

Salisbury, North Carolina  
June 19, 2012

## **REGULAR MEETING**

**PRESENT:** Mayor Paul B. Woodson Jr., Presiding; Council Members Maggie A. Blackwell, William (Pete) Kennedy, and, William Brian Miller; City Manager Doug Paris; City Clerk Myra B. Heard; and City Attorney F. Rivers Lawther, Jr.

**ABSENT:** Mayor Pro Tem Susan W. Kluttz

Salisbury City Council met in Council Chambers in City Hall located at 217 South Main Street. The meeting was called to order by Mayor Woodson at 4:00 p.m. The invocation was given by Councilmember Kennedy.

## **PLEDGE OF ALLEGIANCE**

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

## **RECOGNITION OF VISITORS**

Mayor Woodson welcomed all visitors present.

## **RECOGNITION OF WATERWORKS VISUAL ARTS CENTER**

Waterworks Visual Arts Center Executive Director Ann Scott Clement, and Board of Directors President Nancy Wyrick, addressed Council regarding Museum Accreditation from the American Association of Museums. Ms. Clement explained the accreditation by the American Association of Museums brings national recognition to the area. She noted of the nation's estimated 17,500 museums, only 775 are currently accredited. She pointed out Waterworks Visual Arts Center is one of 12 accredited art museums in North Carolina. She stated accreditation certifies the Museum meets National Standards and Best Practices for United States Museums.

Ms. Clement indicated the Waterworks Visual Arts Center helps increase tourism in the area through its promotion of the arts. She explained in 2011 over 16,000 visitors toured the galleries or participated in programs, and 29 artists exhibited their work. She noted the Waterworks Visual Arts Center is honored to receive this accreditation, and she thanked the community for its support.

Mayor Woodson recognized Waterworks Visual Arts Center Board Members and artists in the audience. He presented a Certificate of Recognition to Ms. Clement and Ms. Wyrick, and he thanked them for all they do for the City.

### **CONSENT AGENDA**

Mayor Woodson indicated he would like to pull Item (f) – Authorize Police Chief Rory Collins to award the custody of retired canine Smoke to handler Sergeant Mark Hunter from the Consent Agenda.

### **ITEM (F) - AWARD OF RETIRED POLICE K-9 TO POLICE OFFICER/HANDLER**

Police Chief Rory Collins addressed Council regarding Sgt. Mark Hunter and retired canine officer Smoke. He noted in 2005 the Police Department acquired Smoke and assigned him to Officer Mark Hunter. He explained Smoke was trained to focus on narcotics, and he worked the streets for five years before he was retired due to illness.

Chief Collins noted during Smoke's five years of active duty he was one of the best police dogs in narcotics detection. He stated Smoke assisted agencies throughout Rowan County and the State resulting in thousands of dollars in drug seizures and many arrests.

Chief Collins explained in December 2010, Smoke became ill and had to retire from active duty. He noted since his retirement Smoke has continued to live with Sgt. Hunter, and Chief Collins asked Council to consider awarding retired canine Smoke to Sgt. Hunter.

Sgt. Hunter stated it is a great honor to be a part of the Salisbury Police Department Canine Unit. He noted Smoke was the first canine officer of his kind, and he did an outstanding job. He indicated he hopes the City will be able to acquire another dog like Smoke to protect the community.

Mayor Woodson commended Sgt. Hunter and Smoke for their work to make the City a safer place.

Councilmember Kennedy thanked Sgt. Hunter for all he does for the City. He stated Council and citizens support Sgt. Hunter, and he noted Sgt. Hunter has done a great job for the City of Salisbury.

Councilmember Blackwell thanked Sgt. Hunter and Smoke for their dedication to the City.

Thereupon, Mr. Kennedy made a **motion** to authorize Police Chief Rory Collins to award the custody of retired canine Smoke to handler Sgt. Mark Hunter. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. (4-0)

### **CONSENT AGENDA**

(a) **Approval of Minutes**

Approve Minutes of the Regular Meeting of June 5, 2012, and the Recessed Meeting of June 12, 2012.

(b) **Budget Ordinance Amendment – Norandal USA**

Adopt a Budget **ORDINANCE** amendment to the FY2011-2012 budget in the amount of \$81,000 to appropriate a One North Carolina Fund Grant from the Department of Commerce for Norandal USA.

