burning truck on Interstate 85. (*Presenter – Police Chief Patrick Smith*)
7. Mayor to proclaim the following observances:

SUICIDE PREVENTION MONTH	September 2023
HISPANIC AND LATINO HERITAGE MONTH	September 15, 2023 – October 15, 2023
8. Council to consider the CONSENT AGENDA:
 - (a) Approve Minutes of the regular meetings of August 1, 2023 and August 15, 2023 and the special meeting of August 7, 2023.
 - (b) Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$2,500 to appropriate donations for expenses related to the youth baseball program.
 - (c) Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$2,200.11 to appropriate donations for expenses related to the Salisbury-Rowan Sports Hall of Fame.
 - (d) Authorize the City Manager to execute a contract with CDM Smith, Inc. in the amount of \$154,940 for engineering services associated with an electrical reliability study, arc flash study and secondary clarifier rehabilitation for Salisbury-Rowan Utilities.

COUNCIL MEETING AGENDA – PAGE 2 – SEPTEMBER 5, 2023

- (e) Approve a right-of-way encroachment for approximately 688 linear feet of underground fiber optic cable by Spectrum on Cedar Springs Road per Section 11-24(27) of the City Code subject to North Carolina Department of Transportation approval.
 - (f) Approve a right-of-way encroachment for installation of aerial and underground fiber optic cable by AT&T on Laura Springs Drive, Edzell Drive, Inverness Lane, Shay Crossing Road and Bluebonnet Drive per Section 11-24(27) of the City Code.
 - (g) Authorize the City Manager to approve the following Purchase Orders that are included in the FY2023-2024 budget:
 - 240251 to Parks Ford for three Police Responders/vehicles in the amount of \$147,804 to be purchased on the North Carolina Sheriff’s Association Contract
 - 240285 to Randy Marion Ford for six pickup trucks in the amount of \$267,360 to be purchased on Salisbury Bid 019-2024. Three vehicles for Salisbury-Rowan Utilities, two vehicles for Public Works, and one vehicle for the Fire Department
 - 240323 to Carolina Cat for a Caterpillar 299D3 Loader in the amount of \$119,183.44 to be purchased on Sourcewell Cooperative for Salisbury-Rowan Utilities
 - 240320 to Newtons Fire and Safety Equipment for turnout gear in the amount of \$130,000
 - 240355 to Amick Equipment Company for a Freightliner Knuckle Boom Truck in the amount of \$265,741.10 to be purchased on the North Carolina Sheriff’s Association Contract for Public Works.
 - (h) Adopt a Resolution declaring the intent to permanently close an unimproved portion of Cherry Street, located off of the 500 block of Morlan Park Road and set a public hearing for October 3, 2023.
 - (i) Receive the Certificate of Sufficiency for the voluntary annexation of 1810 Enon Church Road, Tax Map 329 and Parcels 030 and 385, and adopt a Resolution setting the date of the public hearing for October 3, 2023.
9. Council to receive public comment. ***Speakers who wish to speak via Zoom must sign-up before 5:00 p.m. by contacting Connie Snyder at csnyd@salisburync.gov.*** Citizens who wish to speak in person can sign-up in Council Chambers. Citizens who are unable to speak during the meeting may submit written comments to the email above and they will be shared with Council.
10. Council to consider adopting an Ordinance to amend Chapters 14 and 15 of the Land Development Ordinance of the City of Salisbury to adjust the membership makeup of the Technical Review Committee and to clean up inconsistent terminology within the Ordinance. *(Presenter – Senior Planner Victoria Bailiff)*
- (a) Receive a presentation from staff
 - (b) Hold a public hearing
 - (c) Issue a statement of Consistency and Statement of Reasonableness, and consider adopting an Ordinance amending the Land Development Ordinance.
11. Council to receive an update regarding the tourism industry in Salisbury and Rowan County. *(Presenter – Executive Director Rowan County Tourism Development Authority Convention Visitor Bureau James Meacham)*

COUNCIL MEETING AGENDA – PAGE 3 – SEPTEMBER 5, 2023

12. Council to receive a presentation from the University of North Carolina School of Government Development Finance Initiative and consider endorsing “Guiding Public Interests” for the redevelopment of the former Kesler Mill site. *(Presenters – Planning Director Hannah Jacobson and Development Finance Initiative Project Manager Sonyia Turner)*
13. Council to consider adopting a Resolution of Support for the City’s grant application to the United States Department of Transportation’s Reconnecting Communities and Neighborhoods Program for the West Innes Corridor. *(Presenter – Planning Director Hannah Jacobson)*
14. Council to consider authorizing the City Manager to execute a contract with Level Solutions Group in the amount of \$190,591 for Microsoft Software Assurance and adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$40,591 to appropriate Fund Balance for the unbudgeted overage for the Microsoft Software Assurance Contract. *(Presenter – Information Technology Manager Dale Waters)*
15. Council to consider authorizing the City Manager to execute a municipal agreement with the North Carolina Department of Transportation for the Passenger Information Display System to be installed as part of Transportation Improvement Program Project P-5726, Salisbury Station Second Platform. *(Presenter – Transportation Director Wendy Brindle)*
16. Council to receive an update on solid waste collection and consider authorizing the City Manager to approve Purchase Order 240311 in the amount of \$470,000 for waste disposal at the Rowan County Landfill for FY2024. *(Presenter – Assistant Public Works Director Michael Hanna)*
17. City Attorney’s Report.
18. City Manager’s Report.
19. Council’s Comments.
20. Mayor Pro Tem’s Comments.
21. Mayor’s Announcements and Comments.
 - (a) The Salisbury Fire Department will host a September 11th Memorial Service Monday, September 11th at the Firefighter’s Memorial located at 1603 South Main Street. The service will begin at 8:30 a.m. The public is invited to attend.
 - (b) The Dixonville-Lincoln Memorial Task Force will host a Dixonville Memorial Dedication Saturday, September 16th at 10:00 a.m. The dedication will begin at Dixonville Cemetery and a reception will follow in the Fellowship Hall of First Calvary Baptist Church. Parking is available at Fred M. Evans Pool and at First Calvary Baptist Church. The public is invited to attend.
 - (c) The City of Salisbury will host its Summer Riffs Concert for the Festival de Independencia Latinoamericana event on Saturday, September 16th from 2:00 p.m. until 9:00 p.m. at Bell Tower Green. The event will include Latino owned businesses, food trucks, a parade of flags and a variety of live entertainment headlined by Furia Tropikal. For more information call (704) 216-PLAY.
22. Adjourn.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 09/05/2013

Name of Group(s) or Individual(s) Making Request: City Manager Jim Greene, Jr.

Name of Presenter(s): City Manager Jim Greene, Jr.

Requested Agenda Item: Council to receive an introduction to new Deputy City Manager Richard J. White, III.

Description of Requested Agenda Item: After a national search, Richard J. White III has been hired to serve as Deputy City Manager for Salisbury. Mr. White has over 25 years of local government experience and currently serves as City Manager in Carrboro, North Carolina. He previously served as Assistant City Manager for the City of Asheville and Town Manager for Elon. He has experience in planning, developing and managing capital improvement plans, developing strategic plan frameworks, leading organizational and culture change and managing projects. Mr. White is completing his contract requirements with the Town of Carrboro and his first day in Salisbury will be November 6.

Attachments: Yes No

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

Action Requested of Council for Agenda Item: Council to receive an introduction to new Deputy City Manager Richard J. White, III.

Contact Information for Group or Individual: City Manager Jim Greene, Jr.

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 Director 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



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 09/05/2023.

Name of Group(s) or Individual(s) Making Request: Salisbury Police Dept./ Chief PJ Smith

Name of Presenter(s): Chief PJ Smith

Requested Agenda Item: Recognize the heroic actions taken by Lt. Corey Brooks, who pulled, and removed an unconscious truck driver from a burning truck on Interstate 85.

Description of Requested Agenda Item: Chief PJ Smith will describe the events that took place leading up to and during the incident and then show the BWC video to the Council of the heroic measures.

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 PJ Smith, SPD 704-216-7581

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:



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, on average in North Carolina, a person dies because of suicide every six hours, which is nearly twice as many people who die because of homicide; and

WHEREAS, suicide is the 12th leading cause of death for people of all ages nationwide, the 18th leading cause of death within North Carolina for people of all ages, and the 4th leading cause of death for people ages 15 through 24; and

WHEREAS, based on the 2021 Youth Risk Behaviors Survey, 7.4% of youth in grades 9 through 12 reported they made one or more suicide attempts in the past 12 months, and attempted suicide rates and suicidal ideation among LGBT youth is significantly higher than among the general population; and

WHEREAS, the North Carolina Injury and Violence Prevention Branch has led statewide suicide prevention efforts including a Youth Suicide Prevention Program and “It’s OK 2 Ask” media campaign; and

WHEREAS, North Carolina Senate Bill 476 was passed into law in 2020, which trained school system employees to recognize and respond when a young person indicates they are at risk of hurting themselves or may be struggling with other mental health issues; and

WHEREAS, in efforts to reduce the number of suicide deaths and suicide attempts, National Suicide Prevention Week will take place the week of September 10-16, 2023 along with Suicide Prevention Month in September; and

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

NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina DO HEREBY PROCLAIM the month of September 2023 as

SUICIDE PREVENTION MONTH

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

This the 5th day of September 2023.




Karen K. Alexander, Mayor



City of Salisbury

North Carolina

PROCLAMATION

WHEREAS, National Hispanic and Latino Heritage Month celebrates the Hispanic and Latino community and highlights its countless achievements; and

WHEREAS, September 15th through October 15th is recognized as National Hispanic Heritage Month as a time to honor the invaluable ways Hispanics and Latinos contribute to our common goals, celebrate their diverse cultures, and to work towards a stronger, more inclusive, and more prosperous society for all; and

WHEREAS, in 1968 Hispanic Heritage Week began under President Lyndon B. Johnson, and was enacted into law on August 17, 1988, calling upon people of the United States to observe this time with ceremonies, activities, and programs; and

WHEREAS, Hispanics and Latinos continue to serve as Civil Rights leaders, politicians, military service members, educators, first responders, science pioneers, and public servants for our community and country; and

WHEREAS, Hispanics and Latinos have enhanced and shaped our national character with centuries old traditions that reflect the multi-ethnic and multi-cultural customs of their communities, while adding their own distinct and dynamic perspectives to the story of our country; and

WHEREAS, the Hispanic Coalition, a subcommittee of the Human Relations Commission, was established in 2002 to address the needs of the growing Hispanic community in Rowan County and to integrate Hispanics into the mosaic of cultures within the community.

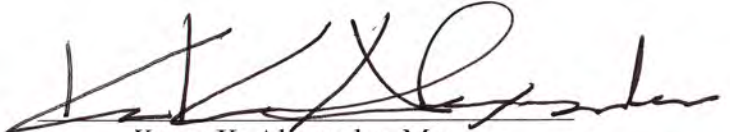
NOW, THEREFORE, I, Karen K. Alexander, Mayor of the City of Salisbury, North Carolina, DO HEREBY PROCLAIM September 15, 2023 through October 15, 2023 as

HISPANIC AND LATINO HERITAGE MONTH

in Salisbury, and encourage citizens to join in celebrating the great contributions of Hispanic and Latino Americans to our city, state, and nation.

This the 5th day of September 2023.




Karen K. Alexander, Mayor

Salisbury, North Carolina
August 1, 2023

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Tamara Sheffield, Council Members Harry McLaughlin, David Post, and Anthony Smith; City Manager Jim Greene, Jr., City Clerk Connie B. Snyder; and City Attorney J. Graham Corriher.

ABSENT: None.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Alexander at 3:05 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.

ADOPTION OF THE AGENDA/CHANGES TO THE AGENDA

Mayor Alexander noted the following change to the Agenda;

Post pone Item 10 - Council to consider adopting an Ordinance to amend the Land Development District Map of the City of Salisbury to rezone one parcel, approximately 7.91 acres, located along West Richie Road, from Rural Residential to Highway Business in anticipation of future development.

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

RECOGNITION – DEPUTY POLICE CHIEF BRIAN STALLINGS

Police Chief Patrick Smith recognized Deputy Police Chief Brian Stallings for his work as Interim Police Chief. Chief Smith thanked Deputy Chief Stallings for serving as Interim Police Chief twice in the last eight years, for helping him through his transitional phase as Police Chief, and for being a great example of a servant leader.

Mayor Alexander and Council thanked Deputy Chief Stallings for his service to the City and the Police Department. City Manager Jim Greene thanked Deputy Chief Stallings for his service as Interim Police Chief and for the leadership and commitment he provides to the Police Department and the community it serves.

PROCLAMATION

Mayor to proclaim the following observance:

NATIONAL NIGHT OUT

August 1, 2023

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of June 20, 2023.

(b) Budget Ordinance Amendment – Joint Operations Funds

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$10,000 to appropriate Joint Operation Funds from the United States Secret Service to be used for purchasing equipment for criminal investigations.

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE JOPS SECRET SERVICE FUNDS.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 257, and is known as Ordinance 2023-51.)

(c) Budget Ordinance Amendment – BlockWork

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$2,750 to appropriate revenue for BlockWork.

ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A BLOCKWORK DONATION.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 258, and is known as Ordinance 2023-52.

(d) Purchase Order – Badger Meter, Inc.

Authorize the City Manager to approve a purchase order for the annual renewal with Badger Meter, Inc. for Software-as-a-Service associated with Salisbury-Rowan Utilities advanced metering infrastructure system in the amount of \$233,280. This item is included in the FY2023-2024 budget and is required to operate and maintain the advanced metering infrastructure system.

(e) Purchase Order – Chemtrade Chemicals US LLC.

Authorize the City Manager to approve a purchase order for Chemtrade Chemicals US LLC in an amount not to exceed \$270,000 for the purchase of aluminum chlorohydrate for Salisbury-Rowan Utilities. This item is included in the FY 2023-2024 budget.

(f) Purchase Order – Chemrite, Inc.

Authorize the City Manager to approve a purchase order for Chemrite, Inc. in an amount not to exceed \$121,950 for the purchase of zinc orthophosphate for Salisbury-Rowan Utilities. This item is included in the FY 2023-2024 budget.

(g) Supplemental Agreement – Alley Williams Carmen and King, Inc.

Authorize the City Manager to execute a supplemental agreement with Alley Williams Carmen and King, Inc. in the amount of \$85,957.51 for design services related to Project EB-5619C, Grants Creek Greenway. The City will be reimbursed 80% of the design costs through the existing Surface Transportation Block Grant Program Directly Attributable Grant. This item is included in the FY 2023-2024 budget.

(h) Stormwater Grant – Cornerstone Church

Award a Stormwater Grant in the amount of \$10,737.28 to Cornerstone Church for reconstruction of the stream running adjacent to the Church property. This item is included in the FY 2023-2024 budget.

(i) Purchase Order – Public Works Equipment

Authorize the City Manager to approve Purchase Order 240160 in the amount of \$317,600 for the purchase of a Dulevo D6 Street Sweeper and Purchase Order 240162 in the amount of \$178,250 for a 275Kw standby generator. The total for both purchase orders is \$495,850. The items are included in the FY2023-2024 budget and included on the state contract.

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

City Clerk Connie Snyder noted Council received an email from Mr. Ted Goins who expressed concern about the changes to the Amtrak schedule and the lack of transparency from the North Carolina Department of Transportation (NCDOT) Rail Division.

Mr. Geof Wilson pointed out three stops were eliminated from Raleigh to Charlotte in the Amtrak schedule which reduced the total trip time by 12 minutes. He added the remaining stops are later in the day which makes commuting to Charlotte extremely difficult. He indicated the morning train to Charlotte represents an opportunity he does not want the City to be excluded from.

Mr. Marcus Neubacher stated the North Carolina Transportation Museum serves over 158,000 people annually, generates approximately \$23.8 million in economic impact, and attracts railroad enthusiasts who ride the state's passenger trains. He added the elimination of the morning stop from Raleigh to Salisbury will make it difficult for people to visit the museum, especially during special events. He requested the eliminated train stops be returned to Salisbury.

Mr. James Meacham, Executive Director Rowan County Tourism Authority and Convention Visitor Bureau, noted the loss of the southbound 8:53 a.m. stop at the Salisbury Station will have a negative impact on visitors and the local tourism economy including the state owned North Carolina Transportation Museum. He requested the City continue to work with NCDOT regarding the train stops, and he requested better communication from NCDOT when changes take place.

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

UPDATE – NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RAIL DIVISION

City Engineer Wendy Brindle stated the Amtrak schedule was recently modified and the changes went into effect on July 10, 2023. She reviewed the Salisbury Station Amtrak schedules for the Piedmont Train for 2022 and 2023, and she pointed out a northbound stop from Charlotte to Raleigh was added at 11:06 a.m. and the northbound stop at 3:56 p.m. was eliminated. She noted the southbound stop from Raleigh to Charlotte in Salisbury at 8:53 a.m. was eliminated and the earliest southbound stop in Salisbury is now 12:25 p.m. She added the City receives one northbound stop and one southbound stop on the Crescent Train that runs from New Orleans to New York.

Ms. Brindle introduced North Carolina Department of Transportation (NCDOT) Rail Division Director Jason Orthner and NCDOT Rail Division Public Information Office Liz Macam.

Mr. Orthner reviewed a map of passenger rail service, and he noted a high density of train traffic between Charlotte and Raleigh which is comparable to the busiest locations in the country. He explained the corridor from Raleigh to Charlotte is 175 miles, and it is a busy freight corridor that shares the tracks with passenger trains.

Mr. Orthner explained infrastructure, terminals where trains can safely pass, and ridership data and trends must be considered when schedules are determined. He pointed out there is a limited number of train crews that support the train service, and developing an efficient schedule to have equipment available to prepare trains for their return trip must be considered along with improving the on-time performance of the rail system. He then reviewed schedule considerations:

- Retained total number of Salisbury stops at 10 per day
- 2022 data approximately 55 on and offs per day across all trains in Salisbury; 3.7 on and offs for early southbound train
- Schedule aligned stops with higher demand periods during mid-day
- Data since July 10, 2023 there has been a 21% increase in on and offs in Salisbury
- Will coordinate special stops in Salisbury that align with special events
- Working with the Integrated Mobility Division regarding regional transportation solutions
- Will coordinate and communicate early in the process with Salisbury regarding future schedule changes and development

Mr. Orthner pointed out as changes occur the Rail Division will consider the schedule to determine the stops that best meet the needs of the travelers using the rail system. He stated the City has been a tremendous partner with the Rail Division regarding rail safety including crossing safety improvements and envisioning the future. He pointed out the Western North Carolina rail service will change the way the Salisbury Station operates as it will become a hub for connections. He noted there is a statewide focus on expanding passenger rail, and he stated the goal is to transition from a central North Carolina system to an across the state system serving communities from Asheville to Wilmington and all of the routes will come through the City.

Mr. Orthner reviewed the Western North Carolina passenger rail service that will link a 139 mile route between Salisbury to Asheville. He stated the anticipated cost of the Western North Carolina passenger rail is approximately \$665 million and the estimated operating expense will be \$7 to \$11 million annually. He then reviewed final steps for the project, and he pointed out the Federal Railroad Administration is expected to announce the corridors accepted into the program this fall. He added every corridor that is accepted will receive up to \$500,000 for service development.

Councilmember Smith asked how often the train schedules are evaluated, and if economic development is considered. He pointed out the City's population is increasing which could lead to increased ridership. Mr. Orthner stated the Rail Division Program Management Team will consider population changes and future data. He added the 2022 data was relevant to the current schedule changes along with patterns and trends regarding train use. He indicated the ridership data and trends will be considered every two years.

City Manager Jim Green noted staff received concerns from members of the business community, the travel and tourism community, and residents regarding the changes to the Amtrak schedule.

Mayor Pro Tem Sheffield stated she spoke to Ms. Nan Buehrer, Executive Director Rufty Holmes Senior Center, who expressed concern about the train supporting the County and its nine municipalities. She pointed out the elimination of stops makes it difficult for local tourism and creates connectivity issues for elderly citizens in the community. She asked about the goal of NCDOT rail service in regards to stops. Mr. Orthner stated the goal is to provide the best value to rail system users. He pointed out the goal is to meet the travel needs by balancing more stops and long trips which requires careful planning. He indicated the on-time performance has increased with the schedule changes due to coordination with Norfolk Southern freight trains.

Mayor Pro Tem Sheffield asked if the goal for North Carolina Rail is to have more riders. Mr. Orthner agreed. Mayor Pro Tem Sheffield noted the City is excited about its partnership with the Rail Division and even though it lost several stops it is grateful for the opportunities that have been presented. She stated the City is in the process of implementing a microtransit pilot program that provides access to the train station. Mr. Orthner noted the City still has 10 stops and the Rail Division is looking forward to conversations regarding additional transit options. Mayor Pro Tem Sheffield pointed out the City did not lose stops but it seems to have lost service.

Councilmember McLaughlin asked if the City can get a commitment regarding the holiday schedule. Mr. Orthner stated the Rail Division is ready to begin planning for special event such as Thomas the Train and the Polar Express.

Councilmember Post pointed out the loss of the morning and afternoon train will make it difficult for commuters. He questioned how the Rail Division can tell how many people would like to travel to Charlotte when it does not offer the service. Mr. Orthner noted the Rail Division will analyze data to make the determination, and the Rail Division will remain engaged with the City regarding the train schedule.

Councilmember Smith pointed out the new schedule impacted the community, and the City was given little opportunity to provide feedback. He questioned if a formal appeal process is available. Mr. Orthner stated there is no formal appeal process, and he indicated schedule development is a complex procedure. He stated Mayor Alexander has been a great communicator for the City, and the Rail Division will work to implement better communication processes going forward. He pointed out the Salisbury Station is receiving a second platform that will allow for additional options.

Mayor Alexander stated the community was surprised to learn of the changes to the Amtrak schedule. She questioned what allowed Kannapolis to keep its morning and afternoon stops when it is closer to Charlotte. Mr. Orthner stated the decision was data driven, and he explained there are conflicts between trains that make it difficult to stop at Kannapolis and Salisbury. He added the train performance will be considered in the long term data. He noted additional infrastructure is needed to add additional trains, and he pointed out there are more freight trains than passenger trains, which is part of the conversation.

Mayor Alexander asked if any of the grant funding the state applied for will be used to mitigate the infrastructure challenges. Mr. Orthner agreed, and he noted the grant funding will create an opportunity in the future. Council thanked Mr. Orthner for his presentation.

REZONING – WEST RICHIE ROAD

This item was postponed.

HOME INVESTMENT PARTNERSHIP-AMERICAN RESCUE PLAN

Planning Director Hannah Jacobson addressed Council regarding the HOME Investment Partnership American Rescue Plan (Home-ARP). Ms. Jacobson stated the 2021 American Rescue Plan provided \$5 billion to assist homeless individuals or households at risk of homelessness and other vulnerable populations through the HOME Investment Partnership. She explained that as a Cabarrus/Iredell/Rowan HOME Consortium member, Salisbury is eligible for \$525,940 in HOME-ARP funding.

Ms. Jacobson explained in 2021, the Department of Housing and Urban Development (HUD) issued a Notice of Opportunity and released program guidelines and rules associated with funding. She added in 2022, staff worked with HOME Consortium partners to engage the public regarding the need for funding, and Council approved an allocation plan. Ms. Jacobson stated the next steps include Council approving a funding agreement to allow the acceptance of funds from the City of Concord, the HOME Consortium lead entity. She added staff is also requesting Council approve a budget amendment in the amount of \$525,940.

Ms. Jacobson stated staff is working with Rowan County to create and release a Call for Projects and establish a review process. Ms. Jacobson explained next steps would include hiring a program administrator, and staff would monitor and report on the project status.

Ms. Jacobson reviewed the allocation plan approved by Council, the HOME Consortium, and HUD. She added funds were allocated towards non-congregate shelter which is defined as one or more buildings that provide private units or rooms for temporary shelter. She added \$487,247 is available to allocate towards projects and another \$38,000 is available to allocate towards program administration.

Ms. Jacobson noted the Call for Projects will open on August 2, 2023, and close on September 1, 2023. She stated staff recommends a Review Committee be formed composed of City staff from various departments, Rowan County staff, and City of Concord staff. She added the committee's project recommendation will be brought back to Council for approval at a later date.

Mayor Alexander asked if the non-congregate shelter would operate with individual rooms and if the shelter would provide counseling. Ms. Jacobson noted the HOME Program is a

construction program primarily used for rehabilitation, but some portion of the funding could be used for counseling services.

Mayor Alexander expressed concerns regarding construction of a building with a \$525,000 budget and added the amount would only cover a portion of the construction cost. Ms. Jacobson stated staff anticipates applicants will have another source of revenue, and these funds would contribute towards the project.

Councilmember Smith asked if potential applicants would include developers or non-profits. Ms. Jacobson noted staff expects applications from non-profits.

Councilmember McLaughlin asked for additional details on the non-congregate shelter. Ms. Jacobson noted staff does not have the information at this time. Councilmember McLaughlin asked if the City would be required to provide additional funding. Ms. Jacobson stated that would be a policy decision that Council could make.

Mayor Alexander asked if Rowan County is also contributing funds to the project since they are a partner. Ms. Jacobson noted Rowan County is also committed and is eligible for \$740,000 based on population, and they accepted the funds at their July 17, 2023 meeting. Mayor Alexander asked if Rowan County and Salisbury could combine funds for the project. Ms. Jacobson agreed the funds could be combined to support the same project.

Mayor Alexander asked if the City and County would receive the same project proposals. Ms. Jacobson noted the City and County would be reviewing project proposals separately, but could combine funds to support the same project. Mayor Alexander asked if there is an opportunity for the City and County to have a policy discussion before the Call for Projects is released. Ms. Jacobson noted the County has been a great partner throughout the process. City Manager Jim Greene stated staff is committed to having conversations and collaborating with the County.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to authorize the City Manager to execute the funding agreement for the HOME Investment Partnership American Rescue Plan with the City of Concord. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt an Ordinance amending the FY2023-2024 budget Ordinance of the City of Salisbury, North Carolina in the amount of \$525,940 to appropriate HOME Investment Partnership – American Rescue Plan funding. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE GRANT FOR HOME INVESTMENT PARTNERSHIP – ARP FUNDING.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 259, and is known as Ordinance 2023-53.

Thereupon, Mayor Pro Tem Sheffield **motion** to approve the publication of the Call for Projects for HOME Investment Partnership – American Rescue Plan funding and to approve the review process. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

COMPREHENSIVE HOUSING STRATEGY CONTRACT

Planning Director Hannah Jacobson introduced new Planner Malikia Cherubala. She stated Ms. Cherubala has a Community and Regional Planning degree from Appalachian State University, a certificate in GIS, and a minor in Sustainable Development. She added that Ms. Cherubala's primary responsibilities include managing HOME and Community Development Block Grant (CDBG) Programs, working on the 10-Year Housing Strategy, and serving as a liaison with the Housing Advocacy Commission and Healthy Rowan.

Ms. Cherubala stated it is an honor working for a city that serves its residents with passion, priority, and purpose. Council welcomed Ms. Cherubala to the City.

Ms. Jacobson asked Council to consider authorizing the City Manager to enter into a contract with Thomas P. Miller and Associates in the amount of \$175,000 to prepare a 10-year Housing Strategy. She stated the Comprehensive Housing Strategy would address housing availability and affordability at all income levels, the condition of housing, tenant-landlord issues, and discrimination in housing. She noted developing the strategy would serve as an opportunity to create and leverage partnerships, address a growing community's current and future needs, including a broad range of community voices, and result in actionable strategies.

Ms. Jacobson noted staff received four proposals from the release of the Request for Qualification and narrowed it to two consultants. She stated interview panels were held in June and July. She commented staff recommends Thomas P. Miller and Associates, LLC due to their national experience in workforce, education, community, and economic development. She noted Thomas P. Miller and Associates stood out to staff because they specialize in small to mid-sized cities. She commented Thomas P. Miller and Associates are projecting an 11-month timeline, and staff will update Council throughout the process.

Thereupon, Councilmember McLaughlin made a motion to authorize the City Manager to enter into a contract with Thomas P. Miller & Associates in the amount of \$175,000 to prepare a 10-Year Housing Strategy for the City of Salisbury. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

TRAVEL POLICY FOR ELECTED OFFICIALS

Administrative Services Director Kelly Baker asked Council to consider adopting a travel policy for elected officials. Ms. Baker stated Council currently follows the employee travel policy, but it asked staff to develop a policy specific to Council travel.

Ms. Baker noted drafts of the updated travel policy were sent to Council for review and feedback. She emphasized the travel policy is modeled closely on the existing policy, but there are a few differences including the distribution of travel funds to Council members. She explained the policy recommends 50% of the funding be distributed to the Mayor and 12.5% distributed to each of the other four Councilmembers. She commented the policy states when Councilmembers plan to travel, they are to notify Council of the intent before making arrangements. She noted if a Councilmember requests additional travel but there are insufficient funds in their allocation the policy allows for the transfer of funds among Councilmembers.

Councilmember Post asked about the total budget for Council travel for FY2023 and FY2024. Ms. Baker noted in FY2022-2023, \$11,000 was budgeted for travel expenses, and she pointed out there is a travel budget and a separate training budget. She explained that conference registrations are paid from the training budget while the travel budget includes hotel arrangements, mileage, and food.

Mayor Alexander stated if a Councilmember needs additional funding for travel, Council can transfer funds among one another. Ms. Baker agreed.

Council thanked Ms. Baker for her work on the updated travel policy for elected officials.

Thereupon, Councilmember Smith made a **motion** to adopt the travel policy for elected officials. Mayor Alexander, Mayor Pro Tem Sheffield, Councilmembers McLaughlin, Post, and Smith voted AYE. (5-0)

CITY ATTORNEY'S REPORT

City Attorney Graham Corriher provided an update to Council on the request for a 10-foot easement at 124 East Innes Street. He stated Transportation Director Wendy Brindle explored turning the 10-foot easement into a 10-foot public alley which would satisfy City Ordinances and the property owner. He added staff has requested a survey from the property owner so a Resolution can be adopted to dedicate the property as a public alley. He stated once staff receives the survey a Resolution will be brought to Council for its consideration.

CITY MANAGER'S REPORT

City Manager Jim Greene thanked Diversity Equity and Inclusion Director Anne Little and staff for organizing the National Night Out and the Community Resource Fair. He stated it will be an outstanding event.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield thanked North Carolina Department of Transportation (NCDOT) Rail Director Mr. Jason Orthner for addressing Council regarding Amtrak schedule concerns.

Mayor Pro Tem Sheffield thanked the *Salisbury Post* for providing press for the 2023 Salisbury Sculpture Show.

Mayor Pro Tem Sheffield congratulated the Rowan Little League Softball team for winning the 10U State Championship. She stated she is looking forward to celebrating the team at a later date.

MAYOR'S ANNOUNCEMENTS AND COMMENTS

(a) Community Appearance Commission

Mayor Alexander announced the Community Appearance Commission is accepting applications for the Municipal Service District and Innes Street Improvement District Grants. These matching grants, for up to \$5,000, are available on a competitive basis for exterior projects on building facades, landscapes, and parking lots. Applications are due by August 25th. To receive an application or for more information please call 704-638-5311.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Smith. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers McLaughlin, Post and Smith voted AYE. (5-0)

The meeting was adjourned at 5:07 p.m.

Karen Alexander, Mayor

Connie B. Snyder, City Clerk

Salisbury, North Carolina
August 15, 2023

REGULAR MEETING

PRESENT: Mayor Karen K. Alexander, Presiding; Mayor Pro Tem Tamara Sheffield; Council Members David Post, and Anthony Smith; City Manager Jim Greene, Jr., City Clerk Connie B. Snyder; and City Attorney J. Graham Corriher.

ABSENT: Councilmember Harry McLaughlin.

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Alexander at 6:05 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.

ADOPTION OF THE AGENDA

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

RECOGNITION – ROWAN LITTLE LEAGUE

Mayor Alexander and Council recognized the Rowan Little League 10U Softball team for winning the All-Star District 2 Championship, North Carolina State Championship, All-Star Southeast Regional Championship, and the Tournament of State Champions. She read a proclamation proclaiming August 15, 2023 as Rowan Little League 10U Softball Championship Day in the City and presented a copy to each member of the team.

Mayor Alexander and Council congratulated the team and stated they look forward to another successful season.

RECOGNITION – SALISBURY YOUTH EMPLOYMENT PROGRAM

Human Resources Business Partner Souwan Kiengham recognized Summer Youth Employees Bralen Mitchell, Eva Carter, and Kimberly Turcios who shared their experience in the Summer Youth Employment Program. He noted the Summer Youth Employees conducted a food drive to help Rowan Helping Ministries, and he thanked everyone who worked to make the program a success.

PROCLAMATION

Mayor to proclaim the following observance:

LIBRARY CARD SIGN-UP MONTH

September 2023

CONSENT AGENDA

(a) Minutes

Approve Minutes of the regular meeting of July 18, 2023 and the special meeting of August 1, 2023.

(b) Right-of-Way Use Permit

Approve a Right-of-Way Use Permit for the use of three parking spaces adjacent to 132 North Main Street from August 14 through September 1, 2023 for roof repairs to the building.

(c) Budget Ordinance Amendment – Parks and Recreation

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$13,500 to appropriate donations and sponsorships to appropriate revenue for the Bell Tower Green Movie and Concert Series and Hurley Park Gazebo repairs.

ORDINANCE AMENDING THE 2023-2024 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. 31 at Page No. 260, and is known as Ordinance 2023-54.)

(d) Budget Ordinance Amendment – Parks and Recreation

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$25,100 to appropriate insurance proceeds for Hurley Park Gazebo repairs.

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INSURANCE CLAIM PROCEEDS FOR THE HURLY PARK GAZEBO.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 261, and is known as Ordinance 2023-55.)

(e) Budget Ordinance Amendment – 2023 National Night Out and Community Resource Fair

Adopt a budget Ordinance amendment to the FY2023-2024 budget in the amount of \$500 to appropriate a donation from the Civic Federal Credit Union for the 2023 National Night Out and Community Resource Fair.

ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A NATIONAL NIGHT OUT DONATION.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 262, and is known as Ordinance 2023-56.)

(f) Sale of Sidearm and Badge – Lieutenant Andy Efird

Authorize the sale to Lieutenant Andy Efird his sidearm and badge in the amount of \$1.00 in recognition of his retirement from the Salisbury Police Department August 1, 2023.

(g) Agreement LaBella Associates, P.C.

Authorize the City Manager to execute an agreement with LaBella Associates, P.C. in the amount of \$405,000 for engineering services associated with the Spencer Water Main Capacity Upgrades project. Funds for this service were approved in the FY2023-2024 budget.

(h) Voluntary Annexation – 1810 Enon Church Road

Receive a request for voluntary annexation of 1.558 acres located at 1810 Enon Church Road, Tax Map 329 Parcel 385, and adopt a Resolution instructing the City Clerk to investigate the sufficiency of the request.

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

PUBLIC COMMENT

Mayor Alexander opened the floor to receive public comments.

Ms. Dee Dee Wright expressed her concern regarding the unhoused in the City, and she suggested reaching out to Rowan County regarding converting the old Department of Social Services building on West Innes Street into a shelter. She noted there are many reasons people are without shelter and if reason can be defined we can better handle the problem.

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

STREET CLOSING – WEST “A” AVENUE

Transportation Director Wendy Brindle addressed Council regarding closing an unimproved portion of West “A” Avenue located in the 1500 and 1600 blocks of Second Street. She stated on July 18, 2023 Council adopted a Resolution of Intent to permanently close the unimproved portion. She displayed a map of the area, and she noted the unimproved area is a right-of-way that does not include a street. She explained the two adjacent property owners are the petitioners, and she noted the proposal is to close the unimproved portion to the existing alley.

Ms. Brindle reviewed the survey, and she noted according to State Statute the portion to be closed will be split equally between the petitioners. She added staff has followed the procedures for N.C.G.S. 168-299 and the next step is for Council to hold a public hearing and to find the proposed closing is not contrary to the public interest and that no one will be deprived of reasonable means of ingress and egress to their property.

Mayor Alexander convened a public hearing, after due notice, regarding the closing an unimproved portion of West “A” Avenue located in the 1500 and 1600 blocks of Second Street.

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

Thereupon, Councilmember Post made a **motion** to adopt a Resolution pertaining to the proposed closing of an unimproved portion of West “A” Avenue located in the 1500 and 1600 blocks of Second Street. Mayor Alexander, Mayor Pro Tem Tamara Sheffield, and Councilmembers Post and Smith voted AYE. (4-0)

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN UNIMPROVED PORTION OF WEST “A” AVENUE LOCATED OFF THE 1500/1600 BLOCKS OF SECOND STREET.

(The above Resolution is recorded in full in Resolution Book No. 17 at Page No. 30, and is known as Resolution 2023-23.)

Thereupon, Mayor Pro Tem Sheffield made a **motion** to adopt an Order closing an unimproved portion of West “A” Avenue. Mayor Alexander, Mayor Pro Tem Tamara Sheffield, and Councilmembers Post, and Smith voted AYE. (4-0)

ORDER CLOSING AN UNIMPROVED PORTION OF WEST “A” AVENUE.

(The above Order is recorded in full at the Register of Deeds and maintained in the City Clerk's Alley Closing File dated August 15, 2023.)

LAND DEVELOPMENT DISTRICT MAP AMENDMENT – WEST RICHIE ROAD

Senior Planner Victoria Bailiff addressed Council regarding a request to amend the Land Development District Map to rezone one parcel, approximately 7.91 acres, located along West Richie Road, from Rural Residential (RR) to Highway Business (HB) in anticipation of future development. She stated Mr. Kevin Smith is the petitioner, and she noted the property is located approximately one half-mile from the intersection of West Richie and Julian Roads.

Ms. Bailiff reviewed the surrounding zonings, and she pointed out the request is for a general use so there will be no conditions or site plans to accompany the rezoning. She then reviewed permitted uses, and she noted any requested use in HB zoning will be allowed. She indicated the Future Land Use Map that is included in the Forward 2040 Comprehensive Plan designates the area as an Employment Center which is consistent with HB zoning.

Ms. Bailiff stated the Planning Board considered the request at its July 11, 2023 meeting and voted unanimously to recommend approval as submitted.

Mayor Alexander convened a public hearing, after due notice regarding the proposed rezoning.

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

Councilmember Post asked about the property’s location. Ms. Bailiff stated the property is located in the City’s Extraterritorial Jurisdiction (ETJ) district.

Councilmember Smith stated the City Council hereby finds and determines that adoption of an Ordinance to rezone the property described herein, as requested, is consistent with the goals, objectives, and policies of the Forward 2040 Comprehensive Plan due to the proposed petition, site characteristics, surrounding development pattern, and observations provided by City planning staff, identifying the policies that support the petition. Thereupon, Mr. Smith made a **motion** to adopt an Ordinance amending the Land Development District Map of the City of Salisbury, North Carolina, to rezone one parcel, approximately 7.91 acres located on Tax Map 401 Parcel 030 from Rural Residential to Highway Business. Mayor Alexander, Mayor Pro Tem Tamara Sheffield, and Councilmembers Post, and Smith voted AYE. (4-0)

ORDINANCE AMENDING THE LAND DEVELOPMENT DISTRICT MAP OF THE CITY OF SALISBURY, NORTH CAROLINA, TO REZONE ONE PARCEL, APPROXIMATELY 7.91 ACRES LOCATED ON TAX MAP 401 PARCEL 030 FROM RURAL RESIDENTIAL TO HIGHWAY BUSINESS.

(The above Ordinance is recorded in full in Ordinance Book No. 31 at Page No. 263, and is known as Ordinance 2023-57.)

UPDATE – UNSHELTERED POPULATION

City Manager Jim Greene asked Police Chief Patrick Smith, Homeless Advocate Dennis Rivers, and Code Enforcement Manager Michael Cotilla to address Council regarding the unsheltered population in the City. He added staff approaches the situation as a team and it strives to be compassionate while enforcing the rules to promote public safety. He noted additional resources, partners and facilities are needed to address the situation. He stated the City must continue to evaluate its programs, and staff will look at what is being done in other communities to address the needs of the unsheltered population.

Chief Smith stated the City's objective is to provide assistance and to work with community partners to get ahead of what appears to be a growing unsheltered population. He added staff is approaching the situation with openness and researching what is being done in other cities to establish a long-term solution. He pointed out the issue will require partnerships, including County resources, to reach the long-term goal of finding shelter for members of the unsheltered community that will accept the resources being offered.

Mr. Rivers explained as the City's Homeless Advocate he works for the Police Department and in partnership with Rowan Helping Ministries. He added as the City's Homeless Advocate he has:

- Co-facilitated the Rowan-Salisbury Homeless TASK Force team that includes over 30 agencies
- Worked with the unsheltered (homeless) population to direct them to Rowan Helping Ministries or other supporting agencies that can provide resources
- Transported unsheltered (families or individuals) to Rowan Helping Ministries from encampments
- Worked with unsheltered domestic violence victims to assure they understand their options and resources as a victim of crime
- Conducted wellness checks for unsheltered individuals
- Coordinated and transported sheltered and unsheltered individuals to the Department of Motor Vehicles to obtain North Carolina identification
- Connected unsheltered individuals to mental health and substance use agencies that provide free services
- Worked with business and property owners to address concerns regarding the unsheltered population
- Collaborated with City departments to provide services and enforce Ordinances

Mr. Rivers reviewed the Outreach Statistics Report from January through June 2023, and he noted:

- 19 individuals were moved into emergency shelter
- 9 individuals were successfully moved from the shelter to permanent housing
- 9 individuals received transportation assistance by bus, train, or Lyft service
- 2 individuals went to a detox program
- 14 individuals received North Carolina State identification
- 1 person received transportation to a doctor's appointment

Mr. Rivers explained the Homeless Outreach Team includes the Salisbury Police Department, Rowan Helping Ministries, Rowan County Health Department, and the Salisbury VA Hospital which brings its services to the encampment. He stated it can be difficult for unsheltered individuals to travel and if they are willing to accept the help being offered, someone is there to speak with them immediately. He noted the goal is to help the person while maintaining order.

Mr. Rivers stated the Homeless Task Force is led by Rowan Helping Ministries and the Salisbury Police Department and it meets on the fourth Thursday of each month via Zoom. He added the meeting is open to the public and the contacts are Rowan Helping Ministries Crisis Assistance Housing Manager Cathy Wood and himself. He noted over 30 agencies are included in the Homeless Task Force:

- Rowan Helping Ministries
- City of Salisbury Police Dept.
- Downtown Development / DSI
- Code Enforcement
- Parks & Recreation
- Salisbury Transit
- Rowan Health Department
- Novant Medical Center
- Community Care Clinic
- One Love Treatment Services
- Daymark Recovery
- Rowan County Department of Social Services
- United Way of Rowan County
- Goodwill Services
- Salisbury Housing Authority
- VA Medical Center
- S&H Youth and Adult Services
- Rowan-Salisbury Schools
- Rowan County Veteran Services
- Rowan County DMV
- Family Crisis Council
- Salvation Army
- Rowan County Clerk's Office
- Rowan County District Court Judges
- Rowan Helping
- Salisbury-Rowan NAACP
- Lantern Realty
- Unlock Me Bail Bonding
- Salisbury Human Relations Council

Mr. Rivers pointed out the organizations work together to get unsheltered individuals into housing and also assist with the first month's rent and utilities. He commented many residents have their rent and utilities covered for the first two months. He stated the resources are available, but the residents must be willing to commit to the program. He noted the resources available to homeless individuals include:

- Free treatment for substance use and mental health

- Identification documents
- Reconnecting homeless individuals with family members
- Help with domestic violence cases
- Connecting with service agencies
- Rent and utilities assistance
- Workforce development
- Sheltering
 - Difficult because there is not enough shelter for everyone who is homeless
 - Provide a bus ticket for individuals to go back to family members once it is determined there are no charges against them and they have somewhere to go

Mr. Cotilla stated the work Mr. Rivers does is invaluable and is done with compassion and empathy. He noted additional staffing and resources are needed to address the situation. He reviewed the work done by the City and private property owners to clean up the campsites:

- Bendix Drive next to IHOP \$1,100.00 to contractor \$787.85 for container and dump fees with a total cost of \$1,887.85 to the City
 - 9.87 tons of trash removed from the property
 - This property does not have a designated owner
- Bendix Drive across from IHOP \$1,200.00 to contractor and City trucks were used to haul the trash total dump fees \$346.68 with a total cost of \$1,546.68 to the City
 - 9.63 tons of trash removed from the property
 - North Carolina Department of Transportation (NCDOT) right-of-way maintained by City contractors
 - Vegetation cleared by NCDOT contractors
- Properties that were abated by the property owners
 - South Arlington Street and Cedar Street
 - 1700 South Jake Alexander Boulevard
 - Once the properties are abated the property owners incur the cost of cleanup

Mr. Cotialla stated the Public Works Department is a tremendous partner when dealing with campsites and the removal of shopping carts. He displayed photographs of the properties before and after cleanup, and he pointed out the costs the City incurs is paid out of the Minimum Housing Budget.

Chief Smith noted a lot of work has been done to address the campsites. He pointed out when a campsite is eliminated it creates displacement and other encampments appear and have occurred in City parks including Bell Tower Green and Gateway Park. He explained Mr. Rivers is the first contact when encampments are addressed. He noted some people are homeless due to circumstances beyond their control, some people are homeless because they do not realize they have an issue, and some chose to be homeless.

