

Salisbury, North Carolina  
April 23, 2012

**RECESSED MEETING OF APRIL 17, 2012**

Continued  
April 23, 2012  
2:00 p.m.

The City Council of the City of Salisbury met at 2:00 p.m., Monday, April 23, 2012 in Council Chambers at City Hall located at 217 South Main Street pursuant to the recess of the Regular meeting of April 17, 2012, with the following members being present and absent:

**PRESENT:** Mayor Pro Tem Susan W. Kluttz, 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 Paul B. Woodson, Jr.

Mayor Pro Tem Kluttz and members of City Council met at 2:00 p.m. in Council Chambers in City Hall located at 217 South Main Street. Councilmember Miller provided the invocation.

Mayor Pro Tem Kluttz asked City Manager Doug Paris if it was his recommendation to approve the initial version of the Interlocal Agreement with Rowan County for consolidation of 911 services that was presented to the Rowan County Board of Commissioners. Mr. Paris stated staff was going to recommend approval of the first version that was presented to the County Commissioners. He noted the County Commissioners made revisions to the Agreement that they felt were appropriate, and he recommended City Council review the changes to determine if they are acceptable to Council. He added if Council wishes to make additional changes to the Agreement, Fire Chief Bob Parnell and Police Chief Rory Collins are available to answer any questions. Mr. Paris stated that if Council makes additional changes to the Agreement he would

recommend the meeting be recessed until later in the week in order to review a final version.

Mayor Pro Tem Kluttz noted Council has the document as amended by the County Commissioners, and she suggested each amendment be reviewed by Council.

Mayor Pro Tem Kluttz noted the first amendment was located on Page 1, Item F and regarded a Compliance Review Committee. Mr. Paris explained the initial language for this item called for the Compliance Review Committee to be in place for the duration of the contract. He noted the County Commissioners felt two years was adequate, and the function of the Committee would move to the Telecommunications Advisory Board after two years. He stated staff is concerned because July 1, 2012 will be when the fire dispatchers are hired, and the Compliance Review Committee would have oversight for a period of two years. Mr. Paris noted the Police consolidation will not take place until July 1, 2013, which only allows for a one year oversight period. He indicated it is his recommendation that this period be for a minimum of three years, and to ensure the Telecommunications Advisory Board meet on a quarterly basis once the oversight is moved to that group. Mr. Paris added the Police and Fire Chiefs have requested to have the ability for the Compliance Review Committee to continue if a non-compliance issue should arise.

Councilmember Miller asked about the difference between the Compliance Review Committee and the Telecommunications Advisory Board, and if the City would have the same representation on both boards. Mr. Paris stated the City would not have an equal voice on the Telecommunications Advisory Board. He explained the Compliance Review Committee will only work on the relationship and Agreement between the City and Rowan County. He noted the Telecommunications Advisory Board has additional stakeholders that represent the full County.

Councilmember Kennedy clarified that the original Agreement called for the Compliance Review Committee to be in place for 10 years, the County recommended it be changed to two years, and staff recommends it could accept a three year period for the Committee. Mr. Paris responded this is correct as long as there is the option for the Compliance Review Committee to continue if the Committee members felt it was needed.

Mr. Miller indicated he can accept the recommendation and discussed the percentage of calls the consolidated dispatch would receive that were specific to Salisbury. Chief Collins stated the Police Department receives 38,000 to 42,000 calls for service each year, but not all of the calls are dispatched through 911.

Mr. Miller commented if Chief Parnell and Chief Collins agree a three-year term for the Compliance Review Committee is sufficient, he will accept the recommendation.

Mr. Kennedy stated the information he received indicated Rowan County received approximately 250,000 service related calls with approximately 140,000 actually being dispatched, and of those 60,000 to 70,000 were for the City of Salisbury.

Mayor Pro Tem Kluttz offered the following change as an amendment to page 1, item F (change from original version is underlined): To provide oversight of the implementation of this agreement through the creation of a Compliance Review Committee for a period of 3 years beginning July 1, 2012. At the end of the 3 year period, the Committee may be extended for any period of time, as deemed necessary by Committee members, up to the duration of the full contract period, if performance and non-compliance issues arise. In the event the Committee is dissolved, performance and non-compliance issues will be the responsibility of the Telecommunications Policy Board, who shall be required to meet on a quarterly basis.