AN ORDINANCE AMENDING THE 2011-2012 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE A STATE GRANT FROM THE ONE NORTH CAROLINA FUND.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 36, and is known as Ordinance 2012-21.)

(c) **Budget Ordinance Amendment – Norfolk Southern**

Adopt a Budget **ORDINANCE** amendment to the FY2011-2012 budget in the amount of \$42,000 to appropriate an incentive payment from Norfolk Southern.

AN ORDINANCE AMENDING THE 2011-2012 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE INCENTIVE PAYMENT FROM NORFOLK SOUTHERN.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 37, and is known as Ordinance 2012-22.)

(d) **Interlocal Agreement – Trolley Purchase**

Approve an Interlocal Agreement with the Salisbury Tourism and Cultural Development Authority and the Rowan County Tourism Development Authority for the purchase of two trolleys.

Assistant City Manager John Sofley stated he has spoken with members of Council, and a decision was made to add an interest rate to the loan to the Salisbury Tourism and Cultural Development Authority and the Rowan County Tourism Development Authority for the purchase of two trolleys. He explained the loan will have a simple interest rate of two percent instead of being an interest free loan. He noted the rate change is due to the City having to expend funds on which it would have otherwise earned interest. He indicated the interest will be charged over the life of the loan.

(e) Budget Ordinance – Trolley Purchase

Adopt a Budget **ORDINANCE** amendment to the FY2011-2012 budget in the amount of \$294,800 to appropriate fund balance for the trolleys.

AN ORDINANCE AMENDING THE 2011-2012 BUDGET ORDINANCE OF THE CITY OF SALISBURY, NORTH CAROLINA TO APPROPRIATE FUND BALANCE FOR TROLLEYS.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 38, and is known as Ordinance 2012-23.)

Thereupon, Mr. Kennedy made a **motion** to adopt the Consent Agenda as presented. Mr. Miller seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. (4-0)

**RELOCATION AND EXPANSION ASSISTANCE AGREEMENT WITH HENKEL CORPORATION**

Mr. Robert Van Geons, Executive Director of the Salisbury-Rowan Economic Development Commission (EDC), addressed Council regarding an amendment to a Relocation and Expansion Assistance Agreement with Henkel Corporation. Mr. Van Geons requested Council delay the start of an existing agreement with Henkel Corporation. He indicated progress was slower than anticipated but he noted the Company has retained 81 employees, added 75 new jobs and is advertising for additional employees. He noted the company has made great progress and is very close to meeting its goal of 92 new jobs by June 30, 2012. He indicated the company is considering a new and separate expansion that would invest several million dollars in new equipment and add six additional jobs.

Mr. Van Geons explained the City's current Relocation and Expansion Assistance Agreement calls for the first payment to be made to the company this fiscal year. He asked Council to postpone the payment for one year, so it will begin in FY2012-2013. He added this will allow the company to meet the timeline and incorporate the new project into the agreement. He explained the changes to the existing agreement:

- The Company's investment would be recognized as increasing from \$25 million to \$28 million
- The first year of the grant would be based on assessed value as of January 1, 2012, as opposed to January 1, 2011

- The first grant payment would be in FY2012-2013 as opposed to FY2011-2012
- The Company would create 108 new jobs by June 30, 2012, instead of 103

Mr. Van Geons stated Henkel Corporation has paid over \$320,000 in tax revenue to the City in the last three years. He noted the Rowan County Commissioners approved similar changes to their agreement with Henkel Corporation, and he pointed out the changes are required to match State grants.

Ms. Katrina Brown, Controller with Henkel Corporation, thanked Council for the incentive grant to Henkel Corporation. She noted the Henkel Salisbury Plant is expanding but it is in competition with other Henkel Plants throughout the world. She noted by keeping costs competitive the company can keep its business in Salisbury, which is one of only two electronic adhesive plants in the United States.

Mayor Woodson thanked Ms. Brown and Henkel Corporation for doing business in the City and employing local workers.