Mayor Alexander thanked Chief Smith, Mr. Rivers, and Mr. Cotialla for their work to address the situation. She added Council is committed to working with the County, and she stated the City is in desperate need of funding. She explained the County is responsible for human services which is not included in the City's budget. She thanked the Police Department for its

work to secure a grant to fund the Homeless Advocate position, and she then thanked staff for reaching out to other communities to see what they are doing regarding their unsheltered population. She commented Council and staff are aware of the issue and have been working on it for several years, but it is overwhelming. She pointed out the encampments create a public safety hazard and the City must balance its responsibility to all citizens. She requested concerned citizens bring their suggestions to Council and staff, sign up to serve on the Task Force, reach out to Rowan Helping Ministries, and go to the County Commission meetings to request County assistance.

Councilmember Smith stated he wants to make sure the public understands the unprecedented nature of what the City is trying to do, and he pointed out cities the size of Salisbury do not have the infrastructure for human services. He added he is grateful for the way the City has worked to address the issue, but it is not sustainable and more resources are needed from the County, state, and federal governments. He pointed out cities across the Country are experiencing the effects of homelessness, many locations are becoming unaffordable, and there are less resources for people who are suffering from mental health crisis. He requested citizens also hold the stakeholders who can offer resources in this work accountable and let them know more than a criminal justice approach is needed. He clarified it is a public health issue, and he would love to see Social Services, Catawba College, and Livingstone College conduct research to provide a clearer analysis of what is happening locally. He added Council is committed to public safety and looking for ways to be a vehicle of public health in the community.

Mayor Pro Tem Sheffield recognized Rowan Helping Ministries Executive Director Kyna Grubb for her work with the unsheltered population. She thanked staff for its work to secure grant funding for a Homeless Advocate position. She pointed out it is a problem the City cannot arrest its way out of, and she noted staff is working to address the issue with compassion. She asked citizens to continue to show compassion to the unsheltered population, and she pointed out the unsheltered population are citizens of the community and their numbers have outpaced available services.

Mayor Pro Tem Sheffield noted the City has to ensure safety for all its citizens and laws and policies must be enforced. Chief Smith noted the unsheltered population did not just appear. He pointed out when the encampments were cleaned up it created an opportunity for visibility. He noted if people will not accept the resources that are being offered proper enforcement action will be needed based on City Ordinances. He commented some of the Ordinances need to be re-examined. He added the Police Department will continue to offer resources, but there are people who chose to be unsheltered and there are unsheltered individuals who do not realize resources are available to them.

Councilmember Post noted citizens tend to complain about situations they see, and he pointed out when an encampment is cleaned up the unsheltered move to another location. He stated it is important to have a strategy with a multifocal lens. He commented the work being done is phenomenal, and he added it is important to know where you want to go in the future. He thanked Mr. Rivers for his work, and he pointed out it is a collaborative effort that will required a long-term strategy. He thanked Rowan Helping Ministries for all it does to help the unsheltered population.

Mayor Alexander thanked staff for its work to service all citizens, and she noted Council is looking for additional partners that can provide funding. She commented the County has started to receive its share of the opioid settlement, and she indicated many unsheltered individuals are suffering from mental illness and addiction. She stated to be successful the programs will need to be comprehensive and include services that address the issues faced by the unsheltered. Councilmember Smith noted a larger regional approach is needed.

TRANSIT VEHICLE PURCHASE

Transit Director Rodney Harrison asked Council to consider approving the purchase of three smaller Transit vehicles to replace the three 25-foot low floor, light duty vehicles approved in the FY2023-2024 budget at a total cost of \$327,615.

Mr. Harrison stated in the FY2024 budget Council approved three 25-foot low-floor, light-duty transit vehicles for \$575,000. He explained due to supply issues staff is requesting to replace the low-floor, light-duty transit vehicles with three smaller transit vehicles which are more readily available. He added the replacement vehicles are equipped with cameras and two-way radios. He noted the smaller vehicles can be used to support microtransit, ADA paratransit, and the fixed-route system. He commented additional seating could be purchased and the floor plan could be adjusted to accommodate six passengers and one mobility device. He noted the replacement cost of the three small transit vehicles is \$327,615 and the remaining funds can be used to purchase Transit vehicles with seating capacity for 15 passengers.

Mr. Harrison displayed photos of the Council-approved 25-foot low floor, light duty Transit vehicles, and Councilmember Post asked how many passengers the vehicle seats. Mr. Harrison stated it seats up to 14 passengers and the driver. Mr. Harrison displayed photos of the smaller vehicles that are readily available. Mayor Alexander asked if the smaller vehicle meets ADA requirements. Mr. Harrison agreed, and he noted the 25-foot low-floor vehicle includes a ramp and the smaller vehicle will have a rear lift.

Mayor Pro Tem Sheffield asked if the smaller vehicles would include bike racks. Mr. Harrison said he is unsure, but will reach out to the vendor and provide the information to Council.

Councilmember Post expressed concerns about replacing the 25-foot low floor, light duty vehicles with smaller vehicles due to passenger seating. He asked if passengers would have longer wait times at the bus stops. Mr. Harrison noted that purchasing smaller transit vehicles would fill a gap until the supply of vehicles becomes more readily available. He added with remaining funding, staff could purchase vehicles similar to the 25-foot low floor, light duty vehicle, which would include more passenger seating. Mayor Alexander asked if the smaller vehicles would be utilized for microtransit. Mr. Harrison agreed.

City Manager Jim Greene stated staff is struggling to meet equipment needs due to the lack of supply. He thanked Mr. Harrison for identifying a solution to continue Transit routes and provide flexibility for microtransit. He noted staff can continue to look for a larger vehicle with additional seating.

Thereupon, Mayor Pro Tem Sheffield made a **motion** to approve the purchase of three smaller Transit vehicles in lieu of the three 25-foot low floor, light-duty vehicles approved in the FY2023-2024 budget which fits with the City’s microtransit plans. Mayor Alexander, Mayor Pro Tem Tamara Sheffield, and Councilmembers Post and Smith voted AYE. (4-0)

BOARDS AND COMMISSIONS

Hurley Park Advisory Board

Upon a motion by Councilmember Post. Mayor Alexander, Mayor Pro Tem Sheffield, and Councilmembers Post, and Smith voting AYE, the following appointment was made to the Hurley Park Advisory Board to fill an unexpired term:

Ms. Anne Cave

Term Expires 3/31/2025

CITY MANAGER’S COMMENTS

(a) Storm Response

City Manager Jim Greene thanked staff for its response to the storm that took place on Monday, August 7, 2023. He added multiple departments, including Police, Fire, Public Works, Transportation, and Salisbury-Rowan Utilities worked to ensure citizens, homes, and businesses were taken care of. He shared an email from a citizen thanking the Public Works Department for its quick response to storm cleanup.

Mr. Greene provided a summary of the work completed by the Public Works Department. He added Solid Waste, Street, and Grounds Maintenance crews spent over 645 hours clearing storm debris and addressing issues caused by the storm. He noted 41 trees were reported down in public right-of-ways or on City property, and the Public Works crews have worked to clear the debris. He thanked Public Works Director Chris Tester and the Public Works Department for their response to the storm.

Mr. Greene recognized outstanding storm response from the Transportation Department who called in Traffic Signal crew and Signs and Markers crew. He added 15 traffic signals went into flashing modes on the night of the storm, and those traffic signals must be checked, troubleshoot, and returned to service. He stated City crews got all 15 traffic signals back online that night. He pointed out six traffic signals went dark with power outages, and Public Works worked with the Transportation and Police Department to establish new traffic patterns to ensure public safety. He added the Transportation Department worked closely with Duke Energy and power was restored through all intersections by 5:30 p.m. on Tuesday. He thanked Transportation Director Wendy Brindle and the Transportation Department for their hard work.

(b) Strategic Plan Processes

Mr. Greene noted at its Retreat Council established a priority to develop a Strategic Plan. He stated a consultant for the plan has been hired and has met with the Management Team and a team of City staff to begin the process. He added that the consultants would like to discuss the Strategic Plan with Council at the next Council meeting. Mr. Greene asked if Council would consider beginning the meeting at 5:00 p.m. instead of 6:00 p.m. He stated the consultant will also reach out to each Councilmember individually to receive input on primary focus areas for the Strategic Plan.

(c) Addition to Pay Grade

Mr. Greene asked Council to consider adding a Transportation Division Manager Grade 17 to the employee classification system. He explained staff is not adding an additional position but is requesting to add the position title to the Employee Classification System and determine the salary range.

Thereupon, Mayor Alexander made a **motion** to approve adding a Transportation Division Manager Grade 17 to the City's Employee Classification System. Mayor Alexander, Mayor Pro Tem Tamara Sheffield, and Councilmembers Post and Smith voted AYE. (4-0)

Mayor Alexander thanked Mr. Greene for his response to the storm and for ensuring the safety of all citizens.

Mayor Pro Tem Sheffield asked if the Strategic Planning conversation will require a special meeting or if staff will change the Council meeting start time to 5:00 p.m. instead of 6:00 p.m. Mr. Greene noted staff will work with Council to move the meeting to 5:00 p.m.

COUNCIL COMMENTS

Councilmember Post noted conference highlights from his trip to Scranton Pennsylvania to attend the Mayors Innovation Project. He added the conference highlighted topics including private sector job quality, budget transparency and renters' rights.

MAYOR PRO TEM'S COMMENTS

Mayor Pro Tem Sheffield congratulated the Rowan Little League 10U Softball team champions. She thanked the Fire Department for a wonderful groundbreaking for Fire Station #3

MAYOR'S ANNOUNCEMENTS AND COMMENTS

Mayor Alexander stated a young marketing professional made a presentation about the Rowan Young Professionals Club at a recent Rotary meeting. She added the Rowan Young Professionals is a community group that meets every Thursday.

Mayor Alexander noted she had the opportunity to attend and speak at the Catawba College Convocation for the beginning of the school year. She stated it was amazing to see how diverse the student population is.

ADJOURNMENT

Motion to adjourn the meeting was made by Councilmember Post. Mayor Alexander, Mayor Pro Tem Sheffield and Councilmembers Post and Smith voted AYE. (4-0)

The meeting was adjourned at 8:31 p.m.

Karen Alexander, Mayor

Connie B. Snyder, City Clerk

Salisbury, North Carolina
August 7, 2023

SPECIAL MEETING

PRESENT: Mayor Karen K. Alexander, Council Members Harry McLaughlin and Anthony Smith; City Manager Jim Greene, Jr., and City Attorney J. Graham Corriher.

ABSENT: Mayor Pro Tem Tamara Sheffield, Council Member David Post and City Clerk Connie B. Snyder;

Mayor Alexander and members of City Council participated in an informational session for City Council candidates for the November 2023 election. The meeting began at 5:30 p.m. in City Hall located at 217 South Main Street. Other candidates who participated were Mr. Gemale Black, Mr. Charles Dean, Ms. Shanikka Harris, and Mr. Rasheed Hasan.

City Manager Jim Greene and members of the Management Team presented the candidates with information regarding City departments, services and initiatives. The meeting was adjourned at 7:08 p.m.

No action was taken by Council.

Karen Alexander, Mayor

Connie B. Snyder, City Clerk

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

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

Name of Presenter(s): Nick Aceves

Requested Agenda Item: Adopt a Budget ORDINANCE Amendment Appropriating a Parks & Recreation donation to the FY2023-2024 budget in the amount of \$2500.00 to help with expenses related to the Youth Baseball Program.

Description of Requested Agenda Item. The City has received a donation in the amount of \$2500.00 for expenses related to the Youth Baseball Program. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

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

Action Requested of Council for Agenda Item: Adopt a Budget Ordinance amending the FY2023-2024 Budget in the General Fund \$2500.00 for additional revenue. *(Please note if item includes an ordinance, resolution or petition)*

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

AN ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE PARKS AND RECREATION DONATION

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

Section 1. The City has received a donation in the amount of \$2,500.00 for expenses related to the Youth Baseball Program. NC General Statutes require that the City appropriate this revenue so that it can be legally spent.

Section 2. That the 2023-24 Budget Ordinance of the City of Salisbury, adopted on June 20, 2023 is hereby amended as follows:

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

- | | | |
|-----|---|--------------------|
| (1) | Increase line item 010-621-606-5131.05
Hall Gym Recreation Programs | <u>\$ 2,500.00</u> |
| (2) | Increase line item 010-000-000-4515.04
Recreation Grants and Donations | <u>\$ 2,500.00</u> |

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

Section 4. That this ordinance shall be effective from and after its passage.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

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

Name of Presenter(s): Nick Aceves

Requested Agenda Item: Adopt a Budget ORDINANCE Amendment Appropriating a Parks & Recreation donation to the FY2023-2024 budget in the amount of \$2200.11 to help with expenses related to the Salisbury-Rowan Sports Hall of Fame.

Description of Requested Agenda Item. The City has received a donation in the amount of \$2200.11 for expenses related to the Salisbury-Rowan Sports Hall of Fame. NC General Statutes require that the City appropriate these revenues so that they can be legally spent.

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

Action Requested of Council for Agenda Item: Adopt a Budget Ordinance amending the FY2023-2024 Budget in the General Fund \$2200.11 for additional revenue. *(Please note if item includes an ordinance, resolution or petition)*

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

AN ORDINANCE AMENDING THE 2023-2024 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE PARKS AND RECREATION DONATION

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

Section 1. The City has received a donation in the amount of \$2,200.11 for expenses related to the Salisbury-Rowan Sports Hall of Fame. NC General Statutes require that the City appropriate this revenue so that it can be legally spent.

Section 2. That the 2023-24 Budget Ordinance of the City of Salisbury, adopted on June 20, 2023 is hereby amended as follows:

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

- | | | |
|-----|---|--------------------|
| (1) | Increase line item 010-621-606-5131.05
Hall Gym Recreation Programs | <u>\$ 2,200.11</u> |
| (2) | Increase line item 010-000-000-4515.04
Recreation Grants and Donations | <u>\$ 2,200.11</u> |

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

Section 4. That this ordinance shall be effective from and after its passage.



Salisbury City Council Agenda Item Request Form

Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

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

Name of Presenter(s): Jason Wilson

Requested Agenda Item: Wastewater Treatment Electrical and Secondary Clarifier Engineering Services

Description of Requested Agenda Item: Salisbury-Rowan Utilities (SRU) recently completed a major capital improvements project at the Grants Creek Wastewater Treatment Facility (WWTF). There are some additional follow-on projects that SRU would like to complete, including:

- An Electrical Reliability Study for the Grants Creek WWTF to evaluate the electrical equipment that was not replaced or upgraded as a part of the Grants Creek WWTF Improvements.
- Arc Flash Hazard Analysis for the Grants Creek and Town Creek WWTFs so that both facilities are in compliance with NFPA 70E arc flash hazard guidelines.
- Finalize the Grants Creek WWTF Secondary Clarifier Rehabilitation bid package and issue a request for bids.

SRU has received a proposal from CDM Smith, Inc. to provide engineering services related to these projects. Total costs associated with these services are \$154,940. CDM Smith has been pre-qualified as an on-call engineering firm for SRU and has completed numerous projects for SRU in recent years.

Attachments: Yes No

Fiscal Note: SRU is requesting to appropriate unspent capital project funds for this project. Unspent funds are from projects closed in FY2023 which resulted in an addition to Fund Balance. Finance recommends appropriating this fund balance.

Action Requested of Council for Agenda Item: Council to consider authorizing the City Manager to execute an agreement with CDM Smith, Inc. in the amount of \$154,940 for engineering services associated with an electrical liability study, arc flash study and secondary clarifier rehabilitation.

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

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

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

Salisbury City Council Agenda Item Request Form



FINANCE DEPARTMENT INFORMATION:

Mark O'Donoghue

Finance Manager Signature

Jason H. Urban

Department Head Signature

Tracey Keyes

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:

EXHIBIT A
SCOPE OF SERVICES
Wastewater Treatment Train Electrical Reliability/Arc Flash Studies and Secondary Clarifier
Rehabilitation Services

SCOPE OF SERVICES

This Authorization, when executed, shall be incorporated in and become part of the Engineering Services for Indefinite Delivery Contract between the City of Salisbury, North Carolina (OWNER), and CDM Smith Inc. (ENGINEER), dated _____, 2023.

Project Description

OWNER has requested that the ENGINEER provide the following services for the Grants Creek and Town Creek Wastewater Treatment Trains (WWTTs):

- An Electrical Reliability Study for the Grants Creek WWTT to evaluate the electrical equipment that was not replaced or upgraded as a part of the Grants Creek WWTT Improvements. There is currently no means to isolate circuits for some of the existing equipment and ground fault protection is also needed.
- Arc Flash Hazard Analysis for the Grants Creek and Town Creek WWTTs so that both facilities are in compliance with NFPA 70E arc flash hazard guidelines.
- Finalize the Grants Creek WWTT Secondary Clarifier Rehabilitation bid package and provide bidding services.

PART 2.0 SCOPE OF BASIC SERVICES

The approach consists of the following tasks:

- Task 1 – Project Management and Kickoff Meeting
- Task 2 – Grants Creek WWTT Electrical Reliability Study
- Task 3 – Grants Creek and Town Creek WWTTs: Arc Flash Studies
- Task 4 – Grants Creek WWTT Secondary Clarifier Rehabilitation

Task 1 – Project Management and Kickoff Meeting

ENGINEER will conduct an in-person kickoff meeting that includes the ENGINEER and OWNER’s key staff to define lines of communication, protocol, and discuss goals and objectives of the project, provide expectations for OWNER staff, and review the scope and schedule for the project. The ENGINEER will prepare and supply the meeting agenda and meeting minutes.

ENGINEER will perform activities involved with the planning and subsequent monitoring and control of the project. A schedule will be developed incorporating project activities. ENGINEER will provide monthly invoices with progress reports.

Task 2 – Grants Creek WWTT Electrical Reliability Study

ENGINEER will evaluate the downstream electrical equipment that was not replaced or upgraded as a part of the recent Grants Creek WWTT Improvements Project to provide recommendations for improving circuit coordination and reliability. The following tasks will be performed:

ENGINEER will review the Grants Creek WWTT existing electrical systems record drawings. Electrical equipment condition assessments will be performed as a part of the future Treatment Facilities Master Plan project. These results will be used for this analysis.

ENGINEER will develop updated one-line AutoCAD drawings for the Grants Creek WWTT. ENGINEER will determine electrical reliability issues based on the electrical distribution system reviews and discussions with OWNER plant staff.

Findings/recommendations for electrical reliability improvements will be documented in a technical memorandum. A draft technical memorandum will be submitted electronically to the OWNER for review, and a final technical memorandum will be delivered electronically that incorporates OWNER comments.

Task 3 – Grants Creek and Town Creek WWTTs: Arc Flash Studies

NFPA 70E requires arc flash evaluations to be reviewed for accuracy at intervals not to exceed 5 years. Therefore, arc flash studies and arc flash labels must be kept up-to-date with current data and information to ensure the facility is in compliance with current arc flash hazard guidelines. As a result, the OWNER has requested that the ENGINEER provide arc flash studies for the Grants Creek and Town Creek WWTTs.

3.1 Data Collection

Data collected and reviewed under Task 2 will be used to complete the Task 3.2 and 3.3 services. ENGINEER has included a one-day site visit to verify information and to obtain additional information where there are gaps in the data. Where record drawing information is not available and field observations do not produce the necessary model data, ENGINEER will make assumptions utilizing engineering judgments and application of standard engineering practices.

3.2 Town Creek WWTT Single Line Diagram

ENGINEER will create a single-line diagram for the Town Creek WWTT utilizing AutoCAD software based on the data collected.

3.3 Power System Analysis

ENGINEER will develop models of the Grants Creek and Town Creek WWTTs electrical distribution systems using the SKM platform. Ratings and settings of the existing protective devices, as obtained from record drawings reviewed and site inspections, will be entered into the model. The system model will be used for the short circuit, protective device coordination and arc flash studies.

ENGINEER will perform a short circuit study to confirm that the withstand and interrupting ratings of the equipment exceeds the actual available fault currents on the system. The study will calculate the available short-circuit current at the switchgear, power centers, motor control centers, and power panels.

ENGINEER will perform a coordination study to confirm that the overcurrent protective devices are adequately coordinated to maximize system reliability, coordination, and safety to equipment and personnel.

ENGINEER will perform an arc flash hazard analysis. The analysis will include a table of arc flash results with incident energy levels, arc flash boundary, and recommended PPE based upon NFPA 70E. Recommendations for reducing risks where possible will be included along with recommended circuit settings.

3.4 Arc Flash Study Report

Once Task 3.3 is finalized, the ENGINEER will produce a draft report that contains the results of the short circuit study, protective device coordination study, and arc flash hazard analysis with all findings and recommended protective device settings for each facility.

An electronic copy of the report with supporting documents will be provided to OWNER for review. Following receipt of OWNER comments, the report will be updated, and a final electronic version submitted to the OWNER.

3.5 Equipment Labeling

ENGINEER will prepare labels for each piece of equipment analyzed in the Arc Flash Study. These labels will be prepared in accordance with latest NFPA and IEEE standards requirements with a draft template provided to OWNER for review before finalizing. The ENGINEER has included 1 day in the field to install labels.

Task 4 – Grants Creek WWTT Secondary Clarifier Rehabilitation

The ENGINEER will finalize the Grants Creek WWTT Secondary Clarifier Rehabilitation drawings (sent to OWNER on 3/29/2022) and prepare a 100% drawing and specification submittal package that will be ready for bid advertisement. The final drawings were originally developed as a change order to the Grants Creek WWTT Improvements project and will need to be repackaged as a separate bid package. The following revisions will be made to the drawings and technical specifications:

- Add a drawing cover and index sheet
- Renumber all drawings
- Add Drawing S-1 for structural notes, legend, and abbreviations
- Create Drawing SD-1 with the following details: Construction Joint, Joint Sealant, Lap Splice and Development, Reinforcement at Openings, Demolition of Existing Concrete, Embedded Conduit Spacing, Metal Grating, Slide Gate, and Grating Support

- Create a specification package specific to this Project that includes the following specifications: EJCDC Division 0 Front End documents, Division 1 General Requirements, and technical specifications 024119, 030100.61, 030130.71, 031000, 031500, 032000, 033000, 033500, 033900, 036000, 400559, 050519, 055000, 055313, and 099724.

ENGINEER will also provide an updated final opinion of probable construction cost and bid phase services for the secondary clarifier rehabilitation improvements. This scope assumes bidding of a single construction contract and no pre-qualification process for bidders. Bidding services to be provided by ENGINEER will be limited to the following tasks:

- Bid Advertisement and Distribution of Documents - ENGINEER will assist OWNER with advertising and obtaining bids for construction. It is assumed that OWNER will pay directly for all costs required for advertising. ENGINEER will maintain a planholders list and produce and distribute bid documents. Bid documents distributed are assumed to be electronic. ENGINEER will conduct the Pre-Bid Meeting.
- Prepare Addenda - ENGINEER will prepare and distribute addenda to clarify, correct, or change the Bidding Documents.
- Bid Opening and Contract Award Assistance - ENGINEER will attend the bid opening and assist OWNER in evaluating bids. ENGINEER will prepare a bid tabulation and recommendation of award.

PART 3.0 ASSUMPTIONS

- OWNER will provide ENGINEER with requested data within 2 weeks of request.
- There will be a two-week review period for input on deliverables.
- Load and harmonic studies not included under arc flash studies.
- OWNER will provide qualified staff to assist ENGINEER with accessing facilities and equipment on site visits.
- For arc flash studies, where data collection/verification is not possible, ENGINEER will use industry standard assumptions and will discuss those in the report.
- For power systems analyses, ENGINEER assumes the following equipment counts:
 - Town Creek: (2) Utility services, (3) Generators, (3) ATS/MTS, (4) distribution busses, (10) branch panels.
 - Grants Creek: (2) Utility services, (3) Generators, (5) distribution busses, (25) branch panels.
- OWNER shall be responsible for, and ENGINEER may rely upon, the accuracy and completeness of all requirements, programs, instructions, reports, data, and other information furnished by OWNER to ENGINEER pursuant to this Agreement. ENGINEER may use such requirements, programs, instructions, reports, data, and information in performing or furnishing services under this Agreement. ENGINEER's scope of work does not include verifying OWNER Provided Information for accuracy or completeness. OWNER may request an independent review of

OWNER Provided Information by ENGINEER pursuant to a mutually agreed amendment to this Agreement. ENGINEER shall be entitled to an adjustment in price and schedule to the extent that any corrective action in ENGINEER's Services arises out of inaccurate OWNER Provided Information.

PART 4.0 FUTURE PROJECT SERVICES (NOT BUDGETED HEREIN)

ENGINEER agrees to perform additional scopes of service as requested and authorized by OWNER and as may be determined throughout the life of this project. If the need for such services is identified, ENGINEER will prepare an amendment to this Task Order or a new Task Order that will include a scope, fee, and schedule and will submit to the OWNER for approval. If approved, the Additional Services will be performed upon receipt of written authorization from OWNER. Future project services may include, but are not limited to the following tasks:

- Design, bidding, and construction services for electrical reliability recommendations
- Construction administration services for secondary clarifier rehabilitation improvements

PART 5.0 PERIOD OF SERVICES

It is anticipated that Notice to Proceed (NTP) will be 9/1/2023, and the project will take 5 months to complete. The estimated schedule by task is shown below:

- A Project kickoff meeting will be held within 2 weeks of NTP.
- Grants Creek WWTT Electrical Reliability Study Draft Report to be submitted within 4 months of Project Kickoff Meeting.
- Grants Creek and Town Creek WWTTs Draft Arc Flash Study Reports to be submitted within 4 months of receipt of requested data.
- Secondary Clarifier Rehabilitation Bid Set to be submitted within two months of Project Kickoff Meeting.

PART 6.0 COMPENSATION AND PAYMENTS

The ENGINEER will be compensated for actual work performed on a time and materials basis for the services listed in this Task Order. The estimated fee for this Task Order work is a not to exceed (NTE) amount of **\$154,940**. ENGINEER will submit project-level monthly invoices based on actual labor time and hourly billing rates in accordance with Exhibit 1 (2023 Billing Rate Schedule) plus project-related reimbursable expenses including subconsultant costs. The anticipated fee breakdown per task is provided in **Table 1** below.

Table 1 – Total Fee Breakdown

Task and Description	Value
Task 1 – Project Management and Kickoff Meeting	\$19,975
Task 2 – Grants Creek WWTT Electrical Reliability Study	\$23,975
Task 3 – Grants Creek and Town Creek WWTTs: Arc Flash Studies	\$74,160
Task 4 – Grants Creek WWTT Secondary Clarifier Rehabilitation	\$36,830
FEE SUBTOTAL FOR TASKS 1-4	\$154,940

2023 HOURLY RATE & COMPENSATION SCHEDULE

<u>Classification:</u>	<u>2023 Billing Rates</u>
Subject Matter Expert	\$285
Officer/Senior Technical Specialist	\$270
Principal/ Associate	\$250
Technical Specialist	\$225
Professional III	\$185
Professional II	\$155
Professional I	\$125
Senior Designer	\$140
Designer Drafter	\$115
Senior Project Administration	\$140
Project Administration	\$100
Resident Project Representative	\$125

- 1) The above rates include salary costs, overhead, and profit.
- 2) Hourly rates will be reviewed in December of each year by ENGINEER, and adjusted, subject to OWNER's approval, to reflect the appropriate rates and charges for the next calendar year. In January of each year, ENGINEER will submit to OWNER for approval proposed hourly rates for the following year.
- 3) Reimbursable project expenses (such as printing, postage/shipping, etc.), incurred under Hourly or Per Diem will be billed to OWNER at cost. All vehicle mileage will be billed at rates allowed by IRS.
- 4) Subconsultants employed by ENGINEER will be billed to the OWNER at cost plus 10% markup.
- 5) Approval of adjusted Hourly rates by OWNER does not affect cost ceilings for compensation under the Agreement for professional services, or currently open Task Orders/Purchase Orders.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

Name of Group(s) or Individual(s) Making Request: Transportation Department

Name of Presenter(s): Wendy Brindle, Transportation Director

Requested Agenda Item: Request from Spectrum for encroachment on Cedar Springs Road

Description of Requested Agenda Item: Spectrum requests approval of installation of approximately 688 linear feet of directional bored duct within the right-of-way of Cedar Springs Road. City Council approval of encroachments is required by Section 11-24 (27) of the City Code. NCDOT must also approve this encroachment since Cedar Springs Road is maintained by the state.

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

- All improvements and restoration shall be made at no expense to the City.
- A \$5,000 bond will be required prior to construction within the City Limits.
- A pre-construction meeting will be required prior to construction.
- On-site inspection will be required during all critical street crossings.
- Any markers for underground facilities shall be flush with the ground.
- Lane closures shall be coordinated through Engineering.
- Spectrum shall participate with the State's one-call locating program, and appropriate locator tape shall be installed to facilitate future field location. SRU requires that all new facilities maintain a clear horizontal separation of at least 48" (measured edge to edge) from existing utilities, and a clear vertical separation of at least 24" from existing utilities. All crossings must be identified/potholed prior to excavation.
- Engineering "as-built" plans shall be maintained by Spectrum and made available to the City upon request.
- If the City (or State) makes an improvement to the public Right-of-Way, Spectrum facilities shall be adjusted or relocated at no expense to the City (or State).

Attachments: Yes No

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

There is no budgetary impact on this item.

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

City Council to consider approval of a right-of-way encroachment for approximately 688 linear feet of underground fiber optic cable by Spectrum on Cedar Springs Road per Section 11-24 (27) of the City Code, subject to NCDOT approval

Salisbury City Council Agenda Item Request Form



Contact Information for Group or Individual: Wendy Brindle 704-638-5201, Barry King 704-216-2712

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

Wendy Bolle

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:

Google Maps Nouryon Surface Chemistry - Salisbury



Imagery ©2023 Maxar Technologies, USDA/FPAC/GEO, Map data ©2023 200 ft



Nouryon Surface Chemistry - Salisbury

4.5 ★★★★★ (2)

Manufacturer

Overview

Reviews

About



Directions



Save



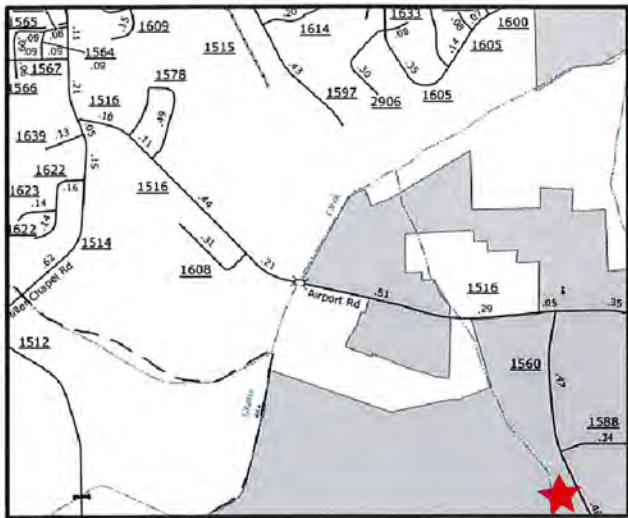
Nearby



Send to phone

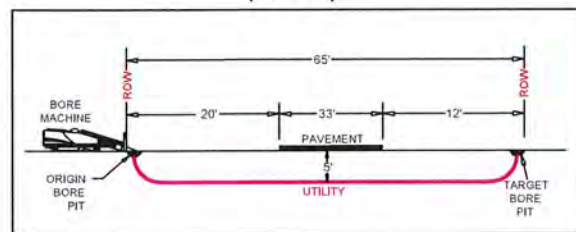


Share



VICINITY MAP (NTS)

CEDAR SPRINGS RD (SR-1560) TYPICAL (NTS)



LEGEND	
CENTERLINE OF DITCH	---
PROPOSED UTILITY	—
RIGHT OF WAY	— R/W —
EDGE OF PAVEMENT	—
PROPERTY LINE	— E —

SITE NOTES

- SITE INFORMATION OBTAINED FROM THE FOLLOWING:
 - PROPERTY BOUNDARY INFORMATION OBTAINED FROM [HTTPS://NCCONEMAP.GOV](https://ncconemap.gov)
 - A SURVEY HAS NOT BEEN CONDUCTED BY COLLIER'S ENGINEERING AND DESIGN. THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, ORDINANCES, LAWS AND REGULATIONS OF ALL MUNICIPALITIES, UTILITY COMPANIES OR OTHER PUBLIC/GOVERNING AUTHORITIES.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS THAT MAY BE REQUIRED BY ANY FEDERAL, STATE, COUNTY OR MUNICIPAL AUTHORITIES.
- THE CONTRACTOR SHALL NOTIFY THE CONSTRUCTION MANAGER, IN WRITING, OF ANY CONFLICTS, ERRORS OR OMISSIONS PRIOR TO THE SUBMISSION OF BIDS OR PERFORMANCE OF WORK.
- CONTRACTOR SHALL CONTACT STATE SPECIFIC ONE CALL SYSTEM THREE WORKING DAYS PRIOR TO ANY EARTH MOVING ACTIVITIES.
- SUBCONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS & INSPECTIONS REQUIRED FOR CONSTRUCTION.
- SUBCONTRACTOR SHALL DETERMINE EXACT ROUTE OF ANY UNDERGROUND CONDUIT, IF REQUIRED.
- ALL RESTORATION TO ANY SIDEWALKS AND/OR GRASS AREAS WILL BE RESTORED TO NCDOT STANDARDS.
- LOCATIONS OF EXISTING ABOVE GROUND AND UNDERGROUND ANOMALIES ARE APPROXIMATE.
- TEMPORARY TRAFFIC CONTROL SHALL CONFORM TO NCDOT OR LOCAL MUNICIPAL STANDARDS AND SPECIFICATIONS.
- LOCATIONS AND/OR ELEVATIONS OF THE EXISTING UTILITIES ON THESE PLANS HAVE NOT BEEN VERIFIED. CONTRACTOR SHALL NOT RELY ON THIS INFORMATION AS BEING EXACT OR COMPLETE. A DETAILED VERIFICATION OF THE SIZE, LOCATION AND DEPTH SHALL BE MADE BY THE CONTRACTOR PRIOR TO ANY EXCAVATION. CONTRACTOR SHALL CONTACT NC ONE CALL 811 SERVICE.
- PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL ASSUME THE RESPONSIBILITY OF LOCATING UNDERGROUND UTILITY'S FACILITIES (PUBLIC AND PRIVATE) THAT MAY EXIST IN THE AREA OF CONSTRUCTION. ALL UTILITY OWNERS SHALL BE NOTIFIED IN ACCORDANCE WITH 811 TIME REQUIREMENTS IN ADVANCE OF ANY EXCAVATION AT THE CONTRACTOR'S EXPENSE. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REPAIRS OF EXISTING UTILITIES THAT ARE DAMAGED DURING CONSTRUCTION.
- CONTRACTOR SHALL CHECK EXISTING CONDITIONS, (INVERTS, UTILITY ROUTES, CROSSING AND DIMENSIONS) IN THE FIELD PRIOR TO THE START OF ALL UTILITY WORK. CONTRACTOR SHALL REPORT DISCREPANCIES TO THE OWNER'S REPRESENTATIVE. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL ASSUME THE RESPONSIBILITY OF LOCATING UNDERGROUND PIPE CULVERTS/STORM DRAINAGE (PUBLIC) AS DEPICTED ON PLANS FOR VERIFICATION OF DEPTH. ALL CROSSINGS SHALL BE LOCATED A MINIMUM OF 5 FT FROM THE NEAREST PART OF THE UTILITY TO ANY PART OF THE PIPE CULVERT

STATEMENT OF PLAN

- Cable to be placed in shoulder of road as indicated on attached map or drawing at a minimum depth of 60 inches.
- Cable will be located at a maximum of 5 feet from the edge of right-of-way. Sixty inches below the surface and sixty inches beneath side ditches.
- Intersecting roads:
 - * Will be crossed by boring method or by pipe minimum of 60 inches beneath pavement. Pavement will not be broken except as requested in 3-B below.
 - Permission is requested to cross XXX at a point XXX by cutting and restoring pavement.
- Drainage pipes will not be disturbed.
- Culvert and bridges identified on the attached map will be crossed by method indicated below
 - *No culverts or bridges involved
 - Culvert XXX will not be crossed. Cable will be located of highway R/W
 - Stream XXX will be crossed by aerial cable supported by a pole line parallel to and XXX feet from the nearest portion of the culvert or bridge.
 - Culvert XXX will be crossed by burial cable as indicated on sketch below.
- When pedestals and service poles are placed on highway R/W, they will be located beyond maintenance area.
- Unusual or varying circumstances: XXX.

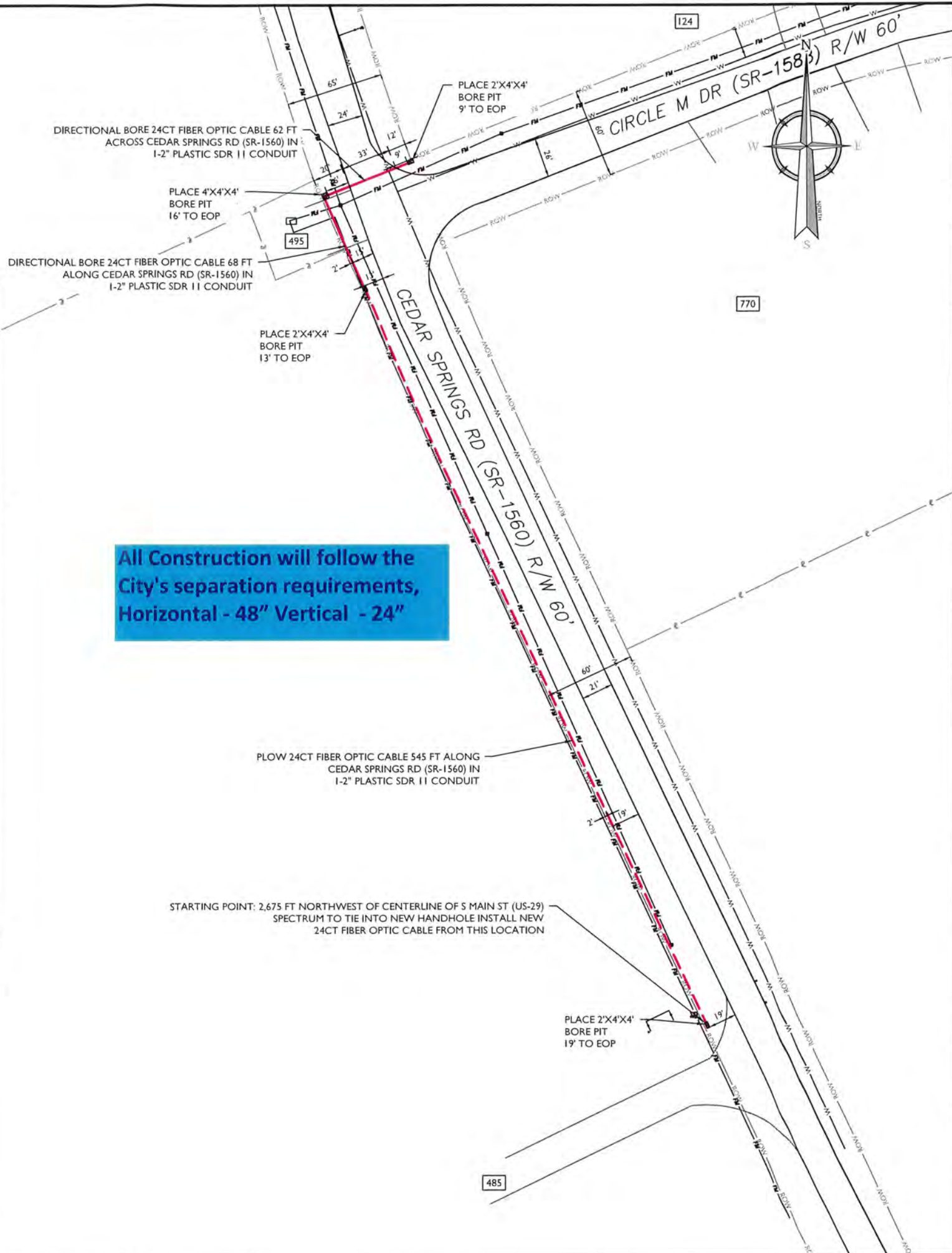
CONTACT INFORMATION

CLIENT INFORMATION

COMPANY: SPECTRUM
 ADDRESS: 3140 ARROWOOD RD
 CITY, STATE, ZIP: CHARLOTTE, NC 28273
 CONTACT: GEORGE CAUDILL
 PHONE: 704-378-2762

ENGINEERING COMPANY

COMPANY: COLLIER'S ENGINEERING & DESIGN (DBA MASER CONSULTING)
 CONTACT: ALEX HALL, P.E.
 PHONE: (980) 890-3000
 E-MAIL: ALEX.HALL@COLLIERSENGINEERING.COM



All Construction will follow the City's separation requirements, Horizontal - 48" Vertical - 24"

Engineering & Design

www.colliersengineering.com

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Doing Business as

811 PROTECT YOURSELF
ALL STATES REQUIRE NOTIFICATION OF EXCAVATORS, ENGINEERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN ANY STATE.

Know what's below.
 Call before you dig.
 FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM

REV	DATE	BY	DESCRIPTION

CONSTRUCTION/
ENCROACHMENT PLAN
FOR

CEDAR SPRINGS RD
SALISBURY, NC 28147

CHARLOTTE
 5275 Parkway Plaza Boulevard,
 Suite 100
 Charlotte, NC 28217
 Phone: 980.245.3161
COLLIERS ENGINEERING & DESIGN CO., P.C.
 DOING BUSINESS AS MASER CONSULTING

SCALE: AS SHOWN	DATE: 7/13/2023	DRAWN BY: MS	CHECKED BY: MS
PROJECT NUMBER: 23009802A		23009802A PLANS_485	
SHEET TITLE: PLAN SHEET		SHEET NUMBER: 1 of 1	

By: MICHAEL SINGER
 9802A Applications-Permits\DOT\23009802A_Plans_485 Cedar Springs Rd_20230726.dwg

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

Name of Group(s) or Individual(s) Making Request: Transportation Department

Name of Presenter(s): Wendy Brindle, Transportation Director

Requested Agenda Item: Request from AT&T for encroachment on Laura Springs Dr, Edzell Dr, Inverness Lane, Shay Crossing Rd and Bluebonnet Dr

Description of Requested Agenda Item: AT&T requests approval of installation of approximately 2,614 linear feet of directional bored duct and 1,430 lf of fiber optic cable within the rights-of-way of Edzell Drive, Inverness Lane, Shay Crossing Road and Bluebonnet Drive. In addition, they are requesting approval for 188 lf of aerial fiber, combined with about 168 lf of directional bored fiber on Laura Springs Drive. City Council approval of encroachments is required by Section 11-24 (27) of the City Code.

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

- All improvements and restoration shall be made at no expense to the City.
- A \$5,000 bond will be required prior to construction within the City Limits.
- A pre-construction meeting will be required prior to construction.
- On-site inspection will be required during all critical street crossings.
- Any markers for underground facilities shall be flush with the ground.
- Lane closures shall be coordinated through Engineering.
- AT&T shall participate with the State's one-call locating program, and appropriate locator tape shall be installed to facilitate future field location. SRU requires that all new facilities maintain a clear horizontal separation of at least 48" (measured edge to edge) from existing utilities, and a clear vertical separation of at least 24" from existing utilities. All crossings must be identified/potholed prior to excavation.
- Engineering "as-built" plans shall be maintained by AT&T and made available to the City upon request.
- If the City (or State) makes an improvement to the public Right-of-Way, AT&T facilities shall be adjusted or relocated at no expense to the City (or State).

Attachments: Yes No

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

There is no budgetary impact on this item.