Mr. Miller asked if language should be included to allow the Compliance Review Committee to be resurrected if issues arise after the three year period has expired.

Mr. Kennedy noted the State of North Carolina has mandated there be one 911 Service Center in each county. He stated Council is trying to reach the best possible agreement so dispatch is not understaffed and all calls can be handled in a timely manner. He added he thinks Rowan County will do the job that needs to be done, and it will be their responsibility to make sure the consolidation is working properly.

Mr. Paris commented if a compliance issue should arise, it is his hope he, Chief Collins, and Chief Parnell can meet with County Manager Gary Page, Emergency Services Director Frank Thomason and Telecommunications Director Rob Robinson to resolve any issue.

By Consensus, Council agreed to the proposed amendments.

Mayor Kluttz noted the next amendment regards Page 3, Item 3 where language was stricken by the County Commissioners regarding the City's right to withhold payment if service levels are not met.

Mr. Paris stated he discussed this item with Chief Collins and Chief Parnell, and he thinks they have developed a better idea than what was originally in the Agreement. He noted they have discussed the idea of a "cure" period where the City would make the County aware that it was out of compliance, and there would be a set amount of time to correct the issue. He added this would still allow for the annual payment.

Chief Collins indicated if steps are being taken to resolve an issue but an issue has not been fully resolved during the "cure" period, as long as progress is being made there should be the flexibility to proceed without withholding payment.

Councilmember Blackwell indicated she spoke to City Attorney Rivers Lawther, and it was her thought that the prerogative to withhold payment was inherent in any

contract. She commented \$50,000 is not a great deal of money in the scope of Rowan County's budget, but it would give the City a form of recourse if requirements are not met. Ms. Blackwell stated public safety is Council's highest trust, and it is not an issue Council takes lightly. She indicated Council trusts and respects the County Commissioners, but Council is taking this seriously because it involves the safety of Salisbury's citizens. She added she would like the ability to withhold payment to remain in the contract for this reason.

Mr. Kennedy noted this is a merger, and once the 911 services are merged Rowan County will be responsible. He stated Salisbury is a part of Rowan County, but once the merger takes place it will be one system. He noted \$50,000 is a small amount of money, and he does not think it should be included in the contract as the County may not accept it.

Mr. Miller commented if the City has the money, it still has the ability to make something happen, whether it is included in the Agreement or not. He indicated he wants to be clear that if the relationship should be severed, he does not want the City to continue to make payments on an Agreement of consolidation that did not become fully implemented.

Mayor Pro Tem Kluttz stated she thinks if the ability to withhold payment is included in the contract it will give Council an opportunity to have input.

Mr. Paris indicated the City can decide to stop dispatch service at any time, and Rowan County is statutorily required to assume the full cost of the service. He noted the City would not be obligated to pay, just as the other municipalities do not pay. He added this amount was added to the contract in an attempt to have a service level agreement and to help offset some of the consolidation costs.

Mayor Pro Tem Kluttz offered the following suggestion for an amendment to Page 3, Item 3 (change from original version is underlined): The general responsibility for financial support of the overall management of the Rowan County Telecommunications Department shall be vested in Rowan County. The City of Salisbury does however agree to pay \$50,000 per year for the next 10 years to Rowan County in a total not to exceed \$500,000 to offset the initial cost of consolidation. Should the County fail to meet the service level and performance requirements of this agreement, there shall be a 45-day period to correct non-compliance issues. If, at the conclusion of the 45-day period, a non-compliance issue is not corrected, the City reserves the right to withhold the planned annual payment.

By Consensus, Council agreed to the amendment.

Mayor Kluttz noted the next amendment also regarded the Compliance Review Committee. She offered the following suggestion for an amendment to Page 3, Item 5 (change from original version is underlined): There shall be established a Compliance Review Committee for a period of 3 years beginning July 1, 2012, of which the duties, responsibilities and membership of which shall be provided herein.

By Consensus, Council agreed to the amendment.

Mayor Pro Tem Kluttz indicated the next amendment regarded the addition of the accreditation agency for the Police Department. She stated staff would like to add the Commission on Accreditation for Law Enforcement (CALEA) to the standards.