Thereupon, Mr. Miller made a **motion** to amend the existing Relocation and Expansion Assistance Agreement with Henkel Corporation. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. (4-0)

### **SALISBURY TRANSIT SYSTEM SAFETY PROGRAM PLAN**

Transit Division Manager Rodney Harrison addressed Council regarding the revised Salisbury Transit System Safety Program Plan. He explained in December 2011 the North Carolina Department of Transportation - Public Transportation Division (NCDOT), in accordance with Federal and State requirements, conducted a System Safety Program Plan inspection. He noted the inspection reviewed the existing safety plan which consists of:

- Driver and employee selection
- Driver and employee training
- Safety data acquisition and analysis
- Drug and alcohol abuse programs
- Vehicle maintenance and security

Mr. Harrison stated it is the top priority of Salisbury Transit to adhere to all elements of the plan. He indicated the inspection found two out of 106 sub-sections that were not in compliance:

- The current maintenance plan does not cover all vehicle types and brands operated by the Salisbury Transit System
  - Corrective Action – The maintenance requirements for the service truck were included in the existing maintenance plan

- The System Safety Program Plan has not been approved
  - Corrective Action – The System Safety Program Plan was submitted to the NCDOT for review, and the NCDOT approved the plan

Mr. Harrison explained the Transportation Advisory Board (TAB) recommended the revised Plan be adopted at its May 10, 2012 meeting. He noted each transit system in North Carolina must have an approved System Safety Program Plan in order to receive Federal and State funding. He recommended Council consider adopting the revised Salisbury Transit Safety System Program Plan.

Thereupon, Mr. Kennedy made a **motion** to adopt the revised Salisbury Transit System Safety Program Plan. Mr. Miller seconded the motion.

Councilmember Blackwell commended Mr. Harrison and the Transit Staff on a job well done. She pointed out to have only two out of 106 items out of compliance is a remarkable accomplishment.

Mr. Harrison thanked Ms. Karen Ingram, Human Resources, Mr. Richard Kelly, Risk Management, and Mr. Jake Sterling, Fleet Management, for their help with the revised Salisbury Transit System Safety Program Plan.

Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. (4-0)

### **SURVEY RESULTS MULTI-WAY STOPS THOMAS STREET**

Traffic Engineer Wendy Brindle addressed Council regarding survey results from a request for multi-way stops on Thomas Street. She noted in February 2012, staff presented a request for a study of West Thomas Street between Main and Fulton Streets. She indicated the study contained a request for multi-way stops along Thomas Street at Church and Jackson Streets.

Ms. Brindle stated staff presented the results of the study to Council, which included volumes, speed, and crash history. She noted the data indicated the site did not meet the minimum threshold in the Manual of Uniform Traffic Control Devices (MUTCD) for consideration of multi-way stops.

Ms. Brindle explained the request came from a single petitioner, and Council asked staff to send a survey to the neighborhood regarding multi-way stops. She stated staff delivered 37 surveys to property owners and residents in the area, which included prepaid return envelopes. She noted 46 percent did not respond, 38 percent were in favor of multi-way stops, and 16 percent opposed. She indicated the data has not changed, and staff upholds the MUTCD recommendation that multi-way stops are not to be used for speed control.

Councilmember Kennedy asked Ms. Brindle how many vehicles travel this section of West Thomas Street. Ms. Brindle noted approximately 1,200 vehicles travel West Thomas Street per day.

Councilmember Miller noted when the Fulton Heights neighborhood requested multi-way stops on Maupin and Mitchell Avenues, the MUTCD recommended against it. He pointed out if the neighborhood wants multi-way stops it will need to advocate for them.

Councilmember Blackwell agreed with Councilmember Miller. She noted the petitioner does not live on the street, and she indicated the residents have spoken through the survey results, and if the neighborhood feels differently it should make it known.

### **MULTI-WAYS STOPS SHAVER AND FISHER STREETS, SHAVER AND BANK STREETS AND SHAVER AND HORAH STREETS**

Traffic Engineer Wendy Brindle addressed Council regarding multi-way stops and parking along Shaver and Fisher Streets, Shaver and Bank Streets, and Shaver and Horah Streets. She noted in November 2011, staff presented Council with petitions requesting the speed in the Brooklyn South Square neighborhood be reduced to 25 mph. She noted Council approved and the changes were implemented. She noted the petition also requested multi-way stops along Shaver Street at its intersection with Fisher, Bank, and Horah Streets.

Ms. Brindle explained staff collected volume and speed data. She indicated according to the Manual of Uniform Traffic Control Devices (MUTCD) the volumes and speeds do not warrant multi-way stops.