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

Salisbury City Council Agenda Item Request Form



City Council to consider approval of a right-of-way encroachment for installation of aerial and underground fiber optic cable by AT&T on Laura Springs Dr, Edzell Dr, Inverness Lane, Shay Crossing Rd and Bluebonnet Dr per Section 11-24 (27) of the City Code

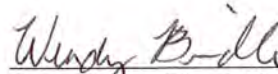
Contact Information for Group or Individual: Wendy Brindle 704-638-5201, Barry King 704-216-2712

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

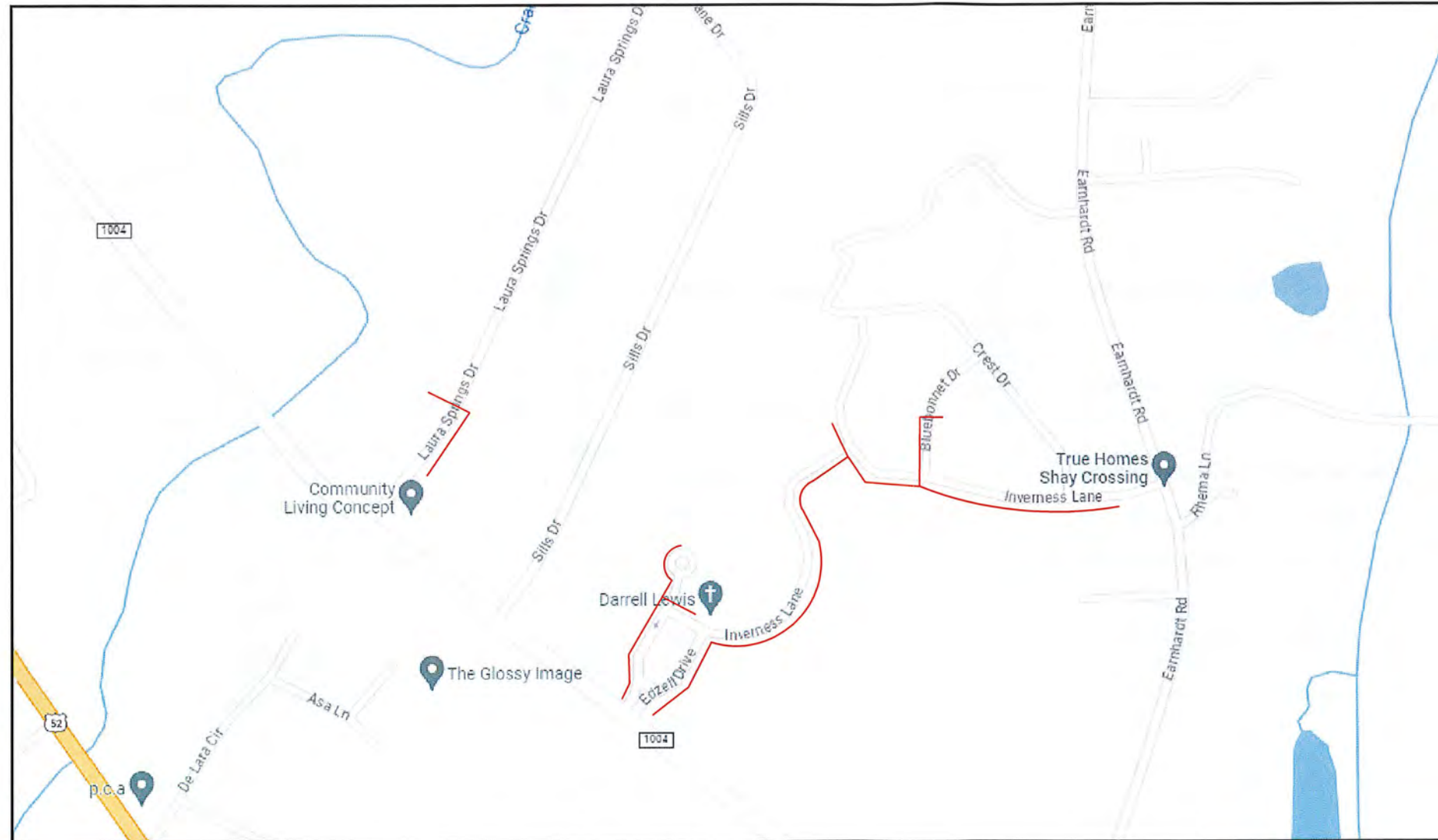
Approved

Delayed

Declined

Reason:

ADDRESS: 100 EDZELL DR
PROJECT NAME: A02KRN1



SITE LOCATION



CONTACTS

AT&T ENGINEER
JEFFERY WOOD
704-695-5091
JW0463@ATT.COM

OSP DESIGNER
KYLE PROCOPIO
919-788-2449
KP273H@ATT.COM

SITE INDEX

- 1 - COVER SHEET/SITE LOCATION
- 2 - LEGEND
- 3 - GENERAL NOTES
- 4 - OSP PROJECT SHEET
- 5 - OSP PROJECT SHEET
- 6 - OSP PROJECT SHEET
- 7 - OSP PROJECT SHEET
- 8 - OSP PROJECT SHEET
- 9 - TYPICALS
- 10 - TYPICALS

SCOPE OF WORK:

STANDARD DRY BORING 2,614' OF 1.5" INNERDUCT, STANDARD DRY BORING 1,430' OF FIBER OPTIC CABLE, PLACING THIRTY-FOUR 10X15" HANDHOLES, THREE 17X30" HANDHOLES, AND ONE 30X48" HANDHOLE.

3				AS-BUILT
2				REVISION # 1
1	5/30/2023	JW	KP	ORIGINAL
NO.	DATE	ENG DESIGN	DRAFTING	COMMENT



SHEET TITLE :	COVER SHEET
PROJECT MANAGER:	
PROJECT ENGINEER:	JEFFERY WOOD
PROJECT NUMBER:	A02KRN1
DESCRIPTION:	EZDELL DR
DRAWING NAME:	A02KRN1.dwg
CONFIDENTIAL/PROPRIETARY	SHEET: 1 OF 10

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

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

Name of Presenter(s):

Requested Agenda Item: Council to consider approving the purchase of PO #240251, PO #240285, PO#240323, PO#240320 and PO#240355 that are included in the FY2023-2024 budget.

Description of Requested Agenda Item: Approve the following Purchase Orders:

- 240251 - Parks Ford - 3 Police Responders/vehicles - \$147,804.00 (Purchased on NCSA Contract)
- 240285 - Randy Marion Ford - 6 Pickup Trucks - \$267,360.00 (Purchased on Salisbury Bid #019-2024) 3 vehicles for SRU, 2 vehicles for Public Works, and 1 vehicle for the Fire Department.
- 240323 - Carolina Cat = Caterpillar 299D3 Loader - \$119,183.44 (Purchased on Sourcewell Cooperative) for SRU
- 240320 - Newtons Fire & Safety Equipment - Turnout Gear - \$130,000.00
- 240355 - Amick Equipment Co - Freightliner Knuckle Boom Truck - \$265,741.10 (Purchased on NCSA Contract) for Public Works

Attachments: Yes No

Fiscal Note: Items are included in the FY2024 Budget.

Action Requested of Council for Agenda Item: Authorize the City Manager to approve Purchase Orders 240251, 240285, 240323, 240320 and 240355 totaling \$930,098.54.

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) Announcement

FINANCE DEPARTMENT INFORMATION:

M. O'Donoghue

Finance Manager Signature

S. Wade Funches

Department Head Signature

Tracey Keyes

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

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

Name of Group(s) or Individual(s) Making Request: Transportation Department

Name of Presenter(s): Wendy Brindle, Transportation Director

Requested Agenda Item: Council to consider permanently closing an unimproved portion of Cherry Street located off the 500 block of Morlan Park Road in accordance with NCGS 160A-299

Description of Requested Agenda Item:

The Transportation Department has received a petition to permanently close an unimproved portion of Cherry Street, located off the 500 block of Morlan Park Road. The request meets standards of General Statute 160A-299. Council may proceed by adopting a Resolution declaring their intent to close the street and setting a public hearing for October 3, 2023. City Staff will advertise the public hearing for four (4) consecutive weeks in the Salisbury Post, post signs at the site, and notify adjoining property owners by certified mail.

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 will be no fiscal impact regarding this request

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

Adopt a Resolution declaring City Council's intent to permanently close an unimproved portion of Cherry Street, located off the 500 block of Morlan Park Road, and set a public hearing for October 3, 2023

Contact Information for Group or Individual:

Wendy Brindle, Transportation Director
704-638-5201/wbrin@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Wendy Brindle
Department Head Signature

Budget Manager Signature



PETITION TO CLOSE A STREET OR ALLEY

We the undersigned, being the owners of real property adjoining a street or alley as shown on Tax Map 069 Parcel 062 _____, do hereby petition the City Council of Salisbury, North Carolina to permanently close a street or alley pursuant to the North Carolina General Statutes, Section 160A-299.

The street or alley to be closed can be generally described as follows:

Unimproved right of way approximately 250 foot long, 40 feet wide, located off of Morlan Park Road,

and contiguous with parcels 069 062 and 069 063

GS 160A-299 may be found on the internet at:

www.ncga.state.nc.us/Statutes/GeneralStatutes/HTML/BySection/Chapter_160A/GS_160A-299.html

By signing this petition, we understand that the following conditions are the responsibility of the petitioners. Failure to meet the conditions may delay or invalidate the request:

1. The petition must contain the signatures of all owners of property adjacent to the street or alley.
2. The petition must include a recorded map or preliminary survey showing the portion of street or alley to be closed. Any preliminary survey shall be prepared for recordation after consultation with the City. A tax map is not sufficient.
3. The petition must include a description prepared from a survey or recorded map. A metes and bounds description may be required.
4. The petition must include a filing fee in the amount of \$500.00.
5. If public or private utilities are located in the street or alley, the map and description must provide acceptable easements for the utilities. Any costs associated with preparing the easements will be the responsibility of the petitioner(s).
6. If curb and gutter must be replaced to close the street or alley, the cost of the curb and gutter will be the responsibility of the petitioner(s).
7. It typically takes approximately eight weeks for the closing to become official.

<u>Thomas A. Burris</u>	<u>Thomas A. Burris</u>	<u>069 + 062</u>	<u>7/30/23</u>
Printed Name	Signature	Tax Map & Parcel	Date

<u>Rick Kirkman sr</u>	<u>Rudy Kirkman sr</u>	<u>069 + 062</u>	<u>7-30-23</u>
Printed Name	Signature	Tax Map & Parcel	Date

<u>Kindrae Smith</u>	<u>Kindrae Smith</u>	<u>069 + 062</u>	<u>8-28-23</u>
Printed Name	Signature	Tax Map & Parcel	Date

<u>Eric L Smith</u>	<u>Eric L Smith</u>	<u>069 + 062</u>	<u>8-28-23</u>
Printed Name	Signature	Tax Map & Parcel	Date

(Attach additional petition forms if needed)

Form Revised 11-01

Contact Person Eric Smith Telephone Number 980-621-7651

CITY OF SALISBURY

elsh3575@gmail.com

P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479

RESOLUTION PERTAINING TO THE PROPOSED CLOSING OF AN UNIMPROVED PORTION OF CHERRY STREET LOCATED OFF THE 500 BLOCK OF MORLAN PARK ROAD

WHEREAS, Salisbury City Council will hold a public hearing Tuesday, October 3, 2023 during its 6:00 p.m. meeting to consider a proposal to close the following:

Beginning at an existing ½" Iron Pipe, the NW corner of Southside Baptist Church (Deed Book 502, Page 519) at the SE intersection of Cherry Street and Morlan Park Road, thence with the margin of Cherry Street S 59-21-00 W a distance of 244.14' to an existing ½" Iron Pipe at the intersection with the Yadkin Railroad (100' Right of Way).

Thence with the Right of Way of the Yadkin Railroad N 38-08-53 W a distance of 51.14' to a New Iron Pin, the SW corner of Lot 20 of "Morlan Park" Subdivision, Map Book 9995, Page 427, at the NW terminus of Cherry Street.

Thence with the margin of Cherry Street and Lot 20 N 59-34-52 E a distance of 250.90' to a set nail by a bent 5/8" Iron Rod, the NW intersection of Cherry Street and Morlan Park Road at the SE corner of Lot 20.

Thence with the margin of Morlan Park Road S 30- 33-10 E a distance of 49.69' to the Point of Beginning and Being All of Cherry Street (Unopened) as shown on the Revised Map of Morlan Park recorded in Map Book 9995, Page 427, Office of the Register of Deeds for Rowan County, N.C.

NOW, THEREFORE, be it resolved that the regularly scheduled October 3, 2023 City Council meeting will be held in a hybrid format. Anyone who wishes to speak virtually during the hearing regarding the request must sign-up by 5:00 p.m. on Tuesday, October 3, 2023 by contacting Connie Snyder at csnyd@salisburync.gov or 704-638-5234. Information on accessing the meeting will be available on the City's website at www.salisburync.gov. The meeting can also be viewed on the City's livestream at www.salisburync.gov/webcast or the City's Facebook account.

This 5th day of September, 2023.

CITY COUNCIL OF THE CITY OF SALISBURY,
NORTH CAROLINA

By: Connie B. Snyder, NCCP
City Clerk

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

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

Name of Presenter(s): N/A

Requested Agenda Item: Certificate of Sufficiency and Resolution – 1810 Enon Church Road

Description of Requested Agenda Item:

The Engineering Department, on behalf of the City Clerk, has investigated the sufficiency of the petition received for the voluntary annexation of parcels 329 030 and 329 385 in Rowan County. Previously, parcel 329 030 was omitted from the acreage calculation in the agenda item memo. This has been corrected. The petition contains a description of the proposed annexation area, as well as signatures of the property owners.

Additionally, the following conditions are met:

1. The nearest point on the proposed satellite is not more than three miles from the primary corporate limits of Salisbury.
2. No point on the proposed satellite is closer to the primary corporate limits of another city than to the primary corporate limits of Salisbury.
3. The area is situated such that Salisbury will be able to provide the same services within the proposed satellite corporate limits as are provided within the primary corporate limits.
4. No subdivision, as defined in G.S. 160A-376 will be fragmented by this proposed annexation.

The petition is, therefore, sufficient in accordance with G.S. 160A-58.1. A public hearing shall be conducted by City Council on October 3rd, 2023.

Attachments: Yes No

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

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

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

City Council to receive the Certificate of Sufficiency and adopt a Resolution setting the date of the public hearing for October 3rd, 2023 for the voluntary annexation of Parcels 329 030 and 329 385, 1810 Enon Church Road.

Contact Information for Group or Individual:

Wendy Brindle, City Engineer
704-638-5201/wbrin@salisburync.gov

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only

Approved

Declined

Reason:

“RESOLUTION SETTING DATE OF PUBLIC HEARING ON QUESTION OF THE ANNEXATION OF 1810 ENON CHURCH ROAD, PARCELS 329 030 AND 329 385 PURSUANT TO G.S. 160A-58.1.

WHEREAS, petitions requesting the annexation of Parcels 329 030 and 329 385 at 1810 Enon Church Road, as described herein have been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petitions has been made;

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

Section 1. The regularly scheduled October 3rd, 2023 City Council meeting will be held in a hybrid format. Anyone who wishes to speak virtually during the hearing regarding the request must sign-up by 5:00 p.m. on Tuesday, October 3rd, 2023 by contacting Connie Snyder at csnyd@salisburync.gov or 704-638-5234. Information on accessing the meeting will be available on the City’s website at www.salisburync.gov. The meeting can also be viewed on the City’s livestream at www.salisburync.gov/webcast or the City’s Facebook account.

Section 2. The areas proposed for annexation are described as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN THE EXTRA-TERRITORIAL JURISDICTIONAL AREA (ETJ) OF THE CITY OF SALISBURY, COUNTY OF ROWAN, STATE OF NORTH CAROLINA, SAID TRACT BEING BOUNDED ON THE WEST BY THE HEATHER MICHELLE & CLIFFORD LEWIS RIFFE(PID#329 401), THE JACKY BROWN(PID#329 172), AND THE SALISBURY HOLDINGS GROUP, LLC.(PID# 329 028) PROPERTIES, ON THE NORTH BY THE CLETUS W. & SHEILA M. LIVENGOOD TRUSTEES(PID# 329 030) PROPERTY, ON THE EAST BY WOODLEAF ROAD, SR 2048 (60' PUBLIC RIGHT-OF-WAY), ON THE SOUTH BY ENON CHURCH ROAD, SR 1944(60' PUBLIC RIGHT-OF-WAY), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN FOUND #4 REBAR WITH GRID COORDINATES: NORTHING OF 717998.50 AND EASTING OF 1545502.82, THE NORTHEAST CORNER OF THE SALISBURY HOLDINGS GROUP, LLC. PROPERTY; THENCE ALONG WITH THE ETJ OF THE CITY OF SALISBURY THE FOLLOWING 2 CALLS: S 03°34'16" W, 286.54 FEET TO A FOUND 1 ½” IRON PIPE, A COMMON CORNER OF THE CLETUS W. & SHEILA M. LIVENGOOD TRUSTEES PROPERTY AND THE ROGER DALE & MICHAEL LYNN MYERS PROPERTY AND THE PLACE AND POINT OF BEGINNING; THENCE ALONG WITH THE SOUTHERN BOUNDARY LINE OF THE CLETUS W. & SHEILA M. LIVENGOOD TRUSTEES PROPERTY, N 70°00'00" E, 728.38 FEET TO AN EXISTING #5 REBAR ON THE WESTERN RIGHT-OF-WAY LINE OF WOODLEAF ROAD; THENCE CROSSING WOODLEAF ROAD N 51°03'12" E, 60.00 FEET TO A POINT ON THE EASTERN RIGHT-OF-WAY LINE OF WOODLEAF ROAD; THENCE ALONG THE EASTERN RIGHT-OF-WAY LINE THE FOLLOWING 4 CALLS: S 38°56'48" E, 20.07 FEET TO AN EXISTING 1” IRON PIPE; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 3536.72 FEET WITH AN ARC LENGTH OF 463.25 FEET AND HAVING A CHORD BEARING OF S 35°11'30" E, 462.92 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 7804.79 FEET WITH AN ARC LENGTH OF 1063.17 FEET AND HAVING A CHORD BEARING OF S 35°31'51" E, 1062.34 FEET TO A POINT; THENCE S 39°26'00" E, 101.49 FEET TO A POINT; THENCE CROSSING WOODLEAF ROAD S 50°34'00" W, 60.00 FEET TO AN EXISTING #5 REBAR, THE SOUTHEASTERN CORNER OF THE ROGER DALE MYERS PROPERTY; THENCE

CROSSING ENON CHURCH ROAD S 27°44'28" E, 60.00 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY LINE OF ENON CHURCH ROAD; THENCE ALONG WITH THE SOUTHERN RIGHT-OF-WAY LINE OF ENON CHURCH ROAD THE FOLLOWING 3 CALLS: S 62°15'32" W, 69.28 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT, HAVING A RADIUS OF 597.74 FEET WITH AN ARC LENGTH OF 303.82 FEET AND HAVING A CHORD BEARING OF S 76°49'12" W, 300.56 FEET TO A POINT; THENCE N 88°37'07" W, 1211.62 FEET TO A POINT; THENCE CROSSING ENON CHURCH ROAD N 02°02'06" E, 60.00 FEET TO AN EXISTING #5 REBAR, DISTANT S 88°36'58" E, 181.79 FEET FROM A FOUND AXLE, THE SOUTHWESTERN CORNER OF THE HEATHER MICHELLE & CLIFFORD LEWIS RIFFE PROPERTY; THENCE ALONG WITH COMMON BOUNDARY LINE OF THE HEATHER MICHELLE & CLIFFORD LEWIS RIFFE PROPERTY THE FOLLOWING 2 CALLS: N 02°49'22" E, 320.09 FEET TO A FOUND #4 REBAR; N 88°43'14" W, 176.60 FEET TO A FOUND #4 REBAR, A COMMON CORNER OF THE HEATHER MICHELLE & CLIFFORD LEWIS RIFFE AND THE JACKY BROWN PROPERTY, AND BEING DISTANT N 03°45'12" E, 319.94 FEET FROM A FOUND AXLE, THE SOUTHWESTERN CORNER OF THE HEATHER MICHELLE & CLIFFORD LEWIS RIFFE PROPERTY; THENCE ALONG THE COMMON BOUNDARY LINE OF THE JACKY BROWN & SALISBURY HOLDINGS GROUP, LLC. PROPERTY N 03°26'50" E, 830.69 FEET TO THE PLACE AND POINT OF **BEGINNING**, CONTAINING 40.31 ACRES MORE OR LESS.

Section 3. Notice of said public hearing shall be published in the SALISBURY POST at least (10) days prior to the date of said public hearing.”

Karen K. Alexander
Mayor

ATTEST:

Connie B. Snyder, NCCP
City Clerk



**CERTIFICATE OF SUFFICIENCY
FOR
1810 ENON CHURCH ROAD**

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

I, Connie B. Snyder, NCCP, City Clerk, do hereby certify that I have investigated the petition for 1810 Enon Church Road, off of Enon Church Road and Woodleaf Road, Parcels 329 030 and 329 385 attached hereto and have found as a fact that said petitions are signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-58.1.

In witness thereof, I have hereto set my hand and affixed the Seal of the City of Salisbury, this 17th day of August, 2023.

(SEAL)

Connie B Snyder

Connie B. Snyder, City Clerk



Date: 7/27/23



PETITION REQUESTING VOLUNTARY ANNEXATION
FOR 1810 Enon Church Road

We the undersigned owners of real property respectfully request that the area described on the attached documents be annexed into the City of Salisbury. By signing this petition, we understand that the following conditions are the responsibility of the petitioners. Failure to meet the conditions may delay or invalidate the request:

1. The petition must be signed by all owners of real property in the area described and shall contain the address of each property owner.
2. The petition must include a metes and bounds description of the area to be annexed and a preliminary annexation boundary survey prepared by a Registered Land Surveyor. Two original mylars of the final annexation boundary survey shall be completed after consultation with the City.
3. If the area is not contiguous to the primary City limits, the petition shall include documentation that:
 - a) The nearest point of the described area is not more than three miles from the primary City limits.
 - b) No point on the described boundary is closer to another municipality than to the City of Salisbury.
 - c) No subdivision, as defined in GS 160A-376, will be fragmented by the proposed annexation.
4. Upon the effective date of annexation and thereafter, the described citizens and property shall be subject to municipal taxes and to all debts, laws, ordinances and regulations in force in the City of Salisbury and shall be entitled to the same privileges and benefits as other citizens and property in the City of Salisbury.

Property Identification (tax number or street address)	Printed Name (and title if business entity)	Signature	Owner's Address
TM <u>329</u> PCL <u>385</u>	<u>Roger Dale Myers</u>	<u>Roger Dale Myers</u> <small>Roger Dale Myers (Aug 4, 2023 08:24 EDT)</small>	<u>6824 McPherson Clay Rd Liberty, NC 27298</u>
TM <u>329</u> PCL <u>030</u>	<u>Roger Dale Myers</u>	<u>Roger Dale Myers</u> <small>Roger Dale Myers (Aug 4, 2023 08:21 EDT)</small>	<u>6824 McPherson Clay Rd Liberty, NC 27298</u>
TM ___ PCL ___	_____	_____	_____
TM ___ PCL ___	_____	_____	_____
TM ___ PCL ___	_____	_____	_____

(Attach additional petition forms if needed)

Form Revised 2-08

Contact Person Austin Coleman Telephone Number 803-528-6241

For Office Use Only:

Total number of parcels 2 Number Signed 2 % Signed 100 Date Returned 8/4/23
Contiguous per GS 160A-31 ___ or Non-contiguous "satellite" per GS 160A-58 X (check one)

CITY OF SALISBURY

P.O. BOX 479, SALISBURY, NORTH CAROLINA 28145-0479



V3 Southeast
2923 S. Tryon Street, Suite 320
Charlotte, NC 28203
p: 704-940-2883
www.v3co.com

landscape architecture | planning | civil engineering

BREAKWATER REAL ESTATE LLC. ADDRESS

PROJECT NAME

GENERAL NOTES

- FIELD WORK COMPLETED ON 05/03/2023. OFFICE WORK COMPLETED 05/04/2023
- ALL LINES TRAVERSED WITH AN ERROR OF CLOSURE GREATER THAN 1:10,000.
- VERTICAL DATUM: NAVD88
- HORIZONTAL DATUM: NC STATE PLANE COORDINATES, NSRS 2011.
- AREA COMPUTED BY COORDINATE METHOD.
- IF THIS MAP DOES NOT HAVE AN ORIGINAL SIGNATURE AND SEAL, IT IS NOT VALID.
- PROPERTY SHOWN HEREON IS SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS AND RESTRICTIONS WHICH MAY EXIST.
- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
- PROPERTY SHOWN HEREON IS SUBJECT TO THE RULES, REGULATIONS, ORDINANCES, AND/OR JURISDICTIONS OF LOCAL, STATE, AND/OR FEDERAL AGENCIES, IF ANY. THE REQUIREMENTS OF SAID RULES, REGULATIONS, ORDINANCES, AND/OR THE LIMITS OF SAID JURISDICTIONS ARE NOT SHOWN HEREON UNLESS STATED OTHERWISE.
- BOUNDARY INFORMATION WAS TAKEN FROM RECORDED INFORMATION IN THE ROWAN COUNTY REGISTER OF DEEDS AS SHOWN HEREIN.
- THE UNDERGROUND UTILITY MAPPING SHOWN HERE ON WAS PERFORMED BY V3 SOUTHEAST. UTILITY SERVICES GROUP. UNDERGROUND UTILITIES SHOWN AS DASHED LINES ARE MAPPED AT A LEVEL B QUALITY AS PER THE ASCE STANDARD, "ASCE C-138-02, STANDARD GUIDELINE FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA, AND WERE DESIGNATED AND SURVEYED IN THE FIELD BY KNIGHT, SMITH & MILLER ON DECEMBER MARCH 24, 2023. THIS MAPPING REPRESENTS THE FIELD CONDITIONS AT THAT TIME. 811 ATTEMPTS TO LOCATE ALL TARGET UTILITY LINES. IF NO RECORDS ARE PROVIDED OR AVAILABLE, WE CANNOT GUARANTEE THAT ALL UTILITIES WILL BE LOCATED OR MAPPED, NOR CAN 811 GUARANTEE THE LOCATION OF UTILITY LINES IDENTIFIED ABOVE.
- THE PARCEL OF LAND AS SHOWN ON THIS PLAT IS LOCATED IN A MINIMAL FLOOD ZONE, FLOOD PLAIN ZONE: X, FEMA PANEL NUMBER: 3710574100J, EFFECTIVE DATE 06-16-2009.

EXISTING LEGEND:

- PROPERTY LINE
- - - NON-SURVEYED PROPERTY LINE
- - - RIGHT-OF-WAY-LINE
- - - TIE LINE
- - - - - EXISTING MAJOR CONTOUR
- - - - - EXISTING MINOR CONTOUR
- - - - - WOOD FENCE
- - - - - WIRE FENCE
- - - - - EXISTING OVERHEAD ELECTRIC LINE
- - - - - EXISTING UNDERGROUND GAS LINE
- - - - - UNDERGROUND TELEPHONE LINE
- - - - - UNDERGROUND WATER LINE
- - - - - UNDERGROUND UNKNOWN LINE
- ▬ EXISTING ASPHALT
- ▬ EXISTING CONCRETE
- ▬ EXISTING GRAVEL
- IRON PIN FOUND
- ▲ MAG NAIL FOUND
- CONCRETE MONUMENT FOUND
- FOUND AXLE
- CONTROL POINT
- SET IRON PIN
- CATCH BASIN
- ELECTRIC POLE
- WATER METER
- WATER VALVE
- GAS VALVE
- COMMUNICATION LINE MARKER
- TELEPHONE PEDESTAL
- TRAFFIC HANDHOLE
- ABANDONED POLE
- GUY POLE
- MAILBOX
- SIGN
- POST

BOUNDARY CERTIFICATION

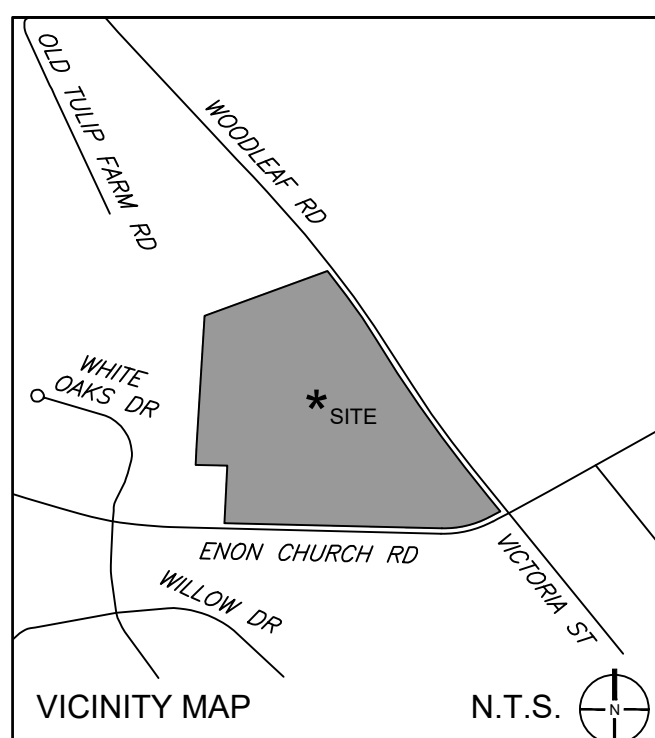
I, BRIAN C. RISMILLER, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY PERFORMED UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 35669, PAGE 588 AND MAP BOOK 5, PAGE 261); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK 11160, PAGE 266; BOOK 13843, PAGE 152; BOOK 29571, PAGE 821; BOOK 32961, PAGE 671; BOOK 32964, PAGE 196; BOOK 38209, PAGE 887; BOOK 37308, PAGE 993; AND MAP BOOK 2, PAGE 261; MAP BOOK 5, PAGE 261; MAP BOOK 6, PAGE 144; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000; THAT THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

CLASS OF SURVEY: CLASS A
POSITIONAL ACCURACY: 0.04'
TYPE OF GPS FIELD PROCEDURE: RTK
DATES OF SURVEY: MAY 03, 2023
DATUM/EPOCH: NAD83 (2011) NORTH CAROLINA STATE PLANE
PUBLISHED/FIXED-CONTROL USE: 1
GEOID MODEL: 2018
COMBINED GRID FACTOR(S): 0.99983966'
UNITS: US SURVEY FOOT

THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS XXTH DAY OF MAY, A.D., 2023.
I FURTHER CERTIFY TO THE FOLLOWING:

X THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET;

PRELIMINARY
BRIAN C RISMILLER, PLS #L-5515
BRISMILLER@V3CO.COM



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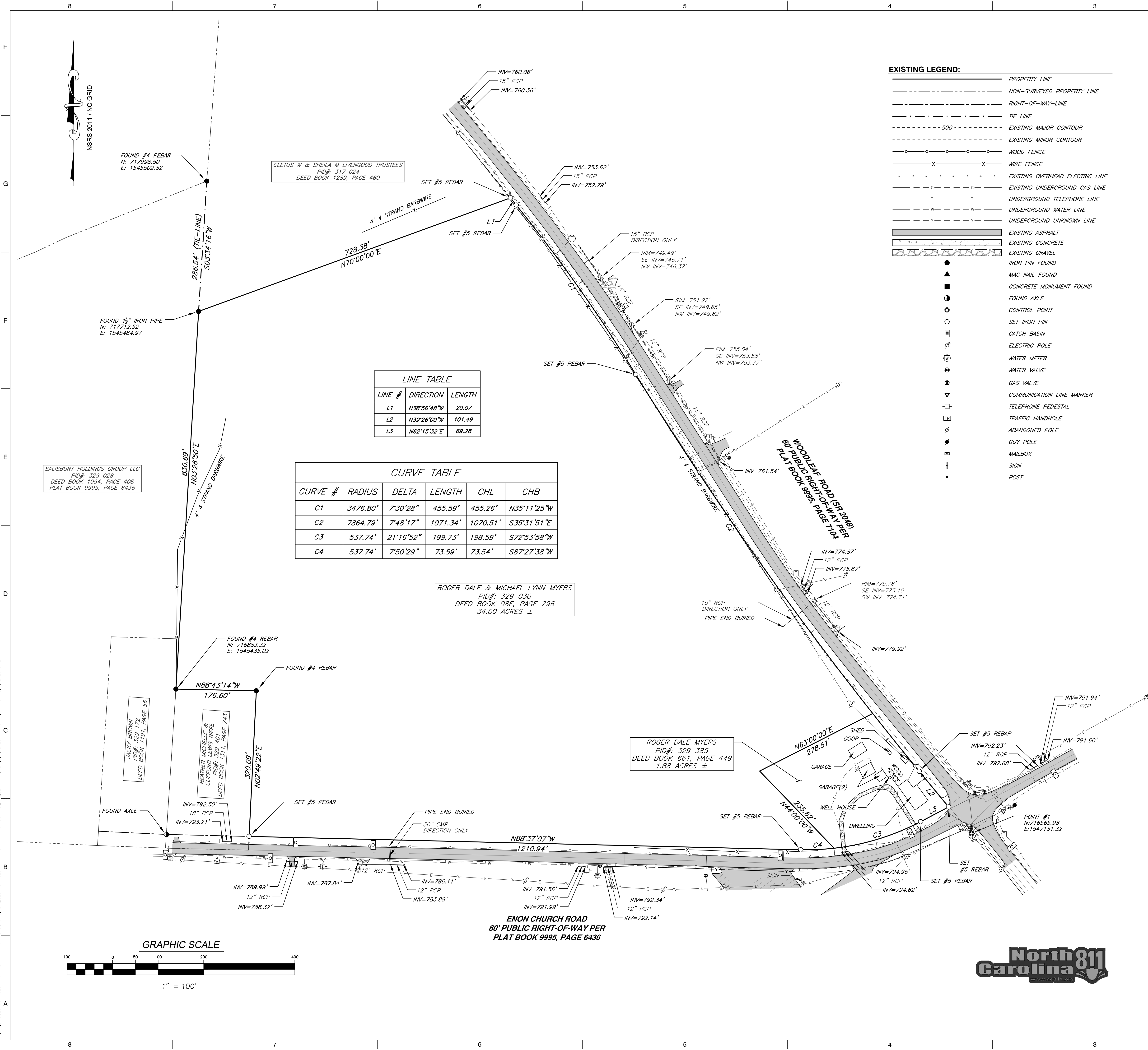
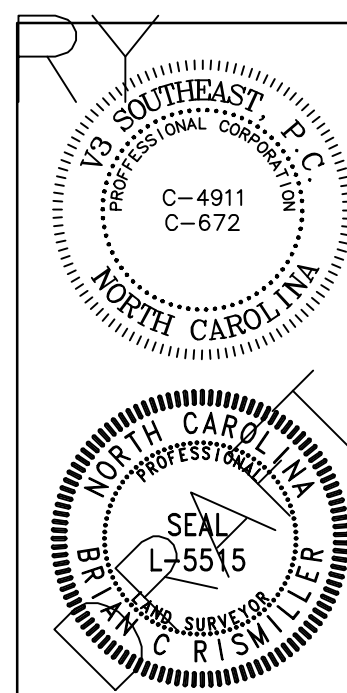
DATE: 05/05/2023
DRAWN BY: WCK
REVIEWED BY: JEK

PROJECT NUMBER: 230080-44817

BOUNDARY PLAT FOR PID# 329 030

REVISIONS:

NO.	DATE	DESCRIPTION



LINE TABLE

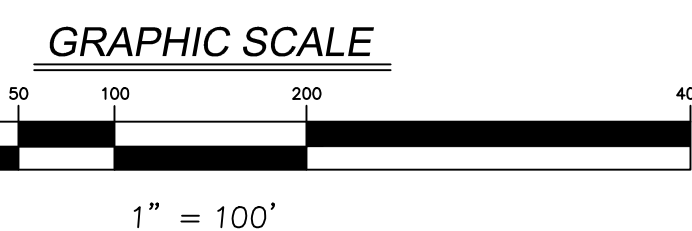
LINE #	DIRECTION	LENGTH
L1	N38°56'48"W	20.07
L2	N39°26'00"W	101.49
L3	N62°15'32"E	69.28

CURVE TABLE

CURVE #	RADIUS	DELTA	LENGTH	CHL	CHB
C1	3476.80'	7°30'28"	455.59'	455.26'	N35°11'25"W
C2	7864.79'	7°48'17"	1071.34'	1070.51'	S35°31'51"E
C3	537.74'	21°16'52"	199.73'	198.59'	S72°53'58"W
C4	537.74'	7°50'29"	73.59'	73.54'	S87°27'38"W

ROGER DALE & MICHAEL LYNN MYERS
PID#: 329 030
DEED BOOK 08E, PAGE 296
34.00 ACRES ±

ROGER DALE MYERS
PID#: 329 385
DEED BOOK 661, PAGE 449
1.88 ACRES ±



Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 09/05/2023

Name of Group(s) or Individual(s) Making Request: Land and Development Services

Name of Presenter(s): Victoria Bailiff, Senior Planner

Requested Agenda Item: LDOTA-03-2023 TRC

Description of Requested Agenda Item: An ordinance amending Chapters 14 and 15 of the Land Development Ordinance to adjust the membership of the Technical Review Committee in accordance with recent departmental name and functionality changes. The amendment also includes clearing up inconsistent terminology within the Ordinance

Attachments: Yes No

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

Action Requested of Council for Agenda Item: *(Please note if item includes an ordinance, resolution or petition)*
Council to hold public hearing and consider adopting an ordinance to amend the Land Development Ordinance as requested.

Contact Information for Group or Individual: Victoria Bailiff, victoria.bailiff@salisburync.gov, 704-638-5212

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

One Stop Development Shop

City of Salisbury Development Services
132 North Main Street | 704.638.5208



MEMORANDUM

TO: City Council

FROM: Victoria Bailiff
Senior Planner

DATE: City Council Meeting – September 5, 2023

RE: Ordinance Amendment – Chapter 14: Agencies, Boards, and Commissions
Chapter 15: Development Process

City Staff has proposed text amendments to Chapters 14 and 15 of the Land Development Ordinance to adjust the membership make-up of the Technical Review Committee. Recent departmental name changes and functionalities within the City require the Land Development Ordinance to be updated accordingly. The Engineering Department has now been changed to the Transportation Department and Community Planning was split up into the Planning and Neighborhoods Department and the Land and Development Services Department. All departments now have one voting member with the exception of Land and Development Services which has 2 voting members since this department will be issuing both engineering and zoning comments.

This amendment also includes clearing up inconsistent terminology in the Ordinance. “Technical Review Commission” and “Technical Review Committee” have been used interchangeably throughout Chapters 14 and 15. This has now been remedied, all “Technical Review Commission” references have been changed to “Technical Review Committee.” The same problem exists with the terms “Zoning Board of Adjustment” and “Board of Adjustment”; all references to this board have been changed to “Board of Adjustment.”

These amendments were sent to TRC for review on July 20, 2023 where the amendments were approved with no changes requested. The proposed amendments were reviewed by the Planning Board at their meeting on August 8, 2023; the Board found the amendments to be reasonable and unanimously recommended approval.

One Stop Development Shop

City of Salisbury Development Services
132 North Main Street | 704.638.5208



Within your packets you will find two versions of Chapters 14 and 15; the first is the redlined version so that you can easily see edits, and last is the clean edited version for easier reading.

Chapter 14. AGENCIES, BOARDS, AND COMMISSIONS

14.1 Administrator

The authority to establish an Administrator for the City of Salisbury is granted under the authority of G.S.160D-402.

14.1 Administrator
14.2 Boards and Commissions Established
14.3 Meetings and General Procedures
14.4 Staff

A. Duties of the Administrator

- 1. General Responsibilities:** The various provisions of this Ordinance shall be administered under the general direction of ~~Community Planning~~ Land and Development Services and under the primary direction of the director or their designee. For the purposes of the administration of this Ordinance, the ~~Community Planning~~ Land and Development Services, Planning and Neighborhoods, Transportation Engineering, Salisbury-Rowan Utilities, and Public Services staff are collectively referred to as the Administrator.
- 2. Conflicts of Interest:** No staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff member or such other staff member as may be designated by the development regulation or other ordinance.
- 3. Maintain Records and Files:** The Administrator shall maintain a record of all permits and approvals on file and copies shall be made available on request to interested parties.
- 4. Water Supply Watershed WS-IV-PA Records:** The Administrator shall keep records on the total amount of acreage available under this option, total acres approved for this option, and site specific information on each development employing this option including: location, acres, site plan, use, Stormwater Management Plan, etc.
- 5. Water Supply Watershed Variance Records:** The Administrator shall submit annually to the NC Division of Water Quality a copy of the minutes and decisions of any variance to the Water Supply Watershed Protection provisions of this Ordinance.
- 6. Stormwater Ordinance Administration:** Any act authorized by the Sections 9.7, Post-Construction Storm Water Control (Phase II Stormwater Ordinance), or 15.24, Stormwater Permit, shall be carried out by the Administrator or his or her designee. The Administrator has the authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Administrator, who shall respond in writing within 30 days. The Administrator shall keep on file a record of all written

interpretations of this Ordinance. In addition to the powers and duties that may be conferred by other provisions of the Land Management & Development Ordinance and other laws, the Administrator shall have the additional following powers and duties under this subsection:

- a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to the Stormwater Ordinance.
- b. To make determinations and render interpretations of the Stormwater Ordinance.
- c. To enforce the provisions of the Stormwater Ordinance in accordance with its enforcement provisions.
- d. To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of the Stormwater Ordinance.
- e. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- f. To take any other action necessary to administer the provisions of the Stormwater Ordinance.

14.2 Boards and Commissions Established

The following Boards and Commissions are hereby established:

- Planning Board
- Board of Adjustment
- Historic Preservation Commission
- Technical Review ~~Committee~~ Commission
- Alternate Methods of Design Commission

A. Planning Board

The authority to establish a Planning Board for the City of Salisbury is granted under the authority of G.S. 160D-301 and G.S. 160D-604. .

1. Authority and Responsibility

Not in conflict with Chapter 19, Article II (Planning Board) of the Salisbury City Code, the Planning Board shall have the following duties and responsibilities:

- a. To review and decide upon Infill Frontage Width Special Exceptions
- b. To review and make recommendations on Text Amendments and District Map Amendments (including Conditional Districts)

- c. To render opinions and make recommendations on all issues and petitions related to the Ordinance and other land use plans that may be adopted from time to time, which require approval by the City Council

- 2. **Membership and Terms of Office:** Governed under Chapter 19, Article II (Planning Board) of the Salisbury City Code.

B. Board of Adjustment (BOA)

The authority to establish a Board of Adjustment for the City of Salisbury is granted under the authority of G.S. 160D-302.

1. Authority and Responsibility

The Board of Adjustment shall have the following duties and responsibilities:

- a. To hear and decide administrative appeals, including orders or decisions made by the Technical Review Commission
- b. To hear and decide appeals, in the nature of certiorari, from any order or decision made by the Historic Preservation Commission
- c. To hear and decide petitions for variances from the provisions of this Ordinance
- d. Any additional powers and duties as may be set forth in other laws and regulations or at the discretion of City Council

2. Membership and Terms of Office

- a. Members of the Planning Board shall serve as members of the Board of Adjustment
- b. The Board of Adjustment shall consist of six (6) regular members and six (6) alternate members, where five (5) members represent the municipal corporate limits and one (1) member represents the extraterritorial jurisdiction (ETJ)
- c. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term
- d. The Board of Adjustment shall elect a Chair and Vice-Chair from among its members. The Chair and Vice-Chair shall serve one-year terms.

C. Historic Preservation Commission (HPC)

The authority to establish the Historic Preservation Commission for the City of Salisbury is granted under the authority of G.S. 160D-303..

1. Authority and Responsibility

- a. To receive applications for certificates of appropriateness, review applications to determine appropriateness, and shall approve or disapprove such application.
- b. Recommend to the City Council districts or areas to be designated by Ordinance as historic overlay districts, and recommend individual structures, buildings, sites, areas, or objects to be designated by Ordinance as an historic landmark.
- c. Recommend to the City Council that designation of any area as an historic overlay district or part thereof be revoked or removed for cause and recommend that designation of individual structures, buildings, sites, areas, or objects as historic landmarks be revoked for cause.
- d. Perform other duties or activities as are required elsewhere by the Salisbury Land Development Ordinance or the General Statutes of North Carolina or as assigned by the Salisbury City Council.

2. Membership and Terms of Office

- a. The Historic Preservation Commission shall be a nine (9)-member commission appointed by the City Council. A majority of the members of the commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology or related fields; and all the members shall reside within the territorial jurisdiction of the City of Salisbury.
- b. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- c. The Historic Preservation Commission shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

3. Design Standards

The Historic Preservation Commission shall include as an appendix to the rules of procedure “The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings” and the “Historic District Standards” for determining appropriateness. The Design Standards shall

be placed on file with the City of Salisbury and shall be made available to the general public.

D. Technical Review Committecession (TRC)

The Technical Review Committecession is hereby established by this Ordinance as a non-appointed, staff-only commission for the following purposes.

1. Authority and Responsibility

The Technical Review Committecession shall have the following duties and responsibilities:

- a. To establish the technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.;
- b. To review Conditional District Master Plans for compliance with all applicable provisions of this Ordinance and for consistency with the adopted comprehensive and all applicable area plans, and then provide a recommendation, with any recommended conditions, to the Planning Board and City Council
- c. To evaluate Text Amendment petitions for common good or sole benefit for the purpose of application procedures, as well as to review Text Amendment petitions from a technical perspective, by department, and against all applicable policies and plans
- d. To review and, when applicable, approve Major Site Plans, Major Subdivision plats, and other methods of development requiring compliance with this Ordinance. In determining compliance with this Ordinance, the TRC may take the following actions:
 - (1) Approve the Major Site Plan or Major Subdivision as submitted upon determining compliance with all applicable provisions of the Ordinance.
 - (2) Grant provisional approval of the Major Site Plan or Major Subdivision by providing to the applicant a detailed description of the applicable areas of non-compliance with the Ordinance; in turn, allowing the applicant to make all necessary changes to receive approval. Following resubmission of plans by the applicant, the Administrator may grant approval or require placement on another TRC agenda for review and approval.
 - (3) Deny the Major Site Plan or Major Subdivision with a written statement of non-compliance for all applicable provisions of the Ordinance.

- (4) Temporarily suspend review of the Major Site Plan or Major Subdivision pending additional information, clarification, or modification of the submittal by the applicant. Once review has been suspended, the case must be placed on another TRC agenda before review can resume.