Mayor Pro Tem Kluttz offered the following suggestion as an amendment to Page 4, Item B(6) (change from original version underlined): Review NFPA, DOI, ISO, and CALEA standards as they pertain to dispatch operation and the delivery of fire, rescue, and law enforcement services, and cause adjustment to dispatch operations to meet and comply with such standards.

By Consensus, Council agreed to the amendment.

Ms. Blackwell noted the citizens of Salisbury have a lower rate of homeowner's insurance because of the standard of service provided by the Salisbury Fire Department, as measured by the Insurance Services Office (ISO). She asked if the issue being discussed today will affect the ISO rating. Chief Parnell responded consolidation could impact the City's ISO rating as conducted by the North Carolina Department of Insurance. He explained 10 percent of the City's community rating is from the evaluation of the 911 Center. He noted the level of staffing, and the addition of the Salisbury Police Department staffing and its calls, all impact how ISO will evaluate that service.

Mayor Pro Tem Kluttz noted the next item for review regarded the addition of new fire dispatchers on Page 5, Section 8(1).

Mr. Paris stated the County had three issues with this paragraph. He noted the first issue was the County did not want the City to decide how many dispatchers to hire, and the County wanted to make that decision itself. He stated the second issue regarded a statement that 90 percent of the new dispatcher's time would be dedicated to the Salisbury Fire Department. He explained the County felt a percentage would be too hard to measure. Mr. Paris indicated the third issue regarded a request by the City to add a dedicated watch inside the City limits for large structure fires. He noted he received feedback from the volunteer firefighter community who indicated it would also like this level of service in the County. He stated he, Chief Collins and Chief Parnell worked on a compromise and recommend that the County hire as many dispatchers as it wishes, with a recommendation that there be a minimum of two dispatchers that would serve both the City and County to provide a dedicated watch during a fire incident.

Mayor Pro Tem Klutz offered the following suggestion as an amendment to Page 5, Section 8(1) (change from original version underlined): To hire as many new telecommunicators as the County deems necessary and fiscally prudent, effective July 1, 2012, to address a recognized need for improvement in the overall fire dispatch service for the City of Salisbury, and to initiate a concentrated effort to address those needs.

There will be a minimum of two (2) telecommunicators dedicated to combined city and county fire dispatch that operate together to serve the fire services of both the city and county. One telecommunicator will provide dedicated watch of working incidents throughout Rowan County. In the event of two simultaneous working incidents, the Rowan County telecommunications supervisor will prioritize which incident receives dedicated watch.

By Consensus, Council agreed to the amendment.

Mayor Pro Tem Klutz stated the last amendment was on Page 5, Section 8(2) regarding the addition of Police dispatchers.

Mr. Paris stated this was an area the County felt the 90 percent requirement could not be measured, and it added language that it would be the intent of the telecommunicators to maintain or improve the overall police dispatch services for the Salisbury Police Department. Mr. Paris indicated staff approved the language and did not want to dictate how Rowan County operates, but in order for service levels to remain intact he would like clarification in the contract that the level will not decline. He stated he recommends two dispatchers to handle the City's calls, along with a third dispatcher during peak times. He added there should also be a supervisor on staff who is knowledgeable of the policies and procedures for police dispatch.

Chief Collins indicated he believes having less than two City Police dispatchers at any time would be a significant danger to both citizens and officers. He stated there are currently two on duty, with a third that works each day during the peak hours.

Mr. Kennedy noted the State is mandating there be one 911 Service Center in each county, and it is providing money to help make this happen. He asked if there is oversight from the State of North Carolina to ensure the 911 Centers are operating at certain standards.

Mr. Rob Robinson, Rowan County Telecommunications Director, indicated the North Carolina 911 Board recently enacted a new standard that govern building a new 911 Center and its staffing levels. He stated the standard is reviewed on a quarterly to bi-annual basis to see what areas need improvement and what areas are being met. He noted the standards are tied to money in an effort to ensure the standards are being met.