Ms. Brindle indicated staff reviewed the accident level in the area and noted at the intersection of Shaver and Fisher Streets there were four accidents susceptible to correction by a multi-way stop within a 12 month period. She indicated if a vehicle is traveling northbound on Shaver Street and stops on Fisher Street, traffic parked in the area impedes sight distance. She noted the same situation exists on Bank Street to a lesser degree. She pointed out there was one accident at the intersection of Shaver and Bank Street within a 12 month period.

Ms. Brindle presented two options to relieve the situation at the intersection of Shaver and Fisher Streets:

- Parking could be eliminated for a specified length to increase sight distance at the intersection
- Since parking is heavily used in this area staff would support a multi-way stop based on accident history

Ms. Brindle noted after consulting with the Police Department regarding the high volume of pedestrian traffic in the area, staff believes a multi-way stop could be an asset at this location. She noted if multi-way stops are used in lieu of restricted parking at Shaver and Fisher Streets, staff recommends a multi-way stop at the intersection of Shaver and Bank Streets, but not at the

intersection of Shaver and Horah Streets. She explained there were no accidents reported at the intersection of Shaver and Horah Streets, and there are no site distance impediments. She explained staff recommends a multi-way stop at Bank Street due to driver expectation.

Councilmember Miller asked if the pavement will be striped to alert drivers of a stop condition if Council chooses the multi-way stop. Ms. Brindle stated stop signs and stop bars will be installed at a cost of approximately \$500 per intersection.

Councilmember Kennedy explained his office is located at 428 East Fisher Street, and he asked if he should be recused from voting. City Attorney Rivers Lawther indicated Councilmember Kennedy should be recused from the vote.

Thereupon, Mr. Miller made a **motion** to recuse Mr. Kennedy. Ms. Blackwell seconded the motion. Messrs. Miller and Woodson, and Ms. Blackwell voted AYE. (3-0)

Councilmember Miller stated he prefers the multi-way stops. He stated the stop conditions will keep vehicles from traveling through neighborhoods to reach their destinations.

Thereupon, Mr. Miller made a **motion** to adopt an Ordinance amending section 13-332, Article X, Chapter 13 of the Code of the City of Salisbury, relating to stop signs. Ms. Blackwell seconded the motion. Messrs. Miller and Woodson, and Ms. Blackwell voted AYE. (3-0)

AN ORDINANCE AMENDING SECTION 13-332, ARTICLE X, CHAPTER 13, OF THE CODE OF THE CITY OF SALISBURY, NORTH CAROLINA RELATING TO STOP SIGNS.

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 39, and is known as Ordinance 2012-24.)

City Clerk Myra Heard noted this item will require a second reading due to lack of an affirmative vote of two-thirds, or four votes, of Council to adopt an Ordinance at a first reading.

Thereupon, Ms. Blackwell made a **motion** to reinstate Mr. Kennedy. Mr. Miller seconded the motion. Messrs. Miller and Woodson, and Ms. Blackwell voted AYE. (3-0)

## **PUBLIC COMMENTS**

Mayor Woodson opened the floor for public comment.

Mr. William Peoples, 522 North Fulton Street, commended Council for the increase for firefighters and police officers. He noted the City has lost good employees to neighboring towns due to salaries. He thanked the Fire Department for the job it did during the fire at Lyerly's Funeral Home. He stated it was a testament to the City's investment in equipment and personnel. He indicated staff needs to examine Old Concord Road from Martin Luther King, Jr. Avenue to Jake Alexander Boulevard. He explained the area needs sidewalks and street lights. He indicated there are too many dark areas in the City where pedestrians could get hurt. He

noted there are street lights throughout the City that are not working, and the taxpayers must pay for the lights whether they work or not.

Mr. Lou Manning, 2354 Statesville Boulevard, stated he supports the tax increase for firefighters and police officers. He noted the Fire Department and the Police Department serve the community in ways in which the public may not be aware. He indicated the City cannot afford to lay off any of its police officers.