2. Membership

The Technical Review Commission shall consist of the following members:

- One (1) City Council Member (ex-officio, non-voting)
- One (1) Planning Board Member (ex-officio, non-voting)
- The following department representatives, or their designee:
 - ~~Community Planning~~ Land and Development Services (2)
 - Planning and Neighborhoods (1)
 - ~~Engineering~~ Transportation (1)
 - Salisbury-Rowan Utilities (1)
 - Fire (1)
 - Public Services (1)
- In addition, the Chair may, at their discretion, or at the request of other TRC members, invite other administrative staff members from the following organizations to participate in the meetings. Such participants shall serve in a non-voting capacity.
 - Other City of Salisbury Departments
 - Departments of Rowan County
 - NC Department of Transportation
 - Other NC State Agencies
 - Other Federal Agencies

E. Alternate Methods of Design Commission (AMDC)

1. Authority and Responsibility

The Alternate Methods of Design Commission shall have the authority to consider requests for alternate methods of compliance against specific provisions of this Ordinance. It is not intended for, nor any authority granted to, this body to hear and decide petitions for variances in lieu of the Board of Adjustment; instead, it is the responsibility of this commission to consider alternative methods by which the spirit and intent of specific design provisions may be upheld.

Depending on the alternate method of compliance request, the Alternate Methods of Design Commission shall use the general development process criteria as well as specific criteria provided in those applicable sections of this Ordinance in determining alternative compliance.

2. Membership

- a. The Alternate Methods of Design Commission shall be a three (3)-member commission, with one (1) alternate member, appointed by the City Council. Members shall have demonstrated experience, education, or licensure in the design, construction, and/or development field. All members shall reside within the territorial (zoning) jurisdiction of the City of Salisbury. In addition, the commission shall consist of one (1) Planning Board member as an ex-officio, non-voting member.
- b. Members shall be appointed for three (3)-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of their second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.

14.3 Meetings and General Procedures

All meetings of appointed bodies under this Chapter shall be open to the public in accordance with G.S. 143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies.

Any and all adopted rules of procedure shall be kept on file at the Community Planning and Development Services office and shall be made available upon request.

All bodies authorized under this Chapter shall meet at regularly scheduled times and at such other times as determined by the chairman as provided for in the applicable rules of procedure.

14.4 Staff

An Administrator shall serve as staff to the Planning Board, Board of Adjustment, Historic Preservation Commission, and Alternate Methods of Design Commission. In addition, the City Attorney may provide legal and procedural assistance to the Board of Adjustment.

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Chapter 14. AGENCIES, BOARDS, AND COMMISSIONS

14.1 Administrator

The authority to establish an Administrator for the City of Salisbury is granted under the authority of G.S.160D-402.

14.1 Administrator
14.2 Boards and Commissions Established
14.3 Meetings and General Procedures
14.4 Staff

A. Duties of the Administrator

- 1. General Responsibilities:** The various provisions of this Ordinance shall be administered under the general direction of Land and Development Services and under the primary direction of the director or their designee. For the purposes of the administration of this Ordinance, the Land and Development Services, Planning and Neighborhoods, Transportation, Salisbury-Rowan Utilities, and Public Services staff are collectively referred to as the Administrator.
- 2. Conflicts of Interest:** No staff member shall make a final decision on an administrative decision required by this Ordinance if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff member or such other staff member as may be designated by the development regulation or other ordinance.
- 3. Maintain Records and Files:** The Administrator shall maintain a record of all permits and approvals on file and copies shall be made available on request to interested parties.
- 4. Water Supply Watershed WS-IV-PA Records:** The Administrator shall keep records on the total amount of acreage available under this option, total acres approved for this option, and site specific information on each development employing this option including: location, acres, site plan, use, Stormwater Management Plan, etc.
- 5. Water Supply Watershed Variance Records:** The Administrator shall submit annually to the NC Division of Water Quality a copy of the minutes and decisions of any variance to the Water Supply Watershed Protection provisions of this Ordinance.
- 6. Stormwater Ordinance Administration:** Any act authorized by the Sections 9.7, Post-Construction Storm Water Control (Phase II Stormwater Ordinance), or 15.24, Stormwater Permit, shall be carried out by the Administrator or his or her designee. The Administrator has the authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Administrator, who shall respond in writing within 30 days. The Administrator shall keep on file a record of all written interpretations of this Ordinance. In addition to the powers and duties that may

be conferred by other provisions of the Land Management & Development Ordinance and other laws, the Administrator shall have the additional following powers and duties under this subsection:

- a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to the Stormwater Ordinance.
- b. To make determinations and render interpretations of the Stormwater Ordinance.
- c. To enforce the provisions of the Stormwater Ordinance in accordance with its enforcement provisions.
- d. To maintain records, maps, and official materials as relate to the adoption, amendment, enforcement, or administration of the Stormwater Ordinance.
- e. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.
- f. To take any other action necessary to administer the provisions of the Stormwater Ordinance.

14.2 Boards and Commissions Established

The following Boards and Commissions are hereby established:

- Planning Board
- Board of Adjustment
- Historic Preservation Commission
- Technical Review Committee
- Alternate Methods of Design Commission

A. Planning Board

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1. Authority and Responsibility

Not in conflict with Chapter 19, Article II (Planning Board) of the Salisbury City Code, the Planning Board shall have the following duties and responsibilities:

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- c. To render opinions and make recommendations on all issues and petitions related to the Ordinance and other land use plans that may be adopted from time to time, which require approval by the City Council

- 2. **Membership and Terms of Office:** Governed under Chapter 19, Article II (Planning Board) of the Salisbury City Code.

B. Board of Adjustment (BOA)

The authority to establish a Board of Adjustment for the City of Salisbury is granted under the authority of G.S. 160D-302.

1. Authority and Responsibility

The Board of Adjustment shall have the following duties and responsibilities:

- a. To hear and decide administrative appeals, including orders or decisions made by the Technical Review Committee
- b. To hear and decide appeals, in the nature of certiorari, from any order or decision made by the Historic Preservation Commission
- c. To hear and decide petitions for variances from the provisions of this Ordinance
- d. Any additional powers and duties as may be set forth in other laws and regulations or at the discretion of City Council

2. Membership and Terms of Office

- a. Members of the Planning Board shall serve as members of the Board of Adjustment
- b. The Board of Adjustment shall consist of six (6) regular members and six (6) alternate members, where five (5) members represent the municipal corporate limits and one (1) member represents the extraterritorial jurisdiction (ETJ)
- c. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term
- d. The Board of Adjustment shall elect a Chair and Vice-Chair from among its members. The Chair and Vice-Chair shall serve one-year terms.

C. Historic Preservation Commission (HPC)

The authority to establish the Historic Preservation Commission for the City of Salisbury is granted under the authority of G.S. 160D-303..

1. Authority and Responsibility

- a. To receive applications for certificates of appropriateness, review applications to determine appropriateness, and shall approve or disapprove such application.
- b. Recommend to the City Council districts or areas to be designated by Ordinance as historic overlay districts, and recommend individual structures, buildings, sites, areas, or objects to be designated by Ordinance as an historic landmark.
- c. Recommend to the City Council that designation of any area as an historic overlay district or part thereof be revoked or removed for cause and recommend that designation of individual structures, buildings, sites, areas, or objects as historic landmarks be revoked for cause.
- d. Perform other duties or activities as are required elsewhere by the Salisbury Land Development Ordinance or the General Statutes of North Carolina or as assigned by the Salisbury City Council.

2. Membership and Terms of Office

- a. The Historic Preservation Commission shall be a nine (9)-member commission appointed by the City Council. A majority of the members of the commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology or related fields; and all the members shall reside within the territorial jurisdiction of the City of Salisbury.
- b. Members shall be appointed for three-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of his or her second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.
- c. The Historic Preservation Commission shall elect the Chairman and Vice-Chairman from among its members. The Chair and Vice-Chair shall serve one-year terms.

3. Design Standards

The Historic Preservation Commission shall include as an appendix to the rules of procedure “The Secretary of the Interior’s Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings” and the “Historic District Standards” for determining appropriateness. The Design Standards shall

be placed on file with the City of Salisbury and shall be made available to the general public.

D. Technical Review Committee (TRC)

The Technical Review Committee is hereby established by this Ordinance as a non-appointed, staff-only commission for the following purposes.

1. Authority and Responsibility

The Technical Review Committee shall have the following duties and responsibilities:

- a. To establish the technical requirements for all applications, including: submission schedules, size and number of drawings, type of media, etc.;
- b. To review Conditional District Master Plans for compliance with all applicable provisions of this Ordinance and for consistency with the adopted comprehensive and all applicable area plans, and then provide a recommendation, with any recommended conditions, to the Planning Board and City Council
- c. To evaluate Text Amendment petitions for common good or sole benefit for the purpose of application procedures, as well as to review Text Amendment petitions from a technical perspective, by department, and against all applicable policies and plans
- d. To review and, when applicable, approve Major Site Plans, Major Subdivision plats, and other methods of development requiring compliance with this Ordinance. In determining compliance with this Ordinance, the TRC may take the following actions:
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 - (2) Grant provisional approval of the Major Site Plan or Major Subdivision by providing to the applicant a detailed description of the applicable areas of non-compliance with the Ordinance; in turn, allowing the applicant to make all necessary changes to receive approval. Following resubmission of plans by the applicant, the Administrator may grant approval or require placement on another TRC agenda for review and approval.
 - (3) Deny the Major Site Plan or Major Subdivision with a written statement of non-compliance for all applicable provisions of the Ordinance.

- (4) Temporarily suspend review of the Major Site Plan or Major Subdivision pending additional information, clarification, or modification of the submittal by the applicant. Once review has been suspended, the case must be placed on another TRC agenda before review can resume.

2. Membership

The Technical Review Committee shall consist of the following members:

- One (1) City Council Member (ex-officio, non-voting)
- One (1) Planning Board Member (ex-officio, non-voting)
- The following department representatives, or their designee:
 - Land and Development Services (2)
 - Planning and Neighborhoods (1)
 - Transportation (1)
 - Salisbury-Rowan Utilities (1)
 - Fire (1)
 - Public Services (1)
- In addition, the Chair may, at their discretion, or at the request of other TRC members, invite other administrative staff members from the following organizations to participate in the meetings. Such participants shall serve in a non-voting capacity.
 - Other City of Salisbury Departments
 - Departments of Rowan County
 - NC Department of Transportation
 - Other NC State Agencies
 - Other Federal Agencies

E. Alternate Methods of Design Commission (AMDC)

1. Authority and Responsibility

The Alternate Methods of Design Commission shall have the authority to consider requests for alternate methods of compliance against specific provisions of this Ordinance. It is not intended for, nor any authority granted to, this body to hear and decide petitions for variances in lieu of the Board of Adjustment; instead, it is the responsibility of this commission to consider alternative methods by which the spirit and intent of specific design provisions may be upheld.

Depending on the alternate method of compliance request, the Alternate Methods of Design Commission shall use the general development process criteria as well as specific criteria provided in those applicable sections of this Ordinance in determining alternative compliance.

2. Membership

- a. The Alternate Methods of Design Commission shall be a three (3)-member commission, with one (1) alternate member, appointed by the City Council. Members shall have demonstrated experience, education, or licensure in the design, construction, and/or development field. All members shall reside within the territorial (zoning) jurisdiction of the City of Salisbury. In addition, the commission shall consist of one (1) Planning Board member as an ex-officio, non-voting member.
- b. Members shall be appointed for three (3)-year staggered terms. A member may be reappointed for a consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of the termination of their second term. In the case of a vacancy occurring during a term, such vacancy shall be filled for the unexpired portion of such term.

14.3 Meetings and General Procedures

All meetings of appointed bodies under this Chapter shall be open to the public in accordance with G.S. 143-318 (Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure adopted by the respective bodies.

Any and all adopted rules of procedure shall be kept on file at the Land and Development Services office and shall be made available upon request.

All bodies authorized under this Chapter shall meet at regularly scheduled times and at such other times as determined by the chairman as provided for in the applicable rules of procedure.

14.4 Staff

An Administrator shall serve as staff to the Planning Board, Board of Adjustment, Historic Preservation Commission, and Alternate Methods of Design Commission. In addition, the City Attorney may provide legal and procedural assistance to the Board of Adjustment.

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CHAPTER 15. DEVELOPMENT PROCESS

15.1 Purpose and Intent

In order to establish an orderly process to develop land within the jurisdiction of the City of Salisbury consistent with standard development practices and terminology it is the purpose of this Chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, City staff and related agencies, Boards and Commissions, and the City Council. The intent of this Chapter is as follows:

- *To ensure that land, parcels, and lots are appropriately subdivided so that their use and development complies with all applicable requirements of this Ordinance;*
- *To ensure that development is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public; and*
- *To provide for the adequate and efficient provision of facilities and/or infrastructure, and the dedication of land, rights-of-way, and easements, so as not to burden the fiscal resources of the City. This includes the construction of buildings and utilities, streets and sidewalks, landscaping, recreational open spaces, and other provisions required for the public good of the City of Salisbury.*

- 15.1 Purpose and Intent
 - 15.2 General Applicability
 - 15.3 Public Notification for Public or Evidentiary Hearings
 - 15.4 Administrative Permit Procedures-General Provisions
 - 15.5 Grading Permits
 - 15.6 Zoning Permits
 - 15.7 Certificate of Appropriateness
 - 15.8 Minor Site Plans
 - 15.9 Major Site Plans
 - 15.10 Subdivision Procedures-General Provisions
 - 15.11 Exception Plat Subdivision
 - 15.12 Minor Subdivision
 - 15.13 Major Subdivision
 - 15.14 Quasi-Judicial Procedures-General Provisions
 - 15.15 Administrative Appeals
 - 15.16 Variances
 - 15.17 Alternate Methods of Compliance
 - 15.18 Special Use Permits
 - 15.19 Legislative Procedures-General Provisions
 - 15.20 Local Historic Overlay District (LHO) and Historic Landmark Overlay (HLO) District Establishment
 - 15.21 Text Amendments
 - 15.22 Map Amendments (rezonings)
 - 15.23 Conditional Districts
 - 15.24 Future Land Use Map Amendment
 - 15.25 Vested Rights
 - 15.26 Transportation Impact Analysis
 - 15.27 Stormwater Permit
-

The Salisbury City Council shall adopt from time to time, a schedule of fees and review schedule for application and processing as specified in this Ordinance.

4. Mailboxes, newspaper boxes, fences, flag poles, pump covers and any other structure less than 144 square feet in area.
- B. Waiver of Certain Application Requirements:** The Administrator may waive certain application requirements if it is determined that the submission of a complete development plan in accordance with Chapter 16, Development Requirements, would serve no useful purpose.
1. Signs
 2. Interior alterations and renovations that require a county building permit which does not alter the footprint or height of an otherwise conforming use and/or structure (i.e. HVAC, re-roofing, steps, or siding) except in a designated Historic District, etc.
 3. Accessory structures for all building types; or
 4. Any enlargement of a principal building by less than twenty-five percent (25%) of its existing size provided such enlargement will not result in site or landscaping improvements or the expansion of parking areas; or
 5. A change in principal use where such change would not result in a change in lot coverage, off-street parking access or other external site characteristics.
- C. Expiration of Permit:** Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.
- D. Compliance and Violations:** Zoning permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized by the zoning permit shall be deemed a violation of this Ordinance and shall be subject to civil penalties per Chapter 17, Violations and Penalties.
- E. Right of Appeal:** If a request for a zoning permit is disapproved or if a ruling of the Administrator is questioned, any aggrieved party may appeal such ruling to the ~~Zoning~~ Board of Adjustment in accordance with Section 15.15, Administrative Appeals.
- F. Certificate of Occupancy:** No structure shall be occupied until a Certificate of Occupancy has been issued by the Administrator. Any Certificate of Occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Administrator and copies shall be furnished, on request, to all interested parties. If a Certificate of Occupancy is denied, the reasons for such denial shall be specified in

writing and provided to the applicant. Where certain infrastructure or site elements have not been installed (i.e. landscaping due to time of year), a Temporary Certificate of Occupancy may be issued by the Administrator. Temporary Certificates shall remain valid for a period of 180 days and there shall be no extension beyond that 180-day period.

G. Modification of Dimensional Standards

1. The Administrator is authorized to approve requests that deviate from required setbacks set forth in this Ordinance by up to ten (10%) percent of the required setbacks or 24 inches, whichever is greater, upon determination that one or more of the following conditions exists:
 - a. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area.
 - b. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.
 - c. The proposed structure will allow the preservation of significant existing vegetation.
 - d. A good faith error was made in the location of a building foundation not exceeding one (1) foot due to either field construction or survey error.
2. The authority given to the Administrator to grant such modification shall be construed to be permissive and not mandatory and the Administrator may decline to make such modification. In the event this occurs, the applicant shall have the right to submit an application to the ~~Zoning~~ Board of Adjustment to grant a variance to these requirements.
3. Nothing in this section shall be construed as limiting the Administrator's duties and rights under this Chapter, or an applicant's right to appeal the decision of the Administrator to the ~~Zoning~~ Board of Adjustment.

15.5 Grading Permits

Permits for grading shall be required for any land disturbing activity that does not have approved construction documents. Grading permissions issued under this section shall supersede any other grading restrictions in this chapter. Grading plans must be submitted for review and shall be prepared by a licensed professional, at a scale of not less than 1 inch = 50 feet, showing existing conditions and proposed grading activity. No Grading permit shall be issued without the appropriate City, County, State, and Federal approvals; including, but not limited to, Erosion Control approval, Driveway permit, Floodplain development permit, and 401 Certification. Grading permit approval does not grant permission to proceed with infrastructure improvements.

A. Predevelopment Grading

Permits for predevelopment grading shall be required for any land disturbing activity of one acre or more that is not regulated by a previously approved site plan. Grading shall be considered “low impact” or high impact” in accordance with the below provisions.

1. **Low Impact Activity:** For a low impact activity, a predevelopment site grading permit can be secured following administrative review and approval. If denied, the applicant shall be issued a formal letter of denial stating, in writing, the reason(s) for the denial. If the permit is denied, the matter may be appealed to the ~~Zoning~~ Board of Adjustment.
2. **High Impact Activity:** If one or more of the high impact activities in the table below exist, it is considered high impact.
 - a. For a high impact activity, a predevelopment site grading permit shall be reviewed and recommended by the Technical Review Committee before being considered for approval or denial by the City Council.
 - b. Land Disturbing Activity Within 100 feet of Residential District: In the case of high impact activity number 1 (“Land disturbing activity is within 100 feet or less from a residential district.”), property owners within 100 feet of any land disturbing activity shall be notified in writing, by first class mail, of a city public hearing to be conducted prior to the City’s consideration of issuance of the permit.

Low Impact Activity	High Impact Activity
1. Land disturbing activity is more than 100 feet from a residential district.	1. Land disturbing activity is 100 feet or less from a residential district.
2. Land disturbing activity will not intrude into either the Street Yard landscaping area or Planting Yard landscaping area (<i>see Chapter 8, Landscaping</i>)	2. Land disturbing activity will intrude into either the Street Yard area or the Planting Yard landscaping area (<i>see Chapter 8, Landscaping</i>)
3. The steepness of the proposed slope at clearing limit is 3:1 (horizontal: vertical) or flatter	3. The steepness of the proposed slope at clearing limit is greater (steeper) than 3:1 (horizontal: vertical)
4. The height of proposed grade change (cut or fill) is less than or equal to 3 feet.	4. The height of the proposed grade change is greater than 3 feet.

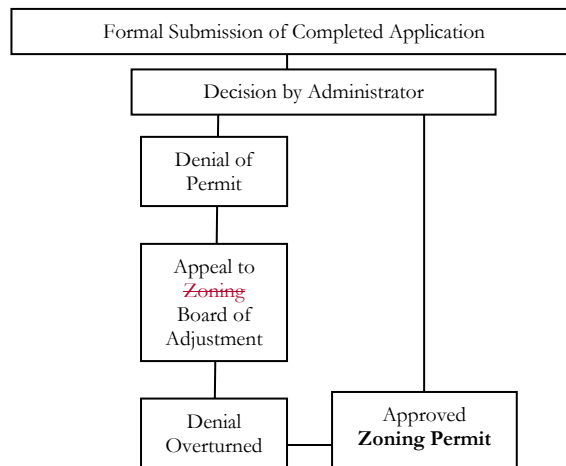
B. Plan Approved Grading

Any major subdivision, major site plan, minor site plan, or conditional district rezoning that has not expired and has received master plan or preliminary plat approval shall qualify to apply for a grading permit. A Plan Approved Grading permit can be secured following administrative review and approval. If denied, the applicant shall be issued a formal letter of denial stating, in writing, the reason(s) for the denial. If the permit is denied, the matter may be appealed to the ~~Zoning~~ Board of Adjustment. No grading permit shall be required if the development has already received Construction Document approval and the master plan or preliminary plat has not expired.

15.6 Zoning Permits

- A. **Applicability:** A Zoning Permit is required for the approval of all applications for individual buildings, signs, and all other development applications not otherwise covered by other procedures in this Chapter.
- B. **Case Management:** The Administrator, or their designee, shall assign a case number to all Zoning Permits for processing and permanent tracking. Following original approval of the case, any and all changes to the Schematic Plan shall be considered modifications to the original and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved Schematic Plans for the same property or properties are prohibited.
- C. **Procedure:**

APPLICATION	REVIEW AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3) w/Building Design Plans (16.12)	Administrator	Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



F. Certificate of Appropriateness for Demolition

1. In accordance with NCGS § 160D-949 , an application for a Certificate of Appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within historic district may not be denied except as provided in paragraph (2) below. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.
2. An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site or structure determined by the state historic preservation officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where:
 - a. The Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial; or
 - b. The City has adopted a demolition ordinance under the minimum housing code.
3. If the Commission has voted to recommend designation of a property as a Landmark or designation of an area as a District, and final designation has not been made by the City Council, the demolition or destruction of any building, site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever comes first.

G. Authentic Restorations

1. In the event that the Commission, in considering an application for a Certificate of Appropriateness, shall find that a building or structure for which a zoning permit is requested is to be an authentic restoration or reconstruction of a building or structure which existed at the same location but does not meet zoning requirements, said building or structure may be authorized to be restored or reconstructed at the same location where the original building or structure was located, provided the ~~Zoning~~ Board of Adjustment authorizes such as a special exception and no use other than that permitted in the district in which such is located is made of said property. Such conditions as may be attached to the Historic Preservation Commission approval and those conditions as may be set by the ~~Zoning~~ Board of Adjustment shall be included in any Certificate of Appropriateness related thereto.

15.9 Major Site Plan

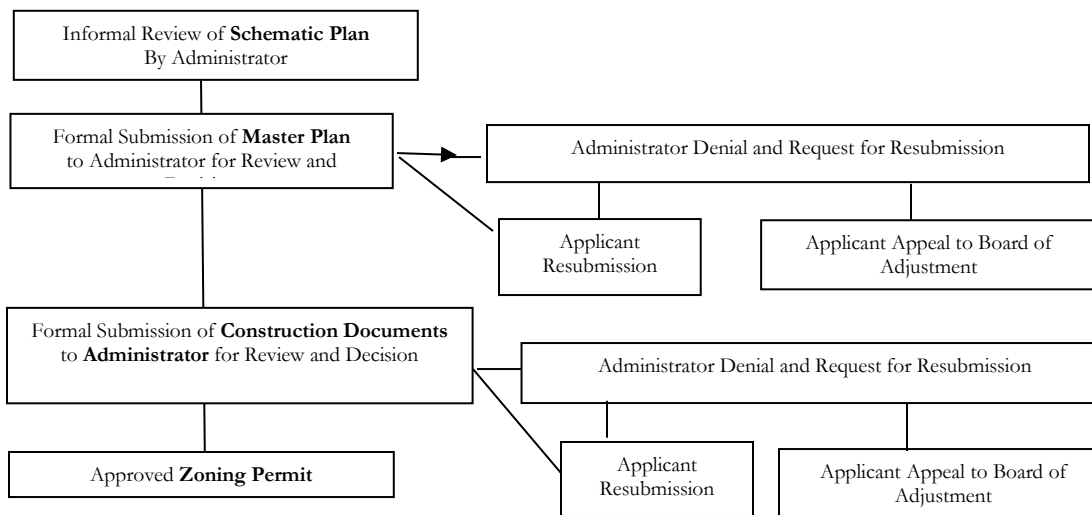
A. Applicability:

- Multi-family development with 8 or more units
- Non-residential development or expansion 10,000 square feet or greater in gross floor area
- Industrial development

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

C. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3)	Administrator	For Non-Binding Review Only	n/a
Master Plan (16.4)	Technical Review Committee (TRC)	Review for Completeness & Ordinance Compliance Approval Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.5)	Administrator	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



E. Record Plats:

Any map for recordation that does not constitute a subdivision shall be submitted to the subdivision administrator who shall determine that the requirements of this ordinance are not applicable. Such determination shall be affixed to the map for recordation as shown in section 16.8., Record Plat Requirement. One (1) print shall be retained by and become a permanent record of the City. There shall be no filing fee for such a map.

15.11 Exception Plat Subdivision

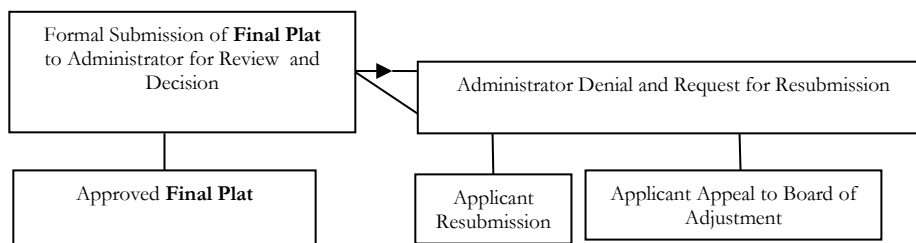
A. Applicability:

An Exception Plat is:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as required by this ordinance;
- The division of land into greater than ten (10) acres where no street right-of-way dedication is involved;
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; or
- The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as required by this ordinance.

B. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Final Plat (16.6 & 16.7)	Administrator	Review for Completeness & Ordinance Compliance Final Plat Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



15.14 Quasi-Judicial Proceedings – General Provisions

- A. **Purpose:** This section provides for the discretionary evaluation of certain applications by requiring that certain decisions follow “quasi-judicial” proceedings which are public evidentiary hearings. These evidentiary hearings include testimony provided under oath and the findings of fact supported by competent, substantial, and material evidence. Specifically, these quasi-judicial procedures are applied to Administrative Appeals, Variances, Alternate Methods of Compliance, Certificates of Appropriateness and Special Use Permits.

- B. **Judicial Appeals:**
 - 1. Every quasi-judicial decision of the ~~Zoning~~ Board of Adjustment, City Council, Planning Board and Historic Preservation Commission shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after a decision is filed in the office of the City Clerk, or after a written copy is delivered to every aggrieved party who has filed a written request for such copy with the Administrator at the time of the hearing of the case, whichever is later.

 - 2. Every quasi-judicial decision of the Alternate Methods of Design Commission shall be appealed to the ~~Zoning~~ Board of Adjustment within thirty (30) days of the decision. Appeals shall be submitted in writing to the Development Services division for scheduling and processing.

- C. **Quasi-Judicial Procedures:**
 - 1. **Witnesses:** Any person intending to present testimony shall be treated as a witness. The Administrator and any staff member shall be treated as a witness when 1) defending an interpretation of this Ordinance, 2) stating what is perceived to be facts of a case, or 3) making a recommendation concerning the outcome of a case. All witnesses shall be sworn by the Mayor or Board /Commission chair before the opening of the evidentiary hearing.

 - 2. **Evidentiary Hearing:** An evidentiary hearing shall be held on each quasi-judicial case. The Mayor or Board /Commission chair shall open and close the hearing; however, the hearing may be continued to another meeting if the motion to continue specifies when and where the continued hearing will be held. Once the evidentiary hearing is closed, the vote may occur at the same meeting or carried over to future duly-noticed meeting.

 - 3. **Deliberation:** Following closure of the evidentiary hearing, the City Council, ~~Zoning~~ Board of Adjustment, Planning Commission, Historic Preservation Commission or Alternate Methods of Design Commission must deliberate on the evidence provided during testimony and the ordinance standards applicable to the case in order to make conclusions of law explaining the logic behind the impending decision. The findings of fact must be designed to summarize all

evidence, allowing conclusions of law to be made about how the ordinance standards apply to the case.

4. **Findings of Fact & Conclusions of Law:** Following adjudication of the case, the findings of fact and conclusions of law shall be stated at the meeting. The Administrator, or their designee, shall prepare the findings of fact and conclusions of law for review and approval at the next meeting.
5. **Voting:** The concurring vote of four-fifths of the ~~Zoning~~ Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For purposes of this subsection, vacant positions of the ~~Zoning~~ Board of Adjustment and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives available to take the place of such members. (G. S. 160D-406(i)).
6. **Rehearing:** An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of adjudication. In addition, specific information to enable the City Council, ~~Zoning~~ Board of Adjustment, or Alternate Methods of Design Commission to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the City Council, ~~Zoning~~ Board of Adjustment, or Alternate Methods of Design Commission, if, in its judgment, such change in facts, evidence or conditions has not been proven. An evidentiary hearing shall not be required to be held to consider holding such a rehearing.

15.15 Administrative Appeals

- A. **Applicability:** The ~~Zoning~~ Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Administrator, the Technical Review Committee, and apply such interpretation to particular fact situations.
- B. **Applicant with Standing:** An appeal may be made by any aggrieved party or by any officer, department or board of Salisbury who has received a ruling from the Administrator, the Technical Review Committee, upon the submission of a completed application. An appeal to the ~~Zoning~~ Board of Adjustment shall be made within thirty (30) days of the decision, order, determination, or interpretation made by the Administrator. A properly-filed appeal shall be placed on the ~~Zoning~~ Board of Adjustment agenda within 30 days of filing. The filing of any application stays all proceedings unless the Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the ~~Zoning~~ Board of Adjustment or by a judicial court of law.

- C. **Board Powers and Responsibilities:** The ~~Zoning~~ Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed. The ~~Zoning~~ Board of Adjustment shall have all the powers of the Administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.
- D. **Majority Required: A majority** vote shall be necessary to make an interpretation of the Ordinance, reverse any order, requirement, or decision or determination of the Administrator. All decisions of the ~~Zoning~~ Board of Adjustment shall be in writing and filed with the Administrator.

15.16 Variances

- A. **Applicability:** When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the ~~Zoning~~ Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this Ordinance.
- B. **Applicant with Standing:** A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property upon the submission of a completed application. The filing of any application stays all proceedings unless the Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the ~~Zoning~~ Board of Adjustment, City Council or by a judicial court of law.
- C. **Required Findings & Conclusions of Law:** The Board of Adjustment may only grant a variance having first held a public hearing on the matter. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:
 - 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist

that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
5. The following are not causes for a variance:
 - The citing of other nonconforming or conforming uses of land or structures in the same or other districts.
 - The request for a particular use expressly, or by inference, prohibited in the district involved.
 - Economic hardship or the fact that property may be utilized more profitably with a variance.

D. Board May Apply Conditions to Motion: The ~~Zoning~~ Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Chapter 19.

E. 4/5 Supermajority Required for Decision: The concurrent 4/5 supermajority vote shall be necessary to grant a variance. All decisions of the ~~Zoning~~ Board of Adjustment shall be in writing and filed with the Administrator.

F. Time for Decision: Except for modification of dimensional standards as noted in Section 15.4.G.1, the ~~Zoning~~ Board of Adjustment shall hold a public hearing on an application no later than 60 days after a complete application has been filed with the Administrator. The ~~Zoning~~ Board of Adjustment shall decide on the matter which was presented at the public hearing within 31 days of the close of the public hearing.

G. Effect of Denial-Time to Resubmit: Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

15.17 Alternate Methods of Compliance

A. Purpose: Alternate methods of compliance is a method by which the Alternate Methods of Design Commission (AMDC) may approve alternative materials or alternative methods to specific design-related provisions throughout this Ordinance. Several of the following provisions are also eligible for exemption through the Conditional District (CD) process. When processing a CD petition, the AMDC operates as a legislative advisory body and may recommend alternate methods of compliance to the Planning Board. The specific provisions eligible for alternate methods of compliance are as follows:

1. **Sec. 2.4.D.1:** Building Design Standards for Light & Heavy Industrial development

- C. Effect of Approval:** If an application is approved, the Special Use Permit that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. The applicant shall record the approved Special Use Permit in the Rowan County Register of Deeds office and submit a copy to the City prior to release of any City permits (G. S. 160D-705C). The authorization of Council for a Special Use Permit and all supporting documentation shall become a part of the Certificate of Occupancy.
- D. Substantial Changes:** Any substantial change to a Special Use Permit that results in the increase of the intensity, density, or character of the use shall be approved or denied by the City Council as an amended Special Use Permit. Minor field alterations or minor revisions to approved Special Use Permits may be approved by the Administrator if the Special Use still meets the intent of the standards established with the original approval.
- E. Appeal:** The determination of the Salisbury City Council shall be conclusive and final and there shall be no further appeal to the ~~Zoning~~ Board of Adjustment or any other administrative board or commission except the State Superior Court. A request for a review may be made in the same manner as an original request. Evidence in support of the request shall initially be limited to that which is necessary to enable council to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. It shall thereupon treat the request in the same manner as the original request. Otherwise, the Council may terminate any further consideration of such request. The City Council may, however, review its authorization and the conditions thereof and after such review may modify or change the conditions of the Special Use Permit or may terminate the Special Use Permit only upon agreement with one or more of the criterion set forth in 15.17.G.3, below. Any appeal for administrative review concerning the enforcement of a Special Use Permit shall be to the Salisbury City Council.
- F. Expiration or Rescission of Special Use Permits:**
1. If the authorized use is not established or any applicable permit is not obtained at the end of the twelve (12) month period, the Special Use Permit shall expire.
 2. Criteria for which a Special Use Permit may be rescinded or terminated by City Council shall be as follows:
 - a. Non-compliance with adopted conditions.
 - b. Expressed diminution of value of surrounding properties that may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - c. Expressed negative effects related to the general safety, health, and welfare of the surrounding community, which may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - d. Recorded and repeated Code violations.

CHAPTER 15. DEVELOPMENT PROCESS

15.1 Purpose and Intent

In order to establish an orderly process to develop land within the jurisdiction of the City of Salisbury consistent with standard development practices and terminology it is the purpose of this Chapter to provide a clear and comprehensible development process that is fair and equitable to all interests including the petitioners, affected neighbors, City staff and related agencies, Boards and Commissions, and the City Council. The intent of this Chapter is as follows:

- *To ensure that land, parcels, and lots are appropriately subdivided so that their use and development complies with all applicable requirements of this Ordinance;*
- *To ensure that development is in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public; and*
- *To provide for the adequate and efficient provision of facilities and/or infrastructure, and the dedication of land, rights-of-way, and easements, so as not to burden the fiscal resources of the City. This includes the construction of buildings and utilities, streets and sidewalks, landscaping, recreational open spaces, and other provisions required for the public good of the City of Salisbury.*

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 - 15.9 Major Site Plans
 - 15.10 Subdivision Procedures-General Provisions
 - 15.11 Exception Plat Subdivision
 - 15.12 Minor Subdivision
 - 15.13 Major Subdivision
 - 15.14 Quasi-Judicial Procedures-General Provisions
 - 15.15 Administrative Appeals
 - 15.16 Variances
 - 15.17 Alternate Methods of Compliance
 - 15.18 Special Use Permits
 - 15.19 Legislative Procedures-General Provisions
 - 15.20 Local Historic Overlay District (LHO) and Historic Landmark Overlay (HLO) District Establishment
 - 15.21 Text Amendments
 - 15.22 Map Amendments (rezonings)
 - 15.23 Conditional Districts
 - 15.24 Future Land Use Map Amendment
 - 15.25 Vested Rights
 - 15.26 Transportation Impact Analysis
 - 15.27 Stormwater Permit
-

The Salisbury City Council shall adopt from time to time, a schedule of fees and review schedule for application and processing as specified in this Ordinance.

4. Mailboxes, newspaper boxes, fences, flag poles, pump covers and any other structure less than 144 square feet in area.
- B. Waiver of Certain Application Requirements:** The Administrator may waive certain application requirements if it is determined that the submission of a complete development plan in accordance with Chapter 16, Development Requirements, would serve no useful purpose.
1. Signs
 2. Interior alterations and renovations that require a county building permit which does not alter the footprint or height of an otherwise conforming use and/or structure (i.e. HVAC, re-roofing, steps, or siding) except in a designated Historic District, etc.
 3. Accessory structures for all building types; or
 4. Any enlargement of a principal building by less than twenty-five percent (25%) of its existing size provided such enlargement will not result in site or landscaping improvements or the expansion of parking areas; or
 5. A change in principal use where such change would not result in a change in lot coverage, off-street parking access or other external site characteristics.
- C. Expiration of Permit:** Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.
- D. Compliance and Violations:** Zoning permits issued on the basis of dimensional plans approved by the Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction which differs from that authorized by the zoning permit shall be deemed a violation of this Ordinance and shall be subject to civil penalties per Chapter 17, Violations and Penalties.
- E. Right of Appeal:** If a request for a zoning permit is disapproved or if a ruling of the Administrator is questioned, any aggrieved party may appeal such ruling to the Board of Adjustment in accordance with Section 15.15, Administrative Appeals.
- F. Certificate of Occupancy:** No structure shall be occupied until a Certificate of Occupancy has been issued by the Administrator. Any Certificate of Occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Administrator and copies shall be furnished, on request, to all interested parties. If a Certificate of Occupancy is denied, the reasons for such denial shall be specified in

writing and provided to the applicant. Where certain infrastructure or site elements have not been installed (i.e. landscaping due to time of year), a Temporary Certificate of Occupancy may be issued by the Administrator. Temporary Certificates shall remain valid for a period of 180 days and there shall be no extension beyond that 180-day period.

G. Modification of Dimensional Standards

1. The Administrator is authorized to approve requests that deviate from required setbacks set forth in this Ordinance by up to ten (10%) percent of the required setbacks or 24 inches, whichever is greater, upon determination that one or more of the following conditions exists:
 - a. There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally established wall or walls of a principal structure already within the minimum setback area.
 - b. The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirements.
 - c. The proposed structure will allow the preservation of significant existing vegetation.
 - d. A good faith error was made in the location of a building foundation not exceeding one (1) foot due to either field construction or survey error.
2. The authority given to the Administrator to grant such modification shall be construed to be permissive and not mandatory and the Administrator may decline to make such modification. In the event this occurs, the applicant shall have the right to submit an application to the Board of Adjustment to grant a variance to these requirements.
3. Nothing in this section shall be construed as limiting the Administrator's duties and rights under this Chapter, or an applicant's right to appeal the decision of the Administrator to the Board of Adjustment.

15.5 Grading Permits

Permits for grading shall be required for any land disturbing activity that does not have approved construction documents. Grading permissions issued under this section shall supersede any other grading restrictions in this chapter. Grading plans must be submitted for review and shall be prepared by a licensed professional, at a scale of not less than 1 inch = 50 feet, showing existing conditions and proposed grading activity. No Grading permit shall be issued without the appropriate City, County, State, and Federal approvals; including, but not limited to, Erosion Control approval, Driveway permit, Floodplain development permit, and 401 Certification. Grading permit approval does not grant permission to proceed with infrastructure improvements.

A. Predevelopment Grading

Permits for predevelopment grading shall be required for any land disturbing activity of one acre or more that is not regulated by a previously approved site plan. Grading shall be considered “low impact” or high impact” in accordance with the below provisions.

1. **Low Impact Activity:** For a low impact activity, a predevelopment site grading permit can be secured following administrative review and approval. If denied, the applicant shall be issued a formal letter of denial stating, in writing, the reason(s) for the denial. If the permit is denied, the matter may be appealed to the Board of Adjustment.
2. **High Impact Activity:** If one or more of the high impact activities in the table below exist, it is considered high impact.
 - a. For a high impact activity, a predevelopment site grading permit shall be reviewed and recommended by the Technical Review Committee before being considered for approval or denial by the City Council.
 - b. Land Disturbing Activity Within 100 feet of Residential District: In the case of high impact activity number 1 (“Land disturbing activity is within 100 feet or less from a residential district.”), property owners within 100 feet of any land disturbing activity shall be notified in writing, by first class mail, of a city public hearing to be conducted prior to the City’s consideration of issuance of the permit.

Low Impact Activity	High Impact Activity
1. Land disturbing activity is more than 100 feet from a residential district.	1. Land disturbing activity is 100 feet or less from a residential district.
2. Land disturbing activity will not intrude into either the Street Yard landscaping area or Planting Yard landscaping area (<i>see Chapter 8, Landscaping</i>)	2. Land disturbing activity will intrude into either the Street Yard area or the Planting Yard landscaping area (<i>see Chapter 8, Landscaping</i>)
3. The steepness of the proposed slope at clearing limit is 3:1 (horizontal: vertical) or flatter	3. The steepness of the proposed slope at clearing limit is greater (steeper) than 3:1 (horizontal: vertical)
4. The height of proposed grade change (cut or fill) is less than or equal to 3 feet.	4. The height of the proposed grade change is greater than 3 feet.

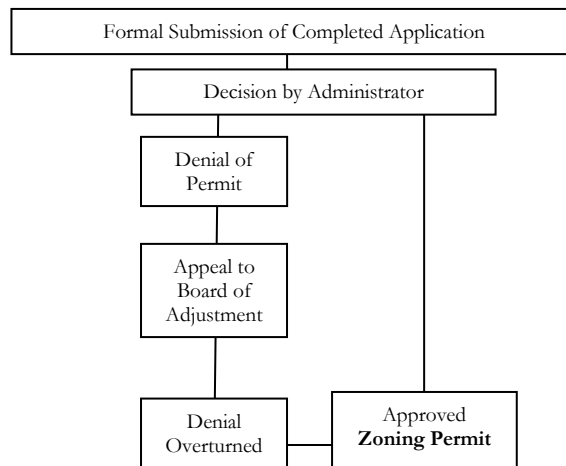
B. Plan Approved Grading

Any major subdivision, major site plan, minor site plan, or conditional district rezoning that has not expired and has received master plan or preliminary plat approval shall qualify to apply for a grading permit. A Plan Approved Grading permit can be secured following administrative review and approval. If denied, the applicant shall be issued a formal letter of denial stating, in writing, the reason(s) for the denial. If the permit is denied, the matter may be appealed to the Board of Adjustment. No grading permit shall be required if the development has already received Construction Document approval and the master plan or preliminary plat has not expired.

15.6 Zoning Permits

- A. **Applicability:** A Zoning Permit is required for the approval of all applications for individual buildings, signs, and all other development applications not otherwise covered by other procedures in this Chapter.
- B. **Case Management:** The Administrator, or their designee, shall assign a case number to all Zoning Permits for processing and permanent tracking. Following original approval of the case, any and all changes to the Schematic Plan shall be considered modifications to the original and shall be processed under the original case number. Any approved modifications shall fully replace the original approval. Concurrently-approved Schematic Plans for the same property or properties are prohibited.
- C. **Procedure:**

APPLICATION	REVIEW AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3) w/Building Design Plans (16.12)	Administrator	Zoning Permit Issued -or- Denial and Request for Resubmission	Board of Adjustment



F. Certificate of Appropriateness for Demolition

1. In accordance with NCGS § 160D-949 , an application for a Certificate of Appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within historic district may not be denied except as provided in paragraph (2) below. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty-five (365) days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.
2. An application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site or structure determined by the state historic preservation officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where:
 - a. The Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial; or
 - b. The City has adopted a demolition ordinance under the minimum housing code.
3. If the Commission has voted to recommend designation of a property as a Landmark or designation of an area as a District, and final designation has not been made by the City Council, the demolition or destruction of any building, site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to one hundred eighty (180) days or until the City Council takes final action on the designation, whichever comes first.

G. Authentic Restorations

1. In the event that the Commission, in considering an application for a Certificate of Appropriateness, shall find that a building or structure for which a zoning permit is requested is to be an authentic restoration or reconstruction of a building or structure which existed at the same location but does not meet zoning requirements, said building or structure may be authorized to be restored or reconstructed at the same location where the original building or structure was located, provided the Board of Adjustment authorizes such as a special exception and no use other than that permitted in the district in which such is located is made of said property. Such conditions as may be attached to the Historic Preservation Commission approval and those conditions as may be set by the Board of Adjustment shall be included in any Certificate of Appropriateness related thereto.