Mayor Pro Tem Klutz offered the following suggestion as an amendment to Page 5, Section 8(2) (change from original version underlined): To hire all existing City Police Dispatchers and Supervisor (11 positions) effective July 1, 2013, or sooner if possible, whose dispatch positions will be assigned to the Salisbury Police Department. The intent of these telecommunicators will be to maintain or improve overall police dispatch service for the Salisbury Police Department. There will be a minimum of two (2) telecommunicators assigned to the Salisbury Police Department functions. A third telecommunicator will be assigned during the city's statistically busy and peak times each day. Throughout the duration of this contract there will exist a Telecommunications

Supervisor who is knowledgeable of existing Salisbury Police policies and procedures and who is responsible for the oversight and management of the Salisbury Police Dispatchers.

By Consensus, Council agreed to the amendment.

Mr. Kennedy indicated he has been told 8 seconds are lost when calls for police service are transferred from the County to the City dispatcher. He asked if the same time was lost for fire calls as well. Chief Parnell noted fire calls are taken directly by the County and dispatched by the County, and there is no delay.

Ms. Blackwell noted there is no provision in the contract for growth during the 10-year period. She pointed out the City's population grew quite a bit between the last two censuses, and she questioned if there is a need to address this in the contract.

Mr. Miller indicated he had questioned if a table of standards could be created. He noted there are now State-level standards, and he asked what the standards are that determine performance or non-performance.

Mr. Paris stated if the Agreement is approved by Council and the County Commissioners, staff will work to develop a table of standards to use in the Compliance Review Committee meetings. He added it will be staff's intent to provide annual updates to Council regarding the Agreement.

Ms. Blackwell referred to Page 6, Section 8(a-c) of the contract and asked if these statements meet the standards. Chief Collins stated these standards are measured in the communications center on a fiscal basis to ensure operations are in-line with the average. Chief Parnell stated the National Fire Protection Association (NFPA) standards are different and are the compliance standards for fire dispatch.

Mr. Paris stated the numbers in Section 8 are the national standards that must be met, and the County was more comfortable tracking and performing at a national standard level.

Ms. Blackwell asked if these standards represent a table that would satisfy Mr. Miller's concern. Mr. Miller stated if this satisfies Chief Parnell and Chief Collins, who are the professionals, he is satisfied. Chief Collins stated as long as the staff levels remain as they are now, he can be satisfied. Mr. Miller reiterated if the Agreement, as amended, provides what Chief Parnell and Chief Collins need to determine if operations are in compliance, he is satisfied. Chief Collins and Chief Parnell indicated it would.

Mr. Kennedy commented it is important to state that Council supports consolidation of the two 911 systems. He added he wants the County Commissioners to know public safety is Council's number one goal, and it is working to make sure this happens for the City.

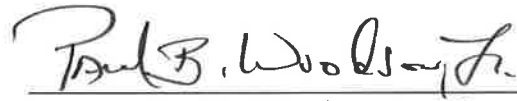
Mayor Pro Tem Kluttz stated this is critically important because Council has a tremendous responsibility for the public safety of its citizens. She added she thinks any time Council gives up authority over any service it is Council's responsibility to make sure it is comfortable with the agreement. She noted, with Council's approval, the changes will be submitted to the County Commissioners. She thanked the County Commissioners for the changes they offered because it helped the two boards come closer to a compromise. Mayor Pro Tem Kluttz stated she hopes the County Commissioners look on the changes favorably and realize they are extremely important to Council, staff and the citizens Council represent.

Thereupon, Mr. Kennedy made a **motion** to approve the amendments as edited. Ms. Blackwell seconded the motion. Messrs. Kennedy and Miller, and Mses. Blackwell and Kluttz voted AYE. (4-0)

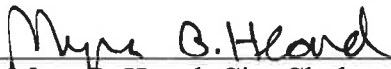
Mr. Paris noted Council may need to recess until later in the week in order to approve the Agreement if the County Commissioners should have additional changes.

### RECESS

Thereupon, Mr. Miller made a **motion** to recess the meeting until Friday, April 27, 2012 at 12:00 noon in Council Chambers. Mr. Kennedy seconded the motion. Messrs. Kennedy and Miller, and Mses. Blackwell and Kluttz voted AYE. (4-0)



Paul B. Woodson, Jr., Mayor



Myra B. Heard, City Clerk