Mr. Ken Weaver, 424 East Bank Street, President of Brooklyn South Square neighborhood, thanked Council for its support of the multi-way stops. He stated he understands a Long Street corridor study will happen in the future, but the traffic situation at the Lincoln Park Pool needs to be reviewed now. He indicated since the pool has opened, it is dangerous for children to walk to and from the pool. He asked if crosswalks or "Children Playing" signs could be implemented before the study takes place, in order to slow traffic. He noted Long Street is dangerous for anyone to cross.

Ms. Anne Lyles, 409 East Bank Street, thanked Council for speaking in favor of the multi-way stops. She stated she agrees with Mr. Weaver regarding the traffic situation on Long Street, and she noted she is concerned about the children's safety. She suggested installing "Children Playing" signs during the summer months when the pool is open, prior to the study. She commended Council for approving the one-cent tax increase for the Police Department, and she pointed out citizens deserve to feel safe living in the City.

Mr. Clyde Overcash, Bank Street, noted a festival will take place this weekend in the City. He stated he was asked by a group of citizen to present a gift to Mayor Woodson as an offer of reconciliation from the group. He read the mission statement of the Human Relations Commission (HRC) and presented Mayor Woodson with a gift of rainbow boxer shorts. Mr. Overcash stated he hopes Mayor Woodson will meet with the people who will be guests in the City this weekend.

There being no one else present to speak, Mayor Woodson closed the public comment session.

Mayor Woodson thanked citizens for their input. He noted important points were made regarding the safety of children crossing the street to get to the Lincoln Park Pool.

City Manager Doug Paris noted the City has scheduled a dashboard review of street lights to take place later this summer or in early fall. He asked the City Engineer to contact the North Carolina Department of Transportation (NCDOT) to see what can be done on Long Street. He explained Long Street is not a City maintained street, so the City must work in coordination with NCDOT.

Councilmember Kennedy noted the Old Concord Road/I-85 Bridge is very dark. He asked Mr. Paris to check with NCDOT on this as well.

## CITY MANAGER'S COMMENTS

### (a) Preliminary Budget ABC Board

City Manager Doug Paris presented Council with a copy of the preliminary budget of the Alcoholic Beverage Commission (ABC) Board. He noted the budget is scheduled to be adopted June 26, 2012 and is for information purposes only.

### (b) Second Creek WWTP Project

City Manager Doug Paris stated during Council's worksession it voted to proceed with the Highway 70 Project which will benefit Magna Industries and the Rowan-Salisbury School System. He explained the project will not require a rate increase.

Thereupon, Mr. Kennedy made a **motion** to adopt a Resolution authorizing the Mayor to execute a contract with Clean Water Management Trust Fund for the Second Creek WWTP Elimination Project to receive a grant funding in the amount of \$600,000. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. (4-0)

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CLEAN WATER MANAGEMENT TRUST FUND FOR THE SECOND CREEK WWTP ELIMINATION PROJECT

(The above Resolution is recorded in full in Resolution Book No. 14 at Pages No. 25, and is known as Resolution 2012-12.)

### (c) Budget Ordinance

City Manager Doug Paris presented Council with a Budget Ordinance and stated it reflects the changes Council requested to the FY2012-2013 Budget during its worksessions.

Thereupon, Mr. Miller made a **motion** to adopt the Budget Ordinance of the City of Salisbury for the fiscal year beginning July 1, 2012 and ending June 30, 2013. Ms. Blackwell seconded the motion. Messrs. Kennedy, Miller, and Woodson, and Ms. Blackwell voted AYE. (4-0)

BUDGET ORDINANCE OF THE CITY OF SALISBURY FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013

(The above Ordinance is recorded in full in Ordinance Book No. 23 at Page No. 40-58, and is known as Ordinance 2012-25.)

**MAYOR'S ANNOUNCEMENTS**

(a) Arts Night Out

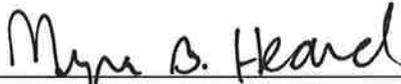
Mayor Woodson announced Downtown Salisbury Inc. and the Rowan Arts Council will host Arts Night Out Friday, June 22, 2012 from 5:00 p.m. until 9:00 p.m. in downtown Salisbury.

**ADJOURNMENT**

Motion to adjourn the meeting was made by Ms. Blackwell seconded by Mr. Miller. All council members in attendance agreed unanimously to adjourn. The meeting was adjourned at 4:58 p.m.



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Paul B. Woodson, Jr., Mayor



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Myra B. Heard, City Clerk