15.9 Major Site Plan

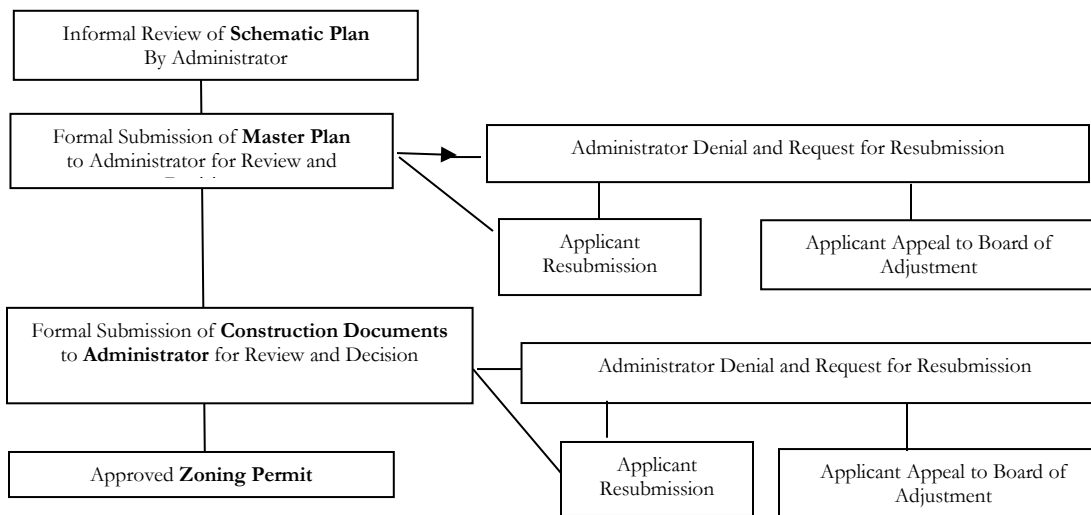
A. Applicability:

- Multi-family development with 8 or more units
- Non-residential development or expansion 10,000 square feet or greater in gross floor area
- Industrial development

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

C. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Schematic Plan (16.3)	Administrator	For Non-Binding Review Only	n/a
Master Plan (16.4)	Technical Review Committee (TRC)	Review for Completeness & Ordinance Compliance Approval Issued -or- Denial and Request for Resubmission	Board of Adjustment
Construction Documents (16.5)	Administrator	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Board of Adjustment



E. Record Plats:

Any map for recordation that does not constitute a subdivision shall be submitted to the subdivision administrator who shall determine that the requirements of this ordinance are not applicable. Such determination shall be affixed to the map for recordation as shown in section 16.8., Record Plat Requirement. One (1) print shall be retained by and become a permanent record of the City. There shall be no filing fee for such a map.

15.11 Exception Plat Subdivision

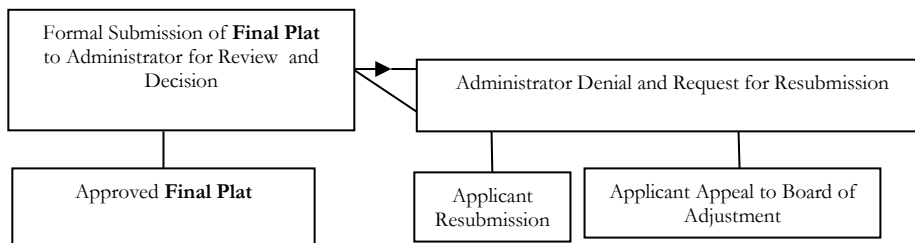
A. Applicability:

An Exception Plat is:

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the city as required by this ordinance;
- The division of land into greater than ten (10) acres where no street right-of-way dedication is involved;
- The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; or
- The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality as required by this ordinance.

B. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Final Plat (16.6 & 16.7)	Administrator	Review for Completeness & Ordinance Compliance Final Plat Issued -or- Denial and Request for Resubmission	Board of Adjustment



15.14 Quasi-Judicial Proceedings – General Provisions

- A. **Purpose:** This section provides for the discretionary evaluation of certain applications by requiring that certain decisions follow “quasi-judicial” proceedings which are public evidentiary hearings. These evidentiary hearings include testimony provided under oath and the findings of fact supported by competent, substantial, and material evidence. Specifically, these quasi-judicial procedures are applied to Administrative Appeals, Variances, Alternate Methods of Compliance, Certificates of Appropriateness and Special Use Permits.

- B. **Judicial Appeals:**
 - 1. Every quasi-judicial decision of the Board of Adjustment, City Council, Planning Board and Historic Preservation Commission shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after a decision is filed in the office of the City Clerk, or after a written copy is delivered to every aggrieved party who has filed a written request for such copy with the Administrator at the time of the hearing of the case, whichever is later.

 - 2. Every quasi-judicial decision of the Alternate Methods of Design Commission shall be appealed to the Board of Adjustment within thirty (30) days of the decision. Appeals shall be submitted in writing to the Development Services division for scheduling and processing.

- C. **Quasi-Judicial Procedures:**
 - 1. **Witnesses:** Any person intending to present testimony shall be treated as a witness. The Administrator and any staff member shall be treated as a witness when 1) defending an interpretation of this Ordinance, 2) stating what is perceived to be facts of a case, or 3) making a recommendation concerning the outcome of a case. All witnesses shall be sworn by the Mayor or Board /Commission chair before the opening of the evidentiary hearing.

 - 2. **Evidentiary Hearing:** An evidentiary hearing shall be held on each quasi-judicial case. The Mayor or Board /Commission chair shall open and close the hearing; however, the hearing may be continued to another meeting if the motion to continue specifies when and where the continued hearing will be held. Once the evidentiary hearing is closed, the vote may occur at the same meeting or carried over to future duly-noticed meeting.

 - 3. **Deliberation:** Following closure of the evidentiary hearing, the City Council, Board of Adjustment, Planning Commission, Historic Preservation Commission or Alternate Methods of Design Commission must deliberate on the evidence provided during testimony and the ordinance standards applicable to the case in order to make conclusions of law explaining the logic behind the impending decision. The findings of fact must be designed to summarize all evidence,

allowing conclusions of law to be made about how the ordinance standards apply to the case.

4. **Findings of Fact & Conclusions of Law:** Following adjudication of the case, the findings of fact and conclusions of law shall be stated at the meeting. The Administrator, or their designee, shall prepare the findings of fact and conclusions of law for review and approval at the next meeting.
5. **Voting:** The concurring vote of four-fifths of the Board of Adjustment shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For purposes of this subsection, vacant positions of the Board of Adjustment and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternatives available to take the place of such members. (G. S. 160D-406(i)).
6. **Rehearing:** An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of adjudication. In addition, specific information to enable the City Council, Board of Adjustment, or Alternate Methods of Design Commission to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the City Council, Board of Adjustment, or Alternate Methods of Design Commission, if, in its judgment, such change in facts, evidence or conditions has not been proven. An evidentiary hearing shall not be required to be held to consider holding such a rehearing.

15.15 Administrative Appeals

- A. **Applicability:** The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Administrator, the Technical Review Committee, and apply such interpretation to particular fact situations.
- B. **Applicant with Standing:** An appeal may be made by any aggrieved party or by any officer, department or board of Salisbury who has received a ruling from the Administrator, the Technical Review Committee, upon the submission of a completed application. An appeal to the Board of Adjustment shall be made within thirty (30) days of the decision, order, determination, or interpretation made by the Administrator. A properly-filed appeal shall be placed on the Board of Adjustment agenda within 30 days of filing. The filing of any application stays all proceedings unless the Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a judicial court of law.

- C. **Board Powers and Responsibilities:** The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed. The Board of Adjustment shall have all the powers of the Administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.
- D. **Majority Required: A majority** vote shall be necessary to make an interpretation of the Ordinance, reverse any order, requirement, or decision or determination of the Administrator. All decisions of the Board of Adjustment shall be in writing and filed with the Administrator.

15.16 Variances

- A. **Applicability:** When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this Ordinance.
- B. **Applicant with Standing:** A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property upon the submission of a completed application. The filing of any application stays all proceedings unless the Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, City Council or by a judicial court of law.
- C. **Required Findings & Conclusions of Law:** The Board of Adjustment may only grant a variance having first held a public hearing on the matter. No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:
 - 1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
 - 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
 - 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist

that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
 5. The following are not causes for a variance:
 - The citing of other nonconforming or conforming uses of land or structures in the same or other districts.
 - The request for a particular use expressly, or by inference, prohibited in the district involved.
 - Economic hardship or the fact that property may be utilized more profitably with a variance.
- D. Board May Apply Conditions to Motion:** The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Chapter 19.
- E. 4/5 Supermajority Required for Decision:** The concurrent 4/5 supermajority vote shall be necessary to grant a variance. All decisions of the Board of Adjustment shall be in writing and filed with the Administrator.
- F. Time for Decision:** Except for modification of dimensional standards as noted in Section 15.4.G.1, the Board of Adjustment shall hold a public hearing on an application no later than 60 days after a complete application has been filed with the Administrator. The Board of Adjustment shall decide on the matter which was presented at the public hearing within 31 days of the close of the public hearing.
- G. Effect of Denial-Time to Resubmit:** Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

15.17 Alternate Methods of Compliance

- A. Purpose:** Alternate methods of compliance is a method by which the Alternate Methods of Design Commission (AMDC) may approve alternative materials or alternative methods to specific design-related provisions throughout this Ordinance. Several of the following provisions are also eligible for exemption through the Conditional District (CD) process. When processing a CD petition, the AMDC operates as a legislative advisory body and may recommend alternate methods of compliance to the Planning Board. The specific provisions eligible for alternate methods of compliance are as follows:
1. **Sec. 2.4.D.1:** Building Design Standards for Light & Heavy Industrial development

- C. Effect of Approval:** If an application is approved, the Special Use Permit that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. The applicant shall record the approved Special Use Permit in the Rowan County Register of Deeds office and submit a copy to the City prior to release of any City permits (G. S. 160D-705C). The authorization of Council for a Special Use Permit and all supporting documentation shall become a part of the Certificate of Occupancy.
- D. Substantial Changes:** Any substantial change to a Special Use Permit that results in the increase of the intensity, density, or character of the use shall be approved or denied by the City Council as an amended Special Use Permit. Minor field alterations or minor revisions to approved Special Use Permits may be approved by the Administrator if the Special Use still meets the intent of the standards established with the original approval.
- E. Appeal:** The determination of the Salisbury City Council shall be conclusive and final and there shall be no further appeal to the Board of Adjustment or any other administrative board or commission except the State Superior Court. A request for a review may be made in the same manner as an original request. Evidence in support of the request shall initially be limited to that which is necessary to enable council to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. It shall thereupon treat the request in the same manner as the original request. Otherwise, the Council may terminate any further consideration of such request. The City Council may, however, review its authorization and the conditions thereof and after such review may modify or change the conditions of the Special Use Permit or may terminate the Special Use Permit only upon agreement with one or more of the criterion set forth in 15.17.G.3, below. Any appeal for administrative review concerning the enforcement of a Special Use Permit shall be to the Salisbury City Council.
- F. Expiration or Rescission of Special Use Permits:**
1. If the authorized use is not established or any applicable permit is not obtained at the end of the twelve (12) month period, the Special Use Permit shall expire.
 2. Criteria for which a Special Use Permit may be rescinded or terminated by City Council shall be as follows:
 - a. Non-compliance with adopted conditions.
 - b. Expressed diminution of value of surrounding properties that may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - c. Expressed negative effects related to the general safety, health, and welfare of the surrounding community, which may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - d. Recorded and repeated Code violations.

LDOTA-03-2023 TRC



PETITION TO AMEND: LAND DEVELOPMENT ORDINANCE

- CHAPTERS 14 & 15

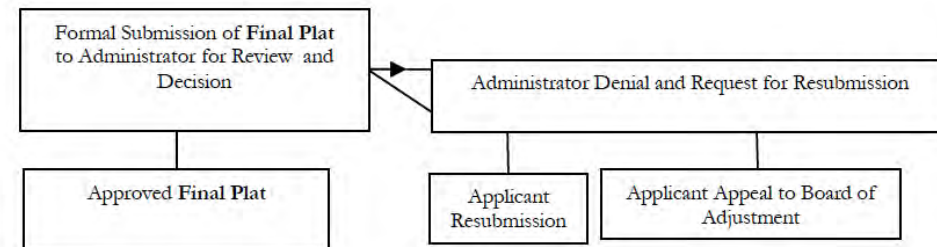
2. Membership

The Technical Review Committee shall consist of the following members:

- One (1) City Council Member (ex-officio, non-voting)
- One (1) Planning Board Member (ex-officio, non-voting)
- The following department representatives, or their designee:
 - ~~Community Planning~~ Land and Development Services (2)
 - Planning and Neighborhoods (1)
 - ~~Engineering~~ Transportation (1)
 - Salisbury-Rowan Utilities (1)
 - Fire (1)
 - Public Services (1)
- In addition, the Chair may, at their discretion, or at the request of other TRC members, invite other administrative staff members from the following organizations to participate in the meetings. Such participants shall serve in a non-voting capacity.
 - Other City of Salisbury Departments
 - Departments of Rowan County
 - NC Department of Transportation
 - Other NC State Agencies
 - Other Federal Agencies

B. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL PROCESS
Final Plat (16.6 & 16.7)	Administrator	Review for Completeness & Ordinance Compliance Final Plat Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



Forward 2040 Policies

There are no policies from the Forward 2040 Plan which specifically address a text amendment of this nature, however, staff finds that it is not inconsistent with the comprehensive plan.



The Technical Review Committee reviewed this amendment at their meeting on July 20, 2023. TRC recommended approval with no requested changes.

At their August 8, 2023 meeting the City of Salisbury Planning Board found the aforementioned amendment to the Land Development Ordinance to be consistent with the Forward 2040 Comprehensive Plan and voted unanimously to recommend approval.



Hold Public Hearing

regarding

LDOTA-03-2023: TRC

AN ORDINANCE AMENDING CHAPTER 14 (AGENCIES, BOARDS, AND COMMISSIONS) AND CHAPTER 15 (DEVELOPMENT PROCESS) OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA. (PETITION NO. LDOTA-03-2023)

WHEREAS, the Salisbury Planning Board, an advisory board to the Salisbury City Council, reviewed the text amendment on August 8, 2023 and hereby recommends its approval; and

WHEREAS, the City Council held a properly-noticed public hearing at the regularly-scheduled City Council meeting of September 5, 2023; and

WHEREAS, the City Council hereby finds and determines that adoption of an ordinance to amend the Land Development Ordinance of the City of Salisbury as underlined or stricken herein is reasonable, in the public interest, and is consistent with the Forward 2040 Comprehensive Plan.

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

SECTION 1. That CHAPTER 14 (AGENCIES, BOARDS, AND COMMISSIONS) AND CHAPTER 15 (DEVELOPMENT PROCESS) is amended as underlined or stricken.

SECTION 2. That all ordinances or 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 from and after its passage.

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

Name of Group(s) or Individual(s) Making Request: James Meacham, Executive Director Rowan County Tourism.

Name of Presenter(s): James Meacham

Requested Agenda Item: Council to receive an update regarding the tourism industry in Salisbury and Rowan County.

Description of Requested Agenda Item: James Meacham will provide an update to City Council on the tourism industry in Salisbury and Rowan County.

Attachments: Yes No

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

Action Requested of Council for Agenda Item: Council to receive an update regarding the tourism industry in Salisbury and Rowan County.

. (Please note if item includes an ordinance, resolution or petition)

Contact Information for Group or Individual: James Meacham

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



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

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

Name of Presenter(s): Hannah Jacobson, Planning Director, Sonyia Turner, DFI

Requested Agenda Item: Council to receive a presentation from the Development Finance Initiative regarding community engagement and market analysis findings, and to consider endorsing Guiding Public Interests for the site's redevelopment.

Description of Requested Agenda Item: Council will hear a presentation from the Development Finance Initiative intended to give an overview of community engagement and market analysis findings to-date. DFI will also introduce next steps and seek out City Council's endorsement of "Guiding Public Interests" that are detailed in the attached memo.

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 consider endorsing "Guiding Public Interests" for the redevelopment of the former Kesler Mill site.

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

To: City of Salisbury Council

From: Sonyia Turner, Senior Project Manager, Development Finance Initiative

Date: September 5, 2023

Re: Kesler Mill redevelopment update and establishing Guiding Public Interests

The City of Salisbury engaged the [Development Finance Initiative \(DFI\)](#), a program of the UNC Chapel Hill School of Government, in January 2023 to analyze the redevelopment potential of the former Kesler Mill site and assist with attracting private investment for the project. The site, bounded by Park Avenue, Martin Luther King Jr. Ave. N, E. Franklin Street, and N. Arlington Street in Salisbury, NC, is an undeveloped Brownfield's site, and consists of five (5) parcels totaling 12.88 acres. The city received an EPA Brownfields grant for the cleanup of this former industrial site and the work that began in November 2021 was completed in spring 2023. The City of Salisbury would like to explore several redevelopment scenarios for the site that would provide additional housing options for low- to moderate-income households.

Milestones Update

DFI's pre-development feasibility analysis process involves several key components – public engagement, a parcel analysis to understand current conditions in the neighborhood, a site-specific residential market analysis, site planning, and a financial feasibility analysis. To date, DFI has completed the parcel and market analysis for the site and the results provided an affirmative case for the redevelopment of the former Kesler Mill properties. Additionally, to ensure that Salisbury residents and other key stakeholders participate in the creation of the redevelopment plan for the site, the city and DFI have undertaken a comprehensive, two-phased community engagement approach.

The first phase, which took place in spring 2023, included one-on-one stakeholder conversations, two community input sessions, and an online survey. Overall, roughly 40 individuals participated in the Phase I engagement process. The community feedback DFI has thus far collected affirms the importance of the Kesler Mill site to the Park Avenue neighborhood and the community's desire to see the site redeveloped in a way that benefits the entire area. A memo detailing the Phase I community engagement findings will be made available in September 2023.

In July 2023, DFI and city staff met to review the findings from the community input sessions and discuss the guiding public interests that would inform the predevelopment process and developer selection for the project. The draft guiding public interests for the Kesler Mill site were informed by city council, city staff, local stakeholder conversations, and community input. On Tuesday, September 5, DFI will present the following public interests for the Kesler Mill site to council for public endorsement:

Development on the Kesler Mill site should...

- Provide a catalytic development that incorporates housing options for low- to moderate-income households for a mixed-income community.
- Respect the character and history of the Park Avenue neighborhood.
- Incorporate multimodal connections to the existing streets and sidewalks in the surrounding neighborhood and downtown Salisbury.
- Incorporate a greenway or trail through the site that promotes safety and is accessible to the surrounding community.
- Minimize public investment; maximize private investment.

In alignment with the public interests for the Kesler Mill site, the city and DFI have engaged JDavis Architects to provide design concepts for the Kesler Mill site. DFI will solicit public commentary on the design concepts in the second phase of community engagement, which will take place in late fall 2023. Once the public engagement dates are finalized, DFI and the city will share them with the community through a variety of communication channels. In the meantime, to stay up to date with the Kesler Mill redevelopment process, please visit <https://salisburync.gov/KeslerMill>.

About the Development Finance Initiative (DFI)

The UNC Chapel Hill School of Government (SOG) established the Development Finance Initiative (DFI) in 2011 to assist communities with achieving their community economic development goals. As a program based at the University of North Carolina at Chapel Hill, DFI partners with communities across North Carolina to attract private investment for transformative projects by providing specialized finance and development expertise. To date, DFI has engaged with over 115 local governments on more than 150 development projects. DFI services support implementation of local community and economic development priorities that require private investment. DFI acts as an extension of a local government's planning, finance, economic and community development departments.

DFI Contact - Sonyia Turner | Senior Project Manager
turner@sog.unc.edu

Kesler Mill Redevelopment

Market Update and Establishing Guiding Public Interests



SCHOOL OF GOVERNMENT

Development Finance Initiative



Today's Objective

Establish guiding public interests for the Kesler Mill site

Agenda

- Project Overview
- Current Conditions
- Market Analysis Findings
- Community Engagement Results
- Guiding Public Interests
- Next Steps



Source: Salisburync.gov



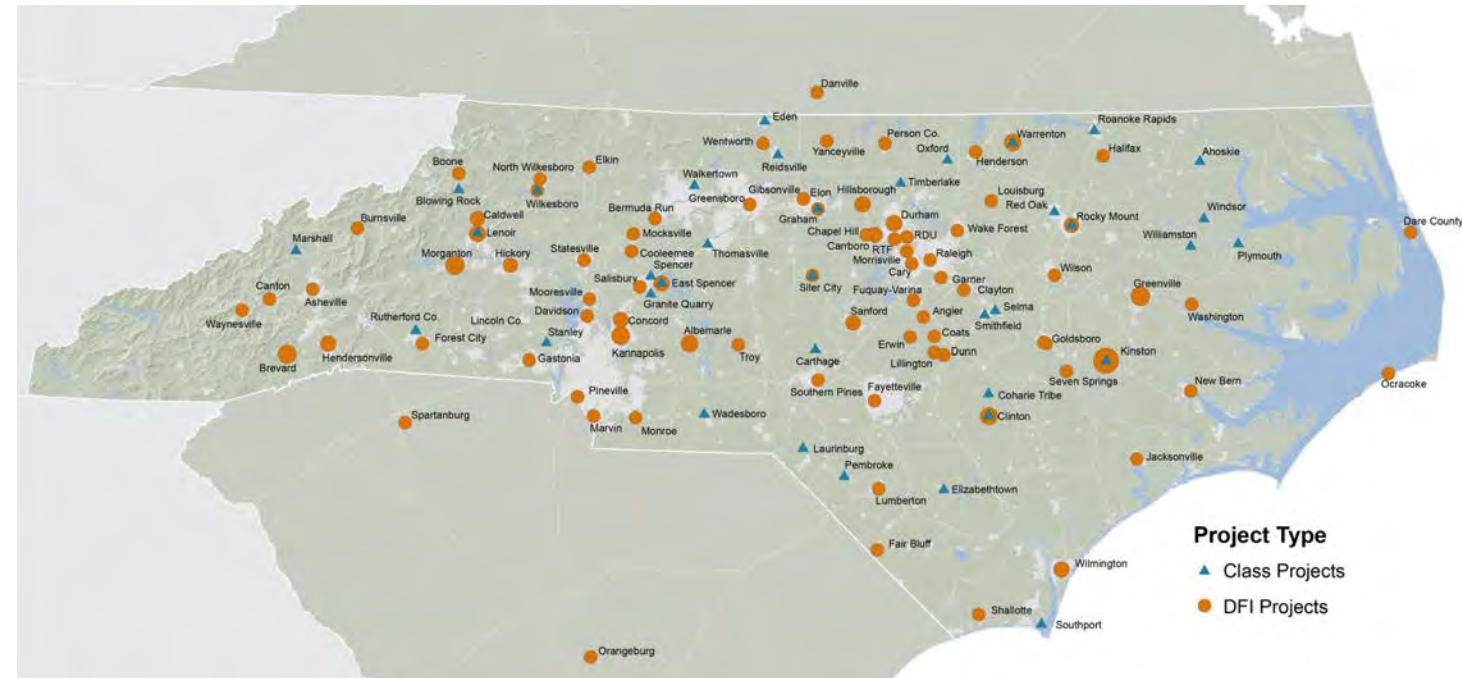
SCHOOL OF GOVERNMENT

Development Finance Initiative

DFI, a program of UNC Chapel Hill's School of Government (SOG), partners with local governments to attract private investment for transformative projects by providing specialized finance and development expertise.

SOG is the largest university-based local government training, advisory, and research organization in the United States, and serves more than 12,000 public officials each year.

Values: Nonpartisan, policy-neutral, responsive

Project Team

Senior Project Manager: Sonyia Turner

Analyst: Ethan Sleeman

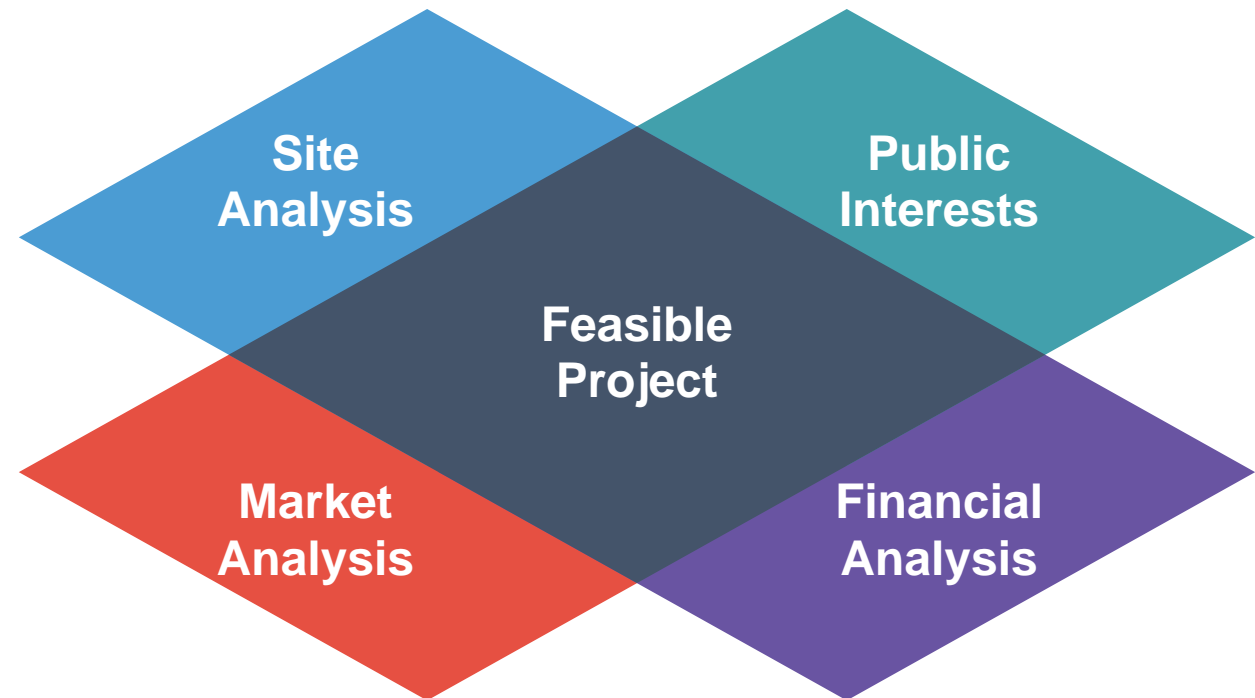
Asst. Director for Housing: Sarah Odio

Development Advisor: Rory Dowling

DFI Scope of Services

The City of Salisbury engaged the Development Finance Initiative (DFI) to support the city in attracting private investment for the Kesler Mill site. The scope of work includes:

1. Pre-development feasibility analysis for residential uses including, multifamily affordable housing, market-rate residential, and homeownership
2. Solicitation of private development partner(s)
3. Supporting the City in negotiating the development agreement with selected partner(s)



Kesler Mill Site

Main Property Address 423 N Martin Luther King Jr. Ave.

Total Parcels 5

Owner City of Salisbury

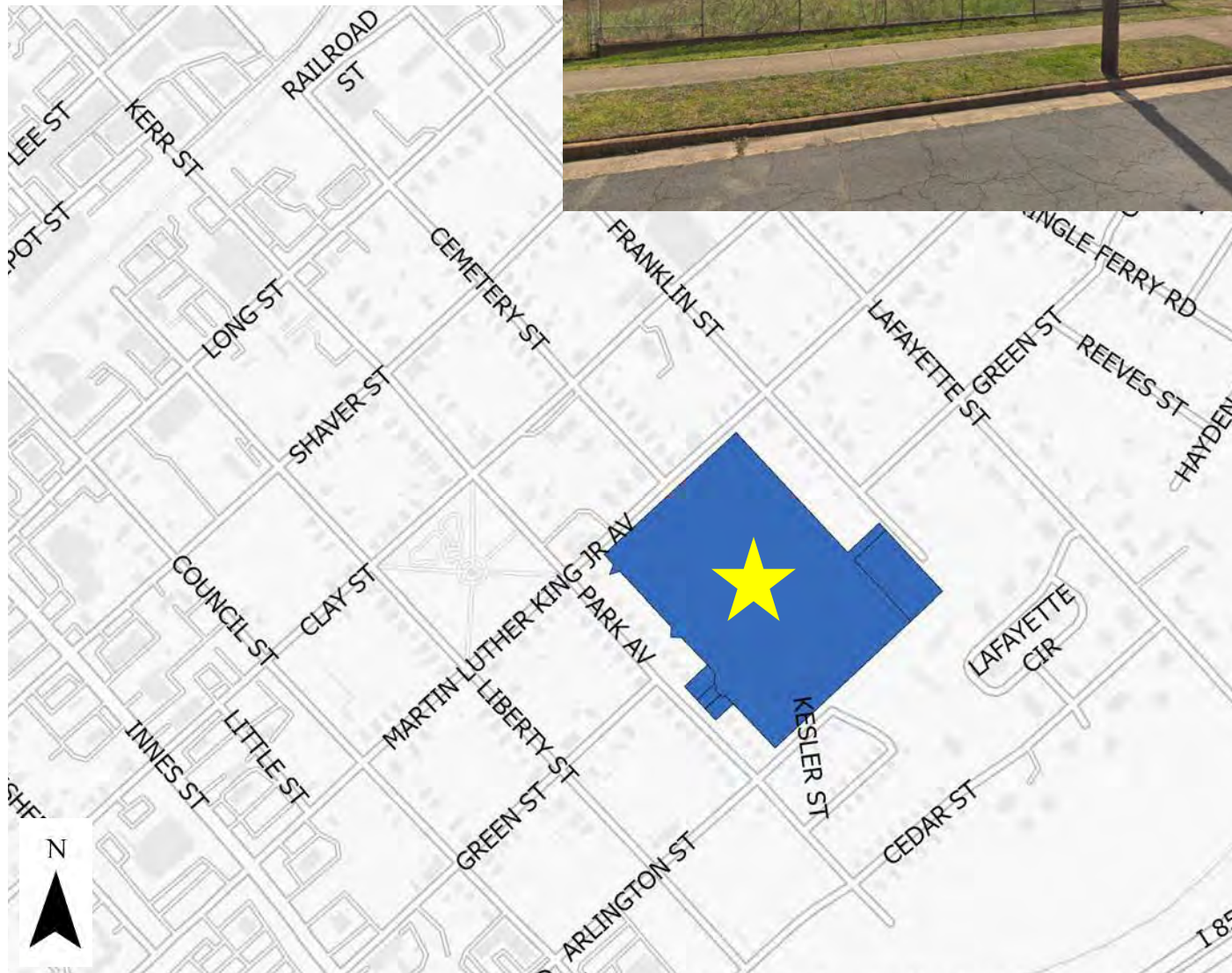
Tax Assessed Value \$387,408

Total Acres 12.88

Light Industrial

Zoning Historic District:
Kesler Manufacturing company – Cannon Mills Plan #7 National Historic District

Land Use Undeveloped Brownfields Site



Kesler Mill Brownfields Overview & Considerations

- City received two grants (2014 and 2018) to complete a Phase I and Phase II environmental assessment of the Kesler Mill site
- The Environmental Protection Agency (EPA) approved a Brownfields grant in 2020 to fund remediations
- Remediation began in 2021; Was completed in Spring 2023
- **The Kesler Mill site is subject to constraints within the Brownfields Program**
- NC Department of Environmental Quality (**NCDEQ**) **does not allow single-family detached residential** on a NC Brownfield site
 - Single-family attached and multifamily will be explored
- **There can be no groundwater use** – any redevelopment will need to evaluate the need to incorporate a vapor barrier in the construction

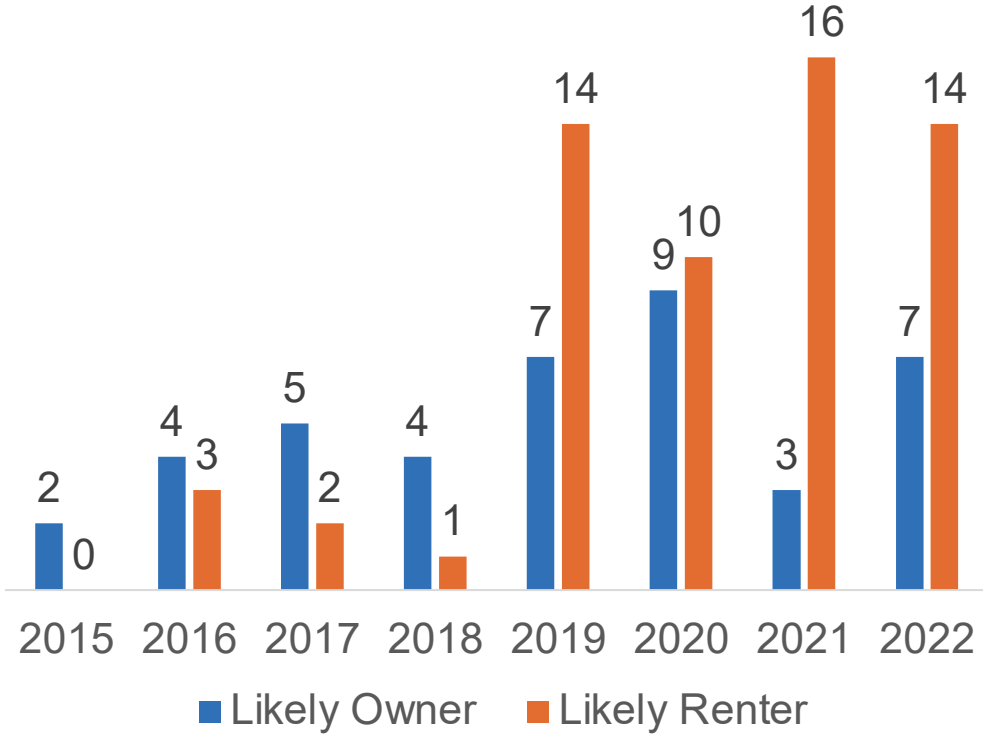


The Kesler Mill site is in a highly residential area and experiencing neighborhood change



Study area is 68% residential; Almost two-thirds (65 percent) of the residential is likely renter-occupied

Study Area Sales since 2015



Sales activity for likely rental properties increased exponentially from 2018 to 2019

Market Analysis



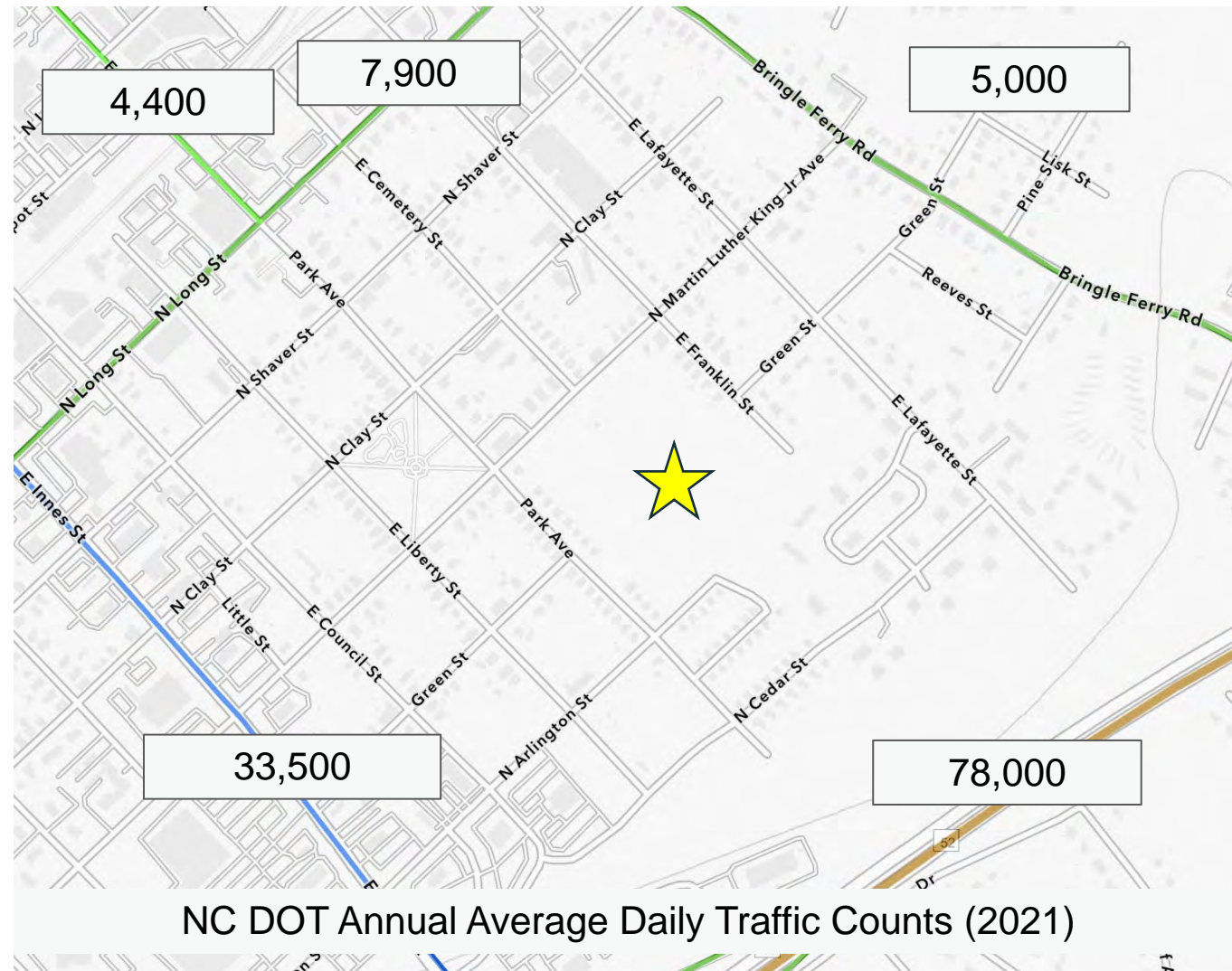
Current Commercial Real Estate Climate

- Lending for commercial real estate declined by 80 percent in 2022 in response to uncertainty in the capital markets
- The average loan-to-value ratios for multifamily, office, and retail loans dropped to 40-50 percent in April 2023, while interest rates climbed to 6-7 percent
- These conditions make development more challenging for new retail, office, multifamily, and single-family product



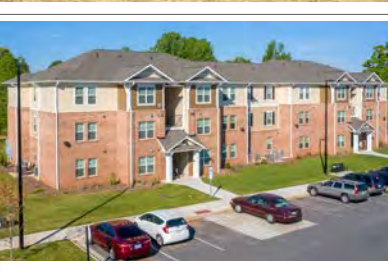


Kesler Mill Commercial Considerations

Low traffic counts and lack of visibility from major thoroughfares, coupled with larger market trends, **present challenges to the success of commercial uses** on the Kesler Mill site



There is demand for residential: Market rate and affordable; Rental and homeownership

	Use	Estimated Market Demand (over next 5 years)	Market Considerations
	<p>Multifamily (market rate)</p>	<p>400 units</p>	<p>Salisbury demand appears more focused on downtown renovated units rather than new construction</p>
	<p>Single-Family</p>	<p>5,580 Households</p>	<p>The greatest homeownership demand will be for houses priced \$300K - \$400K</p>
	<p>Affordable Housing</p>	<p>2,730 Households with housing need today</p>	<p>Small families and single older adults have the greatest need for affordable housing in Salisbury</p>

Source: CoStar, Zillow, ACS 2021

Market Rate Multifamily



Renovated units in **downtown Salisbury** command a 30%+ rent premium over garden-style units

The Grand on Julian | 9000 Grandeur Dr



\$1,320 /month

240 units

Built 2008

Salisbury Village at Castlewood | 200 Castlewood Dr



\$1,310 /month

192 units

Built 2006

The Salisbury | 121 W Council S.



\$1,750 /month

12 units

Renovated 2022

Salisbury demand appears more focused on downtown renovated units vs new construction

Rowan Woodland; Salisbury



240 units

Rents TBD

Estimated Dec 2023 completion

Rowan Woodland is a proposed market rate multifamily development

Estimated Future Demand (units)	685
Less Pipeline Projects (units)	280
Est. Total Market Opportunity (units)	~400

- There has been limited new market rate multifamily development in Salisbury since 2008
- Lower average rents in Salisbury overall (\$1.39 PSF) compared to average rents for downtown renovated units (\$1.91 PSF) and neighboring municipalities make new market rate multifamily development less attractive

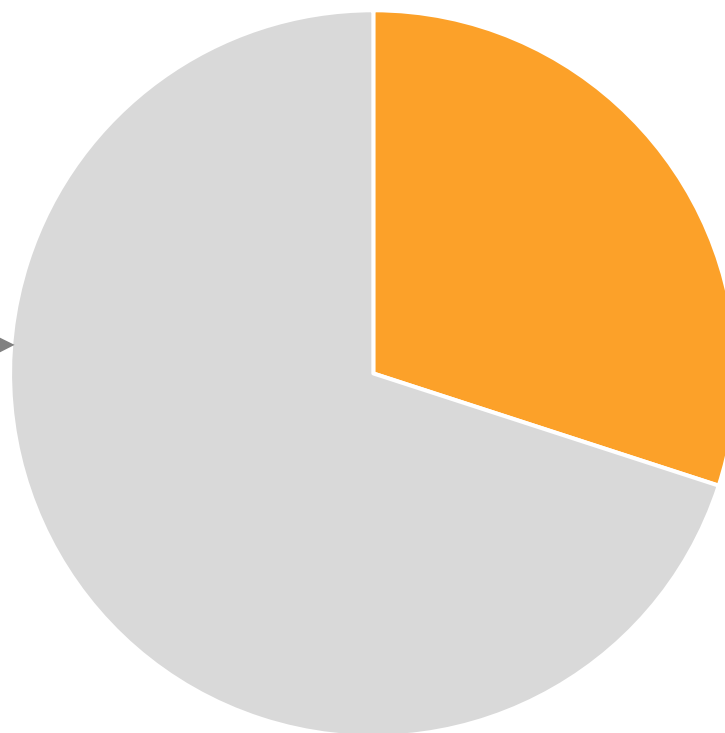
Affordable Housing



What is affordable housing?

Families are cost burdened when over 30% of their annual income is spent on **housing-related expenses**.

Housing expenses include rent plus utilities or mortgage, insurance and property taxes plus utilities.



Families living in affordable housing have more income than cost burdened households to cover other expenses like health care, transportation, or food.

Who benefits from affordable housing?

Rowan County Area Median Incomes (AMI) (1-Person)

30% AMI	40% AMI	50% AMI	60% AMI
\$15,510	\$20,680	\$25,850	\$31,020

How much can a single household afford?

1 BR	2 BR	3 BR
\$831	\$997	\$1,152

How much can a single household afford

1 BR	2 BR	3 BR
\$1,108	\$1,330	\$1,536

Salisbury workers earning <60% AMI



Child Care Worker	School Bus Driver	Rowan County 911 Telecommunicator
\$28,600	\$32,800	\$32,700

Salisbury workers who earn ~80% AMI

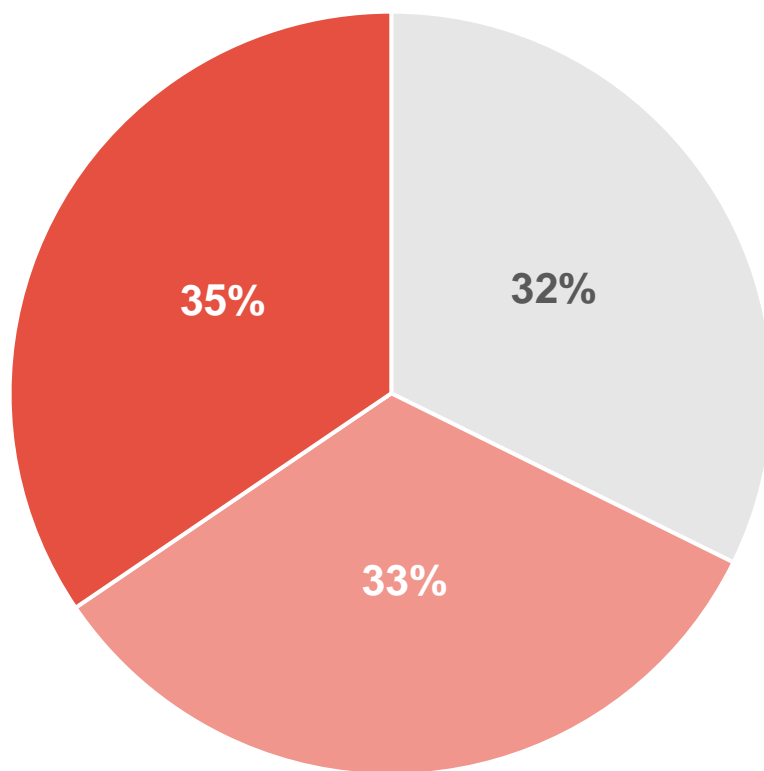


Rowan-Salisbury K-5 Teacher	Firefighter	Library Associate
\$37,000	\$37,200	\$42,200

Source: 2023 MTSP Income and Rent Limits, ACS

68% of Low-to-Moderate Income renter households are **cost-burdened**

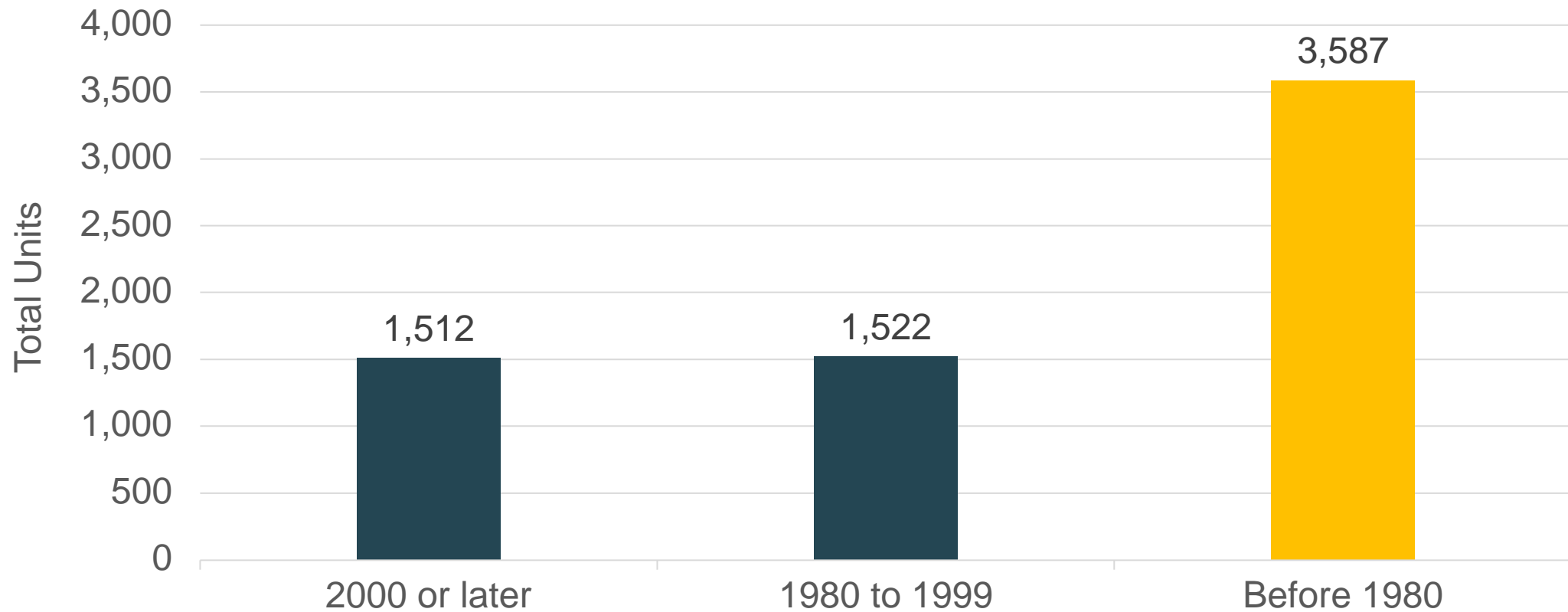
LMI Renter Cost Burden in Salisbury NC



■ Not cost burdened ■ Cost burdened ■ Severely cost burdened

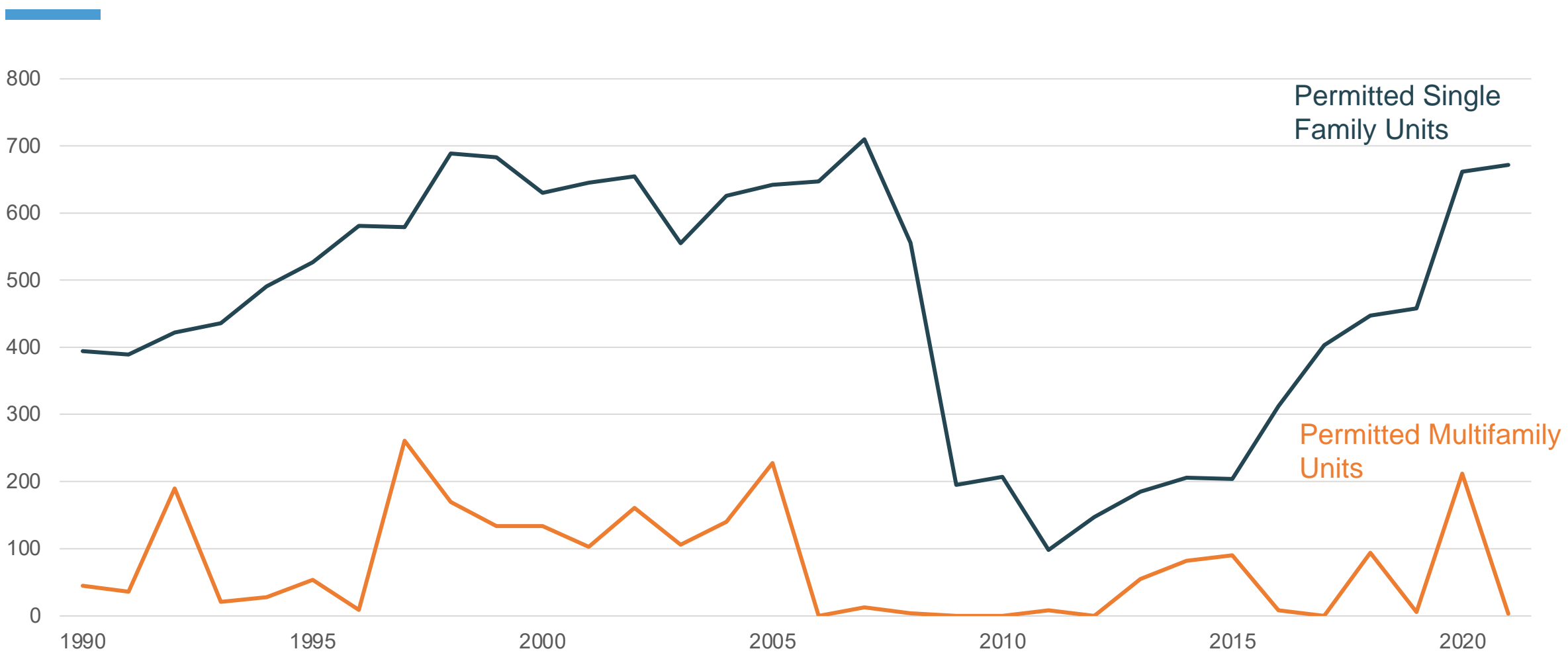
At least 2,570 low-to-moderate income (LMI) renters in Salisbury are cost-burdened. Of those, **over half (1,308) are severely cost-burdened**

54% of Rental Housing Stock In Salisbury built pre-1980



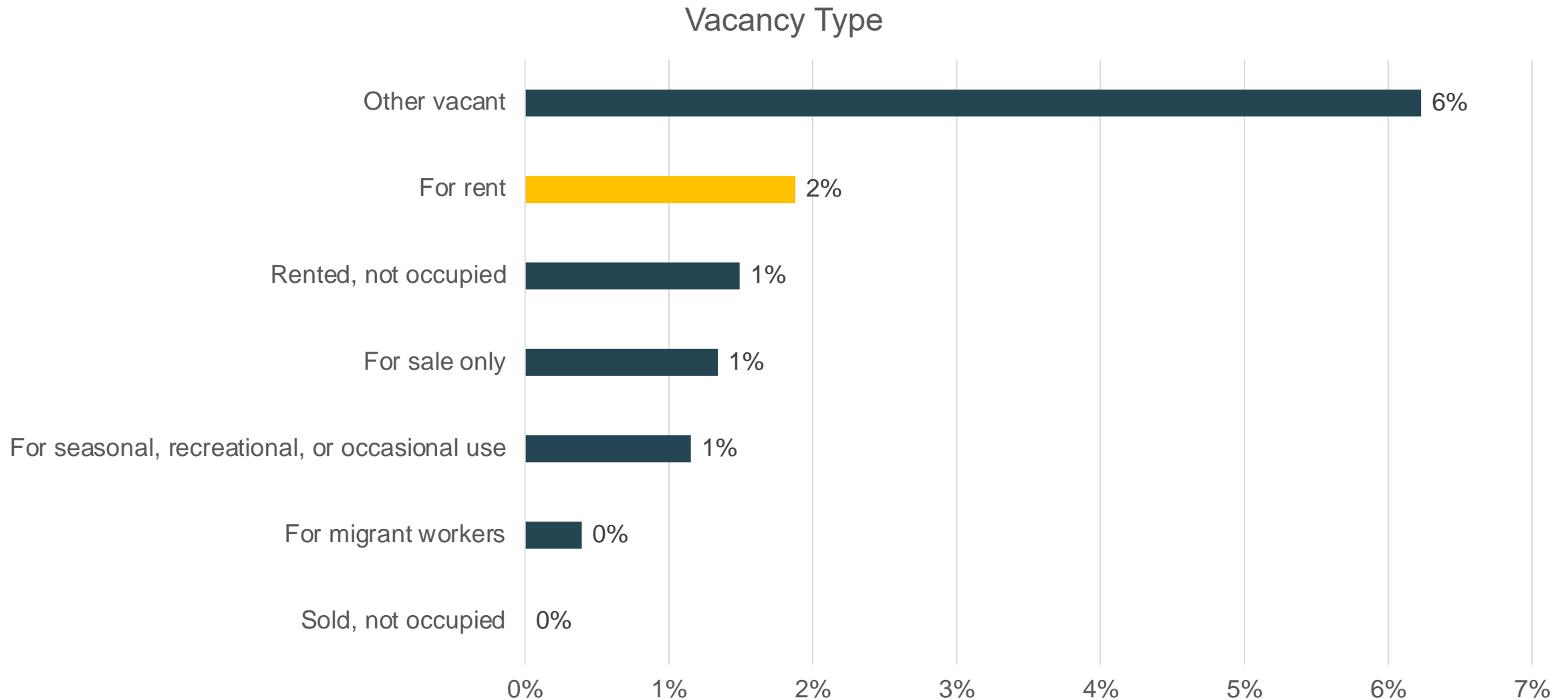
Source: ACS 5-Year Estimates 2021

Single-Family permits have ballooned since 2015, but Multifamily has not kept pace



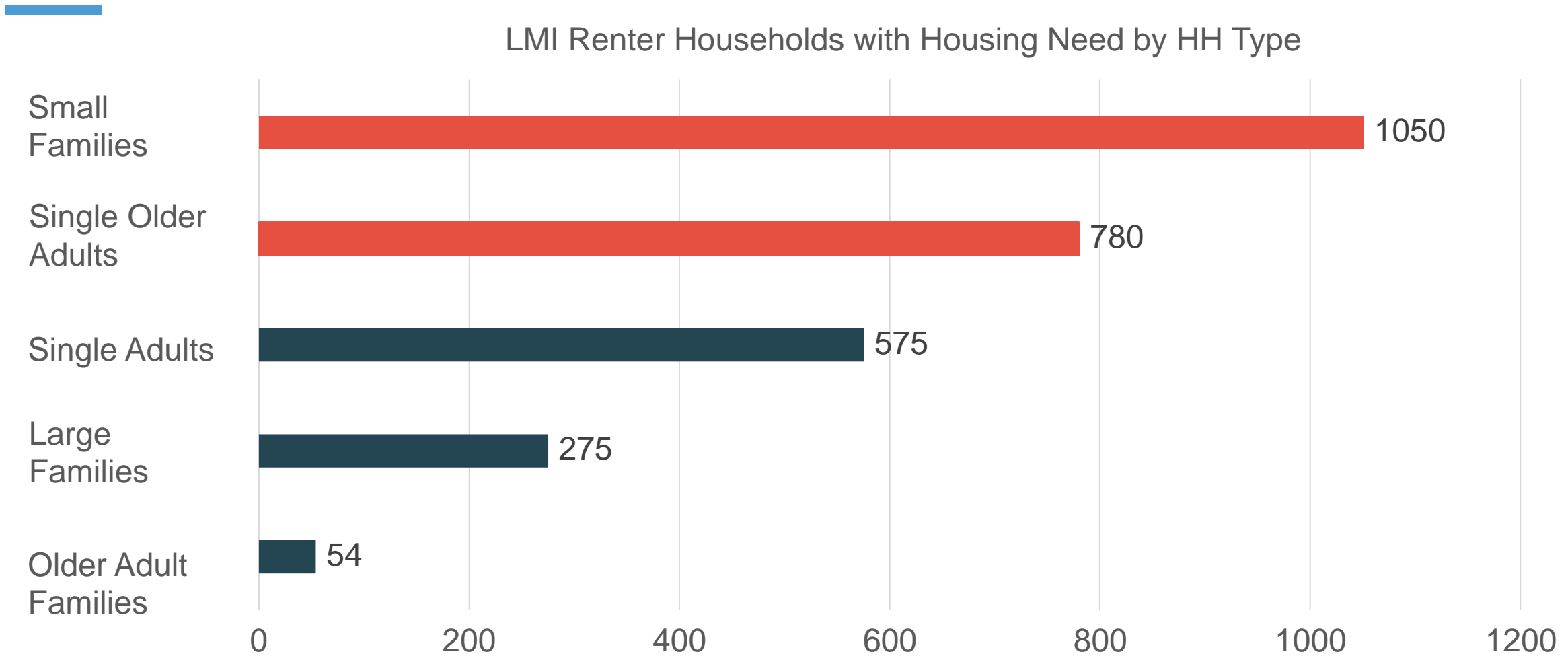
Source: HUD Building Permit Survey

Rental Vacancy in Salisbury is below 2%



Source: ACS 5-Year Estimates 2021

~2,730 Low-to-Moderate Income renters (earning <80% AMI) have housing need

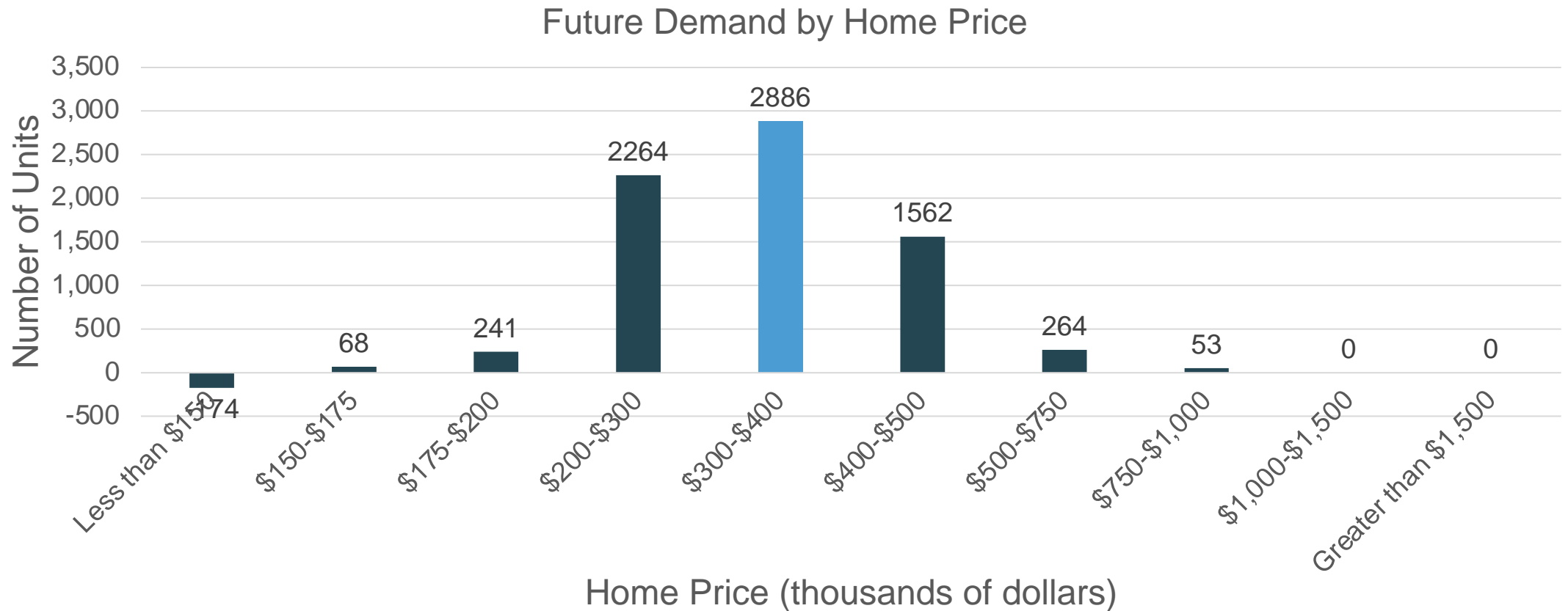


Source: HUD CHAS 2015-2019

Single Family

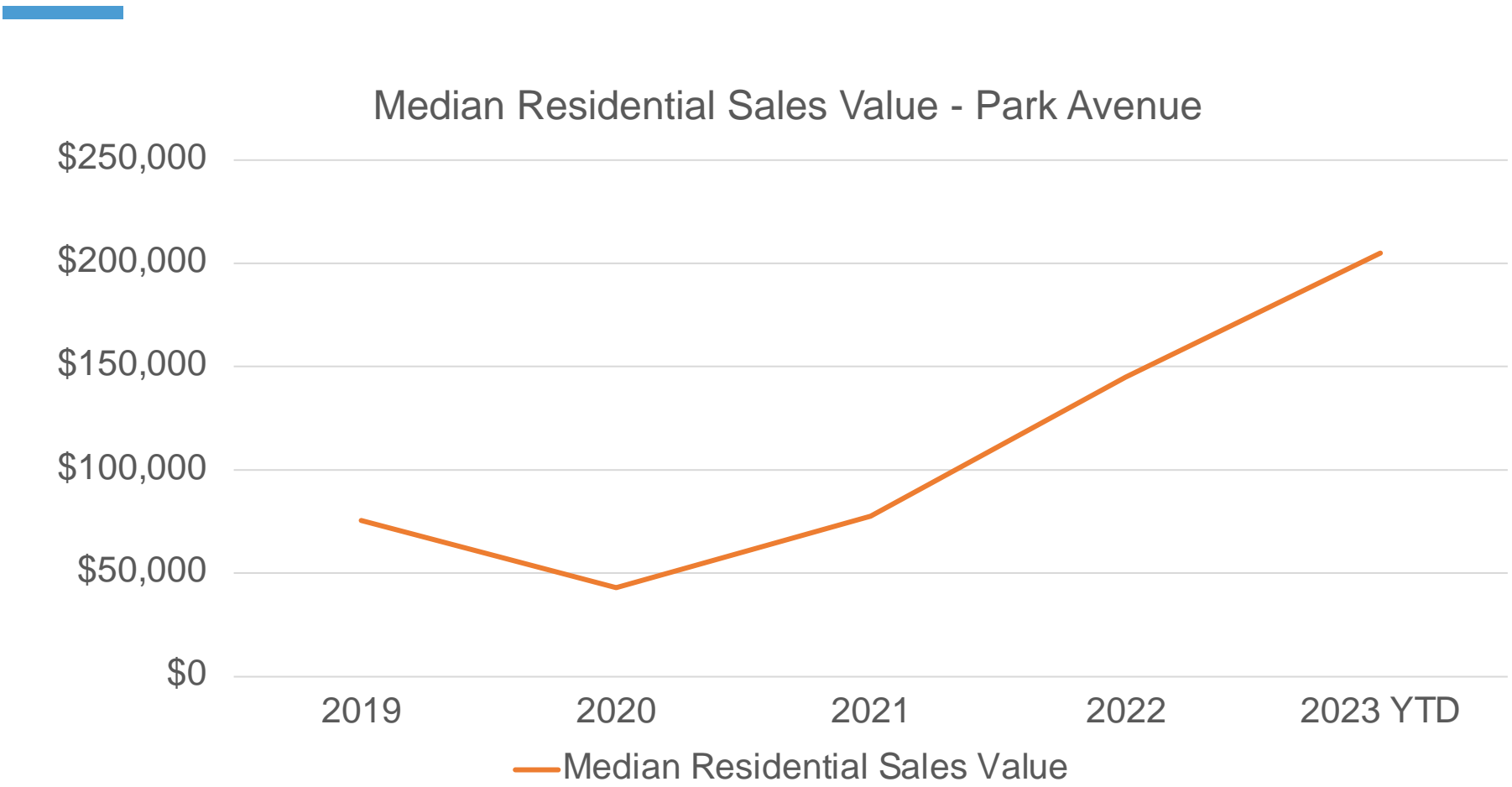


The greatest homeownership demand will be for houses priced \$300K - \$400K



Source: HMDA

The median home sale price in the Park Avenue community is \$205,000 (\$146.92 PSF)



520 Park Ave
List Price: \$244,900
Under contract



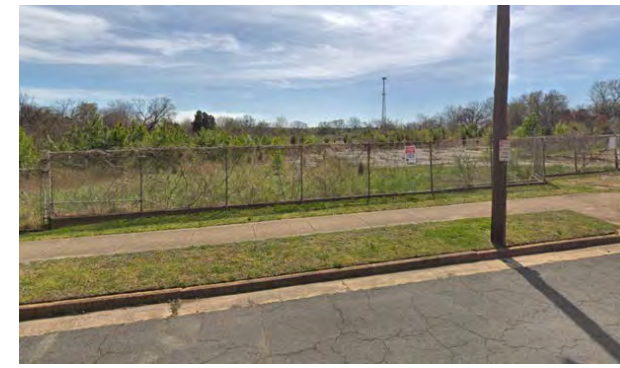
520 Park Ave
Sale Price: \$178,000
Closed: July 3, 2023

Source: Zillow, 2023 YTD

Guiding Public Interests



Kesler Mill Site Opportunity



- Site is challenging for commercial; Ideal for residential development
- Site presents a strong opportunity for affordable rental housing
 - The site is competitive for federal tax credits
- Site could potentially accommodate a modest number of market rate multifamily units (up to 60 units).
- There may be an opportunity to explore affordable homeownership options on the Kesler Mill site.
 - Brownfields program would prohibit single-family detached homes on this site; Will explore townhouses

What are Guiding Public Interests?

What public interests are....

- Community Values
- Broad Goals
- Relevant to Project
- Reflect Tradeoffs

What they are not....

- Overly Specific, e.g. # of parking spaces, # and mix of units at each level of affordability, etc.
- Public Investment Scenarios

Guiding Public interests in the DFI Development Process:

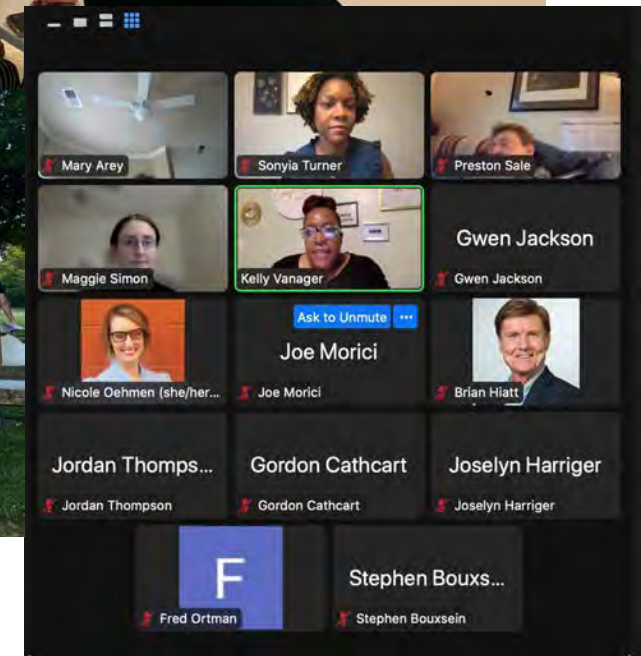
- Developed based on local government staff input, planning documents, public statements, and community input.
- Presented to Salisbury City Council for public endorsement
- Guide the creation of the development program(s)
- Used as criteria to select a private development partner

Community Engagement

The City of Salisbury and DFI conducted community input sessions and an online survey to collect community feedback on draft guiding public interests for the Kesler Mill site.

~40 community members participated in either an online survey or a community input session:

- Input session dates:
 - Thursday, June 15 (in-person); 6:00 pm
 - Tuesday, June 20 (virtual); 6:00 pm
- Online survey: June 20 – July 14
- Park Avenue Redevelopment Association Event: June 30; 6:00 pm



Community Engagement Initial Themes

- Kesler Mill site seen as very important to the future of the Park Ave neighborhood
- Support for mixed income housing on the site
- Desire for development to blend in with existing neighborhood
- Support for better connection to downtown with sidewalks
 - Emphasis on pedestrian connection (walking and biking), not just vehicular connection
 - Like the idea of a greenway or walking trail for running, dogs, bikes, etc.
- General concerns about crime and safety
- No strong desires for open space; Very interested in greenway or trail through the site

Establishing Guiding Public Interests

DRAFT Guiding Public Interests

Development on the Kesler Mill site should...

- Provide a catalytic development that incorporates housing options for low-to-moderate income households for a mixed-income community.
- Respect the character and history of the Park Avenue neighborhood.
- Incorporate multimodal connections to the existing streets and sidewalks in the surrounding neighborhood and downtown Salisbury.
- Incorporate a greenway or trail through the site that promotes safety and is accessible to the surrounding community.
- Minimize public investment; maximize private investment

Next Steps

- Council small group meetings
- Council to publicly endorse guiding public interests
- DFI to begin site and financial analysis with selected architect



Source: Salisburync.gov

Site and Financial Analysis Overview

- DFI performs a site analysis to determine what the site can support given current conditions and other limitations, and to test fit potential development programs for the project.
- JDavis Architecture firm will perform the predevelopment site planning and conceptual design services for the Kesler Mill site redevelopment.
- DFI will use the findings from the site analysis to perform the financial feasibility analysis



Capitol Park
Raleigh, NC | JDavis

Program
Senior Center: 90 units
Townhomes: 58 units
Villas: 24 units
Single Family: 37 units



SCHOOL OF GOVERNMENT
Development Finance Initiative

THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

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

Name of Presenter(s): Hannah Jacobson, Planning and Neighborhoods Director

Requested Agenda Item: Council to consider adopting a resolution of support for the City's grant application to the US Department of Transportation's Reconnecting Communities and Neighborhoods Program for the West Innes Street Corridor.

Description of Requested Agenda Item:

The Office of the Secretary of Transportation released a joint Notice of Funding Opportunity (NOFO) for the Reconnecting Communities Pilot (RCP) and Neighborhood Access and Equity (NAE) programs, which will combine two major discretionary grants into one opportunity. Together, this combined program is known as the Reconnecting Communities and Neighborhoods (RCN) Program.

City staff intends to apply for a Community Planning Grant to improve access and foster equitable development along the West Innes Street Corridor from Caldwell Street to the campus of Catawba College. The Planning Grant would enable the City to create, alongside community partners, conceptual design plans and develop land use and economic development policies and programs aimed at:

- Restoring community connectivity along the corridor that promotes lasting collaboration between key institutions and community partners;
- Transforming West Innes Street into a mixed use gateway into Downtown Salisbury by redeveloping vacant lots and integrating affordable housing into the corridor, while preserving opportunities for small, independent businesses and entrepreneurs;
- Providing safe use of the West Innes Street corridor for users of all abilities;
- Unlocking access to the corridor's daily destinations by removing physical and perceived barriers;
- Minimizing environmental impacts of transportation on underserved communities; and
- Developing and using guiding principles for an equitable plan, design and redevelopment process.

Partnerships within the community are an important criteria by which the grant will be evaluated. A Resolution of Support for this grant application from City Council would help to demonstrate the importance of the project to both our local partners and the US Department of Transportation.

The grant application is due September 28, 2023. Awards are anticipated to be announced in March/April 2024.

Attachments: Yes No

Salisbury City Council Agenda Item Request Form



Fiscal Note: No additional budget requests at this time. The Reconnecting Communities and Neighborhoods grant offers 80% federal contribution and a 20% local match to the project. Project costs are anticipated to be \$500,000 (\$400,000 federal, \$100,000 local). Local matches can be publicly funded or privately donated.

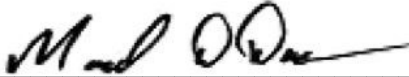
Action Requested of Council for Agenda Item: Council to consider adopting a resolution of support for the City's grant application to the US Department of Transportation's Reconnecting Communities and Neighborhoods Program for the West Innes Street Corridor.

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

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

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

FINANCE DEPARTMENT INFORMATION:



Finance Manager Signature



Department Head Signature



Budget Manager Signature

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

For Use in Clerk's Office Only

Approved

Delayed

Declined

Reason:



City of Salisbury

North Carolina

RESOLUTION OF SUPPORT

WHEREAS, the Office of the Secretary of Transportation released a Notice of Funding for the Reconnecting Communities and Neighborhoods Program; and

WHEREAS, the City of Salisbury intends to apply for a Community Planning Grant to improve access and foster equitable development along the West Inn Street Corridor; and

WHEREAS, the City of Salisbury intends to work with community partners to create conceptual design plans and develop land use and economic development policies aimed at restoring community connectivity along the corridor and promoting lasting collaboration between key institutions and community partners; and

WHEREAS, City Council fully supports efforts to transform West Innes Street into a mixed use gateway into Downtown Salisbury by redeveloping vacant lots and integrating affordable housing into the corridor, while preserving opportunities for small, independent businesses and entrepreneurs; and

WHEREAS, providing safe use of the West Innes Street corridor for users of all abilities, and unlocking access to the corridor's daily destinations by removing physical and perceived barriers is critically important; and

WHEREAS, minimizing environmental impacts of transportation on underserved communities, and using guiding principles for an equitable plan, design and redevelopment process will ensure a safer corridor and expanded opportunities for all residents; and

WHEREAS, the estimated cost of the project is \$500,000 and the Reconnecting Communities and Neighborhoods grant provides an 80% federal contribution with a 20% local match that can be funded publically or with private donations.

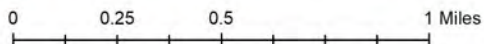
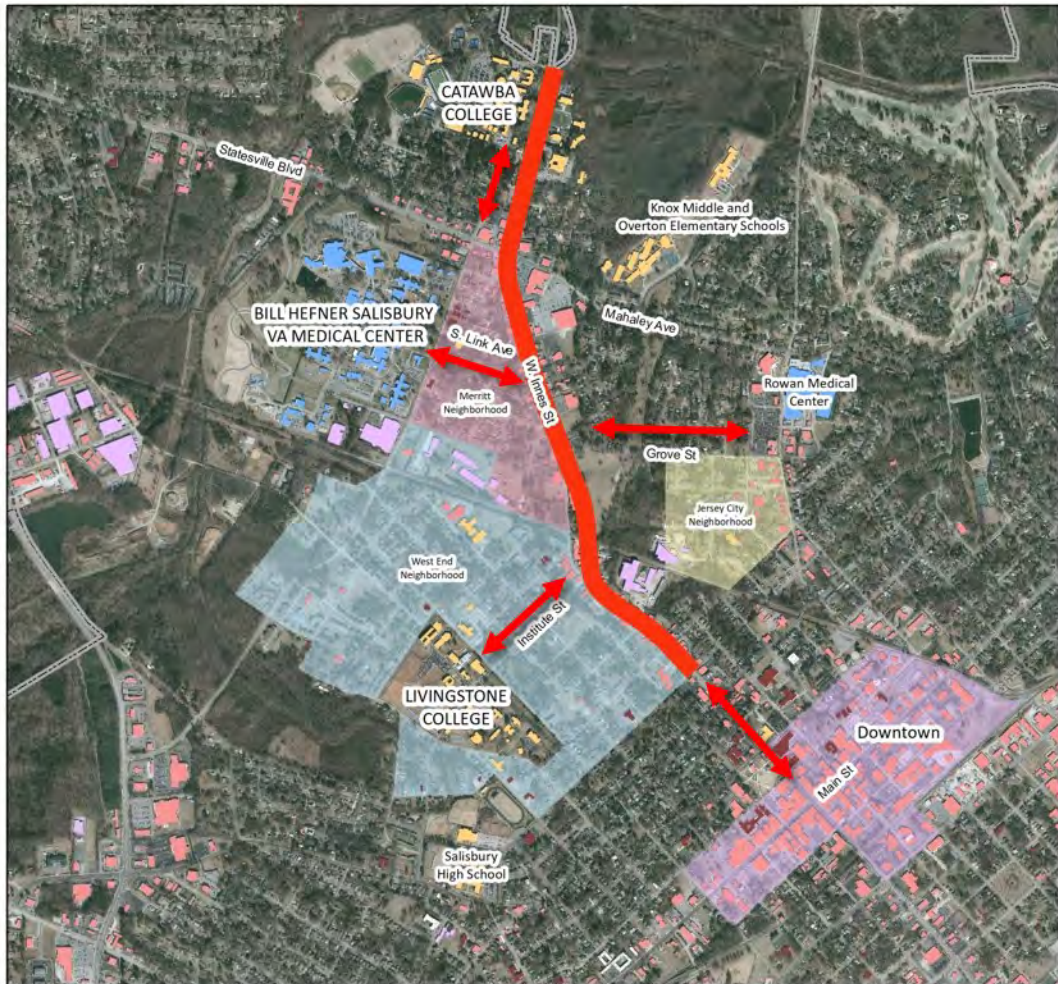
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Salisbury fully supports the application for a Reconnecting Communities and Neighborhoods Program grant.

Adopted this the 5th day of September 2023.

Karen K. Alexander, Mayor

WEST INNES STREET CORRIDOR

Study Area



Legend

Streets

- West Innes Street
- Major Connection

Building Footprints

- Commercial
- Places of Worship
- Hospitals
- Schools
- Industrial

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 09/05/2023

Name of Group(s) or Individual(s) Making Request: Information Technology

Name of Presenter(s): Dale Waters, Information Technology Manager

Requested Agenda Item: Microsoft Software Assurance renewal budget Ordinance amendment and authorization to execute contract.

Description of Requested Agenda Item: The City of Salisbury is required to renew its Microsoft Software Assurance in order to stay in compliance with our current Microsoft licensing. Microsoft Software Assurance permits the City to use Microsoft Windows desktop and server operating systems, provides security patches and updates, and provides user licenses for City employees to use Microsoft products. The City is required to have a Microsoft Software Assurance contract in order for each of the computers in the City to operate. Our last three-year contract has expired, and we have received the quote for our next three-year contract. The current quote expires on September 17th 2023. The City budgeted a total of \$150,000 for this contract, which accounted for a projected 20% increase in cost, however the new quote came in at \$190,591 which reflects a 60% price increase over the previous three-year contract. This quote is \$40,591 over budget, which we propose covering by reallocating Fund Balance. IT staff worked with Microsoft to identify ways to reduce the cost, and we feel confident that the current quote represents the bare minimum licensing required to operate City computers.

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 original budget amount is included in FY23-24 Budget. The Finance Department recommends appropriating Fund Balance to cover the unbudgeted overage.

Action Requested of Council for Agenda Item: Council to consider a budget Ordinance amendment in the amount of \$40,591 to cover the unbudgeted overage for the Microsoft Software Assurance contract. Council to consider authorizing the City Manager to execute a contract with Level Solutions Group for an amount not to exceed \$190,591 for Microsoft Software Assurance.

Contact Information for Group or Individual: Dale Waters, Information Technology Manager
704-216-7584 dwate@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)

Salisbury City Council Agenda Item Request Form



FINANCE DEPARTMENT INFORMATION:

M. O'Donoghue

Finance Director Signature

Kelley Baker

Department Head Signature

Tracey Keyes

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 2023-2024 BUDGET ORDINANCE
OF THE CITY OF SALISBURY, NORTH CAROLINA TO
APPROPRIATE FUND BALANCE TO RENEW MICROSOFT SOFTWARE ASSURANCE
CONTRACT

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

Section 1. Renew the City's annual Microsoft Software Assurance Contract

Section 2. That the 2023-24 Budget Ordinance of the City of Salisbury, adopted on June 20, 2023 is hereby amended as follows:

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

- | | | |
|-----|---|---------------------|
| (1) | Increase line item 010-000-000-4999.00
Appropriated Fund Balance | <u>\$ 40,591.00</u> |
| (2) | Increase line item 010-442-151-000-5252.04
Maint Cmpt Software | <u>\$ 40,591.00</u> |

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.



Level Solutions Group, LLC
 410 W English Rd, Suite A231, High Point, NC 27262

QUOTE # LVLQ2205-01
DATE Aug 16, 2023
EXPIRES Sep 17, 2023

Bill To: City of Salisbury
 P.O. Box 479
 Salisbury, NC 28145
 USA

Ship To: City of Salisbury
 Dale Waters
 1415 S Martin Luther King Jr
 Salisbury, NC 28144

Invoice to: financeap@salisburync.gov

Account Executive	Phone Contact	Payment Terms
Paul DeHaan	+1 (704) 785-0653	Net 30

QTY	DESCRIPTION	Unit Price	Ext Price
Microsoft EA #69604930 flip into 3 year SA Only Open Value Gov Spread Payment - Year 1 payment shown below			\$190,590.40
485	SysCtrCnfgMgrCitML SA OLV D 1Y AqY1 AP PerUsr	\$14.70	\$7,129.50
485	OfficeProPlus SA OLV D 1Y AqY1 AP	\$173.46	\$84,128.10
10	SQLCAL SA OLV D 1Y AqY1 AP UsrCAL	\$56.84	\$568.40
1	SQLSvrStd SA OLV D 1Y AqY1 AP	\$243.04	\$243.04
28	Microsoft SQL Svr Standard Core Software Assurance Open Value 2 Licenses Level D Additional Product Core License 1 Year Acquired year 1	\$970.20	\$27,165.60
8	MicrosoftSysCtrDataCenterCore SoftwareAssurance OLV 2Licenses LevelD AdditionalProduct CoreLic 1Year Acquiredyear1	\$74.48	\$595.84
10	VisioPro SA OLV D 1Y AqY1 AP	\$163.66	\$1,636.60
1	MicrosoftVisualStudioEnterprisew/MSDN SoftwareAssurance OLV 1License LevelD AdditionalProduct 1Year Acquiredyear1	\$1,613.08	\$1,613.08
485	MicrosoftWINENT SoftwareAssurance OLV 1License LevelD AdditionalProduct 1Year Acquiredyear1	\$73.50	\$35,647.50
515	WinSvrCAL SA OLV D 1Y AqY1 AP UsrCAL	\$10.78	\$5,551.70
112	MicrosoftWindowsServerDCCore SoftwareAssurance OLV 2Licenses LevelD AdditionalProduct CoreLic 1Year Acquiredyear1	\$190.12	\$21,293.44
160	MicrosoftWindowsServerSTDCORE SoftwareAssurance OLV 2Licenses LevelD AdditionalProduct CoreLic 1Year Acquiredyear1	\$31.36	\$5,017.60
Additional Terms: This is a 3 year agreement, invoiced annually in three equal payments. Years 2 and 3 will be due on anniversary date and will be the same cost as show on this quote for Year 1.			

QTY	DESCRIPTION	Unit Price	Ext Price
		SUBTOTAL	\$190,590.40
		TOTAL	\$190,590.40

Notes

Please contact me if I can be of further assistance.

This quote information and pricing are strictly confidential between Level Solutions Group, LLC (“LSG”) and the company it was intended for and should not be disclosed to any third party without LSG written approval. Quote is valid until the expiration date listed. All Hardware, Software and Manufacturer services will be invoiced at shipment. LSG Services will be invoiced once orders are processed unless statement of work or master services agreement is in place and specify different terms. Actual shipping charges will be included on the invoice. Shipping is estimated and will be billed actual. Taxes not included. Send purchase order to Accounting@LevelSG.com

To accept this quotation, sign here and return or attach PO: _____



Federal tax ID: 22-3009648
 290 Davidson Ave.
 Somerset, NJ 08873
 Phone: 888-235-3871
 Fax: 732-805-9669

Please remit payment to:
 SHI International Corp
 P.O. Box 952121
 Dallas, TX 75395-2121
 Wire information: Wells Fargo Bank
 Wire Rt# 121000248
 ACH Rt# 021200025
 Account#2000037641964
 SWIFT Code: WFBIUS6S
 For W-9 Form, www.shi.com/W9

Invoice No. B15470271
 Invoice date 6/30/2022
 Customer number 1007029
 Sales order S52013589

Finance charge of 1.5% per month will be charged on past due accounts - 18%/yr.
 All returns require an RMA# supplied by your SHI Sales team.

Bill To
 NC CITY OF SALISBURY
 PO BOX 479 ATTN: A/P
 SALISBURY, NC 28145
 USA

Ship To
 CITY OF SALISBURY
 1415 S. Martin Luther King Jr.
 Salisbury, NC 28145
 USA
 PO0016814/David Richards

Ship Date	Salesperson	Purchase Order	Ship Via	FOB	Terms
6/30/2022	Nick Spinarelli/Ent-SLED	PO0016814	LICENSE ONLY	FOB DEST	NET 30

Item No. Mfg Part No.	Description	Qty Ordered	Qty Shipped	Unit Price	Extended Price
17676054 269-12445 ESD Microsoft Select	OfficeProPlus ALNG LicSAPk MVL Pltfrm Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	15	15	195.92	2,938.80
18344354 269-12442 ESD Microsoft Corporation	OfficeProPlus ALNG SA MVL Pltfrm Windows - Multiple Windows Platform English ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	500	500	96.74	48,370.00
30759376 KV3-00353 ESD Microsoft Select	WINENT ALNG SA MVL Pltfrm Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	500	500	42.93	21,465.00



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30893292 KV3-00356 ESD Microsoft Select	WINENT ALNG UpgrdSAPk MVL Pltfrm Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	15	15	65.44	981.60
17676237 W06-01066 ESD Microsoft Select	CoreCAL ALNG LicSAPk MVL Pltfrm UsrCAL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	15	15	98.23	1,473.45
18356919 W06-01072 ESD Microsoft Corporation	CoreCAL ALNG SA MVL Pltfrm UsrCAL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	500	500	45.90	22,950.00
20988372 D87-01159 ESD Microsoft Select	Visio Professional - software assurance Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	5	5	101.94	509.70



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20988125 D86-01253 ESD Microsoft Select	VisioStd ALNG SA MVL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	50	50	52.58	2,629.00
30869269 MX3-00117 ESD Microsoft Select	VSEntwMSDN ALNG SA MVL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	1	1	1,091.63	1,091.63
20977689 395-02504 ESD Microsoft Select	ExchgSvrEnt ALNG SA MVL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	1	1	737.94	737.94
26691440 5HU-00216 ESD Microsoft Corporation	LyncSvr ALNG SA MVL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	1	1	664.21	664.21



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20977673 359-00960 ESD Microsoft Select	SQLCAL ALNG LicSAPk MVL UsrcAL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	9	9	81.15	730.35
20977674 359-00961 ESD Microsoft Select	Microsoft SQL Server - software assurance Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	1	1	34.76	34.76
20977621 228-04433 ESD Microsoft Select	SQLSvrStd ALNG SA MVL Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	1	1	149.44	149.44
25384224 7NQ-00292 ESD Microsoft Select	SQLSvrStdCore ALNG SA MVL 2Lic CoreLic Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	12	12	596.91	7,162.92



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32751385 9EP-00037 ESD Microsoft Select	SysCtrDatactrCore ALNG LicSAPk MVL 2Lic CoreLic Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	56	56	116.70	6,535.20
32751384 9EN-00494 ESD Microsoft Select	SysCtrStdCore ALNG LicSAPk MVL 2Lic CoreLic Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	40	40	42.80	1,712.00
20977817 6VC-01253 ESD Microsoft Select	Windows Remote Desktop Services Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	25	25	18.31	457.75
32835915 9EA-00278 ESD Microsoft Select	WinSvrDCCore ALNG SA MVL 2Lic CoreLic Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	56	56	128.16	7,176.96



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32850239 9EM-00270 ESD Microsoft Select	WinSvrSTDCore ALNG SA MVL 2Lic CoreLic Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	80	80	18.31	1,464.80
21941190 4ZF-00019 ESD Microsoft Select	Microsoft Windows Virtual Desktop Access - Subscription lice Windows - Multiple Windows Platform All Languages ESD Software Agreement No.: 01E73421 Agreement Name: State of North Carolina, Statewide IT Procurement Enrollment No.: 69604930 Enrollment Name: City of Salisbury Country of Usage: USA Maintenance From date: 7/1/2022 Maintenance To date: 6/30/2023	25	25	96.25	2,406.25

Quote: 18913325

Sales Balance	131,641.76
Freight	0.00
Recycling Fee	0.00
Sales Tax	9,214.92
Total	140,856.68
Currency	USD



Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

Name of Group(s) or Individual(s) Making Request: Transportation Department

Name of Presenter(s): Wendy Brindle, Transportation Director

Requested Agenda Item: Council to consider an agreement with NCDOT concerning the Passenger Information Display System (PIDS) to be installed as part of Project P-5726, Salisbury Station Second Platform Project

Description of Requested Agenda Item: The North Carolina Department of Transportation (NCDOT) has programmed funding in the State Transportation Improvement Program (STIP) to add a platform on the east side of the railroad tracks at the Salisbury Depot, with access via a proposed tunnel. The total estimated cost of the project is \$19,751,000, and the City's participation is \$780,000, to be billed upon completion of the project which is currently anticipated in 2026. Construction is expected to begin in early 2025. Addition of the second platform will improve safety and allow expansion of both freight and passenger service at the Salisbury Depot and along the rail corridor.

Under terms of the agreement, the project will be designed and administered by NCDOT, and upon completion the City shall own and maintain the platform, canopy and passenger tunnel. This includes the Passenger Information Display System (PIDS) which is required to meet ADA compliance by providing both visual and audible announcements regarding schedules. The PIDS will be installed near the latter part of the second platform construction and will have a one-year warranty period. At the expiration of the one-year warranty period, the City will become responsible for the annual \$2,100 maintenance cost of the system, and will be billed for quarterly payments of \$525. Billing is currently anticipated to begin in FY 2027.

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 impact to the current budget, and the \$2,100 maintenance and operation cost will be programmed into the appropriate future budget

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

Staff recommends that City Council approve the City Manager to execute the attached municipal agreement for the Passenger Information Display System as part of TIP Project P-5726

Contact Information for Group or Individual:

Wendy Brindle, Transportation Director
704-638-5201 / wbrin@salisburync.gov

Salisbury City Council Agenda Item Request Form



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

Wendy Biddle

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

DATE: JUNE 21, 2023

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

AGREEMENT FOR THE PASSENGER
INFORMATION DISPLAY SYSTEM

AND

TIP: P-5726

CITY OF SALISBURY

AND

NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK)

THIS AGREEMENT (hereinafter “Agreement”) is made and entered into on the last date executed below (hereinafter “Effective Date”) by and between the **NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**, an agency of the State of North Carolina, having its principal place of business at 1 South Wilmington Street, Raleigh, North Carolina 27601 (hereinafter “NCDOT”); the **CITY OF SALISBURY**, a municipal corporation of the State of North Carolina, having its principal place of business at 132 North Main Street, Salisbury, North Carolina, 28144 (hereinafter “City”); and **NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)**, a corporation organized under the former Rail Passenger Service Act and the laws of the District of Columbia, and having its principal place of business at 1 Massachusetts Avenue NW, Washington, DC 20001 (hereinafter “Amtrak”), hereinafter referred to collectively as the “Parties” and individually as a “Party.”

W I T N E S S E T H:

WHEREAS, Amtrak provides intercity passenger rail service in the State of North Carolina and provides such service at a station in Salisbury located at 215 Depot Street, Salisbury, North Carolina 28144, also known as Salisbury Train Station (hereinafter “Station” and/or “SAL”); and

WHEREAS, NCDOT and the City have designed and intend to construct a second platform (hereinafter “Platform 2”) at the Station including a tunnel under the tracks as a means of accessing the second platform; and

WHEREAS, The Station’s existing boarding platform and canopy are owned by, and upon completion Platform 2 and related infrastructure will be owned by, the City, and a portion of the Station will be leased to NCDOT for use by Amtrak passengers; and

WHEREAS, NCDOT and the City desire to have an ADA-compliant Passenger Information Display System (hereinafter “PIDS”) which will provide integrated audio/visual messaging to customers, installed, operated, and maintained at the Station; and

WHEREAS, NCDOT and the City desire to have Amtrak procure, install, operate, and maintain the PIDS (hereinafter “Project”) at the Station in accordance with the terms and conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. **RECITALS**. The Background set forth above is hereby incorporated into the terms of this Agreement as if fully set forth herein.
2. **TERM**. The “Term” of this Agreement shall commence on the Effective Date and terminate five (5) years thereafter unless extended or terminated sooner as provided herein. The Term shall be extended automatically for successive twelve (12) month terms unless terminated by either party as provided below.

Any party may terminate this Agreement upon sixty (60) days’ written notice to the other parties. Upon termination, NCDOT will reimburse Amtrak for services rendered, tasks and responsibilities performed, equipment procured, or any other costs or expenses incurred pursuant to the Project, including the costs for termination of any contract.

3. **TASKS TO BE PERFORMED BY NCDOT**. NCDOT will be responsible for the following:
 - (a) Perform the tasks and responsibilities designated to be performed by NCDOT set forth in Exhibit A: SAL PIDS Implementation SOW (Statement of Work), attached hereto and made a part hereof;
 - (b) Provide all Project funding, in accordance with the terms herein;
 - (c) Obtain and pay for all permits, fees, licenses, easements, approvals, or inspections which may be required in connection with the Project including, approvals in writing from landlords and property owners, historic preservation groups, environmental authorities, host railroads, as applicable;
 - (d) Arrange, if applicable, with host railroad(s) for flagging protection; and
 - (e) Pay all costs and fees specified in Exhibit A and other costs specified herein.

4. **TASKS TO BE PERFORMED BY AMTRAK.** Amtrak shall be responsible for the completion of the tasks and responsibilities designated to be performed by Amtrak set forth in the SOW in Exhibit A. After the date that the PIDS is installed and made fully operational (hereinafter “Go Live Date”), Amtrak shall provide operation and maintenance services as provided in Exhibit B (“PIDS O&M SOW”). The PIDS shall be installed pursuant to the plans set forth in Exhibit C, which will be attached hereto and made a part hereof upon design completion.

The attached Exhibits A, B, and C are incorporated into this Agreement by reference as if fully set forth herein.

5. **COST AND PAYMENT.**

- (a) **Cost.** NCDOT shall pay Amtrak for estimated design and deployment services costs specified in Exhibit A. The provision of an estimate does not, however, limit NCDOT’s obligation to reimburse Amtrak for all appropriate and suitable costs actually incurred by Amtrak in connection with the Project, including retroactive wage and benefit costs (i.e., adjustments made subsequent to performance of the Design and Installation Services), which shall be reimbursed based on the actual cost, plus all associated current overhead rates. NCDOT’s obligation to reimburse Amtrak for such retroactive costs shall survive termination of this Agreement.

Any additional unanticipated costs incurred by Amtrak in its performance of design and deployment services that are not included in Exhibit A may be presented to NCDOT for review and approval as an additional service. Additional services approved by NCDOT shall be paid by NCDOT. The O&M costs set forth in Exhibit B shall be included in the State PRIIA calculations. Any costs that are not reflected in Exhibit B shall be the responsibility of NCDOT from the Go Live Date.

- (b) **Annual Payment.** After the expiration of the one-year warranty period for the PIDS equipment described in this Agreement, the City shall pay NCDOT the annual sum of Two Thousand One Hundred and 00/100 Dollars (\$2,100.00) in quarterly payments of Five Hundred Twenty-Five and 00/100 Dollars (\$525.00) upon submittal by NCDOT to the City of written invoices.
- (c) **Deposit.** In order to provide Amtrak with the funds necessary to commence the Services in connection with this Project, prior to initiation of any Services by Amtrak, Amtrak shall present an invoice to NCDOT and NCDOT shall pay Amtrak an advance deposit of Ninety-Nine Thousand Eight Hundred Eighty-Eight and 00/100 Dollars (\$99,888.00) (hereinafter “Deposit”) which is twenty percent (20%) of Amtrak’s estimated costs set forth in Exhibit A. Thereafter, as the work progresses, Amtrak will invoice NCDOT no more than once a month for the actual costs incurred. Each invoice shall be paid, as provided in paragraphs (d) Invoicing and (e) Payment below, by NCDOT, until the total amount paid (not including the Deposit) is equal to Three Hundred Ninety-Nine Thousand Five Hundred Fifty-One and 00/100 Dollars (\$399,551.00), which is eighty percent (80%) of Amtrak’s estimated costs as set forth in Exhibit A. Thereafter, each invoice shall be paid

from the Deposit. If and when the remaining balance of the Deposit has been reduced to Zero Dollars (\$0.00), each invoice submitted thereafter shall be paid by NCDOT, as provided in paragraph (d) Invoicing and (e) Payment below, until completion of the Services in connection with the Project. At the conclusion of the Services and acceptance of the Project by NCDOT, Amtrak will return any remaining balance from the Deposit to NCDOT within forty-five (45) days.

- (d) **Changes in Fees.** Prices reflected in this Agreement do not include any changes or additions to Amtrak's responsibilities as specified in Exhibits A or B. Any such additional work shall be performed only upon mutual agreement and negotiation of additional charges through the change control process. NCDOT shall be responsible for all costs incurred by Amtrak for additional work. The prices reflected herein are contingent upon timely performance by NCDOT of its obligations set forth hereunder. Template Change Control Request Forms are attached in Exhibits A and B.
- (e) **Invoicing.** Amtrak shall submit invoices, no more than once a month, to the NCDOT representing costs it has incurred under this Agreement. Amtrak's invoices for services will also include the applicable Amtrak General & Administration (G&A) and NPIDS Program Fee (NPF) additive.
- (f) **Payment.** Payments of Amtrak invoices are due within thirty (30) days of receipt of invoice. Payments not made by the due date shall be subject to an interest charge of one and one-half percent (1.5%) per month. NCDOT shall pay all amounts stated in invoices in full without deduction, setoff, or counterclaim.

Nonpayment of invoices pursuant to the terms of this Agreement shall constitute a material breach of the Agreement and shall be cause for Amtrak to cease all work. NCDOT will be responsible for any and all costs incurred by Amtrak as a result of the NCDOT's breach.

If the NCDOT objects to any charges identified on a monthly statement, it shall notify Amtrak of its objection in writing within thirty (30) days of receipt of said statement with a clear and concise description of the basis for its objection. Within thirty (30) days thereafter, Amtrak will provide the NCDOT with additional documentation and/or explanation as required, to support the accuracy of the charges. If Amtrak finds an adjustment is due, a credit or additional charge will be provided on the next statement.

Payments shall be made to:

National Railroad Passenger Corporation
23615 Network Place
Chicago, IL 60673-1236

Amtrak also accepts payment via ACH and wire transactions via the following account numbers:

ACH Transit & Routing Number – 021000021
ACH Account Type – Checking
ACH Contact Information –
JPMorgan Chase
10430 Highland Manor Drive
Tampa, FL 33610
Customer Service Phone: 813-432-3700

Wire ABA – 021000021
Wire SWIFT – CHASUS33
Wire Contact Information –
JPMorgan Chase
270 Park Avenue
New, NY
Customer Service Phone: 877-204-1123

6. **PROJECT SCHEDULE.** The Project Schedule for the design and deployment services is set forth in Exhibit A. The Parties will endeavor to expedite this schedule so that the work can be completed prior to the opening of the Station. However, NCDOT and the City acknowledge that Amtrak will not commence construction work until the Certificate of Occupancy for Platform 2 has been issued. Amtrak shall not incur any damages or be responsible for any delays in the schedule.
7. **RISK OF LIABILITY.** As described in Section 9 (Ownership of PIDS Equipment) below, NCDOT shall own the PIDS. As such, NCDOT agrees that risk of liability for the PIDS equipment from the date of delivery of the PIDS equipment will be borne by NCDOT. NCDOT assumes all risk of loss, theft, and damage, including vandalism, to the PIDS including the equipment. In the event of any loss, theft, or damage, NCDOT shall immediately notify Amtrak. Amtrak shall have the right to conduct its own investigation or inspection to make its own determination as to the status of the PIDS equipment. Amtrak may, at its sole discretion, choose to perform all or any portion of such repairs itself, in which event NCDOT shall reimburse Amtrak for any expenses Amtrak incurs, including without limitation, all internal costs, in connection therewith. If the PIDS equipment is lost or stolen, or is destroyed or damaged beyond economical repair, NCDOT shall pay to Amtrak all costs incurred in replacing the PIDS equipment. Such payment shall be made within thirty (30) days of invoice from Amtrak, and the terms of Section 5(e) above shall apply.

NCDOT shall procure and maintain during the term of this Agreement all-risk property insurance for the full replacement cost of the PIDS with Amtrak named as a loss payee. NCDOT may self-insure and will provide evidence of such self-insurance at Amtrak's request.

8. **LIMITATION OF LIABILITY.** In no event shall Amtrak be liable for penalties, lost profits, lost revenue, lost good will, lost business or economic opportunity, or any other direct, indirect, consequential, incidental, exemplary, special, or punitive damages arising out of or relating to Amtrak's performance of the O&M Services or the PIDS Implementation SOW Services. This limitation applies to all causes of action or claims in the aggregate including without limitation breach of contract, breach of warranty, indemnity, negligence, strict liability, misrepresentation, and torts. NCDOT acknowledges and agrees that the pricing and costs set forth on Exhibits A and B reflect the intent of the parties to limit Amtrak's liability as provided herein.
9. **OWNERSHIP OF PIDS EQUIPMENT.** Amtrak shall procure and NCDOT shall own and insure the PIDS equipment, including those components located in the Station and on platform(s) without the need for execution or delivery of any bill of sale or other title documents.
10. **NOTICES.** Any notice, report, or other communication shall, unless otherwise specified, be in writing and shall be delivered by hand, e-mailed with a return receipt requested, or mailed by first class mail, postage prepaid, addressed to:

If to NCDOT:

NC Department of Transportation
Rail Division
1553 Mail Service Center
Raleigh, NC 27699-1553
ATTN: Craig Newton, PE
Facilities Engineer Consultant
cmnewton@ncdot.gov

If to Amtrak:

Information Technology
National Railroad Passenger Corporation
10 G Street, N.E.
Washington, DC 20002
ATTN: Kim Gibbs
Program Manager, PIDS
Kim.Lamoree@Amtrak.com

If to the City of Salisbury:

City of Salisbury
P.O. Box 479
Salisbury, NC 28145
ATTN: Wendy Brindle, PE
City Engineer
Wbrin@salisburync.gov

11. RECORD KEEPING; AUDIT.

- (a) Amtrak shall maintain records and invoices in connection with the services invoiced for a period not less than three (3) years from the date of payment of any invoice under this Agreement, and its subcontractors shall maintain for a period not less than two (2) years from the date of payment of any invoice under the subcontract.
- (b) NCDOT shall have the right to audit any cost invoiced, and the records and supporting documentation resulting from and related to such invoice sent, pursuant to this Agreement. Any such audit shall be undertaken by the NCDOT at reasonable times during regular business hours and shall take place at Amtrak's business office where the records are kept. The audit shall be performed by an independent certified public accountant, or qualified NCDOT staff, applying generally accepted auditing standards. The auditors may not be compensated on the basis of any discrepancies revealed by their audit. This right to audit shall extend for a period of three (3) years from the date of the invoice in question.
 - (i) In the event that an audit performed by or on behalf of NCDOT indicates an adjustment to the costs reported or paid under this Agreement, or questions the allowability of an item of cost or expense, NCDOT will promptly submit to Amtrak a copy of the audit report and a statement regarding what items contained in the report NCDOT agrees with and disagrees with. The information submitted to Amtrak will contain documentation reasonably sufficient to support any conclusion or adjustment proposed by NCDOT.
 - (ii) Within sixty (60) days after the receipt of NCDOT's submission, Amtrak will respond in writing to NCDOT indicating whether or not it concurs with NCDOT's conclusion and will explain the nature and basis for any disagreement as to a disallowed item of cost or expense.
 - (iii) NCDOT will review Amtrak's reply within sixty (60) days after the date of Amtrak's response. If NCDOT is in disagreement with any aspect of Amtrak's response, the parties will expeditiously confer in an effort to resolve the issue(s) in dispute.

12. FORCE MAJEURE. No party shall be liable to any other party for any delay in delivery, or failure to deliver or perform, due to any cause beyond its reasonable control, including but not limited to fires, floods, strikes, or other labor disputes, accidents, acts of sabotage or terrorism, riots, procedure or priorities granted at the request or for the benefit, directly or indirectly, of the federal or State government or any subdivision or agency thereof, delay in transportation or lack of transportation, restrictions imposed by federal, State, or other governmental legislation or rules or regulations thereof. All work to be performed by Amtrak or its contractors pursuant to this Agreement is conditioned on the ability of Amtrak's suppliers and vendors, the availability of materials, and the availability of Amtrak's work force or the work force of its contractor to carry out their obligations. Given the uncertainty of those conditions under the COVID-19 pandemic, Amtrak shall not be

held liable for any delays or inability of Amtrak or its contractor to perform under this Agreement due to impacts of COVID-19.

13. **CONFIDENTIALITY.** During the Term of this Agreement, NCDOT or the City may gain access to Amtrak’s confidential or proprietary information, including without limitation, valuable trade secrets and know-how, research, product plans, business plans, operations, services, markets, analyses, software, systems, inventions, policies, procedures, processes, technology, designs, drawings, engineering data, and other Amtrak business information (hereinafter “Confidential Information”). NCDOT and the City agree at all times during the term of this Agreement and thereafter to hold in strictest confidence and not to copy or use any Amtrak Confidential Information for any purpose whatsoever. Upon termination or expiration of this Agreement, NCDOT and the City shall certify that it retains no such information in any form.

Notwithstanding the terms herein, this Agreement and all materials submitted to NCDOT and the City including the Confidential Information are subject to the public records laws of the State of North Carolina (hereinafter “Record Laws”); and it is the responsibility of Amtrak to take all steps necessary to protect the Confidential Information from disclosure under the Record Laws by, among other things, properly designating materials that may be protected from disclosure as “confidential” or “trade secrets” or any other applicable category under the Records Laws prior to the submission of such materials to NCDOT and/or the City. Amtrak understands and agrees that NCDOT and/or the City may take any and all actions necessary to comply with federal, State, and local laws and/or judicial orders and such actions will not constitute a breach of the terms of this Agreement; provided, however, that NCDOT and the City each agrees that, in the event any Confidential Information of Amtrak or its subcontractors is sought by subpoena or other process, NCDOT and the City will promptly give notice of such subpoena or process to Amtrak or its subcontractors, pursuant to the notice provision herein, if possible, before responding to such subpoena or process.

This Confidentiality Section shall survive the termination or expiration of this Agreement but in no event more than ten (10) years after the effective date of this Agreement. This provision shall not apply to information that is or becomes public through no fault of NCDOT or the City.

14. **WAIVER.** A waiver by any party of any breach, of any term, covenant, or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein, whether of the same or a different character.
15. **INTEGRATED CONTRACT.** This Agreement and the exhibits hereto contain the entire agreement of NCDOT, the City, and Amtrak with respect to the matters covered hereby; and no agreement, statement, or promise made by NCDOT, the City, or Amtrak which is not contained herein, shall be valid or binding. No prior agreement, understanding, or representation pertaining to any such matter shall be effective for any purpose.

16. **CONFLICTS OR INCONSISTENCIES.** In the event there are any conflicts or inconsistencies between this Agreement and Exhibits A or B, or any other attachments attached hereto, the terms of the Exhibit shall govern.
17. **INTERPRETATION.** Each party acknowledges that it has had the benefit of advice of competent legal counsel with respect to its decision to enter this Agreement. The provisions of this Agreement shall be interpreted to give effect to their fair meaning and shall be construed as prepared by both Parties.
18. **REMEDIES CUMULATIVE.** The remedies given to NCDOT, the City, and Amtrak herein shall be cumulative and are given without impairing any other rights given NCDOT, the City, or Amtrak by statute or law now existing or hereafter enacted and the exercise on any one (1) remedy by NCDOT, the City, or Amtrak shall not exclude the exercise of any other remedy.
19. **NO THIRD-PARTY BENEFICIARIES.** The Parties intend that neither rights nor remedies be granted to any third party as a beneficiary of this Agreement or of any covenant, duty, obligation, or undertaking established herein.
20. **CONTROLLING LAW AND VENUE.** This Agreement shall be governed by and construed under the laws of the North Carolina, unless otherwise required by federal law. Each Party agrees that all legal proceedings in connection with any dispute arising under or relating to the Agreement shall be brought in the United States District Court for the Eastern District of North Carolina.
21. **AMENDMENT.** No amendment or modification of the terms of this Agreement shall be valid unless made in writing, signed by the parties, and approved as may be required by law. No oral understanding or agreement not incorporated in the Agreement is binding on any of the Parties.
22. **SEPARATE COUNTERPARTS.** This Agreement may be executed by the parties hereto in separate counterparts, each of which, when so executed and delivered, shall be an original but all such counterparts shall together constitute but one and the same instrument. All signatures need not be on the same counterpart. A facsimile or scanned PDF signature, if the genuine act of a Party, shall be sufficient to bind a party to this Agreement.
23. **AUTHORITY.** Each individual executing this Agreement on behalf of the NCDOT, the State of North Carolina, the City, and Amtrak, represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of such entity or organization and that this Agreement is binding upon the same in accordance with its terms.
24. **ETHICS.** N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this Agreement, you attest, for your entire organization and its employees or agents, that you are not aware that any gift in violation of N.C.G.S. § 133-32 and Executive Order 24 has been offered, accepted, or promised by any employees of your organization.

[Signatures appear on the next page]

IN WITNESS WHEREOF, this Agreement has been executed the last day and year set out below, on the part of the NCDOT, the City, and Amtrak, by authority duly given.

NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)

BY: _____

NAME: Ray Lang

TITLE: Vice President, State Supported Services

DATE: _____

CORPORATE SEAL

FEDERAL TAX IDENTIFICATION NUMBER

52-0910053

National Railroad Passenger Corporation

MAILING ADDRESS

National Railroad Passenger Corporation

500 W. Jackson Blvd.

Chicago, IL 60661

ATTN: Ray Lang

Vice President, State Supported

Services

Ray.Lang@Amtrak.com

IN WITNESS WHEREOF, this Agreement has been executed, the last day and year heretofore set out below, on the part of the NCDOT, the City, and Amtrak, by authority duly given.

CITY OF SALISBURY

BY: _____

NAME: _____

TITLE: _____

DATE: _____

MUNICIPAL SEAL

FEDERAL TAX IDENTIFICATION NUMBER

CITY OF SALISBURY

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

Approved as to Form

Municipal Finance Officer

City Attorney

MAILING ADDRESS

City of Salisbury

P.O. Box 479

Salisbury, NC 28145

ATTN: Wendy Brindle, PE

City Engineer

Wbrin@salisburync.gov

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate originals, the last day and year set out below, on the part of the NCDOT, the City, and Amtrak, by authority duly given.

NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION

BY: _____

NAME: Julie A. White

TITLE: Deputy Secretary for Multi-Modal
Transportation

DATE: _____

SEAL

MAILING ADDRESS

North Carolina Department of Transportation
Rail Division, Operations & Facilities Branch
1553 Mail Service Center
Raleigh, North Carolina 27699-1553
ATTN: Craig Newton, PE
Facilities Engineer Consultant
cmnewton@ncdot.gov

APPROVED BY BOARD OF TRANSPORTATION ITEM O: February 8, 2023
(Date)

EXHIBIT LIST

EXHIBIT A – NCDOT Salisbury (SAL) PIDS Implementation SOW (Statement of Work)

EXHIBIT B – NCDOT Salisbury (SAL) PIDS O&M SOW (Statement of Work)

EXHIBIT C – NCDOT Salisbury (SAL) PIDS Design Plans

EXHIBIT A

NCDOT SALISBURY (SAL) PIDS IMPLEMENTATION SOW (STATEMENT OF WORK)



**EXHIBIT A:
Salisbury (SAL) PIDS Implementation SOW**

Prepared for the North Carolina Department of Transportation
(NCDOT)

December [], 2022
Version 01.00.e

Amtrak
(National Railroad Passenger Corporation)
1 Massachusetts Avenue, N.W.
Washington, DC 20001

22. Background

- Amtrak's Passenger Information Display System (PIDS) provides ADA-compliant, integrated audio/visual messaging to customers at stations. This messaging takes the form of train information (arrival/departure times, gate/track assignments, boarding locations, stops and train status) and announcements (boarding announcements, passenger paging, general announcements, train approaching warnings and emergency messages). The system is comprised of electronic (variable messaging) signs and audio components that enable Amtrak to provide information in both visual and aural (auditory) formats.
-
- The NCDOT has asked Amtrak to implement its PIDS at the Salisbury (SAL) Rail Station.

23. Project Scope

- This Statement of Work (SOW) outlines the roles and tasks necessary to implement PIDS at the Salisbury (SAL) Rail Station. This includes PIDS Design and Deployment.

The North Carolina Station to receive Amtrak's PIDS under this Agreement:

- Salisbury (SAL)

PIDS Phases included in this SOW:

- Design – provides a working set of design drawings and software configuration rules that will serve as the basis of the PIDS installation.
- Deployment – includes procurement, installation and integration of all PIDS hardware, software and materials as well as system configuration and testing. Also includes functional verification services during the deployment phase to verify that PIDS signage and sound, data and electrical systems are functioning properly, individually and as a whole.

Information to be provided by PIDS:

- Amtrak train information – arrival/departure times, gate/track assignments, boarding locations, stops and status.
- Amtrak messaging – boarding announcements, passenger paging, general announcements, train approaching (TAMS, where applicable) and emergency messages.

Out of Scope:

- Static (non-electronic) signage
- Schedules, status and information and messaging for non-Amtrak services (e.g., bus operators and other third parties)
- Messaging for non-Amtrak services (e.g. bus operators and other third parties)

24. Amtrak Tasks

- The following tables list tasks that Amtrak must execute to implement PIDS at the North Carolina Station(s) identified above. Tasks may be performed by Amtrak or by its designated vendor under contract.

25. DESIGN

26. Plans

#	Code	Title	Description
1	DSP02	Design Documents	Develop PIDS design documents for installation/construction, including detailed drawings and construction specifications. Produce 30%, 60%, 90% and 100% drawings (as applicable) with final approval.
2	DSP04	Software Configuration	Customize and document software operational rules for the station.

27. Regulatory

#	Code	Title	Description
-	N/A	N/A	N/A

28. Development

#	Code	Title	Description
-	N/A	N/A	N/A

29. DEPLOYMENT

30. Software

#	Code	Title	Description
1	DPS01	Software Procurement	Procure PIDS Software.
2	DPS02	Software Testing	Configure and test the PIDS software in a lab environment.
3	DPS03	Software Installation	Install, configure and test the PIDS software on the station server.

31. Infrastructure

#	Code	Title	Description
-	N/A	N/A	N/A

32. Hardware

#	Code	Title	Description
1	DPH01	Network Switch Procurement	Procure network switch(es) to connect to the Amtrak network.
2	DPH02	Network Switch Installation	Install network switch and connect to Amtrak network.
3	DPH03	Head-end Procurement	Procure PIDS head-end equipment (e.g., rack, server, amplifiers, video distribution equipment and uninterruptable power supply [UPS]).
4	DPH04	Head-end Installation	Assemble rack, install individual head-end components, connect all and bring online.
5	DPH05	Signage Procurement	Procure PIDS signage.
6	DPH06	Signage Installation	Mount PIDS signage and connect power and data.
7	DPH07	Speaker Procurement	Procure PIDS speakers.
8	DPH08	Speaker Installation	Mount speakers and connect data. Calibrate speakers for clear and uniform audio volume across the station.

#	Code	Title	Description
7	DPH09	Work Station Procurement	Procure PIDS work stations.
8	DPH10	Work Station Installation	Install PIDS work stations.
9	DPH13	Paging Station Procurement	Procure PIDS paging stations.
10	DPH14	Paging Station Installation	Install PIDS paging stations.
11	DPH15	Ambient Microphone Procurement	Procure PIDS ambient microphones.
12	DPH16	Ambient Microphone Installation	Install PIDS ambient microphones.

33. Integration

#	Code	Title	Description
1	DPN01	Installation Verification	Verify that all installation work has been done according to the design drawings and any applicable specifications.
2	DPN02	Hardware Connectivity Verification	Verify that all signage and speakers have proper power and data connections and work as designed.
3	DPN03	Software Configuration Validation	Test the system to ensure that the software has been properly configured to follow the business rules defined.
4	DPN04	Go Live	Put PIDS into production.
5	DPN05	User Training	Train end users, including Amtrak CSRs and management, personnel and municipal employees as necessary, in the use of the system.

34. NCDOT Tasks

- The following tables list tasks that NCDOT must execute to implement PIDS at the North Carolina Station(s) identified above. Tasks may be performed by NCDOT or by its designated vendor under contract.

35. DESIGN

36. Plans

#	Code	Title	Description
1	DSP01	Station Drawings	Provide all PIDS-relevant station drawings in CAD format.
2	DSP03	Design Support	Provide design support consisting of drawing reviews, consultation on the number, type and placement of signage and speakers and technical specifications.

37. Regulatory

#	Code	Title	Description
1	DSR01	Environmental Testing	Conduct required environmental tests (e.g., asbestos), prepare the necessary documentation and submit to the appropriate authorities for approval.
2	DSR02	SHPO Approval	Prepare any required SHPO documentation and submit to the appropriate authorities for approval.
3	DSR03	Building Permits	Secure and pay for all building permits, fees, licenses, easements, approvals, or inspections which may be required in connection with the project.

#	Code	Title	Description
4	DSR04	Grant Reporting	Prepare all Project reports required by the Grant for work performed under the Agreement.
5	DSR05	Intergovernmental Agreements	Enter into intergovernmental agreements with applicable municipalities or station owners allowing Amtrak to perform PIDS related work.

38. Development

#	Code	Title	Description
-	N/A	N/A	N/A

39. DEPLOYMENT

40. Software

#	Code	Title	Description
-	N/A	N/A	N/A

41. Infrastructure

#	Code	Title	Description
1	DPI01	Server Room Construction	Provide/Build a PCI DSS-compliant server room for the PIDS head-end. Must have a 120V electrical outlet for PIDS head-end.
2	DPI02	Server Room HVAC Procurement	Procure HVAC hardware to maintain an acceptable climate for optimal PIDS head-end operation.
3	DPI03	Server Room HVAC Installation	Install HVAC hardware to maintain an acceptable climate for optimal PIDS head-end operation.
4	DPI04	Server Room T1 Line Installation	Install T1 Line (or better) high-speed internet connection for PIDS head-end.
5	DPI05	Signage Data Conduit Procurement	Procure data conduit for PIDS signage.
6	DPI06	Signage Data Conduit Installation	Install data conduit for PIDS signage.
7	DPI07	Speaker Data Conduit Procurement	Procure data conduit for PIDS speakers.
8	DPI08	Speaker Data Conduit Installation	Install data conduit for PIDS speakers.
9	DPI09	Paging Station Data Conduit Procurement	Procure data conduit for PIDS paging stations.
10	DPI10	Paging Station Data Conduit Installation	Install data conduit for PIDS paging stations.
11	DPI11	Ambient Microphone Data Conduit Procurement	Procure data conduit for PIDS ambient microphones.
12	DPI12	Ambient Microphone Data Conduit Installation	Install data conduit for PIDS ambient microphones.
13	DPI13	Signage Electrical Conduit Procurement	Procure electrical conduit for PIDS signage.
14	DPI14	Signage Electrical Conduit Installation	Install electrical conduit for PIDS signage.

#	Code	Title	Description
15	DPI15	Signage Electrical Cabling Procurement	Procure electrical cabling for PIDS signage.
16	DPI16	Signage Electrical Cabling Installation	Install electrical cabling for PIDS signage.
17	DPI17	Signage Data Cabling Procurement	Procure data cabling for PIDS signage.
18	DPI18	Signage Data Cabling Installation	Install data cabling for PIDS signage.
19	DPI19	Speaker Data Cabling Procurement	Procure data cabling for PIDS speakers.
20	DPI20	Speaker Data Cabling Installation	Install data cabling for PIDS speakers.
21	DPI21	Paging Station Data Cabling Procurement	Procure data cabling for paging stations.
22	DPI22	Paging Station Data Cabling Installation	Install data cabling for paging stations.
23	DPI23	Ambient Mic Data Cabling Procurement	Procure ambient microphone cabling.
24	DPI24	Ambient Mic Data Cabling Installation	Install ambient microphone cabling.
25	DPI25	Signage Framing Procurement	Procure framing and/or pole structures to hang PIDS signage.
26	DPI26	Signage Framing Installation	Install framing and/or pole structures to hang PIDS signage.
27	DPI27	Speaker Framing Procurement	Procure framing and/or pole structures to hang PIDS speakers.
28	DPI28	Speaker Framing Installation	Install framing and/or pole structures to hang PIDS speakers.
29	DPI98	Infrastructure Installation Flagging Protection	Fund and coordinate flagging protection with the host railroad in connection with all infrastructure installation related activities.
30	DPI99	Infrastructure Validation	Formal commissioning/report validating all infrastructural elements (e.g., conduit runs, signage cabling, speaker cabling, etc.) installed by Non-Amtrak contractors prior to PIDS Hardware Installation Date.

42. Hardware

#	Code	Title	Description
1	DPH98	Hardware Installation Flagging Protection	Fund and coordinate flagging protection with the host railroad in connection with all hardware installation related activities.

43. Integration

#	Code	Title	Description
1	DPN06	System Acceptance	Formal review and approval of system implementation.

44. Schedule

- A detailed project plan for each phase will be developed as the phase is initiated. Certain PIDS tasks will likely lag others to some degree (e.g., the PIDS head-end equipment cannot be installed until the server room is ready). The PIDS Project officially begins (Day 0) at the time the agreement between parties is fully executed.

Table 1: High-Level PIDS Implementation Schedule

	Design						Deployment			
	Start	30%	60%	90%	100%	End	Start	NTP	On-Site	End
Salisbury (SAL)	Day 0	Day N/A	Day N/A	Day N/A	Day N/A	Day 180	Day 180	Day 270	Day 390	Day 450

45. Cost Estimate

The total estimated Amtrak costs to be reimbursed by the NCDOT are..... \$499,439

These estimated costs are detailed in EXHIBIT A.1 and include:

- Plans
- Infrastructure
- Software
- Hardware
- Integration
- Spares
- Amtrak General & Administration (G&A) Fee
- NPIDS Program Fee (NPF)

The software list is provided in EXHIBIT A.2. The infrastructure list is provided in EXHIBIT A.3. The hardware list is provided in EXHIBIT A.4. The recommended spares list is provided in EXHIBIT A.5. Any changes to the costs outlined in EXHIBIT A.1 will be subject to the change control process outlined in EXHIBIT A.6.

46. Acronyms

As a reference, acronyms used throughout this document are defined in Table 2 along with a brief description.

Table 2: Definition of Acronyms

Acronym	Full Phrase	Description
PIDS	Passenger Information Display System	Digital signage (variable messaging) and audio components that enable Amtrak to provide information in both visual and aural formats.
SOW	Statement of Work	This document.
NCDOT	North Carolina Department of Transportation	
TAMS	Train Approach Monitoring System	Track monitoring solution providing real-time information on location of trains.

EXHIBIT A.1:
Salisbury (SAL) PIDS Implementation Cost Estimate

DESIGN (Amtrak Tasks)

#	SOW Section	SOW Section Name	Task Codes	Material	Labor	Travel	Total
1	3.1.1	Plans	DSP02, DSP04	\$ -	\$ -	\$ -	\$ -
2	3.1.2	Regulatory	N/A	\$ -	\$ -	\$ -	\$ -
3	3.1.3	Development	N/A	\$ -	\$ -	\$ -	\$ -

Design Sub-total \$ - \$ - \$ - **\$ 90,000**

DEPLOYMENT (Amtrak Tasks)

#	SOW Section	SOW Section Name	Task Codes	Material	Labor	Travel	Total
1	3.2.1	Software	DPS01, DPS02, DPS03	\$ 45,175	\$ 100,205	\$ 11,809	\$ 157,885
2	3.2.2	Infrastructure	DPI50, DPI51, DPI52, DPI53, DPI54, DPI55, DPI56, DPI57, DPI58, DPI59, DPI60, DPI61	\$ 14,823	\$ 32,340	\$ 8,477	\$ 55,760
3	3.2.3	Hardware	DPH01, DPH02, DPH05, DPH06, DPH20, DPH21, DPH22, DPH23, DPH24, DPH25, DPH26, DPH27, DPH28, DPH29	\$ 76,138	\$ 39,323	\$ -	\$ 115,621
4	3.2.4	Integration	DPN01, DPN02, DPN03, DPN04, DPN05	\$ 245	\$ 76,073	\$ 3,357	\$ 80,174

Deployment Sub-total \$ 136,380 \$ 247,940 \$ 23,643 **\$ 409,439**

O&M SPARES (Amtrak Tasks)

#	SOW Section	SOW Section Name	Task Codes	Material	Labor	Travel	Total
1	3.2.3	Hardware	DPH05	\$ -	\$ -	\$ -	\$ -

O&M Spares Sub-total \$ - \$ - \$ - **\$ -**

SUMMARY (Amtrak Tasks)

	Material	Labor	Travel	Total
Design	\$ -	\$ -	\$ -	\$ 90,000
Deployment	\$ 136,380	\$ 247,940	\$ 23,643	\$ 409,439
O&M Spares	\$ -	\$ -	\$ -	\$ -
PROJECT TOTAL	\$ 136,380	\$ 247,940	\$ 23,643	\$ 499,439

Terms and Conditions

1. This estimate does not include tax.
2. This estimate includes a non-taxable Amtrak General & Administrative Fee (G&A) of 7.5%.
3. This estimate includes a non-taxable NPIDS Program Fee (NPF) of 15.0%.

**EXHIBIT A.3:
Salisbury (SAL) PIDS Implementation Infrastructure List**

INFRASTRUCTURE (Amtrak Tasks)

#	Item	Task Code(s)	Type	Qty	Unit	Unit Price	NPF %	G&A %	Fully-Loaded
STATION									
Rm#A/Station/Telecom									
1	Signage Data Cabling SIDC.01 (SI.01 to RE.01)	DPI52	M	1	Each	\$ 200.00	15.0%	7.5%	\$ 245
2	Signage Data Cabling SIDC.01 (SI.01 to RE.01)	DPI53	L	1	Each	\$ 500.00	15.0%	7.5%	\$ 613
3	Signage Power Cabling SIPC.03 (SI.03 to Closest Power Source)	DPI54	M	1	Each	\$ 50.00	15.0%	7.5%	\$ 61
4	Signage Power Cabling SIPC.03 (SI.03 to Closest Power Source)	DPI55	L	1	Each	\$ 200.00	15.0%	7.5%	\$ 245
5	Speaker Data Cabling SPDC.03 (SP.03 to RE.01)	DPI56	M	1	Each	\$ 100.00	15.0%	7.5%	\$ 123
6	Speaker Data Cabling SPDC.03 (SP.03 to RE.01)	DPI57	L	1	Each	\$ 300.00	15.0%	7.5%	\$ 368
7	Work Station Data Cabling WSDC.01 (WS.01 to RE.01)	DPI61	L	1	Each	\$ 300.00	15.0%	7.5%	\$ 345
8	Paging Station Data Cabling PSDC.01 (PS.01 to RE.01)	DPI58	M	1	Each	\$ 100.00	15.0%	7.5%	\$ 100
9	Paging Station Data Cabling PSDC.01 (PS.01 to RE.01)	DPI59	L	1	Each	\$ 300.00	15.0%	7.5%	\$ 300
10	Signage Data Conduit SIDT.05 (SI.05 to RE.01)	DPI22	M	2	Each	\$ 1,000.00	15.0%	7.5%	\$ 2,300
PLATFORM/BRIDGE									
Track 1&2/Bridge									
1	Ambient Mic Data Cabling AMDC.01 (AM.01 to RE.01)	DPI50	M	4	Each	\$ 50.00	15.0%	7.5%	\$ 245
2	Ambient Mic Data Cabling AMDC.01 (AM.01 to RE.01)	DPI51	L	4	Each	\$ 450.00	15.0%	7.5%	\$ 2,205
2	Ambient Mic Data Conduit AMDT.03 (AM.03 to RE.01)	DPI20	M	4	Each	\$ 1,000.00	15.0%	7.5%	\$ 4,900
8	Signage Data Conduit SIDT.05 (SI.05 to RE.01)	DPI22	M	3	Each	\$ 1,000.00	15.0%	7.5%	\$ 3,675
5	Signage Data Cabling SIDC.03 (SI.03 to RE.01)	DPI52	M	7	Each	\$ 200.00	15.0%	7.5%	\$ 1,715
6	Signage Data Cabling SIDC.03 (SI.03 to RE.01)	DPI53	L	7	Each	\$ 500.00	15.0%	7.5%	\$ 4,288
9	Signage Power Cabling SIPC.03 (SI.03 to Closest Power Source)	DPI54	M	7	Each	\$ 50.00	15.0%	7.5%	\$ 429
10	Signage Power Cabling SIPC.03 (SI.03 to Closest Power Source)	DPI55	L	7	Each	\$ 200.00	15.0%	7.5%	\$ 1,715
13	Speaker Data Cabling SPDC.03 (SP.03 to RE.01)	DPI56	M	7	Each	\$ 100.00	15.0%	7.5%	\$ 858
14	Speaker Data Cabling SPDC.03 (SP.03 to RE.01)	DPI57	L	7	Each	\$ 300.00	15.0%	7.5%	\$ 2,573

Infrastructure Total (Amtrak Tasks)

68 (items)

\$ 27,300

- Type: M (Material), L (Labor)

Terms and Conditions

1. This estimate does not include tax.
2. This estimate includes a non-taxable Amtrak General & Administrative Fee (G&A) of 7.5%.
3. This estimate includes a non-taxable NPIDS Program Fee (NPF) of 15.0%.

**EXHIBIT A.4:
Salisbury (SAL) PIDS Implementation Hardware List**

HARDWARE (Amtrak Tasks)

#	Item	Task Code(s)	Type	Qty	Unit	Unit Price	NPF %	G&A %	Fully-Loaded
STATION									
Rm#A/Station/Telecom									
1	Sign SI.03 (Amtrak, E2448-12-T1)	DPH22	M	1	Each	\$ 3,176.21	15.0%	7.5%	\$ 5,049
2	Speaker SP.02 (JBL, AWC82)	DPH24	M	2	Each	\$ 326.73	15.0%	7.5%	\$ 800
3	Speaker SP.02 (JBL, AWC82)	DPH25	L	2	Each	\$ 500.00	15.0%	7.5%	\$ 1,225
4	Work Station WS.01 (Dell, OptiPlex 3010)	DPH26	M	1	Each	\$ 2,100.00	15.0%	7.5%	\$ 2,100
5	Amplifier AP.01 (Crown, DCI4600N)	DPH05	M	1	Each	\$ 2,442.60	15.0%	7.5%	\$ 2,443
6	Audio Failover Unit AF.01 (Harman, CT16s)	DPH05	M	1	Each	\$ 2,444.00	15.0%	7.5%	\$ 2,444
7	DAC DA.01 (Dell, OptiPlex 3010)	DPH05	M	1	Each	\$ 1,351.25	15.0%	7.5%	\$ 1,351
8	DSP DS.01 (Harman, BLU-800)	DPH05	M	1	Each	\$ 4,148.92	15.0%	7.5%	\$ 4,149
9	KVM KV.01 (Tripp Lite, B020-008-17)	DPH05	M	1	Each	\$ 1,247.40	15.0%	7.5%	\$ 1,247
10	KVM Cable Kit KC.01 (Tripp Lite, P776-006)	DPH05	M	1	Each	\$ 31.05	15.0%	7.5%	\$ 31
11	Network Switch NS.01 (Cisco, Catalyst 3560)	DPH05	M	1	Each	\$ 5,000.00	15.0%	7.5%	\$ 5,000
12	Rack Console RC.01 (Belkin, FIDC108C)	DPH05	M	1	Each	\$ 1,179.73	15.0%	7.5%	\$ 1,180
13	Rack Enclosure RE.01 (GLC, GLC-8401S2-2436)	DPH05	M	1	Each	\$ 4,171.03	15.0%	7.5%	\$ 4,171
14	Rack Enclosure RE.01 (GLC, GLC-8401S2-2436)	DPH06	L	1	Each	\$ 2,500.00	15.0%	7.5%	\$ 2,500
15	Station Server SS.01 (Dell, R570 8G RAM)	DPH05	M	1	Each	\$ 4,522.90	15.0%	7.5%	\$ 4,523
16	Surge Protector SU.01 (APC, P74)	DPH05	M	1	Each	\$ 11.65	15.0%	7.5%	\$ 12
17	UPS UP.01 (APC, SMT3000RM2U)	DPH05	M	1	Each	\$ 1,316.46	15.0%	7.5%	\$ 1,316
PLATFORM BRIDGE									
Track 1 & 2/Bridge									
1	Sign SI.03 (Amtrak, E2448-12-T1)	DPH22	M	3	Each	\$ 3,176.21	15.0%	7.5%	\$ 10,194
2	Sign SI.04 (Amtrak, E2448-12-T1)	DPH22	M	4	Each	\$ 8,321.63	15.0%	7.5%	\$ 35,159
3	Ambient Mic AM.01 (Crown, PZM-11LLWRS1)	DPH20	M	4	Each	\$ 106.06	15.0%	7.5%	\$ 520
4	Ambient Mic AM.01 (Crown, PZM-11LLWRS1)	DPH21	L	4	Each	\$ 350.00	15.0%	7.5%	\$ 1,715
5	Speaker SP.01 (JBL, AWC82)	DPH24	M	10	Each	\$ 326.73	15.0%	7.5%	\$ 4,002
6	Speaker SP.01 (JBL, AWC82)	DPH25	L	10	Each	\$ 500.00	15.0%	7.5%	\$ 6,125

Hardware Total (Amtrak Tasks)

54 (items)

\$ 97,256

HARDWARE (NCDOT Tasks)

#	Item	Task Code(s)	Type	Qty	Unit	Unit Price	NPF %	G&A %	Fully-Loaded
STATION									
Rm#XX/Rm Name									
-	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Hardware Total (NCDOT Tasks)

0 (items)

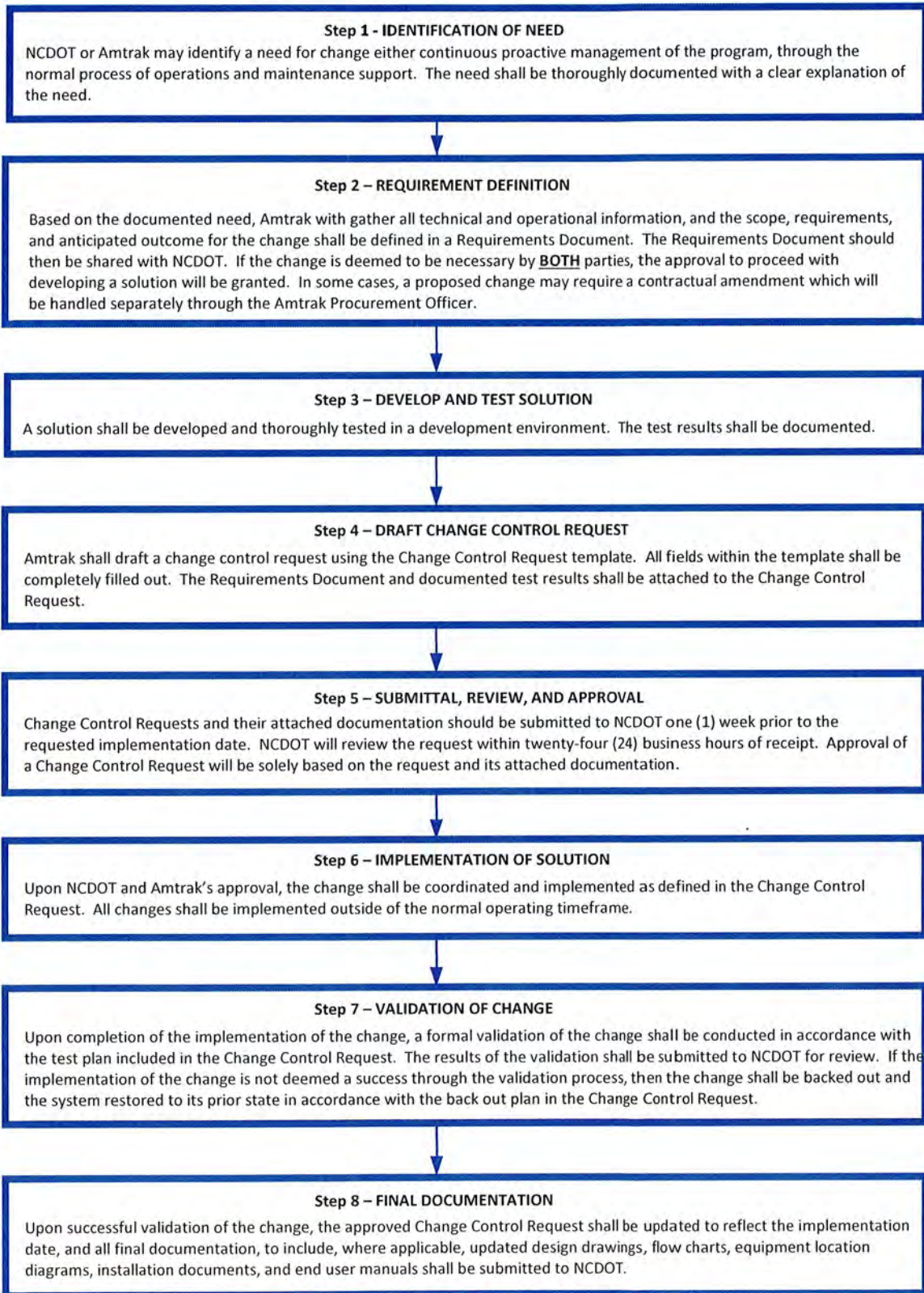
\$ -

- Type: M (Material), L (Labor)

Terms and Conditions

1. This estimate does not include tax.
2. This estimate includes a non-taxable Amtrak General & Administrative Fee (G&A) of 7.5%.
3. This estimate includes a non-taxable NPIDS Program Fee (NPF) of 15.0%.

EXHIBIT A.6: Salisbury (SAL) PIDS Implementation Change Control Process



Salisbury (SAL) PIDS Implementation Change Control Request

Station:	CCR PM:
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CHANGE REQUEST:	
Date of Request:	Change request no.:
Change requested by:	
Phone:	Email address:
Items to be changed:	Reference(s):
Description of change (reasons for change, benefits, date required, what is affected).	
Will access to Amtrak/IDOT properties be required? If so, where?	
Estimated cost and time to implement (quotation attached? Yes No).	
Priority / Constraints / Impacts (impact on other deliverables, implications of not proceeding, risks).	
Any Special Resources Required?	
Any Related Change Control Requests?	

IMPLEMENTATION PLAN
Pre-Deployment Test Plan:
Deployment Plan:
Back Out Plan (if required):
Post-Deployment Test Plan:

CHANGE APPROVAL			
NCDOT	Name	Signed	Date
Accepted Rejected Deferred			
AMTRAK	Name	Signed	Date
Accepted Rejected Deferred			
Comments			

CHANGE IMPLEMENTATION COMPLETED		
Implementer	Date completed	Signature

EXHIBIT B

NCDOT SALISBURY (SAL) PIDS O&M SOW (STATEMENT OF WORK)



**EXHIBIT B:
Salisbury (SAL) PIDS O&M SOW**

Prepared for the North Carolina Department of Transportation
(NCDOT)

December [], 2022
Version 01.00.e

Amtrak
(National Railroad Passenger Corporation)
1 Massachusetts Avenue, N.W.
Washington, DC 20001

1.0 Summary

This Salisbury (SAL) PIDS O&M SOW will address the operation and maintenance (“O&M”) for the Passenger Information Display System (“PIDS”) described in the Salisbury (SAL) PIDS Agreement between National Railroad Passenger Corporation (Amtrak) and the NCDOT for the Salisbury (SAL) Rail Station (“Agreement”). All hardware and software implemented at this station will be supported in accordance with the general provisions set forth in this Salisbury (SAL) PIDS O&M SOW. Initiated with a request, Amtrak will respond with a customer service solution 24 hours a day, 7 days a week.

2.0 Service Desk Support

Amtrak’s Service Desk is fully staffed with trained, experienced Service Desk Analysts twenty-four (24) hours a day, seven (7) days a week. An overview of the general provisions is included below.

1.1 Service Request Procedure

- 2.1.1 **Single Point of Contact** – Once a system problem is identified as a malfunction in the installed software (or hardware), contact the Service Desk at 800-772-HELP (4357). The caller will need to provide a contact name, phone, and description of the problem.
- 2.1.2 **Initial Response** – Based upon the explanation of the exact problem description, the call will be classified as either 1) Severity Level I - Critical/Emergency, 2) Severity Level II - High Priority, 3) Severity Level III - Medium Priority or 4) Severity Level IV - Low Priority, as further defined in Section 7 – Service Level Objectives. The point of contact (“POC”) will be provided with a Service Desk Service Ticket number after assigned. The ticket will have information on it that shows times when escalation to next levels are due as described in 2.3 Escalation Process.
- 2.1.3 **Problem Resolution** – A Service Desk Analyst will stay involved throughout the entire process and will serve as the main point of contact until the problem is resolved or escalated to the PIDS tier I or tier II support team.
- 2.1.4 **Service Call Classification** - Response and resolution initiation times have been established for each of these severity levels as described in Section 2.1.2.

The following table reflects the relevant severity level classifications

AMTRAK SERVICE DESK CALLS CLASSIFICATION

GENERAL SEVERITY LEVEL CLASSIFICATION by FAILURE MODE

FAILURE MODE/EXTENT	
Station server(s) failure	Sev Lvl I
Entire PIDS non-functional	Sev Lvl I
Big Board non-functional	N/A
100% of Signage non-functional	Sev Lvl I
100% of Audio zones non-functional	Sev Lvl I
> 75% of PIDS displays non-functional	Sev Lvl II

> 75% of audio zones non-functional	Sev Lvl II
> 50% of PIDS displays non-functional	Sev Lvl III
> 50% of audio zones non-functional	Sev Lvl III
> 25% of PIDS displays non-functional	Sev Lvl III
> 25% of audio zones non-functional	Sev Lvl III
> 10% of PIDS displays non-functional	Sev Lvl IV
> 10% of audio zones non-functional	Sev Lvl IV
Single PIDS display non-functional	Sev Lvl IV
Single audio zone non-functional	Sev Lvl IV
100 % of workstations non-functional	Sev Lvl IV
100 % of Paging Stations non-functional	Sev Lvl III
Incorrect Data Issues	Sev Lvl III
Audio functional w/sound quality issues	Sev Lvl IV
Displays functional w/picture quality issues	Sev Lvl IV

Legend	
Sev Lvl I	Initial response in 1 hr; remote or on-site resolution initiated in 2 hrs
Sev Lvl II	Initial response in 2 hrs; remote or on-site resolution initiated in 4 hrs
Sev Lvl III	Initial response 2 hrs; remote resolution initiated in 8 hrs; on-site resolution initiated in 24 hrs
Sev Lvl I V	Initial response 2 hrs; remote resolution initiated in 24 hrs; on-site resolution

1.2 Service Call Tracking

- 2.1.5 Service Event Management System – Each call received by the Service Desk Analyst will be entered into the Amtrak Service Call Database. The individual call will be time-stamped as to when it was received and will include a description of the problem, and the name of the person who reported the problem. The individual ticket will show who took the call, to whom the call was given and at what time s/he received it. When the ticket is closed, it will be time-stamped as to when it was closed, the duration of the time the ticket was opened, who closed the call and what corrective action was taken to correct the problem.

1.3 Escalation Process

- 2.1.6 Escalation – Amtrak has established pre-defined timeframes whereby the resolution of issues are escalated. These timeframes vary depending upon an assigned severity level categorization of an issue. The response resolution efforts for Service Desk service calls are addressed at increasing levels of expertise and/or management authority based upon the Severity Level in order to meet the response time goal until problem resolution. These levels of increased resources and expertise are referred to as Escalation Levels.

- 2.1.7 Escalation Levels are as follows:
- a. Level I Help Desk
 - b. Level II Customer Service Manager or Software Integrator

- c. Level III Manager of Software Support / Service Manager
- d. Level IV Vice President of Operations

2.1.8 Level I Service Desk Escalation – The first point of contact is always the Service Desk. This allows Amtrak to follow a problem from start to finish and to keep adequate records of all problems. Most problems can easily be solved with remote access and/or direction from the PIDS support team . If the Service Desk will be unable to resolve an issue within pre-determined timeframes, escalation will occur as follows:

- a. Severity Level I – Critical/Emergency calls will go directly from a Service Desk Analyst to the Service Manager or Software Integration Manager.
- b. Severity Level II – High priority calls will be escalated to the Service Manager or a Software Integrator if the Service Desk cannot resolve the problem within one (1) hour.
- c. Severity Level III – Medium priority calls will be escalated to the Service Manager or Software Integrator if the Service Desk cannot resolve the problem within two (2) hours.
- d. Severity Level IV – Low priority calls will be escalated to the Service Manager or Software Integrator if the Service Desk cannot resolve the problem within four (4) hours.

2.1.9 Level II Service Manager or Software Analyst Escalation – The second level of escalation is the Service Manager or a Software Integrator, who possess more in-depth software and hardware knowledge. If the Level II escalation will be unable to resolve an issue within pre-determined timeframes, further escalation will occur as follows:

- a. Severity Level II – High priority calls will be escalated to the Service Manager or Software Manager if the Software Integrator cannot resolve the problem within two (2) hours.
- b. Severity Level III – Medium priority calls will be escalated to the Service Manager or Software Manager if the Software Integrator cannot resolve the problem within two (4) hours.
- c. Severity Level IV – Low priority calls will be escalated to the Service Manager or Software Manager if the Software Integrator cannot resolve the problem within eight (8) hours.

2.3.5 Level III Manager of Software Support / Service Manager – The third level of escalation is the Service Manager or Software Manager, who will be making the decision of an on-site dispatch for resolution or sending the issue to software development should the issue require analysis of the software code.

2.3.6 Level IV Upper Management – The Service Manager or Software Manager will contact the VP of Operations when it becomes apparent that any Severity Level I or II call will not be resolved within the Service Level Response time.

3.0 Warranty Period Service

Amtrak is dedicated to providing a superior customer experience by warranting all work and by providing on-going service on the PIDS to keep them performing at an exceptional level as described below.

1.4 Warranty

- 3.1.1 Warranty of Equipment – Any new equipment provided by Amtrak will be covered by a one (1) year OEM warranty. Amtrak will be responsible for obtaining the Return Material Authorization (RMA) from the manufacturer, the replacement of such equipment with a spare unit, the shipping to and receipt from the manufacturer, and the item's return to the spare inventory.
- 3.1.3 Warranty on New Software – One (1) year of software warranty period starting on the first day of the month after system acceptance.
- 3.1.4 Support for Software and Hardware – Amtrak provides Service Desk service twenty-four (24) hours a day for all emergency and routine support. The Service Desk provides real-time remote assistance and dispatch services for the systems. The Service Desk creates service tickets, tracks and manages each support issue.

4.0 Software Maintenance

Amtrak is dedicated to providing ongoing maintenance services for the PIDS software covered under the Salisbury (SAL) PIDS Agreement, as described in Exhibit B.2, to keep it performing at an exceptional level. These services include:

1.5 System Performance Monitoring

- 4.1.1 Amtrak will proactively monitor all key aspects of the PIDS through the built-in monitor software and attempt to recognize and resolve issues prior to the initiation of a call.

1.6 System Performance Reporting

- 4.1.2 Amtrak will provide monthly reporting of all calls received and closed during the month and status of the spare parts inventory, inclusive of available spare, items in transit and items in the Amtrak PIDS O&M Facility.

1.7 Software Releases and Upgrades

- 4.1.3 Software Support – Amtrak provides software support for the PIDS. Software fixes and related software update releases for the existing customized software version modules under this Salisbury (SAL) PIDS O&M SOW are implemented into the customized PIDS without an operational impact or additional cost to NCDOT.
- 4.1.4 Software Distribution – Amtrak will access site systems and related software modules remotely. Online diagnosis and related repair to software will be implemented by remote access. Distribution of releases will be made electronically into the customized PIDS remotely without an operational impact or additional cost to NCDOT.

1.8 Maintenance Services

- 4.1.5 Software Preventive Maintenance (SPM) – Amtrak provides software preventive maintenance (“SPM”) for all software covered under the Salisbury (SAL) PIDS Agreement. SPM service includes tested and approved program enhancements, patches, and upgrades to the current point release of software on the current PIDS without impact to normal operations.

- 4.1.6 Software Corrective Maintenance (SCM) – Amtrak provides software corrective maintenance (“SCM”) on the computer-based equipment that runs or provides display and paging services. SCM service includes diagnosis of system software during software failures, recovery of system failures, and recovery of database failures from backup files provided by Amtrak.

5.0 Hardware Maintenance (Tier 1)

Amtrak is dedicated to providing ongoing maintenance services for the Tier 1 PIDS hardware covered under the Salisbury (SAL) PIDS Agreement, as described in A.3, to keep it performing at an exceptional level. These services include:

1.9 Maintenance Services (Tier 1)

- 5.1.1 Hardware Preventative Maintenance (HPM) – Amtrak will provide hardware preventative maintenance (“HPM”) services for all Tier 1 hardware covered under the Salisbury (SAL) PIDS Agreement. HPM service includes verification of all cable connectors on system servers, workstations, paging stations, amplifiers, mixers, display computers, displays, signs and other installed peripheral hardware. A complete system HPM will be performed annually, on Tier 1 equipment covered under the Salisbury (SAL) PIDS Agreement. The annual maintenance will be performed on or around the “Go Live Date”.
- 5.1.2 Hardware Corrective Maintenance – Amtrak will provide hardware corrective maintenance (“HCM”) services for all Tier 1 hardware covered under the Salisbury (SAL) PIDS Agreement. HCM service includes diagnosis, emergency service and labor for failed Tier 1 hardware. A maintenance service ticket will be generated for all HCM occurrences.

1.10 Whole Unit Spares (Tier 1)

- 5.1.3 Whole Unit Spares Inventory – NCDOT will be solely responsible for the cost of any Tier 1 whole unit spares. Tier 1 whole unit spares will be shipped directly to the Amtrak PIDS O&M Facility where they will be housed and maintained for the on-going maintenance of the PIDS. The recommended Tier 1 whole unit spares are outlined in Exhibit A.5.
- 5.1.4 Whole Unit Spares Deployment – Tier 1 whole unit spares will be used to restore hardware outages to operation, where appropriate. The failed hardware will be sent to the Amtrak PIDS O&M facility or to the Original Equipment Manufacturer (OEM) for restoration. Once repaired and function tested, the hardware will remain or be returned to the Amtrak PIDS O&M facility for future deployment.
- 5.1.5 Whole Unit Spares Ownership – Amtrak will manage all Tier 1 whole unit spares under this Salisbury (SAL) PIDS O&M SOW. The NCDOT will own all Tier 1 whole unit spares used for Station Equipment, and Amtrak will report the status of this Tier 1 spare inventory to the NCDOT on a periodic basis.

1.11 Component Spare Parts (Tier 1)

- 5.1.6 Component Spare Parts Inventory – NCDOT will be solely responsible for the cost of component parts for Tier 1 PIDS hardware. The component parts will be shipped directly to the Amtrak PIDS O&M facility where they will be housed and maintained for the on-going maintenance of the PIDS. The recommended Tier 1 component spare parts are outlined in Exhibit A.5.
- 5.1.7 Component Spare Parts Deployment – Tier 1 spare parts will be used to restore hardware outages to operation, where appropriate. The failed component spare parts will be sent to the Amtrak PIDS O&M facility or to the Original Equipment Manufacturer (OEM) for restoration. Once repaired and function tested, the component spare parts will remain or be returned to the Amtrak PIDS O&M facility for future deployment.
- 5.1.8 Component Spare Parts Ownership – Amtrak will manage all Tier 1 component spare parts under this Salisbury (SAL) PIDS O&M SOW. The NCDOT will own all Tier 1 component spare parts used for Station Equipment, and Amtrak will report the status of this Tier 1 spare inventory to the NCDOT on a periodic basis.

1.12 Exclusions (Tier 1)

Amtrak maintenance and support will be provided to repair the Tier 1 PIDS hardware covered under this Salisbury (SAL) PIDS O&M SOW that have failed in normal operation. Conditions that fall outside of this service are identified as follows:

- 5.1.9 Hardware Damage – Extraordinary damage to Tier 1 hardware in the PIDS is excluded from this service coverage. Extraordinary hardware damage includes:
- a. PIDS will be equipped with an uninterruptible power supply (UPS) unit(s), but failures resulting from power surges/spikes are not covered beyond the extent of the UPS manufacturer's warranty
 - b. Water damage from spills, leaks, or floods
 - c. Wind, fire, vandalism, or theft
 - d. All other Acts of God
- 5.1.10 Damaged Cabling – Tier 1 hardware outages due to cut or broken cabling that support the PIDS hardware are excluded from this service coverage. Hardware diagnosis will be performed to identify cabling as the cause of the outage, but remedial action is out of scope.
- 5.1.11 Obsolete Hardware and Components – All Tier 1 PIDS hardware or related repair parts that are deemed obsolete by the OEM are out of scope of this Salisbury (SAL) PIDS O&M SOW. Amtrak will provide a 60-day written notice of any hardware deemed obsolete by the manufacturer and make a recommendation of a suitable replacement. Amtrak can also provide a quote for the replacement if requested. Amtrak will be responsible for purchasing the replacement if required.
- 5.1.12 Consumable System Components – Tier 1 consumable system components are excluded from this service coverage. Examples of consumable system components include such items as batteries for UPS units, filters for AC units, etc. This Salisbury

(SAL) PIDS O&M SOW excludes repair of burned-in images in Tier 1 display device screens and replacement of LCD glass in signs due to normal wear and/or fading due to routine exposure to sunlight.

6.0 Hardware Maintenance (Tier 2)

As a courtesy to our clients, Amtrak provides limited ongoing maintenance services for the Tier 2 PIDS hardware covered under the Salisbury (SAL) PIDS Agreement, as described in Exhibit B.3. These services include:

1.13 Maintenance Services (Tier 2)

- 6.1.1 Hardware Preventative Maintenance (HPM) – Amtrak will provide hardware preventative maintenance (“HPM”) services for all Tier 2 hardware covered under the Salisbury (SAL) PIDS Agreement. HPM service includes verification of all cable connectors on system servers, workstations, paging stations, amplifiers, mixers, display computers, displays, signs and other installed peripheral hardware. A complete system HPM will be performed annually, on Tier 2 hardware covered under the Salisbury (SAL) PIDS Agreement. The annual maintenance will be performed on or around the “Go Live Date”.
- 6.1.2 Hardware Removal & Re-Installation (HRR) – Amtrak provides hardware removal and re-installation (“HRR”) service for all Tier 2 hardware covered under the Salisbury (SAL) PIDS Agreement. HRR service includes rudimentary diagnosis, removal and re-installation of hardware. Hardware repair or replacement will be the sole responsibility of IDOT. A maintenance service ticket will be generated for all HRR occurrences.

1.14 Exclusions (Tier 2)

Amtrak maintenance and support will be provided to repair the Tier 2 PIDS hardware covered under this Salisbury (SAL) PIDS O&M SOW that have failed in normal operation. Conditions that fall outside of this service are identified as follows:

- 6.1.3 Hardware Damage – Extraordinary damage to hardware components in the PIDS is excluded from this service coverage. Extraordinary hardware damage includes:
 - a. PIDS will be equipped with an uninterruptible power supply (UPS) unit(s), but failures resulting from power surges/spikes are not covered beyond the extent of the UPS manufacturer’s warranty
 - b. Water damage from spills, leaks, or floods
 - c. Wind, fire, vandalism, or theft
 - d. All other Acts of God
- 6.1.4 Damaged Cabling – Tier 2 hardware outages due to cut or broken cabling that support the PIDS devices are excluded from this service coverage. Hardware diagnosis will be performed to identify cabling as the cause of the outage, but remedial action is out of scope.

- 6.1.5 Obsolete Hardware and Components – All Tier 2 PIDS hardware or related repair parts that are deemed obsolete by the OEM are out of scope of this Salisbury (SAL) PIDS O&M SOW. Amtrak will provide a 60-day written notice of any hardware deemed obsolete by the manufacturer and make a recommendation of a suitable replacement. Amtrak can also provide a quote for the replacement if requested. Amtrak will be responsible for purchasing the replacement if required.
- 6.1.6 Consumable System Components – Tier 2 consumable system components are excluded from this service coverage. Examples of consumable system components include such items as batteries for UPS units, filters for AC units, etc. This Salisbury (SAL) PIDS O&M SOW excludes repair of burned-in images in Tier 2 display device screens and replacement of LCD glass in signs due to normal wear and/or fading due to routine exposure to sunlight.

7.0 On-Site Procedures

Amtrak will adhere to the listed on-site procedures of notification and accountability, for all work to be conducted under this Salisbury (SAL) PIDS O&M SOW. All necessary credentials will be obtained, and training completed by the Amtrak staff members requiring access. Amtrak is responsible to provide all its employees and contractors with appropriate personal protective equipment (PPE) while working on station owner's property. At Amtrak's discretion, Amtrak may subcontract any or all of the services to be provided. Amtrak and its contractors have the right to access the station(s) to provide PIDS O&M services under this Salisbury (SAL) PIDS O&M SOW.

1.15 Scheduling

- 7.1.1 Amtrak will schedule all on-site responses with the Station POC before the work is to begin. Exact working hours are to be established during this on-site coordination.

1.16 Notification before Work

- 7.1.2 Prior to deploying to the site, contact will be made with the designated Station POC to coordinate site-specific requirements and to confirm a mutually agreeable timeframe for the work to occur. A local contact shall be designated by the Station POC for check-in once onsite. Service technicians will report to the designated check-in location before initiating work and notify the local contact/Station POC of their presence. Any delay longer than thirty (30) minutes that prevents Amtrak or its vendor from beginning work, other than an emergency situation, will result in cancellation of work for that day or evening and the schedule will not be re-established until the Station POC contacts the Service Manager to clarify delay circumstances.

In some stations an escort may be required depending on the areas Amtrak will need to access. The escort requirement may be safety related due to proximity of work to platform/track. The Station POC will be responsible to arrange necessary escorts. This will require advance notification to the station. The work may also require protective services from Amtrak's Buildings and Bridges (B&B) or Communication and Signal (C&S) departments if working at platforms or anywhere close to the tracks. At any given time, these protective service employees may be pulled off that assignment and redeployed for other matters on the railroad. For platform work requiring protective services rescheduling would be required anywhere else a buffer has to be in place.

1.17 Flagging Protection

- 7.1.3 In strict accordance with the host railroad safety guidelines, flagging protection must be provided for all PIDS O&M work set to take place within the minimum safe distance of the Right of Way. The cost associated with flagging protection will be included in the PRIIA calculations, for which NCDOT will be responsible for its share. Coordination associated with flagging protection will be the sole responsibility of Amtrak and must be in place prior to commencement of work. Amtrak will provide an estimated start and finish time to the Station POC prior to deploying to the site to allow station owner/manager to coordinate accordingly.

1.18 Completion of Work

- 7.1.4 At the end of each day/evening's work, Amtrak's Service Technician will return to the designated check-in location with a work or service order detailing the number of labor hours the Service Technician was on-site, work accomplished, and a listing of parts used. The local contact will be asked to sign the work order. A copy of the work order will be provided to the local contact. Additionally, a copy will be appended to the Help Desk Ticket and forwarded to the Station POC.

8.0 Service Level Objectives

Amtrak will provide a timely response to all service requests on PIDS software and hardware covered under the Salisbury (SAL) PIDS Agreement. Service response times are unique to each Severity Level of emergent corrective maintenance.

1.19 Maintenance Response and Completion

- 8.1.1 Severity Level I - Emergency/Critical Response – Amtrak will provide telephone support twenty-four (24) hours per day, seven (7) days a week for emergency/critical CM response. Telephone support will be provided within 1 hour of receipt of the request. Remote resolution or on-site resolution will be initiated within two (2) hours of the receipt of the call.
- 8.1.2 Severity Level II – High Priority Response – Amtrak will provide telephone support twenty-four (24) hours per day, seven (7) days a week for high priority response. Telephone support will be provided within receipt of the request. Remote resolution or on-site resolution will be initiated within four (4) hours of the receipt of the call.
- 8.1.3 Severity Level III – Medium Priority Response – Amtrak will provide telephone support twenty-four (24) hours per day, seven (7) days a week for medium priority response. Telephone support will be provided within receipt of the request. Remote resolution within eight (8) hours of the receipt of the call or on-site resolution will be initiated within twenty-four (24) hours of the receipt of the call.
- 8.1.4 Severity Level IV – Low Priority Response – Amtrak will provide telephone support twenty-four (24) hours per day, seven (7) days a week for low priority response. Telephone support will be provided within receipt of the request. Remote resolution within twenty-four (24) hours of the receipt of the call or on-site resolution will be initiated within forty (40) hours of the receipt of the call.

9.0 Cost Estimate

The total estimated monthly O&M costs are.....**\$175.00**

These estimated costs include:

- Help Desk Support
- Warranty Service
- Software Maintenance
- Hardware Maintenance
- On-Site Procedures
- Service Level Objectives
- Amtrak General & Administration (G&A) Fee, where applicable
- NPIDS Program Fee (NPF), where applicable

The software list is provided in EXHIBIT B.1. The hardware list is provided in EXHIBIT B.2. Any changes to the costs outlined regarding O&M will be subject to the change control process outlined in EXHIBIT B.3.

10.0 Acronyms

As a reference, acronyms used throughout this document are defined in Table 2 along with a brief description.

Table 2: Definition of Acronyms

Acronym	Full Phrase	Description
PIDS	Passenger Information Display System	Digital signage (variable messaging) and audio components that enable Amtrak to provide information in both visual and aural formats.
SOW	Statement of Work	This document.
NCDOT	North Carolina Department of Transportation	North Carolina Department of Transportation
SPM	Software Preventive Maintenance	A service that includes tested and approved program enhancements, patches, and upgrades to the current point release of software on the current PIDS without impact to normal operations.
SCM	Software Corrective Maintenance	A service that includes diagnosis of system software during software failures, recovery of system failures, and recovery of database failures from backup files provided by Amtrak

Acronym	Full Phrase	Description
HPM	Hardware Preventive Maintenance	A service that includes verification of all cable connectors on system servers, workstations, paging stations, amplifiers, mixers, display computers, displays, signs and other installed peripheral hardware.
HCM	Hardware Corrective Maintenance	A service that includes diagnosis, emergency service and labor for failed Tier 1 hardware.
HRR	Hardware Removal & Replacement	A service that includes rudimentary diagnosis, removal and re-installation of hardware.

EXHIBIT B.1: Salisbury (SAL) PIDS O&M Software List

SOW (v01.00.e)

SOFTWARE

(14% of Extended amount)

#	Item	Type	Qty	Unit	Unit Price	Extended	Monthly O&M Cost				
							PRIIA/ Amtrak* %	PRIIA/ Amtrak* Amount	To be Invoiced** %	To be Invoiced** Amount	
STATION											
Rm#105/Amtrak Business Server											
1	Amtrak PIDS Station Software	M	1	Each	\$27,000.00	\$ 27,000	100%	\$250.00	0%	\$0.00	
2	Frutiger Font License	M	9	Each	\$ 50.00	\$ 450	100%	\$5.25	0%	\$0.00	
3	Microsoft SQL Server Client Access License	M	9	Each	\$ 236.58	\$ 2,129	100%	\$24.84	0%	\$0.00	
4	Microsoft SQL Server Standard Edition	M	1	Each	\$ 1,017.36	\$ 1,017	100%	\$11.87	0%	\$0.00	
5	Microsoft Windows 7 Pro	M	10	Each	\$ 143.82	\$ 1,438	100%	\$16.78	0%	\$0.00	
6	Microsoft Windows Server Standard Edition 2012 OLP	M	1	Each	\$ 1,000.62	\$ 1,001	100%	\$11.67	0%	\$0.00	
7	Microsoft Windows Server User Client Access License	M	9	Each	\$ 204.66	\$ 1,842	100%	\$21.49	0%	\$0.00	
Software Total											\$0
			40 (items)			\$34,877	\$342				

- Type: M (Material), L (Labor)

* The monthly costs denoted as "PRIIA/Amtrak" will be submitted through the PRIIA process. The balance will be covered by Amtrak.

** The monthly costs denoted as "To be Invoiced" will be invoiced directly to the State/Local Partner as part of the PIDS Agreement.

Terms and Conditions

1. This estimate does not include tax.
2. This estimate includes an Amtrak G&A Fee of 7.5% on "To be Invoiced" charges ONLY (not for "PRIIA/Amtrak charges"). This rate is subject to change.
3. This estimate includes an NPIDS Program Fee (NPF) of 15.0% on "To be Invoiced" charges ONLY (not for "PRIIA/Amtrak charges").
4. This estimate does not include the cost of whole unit spares or component part spares

EXHIBIT B.2: Salisbury (SAL) PIDS O&M Hardware List

SOW (v01.00.e)

HARDWARE (Tier 1)						(12% of Extended amount)				Monthly O&M Cost				
#	Item	Type	Qty	Unit	Unit Price	Extended	PRIIA/ Amtrak* %	PRIIA/ Amtrak* Amount	To be Invoiced** %	To be Invoiced** Amount				
STATION														
Rm#/A/Station/Telecom														
1	Sign SI.02 (Amtrak, E1146-11-TM)	M	1	Each	\$ 3,176.21	\$ 3,176	100%	\$31.76	0%	\$ -				
2	Speaker SP.01 (JBL, Control 26CT)	M	2	Each	\$ 500.00	\$ 1,000	100%	\$10.00	0%	\$ -				
3	Speaker SP.02 (JBL, Control 26CT)	M	2	Each	\$ 326.73	\$ 653	100%	\$6.53	0%	\$ -				
4	Work Station WS.01 (Dell, OptiPlex 3010)	M	1	Each	\$ 2,100.00	\$ 2,100	100%	\$21.00	0%	\$ -				
6	Amplifier AP.01 (Crown, B020-008-17)	M	1	Each	\$ 2,442.60	\$ 2,443	100%	\$24.43	0%	\$ -				
7	Audio Failover Unit AF.01 (Harman, CT16s)	M	1	Each	\$ 2,444.00	\$ 2,444	100%	\$24.44	0%	\$ -				
8	DAC DA.01 (Dell, OptiPlex 3010)	M	1	Each	\$ 1,351.25	\$ 1,351	100%	\$13.51	0%	\$ -				
9	DSP DS.01 (Harman, BLU-800)	M	1	Each	\$ 4,148.92	\$ 4,149	100%	\$41.49	0%	\$ -				
10	KVM KV.01 (Tripp Lite, B020-008-17)	M	1	Each	\$ 1,247.40	\$ 1,247	100%	\$12.47	0%	\$ -				
11	KVM Cable Kit KC.01 (Tripp Lite, P776-006)	M	1	Each	\$ 31.05	\$ 31	100%	\$0.31	0%	\$ -				
12	Network Switch NS.01 (Cisco, Catalyst 3560)	M	1	Each	\$ 5,000.00	\$ 5,000	100%	\$50.00	0%	\$ -				
13	Rack Console RC.01 (Belkin, FIDC108C)	M	1	Each	\$ 1,179.73	\$ 1,180	100%	\$11.80	0%	\$ -				
14	Rack Enclosure RE.01 (GLC, GLC-8401S2-2436)	M	1	Each	\$ 4,171.03	\$ 4,171	100%	\$41.71	0%	\$ -				
15	Station Server SS.01 (Dell, R570 8G RAM)	M	1	Each	\$ 4,522.90	\$ 4,523	100%	\$45.23	0%	\$ -				
16	Surge Protector SU.01 (APC, P74)	M	1	Each	\$ 11.65	\$ 12	100%	\$0.12	0%	\$ -				
12	UPS UP.01 (APC, SMT3000RM2U)	M	1	Each	\$ 1,316.46	\$ 1,316	100%	\$13.16	0%	\$ -				
PLATFORM & BRIDGE														
Track 1&2														
1	Ambient Mic AM.01 (Crown, PZM-11LLWRS1)	L	4	Each	\$ 350.00	\$ 1,400	100%	\$14.00	0%	\$ -				
2	Ambient Mic AM.02 (Crown, PZM-11LLWRS1)	M	4	Each	\$ 106.06	\$ 424	100%	\$4.24	0%	\$ -				
3	Sign SI.03 (Amtrak, E2448-12-T1)	M	4	Each	\$ 8,321.63	\$ 33,287	100%	\$332.87	0%	\$ -				
4	Sign SL.01 (Amtrak, E1146-11-TM)	M	3	Each	\$ 3,176.21	\$ 9,529	100%	\$95.29	0%	\$ -				
5	Speaker SP.01 (JBL, AWC82)	L	10	Each	\$ 500.00	\$ 5,000	100%	\$50.00	0%	\$ -				
6	Speaker SP.02 (JBL, AWC82)	M	10	Each	\$ 326.73	\$ 3,267	100%	\$32.67	0%	\$ -				
Hardware (Tier 1) Total						53 (items)	\$ 87,703	\$ 877						\$ -

HARDWARE (Tier 2)						(12% of Extended amount)				Monthly O&M Cost				
#	Item	Type	Qty	Unit	Unit Price	Extended	PRIIA/ Amtrak* %	PRIIA/ Amtrak* Amount	To be Invoiced** %	To be Invoiced** Amount				
STATION														
Room #/Name														
-	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A				
PLATFORM & BRIDGE														
Track 1 / Track 2														
-	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A				
Hardware (Tier 2) Total						0 (items)	\$ -	\$ -						\$ -

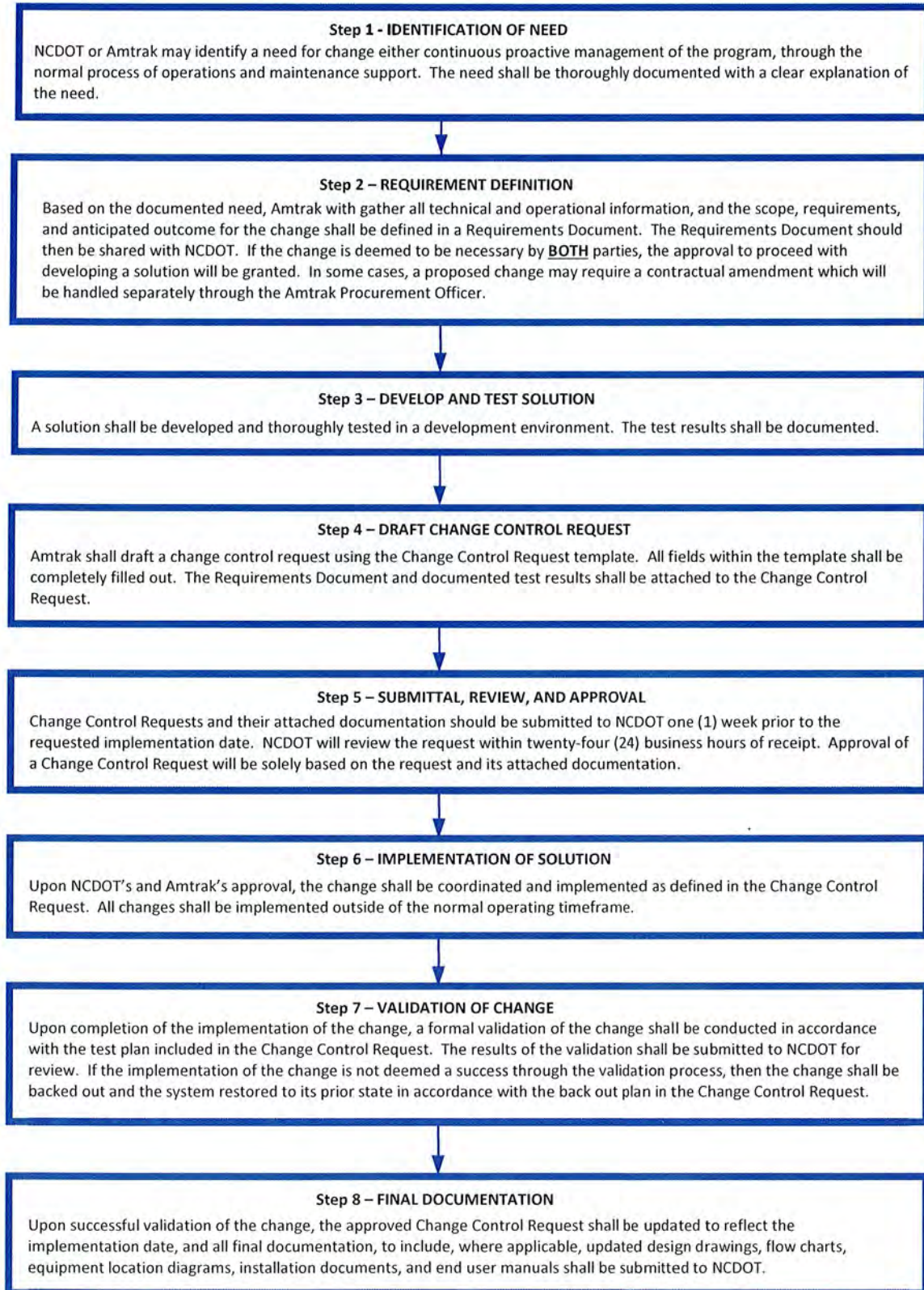
- Type: M (Material), L (Labor)

- * The monthly costs denoted as "PRIIA/Amtrak" will be submitted through the PRIIA process. The balance will be covered by Amtrak.
- ** The monthly costs denoted as "To be Invoiced" will be invoiced directly to the State/Local Partner as part of the PIDS Agreement.

Terms and Conditions

1. This estimate does not include tax.
2. This estimate includes an Amtrak G&A Fee of 7.5% on "To be Invoiced" charges ONLY (not for "PRIIA/Amtrak charges"). This rate is subject to change.
3. This estimate includes an NPIDS Program Fee (NPF) of 15.0% on "To be Invoiced" charges ONLY (not for "PRIIA/Amtrak charges").
4. This estimate does not include the cost of whole unit spares or component part spares

EXHIBIT B.3: Salisbury (SAL) PIDS O&M Change Control Process



Change Control Request

Station:	CCR PM:
-----------------	----------------

CHANGE REQUEST:	
Date of Request:	Change request no.:
Change requested by:	
Phone:	Email address:
Items to be changed:	Reference(s):
Description of change (reasons for change, benefits, date required, what is affected).	
Will access to Amtrak/NCDOT properties be required? If so, where?	
Estimated cost and time to implement (quotation attached? Yes No).	
Priority / Constraints / Impacts (impact on other deliverables, implications of not proceeding, risks).	
Any Special Resources Required?	
Any Related Change Control Requests?	

IMPLEMENTATION PLAN
Pre-Deployment Test Plan:
Deployment Plan:
Back Out Plan (if required):
Post-Deployment Test Plan:

CHANGE APPROVAL			
NCDOT	Name	Signed	Date
Accepted Rejected Deferred			
AMTRAK	Name	Signed	Date
Accepted Rejected Deferred			
Comments			

CHANGE IMPLEMENTATION COMPLETED		
Implementer	Date completed	Signature

EXHIBIT C

NCDOT SALISBURY (SAL) PIDS DESIGN PLANS



**EXHIBIT C:
Salisbury (SAL) PIDS Design Plans - Cover Sheet**

Prepared for the North Carolina Department of Transportation
(NCDOT) and The City of Salisbury

Amtrak
(National Railroad Passenger Corporation)
1 Massachusetts Ave. NW
Washington, DC 20001

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: 09/05/2023

Name of Group(s) or Individual(s) Making Request: Public Works

Name of Presenter(s): Michael Hanna

Requested Agenda Item: Solid Waste Collection Update and PO Approval

Description of Requested Agenda Item: The City of Salisbury Public Works Department will give an update on solid waste collection. This update includes a summary of the previous year, future goals and challenges, and a PO approval in the amount of \$470,000 for disposal of waste at the Rowan County Landfill for FY23-24.

Attachments: Yes No

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

This project is included in the FY23-24 budget.

Action Requested of Council for Agenda Item: A Council to consider authorizing the City Manager to approve PO#240311 for the disposal of waste at the Rowan County Landfill for FY24 for a cost of \$ 470,000.

Contact Information for Group or Individual: Michael Hanna Assistant Public Works Director. 704-216-8028

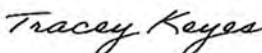
Consent Agenda (item requires no discussion and will be voted on by Council or removed from the consent agenda to the regular agenda)

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

FINANCE DEPARTMENT INFORMATION:


Finance Manager Signature


Department Head Signature


Budget Manager Signature

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

Salisbury City Council

Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff Requested

Council Meeting Date: September 05, 2023

Name of Group(s) or Individual(s) Making Request: Fire Department/ Fire Chief R. A. Parnell

Name of Presenter(s): Mayor's announcement

Requested Agenda Item: Mayor to Announce the September 11 Memorial Service

Description of Requested Agenda Item: Mayors Announcement: The Salisbury Fire Department will host a September 11 Memorial Service on Monday, September 11, 2023 at the Firefighter's Memorial, 1603 South Main Street, Salisbury. The service will begin at 8:30 am. The Fire Department will stand in honor formation starting at 08:46 and will ring the Bell of Honor at the significant times of September 11, 2001. At 9:05am, the Fire Department Chaplain will read a list of local responders and police officers who have passed away in 2022. The memorial service will conclude at 10:30am. The public is welcome to attend.

(8:46am- the crash of Flight 11 into the North World Trade Tower; **9:03am-** the crash of Flight 175 crash into the South World Trade Tower; **9:37am-** Crash of Flight 77 into the western side of the Pentagon in Washington, DC; **09:58am-** The South Tower of the World Trade Center collapses; **10:03am-** Flight 93 Crashes into a pasture in Shanksville Pa.; **10:28am-** The North Tower of the World Trade Center collapse). The terrorist led attacks killed 2,997 people including 343 Firefighters, 23 police officers, 8 Emergency Medical Technicians. Since September 11, 2001, 546 responders have died from the health effects of working at Ground Zero.

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: Wade Furches, Finance Director

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

Name of Group(s) or Individual(s) Making Request: Dixonville-Lincoln Memorial Task Force

Name of Presenter(s): Alyssa Nelson, Urban Design Planner

Requested Agenda Item: Dixonville-Lincoln Memorial Dedication Announcement

Description of Requested Agenda Item:

The Dixonville-Lincoln Memorial Task Force invites you to the Dixonville Memorial Dedication Saturday, September 16 at 10 a.m. The dedication will begin at Dixonville Cemetery, at the sign kiosk at 110 Old Concord Road, and will follow with a reception, refreshments and remembering Dixonville/East End in the Fellowship Hall of First Calvary Baptist Church, 400 South Long Street. Parking is available at Fred M. Evans Pool and at First Calvary Baptist Church. All are welcome.

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: Alyssa Nelson, 704.638.5235, anel@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:



The Dixonville-Lincoln Memorial Task Force

invites you to the

DIXONVILLE MEMORIAL Dedication

SATURDAY - SEPTEMBER 16TH - 10 A.M.

The dedication will begin at Dixonville Cemetery
at the sign kiosk (110 Old Concord Road).

Reception, refreshments and remembering Dixonville/East End
will follow in the Fellowship Hall
of First Calvary Baptist Church (400 South Long Street).

Parking is available at Fred M. Evans Pool and at
First Calvary Baptist Church.



DixonvilleMemorial@salisburync.gov

www.dixonvillememorial.com

Salisbury City Council Agenda Item Request Form



Please Select Submission Category: Public Council Manager Staff

Requested Council Meeting Date: September 5, 2023

Name of Group(s) or Individual(s) Making Request: Nick Aceves, Parks & Recreation

Name of Presenter(s): Nick Aceves

Requested Agenda Item: Announcement

Description of Requested Agenda Item: The City of Salisbury will host its Summer Riffs Concert for the Festival de Independencia Latinoamericana event on Saturday, September 16, 2023 from 2:00 pm-9:00 pm at Bell Tower Green. It's a free event for all ages and will include latino owned businesses, food trucks, a parade of flags and a variety of live entertainment headlined by Furia Tropikal. For more information, please call (704) 216-PLAY.

Attachments: Yes No

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

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

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

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

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

FINANCE DEPARTMENT INFORMATION:

Finance Manager Signature

Department Head Signature

Budget Manager Signature

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

For Use in Clerk's Office Only